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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS

FIRST SESSION

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HOUSE OF REPRESENTATIVES—Tuesday, January 6, 2009

This being the day fixed by Public Law 110-430, pursuant to the 20th amendment to the Constitution of the United States, for the meeting of the 111th Congress of the United States, the Representatives-elect met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Lorraine C. Miller.

Cardinal Theodore E. McCarrick, Archbishop Emeritus of Washington, offered the following prayer:

Dear friends, let us remind ourselves in this special place, on this special day, that we are in the presence of God.

Lord, we praise You at this historic moment. You are the loving Father of us all, the merciful, the compassionate, the source of all wisdom, the giver of all gifts.

We have so much to thank You for, dear God—for our lives, our families, for our freedom and our opportunities, for our Nation and for the historic choice of leadership it has just made and, indeed, for the age-old values that are still enshrined in our Constitution and in our hearts.

Sustain the Members of the 111th Congress in courage and in confidence as they face the daunting needs of this special time. Challenge them, Lord, not to forget the hungry and the homeless, the unborn and the immigrant, those without access to good education or decent health care, and those many men and women caught in a cycle of poverty from which they cannot escape without our help.

Let our Representatives be builders of a better world—a world without war or violence, without oppression or corruption—builders of a new world whose foundations are human dignity, the values of family life and respect for the laws of nature.

Lord, we pray: Make us always proud of those we have chosen to lead us so that, with their leadership and Your loving care, You may always be proud of us and of these United States of America. Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Representatives-elect and their guests will please re-

main standing and join in the Pledge of Allegiance.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. As directed by law, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 111th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Representatives-elect will record their presence by electronic device and their names will be recorded in alphabetical order by State, beginning with the State of Alabama, to determine whether a quorum is present.

Representatives-elect will have a minimum of 15 minutes to record their presence by electronic device.

Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—428

ALABAMA

Aderholt	Bright	Rogers
Bachus	Davis	
Bonner	Griffith	

ALASKA

Young

ARIZONA

Flake	Grijalva	Pastor
Franks	Kirkpatrick	Shadegg
Giffords	Mitchell	

ARKANSAS

Berry	Ross
Boozman	Snyder

CALIFORNIA

Baca	Bilbray	Campbell
Becerra	Bono Mack	Capps
Berman	Calvert	Cardoza

Costa	Lungren, Daniel
Davis	E.
Dreier	Matsui
Eshoo	McCarthy
Farr	McClintock
Filner	McKeon
Gallegly	McNerney
Harman	Miller, George
Herger	Napolitano
Honda	Nunes
Hunter	Pelosi
Issa	Radanovich
Lee	Richardson
Lewis	Rohrabacher
Lofgren, Zoe	Roybal-Allard

Royce
Sánchez, Linda
T.
Sanchez, Loretta
Schiff
Sherman
Solis
Speier
Stark
Tauscher
Thompson
Waters
Watson
Waxman
Woolsey

COLORADO

Coffman	Markey	Salazar
DeGette	Perlmutter	
Lamborn	Polis	

CONNECTICUT

Courtney	Himes	Murphy
DeLauro	Larson	

DELAWARE

Castle

FLORIDA

Bilirakis	Diaz-Balart, M.	Posey
Boyd	Grayson	Putnam
Brown, Corrine	Hastings	Rooney
Brown-Waite,	Klein	Ros-Lehtinen
Ginny	Kosmas	Stearns
Buchanan	Mack	Wasserman
Castor	Meek	Schultz
Crenshaw	Mica	Wexler
Diaz-Balart, L.	Miller	Young

GEORGIA

Barrow	Johnson	Price
Bishop	Kingston	Scott
Broun	Lewis	Westmoreland
Deal	Linder	
Gingrey	Marshall	

HAWAII

Abercrombie	Hirono
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IDAHO

Minnick	Simpson
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ILLINOIS

Bean	Halvorson	Manzullo
Biggert	Hare	Roskam
Costello	Jackson	Schakowsky
Davis	Kirk	Schock
Foster	Lipinski	Shimkus

INDIANA

Burton	Donnelly	Pence
Buyer	Ellsworth	Souder
Carson	Hill	Visclosky

IOWA

Boswell	King	Loebsack
Braley	Latham	

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KANSAS			OHIO		
Jenkins	Moran		Austria	Kaptur	Schmidt
Moore	Tiahrt		Bocieri	Kilroy	Space
KENTUCKY			Boehner	Kucinich	Sutton
Chandler	Guthrie	Whitfield	Driehaus	LaTourette	Tiberi
Davis	Rogers	Yarmuth	Fudge	Latta	Turner
LOUISIANA			Jordan	Ryan	Wilson
Alexander	Cassidy	Scalise	Boren	Fallin	Sullivan
Boustany	Fleming		Cole	Lucas	
Cao	Melancon		OKLAHOMA		
MAINE			OREGON		
Michaud	Pingree		Blumenauer	Schrader	Wu
			DeFazio	Walden	
MARYLAND			PENNSYLVANIA		
Bartlett	Hoyer	Sarbanes	Altmire	Gerlach	Platts
Cummings	Kratovil	Van Hollen	Brady	Holden	Schwartz
Edwards	Ruppersberger		Carney	Kanjorski	Sestak
MASSACHUSETTS			Dahlkemper	Murphy, Patrick	Shuster
Capuano	Markey	Tierney	Dent	Murphy, Tim	Thompson
Delahunt	McGovern	Tsongas	Doyle	Murtha	
Frank	Neal		Fattah	Pitts	
Lynch	Olver		RHODE ISLAND		
MICHIGAN			Kennedy	Langevin	
Camp	Kildee	Peters	SOUTH CAROLINA		
Conyers	Kilpatrick	Schauer		Clyburn	Spratt
Dingell	Levin	Stupak	Barrett	Inglis	Wilson
Ehlers	McCotter	Upton	Brown		
Hoekstra	Miller		SOUTH DAKOTA		
MINNESOTA			Herseth Sandlin		
Bachmann	McCollum	Peterson	TENNESSEE		
Ellison	Oberstar	Walz		Davis	Roe
Kline	Paulsen		Blackburn	Cohen	Tanner
MISSISSIPPI			Cooper	Gordon	Wamp
Childers	Taylor		TEXAS		
Harper	Thompson			Granger	Neugebauer
MISSOURI			Barton	Green, Al	Olson
Akin	Clay	Graves	Brady	Green, Gene	Ortiz
Blunt	Cleaver	Luetkemeyer	Burgess	Hall	Paul
Carnahan	Emerson	Skelton	Carter	Hensarling	Poe
MONTANA			Conaway	Hinojosa	Reyes
	Rehberg		Cuellar	Jackson-Lee	Rodriguez
NEBRASKA			Culberson	Johnson, E.B.	Sessions
Fortenberry	Smith	Terry	Doggett	Johnson, Sam	Smith
			Edwards	Marchant	Thornberry
			Gohmert	McCaul	
			Gonzalez		
NEVADA			UTAH		
Berkley	Heller	Titus	Bishop	Chaffetz	Matheson
NEW HAMPSHIRE			VERMONT		
Hodes	Shea-Porter			Welch	
NEW JERSEY			VIRGINIA		
Adler	Lance	Rothman	Boucher	Goodlatte	Scott
Andrews	LoBiondo	Sires	Moran	Moran	Wittman
Frelinghuysen	Pallone	Smith	Connolly	Nye	Wolf
Garrett	Pascarell		Forbes	Perriello	
Holt	Payne		WASHINGTON		
Heinrich	Luján	Teague	Baird	McDermott	Smith
			Dicks	McMorris	
NEW YORK			Inslee	Rodgers	
Ackerman	Israel	Meeks	Larsen	Reichert	
Arcuri	King	Nadler	WEST VIRGINIA		
Bishop	Lee	Rangel	Capito	Mollohan	Rahall
Clarke	Lowey	Serrano	WISCONSIN		
Crowley	Maffei	Slaughter		Moore	Ryan
Engel	Maloney	Tonko	Baldwin	Obey	Sensenbrenner
Gillibrand	Massa	Towns	Kagen	Petri	
Hall	McCarthy	Velázquez	Kind		
Higgins	McHugh	Weiner	WYOMING		
Hinchey	McMahon		Lummis		
NORTH CAROLINA			□ 1239		
Butterfield	Kissell	Price	The CLERK. The quorum call di		
Coble	McHenry	Shuler	closes that 428 Representatives-ele		
Etheridge	McIntyre	Watt	have responded to their name.		
Foxx	Miller		quorum is present.		
Jones	Myrick				
NORTH DAKOTA					
	Pomeroy				

ANNOUNCEMENT BY THE CLERK

The CLERK. Credentials, regular in form, have been received showing the election of:

The Honorable PEDRO R. PIERLUISI as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2009;

The Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia;

The Honorable MADELEINE Z. BORDALLO as Delegate from Guam;

The Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands;

The Honorable ENI F. H. FALEOMAVAEGA as Delegate from American Samoa; and

The Honorable GREGORIO SABLÁN, Delegate from the Commonwealth of the Northern Mariana Islands.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The CLERK. The Clerk is in receipt of a letter of resignation from the Honorable Rahm Emanuel from the State of Illinois.

Without objection, the letters relating to his resignation will be printed in the RECORD.

There was no objection.

DECEMBER 30, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: I am writing to inform you that I have notified the Governor of Illinois of my resignation from the U.S. House of Representatives effective January 2, 2009, at the end of the 110th Congress. I do not intend to take the office of Representative for the Fifth Congressional District in the 111th Congress. A copy of that letter is attached.

It has been a privilege to serve the constituents of Illinois' 5th District for the last six years and to work with you and our colleagues in Congress.

Sincerely,

RAHM EMANUEL,
Member of Congress.

JANUARY 2, 2009.

Hon. ROD BLAGOJEVICH,
Governor, State of Illinois,
Statehouse, Springfield, IL.

DEAR GOVERNOR BLAGOJEVICH: I am writing to resign my position as United States Representative from the Fifth Congressional District of Illinois, effective January 2, 2009.

It has been a tremendous privilege to serve the people of the Fifth District over the past six years. I am grateful for the opportunity to represent the hopes and dreams of a quintessentially American district, from hardworking families to new immigrants to the senior citizens who built this great country. It has been my particular privilege to represent the district's many military troops and veterans, who put their lives on the line to protect the values we cherish. Their sense of duty and sacrifice has been an inspiration, which I will carry with me to my new duties as chief of staff to President-elect Barack Obama.

As sons of immigrants to this country, you and I have a deep appreciation for the opportunities America provides to those who are

The CLERK. The quorum call discloses that 428 Representatives-elect have responded to their name. A quorum is present.

willing to work hard and sacrifice for their children. As a member of the next Administration in Washington, I will strive to maintain and expand that opportunity for all families, because the chance to work hard and build a better life is the principle that unites all Americans. Over the past few years, our government in Washington has lost sight of that principle by catering to the wealthiest Americans and powerful special interests—leaving middle-class Americans to struggle with rising health care costs, reduced pensions and a collapsing economy. The recent election was a clarion call for a change in direction, so we can recapture the values that have made our nation a beacon of hope and opportunity.

As I go to work everyday in the incoming Obama Administration, I will keep in mind the stories of the working families and senior citizens who I met during the past six years in grocery stores, schools and churches across the Fifth District. I will strive to make our government work for them and their children, because that is the true measure of our success as a nation.

With gratitude and best wishes,

Sincerely,

RAHM EMANUEL,
Member of Congress.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 111th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Our democracy renews itself every 2 years as Members gather with their family members eager to fulfill the aspirations of our great Nation. While America watches with anticipation, they know that hope and help are on their way. The Democratic Caucus has met and unanimously endorsed NANCY D'ALESSANDRO PELOSI for Speaker.

Two years ago, the Speaker took the gavel, historically, on behalf of America's children. She has taken this Congress and the country in a new direction and provided the foundation for change that America yearns for and needs. How fitting, on the birthday of Sam Rayburn, legendary Speaker of the House from Texas, that I, as chairman of the Democratic Caucus, have been directed by the unanimous vote of the Caucus, to present for election to the Office of the Speaker of the House of Representatives for the 111th Congress, the name of the Honorable NANCY D'ALESSANDRO PELOSI, a Representative-elect from the great State of California.

The CLERK. The Clerk now recognizes the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Clerk, as chairman of the Republican Conference, I am also directed by unanimous consent of that conference to present for election an individual today, but let me say also from my heart it is one of the

great privileges of my life to do so, to present for election to the office of Speaker of the House for the 111th Congress the name of a man from the heartland of America, a man of humble beginnings who came to Washington during a time of reform and led and is prepared, starting this day, to lead this Congress back to the aspirations and ideals of the American people, the name of the Honorable JOHN A. BOEHNER, a representative-elect from the State of Ohio.

The CLERK. The names of the Honorable NANCY PELOSI, a Representative-elect from the State of California, and the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk appoints the following tellers:

The gentleman from Pennsylvania (Mr. BRADY);

The gentleman from California (Mr. DANIEL E. LUNGREN);

The gentlewoman from Ohio (Ms. KAPTUR); and

The gentlewoman from Florida (Ms. ROS-LEHTINEN).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choosing.

The Reading Clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2] PELOSI—255

Abercrombie	Castor (FL)	Ellison
Ackerman	Chandler	Ellsworth
Adler (NJ)	Childers	Engel
Altire	Clarke	Eshoo
Andrews	Clay	Etheridge
Arcuri	Cleaver	Farr
Baca	Clyburn	Fattah
Baird	Cohen	Filner
Baldwin	Connolly (VA)	Foster
Barrow	Conyers	Frank (MA)
Bean	Cooper	Fudge
Becerra	Costa	Giffords
Berkley	Costello	Gillibrand
Berman	Courtney	Gonzalez
Berry	Crowley	Gordon (TN)
Bishop (GA)	Cuellar	Grayson
Bishop (NY)	Cummings	Green, Al
Blumenauer	Dahlkemper	Green, Gene
Boccelleri	Davis (AL)	Griffith
Boren	Davis (CA)	Grijalva
Boswell	Davis (IL)	Hall (NY)
Boucher	Davis (TN)	Halvorson
Boyd	DeFazio	Hare
Brady (PA)	DeGette	Harman
Braley (IA)	Delahunt	Hastings (FL)
Bright	DeLauro	Heinrich
Brown, Corrine	Dicks	Hereth Sandlin
Butterfield	Dingell	Higgins
Capps	Doggett	Hill
Capuano	Donnelly (IN)	Himes
Cardoza	Doyle	Hinche
Carnahan	Driehaus	Hinojosa
Carney	Edwards (MD)	Hirono
Carson (IN)	Edwards (TX)	Hodes

Holden	Meek (FL)	Schakowsky
Holt	Meeks (NY)	Schauer
Honda	Melancon	Schiff
Hoyer	Michaud	Schrader
Inslee	Miller (NC)	Schwartz
Israel	Miller, George	Scott (GA)
Jackson (IL)	Minnick	Scott (VA)
Jackson-Lee	Mitchell	Serrano
(TX)	Mollohan	Sestak
Johnson (GA)	Moore (KS)	Shea-Porter
Johnson, E. B.	Moore (WI)	Sherman
Kagen	Moran (VA)	Shuler
Kanjorski	Murphy (CT)	Sires
Kaptur	Murphy, Patrick	Skelton
Kennedy	Murtha	Slaughter
Kildee	Nadler (NY)	Smith (WA)
Kilpatrick (MI)	Napolitano	Snyder
Kilroy	Neal (MA)	Solis (CA)
Kind	Nye	Space
Kirkpatrick (AZ)	Oberstar	Speier
Kissell	Obey	Spratt
Klein (FL)	Olver	Stark
Kosmas	Ortiz	Stupak
Kratovil	Pallone	Sutton
Kucinich	Pascarell	Tanner
Langevin	Pastor (AZ)	Tauscher
Larsen (WA)	Payne	Taylor
Larson (CT)	Pelosi	Teague
Lee (CA)	Perlmutter	Thompson (CA)
Levin	Perriello	Thompson (MS)
Lewis (GA)	Peters	Tierney
Lipinski	Peterson	Titus
Loeb sack	Pingree (ME)	Tonko
Lofgren, Zoe	Polis (CO)	Towns
Lowe y	Pomeroy	Tsongas
Lujan	Price (NC)	Van Hollen
Lynch	Rahall	Velázquez
Maffei	Rangel	Visclosky
Maloney	Reyes	Walz
Markey (CO)	Richardson	Wasserman
Markey (MA)	Rodriguez	Schultz
Marshall	Ross	Waters
Massa	Rothman (NJ)	Watson
Matheson	Roybal-Allard	Watt
Matsui	Ruppersberger	Waxman
McCarthy (NY)	Rush	Weiner
McCollum	Ryan (OH)	Welch
McDermott	Salazar	Wexler
McGovern	Sánchez, Linda	Wilson (OH)
McIntyre	T.	Woolsey
McMahon	Sanchez, Loretta	Wu
McNerney	Sarbanes	Yarmuth

BOEHNER—174

Aderholt	Conaway	Jones
Akin	Crenshaw	Jordan (OH)
Alexander	Culberson	King (IA)
Austria	Davis (KY)	King (NY)
Bachmann	Deal (GA)	Kingston
Bachus	Dent	Kirk
Barrett (SC)	Diaz-Balart, L.	Kline (MN)
Bartlett	Diaz-Balart, M.	Lamborn
Barton (TX)	Dreier	Lance
Biggert	Duncan	Latham
Bilbray	Ehlers	LaTourette
Bilirakis	Emerson	Latta
Bishop (UT)	Fallin	Lee (NY)
Blackburn	Flake	Lewis (CA)
Blunt	Fleming	Linder
Bonner	Forbes	LoBiondo
Bono Mack	Fortenberry	Lucas
Boozman	Fox	Luetkemeyer
Boustany	Franks (AZ)	Lummis
Brady (TX)	Frelinghuysen	Lungren, Daniel
Brown (GA)	Gallegly	E.
Brown (SC)	Garrett (NJ)	Mack
Brown-Waite,	Gerlach	Manzullo
Ginny	Gingrey (GA)	Marchant
Buchanan	Gohmert	McCarthy (CA)
Burgess	Goodlatte	McCauley
Burton (IN)	Granger	McClintock
Buyer	Graves	McCotter
Calvert	Guthrie	McHenry
Camp	Hall (TX)	McHugh
Campbell	Harper	McKeon
Cantor	Heller	McMorris
Cao	Hensarling	Rodgers
Capito	Herger	Mica
Carter	Hoekstra	Miller (FL)
Cassidy	Hunter	Miller (MI)
Castle	Inglis	Moran (KS)
Chaffetz	Issa	Murphy, Tim
Coble	Jenkins	Myrick
Coffman (CO)	Johnson (IL)	Neugebauer
Cole	Johnson, Sam	Nunes

Olson	Rooney	Stearns
Paul	Ros-Lehtinen	Sullivan
Paulsen	Roskam	Terry
Pence	Royce	Thompson (PA)
Petri	Ryan (WI)	Thornberry
Pitts	Scalise	Tiahrt
Platts	Schmidt	Tiberi
Poe (TX)	Schock	Turner
Posey	Sensenbrenner	Upton
Price (GA)	Sessions	Walden
Putnam	Shadegg	Wamp
Radanovich	Shimkus	Westmoreland
Rehberg	Shuster	Whitfield
Reichert	Simpson	Wilson (SC)
Roe (TN)	Smith (NE)	Wittman
Rogers (AL)	Smith (NJ)	Wolf
Rogers (KY)	Smith (TX)	Young (AK)
Rohrabacher	Souder	Young (FL)

NOT VOTING—5

Boehner	Hastings (WA)	Rogers (MI)
Gutierrez	Miller, Gary	

□ 1350

The CLERK. The tellers agree in their tallies that the total number of votes cast is 429, of which the Honorable NANCY PELOSI of the State of California has received 255 votes, and the Honorable JOHN A. BOEHNER of the State of Ohio has received 174 votes.

Therefore, the Honorable NANCY PELOSI of the State of California, having received a majority of the votes cast, is duly elected Speaker of the House of Representatives for the 111th Congress.

The Clerk appoints the following committee to escort the Speaker-elect to the chair:

The gentleman from Ohio (Mr. BOEHNER)

The gentleman from Maryland (Mr. HOYER)

The gentleman from South Carolina (Mr. CLYBURN)

The gentleman from Virginia (Mr. CANTOR)

The gentleman from Connecticut (Mr. LARSON)

The gentleman from Indiana (Mr. PENCE)

The gentleman from California (Mr. BECERRA)

The gentleman from Michigan (Mr. MCCOTTER)

And the Members of the California delegation:

Mr. STARK

Mr. GEORGE MILLER

Mr. WAXMAN

Mr. LEWIS

Mr. DREIER

Mr. BERMAN

Mr. GALLEGLY

Mr. HERGER

Mr. ROHRABACHER

Ms. WATERS

Mr. CALVERT

Ms. ESHOO

Mr. FILNER

Mr. McKEON

Ms. ROYBAL-ALLARD

Mr. ROYCE

Ms. WOOLSEY

Mr. FARR

Ms. ZOE LOFGREN

Mr. RADANOVICH

Mr. SHERMAN

Ms. LORETTA SANCHEZ

Mrs. TAUSCHER
Mrs. CAPPS
Mrs. BONO MACK
Ms. LEE
Mr. GARY G. MILLER
Mrs. NAPOLITANO
Mr. THOMPSON
Mr. BACA
Ms. HARMAN
Mrs. DAVIS
Mr. HONDA
Mr. ISSA
Mr. SCHIFF
Ms. SOLIS
Ms. WATSON
Mr. CARDOZA
Mr. NUNES
Ms. LINDA T. SÁNCHEZ
Mr. DANIEL E. LUNGREN
Mr. COSTA
Ms. MATSUI
Mr. CAMPBELL
Mr. BILBRAY
Mr. MCCARTHY
Mr. MCNERNEY
Ms. RICHARDSON
Ms. SPEIER
Mr. HUNTER, and
Mr. MCCLINTOCK

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Majority Floor Services Chief announced the Speaker-elect of the House of Representatives of the 111th Congress, who was escorted to the chair by the Committee of Escort.

Mr. BOEHNER. Madam Speaker, Leader HOYER, fellow Members, and a special welcome to our new Members and their families and friends who are here today.

We begin this new Congress at a great time of challenge for the American people. This winter, working families are struggling to pay their bills and keep their homes; small businesses are being forced to choose between cutting jobs and closing their doors; health costs are rising; college savings funds and 401(k)s have declined in value substantially; parents are deeply worried about their children's future.

I think it's a time of anxiety for millions of Americans, some of whom face economic challenges not seen in this country for generations. When things are at their worst for the American people, we owe them our best. This Congress must rise to the occasion.

Two weeks from today, we will inaugurate a new President. President-elect Obama has expressed a desire to govern from the center and put the needs of our country first. I think all of you know Washington is a difficult town, and it won't always be easy for him to do these things. But when our new President extends his hand across the aisle to do what is right for our country, Republicans will extend ours in return.

During the 111th Congress, Republicans will strive not to be the party of opposition, but the party of better solutions.

President-elect Obama's calls for inclusiveness are already being put to the test. He's called on Congress to move quickly and in a bipartisan fashion on legislation to help our economy. And at this time of economic anxiety, the American people deserve open debate and transparency in their Congress—a key ingredient needed to produce good legislation. And my hope is we will adopt a Rules package for the new Congress that encourages transparency and debate and helps ensure our institution is accountable to the people it serves.

Our Nation has faced adversity before, and we have never failed to meet the challenge. This is because America is a land of limitless potential, and when we harness the will of the American people, commit ourselves to making the most of the blessings God has bestowed on this great country, and bring all of these gifts to bear on a common goal, there is no obstacle that we cannot overcome.

America's potential is unlimited, but government's potential is not. And we must not confuse the two.

We can't simply spend our way back to prosperity. Our responsibilities as elected leaders in a flagging economy is to craft policies that allow our country's potential to be unleashed. America runs on freedom. It's the fuel of our economy, and it is the fuel of our democracy. The more we spend and the more we tax, the less freedom we will have left.

So we need to take responsible action together to help put our economy back on a path toward prosperity. The months ahead can be a time of hope and renewal in America. The American people are giving their best. Here in Congress, we need to do the same.

Madam Speaker, as we start the new Congress, we stand ready to work with you and your fellow Democrats for genuine solutions, for real reforms that put the needs of our country first and bring the blessings of liberty fully to bear on the challenges the American people face.

In that spirit, it is my privilege to present to you the gavel of the 111th Congress.

Ms. PELOSI. Thank you very much, Leader BOEHNER.

Together, we welcome the many new Members of Congress who today join the House of Representatives of the United States of America. Congratulations to all of our new Members and to our re-elected Members.

Your constituents have placed great trust in you. Your families have given you the love and support to make your leadership possible. Let us join together now and salute the families of the 111th Congress.

I also want to thank my own family: my husband of 45 years, Paul Pelosi; and our children, Nancy Corinne,

Christine, Jacqueline, Paul, and Alexandra; and our grandchildren, Alexander and Madeleine, Liam, Sean, Ryan, Paulie, and Thomas.

And I also want to acknowledge my brother, Thomas D'Alesandro, the former mayor of Baltimore.

I wish to express my appreciation of the people of San Francisco for granting me the privilege of representing them and serving them in Congress.

And I thank my caucus. Thank you, Mr. HOYER, Mr. CLYBURN; thank you, Mr. LARSON, for your nomination this morning. Thank you to the Members of the caucus for granting me the historic opportunity of breaking the marble ceiling and to serve, once again, as the first woman Speaker of the House.

Leader BOEHNER, thank you for your generous words and for your commitment to put country ahead of party. Without reservation, let us stand together, not just today, but in the days ahead to live up to that resolve.

Few Congresses and few Presidents in history have been given the responsibility and the privilege of serving the Nation in a time of such profound challenge. We do so renewed and refreshed by the new Members who join our ranks today. Again, welcome to our new Members.

It is in that spirit that I pledge to you—let us all pledge to the American people that we will look forward, not backward; we will join hands, not point fingers; we will rise to the challenge, recognizing that our love of country is stronger than any issue which may divide us.

This is the lesson and the legacy of the last election: The American people demanded a new era of change and accountability. Yes, we have problems as grave as our country has faced in generations. But now we enter a new Congress with a new era with a powerful sense of hope and pride in our great country.

Two weeks from today, as Mr. BOEHNER indicated, on the steps of this Capitol, we will inaugurate the 44th President of the United States. From the inaugural platform, he will walk down the long stretch of the National Mall and see the steps of the Lincoln Memorial from which Rev. Martin Luther King, Jr., called us to the deepest truth of our founding dream.

When Barack Obama raises his right hand and takes the oath of office, we will know—and the world will witness—how far America has come. We will celebrate that moment, but recognize it as only a beginning.

Together, with our new President, we, as a Congress and a country, must fulfill the rest of America's promise.

All of that promise will not be redeemed quickly or easily, but it must be pursued urgently with spirited debate and without partisan deadlock or delay.

Hardworking and still hopeful Americans who are losing their jobs, their

businesses, their retirement savings, their homes that are facing foreclosure, cannot wait any longer for us to move from the depths of a recession to the solid ground of an honest and fair prosperity for the many, not just the few.

We need action, and we need action now.

Families and children without health care, and millions more who fear losing coverage or who are facing rising costs, cannot afford to wait any longer.

We need action, and we need action now.

States facing financial crises, which are threatening the education and the health of our children, the well-being of our seniors, and the public safety of our communities, cannot afford to wait any longer.

We need action, and we need action now.

Our country is challenged by the climate crisis, by the need for energy security, and the need for 21st-century infrastructure. On all of these issues and many more, we cannot afford to wait.

Our Nation needs action, and we need action now.

America's crises at home are matched by conflicts abroad—a terrorist threat that could strike there or here. We cannot afford to wait to renew our alliances, our leadership, and our respect in the world. We cannot afford to wait to deploy the power of our ideals. For the sake of our security, for the courageous Americans who serve on the front lines, and for our veterans who have bravely served our country, we cannot afford to wait to modernize and rebuild our military.

Every chance we get we must express our appreciation to our heroic men and women in uniform and their families for their service and their sacrifice to our country.

Let us show America and the world that we are equal to every test of a turbulent and unprecedented time. Let us listen to each other. Let us respect every voice and every view, and then together, let us act.

□ 1415

As we in Congress pledge to reach across the aisle, we recognize that history will measure this decisive moment not just by what we do here in Washington, but how we reflect and respect how all Americans work together for the common good to strengthen America's future and faith in itself.

As we take the oath of office today, we accept a level of responsibility as daunting and demanding as any that previous generations of leadership have faced. With the help of God, the light of our values, the strength of the American people, and the hopes that we have for our children and their future, God will bless us so that America will continue to be as our Founders predicted

more than 200 years ago, "a rising not a setting sun."

Today, Cardinal McCarrick honored us by asking God's blessing on our work. May God bless our work, and may God continue to bless America. Thank you all.

I am now ready to take the oath of office as Speaker. Before I call the Dean of the Congress forward, I want to invite my grandchildren and any other children in the Congress—they've asked me can we come up again this year. They certainly can.

Now, it is my privilege to ask the Dean of the House of Representatives, the Honorable JOHN DINGELL of Michigan, to administer the oath of office.

Mr. DINGELL then administered the oath of office to Ms. PELOSI of California, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

(Applause, the Members rising.)

Mr. DINGELL. Congratulations, Madam Speaker.

The SPEAKER. I want to thank the children for joining me at the podium so that, as we called the House to order earlier today, it will be clear that the House will be called to order for all of America's children. And now I am going to administer the oath of office to your parents. You are welcome to stay here, or you may wish to join your parents as they take the oath of office.

SWEARING IN OF MEMBERS

The SPEAKER. According to precedent, the Chair will swear in the Members-elect en masse.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 111th Congress.

MAJORITY LEADER

Mr. LARSON of Connecticut. Madam Speaker, as chairman of the Democratic Caucus, I have been directed to

report to the House that the Democratic Members have selected as majority leader the gentleman from Maryland, master of the procedures of this floor, the Honorable STENY H. HOYER.

MINORITY LEADER

Mr. PENCE. Madam Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House of Representatives officially that the Republican Members have selected as minority leader the gentleman from Ohio, the Honorable JOHN A. BOEHNER.

MAJORITY WHIP

Mr. LARSON of Connecticut. Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as their majority whip the gentleman from South Carolina, the son of a preacher man, the Honorable JAMES E. CLYBURN.

MINORITY WHIP

Mr. PENCE. Madam Speaker, as Chair of the Republican Conference, I am directed by that conference to notify the House of Representatives officially that the Republican Members have selected as minority whip the gentleman from Virginia, the Honorable ERIC CANTOR.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER AND CHAPLAIN

Mr. BECERRA. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Lorraine C. Miller of the State of Texas, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That Daniel P. Beard of the State of Maryland be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. BECERRA. Madam Speaker, I yield to the gentleman from Indiana (Mr. PENCE) for the purpose of offering an amendment.

Mr. PENCE. Madam Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OFFERED BY MR. PENCE

Mr. PENCE. Madam Speaker, I offer an amendment to the remainder of the resolution.

The Clerk read as follows:

Amendment offered by Mr. PENCE:
That Paula Nowakowski of the State of Michigan be, and is hereby, chosen Clerk of the House of Representatives;

That Steve Stombres of the Commonwealth of Virginia be, and is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Jo-Marie St. Martin of the State of Tennessee be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from California.

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House.

The officers presented themselves in the well of the House and took the oath of office as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

□ 1430

NOTIFICATION TO THE SENATE

Mr. HOYER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Nancy Pelosi, a Representative from the State of California, has been elected Speaker; and Lorraine C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representatives of the One Hundred Eleventh Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT

Mr. HOYER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER pro tempore (Mr. ROSS). Without objection, pursuant to House Resolution 3, the Chair announces the Speaker's appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Maryland (Mr. HOYER) and

The gentleman from Ohio (Mr. BOEHNER)

There was no objection.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DINGELL. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representative has elected Nancy Pelosi, a Representative from the State of California, Speaker; and Lorraine C. Miller, a citizen of the State of Texas, Clerk of the House of Representatives of the One Hundred Eleventh Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Tenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Tenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eleventh Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) **INSPECTOR GENERAL AUDITS.**—Amend clause 6(c)(1) of rule II to read as follows:

“(1) provide audit, investigative, and advisory services to the House and joint entities in a manner consistent with government-wide standards.”.

(b) **HOMELAND SECURITY.**—In clause 3(g) of rule X, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

“(2) In addition, the committee shall review and study on a primary and continuing basis all Government activities, programs, and organizations related to homeland security that fall within its primary legislative jurisdiction.”.

(c) **ADDITIONAL FUNCTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION.**—In clause 4(d)(1) of rule X—

(1) redesignate subdivisions (B) and (C) as subdivisions (C) and (D) and insert after subdivision (A) the following new subdivision:

“(B) oversee the management of services provided to the House by the Architect of the Capitol, except those services that lie within the jurisdiction of the Committee on Transportation and Infrastructure under clause 1(r);” and

(2) in subdivision (D) (as redesignated) strike “(B)” and insert “(C)”.

(d) **TERMS OF COMMITTEE CHAIRMEN.**—In clause 5 of rule X—

(1) amend paragraph (a)(2)(C) to read as follows:

“(C) A Member, Delegate, or Resident Commissioner may exceed the limitation of subdivision (B) if elected to serve a second consecutive Congress as the chair or a second consecutive Congress as the ranking minority member.”; and

(2) in paragraph (c)—
(A) strike the designation of subparagraph (1); and

(B) strike subparagraph (2).

(e) **CALENDAR WEDNESDAY.**—

(1) In clause 6 of rule XV—

(A) in paragraph (a)—

(i) strike “the committees” and insert “those committees”; and

(ii) strike “unless two-thirds” and all that follows and insert “whose chair, or other member authorized by the committee, has announced to the House a request for such call on the preceding legislative day.”; and

(B) strike paragraphs (c), (d), and (f) and redesignate paragraph (e) as paragraph (c).

(2) In clause 6(c) of rule XIII, strike subparagraph (1) and the designation “(2)”.

(f) **POSTPONEMENT AUTHORITY.**—In clause 1 of rule XIX, add the following new paragraph:

“(c) Notwithstanding paragraph (a), when the previous question is operating to adoption or passage of a measure pursuant to a special order of business, the Chair may postpone further consideration of such measure in the House to such time as may be designated by the Speaker.”.

(g) **INSTRUCTIONS IN THE MOTION TO RECOMMIT.**—In clause 2(b) of rule XIX—

(1) designate the existing sentence as subparagraph (1);

(2) in subparagraph (1) (as so designated)—
(A) strike “if”; and

(B) strike “includes instructions, it”; and

(3) add the following new subparagraph at the end:

“(2) A motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report an amendment or amendments back to the House forthwith.”.

(h) **CONDUCT OF VOTES.**—In clause 2(a) of rule XX, strike “A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.”.

(i) **GENERAL APPROPRIATION CONFERENCE REPORTS.**—In clause 9 of rule XXI—

(1) insert after paragraph (a) the following new paragraph (and redesignate succeeding paragraphs accordingly):

“(b) It shall not be in order to consider a conference report to accompany a regular general appropriation bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes—

“(1) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) that were neither committed to the conference committee by either House nor in a report of a committee of either House on such bill or on a companion measure; or

“(2) a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.”; and

(2) in paragraph (c) (as redesignated)—

(A) in the first sentence, after “paragraph (a)” insert “or (b)”; and

(B) amend the second sentence to read as follows:

“As disposition of a point of order under this paragraph or paragraph (b), the Chair shall put the question of consideration with respect to the rule or order or conference report, as applicable.”.

(j) **PAYGO.**—

(1) Amend clause 10 of rule XXI to read as follows:

“10.(a)(1) Except as provided in paragraphs (b) and (c), it shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising—

“(A) the current fiscal year, the budget year set forth in the most recently completed concurrent resolution on the budget, and the four fiscal years following that budget year; or

“(B) the current fiscal year, the budget year set forth in the most recently completed concurrent resolution on the budget, and the nine fiscal years following that budget year.

“(2) The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(b) If a bill, joint resolution, or amendment is considered pursuant to a special order of the House directing the Clerk to add as new matter at the end of such measure the provisions of a separate measure as

passed by the House, the provisions of such separate measure as passed by the House shall be included in the evaluation under paragraph (a) of the bill, joint resolution, or amendment.

“(c)(1) Except as provided in subparagraph (2), the evaluation under paragraph (a) shall exclude a provision expressly designated as an emergency for purposes of pay-as-you-go principles in the case of a point of order under this clause against consideration of—

“(A) a bill or joint resolution;

“(B) an amendment made in order as original text by a special order of business;

“(C) a conference report; or

“(D) an amendment between the Houses.

“(2) In the case of an amendment (other than one specified in subparagraph (1)) to a bill or joint resolution, the evaluation under paragraph (a) shall give no cognizance to any designation of emergency.

“(3) If a bill, a joint resolution, an amendment made in order as original text by a special order of business, a conference report, or an amendment between the Houses includes a provision expressly designated as an emergency for purposes of pay-as-you-go principles, the Chair shall put the question of consideration with respect thereto.”.

(2) In clause 7 of rule XXI, strike “the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year” and insert “period described in clause 10(a)”.

(k) **DISCLOSURE BY MEMBERS OF EMPLOYMENT NEGOTIATIONS.**—In clause 1 of rule XXVII, strike “until after his or her successor has been elected.”.

(l) **GENDER NEUTRALITY.**—

(1) In the standing rules—

(A) strike “chairman” each place it appears and insert “chair”; and

(B) strike “Chairman” each place it appears and insert “Chair” (except in clause 4(a)(1)(B) of rule X).

(2) In rule I—

(A) in clause 1 strike “his”;

(B) in clause 7, strike “his” and insert “such”;

(C) in clause 8—

(i) in paragraph (b)(1) strike “his”; and

(ii) in paragraph (b)(3)(B), strike “his election and whenever he deems” and insert “the election of the Speaker and whenever”; and

(D) in clause 12—

(i) in paragraph (c) strike “he” and insert “the Speaker”; and

(ii) in paragraph (d) strike “his opinion” and insert “the opinion of the Speaker”.

(3) In rule II—

(A) in clause 1—

(i) strike “his office” and insert “the office”;

(ii) strike “his knowledge and ability” and insert “the knowledge and ability of the officer”; and

(iii) strike “his department” and insert “the department concerned”;

(B) in clause 2—

(i) in paragraph (b) strike “he is required to make” and insert “required to be made by such officer”;

(ii) in paragraph (g) strike “his temporary absence or disability” and insert “the temporary absence or disability of the Clerk”; and

(iii) in paragraph (i)(1) strike “Whenever the Clerk is acting as a supervisory authority over such staff, he” and insert “When acting as a supervisory authority over such staff, the Clerk”; and

(C) in clause 3—

(i) in paragraph (a) strike “him” and insert “the Sergeant-at-Arms”;

(ii) in paragraph (b) strike “him” and insert “the Sergeant-at-Arms”;

(iii) in paragraph (c) strike “his employees” and insert “employees of the office of the Sergeant-at-Arms”; and

(iv) in paragraph (d)—

(I) strike “; and” and insert “and.”; and

(II) strike “he”.

(4) In rule III—

(A) in clause 1 strike “he has” and insert “having”; and

(B) in clause 2(a)—

(i) strike “his vote” and insert “the vote of such Member”; and

(ii) strike “his presence” and insert “the presence of such Member”.

(5) In rule IV—

(A) in clause 4(a) strike “he or she” and insert “such individual”; and

(B) in clause 6(b) strike “his family” and insert “the family of such individual”.

(6) In rule V—

(A) strike “administer a system subject to his direction and control” each place it appears and insert “administer, direct, and control a system”; and

(B) strike “he” each place it appears and insert “the Speaker”; and

(C) in clause 3 strike “his” and insert “the”.

(7) In rule VI, strike “he” each place it appears and insert “the Speaker”.

(8) In clause 7 of rule VII, strike “his office” each place it appears and insert “the office of the Clerk”.

(9) In clause 6(b) of rule VIII, strike “he” and insert “the Speaker”.

(10) In clause 2(a)(1) of rule IX, strike “his” and insert “an”.

(11) In rule X—

(A) in clause 4(f)(1), strike “President submits his budget” and insert “submission of the budget by the President”;

(B) in clause 5—

(i) in paragraph (a)(4)—

(I) strike “his designee” each place it appears and insert “a designee”; and

(II) strike “his respective party” each place it appears and insert “the respective party of such individual”;

(ii) in paragraph (b)(1) strike “he was”; and

(iii) in paragraph (c) strike “chairmanship” and insert “chair”;

(C) in clause 8—

(i) strike “his expenses” each place it appears and insert “the expenses of such individual”; and

(ii) strike “he” each place it appears;

(D) in clause 10(a) strike “he is”; and

(E) in clause 11—

(i) in paragraph (a)(3) strike “member of his leadership staff to assist him in his capacity” and insert “respective leadership staff member to assist in the capacity of the Speaker or Minority Leader”;

(ii) in paragraph (e)(1) strike “his employment or contractual agreement” and insert “the employment or contractual agreement of such employee or person”; and

(iii) in paragraph (g)(2)—

(I) in subdivision (B)—

(aa) strike “he” and insert “the President”; and

(bb) strike “his”; and

(II) in subdivision (C) strike “his”.

(12) In rule XI—

(A) in clause 2—

(i) in paragraph (c)(1) strike “he” and insert “the chair”; and

(ii) in paragraph (k)(9) strike “his testimony” and insert “the testimony of such witness”;

(B) in clause 3—

(i) in paragraph (a) strike “his duties or the discharge of his responsibilities” each place it appears and insert “the duties or the discharge of the responsibilities of such individual”;

(ii) in paragraph (b)—

(I) in subparagraph (2)(B) strike “he” and insert “such Member, Delegate, or Resident Commissioner”; and

(II) in subparagraph (5) strike “disqualify himself” and insert “seek disqualification”;

(iii) in paragraph (g)—

(I) in subparagraph (1)(B) strike “he is”;

(II) in subparagraph (1)(E) strike “his or her employment or duties with the committee” and insert “the employment or duties with the committee of such individual”; and

(III) in subparagraph (4)—

(aa) strike “his or her personal staff” and insert “the respective personal staff of the chair or ranking minority member”; and

(bb) strike “he” and insert “the chair or ranking minority member”;

(iv) in paragraph (p)—

(I) in subparagraph (2) strike “his counsel” and insert “the counsel of the respondent”;

(II) in subparagraph (4)—

(aa) strike “his or her counsel” and insert “the counsel of the respondent”; and

(bb) strike “his counsel” and insert “the counsel of the respondent”;

(III) in subparagraph (7) strike “his counsel” and insert “the counsel of a respondent”; and

(IV) in subparagraph (8) strike “him” and insert “the respondent”; and

(v) in paragraph (q) strike “his or her” and insert “the”.

(13) In rule XII—

(A) in clause 2(c)(1) strike “he” and insert “the Speaker”; and

(B) in clause 3 strike “he shall endorse his name” and insert “the Member, Delegate, or Resident Commissioner shall sign it”.

(14) In clause 6(d) of rule XIII, strike “his”.

(15) In clause 4(c)(1) of rule XVI strike “his discretion” and insert “the discretion of the Speaker”.

(16) In rule XVII—

(A) in clause 1(a) strike “himself to ‘Mr. Speaker’” and insert “the Speaker”;

(B) in clause 6 strike “his discretion” and insert “the discretion of the Chair”; and

(C) in clause 9 strike “he” each place it appears and insert “such individual”.

(17) In clause 6 of rule XVIII, strike “he” each place it appears and insert “the Chair”.

(18) In rule XX—

(A) in clause 5—

(i) in paragraph (b) strike “him” and insert “the Sergeant-at-Arms”;

(ii) in paragraph (c)(3)(B)(I) strike “his” and insert “a”; and

(iii) in paragraph (d) strike “he” and insert “the Speaker”; and

(B) in clause 6(b)—

(i) strike “he” and insert “the Member”; and

(ii) strike “his” and insert “such”.

(19) In clause 7(c)(1) of rule XXII, strike “his”.

(20) In rule XXIII—

(A) in clause 1 strike “conduct himself” and insert “behave”;

(B) in clause 3—

(i) strike “his beneficial interest” and insert “the beneficial interest of such individual”; and

(ii) strike “his position” and insert “the position of such individual”

(C) in clause 6—

(i) in paragraph (a)—

(I) strike “his campaign funds” and insert “the campaign funds of such individual”; and

(II) strike “his personal funds” and insert “the personal funds of such individual”; and

(ii) in paragraph (c) strike “his campaign account” and insert “a campaign accounts of such individual”;

(D) in clause 8—

(i) in paragraph (a) strike “he” and insert “such employee”; and

(ii) in paragraph (c)—

(I) in subparagraph (1)(A) after “his spouse” insert “the spouse of such individual”; and

(II) in subparagraph (1)(B) strike “his spouse” and insert “the spouse of such employee”;

(E) in clause 10—

(i) strike “he is a” and insert “such individual is a”;

(ii) strike “his innocence” and insert “the innocence of such Member”; and

(iii) strike “he is reelected” and insert “the Member is reelected”; and

(F) in clause 12(b)—

(i) strike “advises his employing authority” and insert “advises the employing authority of such employee”; and

(ii) strike “from his” and insert “from such”; and

(G) in clause 15 strike “his or her family member” each place it appears and insert “a family member of a Member, Delegate, or Resident Commissioner”.

(21) In rule XXIV—

(A) in clause 1—

(i) in paragraph (a) strike “his use” and insert “the use of such individual”; and

(ii) in paragraph (b)(1) strike “his principal campaign committee” and insert “the principal campaign committee of such individual”;

(B) in clause 7 strike “he was”;

(C) in clause 8 strike “he is” and insert “such individual is”; and

(D) in clause 10 strike “he was” and insert “such individual was”.

(22) In rule XXV—

(A) in clause 2(b) strike “his name” and insert “the name of such individual”;

(B) in clause 4—

(i) in paragraph (c) strike “his residence or principal place of employment” and insert “the residence or principal place of employment of such individual”; and

(ii) in paragraph (d)(1)—

(I) in subdivision (B) strike “he” and insert “such individual”;

(II) in subdivision (C) strike “him” and insert “such individual”; and

(III) in subdivision (D)—

(aa) strike “he or his family” and insert “such individual or the family of such individual”; and

(bb) strike “him” and insert “such individual”;

(C) in clause 5—

(i) strike “his official position” each place it appears and insert “the official position of such individual”;

(ii) strike “his actual knowledge” each place it appears and insert “the actual knowledge of such individual”;

(iii) strike “his duties” each place it appears and insert “the duties of such individual”;

(iv) in paragraph (a)(3)(D)(ii)(I) strike “his relationship” and insert “the relationship of such individual”; and

(v) in paragraph (a)(3)(G)(i) strike “his spouse” and insert “the spouse of such individual”;

(D) in clause 6—

(i) strike “he acts” and insert “acting”; and

(ii) strike "he is"; and
(E) in clause 8 strike "his or her" and insert "the".

(23) In clause 1 of rule XXVI, strike "him" and insert "the Clerk".

(24) In clause 2 of rule XXVII, strike "he or she" and insert "such individual".

(25) In clause 2 of rule XXIX, strike "the masculine gender include the feminine" and insert "one gender include the other".

(m) TECHNICAL AND CODIFYING CHANGES.—

(1) In clause 2(h) of rule II, strike "not in session" and insert in lieu thereof "in recess or adjournment".

(2) In clause 4(b) of rule IV, strike "regulations that exempt" and insert in lieu thereof "regulations to carry out this rule including regulations that exempt".

(3) In clause 5(c) of rule X—

(A) strike "temporary absence of the chairman" and insert in lieu thereof "absence of the member serving as chair"; and

(B) strike "permanent".

(4) In clause 7(e) of rule X, strike "signed by" and all that follows, and insert in lieu thereof "signed by the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.".

(5) In clause 8(a) of rule X, strike "clauses 6 and 8" and insert in lieu thereof "clause 6".

(6) In clause 2(a) of rule XIII —

(A) in subparagraph (1), strike "as privileged"; and

(B) in subparagraph (2), insert "(other than those filed as privileged)" after "reported adversely".

(7) In clause 5(c)(3) of rule XX, strike "clause 5(a) of rule XX" and insert "paragraph (a)".

(8) In clause 6(c) of rule XX, after "yeas and nays" insert "ordered under this clause".

(9) In clause 7(c)(3) of rule XXII, strike "motion meets" and insert in lieu thereof "proponent meets".

(10) In clause 1(b)(2) of rule XXIV, strike "office space, furniture, or equipment, and" and insert in lieu thereof "office space, office furniture, office equipment, or".

(11) In clause 5(i)(2) of rule XXV, strike "paragraph (1)(A)" and insert "subparagraph (1)(A)".

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1) During the One Hundred Eleventh Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eleventh Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eleventh Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eleventh Congress, except as provided in subsection

(C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subsection (A) is sustained, the Chair shall put the question: "Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?" Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subsection (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chair or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Eleventh Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Eleventh Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term "Member" includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

(d) NUMBERING OF BILLS.—In the One Hundred Eleventh Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker.

(e) MEDICARE COST CONTAINMENT.—Section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 shall not apply during the One Hundred Eleventh Congress.

SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.

(a) SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING.—

(1) ESTABLISHMENT; COMPOSITION.—

(A) ESTABLISHMENT.—There is hereby established a Select Committee on Energy

Independence and Global Warming (hereinafter in this section referred to as the "select committee").

(B) COMPOSITION.—The select committee shall be composed of 15 members appointed by the Speaker, of whom 6 shall be appointed on the recommendation of the Minority Leader. The Speaker shall designate one member of the select committee as its chair. A vacancy in the membership of the select committee shall be filled in the same manner as the original appointment.

(2) JURISDICTION; FUNCTIONS.—

(A) LEGISLATIVE JURISDICTION.—The select committee shall not have legislative jurisdiction and shall have no authority to take legislative action on any bill or resolution.

(B) INVESTIGATIVE JURISDICTION.—The sole authority of the select committee shall be to investigate, study, make findings, and develop recommendations on policies, strategies, technologies and other innovations, intended to reduce the dependence of the United States on foreign sources of energy and achieve substantial and permanent reductions in emissions and other activities that contribute to climate change and global warming.

(3) PROCEDURE.—(A) Except as specified in paragraph (2), the select committee shall have the authorities and responsibilities of, and shall be subject to the same limitations and restrictions as, a standing committee of the House, and shall be deemed a committee of the House for all purposes of law or rule.

(B)(i) Rules X and XI shall apply to the select committee where not inconsistent with this resolution.

(ii) Service on the select committee shall not count against the limitations in clause 5(b)(2) of rule X.

(4) FUNDING.—To enable the select committee to carry out the purposes of this section—

(A) the select committee may use the services of staff of the House; and

(B) the select committee shall be eligible for interim funding pursuant to clause 7 of rule X.

(5) REPORTING.—The select committee may report to the House from time to time the results of its investigations and studies, together with such detailed findings and recommendations as it may deem advisable. All such reports shall be submitted to the House by December 31, 2010.

(b) HOUSE DEMOCRACY ASSISTANCE COMMISSION.—House Resolution 24, One Hundred Tenth Congress, shall apply in the One Hundred Eleventh Congress in the same manner as such resolution applied in the One Hundred Tenth Congress.

(c) TOM LANTOS HUMAN RIGHTS COMMISSION.—Sections 1 through 7 of House Resolution 1451, One Hundred Tenth Congress, shall apply in the One Hundred Eleventh Congress in the same manner as such provisions applied in the One Hundred Tenth Congress, except that —

(1) the Tom Lantos Human Rights Commission may, in addition to collaborating closely with other professional staff members of the Committee on Foreign Affairs, collaborate closely with professional staff members of other relevant committees; and

(2) the resources of the Committee on Foreign Affairs which the Commission may use shall include all resources which the Committee is authorized to obtain from other offices of the House of Representatives.

(d) OFFICE OF CONGRESSIONAL ETHICS.—Section 1 of House Resolution 895, One Hundred Tenth Congress, shall apply in the One Hundred Eleventh Congress in the same

manner as such provision applied in the One Hundred Tenth Congress, except that the Office of Congressional Ethics shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(e) EMPANELLING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—The text of House Resolution 451, One Hundred Tenth Congress, shall apply in the One Hundred Eleventh Congress in the same manner as such provision applied in the One Hundred Tenth Congress.

(f) CONTINUING AUTHORITIES FOR THE COMMITTEE ON THE JUDICIARY AND THE OFFICE OF GENERAL COUNSEL.—

(1) The House authorizes—

(A) the Committee on the Judiciary of the 111th Congress to act as the successor in interest to the Committee on the Judiciary of the 110th Congress with respect to the civil action Committee on the Judiciary v. Harriet Meirs et al., filed by the Committee on the Judiciary in the 110th Congress pursuant to House Resolution 980; and

(B) the chair of the Committee on the Judiciary (when elected), on behalf of the Committee on the Judiciary, and the Office of General Counsel to take such steps as may be appropriate to ensure continuation of such civil action, including amending the complaint as circumstances may warrant.

(2)(A) The House authorizes—

(i) the Committee on the Judiciary to take depositions by a member or counsel of the committee related to the investigation into the firing of certain United States Attorneys and related matters; and

(ii) the chair of the Committee on the Judiciary (when elected), on behalf of the Committee on the Judiciary, to issue subpoenas related to the investigation into the firing of certain United States Attorneys and related matters including for the purpose of taking depositions by a member or counsel of the committee.

(B) Depositions taken under the authority prescribed in this paragraph shall be governed by the procedures submitted for printing in the Congressional Record by the chair of the Committee on Rules (when elected) or by such other procedures as the Committee on the Judiciary shall prescribe.

(3) The House authorizes the chair of the Committee on the Judiciary (when elected), on behalf of the Committee on the Judiciary, and the Office of General Counsel to petition to join as a party to the civil action referenced in paragraph (1) any individual subpoenaed by the Committee on the Judiciary of the 110th Congress as part of its investigation into the firing of certain United States Attorneys and related matters who failed to comply with such subpoena or, at the authorization of the Speaker after consultation with the Bipartisan Legal Advisory Group, to initiate judicial proceedings concerning the enforcement of subpoenas issued to such individuals.

SEC. 5. SPECIAL ORDERS OF BUSINESS.

(a) LILLY LEDBETTER FAIR PAY ACT.—Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 11) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes. All points

of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b)(1) PAYCHECK FAIRNESS ACT.—Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 12) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(2) In the engrossment of H.R. 11, the Clerk shall—

(A) add the text of H.R. 12, as passed by the House, as new matter at the end of H.R. 11;

(B) conform the title of H.R. 11 to reflect the addition to the engrossment of H.R. 12;

(C) assign appropriate designations to provisions within the engrossment; and

(D) conform provisions for short titles within the engrossment.

(3) Upon the addition of the text of H.R. 12 to the engrossment of H.R. 11, H.R. 12 shall be laid on the table.

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 1 hour.

Mr. HOYER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. BOEHNER), or his designee, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, 2 years ago Democrats were elected to the majority with a pledge that under our leadership the House would dedicate itself to integrity and accountability. We believe we kept that promise.

Today, gifts from lobbyists are banned, the use of corporate jets is prohibited, the earmark process is transparent, all House employees are trained in ethics, and an independent Office of Congressional Ethics has been established.

But we also understand that holding this House to high standards is not simply the work of one session or one resolution or, indeed, one Congress. It is a project for all of us to renew year after year. I would like to touch on

some of the most important new standards for the 111th Congress: a new rules package that will ensure that the House does the people's work ethically and efficiently.

First, we understand that "revolving door" between the public and private sectors can compromise the independence of judgment that voters want and deserve. That is why these new rules will prevent "lame duck" Members from negotiating employment contracts in secret before their terms expire.

Secondly, the rules will no longer set term limits for committee Chairs. I understand that our Republican colleagues once wrote term limits into the rules in an effort against the entrenched power. But it is now clear that that effort fell victim to what conservatives like to call the law of unintended consequences.

With chairmanships up for grabs so frequently, fundraising ability became one of the most important for job qualification, and legislative skill was sacrificed to political considerations.

Third, these rules limit the abuse of motions to recommit. We invite good-faith efforts to improve legislation. And in these hard times, we need the Republican Party to be constructive partners in policy making. We welcome it. But we all understand which motions are not offered in good faith. Those are the motions that attempt to kill bills through parliamentary tricks and waste our constituents' time on "gotcha" politics.

Fourth, we are continuing our work to reform earmarks, removing loopholes that allow Members to make some earmarks in secret.

Fifth and finally, these rules confirm our commitment to fiscal responsibility.

A binge of borrowing has weakened our economy, tied our hands in a financial crisis, and saddled our children and grandchildren with \$9 trillion in foreign-owned debt. That recklessness must end, and these rules will help end it.

Mr. Speaker, these rules embody our vision for the House as an institution: a place that debates constructively, spends wisely, and lives in the actions of all its Members and all its staff by a standard we can be proud of.

That is our vision for this House, and I urge my colleagues to adopt these rules.

Mr. Speaker, I ask unanimous consent that the balance of my time be controlled by the chairwoman of the Rules Committee, the distinguished gentlewoman from New York, Chairwoman SLAUGHTER.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by thanking the gentleman from Maryland for his statement and yielding me the time to present the opening day's rules package for the 111th Congress.

Mr. Speaker, rarely has our great Nation faced such grave challenges. Millions of Americans are without jobs and consequently also without health insurance. Our troops are fighting two wars overseas. And as our economy spirals downward, Americans from coast to coast are struggling to make ends meet.

But there is reason to hope. In fewer than 14 days, a new President will be sworn in. And President-elect Barack Obama, the House Democrats and I, and my Republican friends are committed to rolling up our sleeves and getting to work immediately to solve the critical challenges that face our Nation.

On this day I am honored to address the House at the beginning of the 111th Congress to present the rules package that will govern this body as we work to meet the needs of American families over the next 2 years.

It is the responsibility of the majority to protect and enhance the integrity of the institution, and that is what this rules package does. Through building upon the important rules changes that Democrats implemented during the last Congress, we are keeping our commitment to the American people to restore accountability and honesty to government.

In the 110th Congress, Democrats put forth critical measures to restore transparency to the House. We banned gifts from lobbyists. We prohibited the use of corporate jets. We mandated ethics training for all House employees. We ensured transparency for earmarks by requiring the full disclosure of earmarks in all bills and conference reports. We established an independent Office of Congressional Ethics. And today we are building on our commitment to the American people to further strengthen the integrity of this institution in the 111th Congress.

By closing the loophole that allowed "lame duck" Members to negotiate employment contracts in secret, we are opening the doors of Congress and shedding light upon the process. By codifying the additional earmark reforms adopted mid-term in the 110th Congress, coupled with the ongoing rules that required the Members' signatures and their reasons for their requests, we are permanently strengthening earlier comprehensive reforms, resulting in even further transparency and accountability in the earmark process.

By making commonsense changes to the motion to recommit, we are helping Congress to function more effectively while preserving the minority's legitimate right to present their policy alternatives through offering a motion

that amends the bill or a "straight" motion that sends the bill back to committee without amendment.

By removing reference to term limits for committee Chairs from this package, we take away what was from the first a political consideration to eliminate that from the official House rules where they don't belong. And by maintaining strong PAYGO rules, we are demonstrating our strong commitment to fiscal discipline.

These important measures make good sense to protect the integrity of this institution and to enable Congress to help America get back on track. Today, we are not only harnessing the belief that we can continue to restore integrity and accountability to Congress, we are also laying down a strong foundation for House action on the grave challenges that face this great Nation.

Mr. Speaker and my friends on both sides of the aisle, the American people know exactly what's at stake over the next few years, which is why they have resoundingly raised their voices for change, and Democrats are listening. We are ready to help put Americans back to work by investing in job creation initiatives, strengthening our economy. We are ready to fix our broken health care system so that every citizen can get quality, affordable health care that they desperately need and are entitled to. We are ready to cultivate a clean energy economy by turning wind into energy, energy investments into innovation, and innovation into good-paying American jobs.

We are ready to begin responsibly withdrawing troops from Iraq, ready to ensure quality education for our young people, ready to continue making the tough choices that the American people elected us to make.

Yet in order for us to begin addressing these pressing challenges, we must ensure that Congress continues to put integrity and accountability at the heart of our daily actions. I can think of no better way to do that than by adopting these amendments to the House rules.

Mr. Speaker, it will be a long and difficult journey to strengthen our economy, to reform the health care system, and create a clean energy future worthy of our children and grandchildren. But the rules package before us today is an important first step, one that will ensure integrity in Congress as we move forward on this pivotal path.

It is time to reinvigorate America. It's time to make history. And let us begin.

Mr. Speaker, I urge adoption of this commonsense rules package to allow the House to operate more effectively and productively in solving the challenges facing our great Nation while strengthening our integrity in Congress.

SECTION-BY-SECTION OF RULE CHANGES—111TH CONGRESS

The changes in the standing rules of the House made by House Resolution 5 include the following:

SEC. 2. CHANGES TO THE STANDING RULES.

(a) INSPECTOR GENERAL AUDITS.—

In response to the recommendation of the chairman and ranking minority member of the Committee on House Administration, this provision amends clause 6(c)(1) of rule II to clarify the non-traditional audit work that the Inspector General does in the areas of business process improvements, services to enhance the efficiency of House support operations, and risk management assessments. The change also will allow the Inspector General to implement guidance and standards published in the Government Accountability Office's Government Auditing Standards.

(b) HOMELAND SECURITY.—

This provision amends clause 3(g) of rule X to direct the Committee on Homeland Security to review and study on a primary and continuing basis all Government activities, programs, and organizations relating to homeland security within its primary legislative jurisdiction.

Nothing in this rule shall affect the oversight or legislative authority of other committees under the Rules of the House.

The change in clause 3 of rule X clarifies the Committee on Homeland Security's oversight jurisdiction over government activities relating to homeland security within its primary legislative jurisdiction, including the interaction of all departments and agencies with the Department of Homeland Security. Consistent with the designation of the Committee on Homeland Security as the committee of oversight in these vital areas, the House expects that the President and the relevant executive agencies will forward copies of all reports in this area, in addition to those already covered by clause 2(b) of rule XIV, to the Committee on Homeland Security to assist it in carrying out this important responsibility.

This change is meant to clarify that the various agencies have a reporting relationship with the Homeland Security Committee on matters within its jurisdiction in addition to the agencies' reporting relationships with other committees of jurisdiction.

(c) ADDITIONAL FUNCTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION.—

This provision amends clause 4(d) of rule X to give the Committee on House Administration oversight of the management of services provided to the House by the Architect of the Capitol, except those services that lie within the jurisdiction of the Committee on Transportation and Infrastructure under clause 1(r).

(d) TERMS OF COMMITTEE CHAIRMEN.—

This provision strikes clause 5(c)(2) of rule X to eliminate term limits for committee and subcommittee chairs and includes a conforming amendment to clause 5(a)(2)(C) of rule X to provide an exception to the Budget Committee tenure limitations for a chair or ranking minority member serving a second consecutive term in the respective position.

(e) CALENDAR WEDNESDAY.—

This provision amends clause 6 of rule XV to require the Clerk to read only those committees where the committee chair has given notice to the House on Tuesday that he or she will seek recognition to call up a bill under the Calendar Wednesday rule. This will replace the requirement that the Clerk read the list of all committees, regardless of whether a committee intends to utilize the

rule. The provision makes conforming changes to clause 6 of rule XV and clause 6 of rule XIII, including the deletion of the requirement of a two-thirds vote to dispense with the proceedings under Calendar Wednesday.

(f) POSTPONEMENT AUTHORITY.—

This provision adds a new paragraph (c) to clause 1 of rule XIX to give permanent authority to the Chair to postpone further consideration of legislation prior to final passage when the previous question is operating to adoption or passage of a measure pursuant to a special order of business. This codifies a practice that has become routine during the 110th Congress.

(g) INSTRUCTIONS IN THE MOTION TO RECOMMIT.—

This provision amends clause 2(b) of rule XIX to provide that a motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report a textual amendment or amendments back to the House forthwith. The provision makes no change to the straight motion to recommit.

(h) CONDUCT OF VOTES.—

In response to the bipartisan recommendation of the Select Committee to Investigate the Voting Irregularities of August 2, 2007, this provision deletes the following sentence in clause 2(a) of rule XX: "A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote."

(i) GENERAL APPROPRIATION CONFERENCE REPORTS.—

This provision codifies House Resolution 491, 110th Congress, which was adopted by unanimous consent. The provision provides a point of order against any general appropriations conference report containing earmarks that are included in conference reports but not committed to conference by either House and not in a House or Senate committee report on the legislation. A point of order under the provision would be disposed of by the question of consideration, which would be debatable for 20 minutes equally divided.

(j) PAYGO.—This provision amends clause 10 of rule XXI to make the following changes:

(1) A technical amendment to align the PAYGO rules of the House with those of the Senate so that both houses use the same CBO baselines;

(2) The changes would also allow one House-passed measure to pay for spending in a separate House-passed measure if the two are linked at the engrossment stage; and

(3) The changes would also allow for emergency exceptions to PAYGO for provisions designated as emergency spending in a bill, joint resolution, amendment made in order as original text, conference report, or amendment between the Houses (but not other amendments).

The new clause 10(c)(3) of rule XXI provides that the Chair will put the question of consideration on a bill, joint resolution, an amendment made in order as original text by a special order of business, a conference report, or an amendment between the Houses that includes an emergency PAYGO designation. The Chair will put the question of consideration on such a measure without regard to a waiver of points of order under clause 10 of rule XXI or language providing for immediate consideration of such a measure.

The intent of this exception to pay-as-you-go principles is to allow for consideration of measures that respond to emergency situations. Provisions of legislation may receive an emergency designation if such provisions

are necessary to respond to an act of war, an act of terrorism, a natural disaster, or a period of sustained low economic growth. A measure that includes any provision designated as emergency shall be accompanied by a report or a joint statement of managers, as the case may be, or include an applicable "Findings" section in the legislation, stating the reasons why such provision meets the emergency requirement according to the following criteria.

In general, the criteria to be considered in determining whether a proposed expenditure or tax change meets an emergency designation include: (1) necessary, essential, or vital (not merely useful or beneficial); (2) sudden, quickly coming into being, and not building up over time; (3) an urgent, pressing, and compelling need requiring immediate action; (4) unforeseen, unpredictable, and unanticipated; and (5) not permanent, but rather temporary in nature. With respect to the fourth criterion above, an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not "unforeseen."

(k) DISCLOSURE BY MEMBERS OF EMPLOYMENT NEGOTIATIONS.—

This provision amends clause 1 of rule XXVII to close the loophole in the rule that allowed lame-duck Members, Delegates, and the Resident Commissioner to directly negotiate future employment or compensation without public disclosure. The rule will now apply to all current Members, Delegates, and the Resident Commissioner requiring them, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, to file with the Committee on Standards of Official Conduct a statement regarding such negotiations or agreement.

(l) GENDER NEUTRALITY.—

This provision amends the Rules of the House to render them neutral with respect to gender. These changes are not intended to effect any substantive changes.

(m) TECHNICAL AND CODIFYING CHANGES.—

Upon the recommendation of the Parliamentarian, this provision contains the following technical and codifying changes:

(1) Clarify that the authority of the Clerk to receive messages on behalf of the House includes both recesses and adjournments (clause 2(h) of rule II);

(2) Restore the Speaker's regulatory authority for all of rule IV (regarding access to the House floor), which was inadvertently narrowed when the House last amended clause 4 of rule IV by the adoption of House Resolution 648, 109th Congress (clause 4(b) of rule IV);

(3) Clarify that the scheme set forth in the rule for temporary management of a committee will apply pending the House filling a permanent vacancy of a chairman (clause 5(c) of rule X);

(4) Clarify that the majority-party Member in the next Congress, who was most senior on the committee in the preceding Congress, has voucher authority pending establishment and repopulation of the committee (clause 7(e) of rule X);

(5) Delete an unnecessary cross reference (clause 8(a) of rule X);

(6) Reinsert the exception, inadvertently dropped in recodification in the 106th Congress, that privileged matters are not automatically laid on the table when reported adversely (unlike nonprivileged matters reported adversely, which are automatically laid on the table) (clause 2(a) of rule XIII);

(7) Correct an internal cross reference (clause 5(c)(3) of rule XX);

(8) Clarify the availability of a motion to adjourn during merger of a quorum call and the yeas and nays to include only the clause 6 version of the yeas and nays (clause 6(c) of rule XX);

(9) Correct a grammatical error in the rule to clarify that notice to instruct conferees at a stalled conference is given by a "proponent" and not by a "motion." (clause 7(c)(3) of rule XXII);

(10) Clarify that the rule prohibiting campaign funds for official expenses applies to "office space, office furniture, or office equipment" (clause 1(b)(2) of rule XXIV); and

(11) Corrects an internal cross reference (clause 5(i)(2) of rule XXV).

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1)–(3) These three provisions retain instructions on the interpretation of sections 303, 306, and 401 of the Congressional Budget Act, that have been in place since the 106th, 107th, and 109th Congresses, respectively.

(4) This provision would retain the point of order against the motion to rise and report an appropriations bill to the House where the bill, as proposed to be amended, exceeded its 302(b) budget allocation. The point of order was created in the 109th Congress and continued in the 110th Congress.

(b) CERTAIN SUBCOMMITTEES.—

This provision would continue to waive the requirements of clause 5(d)(1) of rule X, which limits the number of subcommittees for each committee to five, for the following committees: Armed Services, Foreign Affairs, and Transportation and Infrastructure.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—

This provision continues the standing order of the House, first adopted in the 109th Congress, which prohibits former Members, spouses of former Members, and former officers of the House from using the Members gym if those individuals are registered lobbyists.

(d) NUMBERING OF BILLS.—

This provision continues the practice of reserving the first 10 bill numbers for designation by the Speaker throughout the 111th Congress.

(e) MEDICARE COST CONTAINMENT.—

This provision turns off Section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 during the 111th Congress.

SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.

(a) SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING.—

This provision continues the Select Committee on Energy Independence and Global Warming through the 111th Congress.

(b) HOUSE DEMOCRACY ASSISTANCE COMMISSION.—

This provision continues the House Democracy Assistance Commission.

(c) TOM LANTOS HUMAN RIGHTS COMMISSION.—

This provision continues the Tom Lantos Human Rights Commission except that it allows the Commission to collaborate closely with professional staff members of other relevant committees and to use resources that the Committee on Foreign Affairs is authorized to obtain from other offices of the House.

(d) OFFICE OF CONGRESSIONAL ETHICS.—

This provision continues the Office of Congressional Ethics and provides that the Office shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946, concerning consultants for Congressional committees.

(e) EMPANELLING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—

This provision continues House Resolution 451, 110th Congress, directing the Committee on Standards of Official Conduct to empanel investigative subcommittees within 30 days after the date a Member is indicted or criminal charges are filed.

(f) CONTINUING AUTHORITIES FOR THE COMMITTEE ON THE JUDICIARY AND THE OFFICE OF GENERAL COUNSEL.—

This provision authorizes the Committee on the Judiciary and the House General Counsel to continue the lawsuit derived from the House holding White House Chief of Staff Josh Bolten and former White House Counsel Harriet Miers in contempt of Congress for failure to comply with Judiciary Committee subpoenas, which was initiated in the 110th Congress. With respect to the continued investigation into the firing of certain United States Attorneys, this provision authorizes: (1) the chairman of the Judiciary Committee to issue subpoenas and (2) the taking of depositions by Members or counsel, which shall be governed by rules printed in the Congressional Record by the Rules Committee chair or otherwise prescribed by the Judiciary Committee; and (3) the Judiciary Committee and General Counsel to add as a party to the lawsuit any individual subpoenaed by the Committee in the 110th Congress who failed to comply.

Judiciary Committee Deposition Rules: In accordance with the Committee receiving special authorization by the House for the taking of depositions in furtherance of a Committee investigation, the chair, upon consultation with a designated minority member, may order the taking of depositions pursuant to notice or subpoena. The designated minority member shall be the ranking minority member or, if a ranking minority member has not been elected, the highest ranking member of the Committee as it was constituted at the end of the preceding Congress who is a member of the minority party in the present Congress.

The chair or majority staff shall consult with the designated minority member or minority staff, respectively, at least two days before any notice or subpoena for a deposition is issued. Upon completion of such consultation, all members shall receive written notice that a notice or subpoena for a deposition will be issued.

A notice or subpoena issued for the taking of a deposition shall specify the date, time, and place of the deposition and the method or methods by which the deposition will be recorded. The chair shall designate the number of majority members and majority counsel to conduct the deposition; the designated minority member shall be permitted to appoint an equal number of minority members and an equal number of minority counsel to conduct the deposition.

A deposition shall be taken under oath or affirmation administered by a member or a person otherwise authorized to administer oaths and affirmations.

A deponent shall not be required to testify unless the deponent has been provided with a copy of such rules of procedure then in being prescribed by the Committee, this rule as applicable, section 4 of House Resolution 5, and rule X and rule XI of the Rules of the House of Representatives.

A deponent may be accompanied at a deposition by counsel to advise the deponent of the deponent's rights. Only members and Committee counsel, however, may examine the deponent. No one may be present at a

deposition other than members, Committee staff designated by the chair or designated minority member, such individuals as may be required to administer the oath or affirmation and transcribe or record the proceedings, the deponent, and the deponent's counsel (including personal counsel and counsel for the entity employing the deponent if the scope of the deposition is expected to cover actions taken as part of the deponent's employment). Observers or counsel for other persons or entities may not attend.

Questions in a deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or counsel conducting the deposition agree to a different length of questioning. In each round, a member or Committee counsel designated by the chair shall ask questions first, and the member or Committee counsel designated by the designated minority member shall ask questions second.

Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The deponent may refuse to answer only when necessary to preserve a privilege. In instances where the deponent or counsel has objected to a question to preserve a privilege and accordingly the deponent has refused to answer the question to preserve such privilege, the chair may rule on any such objection after the deposition has adjourned. If the chair overrules any such objection and thereby orders a deponent to answer any question to which a privilege objection was lodged, such order shall be filed with the clerk of the Committee and shall be provided to members and the deponent no less than three days before being implemented.

If a member of the Committee appeals in writing the order of the chair, the appeal shall be preserved for Committee consideration. A deponent who refuses to answer a question after being directed to answer by the chair in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed on appeal. Consistent with clause 2(k)(8) of rule XI of the Rules of the House of Representatives, the committee shall remain the sole judge of the pertinence of testimony and evidence adduced at its hearings.

Deposition testimony shall be transcribed by stenographic means and may also be video recorded. The Clerk of the Committee shall receive the transcript and any video recording and promptly forward such to minority staff at the same time the Clerk distributes such to other majority staff.

The individual administering the oath, if other than a member, shall certify on the transcript that the deponent was duly sworn. The transcriber shall certify that the transcript is a true, verbatim record of the testimony, and the transcript and any exhibits shall be filed, as shall any video recording, with the clerk of the Committee in Washington, DC. In no case shall any video recording be considered the official transcript of a deposition or otherwise supersede the certified written transcript. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken, once filed with the clerk of the Committee for the Committee's use.

After receiving the transcript, majority staff shall make available the transcript for review by the deponent or deponent's counsel. No later than ten business days thereafter, the deponent may submit suggested changes to the chair. The majority staff of

the Committee may direct the Clerk of the Committee to note any typographical errors, including any requested by the deponent or minority staff, via an errata sheet appended to the transcript. Any proposed substantive changes, modifications, clarifications, or amendments to the deposition testimony must be submitted by the deponent as an affidavit that includes the deponent's reasons therefor. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript. Majority and minority staff both shall be provided with a copy of the final transcript of the deposition with any appendices at the same time.

SEC. 5. SPECIAL ORDERS OF BUSINESS.

This section consists of a special order of business providing for consideration of the following two bills (the text of each of which is identical to the 110th House-passed versions):

(1) H.R. 11—Lilly Ledbetter Fair Pay Act, to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, and

(2) H.R. 12—Paycheck Fairness Act, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

The special order allows for separate consideration of each measure under a closed rule. After adoption of the second bill, the text of H.R. 12 will be added to H.R. 11 and H.R. 12 will be laid on the table.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by thanking my good friend from Rochester, the distinguished Chair of the Committee on Rules, Ms. SLAUGHTER, for yielding me the customary 30 minutes. And I congratulate her and all of our colleagues on their membership in the 111th Congress.

As we have heard from the speeches delivered by the Speaker and the Republican leader, today marks the start of the 111th Congress, a new beginning for the first branch and for the people's House.

As was stated, 2 weeks from today we are going to be making history with the inauguration of Barack Obama. President-elect Obama has already reached out to congressional Republicans, expressing his desire to work with us in this new Congress.

We all know very well what an honorable campaign Mr. Obama ran. While I didn't support his candidacy, I, like many of my colleagues and fellow Americans, was inspired by his message of hope, unity, and change for the future.

□ 1445

He laid out a vision that replaces bitterness with bipartisanship, cynicism

with a sincere commitment to a brighter future.

Of course, there is a great divergence of opinion on the details of exactly how we reach that brighter future. Congressional Republicans have our agenda. We feel very strongly about it. We are committed more than ever to the principles for which we stand. But we wholeheartedly agree with Mr. Obama that the way forward is through open, inclusive debate, a strong spirit of bipartisanship and the sincere pursuit of common ground.

Unfortunately, the high-minded rhetoric of the Presidential campaign only highlights the pure cynicism of this rules package that we are considering today. The Democratic leadership of this House is poised to consider, as its very first legislative act of this Congress, a rules package that literally shreds the Obama vision.

I am going to repeat that, Mr. Speaker. The package that we are going to be voting on today literally shreds the Obama vision. Fourteen days before he is even inaugurated into office, the President-elect's plan for unity and bipartisanship is being obstructed by his own party.

This rules package takes the abysmal record of the last Congress and actually makes it more restrictive. You will hear a lot today about arcane procedural tactics and wonder how it has any relevance to the problems that we face as a nation. But these changes, Mr. Speaker, have enormous consequences for the conduct and outcome of our policy debates.

Mr. Speaker, process is substance. As we tackle enormously important issues like, as everyone has said, getting our economy back on track, we cannot achieve a good outcome without a good process. We are very attuned to the concept of history being made right now and 2 weeks from today, so perhaps we should look at history.

The motion to recommit, as we know it today, was granted to the minority 100 years ago following a rebellion against the most dictatorial Speaker of the last century, Joseph Gurney "Uncle Joe" Cannon. This motion ensures that the minority gets at least one opportunity, one opportunity to offer an amendment or an alternative. During the Democrats' 40-year reign, they routinely denied Republicans, often dozens of times in a Congress, the single bite at the apple, one opportunity to offer an alternative. Mr. Speaker, when we took the majority in 1995, we guaranteed the right of the motion to recommit, and we never, we never denied it.

This body has always been governed by majority rule. The majority has a number of tools at its disposal, not least of which is the Rules Committee itself, on which I am privileged to serve. That's how they advance their agenda. An effective majority can

abide by the rules and traditions of the House and still succeed legislatively.

By contrast, in the 110th Congress, the Democratic leadership chose, instead, to resort to procedural gimmickry to advance their agenda. They had every legislative advantage as the majority party, and yet they felt compelled to trample the traditions of the House, rather than build consensus or engage in actual deliberation. They went so far as to shut down the appropriations process to avoid open debate. Mr. Speaker, as for the motion to recommit, that one single opportunity, that one single opportunity for minority input, the Democratic leadership frequently resorted to legislative tricks to deny it.

Now, the Democratic leadership is no longer content to shut down debate on an ad hoc basis. They are making it official with this rules package. The underlying resolution contains a host of new procedural gimmicks to stifle debate and to perpetuate partisanship. This resolution changes the rules of the House to formally limit, to formally limit, the motion to recommit. This limitation prevents any bill from being returned to committee for further deliberation. It restricts Members' ability to strip out tax increases. Apparently, the Democratic majority believes tax increases are sacred, but open debate is not sacred.

This rules package also manipulates our budget rules, once again, to protect tax increases, as well as to protect spending increases. You see, Mr. Speaker, the Democratic leadership not only spent the last Congress shutting out Republicans, they also had to find clever ways to shut out fiscally conservative Democrats. Trying to build consensus within their own party was very time consuming. They learned their lesson, though. This rules package guts the budget rules that many Democrats hold so dear.

The laundry list of rules changes goes on. They cut term limits for committee chairmen, they scrap Medicare cost-containment measures. And if all this weren't enough, they include completely closed rules, completely closed rules for the two bills that will be considered later this week without ever having the Rules Committee meet. Apparently, the Democratic leadership scoured the House rules for accountability and transparency measures and systematically dismantled what they found.

So much, Mr. Speaker, for the Obama vision. While he is calling for the most transparent administration in our Nation's history, his congressional Democrats are launching the most closed Congress in history.

But I believe that President-elect Obama is sincere. Since the day he was elected, he has been reaching out to Republicans. He has called many of us individually to express a sincere desire

to move beyond the divisiveness of politics and to work together. I can only imagine the chagrin at his own party, their attempt to undermine his best efforts. Today's rules package is a huge step backward. It sets the stage for even more closed, bitter, rancorous debate.

The next major item on the agenda is more than a \$1 trillion stimulus package. Republican Leader JOHN BOEHNER has laid out several modest, but critically important, requests for an open process. There should be public hearings. The text should be available online for a full week prior to a vote. There should be no special-interest earmarks.

These are commonsense guidelines that are widely supported by the American people. They understand that our response to the economic crisis is too important to allow it to be slapped together in secret behind closed doors and rammed through the House. Both Democrats and Republicans have a number of good ideas that should be considered and debated.

Today I will be pursuing an economic recovery package that focuses on pro-growth policies. I am introducing a trio of bills aimed at growing our economy by simplifying and reducing the tax burden on individuals and job creators, jump-starting our housing market and reviving the auto industry.

I hope we can move forward on these kinds of policies, but neither I nor my colleagues ask to prejudge the outcome of those debates. We simply ask that that debate take place.

Majority Leader HOYER agrees, and said so on an interview that he had this past Sunday. We can only hope he is able to convince the Speaker to keep the process open and transparent. If her leadership's first legislative act of this Congress is any indication, it won't be a fruitful endeavor.

Mr. Speaker, today's new beginning is nothing more than a new low for the Democratic majority. Their cynicism and manipulation is all the more dismal against the backdrop of President-elect Obama's vision for hope, unity and change for the better. The Democratic majority's actions today do not represent change that fulfills hope. This is change that denies hope.

Mr. Speaker, I urge my colleagues to oppose this rules package.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the vice chair of the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank the gentlelady from New York, the distinguished Chair of the Rules Committee, for yielding me the time.

First, let me congratulate Speaker PELOSI as she begins her second term as Speaker of the House. I also want to congratulate my colleagues for their

elections, and I welcome our new colleagues to the House of Representatives.

Our Nation is facing very challenging times. Twelve years ago, when I was first elected to Congress, our economy was still growing, and we were looking at a significant budget surplus. Our world was relatively peaceful. Now, after 8 years of reckless and wasteful spending, and after an ill-advised war, we face a global economic meltdown and international instability that seem to be spreading all too quickly.

In November, the American people elected a new President and larger Democratic majorities in the Congress. The voters sent a very clear message. Things have got to change here in Washington, and Congress has to accomplish things.

We know that Congress will need to act quickly and responsibly in order to pass legislation to help our Nation solve our economic and foreign policy problems. This rules package is designed to help us do just that. This is a good package, and I am pleased to support it today.

There are many important parts this package. I am pleased that this is first rules package that is gender neutral. There are other technical fixes included in this package that will help the House operate more smoothly and efficiently.

One of the major changes, as we have heard, in this package deals with the motion to recommit, which is modernized in this package. Specifically, the minority will no longer be able to offer a "promptly" motion to recommit, which sends bills back to committee with no timetable for return, essentially killing the bill.

The minority, however, will have the ability to offer a proper "forthwith" motion or a "straight" motion. But no longer will the minority be able to abuse the process by offering political amendments designed to either kill a bill without actually voting against it or to provide fodder for a 30-second political ad.

During the 12 years while Democrats were in the minority, we offered only 36 "promptly" motions to recommit. Over the past 2 years, Republicans offered 50 of these motions.

Following the 2006 elections that brought Democrats back into the majority in the House, the new Republican minority had two options, either work in a bipartisan way to address the needs of the American people, or obstruct the business of this House through gotcha-style politics. Unfortunately, too often they chose the latter.

The motion to recommit was not designed for this purpose. It was designed to be a tool for legislating, not a political weapon. Repeatedly, the Democratic majority attempted to work with the Republican minority on their motions to recommit, but every time

we offered to accept their motion in return for not killing the bill, the Republican minority refused. They chose talking points over accomplishments. They chose to be the party of obstructionism, not offering alternatives, but instead trying to derail the entire process for political gain. It's a cynical way to do business.

That's not legislating, and it's not what the voters sent us here to do. I strongly disagree with those who say modernizing the motion to recommit is undemocratic. Let me be clear, any Member who opposes a bill still has the ability, indeed, the responsibility, to vote "no."

Congressional scholar Norm Ornstein said it best, and I quote, "A minority party deserves the right to be heard and to have alternatives considered, but with those rights comes responsibilities. If the minority uses the opportunity to offer amendments to exploit cynically the opening for political purposes—through 'gotcha' amendments designed to offer 30-second attack ads against vulnerable majority lawmakers, or through poison pill alternatives designed only to scuttle a bill, not to offer a real alternative—it soon will lose its moral high ground for objecting to majority restriction on debate and amendments."

Mr. Speaker, I finally would like to point out that in this package is included H. Res. 5, which is the reauthorization of the Tom Lantos Human Rights Commission. The United States must reclaim its moral authority on human rights. I am honored to cochair that commission along with my good friend FRANK WOLF of Virginia, and I look forward to working with him and our other Members to advance the cause of human rights around the world.

Again, I want to thank the gentlelady from New York, our distinguished Chair of the Rules Committee, for the time.

Mr. DREIER. Mr. Speaker, I would like to yield 2 minutes to my good friend from Miami, the hardworking member of the Committee on Rules, Mr. DIAZ-BALART.

I will say as I do that, Mr. Speaker, that we would never have contemplated denying the then-minority what is being denied us under this measure.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for 100 years, the motion to recommit has really been sacrosanct in this House, and the essence of representative democracy is, yes, rule by the majority with respect to the rights of the minority.

Today, history will record that in this rules package by the majority, the severe limitation of the right of the minority to offer an alternative in legislation, this severe limitation of the motion to recommit, is a sad, unfortunate, and wholly unnecessary step that

takes a very strong, a very significant step toward unaccountability.

So it is really a sad day for this House, that the House, the leadership, the majority leadership, would commence this Congress by retrogression, by taking such a significant and unfortunate step towards unaccountability, severely limiting the option, the ability of the minority to offer an alternative known for 100 years and respected in this House as the motion to recommit.

□ 1500

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I thank the gentlewoman, the Chair of the Rules Committee, for yielding the time.

Mr. Speaker, this rules package also contains the first step in the march towards economic recovery in that it allows consideration by this Congress for the Paycheck Fairness Act and the Lilly Ledbetter Act. We are going to reverse a very anachronistic decision by the United States Supreme Court relating to job discrimination based on sex. You see, in this country, working women are still earning only 78 cents for every dollar that a man makes in the same position oftentimes; and despite the attempts by this Congress during the 110th Congress, we were unable to beat back the opposition of the White House.

Well, this is a new day and a new direction for America, because now we will have someone in the White House who will value equal opportunity in employment and education and housing and other fields. Indeed, the President-elect has stated that he intends to invite Ms. Ledbetter to the White House, and he understands that this bill is part of a broader effort to update the social contract, to value equal pay for equal work.

This is something that Congresswoman ROSA DELAUNO, Speaker NANCY PELOSI and Rules Committee Chair LOUISE SLAUGHTER have fought for year after year after year, to realize the economic recovery in our households across America, many headed by single women. This is the important first step this Congress will take as part of the economic recovery and reinvestment.

Mr. DREIER. Will the gentlewoman yield?

Ms. CASTOR of Florida. I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, let me just say that the spirit of the debate here, refusal to yield, is indicative of exactly what this rules package consists of.

With that, Mr. Speaker, I would like to yield 2 minutes to our very good friend from Springfield, Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think we are here today on the minority side as perhaps victims of our own success in the last Congress. We clearly were able to use this as the only tool that we often had available to us, and we used it with great success. We used it with great success that didn't destroy the legislative process. In fact, many days the legislative process had already been destroyed. There was no committee markup. There was no hearing. Often the bills came from somewhere, the leader's office, the Speaker's office. We didn't know where they came from because we didn't see them until the day they were headed to the floor or the day before they were headed to the floor. We weren't given amendments, we weren't given substitutes, but we were given 100 years ago these tools in the motions to recommit.

The majority would probably argue that somehow this makes the process unworkable. But there are a number of examples in the last Congress where the process was very workable.

The Public Housing Management Act that was brought to the floor February 26 by Mr. SIRE, Mrs. BACHMANN offered a motion to recommit to block the Federal Government from restricting possession of otherwise legal firearms for these residents. When she offered the motion, the bill was pulled. The committee then met, as the motion would have required them to do, added that provision to the bill, and brought it back to the floor a few days later.

The AmeriCorps bill to authorize and expand AmeriCorps was considered in March of 2008. Mr. KUHLMANN made a motion to recommit that was prompt in nature to prohibit sex offenders and murderers from receiving these grants. The bill was pulled. Six days later, the same bill was brought up including Mr. KUHLMANN's language.

The idea that this ruins the process or the idea that a bill that you have never seen before the day it is coming to the floor or the day before it is coming to the floor, we don't need to have tools to bring new ideas to the floor, is just wrong. I urge that this rules package be defeated.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK), the chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. The former minority whip has just proved the opposite of his case. In the one instance that he refers to where a bill came out of the committee which I chair, we were prepared to accept that amendment on the floor. It was offered promptly. We asked if it could be done, as we often did, as forthwith, and it could have been adopted on the floor. In that case it wasn't 6 days, it took several weeks, because we cannot drop everything and get to a bill.

Now, understand that when a bill is sent back to a committee, all the rules

apply. And, by the way, nothing stops you from making this a revolving door, Mr. Speaker. People can keep doing this.

The motion to recommit, Members have said on the other side they want to be able to offer an alternative. Nothing in this proposal in any way diminishes their ability to offer an alternative. They are fully able to offer an alternative as an amendment. What they will be losing here is a legislative Ponzi scheme in which you pretend to be something you are not.

Here is the way it works: If the minority wants under any bill to offer a motion to recommit, as the rule will now read if this passes, they can offer a motion to recommit with a germane amendment that is binding, and if it is adopted, the bill is amended on the spot. But they often don't want to do that. Often their amendments are really disguises for opposition to the bill in general. So they take an amendment that would pass virtually unanimously because it is so popular and say it should be done in a way that sends the bill back to committee rather than to amend the bill.

So let's be very clear. Their ability to offer a motion that is an amendment to the bill is in no way diminished by this. It is in no way changed. It is exactly the same. What they lose is the ability to take something that would pass overwhelmingly if they would allow a serious vote on it and use it as a way to get a bill sent back to committee for purposes of delay.

Now, the gentleman is right. It doesn't always work. Sometimes the bill survives. Sometimes it doesn't. There is often a traffic jam on the floor. There are also cases where timeliness is important, where the administration may be about to do something we want to stop them from doing and we want to be able to move reasonably quickly.

I will say this with regard to where he said bills came from nowhere. The bills where this tactic, this Ponzi scheme has been used, on bills that have come out of the Financial Services Committee, were not those bills. They were bills where there had been open amendment processes, where I have often gone to the Rules Committee and asked for amendments to be in order.

In fact, in my experience, the committee of jurisdiction leadership has no input into these motions. I have asked. There are amendments offered on the floor that were never offered in committee when they had a chance to be offered, and I will guarantee you that is a fact, because the purpose is not to amend the bill. If you were trying to amend the bill, you offer the motion to recommit in a way that amends it on the floor. That is not good enough for them, because they are not interested in substance. They are interested in

this game playing and this charade—well, it is not a charade, because that is talking. They are interested in this pretense whereby you try to slow a bill down because you aren't willing to vote against it.

So if this rules package passes, there will be two options for the minority: They can move to send the bill back to committee, that can still be done, the motion to send it back to committee will still be there; or they can move to amend it on the floor. Their ability to offer an alternative is in no ways changed.

What they can't do is to pretend to be amending the bill by putting forward very popular language that would pass overwhelmingly, but doing it in a way that in effect sends the bill back to committee which doesn't allow the House to adopt that amendment, and then they want to be able to say Members weren't in favor of this non-controversial piece.

So it is a legislative Ponzi scheme. It is a pretense. It is something that ought to be abolished. It does not add at all to the legitimacy of debate.

Let's adopt this rules change. The minority will have the two options, and that is all that democracy requires.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to my good friend from Richmond, Virginia (Mr. CANTOR), the distinguished Republican whip.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, you don't have to look far to see that families across this country are gripped with a tremendous amount of fear and uncertainty. They fear for their jobs, if they have one. They fear for their future as they see their 401(k)s, their college savings accounts collapse. They fear that their elected leaders don't get it. They fear that this Congress may very well be incapable of change, incapable of producing the kind of results that they want and to get it right.

Under existing House rules, when a bill is brought to the floor that includes a tax increase, the minority has a right to offer a motion to strike that increase; and the Republican minority had done that on nearly half a dozen occasions over the past 2 years.

With this rule change now, though, House Democrats are trying to push through what we Republicans will no longer have, the ability to say "no" to higher taxes. We will not be able to simply strike a tax increase and demand an up or down vote. In fact, the only option we will have would be to replace one tax increase with another. There will be no ability for us to cut taxes to lighten the burden on the middle-class families that are hurting right now.

One can see that this rule change makes it a lot easier for the Democrat

majority to in fact hide tax increases inside other larger bills. In fact, that is why all of us are sitting here scratching our heads. If the House Democrats feel a tax increase is necessary, then why wouldn't they allow for a full and open debate? Why not let the American people have a say? Why not let the hardworking people of this country hear why Washington is once again looking to take more of their hard earned money?

Either way, what is clear, this type of partisan rules change flies in the face of a new era of openness and transparency that President-elect Obama has promised. I take the President-elect at his word. I believe he wants transparency, openness, and debate. I believe he wants Washington to begin to do business differently. I believe he is serious in wanting Congress to work together for the good of all of our constituents. But apparently that word hasn't made its way down to the leadership of the House.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to our very good friend from Menomonee Falls, Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. I thank the gentleman very much.

Mr. Speaker, I am beginning my 31st year here, and one of the things that I have learned both being in the majority and being in the minority is that procedural fairness is the antithesis to partisanship. I want to repeat that: Procedural fairness is the antithesis to partisanship. This rules package, and particularly the changes in the motion to recommit, will bring about more partisanship, and I would ask my friends on the majority side to reconsider what they are proposing here.

The previous speakers on the Republican side have stated instances in the last 2 years where it has resulted in excessive partisanship because of changes that have been made to the motions to recommit on an ad hoc basis allowing the majority to pull the bill, their choice, not ours, because they set the schedule, not having motions to recommit on certain bills and not allowing to strike proposed tax increases.

What is wrong with debating these issues? And what is wrong if the majority of this House of Representatives, which is 21 seats more Democratic than the one that just expired, agrees with the Republican minority every once in awhile? What are you afraid of? Are you afraid of losing a few more motions to recommit? If that is the motivation behind this, shame on you, because you are shutting down the process and you are going to result in more partisanship, not less. You are going to result in having the country even more divided, not less, and that goes exactly against what our new President has been trying to do with practically ev-

everything he said since he won the election 2 months ago.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

□ 1515

Mr. FRANK of Massachusetts. The gentleman from Wisconsin said, why will the majority not in some instances agree with the minority? That's the problem. We are talking about cases where we in the majority have tried to agree with the minority, and they would not be agreed with. They would not take yes for an answer.

This is the issue: if they offer a motion to recommit and it says forthwith, and they win the vote, the bill is amended. If they offer an amendment to a bill, not having offered it in committee, not having gone to the Rules Committee to ask it to be on the floor, if they take a noncontroversial popular issue and offer it as the motion to recommit, but say it should be sent to the committee and reported back promptly, we have tried to agree with them, and they have refused. This literally is a way to not take yes for an answer; it's a way to take something to which the majority would like to agree.

I have been here when I, and when the majority leader has said, in such a situation, could we get unanimous consent to simply agree to that now, and the minority has said no.

Well, people have a right not to be agreed with. People have a right not to be agreeable. Some indulge that right more than others. But you don't have a right to refuse to be agreed with, and then complain that you weren't agreed with. And that's all that's at stake here.

So, yes, there are times when the majority should say yes to the minority, and that should be determined by the floor. What we're saying is the minority should not manufacture a situation in which there is no way to say yes to them because their goal is patently not to amend that particular bill, because if it was, they would accept the request that that amendment be accepted. Instead, it is to put a bill back to committee because they're afraid to vote against it. That's the issue.

This is used as a way to send bills back to committee to avoid votes. And this leaves, this package, the minority, fully able to offer any motion to recommit or send it back to committee. It just says they can't play games.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Columbus, Indiana (Mr. PENCE), the Chair of the Republican Conference.

Mr. PENCE. Mr. Speaker, the Republican Members of the 111th Congress collectively represent more than 100 million constituents in this Nation. The changes that are being contemplated by the majority today represent an erosion, not of the interests of elected officials, not even of the interests of a political party, but, Mr. Speaker, I say with respect, it represents an erosion of the interests represented in this place of over 100 million Americans.

As I listen to this debate, I can't help but wonder what our constituents who might be looking down from the gallery and looking in from elsewhere are thinking. How does this affect them? Instructions being promptly or forthwith, motions to recommit.

But really what we are here to object to in this rule package is really the death of democracy in the Democratic Congress. What we do not wish to see is a return to the heavy-handed imperial Congress days that ruled Capitol Hill for some 40 years. And walking away from the provision of the current rules that allows the minority to offer a motion to recommit that would be promptly reported back erodes those minority interests. Repealing term limits on committee chairmen erodes the fundamental principles of reform that the American people voted overwhelmingly into this well in 1994.

And so, as we prepare, 2 weeks from today, to receive a new President of the United States of America, as we are just a few hours past bipartisan speeches, it is important to know and to remind the American people that rules matter. The rules on the back of a box of a board game matter, and the rules of the House matter; and they matter because they determine whether or not the interest of all Americans will be represented in this place.

And, sadly, we begin this Congress in an inauspicious way, learning that change does not equal reform, and I urge that we reconsider this rule.

Ms. SLAUGHTER. Mr. Speaker, please let me yield myself 1 or 2 minutes. One minute, I think, would be sufficient. I hadn't planned to do this, but I think the RECORD requires it.

I want to quote from three of our Republican Members for whom I have great affection and an awful lot of respect. The first one, Representative Tom Davis, who is not with us this year, stated the minority's intent to use "promptly" motions to kill legislation during debate on a motion to recommit H.R. 1433, the District of Columbia House Voting Rights Act. And let me quote him: "Let me just say to my colleagues, I think the gun ban in the District is ridiculous, and would join my colleagues in overturning it. The problem is this motion doesn't do that. Instead of bringing it back to the floor forthwith for a vote and send it to the Senate, it simply sends it back to the committee, essentially killing it."

Representative JOE BARTON of Texas likened motions to recommit promptly to gimmicks during debate on H.R. 3693, the Children's Health Insurance Program: "I will tell my friends on the majority side, it's not going to be a gimmick. I think it will say forthwith, which means if we adopt it, we vote on it."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield myself 30 seconds.

During the debate on Representative PAUL RYAN's motion to recommit on H.R. 5501, the Lantos-Hyde HIV/AIDS Act of 2008, Mr. RYAN acknowledged that "promptly" motions are intended to kill bills. "This recommit motion is not intended to kill the bill. This is a forthwith recommit," he said.

I will reserve the balance of my time.

Mr. DREIER. Mr. Speaker, may I inquire of the gentlewoman how many speakers she has remaining on her side, and how much time is remaining on both sides for this debate?

Ms. SLAUGHTER. I don't have any further requests for time, or at least not from anybody who is presently on the floor, so I will reserve to close.

The SPEAKER pro tempore. The question regarding the time remaining left for debate, the gentlewoman from New York has 6½ minutes remaining, and the gentleman from California has 10½ minutes remaining.

Ms. SLAUGHTER. I reserve.

Mr. DREIER. At this time, I am happy to yield 2 minutes to my friend from San Antonio, Mr. SMITH.

Mr. SMITH of Texas. Mr. Speaker, I thank the ranking member of the Rules Committee for yielding.

Mr. Speaker, congressional Democrats have proposed changing House rules on motions to recommit. These changes are not about some arcane rule. They are about a pattern of behavior on the part of the Democrats that stifles democracy.

This abuse of power has become a habit with the Democrats. The Democrats brought legislation to the floor under closed rules 64 times in the last 2 years. This means there was no opportunity to offer amendments; 61 bills were brought to the floor with less than 24 hours to review the bill text. This breaks the Democrats' commitment to allow legislation to be reviewed for 24 hours before a vote.

House Democrats are discarding one of the Republican minority's only tools to help improve bills and promote better legislation, the motion to recommit bills promptly. This type of motion to recommit allows a majority of the House to say that a bill should be sent back to committee for more work.

For example, last year Republicans used this tool to guarantee second amendment rights for the people of the District of Columbia. A majority of Members supported this motion and

voted to send the bill back to committee.

Why would the Democrats in the future want to ignore the views of a majority of House Members?

Mr. Speaker, changing House rules in a way that silences the voice of the people's elected representatives strangles democracy. Democrats should reconsider these undemocratic changes to House rules.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Chester Springs, Pennsylvania (Mr. GERLACH).

Mr. GERLACH. Mr. Speaker, I rise today in opposition to this rules package and, instead, to speak in favor of bipartisanship. We are living in challenging times, and the American people have grown tired of all the partisan bickering that has plagued our body for far too long. Our citizens want us to work together to achieve practical and realistic solutions for all Americans. Unfortunately, we've wasted energy with excessive partisanship in the legislative process that, in turn, has led to an inability to achieve fundamental reforms and legislative successes.

We've just witnessed an historic election where the overarching message was the message of change. We need to listen to our citizens, for they have spoken.

But the real change that we need is for Democrats and Republicans to roll up their sleeves and work together on important legislation such as creating jobs, stimulating the economy and increasing the supply of American-made energy.

This week I intend to introduce a resolution that would encourage and support bipartisanship in the House. Specifically, the resolution would amend House rules to allow for any amendment to be considered on the floor that has at least one Democrat and one Republican sponsor, is submitted to the House Rules Committee according to the committee's amendment submission deadline, and does not violate any other House rule. By the simple fact that it is a joint Democrat and Republican amendment makes it bipartisan and, therefore, worthy of floor consideration.

I am hopeful that our leadership will not only offer support for this resolution, but will bring it to the floor of the House, giving all of our colleagues the opportunity to debate and discuss its merits.

While this resolution will not completely solve our problem of partisanship, I believe it will be the start of a process to allow us, regardless of party, to work together for real legislative successes.

Ms. SLAUGHTER. I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time, I'd like to yield 1 minute to the

gentleman from Roanoke, Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I was here in 1994 when the Republicans gained the majority in the Congress for the first time in 40 years, and remember the reforms that we put into place, term limits on committee chairmen where before chairmen who could barely walk into this Chamber were serving as Chairs of committees simply because of seniority. Well, we've thrown that out today. I guess that's change, but it's really change back.

I was here in 1994, January of 1995, when we changed the rules on motions to recommit to make it easier for the minority to offer motions to recommit. Well, I guess we've changed that because now you've made it more difficult to offer real improvements to legislation by rolling back the motion to recommit.

Yes, we have change in the air, but that change is simply going back. This is not progress for this Congress, and I very much regret that the Democratic leadership has chosen to curtail the rights of the minority and to not bring forward the kind of progress that comes from having term limits on committee chairmen.

The new criteria for determining emergency situations that allow them to waive their own PAYGO rules are laughable. The rule appears to be that spending can be designated as emergency spending if it is necessary, unforeseen, or temporary in nature. I would suspect that the majority believes that all of their spending priorities are necessary.

These rule changes are an abomination, and every taxpayer should be up in arms over these changes and the attitudes they represent. It is common sense to American families that they cannot spend more than they have, and it is unfortunate that common sense seems to elude Congress.

It is clear that Congress must be forced to address its spending addiction. The way to accomplish this is through an amendment to the Constitution to require a balanced budget, which I just introduced a few minutes ago here today, with more than 115 bipartisan cosponsors.

These rules are not reforms.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time, let me just inquire of the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 5½ minutes remaining.

Mr. DREIER. At this time I am happy to yield 1 minute to our great, relatively new Member from New Orleans (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, the first vote in this new Congress gives us a preview of what the leadership is planning to do, repeal reforms that make

government more transparent. Over 10 years the House established rules that open up the legislative process to make Congress more accountable. The rules package we see today undermines the accountability we have put in place and encourages the old way of doing business with back-room deals and dictator-like authority.

By ending term limits for committee Chairs, the Democratic majority is severely restricting opportunities for all Members, and is encouraging dictatorial-like authority. Six-year term limits for committee Chairs prevents a dictatorial concentration of power.

Since 2006, Congress has seen some of the lowest approval ratings in history. By giving only a few Members of the House positions of permanent power, we are only going to perpetuate that lack of trust.

Mr. Speaker, the American people deserve better from us on the first day of this new Congress. I rise in opposition to these rules changes that roll back the clock on important reforms.

□ 1530

Ms. SLAUGHTER. I continue to reserve.

Mr. DREIER. Mr. Speaker, I would just like to say that it doesn't appear that we have any other speakers on our side.

Is the gentlewoman prepared to close debate on hers?

Ms. SLAUGHTER. I am.

Mr. DREIER. I yield myself the balance of the time.

Mr. Speaker, we've had a fascinating debate here. I've repeatedly asked my colleagues on the other side of the aisle to yield to me so that we could engage in an exchange on this, and no one chose to yield to me at all, indicating exactly what this rules package is all about. We've repeatedly had academics quoted here over the past hour about the use of "promptly" and the fact that it kills legislation. Time and time again from the Chair, the Speaker of the House has ruled that a measure that is recommitted to a committee promptly is not killing the bill. Until the Chair says that, it is not killing the bill.

We know that the last Congress was the single-most restrictive, closed Congress in the history of the Republic, and it is very, very sad to have this sacrosanct right being obliterated that is granted to the minority, as Thomas Jefferson outlined in his manual, talking about the procedures and the rights that the minority should have. It is outrageous in the wake of Barack Obama's pledge to the American people that he wanted to have greater transparency and accountability.

Now, Mr. Speaker, at the conclusion of this debate on the package, I'll be offering a motion to commit, which could be the majority's last opportunity to freely decide the form of the

motion to recommit. Included in the motion will be an amendment. This amendment is the minority's attempt to restore some of the Obama vision of openness, inclusiveness and transparency to the underlying rules package.

First, it would restore the motion to recommit, which I've discussed. It is an important tool that ensures that the minority gets at least one chance, one bite at the apple, so that 100 million Americans represented by Members of the minority here can be heard.

Second, it would restore term limits for committee chairmanships.

Third, it would change committee membership ratios so that all committees, except the Rules and Ethics Committees, reflect the ratio of Democrats and Republicans in the House. This would help to ensure that the 100 million Americans, as I said, who are represented by Republicans would have some kind of say in this process.

Fourth and finally, it would require that all committee votes be available online within 48 hours, a proposal from the Republican Study Committee.

At the end of the last Congress, the Appropriations Committee filed reports on bills that had been ordered reported months before. The public should not have to wait to know how their Member voted in committee while committee chairmen dragged their feet. These four improvements are about nothing more than exactly what Barack Obama talked about—transparency, accountability and fairness.

Today's historic rules package rolls back reforms made a century ago this month by a bipartisan working group of Members rising against the repressive rule of Speaker Joe Cannon. Two of the reforms that were codified during that historic revolt on opening day in 1909 were a motion of recommitment for the minority party and an increased threshold to set aside Calendar Wednesday. Ironically, we find ourselves here in the same well 100 years later, fighting to maintain these simple rights and guarantees which have for a century, Mr. Speaker, safeguarded this House from the rise of another tyrannical Speaker.

So it is in that light that I ask Members to join me in supporting the motion to commit. Let us not undo what has been done. Let us learn from our past. Let us move forward with the hope and comity inspired by Barack Obama. Let's show the world that, in this House, the democratic process is alive and well no matter how large the majority. Vote "yes" on the motion to commit.

With that, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, without any question, all of us who serve in this House love it. We understand our responsibilities to our con-

stituents as well as to this institution. I want to make it absolutely clear, unequivocally clear, that no intention here today is to in any way impede the minority rights. We will defend them to the death.

But we would have to be Alice in Wonderland, saying that she would be able to believe six impossible things before breakfast, if we gave serious thought for one moment to the possibility that a motion to recommit promptly is anything other than a way to kill a bill.

What we are trying to do here is to expedite the process to get the Obama agenda, which apparently we are in solid agreement on, moved forward because the American people are crying out for it. It must be done. We want to do this fairly. We want to do this equitably. I hope we can do it with minds that meet on all of these subjects, but we must remove some of the gimmicks which have done nothing but subvert the will of the House.

So I am really happy to close with this. I hope that everybody in the House—all of the new Members whom I congratulate, people who have been here for some time and those of us who have been moderately here for a long time—will all, please, get together today. There is nothing in here that hurts anyone. We are simply attempting to move forward the business of the United States of America for which we swore an oath not an hour ago.

Ms. JACKSON LEE of Texas. Madam Speaker, let me congratulate you for your reelection as Speaker of the House. It is an honor that you have served with great distinction and verve. I look forward to more of your continued leadership in the 111th Congress.

Mr. Speaker, I rise today in support of H. Res. 5, Adopting the rules for the One Hundred Eleventh Congress. The House Rules Package provides commonsense reforms that will enable Congress to work more efficiently for America.

In the 110th Congress, Democrats put forth critical measures to restore integrity and accountability to the House. These reforms were the most sweeping ethics and lobbying reforms since Watergate and has changed the way Congress does business in Washington. The reforms adopted by the 110th Congress included banning gifts from lobbyists, prohibiting the use of corporate jets, mandating ethics training for all House employees, establishing a new, independent Office of Congressional Ethics, and ensuring transparency for budget earmarks by requiring the full disclosure of earmarks in all bills and conference reports.

The Rule Package for the 111th Congress builds upon these reforms to further strengthen the integrity of Congress. Key provisions include closing the loophole regarding "lame-duck" Members negotiating post-Congressional employment, codifying additional earmark reforms adopted in mid-term in the 110th Congress, continuing the Office of Congressional Ethics, maintaining strong PAYGO rules, and improving Congress's effectiveness

by removing an abusive practice where popular measures are killed through unrelated, "gotcha" amendments on motions to recommit.

On this last point, noted Congressional scholar Norm Ornstein pointed out in the Roll Call, August 13, 2007, "Using 'promptly' . . . is a subterfuge, a way to kill bills, and reflects a desire not to legislate but embarrass vulnerable majority Members through a "gotcha" process. The Rules Package protects the minority and still preserves its ability to recommit. Specifically, the minority can offer a motion to recommit "forthwith," where the GOP amendment is immediately voted upon and, if adopted, is added to the bill. Additionally, the minority can offer a straight motion to recommit the bill to committee (in which case the vote occurs on the merits of the bill itself).

Mr. Speaker, the Rules Package removes term limits for Committee Chairmen from House Rules. Instead, each party should determine its own rules on the tenure of Committee Chairs and/or Ranking Members—and they should be reflected in Democratic Caucus Rules and Republican Conference Rules. In practice, term limits have resulted in the creation of a "pay-to-play" system, where the chief criterion for being selected as a new Chair has in many instances been a Member's fundraising prowess. This had the effect of focusing upon fundraising and undermining the integrity of Congress and the legislative process.

Lastly, I am pleased that the Select Committee on Energy Independence and Global Warming, the Tom Lantos Human Rights Commission, and the House Democracy Assistance Commission will be continued. These entities have done tremendous work.

I urge my colleagues to support the Rules Package. I believe this package restores integrity and accountability.

Mr. CARDOZA. Mr. Speaker, at the beginning of the 110th Congress, the new Democratic majority reinstated the proven PAYGO rules that were abandoned by President Bush and the then-Republican Congress as an important first step in ending reckless spending and getting our country back on track fiscally.

I am proud to say that the House rules package for the 111th Congress maintains the Democratic commitment that government should live within its means—just as every family across America must live within its own budget.

While the House of Representatives consistently adheres to the PAYGO rules, the fact remains that these are tough times for our country economically and financially.

Millions of American families' jobs and livelihoods are at risk and we have the responsibility to react in a timely and efficient manner.

As such, Blue Dogs have worked to include an emergency exception to the House PAYGO rules, similar to the emergency provisions used throughout the 1990s, so that Congress has the flexibility it needs to respond to extraordinary circumstances.

Let me be clear: This is not just simply a way around PAYGO. This can only be used in the event of true, defined emergencies such as war, a response to an act of terrorism, a natural disaster, or even the current economic crisis.

What is profoundly difficult in all this is that just 8 years ago, President Bush inherited—and squandered—a projected \$5.6 trillion surplus from President Clinton.

Had President Bush not abandoned the Blue Dog principles of fiscal responsibility that we have long preached, the projected \$5.6 trillion dollar surplus would have been available for us to respond to the economic crisis in a swift and effective manner, without having to ask foreign nations such as China, Saudi Arabia, and Iran to pay our bills.

In spite of our Nation's current ailments, one thing is for certain. PAYGO is and must continue to be our guiding principle. We should not be in the economic and fiscal situation that we are today, and it's high time we start doing the right thing by paying for what this country buys.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO COMMIT

Mr. DREIER. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Dreier moves to commit the resolution to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report the same back to the House forthwith with the following amendments:

Page 3, strike lines 1 through 13 (relating to terms of committee chairmen) and redesignate subsections (e) and (f) accordingly.

Page 4, strike lines 13 through 25 (relating to instructions in the motion to recommit) and redesignate succeeding subsections accordingly.

At the end of section 2, insert the following new subsections:

(k) FAIRNESS IN COMMITTEE RATIOS.—Clause 5(a)(1) of rule X is amended by inserting the following after the first sentence: "With respect to all committees other than the Committee on Rules and the Committee on Standards of Official Conduct, the ratio of majority to minority Members serving on such committees shall reflect the ratio of majority to minority Members in the House."

(l) ENSURING TRANSPARENCY IN COMMITTEE VOTES.—Clause 2(e)(1)(B)(i) of rule XI is amended to read as follows:

"(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee within two business days on the committee's website and for inspection by the public at reasonable times in its offices. Information so available shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting."

Mr. DREIER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as having been read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 174, nays 249, not voting 6, as follows:

[Roll No. 3]

YEAS—174

Aderholt	Foxx	Miller (MI)
Akin	Franks (AZ)	Moran (KS)
Alexander	Frelinghuysen	Murphy, Tim
Austria	Gallagher	Myrick
Bachmann	Garrett (NJ)	Neugebauer
Bachus	Gerlach	Nunes
Barrett (SC)	Gingrey (GA)	Olson
Bartlett	Gohmert	Paul
Barton (TX)	Goodlatte	Paulsen
Biggert	Granger	Pence
Bilbray	Graves	Petri
Bilirakis	Guthrie	Pitts
Bishop (UT)	Hall (TX)	Platts
Blackburn	Harper	Poe (TX)
Blunt	Heller	Price (GA)
Boehner	Hensarling	Putnam
Bonner	Herger	Radanovich
Bono Mack	Hoekstra	Rehberg
Boozman	Hunter	Reichert
Boustany	Inglis	Roe (TN)
Brady (TX)	Issa	Rogers (AL)
Brown (GA)	Jenkins	Rogers (KY)
Brown (SC)	Johnson (IL)	Rohrabacher
Brown-Waite,	Johnson, Sam	Rooney
Ginny	Jones	Ros-Lehtinen
Buchanan	Jordan (OH)	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Buyer	Kingston	Scalise
Calvert	Kirk	Schmidt
Camp	Kline (MN)	Schock
Campbell	Lamborn	Sensenbrenner
Cantor	Lance	Sessions
Cao	Latham	Shadegg
Capito	LaTourette	Shimkus
Carter	Latta	Shuster
Cassidy	Lee (NY)	Simpson
Castle	Lewis (CA)	Smith (NE)
Chaffetz	Linder	Smith (NJ)
Coble	LoBiondo	Smith (TX)
Coffman (CO)	Lucas	Souder
Cole	Luetkemeyer	Stearns
Conaway	Lummis	Sullivan
Crenshaw	Lungren, Daniel	Terry
Culberson	E.	Thompson (PA)
Davis (KY)	Mack	Thornberry
Deal (GA)	Manzullo	Tiahrt
Dent	Marchant	Tiberi
Diaz-Balart, L.	McCarthy (CA)	Turner
Diaz-Balart, M.	McCaul	Upton
Dreier	McClintock	Walden
Duncan	McCotter	Wamp
Ehlers	McHenry	Westmoreland
Emerson	McHugh	Whitfield
Fallin	McKeon	Wilson (SC)
Flake	McMorris	Wittman
Fleming	Rodgers	Wolf
Forbes	Mica	Young (AK)
Fortenberry	Miller (FL)	Young (FL)

NAYS—249

Abercrombie	Becerra	Brady (PA)
Ackerman	Berkley	Braley (IA)
Adler (NJ)	Berman	Bright
Altmire	Berry	Brown, Corrine
Andrews	Bishop (GA)	Butterfield
Arcuri	Bishop (NY)	Capps
Baca	Blumenauer	Cardoza
Baird	Bocchieri	Carnahan
Baldwin	Boren	Carney
Barrow	Boswell	Carson (IN)
Bean	Boyd	Castor (FL)

Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter

Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires

NOT VOTING—6

Boucher
Capuano

Herseeth Sandlin
Posey

Solis (CA)
Towns

□ 1608

Messrs. BISHOP of New York, MILLER of North Carolina, SPACE, SCHIFF, DAVIS of Illinois, HONDA, WEINER, MURPHY of Connecticut, GORDON of Tennessee, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Ms. DEGETTE and Ms. HIRONO changed their vote from “yea” to “nay.”

Messrs. COLE, DANIEL E. LUNGREN of California, GARRETT of New Jersey, AKIN, TIAHRT, BILIRAKIS,

SCHOCK, YOUNG of Alaska, SMITH of New Jersey, ROHRABACHER, SESSIONS, STEARNS, JONES and Mrs. CAPITO changed their vote from “nay” to “yea.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 181, not voting 7, as follows:

[Roll No. 4]

YEAS—242

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boyd
Brady (PA)
Brady (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)

Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)

Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Salazar
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires

Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus

Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Tim

Myrick
Neugebauer
Nunes
Olson
Pastor (AZ)
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—7

Boucher
Capuano
Melancon

Pomeroy
Sanchez, Loretta
Solis (CA)

Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in this vote.

□ 1631

Ms. WATERS changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POSEY. Madam Speaker, on rollcall No. 4, had I been present, I would have voted "yea."

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson of Minnesota, Chairman.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Obey, Chairman.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Skelton, Chairman.

(4) COMMITTEE ON THE BUDGET.—Mr. Spratt, Chairman.

(5) COMMITTEE ON EDUCATION AND LABOR.—Mr. George Miller of California, Chairman.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Waxman, Chairman.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank of Massachusetts, Chairman.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Berman, Chairman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi, Chairman.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Brady of Pennsylvania, Chairman.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers, Chairman.

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. Rahall, Chairman.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Towns, Chairman.

(14) COMMITTEE ON RULES.—Ms. Slaughter, Chairman; Mr. McGovern, Mr. Hastings of Florida, Ms. Matsui, Mr. Cardoza, Mr. Welch, Ms. Castor of Florida, Mr. Arcuri, Ms. Sutton.

(15) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Gordon of Tennessee, Chairman.

(16) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez, Chairman.

(17) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Oberstar, Chairman.

(18) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner, Chairman.

(19) COMMITTEE ON WAYS AND MEANS.—Mr. Rangel, Chairman.

Mr. LARSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Ms. BALDWIN). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PENCE. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 12

Resolved, That the following Members are, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE.—Mr. Lucas.

COMMITTEE ON APPROPRIATIONS.—Mr. Lewis of California.

COMMITTEE ON ARMED SERVICES.—Mr. McHugh.

COMMITTEE ON THE BUDGET.—Mr. Ryan of Wisconsin.

COMMITTEE ON EDUCATION AND LABOR.—Mr. McKeon.

COMMITTEE ON ENERGY AND COMMERCE.—Mr. Barton of Texas.

COMMITTEE ON FINANCIAL SERVICES.—Mr. Bachus.

COMMITTEE ON FOREIGN AFFAIRS.—Ms. Ros-Lehtinen.

COMMITTEE ON HOMELAND SECURITY.—Mr. King of New York.

COMMITTEE ON THE JUDICIARY.—Mr. Smith of Texas.

COMMITTEE ON NATURAL RESOURCES.—Mr. Hastings of Washington.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Issa.

COMMITTEE ON RULES.—Mr. Dreier.

COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Hall of Texas.

COMMITTEE ON SMALL BUSINESS.—Mr. Graves.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Mica.

COMMITTEE ON VETERANS' AFFAIRS.—Mr. Buyer.

COMMITTEE ON WAYS AND MEANS.—Mr. Camp of Michigan.

Mr. PENCE (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Ms. SLAUGHTER. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That unless otherwise ordered, before Monday, May 18, 2009, the hour of daily meeting of the House shall be 2 p.m. on

Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 18, 2009, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Ms. SLAUGHTER. Madam Speaker, I offer a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eleventh Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE 111TH CONGRESS

Mr. HOYER. Madam Speaker, I ask unanimous consent that during the 111th Congress, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD DURING THE 111TH CONGRESS

Mr. HOYER. Madam Speaker, I ask unanimous consent that during the 111th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MAKING IN ORDER MORNING-HOUR DEBATE

Mr. HOYER. Madam Speaker, I ask unanimous consent that during the first session of the 111th Congress:

(1) on legislative days of Monday when the House convenes pursuant to House Resolution 10, the House shall convene 90 minutes earlier than the time otherwise established by the resolution solely for the purpose of conducting morning-hour debate; and

(2) on legislative days of Tuesday when the House convenes pursuant to House Resolution 10:

(A) before May 18, 2009, the House will convene for morning-hour debate 90 minutes earlier than the time otherwise established by that resolution; and

(B) after May 18, 2009, the House shall convene for morning-hour debate 1 hour earlier than the time otherwise established by that resolution; and

(3) on legislative days of Monday or Tuesday, when the House convenes for morning-hour debate pursuant to an order other than House Resolution 10, the House shall resume its session 90 minutes after the time otherwise established by that order;

(4) the time for morning-hour debate shall be limited to the 30 minutes allocated to each party, except that on Tuesdays after May 18, 2009, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House; and

(5) the form of proceeding for morning-hour debate shall be as follows:

(a) the prayer by the Chaplain, the approval of the Journal and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House;

(b) initial and subsequent recognitions for debate shall alternate between the parties;

(c) recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader;

(d) no Member may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip; and

(e) following morning-hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. HOYER. Madam Speaker, your committee appointed on the part of the

House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion at the outset of a Congress to announce her policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements concerning:

first, privileges of the floor;
second, introduction of bills and resolutions;

third, unanimous-consent requests for the consideration of legislation;

fourth, recognition for 1-minute speeches;

fifth, recognition for Special Order speeches;

sixth, decorum in debate;

seventh, conduct of votes by electronic device;

eighth, use of handouts on the House floor;

ninth, use of electronic equipment on the House floor; and

tenth, use of the Chamber.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Chair intends to continue in the 111th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

Without objection, the announcements will be printed in the RECORD.

There was no objection.

1. Privileges of the Floor

The Chair will make the following announcements regarding floor privileges, which will apply during the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO STAFF

Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 21, 1986, January 3, 1985, January 25, 1983, and August 22, 1974, and as stated in Chapter 10, section 2, of House Practice, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff

are on the floor, and then only during the consideration of measures within the jurisdiction of their committees. The Chair is making this statement and reiterating this policy because of Members' past insistence upon strict enforcement of the rule. The Chair requests each committee chair, and each ranking minority member, to submit to the Speaker a list of those staff who are allowed on the floor during the consideration of a measure reported by their committee. The Sergeant-at-Arms, who has been directed to assure proper enforcement of rule IV, will keep the list. Each staff person should exchange his or her ID for a "committee staff" badge, which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him.

Furthermore, as the Chair announced on January 7, 2003, in accordance with the change in the 108th Congress of clause 2(a) of rule IV regarding leadership staff floor access, only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that her approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO FORMER MEMBERS

The Speaker's policy announced on February 1, 2006, will continue to apply in the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER, FEBRUARY 1, 2006

The SPEAKER. The House has adopted a revision to the rule regarding the admission to the floor and the rooms leading thereto. Clause 4 of rule IV provides that a former Member, Delegate or Resident Commissioner or a former Parliamentarian of the House, or a former elected officer of the House or a former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and the rooms extending thereto if he or she is a registered lobbyist or an agent of a foreign principal; has any direct personal pecuniary interest in any legislative measure pending before the House, or reported by a committee; or is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

This restriction extends not only to the House floor but adjacent rooms, the cloak-rooms and the Speaker's lobby.

Clause 4 of rule IV also allows the Speaker to exempt ceremonial and educational functions from the restrictions of this clause. These restrictions shall not apply to attendance at joint meetings or joint sessions, Former Members' Day proceedings, educational tours, and other occasions as the Speaker may designate.

Members who have reason to know that a person is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly.

2. Introduction of Bills and Resolutions

The policy that the Chair announced on January 3, 1983, with respect to the introduction and reference of bills and resolutions will continue to apply in the 111th Congress. The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is

jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. Unanimous-Consent Requests for the Consideration of Legislation

The policy the Chair announced on January 6, 1999, with respect to recognition for unanimous-consent requests for the consideration of certain legislative measures will continue to apply in the 111th Congress. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills, resolutions, and other measures only when assured that the majority and minority floor leadership and the relevant committee chairs and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for the unanimous-consent requests chronicled in section 956 without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

4. Recognition for One-Minute Speeches

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO ONE-MINUTE SPEECHES

The Speaker's policy announced on August 8, 1984, with respect to recognition for one-minute speeches will apply during the 111th Congress. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

5. Recognition for Special-Order Speeches

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO SPECIAL-ORDER SPEECHES

The Speaker's policy with regard to special-order speeches announced on February 11, 1994, as clarified and reiterated by subsequent Speakers, will continue to apply in the 111th Congress, with the following modifications.

The Chair may recognize Members for special-order speeches for up to 4 hours after the conclusion of 5-minute special-order speeches. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, the Chair will not recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for 5-minute special-order speeches, alternating

initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize Members for longer special-order speeches. A Member recognized for a 5-minute special-order speech may not be recognized for a longer special-order speech. The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition for periods longer than 5 minutes also will alternate initially and subsequently between the parties each day.

The allocation of time within each party's 2-hour period (or shorter period if prorated to end by midnight) will be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than 1 week prior to the special order. Additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating the conduct of morning-hour debate or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. The Chair may announce other adaptations during this period.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances warrant.

6. Decorum in Debate

The Chair's announced policies of January 7, 2003, January 4, 1995, and January 3, 1991, will apply in the 111th Congress. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but also to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; to address the Chair while standing and only during, and not beyond, the time recognized, and not to address the television or other imagined audience; to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well; to refrain from smoking in the Chamber; to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the

precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

7. Conduct of Votes by Electronic Device

The Speaker's policy announced on January 4, 1995, with respect to the conduct of electronic votes will continue in the 111th Congress with modifications as follows.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber. Members will be given a reasonable amount of time in which to accurately record their votes. No occupant of the Chair would prevent a Member who is in the well before the announcement of the result from casting his or her vote. The Speaker believes the best practice for presiding officers is to await the Clerk's certification that a vote tally is complete and accurate.

8. Use of Handouts on House Floor

The Speaker's policy announced on September 27, 1995, which was prompted by a misuse of handouts on the House floor and made at the bipartisan request of the Committee on Standards of Official Conduct, will continue in the 111th Congress. All handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the Record. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff is prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

9. Use of Electronic Equipment on House Floor

The Speaker's policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in the 108th Congress, will continue in the 111th Congress. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or make wireless telephone calls to do so outside of the Chamber. The Chair further requests that all Members and staff refrain from wearing telephone headsets in the Chamber and to deactivate any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II and clause 5 of rule XVII, to enforce this prohibition.

10. Use of Chamber

The Speaker will make the following announcement with regard to use of the Chamber in the 111th Congress.

The Chair will announce to the House the policy of the Speaker concerning appropriate comportment in the chamber when the House is not in session.

Under clause 3 of rule I, the Speaker is responsible to control the Hall of the House. Under clause 1 of rule IV, the Hall of the House is to be used only for the legislative business of the House, for caucus and conference meetings of its Members, and for such ceremonies as the House might agree to conduct there.

When the House stands adjourned, its chamber remains on static display. It may accommodate visitors in the gallery or on the floor, subject to the needs of those who operate, maintain, and secure the chamber to go about their ordinary business. Because outside "coverage" of the chamber is limited to floor proceedings and is allowed only by accredited journalists, when the chamber is on static display no audio and video recording or transmitting devices are allowed. The long custom of disallowing even still photography in the chamber is based at least in part on the notion that an image having this setting as its backdrop might be taken to carry the imprimatur of the House.

The imprimatur of the House adheres to the Journal of its proceedings, which is kept pursuant to the Constitution. The imprimatur of the House adheres to the Congressional Record, which is kept as a substantially verbatim transcript pursuant to clause 8 of rule XVII. The imprimatur of the House adheres to the audio and visual transmissions and recordings that are made and kept by the television system administered by the Speaker pursuant to rule V. But the imprimatur of the House may not be appropriated to other, ad hoc accounts or compositions of events in its chamber.

There have been reports during a recent "August recess" that the chamber was turned to inappropriate use by concerted activity. Those reports included the solicitation of visitors to fill seats on the floor to observe mock proceedings on the floor, dissemination of bootleg "coverage" of these proceedings over the internet, and lobbyist participation in the speechmaking.

Things of this sort should not recur. Members correctly refer to this place as "the people's House." It is, indeed, the chamber of the people's House of Representatives. It is for legislative deliberations and ceremonies.

It is not for political rallies. The Chair enlists the good judgment of all Members to the end that this chamber be preserved as the sanctuary of solemnity, deliberacy, and decorum that the rules of the House ordain it to be.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BOEHNER. Madam Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2001, and the order of the House of today, the Chair announces the Speaker's appointment of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) as members of the House Office Building Commission to serve with herself.

APPOINTMENT AS INSPECTOR GENERAL OF THE HOUSE FOR THE 111TH CONGRESS

The SPEAKER pro tempore. Pursuant to clause 6(b) of rule II, and the order of the House of today, the Chair announces that the Speaker, majority leader and minority leader jointly appoint Mr. James J. Cornell, Springfield, Virginia, to the position of Inspector General for the House of Representatives for the 111th Congress.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of today, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. REYES, Texas, Chairman
Mr. HOEKSTRA, Michigan

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS IN SPEAKER'S ABSENCE DURING 111TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 6, 2009.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN

to act as Speaker pro tempore to sign enrolled bills and joint resolutions in my absence during the period of the One Hundred Eleventh Congress.

NANCY PELOSI,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Under clause 2(g) of rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Deborah M. Spriggs, Deputy Clerk and Mr. Robert F. Reeves, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 111th Congress or until modified by me. With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 6, 2009, at 9:26 a.m.:

Appointments: Congressional Oversight Panel.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

REAPPOINTMENT OF INDIVIDUALS TO GOVERNING BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS

The SPEAKER pro tempore. Pursuant to section 4(d) of House Resolution 5, 111th Congress, and the order of the House of today, the Chair announces

the reappointment of the following individuals to serve as the Governing Board of the Office of Congressional Ethics: Nominated by the Speaker with the concurrence of the minority leader:

Mr. David Skaggs, Colorado, Chairman

Mrs. Yvonne Brathwaite Burke, California, subject to section 1(b)(6)(B)

Ms. Karan English, Arizona, subject to section 1(b)(6)(B)

Mr. Abner Mikva, Illinois, Alternate Nominated by the minority leader with the concurrence of the Speaker:

Mr. Porter J. Goss, Florida, Cochairman

Mr. James M. Eagen, III, Colorado, subject to section 1(b)(6)(B)

Ms. Allison R. Hayward, Virginia, subject to section 1(b)(6)(B)

Mr. Bill Frenzel, Virginia, Alternate

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 2009.

Hon. LORRAINE C. MILLER,
Clerk of the House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative STENY HOYER of Maryland to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

NANCY PELOSI,
Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the Speaker has delivered to the Clerk a letter dated January 6, 2009, listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

DAYS OF THE OLD WEST HAVE RETURNED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, it looks like the days of the Old West have returned and are being played out in the Middle East between Israel and Hamas.

Innocent Israeli civilians have been targeted by Hamas terrorists. These

terrorist outlaws have fired over 8,000 rockets and mortar shells at Israel since 2000, and they still won't quit. These extremists call for the total destruction of the nation of Israel. They are shooting at Israeli civilians in southern Israel with the help of Iranian-made long-range rockets.

Self-defense is a basic human right, Madam Speaker. It is a principle that goes back to the Wild West: If you are getting shot at, you have the right to shoot back to defend yourself. And Israel is fighting back. Israel has the moral right and duty to protect its people from Hamas militants waging war against them.

Hamas is nothing more than a ragtag gang of terrorists intent on kidnapping, killing and terrorizing as many Israelis as possible. These attacks cannot go unanswered. The United States must stand with Israel.

Hamas doesn't want peace. They want a war of destruction against Israel. In the face of such hate, Israel is left with no other choice but to defend its people and its sovereign territory from these murderous outlaws.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROVIDING FOR THE DESIGNATION OF CERTAIN MINORITY EMPLOYEES

Mr. BILBRAY. Madam Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 13

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 2009, until otherwise ordered by the House, to-wit: Neil Bradley, Brian Gaston, Melanie Looney, Danielle Maurer, Nick Schaper, and Russ Vought, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Mr. COSTA, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, January 7, 8, 9, 12 and 13.

Mr. JONES, for 5 minutes, today, January 7, 8, 9, 12 and 13.

Mr. BURTON of Indiana, for 5 minutes, today, January 7, 8 and 9.

Mr. KIRK, for 5 minutes, January 7.

ADJOURNMENT

Mr. ALTMIRE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 7, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the OSD Federal Register Liaison Officer, DoD, Department of Defense, transmitting the Department's "Major" final rule — TRICARE; Hospital Outpatient Prospective Payment System (OPPS) [DOD-2007-HA-0048] (RIN: 0720-AB19) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Changes to Implement the Additional Protocol to the US/IAEA Safeguards Agreement [NRC-2008-0543] (RIN: 3150-AH38) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's report for FY 2008 on competitive sourcing activities, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

4. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports pursuant to clause 2(b), Rule II of the Rules of the House of Representatives; (H. Doc. No. 111-4); to the Committee on House Administration and ordered to be printed.

5. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Changes to Requirements Affecting H-2A Non-immigrants [Docket No.: USCIS-2007-0055; CIS No. 2428-07] (RIN: 1615-AB65) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on January 3, 2009]

Mr. GENE GREEN of Texas and Mr. HASTINGS of Washington: Committee on Standards of Official Conduct. Summary of Activities of the Committee on Standards of Official Conduct for the 110th Congress (Rept. 110-938). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Ms. DELAURO, Ms. HIRONO, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. STARK, Mr. ACKERMAN, Ms. CLARKE, Mr. HOLT, Mr. LEVIN, Mr. KILDEE, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. VAN HOLLEN, Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Mr. NADLER of New York, Ms. NORTON, Mr. OBERSTAR, Ms. MATSUI, Mrs. TAUSCHER, Mr. PAYNE, Mr. HODES, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. ROTHMAN of New Jersey, Mr. SERRANO, Mr. WEINER, Mr. WU, Mr. COHEN, Mr. CONYERS, Mr. HARE, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. SESTAK, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DICKS, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KAGEN, Mr. KIND, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAFFEI, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PETERS, Mr. REYES, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIREs, Mr. SKELTON, Ms. SLAUGHTER, Ms. SPEIER, Mr. TIERNEY, Mr. TOWNS, Ms. TSONGAS, Mr. VISCLOSKY, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN,

Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, Mr. YARMUTH, Ms. HARMAN, Ms. KAPTUR, Mr. KUCINICH, Mr. McMAHON, Mr. MURPHY of Connecticut, Mr. PERRIELLO, Ms. PINGREE of Maine, Mr. POMEROY, Mr. RYAN of Ohio, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. HEINRICH, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. DINGELL, Mrs. CHRISTENSEN, Mr. DOGGETT, Mr. LARSEN of Washington, Mr. WATT, Mr. STUPAK, Ms. CASTOR of Florida, Mr. RUSH, Mr. ORTIZ, Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. COOPER, Mr. GENE GREEN of Texas, Ms. RICHARDSON, Mr. HIGGINS, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, Mr. COSTELLO, Mr. KENNEDY, Mr. DOYLE, and Mr. HOYER):

H.R. 11. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; to the Committee on Education and Labor.

By Ms. DELAURO (for herself, Mr. DOYLE, Mr. HOYER, Mr. GEORGE MILLER of California, Ms. HIRONO, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. STARK, Mr. ACKERMAN, Ms. CLARKE, Mr. HOLT, Mr. LEVIN, Mr. KILDEE, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. VAN HOLLEN, Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Mr. NADLER of New York, Ms. NORTON, Mr. OBERSTAR, Ms. MATSUI, Mrs. TAUSCHER, Mr. PAYNE, Mr. HODES, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. ROTHMAN of New Jersey, Mr. SERRANO, Mr. WEINER, Mr. WU, Mr. COHEN, Mr. CONYERS, Mr. HARE, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. SESTAK, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DICKS, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KAGEN, Mr. KIND, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAFFEI, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania,

Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PETERS, Mr. REYES, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIREs, Mr. SKELTON, Ms. SLAUGHTER, Ms. SPEIER, Mr. TIERNEY, Mr. TOWNS, Ms. TSONGAS, Mr. VISCLOSKY, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, Mr. YARMUTH, Ms. HARMAN, Ms. KAPTUR, Mr. KUCINICH, Mr. McMAHON, Mr. MURPHY of Connecticut, Mr. PERRIELLO, Ms. PINGREE of Maine, Mr. POMEROY, Mr. RYAN of Ohio, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. HEINRICH, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. DINGELL, Mrs. CHRISTENSEN, Mr. DOGGETT, Mr. LARSEN of Washington, Mr. WATT, Mr. STUPAK, Ms. CASTOR of Florida, Mr. BISHOP of Georgia, Mr. MURTHA, Mr. CARDOZA, Mr. RUSH, Mr. ORTIZ, Mr. EDWARDS of Texas, Mr. SHULER, Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. COOPER, Mr. MITCHELL, Mr. PETERSON, Mr. GENE GREEN of Texas, Ms. RICHARDSON, Mr. HIGGINS, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, Mr. COSTELLO, and Mr. KENNEDY):

H.R. 12. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and Labor.

By Mr. BACA:

H.R. 13. A bill to amend the Higher Education Act of 1965 to expand teacher loan forgiveness; to the Committee on Education and Labor.

By Mr. BAIRD (for himself, Mr. INSLEE, and Mr. EHLERS):

H.R. 14. A bill to provide for ocean acidification research and monitoring, and for other purposes; to the Committee on Science and Technology.

By Mr. DINGELL:

H.R. 15. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. BRADY of Texas, Mr. EDWARDS of Texas, Ms. CORRINE BROWN of Florida, Mr. HENSARLING, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARCHANT, Mr. MACK, Mr. CUELLAR, Mr. INSLEE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DICKS, Mr. MCCAUL, Ms. BERKLEY, Mr. CONAWAY, Mr. McDERMOTT, Mr. HELLER, Mr. SESSIONS, Mr. PAUL, Mr. WAMP, Mr. SAM JOHNSON of Texas, Mrs. McMORRIS RODGERS, Mr. DUNCAN, Mr. RODRIGUEZ, Ms. CASTOR of Florida, Mr. SMITH of Washington, Mr. CULBERSON, Mr. COOPER, Mr. LARSEN of Washington, Mr. NEUGEBAUER, Mr. MILLER of Florida,

Mr. BURGESS, Mr. PUTNAM, Mr. REICHERT, Mr. STEARNS, Mr. SMITH of Texas, and Mr. DAVIS of Tennessee):

H.R. 16. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. BARTLETT:

H.R. 17. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. BARTLETT:

H.R. 18. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H.R. 19. A bill to require employers to conduct employment eligibility verification; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mrs.

NAPOLITANO, Mrs. CAPPs, Mr. FARR, Ms. HIRONO, Mr. HINCHEY, Mr. BACA, Mr. KENNEDY, and Mrs. GILLIBRAND):

H.R. 20. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. FARR:

H.R. 21. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a national and regional ocean governance structure, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself and Mr. DAVIS of Illinois):

H.R. 22. A bill to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H.R. 23. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

By Mr. JONES:

H.R. 24. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. LINDER (for himself, Mr. KINGSTON, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, Mr. YOUNG of Alaska, Mr. ALEXANDER, Mr. TIAHRT, Mr. AKIN, Mr. MCCAUL, Mr.

PRICE of Georgia, Mr. HENSARLING, Mr. GINGREY of Georgia, Mr. DEAL of Georgia, Mr. WITTMAN, Mr. BURTON of Indiana, Mr. PENCE, Mr. POE of Texas, Mr. BROWN of South Carolina, Mr. BARTLETT, Mr. STEARNS, Mr. CARTER, Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. CONAWAY, Mr. THORNBERRY, Mr. BILBRAY, Mr. DUNCAN, Mr. CULBERSON, Ms. FALLIN, Mr. BACHUS, Mr. KING of Iowa, Mr. LAMBORN, Mr. LUCAS, and Mr. NEUGEBAUER):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 26. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 27. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 28. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for certain expenses of elementary and secondary school teachers to \$500 and to extend it through 2011; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mrs. MCCARTHY of New York, Mr. DAVIS of Kentucky, Mr. CARSON of Indiana, and Mr. HINOJOSA):

H.R. 29. A bill to amend the definition of "homeless person" under the McKinney-Vento Homeless Assistance Act to include certain homeless children and youth; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. MCCOTTER, Mr. KIRK, Mr. ROSKAM, Mrs. CAPITO, Mr. BACHUS, Mr. MANZULLO, Mr. PAUL, Mr. SESSIONS, Mr. PUTNAM, Mr. TURNER, Mr. CAMPBELL, Ms. ROS-LEHTINEN, Mrs. MCMORRIS RODGERS, and Mr. DENT):

H.R. 30. A bill to amend the Internal Revenue Code of 1986 to improve and expand education savings accounts; to the Committee on Ways and Means.

By Mr. MCINTYRE (for himself, Ms. BORDALLO, Mr. KISSELL, Mr. TOWNS, Mr. CLYBURN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BUTTERFIELD, Ms. KAPTUR, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. PETER-

SON, Mr. BECERRA, Mr. RYAN of Ohio, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. RAHALL, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Ms. SUTTON, Mr. PRICE of North Carolina, Mr. PASTOR of Arizona, Mr. LARSON of Connecticut, Mr. HONDA, Mr. WU, and Mr. CUMMINGS):

H.R. 31. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. MCINTYRE (for himself, Mr. KISSELL, and Mr. ETHERIDGE):

H.R. 32. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCINTYRE:

H.R. 33. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. NADLER of New York:

H.R. 34. A bill to delay the implementation of agency rules adopted within the final 90 days of the final term a President serves; to the Committee on the Judiciary.

By Mr. TOWNS (for himself, Mr. ISSA, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. CLAY, and Mr. SHERMAN):

H.R. 35. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Oversight and Government Reform.

By Mr. TOWNS (for himself, Mr. ISSA, Mr. WAXMAN, Mr. DUNCAN, Mr. CLAY, and Mr. SHERMAN):

H.R. 36. A bill to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Ms. VELÁZQUEZ, Mr. CAPUANO, Mrs. MALONEY, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. WATT, Mr. BACA, Ms. LEE of California, Ms. CLARKE, Mr. HINCHEY, and Mr. HODES):

H.R. 37. A bill to establish a systematic mortgage modification program at the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Financial Services.

By Mr. CALVERT:

H.R. 38. A bill to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY of Massachusetts:

H.R. 39. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. CONYERS (for himself and Mr. SCOTT of Virginia):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States

and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTLETT:

H.R. 41. A bill to provide for Federal research, development, demonstration, and commercial application activities to enable the development of farms that are net producers of both food and energy, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 42. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BECERRA (for himself, Mr. BLUNT, and Mr. ROSS):

H.R. 43. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. HOYER, Mr. RAHALL, Mrs. CHRISTENSEN, Mr. SABLAN, Mr. YOUNG of Alaska, Mr. CONYERS, Mr. SENSENBRENNER, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. BECERRA, Mr. HONDA, Mr. SKELTON, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. KILDEE, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. LEVIN, Mr. ORTIZ, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mrs. LOWEY, Mr. PALLONE, Mr. SERRANO, Mr. ANDREWS, Ms. DELAULO, Ms. NORTON, Mr. BARTLETT, Mr. BISHOP of Georgia, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WOOLSEY, Mr. CUMMINGS, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. JONES, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. HINOJOSA, Mrs. KILPATRICK of Michigan, Ms. LEE of California, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. WU, Mr. ISRAEL, Mr. LANGEVIN, Mr. REHBERG, Ms. SOLIS of California, Ms. WATSON, Mr. WILSON of South

Carolina, Mr. ALEXANDER, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. GRIJALVA, Mr. MICHAUD, Mr. SCOTT of Georgia, Mr. CUELLAR, Ms. CLARKE, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. HARE, Ms. HIRONO, Mr. LOEBSACK, Mr. MURPHY of Connecticut, and Ms. RICHARDSON):

H.R. 44. A bill to implement the recommendations of the Guam War Claims Review Commission; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 45. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Mrs. BIGGERT:

H.R. 46. A bill to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. BIGGERT (for herself, Mr. HINOJOSA, and Mrs. CAPITO):

H.R. 47. A bill to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes; to the Committee on Financial Services.

By Mrs. BIGGERT:

H.R. 48. A bill to amend section 42 of title 18, United States Code, popularly known as the Lacey Act, to add certain species of carp to the list of injurious species that are prohibited from being imported or shipped; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 49. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself and Mr. ROSKAM):

H.R. 50. A bill to protect seniors from identity theft and strengthen our national security by providing for the issuance of a secure Social Security card; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 51. A bill to direct the Director of the United States Fish and Wildlife Service to conduct a study of the feasibility of a variety of approaches to eradicating Asian carp from the Great Lakes and their tributary and connecting waters; to the Committee on Natural Resources.

By Mr. KIRK (for himself and Mr. HASTINGS of Florida):

H.R. 52. A bill to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine eco-

systems, to reauthorize such Act through fiscal year 2011, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Mr. ROSKAM, Mr. HINCHAY, and Mr. KUCINICH):

H.R. 53. A bill to amend the Internal Revenue Code of 1986 to deny refinery expensing to owners of refineries that are permitted to increase the discharge of pollutants into the Great Lakes; to the Committee on Ways and Means.

By Mr. KIRK (for himself and Mr. LIPINSKI):

H.R. 54. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself, Mr. LIPINSKI, Mrs. BIGGERT, and Mr. ROSKAM):

H.R. 55. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit against income tax for 50 percent of the employer's cost of providing tax-free transit passes to employees; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 56. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Education and Labor.

By Mr. KIRK:

H.R. 57. A bill to amend the State Department Basic Authorities Act of 1956 to permit eligibility in certain circumstances for an officer or employee of a foreign government to receive a reward under the Department of State Rewards Program; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself and Mr. CARNEY):

H.R. 58. A bill to promote green schools; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 59. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 60. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas:

H.R. 61. A bill to amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 62. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas:

H.R. 63. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in

the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 64. A bill to amend title 28, United States Code, to repeal the restriction on the jurisdiction of courts, justices, and judges to hear or consider applications for writs of habeas corpus filed by or on behalf of certain aliens detained by the United States; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 65. A bill to recognize the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq, to encourage the President to issue a proclamation calling upon the people of the United States to observe a national day of celebration commemorating military success in Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 66. A bill to recognize the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq, to terminate the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), to require congressional reauthorization to continue deployment of the Armed Forces to Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 67. A bill to amend and to strengthen accountability features introduced by the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 68. A bill to increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law participating in drug task forces, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 69. A bill to reform the provisions requiring "one-strike" eviction from public and federally assisted housing; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 70. A bill to amend title 18, United States Code, to provide penalties for displaying nooses in public with intent to harass or intimidate a person because of that person's race, color, religion, or national origin; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 71. A bill to amend the Federal Power Act to provide for enforcement, including

criminal penalties, by the Federal Energy Regulatory Commission of electric reliability standards, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 72. A bill to increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H.R. 73. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 74. A bill to establish the Financial Oversight Commission, and for other purposes; to the Committee on Financial Services.

By Mr. ISSA:

H.R. 75. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 76. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Natural Resources.

By Mr. ISSA:

H.R. 77. A bill to provide for a credit for certain health care benefits in determining the minimum wage; to the Committee on Education and Labor.

By Mrs. BIGGERT:

H.R. 78. A bill to authorize additional appropriations for the Federal Bureau of Investigation to enhance its ability to more effectively stop mortgage fraud, and for other purposes; to the Committee on the Judiciary.

By Mrs. BLACKBURN:

H.R. 79. A bill to amend subtitle IV of title 40, United States Code, regarding county additions to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER (for himself and Mr. KIRK):

H.R. 80. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Natural Resources.

By Ms. BORDALLO (for herself, Mr.

GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. FARR, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. INSLEE, Ms. LEE of California, Mrs. CAPPS, Mr. GONZALEZ, Mr. HOLT, Mr.

GRIJALVA, and Mr. BROWN of South Carolina);

H.R. 81. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Natural Resources.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 82. A bill to expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941; to the Committee on Armed Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 83. A bill to establish a program to provide reinsurance for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, and to better assist in the financial recovery from such catastrophes; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 84. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 85. A bill to provide permanent relief from the marriage penalty under the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 86. A bill to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; to the Committee on Natural Resources.

By Mr. CAMPBELL (for himself, Mr. BURTON of Indiana, Mr. DAVIS of Tennessee, and Mr. JONES):

H.R. 87. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to make contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Mrs. CAPPS:

H.R. 88. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; to the Committee on Natural Resources.

By Mrs. CAPPS:

H.R. 89. A bill to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; to the Committee on Natural Resources.

By Mr. CARDOZA:

H.R. 90. A bill to amend title 18, United States Code, to provide increased imprisonment for certain offenses by public officials; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 91. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the

shipment of prescription drugs between the States and the Virgin Islands; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, and Mr. FALDOMA VAEGA):

H.R. 92. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, and Mr. FALDOMA VAEGA):

H.R. 93. A bill to extend the supplemental security income benefits program to Guam and the United States Virgin Islands; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 94. A bill to amend the Internal Revenue Code of 1986 to repeal the cap on the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 95. A bill to amend the Internal Revenue Code of 1986 to assist in the recovery and development of the Virgin Islands by providing for a reduction in the tax imposed on distributions from certain retirement plans' assets which are invested for at least 30 years, subject to defined withdrawals, under a Virgin Islands investment program; to the Committee on Ways and Means.

By Mr. CONAWAY:

H.R. 96. A bill to amend the Internal Revenue Code of 1986 to increase the maximum reduction in estate tax value for farmland and other special use property, to restore and increase the estate tax deduction for family-owned business interests, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. WEXLER, Mr. ELLISON, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PAYNE, Mrs. MALONEY, and Mr. SCHIFF):

H.R. 97. A bill to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself, Mr. REYES, Mr. CALVERT, Mr. BILBRAY, and Mr. ISSA):

H.R. 98. A bill to amend the Immigration and Nationality Act to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved Social Security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Homeland Security, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 99. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and divi-

dends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 100. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the State and local sales taxes paid on the purchase of an automobile; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 101. A bill to amend the Internal Revenue Code of 1986 to allow all individuals, whether or not first-time homebuyers, a refundable income tax credit for the purchase of a residence during 2009 or 2010; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, and Mr. SCHIFF):

H.R. 102. A bill to authorize appropriations for the San Gabriel Basin Restoration Fund; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. COHEN, Mr. ELLISON, Mr. JOHNSON of Georgia, and Mr. SCHIFF):

H.R. 103. A bill to amend title 18, United States Code, to prevent the election practice known as caging, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. JOHNSON of Georgia, and Mr. DELAHUNT):

H.R. 104. A bill to establish a national commission on presidential war powers and civil liberties; to the Committee on Armed Services, and in addition to the Committees on Intelligence (Permanent Select), the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Ms. JACKSON-LEE of Texas, Mr. WEXLER, and Mr. COHEN):

H.R. 105. A bill to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 106. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for higher education expenses; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Ms. FOXX, and Ms. JACKSON-LEE of Texas):

H.R. 107. A bill to reform Social Security retirement and Medicare by establishing a Personal Social Security Savings Program to create a safer, healthier, more secure, and more prosperous retirement for all Americans and to reduce the burden on young Americans; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, the Budget, Energy

and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 108. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. FORTENBERRY:

H.R. 109. A bill to provide for the offering of Health Benefit Plans to individuals, to increase funding for State high risk health insurance pools, and to promote best practice protocols for State high risk pools; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 110. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. KANJORSKI (for himself, Mr. CALVERT, Mr. BERMAN, Mr. HIGGINS, Mr. DEFazio, Mr. OLVER, Mr. HOLDEN, Ms. BORDALLO, Mr. WU, Mr. HINOJOSA, Mr. ROSKAM, Mr. CLEAVER, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHWARTZ, Mr. ROTHMAN of New Jersey, Mr. BROWN of South Carolina, Mr. PAUL, Mr. ENGEL, Mr. DOGGETT, Mr. LEWIS of Georgia, Mr. MCCOTTER, Mr. LEVIN, Mr. TIERNEY, Mr. POE of Texas, Mr. EDWARDS of Texas, Mr. MCHUGH, Ms. WOOLSEY, Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. CARNAHAN, Mr. LIPINSKI, Mr. CULBERSON, Mr. KAGEN, Mr. MATHE-SON, Mr. PALLONE, Mr. MICHAUD, Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. PASCRELL, Mr. LAMBORN, Mr. GRIJALVA, Mr. COURTNEY, Mr. BRADY of Texas, Mr. SMITH of New Jersey, Mr. KUCINICH, and Mrs. MILLER of Michigan):

H.R. 111. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mr. FORTENBERRY:

H.R. 112. A bill to authorize the Secretary of the Interior to expand the boundary of the Homestead National Monument of America, in the State of Nebraska, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTENBERRY:

H.R. 113. A bill to provide for audits of programs, projects, and activities funded through earmarks; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY:

H.R. 114. A bill to allow veterans to elect to use, with the approval of the Secretary of Veterans Affairs, certain financial educational assistance to establish and operate certain business, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FORTENBERRY:

H.R. 115. A bill to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property; to the Committee on Ways and Means.

By Ms. FOXX:

H.R. 116. A bill to direct the Federal Trade Commission to revise the regulations regarding the Do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on

that registry; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 117. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 118. A bill to authorize the addition of 100 acres to Morristown National Historical Park; to the Committee on Natural Resources.

By Mr. FRELINGHUYSEN:

H.R. 119. A bill to direct the Administrator of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue System; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN:

H.R. 120. A bill to amend the Internal Revenue Code of 1986 to allow the alternative motor vehicle personal credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 121. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.R. 122. A bill to amend title 18, United States Code, and the Social Security Act to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 123. A bill to amend the Fair Credit Reporting Act to establish additional reporting requirements to enhance the detection of identity theft, and for other purposes; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 124. A bill to prohibit offices of the legislative branch from entering into a contract for the provision of goods or services within the Capitol Complex with any contractor who does not participate in the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on House Administration.

By Mr. GALLEGLY:

H.R. 125. A bill to eliminate the exceptions to the prohibition on adjustment of status of aliens who are unlawfully present in the United States or who accept unauthorized employment; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 126. A bill to amend the Immigration and Nationality Act to limit citizenship at birth, merely by virtue of birth in the United States, to persons with citizen or legal resident mothers; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 127. A bill to amend the Immigration and Nationality Act to change certain requirements relating to a sponsor's affidavit of support for an alien; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 128. A bill to amend the Immigration and Nationality Act to strengthen the criminal consequences for certain violations, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 129. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; to the Committee on Natural Resources.

By Mr. GALLEGLY:

H.R. 130. A bill to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. GALLEGLY (for himself, Mr. BLUNT, and Mr. FOSTER):

H.R. 131. A bill to establish the Ronald Reagan Centennial Commission; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY:

H.R. 132. A bill to amend title II of the Social Security Act to restrict totalization agreements between the United States and other countries to providing for appropriate exchange of Social Security taxes or contributions between the parties to such agreements, and to prohibit crediting of individuals under such title with earnings from employment or self-employment in the United States performed while such individuals are not citizens, nationals, or lawful permanent residents of the United States and are not authorized by law to be employed in the United States; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 133. A bill to amend title II of the Social Security Act to provide that individuals and appropriate authorities are notified by the Commissioner of Social Security of evidence of misuse of the Social Security account numbers of such individuals; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 134. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to extend and increase the authority for the ombudsman under the Energy Employees Occupational Illness Compensation Program; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER (for himself, Ms. BORDALLO, Mrs. NAPOLITANO, and Mr. COSTA):

H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. SHERMAN):

H.R. 136. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on the Judiciary, and in addition to

the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself, Mr. WILSON of South Carolina, Mr. MCCAUL, and Mr. BILBRAY):

H.R. 137. A bill to require an employer to take action after receiving official notice that an individual's Social Security account number does not match the individual's name, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 138. A bill to require Federal contractors to participate in the basic pilot program for employment eligibility verification; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 139. A bill to prohibit a Federal agency from accepting a form of individual identification issued by a foreign government, except a passport that is accepted on the date of enactment; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, House Administration, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself, Mr. BILBRAY, and Mr. BARTLETT):

H.R. 140. A bill to withhold certain highway funds if a State does not comply with certain requirements in issuing a driver's license or identification card, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 141. A bill to require those applying for, and renewing, SCHIP, TAA, and ATAA benefits to present documentation proving both citizenship and identity in order to receive those benefits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 142. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to notify the Secretary of Homeland Security of employer returns showing the employment of individuals not authorized to be employed in the United States, to notify the employers that they must terminate the employment of those employees, to provide an opportunity for those employees to contest the information, and to establish a procedure for determining whether individuals who are not authorized to be employed in the United States are so employed; to the Committee on Ways and

Means, and in addition to the Committees on Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. SHADEGG, Mrs. BLACKBURN, Mr. CARTER, Mr. FRANKS of Arizona, Mr. PENCE, Mr. WESTMORELAND, Mr. SESSIONS, Mr. MCCOTTER, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. AKIN, Mr. MCHENRY, Mr. NEUGEBAUER, Mrs. MCMORRIS RODGERS, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mr. CULBERSON, Mr. PAUL, Mr. BURTON of Indiana, Mr. MACK, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. PITTS, Mr. BARTLETT, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. GINGREY of Georgia, Mr. ISSA, Mr. YOUNG of Alaska, Mr. LINDER, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. PLATTS, Mr. FLAKE, Mr. NUNES, Mr. SENSENBRENNER, Mr. TERRY, Ms. FALLIN, Mr. HENSARLING, Mr. SCALISE, Mr. LATTA, Mr. CONAWAY, Mr. YOUNG of Florida, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. GERLACH, Mr. OLSON, and Mr. HOEKSTRA):

H.R. 143. A bill to amend the Internal Revenue Code of 1986 to provide for a two-month suspension of employment and income taxes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. RANGEL, Mr. ENGEL, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, Ms. NORTON, Mr. DELAHUNT, Mr. GRIJALVA, Ms. WOOLSEY, Mr. HONDA, and Mr. HINCHEY):

H.R. 144. A bill to designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 145. A bill to amend the Workforce Investment Act of 1998 to include workforce investment programs on the Internet; to the Committee on Education and Labor.

By Mr. HOLT (for himself, Mr. HINCHEY, Mr. ROTHMAN of New Jersey, Mr. WELCH, Mr. DINGELL, Mr. LANGEVIN, Mr. MCGOVERN, Mr. BLUMENAUER, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 146. A bill to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL (for himself, Mr. BOSWELL, Mr. COURTNEY, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. MEKES of New York, Ms. SUTTON, Mr. HARE, Mr. WU, and Mr. KING of New York):

H.R. 147. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to des-

ignate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JENKINS (for herself, Mr. TIAHRT, and Mr. MORAN of Kansas):

H.R. 148. A bill to prohibit the use of funds to transfer enemy combatants detained by the United States at Naval Station, Guantanamo Bay, Cuba, to the United States Disciplinary Barracks, Fort Leavenworth, Kansas; to the Committee on Armed Services.

By Mr. JONES:

H.R. 149. A bill to promote congressional and public awareness, understanding, and political accountability of presidential signing statements; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 150. A bill to make payments by the Department of Homeland Security to a State contingent on a State providing the Federal Bureau of Investigation with certain statistics, to require Federal agencies, departments, and courts to provide such statistics to the Federal Bureau of Investigation, and to require the Federal Bureau of Investigation to publish such statistics; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGRÉN of California):

H.R. 151. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Mr. HINCHEY, Ms. SUTTON, Mr. WEINER, Mr. COHEN, Mr. CARNEY, and Mr. SIREs):

H.R. 152. A bill to amend the Internal Revenue Code to provide for a refundable tax credit for heating fuels and to create a grant program for States to provide individuals with loans to weatherize their homes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 153. A bill to amend the Internal Revenue Code of 1986 to provide for tax-favored unemployment savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 154. A bill to amend the Internal Revenue Code to exclude certain amounts of severance payments from gross income; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 155. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Ways and Means.

By Mr. MITCHELL (for himself, Mr. PAUL, Mr. JONES, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, Mr. MILLER of Florida, Mr. MCCAUL, Mr. ALTMIRE, Mr. EDWARDS of Texas, Mrs. MYRICK, Mr. PLATTS, Mr. WITTMAN, Mr. WILSON of South Carolina, Mr. BRIGHT, Mr.

DEFAZIO, Mr. SHULER, Mr. SPACE, Mr. GOODLATTE, Mr. CHILDERS, Mr. FOSTER, Ms. DAHLKEMPER, Mr. HILL, Mr. COFFMAN of Colorado, Mr. WAMP, Mr. TEAGUE, Mr. ADLER of New Jersey, Ms. LUMMIS, Mr. COHEN, Ms. GIFFORDS, Ms. EDWARDS of Maryland, Mr. ALEXANDER, Mr. KRATOVIL, Mr. BURTON of Indiana, Mr. JOHNSON of Georgia, Mr. LOEBSACK, Ms. KOSMAS, Mr. CARNEY, Mr. KISSELL, Mr. NYE, Mr. ELLSWORTH, Mr. MCCOTTER, Ms. KILROY, Mr. BAIRD, Mr. ROONEY, Mr. KAGEN, Ms. TSONGAS, Ms. JENKINS, Mr. LOBIONDO, Mr. MICHAUD, Mr. WALZ, Mr. LATTA, Mr. HODES, Ms. KIRKPATRICK of Arizona, Ms. PINGREE of Maine, Mr. BARTLETT, Mr. COBLE, Mr. LUETKEMEYER, Mr. CUELLAR, Mr. KIND, Mr. LEE of New York, Mr. PERRIELLO, Mr. MASSA, Mr. DONNELLY of Indiana, and Mrs. BLACKBURN):

H.R. 156. A bill to prevent Members of Congress from receiving any automatic pay adjustment in 2010; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 157. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Ms. DELAURIO, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. STARK, and Ms. SLAUGHTER):

H.R. 158. A bill to amend the Federal Election Campaign Act of 1971 to provide for expenditure limitations and public financing for House of Representatives general elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. LATOURETTE, Mr. VAN HOLLEN, Mr. SIREs, Mr. LOBIONDO, Ms. JACKSON-LEE of Texas, Mr. MANZULLO, Mr. CONYERS, Mr. McKEON, Mr. PAUL, Mr. RUPPERSBERGER, Mr. FARR, Mr. BRADY of Pennsylvania, Mrs. MYRICK, Mr. REICHERT, Mr. AL GREEN of Texas, Mr. PLATTS, Mr. KAGEN, Mr. CAMPBELL, Mr. MOLLOHAN, and Mr. HOLT):

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction against individual income tax for interest on indebtedness and for State and local sales and excise taxes with respect to the purchase of certain motor vehicles; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. JONES, Mr. BARTLETT, and Mr. GARRETT of New Jersey):

H.R. 160. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively that wages earned, and self-employment income derived, by individuals who are not citizens or nationals of the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program

under such title, and to provide the President with authority to enter into agreements with other nations taking into account such limitation on crediting of wages and self-employment income; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BURTON of Indiana, Mr. GERLACH, Mr. SMITH of Nebraska, and Mr. GARRETT of New Jersey):

H.R. 161. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT, and Mr. GARRETT of New Jersey):

H.R. 162. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 163. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. JONES, and Mr. GARRETT of New Jersey):

H.R. 164. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H.R. 165. A bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Natural Resources.

By Mr. RODRIGUEZ:

H.R. 166. A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. RODRIGUEZ:

H.R. 167. A bill to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River; to the Committee on Natural Resources.

By Mr. ROTHMAN of New Jersey:

H.R. 168. A bill to authorize 150,000 incremental vouchers for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to help meet the housing needs of low-income families; to the Committee on Financial Services.

By Mr. SALAZAR:

H.R. 169. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Natural Resources.

By Mr. SALAZAR:

H.R. 170. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Ms. MARKEY of Colorado):

H.R. 171. A bill to establish the Sangre de Cristo National Heritage Area in the State of

Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Ms. MARKEY of Colorado):

H.R. 172. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Ms. MARKEY of Colorado):

H.R. 173. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself and Mr. LAMBORN):

H.R. 174. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Ms. GIFFORDS):

H.R. 175. A bill to amend title 40, United States Code, to provide additional authority and definitions relating to public utility contracts; to the Committee on Oversight and Government Reform.

By Mr. SERRANO (for himself, Mr. CROWLEY, Mr. GRIJALVA, Mr. MOORE of Kansas, and Mr. WEINER):

H.R. 176. A bill to amend the Food and Nutrition Act of 2008 to provide greater access to the supplemental nutrition assistance program by reducing duplicative and burdensome administrative requirements, authorize the Secretary of Agriculture to award grants to certain community-based nonprofit feeding and anti-hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Mr. SERRANO:

H.R. 177. A bill to provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes; to the Committee on Armed Services.

By Mr. SERRANO:

H.R. 178. A bill to authorize the appropriation of funds to be used to recruit, hire, and train 100,000 new classroom paraprofessionals in order to improve educational achievement for children; to the Committee on Education and Labor.

By Mr. SERRANO (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHAY, Ms. NORTON, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. LEE of California, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. PAUL, Mr. RANGEL, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 179. A bill to permit the use of Federal funds for syringe exchange programs for purposes of reducing the transmission of bloodborne pathogens, including HIV and viral hepatitis; to the Committee on Energy and Commerce.

By Mr. SERRANO (for himself, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, and Mr. TOWNS):

H.R. 180. A bill to amend title XIX of the Social Security Act to waive the requirement for proof of citizenship during first year of life for children born in the United States to a Medicaid-eligible mother; to the Committee on Energy and Commerce.

By Mr. SERRANO:

H.R. 181. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 182. A bill to provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 183. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Oak Point and North Brother Island in the Bronx in the State of New York as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. SERRANO:

H.R. 184. A bill to amend the Internal Revenue Code of 1986 to provide a business credit relating to the use of clean-fuel and fuel efficient vehicles by businesses within areas designated as nonattainment areas under the Clean Air Act; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 185. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 186. A bill to establish a grant program to provide screenings for glaucoma to individuals determined to be at high risk for glaucoma, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 187. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 188. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 189. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the United States Library Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 190. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service hospital of the Veterans Health Administration in the State or receive comparable services provided by contract in the State; to the Committee on Veterans' Affairs.

By Mr. SIMPSON:

H.R. 191. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 192. A bill to authorize various land conveyances involving National Forest System lands and Bureau of Land Management lands in central Idaho to promote economic development and recreational activities in the area, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, to provide special management requirements for certain National Forest System lands and Bureau of Land Management lands in central Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. STARK:

H.R. 193. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for an AmeriCare that assures the provision of health insurance coverage to all residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 194. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2009, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 195. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 196. A bill to provide that no Federal funds may be used for the design, renovation, construction, or rental of any headquarters

for the United Nations in any location in the United States unless the President transmits to Congress a certification that the United Nations has adopted internationally-recognized best practices in contracting and procurement; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself and Mr. BOUCHER):

H.R. 197. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 198. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 199. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain interest amounts received by individuals; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. NADLER of New York, Mr. DELAHUNT, Mr. SCOTT of Virginia, and Ms. WATERS):

H.R. 200. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 201. A bill to provide that no automatic pay adjustment for Members of Congress shall be made in the year following a fiscal year in which there is a Federal budget deficit; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 202. A bill to create a commission to develop a plan for establishing a Museum of Ideas; to the Committee on Natural Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 203. A bill to amend titles XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare Program and to increase the amount of the surety bond required for suppliers of durable medical equipment; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 204. A bill to permanently prohibit oil and gas leasing off the coast of Mendocino, Humboldt, and Del Norte Counties in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. THORNBERRY (for himself, Mr. HENSARLING, Mr. ROGERS of Alabama, Mr. MACK, Mrs. BACHMANN, Mr. BOUSTANY, Mr. MCCAUL, Mr. BROWN of South Carolina, Mrs. McMORRIS RODGERS, Mr. WILSON of South Caro-

lina, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. JONES, Mr. YOUNG of Alaska, Mr. SESSIONS, Mr. SIMPSON, Mr. PAUL, and Mr. KINGSTON):

H.R. 205. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself and Mrs. MYRICK):

H.R. 206. A bill to amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense; to the Committee on Armed Services.

By Mr. WILSON of South Carolina (for himself and Ms. BORDALLO):

H.R. 207. A bill to amend the National Guard Youth Challenge Program under title 32, United States Code, to exclude non-defense funds made available by other Federal agencies for the Program from the matching requirements of the Program; to the Committee on Armed Services.

By Mr. WILSON of South Carolina (for himself and Mr. BACHUS):

H.R. 208. A bill to amend title 10, United States Code, to ensure that members of the reserve components of the Armed Forces who have served on active duty or performed active service since September 11, 2001, in support of a contingency operation or in other emergency situations receive credit for such service in determining eligibility for early receipt of non-regular service retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 209. A bill to expand the teacher loan forgiveness provisions of the Higher Education Act of 1965 to include speech-language pathologists; to the Committee on Education and Labor.

By Mr. WILSON of South Carolina:

H.R. 210. A bill to direct the Secretary of Veterans Affairs to conduct a study on the acquisition of a parcel of land adjacent to Beaufort National Cemetery, Beaufort, South Carolina; to the Committee on Veterans' Affairs.

By Ms. ESHOO:

H.R. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on health and human services, including volunteer services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 212. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation for 2 years; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 213. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 214. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 215. A bill to provide that rates of pay for Members of Congress shall not be subject to automatic adjustment; and to provide that any bill or resolution, and any amendment to any bill or resolution, which would increase Members' pay may be adopted only by a recorded vote; to the Committee on House Administration, and in addition to the Committees on Oversight and Government

Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. ELLSWORTH):

H.R. 216. A bill to prevent abuse of Government credit cards; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 217. A bill to direct the Secretary of Veterans Affairs to acquire a parcel of land adjacent to Beaufort National Cemetery, Beaufort, South Carolina; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 218. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable personal credit to individuals who donate certain life-saving organs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. FRANKS of Arizona, Mr. ROSKAM, Mr. JONES, Mr. PETRI, Mr. LATOURETTE, Mr. DUNCAN, Mr. GERLACH, and Mr. SESSIONS):

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 221. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mr. WITTMAN:

H.R. 222. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Natural Resources.

By Ms. WOOLSEY (for herself and Mr. THOMPSON of California):

H.R. 223. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Natural Resources.

By Mr. GOODLATTE (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. BLUNT, Mr. PUTNAM, Mr. TAYLOR, Mr. PETERSON, Mr. HELLER, Mr. JONES, Mr. WAMP, Mr. ROSKAM, Mr. ROYCE, Mr. GRAVES, Mr. SESSIONS, Mr. BRADY of Texas, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. PRICE of Georgia, Mrs. BACHMANN, Mrs. MCMORRIS RODGERS, Mr. SENSENBRENNER, Mr. WESTMORELAND, Mr. TIBERI, Mr. NEUGEBAUER, Mr. EHLERS, Mr. LAMBORN, Mr. CHAFFETZ, Mr. MCCAUL, Mr. BOUSTANY, Mr. WALDEN, Mr. SMITH of Texas, Mr. PETRI, Mr. HALL of Texas, Mr. MACK, Mr. PLATTS, Mr. HENSARLING, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. FRANKS of Arizona, Mr. WITTMAN, Mr. HOEKSTRA, Mr. LATOURETTE, Mrs. BLACKBURN, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. REICHERT, Mr. GINGREY of Georgia, Mr. MCCOTTER, Ms. FALLIN, Ms. LUMMIS, Mr. PITTS, Mr. CULBERSON, Mr. BACHUS, Mr. SHADEGG, Mr. LATTI, Mr. MCHENRY, Mr. INGLIS, Mr. GALLEGLY, Mr. MCINTYRE, Mr. MCKEON, Mr. CALVERT, Mr. AKIN, Mr. BOSWELL, Mr. EDWARDS of Texas, Mr. MARSHALL, Mr. ADERHOLT, Mr. ALEXANDER, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BONNER, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURGESS, Mrs. BIGGERT, Mr. CAMP, Mr. CONAWAY, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. GOHMERT, Ms. GRANGER, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KIRK, Mr. LINDER, Mr. LUCAS, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. POE of Texas, Mr. REHBERG, Mr. ROGERS of Kentucky, Mr. SCALISE, Mrs. SCHMIDT, Mr. SHIMKUS, Mr. THORNBERRY, Mr. UPTON, Mr. KLINE of Minnesota, Mr. BOREN, Mr. SMITH of Nebraska, Mr. ELLSWORTH, Mr. MCHUGH, Mr. STEARNS, Mr. SHUSTER, Mr. DAVIS of Kentucky, and Mr. SULLIVAN):

H.J. Res. 1. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, and Mr. FALCOMA VAEGA):

H.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Ms. FOXX (for herself, Mr. KING of Iowa, Mr. PAUL, Mr. MCCAUL, Mrs. BACHMANN, Mr. PLATTS, Mrs. BLACKBURN, Mr. FLAKE, Mr. LAMBORN, and Ms. KAPTUR):

H.J. Res. 3. A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

By Ms. MCCOLLUM:

H.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States regarding health care; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, and Mr. FALCOMA VAEGA):

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that the United States Fish and Wildlife Service should incorporate consideration of global warming and sea-level rise into the comprehensive conservation plans for coastal national wildlife refuges, and for other purposes; to the Committee on Natural Resources.

By Mr. SERRANO:

H. Con. Res. 3. Concurrent resolution entitled the "English Plus Resolution"; to the Committee on Education and Labor.

By Mr. BECERRA:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. HOYER:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. HOYER:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. DINGELL:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. HOYER:

H. Res. 5. A resolution adopting rules for the One Hundred Eleventh Congress; considered and agreed to.

By Mr. MCINTYRE:

H. Res. 6. A resolution recognizing the significant contribution coaches make in the life of children who participate in organized sports and supporting the goals and ideals of National Coaches Appreciation Week; to the Committee on Education and Labor.

By Mrs. BIGGERT:

H. Res. 7. A resolution encouraging increased public awareness of eating disorders and expanded research for treatment and cures; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H. Res. 8. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. NADLER of New York:

H. Res. 9. A resolution expressing the sense of the House of Representatives that the President of the United States should not issue pardons to senior members of his administration during the final 90 days of his term of office; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H. Res. 10. A resolution fixing the daily hour of meeting of the First Session of the

One Hundred Eleventh Congress; considered and agreed to.

By Mr. BARTLETT:

H. Res. 11. A resolution expressing the sense of the House of Representatives that the United States, in collaboration with other international allies, should establish an energy project with the magnitude, creativity, and sense of urgency that was incorporated in the "Man on the Moon" project address the inevitable challenges of "Peak Oil"; to the Committee on Energy and Commerce.

By Mr. PENCE:

H. Res. 12. A resolution electing certain Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BILBRAY:

H. Res. 13. A resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. ISSA:

H. Res. 14. A resolution recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 15. A resolution authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana; to the Committee on Rules.

By Mrs. BIGGERT (for herself and Mr. KANJORSKI):

H. Res. 16. A resolution supporting the goals and ideals of National Life Insurance

Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. CAMPBELL:

H. Res. 17. A resolution amending the Rules of the House of Representatives to abolish the Committee on Appropriations; to the Committee on Rules.

By Mr. COHEN (for himself, Mr. GEORGE MILLER of California, Mr. HIMES, Mr. HINCHAY, Mr. PAYNE, Mr. COURTNEY, Ms. BORDALLO, Mr. FARR, Mr. MCGOVERN, Mr. BOSWELL, Ms. WOOLSEY, and Ms. SHEA-PORTER):

H. Res. 18. A resolution honoring the life, achievements, and contributions of Paul Newman; to the Committee on Oversight and Government Reform.

By Mr. GERLACH:

H. Res. 19. A resolution amending the Rules of the House of Representatives to encourage bipartisan amendments; to the Committee on Rules.

By Mr. ROYCE (for himself, Ms. LORETTA SANCHEZ of California, Mr. ROHRABACHER, Ms. ZOE LOFGREN of California, Mr. CAO, Mr. BURTON of Indiana, and Mr. WOLF):

H. Res. 20. A resolution calling on the State Department to list the Socialist Republic of Vietnam as a "Country of Particular Concern" with respect to religious freedom; to the Committee on Foreign Affairs.

By Mr. STEARNS:

H. Res. 21. A resolution expressing the sense of the House of Representatives with respect to pregnancy resource centers; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. HINCHAY, Mr. COHEN, Mr. WAXMAN, Mr. WU, Ms. NORTON, Mr. LEWIS of Georgia, Ms. SHEA-PORTER, Mr. HASTINGS of Florida, Mr. CAPUANO, Ms. LEE of California, Mr. ISRAEL, Mrs. MALONEY, Mr. NADLER of New York, Ms. HIRONO, Mr. MARKEY of Massachusetts, Mr. ELLISON, Mr. DICKS,

Mrs. LOWEY, Ms. WATERS, Ms. RICHARDSON, and Mr. FARR):

H. Res. 22. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SHEA-PORTER introduced a bill (H.R. 224) to provide for the liquidation or reliquidation of certain entries of newspaper printing presses and components thereof; which was referred to the Committee on Ways and Means.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. GEORGE MILLER OF CALIFORNIA

H.R. 11, the Lilly Ledbetter Fair Pay Act, "does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI."

OFFERED BY Mr. GEORGE MILLER OF CALIFORNIA

H.R. 12, the Paycheck Fairness Act, "does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI."

SENATE—Tuesday, January 6, 2009

The sixth day of January being the day prescribed by House Joint Resolution 100 for the meeting of the 1st Session of the 111th Congress, the Senate assembled in its Chamber at the Capitol and at 12:01 p.m. was called to order by the Vice President (Mr. CHENEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our shelter from life's storms, as we begin the 111th Congress, we ask for Your guidance. Lead our Senators on a path that will bring blessings, as they seek to honor Your Name. Forgive them when they lean too heavily upon their wisdom, forgetting to look to You, the author and finisher of destinies.

Lord, thank You for the opportunity to serve You and country and to daily contribute to building a better world. As our Nation waits with expectancy during this transition time, help us to remember that Your sovereignty is changeless. Remind us to have confidence in our future because we know and depend on You.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Vice President led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate two certificates of election to fill unexpired terms and the certificates of election of 32 Senators elected for 6-year terms beginning on January 3, 2009. All certificates, the Chair is advised, are in the form suggested by the Senate or contain all essential elements of the forms suggested by the Senate. If there be no objection, the reading of the above certificates will be waived and they will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Lamar Alexander was duly cho-

sen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2009.

Witness: His excellency our governor Phil Bredesen, and our seal hereto affixed at Nashville this 8th day of December, in the year of our Lord, 2008.

By the Governor:

PHIL BREDESEN,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR UNEXPIRED
FOUR-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 4th day of November 2008, John Barrasso was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the unexpired term of four years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor, Dave Freudenthal, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 12th day of November, in the year of our Lord 2008.

DAVE FREUDENTHAL,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
TO THE UNITED STATES SENATE

I, Brad Johnson, Secretary of State of the State of Montana, do hereby certify that Max Baucus was duly chosen on November 4th, 2008, by the qualified electors of the State of Montana as a United States Senator from said State to represent said State in the United States Senate. The six-year term commences on January 3rd, 2009.

Witness: His excellency our Governor Brian Schweitzer, and the official seal hereunto affixed at the City of Helena, the Capitol, this 10th day of December, in the year of our Lord 2008.

By the Governor:

BRIAN SCHWEITZER,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008 Mark Begich was duly chosen by the qualified electors of the State of Alaska a Senator from said State to represent said State in the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: Her excellency our governor Sarah Palin, and our seal hereto affixed at Juneau this 8th day of December, in the year of our Lord 2008.

By the Governor:

SARAH PALIN,
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Joseph R. Biden, Jr. was duly chosen by the qualified electors of the State of Delaware a Senator from said State to represent said State in the United States for the term of six years, beginning at noon on the 3rd day of January, 2009.

Given under my hand and the Great Seal of the said State, at Dover, this 29th day of November in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-second.

RUTH ANN MINNER,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of December, 2008, Saxby Chambliss was duly chosen by the qualified electors of the State of Georgia to be a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Given under my hand and the Great Seal of the State of Georgia at the Capitol, in the city of Atlanta, the 15th day of December, in the year of our Lord Two Thousand and Eight.

By the Governor:

SONNY PERDUE,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the president of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2009.

Witness: His excellency our governor Haley Barbour, and our seal hereto affixed at Jackson, Hinds County, Mississippi this 18th day of December, in the year of our Lord 2008.

By the Governor:

HALEY BARBOUR,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November in the year Two Thousand and Eight, Susan M. Collins was duly chosen by the qualified electors of the State of Maine, a senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Nine.

Witness: His excellency our Governor, John E. Baldacci, and our seal hereto affixed at Augusta, Maine this twenty-fourth day of

November, in the year of our Lord Two Thousand and Eight.

By the Governor:

JOHN E. BALDACCI,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, John Cornyn was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 19th day of November, in the year of our Lord 2008.

By the Governor:

RICK PERRY,
Governor.

STATE OF ILLINOIS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the Fourth day of November, Two Thousand and Eight Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning the third day of January, Two Thousand and Nine.

Witness: His excellency our governor, Rod R. Blagojevich, and our seal hereto affixed at the City of Springfield, Illinois this First day of December, in the year of our Lord Two Thousand and Eight.

By the Governor:

ROD R. BLAGOJEVICH,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November 2008, Mike Enzi was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor, Dave Freudenthal, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 12th day of November, in the year of our Lord 2008.

DAVE FREUDENTHAL,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, A.D. Lindsey O. Graham was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 2009.

Witness: His excellency our Governor Mark Sanford, and our seal hereto affixed at Columbia, South Carolina this twenty-fourth day of November, in the year of our Lord, 2008.

By the Governor:

MARK SANFORD,
Governor.

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Kay Hagan was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Mike Easley, and our seal hereto affixed at Raleigh, NC this 25th day of November, in the year of our Lord 2008.

By the Governor:

MIKE EASLEY,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2009.

Witness: His excellency our Governor Chester J. Culver, and our seal hereto affixed at Des Moines this 24th day of November, in the year of our Lord 2008.

CHESTER J. CULVER,
Governor of Iowa.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Jim Inhofe was duly chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2009.

Witness: His excellency our Governor Brad Henry, and our seal hereto affixed at Oklahoma City, Oklahoma this 20th day of November, in the year of our Lord 2008.

By the Governor:

BRAD HENRY,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Mike Johanns was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our Governor Dave Heineman, and our seal hereto affixed at Lincoln, Nebraska, this 8th day of December, in the year of our Lord 2008.

By the governor:

DAVE HEINEMAN,
Governor.

STATE OF SOUTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

This is to certify that on the fourth day of November, 2008, at the general election, Tim

Johnson was elected by the qualified voters of the State of South Dakota to the office of United States Senate for the term of six years, beginning on the third day of January, 2009.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 18th day of November, 2008.

M. MICHAEL ROUNDS,
Governor.

STATE OF MASSACHUSETTS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, two thousand and eight John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and nine.

Witness: His excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this third day of December in the year of our Lord two thousand and eight.

By the Governor,

DEVAL L. PATRICK,
Governor.

STATE OF LOUISIANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Mary Landrieu was duly chosen by the qualified electors of the State of Louisiana a senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the 3rd day of January, 2009.

Witness: His excellency our Governor, Bobby Jindal, and our seal hereto affixed at Baton Rouge, this 18th day of November, in the year of our Lord 2008.

By the Governor:

BOBBY JINDAL,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, Frank Lautenberg, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2009.

Given, under my hand and the Great Seal of the State of New Jersey, this 4th day of December, two thousand and eight.

By the Governor,

JON S. CORZINE,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Carl Levin was duly chosen by the qualified electors of the State of Michigan a Senator from the State of Michigan to represent the State of Michigan in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Given under my hand and the Great Seal of the State of Michigan this 1st day of December, in the year of our Lord, two thousand and eight.

By the governor:

JENNIFER M. GRANHOLM,
Governor.

STATE OF KENTUCKY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

To all to Whom These Presents Shall Come, Greeting: Know Ye That Honorable Mitch McConnell having been duly certified, that on November 4, 2008 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning the 3rd day of January 2009.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 3rd day of December in the year of our Lord two thousand and eight and in the 217th year of the Commonwealth,

STEVEN L. BESHEAR,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Jeff Merkley was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of January, 2009.

Witness: His excellency our Governor, Theodore Kulongoski, and our seal hereto affixed at Salem, Oregon this 4th day of December, 2008.

By the Governor:

THEODORE KULONGOSKI,
Governor.

STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

Know Ye, That Whereas, It appears that Mark Pryor was duly elected to the U.S. Senate, in and for the State of Arkansas at an election held on the fourth day of November, Two Thousand Eight.

Therefore, I, Mike Beebe, Governor of the State of Arkansas in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby certify that Mark Pryor was duly chosen by the qualified electors of the State of Arkansas to the office of U.S. Senate in and for the State of Arkansas for the term of six years, beginning on the 3rd of January, 2009.

Witness: His excellency our governor, Mike Beebe, and our seal hereto affixed at Little Rock, Arkansas this 5th day of December, in the year of our Lord 2008.

MIKE BEEBE,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, John F. Reed was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our Governor Donald L. Carcieri, and our seal affixed on this 4th day of December, in the year of our Lord 2008.

By the Governor:

DONALD L. CARCIERI,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, James E. Risch was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor C.L. "Butch" Otter, and our seal hereto affixed at Boise this 15th day of December, in the year of our Lord 2008.

By the Governor:

C.L. "BUTCH" OTTER,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Pat Roberts was duly chosen by the qualified electors of the State of Kansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Kathleen Sebelius, and our seal hereto affixed at Topeka, Kansas this 26th day of November, in the year of our Lord 2008.

By the Governor:

KATHLEEN SEBELIUS,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, Jay Rockefeller was duly chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2009.

Witness: His excellency our governor Joe Manchin III, and our seal hereto affixed at Charleston this 17th day of December, in the year of our Lord 2008.

By the governor:

JOE MANCHIN III,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Jefferson B. Sessions, III, was

duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Bob Riley, and our seal hereto affixed at Montgomery this 25th day of November, in the year of our Lord 2008.

By the Governor.

BOB RILEY,
Governor.

STATE OF NEW HAMPSHIRE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, two-thousand and eight Jeanne Shaheen was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two-thousand and nine.

Witness: His excellency, Governor John H. Lynch and the Seal of the State of New Hampshire hereto affixed at Concord, this third day of December, in the year of Our Lord two thousand and eight.

JOHN H. LYNCH,
Governor.

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the Fourth day of November, 2008, Mark Udall was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 2009.

Witness: His excellency our Governor Bill Ritter, Jr., and our seal hereto affixed at Denver, Colorado this Twenty-ninth day of December, in the year of our Lord 2008.

By the Governor

BILL RITTER, Jr.,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Tom Udall was duly chosen by the qualified electors of the State of New Mexico, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Bill Richardson, and our seal hereto affixed at Santa Fe this 7th day of December, in the year of our Lord 2008.

By the Governor:

BILL RICHARDSON,
Governor.

STATE OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, Mark R. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia to be a Senator from the Commonwealth to represent the Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, 2009.

In Testimony Whereof our Governor has hereunto signed his name and affixed the Lesser Seal of the Commonwealth at Richmond, this twenty-fifth day of November, two thousand eight, and in the two-hundred thirty-third year of the Commonwealth.

TIMOTHY M. KAINE,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR UNEXPIRED
TERM

To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Roger Wicker was duly chosen by the qualified electors of the State of Mississippi, a Senator for the unexpired term ending at noon on the 3rd day of January, 2013, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Trent Lott.

Witness: His excellency our governor Haley Barbour, and our seal hereto affixed at Jackson, Hinds County, Mississippi this 18th day of December, in the year of our Lord 2008.

By the Governor:

HALEY BARBOUR,
Governor.

ADMINISTRATION OF OATH OF
OFFICE

The VICE PRESIDENT. If the Senators to be sworn in will now present themselves to the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oath of office.

The clerk will read the names of the first group.

The legislative clerk (Kathleen Alvarez Tritak) called the names of Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, and Mr. BEGICH.

These Senators, escorted by Mr. CORKER, Mr. THOMPSON, Mr. BAKER, Mr. ENZI, Mr. TESTER, and Ms. MURKOWSKI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. BIDEN, Mr. CHAMBLISS, Mr. COCHRAN, and Ms. COLLINS.

These Senators, escorted by Mr. CARPER, Mr. ISAKSON, Mr. WICKER, and Ms. SNOWE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next four Senators.

The legislative clerk called the names of Mr. CORNYN, Mr. DURBIN, Mr. ENZI, and Mr. GRAHAM.

These Senators, escorted by Mrs. HUTCHISON, Mr. KENNEDY, Mr. BARRASSO, and Mr. DEMINT, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mrs. HAGAN, Mr. HARKIN, Mr. INHOFE, and Mr. JOHANNES.

These Senators, escorted by Mr. BURR, Ms. MIKULSKI, Mr. GRASSLEY, Mr. COBURN, and Mr. NELSON of Nebraska, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, and Mr. LAUTENBERG.

These Senators, escorted by Mr. DASCHLE, Mr. THUNE, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, and Mr. MENENDEZ, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. LEVIN, Mr. MCCONNELL, Mr. MERKLEY, and Mr. PRYOR.

These Senators, escorted by Ms. STABENOW, Mr. BUNNING, Mr. WYDEN, and Mrs. LINCOLN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. REED, Mr. RISCH, Mr. ROBERTS, and Mr. ROCKEFELLER.

These Senators, escorted by Mr. WHITEHOUSE, Mr. CRAPO, Mr. BROWNBACK, and Mr. BYRD, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. SESSIONS, Mrs. SHAHEEN, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico.

These Senators, escorted by Mr. SHELBY, Mr. GREGG, Mr. SALAZAR, Mr. DOMENICI, and Mr. BINGAMAN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. WARNER and Mr. WICKER.

These Senators, escorted by Mr. JOHN WARNER, Mr. WEBB, and Mr. COCHRAN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

RECOGNITION OF THE MAJORITY
LEADER

The VICE PRESIDENT. The majority leader is recognized.

QUORUM CALL

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Akaka	Brownback	Coburn
Alexander	Bunning	Cochran
Barrasso	Burr	Collins
Baucus	Byrd	Conrad
Bayh	Cantwell	Cornyn
Begich	Cardin	Crapo
Bennett	Carper	DeMint
Biden	Casey	Dodd
Boxer	Chambliss	Dorgan
Brown	Clinton	Durbin

Enzi	Leahy	Rockefeller
Feingold	Levin	Salazar
Feinstein	Lieberman	Sanders
Graham	Lincoln	Schumer
Grassley	Lugar	Sessions
Gregg	McCain	Shaheen
Hagan	McCaskill	Shelby
Harkin	McConnell	Snowe
Hatch	Menendez	Specter
Hutchison	Merkley	Stabenow
Inhofe	Mikulski	Tester
Inouye	Murkowski	Thune
Isakson	Murray	Udall, Colorado
Johanns	Nelson, Nebraska	Udall, New Mexico
Johnson	Nelson, Florida	Vitter
Kennedy	Pryor	Warner
Kerry	Reed, Rhode Island	Webb
Klobuchar	Reid, Nevada	Whitehouse
Kyl	Risch	Wicker
Landrieu	Roberts	Wyden
Lautenberg		

The PRESIDING OFFICER (Mr. TESTER). A quorum is present.

LIST OF SENATORS BY STATES

ALABAMA	Jeff Sessions and Richard C. Shelby
ALASKA	Mark Begich and Lisa Murkowski
ARIZONA	Jon Kyl and John McCain
ARKANSAS	Blanche L. Lincoln and Mark L. Pryor
CALIFORNIA	Barbara Boxer and Dianne Feinstein
COLORADO	Ken Salazar and Mark Udall
CONNECTICUT	Christopher J. Dodd and Joseph I. Lieberman
DELAWARE	Joe Biden and Thomas R. Carper
FLORIDA	Mel Martinez and Bill Nelson
GEORGIA	Saxby Chambliss and Johnny Isakson
HAWAII	Daniel K. Akaka and Daniel K. Inouye
IDAHO	Mike Crapo and James E. Risch
ILLINOIS	Richard J. Durbin
INDIANA	Evan Bayh and Richard G. Lugar
IOWA	Chuck Grassley and Tom Harkin
KANSAS	Sam Brownback and Pat Roberts
KENTUCKY	Jim Bunning and Mitch McConnell
LOUISIANA	Mary L. Landrieu and David Vitter
MAINE	Susan M. Collins and Olympia J. Snowe
MARYLAND	Benjamin L. Cardin and Barbara A. Mikulski
MASSACHUSETTS	Edward M. Kennedy and John F. Kerry
MICHIGAN	Carl Levin and Debbie Stabenow
MINNESOTA	Amy Klobuchar
MISSISSIPPI	Thad Cochran and Roger F. Wicker
MISSOURI	Christopher S. Bond and Claire McCaskill
MONTANA	Max Baucus and Jon Tester
NEBRASKA	Mike Johanns and E. Benjamin Nelson
NEVADA	John Ensign and Harry Reid
NEW HAMPSHIRE	Judd Gregg and Jeanne Shaheen
NEW JERSEY	Frank R. Lautenberg and Robert Menendez
NEW MEXICO	Jeff Bingaman and Tom Udall
NEW YORK	Hillary Rodham Clinton and Charles E. Schumer
NORTH CAROLINA	Richard Burr and Kay R. Hagan
NORTH DAKOTA	Kent Conrad and Byron L. Dorgan
OHIO	Sherrod Brown and George V. Voinovich
OKLAHOMA	Tom Coburn and James M. Inhofe
OREGON	Jeff Merkley and Ron Wyden
PENNSYLVANIA	Robert P. Casey, Jr., and Arlen Specter
RHODE ISLAND	Jack Reed and Sheldon Whitehouse
SOUTH CAROLINA	Jim DeMint and Lindsey Graham
SOUTH DAKOTA	Tim Johnson and John Thune
TENNESSEE	Lamar Alexander and Bob Corker
TEXAS	John Cornyn and Kay Bailey Hutchison
UTAH	Robert F. Bennett and Orrin Hatch
VERMONT	Patrick J. Leahy and Bernard Sanders
VIRGINIA	Mark R. Warner and Jim Webb
WASHINGTON	Maria Cantwell and Patty Murray
WEST VIRGINIA	Robert C. Byrd and John D. Rockefeller, IV
WISCONSIN	Russell D. Feingold and Herb Kohl
WYOMING	John Barrasso and Michael B. Enzi

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID. Mr. President, I have a resolution at the desk and I ask it now be considered.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) was agreed to, as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and it is my understanding my counterpart also has a motion to make.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID. Mr. President, I have another resolution at the desk and I ask it now be considered.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) was agreed to, as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTING THE DATE OF JANUARY 8, 2009, FOR THE COUNTING OF ELECTORAL VOTES

Mr. REID. Mr. President, I have a concurrent resolution at the desk and I ask it now be considered.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to provide for the counting on January 8, 2009, of the electoral votes for President and Vice President of the United States.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 8th day of January 2009, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter 'A'; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID. Mr. President, I have another concurrent resolution at the desk and I ask it now be considered.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 2) was agreed to, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 6, 2009, the joint committee created by Senate Concurrent Resolution 67 (110th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.

SEC. 2. Effective from January 6, 2009, the provisions of Senate Concurrent Resolution 68 (110th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of

the United States, are continued with the same power and authority provided for in that resolution.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF THE DAILY MEETING OF THE SENATE

Mr. REID. Mr. President, I have a resolution at the desk and I ask it be considered.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 3) was agreed to, as follows:

S. RES. 3

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. REID. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I send to the desk en bloc 12 unanimous consent requests and I ask for their immediate consideration en bloc; that the requests be agreed to en bloc, that the motion to reconsider the adoption of these requests be laid upon the table and that they appear separately in the record.

Before the Chair rules, I would like to point out these requests are routine, done at the beginning of each new Congress, and they entail issues such as authority for the Committee on Standards of Official Conduct to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day, and floor privileges for House Parliamentarians.

The PRESIDING OFFICER. Without objection, it is so ordered.

The requests read as follows:

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, there be a limitation of 15 minutes each upon any roll call vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when roll call votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 111th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 111th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 111th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 111th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

ORDER OF BUSINESS

Mr. REID. Mr. President, I now have some brief remarks I am going to make of about 10 minutes. It is my understanding the Republican leader is going to give some remarks at a later time today, and I would notify all Senators we are going to be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. I welcome my distinguished colleague back publicly, as I have privately, and congratulate him on his election. He ran a very spirited, strong election, and I look forward to—and I will address this in my remarks—our work during this next Congress.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed now to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. Pursuant to S. Res. 1, the Chair appoints the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. MCCONNELL, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The Chair appoints the Senator from California, Mrs. FEINSTEIN, and the Senator from Utah, Mr. BENNETT, as tellers on the part of the Senate to count electoral votes.

Mr. REID. Mr. President, are we now in a period of morning business?

The PRESIDING OFFICER. Yes, we are.

WELCOMING THE 111TH CONGRESS

Mr. REID. Mr. President, on the Fourth of July of the year 1851, the legendary statesman Daniel Webster, himself a former Senator, laid the cornerstone for the Senate Chamber where we now gather. He said:

Be it known that on this day the Union of the United States of America stands firm.

Today marks the 150th year that this Chamber has housed the Senate of the United States.

When Vice President John Breckinridge gaveled the 34th Congress open in this Chamber in 1859, our Republic had a population of one-tenth what it is today. There were just 64 Senators. Each Senator enjoyed a little more leg room, and that is an understatement. Many of these desks we see behind me, and behind the Republican leader, are from the original Senators of this country. They are real old. This Cham-

ber, for 150 years, has served as the primary working space for most Members. The first session held here 150 years ago began as it did today, with the Vice President of the United States administering the oath of office to new Members.

Today, nine new Senators joined what many have said, and I agree, is the greatest deliberative body the world has ever known—certainly the greatest legislative body. So I extend my warmest welcome and congratulations to Senator MARK UDALL of Colorado, Senator TOM UDALL of New Mexico, Senator MIKE JOHANNIS of Nebraska, Senator JEANNE SHAHEEN of New Hampshire, Senator MARK WARNER of Virginia, Senator JIM RISCH of Idaho, Senator KAY HAGAN of North Carolina, Senator JEFF MERKLEY of Oregon, and Senator MARK BEGICH of Alaska.

To the profound challenges we face, these nine men and women bring vast judgment and experience at all levels of Government and public service. I am confident every one of them will serve their States and our Nation with distinction and pride.

It was just 2 years ago this inaugural day of Congress that we heralded a new majority for Democrats in both the Senate and House of Representatives, but in the Senate that was a very tenuous majority. We began with 51, but TIM JOHNSON became very ill and the crowded Democratic primary field left us oftentimes short of an outright majority and far short of the 60 votes needed to prevent filibusters and pass legislation. Although we made substantial progress in the 110th Congress, partisanship with divided Government too often ruled the day.

I have said from the day the election was over, we are looking forward. We are not going to be concerned about the previous 8 years, we are concerned about the next 8 years. Since 2006, we Democrats have received a net gain of 14 Senate seats, 45 to 59. Just 2 weeks from today, Barack Obama will become the 44th President of the United States. We are ready to answer the call of the American people by putting the past 8 years behind us and delivering the change our country desperately needs.

We are grateful to begin anew with a far more robust Democratic majority. But both parties learned an important lesson over the past 2 years: When we allow ourselves to retreat into the tired, well-worn trenches of partisanship, when we fail to reach for common ground, when we are unable, in the words of President-elect Obama, to disagree without being disagreeable, we diminish our ability to accomplish real change.

To my Republican counterpart, Senator MCCONNELL, and all Republican colleagues, a number of whom I have called and personally visited with, I

say to them: With American troops fighting two wars overseas, we are together in all of this. With the American people suffering a staggering economic crisis here at home, we are in this together. With the middle class struggling to make one paycheck last until the next one, we are in the middle of this together. With health care, college tuition, and retirement more expensive and harder to reach than ever, we are in this together. With our climate in crisis and energy prices rising and falling unpredictably, we are in this together.

Some may fear the depth of the challenges we face, but I remind them that adversity is no stranger to this Chamber or to our country. In America and in this Chamber, we have never failed to persevere and ultimately to prosper. In this Chamber, our Union came unraveled and was mended, great wars were declared and peace has been celebrated. Here, our most fundamental freedoms were challenged, upheld, and expanded. In this Chamber for 150 years we have watched things happen.

In more recent years, we watched the passing of the New Deal by Roosevelt, Truman's Fair Deal, Kennedy's Great Frontier, and Johnson's Great Society. Over these many years, we have outlawed child labor, brought electricity to the western frontier, and ensured a college education for those who serve in uniform.

I had the opportunity yesterday to go to the funeral of Claiborne Pell, a man of wealth, a patrician, a man who went to the finest schools in America but dedicated his life to public service so that other people who were not in his situation could be educated. That is where the Pell grants came from—Claiborne Pell, a very aristocratic man who devoted his life to public service.

We have done those things right here in this Chamber. Of course, we passed, after long, hard struggles and much anxiety, the Civil Rights and Voting Rights acts.

There is no question that the challenges ahead of us are staggering. I do not think anyone would disagree. But I am confident that if we renew, in this body, our commitment to bipartisanship, the 111th Congress will be a tremendous success.

Just a short way from here yesterday afternoon—and I don't remember the exact time, 3 o'clock or something like that, or 3:30—we had a bipartisan meeting of the leadership of the House and Senate. It was a wonderful meeting, with an exchange of ideas. The President-elect was here. I was very impressed. I heard Senator MCCONNELL say to him: There are some things I need to talk to you about. Senator Obama said to him, when the meeting broke up: Let's talk now. I assume they talked sometime in the next little bit. But that is what we need: the ability to talk to each other.

There is no script that can be written where Senator McCONNELL and I will agree on everything that happens here. But there is a script being written today that says that even though we disagree on things that take place in this body, we can do it in a way that is constructive and works toward the good of our country. The State of Kentucky is much different from the State of Nevada—they are two different States. That was the genius of our Founding Fathers, that this Senate, which came about by reason of the Great Compromise in 1787 in Philadelphia, has allowed people to work together. Even though the State of Kentucky has more people than the State of Nevada and the State of California has more people than the State of Nevada, the State of Nevada has as much power in the Senate as Kentucky and California.

I have confidence we can work together. I am convinced that Senator McCONNELL and I—our critics and the press can call us a lot of names and make suggestions, but one thing they cannot say about us is we are not experienced. We have been through a lot of political wars. We are ready to take on whatever wars face us.

I say to my friend, Senator McCONNELL, I have every confidence we will be able to move this country forward.

We need to have the 111th Congress a tremendous success, and we can do that. In the coming days, my fellow Democrats and I will introduce our priorities for this Congress. It happens every Congress. My colleagues on the other side of the aisle will introduce their legislative priorities. We look forward to developing dialog between the two sides of the aisle to see if we can meet somewhere in the middle.

This day marks not just the 150th year of this Chamber but also the 50th year of the service of Senator ROBERT BYRD of West Virginia. For 50 years he has been a Senator, but he has been a Member of Congress for 56 years because he served in the House before he came here. It is no secret, when it comes to reverence for the Senate, we have all learned a lot—I have learned a lot—from President BYRD's love of this body. I also have learned a lot from Senator BYRD of his desire for all Americans to appreciate that little document we call our Constitution. So on this the 50th anniversary of Senator BYRD's service, I express publicly my affection and admiration for this good man and wish him well in this Congress.

For our nine new Members sworn today and for all Americans, I offer a few of Senator BYRD's words which he delivered to a meeting of new Senators about 12 years ago, when he said:

After 200 years, [the Senate] is still the anchor of the Republic, the morning and evening star in the American constitutional constellation.

It has weathered the storms of adversity, withstood the barbs of cynics and attacks of critics. It has provided stability and strength for the nation during periods of civil strife and uncertainty, panics and depressions.

In war and peace, it has been the sure refuge and protector of the rights of states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty.

So said Senator BYRD 12 years ago.

Today is a new chapter in history. It begins today. Each of us has the honor of taking part in it in some way. We here in the Senate have the ability to help write that history.

As the work starts, the words of Daniel Webster return to mind: "Be it known that on this day the Union of the United States of America stands firm." I believe that.

I have just a few other brief remarks.

As my colleagues are aware, two Democratic U.S. Senate seats—one from Illinois and the other from Minnesota—are currently vacant. I will briefly address these two unusual circumstances because of the inquiries we have all had.

First, the Illinois seat left vacant by President-elect Barack Obama. Although I do not know Mr. Burris personally—I hope to meet him in the next few days—he has served the State of Illinois in elective office over many years. Mr. Burris and his advisers were welcomed to the Capitol this morning by Sergeant at Arms Terry Gainer, who was chief of police in Chicago, so they have known each other for a long time. They then had a gracious meeting with the Secretary of the Senate, Nancy Erickson, and Senate Parliamentarian Alan Frumin, who informed them that Mr. Burris is not in possession of the necessary credentials from the State of Illinois. A court case in Illinois is pending to determine whether Secretary of State Jesse White is obligated to sign this certification. We are awaiting that court decision. If Mr. Burris takes possession of valid credentials, the Senate will proceed in a manner that is respectful to Mr. Burris while ensuring there is no cloud of doubt over the appointment to fill this seat.

I also understand that Mr. Burris will likely give testimony to the Illinois State Assembly impeachment proceedings in the next few days, these proceedings pending against Governor Blagojevich. We await that proceeding as Senators as well.

As to Minnesota, I know a little bit about close elections. I am only going to talk about two of them because I have had a number of them. I lost one by 524 votes. It was a statewide election for the Senate. That was traumatic, to lose that race to Paul Laxalt, one of the historic Senators from Nevada—but of course for this country because of his very close personal relationship with President Reagan. Paul Laxalt and I are close personal friends, but I lost that vote by 524. We went

through a recount. I didn't file any lawsuits. There were no challenges. As hard as it was—and it was hard because that is really the first thing I had ever lost—I lost the race. All over the country, Democrats were winning these Senate seats and I lost in Nevada, but I had to give up because I had no chance of winning.

I won the second by 428 votes. One reason JOHN ENSIGN and I are soulmates is because our politics are so different, but our friendship is as good as it gets. That was a tough election, a bitter election that JOHN ENSIGN and I went through. We had a recount in Nevada that was ongoing. JOHN ENSIGN made a decision that it was a waste of time; I can't win the election. Before the recount was completed, JOHN ENSIGN called me—I was having dinner with my wife—and said: You are going to be the next Senator. I thought when he made that phone call, gee, this is some kind of good guy. I didn't handle my loss nearly as well as he did. I remember that.

Anyway, JOHN ENSIGN filed no challenges, didn't complete the recount, there were no lawsuits. And JOHN ENSIGN is now a Member of the Senate. I am fortunate to have a number of good friends, but, boy, he is a friend, and I think if you ask him he would say the same.

So I say to my friend Norm Coleman, watch what I have said and watch what has taken place in the past. The Senate race in Minnesota was very close. It was very, very close—one of the closest in history. The bipartisan State Canvassing Board and Minnesota's election officials have done an exemplary job in handling the recount. There were no allegations of partisanship or unfairness from either side that I am aware of, and I followed it every day for 6 weeks.

Even close elections, though, have winners. I can testify to that. After all votes have been fairly counted, Al Franken is certified as the winner by the State Canvassing Board, and he is the Senator-elect from Minnesota. Democrats will not seek to seat Senator-elect Franken today. We understand the sensitivity on both sides to an election this close.

This is a difficult time for former Senator Coleman and his family. I acknowledge that. He is entitled to the opportunity to proceed however he feels appropriate. But for someone who has been in the trenches on a number of these elections, graciously conceding, as his friend JOHN ENSIGN did, would be the right step. This can't drag on forever, and I understand that. I hope former Senator Coleman and all our Republican colleagues will choose to respect the will of the people of Minnesota. They have chosen a new Senator, Al Franken, and his term must begin and will begin soon.

I repeat, I look forward to this year, hoping that next year at this time we

will be here talking about many things we have been able to accomplish.

As I have said on this floor, if we accomplish things, there is credit to go around to everyone. If we do not accomplish anything, there is blame to go around to everyone. That is not where I want to be.

EXECUTIVE COMMUNICATION

The Presiding Officer laid before the Senate the following communication:

A communication from the Director of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LIEBERMAN, pertaining to the introduction of S. 160, are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CLAIBORNE PELL

Mr. ALEXANDER. Mr. President, on January 1, Claiborne Pell died. Claiborne Pell was a Senator from Rhode Island, the longest serving Senator from that State, a Senator whose name is known by most college students and by most people who care about education in America because he was largely responsible for helping to create in 1973 what we now call the Pell grant, a Federal scholarship that follows students to the college of their choice. It was originally called the Basic Educational Opportunity Grant, but Pell grant is a lot easier to say. It is a remarkable success in our country. He deserves to be remembered for that success.

I knew him as a staff member when I came here with Senator Howard Baker, who was here just a few hours ago as we were sworn in. That was 42 years ago. I knew him as Education Secretary in 1991 and 1992.

The American higher education system is, at a time when we worry about

some of our institutions, one of our great secret weapons in America, one of our great strengths. One reason for that is because of Federal grants and loans.

It all started not with the Pell grant but just at the end of World War II with the GI bill for veterans. It was a college scholarship. Actually, it was an educational scholarship the veterans could spend wherever they wished, and the "wherever they wished" point is the important point because many of those men and some women who came back from World War II used their GI bill money to go to high school. Some used it to go to college in other countries of the world.

No one said you can't go to the University of Delaware or you must go to Notre Dame or you can't go to Brown University or you can't go to a Historically Black College. The GI bill for veterans followed the student to the college of that student's choice.

It was not universally popular. The president of the University of Chicago, Mr. Hutchins, said at the time that it would create a campus full of hobos because college at that time was for a very limited number of Americans.

At the end of World War II, only 5 percent of Americans 25 and older had completed at least 4 years of college. But today, according to the most recent figures, that figure is six times that. Nearly 30 percent of Americans have completed 4 years of college.

First, the GI bill after World War II, then the Pell grant in 1973, then the various loans the Federal Government allows for students. So today, 60 percent of the men and women who go to American colleges and universities have a Federal grant or Federal loan to help them pay for college.

It is never easy to afford college. The average tuition at a 4-year private school is about \$25,000 today, and you add to that your living expenses. It is important to remember that an average tuition at a 4-year public university is about \$6,500, and the average tuition and fees for community colleges is \$2,400.

So Senator Pell, by his leadership and his work as chairman of the Education Subcommittee of our Health, Education, and Labor Committee, helped add to the legacy of the GI bill for veterans and helped make it possible for so many Americans to go to college.

I wish to conclude my remarks and honor Senator Pell with a thought about our future. I have always wondered why if the Pell grant was such a good idea for colleges, why don't we try it for kindergarten through the 12th grade.

We seem to overlook the fact that American students can choose their college and the money follows the student to the college. It might be Nashville Auto Diesel College. It might be

Harvard University. But we don't give the money to the school, we give it to the student to decide where to go. That was a happy accident that happened with the GI bill, and it was a happy accident that happened in 1973.

I remember saying to one distinguished Member of this body: You know, the Pell grant is a voucher.

This Senator recoiled from that and said: I am opposed to vouchers.

I said: But you are not opposed to the Pell grant, are you?

And she said: Well, no, that is different.

I would argue that is not different at all. What we have done in kindergarten to 12th grade is give the money directly to institutions, and we, in that sense, create local educational monopolies and limit the amount of competition in choice.

We can look at our experience with higher education and see how it is generally considered to be by far the best in the world. We not only have the best colleges and universities in the world, we have almost all of them. Then we look at our system of kindergarten through the 12th grade.

The Presiding Officer has been Governor of his State. He worked hard on charter schools. We have all tried many different ideas to try to improve kindergarten through 12th grade, but we have never quite seemed to be able to make it as effective as our success with higher education.

That is why in 2004 I suggested on the Senate floor that we try the idea of a Pell grant for kids. I ask unanimous consent to have printed in the RECORD following my remarks the remarks I made on the Senate floor on May 17, 2004, about Pell grants for kids.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, to summarize them, they were simply this: Why not look to the example of our higher education system and try it with kindergarten through the 12th grade? The Pell grants for kids I proposed was to give every single child from a middle- or low-income family a \$500 scholarship that would follow them to the school or other accredited academic program of their choice. These would be new Federal dollars so no district would see its share of money from Washington cut, and it would give less wealthy families many of the same choices that families with money already have.

As one example, across our country we see art and music lessons cut in schools. As budgets get tight, they are the first things that are cut. The kids who go to the schools from the areas that have less money from property taxes and less money from sales taxes are not able to have the art and music courses. If they had a \$500 Pell grant for kids, they might take it to an after-school program for art or afterschool

program for music, or the parents might get together and go to the school the children attend and say: Look, there are 20 of us with these \$500 Pell grants. We will all come here if you hire an art teacher part time or a music teacher part time. It would give parents some consumer power, it would give children opportunities, and it would give schools with less money more money.

This is an idea I hope we can seriously consider as we look ahead to the future of American public education. We should recognize that there are a great many school districts with children who have less money and less of a tax base than others and that we have had a wonderful example with the GI bill for veterans and with Pell grants in colleges and universities.

So why not try it in a limited way to see if it would help improve opportunity and education in kindergarten through the 12th grade as it has in college.

My main purpose today is to honor Claiborne Pell. He served 36 years with distinction. He contributed greatly to the opportunities of education in America. He did it with dignity, and he did it with intelligence. We respect him, we miss him, and we honor his legacy.

I yield the floor.

EXHIBIT 1

A half century after *Brown v. Board of Education*, education on equal terms still eludes too many African-American school children. Secretary of Education Rod Paige has called America's persistent racial achievement gap "the civil rights issue of our time."

By the 12th grade, only one in six black students and one in five Hispanic students are reading at grade level. Math scores are equally disturbing. Only 3 percent of blacks and 4 percent of Hispanics test at proficient levels by their senior year. By another standard, about 60 percent of African-American children read at or below basic level at the end of the 4th grade, while 75 percent of white students read at basic or above at the end of the 4th grade.

There is still a huge achievement gap among African-American children and white children. The No Child Left Behind Act's system of standards and accountability is creating a foundation for closing the gap. But funding disparities between rich and poor—too often minority children attend poorer schools—school districts remain a stubborn contributor to inequality. Between 1996 and 2000, poor students fell further behind their wealthier peers in seven out of nine key indicators, including reading, math and science.

These outcomes cry out for a different model, one that helps address funding and equality without raising property taxes; that introduces entrepreneurship and choice into a system of monopolies; and that offers school districts more federal dollars to implement the requirements of No Child Left Behind with fewer strings—in other words, more federal dollars, fewer federal strings, and more parental say over how the federal dollars are spent.

Does this sound too good to be true? I would suggest it is not.

Look no further than our nation's best-in-the-world higher educational system. There

we find the Pell grant program, which has diversified and strengthened America's colleges and universities by applying the principles of autonomy and competition. This year, \$13 billion in Pell grants and work study and \$42 billion in student loans will follow America's students to the colleges of their choice. This is in sharp contrast to the local monopolies we have created in kindergarten through the 12th grade education, where dollars flow directly to schools with little or no say from parents.

That is why I am proposing Pell Grants for Kids, an annual \$500 scholarship that would follow every middle- and low-income child to the school or other accredited academic program of his or her parent's choosing. These are new federal dollars, so no district would see a cut in its share of Washington's \$35 billion annual appropriations for K-12, and increases in funding for students with disabilities would continue. Armed with new purchasing power, parents could directly support their school's priorities, or they could pay for tutoring, for lessons and other services in the private market. Parents in affluent school districts do this all the time.

Pell Grants for Kids would give less wealthy families the same opportunities—an example is the Holiday family in Nashville, Tennessee.

Raymon Holiday is a 6th grader who recently won the American Lung Association of Tennessee's clean air poster contest. I was there when he won the 10-speed bicycle you get for winning this poster competition. I met his father, an art major, and his grandfather, a retired art teacher. They told me his great-grandfather was a musician. So you can see where Raymon Holiday gets his instincts. His grandfather, the retired art teacher, lamented to me that art classes are usually the first to go when school budgets are cut. With Pell Grants for Kids, in a typical middle school of 600 students, Raymon might be one of 500 middle- or low-income students who qualify to receive a \$500 Pell grant. His middle school would see a \$250,000 increase in funding. Raymon would be assured of art lessons.

The Pell grant model also encourages great American entrepreneurship. Enterprising principals, like Raymon's principal, might design programs to attract parental investment: advanced math classes, writing workshops, after school programs, English lessons—whatever is lacking due to funding constraints.

Surveys continue to show that while Americans are concerned with the state of public education, most support their own child's public school.

Herman Smith, superintendent of schools in Bryan, Texas, would welcome the \$6 million that would accompany 13,500 eligible Bryan students—90 percent of his district. Bryan is right next door to College Station, home of Texas A&M where, according to Smith, their budget cuts are larger than Bryan dreams of spending for new programs and personnel. Property values there are double those in Bryan, as is the per-pupil expenditure. Not surprisingly, Bryan's population is almost half African-American or Latino, while College Station is three-quarters white.

With 30 million American school children eligible for Pell Grants for Kids, my fellow fiscal conservatives are probably raising an eyebrow. But please listen. Every year, Congress appropriates increases in funding for kindergarten through the 12th grade. What I am offering here is a plan to earmark most of these new dollars—aside from increases in

spending for children with disabilities—for parents to spend on educational programs of their choice. Otherwise, we will continue to invest in the same bureaucracies that have disappointed poor and minority families for too long.

Pell Grants for Kids could be implemented gradually, starting with kindergarten and 1st grade at an initial cost of \$2.5 billion. If the program had been in place during President Bush's first two years in office, the extra \$4.5 billion spent on K-12 education—again, not counting another \$3 billion for children with disabilities—would have created \$500 scholarships for all nine million middle- and low-income students through the 3rd grade.

We have had 50 years to deliver an American education on equal terms to all students. But a baffling commitment to the status quo has prevented us from living up to Brown's noble legacy. This anniversary presents the perfect opportunity to inaugurate a new era, one that uses the strategy that helped to create the best colleges to help create the best schools. Let us start with Pell Grants for Kids and move on from there "with all deliberate speed."

I would like to make several additional remarks about Pell Grants for Kids.

As I mentioned, the idea is a pretty simple one—significantly new federal dollars, fewer federal strings, and more say by parents about how the money is spent.

To give you an idea of how much money that would be, I have taken a quick look at my home state of Tennessee. Tennessee has 938,000 students in kindergarten through the 12th grade. Pell Grants for Kids would be eligible to all those students who are from families below the state median income. The state median income for a family of four in Tennessee is about \$56,000. So for families who have an income of \$56,000 or below, each of their children would have a \$500 scholarship that would follow that child to the school or other approved academic program of his or her parents' choice.

In June I hope to introduce a piece of legislation, hopefully with a bipartisan group of senators. In July, Sen. Gregg and I have already discussed a hearing, which we will have in the Health, Education, Labor, and Pensions Committee. And then perhaps next year, the President of the United States might want to make this a part of his budget.

I believe it is time in this country to recognize we need to give poor and middle-income parents more of the same choices of educational opportunities wealthier families have and that we may be able to do this without harming our public schools. We have had, since World War II, scholarships that have followed students to the educational institutions of their choice, and they have done nothing but help to create opportunity and create the best system of colleges and universities in the world. I think we ought to use the same idea to try to create the best schools in the world.

We estimate about 60 percent of all of Tennessee students would be eligible for a \$500 Pell grant. In some of the rural counties where there are a great many poor children, it might be 90 percent of the students. In other places—such as Davidson County, Maryville, and Oak Ridge—it might be a smaller percentage.

But all in all, there should be about 562,000 students in Tennessee who would be eligible. This would bring an additional \$281 million to Tennessee for K-12 education, and parents would have a say over how that money is spent.

Often when this issue comes up and we talk about spending more federal dollars for local schools, the senators on my side of the aisle get a little hot under the collar. We do not want to spend any more federal money for local schools. On the other hand, when we say let's give the parents more say on how the money is spent, the collars get a little hot on the other side of the aisle because they are reluctant to give parents more choice.

This is a conflict of principles. It is the principle of equal opportunity—giving parents more choices. But there is another valid principle on the other side. It is called "e pluribus unum." We have public schools, common schools, to teach our common culture, and we do not want to harm them. It is a proper debate in this body to say—let's ask questions, if we are giving parents more say, more choices. Will that harm our common schools? And there is a proper way to ask in this Senate: Can we wisely spend that much more money? This is quite a bit more money.

Fully funded, Pell Grants for Kids programs would cost \$15 billion in new federal dollars a year. It would add about \$500 to the \$600 we now spend on each of the children in America today from the federal government. Only about 7 or 8 percent of the dollars we spend on children comes from the federal government. So it would be about a 70 percent increase in federal funding for every middle- or low-income child fully funded.

We are proposing to do this over a long period of time. Basically, to add to the new money that we would appropriate every year for K-12 and give most of that to Pell Grants for Kids. This would create more equality in funding for poor districts. It would especially help African-American and minority kids. It would provide extra dollars to implement the standards of No Child Left Behind, and it would introduce for the first time into our K-12 system the principle that has created the best colleges in the world—the idea of letting money follow students to the institution of their choice.

Over the next several weeks, I will be discussing this with individual senators. I have not prepared a piece of legislation yet because I don't want to stand up and say: here it is, take it or leave it. Let's say one team says no choice and one team says no money, then we are back where we were. I am looking for ways to advance the debate.

I don't believe we are going to be spending much more money through the federal government in the same way we are doing it today. A lot of senators, and I am one of them, do not want to spend more federal dollars through programs that have lots of federal controls. We have seen the limit of command and control from Washington, D.C., with No Child Left Behind. That program will work. But I don't believe we can expect to give many more orders from Washington to make schools in Schenectady, Nashville, and Anniston, Alabama and Sacramento, better. That has to happen in local communities.

The right strategy is significantly new federal dollars with fewer federal strings and more parental say about how those dollars are spent. This does not have to be a Republican versus Democrat idea. I am not the author of this idea.

In 1947, the G.I. bill for Veterans was enacted. Since that time, federal dollars have followed students to the colleges of their choice. Today, 60 percent of America's college students have a federal grant or loan that follows them to the college of their choice.

When I was president of the University of Tennessee, it never occurred to me to say to the Congress: I hope you do not appropriate any money for children to go to Howard University or Notre Dame or Brigham Young or Vanderbilt or Morehouse or the University of Alabama. We give people choices. Or put it another way, in my neck of the woods, what if we told everyone where they had to go to college? What if we said, Sen. Sessions, you have to go to the University of Tennessee. We said to young Lamar Alexander: You have to go to University of Alabama. Civil wars have been fought over such things.

That is exactly what we do in K-12. We give people choice and have created the best colleges in the world. We give them no choices, and we have schools that we wish were better. So the idea would be to try what worked for colleges here in K-12.

I said I was not the only one to think of this. There was the G.I. bill for Veterans—that was bipartisan—after World War II; maybe the best piece of social legislation we ever passed in the history of our country.

In 1968, Ted Sizer, perhaps the most renowned educator in America today, proposed a poor children's Bill of Rights: \$5,000 for every poor child to go to any school of his or her choice, an LBJ power-of-the-people, liberal, Democratic idea at the time. In 1970, President Nixon proposed, basically, giving grants to poor children to choose among all schools. The man who wrote that speech for President Nixon was a man named Pat Moynihan. He was a U.S. Senator. In 1979, he and Sen. Ribicoff, two Democrats, introduced essentially exactly the idea I am proposing today. In fact, in 1979 Sens. Ribicoff and Moynihan proposed amending the Federal Pell Grant Act and simply applying it to elementary and secondary students.

At that time, when the Pell grant was \$200 to \$1,800, a 3rd grader could get a Pell grant, or if you were a high school student and you were poor, you could get a Pell grant.

Senator Moynihan said to this body in 1979: "Precisely the same reason ought to apply to elementary and secondary schooling—if, that is, we are serious about educational and pluralism and providing educational choice to low- and middle-income families similar to those routinely available to upper income families."

This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972. He was talking about Pell grants. It was the impulse by the presidential message to Congress which I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

I am going to strongly urge my colleagues not to make a reflexive reaction to this idea because, on the one hand, it has too much money, or on the other hand, it has some choice. Think back over our history and think of our future and realize we have the best colleges and we do not have the best schools. Why don't we use the formula that created the best colleges to help create the best schools?

I ask unanimous consent to have printed in the Congressional Record at the conclusion of my remarks Sen. Moynihan's statement in the Senate in 1980, and following Sen. Moynihan's remarks, an article which I wrote for the publication Education Next, which is being published this week, entitled "Putting Parents in Charge."

This article goes into some detail about the Pell Grants for Kids proposal. I look for-

ward over the next several weeks to working with my colleagues, accepting their ideas and suggestions about how we improve our schools.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk (John Merlino) proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

FIFTY YEARS IN THE SENATE

Mr. BYRD. Mr. President, in my multivolume history of the Senate, I noted that the Senate is "the anchor of our republic." It is, I wrote, "the morning and evening star in the American constitutional constellation." Today, I recall those words because I am even more convinced that the Senate still stands as the great forum of constitutional American liberty.

For five decades—that is a pretty long time—I have seen this Senate weather the storms of adversity, withstand the barbs of cynics and the attacks of critics as it provided continuous stability and strength to our great country during periods of strife and uncertainty. The Senate has served our country so well because great and courageous Senators have always been willing to stay the course through the continuum and to keep the faith. The Senate will continue to do so as long as there are Members of the Senate who understand the Senate's constitutional role and who zealously guard the Senate's powers.

It has been said that this institution—meaning the Senate—has a life of its own. That may be true. I also know from my 50 years of service in this Chamber that the life of the Senate is rooted in the character of the men and the women who serve in the Senate. During my five decades of service here, I have had the high honor and the great privilege of serving with some of the finest and a few of the greatest Senators in history. This distinguished list includes my mentors, Senator Richard Brevard Russell, Senator Lyndon Baines Johnson, Senator John Cornelius Stennis, and Senator Mike Mansfield. It includes the great Margaret K. Smith, who never for a moment hesitated to follow her conscience. It includes Barry Goldwater, and it includes Phil Gramm, both of whom were spear carriers for the Reagan revolution. It includes those giants of the Senate, Howard Baker and Mark Hatfield, both of whom exemplified stunning political courage. And of course any list of greats must include

our own beloved TED KENNEDY, who went from being a bitter adversary in the beginning of my years to my dearest friend. It has been an honor and a great privilege to have served with these Senators and with so many others who have contributed and who still contribute to the Senate to make it the great institution it has become. I hope and I pray to the Good Lord that in my 50 years here, I have also made a small but positive contribution, and I pray that I will continue to do so.

Because of the good people of West Virginia, my half century—my 50 years—of service in this Chamber has allowed the foster son of an impoverished coal miner from the hills of southern West Virginia—and the wife of that coal miner to have a son—to have the opportunity to walk with Kings, to meet with Prime Ministers, and to debate with Presidents. I have had the privilege not only to witness but also to participate in much of America's history. From the beginning and the apex of the Cold War to the collapse of the Soviet Union, from my opposition to the 1964 Civil Rights Act to my role in securing the funds for the building of the memorial to Martin Luther King, from my support for the war in Vietnam to my opposition to Mr. Bush's war with Iraq, I have served here, and I have loved every second of every blessed minute of it.

My half century of service in the great Senate has also allowed me to experience profound changes in this institution. Unfortunately, not all of them have been for the best.

During my tenure, especially in recent years, this Chamber has become bitterly partisan. All of us already know this, so I will not belabor the point other than to say we should do better. I will point out that we should do something about the vitriol before it destroys the Senate and the people's faith in the Senate.

If anyone thinks I am exaggerating, I will give just one example. The filibuster is a prime guarantee of the principle of minority rights in the Senate. The filibuster is a device by which a single Senator can bring the Senate to a halt if that Senator believes his cause is just. But our partisan warfare has often transformed this unique, fundamental Senate tool into a political weapon which has been abused. As a result, there have lately been efforts to abolish it. If this should ever happen, a vital and historic protection of the liberties of the American people will be lost, and the Senate will cease to function as the one institution that has provided protection for the views and the prerogatives of a minority.

I lament the ever-increasing costs of running for a Senate seat. In 1958, Jennings Randolph and I spent a combined \$50,000 to win the two Senate seats in West Virginia. Today, Senators can expect to spend about \$7 million. Too

much of a lawmaker's time, too much of a lawmaker's energy is now consumed in raising money for the next election or to pay off the last one.

I lament that too many legislators in both parties continue to regard the Chief Executive in a roll much more elevated than the Framers of the Constitution ever intended. The Framers of the Constitution did not envision the Office of the President of the United States as having the attributes of royalty. We as legislators have a responsibility to work with the Chief Executive, but it was intended for this to be a two-way street, not a one-way street. The Senate must again rise and be the coequal branch of Government which the Constitution of the United States intended it to be.

I lament the decline of the thoroughness of Senate committee hearings. In its classic study, "Congressional Government," Woodrow Wilson pointed out that the "informing function of Congress is its most important function." This was revealed in 1973 when, after 8 days of hearings and after hours upon hours of questioning, L. Patrick Gray, President Nixon's nominee to be Director of the FBI, revealed that White House counselor John Dean had lied—lied—lied—to FBI investigators, thus beginning the unraveling of the Watergate coverup. Today, we have the knowledge this could not happen with the time restrictions that are in place on the Senate's hearings.

I am pleased to say that during my half century in the Senate, there have also been positive changes in the Senate. I will mention a few. The first is the Senate has become more open and the Senate has become more constituent friendly. This was highlighted in 1986 when television cameras were finally installed and the American people all across this country could watch their Senators debate the issues of the day on C-SPAN. I am proud to have been a part—though a small part—but a part of that innovation.

During my tenure, the Senate has become more open and it has become more diverse. When I came here in 1959, there was only one—one female Senator. In the 111th Congress, there are 17 women in the Senate. In the 50 years prior to my service, not a single—not one African American was elected to the Senate. During my 50 years here, three African Americans have been elected to the Senate. This is a small number, but one of those three has now been elected to the highest office in the land—President of the United States. So, my fellow colleagues, we have come a very, very, very long way.

Let me conclude my remarks by simply acknowledging it has been a wonderful 50 years serving in this "great forum of constitutional American liberty." I only wish my darling wife, who now sings in the heavenly choir above, were here today to say with me that I

look forward—yes, look forward to the next 50 years. Amen. Amen.

That concludes my remarks.

I yield the floor and I say good night to the Chair and all the people here.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINNESOTA SENATE RACE

Mr. MCCONNELL. Mr. President, earlier today there were some comments about the Minnesota Senate race that I would like to briefly address. The only people who have pronounced the Minnesota Senate race over are Washington Democrats and the candidate who is the current custodian of the most votes. The people of Minnesota certainly do not believe the Minnesota Senate race is over. The Minneapolis Star Tribune, which never could be confused for a conservative publication, wrote an editorial in their paper today entitled, "Court Review is Key in Senate Recount."

Writing about yesterday's Canvassing Board findings, the editorial says—and again, this is in today's Minneapolis Star Tribune—the editorial today says:

As Minnesotans are learning, that determination is not the same as declaring a winner in this amazingly close race.

It went on to say:

Both Franken and Coleman should want court-ordered answers to questions that the Canvassing Board could not answer.

The winner of this contest deserves the legitimacy that would come with a court's politically independent finding that he got more votes than his opponent.

The bottom line is this: The Senate race in Minnesota will be determined by Minnesotans, not here in the Senate.

OPENING OF THE 111TH CONGRESS

Mr. MCCONNELL. Mr. President, the opening of a new Congress is always an important moment in the life of our Nation. Every time a gavel falls on a new legislative term, we are reminded of the grandeur of the document we are sworn to uphold. We are grateful to the citizens of our respective States—in my case the people of Kentucky—who give us the opportunity to serve. We are thankful once again that the U.S. Constitution has endured to guarantee the freedom and the prosperity of so many for so long.

The growth of our Nation over the years is one of the most remarkable feats of man, and it was far from inevitable. When Congress first organized

under the Constitution, the United States consisted of 11 States and 3 million citizens. Today, more people than that live in Kentucky alone. Yet despite a bloody Civil War, the arrival of millions of immigrants, economic collapse, World Wars, social unrest, and the long-delayed realization of America's original promise of equality for all, we have come together as a body and as a nation. We have not just endured these things, we have flourished, and that is well worth remembering and celebrating as the 111th Congress convenes.

As we meet in January of 2009, America faces many serious challenges. None is more urgent than our troubled economy. President-elect Obama was one of those who recognized the gravity of the current troubles early on. He reassured many by fielding a solid team of economic advisers. He agrees with Republicans that we should put more money in the pockets of middle-class American families by cutting their taxes, and he has proposed working with Republicans to create jobs and to encourage long-term economic stability with a massive domestic spending bill the details of which Members of Congress and the American people are increasingly eager to see.

After a long and rough campaign season, it is encouraging for many Americans to see that the two parties in Washington are in broad agreement about something so important to their daily lives. And Republicans will work with President-elect Obama to make sure that as we consider this legislation the taxpayer is not taken for a ride.

All of us agree the economy needs help. We are concerned and taxpayers are concerned. But if we are going to appropriate an unprecedented amount of money from the Treasury for this spending bill, it is absolutely essential that we determine up front whether the spending is going to be wasteful or wise.

Specifically, the American people should have at least a week, and it looks as if we will have more than that, to see what this enormous spending plan includes. President Clinton proposed a \$16 billion stimulus package in his first year in office. Congress, back in 1993, rejected it for being too expensive. Now Democrats in Congress are proposing a stimulus that would cost taxpayers more than 50 times what President Clinton's would have cost.

This potentially \$1 trillion bill would be one of the largest spending bills in U.S. history. It would increase the deficit by a half trillion dollars overnight and deepen an already enormous national debt.

Before we all agree to it, the American people need to see the details. They need to be able to see for themselves whether this is money well

spent. If lawmakers think it is, then they need to make a convincing case to the people who are paying for it.

Now, 16 years ago we rejected a similar stimulus the size of the Minnesota State budget. We should not be rushed into voting for a bill that, by any estimate, will be bigger than all 50 State budgets combined, especially when many of the jobs it promises will not even materialize for another year. If we are serious about protecting the taxpayer, these projects will be awarded through a fair and open process and allowed to compete with other priorities in the budget. We should encourage, not discourage, questions about this bill in a reckless rush to meet an arbitrary deadline. We should be open to new ideas aimed at protecting the taxpayer.

Here are three new ideas worth considering: Congressional Democrats have talked about sending hundreds of billions of dollars to the States. If we loan those funds rather than give them away, States will be far less likely to spend the money frivolously, and the taxpayer would have greater assurance their money is well spent.

Idea No. 2: Congress has had nearly 1 year to review the fiscal 2009 spending requests. These remaining bills now make up a \$400 billion Omnibus appropriations bill. This is a bill that meets the level of spending proposed for the stimulus, and it is a bill that could pass Congress by Inauguration Day. If speed is one of the goals, it strikes me that passing the omnibus achieves that goal.

Idea No. 3, middle-class tax relief: One way to get more money into people's pockets quickly is to increase the size of their paychecks immediately. An immediate 10 percent cut in taxes for nearly 30 million Americans would provide a significant jolt to the economy that all of us want. These are ideas on which both parties could agree. Each of them is designed to protect and empower the taxpayer. So let's consider them. But either way the American people should be in on this spending plan because the potential for waste and abuse is enormous.

Now, some loose-lipped local politicians have already described the grant as "free money" from Washington. Others openly hope to use it on frivolous pet projects that no sensible taxpayer would sign off on if they had a choice. The American people do not want to be pick-pocketed. They do not want to be taken advantage of. They want a real return on their investment, and all of us should be eager to show that we understand the difference.

President-elect Obama has said a stimulus plan will have to create jobs, have an immediate impact, and lead to the strengthening of the long-term economy. Republicans agree, and we will help to ensure just that by insisting on scrutiny and oversight in the

face of pressure on congressional Democrats from interest groups and local politicians.

Here is an issue on which the Republicans and Democrats can work together for a positive result for the American people. My hope is that once we achieve it, we will have a model to build on for the remainder of the 111th Congress. The opportunities for cooperation are numerous. Throughout his campaign, President-elect Obama spoke about the importance of a strong national defense. He spoke of the need to reduce the national debt. He vowed to go through the budget line by line to cut wasteful programs. He pledged to cut taxes on virtually all Americans and on small business. And he promised to put America on the path to energy independence within the next 10 years. These are all goals Republicans support. At this moment, nothing should stand in the way of our achieving them together.

I have told the new President I am eager to work with him. I have told him he can expect cooperation on the confirmation of qualified nominees to key Cabinet posts so the American people do not have to worry about a power vacuum at places such as the Pentagon, the State Department, Treasury, or Homeland Security. I have discussed with him something he already knows but which is worth repeating on the first day of the new Congress. When it comes to new Presidents, history offers a clear path, a clear path to success and a clear path to failure.

Some new Presidents have chosen to work with the other party to confront the big issues of the day that neither party is willing or able to tackle on its own. Others have decided they would rather team up with members of their own party and focus on narrow, partisan issues that only appeal to a tiny sliver of the populace but which lack the support of the American mainstream.

In my view, the choice at this particular moment is clear. If the new President pursues the former course, our chances of achieving a positive for the American people will be strong. The parties will continue to disagree. This is good for democracy, but political conflict is not an end in itself. At this moment we have an opportunity to show the American people, and we know that.

The majority leader has mentioned that this year the opening of Congress coincides with two important anniversaries. The first is Senator BYRD's 50th anniversary. This feat of longevity has no equal in the history of this body, and this is quite fitting for a Senator who has no equal in the history of this body.

When ROBERT CARLYLE BYRD took the oath of office on January 5, 1959, he could not have known that he would be the longest serving Senator in U.S. history or that he would one day write

this body's definitive history. But through the support of his beloved Erma, his legendary devotion to our Constitution, and his tireless will to improve the lives of the people of his State, the senior Senator from West Virginia has accomplished a remarkable feat, and today we honor him for it.

The other anniversary we commemorate today is no doubt dear to Senator BYRD's heart because 150 years ago this very month the Senate moved from its old home down the hall, where we had the reenactment of the swearing in of new Senators today—its old home down the hall, to the room we are in now. This transition meant far more in its day than the mere packing of books and rearranging of desks because back then, as now, every expansion of the Capitol has come with a fresh realization of the great adaptability of the U.S. Constitution and is further proof of its greatness.

According to the CONGRESSIONAL RECORD, the man who was selected to speak on the occasion of the Senate's relocation in 1859 was John Breckenridge, a Democrat and a Kentuckian who served as Vice President under President Buchanan.

In his remarks, Breckenridge offered an eloquent lesson on the history of the Senate and, after paying appropriate tribute to the heroes of the Revolution, he made an intriguing suggestion to the Senators of his day. Breckenridge suggested that the Senators of 1859 had an even greater responsibility than the Senators of 1789 because, as he put it, "the population, extent, and the power of our country surpass the dawning promise of its origin."

If this was true in 1859, it is truer still in 2009. Americans have seen quite vividly over the past 8 years, and even over the past few months, that the challenges which confront America and our response to those challenges have a powerful effect on the wider world.

Not a single Member of this body is unaware of the profound impact of his or her decisions. And that is why not a single Senator in this body wishes anything but the best to President-elect Obama.

Despite party differences, all of us feel a certain institutional pride in having one of our own in the White House. And every American will feel a special national pride when, for the first time in our Nation's history, an African American man raises his hand to recite the oath of office from the Capitol steps.

The President-elect has promised leadership that sees beyond the politics of division. But that responsibility does not rest with the President alone. It rests with all of us. Before Inauguration Day, there is the opening of this 111th Congress. This too is a great civic ritual. And this too should renew our

optimism about the future of America and our optimism about achieving something important for the American people over these next 2 years. Now is our chance to deliver—not just in word, but in deed. This is a solemn charge. For some, it might cut against the grain. But if we are to have a future worthy of our past, it is a charge that must be kept.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

ERIC HOLDER CONFIRMATION HEARING

Mr. SPECTER. Mr. President, with the approaching hearings before the Judiciary Committee on the nomination of Eric Holder to be Attorney General, I thought it might be useful to frame some of the issues and put them into perspective, at least my perspective, in advance of the hearings, and to advise Mr. Holder in some greater detail than our brief meeting, when he paid his courtesy call a few weeks ago, to discuss some of those issues so he would be in a better position to respond.

I begin with the view that I wish to be helpful to President-elect Obama in his dealings with the enormous problems which face our Nation. I have come to know President-elect Obama in his capacity as Senator for the last 4 years. His office is right down the hallway. I consider him a friend, and certainly we are in need of action on some of the enormous problems our Nation faces. We approach these problems in the context of our constitutional roles. The Constitution, in article I, gives certain powers to the Congress and, in article II, certain powers to the executive branch. The core of our constitutional Government is checks and balances so we have that responsibility to have oversight and to give our candid judgments. Frequently, it is more helpful to say no than to say yes. When we deal with the position of Attorney General, we have a role which is significantly different from other Cabinet officers.

For example, Cabinet officers carry out the President's policies on a wide variety of issues and, to an extent, so does the Attorney General. But the Attorney General has a significantly different role in his responsibility to the people and to the rule of law. Senator LEAHY and I wrote extensively on this subject, published last October in *Politico*.

Some Attorneys General have been very compliant with the administration and have not fared very well historically. Attorney General Harry Daugherty was sullied by the Teapot Dome scandal. Although ultimately cleared, he resigned amid allegations of impropriety. We had the Attorney General during the administration of

President Roosevelt, Attorney General Homer Cummings, who yielded to the court-packing plan, certainly not the sort of institutional integrity which we would look for in an Attorney General. Some Attorneys General have been very diligent. Perhaps the best example is Attorney General Elliot Richardson, who resigned rather than fire Special Prosecutor Archibald Cox during the administration of President Nixon, and Deputy Attorney General Bill Ruckelshaus followed suit.

In today's press, there are reports about the distinguished career of Attorney General Griffin Bell, who just died. One of the hallmarks of Attorney General Bell's career was his willingness to say no to President Carter, who had appointed him. President Carter, it is reported, wanted a certain prosecution brought. Attorney General Bell said that it wasn't an appropriate matter for a criminal prosecution. Attorney General Bell advised President Carter that the way he would get that prosecution brought would be to appoint a compliant Attorney General, that he would resign before he would undertake that prosecution.

We have seen, regrettably, with the administration of Attorney General Alberto Gonzales, yielding to the Executive will without upholding the rule of law; the hearings conducted by the Judiciary Committee, for which I was ranking member, over the termination of U.S. attorneys; the attitude of Attorney General Gonzales on habeas corpus, testifying that there was no positive grant of habeas corpus in the Constitution, notwithstanding the explicit clause which says habeas corpus may be suspended only in time of rebellion or invasion. So this is a very key and critical appointment.

The Attorney General also has enormous responsibilities in advising the President more generally on the scope of Executive authority. Mr. Holder will doubtless be questioned at some length on the issue of the terrorist surveillance program, warrantless wiretaps, and the meaning of the Foreign Intelligence Surveillance Act; and where does congressional authority under article I stop on the flat prohibition against wiretaps without warrants, contrasted with the Executive's power as Commander in Chief under article II; and what are the Attorney General designate's views on attorney-client privilege restrictions, a matter which he initiated in 1999 and which has seen further restrictions in the Thompson memorandum and subsequently. Last Congress I introduced legislation to try to deal with that. There is also the reporter's privilege issue, where the Department of Justice has opposed the privilege for reporters where they have been held in contempt. A New York Times reporter was held in jail for some 85 days after the source of the confidential disclosure had been addressed. These are just a few of the

issues which we will be looking at in the confirmation hearings of Attorney General Holder.

With respect to Mr. Holder, specifically, he has had an outstanding academic and professional record—I acknowledged that early on—prestigious college and law school, Columbia; a judge of the District of Columbia Superior Court; involved in Department of Justice prosecution teams; and later served as Deputy Attorney General. But aside from these qualifications on Mr. Holder's resume, there is also the issue of character. Sometimes it is more important for the Attorney General to have the stature and the courage to say no instead of to say yes.

There are three specific matters which will be inquired into during the course of Mr. Holder's confirmation hearing. The first one involves a highly publicized pardon, the Marc Rich pardon. Mr. Holder testified he was "not intimately involved" in the Rich pardon and he assumed that regular procedures were being followed. But when you take a look at some of the details as to what was disclosed in the hearing by the House of Representatives and in the hearing in the Senate Judiciary Committee, which I chaired 15 months after the pardon, Mr. Holder met privately with Mr. Rich's attorney. According to Mr. Holder's own testimony, he tried to facilitate a meeting between the prosecutors in the Southern District of New York and Rich's attorney. Rich's attorney, Mr. Quinn, testified that Mr. Holder advised him to go straight to the White House rather than through the pardon office, which is the regular procedure. Mr. Quinn produced an e-mail from himself to a colleague with the subject line "Eric," in which he noted that "he says go straight to the WH, also says timing is good. We should get it in soon."

That is not conclusive, but these are matters to be inquired into. The pardon attorney was opposed to the pardon, but he never issued a recommendation because he didn't think the pardon was under serious consideration. Then the White House requested Mr. Holder's opinion, and he is quoted as saying that he was "neutral, leaning towards favorable" on the pardon.

On this case of the record, with the very close connections between Mr. Rich and very sizable contributions to the Clinton library and very sizable contributions to President Clinton's party, these questions inevitably arise and have not been answered satisfactorily. During the course of the hearings, both in the House and in the Senate, where I chaired the full committee hearing, the claim of executive privilege was made. We face a little different situation when we are looking at a confirmation hearing for Attorney General, in terms of the legitimate scope of Senators' inquiry which will be pursued. It ought to be focused on

the fact that the charges against Rich were very serious. They involved tax evasion, fraud, trading with the enemy, with Iran. It should also be emphasized that the U.S. attorney who prosecuted the case was opposed to the pardon and, in fact, refused to meet with Mr. Rich.

The second issue which requires a hearing on the issue of character and the determination as to whether Mr. Holder was yielding to the President to give him or the Vice President a conclusion they wanted to hear was the issue of the appointment of an independent counsel on the allegations that Vice President Gore engaged in fundraising from the White House in violation of Federal law.

Mr. Holder, in his capacity as Deputy Attorney General, was advising Attorney General Reno. Attorney General Reno came to the conclusion that independent counsel ought not to be appointed. The House of Representatives committee filed this report:

... the failure of the Attorney General to follow the law and appoint an independent counsel for the entire campaign finance investigation has been the subject of two sets of Committee hearings. FBI Director Louis Freeh and the Attorney General's hand-picked Chief Prosecutor, Charles LaBella, wrote lengthy memos to the Attorney General advising her that she must appoint an Independent Counsel under the mandatory section of the Independent Counsel Statute. ...

That mandatory section does not leave it to the discretion of the Attorney General, but the Attorney General declined to appoint independent counsel.

In hearings conducted before the Senate Judiciary Subcommittee, which I chaired, Attorney General Reno was questioned extensively on the evidence, which showed that hard money was being discussed as the matter of fundraising to be undertaken by Vice President Gore.

Attorney General Reno did not consider a very critical piece of evidence written by a man named Strauss who had attended the meetings. The Strauss memo contained the notation of a certain percentage of hard money and a certain percentage of soft money. Attorney General Reno did not consider that because, as she testified, it did not refresh the recollection of Mr. Strauss.

Well, there are a number of exceptions to the hearsay rule. One is when a piece of paper is reviewed by a witness and it refreshes his prior recollection, and another is when the witness testifies that the notes were made contemporaneously with the discussion and it constitutes prior recollection recorded, which is an exception to the hearsay rule and the witness does not have to remember what had occurred.

That critical piece of evidence was not considered by Attorney General Reno. So here again are issues which

are appropriate for inquiry on the character issue.

On the issue of whether Mr. Holder will exercise sufficient independence, Vice President Gore sought to explain to the FBI that he was out of the room a good bit of the time of the discussion because, as he had put it, he had consumed a lot of iced tea on that occasion. Well, these are matters which the independent counsel statute was designed to deal with, to conduct a further investigation, to consider all of the ramifications, and not to show favoritism because the subject of an investigation happened to be the Vice President of the United States. Mr. Holder's role in advising the Attorney General on that matter, his role as Deputy Attorney General, is an appropriate matter for inquiry.

The third issue to be inquired into involves the hearings on the so-called FALN organization, the Armed Forces of Puerto Rican Nationalists. The FALN was an organization linked to over 150 bombings, threats, kidnappings, and other events which resulted in the deaths of at least six people and the injuries of many more between 1974 and 1983. Four of the persons who received clemency were convicted of involvement in the \$7 million armed robbery of a Wells Fargo office.

In the face of this kind of conduct, and in the face of a report by the pardon attorney in the Department of Justice, the actions of Deputy Attorney General Holder were very extensive in what eventuated in the granting of clemency.

The Department of Justice sent the matter back for another evaluation, apparently dissatisfied with the recommendation of the pardon attorney that the clemency application ought to be denied.

On this second occasion, according to press accounts, the submission by the pardon attorney "made no specific recommendation" regarding clemency, but it did reflect that the FBI and two U.S. attorneys' offices opposed clemency. Notwithstanding that record, clemency was granted. It is an appropriate matter for inquiry to see specifically what role Mr. Holder played.

Senator HATCH, who was the chairman of the committee at that time, had this to say about the conclusion:

President Clinton, who up to this point had only commuted three sentences ... offered clemency to 16 members of FALN. This to me, and really almost every Member of Congress, was shocking.

Senator LEAHY joined in the criticism of the grant and raised the question about the failure of the Department of Justice to contact the victims. The matter came before the Senate, which rejected and criticized the grant of the clemency by a vote of 95 to 2.

All of these matters relate to judgment and relate to whether Mr. Holder had the kind of resoluteness displayed

by Attorney General Griffin Bell or Attorney General Elliot Richardson to say no to his superior.

In raising these concerns, I am raising questions. I will approach these hearings next week—a week from Thursday—with an open mind to give Mr. Holder an opportunity to explain his conduct and his actions and to see if, on the totality of the record, he displays the requisite character and judgment and can justify the actions in these sorts of matters which would warrant the confidence of the Judiciary Committee, really representing the confidence of the American people.

After our experience with Attorney General Gonzales, and given the experience of other Attorneys General in the past and the very critical role which they play in upholding the rule of law, these are the sorts of issues which ought to be aired. Mr. Holder ought to have his day in court, so to speak—the hearing before the Judiciary Committee—to see if he can state the case which would warrant his confirmation.

Mr. President, I ask unanimous consent that a detailed statement be printed in the RECORD at this point in full. What I have tried to do is to summarize a more detailed statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLDER FLOOR STATEMENT

With the Judiciary Committee hearings approaching on the nomination of the Attorney General-designate Eric H. Holder, Jr., I think it would be useful to put some of the issues into perspective, at least my perspective. I begin with the view to help President-elect Obama deal with the enormous problems facing our nation. I worked with then-Senator Obama; I had an office close to his on the 7th floor of the Hart Building, and consider him a friend. I sent a congratulatory letter after the election and was pleased to get his telephone call to discuss working together in the new year.

The fundamentals of our continuing relationship will be governed by the Constitution. Separation of powers and checks and balances are the basic precepts of dealings between the Congress (Article I) and the Executive (Article II). My record demonstrates my willingness to cross party lines when I consider it appropriate—frequently to my own political disadvantage.

The Constitution requires the President's choice for Attorney General to be confirmed by the Senate—specifically, with the Senate's "advice and consent." On June 13, 2005, in the context of a possible Supreme Court nomination, Senator Leahy described his opinion of the role of the Senate as prescribed by this clause stating: "The Constitution provides that the President 'shall nominate, and by and with the Advice and Consent of the Senate, shall appoint' judges. For advice to be meaningful it needs to be informed and shared among those providing it. . . . Bipartisan consultation would not only make any Supreme Court selection a better one, it would also reassure the Senate and the American people that the process of selecting a Supreme Court justice has not become politicized." (Cong. Rec. S6389) Senator Leahy's statement is at least relevant, if not equally applicable, to Mr. Holder's

nomination. History demonstrates that presidents who seek the advice of members of the Senate prior to submitting a nomination frequently see their nominees confirmed more quickly and with less controversy than those who do not. A recent example is that of President Clinton who consulted with then-Chairman Hatch prior to nominating Justice Ruth Bader Ginsberg and Justice Stephen Breyer to the Supreme Court. Both nominees were confirmed with minimal controversy.

In contrast, on the nomination of Mr. Holder, President-elect Obama chose not to seek my advice or even to give me advance notice, in my capacity as Ranking Republican on the Judiciary Committee, which is his prerogative. Had he done so, I could have given him some facts about Mr. Holder's background that he might not have known, based on my experience on the Senate Judiciary Committee. For example, in 1999, I chaired a Senate Judiciary Committee oversight task force that investigated whether the Department of Justice fulfilled its responsibilities in investigating the Waco siege, Chinese nuclear spying, and alleged campaign-finance abuses by Democrats during the 1996 elections. As part of that investigation, I chaired six hearings before the Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, during which we heard from numerous witnesses and reviewed many documents. The insight gained during that investigation might have been valuable to President-elect Obama, because Mr. Holder was Deputy Attorney General (DAG) of the Justice Department from 1997 until 2001 and, therefore, played a pivotal role in determining the level and scope of the Justice Department's investigation of these important matters. I also chaired the Senate Judiciary Committee's 2001 hearing on the controversial pardons of international fugitives Marc Rich and Pincus Green. During that hearing, the Committee heard testimony from Mr. Holder on his role in those pardons. I will describe some of the details on those matters shortly. Based on my role on those investigations, I could have provided President-elect Obama with information on Mr. Holder that he might not otherwise have had and might have found useful.

Seeking to be helpful to the new administration does not necessarily mean agreement on all matters. Sometimes saying "no" may be more helpful, but may not appear to be at the time.

I acknowledge the many good features about Mr. Holder's education and professional background. He received his B.A. from Columbia University in 1973 and his J.D. from Columbia Law School in 1976. Following law school, Mr. Holder pursued a career in public service, first as a trial attorney in the Public Integrity Section of the Department of Justice, then as an Associate Judge for the Superior Court of the District of Columbia, next as the United States Attorney for D.C., and then as Deputy Attorney General and, for a short period, as Acting Attorney General. Following his tenure at the Department of Justice, Mr. Holder joined the D.C. office of Covington & Burling, LLP as a partner.

In addition to the accomplishments on a nominee's resume, however, there is a critical qualification of character in upholding principles when tempted to yield to expediency by being a "yes man" to please a superior or to accommodate a friend. As Chairman Leahy and I noted in an op-ed we co-authored last October and published in *Politico*, "[I]ndependence is also an indispensable quality in an attorney general. . . . Regret-

tably, we have seen what happens when an attorney general ignores this basic tenet and considers the president, not the American people, as his principal. We must ensure that the rule of law never plays second fiddle to the partisan desires of political operatives."

American history provides several examples of Attorneys General whose independence was tested; some succumbed to being "yes men" and some resolutely said "no." One example of an Attorney General who may have been swayed by political pressure was Harry M. Daugherty (51st Attorney General under Presidents Harding and Coolidge, 1921–1924). In 1924, the Senate launched an investigation into the failure of the Attorney General to prosecute those implicated in the Teapot Dome Scandal, which was headed by Democratic Senator Burton K. Wheeler of Montana. The investigation included an examination of Mr. Daugherty's involvement in the scandal and why he failed to prosecute the Secretary of the Interior and others implicated. Although Mr. Daugherty was eventually cleared of all charges, his failure to aggressively prosecute those involved, combined with allegations that he obstructed justice by trying to block the congressional investigation, resulted in a loss of confidence in him. Mr. Daugherty resigned in March 1924, prior to the conclusion of the investigation.

Another example is that of Homer S. Cummings (55th Attorney General under President Franklin Roosevelt, 1933–1939). Frustrated with several Supreme Court decisions declaring New Deal programs unconstitutional, President Roosevelt asked Mr. Cummings to secretly draft a bill that would have added one new judge for every judge who refused to retire at age 70. This proposal, which came to be known as the "court-packing plan," could have created as many as six vacancies on the Supreme Court as well as a number of lower court vacancies. The resulting legislation was widely criticized as an overt political plan to circumvent the Supreme Court. The plan was never enacted, in part, because Justice Owen Roberts, who had traditionally voted against New Deal legislation, started voting with the "liberal" wing and upholding such measures. Justice Roberts' apparent about-face in jurisprudence is known as "the switch in time that saved nine."

A third and possibly the most egregious example is that of John N. Mitchell (67th Attorney General under President Nixon, 1969–1972). In 1974, Mr. Mitchell was indicted for conspiracy, obstruction of justice, giving false testimony to a grand jury, and perjury, for his role in the Watergate break-in and cover-up. He was convicted of these charges in 1975 and sentenced to two-and-a-half to eight years in prison.

In contrast, probably the most memorable example of an Attorney General who did not bend to political pressure is that of Elliot L. Richardson (69th Attorney General under President Nixon, 1973). On October 20, 1973, Nixon ordered Richardson to fire Watergate special prosecutor Archibald Cox. Mr. Richardson and his deputy attorney general, William D. Ruckelshaus, resigned rather than carry out the order.

Another example is President Lincoln's attorney general, Edward Bates (26th Attorney General, 1861–1864). Even in the midst of the Civil War, Bates did not hesitate to express independent judgment. Bates disagreed with President Lincoln on a number of issues that arose from the war, including Lincoln's desire to allow West Virginia to be admitted as a state. In part because he was unable to

convince Lincoln to agree with him, Mr. Bates resigned from office.

The Attorney General is unlike any other cabinet officer whose duty it is to carry out the President's policy. The Attorney General has a corollary, independent responsibility to the people to uphold the rule of law. Chairman Leahy and I mentioned this responsibility in the aforementioned Politico op-ed stating, "[t]he attorney general's duty is to uphold the Constitution and the rule of law, not to circumvent them. The president and the American people are best served by an attorney general who gives sound advice and takes responsible action, rather than one who develops legalistic loopholes to serve the partisan ends of a particular administration."

After our recent experience with Attorney General Gonzales, it is imperative that the Attorney General undertake and effectuate that responsibility of independence. Mr. Gonzales left office accused of politicizing the Justice Department, failing to restrain Executive overreaching, and being less than forthcoming with Congress. Even before becoming Attorney General, we now know that he pushed Attorney General Ashcroft to approve the President's surveillance program over the objections of high-level Justice Department officials. Once in office, he either abdicated his responsibility to subordinates or was complicit in the questionable firings of several U.S. Attorneys, depending on which of his statements one accepts as true. And, he repeatedly defended aggressive Administration positions that appeared dismissive of Congress and the Courts. Indeed, in his zeal for the Administration's policy on detainees, he even questioned the constitutional basis for habeas corpus review. On January 18, 2007, when he testified before the Judiciary Committee, it was astounding to hear his claim that "there is no express grant of habeas in the constitution." When I pressed him on the point, he replied "the constitution does not say every individual in the United States or every citizen is hereby granted or assured the right to habeas. It simply says the right of habeas corpus shall not be suspended." Later, the Detroit Free Press editorialized: "The moment when Alberto Gonzales proved he was just wrong for the job of U.S. attorney general came . . . after Sen. Arlen Specter, R-Pa., asked him about the constitutional guarantee of criminal due process, known as habeas corpus." I am convinced that many of Attorney General Gonzales' missteps were caused by his eagerness to please the White House.

Similarly, when Mr. Holder was serving as DAG to President Clinton, some of his actions raised concerns about his ability to maintain his independence from the president. The most widely reported incident involved the aforementioned controversial pardon of fugitive Marc Rich. Mr. Rich fled the country in 1983 after a federal grand jury in New York returned a 51-count indictment against him, his partner, and his company, which included allegations of tax evasion, fraud, and trading with the enemy (Iran, during the hostage crisis). Those charges carried a maximum sentence of 300 years in prison. On January 20, 2001, President Clinton granted Rich a pardon that did not follow the regular pardon procedures. Mr. Rich never appeared for trial, had attempted to ship subpoenaed documents out of the country, and was still a fugitive. Prior to his pardon, he had been listed on the FBI's "Ten Most Wanted" fugitives list. Further tainting his pardon was the fact that his ex-wife had donated large sums to the Democratic Party

(\$867,000), to the Clinton Library (\$450,000) and had donated \$66,300 to individual Democratic candidates.

On February 8 and March 1, 2001, the House Committee on Government Reform held two hearings on the pardons of Rich and others made during President Clinton's final days in office. On February 14, 2001, I chaired a full Judiciary Committee hearing on the controversial pardons. At the Judiciary Committee hearing, Roger Adams, DOJ's Pardon Attorney, testified that "none of the regular procedures . . . were followed" with regard to the Rich and Green pardons.

Mr. Holder testified that he was not "intimately involved" in the Rich pardon, and that he assumed that the regular procedures were being followed. Mr. Holder said that, the night before the pardon was granted, White House Counsel Beth Nolan contacted him to ask his position on the pardon request. Mr. Holder stated that he had reservations about the pardon request since Mr. Rich was still a fugitive and because it was clear that the prosecutors involved would not support the request, but he ultimately told Ms. Nolan that he was "neutral, leaning towards favorable" on the request. He testified that one factor influencing his decision was the assertion that Israeli Prime Minister Ehud Barak had weighed in strongly in favor of the request; therefore, the granting of the request might have foreign policy benefits. He made no inquiry, however, as to whether that was true.

Notwithstanding, based on these hearings, serious questions have been raised regarding Mr. Holder's candor while testifying before Congress. (Jerry Seper, Holder Testimony on Pardon Questioned, *The Washington Times*, Dec. 18, 2008) In response to a question from Congressman Burton, Mr. Holder testified that he had "only a passing familiarity with the underlying facts of the Rich case." (The Controversial Pardon of International Fugitive Marc Rich: Hearing Before the House Comm. on Govt. Reform, 107th Cong. 193 (2001) (statement of Mr. Eric Holder)) Despite this assertion, correspondence with the Justice Department obtained by the House Committee and testimony from other witnesses shows that, 15 months before the pardon, Mr. Holder met privately with Mr. Rich's attorney and received a presentation about what Mr. Rich's defense believed were flaws in the government's case. (Id. at 175-76) Further, according to Mr. Holder's own testimony, he tried to facilitate a meeting between the prosecutors in the Southern District of New York and Rich's attorney, Mr. Jack Quinn, over a year before the pardons were granted. (President Clinton's Eleventh Hour Pardons: Hearing Before the Senate Comm. on the Judiciary, 107th Cong. 31 (2001))

Allegations have also been raised that Mr. Holder was responsible for the deviation from normal pardon procedures. Allegedly, Mr. Quinn wrote to and spoke with Mr. Holder several times between November 2000 and the night of January 19, 2001, and primarily relied on him for guidance and information rather than the pardon office. Mr. Quinn testified that Mr. Holder advised him to go straight to the White House rather than through the pardon office, and Mr. Quinn produced an email from himself to a colleague with the subject line "eric" in which he noted that "he says go straight to wh. also says timing is good. we shd get in soon." (The Controversial Pardon of International Fugitive Marc Rich: Hearing Before the House Comm. on Govt. Reform, 107th Cong. 640 (2001) (email from Jack Quinn)) Mr. Holder denied that he told Mr. Quinn to go

straight to the White House (Id. at 204) and maintained that he thought the regular pardon procedures were being followed; however, he admitted that he never spoke to anyone either in the pardon office or in his own office about whether the Rich pardon petition had been received. (President Clinton's Eleventh Hour Pardons: Hearing Before the Senate Comm. on the Judiciary, 107th Cong. 30 (2001))

Finally, Mr. Holder testified that he had at least one conversation with Mr. Quinn about a potential Attorney General position in Al Gore's possible administration while the Rich pardon was pending, and that he was sending Mr. Quinn the resumes of people on his staff and asking for his help in finding them jobs after Clinton left office. (The Controversial Pardon of International Fugitive Marc Rich: Hearing Before the House Comm. on Govt. Reform, 107th Cong. 202 (2001)) Mr. Holder noted, however, that the actions he took with regard to the Rich pardon were done after the election had been decided in favor of President George W. Bush when the Attorney General position was no longer an option.

While serving as DAG, Mr. Holder also was intimately involved in the decision-making process that resulted in Attorney General Janet Reno rejecting the Department of Justice and FBI task force's recommendation to appoint an independent counsel to probe the allegations of fund-raising abuses by Vice President Al Gore during the 1996 presidential campaign. (David Johnston, Reno Aides Recommend Against Outside Counsel, *Austin American-Statesman*, Nov. 22, 1997; Deputy Attorney General Holds Justice Department Weekly Media Availability, *FDCH Political Transcripts*, Dec. 18, 1997; *US Seeks to Verify Chinese Campaign Influence*, *The Bulletin's Frontrunner*, Feb. 13, 1998; John Bresnahan, *Hatch May Hold New Hearings to Pressure Reno on 1996 Campaign Finance Violations*, *Roll Call*, May 11, 1998; Michael Kirkland, *Reno Gets Advice from Freeh on Gore Probe*, *United Press International*, July 27, 2000) The House Committee on Government Reform and the Senate Committee on Governmental Affairs both conducted extensive investigations of the fund-raising activities. Both Committees found significant evidence of wrongdoing and recommended that the Attorney General appoint an independent counsel to investigate further. In its report on the investigation, the House Committee wrote: "the failure of the Attorney General to follow the law and appoint an independent counsel for the entire campaign finance investigation has been the subject of two sets of Committee hearings. FBI Director Louis Freeh and the Attorney General's hand-picked Chief Prosecutor, Charles LaBella, wrote lengthy memos to the Attorney General advising her that she must appoint an Independent Counsel under the mandatory section of the Independent Counsel Statute. . . . Until an independent counsel is appointed in this matter, the American people cannot be assured that the same standards of justice will be applied to the President and Vice-President as apply to every other citizen." (Investigation of Political Fundraising Improprieties and Possible Violations of Law, Interim Report, H.R. Rep. No. 105-829, Sixth Rep., Vol. 1, at 3 (1998))

Following these two Committees' investigations, I chaired a special task force to examine whether the Justice Department fulfilled its responsibilities in investigating these matters. That lengthy investigation of the campaign finance scandal included six hearings before the Judiciary Committee's

Subcommittee on Administrative Oversight and the Courts and brought to light important, previously unknown information, including the fact that campaign task force head Robert Conrad (who replaced Charles LaBella as the head of the task force) also had recommended that Attorney General Reno appoint a special prosecutor in addition to the prior recommendations of FBI Director Louis Freeh and Mr. LaBella.

After reading Mr. Conrad's report, which was only provided to the Committee pursuant to a subpoena, I discovered that Mr. Conrad also had recommended the appointment of a special counsel. I questioned Attorney General Janet Reno during a Judiciary Committee hearing about a number of Mr. Conrad's findings to determine whether a special prosecutor was required. For example, Mr. Conrad's report raised questions as to the veracity of Vice President Gore's statements about fund raising telephone calls he made from the White House. According to federal law, if the money Gore raised through the calls was so-called "soft money," it was not a contribution and was not prohibited from being raised on federal property. But, if it was so-called "hard money," then Gore may have violated the law. Mr. Conrad had questioned Gore about the issue, and Gore contended that he did not know that hard money was to be raised. But, the question remained as to what Gore knew when he made the calls.

I questioned the Attorney General at some length about the specific facts that had been produced in the investigation of Gore's statements. For example, there was evidence that four witnesses testified about a meeting on November 21, 1995, where Gore was in attendance, where they discussed raising hard money. Evidence of this meeting supported the conclusion that Gore knew hard money was the objective prior to making the phone calls. (The 1996 Campaign Finance Investigations: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 107-09 (2000)) I questioned Reno extensively about the fact that she discounted the evidence from David Strauss, who was the deputy Chief of Staff for Gore, who had made contemporaneous notes at this November 21, 1995 meeting about the discussion. Strauss had written: "Sixty-five percent soft, thirty-five percent hard," showing that hard and soft money had been discussed at the meeting. Strauss later said he could not remember what was discussed at the meeting. Reno did not consider Strauss' notes because he said they did not refresh his recollection. (Id. at 108) I pointed out to Reno that Strauss' notes constituted competent evidence as an exception to the hearsay rule as "prior recollection recorded." It was not determinative that Strauss said he did not remember even after he looked at his notes since the notes were valid evidence of "prior recollection recorded." (Federal Rule of Evidence 803(5)) I asked Reno if she was familiar with the rule of evidence "prior recollection recorded" and her responses indicated that she was not. (The 1996 Campaign Finance Investigations: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 108-09, 112-113 (2000)) She apparently did not understand the difference between "recollection refreshed" and "prior recollection recorded."

In my legal judgment, the evidence supported the appointment of Independent Counsel as recommended by Freeh, LaBella, and Conrad—especially if the Strauss notes had been considered. Further investigation by Independent Counsel was warranted to determine if favoritism had been shown to the

Vice President. Press reports indicate that Reno consulted Holder throughout the investigation. (David Johnston, *Reno Aides Recommend Against Outside Counsel*, *Austin American-Statesman*, Nov. 22, 1997; Deputy Attorney General Holds Justice Department Weekly Media Availability, *FDCH Political Transcripts*, Dec. 18, 1997; *US Seeks to Verify Chinese Campaign Influence*, *The Bulletin's Frontrunner*, Feb. 13, 1998; John Bresnahan, *Hatch May Hold New Hearings to Pressure Reno on 1996 Campaign Finance Violations*, *Rollcall*, May 11, 1998; Michael Kirkland, *Reno Gets Advice from Freeh on Gore Probe*, *United Press International*, July 27, 2000) The Judiciary Committee should question Mr. Holder on the issue of his independence in following the facts without a political bias in favoring Gore.

A third controversial matter with which Mr. Holder was involved was President Clinton's granting of clemency to 16 members of the terrorist organization FALN (an acronym which translates to the Armed Forces of Puerto Rican Nationalists) on August 11, 1999. The FALN organization had been linked to over 150 bombings, threats, kidnappings, and other events which resulted in the death of at least six people and the injury of many more between 1974 and 1983. (Clemency for FALN Members: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 1 (1999) (statement of Chairman Hatch)) For example, four of the persons who received clemency were convicted of involvement in the \$7.2 million armed robbery of a Wells Fargo office in 1983 (half of the money reportedly ended up with the Cuban Government and was used to train and finance the robbers). (Edmund H. Mahony, *Clinton-Era Sentence Reductions Could Trip Holder's Confirmation*, *The Hartford Courant*, Dec. 28, 2008) The grant of clemency was opposed by the FBI, the Federal Bureau of Prisons, the Fraternal Order of Police, victims of the FALN bombings, and two United States Attorneys. (Clemency for FALN Members: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 1 (1999) (statement of Chairman Hatch)) In addition to the concerns over granting clemency to persons convicted of being involved in terrorist activities, serious allegations have been raised that the normal clemency process was not followed.

The FALN pardon process had an unusual beginning. In 1993, a mass letter writing campaign was started to urge the release of the FALN terrorists. The imprisoned terrorists did not recognize the right of the U.S. government to hold them in custody and refused to personally petition for clemency; therefore, their attorneys petitioned on their behalf. One of these attorneys was Dr. Luis Nieves-Falcón, who was later identified as an FALN member. (Threat Assessment, U.S. Dept. of Justice, Federal Bureau of Prisons, FBI Counterterrorism Center, June 30, 1999. See also Draft Threat Assessment, U.S. Dept. of Justice, Federal Bureau of Prisons, FBI Counterterrorism Center, July 22, 1998) Although prisoners typically file individual petitions for clemency, then-DAG Philip Heymann's office agreed to treat the attorney-signed petitions as valid petitions.

The White House received thousands of letters from the Puerto Rican community advocating for the release of the terrorists, and three Puerto Rican Members of Congress, Jose Serrano, Luis Gutierrez, and Nydia Velázquez, pushed for a meeting with the White House to advocate for clemency. In July 1994, then-Pardon Attorney Margaret Colgate Love met with pro-clemency attorneys, and in 1995, she met with religious

leaders seeking clemency. In the spring and fall of 1996, Jack Quinn, the White House Counsel, also met with pro-clemency activists.

In December 1996, Margaret Love sent a report to the White House recommending against clemency for the FALN prisoners. (Hearing on Clemency for FALN Members Before the Senate Judiciary Committee, 105th Cong. 149 (Appendix, Letter from Margaret Colgate Love to Charles F.C. Ruff, July 25, 1997)) Later that month, White House officials met with pro-clemency religious leaders. White House and DOJ officials continued to meet with pro-clemency activists and the lawyers for the terrorists throughout 1997, 1998 and 1999, until they were pardoned on August 11, 1999.

Mr. Holder met with the Puerto Rican Members of Congress on November 5, 1997. At the meeting, Mr. Holder asked how the prisoners had changed. Congressman Gutierrez promised to supply in writing a statement from the prisoners on that subject. After the meeting, Mr. Holder directed the Pardon Attorney who replaced Margaret Love in November, Roger Adams, to follow-up with Congressman Gutierrez's staff, since, according to the Pardon Attorney's notes, "[w]e are getting ready to finish up our report and recommendation fairly soon, and would like to have the statement on repentance to include." (Roger Adams' Notes on DAG Holder's Meeting with Puerto Rican Congressmen, Nov. 5, 1997. Roger Adams' follow-up telephone call notes for Enrique Fernandez and Doug Scofield.)

Mr. Holder had at least two additional meetings with pro-clemency advocates. On March 26, 1998, he met with President Carter's pro-clemency representative, and on April 8, 1998, he met with pro-clemency religious leaders. According to notes from this meeting, the religious leaders provided a mixed message as to whether the FALN terrorists had renounced the use of violence. (Memorandum to file from Roger Adams on meeting with FALN supporters, April 8, 1998) The leaders provided Mr. Holder with a statement that the prisoners would sign to show how they had changed. The statement, however, did not contain a clear renunciation of violence. (SJC Archive Document: Statement from the Puerto Rican Political Prisoners)

In the summer of 1999, Pardon Attorney Roger Adams allegedly submitted to the White House a second document on the FALN clemency, referred to as the "options paper." According to press accounts, this paper "made no specific recommendation" regarding clemency, but it did reflect that the FBI and two U.S. Attorney's Offices opposed clemency. (Hearing on Clemency for FALN Members Before the Senate Judiciary Committee, 105th Cong. 94-95 (statement of Chairman Hatch); David Johnston, *Clinton Went Against Advice on Clemency*, *Orlando Sentinel*, Aug. 27, 1999) A recent press report cites an unnamed administration official who states that Mr. Holder recommended the grant of clemency and asserts that Mr. Holder's recommendation in favor of commutation accompanied Mr. Adams' "options paper." (Edmund H. Mahony, *Clinton-Era Sentence Reductions Could Trip Holder's Confirmation*, *The Hartford Courant*, Dec. 28, 2008) Mr. Holder's alleged recommendation in favor of the commutations contrasted with opposition by the FBI, the Federal Bureau of Prisons, the Fraternal Order of Police, victims of the FALN bombings, and two United States Attorneys. In August, the terrorists were granted clemency.

On September 14, 1999, the Senate passed a joint resolution by a vote of 95-2 stating that President Clinton should not have made this grant. (S.J. Res 33, 106th Cong. (1999)) The House passed a similar resolution on September 9, 1999, by a vote of 311-41. (H. Con. Res. 180, 106th Cong. (1999))

The Senate Judiciary Committee held two hearings on the FALN commutations, one on September 15 and another on October 20, 1999. At these hearings, ten members of the Committee, both Republicans and Democrats, expressed their concern over these grants of clemency. Chairman Hatch stated in his opening statement before the Committee: "President Clinton, who up to this point had only commuted three sentences since becoming President, offered clemency to 16 members of the FALN. This to me, and really almost every Member of Congress, was shocking. And, quite frankly, I think I am joined by a vast majority of Americans in my failure to understand why the President, who has spoken out so boldly in opposition to domestic terrorism in recent years, has taken this kind of an action." (Clemency for FALN Members: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 1 (1999) (statement of Chairman Hatch) Then-Ranking Member Leahy agreed stating: "I did not agree with the President's recent clemency decision . . . (Id. at 6 (statement of Sen. Leahy))

Mr. Holder testified at the October 20th hearing, but he refused to answer a number of questions citing executive privilege. As summarized in recent press accounts, he "conceded that bombing victims were not consulted about clemency, but declined to answer substantive questions, including why the Office of the Pardon Attorney issued two inconsistent reports and why those getting sentence commutations were never pressed to provide information about fugitive co-defendants." (Edmund H. Mahony, Clinton-Era Sentence Reductions Could Trip Holder's Confirmation, *The Hartford Courant*, Dec. 28, 2008) Mr. Holder did testify, however, that the 1996 recommendation against clemency existed and that following the report there were "subsequent communications" between DOJ and the White House. (Clemency for FALN Members: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 97, 122 (1999) (statement of Eric Holder, Deputy Attorney General)) Asserting executive privilege, he would not discuss the "options paper" or state if that document contained a recommendation. (Id. at 97, 120-21)

During the hearing, the Judiciary Committee also learned that victims and groups opposing clemency were not consulted prior to the grant of clemency. A number of Senators articulated their concern over this lack of consultation, which prompted Senator Leahy to send a letter to Attorney General Reno after the hearing expressing his concern over the clemency process and, in particular, his alarm that the victims of the FALN terrorists were not contacted prior to the grant of clemency. He wrote: "I was troubled to learn through both press reports and testimony at a recent committee hearing that victims of some of the bombings perpetrated by the FALN were not consulted or even contacted with regard to the clemency offers made to some members of that organization. Indeed, one victim reported that he learned of the clemency offers through a relative who had heard media reports." (Id. at 139 (letter from Senator Leahy to Attorney General Reno))

The timing of the FALN clemency was especially curious given then-recent threat as-

sessments issued by the Justice Department. In October 1999, Attorney General Reno released a five-year interagency counterterrorism and technology crime plan that acknowledged the threat posed by the FALN terrorists. The report stated that, "Factors which increase the present threat from these groups [the FALN and Los Macheteros] include . . . the impending release from prison of members of these groups jailed for prior violence." (Five-Year Interagency Counterterrorism and Technology Crime Plan, Unclassified Edition, Department of Justice, Sept. 1999) Since this report was issued by the DAG's office, Mr. Holder was questioned about the report at a press conference. He stated that the report was talking about "the possibility that people from among other groups, the FALN, were going to be released over the next few years." (Email from Patrick O'Brien with Talking Points and Press Conference Excerpts, Oct. 21, 1999)

Another matter worthy of consideration during the hearing concerns the circumstances of Margaret Love's departure from the Pardon Office. Margaret Love served as Pardon Attorney from 1990 to November 1997. Ms. Love, 20-year veteran of the Department, was removed from office by Mr. Holder based on charges of mismanagement after she recommended against the commutations of the FALN terrorists and shortly after Mr. Holder was confirmed as DAG in July 1997. She was replaced by Roger Adams, a member of Mr. Holder's staff. I believe questions surrounding her removal from office should be raised with Mr. Holder.

It is significant that, on these three matters, Mr. Holder overruled the advice of career professionals. With regard to the Rich and Green pardons, Mr. Holder told White House counsel Beth Nolan that he was "neutral, leaning towards favorable" on the pardon despite the express opposition of the U.S. Attorney for the Southern District of New York, the career attorneys who prosecuted the case, and the FBI. Further, prior to Mr. Holder's statement to Ms. Nolan, pardon attorney Roger Adams had contacted Mr. Holder to express his concerns regarding Rich's fugitive status and the charges for arms trading.

In the FALN commutations matter, press accounts indicate the Mr. Holder submitted a recommendation in favor of those clemency requests even though the initial recommendation by Pardon Attorney Margaret Love opposed the commutations and the grants were opposed by the FBI, the Federal Bureau of Prisons, the Fraternal Order of Police, victims of the FALN bombings, and two United States Attorneys.

Finally, while the record is unclear as to Mr. Holder's precise role in the campaign finance investigation, it is clear that Attorney General Reno consulted Mr. Holder on these matters and that the recommendations of the heads of the campaign finance special task force, Charles LaBella and Robert Conrad, as well as the recommendation of FBI Director Louis Freeh, for the appointment of Independent Counsel were overruled.

These matters require further questioning. In two of them, Mr. Holder appears to be serving the interests of his superiors. There is an underlying issue about Mr. Holder not following the recommendations of career attorneys. As Senator Leahy and I noted in our op-ed "the attorney general must be someone who deeply appreciates and respects the work and commitment of the thousands of men and women who work in the branches and divisions of the Justice Department day in and day out, without regard to politics or

ideology, doing their best to enforce the law and promote justice." It is to be expected that politically appointed federal officers will not always follow the advice of career staff, but this pattern is troubling.

In raising these concerns, I am not passing judgment on the nominee. I am prepared to give Mr. Holder a full opportunity to explain his past actions and convince the Committee and the Senate that his record warrants confirmation. Indeed, it may be helpful for him to have advance notice of these specific concerns of mine to give him notice so he can prepare for the hearing. With considerable experience in confirmation hearings, including eleven Supreme Court nominations, I have learned to keep an open mind without prejudgment until the nominees have had their "day in court"—that is in the Judiciary Committee hearing.

SEC INVESTIGATION INTO PEQUOT CAPITAL MANAGEMENT TRADING

Mr. SPECTER. Mr. President, the Finance Committee, under the chairmanship of Senator GRASSLEY in the 109th Congress, and the Judiciary Committee, under my chairmanship in the 109th Congress, conducted an extensive inquiry into allegations of insider trading. The issue is succinctly framed in a letter which I wrote to Christopher Cox, Chairman of the Securities and Exchange Commission, in a letter dated December 24, 2008. I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The matter could be most succinctly articulated by quoting from parts of this letter as follows:

Dear Chairman Cox:

Senator Charles Grassley and I have already issued public findings concerning the Securities and Exchange Commission's . . . investigation into Pequot Capital Management's . . . suspicious trading.

Referring to insider trading.

These findings also criticized the original Office of Inspector General's report, which essentially ignored former SEC investigator Gary Aguirre's complaints of political influence in the Pequot investigation . . . after the new SEC Inspector General, David Kotz, largely agreed with our findings and recommended disciplinary action against Mr. Aguirre's supervisors up to the Director of Enforcement, the SEC selected an initiating official who, in a matter of days, found that disciplinary action was unwarranted. That official was described in press accounts as an Administrative Law Judge, and it was not until further inquiry that the SEC admitted she was not acting in a judicial capacity in issuing her decision. I am now writing because recent events provide the SEC with an opportunity to make good on its Pequot investigation, despite having . . . closed the case in November 2006.

. . . The investigation centered, in part, on evidence that David Zilkha, a Microsoft employee who joined Pequot in April 2001 and separated from Pequot in November 2001, may have given Arthur Samberg, Pequot's CEO, inside information regarding Microsoft.

Documents recently filed in a Connecticut divorce case (*Zilkha v. Zilkha*) disclose that

Pequot has made or promised to make payments of \$2.1 million to Mr. David Zilkha. On December 1, 2008, and December 16, 2008, Pequot and Pequot CEO Arthur Samberg filed motions for protective orders, and the state court has scheduled the hearing on those motions for January 16, 2009.

On December 10, 2008, Senator Grassley and I requested from Pequot and Mr. Samberg all records related to the payments to Mr. Zilkha, as well as an explanation of the payments. On December 17, 2008, Mr. Samberg responded that the payments to Mr. Zilkha were for the purpose of "settling a civil claim related to his employment and termination by Pequot." Mr. Samberg enclosed a few documents, but we have requested additional records, and have asked for a complete production.

Given the troubled history of this case, the SEC should also be seeking answers as to any payments made to Mr. Zilkha by Pequot. I therefore write to strongly urge the SEC to consider filing pleadings in the Connecticut action, so that the court will have all relevant information when it considers the Pequot and Samberg motions for protective orders.

In essence, we have serious allegations of insider trading. We have the Inspector General of the SEC recommending serious disciplinary action. We have the matter being papered over by the SEC on what purported to be new conclusions reached by the administrative law judge where, in fact, the individual was not an administrative law judge. And now we find \$2.1 million in payments or promised payments to an individual who may have been in the position to provide insider information. The matter is coming before a court in a domestic relations case, but that provides an opportunity to find those facts.

This letter has not been answered, and I am taking this occasion to put it into the CONGRESSIONAL RECORD in the hopes that we may have some action by the SEC which will be calculated to get to the bottom of this matter. Certainly, this is something that ought to be of major concern to the Securities and Exchange Commissioners, to the Chairman, and to the SEC, generally.

The Finance Committee and the Judiciary Committee, through the efforts of Senator GRASSLEY and myself, have gone to very substantial lengths to deal with this issue. Oversight by the Congress is very hard to pick up these complex matters and get into them, but a lot of work has been done, and we are still undertaking to try to get to the bottom of the allegations of insider trading. The issue now has turned to be greater than insider trading on one specific matter, but to the integrity of the SEC itself, in pursuing these kinds of allegations and in following the facts wherever they may lead.

Chairman Cox has limited additional tenure, but there is sufficient time for him to act if he will, and if he will not, Senator GRASSLEY and I may seek to intervene ourselves. This is something which is the primary responsibility of the SEC, and it would be my hope that

Chairman Cox would act on this matter to intervene, file an amicus brief, find out what the facts are on that \$2.1 million to get to the bottom of these serious allegations of insider trading.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 24, 2008.

Hon. CHRISTOPHER COX,

Chairman, U.S. Securities and Exchange Commission, 100 F. Street, N.E., Washington, DC.

DEAR CHAIRMAN COX: Senator Charles Grassley and I have already issued public findings concerning the Securities and Exchange Commission's ("SEC") bungled investigation into Pequot Capital Management's ("Pequot") suspicious trading. These findings also criticized the original Office of Inspector General's report, which essentially ignored former SEC investigator Gary Aguirre's complaints of political influence in the Pequot investigation. You welcomed our findings and worked to implement our recommendations. Nonetheless, after the new SEC Inspector General, David Kotz, largely agreed with our findings and recommended disciplinary action against Mr. Aguirre's supervisors up to the Director of Enforcement, the SEC selected an initiating official who, in a matter of days, found that disciplinary action was unwarranted. That official was described in press accounts as an Administrative Law Judge, and it was not until further inquiry that the SEC admitted she was not acting in a judicial capacity in issuing her decision. I am now writing because recent events provide the SEC with an opportunity to make good on its Pequot investigation, despite having precipitously and unjustifiably closed the case in November 2006.

In 2006, the SEC closed its investigation of April 2001 trading by Pequot in Microsoft stock. The investigation centered, in part, on evidence that David Zilkha, a Microsoft employee who joined Pequot in April 2001 and separated from Pequot in November 2001, may have given Arthur Samberg, Pequot's CEO, inside information regarding Microsoft.

Documents recently filed in a Connecticut divorce case (*Zilkha v. Zilkha*) disclose that Pequot has made or promised to make payments of \$2.1 million to David Zilkha. On December 1, 2008, and December 16, 2008, Pequot and Pequot CEO Arthur Samberg filed motions for protective orders, and the state court has scheduled the hearing on those motions for January 16, 2009.

On December 10, 2008, Senator Grassley and I requested from Pequot and Mr. Samberg all records related to the payments to Mr. Zilkha, as well as an explanation of the payments. On December 17, 2008, Mr. Samberg responded that the payments to Mr. Zilkha were for the purpose of "settling a civil claim related to his employment and termination by Pequot." Mr. Samberg enclosed a few documents, but we have requested additional records, and have asked for a complete production.

Given the troubled history of this case, the SEC should also be seeking answers as to any payments made to Mr. Zilkha by Pequot. I therefore write to strongly urge the SEC to consider filing pleadings in the Connecticut action, so that the court will have all relevant information when it considers the Pequot and Samberg motions for protective orders. Please respond as to whether the SEC will take such an action. I also ask that you notify me immediately if

the SEC reopens its investigation or takes any enforcement action in light of this new evidence.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Madam President, in the absence of any other Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

ISRAEL AND GRIFFIN BELL

Mr. ISAKSON. Mr. President, I rise for a few moments to address two subjects, the first will be about Israel and the second about the passing of Griffin Bell.

All of us are deeply concerned with the conditions in the Middle East, most recently in the last 12 days, the actions in Gaza, the loss of human life and the conflict.

But there is a necessary perspective we all must understand. In November of 2007, I stood at the last Israeli outpost overlooking Gaza. In fact, if you watch Fox or CNN or NBC or ABC tonight, where you will see those reports coming from, I stood on that very spot just a little over a year ago.

Also, I went to Sderot, the Israeli settlement outside Gaza, that since mid year last year has received 1, 2, 3, 10, 15 missile attacks, random attacks coming out of Gaza dropping on this Israeli settlement for no reason at all but the absolute ability or desire to terrorize the Israeli people and destroy that settlement.

What Israel has done by moving into Gaza is a major military operation. In some reports that you see on television or you read about in the papers, you would think it was unprovoked and unnecessary. The opposite is true. It has been provoked for 15 months by Hamas in Gaza. The Israelis have finally drawn a line in the sand and they have moved in to try to protect the best interests of their citizens.

For perspective, Gaza and Sderot are a little bit like Arlington and Washington. You are not talking about a large land mass, you are talking about a very narrow, tight area. It would be similar to South Carolina and Georgia lobbing missiles back and forth.

What would happen if one of those States did it? We would immediately react to protect our citizens and protect their lives and their livelihoods. That is what Israel is doing.

I pray every night that somehow and some way we can be a catalyst for ultimately a lasting peace in the Middle

East. But surrendering to terrorism or the acts of terrorism such as Hamas has been taking out on the Israeli people is no way to go. I support the Nation of Israel. I believe they are doing the right thing to confront head-on the terror that has been imposed on them.

It should not be lost on any of us that the supplies that have gotten into Gaza through what is known as the Eisenhower Passageway, which is from Egypt into Gaza, have been military materials being flown in and then taken in through tunnels basically by operatives of Iran. Just as what happened in Lebanon a year ago with Hezbollah and the Lebanese, the same thing is happening today between Gaza and the Palestinians and the Israelis.

The catalyst for the conflict is another nation, Iran. It wants to diffuse the focus on its producing of nuclear weapons and instead keep turmoil in the Middle East to use it to its benefit.

As a member of the Foreign Relations Committee, I take very seriously my responsibility to look upon every nation in this world as a nation we should respect, as a nation we should dialogue with, and as a nation we should work with. But we cannot and we must not turn our head away from a nation that is causing terror to be invoked against innocent people such as Iran is doing against Israel through the Palestinians in Gaza.

So I hope and pray these difficulties end tonight. I hope and pray there is not another loss of life. But as long as Hamas is unwilling to enter into a meaningful peace, a meaningful effort to stop the terror, one that can be trusted and verified, then Israel is doing precisely what it should be doing in the best interests of its people. It is doing no less than we in this Congress and America would do were we attacked in the same way in the same time. In the first part of my remarks, I stand in solidarity with the people of Israel in hope and prayer that the hostilities end but not because of surrender; because ultimately we confront terror and get people to lay down their arms, not for a day, not for a cease-fire but for generations to come.

The second subject is, for me, a very sad subject but also a subject that brings a lot of joy to my heart. There is a great American by the name of Griffin Bell, known to many people in this room. I know you, Mr. President, being a former Attorney General in the State of Colorado, are familiar with Griffin Bell's record and jurisprudence in the United States for the last 75 years.

Griffin Bell first rose to prominence in America when Jimmy Carter brought him from Georgia to become the Attorney General of the United States of America. He brought him in at a critical time in our country's history because Griffin Bell had done unbelievable things as a lawyer during difficult times in the South.

Griffin Bell was the man whom Andy Young and the civil rights leadership of Atlanta and Ivan Allen, the mayor of Atlanta, turned to to write the plan for the desegregation of the Atlanta public schools. It was Griffin Bell who, as a lawyer but more so as a human being, worked through the difficult stress of those times of integration and the enforcement of the Brown v. Board of Education ruling, to see to it that separate but equal ended and equal access to education prevailed for all.

He did it in a way where Atlanta was one of the few major cities in America that had no violence, no conflict, and no academic loss because of the imposition of the desegregation guidelines that were imposed by the courts.

Griffin Bell did something no one thought could be done. It was because of his ability to do that and find common ground and find understanding that Jimmy Carter brought him to Washington, DC, and appointed him Attorney General.

When Griffin left and went back to his law firm of King & Spalding in Atlanta, there was not a single thing that happened in our major capital city and our State for four decades that Griffin Bell was not a major player and a major part of.

During Olympics, when they came to Atlanta in 1996 and there were difficulties, to whom did the Olympic committee go to weed through the minefield of Washington to get the security assistance necessary for the Olympics and Atlanta? It was Griffin Bell.

When there was a company that was in need of a forensic audit by a legal man who would come in and clean up a problem in their company, such as E.F. Hutton did, whom did they call? They called Griffin Bell. For the better part of the last six decades, Griffin Bell has been the most prominent lawyer in the State of Georgia and I would suggest one of the most prominent lawyers in the United States of America. His mark has been left on countless hundreds of thousands of lives in our country. Sadly, at 9:45 a.m. yesterday morning in Piedmont Hospital, Griffin Bell passed away. I know where he is now. He is in heaven and he is looking down. He would be the last person to want anybody in the Senate or the House or anywhere else bragging about him. But I sing his praise for the greatness he did for our State and the greatness he did for his country.

To his children and to his wife, I pass on my sincere condolences and my thanks for the support they gave to a great father and a great Georgian, Griffin Bell.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CLAIBORNE PELL

Mr. REED. Mr. President, this evening I have the privilege of joining my friend and colleague from Rhode Island, Senator SHELDON WHITEHOUSE, to say a few words about our esteemed predecessor, Senator Claiborne Pell.

Senator Pell served 36 years in the Senate—the longest serving Senator in the history of Rhode Island. He was elected in 1960, along with his friend and young Democrat John F. Kennedy. They brought a new spirit, a new vision, new hope to America. He served until 1997, when I had the distinct honor and, indeed, privilege of succeeding him as a Senator from Rhode Island. He was an extraordinary gentleman, and he will be missed by all Rhode Islanders and, indeed, by this Senate.

I was honored yesterday to be asked by Nuala Pell to say a few words at his services in Newport, RI. First, I obviously pointed out that Claiborne's public service was sustained and inspired by his wife and his family. Nuala and all of their children were the support, comfort, and the meaning in his life. We owe them our thanks as well for his 36 distinguished years of service in the Senate.

Claiborne Pell was a remarkable individual. He was born to great wealth and privilege, but he had an abiding affinity for the average guy. I sense that part of that was at a critical moment in his life, before Pearl Harbor, when the war clouds were gathering in Europe and Asia. He had graduated from Princeton, but he knew he had to serve. Because of his prestige, because of his family, he could easily have secured a safe posting somewhere. He chose instead to join the U.S. Coast Guard as an enlisted cook, to sail the North Atlantic on deadly convoy routes bringing needed supplies to Great Britain. There, he worked with other young Americans, without pretense, without preference. There, he understood the great talent, the great power of Americans, that if they had opportunity, if they could better themselves through education, they would be extraordinarily important to this Nation and they would be able to provide a better life for their families. They could, indeed, seize and realize the American dream.

Many people had that experience in World War II, but Claiborne used to it shape his entire public life. He served in the diplomatic corps, but by 1960 he was committed to serving the people of Rhode Island, and he entered the primary against two venerable, well-known, distinguished Rhode Island Democrats, Dennis J. Roberts, former Governor, and J. Howard McGrath, former U.S. Senator, a former Solicitor

General, former Attorney General in the Truman administration. Young Claiborne Pell won because he struck a cord with the people of Rhode Island, because he was able to translate his feeling for opportunity, for the privilege that education bestows on every person, to the people of Rhode Island. He and Nuala campaigned and won, and then for 36 years they served with such distinction, with such honor, and brought such credit to our State.

He is best known as the author of the Pell grant, which provides grants to students to go to higher education, but he did so much more in the field of education. He was involved in numerous reauthorizations of the Elementary and Secondary Education Act. He labored over these provisions to make sure young Americans were prepared for college. He was also the author of the national sea grant college grant. Just as we have land grant colleges dating back to the Moral Act of the 1860s, Claiborne said we should have a sea grant act that would allow the sciences of the oceans, maritime sciences, to be taught, to be explored, to be investigated on college campuses.

He did so much. In addition to his dedication to education, he also was the creator of the National Endowment for the Arts and the National Endowment for the Humanities in 1965. He understood that in the great sweep of time, our military power might fade, our economic power might fade, but the power of our ideals, as expressed in our literature, in our arts, would continue to move the world. And in order to make that access possible, not for the well-to-do but for everyone, he created the notion of a National Endowment for the Arts and Humanities.

Thinking back in preparation for my words yesterday, I thought of how often his life intersected with mine, starting at 10 years old in 1960. I saw the motorcade rushing by my grammar school with John F. Kennedy and Claiborne Pell in those final days of the campaign. But in regard to the National Endowment for the Arts, my first exposure to theater—and I was the proud son of working-class Cranstonians in Cranston, RI—was Project Discover in which Trinity Repertory Company brought students in to see an act from Richard the II. That was all part of the vision Claiborne had of giving people an opportunity to explore the arts, to find their talent. He did it remarkably well.

Today, these two institutions endure. They provide access for millions of Americans to the arts, to the humanities. They have encouraged creativity, and all of it is a tribute to Claiborne Pell.

He was perhaps most recognized in international affairs for his staunch support of the United Nations. Yesterday, one of the eulogists, President Clinton, pointed out that every time he

saw Claiborne Pell, as President, Claiborne would take out from the back pocket a worn copy of the U.N. Charter which he carried and point out to him the value of the United Nations, the value of collective security. He was there in San Francisco in 1945 when the U.N. was created. He was there in New York City 50 years later for its 50th anniversary.

But his notion of a powerful America leading the world, not standing apart from it, his notion that our values, our system, our commitment to human decency would prevail in the face of Soviet totalitarianism and other forms of totalitarianism was wisdom of the ages. In his service on the Senate Foreign Relations Committee, he not only espoused those views, every day he reminded us our destiny would take us far beyond what simply a military operation or our economic power might because of our ideals, because of our commitment to multinational support of creating a world community—a remarkable man.

He was someone who left and has left an indelible mark on Rhode Island and Rhode Islanders. As I mentioned yesterday, I had the privilege of witnessing this profound bond so many times. We have a parade each Fourth of July in Bristol, RI. It is the largest parade in Rhode Island. One hundred thousand people, which is about a tenth of the population of our State, gathers for it. It is the oldest consecutive Fourth of July parade in our country. To walk in that parade is a great honor. But to walk with Claiborne Pell is an extraordinary experience. For the first few steps, you pretend the cheers are for you, but that quickly fades because, mile after mile, people rush up and say: Thank you, Senator Pell. Thank you, Senator Pell. Thank you for the help when I needed it. Thank you for the Pell grant. Thank you for being the ideal public servant. Then you would see parents lift toddlers and say: There goes a great man, Claiborne Pell.

Well, he has touched us and he has made us so much better. I had the rare privilege and opportunity yesterday to say, on behalf of the people of Rhode Island, something all of my fellow citizens wanted to say as soon as they heard the news, as soon as they realized the great light of Claiborne Pell had dimmed; and those are two simple words: Thank you, Senator Pell.

Mr. President, now I would like to yield the floor to my colleague and friend, Senator SHELDON WHITEHOUSE, who is someone who is molded in the image of Claiborne Pell, someone who understands, as Senator Pell did, that opportunity is the engine that drives America, that our great skills have to be harnessed to a higher purpose. It is such a privilege and pleasure to serve with him. And not only that, but he has been a dear and personal friend of

the Claiborne Pell family for many years, indeed generations. I yield to my colleague.

The PRESIDING OFFICER. The junior Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you, Mr. President. And I say to Senator REED, thank you.

I rise in honor of a great friend and mentor. I look around me at a room that just this morning was filled with Senators. It was a crowded Senate floor, with packed galleries, as a group of bright and promising new Senators began their careers, with all that joy and hope.

Now, as my senior Senator, JACK REED, and I speak, the room is quiet, the galleries are mostly empty, and colleagues are gathering in remembrance because yesterday Rhode Island saw the sunset on a Rhode Island era with the funeral of our friend, Senator Claiborne Pell.

I am deeply honored by Senator REED's kind words, and he has a unique position as the successor to Senator Pell.

It must be an interesting feeling to have served in the Senate for 36 years, to have loved this institution, to have accomplished extraordinary work in this institution, and then to walk away and leave your seat to a new, young Senator to replace you.

Senator Pell had great confidence in Senator REED from the very beginning. He was, indeed, able to assure that there was no primary to succeed a seat that was open for the first time in 36 years, and it was because of his confidence in JACK REED that he put in that effort. I know firsthand how extraordinarily proud he was of the Senator JACK REED has shown himself to be.

We in Rhode Island are a little, tiny State, but over the years we have had some towering and remarkable Senators. Claiborne Pell, obviously, was one. John Chafee was one. John O. Pastore was one. Theodore Francis Green was one. Even the gentleman once known as the general manager of the United States, Nelson Aldrich of Rhode Island, was a towering presence. Certainly, Senator REED has shown himself to have joined that pantheon. I probably have another 10, 20 years of work before I get there, but I will keep trying. But certainly Senator REED is in that category, and I am deeply honored by his kind words.

Many in this body knew Claiborne Pell and served with him. I wish to say on behalf of Rhode Islanders who watched the service yesterday how grateful we are to Majority Leader REID, Majority Whip DURBIN, Claiborne Pell's dear friends, TED KENNEDY and JOE BIDEN, and Senators PAT LEAHY, DICK LUGAR, Orrin Hatch, CHRIS DODD, JEFF BINGAMAN, JOHN KERRY, and JOE LIEBERMAN, all of whom honored Senator Pell by attending the funeral. Of

course, I give special thanks to President Bill Clinton, who came to Rhode Island, a place where he is beloved, and spoke for his departed friend.

Senator Pell was there for me in my own career at key junctures in so many important ways, and I should give him credit and in front of all my colleagues express my deep gratitude for what he did. He recommended me to President Clinton for appointment as U.S. attorney. After I served my term as U.S. attorney, I ran for attorney general. I served with the Presiding Officer, Senator SALAZAR of Colorado, as an attorney general.

I had a three-way primary for attorney general. Claiborne Pell endorsed me in the primary. He actually did a television ad with me. In his 36 years in the Senate, he wanted no part ordinarily of primaries. For two people he got involved in a primary and endorsed a candidate. One was me. The other was Congressman PATRICK KENNEDY. It is almost unimaginable what a difference it made in my fledgling campaign, my first bid for elective office in the Democratic primary to have a man of Senator Pell's towering reputation stake his reputation on me and express that kind of confidence. It is something for which I am indebted to him and to his memory and to his family forever.

To me and to so many people in the Ocean State, Claiborne Pell was a mentor and an example, a leader whose vision, grace, and authentic kindness left an indelible imprint.

He was born in New York City in 1918, and he first came to the Senate in 1961, after a colorful primary battle, described by Senator REED, that pitted him as an essential unknown against two established Democratic powerhouses: Dennis J. Roberts and J. Howard McGrath, contending for the seat that was being vacated by Theodore Francis Green.

It did not look good. Pell was the ultimate outsider. He was so much the underdog in that race that John F. Kennedy, who was running for President at the time—and who knew Claiborne quite well because he was a dear friend of Mrs. Kennedy, Jacqueline Bouvier Kennedy, and was in Rhode Island a good deal because of her family associations with Rhode Island; so he knew Claiborne Pell quite well—he called him the least electable man in America.

At his funeral yesterday, I saw Pell buttons from that race back in 1961 on mourners' lapels.

The Providence Journal described the race that ensued as "the first modern political campaign the state had seen." Senator Pell invested his own money in television ads and polling, and he won the Democratic primary. He was the first unendorsed candidate in the history of Rhode Island to ever win a Democratic primary.

He went on to win the general election. He won it by the largest margin

ever at the time, 69 percent of the vote. To his great satisfaction, more Rhode Islanders voted for Claiborne Pell in that election than voted for John F. Kennedy—so much for being the "least electable man in America."

The fact that John F. Kennedy rode on Claiborne Pell's coattails was a point Claiborne Pell, in his quiet way, loved to remind President Kennedy of whenever the opportunity presented itself.

Of course, Rhode Island, in that election, got its first look at the one-of-a-kind political temperament that was to define Senator Pell for the rest of his life: courteous, innovative, and always quietly humorous.

Senator Pell looked back on that election in an interview with the New York Times, and he said this:

I remember my first campaign. My opponent called me a cream puff. That's what he said. Well, I rushed out and got the baker's union to endorse me. Frankly, I think a little bit of humor is sorely lacking now.

How many people in today's politics being called a cream puff would go out and get a baker's union endorsement rather than trying to find some other way to hit back?

Claiborne Pell believed, as he once told the Providence Journal, something that is so important:

[T]hat government—and the federal government in particular—can, should and does make a positive impact on the lives of most Americans.

He lived by that observation, and certainly Senator Pell's positive impact on the lives of the people he served will be remembered for generations.

Two years after taking office, Senator Pell sponsored legislation that became the Basic Educational Opportunity Grant, now known, thanks to its champion, as the Pell grant. At the time, the Nation's colleges wanted Federal aid for themselves, but Senator Pell wanted the aid to go directly to students.

He enlisted in the Coast Guard 4 months before Pearl Harbor, serving in the North Atlantic and the Mediterranean, and after that he used the GI bill scholarship to get an advanced degree from Columbia University.

The GI bill showed him the transformative power of a college education, and Claiborne Pell resolved then that all Americans would have the opportunity for a college education that he and millions of veterans had received after World War II.

So every year in September a new group of students goes off to college, and we see anew the work of Senator Pell, enlivening millions of young Americans who use Pell grants to pursue their dreams. In 2008, this Pell Grant Program was nearly 5.6 million grants, worth \$16.4 billion—all from his idea.

I am delighted the distinguished Senator from Colorado is presiding at this

moment because I remember in Rhode Island a few years ago I was at an event with a number of Senators, and the distinguished Senator from Colorado, now our Interior Secretary designate, was present. Senator Pell came to the event. He was very disabled, and he came in a wheelchair. I went over to greet him. Senator SALAZAR—I say to the Presiding Officer, you will remember this—also came over to greet him. He took his hand, and he told him: Senator, my brother and I went to college because of the Pell Grant Program. Now here I am standing in front of you as a Senator, thanks to the vision and foresight you showed years ago—your vision that every American should have the dream of higher education at their disposal. I say to the Presiding Officer, you were then in your first term as a newly elected Senator.

It was an unforgettable moment, I say to the Presiding Officer. It happened because Senator Pell understood the difference that higher education could make in the lives of America's young people—from a young KEN SALAZAR from rural Colorado, to toddlers across this country now who will seize the opportunities of America in years to come because of this man.

Senator Pell knew that the arts, too, could transform lives. He authored the landmark legislation that gave rise to the National Endowments for the Arts and the Humanities. These institutions have secured a place for the culture and the arts in the public life of this Nation. Over the years they have helped bring poetry, drama, dance, painting, sculpture, song, literature, and history to millions of Americans.

Of course, we New Englanders are deeply indebted to Senator Pell for his passion for public transportation and in particular for his long fight to develop for the Northeast corridor a transit system to support the cities of today and tomorrow. As we face the challenges of rising energy costs, economic recession, and urban stresses on our congested highways, Americans will rely more heavily than ever on systems such as Amtrak. Senator Pell's foresight again has served us well.

Here in the Senate, Senator Pell is remembered for his big ideas. In Rhode Island, we remember him also for his gentle, generous spirit. He had lived all over the world. He had been honored with medals from at least 18 different nations. But Newport, RI, was always home. In both his personal and his political life, he was a consistent model of civility and kindness to his fellow Rhode Islanders—always, without fail—even sometimes at his peril.

For example, in his final bid for reelection in 1990, Senator Pell reportedly insisted on warning Congresswoman Claudine Schneider, his Republican opponent, every time he was about to air a new television ad. He

told his campaign staff that he would not permit a self-promoting press release to go out, chiding: "No, no, no, we never boast."

In a debate I remember watching, he was given two huge political softball opportunities. One, he was asked to criticize his opponent, to critique her capacity to defeat him and serve in the U.S. Senate. The only thing he had to say was she has been a very fine Congresswoman. Then he was asked what his most significant legislative achievements had been during the previous term that had helped Rhode Islanders. He said:

You know, I really can't think of one right now. My memory is not as good as it should be.

One would think those answers would be lethal politically, but Rhode Islanders loved it and they loved him for it because he was as genuine and as authentic as a man could be. I guess one of the great lessons of his life is that voters don't want you to be perfect; they want you to be you. They want you to be authentically who you are and from there to fight for them, and he certainly lived that. For his authenticity and gentleness of spirit, Claiborne Pell was beloved by all of us in the Ocean State who were privileged to know him or work with him or learn from his example.

We all will miss him deeply. To his wife Nuala, to his children, Toby and Dallas, and their families, and to the families of his departed children, Bertie and Julie, I know I join my distinguished senior Senator and all in this body and indeed all of America in holding them in our thoughts and prayers.

As his family reminded us last week, Senator Pell summarized his role as a Senator with seven simple words: Translate ideas into actions and help people. Would that all of us could have ideas as big as Claiborne Pell's and the strength, grace, persistence, and courage to translate them into action.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, would it be in order for me, before I begin my remarks, to compliment the Presiding Officer for his nomination to be Cabinet Secretary, the Secretary of the Interior, and wish him very well before the Senate in being confirmed and serving in that position? I guess that question doesn't need a response. I certainly hope it is in line for me to be able to say that.

GAZA RESOLUTION

Mr. KYL. Mr. President, I hope—and I am joined here by Senator LIEBERMAN—that the Senate will have an opportunity to consider before this week is out a resolution we believe has

been drafted by the majority leader and the minority leader that deals with the ongoing war in the Gaza Strip and that we believe needs to express the will of the Senate. We believe as well that a similar resolution would be voted on in the House of Representatives to express the will of the House. So then the whole world—and certainly the administration—would know of this body's strong support for the State of Israel and our support for the actions Israel is taking right now. We hope that vote can occur before this week is out. I wish to commend Senator LIEBERMAN for his considerable leadership on this issue.

We support this resolution. The first thing the resolution does is to remind people why the State of Israel had to act.

Last February, on a trip to the Middle East, I visited the Israeli town of Sderot, which is about 3 miles from the border of Gaza, and I learned from the town's mayor of the toll taken on the residents of this town and neighboring cities from more than 8 years of rocket attacks by the Hamas terrorists. At the police station, I saw rack after rack of these spent rockets, the remains of the rockets that had been launched by Hamas against the civilian population of this city. In fact, about 15 minutes after we departed the city, one of these Hamas launched a Qassam rocket—identical to the hundreds we had seen at the police station—which fell on an Israeli home in town, destroying it. Thankfully, no one in that attack was harmed.

Is there any doubt that if the United States were suffering an attack from just across the border similar to this, that we wouldn't react to stop that from happening? I think there is no question that we would act to stop this terrorism. It is our hope that the resolution would express our acknowledgment that a nation has the right to defend itself, that Israel has had to respond to this, to more than 6,300 rocket and mortar attacks on its citizens since it fully withdrew from Gaza in the year 2005. In fact, this town has been suffering for over 8 years from these attacks.

The second point the resolution makes is that there is no equivalency between the actions of Hamas and Israel in this case. Israel conducts its military operations to spare innocent life. They have specifically targeted Hamas command centers and security installations and rocket-launching sites, weapons stockpiles, and weapons smuggling tunnels. They have tried very hard to avoid civilian casualties. In fact, Israel has transmitted very specific warnings to Gazans. They have dropped leaflets and made phone calls to targeted areas to warn citizens to leave because an attack is imminent. This, of course, even means they lose the element of surprise and potentially

put the lives of Israeli soldiers at risk. But Israel believes it is important where possible to avoid jeopardizing innocent life—quite the opposite from Hamas, which deliberately and cynically fires rockets from civilian areas to make it more difficult for Israel to target the terrorists and to increase the likelihood of civilian casualties when Israel does take action.

Hamas has ignored a plea by U.N. Secretary General Ban Ki-moon on April 28 that:

Civilian areas in Gaza should not be used as a base from which to launch its actions against Israel.

Dozens of mosques in Gaza have been turned into weapons storage facilities and Hamas command centers. In fact, an airstrike on a mosque in the Tel El Hawa neighborhood of Gaza City last Wednesday set off numerous secondary explosions caused by the arms that had been stockpiled in the mosque.

Finally, Hamas openly admits that it uses women and children as human shields. A leading member of Hamas told Al-Aqsa TV on February 29, 2008:

For the Palestinian people, death has become an industry . . . This is why they have formed human shields of the women, the children, the elderly, and the mujahedeen, in order to challenge the Zionist bombing machine.

While targeting terrorists, Israel works to avoid a humanitarian crisis for ordinary Gazans as well. During the first week of Israel's operations, it facilitated the delivery to Gaza of 400 trucks loaded with more than 2,000 tons of food and medicine. This is not easy when you are in the middle of military operations. Ten ambulances and two thousand blood units were transferred to Gaza just in that week. More than 80 Palestinians have entered Egypt for treatment, in addition to a dozen or more who have entered Israel. On January 5, more than 93,000 gallons of industrial diesel fuel and gasoline for vehicles was transferred into Gaza from a fuel depot in Israel. By the way, that fuel depot comes under constant attack from terrorists in Gaza, as does the place where the electricity is generated for Gaza, which, of course, makes absolutely no sense.

Finally, this resolution speaks to calls for a cease-fire. Many voices in the so-called international community have been heard pleading for an immediate cease-fire, although I think it is instructive that one never hears those voices condemning rocket attacks by Hamas terrorists.

I believe the path to a halt in the violence is clear. A cease-fire is appropriate if and when it is durable and sustainable. A cease-fire, on the other hand, that would allow Hamas to rearm and rebuild its support in Gaza is, of course, not acceptable. Hamas cannot be given a cease-fire that only serves to provide it breathing room to regroup and then a month or 2 months

or 3 months from now start firing its rockets and missiles again.

The United Nations could play a constructive role, but it must resist the temptation that it all too often falls into, and that is that of moral equivalency. I point to the press statement of the Security Council on December 28 which, among other things, said the parties should "stop immediately all military activities." This is dangerous moral equivalency. Only one party to the violence carries out "military activities." The other party— Hamas—terrorizes and murders innocent people. That is why the only Security Council resolution that could be acceptable in this situation—and I say this with the understanding that the Security Council is meeting as we meet here today—is one that affirms Israel's right to defend itself and calls on Hamas to immediately stop its terrorist activity.

I add that a Security Council resolution should look to all of those who support Hamas—primarily and most significantly Iran. For years, Iran has been the source of money, training—including training at the facilities of the Islamic Revolutionary Guard Corps in Iran itself—and weapons to Hamas. Hamas's relationship with Iran is so close that the Egyptian President said this past May that Hamas rule in Gaza means that Egypt has a "border with Iran."

Since Israel launched its military operation against Hamas, Iran has announced stepped-up arms shipments. Senior Iranian clerics have organized recruiting drives to send Iranians to Hamas's aid. Just yesterday, a senior Iranian cleric announced that it had recruited 7,000 Iranians to join the cause of Hamas. Yet the international community has taken no action to counter Iran's support of Hamas terrorists.

A U.N. Security Council resolution sanctioning Iran for its assistance to Hamas would send an important message and would be a good place to start, as would unilateral sanctions by the United States.

Let me conclude by quoting the Washington Post columnist Charles Krauthammer, who recently wrote one of the most precise and succinct observations on the situation in Gaza that I have read. He wrote:

Some geopolitical conflicts are morally complicated. The Israel-Gaza war is not. It possesses a moral clarity not only rare, but excruciating.

The Reid-McConnell resolution we expect to be introduced shortly will be an important reaffirmation of the bond between Israel and the United States. It is one forged on the basis of common values and the tragically shared experience of terrorism. By passing this resolution, we are saying to the Israeli people: We stand with you, and we support you in defending yourselves against terrorist attacks.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I wish first to thank my friend and colleague from Arizona, Senator KYL, for the statement he has just made, which was characteristically straightforward, clear, principled, and passionate, about what is involved in the current crisis in Gaza and the opportunity this Congress has to not just stand with our ally, Israel—which is critically important at this moment—but to take yet another stand against terrorism for the rule of law, for democracy, and for the peaceful settlement of disputes. I could not agree more with everything Senator KYL has said. I wish to add just a few words in this regard.

As Senator KYL has indicated, the United Nations Security Council was to convene shortly after 5 this afternoon, about an hour ago. I presume it has convened to hear speakers and consider resolutions on what is happening in Gaza today. Secretary of State Rice has gone there to speak on behalf of the United States, which indicates the importance of these deliberations. She will carry with her the policy of our Government since the outbreak of conflict in Gaza that I think has been strong and principled and consistent with the best of American values and, of course, consistent with our national security interest in the global war on the terrorists who attacked us on 9/11 because what is happening in Gaza is yet another battle front in the larger war against Islamist extremism and terrorism. It is, in another sense, also another battle front in the conflict going on within the Muslim world between the extremists and fanatics and terrorists and the majority of people who are more moderate, more law-abiding, obviously not violent and want to live a safe and a better life.

The Government of the United States has been very clear in articulating a policy which I presume and have confidence will be expressed in these Security Council deliberations tonight and the days to follow. No one wants to see violence occur. Yet, as Senator KYL has said so eloquently, when a country such as Israel has been attacked literally thousands of times with rockets fired from Gaza at innocent civilians over a period of years, a cease-fire is negotiated and it goes on for approximately 6 months—negotiated with great help from Egypt—and then Hamas breaks the cease-fire and begins firing rockets again, the Government of Israel, our democratic ally, essentially said: Enough is enough; we are not going to tolerate this anymore, coming as it is from Hamas which is an openly avowed terrorist group with the aim of destroying the State of Israel.

In response to the violence, there is a natural reflex reaction heard often in world councils, and undoubtedly will be heard at the United Nations Security

Council at this hour and the hours to follow, that there ought to be a cease-fire. I think we all have to ask ourselves: What is the end of a cease-fire? Of course, we don't like to see violence occurring, but let's remember this is being done by Israel in the exercise of the right of self-defense.

The Government of the United States—being President Bush and everyone else who has spoken—has made very clear that, yes, the United States wants a cease-fire in the conflict between Israel and Hamas regarding Gaza but not just a cease-fire for the sake of a cease-fire that one side may follow and the other may not and that simply leads nowhere but back to the conflict that has been occurring.

The U.S. Government has been very clear and principled about the fact that the cease-fire our Government seeks is one that is durable and sustainable; in other words, that represents a real resolution of some of the issues in conflict and that also deals with the smuggling into Gaza of additional weapons which are being used to attack innocent civilians in Israel.

I know Secretary Rice will be expressing exactly this position. Yes, America wants a cease-fire but, no, not one that leads nowhere. We want a cease-fire that is durable and sustainable and will include a ban on smuggling, activities to carry out a ban on smuggling of weapons by Hamas in Gaza.

I am very pleased, very encouraged that as the initial action of this Senate this year, the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, are working together in a bipartisan way—totally bipartisan way—to bring before this body, hopefully in the next day or two, a resolution that does exactly what Senator KYL has said: to express our unwavering commitment to the security, well-being, and survival of the State of Israel and recognizing its right to act in self-defense to protect its citizens against terrorism, that will reiterate again that Hamas must end the rocket and mortar attacks against Israel and hopefully do what the Palestinian Authority has done, which is to accept the right of Israel to exist and renounce terrorism and to begin to work toward a two-state peaceful solution.

This resolution really will, in essence, I think, say, as Senator KYL has said, in this hour of crisis to the people of Israel, our allies, that we will stand with you, and also say to the peace-loving Palestinian people that we stand with you, too, and we continue to support a two-state solution—Israel and a Palestinian state—living in peace one against the other, but the Government of the United States—the Secretary of State, the President, but the Secretary of State who is at the United Nations is not speaking simply for the executive branch of Government but that

the Senate, and we have reason to believe our colleagues in the other body, the House, will have an opportunity to say to not just the Israelis we stand with you, but to say to the world community that we as the representatives of the people of America, across party lines, stand together with Secretary Rice as she expresses the position of our Government: Yes, a cease-fire, but only one that is sustainable and durable and deals with the smuggling of additional weapons into Gaza. This will be critically important.

I thank our leaders on both sides. I thank Senator KYL for the work he has done. Again, it has been a privilege to work with him.

I also say in a larger context that there is a lot of speculation about why Hamas broke the cease-fire and initiated the rocket fire against Israel deeper into Israel than they have ever done before. I do think, as Senator KYL suggested, that the answer to that question probably comes as much or more from Tehran than it does from Gaza City and Hamas; that Hamas has become an agent of the Iranian Government. It is trained and supplied by the Iranians and secondarily by the Syrians. Therefore, there is a larger conflict being played out.

Iran is noted by our State Department to be the most significant state sponsor of terrorism. The leaders of Iran regularly not only call for the extermination of the State of Israel, but also lead tens of thousands in Tehran and elsewhere in Iran in chants of "death to America, death to America." We have long since learned from the lessons of history that you cannot simply ignore statements that seem so extreme and fanatical that they are unbelievable because very often the people making them do believe them, and given the chance, as we have seen from Osama bin Laden in recent times, who told us throughout the nineties exactly what he intended to do—he happened to have done it on 9/11, but he did it earlier in other places—we have to take these threats seriously.

I want to say that a precipitous cease-fire simply for the sake of a victory will allow Hamas to claim a victory. A victory for Hamas is not simply a victory for Hamas; it is a victory for Iran. And a defeat for Hamas, which is in reach if we allow the Israeli action to continue, is a defeat for Iran and a victory for the United States and for the forces of democracy as against terrorism and for the forces of moderation and the rule of law in the Islamic world as against fanaticism and violence.

This is all that is being played out. This is why I am so encouraged this resolution is coming forward. It is, yes, a statement of support for our ally Israel, but it is also a statement of policy for the Members of the Senate, across party lines, and I hope with an

overwhelmingly positive vote that says the security of the United States is on the line in how this conflict ends. We cannot let it end in a way that strengthens Hamas and Iran.

I repeat, there has been a lot of speculation: Did Hamas break the cease-fire because of the end of the Bush administration? There has been some interesting speculation that has said the best thing that could happen for the incoming Obama administration is that Hamas be defeated here because then whatever happens between the new administration and Iran, Iran will not approach that next chapter with a sense of triumphant, but the country would have seen one of its major clients and agents of terrorism defeated.

We have the opportunity to speak to all that on this resolution in the days ahead. Most immediately, I hope we will speak to the Members of the Security Council and in the most direct way say: We stand with President Bush; we stand with Secretary Rice. This is not simply the position of a few people at the top of the executive branch of our Government. This position the American Government has taken with regard to the crisis in Gaza is the position embraced by an overwhelming majority of Members of both parties of both Houses.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAROCHIAL SPENDING

Mr. COBURN. Mr. President, I would like to be recognized for a period of time. The majority leader has been very gracious to offer me an opportunity to have some discussions about some amendments that he is going to possibly allow on a bill that he is going to introduce this evening.

I wanted to take some time now rather than later so that we would not keep staff here, and that way we could be efficient with our time. I want to talk about several things. I want to preface it with a statement, that I have been very pleased to see a man I respect a great deal, even though not in office as of yet, but the President-elect, be very firm in the principles he outlined as he ran for President and now is about to be sworn into that office.

One of the themes that has characterized his campaign and has characterized him ever since I have known him has been the idea of hope and change. So I, like many other Ameri-

cans, look forward in great anticipation to the leadership that will be brought forth in the next few weeks and what that means to the millions of Americans who are going to look to Washington this month with a level of hope and excitement that we have not seen in this country in decades.

While most of the attention is going to be focused on the White House, the institution at the other end of Pennsylvania Avenue, this Congress, will arguable have a greater role in determining whether President-elect Obama's invocation of change is remembered as an election slogan or a true new era in American politics. My hope and prayer is it is a new era.

While many commentators have noted, with some justification, the concepts such as hope and change were never defined much and were not given a specificity during the campaign, I believe the American people have already defined those concepts very clearly in their hearts and minds.

I believe what hope, change, and optimism represent to the average voter is very simple: It is a real expectation that Washington will be different. Voters have not undergone an ideological shift nearly so much as they are demanding that Government be more competent, that we be more mature, that we be less corrupt, and that we be less selfish. That last part is one of the things that has driven us to do things that are not very good. The concept of self-promotion, the concept of promoting one's career at the expense of our country.

I believe what both parties in Congress must do, and do very quickly, is ask themselves the hard question of why Congress has a historic low approval rating of 9 percent. Why do we have an approval rating of 9 percent? That is according to a recent Rasmussen Poll.

Both parties are accustomed to analyzing what they and the other party did right or wrong in recent election cycles, but yet neither party has come to terms with the fundamental public rejection of how Congress as an institution has governed and behaved in recent decades.

In many respects the American people understand us far better than we understand ourselves. While politicians tend to believe the public is put off by ideologic debate, what alienates voters is the truly debilitating division in Congress between statesmen and those who view reelection as the ultimate goal.

Careerism is not driven by any set of ideas but by pure parochialism and the short-term pursuit of power for power's sake. The real division, then, that blocks progress and commonsense solutions is not between ideas or parties but between every Member's self-promoted interests.

The American people understand this intuitively, which is why Congress has

had historic low approval ratings long before we entered this recession. What the public knows is that a Congress that debates ideas tends to develop the best solutions, while a Congress that is driven by careerism and parochialism builds bridges to nowhere and fails to conduct oversight over entities like Fannie Mae and Freddie Mac.

In short, the American people can handle serious debate, but they cannot handle incompetence, corruption, stupidity, and self-interest put above that of the Nation. Congress's handling of an economic stimulus bill will no doubt be an early test. Although the policy may be suspect, Congress seems willing to try to avoid embarrassing the new President by turning the package into an orgy of parochial porkbarrel spending. He said today there will be no earmarks in the stimulus package.

Congress's real test, though, will come next and will be repeated hundreds of times over the next 4 years with each piece of legislation. So far Congress has signaled little desire for a long-term commitment to change. Some would ask why would I say that? I would say that because here in a little while this evening we are going to reintroduce a bill that nobody knows right now how many other bills it has in it—that is going to be the first order of business of this Congress—that allocates \$10 billion, some to some very worthy projects but tons of that money to projects that do not have a priority anywhere close to what we ought to be doing.

This is an omnibus lands bill that indulges the worst habits of a parochial Congress. The bill, which is a holdover from the last Congress, includes such things as a \$3 million road to nowhere through a wildlife refuge, a \$1 billion water project—\$1 billion—designed to assure that 500 salmon will be repopulated. It does not take long to divide 500 salmon into \$1 billion to see that what we have is \$2 million a salmon. They are worth more than gold. There is \$3.5 million to give to the City of St. Augustine, FL, so they can prepare a celebration 6 years from now to recognize their 450th birthday. I hardly see, in the midst of the economic times we face, how that can be a priority for the Nation as a whole. I know it is a priority from a parochial standpoint, but is it in the best interest of the Nation?

It has been claimed that this bill is noncontroversial, and it should pass essentially without amendment, without debate. However, it is to note that over 100 different organizations on both the left side of the political spectrum and the right side of the political spectrum are opposed to this bill because it is controversial, a point noted by the nonpartisan Congressional Research Service.

The earmarks in this bill have angered many groups, as has the significant, anti-energy, more foreign depend-

ence on oil programs that are in this bill. This bill contains a provision that will eliminate 8.8 trillion cubic feet of known natural gas reserves, proven reserves, today that we will not be able to take for our consumption. What that means is we are going to import 8.8 trillion feet of natural gas because we are going to say: You cannot have this.

It also contains 300 million barrels of proven oil that we are no longer going to take. We just went from \$146 oil to \$35 oil, \$40 today. If we have learned anything, we ought to be about as much energy self-sufficiency as we can. The controversy over whether we get off fossil fuels is a debate for another time. But no one can deny the necessity of us discontinuing sending our fortunes to countries that are supplying us oil and are also ultimately our enemies.

The energy resources walled off by this bill will match the annual production levels of our two largest natural gas-producing States, Alaska and Texas. My worry about bringing this bill—and, again, I am thankful the majority leader has reached out that we might be able to offer amendments—is, what does this send as a signal to the American public? Here is what it sends. It says: There may be change in the White House, but there is absolutely no change in Congress. Why would we bring a bill that is going to spend \$10 billion of our money—at least \$9 billion of that is not a priority in terms of the priorities facing this Nation—why would we bring that to the floor as the first order of business of the 111th Congress? The only reason we could be bringing it to the floor is because it makes us look good at home with multiple parochial projects.

If our country has a failing that will cripple us forever, it is the fact that we have allowed parochialism, not the oath we saw all new Members and newly reelected Members take today, where we uphold the Constitution. What we do is, we uphold the future of our own political careers.

History is interesting. The 1994 Republican revolution unraveled not because they made a lot of big mistakes—some were made—but because Republicans made a ton of little mistakes they didn't realize they were making. The new and expanded majority will realize that with greater numbers comes a greater share of the responsibility and blame for whatever happens in this country. If we go back to that 9-percent approval rating, it has to do with this: Congress, we don't believe you are going to do at every turn, at every opportunity, what is in the best long-term interests for this Nation. And we are going to prove it. Because this bill ultimately will probably pass out of this Chamber and be passed, and we are going to spend, at a time when we are going to have a \$1 trillion deficit this

year, another \$800 billion trying to stimulate the economy. We are going to say: Priority doesn't matter but parochialism does. Looking good at home matters more than the long-term interests of the country, matters more than the financial future of our grandchildren—my political career, my party, me, me, me.

The historical basis of our country is built on sacrifice. It is built on sacrifice by one generation for the generations that follow. Our political history used to be that as well. My worry, my concern is we can't live up to the hope and the change the President-elect has set before us. By bringing this bill to the floor as the first order of business in the 111th Congress, we have confirmed to the American public that business as usual is business as usual, that we don't recognize the severity of the situation we find ourselves in, that we are not going to change our habits, that we will continue to promote those things that promote us rather than promote the long-term good and benefit of the country. It is pure selfishness. It is saying what I want and what I need and my political future or my State has to come above the long-term interests and the best interests of this wonderful country.

The real challenge doesn't come from any of the parties. It comes from parochialism. The public has told Congress it is time to start acting in the best interest of the country rather than the best interest of our next election. The sooner Congress realizes change requires a cultural shift in both parties, the sooner that change will come.

I would like to spend a moment outlining a few components of this bill. We have not actually gotten to see the bill, but I have been told by the majority leader that we have added, I think, 12 or 13 other bills to it. But from what we have known in the past, let me go through and explain to the American public what is in this bill.

The national parks today face a severe shortage of money to maintain them at their current level. It is about \$9.8 billion. In this bill we add four new national parks. The U.S. Arizona Memorial in Hawaii is sinking. The visitors center is sinking. We haven't put the money in to repair it, but yet we are going to create more national parks that will further dilute the maintenance budget of the National Park Service so we can't even maintain what we have. We have a \$700 million backlog just on The National Mall in Washington. We didn't address any of that in terms of the priority of fixing that. Yet we are going to add four new national parks.

We are going to add 10 new heritage areas. It is great for us to protect and think about the environment. But we never talk about how that impacts property rights, one of the rights given to us as our Nation was created. We are

going to threaten that area. We are going to threaten through eminent domain. We are going to threaten through councils that will impact individual ownership of what you can do with your own property because you might be in proximity to a heritage area. We have 14 studies that would create or expand future national parks; in other words, 14 more. That is what we are funding in this bill. We don't have the money to take care of the parks we have today, but yet we are going to put into this and spend money to potentially create 14 more.

There are 17 provisions in this bill that will totally prohibit any exploration, oil extraction, coal extraction, natural gas extraction from 2.98 million acres in this country, many of which have proven reserves underlying. There are 53 rivers that are designated or portions of which are designated as scenic rivers. We have a great scenic river in Oklahoma called the Illinois. I am glad it is a scenic river. But with scenic river designation comes a trampling on the rights of people who are far away from it. We didn't change scenic rivers designation in light of our energy needs. Once a river is designated a scenic river and we need to move natural gas or a coal slurry or oil from point A to point B, we are totally prohibited from ever doing that on a scenic river. So it is another strike at any sort of increasing in our independence on energy because we are going to designate scenic rivers. Why not designate scenic rivers with an option to make sure we don't handcuff ourselves when it comes to energy?

There are 65 new Federal wilderness areas. Here is an important matter we came across as we studied this bill. In the United States today, right now, before this bill, there are 107 million acres of wilderness. All the developed land—cities, suburbs, towns—across the whole rest of the country is only 106 million acres. We are going to be adding to that and limiting our opportunity to the resources we have.

There are 1,082 pages in the bill. I understand it is now 1,200 pages. There are 1.2 million acres in Wyoming that are withdrawn from mineral leasing and exploration. There are 1.93 million acres of Federal wilderness land. There are 3 million additional acres withdrawn from leasing and energy exploration. There are 331 million barrels of oil that we know are there and we are never going to take. We are just going to help those who drive up our energy costs because we are going to know it is there but we can't touch it because we are going to make it off-limits. There are 592 spending and 15 new State and local water projects. There is nothing wrong with State and local water projects, as long as they are a priority, but these are earmarked, specific projects for specific Members. There is \$10 billion of total spending

money we don't have. We are going to borrow it.

There are 8.8 trillion cubic feet of natural gas that we know is there that we will never touch. What the Department of Interior tells us is there is much more there, but these are the proven reserves.

I will end my conversation, only to be continued in a more thorough manner as the bill actually comes to the floor by asking the American public: What would they hope we would do in terms of trying to change, trying to meet what they see as the problems in front of us? Would it be that we would be about passing things that are small but make us look good that we can't pay for or would it be that we should attend and address the pressing and also long-term needs of the country?

It is about trust. The reason we have a 9-percent approval rating is because we are not trusted. We are addicts. We are self-indulgent addicts over our power.

My query to the body and to the American people is, will you hold us accountable? You have to do an intervention with us, each one of us, every time we are home: Are you being a good steward with the limited dollars we have? Are you making choices that may not look good for you as a politician but are truly the best choice for the country? Are you putting yourself second and our country first? Are you acting as a statesman or are you acting as somebody who wants to get re-elected?

The real paradox is, with trust comes confidence. With that confidence comes the involvement and support of the very people we actually do represent.

We have a choice. I hope the introduction of this bill does not portend that we will not take President-elect Obama's lead and offer the American people real hope, real change, that we will get away from our addicted self-indulgence to look good at home and start making the hard, tough decisions that will right our ship and put our country first. Anything less than that says the people who took their oath today and those of us who have taken it before, we violate it. We raise our hand and put one on the Bible and say we will uphold it, but then when it comes to the first tough choice, look good at home or do what is in the long-term best interests of the country, we swivel, we back down, and we opt for the short term, the self-aggrandizement, and the stroke on our own back. We are better than that. The people in this body are better than that.

My hope is we can prove to the American people over the next 6 to 9 months that we got the message, that it is about making the tough choices. It is about doing what is right in the long term. It is not about what makes us or our party look good; it is about what is best for the country as a whole.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. COBURN. Mr. President, I would raise objection to the filing of the bill at the desk, the Bingaman land package.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHARLES KIEFFER

Mr. BYRD. Mr. President, I rise today to commend and congratulate one of the best and brightest gentlemen I have ever had the privilege of employing. That man is Mr. Charles Kieffer who has served as staff director of the Senate Appropriations Committee for the last 2 years, and as deputy staff director for 6 years prior to that.

Chuck Kieffer is a marvel of intelligence, wisdom, tact, coolness, and an extraordinary knowledge of appropriations and budget matters. He is personable, polite, and a pleasure to work with. He has been invaluable to me, to the leadership of the Senate, and to all the members of the Senate Appropriations Committee. In a time of continual wrangling over the appropriations process, tight budgets, veto threats, and differences between the House and Senate, Chuck has been a steady leader and a working dynamo. We have been extremely fortunate to have the right man as staff director in very difficult times.

Chuck also serves as the chief clerk of the Homeland Security Subcommittee which funds the agencies that merged to form this cabinet level department. In the aftermath of September 11, Chuck provided key advice and direction about the wisest ways to protect against future terrorist attacks and address the staggering destruction in New York State and at the Pentagon. He has worn the two hats of staff director of the full Appropriations Committee and clerk of the Homeland Security Subcommittee, which I continue to chair, with grace and with ease.

This really should come as no surprise. Despite his youth and unassuming demeanor, Chuck has served five Presidents, beginning with President Carter.

Before he joined my Appropriations staff, Chuck worked at the Office of Management and Budget during the Reagan, George H.W. Bush, Clinton, and George W. Bush administrations.

In 1978 Chuck began his government service as a Presidential management intern at the Department of Health, Education, and Welfare. From 1978–1985 he served as a budget analyst for the Department of Health and Human Services. From 1985–1990 Mr. Kieffer was special assistant to the Director of the Office of Management and Budget. From 1990–1995, he served as chief appropriations analyst for the Office of Management and Budget, and from 1995–2001 he was acting associate director of legislative affairs at the OMB until he joined my staff as deputy staff director of the Appropriations Committee in 2001. In 2001, Chuck Kieffer won the Robert G. Damas Public Service Award.

As I step aside as chairman of the Appropriations Committee in the coming days, I am thankful that Chuck has agreed to stay by my side as the chief clerk of the subcommittee on Homeland Security. We can all sleep a little more soundly knowing that such a talented person as Chuck Kieffer is helping to adequately and effectively fund the Department charged with keeping Americans safe from harm here at home.

50TH ANNIVERSARY OF SENATOR BYRD'S SWEARING IN

Mr. DODD. Mr. President, today we begin the 111th Congress. As it is every two years, this is a moment for new beginnings, but also an opportunity to bid farewell to some dear friends of ours as they move on to the next chapters in their remarkable lives.

While it is always a joy to see this moment—to see the pride visible in not only the Members' faces, but their families' as well—this year's is especially poignant for me.

Each of the men and women who have taken this oath during my time in this institution has made an impression on me—influencing my life, my work—in one way or another.

But 50 years ago this week, two Members were sworn in—one who is here today and another who remains here in spirit—each of whom had a singularly important impact on me:

My father, Thomas Dodd, who represented my State of Connecticut, and our esteemed colleague and friend from West Virginia, ROBERT C. BYRD.

I was only a boy then, but I remember that moment as if it were yesterday, seated with my family in the gallery above, as we looked down on my

father, as he began what would turn out to be the final chapter in a public life—a life that had already taken him from Norwich, CT, to Washington, DC, as an FBI agent and lawyer at the Department of Justice; to Germany where he served as a prosecutor at the famous Nuremberg Trials, before returning to our Nation's Capital to serve in the U.S. House of Representatives.

Fifty years later, I take no small amount of pride in noting that in each of these endeavors, my father proved to be ahead of his time—an advocate for universal health care, a proponent of sensible gun safety laws, an early voice warning of the effects of violence on TV and the dangers of drug addiction; and an insistent defender of those whose human rights were being denied.

Indeed, it would not take long before a fellow freshman made his own mark, becoming not only this body's President pro tempore and the longest-serving Member in its history, but the undisputed master of this body's arcane parliamentary procedures, an award-winning author and historian and the foremost champion of sunlight in government.

Today, as the whole world watches these historic moments, we should note that it was ROBERT BYRD who staved off the threat that the Senate might become “the invisible branch of government” by ensuring that our proceedings be televised.

Some two-and-half decades ago, when I was sworn in myself, it was my colleague from West Virginia who handed me a small book—a pocket-sized Constitution. For all I know, he did this for every freshman Senator.

His message was simple: as a Member of the Senate, you are a temporary custodian of this document.

And so, I kept that book. For 28 years, I have carried it with me in my back pocket—Saturday, Sunday, every day of the week to remind myself how important this document is, the values and the principles that are incorporated in it.

Senator BYRD has put it better than anyone: “The limits that the Constitution places on how political power is exercised have ensured our freedom for more than two centuries.”

Each of these men taught me, in different ways, that we cannot defend and protect the vision of the Framers if we are ignorant of the Constitution's history and the rule of law.

And so today, as we look forward to the 111th Congress and all that we hope to achieve, may we also remember this gift that was given to all of us in the 86th Congress all those years ago. May it continue to shine for many, many more.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant, particularly in light of our economic times. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My wife and I are retired with fixed retirement incomes and our IRAs and annuities. We live about six miles from Moscow. We are now limiting our trips to town and will reduce/eliminate the travel we had planned this summer. We use our Ford 500 that gets about 29MPG instead of our pickup as much as possible. Our home is heated with wood pellets, but we wonder if wood pellets will be available next fall because of the failing timber industry.

We have little hope that gas prices will decrease. Both of the Presidential candidates have bought into the global warming hoax and do not want to develop our oil resources. We expected it of the Democrat candidate but are very disappointed in John McCain's position. It is difficult to believe that he thinks the liberal environmental industry will vote for him because he claims to be an “environmentalist”.

We feel that [the candidates] should visit ANWR and see that it is not like the Grand Canyon. It is a frozen desert where the oil resource could be developed with little impact. We encourage you to help change positions on oil development. [Our country] will miss a golden opportunity if they do not use the “drill here, drill now, pay less” position. Thank you for asking for our opinion.

NED and ARLEEN, Moscow.

I was thrilled to hear that there was a venue for public input to the increasing energy prices. I drive a VW Jetta, which gets great gas mileage, and I have a decent job, but the price of gasoline has caused me to reconsider many things that weren't really hard decisions before. I have begun buying generic items and do not visit my favorite coffee hut as often because it is not ‘on my way’ to work, therefore requiring more gas, and for the price of my favorite latte, I could buy a gallon of gas. I am beginning to classify everything as whether it is a need or a want, and dramatically cutting out the want. The problem is that many of the needs are becoming expensive. My son's day care has now increased their prices to cover their increased fuel costs. Food has become expensive, prompting my husband and me to start a garden. I have often wondered how others

manage when they work minimum wage jobs, and have a family to support. To some extent, I am glad that prices have escalated, because it makes us address this issue and become more environmentally responsible. It also forces us to become more self-reliant, both as individuals and as a nation.

I would love to see public transportation become more available, however I am not sure how feasible or cost efficient that would be given how spread out we are. Even here in Idaho Falls, I am not sure how well that would work. I work for the INL, so of course I am going to suggest further research into nuclear energy and the possibilities there. It is always frustrating to hear that Congress will not pass a budget, forcing labs to function under continuing resolutions that prevent new research from starting. This is research that could change the way that we, as a nation, look at energy, and reduce our dependence on oil. Hybrid vehicles present an interesting potential, but the purchase price is not an incentive to buy one. Is there a way to provide incentives to automakers that produce these vehicles? This could allow them to produce and sell these vehicles at a lower cost, and then make them more attractive to the consumer. These are just a few suggestions.

Thank you for the work that you and the committee are investing in this issue.

BRANDY, *Idaho Falls.*

I am a resident of Bingham County and would like to share my story on how the high energy prices are affecting me and my family. I am an INL employee and have to travel to and from work, a total time of about one and a half hours every day. If I have to drive to work it will cost \$80 a week; if I ride the INL bus, it is \$22.50 a week. Still a portion of my paycheck goes to travel. I pay approx. \$1,150 a month in utility and energy bills. I make on average \$2,500 a month. The rest goes to mortgage groceries and supplies for the family, i.e. diapers, wipes, baby food etc. . . . We all have houses and yards to upkeep, to keep sprinklers working, grass trimmed and weed free, and that costs money. I have had to scale back my plans with my family dramatically to upkeep my assets. There will be no vacations this year, no more trips to the local drive-in for ice cream after a hot day, and certainly no running through the sprinkler to conserve on the water bill. My wife (who is from Fiji) has not been able to see her family for six years now. We were planning a family trip this year to see them. Well, not anymore; a six thousand dollar trip for a family of four is unheard of. Guess we will have to see what next year brings. My property taxes rose from \$1,400 to \$1,850 this year. Did not we pass a bill last year generating a fund to lower this sort of thing? I certainly did not benefit from that.

The city council in Blackfoot is working on getting a windmill turbine farm set up in the Wolverine canyon, east of Blackfoot. I am in favor of that if we were to actually benefit from it. From what I gather the power that generates from these turbines will be sent to California. If we have to wake up every day to look at these turbines, then we at least need to benefit from them! I have worked out at the INL Site for about four years now; I work around the only test reactor in the world. Every day, when I walk around it, I wonder, why cannot we have a reactor to generate power for all of south-east Idaho? Let us bypass Idaho and Utah Power and anyone else that sends power to us and generate our own. We will not be damming up rivers causing problems for the

salmon habitat or building turbines that could hurt the bird migration. Or causing some other environmental issue with the way wildlife runs its course. Let us build a generation reactor in the desert at the INL that will provide power to all of southeast Idaho. This could probably be the cleanest source of energy we have ever used. Let us open up Alaska to drill for oil, become more dependent on ourselves instead of foreign oil.

JOSHUA.

Thank you for the opportunity to direct comments to you on a specific topic of great concern.

My wife and I are nearing retirement (currently 58 years old), and our home is paid for. However, our home was built in the 1970s under a program promoted by Utah Power & Light, which encouraged constructing total electric homes using ceiling cable heat. UP&L even gave monthly energy "discounts" for being total electric. Later . . . much later . . . those discounts were deemed to not promote energy efficiency and were taken away. Even though Idaho electric rates remain relatively low, our home of 2,100 sq ft costs over \$300 a month to heat in the winter. We are concerned that increasing energy rates will force us out of our home when we are no longer working fulltime. No incentives are provided for conversion and with ceiling cable there is no duct-work to convert a furnace to . . . so natural gas or propane is not economically feasible.

Solution—Construct a nuclear power plant on the desert of the INL. Find a willing commercial owner, provide some US government incentives to build a new version to use as a model nationwide, offer an incentive to Idahoans on the grid to get a discount & sell the rest of the power to Utah, Nevada & California. Speed the process of approval & construction. Sell bonds to help build it but do something.

I know it is an overly simplistic suggestions but we need to do something about energy in this country or our economy will grind to a near standstill.

TED.

Like everyone else in America, higher energy costs affect me more every day as the price of everything I purchase climbs. I am very frugal and have been barely make ends meet as it is. It makes me physically sick with worry when I think about the future. What is going to happen when I cannot afford to pay my bills? Who do I stop paying first? Do I stop paying my rent? My utilities? What about all the medical bills I owe? (I have no medical insurance . . . but that is another letter for another day.) Will I lose my home? Will I get sued by my creditors and then get my wages garnished? What about the \$100 I pay every month to the Social Security Administration for an overpayment of my disability benefits? What will happen to me when I cannot afford to pay that? I cannot be optimistic anymore and think somehow someone will save the day. No one has offered up any realistic solutions that I have heard. Getting a tax break for the summer will not do a whole lot of good when [other prices remain high due to] the price of oil in the preceding 12 months. Making the oil companies pay more taxes will not solve the problem.

It just makes my blood boil to listen to [politicians] sugar-coat our problems. This country is in crisis. The powers that be have chosen to put their heads in the sand over the environment and now it is too late to find a "green" solution to the immediate en-

ergy needs of our country. We need to drill for oil . . . now. It is sickening that after all that has happened in our past with regard to our dependence on foreign oil that we find ourselves here. President Bush thinks he's going to win the war on terror by sending our troops to die in the Middle East? The terrorists will defeat us by using our dependence on them. While everyone looks for a bomb and we lose our civil liberties one by one, they will steal our way of life.

When I got my stimulus rebate check, I spent it all and went to a family reunion. It occurred to me as I was coming home that it is very likely that I will not be able to go next year, or any year in the foreseeable future. It will simply cost too much. The only reason I could afford it this year is because of that rebate check. I cannot imagine that I will have the ability to save enough money to go next year because it will cost too much to put a roof over my head and food on my table.

So, Mr. Crapo, my story is simple. The state of the nation makes me afraid and angry.

KATHY.

My wife and I own and my wife operates a child day-care in Idaho Falls, Idaho. Since the price of fuel has spun out of control and with no resolution in the near future we are actively attempting to sell or will shut the doors on the business in the next two months. The price of fuel is driving everything else up so high that we need to raise our prices to make up for the increases and we are in many cases simply pricing ourselves out of our customers ability to pay. Many of our customers [have to choose] between day care or paying for fuel, grocery, natural gas, etc. In many cases, one of the parents quit their job to stay home with the kids and simply tighten up their belts and live with the minimums. If I did not have a good job working for a subcontractor to the DOE and had enough income to take care of the day to day and not depend on the business, I would be in bankruptcy court.

The fuel cost drives not only our vehicles; it drives every aspect of our day to day lives. I am worried that if a radical solution is not set into motion that we will be looking at a depression in this country. My grandparents went through the first one, and I hope that my family will not have to see similar times. Allowing a small population of the world to control the vast majority by controlling them with out-of-control energy prices is not right. I have a problem with so few becoming so wealthy while so many suffer. We have vast oil resources in the lower 48, and we all know the resources that are in Alaska. The Alaskan pipeline did not destroy the landscape or cause the caribou to go extinct like some of the environmentalists would like us to believe. Maybe we should allow our government that is funded by our tax dollars to step in and get involved with the refining of oil in our country and quit depending on someone who actually do not like us very much for our energy. We need to use what we have and we need to not allow the activist groups to tie our hands when we want to use it. If anyone even mentions drilling in Alaska the activist groups go crazy and it make me wonder who is funding these groups to keep our hand tied. The short term fix is to use the oil that we are setting on while we work on the research and development required to assist or solve the long term problem.

DAVID.

Senator, I could sit here and gripe about the high energy costs. However, I regard the

problem as a collective problem, not something one sector or another of the economy has done. We are all aware of how the costs are spiraling out of control, and there are things we can all do to mitigate the pinch in our wallet. Every one of us is guilty to varying degrees. Consider the following:

First, each of us needs to be a lot more concerned with conserving. We can all make one trip instead of three to the store. We can carpool. We can reduce some of our recreational activities to use less fuel getting there and while there. Turn off the lights. Use the energy efficient light bulbs. Use mass transit. The list goes on and on.

Second, Congress has got to work out a balanced approach to energy availability. Hydro power is still the most efficient, but has been hogtied by the environmentalists who not only do not want new power production, and even want to remove power production that is in place. Nuclear power has been similarly placed into the nether land of total environmental disfavor. The record of these two sources is not perfect, but they are not guilty of producing greenhouse gasses and making the Arabs richer and richer either. They have a place in our infrastructure, and Congress needs to make it happen before we give away all our wealth to Islamic radicals and Communists. Begin a plan to reduce and eliminate foreign import of oil, then make it stick.

Third, Congress needs to greatly improve incentives for domestic production of oil. Use the oil shale resources we have all over the country. Allow drilling in areas where the likelihood of new fields is good, with a great deal of care nevertheless. Use clean coal production methods for power.

Fourth, Congress should tax the windfall profits of the oil companies. Use that money for refunds to vehicle owners and taxpayers. There is no excuse on God's green earth for an oil company to make more profits in a fiscal quarter than the GNP of 80% of the world's nations in a year.

O.K. I have run out of time, but not ideas. I just wanted you to know we are all in this together, and either we solve it together, or the mess will get worse and worse. All of you in Congress need to quit quibbling and do something.

LON.

I appreciate the opportunity of letting you know of how the high costs of fuel/energy are impacting me.

I feel lucky—I have a good job and make above average pay. However, I am at a point in my life when I need to be able to save for retirement. My wife and I have raised our children and have recently been able to start saving for retirement. With the current prices of fuel, we are not able to save as needed to ensure that we will have the required funds to retire.

I have discussed the high price of fuel with several contract workers. They are not planning any type of vacation travel and, in most cases, are fearful of the future. Most are not even sure that they will be able to take care of their necessities if prices continue to skyrocket.

There is a business here in Idaho Falls that purchases plasma. I watched a news report detailing how busy they currently are. Many who are selling their plasma are doing it just to make ends meet. The place is so busy that they are turning people away.

I worry about my own children. The future is bleak. Never in my life have we had such a dim outlook—not in America.

It is time for drilling (in an environmentally safe way). It is time for nuclear

power to come out of the closet. We need to quit letting the environmentalists run this great country. I am an avid outdoors man. I love Idaho. I live here for the beauty and activities related to the outdoors. I have faith that we can fix the problems and move forward. I do not believe that we have to ruin the outdoors to make things right.

Thanks for your help

DAVID.

When BEA was granted contract of Idaho National Laboratory, [the lab director] held a meeting and asked what they could do to improve the INL. My reply was to better inform the public about nuclear energy and the benefits. During these trying times we are facing, and the extremes of the future, we must have extreme plans to counteract. The only solution is to minimize our use of natural resources. How do we do this? Every structure, school, home, office, storehouse, etc. shall be converted to electricity derived from nuclear power generating facilities. All of the natural resources shall be reserved for transportation and emergency needs. No longer can the government not be in direct competition with private affairs. When it is for the better of the people then it is the right thing to do. Nuclear energy is the only solution. We need to inform the public and gain support for a cleaner more efficient future. I am excited to be involved with any help I can provide with this matter.

ROY.

I am a hospice nurse and my patients rely on me to make home visits so they can have the care they need and deserve at the end of their lives. Without this service, many dying patients would have uncontrolled symptoms and unable to get to the doctor. Driving distances are great for me as I [care for] people in outlying areas, sometimes averaging 50–100 miles a day to see everyone. This cost in fuel is very hard to manage and at times nearly forces me to feel like returning to the hospital rather than providing this much needed service due to cost prohibitiveness of my work from fuel cost.

CHERYL, Boise.

ADDITIONAL STATEMENTS

TRIBUTE TO BISHOP JOHN MCRAITH

• Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to recognize one of Kentucky's most distinguished citizens, Roman Catholic Bishop John McRaith, who retired as the third Bishop of the Diocese of Owensboro.

Bishop McRaith's service over the last 26 years in the Diocese of Owensboro—which consists of 32 counties with 79 parishes, 3 high schools, 2 middle schools and 13 elementary schools—has made him a legacy in the community.

In addition to being a large diocese, Owensboro Diocese is one of the more diverse dioceses—home to a large number of Hispanic Catholic immigrants, along with a priesthood that recruits men from Latin America, Asia, and Africa. The work done by Bishop McRaith and the priests at Owensboro Diocese has increased church attendance to lev-

els that are considered among the highest in the Nation.

Bishop McRaith has left his community a better place because of the authenticity and kindness of his services and faith. While I am sad to see him retire, I am comforted knowing that those who learned from him will continue the good work that he displayed each day. On behalf of all of those who are part of the Owensboro Diocese, I thank Bishop John McRaith for the grace and strength he brought to western Kentucky.●

TRIBUTE TO HARRIET CORNELL

• Mrs. CLINTON. Mr. President, I am proud to congratulate the Honorable Harriet Cornell on her historic selection as chair of the Rockland County Legislature for a fifth consecutive year. Harriet is the first chair of the legislature to hold the office for 5 consecutive years.

Harriet Cornell has been a member of the Rockland County Legislature since 1984. In her first year of office, Mrs. Cornell founded the Legislature's Commission on Women's Issues and invited community leaders to participate in the formulation of public policy. She is also the chair of the Eleanor Roosevelt Legacy Committee.

Her long record of accomplishments led the Journal News naming her as one of 25 people who made the greatest impact on Rockland County during the 20th century. As chairwoman, Mrs. Cornell's priorities have included protection of our environment, enhanced educational resources, improved health services for women and children, homeland security, Rockland's transportation infrastructure, and smart land use planning. Under her leadership, she has brought together elected officials from every level of government in Summit meetings to collaborate on these issues.

I commend Mrs. Cornell for her many years of devoted public service to the citizens of Rockland County.●

MESSAGE FROM THE HOUSE

At 6:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the following resolutions:

H. Res. 1. Resolution that Lorraine C. Miller of the State of Texas, be, and is hereby, chosen Clerk of the House of Representatives; That Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives; That Daniel P. Beard of the State of Maryland be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

H. Res. 2. Resolution notifying the Senate that a quorum of the House of Representatives has assembled; that NANCY PELOSI, a

Representative from the State of California, has been elected Speaker, than Lorraine C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representatives of the One Hundred Eleventh Congress.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

The message further announced that the Speaker appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled, and Congress is ready to receive any communication that he may be pleased to make: The gentleman from Maryland Mr. HOYER and the gentleman from Ohio Mr. BOEHNER.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 1. Concurrent Resolution regarding consent to assemble outside the seat of government; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1. A bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

S. 2. A bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

S. 3. A bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 5. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 6. A bill to restore and enhance the national security of the United States.

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

S. 8. A bill to return the Government to the people by reviewing controversial "mid-

night regulations" issued in the waning days of the Bush Administration.

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

S. 33. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

S. 34. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on December 12, 2008, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 3663. An act to require the Federal Communications Commission to provide for a short-term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting.

S. 3712. An act to make a technical correction in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

S.J. Res. 46. Joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of State are those which were in effect on January 1, 2007.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1. A communication from the Assistant Director of the Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Travel Management; Designated Routes and Areas for Motor Vehicle Use" (36 CFR Part 212) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a public-private competition conducted on December 2, 2008; to the Committee on Armed Services.

EC-3. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's plan to conduct a streamlined A-76 competition of fleet replacement squadron training and administrative support functions; to the Committee on Armed Services.

EC-4. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Clarification of Export Control Jurisdiction for Civil Air-

craft Equipment under the Export Administration Regulations" (RIN0694-AE31) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authority Citations Updates and Technical Corrections" (RIN0694-AE49) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-7. A communication from the Acting Administrator, National Highway Traffic Safety Administration and the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, a report on the activities of the Implementation Coordination Office; to the Committee on Commerce, Science, and Transportation.

EC-8. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Simplified Standards for Rail Rate Cases—Taxes in Revenue Shortfall Allocation Method" (STB Ex Parte No. 646) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-9. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements for Amateur Rocket Activities" (RIN2120-A188) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-10. A communication from the Supervisory Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties" (RIN2105-AD77) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-11. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments" (RIN2137-AE02) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-12. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines" (RIN2137-AE25) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-13. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection" (RIN2127-AK02) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-14. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tire Registration and Recordkeeping" (RIN2127-AK11) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-15. A communication from the Supervisory Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Domestic Baggage Liability" (RIN2105-AD80) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-16. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes" (RIN2120-AG87) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-17. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2007-28691)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-18. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109A and A109A Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0834)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-19. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-400, -500, -600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0152)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-20. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0265)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-21. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0344)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-22. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0289)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-23. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0850)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-24. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29045)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-25. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0887)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-26. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1122)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-27. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-1251)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-28. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0115)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-29. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1232)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-30. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Maule Aerospace Technology, Inc. M-4, M-5, M-6, and M-7 Series and Model M-8-235 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0892)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-31. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Gulfstream 200 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0270)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-32. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited DHC-6 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0891)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-33. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Models EMB-110P1 and EMB-110P2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2006-26598)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-34. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0344)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-35. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0308)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-36. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0991)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-37. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS332 C, L, L1 and L2 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0430)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-38. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney PW4000 Series 94-Inch Fan Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0589)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-39. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1258)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-40. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200LR Series Airplanes Powered by General Electric (GE) Model GE90-110B Engines, and Model 777-300ER Series Airplanes Powered by GE Model GE90-115B Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1241)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-41. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Vulcanair S.p.A. Model P68 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1020)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-42. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1238)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-43. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0889)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-44. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters,

Inc. Model 500N and 600N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-1244)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-45. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0911)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-46. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2006-23605)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-47. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes, Equipped with a Tail Cone Evacuation Slide Container Installed in Accordance With Supplemental Type Certificate (STC) ST735SO" ((RIN2120-AA64)(Docket No. FAA-2007-28881)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-48. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada Corp. JT15D-5; -5B; -5F; and -5R Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0752)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-49. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0910)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-50. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0835)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-51. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model 390 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0492)) received in the Office of the President of the

Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-52. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, AND 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0414)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-53. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation By Reference" ((Docket No. 29334)(Amendment No. 71-40)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-54. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0176)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-55. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30641)(Amendment No. 3299)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-56. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30640)(Amendment No. 3298)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-57. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30636)(Amendment No. 3294)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-58. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Big Spring, TX" ((Docket No. FAA-2008-0757)(Airspace Docket No. 08-ASW-13)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-59. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Revocation of Class E Airspace; Lake Havasu, AZ" ((Docket No. FAA-2008-0529)(Airspace Docket No. 08-AWP-6)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-60. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; Grayling, MI" ((Docket No. FAA-2008-0652)(Airspace Docket No. 08-AGL-5)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-61. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; Grayling MI" ((Docket No. FAA-2008-0652)(Airspace Docket No. 08-AGL-5)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-62. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Morehead, KY" ((Docket No. FAA-2008-0809)(Airspace Docket No. 08-ASO-13)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-63. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dallas, GA" ((Docket No. FAA-2008-1084)(Airspace Docket No. 08-ASO-17)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-64. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Napakiak, AK" ((Docket No. FAA-2008-0454)(Airspace Docket No. 08-AAL-13)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-65. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Jet Route J-522 in the vicinity of Rochester, NY" ((Docket No. FAA-2008-1171)(Airspace Docket No. 08-AEA-25)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-66. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation Route T-254; Houston, TX" ((Docket No. FAA-2008-0716)(Airspace Docket No. 08-ASW-9)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-67. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Roanoke, VA" ((Docket No. FAA-2008-0417)(Airspace Docket No. 08-AEA-20)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-68. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Controlling Agency for Restricted Areas R-6901A, R-6901B, and R-6903; Wisconsin" ((Docket No. FAA-2008-1130)(Airspace Docket No. 08-ASW-14)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-69. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Badami, AK" ((Docket No. FAA-2008-0956)(Airspace Docket No. 08-AAL-26)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-70. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Shageluk, AK" ((Docket No. FAA-2008-0458)(Airspace Docket No. 08-AAL-17)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-71. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Ruby, AK" ((Docket No. FAA-2008-0005)(Airspace Docket No. 08-AAL-1)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-72. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Routes and Federal Airways; Alaska" ((Docket No. FAA-2008-1091)(Airspace Docket No. 08-AAL-32)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-73. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear" (RIN1018-AV79) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Environment and Public Works.

EC-74. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program" (RIN0970-AC24) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-75. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008-112) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-76. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Biodiesel Tax Incentive; Cellulosic Biofuel Producer Credit" (Notice 2008-110) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-77. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Intermediary Transaction Tax Shelters" (Notice 2008-111) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-78. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Section 409(a) in Operation" (Notice 2008-113) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-79. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities" (RIN1820-AB60) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-80. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Termination Information" (RIN1212-AB14) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-81. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of acting officer for the position of Under Secretary, received in the Office of the President of the Senate on December 11, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-82. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-83. A communication from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting, pursuant to law, a report entitled "FY 2008 Performance and Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-84. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Department's annual financial report for fiscal year 2008; to the

Committee on Homeland Security and Governmental Affairs.

EC-85. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Agency Financial Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-86. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to data-mining activities; to the Committee on the Judiciary.

EC-87. A communication from the General Counsel, United States Marshals Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Revision to United States Marshals Service Fees for Services" (RIN1105-AB14) received in the Office of the President of the Senate on December 11, 2008; to the Committee on the Judiciary.

EC-88. A communication from the Senior Counsel, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "DNA-Sample Collection and Biological Evidence Preservation in the Federal Jurisdiction" (RIN1105-AB09; 1105-AB10; 1105-AB24) received in the Office of the President of the Senate on December 11, 2008; to the Committee on the Judiciary.

EC-89. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isoxaflutole; Pesticide Tolerances" ((EPA-HQ-OPP-2008-0217)(FRL-8393-1)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-90. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Modification of Late Payment and Interest Charge Regulation" ((Docket No. AMS-FV-08-0037)(FV08-946-2 FR)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-91. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Grades of Potatoes" ((Docket No. AMS-FV-2006-0136)(FV-06-303-C)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-92. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0093)(FV09-984-2 IFR)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-93. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Dairy Promotion and Research Program; Final Rule on Amendments to the Dairy Promotion and Research Order" ((Docket No. AMS-DA-08-0035)(DA-08-02)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-94. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwi Fruit Grown in California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0095)(FV09-920-1 IFR)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-95. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Changes to Regulations Governing Board Nominations" ((Docket No. AMS-FV-08-0091)(FV09-984-1 IFR)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-96. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0056)(FV08-987-1 FIR)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-97. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al.; Change to Fiscal Period" ((Docket No. AMS-FV-08-0066)(FV08-930-2 IFR)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-98. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Loan Programs" (RIN0560-AH82) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-99. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk Income Loss Contract Program and Price Support Program for Milk" (RIN0560-AH83) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-100. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Green Procurement Plan; to the Committee on Armed Services.

EC-101. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the extension of authority for use of simplified acquisition procedures for certain commercial items; to the Committee on Armed Services.

EC-102. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a notification relative to the submission date of the report on the Department's purchases from foreign entities in fiscal year 2007; to the Committee on Armed Services.

EC-103. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of

Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns Manufactured in a Qualifying Country" (RIN0750-AG13) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Armed Services.

EC-104. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Payment Protections for Subcontractors and Suppliers—Deletion of Duplicative Text" (RIN0750-AG15) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Armed Services.

EC-105. A communication from the Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Program; Overpayments Recovery" (RIN0720-AB09) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Armed Services.

EC-106. A communication from the Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment from the TRICARE Retiree Dental Program (TRDP)" (RIN0720-AA69) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Armed Services.

EC-107. A communication from the Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Indebtedness of Military Personnel" (RIN0790-AI08) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Armed Services.

EC-108. A communication from the Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Procedures and Support for Non-Federal Entities Authorized to Operate on Department of Defense (DoD) Installations" (RIN0790-AI35) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Armed Services.

EC-109. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to assets purchased under the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-110. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(73 FR 73182)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-111. A communication from the Acting Deputy Director of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Gulf of the Farallones National Marine Sanctuary Regulations; and Cordell Bank National Marine Sanctuary Regulations" ((RIN0648-AT14)(RIN0648-AT15)(RIN0648-AT16)) received in the Office of the President of the Senate on December

16, 2008; to the Committee on Commerce, Science, and Transportation.

EC-112. A communication from the Acting Deputy Director of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Papahānaumokuākea Marine National Monument Proclamation Provisions" (RIN0648-AW44) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Commerce, Science, and Transportation.

EC-113. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf of Mexico Gag Grouper-Management Measures" (RIN0648-AV80) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Commerce, Science, and Transportation.

EC-114. A communication from the Acting Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled "First Biennial Report to Congress Responding to Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) Findings and Recommendations during Fiscal Year 2007"; to the Committee on Energy and Natural Resources.

EC-115. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Interagency Cooperation Under the Endangered Species Act" ((RIN1018-AT50)(RIN0618-AX15)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-116. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; New Source Review Reform "Linkage" Rule, Rule AM-32-04b" ((EPA-R05-OAR-2006-0609)(FRL-8749-1)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-117. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; NSR Reform Regulations, Rule AM-06-04" ((EPA-R05-OAR-2006-0609)(FRL-8748-9)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-118. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Recodification of Regulations" ((EPA-R05-OAR-2006-0389)(FRL-8748-9)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-119. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Expansion of RCRA Comparable Fuel Ex-

clusion" ((EPA-HQ-RCRA-2005-0017)(FRL-8753-4)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-120. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" ((EPA-R09-OAR-2008-0537)(FRL-8731-3)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-121. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Polysulfide Rubber Production, Ethylene Propylene Rubber Production, Butyl Rubber Production, Neoprene Production); National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production; National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards (Acetal Resins Production and Hydrogen Fluoride Production) (Risk and Technology Review)" (RIN2060-AO16) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-122. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions" ((EPA-HQ-OAR-2004-0014)(FRL-8752-4)) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-123. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Option to Establish Non-Emergency Medical Transportation Program" (RIN0938-AO45) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Finance.

EC-124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Labeling Information on the Relationship Between the Use of Indoor Tanning Devices and Development of Skin Cancer or Other Skin Damage"; to the Committee on Health, Education, Labor, and Pensions.

EC-125. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Act Discretionary Activities: Community Economic Development and Rural Facilities Programs; to the Committee on Health, Education, Labor, and Pensions.

EC-126. A communication from the Assistant General Counsel for Regulatory Services, Office of Planning, Evaluation, and Policy Development, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Family Educational Rights and Privacy" (RIN1855-AA05) received in the Office of the President of the Senate on De-

cember 16, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-127. A communication from the Administrator, Office of Information and Regulatory Affairs, Executive Office of the President, transmitting, pursuant to law, a report relative to the development and use of voluntary consensus standards; to the Committee on Homeland Security and Governmental Affairs.

EC-128. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-129. A communication from the Inspector General, Federal Housing Finance Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-130. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Annual Report to Congress, July 2007-July 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-131. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-132. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-133. A communication from the Director, Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-134. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-135. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2008 Report to Congress on Data Mining Technology and Policy"; to the Committee on the Judiciary.

EC-136. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Minnesota Advisory Committee; to the Committee on the Judiciary.

EC-137. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Illinois Advisory Committee; to the Committee on the Judiciary.

EC-138. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Civil Commitment of a Sexually Dangerous

Person" (RIN1120-AB45) received in the Office of the President of the Senate on December 16, 2008; to the Committee on the Judiciary.

EC-139. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; and the Common Crop Insurance Regulations, Basic Provisions" (RIN0563-AC19) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-140. A communication from the Director of Program Development and Regulatory Analysis, Rural Development Utilities Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Household Water Well System Grant Program" (RIN0572-AC12) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-141. A communication from the Assistant Secretary of Defense (Global Security Affairs), transmitting, pursuant to law, the Department's annual report relative to the Regional Defense Combating Terrorism Fellowship Program for fiscal year 2008; to the Committee on Armed Services.

EC-142. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the H-1 Upgrades Program; to the Committee on Armed Services.

EC-143. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Hospital Outpatient Prospective Payment System (OPPS)" (RIN0720-AB19) received in the Office of the President of the Senate on December 22, 2008; to the Committee on Armed Services.

EC-144. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-145. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-146. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Display of Official Sign; Temporary Increase in Standard Maximum Share Insurance Amount; Coverage for Custodial Loan Accounts" (RIN1333-AD55) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-147. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance for Revocable Trust Accounts" (RIN1333-AD54) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-148. A communication from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Temporary Liquidity Guarantee Program" (RIN3064-AD37) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-149. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations" (31 CFR Parts 594, 595, and 597) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-150. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (Docket No. R-1342) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-151. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure" (Docket No. R-1341) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-152. A communication from the Deputy General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Incidental Powers" (RIN1333-AD12) received in the Office of the President of the Senate on December 22, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-153. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing competitions in fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-154. A communication from the Deputy Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Schedule of Application Fees Set Forth In Sections 1.1102 through 1.1109 of the Commission's Rules" ((GEN Docket No. 86-285)(FCC 08-209)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-155. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Honolulu, Hawaii" (MB Docket No. 08-155) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-156. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers"

((CG Docket No. 05-231)(ET Docket No. 99-254)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-157. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Glendive, Montana" (MB Docket No. 08-113) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-158. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York" (RIN0648-XM09) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-159. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" ((Docket No. 29334)(Amendment No. 71-40)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-160. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Black River Falls, WI; Confirmation of Effective Date" ((Docket No. FAA-2008-1076)(Airspace Docket No. 08-ANE-102)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-161. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0590)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-162. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Russellville, AL" ((Docket No. FAA-2008-1094)(Airspace Docket No. 08-ASO-18)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-163. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clewiston, FL" ((Docket No. FAA-2008-1168)(Airspace Docket No. 08-ASO-19)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-164. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Summerville, WV" ((Docket No. FAA-2008-1073)(Airspace Docket No. 08-AEA-28)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-165. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes Equipped with International Aero Engines (IAE) Model V2500-A1 Engines or Model V25xx-A5 Series Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1274)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-166. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1007)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-167. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes; and Model A340-200 and -300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27739)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-168. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0732)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-169. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "New Entrant Safety Assurance Process" (RIN2126-AA59) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-170. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment" (RIN2126-AA86) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-171. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1200)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-172. A communication from the Acting Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Use of Bureau of Reclamation Land, Facilities, and Waterbodies" (RIN1006-AA51) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Energy and Natural Resources.

EC-173. A communication from the Acting Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies" (RIN1006-AA55) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Energy and Natural Resources.

EC-174. A communication from the Acting Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Truckee River Operating Agreement" (RIN1006-AA48) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Energy and Natural Resources.

EC-175. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (Docket No. OSM-2008-0024) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Energy and Natural Resources.

EC-176. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Changes to Implement the Additional Protocol to the US/IAEA Safeguards Agreement" (RIN3150-AH38) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Energy and Natural Resources.

EC-177. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Aerosol Coatings" (RIN2060-AP33) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Environment and Public Works.

EC-178. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Ambient Air Quality Standards for Lead" (RIN2060-AN83) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Environment and Public Works.

EC-179. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL-8755-9) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Environment and Public Works.

EC-180. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA" (RIN2050-A647) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Environment and Public Works.

EC-181. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; and National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities" (FRL-8755-4) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Environment and Public Works.

EC-182. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "The President's Emergency Plan for AIDS Relief, Fiscal Year 2007 Report on the Global Fund to Fight AIDS, Tuberculosis and Malaria"; to the Committee on Foreign Relations.

EC-183. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC-184. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$45,500,000 or more with Australia; to the Committee on Foreign Relations.

EC-185. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$95,000,000 or more with India; to the Committee on Foreign Relations.

EC-186. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to Iraq for the period of October 15, 2008, through December 15, 2008; to the Committee on Foreign Relations.

EC-187. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau of Management, received in the Office of the President of the Senate on December 19, 2008; to the Committee on Foreign Relations.

EC-188. A communication from the President of the United States, transmitting, pursuant to law, notification of his intent to add the Republic of Kosovo and the Republic of Azerbaijan to the list of beneficiary developing countries under the Generalized System of Preferences program; to the Committee on Finance.

EC-189. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the impact of the Andean Trade Preference Act on U.S. trade and employment through 2007; to the Committee on Finance.

EC-190. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Fiscal Year Disproportionate Share Hospital Allotments and Disproportionate Share Hospital Institutions for Mental Disease Limits" (RIN0938-AO75) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-191. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Section 305 treatment of a stock distribution by a publicly traded real estate investment trust (Rev. Proc. 2008-68) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-192. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief From Immediate Compliance With 2009 Section 403(b) Written Plan Requirement" (Notice 2009-3) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-193. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Section 7216 Regulations—Disclosure or Use of Information by Preparers of Returns" (RIN1545-BI00) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-194. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Basis in Property Acquired in Transferred Basis Transaction" (Notice 2009-4) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-195. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Return Preparer Penalties under Section 6694 and 6695" (RIN1545-BG83) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-196. A communication from the Regulation Coordinator, Office of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Long-Term Care Partnership Program: Reporting Requirements for Insurers" (RIN0991-AB44) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Finance.

EC-197. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B)"

(RIN1545-BH61) received in the Office of the President of the Senate on January 5, 2008; to the Committee on Finance.

EC-198. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Community Services Block Grant Program Report and Report on Performance Measurement for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-199. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-200. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law" (RIN0991-AB48) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-201. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to section 552 of title 5, United States Code; to the Committee on Homeland Security and Governmental Affairs.

EC-202. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Strategic Plan for fiscal years 2010–2015; to the Committee on Homeland Security and Governmental Affairs.

EC-203. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-204. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "Fiscal Year 2008 Financial Report of the U.S. Government"; to the Committee on Homeland Security and Governmental Affairs.

EC-205. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-206. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Chief Human Capital Officers Council, Fiscal Year 2008, Annual Report to the Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-207. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-208. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Justice Programs for fiscal year 2007; to the Committee on the Judiciary.

EC-209. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a final addendum to the previously submitted report entitled "Fiscal Year 2007 Performance Summary Report"; to the Committee on the Judiciary.

EC-210. A communication from the Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Documents Acceptable for Employment Eligibility Verification" (RIN1615-AB69) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC-211. A communication from the Associate Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Office of Attorney General; Certification Process for State Capital Counsel Systems" (RIN1121-AA74) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC-212. A communication from the Associate Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Revised Regulations for Records Relating to Visual Depictions of Sexually Explicit Conduct; Inspection of Records Relating to Depiction of Simulated Sexually Explicit Performance" (RIN1105-AB18)(RIN1105-AB19) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC-213. A communication from the Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status" (RIN1615-AA60) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC-214. A communication from the Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes to Requirements Affecting H-2A Nonimmigrants" (RIN1615-AB65) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC-215. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the certification that the current Future Years Defense Program fully funds the support costs for the fiscal years 2009 through 2013 VIRGINIA Class Submarine MYP contract; to the Committee on Armed Services.

EC-216. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revision of Hearing Procedures" (RIN2501-AD24) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-217. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Regulations Implementing the Program Fraud Civil Remedies Act of 1986" (RIN2501-AD25) received in the Office of the President of the Senate on

January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-218. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands" (RIN0648-AV28) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-219. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XM15) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-220. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" ((SATS No. MT-028-FOR)(Docket No. OSM-2008-0018)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mrs. CLINTON, and Mr. SCHUMER):

S. 1. A bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 2. A bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mr. WYDEN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 3. A bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners,

businesses, and consumers, and reforming the financial regulatory system, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. DODD, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BEGICH, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BEGICH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGAMAN, Mrs. SHAHEEN, Mr. CASEY, Ms. STABENOW, Mrs. MCCASKILL, Mr. DODD, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, and Ms. MIKULSKI):

S. 5. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. DURBIN, Mr. KERRY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. BEGICH, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mrs. SHAHEEN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. SCHUMER, and Ms. MIKULSKI):

S. 6. A bill to restore and enhance the national security of the United States; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. BEGICH, Mr. LIEBERMAN, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, and Ms. MIKULSKI):

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. BEGICH, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 8. A bill to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mr. LEAHY, Mrs. BOXER, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. CONRAD, Mr. LEVIN, Mr. BEGICH, Mr. CARPER,

Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes; read the first time.

By Mr. REID (for himself, Mrs. CLINTON, Mr. AKAKA, Mr. INOUE, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. CARPER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 21. A bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN:

S. 31. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 32. A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN:

S. 33. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes; read the first time.

By Mr. DEMINT (for himself, Mr. INHOFE, Mr. THUNE, Mr. ALEXANDER, Mr. BARRASSO, Mr. BOND, Mr. BROWNBACK, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KYL, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. VITTER, Mr. VOINOVICH, and Mr. WICKER):

S. 34. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; read the first time.

By Mrs. HUTCHISON (for herself, Mr. ALEXANDER, Mr. ENSIGN, Mr. CORNYN, and Mr. MARTINEZ):

S. 35. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. ENSIGN):

S. 36. A bill to repeal the perimeter rule for Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 37. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 38. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 39. A bill to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze"; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 40. A bill to designate Fossil Creek, a tributary of the Verde River in the State of Arizona, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN:

S. 41. A bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. CORNYN, Mr. BOND, Mr. BURR, Mr. VITTER, Mr. ENZI, and Mr. ISAKSON):

S. 42. A bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect; to the Committee on Finance.

By Mr. ENSIGN:

S. 43. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on Finance.

By Mr. ENSIGN:

S. 44. A bill to amend the Internal Revenue Code of 1986 to treat income earned by mutual funds from exchange-traded funds holding precious metal bullion as qualifying income; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. MCCONNELL, Mr. GREGG, Mr. CORNYN, Mr. BURR, Mr. VITTER, Mr. INHOFE, Mr. VOINOVICH, and Mr. COBURN):

S. 45. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. CARDIN, Ms. COLLINS, Ms. STABENOW, Mr. WHITEHOUSE, Mr. CASEY, Mr. LEAHY, Mr. GRAHAM, Mr. SPECTER, Mr. DURBIN, and Mr. AKAKA):

S. 46. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. COBURN, Mr. DEMINT, and Mr. CRAPO):

S. 47. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Finance.

By Mr. ENSIGN:

S. 48. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 49. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Mr. INOUE:

S. 50. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE:

S. 51. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Mr. INOUE:

S. 52. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. INOUE:

S. 53. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

By Mr. INOUE:

S. 54. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

By Mr. INOUE:

S. 55. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare program; to the Committee on Finance.

By Mr. INOUE:

S. 56. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. INOUE:

S. 57. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

By Mr. INOUE:

S. 59. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Ms. SNOWE, and Mrs. BOXER):

S. 60. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. HARKIN, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 61. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 62. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 63. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physicians' assistants under the Medicaid Program; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ENZI, Mr. BARRASSO, Mr. WICKER, Mr. DEMINT, and Mrs. LINCOLN):

S. 64. A bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUE:

S. 65. A bill to provide relief to the Pottawatomie Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mr. INOUE (for himself and Ms. LANDRIEU):

S. 66. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUE:

S. 67. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. INOUE:

S. 68. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUE (for himself, Mr. LIEBERMAN, Mr. CARPER, Ms. MURKOWSKI, Mr. LEVIN, and Mr. AKAKA):

S. 69. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 71. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 72. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:

S. 73. A bill to establish a systematic mortgage modification program at the Federal

Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. VITTER, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN):

S. 74. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

By Mr. KOHL:

S. 75. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

By Mr. INOUE:

S. 76. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 77. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 78. A bill to amend the Internal Revenue Code of 1986 to provide a full exclusion for gain from certain small business stocks; to the Committee on Finance.

By Mr. KERRY:

S. 79. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

By Mr. VITTER:

S. 80. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 81. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 82. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, to limit income eligibility expansions under that program until the lowest income eligible individuals are enrolled, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 83. A bill to amend the Internal Revenue Code of 1986 to expand the Coverdell education savings accounts to allow home school education expenses, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 84. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 85. A bill to amend title X of the Public Health Service Act to prohibit family plan-

ning grants from being awarded to any entity that performs abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself and Mr. BURR):

S. 86. A bill to establish a procedure to safeguard the Social Security Trust Funds; to the Committee on the Budget.

By Mr. VITTER:

S. 87. A bill to amend the procedures regarding military recruiter access to secondary school student recruiting information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 88. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 89. A bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 90. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 91. A bill to reduce the amount of financial assistance provided to the Government of Mexico in response to the illegal border crossings from Mexico into the United States, which serve to dissipate the political discontent with the higher unemployment rate within Mexico; to the Committee on Foreign Relations.

By Mr. VITTER:

S. 92. A bill to ensure the safety of seafood and seafood products being imported into the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 93. A bill to provide quality, affordable health insurance for small employers and individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 94. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for long-term care insurance premiums; to the Committee on Finance.

By Mr. VITTER:

S. 95. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. VITTER:

S. 96. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 97. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mr. VITTER:

S. 98. A bill to impose admitting privilege requirements with respect to physicians who perform abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 99. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax

credit for certain stem cell research expenditures; to the Committee on Finance.

By Mr. VITTER:

S. 100. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for itemizers and nonitemizers for expenses relating to home schooling; to the Committee on Finance.

By Mr. VITTER:

S. 101. A bill to amend the Internal Revenue Code of 1986 to allow expenses relating to all home schools to be qualified education expenses for purposes of a Coverdell education savings account; to the Committee on Finance.

By Mr. VITTER:

S. 102. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 103. A bill to require disclosure and payment of noncommercial air travel in the Senate; to the Committee on Rules and Administration.

By Mr. VITTER:

S. 104. A bill to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee; to the Committee on Rules and Administration.

By Mr. VITTER:

S. 105. A bill to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 106. A bill to require that all individuals convicted of a felony under State law provide a DNA sample; to the Committee on the Judiciary.

By Mr. VITTER:

S. 107. A bill to authorize funding for the Advancing Justice through DNA Technology initiative; to the Committee on the Judiciary.

By Mr. VITTER:

S. 108. A bill to prohibit the admission of an alien who was detained as an enemy combatant at Guantanamo Bay, Cuba, unless the President determines that such admission is consistent with the national security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 109. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 110. A bill to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 111. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

By Mr. INOUE:

S. 112. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. INOUE:

S. 113. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical

and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 114. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 115. A bill to amend title II of the Social Security Act to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 116. A bill to require the Secretary of the Treasury to allocate \$10,000,000,000 of Troubled Asset Relief Program funds to local governments that have suffered significant losses due to highly-rated investments in failed financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Ms. MIKULSKI):

S. 117. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, and Mr. CASEY):

S. 118. A bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:

S. 119. A bill for the relief of Guy Privat Tape and Lou Nazie Raymonde Toto; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 120. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 121. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 122. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 123. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 124. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 125. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 126. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 127. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 128. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 129. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 130. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 131. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. BAYH, Mr. KERRY, Mrs. MURRAY, Mr. KYL, Mr. SPECTER, Mr. SCHUMER, and Ms. CANTWELL):

S. 132. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mrs. BOXER, Mr. NELSON of Florida, Mr. KERRY, and Mr. SPECTER):

S. 133. A bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 134. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the North Country National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 135. A bill to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 136. A bill for the relief of Ziad Mohamed Shaban Khweis, Heyam Ziad Khweis, and Juman Ziad Khweis; to the Committee on the Judiciary.

By Mr. BROWN:

S. 137. A bill to create jobs and reduce the dependence of the United States on foreign and unsustainable energy sources by promoting the production of green energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. SNOWE, and Mrs. LINCOLN):

S. 138. A bill to amend the Internal Revenue Code of 1986 to repeal alternative minimum tax limitations on private activity bond interest, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 139. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive

personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 140. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, and Ms. SNOWE):

S. 141. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 142. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 143. A bill to amend the Internal Revenue Code of 1986 to provide for a college opportunity tax credit; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. ENSIGN):

S. 144. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Finance.

By Mr. AKAKA:

S. 145. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. VITTER, Mr. LEAHY, Mr. FEINGOLD, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. DORGAN, and Mr. ROCKEFELLER):

S. 146. A bill to amend the Federal anti-trust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. WYDEN, and Mr. WHITEHOUSE):

S. 147. A bill to require the closure of the detention facility at Guantanamo Bay, Cuba, to limit the use of certain interrogation techniques, to prohibit interrogation by contractors, to require notification of the International Committee of the Red Cross of detainees, and for other purposes; to the Select Committee on Intelligence.

By Mr. KOHL:

S. 148. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. KOHL:

S. 149. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

By Mr. LEAHY:

S. 150. A bill to provide Federal assistance to States for rural law enforcement and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 151. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 152. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 153. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself, Mr. CRAPO, Mr. INHOFE, Mr. ISAKSON, and Mr. MARTINEZ):

S. 154. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget.

By Ms. SNOWE (for herself, Mrs. LINCOLN, and Mr. BUNNING):

S. 155. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, and Ms. LANDRIEU):

S. 156. A bill to amend the Internal Revenue Code of 1986 to extend enhanced small business expensing and to provide for a 5-year net operating loss carryback for losses incurred in 2008 or 2009; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 157. A bill to amend the Internal Revenue Code of 1986 to expand the temporary waiver of required minimum distribution rules for certain retirement plans and accounts; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. BROWN, and Mrs. LINCOLN):

S. 158. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 159. A bill to establish the Paterson Great Falls National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. HATCH, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD):

S. 160. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 161. A bill to authorize implementation of the San Joaquin River Restoration Settlement, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. MCCASKILL, Mr. GRAHAM, and Mr. COBURN):

S. 162. A bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes; to the Committee on Rules and Administration.

By Mr. VITTER:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the num-

ber of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. VITTER:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. REID:

S.J. Res. 3. A joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. VITTER:

S. Res. 4. A resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana*, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child; to the Committee on the Judiciary.

By Mr. VITTER:

S. Res. 5. A resolution expressing the support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. Res. 6. A resolution expressing solidarity with Israel in Israel's defense against terrorism in the Gaza Strip; to the Committee on Foreign Relations.

By Mr. INOUE:

S. Res. 7. A resolution expressing the sense of the Senate regarding designation of the month of November as "National Military Family Month"; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. REED, Mr. WHITEHOUSE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr.

INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN):

S. Res. 8. A resolution relative to the death of the Honorable Claiborne de Borda Pell, former United States Senator for the State of Rhode Island; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 1. A concurrent resolution to provide for the counting on January 8, 2009, of the electoral votes for President and Vice President of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 2. A concurrent resolution extending the life of the Joint Congressional Committee on Inaugural Ceremonies; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER):

S. 1. A bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Recovery and Reinvestment Act of 2009".

SEC. 2. JOB CREATION, ECONOMIC GROWTH, AND A STRONG MIDDLE CLASS.

It is the sense of Congress that Congress should enact, and the President should sign,

legislation to create jobs, restore economic growth, and strengthen America's middle class through measures that—

- (1) modernize the nation's infrastructure;
- (2) enhance America's energy independence;
- (3) expand educational opportunities;
- (4) preserve and improve affordable health care;
- (5) provide tax relief; and
- (6) protect those in greatest need.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 2. A bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Middle Class Opportunity Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream by—

- (1) providing middle class tax relief while making the tax laws simpler and more reliable;
- (2) promoting investments in the new economy and enacting policies that create good, well-paying jobs in the United States;
- (3) enhancing the incentives and protections to help middle class families adequately meet their needs in retirement;
- (4) improving programs to help families acquire the education and training to be productive participants in the modern economy;
- (5) promoting families by improving the access and affordability of child and elder care;
- (6) restoring fairness, prosperity, and economic security for working families by ensuring workers can exercise their rights to freely choose to form a union without employer interference; and
- (7) removing barriers to fair pay for all workers.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mr. WYDEN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 3. A bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeowner Protection and Wall Street Accountability Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation—

- (1) to stabilize the housing market and assist homeowners by imposing a temporary moratorium on foreclosures, removing impediments to the modification of distressed mortgages, creating tax and other incentives to help prevent foreclosures and encourage refinancing into affordable and sustainable mortgage solutions, and pursuing other foreclosure-prevention policies through the Troubled Asset Relief Program or other programs;
- (2) to ensure the safety and soundness of the United States financial system for investors by reforming the financial-regulatory system, strengthening systemic-risk regulation, enhancing market transparency, and increasing consumer protections in financial regulation to prevent predatory lending practices;
- (3) to ensure credit-card accountability, responsibility and disclosure; and
- (4) to stabilize credit markets for small-business lenders to enhance their ability to make loans to small firms, and stimulate the small-business loan markets by temporarily streamlining and investing in the loan programs of the Small Business Administration.

By Mr. REID (for himself, Mr. LEVIN, Mr. DODD, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BEGICH, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Health Reform Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to guarantee health coverage, improve health care quality and disease prevention, and reduce health care costs for all Americans and the health care system.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BEGICH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGAMAN, Mrs. SHAHEEN, Mr. CASEY, Ms. STABENOW, Mrs. MCCASKILL, Mr. DODD, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, and Ms. MIKULSKI):

S. 5. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cleaner, Greener, and Smarter Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to improve the economy and the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming by—

- (1) making and encouraging significant investments in green job creation and clean energy across the economy;
- (2) diversifying and rapidly expanding the use of secure, efficient, and environmentally-friendly energy supplies and technologies;
- (3) transforming the infrastructure of the United States to make the infrastructure sustainable and the United States more competitive globally, including transmission grid modernization and transportation sector electrification;
- (4) requiring reductions in emissions of greenhouse gases in the United States and achieving reductions in emissions of greenhouse gases abroad;
- (5) protecting consumers from volatile energy prices through better market oversight and enhanced energy efficiency standards and incentives; and
- (6) eliminating wasteful and unnecessary tax breaks and giveaways that fail to move the United States toward a more competitive and cleaner energy future.

By Mr. REID (for himself, Mr. DURBIN, Mr. KERRY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. BEGICH, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mrs. SHAHEEN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. SCHUMER, and Ms. MIKULSKI):

S. 6. A bill to restore and enhance the national security of the United States; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoring America's Power Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to restore and enhance the national security of the United States by—

(1) strengthening America's military capabilities and recognizing the service of United States troops and the commitment of their families by ensuring our Armed Forces receive proper training and equipment prior to deployment, support and medical care when they return home, and adequate dwell time between deployments;

(2) addressing the threat posed by Al Qaeda and other terrorist groups with a comprehensive military, intelligence, homeland security and diplomatic strategy and refocusing on Afghanistan and Pakistan as the United States transitions in Iraq;

(3) defeating extremist ideology by increasing the effectiveness of United States intelligence, diplomatic, and foreign assistance capabilities; restoring the United States standing in the world and strengthening alliances; and addressing transnational humanitarian and development challenges; and

(4) reducing the threat posed by unsecured nuclear materials and other weapons of mass destruction (WMD) and effectively addressing the security challenges posed by Iran and North Korea.

By Mr. REID (for himself, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. BEGICH, Mr. LIEBERMAN, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, and Ms. MIKULSKI):

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Opportunity Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Senate and the House of Representatives should pass, and the President should sign into law, legislation to expand educational opportunities for all Americans by—

(1) increasing access to high-quality early childhood education and expanding child care, after school, and extended learning opportunities;

(2) improving accountability and assessment measures for elementary and secondary school students, increasing secondary school graduation rates, and supporting elementary and secondary school improvement efforts;

(3) strengthening teacher preparation, induction, and support in order to recruit and retain qualified and effective teachers in high-need schools;

(4) enhancing the rigor and relevance of State academic standards and encouraging innovative reform at the middle and high school levels;

(5) strengthening mathematics and science curricula and instruction; and

(6) increasing Federal grant aid for students and the families of students, improving the rate of postsecondary degree completion, and providing tax incentives to make higher education more affordable.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. BEGICH, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 8. A bill to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Returning Government to the American People Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Bush Administration should not rush into effect major new controversial regulations in its closing days;

(2) the incoming Administration, working with the Congress, should review and, if appropriate revise or reject such "midnight regulations"; and

(3) if legislation is necessary to ensure the new Administration has this opportunity, that Congress should enact, and the President should sign, such legislation.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mr. LEAHY, Mrs. BOXER, Mr.

BINGAMAN, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stronger Economy, Stronger Borders Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to strengthen the economy, recognize the heritage of the United States as a nation of immigrants, and amend the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by—

(1) providing more effective border and employment enforcement;

(2) preventing illegal immigration; and

(3) reforming and rationalizing avenues for legal immigration.

Mr. LEAHY. Mr. President, as we begin the 111th Congress, we will try, once again, to enact comprehensive immigration reforms that have eluded us in the past several years. With an administration that understands the critical necessity of meaningful reform and that understands the policy failures of the last 8 years, I am hopeful that the new Congress can finally enact legislation consistent with our history as a nation of immigrants.

The majority leader has included immigration reform as among the legislative priorities for the new Congress. I look forward to working with him, Senator KENNEDY, Senator MCCAIN, and others interested in working toward the goal of immigration reform.

In 2006 and 2007, Congress attempted to pass practical and effective reforms to our immigration system. In 2006, the Senate did its part and passed legislation, only to be thwarted by those in the House of Representatives who opposed dealing with the issue in a meaningful way. In 2007, the House passed legislation only to have it blocked in the Senate by Republican Members opposed to effective reform.

If our immigration policies are to be effective and play a role in restoring America's image around the world, we must reject the failed policies of the last 8 years. We cannot continue to deny asylum seekers because they have been forced at the point of a gun to provide assistance to those engaged in terrorist acts. We cannot continue to label as terrorist organizations those who have stood by the United States in armed conflict. We must not tolerate

the tragic and needless death of a person in our custody for lack of basic medical care. We must ensure that children are not needlessly separated from their parents and that family unity is respected.

We must move beyond the current policy that is focused on detaining and deporting those undocumented workers who have been abused and exploited by American employers but does nothing to change an environment that remains ripe for these abuses. We must protect the rights and opportunities of American workers and, at the same time, ensure that our Nation's farmers and employers have the help they need. We should improve the opportunities and make more efficient the processes for those who seek to come to America with the goal of becoming new Americans, whether to invest in our communities and create jobs, to be reunited with loved ones, or to seek freedom and opportunity and a better life. We must also live up to the goal of family reunification in our immigration policy and join at least 19 other nations that provide immigration equality to same-sex partners of different nationalities. And I believe we would be wise to reconsider the effectiveness and cost of a wall along our southern border, which has adversely affected the fragile environment and vibrant cross-border culture of an entire region. Such a wall stands as a symbol of fear and intolerance. This is not what America is about and we can do better.

Those who oppose a realistic solution to address the estimated millions of people currently living and working in the United States without proper documentation have offered no alternative solution other than harsh penalties and more enforcement. The policies of the last 8 years, which have served only to appease the most extreme ideologues, must be replaced with sensible solutions. I am confident that our country and our economy will be far more secure when those who are currently living in the shadows of our society are recognized and provided the means to become lawful residents, if not a path to citizenship.

As President-elect Obama's administration considers immigration issues, I look forward to working closely with them and with the Senate's leadership to find the best solutions. President-elect Obama's nominees to lead the Department of Homeland Security and the Department of Labor understand very well the importance of sensible border policies and the importance of workers' rights. The American people look to all of us to forge a consensus for immigration reform that rejects the extreme ideology that has attended this issue and prevented real progress.

By Mr. REID (for himself, Mr. CONRAD, Mr. LEVIN, Mr. BEGICH, Mr. CARPER, Mr. DURBIN, Mrs.

BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility Act of 2009".

SEC. 2. SENSE OF CONGRESS ON FISCAL RESPONSIBILITY.

It is the sense of Congress that Congress and the President should restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States through—

(1) strong pay-as-you-go rules, to help block the approval of measures that would increase the deficit;

(2) recognition of warnings by both the Government Accountability Office and the Congressional Budget Office that the Federal budget is on an unsustainable path of rising deficits and debt;

(3) establishment by Congress and the President of a process—

(A) to analyze—

(i) the current and long-term actuarial financial condition of the Federal Government; and

(ii) the gap between the projected revenues and expenditures of the Federal Government;

(B) to identify factors that affect the long-term fiscal balance of the Federal Government;

(C) to analyze potential courses of action to address factors that affect the long-term fiscal balance of the Federal Government;

(D) to seek a bipartisan agreement, or set of agreements, that will—

(i) significantly improve the Nation's long-term fiscal imbalances and the gap between projected revenues and expenditures;

(ii) ensure the economic security of the United States; and

(iii) expand future prosperity and growth for all Americans;

(4) a thorough review of all Federal spending and tax expenditures by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, that identifies items that are outdated, inefficient, poorly run, unnecessary, or otherwise undeserving of scarce Federal resources or that are in need of reform; and

(5) a review of the current system of taxation of the United States to ensure that burdens are borne fairly and equitably.

By Mr. REID (for himself, Mrs. CLINTON, Mr. AKAKA, Mr. INOUE, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. CARPER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 21. A bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prevention First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

Sec. 101. Short title.

Sec. 102. Authorization of appropriations.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

Sec. 201. Short title.

Sec. 202. Amendments to Employee Retirement Income Security Act of 1974.

Sec. 203. Amendments to Public Health Service Act relating to the group market.

Sec. 204. Amendment to Public Health Service Act relating to the individual market.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

Sec. 301. Short title.

Sec. 302. Emergency contraception education and information programs.

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

Sec. 401. Short title.

Sec. 402. Survivors of sexual assault; provision by hospitals of emergency contraceptives without charge.

TITLE V—AT-RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT

Sec. 501. Short title.

Sec. 502. Teen pregnancy prevention.

Sec. 503. Research.

Sec. 504. General requirements.

TITLE VI—ACCURACY OF CONTRACEPTIVE INFORMATION

Sec. 601. Short title.

Sec. 602. Accuracy of contraceptive information.

TITLE VII—UNINTENDED PREGNANCY REDUCTION ACT

Sec. 701. Short title.

Sec. 702. Medicaid; clarification of coverage of family planning services and supplies.

Sec. 703. Expansion of family planning services.

Sec. 704. Effective date.

TITLE VIII—RESPONSIBLE EDUCATION ABOUT LIFE ACT

Sec. 801. Short title.

Sec. 802. Assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

Sec. 803. Sense of Congress.
 Sec. 804. Evaluation of programs.
 Sec. 805. Definitions.
 Sec. 806. Appropriations.

TITLE IX—PREVENTION THROUGH AFFORDABLE ACCESS

Sec. 901. Short title.
 Sec. 902. Restoring and protecting access to discount drug prices for university-based and safety-net clinics.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Healthy People 2010 sets forth a reduction of unintended pregnancies as an important health objective for the Nation to achieve over the first decade of the new century, a goal first articulated in the 1979 Surgeon General's Report, *Healthy People*, and reiterated in *Healthy People 2000: National Health Promotion and Disease Prevention Objectives*.

(2) Although the Centers for Disease Control and Prevention (referred to in this section as the "CDC") included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(3) Each year, nearly half of all pregnancies in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(4) In 2006, 36,200,000 women, more than half of all women of reproductive age, were in need of contraceptive services and supplies to help prevent unintended pregnancy, and nearly half of those were in need of public support for such care.

(5) The United States has some of the highest rates of sexually transmitted infections (STIs) among industrialized nations. In 2006, there were approximately 19,000,000 new cases of STIs, almost half of them occurring in young people ages 15 to 24. According to the Centers for Disease Control and Prevention, in addition to the burden on public health, STIs impose a tremendous economic burden with direct medical costs as high as \$14,700,000 each year in 2006 dollars.

(6) Contraceptive use can improve overall health by enabling women to plan and space their pregnancies and has contributed to dramatic declines in maternal and infant mortality. Widespread use of contraceptives has been the driving force in reducing unintended pregnancies and sexually transmitted infections (STIs), and reducing the need for abortion in this nation. Contraceptive use also saves public health dollars. For every dollar spent to provide services in publicly funded family planning clinics, \$4.02 in Medicaid expenses are saved because unintended births are averted.

(7) Reducing unintended pregnancy improves maternal health and is an important strategy in efforts to reduce maternal mortality. Women experiencing unintended pregnancy are at greater risk for physical abuse.

(8) A child born from an unintended pregnancy is at greater risk than a child born from an intended pregnancy of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(9) The ability to control fertility allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(10) Contraceptives are effective in preventing unintended pregnancy when used consistently and correctly. Without contraception, a sexually active woman has an 85

percent chance of becoming pregnant within a year.

(11) Approximately 50 percent of unintended pregnancies occur among women who do not use contraception.

(12) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. The number of women needing subsidized services has increased by more than 1,000,000 (7 percent) since 2000. A poor woman in the United States is now nearly 4 times as likely as a more affluent woman to have an unplanned pregnancy. Between 1994 and 2001, unintended pregnancy among low-income women increased by 29 percent, while unintended pregnancy decreased by 20 percent among women with higher incomes.

(13) Public health programs, such as the Medicaid program and family planning programs under title X of the Public Health Service Act, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(14) Medicaid has become an essential source of support for the provision of subsidized family planning services and supplies. It is the single largest source of public funds supporting these services. In 2001, the program provided 6 in 10 of all public dollars spent on family planning services. In 2006, 12 percent of women of reproductive age (7,300,000 women ages 15 to 44) looked to Medicaid for their care and 37 percent of poor women of reproductive age rely upon Medicaid.

(15) Approximately 1,400,000 unintended pregnancies and 600,000 abortions are averted each year because of services provided in publicly funded clinics. In 2006, Title X (of the Public Health Service Act) service providers performed more than 2,400,000 Pap tests, 2,400,000 breast exams, and 5,800,000 tests for sexually transmitted diseases, including 652,426 HIV tests and 2,300,000 Chlamydia tests. One in 4 women who obtain reproductive health services from a medical provider do so at a publicly funded clinic.

(16) The stagnant funding for public family planning programs in combination with the increasing demand for subsidized services, the rising costs of contraceptive services and supplies, and the high cost of improved screening and treatment for cervical cancer and sexually transmitted infections has diminished the ability of clinics receiving funds under title X of the Public Health Services Act to adequately serve all those in need. At present, clinics are able to reach just 41 percent of the women needing subsidized services. Had Title X funding kept up with inflation since fiscal year 1980, it would now be funded at \$759,000,000, instead of its fiscal year 2007 funding level of \$283,000,000. Taking inflation into account, funding for Title X in constant dollars is 63 percent lower today than it was in fiscal year 1980.

(17) While the Medicaid program remains the largest source of subsidized family planning services, States are facing significant budgetary pressures to cut their Medicaid programs, putting many women at risk of losing coverage for family planning services.

(18) In addition, eligibility under the Medicaid program in many States is severely restricted, which leaves family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow States to expand access to Medicaid family planning services. However, the administrative burden of ap-

plying for a waiver poses a significant barrier to States that would like to expand their coverage of family planning programs through Medicaid.

(19) As of December of 2008, 27 States offered expanded family planning benefits as a result of Medicaid family planning waivers. The cost-effectiveness of these waivers was affirmed by a recent evaluation funded by the Centers for Medicare & Medicaid Services. This evaluation of six waivers found that all family planning programs under such waivers resulted in significant savings to both the Federal and State governments. Moreover, the researchers found measurable reductions in unintended pregnancy.

(20) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. The ongoing lack of coverage in health insurance plans, particularly in self-insured and individual plans, continues to place effective forms of contraception beyond the financial reach of many women.

(21) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(22) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. Research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted diseases.

(23) The available evidence shows that many women do not know about emergency contraception, do not know where to get it, or are unable to access it. Overcoming these obstacles could help ensure that more women use emergency contraception consistently and correctly.

(24) A November 2006 study of declining pregnancy rates among teens concluded that the reduction in teen pregnancy between 1995 and 2002 is primarily the result of increased use of contraceptives. As such, it is critically important that teens receive accurate, unbiased information about contraception.

(25) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sex education that includes information about both abstinence and contraception.

(26) Teens who receive comprehensive sex education that includes discussion of contraception as well as abstinence are more likely than those who receive abstinence-only messages to delay sex, to have fewer partners, and to use contraceptives when they do become sexually active.

(27) Government-funded abstinence-only-until-marriage programs are precluded from discussing contraception except to talk about failure rates. An October 2006 report by the Government Accountability Office found that the Department of Health and Human Services does not review the materials of recipients of grants administered by such department for scientific accuracy and requires grantees to review their own materials for scientific accuracy. The GAO also reported on the Department's total lack of appropriate and customary measurements to determine if funded programs are effective. In addition, a separate letter from the Government Accountability Office found that

the Department of Health and Human Services is in violation of Federal law by failing to enforce a requirement under the Public Health Service Act that Federally-funded grantees working to address the prevention of sexually transmitted diseases, including abstinence-only-until-marriage programs, must provide medically accurate information about the effectiveness of condoms.

(28) Recent scientific reports by the Institute of Medicine, the American Medical Association, and the Office on National AIDS Policy stress the need for sex education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS, and other sexually transmitted diseases.

(29) A 2006 statement from the American Public Health Association ("APHA") "recognizes the importance of abstinence education, but only as part of a comprehensive sexuality education program . . . APHA calls for repealing current federal funding for abstinence-only programs and replacing it with funding for a new Federal program to promote comprehensive sexuality education, combining information about abstinence with age-appropriate sexuality education."

(30) Comprehensive sex education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sex education children receive from their families.

(31) Over 60 percent of the 56,300 annual new cases of HIV infections in the United States occur in youth ages 13 through 24. African American and Latino youth have been disproportionately affected by the HIV/AIDS epidemic. In 2005, Blacks and Latinos accounted for 84 percent of all new HIV infections among 13 to 19 year olds and 76 percent of HIV infections among 20 to 24 year olds in the United States even though, together, they represent only about 32 percent of people in these ages. Teens in the United States contract an estimated 9,000,000 sexually transmitted infections each year. By age 24, at least 1 in 4 sexually active people between the ages of 15 and 24 will have contracted a sexually transmitted infection.

(32) Approximately 50 young people a day, an average of two young people every hour of every day, are infected with HIV in the United States.

(33) In 1990, Congress passed the Medicaid Anti-Discriminatory Drug Price and Patient Benefit Restoration Act to ensure that Medicaid receives the lowest drug prices in the marketplace. Congress intentionally protected the practice of pharmaceutical companies offering charitable organizations and clinics nominally-priced drugs. As an unintended consequence of the Deficit Reduction Act of 2005, birth control prices have skyrocketed for millions of women who depend on safety net providers for their birth control. Birth control that previously cost only \$5 to \$10 per month is now prohibitively expensive, running as much as \$40 or \$50 a month. Many family planning health centers have absorbed much of this price increase, further straining already limited resources. As the economic crisis worsens, women and their families are increasingly turning to health care safety net providers, such as family planning health centers, for a reliable source of care.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Title X Family Planning Services Act of 2009".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated \$700,000,000 for fiscal year 2010 and such sums as may be necessary for each subsequent fiscal year.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

SEC. 201. SHORT TITLE.

This title may be cited as the "Equity in Prescription Insurance and Contraceptive Coverage Act of 2007".

SEC. 202. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 715. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be con-

sistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

"Sec. 715. Standards relating to benefits for contraceptives."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2010.

SEC. 203. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) **IN GENERAL.**—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

“SEC. 2708. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

“(a) **REQUIREMENTS FOR COVERAGE.**—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

“(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

“(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as ‘outpatient health care services’).

“(b) **PROHIBITIONS.**—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

“(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual’s or enrollee’s use or potential use of items or services that are covered in accordance with the requirements of this section;

“(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

“(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

“(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

“(c) **RULES OF CONSTRUCTION.**—

“(1) **IN GENERAL.**—Nothing in this section shall be construed—

“(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

“(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

“(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

“(iii) benefits for outpatient contraceptive services under the plan or coverage, except

that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

“(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

“(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

“(2) **LIMITATIONS.**—As used in paragraph (1), the term ‘limitation’ includes—

“(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

“(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

“(d) **NOTICE.**—A group health plan under this part shall comply with the notice requirement under section 715(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

“(e) **PREEMPTION.**—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

“(f) **DEFINITION.**—In this section, the term ‘outpatient contraceptive services’ means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2010.

SEC. 204. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) **IN GENERAL.**—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

“SEC. 2754. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

“The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2008.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

SEC. 301. SHORT TITLE.

This title may be cited as the “Emergency Contraception Education Act of 2009”.

SEC. 302. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) **DEFINITIONS.**—For purposes of this section:

(1) **EMERGENCY CONTRACEPTION.**—The term “emergency contraception” means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that is—

(A) used after sexual relations;

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus; and

(C) approved by the Food and Drug Administration.

(2) **HEALTH CARE PROVIDER.**—The term “health care provider” means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the same meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(b) **EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) **DISSEMINATION.**—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics, and the media.

(3) **INFORMATION.**—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) **EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) **INFORMATION.**—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy, and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b) for distribution to the patients of the providers.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

carry out this section such sums as may be necessary for each of the fiscal years 2010 through 2014.

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

SEC. 401. SHORT TITLE.

This title may be cited as the “Compassionate Assistance for Rape Emergencies Act of 2009”.

SEC. 402. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) **IN GENERAL.**—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) **ASSISTANCE FOR VICTIMS.**—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term “emergency contraception” means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term “hospital” has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term “Secretary” means the Secretary of Health and Human Services.

(4) The term “sexual assault” means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) **EFFECTIVE DATE; AGENCY CRITERIA.**—This section takes effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

TITLE V—AT-RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “At-Risk Communities Teen Pregnancy Prevention Act of 2009”.

SEC. 502. TEENAGE PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399N the following section:

“SEC. 399N-1. TEENAGE PREGNANCY PREVENTION GRANTS.

“(a) **AUTHORITY.**—The Secretary may award on a competitive basis grants to public and private entities to establish or expand teenage pregnancy prevention programs.

“(b) **GRANT RECIPIENTS.**—Grant recipients under this section may include State and local not-for-profit coalitions working to prevent teenage pregnancy, State, local, and tribal agencies, schools, entities that provide after-school programs, and community and faith-based groups.

“(c) **PRIORITY.**—In selecting grant recipients under this section, the Secretary shall give—

“(1) highest priority to applicants seeking assistance for programs targeting communities or populations in which—

“(A) teenage pregnancy or birth rates are higher than the corresponding State average; or

“(B) teenage pregnancy or birth rates are increasing; and

“(2) priority to applicants seeking assistance for programs that—

“(A) will benefit underserved or at-risk populations such as young males or immigrant youths; or

“(B) will take advantage of other available resources and be coordinated with other programs that serve youth, such as workforce development and after school programs.

“(d) **USE OF FUNDS.**—Funds received by an entity as a grant under this section shall be used for programs that—

“(1) replicate or substantially incorporate the elements of one or more teenage pregnancy prevention programs that have been proven (on the basis of rigorous scientific research) to delay sexual intercourse or sexual activity, increase condom or contraceptive use without increasing sexual activity, or reduce teenage pregnancy; and

“(2) incorporate one or more of the following strategies for preventing teenage pregnancy: encouraging teenagers to delay sexual activity; sex and HIV education; interventions for sexually active teenagers; preventive health services; youth development programs; service learning programs; and outreach or media programs.

“(e) **COMPLETE INFORMATION.**—Programs receiving funds under this section that choose to provide information on HIV/AIDS or contraception or both must provide information that is complete and medically accurate.

“(f) **RELATION TO ABSTINENCE-ONLY PROGRAMS.**—Funds under this section are not intended for use by abstinence-only education programs. Abstinence-only education programs that receive Federal funds through the Maternal and Child Health Block Grant, the Administration for Children and Families, the Adolescent Family Life Program, and any other program that uses the definition of ‘abstinence education’ found in section 510(b) of the Social Security Act are ineligible for funding.

“(g) **APPLICATIONS.**—Each entity seeking a grant under this section shall submit an application to the Secretary at such time and

in such manner as the Secretary may require.

“(h) **MATCHING FUNDS.**—

“(1) **IN GENERAL.**—The Secretary may not award a grant to an applicant for a program under this section unless the applicant demonstrates that it will pay, from funds derived from non-Federal sources, at least 25 percent of the cost of the program.

“(2) **APPLICANT’S SHARE.**—The applicant’s share of the cost of a program shall be provided in cash or in kind.

“(i) **SUPPLEMENTATION OF FUNDS.**—An entity that receives funds as a grant under this section shall use the funds to supplement and not supplant funds that would otherwise be available to the entity for teenage pregnancy prevention.

“(j) **EVALUATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) conduct or provide for a rigorous evaluation of 10 percent of programs for which a grant is awarded under this section;

“(B) collect basic data on each program for which a grant is awarded under this section; and

“(C) upon completion of the evaluations referred to in subparagraph (A), submit to the Congress a report that includes a detailed statement on the effectiveness of grants under this section.

“(2) **COOPERATION BY GRANTEEES.**—Each grant recipient under this section shall provide such information and cooperation as may be required for an evaluation under paragraph (1).

“(k) **DEFINITION.**—For purposes of this section, the term ‘rigorous scientific research’ means based on a program evaluation that:

“(1) Measured impact on sexual or contraceptive behavior, pregnancy or childbearing.

“(2) Employed an experimental or quasi-experimental design with well-constructed and appropriate comparison groups.

“(3) Had a sample size large enough (at least 100 in the combined treatment and control group) and a follow-up interval long enough (at least six months) to draw valid conclusions about impact.

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year.”

SEC. 503. RESEARCH.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall make grants to public or nonprofit private entities to conduct, support, and coordinate research on the prevention of teen pregnancy in eligible communities, including research on the factors contributing to the disproportionate rates of teen pregnancy in such communities.

(b) **RESEARCH.**—In carrying out subsection (a), the Secretary of Health and Human Services shall support research that—

(1) investigates and determines the incidence and prevalence of teen pregnancy in communities described in such subsection;

(2) examines—

(A) the extent of the impact of teen pregnancy on—

(i) the health and well-being of teenagers in the communities; and

(ii) the scholastic achievement of such teenagers;

(B) the variance in the rates of teen pregnancy by—

(i) location (such as inner cities, inner suburbs, and outer suburbs);

(ii) population subgroup (such as Hispanic, Asian-Pacific Islander, African-American, Native American); and

(iii) level of acculturation;

(C) the importance of the physical and social environment as a factor in placing communities at risk of increased rates of teen pregnancy; and

(D) the importance of aspirations as a factor affecting young women's risk of teen pregnancy; and

(3) is used to develop—

(A) measures to address race, ethnicity, socioeconomic status, environment, and educational attainment and the relationship to the incidence and prevalence of teen pregnancy; and

(B) efforts to link the measures to relevant databases, including health databases.

(c) PRIORITY.—In making grants under subsection (a), the Secretary of Health and Human Services shall give priority to research that incorporates—

(1) interdisciplinary approaches; or

(2) a strong emphasis on community-based participatory research.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

SEC. 504. GENERAL REQUIREMENTS.

(a) MEDICALLY ACCURATE INFORMATION.—A grant may be made under this title only if the applicant involved agrees that all information provided pursuant to the grant will be age-appropriate, factually and medically accurate and complete, and scientifically based.

(b) CULTURAL CONTEXT OF SERVICES.—A grant may be made under this title only if the applicant involved agrees that information, activities, and services under the grant that are directed toward a particular population group will be provided in the language and cultural context that is most appropriate for individuals in such group.

(c) APPLICATION FOR GRANT.—A grant may be made under this title only if an application for the grant is submitted to the Secretary of Health and Human Services and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary of Health and Human Services determines to be necessary to carry out the program involved.

TITLE VI—ACCURACY OF CONTRACEPTIVE INFORMATION

SEC. 601. SHORT TITLE.

This title may be cited as the “Truth in Contraception Act of 2009”.

SEC. 602. ACCURACY OF CONTRACEPTIVE INFORMATION.

Notwithstanding any other provision of law, any information concerning the use of a contraceptive provided through any federally funded sex education, family life education, abstinence education, comprehensive health education, or character education program shall be medically accurate and shall include health benefits and failure rates relating to the use of such contraceptive.

TITLE VII—UNINTENDED PREGNANCY REDUCTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Unintended Pregnancy Reduction Act of 2009”.

SEC. 702. MEDICAID; CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.

Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)) is amended by adding at the end the following:

“(5) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the

previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.”.

SEC. 703. EXPANSION OF FAMILY PLANNING SERVICES.

(a) COVERAGE AS MANDATORY CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(A) in subclause (VI), by striking “or” at the end;

(B) in subclause (VII), by adding “or” at the end; and

(C) by adding at the end the following new subclause:

“(VIII) who are described in subsection (dd) (relating to individuals who meet the income standards for pregnant women);”.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(dd)(1) Individuals described in this subsection are individuals—

“(A) meet at least the income eligibility standards established under the State plan as of January 1, 2009, for pregnant women or such higher income eligibility standard for such women as the State may establish; and

“(B) are not pregnant.

“(2) At the option of a State, individuals described in this subsection may include individuals who are determined to meet the income eligibility standards referred to in paragraph (1)(A) under the terms and conditions applicable to making eligibility determinations for medical assistance under this title under a waiver to provide the benefits described in clause (XV) of the matter following subparagraph (G) of section 1902(a)(10) granted to the State under section 1115 as of January 1, 2007.”.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking “and (XIV)” and inserting “(XIV)”; and

(B) by inserting “, and (XV) the medical assistance made available to an individual described in subsection (dd) shall be limited to family planning services and supplies described in 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting;” after “cervical cancer”.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xii), by striking “or” at the end;

(B) in clause (xii), by adding “or” at the end; and

(C) by inserting after clause (xiii) the following:

“(xiv) individuals described in section 1902(dd).”.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

“PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

“SEC. 1920C. (a) STATE OPTION.—A State plan approved under section 1902 may pro-

vide for making medical assistance available to an individual described in section 1902(dd) (relating to individuals who meet certain income eligibility standards) during a presumptive eligibility period. In the case of an individual described in section 1902(dd), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting.

“(b) DEFINITIONS.—For purposes of this section:

“(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term ‘presumptive eligibility period’ means, with respect to an individual described in subsection (a), the period that—

“(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(dd); and

“(B) ends with (and includes) the earlier of—

“(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

“(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

“(2) QUALIFIED ENTITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘qualified entity’ means any entity that—

“(i) is eligible for payments under a State plan approved under this title; and

“(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—The State agency shall provide qualified entities with—

“(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

“(B) information on how to assist such individuals in completing and filing such forms.

“(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

“(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

“(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

“(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

“(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

“(1) is furnished to an individual described in subsection (a)—

“(A) during a presumptive eligibility period;

“(B) by a entity that is eligible for payments under the State plan; and

“(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: “and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section.”.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking “or for” and inserting “, for”; and

(ii) by inserting before the period the following: “, or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section”.

SEC. 704. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this title take effect on October 1, 2009.

(b) **EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.**—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

TITLE VIII—RESPONSIBLE EDUCATION ABOUT LIFE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the “Responsible Education About Life Act of 2009”.

SEC. 802. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.

(a) **IN GENERAL.**—Each eligible State shall be eligible to receive from the Secretary of Health and Human Services, for each of the fiscal years 2010 through 2014, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) **REQUIREMENTS FOR FAMILY LIFE PROGRAMS.**—For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives

and barrier methods as a means to prevent pregnancy and reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(6) encourages family communication between parent and child about sexuality;

(7) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances; and

(8) teaches young people how alcohol and drug use can effect responsible decision making.

(c) **ADDITIONAL ACTIVITIES.**—In carrying out a program of family life education, a State may expend a grant under subsection (a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement and responsibility of males in sexual decision making;

(4) develop healthy attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects;

(5) develop and practice healthy life skills, including goal-setting, decision making, negotiation, communication, and stress management;

(6) develop healthy relationships, including the prevention of dating and relationship violence;

(7) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage and family interactions; and

(8) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

SEC. 803. SENSE OF CONGRESS.

It is the sense of Congress that while States are not required under this title to provide matching funds, with respect to grants authorized under section 802(a), they are encouraged to do so.

SEC. 804. EVALUATION OF PROGRAMS.

(a) **IN GENERAL.**—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 802, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

(b) **NATIONAL EVALUATION.**—

(1) **IN GENERAL.**—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 802. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and con-

traceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) **REPORT.**—A final report providing the results of the national evaluation under paragraph (1) shall be submitted to Congress not later than March 31, 2015, with an interim report provided on an annual basis at the end of each fiscal year under section 802(a).

(c) **INDIVIDUAL STATE EVALUATIONS.**—

(1) **IN GENERAL.**—A condition for the receipt of a grant under section 802 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) **USE OF GRANT.**—A condition for the receipt of a grant under section 802 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

SEC. 805. DEFINITIONS.

For purposes of this title:

(1) The term “eligible State” means a State that submits to the Secretary an application for a grant under section 802 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

(2) The term “HIV/AIDS” means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term “medically accurate”, with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term “Secretary” means the Secretary of Health and Human Services.

SEC. 806. APPROPRIATIONS.

(a) **IN GENERAL.**—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

(b) **ALLOCATIONS.**—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 804(b).

TITLE IX—PREVENTION THROUGH AFFORDABLE ACCESS

SEC. 901. SHORT TITLE.

This title may be cited as the “Prevention Through Affordable Access Act”.

SEC. 902. RESTORING AND PROTECTING ACCESS TO DISCOUNT DRUG PRICES FOR UNIVERSITY-BASED AND SAFETY-NET CLINICS.

(a) **RESTORING NOMINAL PRICING.**—Section 1927(c)(1)(D)(i) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(D)(i)) is amended—

(1) by redesignating subclause (IV) as subclause (VI); and

(2) by inserting after subclause (III) the following new subclauses:

“(IV) An entity that is operated by a health center of an institution of higher education, the primary purpose of which is to provide health services to students of that institution.

“(V) An entity that is a public or private nonprofit entity that provides a service or services described under section 1001(a) of the Public Health Service Act.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall be effective as of the date of the enactment of this Act.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 32. A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing that will require the Federal Energy Regulatory Commission to hold at least one public hearing before issuance of a permit affecting public or private land use in a locality. I introduced legislation on this issue at the end of the 110th Congress, and fully expect it to remain relevant as we move forward with upgrades to our energy infrastructure, possibly as part of an economic stimulus package. The legislation has been updated; namely, it now allows for a second hearing when officially requested by a county or local government to address issues not addressed at the original hearing.

Increasing demand for electricity throughout the Northeast is putting a strain on energy infrastructure in my State, necessitating new transmission lines and natural gas pipelines and the expansion of existing ones. In southwestern and northeast Pennsylvania transmission line expansions are planned over hundreds of miles of private property, while in the southeast natural gas pipeline expansions are underway.

There is no doubt these projects can be invasive, and rarely do they fail to be controversial. I make a point of touching all of Pennsylvania's 67 counties each year. In traveling Pennsylvania this Fall I heard a lot of complaints, which didn't come as a surprise. I heard frequently from constituents who oppose these infrastructure projects, and who felt their concerns were being ignored by the energy companies and by FERC.

I realize there will always be some opposition to large infrastructure projects. What is unacceptable, how-

ever, is for the people of my State to feel that their voices were not heard, that their issues were ignored. It may be the case that these projects are necessary. The Federal Energy Regulatory Commission is the authority, and in exercising its authority it must be sensitive to local concerns.

To address this I propose simply that FERC hold a hearing in these affected communities. In many cases this is already done, but my legislation makes it mandatory. State Public Utility Commissions, who have a great say in these matters, are beyond Congress' reach. But where the Federal Energy Regulatory Commission is involved we can take steps to ensure that our constituents' concerns receive due consideration. Holding a hearing may not lead to all sides agreeing on the proper route forward, but at the very least my Pennsylvania constituents will come away with the satisfaction of having publicly aired their grievances.

To ensure that constituent concerns are given all due consideration, my legislation allows for affected parties to petition for a second hearing, provided certain conditions are met. In order for a second hearing to occur, a county government, or a municipal government within the affected county, must petition the Federal Energy Regulatory Commission for a second hearing. A second hearing will only occur to address an issue that was not addressed at the initial hearing, and the hearing shall occur between 30 and 60 days after approval by the Federal Energy Regulatory Commission.

The safeguards included in this legislation are critical to protecting individual property rights. As the Nation moves forward in making needed updates to its infrastructure, defending citizens' constitutional right to redress their government with their concerns should be paramount for this Congress. I will continue to fight to allow my constituents to be heard when Federal projects will affect their rights as homeowners and landowners.

By Mrs. HUTCHISON (for herself, Mr. ALEXANDER, Mr. ENSIGN, Mr. CORNYN, and Mr. MARTINEZ):

S. 35. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to permanently correct an injustice in the tax code that has harmed citizens in many States of this great Nation.

State and local governments have various alternatives for raising revenue. Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes have been able to offset some of their federal income taxes by receiving a deduction

for those State and local income taxes. Before 1986, taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of government should not also be taxed by another level of government.

Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local sales taxes was eliminated. This discriminated against those living in States, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide their State and local governments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods, and it should not provide an incentive for States to establish income taxes over sales taxes.

This discrepancy has a significant impact on Texas. According to the Texas Comptroller, extending the deduction would save Texans a projected \$1.2 billion a year, or an average of \$520 per filer claiming the deduction. The Texas Comptroller also estimates continuing the deduction is associated with 15,700 to 25,700 Texas jobs and \$1.1 billion to \$1.4 billion in gross State product.

Recognizing the inequity in the tax code, Congress reinstated the sales tax deduction in 2004 and authorized it for 2 years. In 2006 Congress extended the sales tax deduction for an additional 2 years. Last year, Congress extended the deduction for 2 more years. Unfortunately, the deduction is only in effect through 2009, and we must act to prevent the inequity from returning.

The legislation I am offering today will fix this problem for good by making the State and local sales tax deduction permanent. This will permanently end the discrimination suffered by my fellow Texans and citizens of other States who do not have the option of an income tax deduction.

This legislation is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. I hope my fellow Senators will support this effort and pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986, as amended by section 201 of the Tax Extenders and Minimum Tax Relief Act of 2008, is amended by striking “, and before January 1, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. MCCAIN (for himself and Mr. ENSIGN):

S. 36. A bill to repeat the perimeter rule for Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator ENSIGN in introducing the Abolishing Aviation Barriers Act of 2009. This bill would remove the arbitrary restrictions that prevent Americans from having an array of options for non-stop air travel between airports in Western states and LaGuardia International Airport and Ronald Reagan Washington National Airport.

LaGuardia restricts the departure or arrival of non-stop flights to or from airports that are farther than 1,500 miles from LaGuardia. Washington National has a similar restriction for non-stop flights to or from airports 1,250 miles from Washington National. These restrictions are commonly referred to as the “perimeter rule.” This bill would abolish these archaic limitations that reduce consumers’ options for convenient flights and competitive fares.

The original purpose of the perimeter rule was to promote LaGuardia and Washington National as airports for business travelers flying to and from East Coast and Midwest cities and to promote traffic to other airports by diverting long haul flights to Newark and Kennedy airports in the New York area and Dulles airport in the Washington area. However, over the years, Congress has granted numerous exceptions to the perimeter rule because the air traveling public is eager for options. Today, exceptions are made for nonstop flights between LaGuardia and Denver and between Washington National and Denver, Las Vegas, Los Angeles, Phoenix, Salt Lake City and Seattle. Rather than continuing to take a piecemeal approach to promoting consumer choice, I urge Congress to take this opportunity once and for all to do away with this outdated rule.

I continue to believe that Americans should have access to air travel at the lowest possible cost and with the most convenience for their schedule. Therefore, I have always advocated for the removal of any artificial barrier that prevents free market competition. In 2004, I co-sponsored legislation to repeal the Wright Amendment which prohibited flights from Dallas Love Field airport to 43 states. This year, I am

proud to once again join with my colleagues to eliminate another unnecessary restraint through the Abolishing Aviation Barriers Act of 2009.

A 1999 study by the Transportation Research Board, the most recent available, stated that perimeter rules “no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition . . . The rules arbitrarily prevent some airlines from extending their networks to these airports; they discourage competition among the airports in the region and among the airlines that use these airports; and they are subject to chronic attempts by special interest groups to obtain exemptions.” That same year, the Government Accountability Office, GAO, stated that the “practical effect” of the perimeter rule “has been to limit entry” of other carriers and found that airfares at LaGuardia and Washington National are approximately 50 percent higher on average than fares at similar airports unconstrained by the perimeter rule. Such an anticompetitive rule should not remain in effect, particularly where its anticompetitive impact has long been recognized.

For this reason, I will continue the struggle to try to remove the perimeter rule and other anti-competitive restrictions that increase consumer costs and decrease convenience for no apparent benefit.

By Mr. MCCAIN:

S. 37. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit; to the Committee on Finance.

Mr. MCCAIN. Mr. President, today I introduce the Economic Growth Through Innovation Act of 2009. This bill would make permanent the current research and development tax credit. Otherwise, this tax credit will expire on December 31, 2009.

A permanent credit would provide an incentive to innovate, and remove uncertainty now hanging over businesses as they make research and development investment decisions for 2010 and beyond. The research and development tax credit was first established in 1981 and has been extended and revised repeatedly since then. Failure to make the tax credit permanent has led to reduced investment in research, which has led to fewer jobs being created in the United States. Tax policies have a powerful influence on business investment and hiring decisions, and that is why I have chosen to introduce this bill on the first day of the 111th Congress. Additionally, both President-elect Obama and I were in full agreement during the campaign that making permanent the research and development tax credit is critical to spurring investment in developing technologies.

In the 1980s, the U.S. was a leader among nations for providing the most

generous tax treatment of research and development. By 2004, the most recent study, the United States had fallen to 17th, which explains why the U.S. is no longer considered by many to be the world leader in innovation and technology. A permanent, meaningful research and development tax credit will ensure that businesses keep funding research and development, which may lead to numerous new discoveries in the U.S. such as fuel-efficient vehicles, cancer treatment or the development of clean energy.

Studies have shown that on average, companies invest \$94 in research and development for every \$6 the Federal Government invests in the tax credit. While I understand that some economists have estimated this tax credit may cost many billions of dollars in tax revenue to the Federal government, I believe it is essential to spurring an economic recovery.

Companies of all sizes, in a wide range of industries, have taken advantage of the research and development tax credit during its existence. According to a recent study by Ernst & Young, 17,700 businesses claimed \$6.6 billion research and development tax credits on their tax returns in 2005, the most recent year available. Almost a quarter of these businesses were small businesses with \$1 million of assets or less, and almost half were businesses with assets of \$1-\$5 million, which is the lifeblood of the U.S. economy. Firms in the manufacturing, information and services sectors claimed the majority of the credit, and the states with the highest number of companies reporting research and development activity include those States that have been hit the hardest by the depressed economy such as Michigan, Pennsylvania and California.

Congress has endorsed the credit by extending it 13 times since enactment, and several times the credit has been reinstated retroactively. Yet, it has never been made permanent, creating a less certain investment atmosphere. With so many Republicans and Democrats in agreement that this tax credit must be made permanent, including President-elect Obama, I hope this bill will be given swift consideration and signed into law during the first few months of 2009 to increase our nation’s ability to innovate, create jobs and improve our sagging economy.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 38. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senator DORGAN in introducing the Professional Boxing Amendments Act of 2009. This legislation is virtually identical to a

measure reported by the Commerce Committee during the first executive session of the 110th Congress, after being approved unanimously by the Senate in 2005. Simply put, this bill would better protect professional boxing from the fraud, corruption, and ineffective regulation that have plagued the sport for far too many years, and that have devastated physically and financially many of our Nation's professional boxers. I remain committed to moving the Professional Boxing Amendments Act through the Senate and I trust that my colleagues will once again vote favorably on this important legislation.

Since 1996, Congress has made efforts to improve the sport of professional boxing—and for very good reason. With rare exception, professional boxers come from the lowest rung on our economic ladder. Often they are the least educated and most exploited athletes in our nation. The Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act of 2000 established uniform health and safety standards for professional boxers, as well as basic protections for boxers against the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations. But further action is needed.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the basic health and safety standards for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and basic standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Current law has improved to some extent the state of professional boxing. However, I remain concerned, as do many others, that the sport remains at risk. In 2003, the Government Accountability Office spent more than six months studying ten of the country's busiest state and tribal boxing commissions. Government auditors found that many State and tribal boxing commissions still do not comply with Federal boxing law, and that there is a troubling lack of enforcement by both Federal and State officials.

Ineffective and inconsistent oversight of professional boxing has contributed to the continuing scandals, controversies, unethical practices, and unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable Federal boxing commission. The Professional Boxing Amendments Act would create such an entity.

Professional boxing remains the only major sport in the United States that does not have a strong, centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization—though preferable to Federal government oversight is not a realistic option.

This bill would establish the United States Boxing Commission "USBC" or Commission. The Commission would be responsible for protecting the health, safety, and general interests of professional boxers. The USBC would also be responsible for ensuring uniformity, fairness, and integrity in professional boxing. More specifically, the Commission would administer Federal boxing law and coordinate with other Federal regulatory agencies to ensure that this law is enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing in the United States.

The USBC would also license boxers, promoters, managers, and sanctioning organizations. The Commission would have the authority to revoke such a license for violations of Federal boxing law, to stop unethical or illegal conduct, to protect the health and safety of a boxer, or if the revocation is otherwise in the public interest.

It is important to state clearly and plainly for the record that the purpose of the USBC is not to interfere with the daily operations of State and tribal boxing commissions. Instead, the Commission would work in consultation with local commissions, and it would only exercise its authority when reasonable grounds exist for such intervention. In point of fact, the Professional Boxing Amendments Act states explicitly that it would not prohibit any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing to the extent not inconsistent with the provisions of Federal boxing law.

Let there be no doubt, however, of the very basic and pressing need in professional boxing for a Federal boxing commission. The establishment of the USBC would address that need. The problems that plague the sport of professional boxing undermine the credibility of the sport in the eyes of the public and—more importantly—compromise the safety of boxers. The Professional Boxing Amendments Act provides an effective approach to curbing these problems.

As this measure continues through the legislative process, I fully expect Congress will ensure that funding off-

sets are provided to it and every other spending measure as we work to restore fiscal discipline to Washington in a bipartisan manner. I urge my colleagues to support this legislation.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 39. A bill to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze"; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation that would repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze." Passage of this legislation would officially mark the end of roughly 40 years of litigation and landlock between the Navajo Nation and the Hopi Tribe.

For decades the Navajo and the Hopi have been engrossed in a bitter dispute over land rights in the Black Mesa area just south of Kayenta, Arizona. The conflict extends as far back as 1882 when the boundaries of the Hopi and Navajo reservations were initially defined resulting in a tragic saga of litigation and damaging federal Indian policy. By 1966, relations between the tribes became so strained over development and access to sacred religious sites in the disputed area that the federal government imposed a construction freeze on the disputed reservation land. The freeze prohibited any additional housing development in the Black Mesa area and restricted repairs on existing dwellings. This injunction became known as the "Bennett Freeze," named after former BIA Commissioner Robert Bennett who imposed the ban.

The Bennett Freeze was intended to be a temporary measure to prevent one tribe taking advantage of another until the land dispute could be settled. Unfortunately, the conflict was nowhere near resolution, and the construction freeze ultimately devastated economic development in northern Arizona for years to come. By some accounts, nearly 8,000 people currently living in the Bennett Freeze area reside in conditions that haven't changed in half a century. While the population of the area has increased 65 percent, generations of families have been forced to live together in homes that have been declared unfit for human habitation by the United Nations and non-governmental organizations. Only 3 percent of the families affected by the Bennett Freeze have electricity. Only 10 percent have running water. Almost none have natural gas.

In September 2005, the Navajo and Hopi peoples' desire to live together in mutual respect prevailed when both tribes approved an intergovernmental agreement that resolved all outstanding litigation in the Bennett Freeze area. This landmark agreement also clarifies the boundaries of the

Navajo and Hopi reservations in Arizona, and ensures that access to religious sites of both tribes in protected. As such, the Navajo Nation, the Hopi Tribe, and the Department of Interior all support congressional legislation to lift the freeze.

The bill I am introducing today would repeal the Bennett Freeze. The intergovernmental compact approved last year by both tribes, the Department of Interior, and signed by the U.S. District Court for Arizona, marks a new era in Navajo-Hopi relations. Lifting the Bennett Freeze gives us an opportunity to put decades of conflict between the Navajo and Hopi behind us.

By Mr. McCAIN (for himself and Mr. KYL):

S. 40. A bill to designate Fossil Creek, a tributary of the Verde River in the State of Arizona, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am pleased to be joined by my colleague, Senator KYL, in reintroducing a bill to designate Fossil Creek as a Wild and Scenic River.

Fossil Creek is a thing of beauty. With its picturesque scenery, lush riparian ecosystem, unique geological features, and deep iridescent blue pools and waterfalls, this tributary to the Wild and Scenic Verde River and Lower Colorado River Watershed stretches 14 miles through east central Arizona. It is home to a wide variety of wildlife, some of which are threatened or endangered species. Over 100 bird species inhabit the Fossil Creek area and use it to migrate between the range lowlands and the Mogollon-Colorado Plateau highlands. Fossil Creek also supports a variety of aquatic species and is one of the few perennial streams in Arizona with multiple native fish.

Fossil Creek was named in the 1800s when early explorers described the fossil-like appearance of creek-side rocks and vegetation coated with calcium carbonate deposits from the creek's water. In the early 1900s, pioneers recognized the potential for hydroelectric power generation in the creek's constant and abundant spring fed base-flow. They claimed the channel's water rights and built a dam system and generating facilities known as the Childs-Irving hydro-project. Over time, the project was acquired by Arizona Public Service, APS, one of the state's largest electric utility providers serving more than a million Arizonans. Because Childs-Irving produced less than half of 1 percent of the total power generated by APS, the decision was made ultimately to decommission the aging dam and restore Fossil Creek to its pre-settlement conditions.

APS has partnered with various environmental groups, federal land man-

agers, and state, tribal and local governments to safely remove the Childs-Irving power generating facilities and restore the riparian ecosystem. In 2005, APS removed the dam system and returned full flows to Fossil Creek. Researchers predict Fossil Creek will soon become a fully regenerated Southwest native fishery providing a most-valuable opportunity to reintroduce at least six threatened and endangered native fish species as well as rebuild the native populations presently living in the creek.

There is a growing need to provide additional protection and adequate staffing and management at Fossil Creek. Recreational visitation to the riverbed is expected to increase dramatically, and by the Forest Service's own admission, they aren't able to manage current levels of visitation or the pressures of increased use. While responsible recreation and other activities at Fossil Creek are to be encouraged, we must also ensure the long-term success of the ongoing restoration efforts. Designation under the Wild and Scenic Rivers Act would help to ensure the appropriate level of protection and resources are devoted to Fossil Creek. Already, Fossil Creek has been found eligible for Wild and Scenic designation by the Forest Service and the proposal has widespread support from surrounding communities. All of the lands potentially affected by a designation are owned and managed by the Forest Service and will not affect private property owners. I fully expect that as this measure continues through the legislative process, Congress will ensure that funding offsets are provided to it and every other spending measure as we work to restore fiscal discipline to Washington in a bipartisan manner.

Fossil Creek is a unique Arizona treasure, and would benefit greatly from the protection and recognition offered through Wild and Scenic designation.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 49. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN once again to introduce the Public Corruption Prosecution Improvements Act of 2009, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide.

The start of a new Congress presents a unique opportunity to restore the faith of the American people in their government. That is why I sought to offer an early version of this bill as my first amendment two years ago when that new Congress began. Regrettably,

a Republican objection to it prevented its adoption at that time.

As we have seen in recent months, public corruption can erode the trust the American people have in those who are given the privilege of public service. Too often, though, loopholes in existing laws have meant that corrupt conduct can go unchecked.

Make no mistake: The stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy. Rooting out the kinds of public corruption that have resulted in convictions of members of both the Senate and the House, and many others, requires us to give prosecutors the tools and resources they need to investigate and prosecute criminal public corruption offenses. This bill will do exactly that.

The bill Senator CORNYN and I introduce today will provide investigators and prosecutors more time and, even more crucially, more resources to pursue public corruption cases. It also amends several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities.

The bill provides significant and much-needed additional funding for public corruption enforcement. Since September 11, 2001, Federal Bureau of Investigation, FBI, resources have been shifted away from the pursuit of white collar crime to counterterrorism. Director Mueller has said that public corruption is among the FBI's top investigative priorities, but a September 2005 report by the Department of Justice Inspector General found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. More recently, a study by the research group Transactional Records Access Clearinghouse found that the prosecution of all kinds of white collar crimes is down 27 percent since 2000, and official corruption cases have dropped in the same period by 14 percent. The Wall Street Journal reported in 2007 that the investigation of an elected Federal official stalled for six months because the investigating U.S. Attorney's Office could not afford to replace the prosecutor who had previously handled the case. We must reverse this trend and make sure that law enforcement has the tools and the resources it needs to confront these serious and corrosive crimes.

Efforts to combat terrorism and public corruption are not mutually exclusive. A bribed customs official who allows a terrorist to smuggle contraband into our country, or a corrupt consular officer who illegally supplies U.S. entry visas to would-be terrorists can cause grave harm to our national security.

The bill also extends the statute of limitations from 5 to 6 years for the most serious public corruption offenses. Public corruption cases are among the most difficult and time-consuming cases to investigate. Bank fraud, arson and passport fraud, among other offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy. This modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

This bill goes further by amending several key statutes to broaden their application in corruption and fraud contexts and to eliminate legal ambiguities that can hinder prosecution of serious corruption. The bill includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing rules and regulations, given to them because of their official position. This important provision contains appropriate safeguards to ensure that only corrupt conduct is prosecuted, but it puts teeth behind the ethical reforms the Senate adopted under the leadership of Senator Obama.

The bill also appropriately clarifies the definition of what it means for a public official to perform an "official act" for the purposes of the bribery statute and closes several other gaps in current law. The bill adds two corruption-related crimes as predicates for the Federal wiretap and racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded State programs, and expands the venue for perjury and obstruction of justice prosecutions.

Finally, the bill raises the statutory maximum penalties for several laws dealing with official misconduct, including theft of Government property and bribery. These increases reflect the serious and corrosive nature of these crimes, and would harmonize the punishment for these crimes with other similar statutes.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed over the past several years in high-profile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing ethics and lobbying reform in the last Congress was a step in the right direction. Now we should finish the job by strengthening the criminal law to enable federal investigators and prosecutors to bring those who undermine the public trust to justice. I am disappointed that Republican objections prevented the full Senate from passing this critical bill early in the last Congress. I hope that this year all Senators will support this bipartisan bill

and take firm action to stamp out intolerable corruption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Corruption Prosecution Improvements Act".

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3299A. Corruption offenses

"Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

"(1) section 201 or 666;

"(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

"(3) section 1951, if the offense involves extortion under color of official right;

"(4) section 1952, to the extent that the unlawful activity involves bribery; or

"(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3299A. Corruption offenses."

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking "money or property" and inserting "money, property, or any other thing of value".

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: "or in any district in which an act in furtherance of the offense is committed".

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

"§ 3237. Offense taking place in more than one district".

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"3237. Offense taking place in more than one district."

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by—

(A) striking "anything of value" and inserting "any thing or things of value"; and

(B) striking "of \$5,000 or more" and inserting "of \$1,000 or more";

(2) by amending paragraph (2) to read as follows:

"(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$1,000 or more;"; and

(3) in the matter following paragraph (2), by striking "ten years" and inserting "15 years".

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting "the District of Columbia or" before "the United States" each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

(a) IN GENERAL.—Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records)," after "473 (relating to counterfeiting);"; and

(2) by inserting "section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 664 (relating to embezzlement from pension and welfare funds).";

(b) CONFORMING AMENDMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking “section 641 (relating to public money, property, or records),”; and
 (2) by striking “section 666 (relating to theft or bribery concerning programs receiving Federal funds),”.

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting “section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),” after “section 224 (bribery in sporting contests),”.

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting “otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—”;

(2) in subparagraph (A), by inserting after “, or person selected to be a public official,” the following: “for or because of the official’s or person’s official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official”; and

(3) in subparagraph (B), by striking all after “, anything of value personally,” and inserting “for or because of the official’s or person’s official position, or for or because of any official act performed or to be performed by such official or person;”.

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

“(3) the term ‘official act’ means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official’s official capacity or in such official’s place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.”.

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “anything of value” each place it appears and inserting “any thing or things of value”; and

(2) in subsection (c), by striking “anything of value” each place it appears and inserting “any thing or things of value”.

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended by striking “A prosecution under this section or section 1503” and inserting “A prosecution under this chapter”.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

“§ 1624. Venue

“A prosecution under this chapter may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

“1624. Venue.”.

SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Offices of the Inspectors General and the Department of Justice, including the United States Attorneys’ Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, \$25,000,000 for each of the fiscal years 2009, 2010, 2011, and 2012, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress’ intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. INOUE:

S. 50. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to

conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUE. Mr. President, today I introduce the Clinical Social Workers’ Recognition Act to correct a continuing problem in the Federal Employees Compensation Act. This bill will also provide clinical social workers the recognition they deserve as independent providers of quality mental health care services.

Clinical social workers are authorized to independently diagnose and treat mental illnesses through public and private health insurance plans across the Nation. However, Title V of the United States Code, does not permit the use of mental health evaluations conducted by clinical social workers for use as evidence in determining workers’ compensation claims brought by Federal employees. The bill I am introducing corrects this problem.

It is a sad irony that Federal employees may select a clinical social worker through their health plans to provide mental health services, but may not go to this same professional for workers’ compensation evaluations. The failure to recognize the validity of evaluations provided by clinical social workers unnecessarily limits Federal employees’ selection of a provider to conduct the workers’ compensation mental health evaluations. Lack of this recognition may well impose an undue burden on federal employees where clinical social workers are the only available providers of mental health care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clinical Social Workers’ Recognition Act of 2009”.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS FOR FEDERAL WORKER COMPENSATION CLAIMS.

Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking “and osteopathic practitioners” and inserting “osteopathic practitioners, and clinical social workers”; and

(2) in paragraph (3), by striking “osteopathic practitioners” and inserting “osteopathic practitioners, clinical social workers,”.

By Mr. INOUE:

S. 51. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by

enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

Mr. INOUE. Mr. President, today, I am, again, introducing the United States Military Cancer Institute Research Collaborative Act. This legislation, twice passed by the Senate yet unsuccessful in the House, would formally establish the United States Military Cancer Institute, USMCI, and support the collaborative augmentation of research efforts in cancer epidemiology, prevention and control. Although the USMCI already exists as an informal collaborative effort, this bill will formally establish the institution with a mission of providing for the maintenance of health in the military by enhancing cancer research and treatment, and studying the epidemiological causes of cancer among various ethnic groups. By formally establishing the USMCI, it will be in a better position to unite military research efforts with other cancer research centers.

Cancer prevention, early detection, and treatment are significant issues for the military population, thus the USMCI was organized to coordinate the existing military cancer assets. The USMCI has a comprehensive database of its beneficiary population of 9 million people. The military's nationwide tumor registry, the Automated Central Tumor Registry, has acquired more than 180,000 cases in the last 14 years, and a serum repository of 30 million specimens from military personnel collected sequentially since 1987. This population is predominantly Caucasian, African-American, and Hispanic.

The USMCI currently resides in the Washington, D.C., area, and its components are located at the National Naval Medical Center, the Malcolm Grow Medical Center, the Armed Forces Institute of Pathology, and the Armed Forces Radiobiology Research Institute. There are more than 70 research workers, both active duty and Department of Defense civilian scientists, working in the USMCI.

The Director of the USMCI, Dr. John Potter, intends to expand research activities to military medical centers across the Nation. Special emphasis will be placed on the study of genetic and environmental factors in carcinogenesis among the entire population, including Asian, Caucasian, African-American and Hispanic subpopulations. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 51

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

“§2118. United States Military Cancer Institute

“(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

“(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

“(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

“(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

“(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

“(B) The prevention and early detection of cancer.

“(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

“(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

“(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

“(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

“(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

“2118. United States Military Cancer Institute.”

By Mr. INOUE:

S. 52. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

Mr. INOUE. Mr. President, today I am reintroducing the Native Hawaiian Medicaid Coverage Act. This legislation would authorize a Federal Medicaid Assistance Percent, FMAP, of 100 percent for the payment of health care costs of Native Hawaiians who receive health care from Federally Qualified

Health Centers or the Native Hawaiian Health Care System.

This bill is modeled on the Native Alaskan Health Care Act, which provides for a Federal Medicaid Assistance Percent of 100 percent for payment of health care costs for Native Alaskans by the Indian Health Service, an Indian tribe, or a tribal organization.

Community health centers serve as the “safety net” for uninsured and medically underserved Native Hawaiians and other United States citizens, providing comprehensive primary and preventive health services to the entire community. Outpatient services offered to the entire family include comprehensive primary care, preventive health maintenance, and education outreach in the local community. Community health centers, with their multidisciplinary approach, offer cost effective integration of health promotion and wellness with chronic disease management and primary care focused on serving vulnerable populations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native Hawaiian Medicaid Coverage Act of 2009”.

SEC. 2. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting “, and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a Federally-qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or other arrangement between a Federally-qualified health center or a Native Hawaiian health care system and another health care provider” before the period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

By Mr. INOUE:

S. 53. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

Mr. INOUE. Mr. President, today I am, again, introducing the Nursing School Clinics Act. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and

incentives for nursing schools to establish primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university of non-profit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

The bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practice nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act recognizes the central role nurses can perform as care givers to the medically underserved.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 53

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing School Clinics Act of 2009".

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) by redesignating paragraph (28) as paragraph (29); and

(3) by inserting after paragraph (27), the following new paragraph:

"(28) nursing school clinic services (as defined in subsection (y)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and".

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(y) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.".

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "and (28)" after "(24)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. INOUE:

S. 54. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

Mr. INOUE. Mr. President, today I am, again, reintroducing the Registered Nurse Safe Staffing Act. For over four decades I have been a committed supporter of nurses and the delivery of safe patient care. While enforceable regulations will help to ensure patient safety, the complexity and variability of today's hospitals require that staffing patterns be determined at the hospital and unit level, with the professional input of registered nurses. More than a decade of research demonstrates that nurse staff levels and the skill mix of nursing staff directly affect the clinical outcomes of hospitalized patients. Studies show that when there are more registered nurses, there are lower mortality rates, shorter lengths of stay, reduced costs, and fewer complications.

A study published in the Journal of the American Medical Association found that the risks of patient mortality rose by 7 percent for every additional patient added to the average nurse's workload. In the midst of a nursing shortage and increasing financial pressures, hospitals often find it difficult to maintain adequate staffing. While nursing research indicates that adequate registered nurse staffing is

vital to the health and safety of patients, there is no standardized public reporting mechanism, nor enforcement of adequate staffing plans. The only regulations addressing nursing staff exists vaguely in Medicare Conditions of Participation which states: "The nursing service must have an adequate number of licensed registered nurses, licensed practice, vocational, nurses, and other personnel to provide nursing care to all patients as needed".

This bill will require Medicare Participating Hospitals to develop and maintain reliable and valid systems to determine sufficient registered nurse staffing. Given the demands that the healthcare industry faces today, it is our responsibility to ensure that patients have access to adequate nursing care. However, we must ensure that the decisions by which care is provided are made by the clinical experts, the registered nurses caring for these patients. Support of this bill supports our Nation's nurses during a critical shortage, but more importantly, works to ensure the safety of their patients.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Registered Nurse Safe Staffing Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are hospitals throughout the United States that have inadequate staffing of registered nurses to protect the well-being and health of the patients.

(2) Studies show that the health of patients in hospitals is directly proportionate to the number of registered nurses working in the hospital.

(3) There is a critical shortage of registered nurses in the United States.

(4) The effect of that shortage is revealed in unsafe staffing levels in hospitals.

(5) Patient safety is adversely affected by these unsafe staffing levels, creating a public health crisis.

(6) Registered nurses are being required to perform professional services under conditions that do not support quality health care or a healthful work environment for registered nurses.

(7) As a payer for inpatient and outpatient hospital services for individuals entitled to benefits under the Medicare program established under title XVIII of the Social Security Act, the Federal Government has a compelling interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

SEC. 3. ESTABLISHMENT OF MINIMUM STAFFING RATIOS BY MEDICARE PARTICIPATING HOSPITALS.

(a) REQUIREMENT OF MEDICARE PROVIDER AGREEMENT.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (U), by striking “and” at the end;

(2) in subparagraph (V), by striking the period at the end and inserting “, and”; and

(3) by inserting after subparagraph (V) the following new subparagraph:

“(W) in the case of a hospital, to meet the requirements of section 1899.”

(b) REQUIREMENTS.—Title XVIII of the Social Security Act is amended by inserting after section 1899 the following new section:

“STAFFING REQUIREMENTS FOR MEDICARE PARTICIPATING HOSPITALS

“SEC. 1899. (a) ESTABLISHMENT OF STAFFING SYSTEM.—

“(1) IN GENERAL.—Each participating hospital shall adopt and implement a staffing system that ensures a number of registered nurses on each shift and in each unit of the hospital to ensure appropriate staffing levels for patient care.

“(2) STAFFING SYSTEM REQUIREMENTS.—Subject to paragraph (3), a staffing system adopted and implemented under this section shall—

“(A) be based upon input from the direct care-giving registered nurse staff or their exclusive representatives, as well as the chief nurse executive;

“(B) be based upon the number of patients and the level and variability of intensity of care to be provided, with appropriate consideration given to admissions, discharges, and transfers during each shift;

“(C) account for contextual issues affecting staffing and the delivery of care, including architecture and geography of the environment and available technology;

“(D) reflect the level of preparation and experience of those providing care;

“(E) account for staffing level effectiveness or deficiencies in related health care classifications, including but not limited to, certified nurse assistants, licensed vocational nurses, licensed psychiatric technicians, nursing assistants, aides, and orderlies;

“(F) reflect staffing levels recommended by specialty nursing organizations;

“(G) establish upwardly adjustable registered nurse-to-patient ratios based upon registered nurses’ assessment of patient acuity and existing conditions;

“(H) provide that a registered nurse shall not be assigned to work in a particular unit without first having established the ability to provide professional care in such unit; and

“(I) be based on methods that assure validity and reliability.

“(3) LIMITATION.—A staffing system adopted and implemented under paragraph (1) may not—

“(A) set registered-nurse levels below those required by any Federal or State law or regulation; or

“(B) utilize any minimum registered nurse-to-patient ratio established pursuant to paragraph (2)(G) as an upper limit on the staffing of the hospital to which such ratio applies.

“(b) REPORTING, AND RELEASE TO PUBLIC, OF CERTAIN STAFFING INFORMATION.—

“(1) REQUIREMENTS FOR HOSPITALS.—Each participating hospital shall—

“(A) post daily for each shift, in a clearly visible place, a document that specifies in a uniform manner (as prescribed by the Secretary) the current number of licensed and unlicensed nursing staff directly responsible for patient care in each unit of the hospital, identifying specifically the number of registered nurses;

“(B) upon request, make available to the public—

“(i) the nursing staff information described in subparagraph (A); and

“(ii) a detailed written description of the staffing system established by the hospital pursuant to subsection (a); and

“(C) submit to the Secretary in a uniform manner (as prescribed by the Secretary) the nursing staff information described in subparagraph (A) through electronic data submission not less frequently than quarterly.

“(2) SECRETARIAL RESPONSIBILITIES.—The Secretary shall—

“(A) make the information submitted pursuant to paragraph (1)(C) publicly available, including by publication of such information on the Internet website of the Department of Health and Human Services; and

“(B) provide for the auditing of such information for accuracy as a part of the process of determining whether an institution is a hospital for purposes of this title.

“(c) RECORDKEEPING; DATA COLLECTION; EVALUATION.—

“(1) RECORDKEEPING.—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

“(2) DATA COLLECTION ON CERTAIN OUTCOMES.—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the staffing system established pursuant to subsection (a) and—

“(A) patient acuity from maintenance of acuity data through entries on patients’ charts;

“(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

“(C) operational outcomes, such as work-related injury or illness, vacancy and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needlestick injuries; and

“(D) patient complaints related to staffing levels.

“(3) EVALUATION.—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

“(d) ENFORCEMENT.—

“(1) RESPONSIBILITY.—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provisions of this subsection.

“(2) PROCEDURES FOR RECEIVING AND INVESTIGATING COMPLAINTS.—The Secretary shall establish procedures under which—

“(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

“(B) such complaints are investigated by the Secretary.

“(3) REMEDIES.—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

“(A) shall require the facility to establish a corrective action plan to prevent the recurrence of such violation; and

“(B) may impose civil money penalties under paragraph (4).

“(4) CIVIL MONEY PENALTIES.—

“(A) IN GENERAL.—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than \$10,000 for each knowing violation of a requirement of this section, except that the Secretary shall impose a civil money penalty of more than \$10,000 for each such violation in the case of a participating hospital that the Secretary determines has a pattern or practice of such violations (with the amount of such additional penalties being determined in accordance with a schedule or methodology specified in regulations).

“(B) PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

“(C) PUBLIC NOTICE OF VIOLATIONS.—

“(i) INTERNET WEBSITE.—The Secretary shall publish on the Internet website of the Department of Health and Human Services the names of participating hospitals on which civil money penalties have been imposed under this section, the violation for which the penalty was imposed, and such additional information as the Secretary determines appropriate.

“(ii) CHANGE OF OWNERSHIP.—With respect to a participating hospital that had a change in ownership, as determined by the Secretary, penalties imposed on the hospital while under previous ownership shall no longer be published by the Secretary of such Internet website after the 1-year period beginning on the date of change in ownership.

“(e) WHISTLEBLOWER PROTECTIONS.—

“(1) PROHIBITION OF DISCRIMINATION AND RETALIATION.—A participating hospital shall not discriminate or retaliate in any manner against any patient or employee of the hospital because that patient or employee, or any other person, has presented a grievance or complaint, or has initiated or cooperated in any investigation or proceeding of any kind, relating to the staffing system or other requirements and prohibitions of this section.

“(2) RELIEF FOR PREVAILING EMPLOYEES.—An employee of a participating hospital who has been discriminated or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court and shall be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital. Prevailing employees are entitled to reasonable attorney’s fees and costs associated with pursuing the case.

“(3) RELIEF FOR PREVAILING PATIENTS.—A patient who has been discriminated or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient shall be entitled to liquidated damages of \$5,000 for a violation of this statute in addition to any other damages under other applicable statutes, regulations, or common law. Prevailing patients are entitled to reasonable attorney’s fees and costs associated with pursuing the case.

“(4) LIMITATION ON ACTIONS.—No action may be brought under paragraph (2) or (3) more than 2 years after the discrimination or retaliation with respect to which the action is brought.

“(5) TREATMENT OF ADVERSE EMPLOYMENT ACTIONS.—For purposes of this subsection—

“(A) an adverse employment action shall be treated as retaliation or discrimination; and

“(B) the term ‘adverse employment action’ includes—

“(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

“(ii) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual; and

“(iii) a personnel action that is adverse to the individual concerned.

“(f) RELATIONSHIP TO STATE LAWS.—Nothing in this section shall be construed as exempting or relieving any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful practice under this title.

“(g) RELATIONSHIP TO CONDUCT PROHIBITED UNDER THE NATIONAL LABOR RELATIONS ACT OR OTHER COLLECTIVE BARGAINING LAWS.—Nothing in this section shall be construed as permitting conduct prohibited under the National Labor Relations Act or under any other Federal, State, or local collective bargaining law.

“(h) REGULATIONS.—The Secretary shall promulgate such regulations as are appropriate and necessary to implement this section.

“(i) DEFINITIONS.—In this section:

“(1) PARTICIPATING HOSPITAL.—The term ‘participating hospital’ means a hospital that has entered into a provider agreement under section 1866.

“(2) REGISTERED NURSE.—The term ‘registered nurse’ means an individual who has been granted a license to practice as a registered nurse in at least 1 State.

“(3) UNIT.—The term ‘unit’ of a hospital is an organizational department or separate geographic area of a hospital, such as a burn unit, a labor and delivery room, a post-anesthesia service area, an emergency department, an operating room, a pediatric unit, a stepdown or intermediate care unit, a specialty care unit, a telemetry unit, a general medical care unit, a subacute care unit, and a transitional inpatient care unit.

“(4) SHIFT.—The term ‘shift’ means a scheduled set of hours or duty period to be worked at a participating hospital.

“(5) PERSON.—The term ‘person’ means 1 or more individuals, associations, corporations, unincorporated organizations, or labor unions.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

By Mr. INOUE:

S. 55. A bill to amend the XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare program; to the Committee on Finance.

Mr. INOUE. Mr. President, today I am, again, introducing legislation to amend title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. These three proposed changes contained in this legislation clarify the current payment process for clinical

social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every state of the nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Equity for Clinical Social Workers Act of 2009”.

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: “(ii) the amount determined by a fee schedule established by the Secretary.”.

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking “services performed by a clinical social worker (as defined in paragraph (1))” and inserting “such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))”.

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking “and services” and inserting “clinical social worker services, and services”.

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended—

(1) by striking “and services” and inserting “clinical social worker services, and services”; and

(2) by adding “and” at the end.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2010.

By Mr. INOUE:

S. 56. A bill to amend the XVIII of the Social Security Act to remove the

restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

Mr. INOUE. Mr. President, today I again introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their State practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the TRICARE Military Health Program of the Uniformed Services, the Medicare (Part B) Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 56

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Autonomy for Psychologists and Social Workers Act of 2009”.

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking “physician” and inserting “physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2010.

By Mr. INOUE:

S. 57. A bill to amend title VII of the Public Health Service Act to establish

a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUE. Mr. President, today, I am reintroducing legislation to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program. Psychologists have made a unique contribution in reaching out to the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the Nation's underserved.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Psychologists in the Service of the Public Act of 2009".

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

"SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

"(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

"(b) ELIGIBLE ENTITIES.—

"(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

"(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

"(B) will provide services to a medically underserved population during the period of such grant;

"(C) will comply with the provisions of subsection (c); and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

"(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

"(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (1);

"(C) will not use more than 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for not less than 1 year after the term of the grant or fellowship has expired.

"(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' and 'medically underserved populations'.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section \$5,000,000 for each of the fiscal years 2010 through 2012."

By Mr. INOUE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

Mr. INOUE. Mr. President, foreign registered ships now carry 97 percent of the imports and exports moving in United States international trade. These foreign vessels are held to lower standards than United States registered ships, and are virtually untaxed. Their costs of operation are, therefore, lower than United States ship operating costs, which explains their 97 percent market share.

Three years ago, in order to help level the playing field for United States-flag ships that compete in international trade, Congress enacted, under the American Jobs Creation Act of 2004, Public Law 108-357, Subchapter R, a "tonnage tax" that is based on the tonnage of a vessel, rather than taxing international income at a 35 percent corporate income tax rate. However, during the House and Senate conference, language was included, which states that a United States vessel cannot use the tonnage tax on international income if that vessel also operates in United States domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those United States ships that operate in both domestic and international trade and, accordingly, severely hinders their competitiveness in foreign commerce. It is important to recognize that ships operating in United States domestic trade already have significant cost disadvantages. Specifically, (1) they are built in higher priced United States shipyards; (2) do not receive Maritime Security Payments, even when operated in international trade; and (3) are owned by United States-based American corporations. The inability of these domestic operators to use the tonnage tax for their international service is a further, unnecessary burden on their competitive position in foreign commerce.

When windows of opportunity present themselves in international trade, American tax policy and maritime policy should facilitate the participation of these American-built ships. Instead, the 30-day limit makes them ineligible to use the tonnage tax, and further handicaps American vessels when competing for international cargo. Denying the tonnage tax to coastwise qualified ships further stymies the operation of American built ships in international commerce, and further exacerbates America's 97 percent reliance on foreign ships to carry its international cargo.

These concerns were of sufficient importance that in December 2006 Congress repealed the 30-day limit on domestic trading but only for approximately 50 ships operating in the Great Lakes. These ships primarily operate in domestic trade on the Great Lakes, but also carry cargo between the United States and Canada in international trade (Section 415 of P.L. 109-432, the Tax Relief and Health Care Act of 2006.)

The identifiable universe of remaining ships other than the Great Lakes ships that operate in domestic trade, but that may also operate temporarily in international trade, totals 13 United States flag vessels. These 13 ships normally operate in domestic trades that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana. In the interest of providing equity to the United States corporations that own and operate these 13 vessels, my bill would repeal the tonnage tax 30-day limit on domestic operations and enable these vessels to utilize the tonnage tax on their international income—so they receive the same treatment as other United States flag international operators. I stress that, under my bill, these ships will continue to pay the normal 35 percent United States corporate tax rate on their domestic income.

Repeal of the tonnage tax's 30-day limit on domestic operations is a necessary step toward providing tax equity between United States flag and foreign flag vessels. I strongly urge the tax committees of the Congress to give this legislation their expedited consideration and approval.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

“(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

“(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

“(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.”.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—

Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking “in accordance with this subsection” in subsection (c) and inserting “to the extent provided in such regulations as may be prescribed by the Secretary”, and

(2) by adding at the end the following new subsection:

“(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking “exclusively”.

(2) Section 1355(b)(1)(B) of such Code is amended by striking “as a qualifying vessel” and inserting “in the transportation of goods or passengers”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. INOUE:

S. 59. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUE. Mr. President, I rise again today to reintroduce legislation to modify Title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our community of public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs plays a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are most likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthen the Public Health Service Act”.

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting “, or any public or nonprofit school that offers a graduate program in professional psychology” after “veterinary medicine”;

(2) in subsection (b)(4), by inserting “, or to a graduate degree in professional psychology” after “or doctor of veterinary medicine or an equivalent degree”; and

(3) in subsection (c)(1), by inserting “, or schools that offer graduate programs in professional psychology” after “veterinary medicine”.

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting “, or to a graduate degree in professional psychology” after “or doctor of veterinary medicine or an equivalent degree”; and

(2) in subsection (c), in the matter preceding paragraph (1), by inserting “, or at a school that offers a graduate program in professional psychology” after “veterinary medicine”; and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking “or podiatry” and inserting “podiatry, or professional psychology”; and

(B) in paragraph (4), by striking “or podiatric medicine” and inserting “podiatric medicine, or professional psychology”.

SEC. 3. GENERAL PROVISIONS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking “clinical” and inserting “professional”.

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended in the matter preceding paragraph (1) by striking “clinical” and inserting “professional”.

(c) DEFINITIONS.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking “clinical” each place the term appears and inserting “professional”.

By Mrs. FEINSTEIN (for herself,
Mr. SCHUMER, Ms. SNOWE, and
Mrs. BOXER):

S. 60. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators SCHUMER, SNOWE, and BOXER in introducing legislation to prohibit the selling and counterfeiting of tickets to the Presidential inaugural ceremony.

The inauguration of the President of the United States is one of the most

important rituals of our democracy, and the chance to witness this solemn event should not be bought and sold similar to tickets to a sporting event.

This is a dignified and critical moment of transition in Government, a moment of which Americans have always been justifiably proud. It is, in fact, the major symbol of the real strength of our democracy—the peaceful transition from one elected President to the next.

Tickets to the official Presidential inaugural ceremony are supposed to be free for the people: for the volunteers who gave up their weekends, walking miles door to door to encourage voters to turn out at the polls on election day, for members of the African-American community to see one of their own take the oath of office for the highest office in the land, for schoolchildren to witness history, and for the American public to watch this affirmation of our Constitution, this peaceful transition from one administration to another.

This is going to be the major civic event of our time. Excitement is at an all time high, and every one of us has received more phone calls for tickets than we could possibly ever meet. People are desperate to become part of it, to touch it, to be around, to feel it, to listen to it, and they are coming from all over the country. We could have more than 1.5 million people descend on the Nation's Capital for this inauguration.

Before I introduced a similar bill at the end of the last Congress, tickets to the Presidential inaugural were being offered for sale on the Internet for \$5,000 apiece, with some going as high as \$40,000 each. To their credit, some Internet websites voluntarily agreed to refuse to sell these tickets online. I want to thank and commend Craigslist, eBay, and StubHub for leading the way on this issue.

However, it is clear that relying on voluntary industry compliance to prevent the sale of these tickets is simply not enough. Today, some Internet sites are still offering these tickets for sale at prices up to \$750 per ticket.

Let me be clear—these are free tickets that have not yet been distributed by congressional and Presidential transition offices. These unscrupulous websites who continue to offer these tickets for sale do not have any tickets to offer for sale.

These tickets are supposed to be free for the people. Once more, these tickets are not yet even available. They will not be distributed to congressional offices until the end of the week before the inauguration. Even then the offices will require in-person pickup, with secure identification. But they will be free and they should stay that way.

We are asking people to pick up their tickets the day before the inauguration in my office. Everyone will submit their name, their address, and their

driver's license. They will have to verify they are the actual person who has tickets waiting for them. I believe this kind of procedure deters unscrupulous people from selling these tickets on the Internet. No websites or other ticket outlets have inaugural swearing-in tickets to sell, despite what some of them claim.

Congress has the responsibility of overseeing this historic event. This bill will ensure that these tickets are not sold to the highest bidder, and that the inauguration has all the respect and dignity it deserves.

This legislation is aimed at stopping those who seek to profit by selling these tickets. It would also target those who seek to dupe the public with fraudulent or counterfeit tickets or those who merely promise but can't deliver on tickets that they do not actually have.

Those who violate the law under this legislation would face a class A misdemeanor with a substantial fine, imprisonment of up to 1 year, or both.

The bill also exempts official Presidential Inaugural Committees, and there is good reason for this. Presidential Inaugural Committees are used to organize and fund the public inaugural ceremonies. Donations made in return for inaugural tickets have long been used by both political parts to fund the Presidential inaugural festivities.

Unlike unscrupulous websites and ticket scalpers, there is no "profit" made by Presidential Inaugural Committees in giving these tickets to people in return for inaugural donations. This exemption will allow both parties to raise the needed funds to put on Presidential inaugurals in the future.

It is my hope that Congress will pass this legislation quickly, before President-elect Obama's inauguration on January 20th. I think it is very important to establish once and for all that tickets to the inauguration of the next President of the United States are not issues of commerce, but rather free tickets to be given to the people.

So I hope that this week this legislation can pass unanimously on a hotline by this body.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON SALE AND COUNTERFEITING OF INAUGURAL TICKETS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following

“§ 515. Prohibition on sale and counterfeiting of inaugural tickets

“(a) IN GENERAL.—It shall be unlawful for any person to—

“(1) except as provided in subsection (b), knowingly and willfully sell for money or property, or facilitate the sale for money or property of, a ticket to a Presidential inaugural ceremony;

“(2) with the intent to defraud, falsely make, forge, counterfeit, or falsely alter a ticket to a Presidential inaugural ceremony; or

“(3) with the intent to defraud, use, unlawfully possess, or exhibit a ticket to a Presidential inaugural ceremony, knowing the ticket to be falsely made, forged, counterfeited, or falsely altered.

“(b) EXCEPTION.—This section shall not apply to the sale for money or property, facilitation of such a sale, or attempt of such a sale, of a ticket to a Presidential inaugural ceremony—

“(1) that occurs after the date on which the Presidential inaugural ceremony for which the ticket was issued occurs; or

“(2) by an official presidential inaugural committee established on behalf of a President elect of the United States.

“(c) PENALTY.—Whoever violates subsection (a) shall be fined under this title, imprisoned not more than 1 year, or both.

“(d) DEFINITION.—In this section, the term ‘Presidential inaugural ceremony’ means a public inaugural ceremony at which the President elect or the Vice President elect take the oath or affirmation of office for the office of President of the United States or the office of Vice President of the United States, respectively.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting at the end the following:

“515. Prohibition on sale and counterfeiting of inaugural tickets.”.

By Mr. DURBIN (for himself,
Mrs. BOXER, Mrs. FEINSTEIN,
Mr. HARKIN, Mr. SCHUMER, and
Mr. WHITEHOUSE):

S. 61. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, as the 111th Congress begins, the most important item on our agenda is to help end the worst economic crisis America has faced since the Great Depression.

I look forward to working with my colleagues in the Senate to develop and approve an economic turnaround package as quickly as possible.

But even if Congress authorizes as much as \$1 trillion in new Government spending over the next 2 years to stimulate the economy, if we don't address the origins of this crisis, I fear the impact of any recovery package will be dampened.

This economic crisis began with the bubble that burst in the housing market. So we have to address that, first and foremost. Families need to be able to stay in their homes, and communities need to be stabilized before the economy can start to grow again.

That's why, as my first bill in the new Congress, I am reintroducing the Helping Families Save Their Homes in Bankruptcy Act.

When I first began working on this bill almost two years ago, the Center for Responsible Lending, Credit Suisse, and others estimated that 2 million homes were at risk of foreclosure.

The Mortgage Bankers Association and the rest of the mortgage industry scoffed at such a number.

Last month, Credit Suisse estimated that 8.1 million homes are likely to be lost to foreclosure by 2012. If the economy continues to worsen, they believe foreclosures will exceed 10 million homes.

If over 8 million families—representing 16 percent of all mortgages—are losing their homes, our economy is not going to recover.

I first introduced this bill in September of 2007. I have chaired three hearings on the subject and tried three times to pass this legislation last year.

A large coalition supports this bill—including the AARP, the Consumer Federation of America, the Leadership Conference on Civil Rights, the AFL-CIO, the Center for Responsible Lending, the National Association of Consumer Bankruptcy Attorneys, and many others. But the Mortgage Bankers Association and the rest of the mortgage industry have successfully opposed it so far.

Three things have fundamentally changed, and I am back, pressing even harder that we make this bill law.

First, the banks that brought us the reckless lending, dense securitization, and risky investing practices that created the boom and bust in the housing market have now happily accepted a \$700 billion handout from the American taxpayers . . . even as most of them refuse to help the homeowners who are suffering most acutely from their irresponsible business practices. Frankly, I think that the credibility of the opposition to my bill has slipped just a bit.

Second, it is painfully clear that foreclosure mitigation efforts to date have failed. Professor Alan White of the Valparaiso School of Law analyzed a large sample of the mortgage modifications made voluntarily by the industry-led Hope Now Alliance. He found that almost half of these so-called foreclosure prevention plans actually increased the monthly payments of homeowners. How does that help families save their homes?

Third, America soon will have a President who understands the enormity of this problem and supports this change to the bankruptcy code.

So what does this bill do? This bill would allow mortgages on primary residences to be modified in bankruptcy just like other debts—including vacation homes, family farms, and yachts.

Only families living in the home would qualify—no speculators are allowed.

The bill would allow judges to cut through all of the constraints that

have doomed foreclosure prevention plans from being successful for even the most proactive and well-intentioned mortgage servicers.

There are very real constraints on some of the current efforts to prevent foreclosure today because most mortgages are sliced and sold to different investors, servicers sometimes have a hard time locating all of the owners of the mortgages to get their consent for modifications.

Servicers that modify mortgages without the consent of all the investors fear that they could be sued.

Some investors refuse to approve sensible restructurings, because there is little incentive for the owner of a second mortgage to approve a modification of a first mortgage that will see the second mortgage wiped out.

Mortgage modifications that ignore the other pile of debt a household is facing is a set-up for failure. That's a leading reason why we see so many redefaults on newly modified mortgages through the current programs.

Finally, servicers who are on the front lines answering the phone calls from homeowners and processing the paperwork often are compensated more for foreclosures than modifications.

My proposal would allow judges to cut through these complicating factors to rework the underlying loans.

The mortgages that are modified in bankruptcy will provide far more value to the lenders and the investors than foreclosure.

The bill would provide borrowers who are frustrated with their mortgage servicers some desperately needed leverage to get their banker's full attention. It provides an incentive for banks to modify loans before the judges in bankruptcy do it for them.

Best of all, this program would cost the taxpayers nothing. Given the staggering amounts that taxpayers have been asked to give to the mortgage industry lately, the taxpayers are ready for a plan that doesn't cost them anything and that will actually work.

Since the Mortgage Bankers Association still opposes this plan, after taking all of that taxpayer money and after failing to do anything meaningful on their own to address this crisis, I want to address their primary remaining objection to this plan as clearly as possible so that everyone listening fully understands why the industry is wrong, once and for all.

A few weeks ago, the Chairman of the Mortgage Bankers Association testified in the Senate Judiciary Committee that my bill would create a tax of \$295, per month, for every homeowner in America, forever. I asked in the hearing, and my staff asked three times after the hearing, for some shred of evidence to support such a ridiculous claim. The response finally came just before the holidays, and it is laughable.

The Mortgage Bankers Association claims that changing the bankruptcy

code will create new costs for lenders that must then be passed on to all borrowers. They have concocted a list of individual costs that add up to the full "tax," as they call it. But they don't provide a single shred of evidence to support any of these cost estimates. Not one. They just made them all up.

On the other hand, a study conducted by Adam Levitin of the Georgetown Law School uses actual statistical data to show that there is virtually no impact on mortgage interest rates just because mortgages can be modified by judges in bankruptcy.

The main problem with the argument that my bill will increase future mortgage rates is this:

The choice for mortgage lenders and investors is not full payment of the original mortgage versus a lower payment from a judicially modified mortgage.

The choice is between a lower payment from a judicially modified mortgage and mortgage failure.

Valparaiso's Professor White reports that in his large study sample, mortgage servicers and their investors lost an average of 55 percent of the value of the mortgages that failed through foreclosure, or about \$145,000 per loan.

If those loans would have been modified in bankruptcy, the servicers and investors would have been given ownership of a sustainable mortgage worth at least the fair market value of the home plus an interest rate that included a premium for risk. These modified mortgages would on average have created far better results than the foreclosures that actually occurred.

Therefore, when the Mortgage Bankers Association claims with no evidence whatsoever that my bill would raise mortgage interest rates, we should all ask them this: Why would mortgage bankers charge future borrowers higher interest rates tomorrow because of a change in the law that helps the bankers reduce their losses today?

I urge the Senate to move swiftly to enact the economic recovery package that America desperately needs. And as part of that effort I urge my colleagues to support the remedy to the foreclosure crisis that will provide the most help to the 8.1 million families across the country who are at risk of losing their homes.

If we don't address the core of the crisis, I fear that the stimulus may not work as well as it should. I look forward to working with Chairman DODD, Senator SCHUMER, all of the other Senators who have supported this provision, and President-elect Obama to see that it is signed into law quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Families Save Their Homes in Bankruptcy Act of 2009”.

SEC. 2. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) by adding at the end of subsection (e) the following: “For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

“(1) debts secured by the debtor’s principal residence if the current value of that residence is less than the secured debt limit; or

“(2) debts secured or formerly secured by real property that was the debtor’s principal residence that was sold in foreclosure or that the debtor surrendered to the creditor if the current value of such real property is less than the secured debt limit.”; and

(2) by adding at the end of subsection (h) the following:

“(5) The requirements of paragraph (1) shall not apply in a case under chapter 13 with respect to a debtor who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor’s principal residence may commence a foreclosure on the debtor’s principal residence.”.

SEC. 3. PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking “or” at the end,

(2) in paragraph (9) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act, or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.”.

SEC. 4. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322(b) of title 11, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12),

(2) in paragraph (10) by striking “and” at the end, and

(3) by inserting after paragraph (10) the following:

“(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law, with respect to a claim for a loan secured by a security interest in the debtor’s principal residence that is the subject of a notice that a foreclosure may be commenced, modify the rights of the holder of such claim—

“(A) by providing for payment of the amount of the allowed secured claim as determined under section 506(a)(1);

“(B) if any applicable rate of interest is adjustable under the terms of such security interest by prohibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan;

“(C) by modifying the terms and conditions of such loan—

“(i) to extend the repayment period for a period that is no longer than the longer of 40 years (reduced by the period for which such

loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

“(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at an annual percentage rate calculated at a fixed annual percentage rate, in an amount equal to the then most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and

“(D) by providing for payments of such modified loan directly to the holder of the claim; and”.

SEC. 5. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1) by striking “and” at the end,

(2) in paragraph (2) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

“(3) the debtor, the debtor’s property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case is pending and arises from a debt that is secured by the debtor’s principal residence except to the extent that—

“(A) the holder of the claim for such debt files with the court (annually or, in order to permit filing consistent with clause (ii), at such more frequent periodicity as the court determines necessary) notice of such fee, cost, or charge before the earlier of—

“(i) 1 year after such fee, cost, or charge is incurred; or

“(ii) 60 days before the closing of the case; and

“(B) such fee, cost, or charge—

“(i) is lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement; and

“(ii) is secured by property the value of which is greater than the amount of such claim, including such fee, cost, or charge;

“(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) or, if the violation occurs before the date of discharge, of section 362(a); and

“(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the debtor’s principal residence.”.

SEC. 6. CONFIRMATION OF PLAN.

Section 1325(a) of title 11, the United States Code, is amended—

(1) in paragraph (8) by striking “and” at the end,

(2) in paragraph (9) by striking the period at the end and inserting a semicolon, and

(3) by inserting after paragraph (9) the following:

“(10) notwithstanding subclause (I) of paragraph (5)(B)(i), the plan provides that the holder of a claim whose rights are modified pursuant to section 1322(b)(11) retain the lien until the later of—

“(A) the payment of such holder’s allowed secured claim; or

“(B) discharge under section 1328; and

“(11) the plan modifies a claim in accordance with section 1322(b)(11), and the court finds that such modification is in good faith.”.

SEC. 7. DISCHARGE.

Section 1328 of title 11, the United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(other than payments to holders of claims whose rights are modified under section 1322(b)(11))” after “paid” the 1st place it appears, and

(B) in paragraph (1) by inserting “or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)” after “1322(b)(5)”, and

(2) in subsection (c)(1) by inserting “or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)” after “1322(b)(5)”.

SEC. 8. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this Act.

By Mr. INOUE:

S. 63. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Finance.

Mr. INOUE. Mr. President, today, I, again, introduce the Medicaid Advanced Practice Nurse and Physician Assistants Access Act of 2009. This legislation would change the Federal law to expand fee-for-service Medicaid to include direct payment for services provided by all nurse practitioners, clinical nurse specialists, and physician assistants. It would ensure all nurse practitioners, certified nurse midwives, and physician assistants are recognized as primary care case managers, and require Medicaid panels to include advanced practice nurses on their managed care panels.

Advanced practice nurses are registered nurses who have attained additional expertise in the clinical management of health conditions. Typically, an advanced practice nurse holds a master’s degree with didactic and clinical preparation beyond that of the registered nurse. They are employed in clinics, hospitals, and private practices. While there are many titles given to these advanced practice nurses, such as pediatric nurse practitioners, family nurse practitioners, certified nurse midwives, certified registered nurse anesthetists, and clinical nurse specialists, our current Medicaid law has not kept up with the multiple specialties and titles of these advanced practitioners, nor has it recognized the critical role physician assistants play in the delivery of primary care.

I have been a long-time advocate of advanced practice nurses and their ability to extend health care services to our most rural and underserved communities. They have improved access to health care in Hawaii and throughout the United States by their willingness to practice in what some providers might see as undesirable locations—extremely rural, frontier, or

urban areas. This legislation ensures they are recognized and reimbursed for providing the necessary health care services patients need, and it gives those patients the choice of selecting advanced practice nurses and physician assistants as their primary care providers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2009”.

SEC. 2. IMPROVED ACCESS TO SERVICES OF ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS UNDER STATE MEDICAID PROGRAMS.

(a) PRIMARY CARE CASE MANAGEMENT.—Section 1905(t)(2) of the Social Security Act (42 U.S.C. 1396d(t)(2)) is amended by striking subparagraph (B) and inserting the following:

“(B) A nurse practitioner (as defined in section 1861(aa)(5)(A)).

“(C) A certified nurse-midwife (as defined in section 1861(gg)).

“(D) A physician assistant (as defined in section 1861(aa)(5)(A)).”.

(b) FEE-FOR-SERVICE PROGRAM.—Section 1905(a)(21) of such Act (42 U.S.C. 1396d(a)(21)) is amended—

(1) by inserting “(A)” after “(21)”;

(2) by striking “services furnished by a certified pediatric nurse practitioner or certified family nurse practitioner (as defined by the Secretary) which the certified pediatric nurse practitioner or certified family nurse practitioner” and inserting “services furnished by a nurse practitioner (as defined in section 1861(aa)(5)(A)) or by a clinical nurse specialist (as defined in section 1861(aa)(5)(B)) which the nurse practitioner or clinical nurse specialist”;

(3) by striking “the certified pediatric nurse practitioner or certified family nurse practitioner” and inserting “the nurse practitioner or clinical nurse specialist”; and

(4) by inserting before the semicolon at the end the following: “and (B) services furnished by a physician assistant (as defined in section 1861(aa)(5)) with the supervision of a physician which the physician assistant is legally authorized to perform under State law”.

(c) INCLUDING IN MIX OF SERVICE PROVIDERS UNDER MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1932(b)(5)(B) of such Act (42 U.S.C. 1396u-2(b)(5)(B)) is amended by inserting “, with such mix including nurse practitioners, clinical nurse specialists, physician assistants, certified nurse midwives, and certified registered nurse anesthetists (as defined in section 1861(bb)(2))” after “services”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished in calendar quarters beginning on or after 90 days after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. INOUE:

S. 65. A bill to provide relief to the Pottawatomie Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUE. Mr. President, almost 14 years ago, I stood before you to introduce a bill “to provide an opportunity for the Pottawatomie Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims.”

That bill was introduced as Senate Resolution 223, which referred the Pottawatomie’s claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomie Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Nine years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomie Nation in Canada has a legitimate and credible legal claim. By settlement stipulation, the United States has taken the position that it would be “fair, just and equitable” to settle the claims of the Pottawatomie Nation in Canada for the sum of \$1,830,000. This settlement amount was reached by the parties after 7 years of extensive, fact-intensive litigation. Independently, the Court of Federal Claims concluded that the settlement amount is “not a gratuity” and that the “settlement was predicated on a credible legal claim.” Pottawatomie Nation in Canada, et al. v. United States, Cong. Ref. 94-1037X at 28 (Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the payment of those funds that the United States has concluded would be “fair, just and equitable” to satisfy this legal claim from amounts appropriated under section 1304 of title 31 of the United States Code. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomie.

The members of the Pottawatomie Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomie Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomie Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of

the traditional land of the Pottawatomie Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomies were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomie.

In 1829, the United States formally adopted a Federal policy of removal—an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomies to cede the remainder of their traditional lands—some 5 million acres in and around the city of Chicago and remove themselves west. For years, the Pottawatomie steadfastly refused to cede the remainder of their tribal territory. Then in 1833, the United States, pressed by settlers seeking more land, sent a Treaty Commission to the Pottawatomie with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomies to agree to cede their territory. Finally, those Pottawatomies who were present relented and on September 26, 1833, they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomie Nation signed the Treaty of Chicago. Members of the “Wisconsin Band” were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomies 5 million acres of comparable land in what is now Missouri. The Pottawatomie were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to 5 million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomie assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were dissatisfied “justice would be done.” Treaty of Chicago, as amended, Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomies sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was “not fit for snakes to live on.”

While some Pottawatomies removed westward, many of the Pottawatomies—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove

Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomis were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and without their consent.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawatomis groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomis Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949). Nevertheless, much of the money was never paid to the Wisconsin Band.

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the Act of June 21, 1906 (34 Stat. 380), the Congress directed the Secretary of the Interior to investigate claims made by the Wisconsin Band and establish a roll of the Wisconsin Band Pottawatomis that still remained in the East. In addition, the Congress ordered the Secretary to determine “the Wisconsin Bands proportionate shares of the annuities, trust funds, and other monies paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, and the amount of such monies retained in the Treasury of the United States to the credit of

the claimant Indians as directed the provision of the Act of June 25, 1864.”

In order to carry out the 1906 Act, the Secretary of the Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomis in both the United States and Canada. Dr. Wooster documented 2007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was \$477,339 and that the proportionate share of annuities due the Pottawatomis Nation in Canada was \$1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of the monies owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomis Nation in Canada has diligently and continuously sought to enforce their treaty rights, although until this congressional reference, they had never been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomis Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act, ICCA, granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. *Hannahville Indian Community v. U.S.*, No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomis Nation in Canada's part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside territorial limits of the United States. *Hannahville Indian Community v. U.S.*, 115 Ct. Cl. 823 (1950). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. *Hannahville Indian Community*

v. United States, 4 Ct. Cl. 445 (1983). The Court of Claims concluded that the Wisconsin Band was owed a member's proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomis Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomis Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a “fair, just and equitable” resolution to this claim.

The Pottawatomis Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left unfulfilled an obligation and that the United States is willing to do what we can to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomis Nation in Canada is supported through specific resolutions by the National Congress of American Indians, the oldest, largest and most-representative tribal organization here in the United States, the Assembly of First Nations, which includes all recognized tribal entities in Canada, and each and every of the Pottawatomis tribal groups that remain in the United States today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomis Nation in Canada \$1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomis Nation in Canada and the United States (referred to in this section as the “Stipulation for Recommendation of Settlement”); and

(2) be included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X, submitted to the Senate on January 4, 2001, in accordance with sections 1492 and 2509 of title 28, United States Code.

(c) **FULL SATISFACTION OF CLAIMS.**—The payment under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi Nation in Canada against the United States that are referred to or described in the Stipulation for Recommendation of Settlement.

(d) **NONAPPLICABILITY.**—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) does not apply to the payment under subsection (a).

By Mr. INOUE (for himself and Ms. LANDRIEU):

S. 66. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Services are permitted to travel on a space-available basis on non-scheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060b the following new section:

“§ 1060c. Travel on military aircraft: certain disabled former members of the armed forces

“The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command. The Secretary of Defense shall permit such travel on a space-available basis.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1060b the following new item:

“1060c. Travel on military aircraft: certain disabled former members of the armed forces.”.

By Mr. INOUE:

S. 67. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) **IN GENERAL.**—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

“§ 1064a. Use of commissary and exchange stores: certain disabled former prisoners of war

“(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

“(b) **COVERED INDIVIDUALS.**—Subsection (a) applies to any former prisoner of war who—
“(1) separated from active duty in the armed forces under honorable conditions; and

“(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘former prisoner of war’ has the meaning given that term in section 101(32) of title 38.

“(2) The term ‘service-connected’ has the meaning given that term in section 101(16) of title 38.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 54 of such title is amended by inserting after the item relating to section 1064 the following new item:

“1064a. Use of commissary and exchange stores: certain disabled former prisoners of war.”.

By Mr. INOUE:

S. 68. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

Mr. INOUE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Our Filipino veterans fought side by side with Americans and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great Nation that we are today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) **IN GENERAL.**—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) **INFORMATION TO BE CONSIDERED.**—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to

service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) **ISSUANCE OF CERTIFICATE OF SERVICE.**—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) **EFFECT OF CERTIFICATE OF SERVICE.**—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. INOUE (for himself, Mr. LIEBERMAN, Mr. CARPER, Ms. MURKOWSKI, Mr. LEVIN, and Mr. AKAKA):

S. 69. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUE. Mr. President, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan

and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our Nation, in order to use them, devoid of passports or any other proof of citizenship, for exchange with Americans with Japan. Between the years 1941 and 1945, our Government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of origin in Latin America refused their re-entry, because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to ex-

tend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, internment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of Federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained

in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of internment of Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not re-search those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the “Commission”).

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) **AVAILABILITY.**—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

By Mr. INOUE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUE. Mr. President, in our effort to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) **DESIGNATION OF LEGAL PUBLIC HOLIDAY.**—Section 6103(a) of title 5, United States Code, is amended by striking “Memorial Day, the last Monday in May.” and inserting the following:

“Memorial Day, May 30.”

(b) **OBSERVANCES AND CEREMONIES.**—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking “The last Monday in May” and inserting “May 30”; and

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies to show respect for United States veterans of wars and other military conflicts; and”.

(c) **DISPLAY OF FLAG.**—Section 6(d) of title 4, United States Code, is amended by striking “the last Monday in May;” and inserting “May 30;”.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 72. A bill to reauthorize the programs of the Department of Housing

and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I rise to introduce a bill to reauthorize Title VIII of the Native American Housing Assistance and Self-Determination Act. Senator AKAKA joins me in sponsoring this measure. Title VIII provides authority for the appropriation of funds for the construction of low-income housing for native Hawaiians and further provides authority for access to loan guarantees associated with the construction of housing to serve native Hawaiians.

Three studies have documented the acute housing needs of native Hawaiians—which include the highest rates of overcrowding and homelessness in the State of Hawaii. Those same studies indicate that inadequate housing rates for Native Hawaiians are amongst the highest in the Nation.

The reauthorization of Title VIII will support the continuation of efforts to assure that the native people of Hawaii may one day have access to housing opportunities that are comparable to those now enjoyed by other Americans.

Mr. President, I would ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hawaiian Homeownership Opportunity Act of 2009”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking “fiscal years” and all that follows and inserting the following: “fiscal years 2009, 2010, 2011, 2012, and 2013.”

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (b), by striking “or as a result of a lack of access to private financial markets”;

(2) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) **ELIGIBLE HOUSING.**—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are—

“(A) standard housing; and

“(B) located on Hawaiian Home Lands.”; and

(3) in subsection (j)(7), by striking “fiscal years” and all that follows through the end of the paragraph and inserting the following: “fiscal years 2009, 2010, 2011, 2012, and 2013.”

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended—

(1) in the title heading, by inserting “**AND NATIVE HAWAIIAN**” after “**TRIBAL**”;

(2) in section 601 (25 U.S.C. 4191)—

(A) in subsection (a)—

(i) by striking “or tribally designated housing entities with tribal approval” and inserting “, by tribally designated housing entities with tribal approval, or by the Department of Hawaiian Home Lands,”; and

(ii) by inserting “or 810, as applicable,” after “section 202”; and

(B) in subsection (c), by inserting “or title VIII, as applicable” before the period at the end;

(3) in section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “or housing entity” and inserting “, housing entity, or Department of Hawaiian Home Lands”; and

(ii) in paragraph (3)—

(I) by inserting “or Department” after “tribe”;

(II) by inserting “or title VIII, as applicable,” after “title I”; and

(III) by inserting “or 811(b), as applicable” before the semicolon at the end; and

(B) in subsection (b)(2), by striking “or housing entity” and inserting “, housing entity, or the Department of Hawaiian Home Lands”;

(4) in the first sentence of section 603 (25 U.S.C. 4193), by striking “or housing entity” and inserting “, housing entity, or the Department of Hawaiian Home Lands”; and

(5) in section 605(b) (25 U.S.C. 4195(b)), by striking “1997 through 2007” and inserting “2009 through 2013”.

By Mrs. FEINSTEIN:

S. 73. A bill to establish a systematic mortgage modification program at the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will limit foreclosures and stabilize home values through Federal loan guarantees and standardized procedures for mortgage workout agreements.

The Systematic Foreclosure Prevention and Mortgage Modification Act would implement the foreclosure prevention plan developed by Federal Deposit Insurance Corporation, FDIC, Chairman Sheila Bair.

There are three key components of this legislation.

Servicers would be incentivized to modify mortgages, receiving \$1,000 to help cover the costs of each loan modification; the Federal Government would share up to 50 percent of any loss should the homeowner default after receiving a modification; and participating servicers would be required to systematically review and modify all suitable loans in their portfolios, applying a standard calculation to help expedite loan modifications as cost-effectively as possible.

The FDIC estimates that roughly 2.2 million home loans, worth \$444 billion, could be modified under this plan, with 1.5 million foreclosures avoided.

This legislation is projected to cost at least \$25 billion; however, no additional spending is necessary.

This effort would be funded solely through the Troubled Assets Relief Program, TARP, to ensure that one of the core objectives of the bill, assistance to homeowners, is achieved.

The foreclosure crisis and declining housing market remain at the epicenter of the economic challenges we face. And, although the Federal Government has taken unprecedented steps to address this problem, they have not been sufficient.

Foreclosures are in the best interest of no one.

Neighborhoods are decimated when homes are repossessed or left vacant, property values decline, local economies suffer, and crime often increases in blighted areas. Lenders must sustain the costs of foreclosure and are left with the burden of reselling properties in a distressed market.

Homeowners are forced to give up on the American dream, and in some cases, tenants are forced out of homes they have been renting.

To date, no TARP funds have been allocated by Treasury to directly address the foreclosure crisis.

This must change, and it must change now.

According to the FDIC, the pace of loan modifications continues to be very slow, with only 4 percent of troubled mortgages being modified to prevent foreclosures each month.

A systematic approach is needed to expedite this process. The FDIC has implemented such a program successfully at Indy Mac Federal Bank, to reduce mortgage payments as low as 31 percent of monthly income.

Loan modifications are based on interest rate reductions, extended loan terms, and principal forbearance.

Unfortunately, banks that have received TARP funds have not been compelled to implement foreclosure reduction measures, and adequate incentive structures are not in place.

This legislation provides prudent and cost-effective steps to improve assistance for struggling homeowners while also stabilizing the housing market.

Foreclosures have had a devastating impact on our national economy, and the damage in my state has been particularly severe.

California accounts for 1/3 of all foreclosure activity in the United States.

Roughly 800,000 foreclosures will be filed in my state in 2008—a 70 percent increase over 2007, when 481,392 foreclosures were filed in California.

The foreclosure rate in California is the fourth highest in the Nation, with one foreclosure filing for every 218 households.

In fact, 6 of the 10 metropolitan areas with the highest foreclosure rate in the Nation are in California.

This includes: Merced—one out of every 76 homes in foreclosure; Modesto—one out of every 93 homes in foreclosure; Stockton—one out of every

94 homes in foreclosure; Riverside and San Bernardino—one out of every 107 homes in foreclosure; Bakersfield—one out of every 129 homes in foreclosure; and Vallejo and Fairfield—one out of every 133 homes in foreclosure.

And, the situation is only getting worse.

Property values have plummeted across California, making it difficult for many residents with adjustable rate mortgages to refinance into more stable, fixed rate products.

One California community is in a special category of need: the city of Stockton, which has been referred to as “America’s foreclosure capital.”

The foreclosure crisis has devastated this city of more than 260,000 residents.

Home foreclosures impact neighbors and reduce property values.

But, the spillover effect in Stockton has been overwhelming.

Jobs: The downturn in the construction industry has contributed to an unemployment rate of 11.9 percent in San Joaquin County, well above the national average.

Schools: Foreclosures have displaced many students who were forced to change schools or leave the area when their families lost their homes.

The student population of Stockton Unified School District, the biggest in San Joaquin County, was down about 200 students last year.

Student displacement has a direct impact on school budgets, which are linked to student attendance.

Most unfortunately, the emotional impact on children being forced to switch schools in the middle of the year can be tremendous.

Public Services: High foreclosure rates have taken a toll on the city of Stockton’s budget.

Stockton now faces a nearly \$25 million budget deficit.

City officials have been forced to consider voluntary buyouts for municipal employees and mandatory 10-day furloughs to help close the gap.

Because property values have fallen—due to foreclosures and increased inventory—Stockton also is facing lower tax revenues, which are depended upon to fill the city’s \$186 million general fund.

This could have a dramatic effect on the city’s emergency services; about 75 percent of Stockton’s general fund pays for police and fire services.

It is essential that we not forget communities such as Stockton. We cannot sit idly by and watch them fall through the cracks.

This legislation is a much-needed step forward to provide relief to Main Street.

Millions of Americans have lost their homes to foreclosure, and millions more are at risk of losing their homes in the coming months.

Part of this problem was driven by abusive and predatory lending practices.

Part of the problem can be attributed to lax underwriting standards and regulators who were asleep at the wheel.

Part of this problem was due to individuals who made bad choices.

But, this is a problem that now impacts—either directly or indirectly—all hard-working American families.

These are significant challenges we face, and innovative solutions are required.

This bill will serve as a companion to legislation introduced in the House by my colleague from California, Representative MAXINE WATERS.

I look forward to working with her, and my colleagues on both sides of the aisle, to pass this important legislation as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Systematic Foreclosure Prevention and Mortgage Modification Act”.

SEC. 2. SYSTEMATIC FORECLOSURE PREVENTION AND MORTGAGE MODIFICATION PLAN ESTABLISHED.

(a) IN GENERAL.—The Chairperson of the Federal Deposit Insurance Corporation shall establish a systematic foreclosure prevention and mortgage modification program by—

(1) paying servicers \$1,000 to cover expenses for each loan modified according to the required standards; and

(2) sharing up to 50 percent of any losses incurred if a modified loan should subsequently re-default.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include the following components:

(1) ELIGIBLE BORROWERS.—The program shall be limited to loans secured by owner-occupied properties.

(2) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, government loss sharing shall be available only after the borrower has made a minimum of 6 payments on the modified mortgage.

(3) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and audit, a standard test comparing the expected net present value of modifying past due loans compared to the net present value of foreclosing on them will be applied. Under this test, standard assumptions shall be used to ensure that a consistent standard for affordability is provided based on a 31 percent borrower mortgage debt-to-income ratio.

(4) SYSTEMATIC LOAN REVIEW BY PARTICIPATING SERVICERS.—Participating servicers shall be required to undertake a systematic review of all of the loans under their management, to subject each loan to a standard net present value test to determine whether it is a suitable candidate for modification, and to modify all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be disqualification from further participation in

the program until such a systematic program was introduced.

(5) **MODIFICATIONS.**—Modifications may include any of the following:

- (A) Reduction in interest rates and fees.
- (B) Forbearance of principal.
- (C) Extension of the term to maturity.
- (D) Other similar modifications.

(6) **REDUCED LOSS SHARE PERCENTAGE FOR "UNDERWATER LOANS".**—For loan-to-value ratios above 100 percent, the government loss share shall be progressively reduced from 50 percent to 20 percent as the current loan-to-value ratio rises, except that loss sharing shall not be available if the loan-to-value ratio of the first lien exceeds 150 percent.

(7) **SIMPLIFIED LOSS SHARE CALCULATION.**—In order to ensure the administrative efficiency of this program, the calculation of loss share basis would be as simple as possible. In general terms, the calculation shall be based on the difference between the net present value, as defined by the Chairperson of the Federal Deposit Insurance Corporation, of the modified loan and the amount of recoveries obtained in a disposition by refinancing, short sale, or real estate owned sale, net of disposal costs as estimated according to industry standards. Interim modifications shall be allowed.

(8) **DE MINIMIS TEST.**—To lower administrative costs, a de minimis test shall be used to exclude from loss sharing any modification that does not lower the monthly payment at least 10 percent.

(9) **8-YEAR LIMIT ON LOSS SHARING PAYMENT.**—The loss sharing guarantee shall terminate at the end of the 8-year period beginning on the date the modification was consummated.

(c) **REGULATIONS.**—The Corporation shall prescribe such regulations as may be necessary to implement this Act and prevent evasions thereof.

(d) **TROUBLED ASSETS.**—The costs incurred by the Federal Government in carrying out the loan modification program established under this section shall be covered out of the funds made available to the Secretary of the Treasury under section 118 of the Emergency Economic Stabilization Act of 2008.

(e) **MODIFICATIONS TO PROGRAM.**—The Chairperson of the Federal Deposit Insurance Corporation may make any modification to the program established under subsection (a) that the Chairperson determines are appropriate for the purpose of maximizing the number of foreclosures prevented.

(f) **REPORT.**—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Chairperson of the Federal Deposit Insurance Corporation shall submit a progress report to the Congress containing such findings and such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.

By Mrs. HUTCHISON (for herself,
Mr. VITTER, Mr. MARTINEZ, Mr.
CORNYN, and Mr. ENSIGN):

S. 74. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from the marriage penalty—the most egregious, anti-family provision in the tax code. One of my highest priorities in the United States Senate has been to relieve American taxpayers of this punitive burden.

We have made important strides to eliminate this unfair tax and provide marriage penalty relief by raising the standard deduction and enlarging the 15 percent tax bracket for married joint filers to twice that of single filers. Before these provisions were changed, 42 percent of married couples paid an average penalty of \$1,400.

Enacting marriage penalty relief was a giant step for tax fairness, but it may be fleeting. Even as married couples use the money they now save to put food on the table and clothes on their children, a tax increase looms in the future. Since the 2001 tax relief bill was restricted, the marriage penalty provisions will only be in effect through 2010. In 2011, marriage will again be a taxable event and a significant number of married couples will again pay more in taxes unless we act decisively. Given the challenges many families face in making ends meet, we must make sure we do not backtrack on this important reform.

The benefits of marriage are well established, yet, without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates these children are also less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

We should celebrate marriage, not penalize it. The bill I am offering would make marriage penalty relief permanent, because marriage should not be a taxable event. I call on the Senate to finish the job we started and make marriage penalty relief permanent today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Marriage Penalty Relief Act of 2009".

SEC. 2. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to—

(1) sections 301, 302, and 303 of such Act (relating to marriage penalty relief), and

(2) sections 101(b) and 101(c) of the Working Families Tax Relief Act of 2004 (relating to marriage penalty relief in the standard deduction and 15-percent income tax bracket, respectively).

By Mr. KOHL:

S. 75. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Generics First Act. This legislation requires the Federal Government's Medicare Part D prescription drug program to use generic drugs whenever available, unless a brand-name drug is determined to be medically necessary by a physician. Modeled after similar provisions in many state-administered Medicaid programs, this measure would reduce the high costs of the new prescription drug program and keep seniors from reaching the current coverage gap, or "donut hole," by guiding beneficiaries toward cost-saving generic drug alternatives.

We know that the cost of prescription drugs is prohibitive, placing a financial strain on seniors, families, and businesses that are struggling to pay their health care bills. According to the National Bureau of Economic Research, spending on prescription drugs totaled \$227.5 billion in 2007. People need help now and we must respond by expanding access to generic drugs. Generics, which on average cost 60 percent less than their brand-name counterparts, are a big part of the solution to health care costs that are spiraling out of control.

Generic drugs that are approved by the FDA must meet the same rigorous standards for safety and effectiveness as brand-name drugs. In addition to being safe and effective, the generic must have the same active ingredient or ingredients, be the same strength, and have the same labeling for the approved uses as the brand-name drug. In other words, generics perform the same medicinal purposes as their respective brand-name product.

We know generic drugs have the potential to save seniors thousands of dollars and curb health spending for the Federal Government, employers, and families. Every year, more blockbuster drugs are coming off patent, setting up the potential for billions of dollars in savings. This legislation is just one part of a larger agenda I'm pushing to remove the obstacles that prevent generics from getting to market, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Generics First Act of 2009”.

SEC. 2. REQUIRED USE OF GENERIC DRUGS UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D-2(e)(2) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)) is amended by adding at the end the following new subparagraph:

“(C) NON-GENERIC DRUGS UNLESS CERTAIN REQUIREMENTS ARE MET.—

“(i) IN GENERAL.—Such term does not include a drug that is a nongeneric drug unless—

“(I) no generic drug has been approved under the Federal Food, Drug, and Cosmetic Act with respect to the drug; or

“(II) the nongeneric drug is determined to be medically necessary by the individual prescribing the drug and prior authorization for the drug is obtained from the Secretary.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) **GENERIC DRUG.**—The term ‘generic drug’ means a drug that is the subject of an application approved under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(7) of such Act.

“(II) **NONGENERIC DRUG.**—The term ‘nongeneric drug’ means a drug that is the subject of an application approved under—

“(aa) section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act; or

“(bb) section 505(b)(2) of such Act and that has been determined to be not therapeutically equivalent to any listed drug.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

By Mr. INOUE:

S. 76. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I rise today, again, to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized several times throughout the years.

The Act provides authority for a range of programs and services designed to improve the health care status of the native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 22 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally,

native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2004 native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 119 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of native Hawaiians associated with heart disease is 86 percent higher than the rate for the entire State and the mortality rate for hypertension is 46 percent higher than that for the entire State.

These statistics on the health status of native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 76

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native Hawaiian Health Care Improvement Reauthorization Act of 2009”.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) **SHORT TITLE.**—This Act may be cited as the ‘Native Hawaiian Health Care Improvement Act’.

“(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings.

“Sec. 3. Definitions.

“Sec. 4. Declaration of national Native Hawaiian health policy.

“Sec. 5. Comprehensive health care master plan for Native Hawaiians.

“Sec. 6. Functions of Papa Ola Lokahi.

“Sec. 7. Native Hawaiian health care.

“Sec. 8. Administrative grant for Papa Ola Lokahi.

“Sec. 9. Administration of grants and contracts.

“Sec. 10. Assignment of personnel.

“Sec. 11. Native Hawaiian health scholarships and fellowships.

“Sec. 12. Report.

“Sec. 13. Use of Federal Government facilities and sources of supply.

“Sec. 14. Demonstration projects of national significance.

“Sec. 15. Rule of construction.

“Sec. 16. Compliance with Budget Act.

“Sec. 17. Severability.

“SEC. 2. FINDINGS.

“(a) IN GENERAL.—Congress finds that—

“(1) Native Hawaiians begin their story with the Kumulipo, which details the creation and interrelationship of all things, including the involvement of Native Hawaiians as healthy and well people;

“(2) Native Hawaiians—

“(A) are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean; and

“(B) have a distinct society that was first organized almost 2,000 years ago;

“(3) the health and well-being of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands and seas;

“(4) the long-range economic and social changes in Hawai‘i over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

“(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

“(6) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

“(7) in referring to themselves, Native Hawaiians use the term ‘Kanaka Maoli’, a term frequently used in the 19th century to describe the native people of Hawai‘i;

“(8) the constitution and statutes of the State of Hawai‘i—

“(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

“(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

“(9) at the time of the arrival of the first nonindigenous people in Hawai‘i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

“(10) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai‘i;

“(11) throughout the 19th century until 1893, the United States—

“(A) recognized the independence of the Hawaiian Nation;

“(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

“(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

“(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawai‘i, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawai‘i;

“(13) in pursuance of that conspiracy—

“(A) the United States Minister and the naval representative of the United States caused armed forces of the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawai‘i; and

“(B) after that overthrow, the United States Minister extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawai‘i or the lawful Government of Hawai‘i, in violation of—

"(i) treaties between the Government of Hawai'i and the United States; and

"(ii) international law;

"(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

"(A) reported fully and accurately on those illegal actions;

"(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

"(C) concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair';

"(15) Queen Lili'uokalani, the lawful monarch of Hawai'i, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawai'i, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

"(16) in 1993, Congress enacted Public Law 103-150 (107 Stat. 1510), in which Congress—

"(A) acknowledged the significance of those events; and

"(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawai'i with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

"(17) between 1897 and 1898, when the total Native Hawaiian population in Hawai'i was less than 40,000, more than 38,000 Native Hawaiians signed petitions (commonly known as 'Ku'e Petitions') protesting annexation by the United States and requesting restoration of the monarchy;

"(18) despite Native Hawaiian protests, in 1898, the United States—

"(A) annexed Hawai'i through Resolution No. 55 (commonly known as the 'Newlands Resolution') (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawai'i or the sovereign government of those people; and

"(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

"(19) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the '1900 Organic Act') (31 Stat. 141, chapter 339), the United States—

"(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

"(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from that land be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawai'i;

"(20) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

"(A) designated 200,000 acres of the ceded public land for exclusive homesteading by Native Hawaiians; and

"(B) affirmed the trust relationship between the United States and Native Hawaiians, as expressed by Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands

. . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.';

"(21) in 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781), a provision—

"(A) to lease land within the extension to Native Hawaiians; and

"(B) to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance';

"(22) under the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

"(A) transferred responsibility for the administration of the Hawaiian home lands to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

"(23) under the Act referred to in paragraph (22), the United States—

"(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

"(24) in 1978, the people of Hawai'i—

"(A) amended the constitution of Hawai'i to establish the Office of Hawaiian Affairs; and

"(B) assigned to that Office the authority—

"(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

"(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 6);

"(iii) to act as the lead State agency for matters affecting the Native Hawaiian people; and

"(iv) to formulate policy on affairs relating to the Native Hawaiian people;

"(25) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawai'i;

"(26) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of Kaho'olawe to custodial management by the State in 1994;

"(27) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people;

"(28) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

"(29) health initiatives implemented by those and other health institutions and

agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

"(A) providing comprehensive disease prevention;

"(B) providing health promotion activities; and

"(C) increasing the number of Native Hawaiians in the health and allied health professions;

"(30) those accomplishments have been achieved through implementation of—

"(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100-579); and

"(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1948);

"(31) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(32) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the provision of services to Native Hawaiians, specifically—

"(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

"(C) the Veterans' Benefits and Services Act of 1988 (Public Law 100-322);

"(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

"(F) the Health Professions Reauthorization Act of 1988 (Public Law 100-607; 102 Stat. 3122);

"(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100-607; 102 Stat. 3153);

"(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100-630);

"(I) the Indian Health Care Amendments of 1988 (Public Law 100-713); and

"(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527);

"(33) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99-570);

"(34) in addition, the United States—

"(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawai'i, are a unique population group in Hawai'i and in the continental United States; and

"(B) has so declared in—

"(i) the documents of the Office of Management and Budget entitled—

"(I) 'Standards for Maintaining, Collecting, and Presenting Federal Data on

Race and Ethnicity' and dated October 30, 1997; and

"(II) 'Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity' and dated December 15, 2000;

"(ii) the document entitled 'Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement' (Bulletin 00-02 to the Heads of Executive Departments and Establishments) and dated March 9, 2000;

"(iii) the document entitled 'Questions and Answers when Designing Surveys for Information Collections' (Memorandum for the President's Management Council) and dated January 20, 2006;

"(iv) Executive order number 13125 (64 Fed. Reg. 31105; relating to increasing participation of Asian Americans and Pacific Islanders in Federal programs) (June 7, 1999);

"(v) the document entitled 'HHS Tribal Consultation Policy' and dated January 2005; and

"(vi) the Department of Health and Human Services Intradepartment Council on Native American Affairs, Revised Charter, dated March 7, 2005; and

"(35) despite the United States having expressed in Public Law 103-150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

"(A) the unmet health needs of the Native Hawaiian people remain severe; and

"(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

"(b) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

"(1) CHRONIC DISEASE AND ILLNESS.—

"(A) CANCER.—

"(i) IN GENERAL.—With respect to all cancer—

"(I) as an underlying cause of death in the State, the cancer mortality rate of Native Hawaiians of 218.3 per 100,000 residents is 50 percent higher than the rate for the total population of the State of 145.4 per 100,000 residents;

"(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, and rectum, and for all cancers combined;

"(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, breast, colon, rectum, pancreas, stomach, ovary, liver, cervix, kidney, and uterus, and for all cancers combined; and

"(IV) for the period of 1995 through 2000—

"(aa) the cancer mortality rate for all cancers for Native Hawaiian males of 217 per 100,000 residents was 22 percent higher than the rate for all males in the State of 179 per 100,000 residents; and

"(bb) the cancer mortality rate for all cancers for Native Hawaiian females of 192 per 100,000 residents was 64 percent higher than the rate for all females in the State of 117 per 100,000 residents.

"(ii) BREAST CANCER.—With respect to breast cancer—

"(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 per 100,000 residents), which is 33 percent higher than the rate for Caucasian Americans (23.07 per 100,000 residents) and 106 percent higher than the rate for Chinese Americans (14.96 per 100,000 residents); and

"(II) nationally, Native Hawaiians have the third-highest mortality rate as a result

of breast cancer (25.0 per 100,000 residents), behind African Americans (31.4 per 100,000 residents) and Caucasian Americans (27.0 per 100,000 residents).

"(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 per 100,000 residents), followed by Filipino Americans (2.69 per 100,000 residents) and Caucasian Americans (2.61 per 100,000 residents).

"(iv) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which are higher than the rates for the total population of the State by 48 percent for males and 93 percent for females.

"(v) PROSTATE CANCER.—Native Hawaiian males have the third-highest mortality rate as a result of prostate cancer in the State (21.48 per 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 per 100,000 residents).

"(B) DIABETES.—With respect to diabetes, in 2004—

"(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitus (28.9 per 100,000 residents) in the State, which is 119 percent higher than the rate for all racial groups in the State (13.2 per 100,000 residents);

"(ii) the prevalence of diabetes for Native Hawaiians was 12.7 percent, which is 87 percent higher than the total prevalence for all residents of the State of 6.8 percent; and

"(iii) a higher percentage of Native Hawaiians with diabetes experienced diabetic retinopathy, as compared to other population groups in the State.

"(C) ASTHMA.—With respect to asthma and lower respiratory disease—

"(i) in 2004, mortality rates for Native Hawaiians (31.6 per 100,000 residents) from chronic lower respiratory disease were 52 percent higher than rates for the total population of the State (20.8 per 100,000 residents); and

"(ii) in 2005, the prevalence of current asthma in Native Hawaiian adults was 12.8 percent, which is 71 percent higher than the prevalence of the total population of the State of 7.5 percent.

"(D) CIRCULATORY DISEASES.—

"(i) HEART DISEASE.—With respect to heart disease—

"(I) in 2004, the mortality rate for Native Hawaiians as a result of heart disease (305.5 per 100,000 residents) was 86 percent higher than the rate for the total population of the State (164.3 per 100,000 residents); and

"(II) in 2005, the prevalence for heart attack was 4.4 percent for Native Hawaiians, which is 22 percent higher than the prevalence for the total population of 3.6 percent.

"(ii) CEREBROVASCULAR DISEASES.—With respect to cerebrovascular diseases—

"(I) the mortality rate from cerebrovascular diseases for Native Hawaiians (75.6 percent) was 64 percent higher than the rate for the total population of the State (46 percent); and

"(II) in 2005, the prevalence for stroke was 4.9 percent for Native Hawaiians, which is 69 percent higher than the prevalence for the total population of the State (2.9 percent).

"(iii) OTHER CIRCULATORY DISEASES.—With respect to other circulatory diseases (including high blood pressure and atherosclerosis)—

"(I) in 2004, the mortality rate for Native Hawaiians of 20.6 per 100,000 residents was 46

percent higher than the rate for the total population of the State of 14.1 per 100,000 residents; and

"(II) in 2005, the prevalence of high blood pressure for Native Hawaiians was 26.7 percent, which is 10 percent higher than the prevalence for the total population of the State of 24.2 percent.

"(2) INFECTIOUS DISEASE AND ILLNESS.—With respect to infectious disease and illness—

"(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

"(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than the incidence for any other non-Caucasian group in the State.

"(3) INJURIES.—With respect to injuries—

"(A) the mortality rate for Native Hawaiians as a result of injuries (32 per 100,000 residents) is 16 percent higher than the rate for the total population of the State (27.5 per 100,000 residents);

"(B) 32 percent of all deaths of individuals between the ages of 18 and 24 years resulting from injuries were Native Hawaiian; and

"(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

"(4) DENTAL HEALTH.—With respect to dental health—

"(A) Native Hawaiian children experience significantly higher rates of dental caries and unmet treatment needs as compared to other children in the continental United States and other ethnic groups in the State;

"(B) the prevalence rate of dental caries in the primary (baby) teeth of Native Hawaiian children aged 5 to 9 years of 4.2 per child is more than twice the national average rate of 1.9 per child in that age range;

"(C) 81.9 percent of Native Hawaiian children aged 6 to 8 have 1 or more decayed teeth, as compared to—

"(i) 53 percent for children in that age range in the continental United States; and

"(ii) 72.7 percent of other children in that age range in the State; and

"(D) 21 percent of Native Hawaiian children aged 5 demonstrate signs of baby bottle tooth decay, which is generally characterized as severe, progressive dental disease in early childhood and associated with high rates of dental disorders, as compared to 5 percent for children of that age in the continental United States.

"(5) LIFE EXPECTANCY.—With respect to life expectancy—

"(A) Native Hawaiians have the lowest life expectancy of all population groups in the State;

"(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average;

"(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be approximately 5 years less than that of the total State population (78.85 years); and

"(D) except as provided in the life expectancy calculation for 1920, Native Hawaiians have had the shortest life expectancy of all major ethnic groups in the United States since 1910.

"(6) MATERNAL AND CHILD HEALTH.—

"(A) IN GENERAL.—With respect to maternal and child health, in 2000—

"(i) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian;

“(ii) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group;

“(iii) Native Hawaiian infant mortality rates (9.8 per 1,000 live births) are—

“(I) the highest in the State; and

“(II) 151 percent higher than the rate for Caucasian infants (3.9 per 1,000 live births); and

“(iv) Native Hawaiians have 1 of the highest infant mortality rates in the United States, second only to the rate for African Americans of 13.6 per 1,000 live births.

“(B) PRENATAL CARE.—With respect to prenatal care—

“(i) as of 2005, Native Hawaiian women have the highest prevalence (20.9 percent) of having had no prenatal care during the first trimester of pregnancy, as compared to the 5 largest ethnic groups in the State;

“(ii) of the mothers in the State who received no prenatal care in the first trimester, 33 percent were Native Hawaiian;

“(iii) in 2005, 41 percent of mothers with live births who had not completed high school were Native Hawaiian; and

“(iv) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

“(C) BIRTHS.—With respect to births, in 2005—

“(i) 45.2 percent of live births to Native Hawaiian mothers were nonmarital, putting the affected infants at higher risk of low birth weight and infant mortality;

“(ii) of the 2,934 live births to Native Hawaiian single mothers, 9 percent were low birth weight (defined as a weight of less than 2,500 grams); and

“(iii) 43.7 percent of all low birth-weight infants born to single mothers in the State were Native Hawaiian.

“(D) TEEN PREGNANCIES.—With respect to births, in 2005—

“(i) Native Hawaiians had the highest rate of births to mothers under the age of 18 years (5.8 percent), as compared to the rate of 2.7 percent for the total population of the State; and

“(ii) nearly 62 percent of all mothers in the State under the age of 19 years were Native Hawaiian.

“(E) FETAL MORTALITY.—With respect to fetal mortality, in 2005—

“(i) Native Hawaiians had the highest number of fetal deaths in the State, as compared to Caucasian, Japanese, and Filipino residents; and

“(ii)(I) 17.2 percent of all fetal deaths in the State were associated with expectant Native Hawaiian mothers; and

“(II) 43.5 percent of those Native Hawaiian mothers were under the age of 25 years.

“(7) BEHAVIORAL HEALTH.—

“(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

“(i)(I) in 2005, Native Hawaiians had the highest prevalence of smoking of 27.9 percent, which is 64 percent higher than the rate for the total population of the State (17 percent); and

“(II) 53 percent of Native Hawaiians reported having smoked at least 100 cigarettes in their lifetime, as compared to 43.3 percent for the total population of the State;

“(ii) 33 percent of Native Hawaiians in grade 8 have smoked cigarettes at least once in their lifetime, as compared to—

“(I) 22.5 percent for all youth in the State; and

“(II) 28.4 percent of residents of the United States in grade 8;

“(iii) Native Hawaiians have the highest prevalence of binge drinking of 19.9 percent,

which is 21 percent higher than the prevalence for the total population of the State (16.5 percent);

“(iv) the prevalence of heavy drinking among Native Hawaiians (10.1 percent) is 36 percent higher than the prevalence for the total population of the State (7.4 percent);

“(v)(I) in 2003, 17.2 percent of Native Hawaiians in grade 6, 45.1 percent of Native Hawaiians in grade 8, 68.9 percent of Native Hawaiians in grade 10, and 78.1 percent of Native Hawaiians in grade 12 reported using alcohol at least once in their lifetime, as compared to 13.2, 36.8, 59.1, and 72.5 percent, respectively, of all adolescents in the State; and

“(II) 62.1 percent Native Hawaiians in grade 12 reported being drunk at least once, which is 20 percent higher than the percentage for all adolescents in the State (51.6 percent);

“(vi) on entering grade 12, 60 percent of Native Hawaiian adolescents reported having used illicit drugs, including inhalants, at least once in their lifetime, as compared to—

“(I) 46.9 percent of all adolescents in the State; and

“(II) 52.8 of adolescents in the United States;

“(vii) on entering grade 12, 58.2 percent of Native Hawaiian adolescents reported having used marijuana at least once, which is 31 percent higher than the rate of other adolescents in the State (44.4 percent);

“(viii) in 2006, Native Hawaiians represented 40 percent of the total admissions to substance abuse treatment programs funded by the State Department of Health; and

“(ix) in 2003, Native Hawaiian adolescents reported the highest prevalence for methamphetamine use in the State, followed by Caucasian and Filipino adolescents.

“(B) CRIME.—With respect to crime—

“(i) during the period of 1992 to 2002, Native Hawaiian arrests for violent crimes decreased, but the rate of arrest remained 38.3 percent higher than the rate of the total population of the State;

“(ii) the robbery arrest rate in 2002 among Native Hawaiian juveniles and adults was 59 percent higher (6.2 arrests per 100,000 residents) than the rate for the total population of the State (3.9 arrests per 100,000 residents);

“(iii) in 2002—

“(I) Native Hawaiian men comprised between 35 percent and 43 percent of each security class in the State prison system;

“(II) Native Hawaiian women comprised between 38.1 percent to 50.3 percent of each class of female prison inmates in the State;

“(III) Native Hawaiians comprised 39.5 percent of the total incarcerated population of the State; and

“(IV) Native Hawaiians comprised 40 percent of the total sentenced felon population in the State, as compared to 25 percent for Caucasians, 12 percent for Filipinos, and 5 percent for Samoans;

“(iv) Native Hawaiians are overrepresented in the State prison population;

“(v) of the 2,260 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age; and

“(vi) based on anecdotal information, Native Hawaiians are estimated to comprise between 60 percent and 70 percent of all jail and prison inmates in the State.

“(C) DEPRESSION AND SUICIDE.—With respect to depression and suicide—

“(i)(I) in 1999, the prevalence of depression among Native Hawaiians was 15 percent, as compared to the national average of approximately 10 percent; and

“(II) Native Hawaiian females had a higher prevalence of depression (16.9 percent) than Native Hawaiian males (11.9 percent);

“(ii) in 2000—

“(I) Native Hawaiian adolescents had a significantly higher suicide attempt rate (12.9 percent) than the rate for other adolescents in the State (9.6 percent); and

“(II) 39 percent of all Native Hawaiian adult deaths were due to suicide; and

“(iii) in 2006, the prevalence of obsessive compulsive disorder among Native Hawaiian adolescent girls was 17.7 percent, as compared to a rate of—

“(I) 9.2 percent for Native Hawaiian boys and non-Hawaiian girls; and

“(II) a national rate of 2 percent.

“(8) OVERWEIGHTNESS AND OBESITY.—With respect to overweightness and obesity—

“(A) during the period of 2000 through 2003, Native Hawaiian males and females had the highest age-adjusted prevalence rates for obesity (40.5 and 32.5 percent, respectively), which was—

“(i) with respect to individuals of full Native Hawaiian ancestry, 145 percent higher than the rate for the total population of the State (16.5 per 100,000); and

“(ii) with respect to individuals with less than 100 percent Native Hawaiian ancestry, 97 percent higher than the total population of the State; and

“(B) for 2005, the prevalence of obesity among Native Hawaiians was 43.1 percent, which was 119 percent higher than the prevalence for the total population of the State (19.7 percent).

“(9) FAMILY AND CHILD HEALTH.—With respect to family and child health—

“(A) in 2000, the prevalence of single-parent families with minor children was highest among Native Hawaiian households, as compared to all households in the State (15.8 percent and 8.1 percent, respectively);

“(B) in 2002, nonmarital births accounted for 56.8 percent of all live births among Native Hawaiians, as compared to 34 percent of all live births in the State;

“(C) the rate of confirmed child abuse and neglect among Native Hawaiians has consistently been 3 to 4 times the rates of other major ethnic groups, with a 3-year average of 63.9 cases in 2002, as compared to 12.8 cases for the total population of the State;

“(D) spousal abuse or abuse of an intimate partner was highest for Native Hawaiians, as compared to all cases of abuse in the State (4.5 percent and 2.2 percent, respectively); and

“(E)(i) ½ of uninsured adults in the State have family incomes below 200 percent of the Federal poverty level; and

“(ii) Native Hawaiians residing in the State and the continental United States have a higher rate of uninsurance than other ethnic groups in the State and continental United States (14.5 percent and 9.5 percent, respectively).

“(10) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

“(A) in 2003, adult Native Hawaiians had a higher rate of high school completion, as compared to the total adult population of the State (49.4 percent and 34.4 percent, respectively);

“(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and

“(C) in 2004, Native Hawaiians comprised—

“(i) 11.25 percent of individuals who earned bachelor's degrees;

“(ii) 6 percent of individuals who earned master's degrees;

“(iii) 3 percent of individuals who earned doctorate degrees;

“(iv) 7.9 percent of the credited student body at the University of Hawai‘i;

“(v) 0.4 percent of the instructional faculty at the University of Hawai‘i at Manoa; and

“(vi) 8.4 percent of the instructional faculty at the University of Hawai‘i Community Colleges.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) **DEPARTMENT.**—The term ‘Department’ means the Department of Health and Human Services.

“(2) **DISEASE PREVENTION.**—The term ‘disease prevention’ includes—

“(A) immunizations;

“(B) control of high blood pressure;

“(C) control of sexually transmittable diseases;

“(D) prevention and control of chronic diseases;

“(E) control of toxic agents;

“(F) occupational safety and health;

“(G) injury prevention;

“(H) fluoridation of water;

“(I) control of infectious agents; and

“(J) provision of mental health care.

“(3) **HEALTH PROMOTION.**—The term ‘health promotion’ includes—

“(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

“(B) cessation of tobacco smoking;

“(C) reduction in the misuse of alcohol and harmful illicit drugs;

“(D) improvement of nutrition;

“(E) improvement in physical fitness;

“(F) family planning;

“(G) control of stress;

“(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

“(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lani), land (‘aina), water (wai), and ocean (kai)).

“(4) **HEALTH SERVICE.**—The term ‘health service’ means—

“(A) service provided by a physician, physician’s assistant, nurse practitioner, nurse, dentist, or other health professional;

“(B) a diagnostic laboratory or radiologic service;

“(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and, generally, any service associated with enhanced health and wellness);

“(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;

“(E) a transportation service required for adequate patient care;

“(F) a preventive dental service;

“(G) a pharmaceutical and medicament service;

“(H) a mental health service, including a service provided by a psychologist or social worker;

“(I) a genetic counseling service;

“(J) a health administration service, including a service provided by a health program administrator;

“(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;

“(L) an environmental health service, including a service provided by an epidemiolo-

gist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;

“(M) a primary care service that may lead to specialty or tertiary care; and

“(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

“(5) **NATIVE HAWAIIAN.**—The term ‘Native Hawaiian’ means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

“(A) genealogical records;

“(B) kama‘aina witness verification from Native Hawaiian Kupuna (elders); or

“(C) birth records of the State or any other State or territory of the United States.

“(6) **NATIVE HAWAIIAN HEALTH CARE SYSTEM.**—The term ‘Native Hawaiian health care system’ means any of up to 8 entities in the State that—

“(A) is organized under the laws of the State;

“(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

“(C) is a public or nonprofit private entity;

“(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

“(E) addresses the health care needs of an island’s Native Hawaiian population; and

“(F) is recognized by Papa Ola Lokahi—

“(i) for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this Act for the benefit of Native Hawaiians; and

“(ii) as having the qualifications and the capacity to provide the services and meet the requirements under—

“(I) the contract that each Native Hawaiian health care system enters into with the Secretary under this Act; or

“(II) the grant each Native Hawaiian health care system receives from the Secretary under this Act.

“(7) **NATIVE HAWAIIAN HEALTH CENTER.**—The term ‘Native Hawaiian Health Center’ means any organization that is a primary health care provider that—

“(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

“(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

“(C) serves a patient population that—

“(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

“(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

“(D) is recognized by Papa Ola Lokahi as having met each of the criteria described in subparagraphs (A) through (C).

“(8) **NATIVE HAWAIIAN HEALTH TASK FORCE.**—The term ‘Native Hawaiian Health Task Force’ means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

“(9) **NATIVE HAWAIIAN ORGANIZATION.**—The term ‘Native Hawaiian organization’ means any organization that—

“(A) serves the interests of Native Hawaiians; and

“(B)(i) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

“(ii) is a public or nonprofit private entity.

“(10) **OFFICE OF HAWAIIAN AFFAIRS.**—The term ‘Office of Hawaiian Affairs’ means the governmental entity that—

“(A) is established under article XII, sections 5 and 6, of the Hawai‘i State Constitution; and

“(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

“(11) **PAPA OLA LOKAHI.**—

“(A) **IN GENERAL.**—The term ‘Papa Ola Lokahi’ means an organization that—

“(i) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

“(ii) governed by a board the members of which may include representation from—

“(I) E Ola Mau;

“(II) the Office of Hawaiian Affairs;

“(III) Alu Like, Inc.;

“(IV) the University of Hawaii;

“(V) the Hawai‘i State Department of Health;

“(VI) the Native Hawaiian Health Task Force;

“(VII) the Hawai‘i State Primary Care Association;

“(VIII) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

“(IX) Ho‘ola Lahui Hawaii, or a health care system serving the islands of Kaua‘i or Ni‘ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

“(X) Ke Ola Mamo, or a health care system serving the island of O‘ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(XI) Na Pu‘uwai or a health care system serving the islands of Moloka‘i or Lana‘i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

“(XII) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(XIII) Hui Malama Ola Na ‘Oiwai, or a health care system serving the island of Hawai‘i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(XIV) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

“(XV) such other member organizations as the Board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

“(B) **EXCLUSION.**—The term ‘Papa Ola Lokahi’ does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

“(i) clearly-defined goals and objectives for the contributions the organization will make to—

“(I) Native Hawaiian health care systems; and

“(II) the national policy described in section 4; and

“(ii) an action plan for carrying out those goals and objectives.

“(12) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(13) STATE.—The term ‘State’ means the State of Hawaii.

“(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term ‘traditional Native Hawaiian healer’ means a practitioner—

“(A) who—

“(i) is of Native Hawaiian ancestry; and

“(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

“(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

“(i) direct practical association with Native Hawaiian elders; and

“(ii) oral traditions transmitted from generation to generation.

“SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

“(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawai‘i resulting from the unique and historical relationship between the United States and the indigenous people of Hawai‘i—

“(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

“(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

“(b) INTENT OF CONGRESS.—It is the intent of Congress that—

“(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

“(2) the United States—

“(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

“(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

“(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land (‘aina), water (wai), or ocean (kai);

“(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

“(iii) increasing the use of traditional Native Hawaiian foods in—

“(I) the diets and dietary preferences of people, including those of students; and

“(II) school feeding programs;

“(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

“(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

“(vi) supporting training and education activities and programs in traditional Native

Hawaiian healing practices by Native Hawaiian healers; and

“(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

“(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

“SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

“(a) DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

“(A) to promote comprehensive health promotion and disease prevention services;

“(B) to maintain and improve the health status of Native Hawaiians; and

“(C) to support community-based initiatives that are reflective of holistic approaches to health.

“(2) CONSULTATION.—

“(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

“(i) the Native Hawaiian health care systems;

“(ii) the Native Hawaiian health centers; and

“(iii) the Native Hawaiian community.

“(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

“(3) HEALTH CARE FINANCING STUDY REPORT.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2009, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

“(B) COMPONENTS.—The report shall include—

“(i) information concerning the impact on Native Hawaiian health and well-being of—

“(I) cultural competency;

“(II) risk assessment data;

“(III) eligibility requirements and exemptions; and

“(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers;

“(ii) such other similar information as may be important to improving the health status of Native Hawaiians, as that information relates to health care financing (including barriers to health care); and

“(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as are necessary to carry out subsection (a).

“SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.

“(a) IN GENERAL.—Papa Ola Lokahi—

“(1) shall be responsible for—

“(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

“(B) the training and education of individuals providing health services;

“(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

“(D) the development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

“(2) may receive special project funds (including research endowments under section 736 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

“(A) research on the health status of Native Hawaiians; or

“(B) addressing the health care needs of Native Hawaiians; and

“(3) shall serve as a clearinghouse for—

“(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification and research into diseases affecting Native Hawaiians;

“(C) the availability of Native Hawaiian project funds, research projects, and publications;

“(D) the collaboration of research in the area of Native Hawaiian health; and

“(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

“(b) CONSULTATION.—

“(1) IN GENERAL.—The Secretary and the Secretary of each other Federal agency shall—

“(A) consult with Papa Ola Lokahi; and

“(B) provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided by the Secretary to assist in accomplishing the purposes described in section 4.

“(2) COMPONENTS OF ACCOUNTING.—The accounting under paragraph (1)(B) shall include an identification of—

“(A) the amount of funds expended explicitly for and benefitting Native Hawaiians;

“(B) the number of Native Hawaiians affected by those funds;

“(C) the collaborations between the applicable Federal agency and Native Hawaiian groups and organizations in the expenditure of those funds; and

“(D) the amount of funds used for—

“(i) Federal administrative purposes; and

“(ii) the provision of direct services to Native Hawaiians.

“(c) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

“(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts made available under this Act.

“(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent practicable, coordinate and assist the health care programs and services provided to Native Hawaiians under this Act and other Federal laws.

“(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola

Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

“(d) **TECHNICAL SUPPORT.**—Papa Ola Lokahi shall provide statewide infrastructure to provide technical support and coordination of training and technical assistance to—

“(1) the Native Hawaiian health care systems; and

“(2) the Native Hawaiian health centers.

“(e) **RELATIONSHIPS WITH OTHER AGENCIES.**—

“(1) **AUTHORITY.**—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

“(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

“(B) resources or services for the implementation of the national policy described in section 4.

“(2) **HEALTH CARE FINANCING.**—

“(A) **FEDERAL CONSULTATION.**—

“(i) **IN GENERAL.**—Before adopting any policy, rule, or regulation that may affect the provision of services or health insurance coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

“(I) the Native Hawaiian community;

“(II) Papa Ola Lokahi; and

“(iii) organizations providing health care services to Native Hawaiians in the State.

“(ii) **IDENTIFICATION OF EFFECTS.**—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

“(B) **STATE CONSULTATION.**—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in meaningful consultation with representatives of—

“(i) the Native Hawaiian community;

“(ii) Papa Ola Lokahi; and

“(iii) organizations providing health care services to Native Hawaiians in the State.

“(C) **CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.**—

“(i) **IN GENERAL.**—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

“(I) the Centers for Medicare and Medicaid Services;

“(II) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

“(III) any other Federal agency providing full or partial health insurance to Native Hawaiians.

“(ii) **CONTENTS OF ARRANGEMENTS.**—An arrangement under clause (i) may address—

“(I) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

“(II) the scope of services; or

“(III) other matters that would enable Native Hawaiians to maximize health insurance

benefits provided by Federal and State health insurance programs.

“(3) **TRADITIONAL HEALERS.**—

“(A) **IN GENERAL.**—The provision of health services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

“(i) traditional Native Hawaiian healers; or

“(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(B) **EXEMPTION.**—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

“(i) the Joint Commission on Accreditation of Healthcare Organizations; and

“(ii) the Commission on Accreditation of Rehabilitation Facilities.

“**SEC. 7. NATIVE HAWAIIAN HEALTH CARE.**

“(a) **COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.**—

“(1) **GRANTS AND CONTRACTS.**—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

“(2) **LIMITATION ON NUMBER OF ENTITIES.**—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

“(b) **PLANNING GRANT OR CONTRACT.**—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O‘ahu, Molokai, Maui, Hawaii, Lanai, Kauai, Kaho‘olawe, and Ni‘ihau in the State.

“(c) **HEALTH SERVICES TO BE PROVIDED.**—

“(1) **IN GENERAL.**—Each recipient of funds under subsection (a) may provide or arrange for—

“(A) outreach services to inform and assist Native Hawaiians in accessing health services;

“(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

“(i) Native Hawaiian health care practitioners;

“(ii) community outreach workers;

“(iii) counselors;

“(iv) cultural educators; and

“(v) other disease prevention providers;

“(C) services of individuals providing health services;

“(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

“(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

“(2) **TRADITIONAL HEALERS.**—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

“(d) **FEDERAL TORT CLAIMS ACT.**—An individual who provides a medical, dental, or

other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be—

“(1) treated as if the individual were a member of the Public Health Service; and

“(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

“(e) **SITE FOR OTHER FEDERAL PAYMENTS.**—

“(1) **IN GENERAL.**—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

“(2) **REMISSION OF PAYMENTS.**—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to the professionals under any Federal loan program.

“(f) **RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.**—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

“(1) for any service other than a service described in subsection (c)(1);

“(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property); or

“(3) to purchase major medical equipment.

“(g) **LIMITATION ON CHARGES FOR SERVICES.**—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or under a contract—

“(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

“(2) the entity will impose for the delivery of such a health service a charge that is—

“(A) made according to a schedule of charges that is made available to the public; and

“(B) adjusted to reflect the income of the individual involved.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **GENERAL GRANTS.**—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2009 through 2014.

“(2) **PLANNING GRANTS.**—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2009 through 2014.

“(3) **HEALTH SERVICES.**—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2009 through 2014.

“**SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.**

“(a) **IN GENERAL.**—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

“(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5;

“(2) training and education for providers of health services;

“(3) identification of and research (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians;

“(4) a clearinghouse function for—

“(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification and research into diseases affecting Native Hawaiians; and

“(C) the availability of Native Hawaiian project funds, research projects, and publications;

“(5) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

“(6) the coordination of the health care programs and services provided to Native Hawaiians; and

“(7) the administration of special project funds.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2009 through 2014.

“SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

“(a) **TERMS AND CONDITIONS.**—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of the grant or contract are achieved.

“(b) **PERIODIC REVIEW.**—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

“(c) **ADMINISTRATIVE REQUIREMENTS.**—The Secretary shall not make a grant or enter into a contract under this Act with an entity unless the entity—

“(1) agrees to establish such procedures for fiscal control and fund accounting as the Secretary determines are necessary to ensure proper disbursement and accounting with respect to the grant or contract;

“(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

“(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

“(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

“(B) has designated at least 1 individual who is fluent in English and the appropriate language to assist in carrying out the plan;

“(4) with respect to health services that are covered under a program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) (including any State plan), or under any other Federal health insurance plan—

“(A) if the entity will provide under the grant or contract any of those health services directly—

“(i) has entered into a participation agreement under each such plan; and

“(ii) is qualified to receive payments under the plan; and

“(B) if the entity will provide under the grant or contract any of those health services through a contract with an organization—

“(i) ensures that the organization has entered into a participation agreement under each such plan; and

“(ii) ensures that the organization is qualified to receive payments under the plan; and

“(5) agrees to submit to the Secretary and Papa Ola Lokahi an annual report that—

“(A) describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user); and

“(B) provides such other information as the Secretary determines to be appropriate.

“(d) **CONTRACT EVALUATION.**—

“(1) **DETERMINATION OF NONCOMPLIANCE.**—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing the contract—

“(A) attempt to resolve the areas of non-compliance or unsatisfactory performance; and

“(B) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

“(2) **NONRENEWAL.**—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary—

“(A) shall not renew the contract with the entity; and

“(B) may enter into a contract under section 7 with another entity referred to in section 7(a)(3) that provides services to the same population of Native Hawaiians served by the entity the contract with which was not renewed by reason of this paragraph.

“(3) **CONSIDERATION OF RESULTS.**—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

“(4) **APPLICATION OF FEDERAL LAWS.**—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

“(A) be negotiated without advertising; and

“(B) be exempted from subchapter III of chapter 31, United States Code.

“(5) **PAYMENTS.**—A payment made under any contract entered into under this Act—

“(A) may be made—

“(i) in advance;

“(ii) by means of reimbursement; or

“(iii) in installments; and

“(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

“(e) **REPORT.**—

“(1) **IN GENERAL.**—For each fiscal year during which an entity receives or expends funds under a grant or contract under this Act, the entity shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

“(A) the activities conducted by the entity under the grant or contract;

“(B) the amounts and purposes for which Federal funds were expended; and

“(C) such other information as the Secretary may request.

“(2) **AUDITS.**—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by—

“(A) the Secretary;

“(B) the Inspector General of the Department of Health and Human Services; and

“(C) the Comptroller General of the United States.

“(f) **ANNUAL PRIVATE AUDIT.**—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

“SEC. 10. ASSIGNMENT OF PERSONNEL.

“(a) **IN GENERAL.**—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health

care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

“(1) conducting research; or

“(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

“(b) **APPLICABLE FEDERAL PERSONNEL PROVISIONS.**—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

“SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

“(a) **ELIGIBILITY.**—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service assistance to students who are Native Hawaiians.

“(b) **PRIORITY.**—A priority for scholarships under subsection (a) may be provided to employees of—

“(1) the Native Hawaiian Health Care Systems; and

“(2) the Native Hawaiian Health Centers.

“(c) **TERMS AND CONDITIONS.**—

“(1) **SCHOLARSHIP ASSISTANCE.**—

“(A) **IN GENERAL.**—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

“(B) **NEED.**—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

“(C) **ELIGIBLE APPLICANTS.**—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

“(D) **OBLIGATED SERVICE REQUIREMENT.**—

“(i) **IN GENERAL.**—An obligated service requirement for each scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

“(I) any of the Native Hawaiian health care systems;

“(II) any of the Native Hawaiian health centers;

“(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State;

“(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian population;

“(V) any public agency or nonprofit organization providing services to Native Hawaiians; or

“(VI) any of the uniformed services of the United States.

“(ii) **ASSIGNMENT.**—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

“(E) **COUNSELING, RETENTION, AND SUPPORT SERVICES.**—The provision of academic and personal counseling, retention and other support services—

“(i) shall not be limited to scholarship recipients under this section; and

“(ii) shall be made available to recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

“(F) FINANCIAL ASSISTANCE.—After consultation with Papa Ola Lokahi, financial assistance may be provided to a scholarship recipient during the period that the recipient is fulfilling the service requirement of the recipient in any of—

“(i) the Native Hawaiian health care systems; or

“(ii) the Native Hawaiians health centers.

“(G) DISTANCE LEARNING RECIPIENTS.—A scholarship may be provided to a Native Hawaiian who is enrolled in an appropriate distance learning program offered by an accredited educational institution.

“(2) FELLOWSHIPS.—

“(A) IN GENERAL.—Papa Ola Lokahi may provide financial assistance in the form of a fellowship to a Native Hawaiian health professional who is—

“(i) a Native Hawaiian community health representative, outreach worker, or health program administrator in a professional training program;

“(ii) a Native Hawaiian providing health services; or

“(iii) a Native Hawaiian enrolled in a certificated program provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices (including lomi-lomi, la’au lapa’au, and ho’oponopono).

“(B) TYPES OF ASSISTANCE.—Assistance under subparagraph (A) may include a stipend for, or reimbursement for costs associated with, participation in a program described in that paragraph.

“(3) RIGHTS AND BENEFITS.—An individual who is a health professional designated in section 338A of the Public Health Service Act (42 U.S.C. 254f) who receives a scholarship under this subsection while fulfilling a service requirement under that Act shall retain the same rights and benefits as members of the National Health Service Corps during the period of service.

“(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under this section shall be considered to be qualified scholarships for the purpose of section 117 of the Internal Revenue Code of 1986.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (a) and (c)(2) for each of fiscal years 2009 through 2014.

“SEC. 12. REPORT.

“For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 31, United States Code, submit to Congress a report on the progress made in meeting the purposes of this Act, including—

“(1) a review of programs established or assisted in accordance with this Act; and

“(2) an assessment of and recommendations for additional programs or additional assistance necessary to provide, at a minimum, health services to Native Hawaiians, and ensure a health status for Native Hawaiians, that are at a parity with the health services available to, and the health status of, the general population.

“SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

“(a) IN GENERAL.—The Secretary shall permit an organization that enters into a contract or receives grant under this Act to use in carrying out projects or activities under the contract or grant all existing facilities under the jurisdiction of the Secretary (in-

cluding all equipment of the facilities), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

“(b) DONATION OF PROPERTY.—The Secretary may donate to an organization that enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.

“(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

“SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

“(a) AUTHORITY AND AREAS OF INTEREST.—

“(1) IN GENERAL.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts made available under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

“(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

“(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

“(B) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

“(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

“(D) the use of telehealth and telecommunications in—

“(i) chronic and infectious disease management; and

“(ii) health promotion and disease prevention;

“(E) the development of appropriate models of health care for Native Hawaiians and other indigenous people, including—

“(i) the provision of culturally competent health services;

“(ii) related activities focusing on wellness concepts;

“(iii) the development of appropriate kupuna care programs; and

“(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

“(F) the establishment of—

“(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo;

“(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa;

“(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

“(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

“(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

“(3) CENTERS OF EXCELLENCE.—Papa Ola Lokahi, and any centers established under

paragraph (2)(F), shall be considered to be qualified as Centers of Excellence under sections 485F and 903(b)(2)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

“(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

“SEC. 15. RULE OF CONSTRUCTION.

“Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

“SEC. 16. COMPLIANCE WITH BUDGET ACT.

“Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

“SEC. 17. SEVERABILITY.

“If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provision to a person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.”

By Mr. KERRY (for himself and Ms. SNOWE):

S. 77. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. KERRY. Mr. President, it is my great hope that Congress will move this year to see that the successful, bipartisan State Children's Health Insurance Program, SCHIP, is allowed the opportunity to fulfill its promise to the low-income children of this country. For over 11 years it has provided, along with Medicaid, the type of meaningful and affordable health insurance coverage that each and every American child deserves. Yet there is much work to be done to improve this program, and the reauthorization of SCHIP gives us the opportunity to expand these successful programs to many of the nine million uninsured children in the country today, starting with the 6 million that are already eligible for public programs but not yet enrolled.

While expanding coverage to the uninsured is our top priority, it is equally important to ensure that the types of benefits offered to our Nation's children are quality services that are available when needed. Unfortunately, when it comes to mental health coverage, that is too often not the case today. Therefore, I am introducing today, along with Senator SNOWE, the Children's Mental Health Parity Act which provides for equal coverage of mental health care for all children enrolled in the State Children's Health

Insurance Plan, SCHIP. This was passed as part of the SCHIP reauthorization last year, but unfortunately the bill was vetoed by President Bush.

I am encouraged by the passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act in October 2008. It is now time to extend the same parity in mental health coverage to our children that we give to adults. Mental illness is a critical problem for the young people in this country today. The numbers are startling. Mental disorders affect about one in five American children and up to 9 percent of kids experience serious emotional disturbances that severely impact their functioning. Low-income children, those the SCHIP program is designed to cover, have the highest rates of mental health problems.

Yet the sad reality is that an estimated 2 percent of all young people struggling with mental health disorders do not receive the care they need. We are failing our children when we do not provide appropriate treatment of mental health disorders. The consequences of this failure could not be more severe. Without early and effective intervention, affected children are less likely to do well in school and more likely to have compromised employment and earnings opportunities. Moreover, untreated mental illness may increase a child's risk of coming into contact with the juvenile justice system. Finally, children with mental disorders are at a much higher risk for suicide.

Unfortunately, many states' SCHIP programs are not providing the type of mental health care coverage that our most vulnerable children deserve. Many States impose discriminatory limits on mental health care coverage that do not apply to medical and surgical care. These can include caps on coverage of inpatient days and outpatient visits, as well as cost and testing restrictions that impair the ability of our physicians to make the best judgments for our kids.

The Children's Mental Health Parity Act would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. This bill would also eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children to just 75 percent of the coverage provided in other health care plans used by states.

Many of the leading advocacy groups have endorsed the Children's Mental Health Parity Act, including Mental Health America, the American Academy of Child & Adolescent Psychiatry, the Bazelon Center for Mental Health

Law, Fight Crime: Invest in Kids, The National Association for Children's Behavioral Health, the National Association of Psychiatric Health Systems, and the National Council for Community Behavioral Health care.

America's kids who are covered through SCHIP should be guaranteed that the mental health benefits they receive are just as comprehensive as those for medical and surgical care. It is no less important to care for our kids' mental health, and this unfair and unwise disparity should no longer be acceptable. As we debate many important features of the SCHIP program during reauthorization, I look forward to working with colleagues on both sides of the aisle to see that this important, bipartisan measure receives the support that it deserves.

By Mr. KERRY (for himself and Ms. SNOWE):

S.78. A bill to amend the Internal Revenue Code of 1986 to provide a full exclusion for gain from certain small business stocks; to the Committee on Finance.

Mr. KERRY. Mr. President, our economy is in the midst of the worst economic downturn since the Great Depression. We all realize that small businesses are the backbone of our economy. During these difficult times, many small businesses are having trouble accessing credit which leads to a decline in job creation and innovation.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compac Computer, Datastream, Evergreen Solar, Intel Corporations, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Today, Senator SNOWE and I are introducing the Invest in Small Business Act of 2009 to encourage private investment in small businesses by making changes to the existing partial exclusion for gain from certain small business stock.

Investing in small businesses is essential to turning around the economy. Not only will investment in small business spur job creation, it will lead to new technological breakthroughs. We are at an integral juncture in developing technology to address global climate change. I believe that small business will repeat the role it played at the vanguard of the computer revolution—by leading the Nation in developing the technologies to substantially reduce carbon emissions. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in small businesses.

Back in 1993, I worked with Senator Bumpers to enact legislation to provide a 50 percent exclusion for gain for individuals from the sale of certain small

business stock that is held for 5 years. This provision would provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for 5 years. Since the enactment of this provision, the capital gains rate has been lowered twice without any changes to the exclusion. Due to the lower capital rates, this provision no longer provides a strong incentive for investment in small businesses.

The Invest in Small Business Act of 2009 makes several changes to the existing provision. This legislation increases the exclusion amount from 50 percent to 100 percent and decreases the holding period from 5 to 4 years. This bill would allow corporations to benefit from the provision as long as they own less than 25 percent of the small business corporation stock.

Currently, the exclusion is treated as a preference item for calculating the alternative minimum tax, AMT. The Invest in Small Business Act of 2009 would repeal the exclusion as an AMT preference item.

The Invest in Small Business Act of 2009 will provide an effective tax rate of 0 percent for the gain from the sale of certain small businesses. This lower capital gains rate will encourage investment in small businesses. In addition, the changes made by the Invest in Small Business Act of 2009 will make more taxpayers eligible for this provision.

I urge my colleagues to support the Invest in Small Business Act of 2009 which strengthens an existing tax incentive to provide an appropriate incentive to encourage innovation and entrepreneurship.

By Mr. KERRY:

S. 79. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

Mr. KERRY. Mr. President, my home State of Massachusetts is setting an example for the rest of the country by taking bold steps to provide quality health coverage for everyone. Now it is time for Washington to do the same by bringing meaningful, affordable healthcare to the uninsured, in Massachusetts and across America.

In Massachusetts the cost of health care is a major obstacle to the overall goal of universal coverage. The problem of the uninsured can't be solved unless the issue of skyrocketing health costs to families and businesses is also tackled. And fully reforming the healthcare system requires that the Federal Government begin shouldering some of the burden to help alleviate costs.

Healthcare costs are highly concentrated in this country. The very few who suffer from catastrophic illness or injury drive costs up for everyone. One

percent of patients account for 25 percent of healthcare costs, and 20 percent of patients account for 80 percent of costs. To make healthcare more affordable, we must find a better way to share the immense burden of insuring the chronically ill and seriously injured.

Part of the reason that businesses and health plans today fail to cover their workers is an aversion to risk. Patients who are catastrophically ill or injured often face the tragic combination of failing health and financial peril. But there's a way to combat these costs.

Congress should make employers and healthcare plans an offer they can't refuse. It's called "reinsurance." Reinsurance provides a backstop for the high costs of healthcare. The Federal Government will reimburse a percentage of the highest cost cases if employers agree to offer comprehensive health insurance benefits to all full time employees, including preventative care and health promotion benefits that are proven to make care affordable. This will result in lower costs and lower premiums for both employers and employees. If the Federal Government can help small and large businesses bear the burden of cost in the most expensive cases, we'll dramatically improve the access to health care for everyone.

That is why I am introducing the Healthy Businesses, Healthy Workers Reinsurance Act, to make the federal government a partner in helping businesses with the heavy financial burden of those catastrophic cases. Specifically, this legislation is designed to assist those catastrophic cases that cost more than \$50,000 in a single year. Healthy Businesses, Healthy Workers will protect business owners from skyrocketing premiums, and provide more working families affordable, quality healthcare. With reinsurance, health insurance premiums for all of us will go down, by up to approximately 10 percent under this plan. This plan does have a cost associated with it, but the benefits will outweigh the costs. We spend hundreds of billions of dollars each year on inefficient and wasteful health expenditures. We need to make sure that these funds are being spent wisely to ensure that we can lower health care costs and improve coverage.

I believe that we must act now to address the health care crisis in America, taking steps that create real change and address both access to care and the cost of care. There is a growing bipartisan consensus that the Federal Government has a responsibility to help the catastrophically ill. As we take the next steps toward alleviating our nation's health care crisis, a common-sense partnership between employers, families, and the government to share the costs of the sickest among us will lay the groundwork for achieving our

ultimate goal: meaningful health care coverage for every single American. I ask all my colleagues to support this legislation.

By Mrs. FEINSTEIN:

S. 111. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent resident status to Joseph Gabra and his wife, Sharon Kamel, Egyptian nationals currently living with their children in Camarillo, California.

Joseph Gabra and Sharon Kamel entered the United States legally on November 1, 1998, on tourist visas. They immediately filed for political asylum based on religious persecution.

The couple fled Egypt because they had been targeted for their active involvement in the Coptic Christian Church in Egypt. Mr. Gabra was employed from 1990–1998 by the Coptic Catholic Diocese Church in El-Fayoum as an accountant and "project coordinator" in the Office of Human and Social Elevation. He was responsible for building community facilities such as religious schools, among other things.

His wife, Sharon Kamel, was employed as the Director for Training in the Human Resources Department of the Coptic Church.

Both Mr. Gabra and Ms. Kamel had paid full-time positions with the Coptic Church.

Unfortunately, they and their families suffered abuse because of their commitment to their church. Mr. Gabra was repeatedly jailed by Egyptian authorities because of his work for the church. In addition, Ms. Kamel's cousin was murdered and her brother's business was fire-bombed.

When Ms. Kamel became pregnant with their first child, the family was warned by a member of the Muslim brotherhood that if they did not raise their child as a Muslim, the child would be kidnapped and taken from them.

Frightened by these threats, the young family sought refuge in the United States. Unfortunately, when they sought asylum here, Mr. Gabra, who has a speech impediment, had difficulty communicating his fear of persecution to the immigration judge.

The judge denied their petition, telling the family that he did not see why they could not just move to another city in Egypt to avoid the abuse they were suffering. Since the time that they were denied asylum, Ms. Kamel's brother, who lived in the same town and suffered similar abuse, was granted asylum.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure immense and unfair hardship.

First, in the ten years that Mr. Gabra and Ms. Kamel have lived here, they have worked to adjust their status through the appropriate legal channels. They left behind employment in Egypt and came to the United States on a lawful visa. Once here, they immediately notified authorities of their intent to seek asylum here. They have played by the rules and followed our laws.

In addition, during those ten years, the couple has had four U.S. citizen children who do not speak Arabic and are unfamiliar with Egyptian culture. If the family is deported, the children would have to acclimate to a different culture, language and way of life.

Jessica, age 10, is the Gabras' oldest child, and in the Gifted and Talented Education program in Ventura County. Rebecca, age 9, and Rafael, age 8, are old enough to understand that they would be leaving their schools, their teachers, their friends and their home. Veronica, the Gabra's youngest child, is just 3 years old.

More troubling is the very real possibility that if sent to Egypt, these four American children would suffer discrimination and persecution because of their religion, just as the rest of their family reports.

Mr. Gabra and Ms. Kamel have made a positive life for themselves and their family in the United States. Both have earned college degrees in Egypt and once in the United States, Mr. Gabra passed the Certified Public Accountant Examination on August 4, 2003. Since arriving here, Mr. Gabra has consistently worked to support his family.

The positive impact they have made on their community is highlighted by the fact that I received a letter of support on their behalf signed by 160 members of their church and community. From everything I have learned about the family, we can expect that they will continue to contribute to their community in productive ways.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Joseph Gabra and Sharon Kamel.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Joseph Gabra and Sharon Kamel shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Joseph Gabra and Sharon Kamel, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Joseph Gabra and Sharon Kamel under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives to the country of birth of Joseph Gabra and Sharon Kamel under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mr. INOUE:

S. 112. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUE. Mr. President, the legislation I have reintroduced will extend to qualified teaching hospital support organizations the existing debt-financed safe harbor rule. Congress enacted that rule to support the public service activities of tax-exempt schools, universities, pension funds, and consortia of such institutions. Our teaching hospitals require similar support.

As a result, for-profit hospitals are moving from older areas to affluent locations where residents can afford to pay for treatment. These private hospitals typically have no mandate for community service. In contrast, nonprofit hospitals must fulfill a community service requirement. They must stretch their resources to provide increased charitable care, update their facilities, and maintain skilled staffing resulting in closures of nonprofit hospitals due to this financial strain.

The problem is particularly severe for teaching hospitals. Non-profit hospitals provide nearly all the post-graduate medical education in the United States. Post-graduate medical instruction is by nature not profitable. Instruction in the treatment of mental disorders and trauma is especially costly.

Despite their financial problem the Nation's nonprofit hospitals strive to deliver a very high level of service. A study in the December 2006 issue of Archives of International Medicine had surveyed hospitals' quality of care in four areas of treatment. It found that nonprofit hospitals consistently outperformed for-profit hospitals. It also found that teaching hospitals had a higher level of performance in treatment and diagnosis. It said that investment in technology and staffing leads to better care. And it recommended that alternative payments and sources of payments be considered to finance these improvements.

The success and financial constraints of nonprofit teaching hospitals is evident in work of the Queen's Health Systems in my State. This 147-year-old organization maintains the largest, private, nonprofit hospital in Hawaii. It serves as the primary clinical teaching facility for the University of Hawaii's medical residency programs in medicine, general surgery, orthopedic surgery, obstetrics-gynecology, pathology, and psychiatry. It conducts educational and training programs for nurses and allied health personnel. It operates the only trauma unit as well as the chief behavioral health program in the State. It maintains clinics throughout Hawaii, health programs for native Hawaiians, and a small hospital on a rural, economically depressed island. Its medical reference library is the largest in the State. Not the least, it annually provides millions of dollars in uncompensated health services. To help pay for these community benefits, the Queen's Health Systems, as other nonprofit teaching hospitals, relies significantly on income from its endowment.

In the past, the Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest their endowment in real estate so as to better meet their financial needs. Under the tax code these organizations can incur debt for real estate investments without triggering the tax on unrelated business activities.

If the Queen's Health Systems were part of a university, it could borrow without incurring an unrelated business income tax. Not being part of a university, however, a teaching hospital and its support organization run into the tax code's debt financing prohibition. Nonprofit teaching hospitals have the same if not more pressing needs as universities, schools, and pension trusts. The same safe harbor rule should be extended to teaching hospitals.

My bill would allow the support organizations for qualified teaching hospitals to engage in limited borrowing to enhance their endowment income. The proposal for teaching hospitals is actually more restricted than current law for schools, universities and pension trusts. Under safeguards developed by the Joint Committee on Taxation staff, a support organization for a teaching hospital can not buy and develop land on a commercial basis. The proposal is tied directly to the organization endowment. The staff's revenue estimates show that the provision with its general application will help a number of teaching hospitals.

The U.S. Senate several times has acted favorably on this proposal. The Senate adopted a similar provision in H.R. 1836, the Economic Growth and Tax Relief Act of 2001. The House conferees on that bill, however, objected that the provision was unrelated to the

bill's focus on individual tax relief and the conference deleted the provision from the final legislation. Subsequently, the Finance Committee included the provision in H.R. 7, the CARE Act of 2002, and in S. 476, the CARE Act of 2003 which the Senate passed. In a previous Congress' S. 6, the Marriage, Opportunity, Relief, and Empowerment Act of 2005, which the Senate leadership introduced, also included the proposal.

As the Senate Finance Committee's recent hearings show, substantial health needs would go unmet if not for our charitable hospitals. It is time for the Congress to assist the Nation's teaching hospitals in their charitable, educational service.

Mr. President, I ask unanimous consent that the text of the bill by printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “; or”, and by adding at the end the following new clause:

“(v) a qualified hospital support organization (as defined in subparagraph (I)).”

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term ‘qualified hospital support organization’ means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

“(i) more than half of its assets (by value) at any time since its organization—

“(I) were acquired, directly or indirectly, by testamentary gift or devise, and

“(II) consisted of real property, and

“(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term ‘eligible indebtedness’ means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such

an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUE:

S. 113. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUE. Mr. President, I rise today, again, to introduce the Rural Preventive Health Care Training Act, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs. Almost one fourth of Americans live in rural areas and frequently lack access to adequate physical and mental health care. As many as 21 million of the 3 million people living in underserved rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geography, distance, lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to medical care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders.

An Institute of Medicine, IOM, report entitled, “Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research,” highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be encouraged. Through such training, rural health care providers can build a strong educational foundation from the behavioral, biological, and psychological sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between

groups. Emphasizing the mental health disciplines and their services as part of the health care team will contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors and targets specific interventions for those risk factors. The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential psychological and financial savings are enormous.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Preventive Health Care Training Act of 2009”.

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

“SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

“(a) **IN GENERAL.**—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

“(b) **LIMITATION.**—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

“(c) **USE OF ASSISTANCE.**—Amounts received under a grant made or contract entered into under this section shall be used—

“(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

“(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

“(3) to provide training in appropriate research and program evaluation skills in rural communities;

“(4) to create and implement innovative programs and curricula with a specific prevention component; and

“(5) for other purposes as the Secretary determines to be appropriate.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2010 through 2013.”.

By Mr. INOUE:

S. 114. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUE. Mr. President, I rise, again, today to reintroduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research. Social workers provide a multitude of health care delivery services throughout America to our children, families, the elderly, and persons suffering from various forms of abuse and neglect. The purpose of this center is to support and disseminate information about the basic and clinical social work research and training, with emphasis on service to underserved and rural populations.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our Nation's children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and central role that the Center for Social Work can provide in facilitating their work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Center for Social Work Research Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) social workers focus on the improvement of individual and family functioning and the creation of effective health and mental health prevention and treatment interventions in order for individuals to become more productive members of society;

(2) social workers provide front line prevention and treatment services in the areas of school violence, aging, teen pregnancy, child abuse, domestic violence, juvenile crime, and substance abuse, particularly in rural and underserved communities; and

(3) social workers are in a unique position to provide valuable research information on these complex social concerns, taking into account a wide range of social, medical, economic and community influences from an interdisciplinary, family-centered and community-based approach.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR SOCIAL WORK RESEARCH.

(a) IN GENERAL.—Section 401(a) of the Public Health Service Act (42 U.S.C. 281(a)) is amended by adding at the end the following:

“(26) The National Center for Social Work Research.”

(b) ESTABLISHMENT.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

“Subpart 7—National Center for Social Work Research

“SEC. 485I. PURPOSE OF CENTER.

“The general purpose of the National Center for Social Work Research (referred to in this subpart as the ‘Center’) is the conduct and support of, and dissemination of targeted research concerning social work methods and outcomes related to problems of significant social concern. The Center shall—

“(1) promote research and training that is designed to inform social work practices, thus increasing the knowledge base which promotes a healthier America; and

“(2) provide policymakers with empirically-based research information to enable such policymakers to better understand complex social issues and make informed funding decisions about service effectiveness and cost efficiency.

“SEC. 485J. SPECIFIC AUTHORITIES.

“(a) IN GENERAL.—To carry out the purpose described in section 485I, the Director of the Center may provide research training and instruction and establish, in the Center and in other nonprofit institutions, research traineeships and fellowships in the study and investigation of the prevention of disease, health promotion, the association of socioeconomic status, gender, ethnicity, age and geographical location and health, the social work care of individuals with, and families of individuals with, acute and chronic illnesses, child abuse, neglect, and youth violence, and child and family care to address problems of significant social concern especially in underserved populations and underserved geographical areas.

“(b) STIPENDS AND ALLOWANCES.—The Director of the Center may provide individuals receiving training and instruction or traineeships or fellowships under subsection (a) with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary.

“(c) GRANTS.—The Director of the Center may make grants to nonprofit institutions to provide training and instruction and traineeships and fellowships under subsection (a).

“SEC. 485K. ADVISORY COUNCIL.

“(a) DUTIES.—

“(1) IN GENERAL.—The Secretary shall establish an advisory council for the Center that shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the Center on matters related to the activities carried out by and through the Center and the policies with respect to such activities.

“(2) GIFTS.—The advisory council for the Center may recommend to the Secretary the acceptance, in accordance with section 231, of conditional gifts for study, investigations,

and research and for the acquisition of grounds or construction, equipment, or maintenance of facilities for the Center.

“(3) OTHER DUTIES AND FUNCTIONS.—The advisory council for the Center—

“(A)(i) may make recommendations to the Director of the Center with respect to research to be conducted by the Center;

“(ii) may review applications for grants and cooperative agreements for research or training and recommend for approval applications for projects that demonstrate the probability of making valuable contributions to human knowledge; and

“(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

“(B) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

“(C) may appoint subcommittees and convene workshops and conferences.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

“(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

“(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the Center, the Chief Social Work Officer of the Veterans’ Administration, the Assistant Secretary of Defense for Health Affairs, the Associate Director of Prevention Research at the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

“(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

“(3) APPOINTED MEMBERS.—The Secretary shall appoint not to exceed 18 individuals to the advisory council, of which—

“(A) not more than two-thirds of such individual shall be appointed from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Center, and at least 7 such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

“(B) not more than one-third of such individuals shall be appointed from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

“(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory coun-

cil. The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the maximum rate payable for a position at grade GS-15 of the General Schedule.

“(c) TERMS.—

“(1) IN GENERAL.—The term of office of an individual appointed to the advisory council under subsection (b)(3) shall be 4 years, except that any individual appointed to fill a vacancy on the advisory council shall serve for the remainder of the unexpired term. A member may serve after the expiration of the member’s term until a successor has been appointed.

“(2) REAPPOINTMENTS.—A member of the advisory council who has been appointed under subsection (b)(3) for a term of 4 years may not be reappointed to the advisory council prior to the expiration of the 2-year period beginning on the date on which the prior term expired.

“(3) VACANCY.—If a vacancy occurs on the advisory council among the members under subsection (b)(3), the Secretary shall make an appointment to fill that vacancy not later than 90 days after the date on which the vacancy occurs.

“(d) CHAIRPERSON.—The chairperson of the advisory council shall be selected by the Secretary from among the members appointed under subsection (b)(3), except that the Secretary may select the Director of the Center to be the chairperson of the advisory council. The term of office of the chairperson shall be 2 years.

“(e) MEETINGS.—The advisory council shall meet at the call of the chairperson or upon the request of the Director of the Center, but not less than 3 times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director of the Center.

“(f) ADMINISTRATIVE PROVISIONS.—The Director of the Center shall designate a member of the staff of the Center to serve as the executive secretary of the advisory council. The Director of the Center shall make available to the advisory council such staff, information, and other assistance as the council may require to carry out its functions. The Director of the Center shall provide orientation and training for new members of the advisory council to provide such members with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

“(g) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in the biennial report under section 485L—

“(1) comments with respect to the activities of the advisory council in the fiscal years for which the report is prepared;

“(2) comments on the progress of the Center in meeting its objectives; and

“(3) recommendations with respect to the future direction and program and policy emphasis of the center.

The advisory council may prepare such additional reports as it may determine appropriate.

“SEC. 485L. BIENNIAL REPORT.

“The Director of the Center, after consultation with the advisory council for the Center, shall prepare for inclusion in the biennial report under section 403, a biennial report that shall consist of a description of the activities of the Center and program policies of the Director of the Center in the fiscal years for which the report is prepared. The Director of the Center may prepare such additional reports as the Director determines

appropriate. The Director of the Center shall provide the advisory council of the Center an opportunity for the submission of the written comments described in section 485K(g).

"SEC. 485M. QUARTERLY REPORT.

"The Director of the Center shall prepare and submit to Congress a quarterly report that contains a summary of findings and policy implications derived from research conducted or supported through the Center."

By Mrs. FEINSTEIN:

S. 116. A bill to require the Secretary of the Treasury to allocate \$10,000,000,000 of Troubled Asset Relief Program funds to local governments that have suffered significant losses due to highly-rated investments in failed financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will provide relief to local governments that have suffered losses due to highly-rated investments with failed financial institutions, such as Lehman Brothers and Washington Mutual.

The TARP Assistance for Local Governments Act would require the Treasury Secretary to provide \$10 billion in TARP funds to local governments that suffered losses due to investments in failed financial institutions; and limit relief to local governments with investments in failed financial institutions that were highly rated, as determined by the Treasury Secretary.

This legislation is necessary because local governments are in jeopardy of losing up to \$10 billion as a result of these investments.

In California 28 cities and counties could lose nearly \$300 million.

These investments include basic operational funds which cities and counties rely upon to function.

For many cities and counties that are already struggling with budget shortfalls, the consequences of these losses are severe.

Public safety, education, public health, infrastructure, and transit will be compromised.

Communities large and small are significantly impacted.

These are examples from my State that demonstrate the gravity of this situation.

This list was included in a December 22 letter to Secretary Paulson, and to date, I have not received a response. San Mateo County sustained a loss of \$30 million, which will require the county to abandon plans for a new and urgently needed county jail. The current jail will continue to operate in overcrowded conditions, far beyond the rating of the facility. The result will be unsafe working conditions for the corrections personnel and the likelihood that convicted criminals will be released into the community early and in large numbers.

The City of Shafter, a small community of 15,000 in the San Joaquin Val-

ley, sustained a loss of \$300,000, or nearly 4 percent of its annual budget. The City will be forced to make across-the-board cuts in all services, including police and fire.

Monterey County is facing a \$30 million loss. Amid numerous other cuts, hardest hit will be programs targeting gang activities, including a special task force and the construction of new adult and juvenile corrections facilities to manage these criminals.

The San Mateo County Transportation Authority sustained a loss of more than \$25 million, which will mean delays and higher costs for major projects that will reduce emissions and traffic, specifically the electrification of the Caltrain Peninsula Commuter Rail Service. Similarly, cuts in highway and roads projects will put more people on the local roads for longer times at a major cost in compromised air quality.

The City of Culver City has lost \$1 million. This will result in a substantial reduction in planned street repairs and higher liability exposure from accidents, greater environmental degradation from storm water drain off, and worsened traffic congestion in a region of the U.S. ranked as one of the worst for traffic.

The Hillsborough City School District lost over \$924,000. Projects to create more classrooms for increased enrollment will not take place, increasing class sizes. Combined with other budget cuts from the State, all the District's programs are threatened.

The Vallejo Sanitation and Flood Control District, which provides sanitary sewer and storm water services to the City of Vallejo, population 119,600, and nearby areas of Solano County, sustained losses of \$4.5 million in Lehman Brothers investments and \$1.46 million in Washington Mutual investments. The result is that aging infrastructure essential to the health of this community will not be replaced. The City of Vallejo recently declared Chapter 9 Municipal bankruptcy.

Sacramento County sustained an increase in costs of \$8 million related to an interest rate swap agreement with Lehman. This increase means fewer funds for sheriff's patrol and investigations and probation supervision, resulting in an increased risk to the safety of the community and reductions in social safety net services, at a time of increased community need.

The City of Folsom lost \$700,000, which has caused the City to indefinitely postpone staffing and equipping a new fire station.

The San Mateo County Community College District sustained a loss of \$25 million in voter-approved bond funds. As a result, the District will be forced to abandon a program to build more classrooms, and, therefore, turn away thousands of potential students, many of them unemployed adults seeking job training.

The economic rescue legislation included a provision to require the Secretary of the Treasury to consider the impact of these losses on local governments when disbursing TARP funds.

But, to date, the Secretary has not exercised his authority to assist local governments with such funds.

The TARP Assistance for Local Governments Act of 2009 will change this, and ensure that communities remain solvent and taxpayers are protected.

Given the urgency of this situation, we can no longer afford to wait.

I hope that my colleagues will join me in supporting this important legislation.

By Mr. KOHL (for himself, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Ms. MIKULSKI):

S. 117. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I am introducing the Foreclosure Rescue Fraud Act of 2009 with my colleagues Senators COLLINS and LINCOLN. This legislation, which we introduced last Congress, will make it more difficult for financial predators to take advantage of homeowners in foreclosure.

Foreclosure rescue scams are another consequence of the housing crisis that is plaguing the country. Foreclosure filings have been climbing across the country for the past two years and in Wisconsin, filings have risen 22 percent over the past year. Additionally, the Federal Reserve estimates that 2.5 million Americans will be facing foreclosure in 2009. As default rates and foreclosure filings have steadily increased, so have financial scams which prey on homeowners. The Better Business Bureau listed foreclosure rescue scams as one of the top ten financial scams in 2008.

For most people, their home is their greatest asset. When a homeowner falls behind in their payments, it can cause a great deal of emotional stress on the family. Scam artists prey on owner's desperation and give them a false sense of security, claiming they can help "save their home." The types of scams vary, but the end result is that the homeowner is left in a more desperate situation than before.

The Foreclosure Rescue Fraud Act aims to prevent these cruel abuses by increasing disclosure and creating strict requirements for a person or entity offering foreclosure-rescue services. The legislation prohibits a "foreclosure consultant" from collecting any fee or compensation before completing contracted services, and from obtaining power of attorney from a homeowner. It also requires full disclosure of third-party consideration in the property and creates a 3-day right to

cancel the foreclosure-rescue contract. Finally, the legislation creates a federal "floor" of protection and allows states without rescue-fraud laws to use these provisions as a way to help scam victims. The Foreclosure Rescue Fraud Act will make it easier for states and the Federal Government to combat these schemes and protect people who are already financially distressed from being made worse off.

The past year has exposed the irregularities and inadequacies of our banking regulations. As Congress continues to work on proposals to restore confidence in our financial industry, it is imperative that we put in place new rules and regulations that better protect consumers in order to avoid further economic strain.

By Mr. KOHL (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, and Mr. CASEY):

S. 118. A bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I am introducing the Section 202 Supportive Housing for the Elderly Act of 2008 with my colleague Senator CHARLES SCHUMER for the purpose of expanding and improving the Department of Housing and Urban Development's Section 202 Supportive Housing for the Elderly Program. Section 202 provides capital grants to nonprofit community organizations for the development of supportive housing and provision of rental assistance exclusively for low-income seniors. This program supplies housing that includes access to supportive services to allow seniors to remain safely in their homes and age in place. Access to supportive services reduces the occurrence of costly nursing home stays and helps save both seniors and the Federal Government money.

There are over 300,000 seniors living in 6,000 Section 202 developments across the country. Unfortunately, the program is far from meeting the growing demand. Approximately 730,000 additional senior housing units will be needed by 2020 in order to address the future housing needs of low-income seniors. There are currently 10 seniors vying for each unit that becomes available, with many seniors waiting years before finding a home. To make matters worse, we are losing older Section 202 properties to developers of high-priced condominiums and apartments. As a result, many seniors currently participating in the program could end up homeless.

Congress needs to act now to address the demand for safe, affordable senior housing. Our legislation would promote the construction of new senior housing

facilities as well as preserve and improve upon existing facilities. The legislation would also support the conversion of existing facilities into assisted living facilities that provide a wide variety of additional supportive health and social services. Under current law, these processes are time-consuming and bureaucratic, often requiring waivers and special permission from HUD. Finally, our legislation provides priority consideration for our homeless seniors seeking a place to call their own. With this bill, we hope to reduce current impediments and increase the availability of affordable and supportive housing for our Nation's most vulnerable seniors.

I want to thank the American Association of Homes and Services for the Aging as well as the Wisconsin Association of Homes and Services for the Aging for being champions of this legislation and for working with us to develop a comprehensive bill that will help meet the growing need for senior housing in this Nation.

Senior citizens deserve to have housing that will help them maintain their independence. I urge that my colleagues will join Senator SCHUMER and me in our efforts to ensure that older Americans have a place to call home during their golden years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Section 202 Supportive Housing for the Elderly Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—NEW CONSTRUCTION REFORMS

Sec. 101. Project rental assistance.

Sec. 102. Selection criteria.

Sec. 103. Development cost limitations.

Sec. 104. Owner deposits.

Sec. 105. Definition of private nonprofit organization.

Sec. 106. Preferences for homeless elderly.

Sec. 107. Nonmetropolitan allocation.

TITLE II—REFINANCING

Sec. 201. Approval of prepayment of debt.

Sec. 202. Sources of refinancing.

Sec. 203. Use of unexpended amounts.

Sec. 204. Use of project residual receipts.

Sec. 205. Additional provisions.

TITLE III—ASSISTED LIVING FACILITIES

Sec. 301. Definition of assisted living facility.

Sec. 302. Monthly assistance payment under rental assistance.

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION TRANSACTIONS

Sec. 401. Use of sale or refinancing proceeds.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

Sec. 501. National senior housing clearinghouse.

TITLE I—NEW CONSTRUCTION REFORMS

SEC. 101. PROJECT RENTAL ASSISTANCE.

Paragraph (2) of section 202(c) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)) is amended—

(1) by inserting after "ASSISTANCE.—" the following: "(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—";

(2) in the last sentence, by striking "may" and inserting "shall"; and

(3) by adding at the end the following new subparagraph:

"(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

"(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves, supportive services, and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

"(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide."

SEC. 102. SELECTION CRITERIA.

Section 202(f)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) (as so redesignated by paragraph (2) of this subsection) the following new subparagraph:

"(F) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in subparagraphs (A) and (B) of subsection (g)(2);"

SEC. 103. DEVELOPMENT COST LIMITATIONS.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended, in the matter preceding subparagraph (A), by inserting "reasonable" before "development cost limitations".

SEC. 104. OWNER DEPOSITS.

Section 202(j)(3)(A) of the Housing Act of 1959 (12 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the period at the end the following: "Such amount shall be used only to cover operating deficits during the first 3 years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts."

SEC. 105. DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.

Subparagraph (B) of section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)(B)) is amended by inserting before the semicolon the following: ", except that, in the case of any national organization that is the owner of multiple housing projects assisted under this section, the organization may comply with clause (i) of this subparagraph by having a local advisory board to the governing board of the organization the membership which is selected in the manner required under clause (i)".

SEC. 106. PREFERENCES FOR HOMELESS ELDERLY.

Subsection (j) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by

adding at the end the following new paragraph:

“(9) PREFERENCES FOR HOMELESS ELDERLY.—The Secretary shall permit an owner of housing assisted under this section to establish for, and apply to, such housing a preference in tenant selection for the homeless elderly, either within the application or after selection pursuant to subsection (f), but only if—

“(A) such preference is consistent with paragraph (2); and

“(B) the owner demonstrates that the supportive services identified pursuant to subsection (e)(4), or additional supportive services to be made available upon implementation of the preference, will meet the needs of the homeless elderly, maintain safety and security for all tenants, and be provided on a consistent, long-term, and economical basis.”.

SEC. 107. NONMETROPOLITAN ALLOCATION.

Paragraph (3) of section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting after the period at the end the following: “In complying with this paragraph, the Secretary shall either operate a national competition for the nonmetropolitan funds or make allocations to regional offices of the Department of Housing and Urban Development.”.

TITLE II—REFINANCING

SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.

Subsection (a) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) in the matter preceding paragraph (1), by inserting “, for which the Secretary’s consent to prepayment is required,” after “Affordable Housing Act”;

(2) in paragraph (1)—

(A) by inserting “at least 20 years following” before “the maturity date”;

(B) by inserting “project-based” before “rental assistance payments contract”;

(C) by inserting “project-based” before “rental housing assistance programs”; and

(D) by inserting “, or any successor project-based rental assistance program,” after “1701s)”;

(3) by amending paragraph (2) to read as follows:

“(2) the prepayment may involve refinancing of the loan if such refinancing results in—

“(A) a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

“(B) a transaction in which the project owner will address the physical needs of the project, but only if, as a result of the refinancing—

“(i) the rent charges for unassisted families residing in the project do not increase or such families are provided rental assistance under a senior preservation rental assistance contract for the project pursuant to subsection (e); and

“(ii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

“(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

“(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties

owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)); and”;

(4) by adding at the end the following:

“(3) notwithstanding paragraph (2)(A), the prepayment and refinancing authorized pursuant to paragraph (2)(B) involves an increase in debt service only in the case of a refinancing of a project assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower.”.

SEC. 202. SOURCES OF REFINANCING.

The last sentence of section 811(b) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by inserting after “National Housing Act,” the following: “or approving the standards used by authorized lenders to underwrite a loan refinanced with risk sharing as provided by section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1701 note),”; and

(2) by striking “may” and inserting “shall”.

SEC. 203. USE OF UNEXPENDED AMOUNTS.

Subsection (c) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking “USE OF UNEXPENDED AMOUNTS.—” and inserting “USE OF PROCEEDS.—”;

(2) by amending the matter preceding paragraph (1) to read as follows: “Upon execution of the refinancing for a project pursuant to this section, the Secretary shall ensure that proceeds are used in a manner advantageous to tenants, or are used in the provision of affordable rental housing and related social services for elderly persons by the private nonprofit organization project owner, private nonprofit organization project sponsor, or private nonprofit organization project developer, including—”;

(3) in paragraph (1), by striking “not more than 15 percent of”;

(4) in paragraph (2), by inserting before the semicolon the following: “, including reducing the number of units by reconfiguring units that are functionally obsolete, unmarketable, or not economically viable”;

(5) in paragraph (3), by striking “or” at the end;

(6) in paragraph (4), by striking “according to a pro rata allocation of shared savings resulting from the refinancing.” and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

“(5) rehabilitation of the project to ensure long-term viability;

“(6) the payment to the project owner, sponsor, or third party developer of a developer’s fee in an amount not to exceed—

“(A) in the case of a project refinanced through a State low income housing tax credit program, the fee permitted by the low income housing tax credit program as calculated by the State program as a percentage of acceptable development cost as defined by that State program; or

“(B) in the case of a project refinanced through any other source of refinancing, 15 percent of the acceptable development cost; and

“(7) the payment of equity, if any, to—

“(A) in the case of a sale, to the seller or the sponsor of the seller, in an amount equal to the lesser of the purchase price or the appraised value of the project, as each is reduced by the cost of prepaying any outstanding indebtedness on the project and transaction costs of the sale; or

“(B) in the case of a refinancing without the transfer of the project, to the project owner or the project sponsor, in an amount equal to the difference between the appraised value of the project less the outstanding indebtedness and total acceptable development cost.

For purposes of paragraphs (6)(B) and (7)(B), the term “acceptable development cost” shall include, as applicable, the cost of acquisition, rehabilitation, loan prepayment, initial reserve deposits, and transaction costs.”.

SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.

Paragraph (1) of section 811(d) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking “not more than 15 percent of”; and

(2) by inserting before the period at the end the following: “or other purposes approved by the Secretary”.

SEC. 205. ADDITIONAL PROVISIONS.

Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by adding at the end the following new subsections:

“(e) SENIOR PRESERVATION RENTAL ASSISTANCE CONTRACTS.—Notwithstanding any other provision of law, in connection with a prepayment plan for a project approved under subsection (a) by the Secretary or as otherwise approved by the Secretary to prevent displacement of elderly residents of the project in the case of refinancing or recapitalization and to further preservation and affordability of such project, the Secretary shall provide project-based rental assistance for the project under a senior preservation rental assistance contract, as follows:

“(1) Assistance under the contract shall be made available to the private nonprofit organization owner—

“(A) for a term of at least 20 years, subject to annual appropriations; and

“(B) under the same rules governing project-based rental assistance made available under section 8 of the Housing Act of 1937.

“(2) Any projects for which a senior preservation rental assistance contract is provided shall be subject to a use agreement to ensure continued project affordability having a term of the longer of (A) the term of the senior preservation rental assistance contract, or (B) such term as is required by the new financing.

“(f) MORTGAGE SALE DEMONSTRATION.—

“(1) IN GENERAL.—The Secretary may sell mortgages associated with loans made under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, quality, and timeliness of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of such section 203.

“(2) LIMITATIONS.—In carrying out the demonstration program required under paragraph (1), the Secretary shall—

“(A) prohibit State housing finance agencies from giving preference to, or conditioning the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency;

“(B) require such agencies to allow, in accordance with this section, for the refinancing or prepayment of loans made under section 202 of the Housing Act of 1959 with a loan selected by the owners, except that any use restrictions on the property for which the loan was made shall remain in effect for the duration provided under the original terms of such loan; and

“(C) only carry out the demonstration program in a State that has experience with operating and maintaining a housing preservation revolving loan fund.

“(3) STUDY.—The Secretary shall conduct a study to evaluate the performance and results of the demonstration program carried out under paragraph (1). In conducting such study, the Secretary shall place particular emphasis on whether the asset management functions and activities related to loans and properties held in the portfolios sold to State housing finance agencies under such demonstration program have been accomplished in a timely, effective, and efficient manner, including an analysis of approvals of refinancings and preservation transactions, rent increase requests, withdrawals from reserves or residual receipts (where there is no contract administrator), and provider and resident satisfaction.

“(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

“(A) the findings of the study required under paragraph (3); and

“(B) any recommendations the Secretary may have for expanding the demonstration project required under paragraph (1).

“(g) SUBORDINATION OR ASSUMPTION OF EXISTING DEBT.—In lieu of prepayment under this section of the indebtedness with respect to a project, the Secretary may approve—

“(1) in connection with new financing for the project, the subordination of the loan for the project under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) and the continued subordination of any other existing subordinate debt previously approved by the Secretary to facilitate preservation of the project as affordable housing; or

“(2) the assumption (which may include the subordination described in paragraph (1)) of the loan for the project under such section 202 in connection with the transfer of the project with such a loan to a private nonprofit organization.

“(h) FLEXIBLE SUBSIDY DEBT.—The Secretary shall waive the requirement that debt for a project pursuant to the flexible subsidy program under section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a) be prepaid in connection with a prepayment, refinancing, or transfer under this section of a project if such waiver is necessary for the financial feasibility of the transaction and is consistent with the long-term preservation of the project as affordable housing.

“(i) TENANT INVOLVEMENT IN PREPAYMENT AND REFINANCING.—The Secretary shall not accept an offer to prepay the loan for any

project under section 202 of the Housing Act of 1959 unless the Secretary has—

“(1) determined that the owner of the project has notified the tenants of the owner's request for approval of a prepayment;

“(2) determined that the owner of the project has provided the tenants with an opportunity to comment on the owner's request for approval of a prepayment, including a description of any anticipated rehabilitation or other use of the proceeds from the transaction, and its impacts on project rents, tenant contributions, or the affordability restrictions for the project; and

“(3) taken such comments into consideration.

“(j) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—For purposes of this section, the term ‘private nonprofit organization’ has the meaning given such term in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)).”

TITLE III—ASSISTED LIVING FACILITIES

SEC. 301. DEFINITION OF ASSISTED LIVING FACILITY.

Section 202b(g) of the Housing Act of 1959 (12 U.S.C. 1701q-2(g)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) the term ‘assisted living facility’ means a facility that—

“(A) is owned by a private nonprofit organization; and

“(B)(i) is licensed and regulated by a State (or if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located); or

“(ii)(I) makes available, directly or through recognized and experienced third party service providers, to residents at the resident's request or choice supportive services to assist the residents in carrying out the activities of daily living, as described in section 232(b)(6)(B) of the National Housing Act (12 U.S.C. 1715w(b)(6)(B)); and

“(II) provides separate dwelling units for residents, each of which may contain a full kitchen and bathroom and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the facility; and”.

SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL ASSISTANCE.

Clause (iii) of section 8(o)(18)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(18)(B)(iii)) is amended by inserting before the period at the end the following: “, except that a family may be required at the time the family initially receives such assistance to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such an amount or percentage that is reasonable given the services and amenities provided and as the Secretary deems appropriate.”.

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION TRANSACTIONS

SEC. 401. USE OF SALE OR REFINANCING PROCEEDS.

Notwithstanding any other provision of law, in connection with the sale or refinancing of a multifamily housing project, or the transfer of an assistance contract on such a property, that requires the approval of the Secretary of Housing and Urban Development, the Secretary shall not impose any condition that restricts the amount or use of sale or refinancing proceeds, or requires the filing of a financial report, unless such condition is expressly authorized by an existing contract entered into between the Secretary (or the Secretary's designee) and

the project owner before the imposition of a condition prohibited by this section or is a general condition for new financing with a mortgage insured by the Secretary. Any such condition previously imposed by the Secretary after January 1, 2005, shall, at the option of the project owner, be considered void and not enforceable, and any agreement containing such a condition shall be rescinded and may be reissued without the void condition.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

SEC. 501. NATIONAL SENIOR HOUSING CLEARINGHOUSE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and operate a clearinghouse to serve as a national repository to receive, collect, process, assemble, and disseminate information regarding the availability and quality of multifamily developments for elderly tenants, including—

(1) the availability of—

(A) supportive housing for the elderly pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), including any housing unit assisted with a project rental assistance contract under such section;

(B) properties and units eligible for assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(C) properties eligible for the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986;

(D) units in assisted living facilities insured pursuant to section 221(d)(4) of the National Housing Act (12 U.S.C. 1715l(d)(4));

(E) units in any multifamily project that has been converted into an assisted living facility for elderly persons pursuant to section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2); and

(F) any other federally assisted or subsidized housing for the elderly;

(2) the number of available units in each property, project, or facility described in paragraph (1);

(3) the number of bedrooms in each available unit in each property, project, or facility described in paragraph (1);

(4) the estimated cost to a potential tenant to rent or reside in each available unit in each property, project, or facility described in paragraph (1);

(5) the presence of a waiting list for entry into any available unit in each property, project, or facility described in paragraph (1);

(6) the number of persons on the waiting list for entry into any available unit in each property, project, or facility described in paragraph (1);

(7) the estimated time an individual can expect to be on the waiting list for entry into any available unit in each property, project, or facility described in paragraph (1);

(8) the amenities available in each available unit in each property, project, or facility described in paragraph (1), including—

(A) the services provided by such property, project, or facility;

(B) the size and availability of common space within each property, project, or facility;

(C) the availability of organized activities for individuals residing in such property, project, or facility; and

(D) any other additional amenities available to individuals residing in such property, project, or facility;

(9) the level of care (personal, physical, or nursing) available to individuals residing in

any property, project, or facility described in paragraph (1);

(10) whether there is a service coordinator in any property, project, or facility described in paragraph (1); and

(11) any other criteria determined appropriate by the Secretary.

(b) COLLECTION AND UPDATING OF INFORMATION.—

(1) INITIAL COLLECTION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct an annual survey requesting information from each owner of a property, project, or facility described in subsection (a)(1) regarding the provisions described in paragraphs (2) through (11) of such subsection.

(2) RESPONSE TIME.—Not later than 30 days after receiving the request described under paragraph (1), the owner of each such property, project, or facility shall submit such information to the Secretary of Housing and Urban Development.

(3) PUBLIC AVAILABILITY.—Not later than 60 days after the Secretary of Housing and Urban Development receives the submission of any information required under paragraph (2), the Secretary shall make such information publicly available through the clearinghouse.

(4) UPDATES.—The Secretary of Housing and Urban Development shall conduct an annual survey of each owner of a property, project, or facility described in subsection (a)(1) for the purpose of updating or modifying information provided in the initial collection of information under paragraph (1). Not later than 30 days after receiving such a request, the owner of each such property, project, or facility shall submit such updates or modifications to the Secretary. Not later than 60 days after receiving such updates or modifications, the Secretary shall inform the clearinghouse of such updated or modified information.

(c) FUNCTIONS.—The clearinghouse established under subsection (a) shall—

(1) respond to inquiries from State and local governments, other organizations, and individuals requesting information regarding the availability of housing in multifamily developments for elderly tenants;

(2) make such information publicly available via the Internet website of the Department of Housing and Urban Development, which shall include—

(A) access via electronic mail; and

(B) an easily searchable, sortable, downloadable, and accessible index that itemizes the availability of housing in multifamily developments for elderly tenants by State, county, and zip code;

(3) establish a toll-free number to provide the public with specific information regarding the availability of housing in multifamily developments for elderly tenants; and

(4) perform any other duty that the Secretary determines necessary to achieve the purposes of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

By Mrs. FEINSTEIN:

S. 119. A bill for the relief of Guy Privat Tape and Lou Nazie Raymonde Toto; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Guy Privat Tape and his wife Lou Nazie Raymonde

Toto. Mr. Tape and Ms. Toto are citizens of the Ivory Coast, but have been living in the San Francisco area of California for approximately 15 years.

The story of Mr. Tape and Ms. Toto is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Tape and Ms. Toto were previously political activists who were subjected to numerous atrocities in the early 1990s in the Ivory Coast.

After a demonstration in which both were promoting peace, they were jailed and tortured by their own government. Ms. Toto was brutally raped by her captors and in 1997 learned that she had contracted HIV.

Despite the hardships that they suffered, Mr. Tape and Ms. Toto were able to make a better life for themselves in the United States. Mr. Tape arrived in the U.S. in 1993 on a B1/B2 non-immigrant visa. Ms. Toto entered without inspection in 1995 from Spain. Despite being diagnosed with HIV, Ms. Toto was able to give birth to two healthy children, Melody, age 10, and Emmanuel, age 6.

Since arriving in the United States, this family has dedicated themselves to community involvement and a strong work ethic. They pay taxes and own their own home in Hercules, CA. They are active members of Easter Hill United Methodist Church.

Mr. Tape works full-time as a security guard with Universal Protective Services. He also manages a small business, Melody's Carpet Cleaning & Upholstery. He employs four other individuals, all U.S. citizens. Unfortunately, in 2002, Mr. Tape was diagnosed with urologic cancer. While his doctor states that the cancer is currently in remission, he will continue to require life-long surveillance to monitor for recurrence of the disease.

In addition to raising her two children, Ms. Toto became a certified Nursing Assistant in 2001 and currently works at Creekside Health Care in San Pablo, CA. She hopes to finish her schooling so that she can become a Registered Nurse. Ms. Toto continues to receive medical treatment for HIV. According to her doctor, without access to adequate health care and laboratory monitoring, she is at risk of developing life threatening illnesses.

Mr. Tape and Ms. Toto applied for asylum when they arrived in the U.S., but after many years of litigation, the claim was ultimately denied by the 9th Circuit Court of Appeals.

Although the regime which subjected Mr. Tape and Ms. Toto to imprisonment and torture is no longer in power, Mr. Tape has been afraid to return to the Ivory Coast due to his prior association with President Gbagbo. Mr. Tape strongly believes that his family will be targeted if they return to the Ivory Coast.

One of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their two children. For Melody and Emmanuel, the United States is the only country they have ever known. Mr. Tape believes that if the family returns to the Ivory Coast, these two young children will be forced to enter the army.

We are the only hope for this family who seeks to remain in the United States. To send them back to the Ivory Coast, where they will likely face persecution and will not be able to obtain adequate medical treatment for their illnesses would be devastating to them. They are contributing members of their community and have embraced the American dream with their strong work ethic and family values. I have received approximately 50 letters from the church community in support of this family. Representative GEORGE MILLER has also requested that we assist this family.

I ask my colleagues to support this private bill. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY PRIVAT TAPE AND LOU NAZIE RAYMONDE TOTO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Guy Privat Tape and Lou Nazie Raymonde Toto shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Privat Tape or Lou Nazie Raymonde Toto enters the United States before the filing deadline specified in subsection (c), Guy Privat Tape or Lou Nazie Raymonde Toto, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Guy Privat Tape and Lou Nazie Raymonde Toto, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section

203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 202(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 120. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today a private immigration relief bill to provide lawful permanent residence status to Denes and Gyorgyi Fulop, Hungarian nationals who have lived in California for more than 20 years. The Fulops are the parents of six U.S. citizen children.

I first introduced this bill in June, 2000. Today, the Fulops continue to face deportation having exhausted all administrative remedies under our immigration system.

The Fulops' story is a compelling one and one which I believe merits Congress' consideration for humanitarian relief.

The most poignant tragedy to affect this family occurred in May of 2000, when the Fulops' eldest child, Robert "Bobby" Fulop, an accomplished 15-year-old teenager, died suddenly of a heart aneurism. Bobby was considered the shining star of his family.

That same year their 6-year-old daughter, Elizabeth, was diagnosed with moderate pulmonary stenosis, a potentially life-threatening heart condition and a frightening situation similar to Bobby's. Not long ago, she successfully underwent heart surgery, but requires medical supervision to ensure her good health.

The Fulops' youngest child, Matthew, was born seven weeks premature. He subsequently underwent several kidney surgeries and is still being closely monitored by physicians.

Compounding these tragedies is the fact that today the Fulops face deportation. They face deportation, in part, because in 1995 the family traveled to Hungary and remained there for more than 90 days.

Under the pre-1996 immigration law, prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, their stay in Hungary would not have been a factor in their immigration case and they would have been eligible for adjustment of status to lawful permanent residents.

Indeed, in 1996, Mr. and Mrs. Fulop applied to the Immigration and Naturalization Service, INS, for permanent resident status. Due to large backlogs, the INS did not interview them until 1998. By the time their applications were considered, the new 1996 immigration law had taken effect.

Given their one-time 90 day trip outside the United States, they were statutorily ineligible for relief pursuant to the cancellation of removal pro-

visions of the Immigration and Nationality Act.

One cannot help but conclude that had the INS acted on the Fulops' application for relief from deportation in a timelier manner, they would have qualified for suspension of deportation under the pre-1996 law, given that they were long-term residents of the United States with U.S. citizen children and many positive factors in their favor.

The irony of this situation is that the Fulops were gone from the United States for nearly five months in 1995 because they traveled to Hungary to help Mr. Fulop's brother build his home. Mr. Fulop's brother is handicapped and they went to help remodel his home.

The Fulops are good and decent people. Mr. Fulop is a masonry contractor and the Owner and President of his own construction company—Sumeg International. He has owned this business for almost 14 years.

The couple is active in their church and community. As Pastor Peter Petrovic of the Apostolic Christian Church of San Diego says in his letter of support, "[t]he family is an exceptional asset to their community." Mrs. Fulop has served as a Sunday school teacher and volunteers regularly at Heritage K-8 Charter School in Escondido. Mrs. Morris, a Heritage K-8 Charter School faculty member says in her letter of support that Mrs. Fulop is "... a valuable asset to our school and community."

Mr. President, this is a tragic situation. Essentially, as happened to many families under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the rules of the game were changed in the middle. When the Fulops applied for relief from deportation they were eligible for suspension of deportation. By the time the INS got around to their application, nearly three years later, they were no longer eligible and in fact suspension of deportation as a form of relief ceased to exist.

The Fulops today have been in the United States since the early 1980s. Most harmful is the effect that their deportation will have on the children, all of whom were born here and who range from five years old to 21 years of age. Their two eldest children are attending college, one studying structural engineering and the other studying to become a dental hygienist.

It is my hope that Congress sees fit to provide an opportunity for this family to remain together in the United States given their many years here, the profound sadness they have already experienced and the harm that would come from their deportation to their six U.S. citizen children.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Denes Fulop and Gyorgyi Fulop shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Denes Fulop and Gyorgyi Fulop, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Denes Fulop and Gyorgyi Fulop under section or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are of birth of Denes Fulop and Gyorgyi Fulop under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 121. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private immigration relief legislation to provide lawful permanent residence status to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola and Cindy Jael Arreola, Mexican nationals living in the Fresno area of California.

Mr. and Mrs. Arreola have lived in the United States for over 20 years. Two of their five children, Nayely, age 23, and Cindy, age 19, also stand to benefit from this legislation. Their other three children, Roberto, age 16, Daniel, age 13, and Saray, age 11, are United States citizens. Today, Mr. and Mrs. Arreola and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

The Arreolas are in this uncertain situation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking his disbarment for the disservice he caused his immigration clients.

Mr. Arreola has lived in the United States since 1986. He was an agricultural migrant worker in the fields of California for several years, and as such would have been eligible for permanent residence through the Seasonal Agricultural Workers, SAW, program, had he known about it.

Mrs. Arreola was living in the United States at the time she became pregnant with her daughter Cindy, but returned to Mexico to give birth so as to avoid any problems with the Immigration and Naturalization Service.

Given the length of time that the Arreolas had, and have been, in the United States it is quite likely that they would have qualified for relief from deportation pursuant to the cancellation of removal provisions of the Immigration and Nationality Act, but for the conduct of their previous attorney.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the devastating impact their deportation would have on their children—three of whom are U.S. citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, recently graduated from Fresno Pacific University with a degree in Business Administration and was recently hired as a substitute teacher in Tulare County. She was the first in her family to graduate from high school and the first to graduate college. She attended Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and worked part-time in the admissions office.

At her young age, Nayely has demonstrated a strong commitment to the ideals of citizenship in her adopted country. She has worked hard to achieve her full potential both in her academic endeavors and through the service she provides her community. As the Associate Dean of Enrollment Services, Cary Templeton, at Fresno Pacific University states in a letter of support, “[t]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream.”

In high school, Nayely was a member of Advancement Via Individual Determination, AVID, a college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also President of the Key Club, a community service organization. She helped mentor freshmen and participates in several other student organizations in her school. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

It is clear to me that Nayely feels a strong sense of responsibility for her community and country. By all indication, this is the case as well for all of the members of her family.

The Arreolas also have other family who are lawful permanent residents of this country or United States citizens. Mrs. Arreola has three brothers who are U.S. citizens and Mr. Arreola has a sister who is a U.S. citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves. As I previously mentioned, Mr. Arreola was previously employed as a farm worker, but now has his own business repairing electronics. His business has been successful enough to enable him to purchase a home for his family.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have reintroduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-

Saucedo, Marina Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola under section 202(e) of such Act (8 U.S.C. 1152(c)).

By Mrs. FEINSTEIN:

S. 122. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Robert Kuan Liang and his wife, Chun-Mei, Alice, Hsu-Liang, foreign nationals who live in San Bruno, California.

I have decided to reintroduce private relief immigration bills on their behalf because I believe that, without them, this hardworking couple and their three United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Liangs are foreign nationals facing deportation on account of their overstay of visitors visas and the failure of their previous attorney to timely file a suspension of deportation application before the immigration laws changed in 1996.

Mr. Liang is a foreign national and refugee from Laos. His wife is a citizen of Taiwan. They entered the United States over 25 years ago as tourists and established residency in San Bruno, California. Because they overstayed the terms of their temporary visas, they now face deportation from the United States.

After living here for so many years, removal from the United States would not come easily or perhaps without tearing this family apart. The Liangs have three children born in this country: Wesley, 17 years old, Bruce, 13 years old, and Eva, 11 years old. Young Wesley suffers from asthma and has a history of social and emotional anxiety.

The immigration judge who presided over the Liangs' case in 1997 concluded that there was no question that the Liang children would be adversely impacted if they were required to leave their relatives and friends behind in California to follow their parents to Taiwan, a country whose language and culture is unfamiliar to them.

I can only imagine how much more they would be adversely impacted now given the passage of 9 more years.

The Liangs have filed annual income tax returns; established a successful business, Fong Yong Restaurant, in the United States; are home owners, and are financially successful. Since they arrived in the United States, they have pursued and, to a degree, achieved the American Dream.

Mr. and Mrs. Liang's quest to legalize their immigration status began in 1993 when they filed for relief from deportation before an immigration judge.

The Immigration and Naturalization Service, however, did not act on their application until nearly 5 years later, in 1997, after which time the immigration laws had significantly changed.

According to the immigration judge, had the INS acted on their application for relief from deportation in a timely manner, they would have qualified for suspension of deportation, given that they were long-term residents of this country with U.S. citizen children and other positive factors. By the time INS processed their application, however, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which changed the requirements for relief from removal to the Liangs' disadvantage.

I supported the changes of the 1996 law, but I believe sometimes there are exceptions which merit special consideration. The Liangs are such a couple and family. Perhaps what distinguishes this family from many others is that through hard work and perseverance, Mr. Liang has achieved a significant degree of success in the United States while battling a severe form of Post Traumatic Stress Disorder.

According to his psychologist, this disorder stems from the persecution he, his family and community experienced in his native country of Laos during the Vietnam War.

Throughout his childhood and adolescence, Mr. Liang was exposed to numerous traumatic experiences, including the murder of his mother by the North Vietnamese and frequent episodes of wartime violence. He also routinely witnessed the brutal persecution and deaths of others in his village. In 1975, he was granted refugee status in Taiwan.

The emotional impact of Mr. Liang's experiences in his war-torn native country has been profound and continues to haunt him. His psychologist has also indicated that he suffers from severe clinical depression, which has been exacerbated by the prospect of being deported to Taiwan, where on account of his nationality, he believes he and his family would be treated as second-class citizens.

Moreover, Mr. Liang believes that the pursuit of further mental health treatment in Taiwan would only exacerbate the stigma of being an outsider in a country whose language he does not speak. Given those prospects, he also fears the impact such a stigma would have on the well-being and future of his children.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of the Liangs. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Robert Liang and Alice Liang shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Robert Liang and Alice Liang, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 123. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing legislation to provide lawful permanent residence status to Jose Buendia Balderas, his wife, Alicia Aranda De Buendia, and their daughter, Ana Laura Buendia Aranda, Mexican nationals who have been living and working in the Fresno area of California for over 20 years.

Jose Buendia is a remarkable individual who epitomizes the American dream. His father worked as an agricultural laborer in the Bracero program over 25 years ago. In 1981, Jose followed his father to the United States—where he worked in the shadows to help provide for his family in Mexico.

Since then, Jose has moved from working as a landscaper to construction, where he is now a valued employee of Bone Construction in Reedley, California. He has been employed by this cement company for the past 8 years. Although he knew nothing about construction when he began working in the field, he was disciplined and persistent in his training and is now a lead foreman.

His employer, Timothy Bone, says Mr. Buendia is a "reliable, hard-working and conscientious" employee. In fact, it was Mr. Bone who contacted

my office to seek relief for Mr. Buendia.

Alicia Buendia, Jose Buendia's wife, has been working as a seasonal fruit packer for several years. The family has consistently paid all of their taxes. Recently, they paid off their mortgage and today, they are debt free. They have health insurance, savings and retirement accounts, participate in the company profit-sharing company, and support their family here and in Mexico. In short, they are living the American dream.

Their daughter, Ana Laura, is an outstanding student. She earned a 4.0 GPA at Reedley High School and was awarded an academic scholarship to the University of California-Berkeley. Unfortunately, because of her immigration status, she was unable to accept the scholarship and her parents now pay full out-of-state tuition for her to attend the University of California-Irvine. She is now completing her second year there.

Their son, Jose, is a U.S. citizen, and graduated high school with a 3.85 grade point average and honors, and is currently an engineering student at Reedley Junior College. For both Jose and Ana Laura, the United States is the only country they know.

What makes the story of the Buendias so tragic is that they would have been eligible to correct their illegal status but for the unscrupulous practices of their former immigration attorney.

Because Mr. Buendia has been in this country for so long, he qualified for legalization pursuant to the Immigration and Reform Control Act of 1986. Unfortunately, his legalization application was never acted upon because his attorney, Jose Velez, was convicted of fraudulently submitting legalization and Special Agricultural Worker applications.

This criminal conduct tainted all of Mr. Velez's clients. Although Mr. Buendia's application was found not to contain any fraudulent documentation, it was submitted while his lawyer was under investigation. The result was that Mr. Buendia was unable to be interviewed and obtain legal status.

To complicate matters, it took the Immigration and Naturalization Service nearly 7 years to determine that Mr. Buendia's application contained no fraudulent information. In the meantime, the Immigration and Naturalization Service reinterpreted the law and determined that he was no longer eligible for relief because he had left the United States briefly when he married his wife.

Despite these setbacks, the Buendia family has continued to seek legal status. They believed they were successful when an immigration judge granted the family relief based on the hardship their U.S. citizen son would face if his family was deported to Mexico. Unfortunately, the government appealed the

judge's decision and had it overturned by the Board of Immigration Appeals.

Despite the problems with adjusting their legal status, this family has forged ahead and continued to play a meaningful role in their community. They have worked hard. They have invested in their neighborhood. They are active in the PTA and their local church.

I believe the Buendia family should be allowed to continue to live in this country that has become their own. If this legislation is approved, the Buendias will be able to continue to contribute significantly to the United States. It is my hope that Congress passes this private legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR JOSE BUENDIA BALDERAS, ALICIA ARANDA DE BUENDIA, AND ANA LAURA BUENDIA ARANDA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jose Buendia Balderas, Alicia Aranda De Buendia, or Ana Laura Buendia Aranda enter the United States before the filing deadline specified in subsection (c), Jose Buendia Balderas, Alicia Aranda De Buendia, or Ana Laura Buendia Aranda, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to na-

tives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 202(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 124. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 24-year-old Japanese national who lives in Chula Vista, California. The House passed a private relief bill on behalf of Mr. Yamada last year, but unfortunately we were unable to move the bill in the Senate before the end of the 110th Congress.

I have decided to re-introduce a private bill on his behalf because I believe that Mr. Yamada represents a model American citizen, for whom removal from this country would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

The death of his mother marked more than a personal tragedy for Mr. Yamada; it also served to impede the process for him to legalize his status. At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependants. Her death revoked his legal status in the United States.

In addition, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be deported from the United States and forced to return to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a

model American. He graduated with honors from Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, he earned a number of awards including being named an "Outstanding English Student" his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award.

His teacher and coach, Mr. John describes him as being "responsible, hard working, organized, honest, caring and very dependable." His role as the vice president of the Associated Student Body his senior year is an indication of Mr. Yamada's high level of leadership, as well as, his popularity and trustworthiness among his peers.

As an athlete, Mr. Yamada was named the "Most Inspirational Player of the Year" in junior varsity baseball and football, as well as, varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has "seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous."

Second, Mr. Yamada has distinguished himself as a local volunteer. As a member of the Eastlake High School Link Crew, he helped freshman find their way around campus, offered tutoring and mentoring services, and set an example of how to be a successful member of the student body. After graduating from high school, he volunteered his time for 4 years as the coach of the Eastlake High School Girl's softball team. The former head coach, who has since retired, Dr. Charles Sorge, describes him as an individual full of "integrity" who understands that as a coach it is important to work as a "team player."

His level of commitment to the team was further illustrated to Dr. Sorge when he discovered, halfway through the season, that Mr. Yamada's commute to and from practice was 2 hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Dr. Sorge hopes that, once Mr. Yamada legalizes his immigration status, he will be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family here. Mr. Yamada does not speak Japanese. He is unaware of the nation's current cultural trends.

And, he has no immediate family members that he knows of in Japan. All of his family lives in California. Sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows.

His sister contends that her younger brother would be "lost" if he had to return to live in Japan on his own. It is

unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read the language.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an "upstanding 'All-American' young man". Until being picked up during a routine check of riders' immigration status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on the State. He has never received any Federal or State assistance.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Mr. Yamada. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 125. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Plascencia's have worked for years to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive legal counsel. Repeatedly, the Plascencia's lawyer refused to return their calls or otherwise communicate with them in anyway. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country 15 days prior to their deportation.

Although the family was stunned and devastated by this discovery, they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince's Shellfish for the over 14 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now overseas the market's entire packing operation and several employees.

The president of the market, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as "a valuable and respected employee" who "handles himself in a very professional manner" and serves as "a role model" to other employees. Others who have written to me praising Mr. Plascencia's job performance have referred to him as "gifted," "trusted," "honest," and "reliable."

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area.

Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree and improved her skills to become a medical assistant.

Those who have written to me in support of Mrs. Plascencia, of which there are several, have described her work as "responsible," "efficient," and "compassionate."

In fact, Kaiser Permanente's Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is "an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly."

Mrs. Carino went on to write that Mrs. Plascencia is "an excellent employee and role model for her colleagues. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with."

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and they each have begun saving for retirement. They want to send their children to college and give them an even better life.

This legislation is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future.

It is important, also, because of the positive impact it will have on the couple's children, each of whom is a United States citizen and each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 17, is the Plascencia's oldest child, and an honor student. Erika, 14, and Alfredo, Jr., 12, have worked hard at their studies and received praise and good grades from their teachers. In fact, the principal of Erika's school has recognized her as the "Most Artistic" student in her class. Erika's teacher, Mrs. Nascon, remarked on a report card, "Erika is a bright spot in my classroom."

The Plascencia's also have two young children: 6-year-old Daisy and 2-year-old Juan-Pablo.

Removing Mr. and Mrs. Plascencia from the United States would be tragic for their children. Children who were born in the United States and who through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic for the Plascencia's older children—Christina,

Erika, and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them.

Their parents would find themselves in Mexico without a job and without a house. The children would have to acclimate to a different culture, language, and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not my own. They are the words of the Americans who live and work with the Plascencias day in and day out and who find them to embody the American spirit.

I have sponsored this legislation, and asked my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit. I ask my colleagues to support this private bill on behalf of the Plascencia family.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez or Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez or Maria Del Refugio Plascencia, as appropriate, shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio

Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 126. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA.

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago.

Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Eight years ago that home was visited by tragedy. As Mr. and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a horrible traffic accident when their car collided with a truck on an isolated rural road.

The children went to live with their aunt and uncle, Hortencia and Patricio Alcala. The Alcalas are a generous and loving couple. They are U.S. citizens with two children of their own and took the Marquez children in and did all they could to comfort them in their grief. They supervised their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcala serves as a youth soccer coach. In 2001, the Alcalas were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family received poor legal representation. At the time of their parents' death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them to be dependents due to abuse, abandonment or neglect.

Today, their younger brother Omar is a U.S. Citizen, due to his adjustment as a special immigrant juvenile. Unfortunately, the family's previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.

I should note that their former lawyer, Walter Pineda, is currently answering charges on 29 counts of professional incompetence and 5 counts of moral turpitude for mishandling immigration cases and appears on his way to being disbarred.

I am offering legislation on Claudia's behalf because I believe that, without it, this family would endure an immense and unfair hardship. Indeed, without this legislation, this family will not remain a family for much longer.

Despite the adversity they encountered, Claudia finished school. She supports herself, her 17-year-old sister, Maribel, and her younger brother Omar. Again, both Maribel and Omar are now U.S. Citizens.

Claudia has no close relatives in Mexico. She has never visited Mexico, and she was so young when she was brought to America that she has no memories of it. How can we expect her to start a new life there now?

It would be a grave injustice to add to this family's misfortune by tearing these siblings apart. This is a close family, and they have come to rely on each other heavily in the absence of their deceased parents. This bill will prevent the added tragedy of another wrenching separation.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Claudia Rico.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant

visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

By Mrs. FEINSTEIN:

S. 127. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Jacqueline Coats, a 28-year-old widow currently living in San Francisco.

Mrs. Coats came to the U.S. in 2001 from Kenya on a student visa to study Mass Communications at San Jose State University. Her visa status lapsed in 2003, and the Department of Homeland Security began deportation proceedings against her.

Mrs. Coats married Marlin Coats on April 17, 2006, after dating for several years. The couple was happily married and planning to start a family when, on May 13, Mr. Coats tragically died in a heroic attempt to save two young boys from drowning.

The couple had been on a Mother's Day outing at Ocean Beach with some of Mr. Coats' nephews when they heard cries for help. Having worked as a life-guard in the past, Mr. Coats instinctively dove into the water. The two children were saved with the help of a rescue crew, but Mr. Coats, caught in a rip tide, died. Mrs. Coats received a medal honoring her husband.

Four days before Mr. Coats' death, the couple prepared and signed an application for a green card at their attorney's office. Unfortunately the petition was not filed until after his death, rendering it invalid. Mrs. Coats currently has a hearing before an immigration judge in San Francisco on August 24, but her attorney has informed my staff that she has no relief available to her and will be ordered deported.

Mrs. Coats, devastated by the loss of her husband, is now caught in a battle for her right to stay in America. At a recent news conference with her lawyer, Thip Ark, she explained of her situation, "I feel like I have nothing to live for. I have nothing to go home to . . . I've been here four years . . . It would be like starting a new life."

Ms. Ark explains that Mrs. Coats is extremely close with her late hus-

band's family, with whom she lives in San Leandro, California. Mrs. Coats has said that her husband's large family has become her own. Ramona Burton of San Francisco, one of Marlin Coats' seven brothers and sisters explains, "She spent her first American Christmas with us, her first American Thanksgiving . . . I can't imagine looking around and not seeing her there. She needs to be there."

The San Francisco and Bay Area community has rallied strong support for Mrs. Coats. The San Francisco chapters of the NAACP, the San Francisco Board of Supervisors, and the San Francisco Police Department, have all passed resolutions in support of Mrs. Coats' right to remain in the country.

Unfortunately, if this private relief bill is not approved, this young woman, and the Coats family, will face yet another disorienting and heartbreaking tragedy. Mrs. Coats will be deported to Kenya, a country she has not lived in since she was 21. In her time of grieving, she will be forced to leave her home, her job with AC Transit, her new family, and everything she has known for the past 5 years.

I cannot think of a compelling reason why the United States should not allow this young widow to continue the green card process. Had her husband lived, Mrs. Coats would have filed the papers without difficulty. It was because of her husband's selfless and heroic act that Mrs. Coats must now struggle to remain in the country. As one concerned California constituent wrote to me, "If ever there was a case where common fairness, morality and decency should reign over legal technicalities, this is it. We, as a country, need to reward heroism and good."

I believe that we can reward the late Mr. Coats for his noble actions by granting his wife citizenship. It is what he intended for her. It can even be argued that a green card for his wife was one of his dying wishes, as the papers were signed just 4 days prior to his death.

For these reasons, I reintroduce this private relief immigration bill and ask my colleagues to support it on behalf of Mrs. Coats.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR JACQUELINE W. COATS.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jacqueline W. Coats shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon

filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jacqueline W. Coats enters the United States before the filing deadline specified in subsection (c), Jacqueline W. Coats shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jacqueline W. Coats, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 128. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing private immigration relief legislation to provide lawful permanent residence status to Jose Alberto Martinez Moreno and Micaela Lopez Martinez and their daughter, Adilene Martinez—Mexican nationals now living in San Francisco, California.

This family embodies the true American success story and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Martinez came to the United States eighteen years ago from Mexico. He started working as a bus boy in restaurants in San Francisco. In 1990, he began working as a cook at Palio D'Asti, an award winning Italian restaurant in San Francisco.

According to the people who worked with him, he "never made mistakes, never lost his temper, and never seemed to sweat."

Over the years, Jose Martinez has worked his way through the ranks. Today, he is the sous chef at Palio, where he is respected by everyone in the restaurant, from dishwashers to cooks, busboys to waiters, bartenders to managers.

Mr. Martinez has unique skills: he is an excellent chef; he is bilingual; he is a leader in the workplace. He is described as "an exemplary employee" who is not only "good at his job, but is also a great boss to his subordinates."

He and his wife, Micaela, have made a home in San Francisco. Micaela has been working as a housekeeper. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, 20, is undocumented. Adilene recently graduated from the Immaculate Conception Academy and is attending San Francisco City College.

One of the most compelling reasons for allowing the family to remain in the United States is that they are eligible for a green card. Unfortunately, there is such a back log for green cards right now that even though he has a work permit, owns a home in San Francisco, works two jobs, and has been in the United States for twenty years with a clean record, he and his family will be deported.

Mr. Martinez and his family have applied unsuccessfully for legal status several ways:

In May 2002, Mr. and Mrs. Martinez filed for political asylum. Their case was denied and a subsequent application for a Cancellation of Removal was also denied because the immigration court judge could not find "requisite hardship" required for this relief.

Ironically, the immigration judge who reviewed their case found that Mr. Martinez's culinary ability was a negative factor—as it indicated that he could find a job in Mexico.

In 2001, his sister, who has legal status, petitioned for Mr. Martinez to get a green card. Unfortunately, because of the current green card backlog, Mr. Martinez has several years to wait before he is eligible for a green card.

Finally, Daniel Scherotter, the executive chef and owner of Palio D'Asti, has petitioned for legal status for Mr. Martinez based on Mr. Martinez's unique skills as a chef. Although Mr. Martinez's work petition was approved by U.S. Citizenship and Immigration Services, there is a backlog on these visas, and Mr. Martinez is on a waiting list for a green card through this channel, as well.

Mr. and Mrs. Martinez have no other administrative options available to them at this point and if deported, they will face a 5 to 10 year ban from returning to the United States. In addition, this bill remains the only means for Adilene to gain legal status.

The Martinez family has become an important and valued part of their community. They are active members of their church, their children's school, and Comite de Padres Unido, a grassroots immigrant organization in California.

They volunteer extensively—advocating for safe new parks in the community for the children, volunteering at their children's school, and working on a voter registration campaign, even though they are unable to vote themselves.

In fact, I have received 46 letters of support from teachers, church mem-

bers, and members of their community who attest to their honesty, responsibility, and long-standing commitment to their community. Their supporters include San Francisco Mayor Gavin Newsom; former Mayor Willie Brown; President of the San Francisco Board of Supervisors, Aaron Peskin; and the Director of Immigration Policy at the Immigrant Legal Resource Center, Mark Silverman.

This family has truly embraced the American dream. I believe their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have reintroduced today will enable the Martinez family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e) and 1153(a)), as applicable.

By Mrs. FEINSTEIN:

S. 129. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Ruben Mkoian, his wife, Asmik Karapetian and their son, Arthur Mkoyan. The Mkoian family are Armenian nationals who have been

living and working in Fresno, California, for over a decade.

The story of the Mkoian family is compelling and I believe they merit Congress's special consideration for such an extraordinary form of relief as a private bill.

Let me first start with how the Mkoian family arrived in the United States. While in Armenia, Mr. Mkoian worked as a police sergeant in a division dealing with vehicle licensing. As a result of his position, he was offered a bribe to register 20 stolen vehicles.

He refused the bribe and reported the incident to the police chief. He later learned that his co-worker had registered the vehicles at the request of the chief.

After he reported the offense, Mr. Mkoian's supervisor informed him that the department was to undergo an inspection. Mr. Mkoian was instructed to take a vacation during this time period. Mr. Mkoian believed that the inspection was a result of the complaint that he had filed with the higher authorities.

During the inspection, however, Mr. Mkoian worked at a store that he owned rather than taking a vacation. During that time, individuals kept entering his store and attempted to damage it and break merchandise. When he threatened to call the police, he received threatening phone calls telling him to "shut up" or else he would "regret it." Mr. Mkoian believed that these threats were related to the illegal vehicle registrations occurring in his department because he had nothing else to be silent about.

Later that same month, three men grabbed his wife and attempted to kidnap his child, Arthur, on the street. Mrs. Mkoian was told that her husband should "shut up." No one suffered any injuries from the incident. In October 1991, a bottle of gasoline was thrown into the Mkoian's residence and their house was burned down. The final incident occurred on April 1, 1992, when four or five men assaulted Mr. Mkoian in his store. He was beaten and hospitalized for 22 days.

Following that experience, Mr. Mkoian left Armenia for Russia, and then came to the United States on a visitor's visa in search of a better life. Two years later he brought his wife Asmik and his then 3-year-old son Arthur to the United States, also on visitor's visas. The family applied for political asylum, but the 9th Circuit Court of Appeals denied their request in January 2008. Thus, the family has no further legal recourse by which to remain in the country other than this bill.

Since arriving in the United States, the family has thrived. Arthur is now 18 years old and the family has expanded to include Arsen, who is a U.S. citizen.

Both Arthur and Arsen are very special children. In high school, Arthur

maintained a 4.0 grade point average and was a valedictorian for the class of 2008. I first introduced this bill on his graduation day. Today, Arthur is a freshman at the University of California, Davis.

Arsen is following in his older brother's footsteps. At age 12, he stands out among his peers and is on the honor roll at Tenaya Middle School in Fresno.

In addition to raising two outstanding children, Mr. and Mrs. Mkoian have maintained steady jobs and have devoted time and energy into the community and their church. Mr. Mkoian is working at HB Medical Transportation, as a driver in Fresno.

His wife, Asmik, has two jobs as a medical receptionist with Dr. Kumar in Fresno and as a sales clerk at Gottschalks Department Store. In addition, she has taken classes at Fresno Community College and has completed their Medical Assistant Program.

The family are active members of the St. Paul Armenian Church, and Mr. Mkoian is a member of the PTA of the St. Paul Armenian Saturday School.

There has been an outpouring of support for this family from their church, the schools their children attend, and the community at large.

To date, we have received over 200 letters of support for the family in addition to numerous telephone calls. I also note that I have letters from both Congressman GEORGE RADANOVICH and JIM COSTA, requesting that I offer this bill for the Mkoian family.

I truly believe that this case warrants our compassion and our extraordinary consideration.

I ask my colleagues to support this private bill. Mr. President, I ask by unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMIK KARAPETIAN, AND ARTHUR MKOYAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan enters the United States before the filing deadline specified in subsection (c), Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for ad-

justment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 202(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 130. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Jorge Rojas Gutierrez, his wife, Oliva Gonzalez Gonzalez, and their son, Jorge Rojas Gonzalez. The Rojas family members are Mexican nationals living in the San Jose area of California.

The story of the Rojas family is compelling, and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Rojas and his wife Ms. Gonzalez originally came to the United States in 1990 when their son Jorge Rojas, Jr. was just 2 years old. In 1995, they left the country to attend a funeral, and then re-entered on visitors' visas.

The family has since expanded to include a son, Alexis Rojas, now age 16, and a daughter Tania Rojas, now age 14.

Since arriving in the United States, this family has dedicated themselves to community involvement, a strong work ethic and volunteerism. They have been paying taxes since their arrival in 1990. The family has been described by their friends and colleagues as a "model American family." I would like to tell you some more about each member of the Rojas family.

Mr. Rojas is a hard-working individual who has been employed by Valley Crest Landscape Maintenance in San Jose, California, for the past 14 years. Currently, Mr. Rojas works on commercial landscaping projects. He is well-respected by his supervisor and his peers.

In addition to supporting his family, Jorge has volunteered his time and talents to provide modern green land-

scaping and a recreational jungle gym to Sherman Oaks Community Charter School, where his two youngest children attend school.

Ms. Gonzalez, in addition to raising her three children, has been very active in the local community. She has worked to help other immigrants assimilate to American life by working as a translator and a tutor for immigrant children at Sherman Oaks Community Charter School and the Y.M.C.A. Kids after-school program.

She has also coached soccer teams, and has recently directed a Thanksgivng food drive. Ms. Gonzalez also devotes many hours of her time to the organization People Acting in Community Together, PACT, where she works to prevent crime, gangs and drug dealing in San Jose neighborhoods and schools.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their three children. Two of the children, Alexis and Tania, are U.S. citizens. Jorge Rojas, Jr. has lived in the United States since he was a toddler. For these children, this country is the only country they really know.

Jorge Rojas, Jr., who entered the United States as an infant with his parents, is now 20 and is currently working at Jamba Juice. He graduated from Del Mar High School in 2007 and is currently taking classes at San Jose City College.

Alexis and Tania are students at Sherman Oaks Community Charter School. They are described by their teachers as "fantastic, wonderful, and gifted" students. In fact, the principal at Sherman Oaks has described all three of the children as "honest, hard-working academic honor students" and have commended all of them for their on-campus leadership.

It seems so clear to me that this family has embraced the American dream, and their continued presence in our country would do so much to enhance the values we hold dear. I have received 30 letters from the community in support of this family. Enactment of the legislation I have reintroduced today will enable the Rojas family to continue to make significant contributions to their community as well as the United States.

Mr. President, I ask my colleagues to support this private bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR JORGE ROJAS GUTIERREZ, OLIVA GONZALEZ GONZALEZ, AND JORGE ROJAS GONZALEZ.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez enters the United States before the filing deadline specified in subsection (c), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 202(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 131. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Credit Card Minimum Payment Notification Act.

This bill would help American consumers by requiring banks to notify credit card holders of the true cost if they choose to make the minimum payment each month.

Americans today own more credit cards than ever before. The average American has approximately four credit cards. In 2007, 1 in 7 Americans held more than 10 cards.

Unsurprisingly, this increase in credit card ownership has resulted in a dramatic increase in credit card debt.

Over the past 2 decades, Americans' combined credit card debt has nearly tripled—from \$238 billion in 1989 to a staggering \$971 billion in 2008.

Today, the average American household has approximately \$10,678 in credit card debt, up 29 percent from 2000.

Among credit card users, 55 percent carry a balance on their credit card, a 2 percent increase from last year.

Approximately 1 in 6 families with credit cards pays only the minimum due every month.

Young Americans are using credit cards to finance everything from daily expenses to college tuition. Forty-one percent of college students have a credit card, and, of those, only 65 percent pay their bills in full every month.

Over the past year, as economic conditions have worsened, it has become even harder for families to pay off their debt. Whether it is a mortgage, or tuition, or medical expenses, people are finding it harder than ever to meet all of their expenses.

In July of this year, 28 percent of people surveyed reported that their ability to pay off their credit card balances has become more strained.

This increasing debt is contributing to more and more Americans filing for bankruptcy.

Ever since the Bankruptcy Reform Act was enacted in 2005, non-business bankruptcies have been increasing at a rapid pace. The numbers this year already show a staggering hike. Between September 2007 and September 2008, Americans filed over one million non-business bankruptcies, up 30 percent from the previous year.

Many of these personal bankruptcies are people who are turning to credit cards to finance their expenses. Today's filers have even more credit card debt than usual—sometimes because they have been struggling to pay a mortgage and have started using credit cards for daily expenses.

One family, the Forsyths, found themselves in financial trouble after moving to a new State for a better job opportunity. Unable to sell their old house, they rented. But when the renter stopped making payments, the family became overwhelmed with two mortgage payments. Credit cards helped at first—providing payment for food, utilities, and clothes—but the family quickly accumulated \$20,000 in debt and was left with no alternative other than bankruptcy.

The benefits offered by credit cards are attractive, but these cards also pose enormous financial risk. Dianne McLeod discovered this in a painful way after back-to-back medical emergencies depleted her finances. Although credit cards initially enabled her to maintain her lifestyle, before long these cards and two mortgages meant that she later found that she was spending more than 40 percent of her monthly income on interest payments, in addition to thousands of dollars annually in fees.

Today, credit cardholders receive no information on the impact of carrying

a balance with compounding interest. As a result, too often individuals make only the minimum payment. After a few years, they find that the interest on the debt is almost twice the amount of their original purchases—and they do not know what to do about it.

I first introduced the Credit Card Minimum Payment Notification Act during the debate on the 2005 bankruptcy bill. As I said then, I believe the bill failed to balance responsibility and fairness. Consumers should not be so harshly penalized when they do not have the basic tools and information they need to make informed choices.

The Credit Card Minimum Payment Notification Act would help prevent this problem by requiring credit card companies to add two items to each consumer's monthly credit card statement:

A general notice that would read "Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance."

An individualized notice to credit card holders that specifies clearly on their bill how much time it will take to repay their debt and the total amount they will pay if they only make the minimum payments.

For consumers with variable rate cards, the bill would also require companies to provide a toll-free number where cardholders can access credit-counseling services.

The disclosure requirements in the bill would only apply if the consumer has a minimum payment that is less than 10 percent of the debt on the credit card. Otherwise, none of these disclosures would be required on their statement.

Last year, a Gallup—Experian poll found that about 11 percent of credit cardholders consistently make only the minimum payment on their cards each month.

Consider what this could mean for the average household.

For example, the U.S. average credit card debt is \$10,678. The average fixed credit card interest rate is approximately 12 percent. If the 2 percent minimum payment is all that is paid on its debt each month, it would take more than 31 years to pay off the bill and the total cost would be \$21,052.66—and that's just the minimum assuming that the family didn't ever charge another dime on that bill.

In other words, the family would need to pay \$10,374.66 in interest just to repay \$10,678 in original debt.

For individuals or families with more than average debt, the pitfalls are even greater. \$20,000 of credit card debt at the average 12 percent interest rate will take over 36 years and more than \$28,261 to pay off if only the minimum payments are made.

Twelve percent is relatively low, average interest rate. Interest rates

around 20 percent are not uncommon on credit cards, and penalty interest rates can reach as high as 32 percent.

A family that has the average debt with a 20 percent interest rate and makes the minimum payments will need a lifetime—over 85 years—and \$62,158 to pay off the initial \$10,678 bill. That's \$51,480 just in interest—an amount that approaches 5 times the original debt.

Credit cards are an important part of everyday life, and they help the economy operate more smoothly by giving consumers and merchants a reliable, convenient way to exchange funds. But the bottom line is that for many consumers, the two percent minimum payment is a financial trap.

The Credit Card Minimum Payment Notification Act is designed to ensure that people are not caught in this trap through lack of information.

Last month, the Federal Reserve Board approved new rules that will improve disclosures, but the rules do not go far enough. Under the rules, starting July 1, 2010, credit card companies will have to warn consumers about the effect of making minimum payments on the length of time it will take to pay off their balances. But the warnings may be only examples and will not show the effect on the amount that consumers pay over time.

Before approving the final rules, the Federal Reserve Board interviewed consumers who typically carried credit card balances. Those consumers found disclosures most helpful when they provided specific information and included warnings about the amount that would have to be paid over time.

The Credit Card Minimum Payment Notification Act would provide the straightforward disclosure that consumers find most helpful and most effective.

This disclosure will ensure that consumers know exactly what it means for them to carry a balance and make minimum payments, so they can make informed decisions on credit card use and repayment.

In addition, the burden on banks will be minimal. Calculations like these are purely formulaic. Credit card companies already complete similar calculations to determine credit risk and when they tell consumers what their required minimum payment is each month.

The harsh effects of the 2005 bankruptcy bill are becoming apparent. During the debate over that bill, I had hoped that Congress would succeed in balancing the need to incentivize consumers to act responsibly with the promise of a fresh start for those who fell impossibly behind. I do not believe that that balance was reached.

I continue to believe that consumers need a meaningful disclosure informing them of the effects of making minimum payments.

Today, as Americans face increasing struggles with debt and expenses, the bill is needed more than ever. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Minimum Payment Notification Act of 2009".

SEC. 2. ENHANCED DISCLOSURE UNDER AN OPEN END CREDIT PLAN.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(13) ENHANCED DISCLOSURE UNDER AN OPEN END CREDIT PLAN.—

"(A) IN GENERAL.—A credit card issuer shall, with each billing statement provided to a cardholder in a State, provide the following on the front of the first page of the billing statement, in type no smaller than that required for any other required disclosure, but in no case in less than 8-point capitalized type:

"(i) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.'.

"(ii)(I) A written statement providing individualized information indicating the number of years and months and the total cost to pay off the entire balance due on an open-end credit card account, if the cardholder were to pay only the minimum amount due on the open-end credit card account, based upon the terms of the credit agreement.

"(II) For purposes of this clause only, if the open-end credit card account is subject to a variable rate—

"(aa) the creditor may make disclosures based on the rate for the entire balance as of the date of the disclosure and indicate that the rate may vary; and

"(bb) the cardholder shall be provided with referrals or, in the alternative, with the toll free telephone number of the National Foundation for Credit Counseling (or any successor thereto) through which the cardholder can be referred to credit counseling services in, or closest to, the cardholder's county of residence, which credit counseling service shall be in good standing with the National Foundation for Credit Counseling or accredited by the Council on Accreditation for Children and Family Services (or any successors thereto).

"(B) DEFINITION OF OPEN-END CREDIT CARD ACCOUNT.—In this paragraph, the term 'open-end credit card account' means an account in which consumer credit is granted by a creditor under a plan in which the creditor reasonably contemplates repeated transactions, the creditor may impose a finance charge from time to time on an unpaid balance, and the amount of credit that may be extended to the consumer during the term of the plan is generally made available to the extent that any outstanding balance is repaid and up to any limit set by the creditor.

"(C) EXEMPTIONS.—

"(i) MINIMUM PAYMENT OF NOT LESS THAN TEN PERCENT.—This paragraph shall not

apply in any billing cycle in which the account agreement requires a minimum payment of not less than 10 percent of the outstanding balance.

"(ii) NO FINANCE CHARGES.—This paragraph shall not apply in any billing cycle in which finance charges are not imposed."

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. BAYH, Mr. KERRY, Mrs. MURRAY, Mr. KYL, Mr. SPECTER, Mr. SCHUMER, and Ms. CANTWELL):

S. 132. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators HATCH, BAYH, KERRY, MURRAY, KYL, and SPECTER in introducing comprehensive anti-gang legislation—the Gang Abatement and Prevention Act of 2009.

This bill has changed significantly since Senator HATCH and I began introducing gang legislation over 10 years ago. The current version of the bill reflects changes that have been made to comprehensively address the gang problem, including provisions emphasizing prevention and intervention programs, as well as enforcement funding.

This bill recognizes that the root causes of gang violence need to be addressed—identifying successful community programs and then investing significant resources in schools and religious and community organizations to prevent young people from joining gangs in the first place.

The bill constitutes a balanced approach to fighting the gang problem, with authorization for hundreds of millions of dollars to be used for proven gang prevention and intervention programs, as well as strong enforcement provisions.

The rise of criminal street gangs and the effect these gangs are having on our Nation are two of the fundamental issues facing us today. This country is in the midst of an epidemic of gang violence that cuts across every age and every race and plagues our cities, suburbs and rural areas. This violence often involves teens and children as both victims and perpetrators.

Almost every day, gang violence is in the news across the country, with gang-related killings of children and innocent bystanders almost too numerous to count. A person only needs to pick up a newspaper or watch the evening news to see how gang violence is affecting our communities.

A snapshot of gang violence that occurred over a 4-day period in Los Angeles in March 2008 illustrates how insidious gangs have become.

On March 2, 2008, Jamiel Shaw, a 17-year-old high school football star, was shot to death just three doors from his home in Mid-City Los Angeles as he rushed home to make curfew. Two gang members pulled up in a car, asked if Jamiel was a gang member, and then shot him when he didn't answer. Jamiel was not in a gang and was a model student and athlete who was being recruited by Stanford and Rutgers to play collegiate football. His mother, a sergeant in the U.S. Army who was serving her second tour of duty in Iraq, had to return home to Los Angeles to bury her son.

On March 4, 2008, 6-year-old Lavarea Elvy was shot in the head in the Harbor Gateway area of South Los Angeles as she sat in the family car. A gang member and a gang associate of a Hispanic street gang have been charged in this attempted murder.

On March 6, 2008, 13-year-old Anthony Escobar was killed while picking lemons in a neighbor's yard in the Echo Park area of Los Angeles. Anthony was not a gang member, and police believe he was targeted by gang members who came to his neighborhood for no other reason than to kill someone.

Stories like these are not limited to California. They are becoming commonplace across the country. Consider the following incidents of gang violence from across the country:

In February 2008, Julia Steele, an 80-year-old woman from St. Louis, Missouri, was killed when she was caught in the crossfire of gunfire between rival gang members. Julia's 80-year-old friend was also injured when their car slammed into other vehicles after the shooting.

Beginning in May 2008, police in Billings, Montana had to increase neighborhood patrols due to repeated drive-by shootings conducted by gang members.

In July 2008, a 7-year-old boy was wounded while playing kickball near his suburban Roxbury, Massachusetts home. He was shot by an adult gang member from Boston, who police believe had traveled to the suburbs for no other reason than to shoot someone.

In October 2008, Christopher Walker, a 16-year-old high school junior and member of the varsity basketball team, was shot and killed by a gang member near Henry Ford High School, his high school in Detroit, Michigan. According to media reports, Chris' death has sparked much anger in the community over growing gang violence in the area.

Across the country, in rural areas, suburbs, and cities, gang violence is literally holding neighborhoods hostage and Congress needs to do something about it. Our national gang problem is immense and growing, and it is not going away.

On January 18, 2007, FBI Director Mueller acknowledged that gang crime

has become "part of a clear national trend." FBI statistics show that there are over 30,000 criminal street gangs operating in the United States, with more than one million gang members.

According to the FBI, gangs have an impact on at least 2,500 communities across the Nation. These criminal street gangs engage in drug trafficking, robbery, extortion, gun trafficking, and murder. They recruit children and teens, destroy neighborhoods, cripple families, and kill innocent people.

In California, the State Attorney General has estimated that there are 171,000 juveniles and adults committed to criminal street gangs and their way of life. That's greater than the population of 28 California counties.

From 1992 to 2003, there were more than 7,500 gang-related homicides reported in California. In 2007, 469 of the 2,258 homicides in California were gang-related.

Los Angeles Police Department Chief Bill Bratton put it bluntly: "There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't."

It's not just a California problem or an issue limited to big cities. In Chicago, the FBI estimates that there are over 60,000 gang members. A 2008 DOJ Report notes the rapid spread of gangs and violence to suburban areas. FBI Director Mueller recently recognized the national scope of the gang problem when he said: "Gangs are no longer limited to Los Angeles. Like a cancer, gangs are spreading to communities across America."

Our cities and States need our help—a long-term commitment to combat gang violence and a Federal helping hand to get our youth out of gangs and keep them from joining gangs in the first place.

Senator HATCH and I have now been introducing comprehensive Federal gang legislation for over a decade. Our gang bills have been modified and refined over the years, most recently in the bill that passed in the Senate in the 110th Congress by unanimous consent.

The bill that we introduce today is a balanced and measured approach to dealing with the gang problem. It has no death penalty provisions, no mandatory minimums, and we have eliminated juvenile justice changes that previously proved to be an impediment to the larger bill's passage.

The bill that we offer today provides a Federal helping hand to fight the gang problem. It provides a comprehensive solution to gang violence, combining enforcement, prevention, and intervention efforts in a collaborative approach that has proven effective in models like Operation Ceasefire.

The bill recognizes that the Federal Government can do more to fight gangs

and that more tools must be made available to Federal law enforcement agents and prosecutors to stop the epidemic of gang violence. To this end, the bill establishes new, common sense Federal gang crimes and tougher Federal penalties.

Existing Federal street gang laws are frankly weak, and are almost never used. Currently, a person committing a gang crime might have extra time tacked on to the end of their Federal sentence. That is because Federal law currently focuses on gang violence only as a sentencing enhancement, rather than as a crime unto itself.

The bill that I offer today would make it a separate Federal crime for any criminal street gang member to commit, conspire or attempt to commit violent crimes—including murder, kidnapping, arson, extortion—in furtherance of the gang.

The penalties for gang members committing such crimes would increase considerably.

For gang-related murder, kidnapping, aggravated sexual abuse or maiming, the penalties would range up to life imprisonment.

For any other serious violent felony, the penalty would range up to 30 years.

For other crimes of violence—defined as the actual or intended use of physical force against the person of another—the penalty could bring up to 20 years in prison.

The bill also creates a new crime for recruiting juveniles and adults into a criminal street gang, with a penalty of up to 10 years, or if the recruiting involved a juvenile or recruiting from prison, up to 20 years.

It also creates new Federal crimes for committing violent crimes in connection with drug trafficking, and increases existing penalties for violent crimes in aid of racketeering.

Finally, the bill also makes a host of other violent crime reforms, including closing a loophole that allows carjackers to avoid convictions, increasing the penalties for those who use guns in violent crimes or transfer guns knowing they will be used in crimes, and limiting bail for violent felons who possess firearms.

But the bill also recognizes that we cannot simply arrest our way out of the gang problem. It also focuses on prevention and intervention strategies to prevent our youth from joining street gangs and to give existing gang members a way out of that lifestyle.

Specifically, the bill would authorize over \$1 billion in new funds over the next 5 years to address the gang problem, including: \$411.5 million to fund gang prevention and intervention programs, like Operation Ceasefire, a proven gang prevention and intervention program successfully used in communities across the country; \$187.5 million to establish High Intensity Interstate Gang Activity Areas—Federal,

State, and local law enforcement task forces to combat gangs and implement prevention programs; \$100 million to fund the DOJ's Project Safe Neighborhood Program, the Federal Government's primary anti-gang initiative; \$50 million for the Project Safe Streets Program, the FBI's primary gang investigation tool; \$100 million for more prosecutors, technology, and equipment for gang investigations; \$270 million for State witness protection programs in gang cases.

This balanced approach—of prevention and intervention plus common sense enforcement—will send a clear message to gang members: a new day has arrived and the Federal Government will no longer sit on the sidelines while gang violence engulfs the country.

This bill will provide gang members with new opportunities, with schools and social services agencies empowered to make alternatives to gangs a realistic option. But if gang members continue to engage in violence, they will face new and serious Federal consequences.

For more than 10 years now, Senator HATCH and I have been trying to pass Federal anti-gang legislation. There have been times when we have gotten close, including last session when the Senate passed this same bill. Unfortunately, while Congress as a whole has failed to act, violent street gangs have only expanded nationwide and become more empowered and entrenched in other States and communities.

I believe this bill can again pass in the Senate and be enacted into law. The time has arrived for us to finally address this problem, and I believe this bill is well-suited to help solve it.

I urge my colleagues to favorably consider this legislation in the 111th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gang Abatement and Prevention Act of 2009".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

- Sec. 101. Revision and extension of penalties related to criminal street gang activity.

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

- Sec. 201. Violent crimes in aid of racketeering activity.
- Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.
- Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
- Sec. 204. Statute of limitations for violent crime.
- Sec. 205. Study of hearsay exception for forfeiture by wrongdoing.
- Sec. 206. Possession of firearms by dangerous felons.
- Sec. 207. Conforming amendment.
- Sec. 208. Amendments relating to violent crime.
- Sec. 209. Publicity campaign about new criminal penalties.
- Sec. 210. Statute of limitations for terrorism offenses.
- Sec. 211. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.
- Sec. 212. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
- Sec. 213. Clarification of Hobbs Act.
- Sec. 214. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.
- Sec. 215. Amendment of sentencing guidelines.

TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

- Sec. 301. Designation of and assistance for high intensity gang activity areas.
- Sec. 302. Gang prevention grants.
- Sec. 303. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.
- Sec. 304. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
- Sec. 305. Grants to prosecutors and law enforcement to combat violent crime.
- Sec. 306. Expansion and reauthorization of the mentoring initiative for system involved youth.
- Sec. 307. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
- Sec. 308. Short-Term State Witness Protection Section.
- Sec. 309. Witness protection services.
- Sec. 310. Expansion of Federal witness relocation and protection program.
- Sec. 311. Family abduction prevention grant program.
- Sec. 312. Study on adolescent development and sentences in the Federal system.
- Sec. 313. National youth anti-heroin media campaign.
- Sec. 314. Training at the national advocacy center.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

- Sec. 401. Short title.
- Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. National Commission on Public Safety Through Crime Prevention.

Sec. 405. Innovative crime prevention and intervention strategy grants.

SEC. 3. FINDINGS.

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.3 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdictions providing information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

(3) these disturbing rises in violent crime are attributable in part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking offenses;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that gangs and gang members commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways directly and substantially affecting interstate and foreign commerce;

(7) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gangs prey upon and incorporate minors into their ranks, exploiting the fact that adolescents have immature decision-making capacity, therefore, gang activity and recruitment can be reduced and deterred through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement, and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and even during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

(11) because State and local prosecutors and law enforcement have the expertise, experience, and connection to the community that is needed to assist in combating gang

violence, consultation and coordination between Federal, State, and local law enforcement and collaboration with other community agencies is critical to the successful prosecutions of criminal street gangs and reduction of gang problems.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

SEC. 101. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

“CHAPTER 26—CRIMINAL STREET GANGS
“Sec.

“521. Definitions.

“522. Criminal street gang prosecutions.

“523. Recruitment of persons to participate in a criminal street gang.

“524. Violent crimes in furtherance of criminal street gangs.

“525. Forfeiture.

“SEC. 521. DEFINITIONS.

“In this chapter:

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ means a formal or informal group, organization, or association of 5 or more individuals—

“(A) each of whom has committed at least 1 gang crime; and

“(B) who collectively commit 3 or more gang crimes (not less than 1 of which is a serious violent felony), in separate criminal episodes (not less than 1 of which occurs after the date of enactment of the Gang Abatement and Prevention Act of 2009, and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual)).

“(2) GANG CRIME.—The term ‘gang crime’ means an offense under Federal law punishable by imprisonment for more than 1 year, or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more in any of the following categories:

“(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, kidnapping, or extortion.

“(B) A crime involving obstruction of justice, or tampering with or retaliating against a witness, victim, or informant.

“(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise trafficking in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(D) Any conduct punishable under—

“(i) section 844 (relating to explosive materials);

“(ii) subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony or a serious drug offense (as those terms are defined in section 924(e)), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), (g)(11), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts);

“(iii) subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties);

“(iv) section 930 (relating to possession of firearms and dangerous weapons in Federal facilities);

“(v) section 931 (relating to purchase, ownership, or possession of body armor by violent felons);

“(vi) sections 1028 and 1029 (relating to fraud, identity theft, and related activity in connection with identification documents or access devices);

“(vii) section 1084 (relating to transmission of wagering information);

“(viii) section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

“(ix) section 1956 (relating to the laundering of monetary instruments);

“(x) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); or

“(xi) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

“(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of aliens for immoral purposes) of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, and 1328).

“(F) Any crime involving aggravated sexual abuse, sexual assault, pimping or pandering involving prostitution, sexual exploitation of children (including sections 2251, 2251A, 2252 and 2260), peonage, slavery, or trafficking in persons (including sections 1581 through 1592) and sections 2421 through 2427 (relating to transport for illegal sexual activity).

“(3) MINOR.—The term ‘minor’ means an individual who is less than 18 years of age.

“(4) SERIOUS VIOLENT FELONY.—The term ‘serious violent felony’ has the meaning given that term in section 3559.

“(5) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“SEC. 522. CRIMINAL STREET GANG PROSECUTIONS.

“(a) STREET GANG CRIME.—It shall be unlawful for any person to knowingly commit, or conspire, threaten, or attempt to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title and—

“(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years or for life;

“(2) for any other serious violent felony, by imprisonment for not more than 30 years;

“(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

“(4) for any other offense, by imprisonment for not more than 10 years.

“SEC. 523. RECRUITMENT OF PERSONS TO PARTICIPATE IN A CRIMINAL STREET GANG.

“(a) PROHIBITED ACTS.—It shall be unlawful to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or attempt or conspire to do so, with the intent to cause that person to participate in a gang crime, if the defendant travels in interstate or foreign commerce in the course of the offense, or if the

activities of that criminal street gang are in or affect interstate or foreign commerce.

“(b) PENALTIES.—Whoever violates subsection (a) shall—

“(1) if the person recruited, employed, solicited, induced, commanded, coerced, or caused to participate or remain in a criminal street gang is a minor—

“(A) be fined under this title, imprisoned not more than 10 years, or both; and

“(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the minor until the person attains the age of 18 years;

“(2) if the person who recruits, employs, solicits, induces, commands, coerces, or causes the participation or remaining in a criminal street gang is incarcerated at the time the offense takes place, be fined under this title, imprisoned not more than 10 years, or both; and

“(3) in any other case, be fined under this title, imprisoned not more than 5 years, or both.

“(c) CONSECUTIVE NATURE OF PENALTIES.—Any term of imprisonment imposed under subsection (b)(2) shall be consecutive to any term imposed for any other offense.

“SEC. 524. VIOLENT CRIMES IN FURTHERANCE OF CRIMINAL STREET GANGS.

“(a) IN GENERAL.—It shall be unlawful for any person, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance of, or in association with, a criminal street gang, or as consideration for anything of pecuniary value to or from a criminal street gang, to knowingly commit or threaten to commit against any individual a crime of violence that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or attempt or conspire to do so, if the activities of the criminal street gang occur in or affect interstate or foreign commerce.

“(b) PENALTY.—Any person who violates subsection (a) shall be punished by a fine under this title and—

“(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

“(2) for a serious violent felony other than one described in paragraph (1), by imprisonment for not more than 30 years; and

“(3) in any other case, by imprisonment for not more than 20 years.

“SEC. 525. FORFEITURE.

“(a) CRIMINAL FORFEITURE.—A person who is convicted of a violation of this chapter shall forfeit to the United States—

“(1) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

“(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation.

“(b) PROCEDURES APPLICABLE.—Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsections (a) and (d) of that section, shall apply to the criminal forfeiture of property under this section.”.

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46 or” and inserting “chapter 26, chapter 46, or”.

(c) **MONEY LAUNDERING.**—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “, section 522 (relating to criminal street gang prosecutions), 523 (relating to recruitment of persons to participate in a criminal street gang), and 524 (relating to violent crimes in furtherance of criminal street gangs)” before “, section 541”.

(d) **AMENDMENT OF SPECIAL SENTENCING PROVISION PROHIBITING PRISONER COMMUNICATIONS.**—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting “chapter 26 (criminal street gangs),” before “chapter 95”; and

(2) by inserting “a criminal street gang or” before “an illegal enterprise”.

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—
(A) by inserting “or in furtherance or in aid of an enterprise engaged in racketeering activity,” before “murders,”; and

(B) by inserting “engages in conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States,” before “maims,”;

(2) in paragraph (1), by inserting “conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming,” after “kidnapping,”;

(3) in paragraph (2), by striking “maiming” and inserting “assault resulting in serious bodily injury”;

(4) in paragraph (3), by striking “or assault resulting in serious bodily injury”;

(5) in paragraph (4)—

(A) by striking “five years” and inserting “10 years”; and

(B) by adding “and” at the end; and

(6) by striking paragraphs (5) and (6) and inserting the following:

“(5) for attempting or conspiring to commit any offense under this section, by the same penalties (other than the death penalty) as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.”.

SEC. 202. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) **IN GENERAL.**—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

“(a) **IN GENERAL.**—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or threatens, attempts or conspires to do so, shall be punished by a fine under title 18, United States Code, and—

“(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

“(2) for a serious violent felony (as defined in section 3559 of title 18, United States

Code) other than one described in paragraph (1) by imprisonment for not more than 30 years;

“(3) for a crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

“(4) in any other case by imprisonment for not more than 10 years.

“(b) **VENUE.**—A prosecution for a violation of this section may be brought in—

“(1) the judicial district in which the murder or other crime of violence occurred; or

“(2) any judicial district in which the drug trafficking crime may be prosecuted.

“(c) **DEFINITIONS.**—In this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code; and

“(2) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2) of title 18, United States Code.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513; 84 Stat. 1236) is amended by inserting after the item relating to section 423, the following:

“Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.”.

SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142(e) of title 18, United States Code, is amended in the matter following paragraph (3), by inserting after “that the person committed” the following: “an offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime or crime of violence (as those terms are defined in section 924(c))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section 922.”.

SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) **IN GENERAL.**—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“§ 3299A. Violent crime offenses

“No person shall be prosecuted, tried, or punished for any noncapital felony crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 10 years after the date on which the alleged violation occurred or the continuing offense was completed.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“3299A. Violent crime offenses.”.

SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

The Judicial Conference of the United States shall study the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) **IN GENERAL.**—Section 924(e) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) In the case of a person who violates section 922(g) of this title and has previously

been convicted by any court referred to in section 922(g)(1) of a violent felony or a serious drug offense shall—

“(A) in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for that conviction, be imprisoned for not more than 15 years, fined under this title, or both;

“(B) in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for not more than 20 years, fined under this title, or both; and

“(C) in the case of 3 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for any term of years not less than 15 years or for life and fined under this title, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).”.

(b) **AMENDMENT TO SENTENCING GUIDELINES.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of that title 18, as amended by subsection (a).

SEC. 207. CONFORMING AMENDMENT.

The matter preceding paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting “, transfer,” after “sell”.

SEC. 208. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) **CARJACKING.**—Section 2119 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “, with the intent” and all that follows through “to do so, shall” and inserting “knowingly takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person of another by force and violence or by intimidation, causing a reasonable apprehension of fear of death or serious bodily injury in an individual, or attempts or conspires to do so, shall”;

(2) in paragraph (1), by striking “15 years” and inserting “20 years”;

(3) in paragraph (2), by striking “or imprisoned not more than 25 years, or both” and inserting “and imprisoned for any term of years or for life”; and

(4) in paragraph (3), by inserting “the person takes or attempts to take the motor vehicle in violation of this section with intent to cause death or cause serious bodily injury, and” before “death results”.

(b) **CLARIFICATION AND STRENGTHENING OF PROHIBITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIME OF VIOLENCE.**—Section 924(h) of title 18, United States Code, is amended to read as follows:

“(h) Whoever knowingly transfers a firearm that has moved in or that otherwise affects interstate or foreign commerce, knowing that the firearm will be used to commit,

or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be fined under this title and imprisoned not more than 20 years."

(c) **AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.**—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting "chapter 26 of this title (criminal street gang prosecutions) or in" after "felony set forth in"; and

(2) by inserting "a criminal street gang or" before "an illegal enterprise".

(d) **CONSPIRACY PENALTY.**—Section 371 of title 18, United States Code, is amended by striking "five years, or both." and inserting "10 years (unless the maximum penalty for the crime that served as the object of the conspiracy has a maximum penalty of imprisonment of less than 10 years, in which case the maximum penalty under this section shall be the penalty for such crime), or both. This paragraph does not supersede any other penalty specifically set forth for a conspiracy offense."

SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

The Attorney General is authorized to conduct media campaigns in any area designated as a high intensity gang activity area under section 301 and any area with existing and emerging problems with gangs, as needed, to educate individuals in that area about the changes in criminal penalties made by this Act, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.

Section 3286(a) of title 18, United States Code, is amended—

(1) in the subsection heading, by striking "EIGHT-YEAR" and inserting "TEN-YEAR"; and

(2) in the first sentence, by striking "8 years" and inserting "10 years".

SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.

Section 1961(1)(A) of title 18, United States Code, is amended by inserting ", or would have been so chargeable if the act or threat (other than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction," after "chargeable under State law".

SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "or" and the end of paragraph (r);

(2) by redesignating paragraph (s) as paragraph (u); and

(3) by inserting after paragraph (r) the following:

"(s) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

"(t) any violation of section 522, 523, or 524 (relating to criminal street gangs); or"

SEC. 213. CLARIFICATION OF HOBBS ACT.

Section 1951(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "including the unlawful impersonation of a law en-

forcement officer (as that term is defined in section 245(c) of this title)," after "by means of actual or threatened force,"; and

(2) in paragraph (2), by inserting "including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title)," after "by wrongful use of actual or threatened force,".

SEC. 214. INTERSTATE TAMPERING WITH OR RETALIATION AGAINST A WITNESS, VICTIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.

(a) **IN GENERAL.**—Chapter 73 of title 18, United States Code, is amended by inserting after section 1513 the following:

"§ 1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a state criminal proceeding"

"(a) **IN GENERAL.**—It shall be unlawful for any person—

"(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

"(A) use or threaten to use any physical force against any witness, informant, victim, or other participant in a State criminal proceeding in an effort to influence or prevent participation in such proceeding, or to retaliate against such individual for participating in such proceeding; or

"(B) threaten, influence, or prevent from testifying any actual or prospective witness in a State criminal proceeding; or

"(2) to attempt or conspire to commit an offense under subparagraph (A) or (B) of paragraph (1).

"(b) **PENALTIES.**—

"(1) **USE OF FORCE.**—Any person who violates subsection (a)(1)(A) by use of force—

"(A) shall be fined under this title, imprisoned not more than 20 years, or both; and

"(B) if death, kidnapping, or serious bodily injury results, shall be fined under this title, imprisoned for any term of years or for life, or both.

"(2) **OTHER VIOLATIONS.**—Any person who violates subsection (a)(1)(A) by threatened use of force or violates paragraph (1)(B) or (2) of subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) **VENUE.**—A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred."

(b) **CONFORMING AMENDMENT.**—Section 1512 is amended, in the section heading, by adding at the end the following: "**in a Federal proceeding**".

(c) **CHAPTER ANALYSIS.**—The table of sections for chapter 73 of title 18, United States Code, is amended—

(1) by striking the item relating to section 1512 and inserting the following:

"1512. Tampering with a witness, victim, or an informant in a Federal proceeding.";

and

(2) by inserting after the item relating to section 1513 the following:

"1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding."

SEC. 215. AMENDMENT OF SENTENCING GUIDELINES.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States

Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this title and the amendments made by this title.

(b) **REQUIREMENTS.**—In carrying out this section, the United States Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses under this title and the amendments made by this title;

(2) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guidelines offense levels and enhancements—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in this title and the amendments made by this title; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set forth in this title and the amendments made by this title;

(3) ensure that specific offense characteristics are added to increase the guideline range—

(A) by at least 2 offense levels, if a criminal defendant committing a gang crime or gang recruiting offense was an alien who was present in the United States in violation of section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326) at the time the offense was committed; and

(B) by at least 4 offense levels, if such defendant had also previously been ordered removed or deported under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime;

(4) determine under what circumstances a sentence of imprisonment imposed under this title or the amendments made by this title shall run consecutively to any other sentence of imprisonment imposed for any other crime, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the Sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(8) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.

(a) **DEFINITIONS.**—In this section:

(1) **GOVERNOR.**—The term "Governor" means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of

an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

(2) **HIGH INTENSITY GANG ACTIVITY AREA.**—The term “high intensity gang activity area” or “HIGAA” means an area within 1 or more States or Indian country that is designated as a high intensity gang activity area under subsection (b)(1).

(3) **INDIAN COUNTRY.**—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) **STATE.**—The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) **TRIBAL LEADER.**—The term “tribal leader” means the chief executive officer representing the governing body of an Indian tribe.

(b) **HIGH INTENSITY GANG ACTIVITY AREAS.**—

(1) **DESIGNATION.**—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity gang activity areas, specific areas that are located within 1 or more States, which may consist of 1 or more municipalities, counties, or other jurisdictions as appropriate.

(2) **ASSISTANCE.**—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(A) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups, and those reentering society from prison; and

(iv) evaluation teams to research and collect information, assess data, recommend adjustments, and generally assure the accountability and effectiveness of program implementation;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) direct the reassignment or detailing of representatives from—

(i) the Department of Justice;

(ii) the Department of Education;

(iii) the Department of Labor;

(iv) the Department of Health and Human Services;

(v) the Department of Housing and Urban Development; and

(vi) any other Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) to each high intensity gang

activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

(D) prioritize and administer the Federal program and resource requests made by the local collaborative working group established under subparagraph (A) for each high intensity gang activity area;

(E) provide all necessary funding for the operation of each local collaborative working group in each high intensity gang activity area; and

(F) provide all necessary funding for national and regional meetings of local collaborative working groups, criminal street gang enforcement teams, and educational, community, social service, faith-based, and all other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

(3) **COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.**—Each team established under paragraph (2)(A)(i) shall consist of agents and officers, where feasible, from—

(A) the Federal Bureau of Investigation;

(B) the Drug Enforcement Administration;

(C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the United States Marshals Service;

(E) the Department of Homeland Security;

(F) the Department of Housing and Urban Development;

(G) State, local, and, where appropriate, tribal law enforcement;

(H) Federal, State, and local prosecutors; and

(I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) **CRITERIA FOR DESIGNATION.**—In considering an area for designation as a high intensity gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which qualitative and quantitative data indicate that violent crime in the area is related to criminal street gang activity, such as murder, robbery, assaults, carjacking, arson, kidnapping, extortion, drug trafficking, and other criminal activity;

(C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies, schools, community groups, social service agencies, job agencies, faith-based organizations, and other organizations have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(5) **RELATION TO HIDTA.**—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a “HIDTA”), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—

(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select (with a preference for

Federal, State, and local law enforcement agencies that are within the geographic area of that high intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds provided under subsection (g)(1) for the criminal street gang enforcement team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity gang activity area, the members of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and

(D) the Criminal Street Gang Enforcement Team of that high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it substantially overlaps, utilize the intelligence-sharing, administrative, and other resources of that HIDTA.

(c) **REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than December 1 of each year, the Attorney General shall submit a report to the appropriate committees of Congress and the Director of the Office of Management and Budget and the Domestic Policy Council that describes, for each designated high intensity gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of gangs;

(D) the number and nature of crimes committed by gangs and gang members;

(E) the definition of the term “gang” used to compile that report; and

(F) the programmatic outcomes and funding need of the high intensity gang area, including—

(i) an evidence-based analysis of the best practices and outcomes from the work of the relevant local collaborative working group; and

(ii) an analysis of whether Federal resources distributed meet the needs of the high intensity gang activity area and, if any programmatic funding shortfalls exist, recommendations for programs or funding to meet such shortfalls.

(2) **APPROPRIATE COMMITTEES.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on the Judiciary, the Committee on Appropriations, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(d) **ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS.**—The Attorney General is authorized to hire 94 additional Assistant United States attorneys, and nonattorney coordinators and paralegals as necessary, to carry out the provisions of this section.

(e) **ADDITIONAL DEFENSE COUNSEL.**—In each of the fiscal years 2009 through 2013, the Director of the Administrative Office of the

United States Courts is authorized to hire 71 additional attorneys, nonattorney coordinators, and investigators, as necessary, in Federal Defender Programs and Federal Community Defender Organizations, and to make additional payments as necessary to retain appointed counsel under section 3006A of title 18, United States Code, to adequately respond to any increased or expanded case-loads that may occur as a result of this Act or the amendments made by this Act. Funding under this subsection shall not exceed the funding levels under subsection (d).

(F) NATIONAL GANG RESEARCH, EVALUATION, AND POLICY INSTITUTE.—

(1) IN GENERAL.—The Office of Justice Programs of the Department of Justice, after consulting with relevant law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the “Institute”).

(2) ACTIVITIES.—The Institute shall—

(A) promote and facilitate the implementation of data-driven, effective gang violence suppression, prevention, intervention, and reentry models, such as the Operation Ceasefire model, the Strategic Public Health Approach, the Gang Reduction Program, or any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(B) assist jurisdictions by conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that have objectives and data on how they reduce gang violence (including shootings and killings), using prevention, outreach, and community approaches, and that demonstrate the efficacy of these approaches; and

(C) provide and contract for technical assistance as needed in support of its mission.

(3) NATIONAL CONFERENCE.—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to reduce and prevent gang violence, and to teach and promote gang violence prevention, intervention, and reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement teams, and local collaborative working groups, including representatives of educational, community, religious, and social service organizations, and gang program and policy research evaluators.

(4) NATIONAL DEMONSTRATION SITES.—Not later than 120 days after the date of its formation, the Institute shall select appropriate HIGAA areas to serve as primary national demonstration sites, based on the nature, concentration, and distribution of various gang types, the jurisdiction's established capacity to integrate prevention, intervention, re-entry and enforcement efforts, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to be linked to and receive evaluation, research, and technical assistance through the primary sites, as it may determine appropriate.

(5) DISSEMINATION OF INFORMATION.—Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information about methods to effectively reduce and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also cre-

ate a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) GANG INTERVENTION ACADEMIES.—Not later than 6 months after the date of its formation, the Institute shall, either directly or through contracts with qualified nonprofit organizations, establish not less than 1 training academy, located in a high intensity gang activity area, to promote effective gang intervention and community policing. The purposes of an academy established under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(7) SUPPORT.—The Institute shall obtain initial and continuing support from experienced researchers and practitioners, as it determines necessary, to test and assist in implementing its strategies nationally, regionally, and locally.

(8) RESEARCH AGENDA.—The Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions;

(B) how to foster and maximize the continuing impact of community moral voices in this context;

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS-13.

(9) EVALUATION.—The National Institute of Justice shall evaluate, on a continuing basis, comprehensive gang violence prevention, intervention, suppression, and reentry strategies supported by the Institute, and shall report the results of these evaluations by no later than October 1 each year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(10) FUNDS.—The Attorney General shall use not less than 3 percent, and not more than 5 percent, of the amounts made available under this section to establish and operate the Institute.

(g) USE OF FUNDS.—Of amounts made available to a local collaborative working group under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative effort—

(1) 50 percent shall be used for the operation of criminal street gang enforcement teams; and

(2) 50 percent shall be used—

(A) to provide at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups through—

(i) service providers in the community, including schools and school districts; and

(ii) faith leaders and other individuals experienced at reaching youth who have been involved in violence and violent gangs or groups;

(B) for the establishment and operation of the National Gang Research, Evaluation, and Policy Institute; and

(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2009 through 2013. Any funds made available under this subsection shall remain available until expended.

SEC. 302. GANG PREVENTION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice may make grants, in accordance with such regulations as the Attorney General may prescribe, to States, units of local government, tribal governments, and qualified private entities, to develop community-based programs that provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) reducing gang involvement through nonviolent and constructive activities, such as community service programs, development of nonviolent conflict resolution skills, employment and legal assistance, family counseling, and other safe, community-based alternatives for high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures and programs;

(4) identifying and addressing early childhood risk factors for gang involvement, including parent training and childhood skills development;

(5) identifying and fostering protective factors that buffer children and adolescents from gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time nonviolent offenders facing alternative penalties, such as mandated participation in community service, restitution, counseling, and education and prevention programs;

(8) implementing regional, multidisciplinary approaches to combat gang violence through coordinated programs for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including regional gang task forces and regional crime mapping strategies that enhance focused prosecutions and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, and social workers.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed \$1,000,000.

(2) CONSULTATION AND COOPERATION.—Each recipient of a grant under this section shall have in effect on the date of the application by that entity agreements to consult and cooperate with local, State, or Federal law enforcement and participate, as appropriate, in coordinated efforts to reduce gang activity and violence.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds during that year;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Attorney General may require.

(e) **DEFINITION.**—In this section, the term “units of local government” includes sheriffs departments, police departments, and local prosecutor offices.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants under this section \$35,000,000 for each of the fiscal years 2009 through 2013.

SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) **IN GENERAL.**—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) **ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.**—

(1) **IN GENERAL.**—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) **ENFORCEMENT.**—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe Neighborhoods/Firearms Violence Reduction program.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$20,000,000 for each of fiscal years 2009 through 2013 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) **EXPANSION OF SAFE STREETS PROGRAM.**—The Attorney General is authorized to expand the Safe Streets Program of the Federal Bureau of Investigation for the purpose of supporting criminal street gang enforcement teams.

(b) **NATIONAL GANG ACTIVITY DATABASE.**—

(1) **IN GENERAL.**—The Attorney General shall establish a National Gang Activity Database to be housed at and administered by the Department of Justice.

(2) **DESCRIPTION.**—The database required by paragraph (1) shall—

(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to disseminate aggregate statistical information to other members of the criminal justice system, community leaders, academics, and the public;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving and reducing gang-related crimes;

(C) operate in a manner that enables law enforcement agencies to—

(i) identify gang members involved in crimes;

(ii) track the movement of gangs and members throughout the region;

(iii) coordinate law enforcement response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence; and

(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(3) **USE OF RISS SECURE INTRANET.**—From amounts made available to carry out this section, the Attorney General shall provide the Regional Information Sharing Systems such sums as are necessary to use the secure intranet known as RISSNET to electronically connect existing gang information systems (including the RISSGang National Gang Database) with the National Gang Activity Database, thereby facilitating the automated information exchange of existing gang data by all connected systems without the need for additional databases or data replication.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General \$10,000,000 for each of fiscal years 2009 through 2013 to carry out this section.

(2) **AVAILABILITY.**—Any amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME.

(a) **IN GENERAL.**—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) to hire additional prosecutors to—

“(A) allow more cases to be prosecuted; and

“(B) reduce backlogs; and

“(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2009 through 2013 to carry out this subtitle.”.

SEC. 306. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) **EXPANSION.**—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: “The Administrator shall expand the number of sites receiving such grants from 4 to 12.”.

(b) **AUTHORIZATION OF PROGRAM.**—Section 299(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking “There are authorized” and inserting the following:

“(1) **IN GENERAL.**—There are authorized”; and

(2) by adding at the end the following:

“(2) **AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.**—There are authorized to be appropriated to carry out the Mentoring Initiative for System Involved Youth Program under part E \$4,800,000 for each of fiscal years 2009 through 2013.”.

SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) **IN GENERAL.**—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in carrying out projects involving innovative approaches to combat gang activity.

(b) **CERTAIN APPROACHES.**—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—The Attorney General may make a grant under this section only if the entity receiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) **DETERMINATION OF AMOUNT CONTRIBUTED.**—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) **EVALUATION OF PROJECTS.**—

(1) **IN GENERAL.**—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

(2) **GRANTEES.**—A grant may be made under subsection (a) only if the entity involved—

(A) agrees to conduct evaluations of the approach in accordance with the criteria established under paragraph (1);

(B) agrees to submit to the Attorney General reports describing the results of the evaluations, as the Attorney General determines to be appropriate; and

(C) submits to the Attorney General, in the application under subsection (e), a plan for conducting the evaluations.

(e) **APPLICATION FOR GRANT.**—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including the agreements under subsections (c) and (d) and the plan under subsection (d)(2)(C)) as the Attorney General determines appropriate.

(f) **REPORT TO CONGRESS.**—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the approaches under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 to carry out this section for each of the fiscal years 2009 through 2013.

SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SECTION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

“§570. Short-term state witness protection section

“(a) **IN GENERAL.**—There is established in the United States Marshals Service a Short-Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor's offices and the United States attorney for the District of Columbia.

“(b) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to—

“(A) criminal prosecutor's offices for States with an average of not less than 100 murders per year; and

“(B) criminal prosecutor's offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is above the national average.

“(2) **CALCULATION.**—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during 5-year period immediately preceding an application for protection.”.

(2) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 570 through 576 and inserting the following:

“570. Short-Term State Witness Protection Section.”.

(b) **GRANT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “eligible prosecutor's office” means a State or local criminal prosecutor's office or the United States attorney for the District of Columbia; and

(B) the term “serious violent felony” has the same meaning as in section 3559(c)(2) of title 18, United States Code.

(2) **GRANTS AUTHORIZED.**—

(A) **IN GENERAL.**—The Attorney General is authorized to make grants to eligible prosecutor's offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) **ALLOCATION.**—Each eligible prosecutor's office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including tattoo removal services); or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor's office.

(3) **APPLICATION.**—

(A) **IN GENERAL.**—Each eligible prosecutor's office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall—

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection \$90,000,000 for each of fiscal years 2009 through 2011.

SEC. 309. WITNESS PROTECTION SERVICES.

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

“(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence committed by a criminal street gang, as defined under the laws of the relevant State seeking assistance under this title.”.

SEC. 310. EXPANSION OF FEDERAL WITNESS LOCATION AND PROTECTION PROGRAM.

Section 3521(a)(1) of title 18 is amended by inserting “, criminal street gang, serious drug offense, homicide,” after “organized criminal activity”.

SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.

(a) **STATE GRANTS.**—The Attorney General is authorized to make grants to States for projects involving—

(1) the extradition of individuals suspected of committing a family abduction;

(2) the investigation by State and local law enforcement agencies of family abduction cases;

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

(4) outreach and media campaigns to educate parents on the dangers of family abductions; and

(5) the flagging of school records.

(b) **MATCHING REQUIREMENT.**—Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(c) **DEFINITIONS.**—In this section:

(1) **FAMILY ABDUCTION.**—The term “family abduction” means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on be-

half of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

(2) **FLAGGING.**—The term “flagging” means the process of notifying law enforcement authorities of the name and address of any person requesting the school records of an abducted child.

(3) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 and 2011.

SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) **IN GENERAL.**—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) **CONTENTS.**—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) **REVISION OF GUIDELINES.**—If determined appropriate by the United States Sentencing Commission, after completing the study under subsection (a) the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors under this Act or the amendments made by this Act.

SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAMPAIGN.

Section 709 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following:

“(k) **PREVENTION OF HEROIN ABUSE.**—

“(1) **FINDINGS.**—Congress finds the following:

“(A) Heroin, and particularly the form known as ‘cheese heroin’ (a drug made by mixing black tar heroin with diphenhydramine), poses a significant and increasing threat to youth in the United States.

“(B) Drug organizations import heroin from outside of the United States, mix the highly addictive drug with diphenhydramine, and distribute it mostly to youth.

“(C) Since the initial discovery of cheese heroin on Dallas school campuses in 2005, at

least 21 minors have died after overdosing on cheese heroin in Dallas County.

“(D) The number of arrests involving possession of cheese heroin in the Dallas area during the 2006-2007 school year increased over 60 percent from the previous school year.

“(E) The ease of communication via the Internet and cell phones allows a drug trend to spread rapidly across the country, creating a national threat.

“(F) Gangs recruit youth as new members by providing them with this inexpensive drug.

“(G) Reports show that there is rampant ignorance among youth about the dangerous and potentially fatal effects of cheese heroin.

“(2) PREVENTION OF HEROIN ABUSE.—In conducting advertising and activities otherwise authorized under this section, the Director shall promote prevention of youth heroin use, including cheese heroin.”.

SEC. 314. TRAINING AT THE NATIONAL ADVOCACY CENTER.

(a) IN GENERAL.—The National District Attorneys Association may use the services of the National Advocacy Center in Columbia, South Carolina to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

(b) TRAINING.—The National Advocacy Center in Columbia, South Carolina may provide comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section \$6,500,000, to remain available until expended, for fiscal years 2009 through 2012.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

SEC. 401. SHORT TITLE.

This title may be cited as the “Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009” or the “PRECAUTION Act”.

SEC. 402. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Serv-

ices of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the National Commission on Public Safety Through Crime Prevention established under section 404(a).

(2) RIGOROUS EVIDENCE.—The term “rigorous evidence” means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term “subcategory” means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolenence strategies).

(4) TOP-TIER.—The term “top-tier” means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and

minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of $\frac{2}{3}$ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of $\frac{2}{3}$ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

- (i) the President;
- (ii) Congress;
- (iii) the Attorney General;
- (iv) the Chief Federal Public Defender of each district;
- (v) the chief executive of each State;
- (vi) the Director of the Administrative Office of the Courts of each State;
- (vii) the Director of the Administrative Office of the United States Courts; and
- (viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police,

the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 405.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 405, the Commission shall collect the results of the study of the effectiveness of that grant under section 405(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 405 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 405 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 405, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 405, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 405(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 405(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 405(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of $\frac{2}{3}$ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a $\frac{2}{3}$ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) **GRANTS AUTHORIZED.**—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.

(1) **PERIOD.**—A grant under this section shall be made for a period of not more than 3 years.

(2) **AMOUNT.**—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed \$2,000,000.

(3) EVALUATION SET-ASIDE.

(A) **IN GENERAL.**—A grantee shall use not less than \$300,000 and not more than \$700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.

(i) **IN GENERAL.**—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) **CRITERIA.**—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) **APPROVAL.**—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) **DATE OF AWARD.**—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 404(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) **TYPE OF GRANTS.**—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 404(f) shall be considered.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.

(1) **IN GENERAL.**—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) **STUDY OVERSIGHT.**—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) **LIAISON.**—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated

\$150,000 for each of fiscal years 2009 through 2013 to carry out this subsection.

(d) **APPLICATIONS.**—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) **COOPERATION WITH THE COMMISSION.**—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mrs. BOXER, Mr. NELSON of Florida, Mr. KERRY, and Mr. SPECTER):

S. 133. A bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator SNOWE to introduce legislation that will increase transparency, strengthen oversight, and require firms receiving financial lifelines from the Federal Government to practice responsible corporate governance.

Our bill—the Troubled Asset Relief Program Transparency Reporting Act—will achieve four essential objectives, prohibit firms receiving loans from the Federal Reserve or participating in the Troubled Asset Relief Program, TARP, from using this money for lobbying expenditures or political contributions; require that firms receiving government assistance provide detailed, publicly available quarterly reports to Treasury outlining how taxpayer dollars have been used; establish corporate governance standards to ensure that firms receiving Federal assistance do not waste money on unnecessary expenditures; and create penalties of at least \$100,000 per violation for firms that fail to meet the corporate governance standards established in the bill.

The need for such legislation has become very apparent in the 3 months since Congress approved the economic rescue plan.

The economic rescue legislation passed in October includes several oversight boards and accountability provisions to ensure that public funds are effectively distributed. But, it does

not include any reporting requirements for firms that receive Federal dollars.

This is a significant omission, especially given the amount of Federal money that some firms are receiving.

The Treasury Department has committed to purchasing \$250 billion of preferred stock in financial institutions. More than 200 financial institutions have received roughly \$188 billion. Of these funds, \$125 billion was allocated to nine large national banks.

In addition to injecting capital into banks, American Insurance Group, AIG, has received an additional \$40 billion and CitiGroup has received \$20 billion of TARP funds.

Last month, GM received more than \$10 billion in financing through the recently implemented Automotive Industry Financing Program.

This effectively means that the entirety of the first \$350 billion of rescue funds has been spent.

When you add up all of the taxpayer dollars put on the line—from \$30 billion provided to Bear Stearns in March, \$200 billion available to Fannie Mae and Freddie Mac, \$150 billion to AIG, \$700 billion for TARP, plus the direct lending programs at the Federal Reserve—we are talking about well over 1 trillion Federal dollars.

I certainly don't think it is unreasonable for the public to know how their money is being spent, and I am not the only Member of Congress or elected official who feels this way.

In response to questions posed by the Congressional Oversight Panel for Economic Stabilization, the Treasury Department noted that it was committed to rigorous oversight of executive compensation packages. This may be the case, but executive compensation is only the beginning.

While I am pleased that CEOs at some financial institutions that accepted Federal assistance did not accept their annual bonuses last year, we still do not have an official accounting of how Federal funds were used.

Certainly Americans deserve assurances that struggling firms will not use public funds to pay exorbitant salaries or bonuses.

The same can be said for these funds going towards dividend payments, or mergers and acquisitions.

The Government Accountability Office, GAO, has reported that the Treasury Department had no strong accountability or oversight function to ensure that banks were using rescue assistance with the best interests of the public in mind.

It noted that Treasury had little ability to ensure that participating firms complied with laws already limiting executive compensation and conflicts of interest.

An investigation last month by the Associated Press found that many banks that have accepted Federal assistance are not able to say with certainty exactly how they have used the

money. Some of these banks would not even discuss the issue.

We cannot be sure that the rescue funds are being used to stabilize the economy if banks are not keeping proper accounting of their use, and those that do will not disclose it.

Shining light on how firms use public dollars not only makes good sense, but it will also act as a deterrent to irresponsible behavior.

On October 16, 2008, the Wall Street Journal reported that AIG, which received billions of dollars in Federal rescue funds, was continuing to lobby State regulators to delay implementation of strengthened licensing standards for mortgage brokers and lenders.

AIG was lobbying against sensible standards created by the SAFE Mortgage Licensing Act. This bill, introduced by Senator MARTINEZ and myself, established basic minimum regulations for the mortgage industry to ensure consumers were adequately protected.

Before this bill, in some States virtually anyone—even those with criminal records—could go out and get a mortgage broker's license.

Left unchecked, and with no regulations to stop them, unscrupulous mortgage brokers and lenders flooded the markets with subprime loans that they knew would never be paid back.

Of course, this has served as one of the catalysts for our current economic predicament.

And now AIG, propped up by billions in Government money after having succumbed to bad investments, was lobbying against the strong enforcement of State laws that might have helped prevent this catastrophe in the first place.

Senator MARTINEZ and I wrote a letter to AIG and, to the company's credit, CEO Edward Liddy immediately suspended the company's lobbying operations.

I find it completely unacceptable that taxpayer dollars intended to stabilize the economy could find their way into the bank accounts of lobbying firms. The legislation which I am reintroducing today will make sure that does not happen.

I do not mean to pick on AIG, but they have also been the poster child for wasteful spending by rescued firms.

In September 2008, just days after receiving an \$85 billion Federal lifeline, the management of AIG treated itself to a \$444,000 spa weekend at the St. Regis resort in Monarch Beach, California. This included \$200,000 for rooms, \$150,000 for fine dining and \$23,000 in spa charges.

AIG executives spent the last 2 days of September 2008 on a golf outing at Mandalay Bay in Las Vegas at a cost of up to \$500,000. They were planning to follow this with a few days at the Ritz Carlton in Half Moon Bay, but cancelled after it hit the news and drew fire from congressional leaders.

As news of these wasteful expenditures was making headlines, AIG received another \$37.8 billion in emergency loans from the Federal Government.

Shortly thereafter, the Associated Press reported that—even as AIG was asking Congress for these loans—AIG executives were spending \$86,000 on a pheasant hunting expedition in England. During the trip, they stayed at a 17th century manor.

One AIG executive named Sebastian Preil was quoted as saying that: "The recession will go on until about 2011, but the shooting was great today and we are relaxing fine."

Once these lapses in judgment came to light, AIG chief executive Edward Liddy informed Congress that he was putting an end to all nonessential expenditures. Yet weeks later, an undercover news crew caught AIG executives at the Hilton Squaw Peak Resort in Phoenix, hosting a seminar for financial planners complete with cocktails and limousines.

One would think that a brush with collapse and total failure might have a sobering effect on some of these firms.

But this penchant for wasteful junkets in the face of complete failure was not unique to AIG.

Following enactment of TARP, news reports have uncovered multiple instances in which rescued firms have been caught making unnecessary and outrageous expenditures, leading many taxpayers to question why these firms are receiving Federal assistance in the first place.

In November, Treasury Secretary Paulson announced that the \$700 billion approved by Congress to stabilize financial markets would not be used to purchase illiquid assets but rather to make direct capital injections into financial institutions.

Given this new mission, the need for additional transparency and disclosure is striking.

We have learned that we cannot necessarily count on these firms and their executives to act sensibly and do what is right.

The public needs to know that their tax dollars are being put to good use.

A simple "trust me" from the bank executives is not enough.

Americans are struggling, and the pain in my State of California, where unemployment is 8.4 percent, and foreclosure filings exceeded 750,000 last year, is especially acute.

This bill puts in place commonsense solutions to fix some of the deficiencies in the economic stabilization bill.

This legislation is significant and sorely needed.

We must act soon to help restore confidence in this effort and shed light on how public funds are used. We promised the American people transparency and oversight, and this legislation will make good on that promise.

I hope my colleagues will join me to ensure that taxpayer dollars are spent efficiently and responsibly.

By Mr. KERRY (for himself, Ms. SNOWE, and Mrs. LINCOLN):

S. 138. A bill to amend the Internal Revenue Code of 1986 to repeal alternative minimum tax limitations on private activity bond interest, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator SNOWE and I are introduce legislation to exempt private activity bond interest from the alternative minimum tax, AMT. My colleague from Massachusetts, Representative RICHARD NEAL has introduced similar legislation. Under current law, interest paid on private activity bonds is subject to the alternative minimum tax. This results in the bonds not being very marketable in these difficult economic times.

Making private activity bonds no longer subject to the AMT would help with the issuance of bonds. This legislation would assist in needed relief to State and local governments across the Nation. It would provide more buyers to the market, resulting in interest savings for issuers, and ultimately taxpayers.

Subjecting private activity bond interest to the AMT could cost an issuer 25 to 30 more basis points when issuing an AMT bond compared to a non-AMT bond. However, the recent freezing of the municipal credit market has led the difference to rise as much as 100 basis points. This results in increased costs for various infrastructure projects including airports, docks and other transportation-related facilities; water, sewer and other utility facilities; and solid and hazardous waste disposal facilities.

Last Congress, I worked on a provision to exempt the interest from private activity housing bonds from the AMT and this provision was included in the Housing and Economic Recovery Act of 2008. The legislation Senator SNOWE and I are introducing builds on this provision by exempting interest from all private activity bonds from the AMT.

I believe this legislation will help spur the economy and create jobs. This legislation will provide better funding options for essential infrastructure projects and create jobs across the country. I look forward to working with my colleagues on this important legislation.

By Mrs. FEINSTEIN:

S. 139. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Data Breach Notification Act.

This is a commonsense bill that is aimed at protecting personal information and preventing identity theft. The bill would require businesses and government agencies to notify individuals when their sensitive personal information has been exposed in a data breach.

As many of you know, I have been urging the Senate to adopt this legislation since 2003, when California first imposed a State notification requirement.

That legislation has helped consumers in my State. Federal data breach law would provide uniformity and protect consumers throughout the country.

With every year that passes, the evidence in support of this legislation has only continued to mount.

The cost of identity theft is enormous—estimated at more than \$50 billion per year. Some of the costs fall on businesses and banks, which suffer losses from fraudulent transactions. Some of the costs are also borne by consumers, whose finances and credit ratings are disrupted.

Since the beginning of 2005, over 240 million data records containing individuals' sensitive personal data have been exposed in data breaches.

It seems that not a week goes by without news of another security breach that exposes names, addresses, birth dates, social security numbers, or other personal data.

These breaches have spawned a vast online market in stolen identities. Today, each person whose identity is sold on the internet faces a high risk of becoming a victim of identity theft. Each of them faces the expensive and time-consuming nightmare of trying to restore their finances and credit ratings.

According to a report by the Identity Theft Resource Center, the news media reported more than 620 breaches involving personal information during 2008. That works out to about one data security breach every 14 hours—and those are just the ones that are big enough to be covered in the media.

Recent reports of security breaches involving sensitive personal data point out the extent of the problem.

In December 2008, during a website development project at the Florida Agency for Workforce Innovation, the Social Security numbers of more than a quarter of a million people were accidentally posted online.

In August of last year, an employee working weekends at Countrywide copied customer records from an office computer and then sold the personal information of an estimated 2,000,000 mortgage applicants.

In May of 2007, a breach at the Transportation Security Administration made the names, Social Security num-

bers, birth dates, payroll information, and bank account information of more than 100,000 former employees vulnerable to theft or sale.

In January of that same year, hackers accessed information held by TJX stores, including more than 45 million credit card numbers and more than 455,000 merchandise records containing customers' drivers license numbers.

In May of 2006, there was a breach at the Department of Veterans Affairs that involved the names, birth dates, and Social Security numbers of every veteran discharged from the military since 1975—more than 28 million veterans—every veteran discharged from the military since 1975.

Another disturbing example took place last year at the State Department when the passport files of Senator CLINTON, Senator MCCAIN, and Senator OBAMA—the three leading presidential contenders at the time—were accessed by contractors working for the Department. Though the Department knew about the breaches right away, several months passed before our colleagues were told about the problem.

Unfortunately, this delay is not surprising—because there is currently nothing to require a Federal agency to tell us when a security breach affects our personal data.

That needs to change. That's what my bill does.

Specifically, this legislation requires the Federal Government and private businesses to notify individuals when there has been a security breach involving their sensitive personal data; ensures that the notice is provided without unreasonable delay; creates very limited exceptions to notification for national security and law enforcement purposes, and when law enforcement certifies that there is there is no significant risk of harm to the individual; establishes penalties against those who do not provide the required notice. The provisions of the bill would be enforced by the Federal and State attorneys general; and pre-empts State laws so that there is a single, nationwide notification requirement.

Data security breaches have real consequences. For one thing, they are bad for business because they lead to a loss of confidence—especially in online commerce. A 2005 survey for Consumer Reports showed that 25 percent of Internet users stopped shopping online because of fears about identity theft. Of people who still shopped online, 29 percent said that they had cut back on how often they buy products on the Internet.

Data breaches also pose serious harms for consumers. A November 2007 report from the Federal Trade Commission revealed that identity theft victims spent as much as \$5,000 of their own money—and as many as 1,200 hours of their time—recovering from the

harm to their finances caused by identity theft.

While not all data breaches lead to identity theft, the cost of stolen identities is so enormous that we should be doing everything we can to solve this problem.

The situation requires action. While Congress has been slow to act, the States have not. In the almost 6 years since the California law took effect, 43 States, the District of Columbia, Puerto Rico, and the Virgin Islands have passed similar laws.

A report issued by the Federal Trade Commission in December 2008 noted that these State data breach notification laws have had several indirect benefits; many businesses across the country have strengthened their safeguard practices in order to avoid data breaches.

By forcing companies to consider the potential cost and liability that may ensue if information is compromised in a data breach, these laws have the indirect benefit of motivating companies to reassess their need to collect personally identifiable information in the first place.

The same benefits would flow from Federal legislation. Additionally, the Data Breach Notification Act would improve the law by creating a single, uniform national standard.

A September 2008 report issued by the President's Identity Theft Task Force again emphasized the need for a unified Federal standard to replace the patchwork of varied state laws currently in place. The December 2008 FTC report made the same point.

A Federal bill will simplify the process of compliance and notification for businesses, while ensuring that all consumers get the information they need as soon as possible when breaches happen.

We have already waited too long. The Judiciary Committee endorsed this bill unanimously during the last Congress. The epidemic of data breaches in our nation continues unabated. This is a commonsense bill that we should take action on now.

I urge the Senate to pass the Data Breach Notification Act to give Americans the information they need to protect themselves from identity theft.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Data Breach Notification Act".

SEC. 2. NOTICE TO INDIVIDUALS.

(a) IN GENERAL.—Any agency, or business entity engaged in interstate commerce, that

uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.—Nothing in this Act shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) REASONABLE DELAY.—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) BURDEN OF PROOF.—The agency, business entity, owner, or licensee required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this Act, including evidence demonstrating the reasons for any delay.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this Act.

SEC. 3. EXEMPTIONS.

(a) EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 2 shall not apply to an agency or business entity if the agency

or business entity certifies, in writing, that notification of the security breach as required by section 2 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) LIMITS ON CERTIFICATIONS.—An agency or business entity may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) NOTICE.—In every case in which an agency or business entity issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service.

(4) SECRET SERVICE REVIEW OF CERTIFICATIONS.—

(A) IN GENERAL.—The United States Secret Service may review a certification provided by an agency under paragraph (3), and shall review a certification provided by a business entity under paragraph (3), to determine whether an exemption under paragraph (1) is merited. Such review shall be completed not later than 10 business days after the date of receipt of the certification, except as provided in paragraph (5)(C).

(B) NOTICE.—Upon completing a review under subparagraph (A) the United States Secret Service shall immediately notify the agency or business entity, in writing, of its determination of whether an exemption under paragraph (1) is merited.

(C) EXEMPTION.—The exemption under paragraph (1) shall not apply if the United States Secret Service determines under this paragraph that the exemption is not merited.

(5) ADDITIONAL AUTHORITY OF THE SECRET SERVICE.—

(A) IN GENERAL.—In determining under paragraph (4) whether an exemption under paragraph (1) is merited, the United States Secret Service may request additional information from the agency or business entity regarding the basis for the claimed exemption, if such additional information is necessary to determine whether the exemption is merited.

(B) REQUIRED COMPLIANCE.—Any agency or business entity that receives a request for additional information under subparagraph (A) shall cooperate with any such request.

(C) TIMING.—If the United States Secret Service requests additional information under subparagraph (A), the United States Secret Service shall notify the agency or business entity not later than 10 business days after the date of receipt of the additional information whether an exemption under paragraph (1) is merited.

(b) SAFE HARBOR.—

(1) IN GENERAL.—An agency or business entity shall be exempt from the notice requirements under section 2, if—

(A) a risk assessment concludes that there is no significant risk that a security breach has resulted in, or will result in, harm to the individual whose sensitive personally identifiable information was subject to the security breach;

(B) without unreasonable delay, but not later than 45 days after the discovery of a security breach (unless extended by the United States Secret Service), the agency or busi-

ness entity notifies the United States Secret Service, in writing, of—

(i) the results of the risk assessment; and

(ii) its decision to invoke the risk assessment exemption; and

(C) the United States Secret Service does not indicate, in writing, and not later than 10 business days after the date of receipt of the decision described in subparagraph (B)(ii), that notice should be given.

(2) PRESUMPTIONS.—There shall be a presumption that no significant risk of harm to the individual whose sensitive personally identifiable information was subject to a security breach if such information—

(A) was encrypted; or

(B) was rendered indecipherable through the use of best practices or methods, such as redaction, access controls, or other such mechanisms, that are widely accepted as an effective industry practice, or an effective industry standard.

(c) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A business entity will be exempt from the notice requirement under section 2 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) LIMITATION.—The exemption by this subsection does not apply if—

(A) the information subject to the security breach includes sensitive personally identifiable information, other than a credit card number or credit card security code, of any type; or

(B) the information subject to the security breach includes both the individual's credit card number and the individual's first and last name.

SEC. 4. METHODS OF NOTICE.

An agency, or business entity shall be in compliance with section 2 if it provides both:

(1) INDIVIDUAL NOTICE.—

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity;

(B) telephone notice to the individual personally; or

(C) e-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

SEC. 5. CONTENT OF NOTIFICATION.

(a) IN GENERAL.—Regardless of the method by which notice is provided to individuals under section 4, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) **ADDITIONAL CONTENT.**—Notwithstanding section 10, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 6. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 2(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

SEC. 7. NOTICE TO LAW ENFORCEMENT.

(a) **SECRET SERVICE.**—Any business entity or agency shall notify the United States Secret Service of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) **NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.**—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) **TIMING OF NOTICES.**—The notices required under this section shall be delivered as follows:

(1) Notice under subsection (a) shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

(2) Notice under subsection (b) shall be delivered not later than 14 days after the United States Secret Service receives notice of a security breach from an agency or business entity.

SEC. 8. ENFORCEMENT.

(a) **CIVIL ACTIONS BY THE ATTORNEY GENERAL.**—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this Act and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(b) **INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this Act, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this Act.

(2) **ISSUANCE OF ORDER.**—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this Act.

(c) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this Act are cumulative and shall not affect any other rights and remedies available under law.

(d) **FRAUD ALERT.**—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

SEC. 9. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this Act, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this Act; or

(C) obtain civil penalties of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an ac-

tion by an attorney general of a State under this Act, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) **NOTIFICATION.**—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) **FEDERAL PROCEEDINGS.**—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 8 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) **PENDING PROCEEDINGS.**—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this Act against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this Act regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) **VENUE; SERVICE OF PROCESS.**—

(1) **VENUE.**—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this Act establishes a private cause of action against a business entity for violation of any provision of this Act.

SEC. 10. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this Act shall supersede any other provision of Federal law or any provision of law of any State relating to notification by a business entity engaged in interstate commerce or an agency of a security breach, except as provided in section 5(b).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this Act.

SEC. 12. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

(a) **IN GENERAL.**—The United States Secret Service shall report to Congress not later than 18 months after the date of enactment

of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 3(b) of this Act and the response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 3(a) of this Act.

(b) **REPORT.**—Any report submitted under subsection (a) shall not disclose the contents of any risk assessment provided to the United States Secret Service under this Act.

SEC. 13. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) **AGENCY.**—The term “agency” has the same meaning given such term in section 551 of title 5, United States Code.

(2) **AFFILIATE.**—The term “affiliate” means persons related by common ownership or by corporate control.

(3) **BUSINESS ENTITY.**—The term “business entity” means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) **ENCRYPTED.**—The term “encrypted”—
(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(5) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(6) **SECURITY BREACH.**—

(A) **IN GENERAL.**—The term “security breach” means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(B) **EXCLUSION.**—The term “security breach” does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure; or

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements.

(7) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes—

(A) an individual's first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver's license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother's maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

By Mrs. FEINSTEIN:

S. 140. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help address the threats to public health and safety caused by abandoned hardrock mines.

There are as many as 500,000 abandoned mines strewn across the western states—47,000 alone are found on California's public lands.

The scope of this problem is huge.

In the past two years, eight accidents at abandoned mine sites were reported in California. Throughout the United States, at least 37 deaths occurred between 1999 and 2007 and the potential for more is ominous.

Basic remediation efforts, such as warning signs and fencing, can provide protection.

However, some abandoned mines pose a more serious threat. Environmental impact studies have shown that important watersheds are being polluted by high levels of harmful minerals, such as mercury, lead, arsenic and asbestos. In California alone, seventeen watersheds have been affected.

Yet not enough is being done to clean up these dangerous Gold Rush-era mines.

The bill that I am introducing today is not intended to be a comprehensive hardrock mining bill, but it is an important piece of the reform needed.

The Abandoned Mine Reclamation Act of 2009 will reform the 1872 Mining Law by establishing fees to support abandoned mine clean up; establishing a royalty payment system; and creating an Abandoned Mine Clean up Fund.

Unlike the coal industry, the metal mining industry does not pay to clean up its legacy of abandoned mines, mak-

ing lack of funding the primary obstacle to abandoned hardrock mine clean up.

This legislation would help fund the clean up of abandoned mines by placing an Abandoned Mine Reclamation fee on all hardrock minerals, using the underground coal industry fee program as a model. Specifically, it would create a 0.3 percent reclamation fee on the gross value of all hardrock mineral mining, including mining on Federal, State, tribal, local and private lands.

The condition of abandoned coal mines has greatly improved since the Surface Mining Control and Reclamation Act of 1977 established a fee to finance restoration of land abandoned or inadequately restored by coal mining companies.

This fund has been able to raise billions of dollars for coal mine reclamation—and I believe that a similar program could be part of the solution to hardrock abandoned mine clean up.

This legislation establishes a royalty fee on Hardrock Mining Claims.

Companies that mine for gold and silver on Federal lands are not currently required to pay any royalties to the Federal Government—even though we are experiencing near record high gold prices.

These companies should be required to pay their fair share.

The Abandoned Mine Reclamation Act establishes an 8 percent royalty on new mining operations located on Federal lands, and a 4 percent royalty for existing operations.

The legislation I am introducing today also creates an Abandoned Mine Fund.

In these times of budget deficits, it's clear that we will not be able to simply appropriate the funds necessary to clean up the hundreds of thousands of abandoned hard rock mines.

So, this legislation will create an abandoned mine clean up fund to ensure that we have a lasting source of funding for this critical clean up effort.

Specifically, the fund will direct the royalties, as well as other payments collected from mining operations, and dedicate them to the clean up of abandoned hardrock mines.

I recognize the important role that mining has played in California's history. The discovery of gold at Sutter Mill near Placerville, California in 1848 was a defining moment for my State and the U.S.

It is fair to say that without mining and the Gold Rush, California and the entire country would be a far different place than it is today.

The history of mining in California, however, is tarnished by the legacy of tens of thousands of abandoned mines. In particular, abandoned mine sites on Federal lands.

A recent report from the Department of the Interior's Inspector General underscores the scope and the urgency of

the abandoned mine problem on public lands—in particular, those managed by the Bureau of Land Management and the National Park Service.

The report concluded that public health and safety have been compromised by mismanagement, funding shortfalls and systematic neglect.

The report found the potential for more deaths and injuries is ominous. A number of abandoned mine sites on public lands present an immediate danger due to open shafts, collapsing mine walls, and rotting structures. Some have deadly gases that accumulate in underground passages. And others leach hazardous chemicals like arsenic, lead and mercury into groundwater.

The Bureau of Land Management's abandoned mines program has been neglected and understaffed. In some cases, staff were told by their supervisors to ignore these problems; and those who did come forward to identify contaminated sites were criticized or outright threatened.

The scope of the problem is less severe at the National Parks Service. But perennial funding shortfalls impede the clean up of known abandoned mines.

At the heart of the problem is a century-old law signed by President Ulysses S. Grant to promote the settlement of publicly-owned lands in the western states.

The 1872 Mining Law created national standards for hardrock mining operations on Federal public lands; however, it has not been substantially updated for 137 years. Under this outdated framework, the hardrock mining industry does not pay royalties for minerals taken from Federal land and is not obligated to share in the cost of clean up for abandoned mines. Since the enactment of this law, hundreds of thousands of mines have been abandoned.

Congress needs to move swiftly to address this issue before more damage and accidents occur.

Though this legislation is a significant step forward for the funding of abandoned mines, I know that there is much more mining reform to be done.

I look forward to working with my colleagues to modernize our Nation's mining laws and accelerate the clean up of dangerous abandoned mines.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Abandoned Mine Reclamation Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions and references.

Sec. 3. Application rules.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Sec. 101. Royalty.

Sec. 102. Hardrock mining claim maintenance fee.

Sec. 103. Reclamation fee.

Sec. 104. Effect of payments for use and occupancy of claims.

TITLE II—ABANDONED MINE CLEANUP FUND

Sec. 201. Establishment of Fund.

Sec. 202. Contents of Fund.

Sec. 203. Use and objectives of the Fund.

Sec. 204. Eligible lands and waters.

Sec. 205. Expenditures.

Sec. 206. Availability of amounts.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 2. DEFINITIONS AND REFERENCES.

(a) **IN GENERAL.**—As used in this Act:

(1) The term “affiliate” means with respect to any person, any of the following:

(A) Any person who controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

(C) Any person owning at least 10 percent of the voting shares of such person.

(2) The term “applicant” means any person applying for a permit under this Act or a modification to or a renewal of a permit under this Act.

(3) The term “beneficiation” means the crushing and grinding of locatable mineral ore and such processes as are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

(4) The term “claim holder” means a person holding a mining claim, millsite claim, or tunnel site claim located under the general mining laws and maintained in compliance with such laws and this Act. Such term may include an agent of a claim holder.

(5) The term “control” means having the ability, directly or indirectly, to determine (without regard to whether exercised through one or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including without limitation, ownership interest, authority to commit the entity's real or financial assets, position as a director, officer, or partner of the entity, or contractual arrangement.

(6) The term “exploration”—

(A) subject to subparagraphs (B) and (C), means creating surface disturbance other than casual use, to evaluate the type, extent, quantity, or quality of minerals present;

(B) includes mineral activities associated with sampling, drilling, and analyzing locatable mineral values; and

(C) does not include extraction of mineral material for commercial use or sale.

(7) The term “Federal land” means any land, and any interest in land, that is owned by the United States and open to location of mining claims under the general mining laws.

(8) The term “hardrock mineral” has the meaning given the term “locatable mineral” except that legal and beneficial title to the mineral need not be held by the United States.

(9) The term “Indian lands” means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(10) The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term “locatable mineral”—

(A) subject to subparagraph (B), means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under any of—

(i) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(ii) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 et seq.); or

(iv) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 et seq.); and

(B) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(i) held in trust by the United States for any Indian or Indian tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101); or

(ii) owned by any Indian or Indian tribe, as defined in that section.

(12) The term “mineral activities” means any activity on a mining claim, millsite claim, or tunnel site claim for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any locatable mineral.

(13) The term “operator” means any person proposing or authorized by a permit issued under this Act to conduct mineral activities and any agent of such person.

(14) The term “person” means an individual, Indian tribe, partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative, or other organization and any instrumentality of State or local government including any publicly owned utility or publicly owned corporation of State or local government.

(15) The term “processing” means processes downstream of beneficiation employed to prepare locatable mineral ore into the final marketable product, including but not limited to smelting and electrolytic refining.

(16) The term “Secretary” means the Secretary of the Interior, unless otherwise specified.

(17) The term “temporary cessation” means a halt in mine-related production activities for a continuous period of no longer than 5 years.

(b) **REFERENCES TO OTHER LAWS.**—(1) Any reference in this Act to the term general mining laws is a reference to those Acts that generally comprise chapters 2, 12A, and 16, and sections 161 and 162, of title 30, United States Code.

(2) Any reference in this Act to the Act of July 23, 1955, is a reference to the Act entitled “An Act to amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes” (30 U.S.C. 601 et seq.).

SEC. 3. APPLICATION RULES.

(a) **IN GENERAL.**—This Act applies to any mining claim, millsite claim, or tunnel site claim located under the general mining laws, before, on, or after the date of enactment of this Act, except as provided in subsection (b).

(b) **PREEXISTING CLAIMS.**—(1) Any unpatented mining claim or millsite claim located under the general mining laws before the date of enactment of this Act for which a plan of operation has not been approved or a notice filed prior to the date of enactment shall, upon the effective date of this Act, be subject to the requirements of this Act, except as provided in paragraph (2).

(2)(A) If a plan of operations is approved for mineral activities on any claim or site referred to in paragraph (1) prior to the date of enactment of this Act but such operations have not commenced prior to the date of enactment of this Act—

(i) during the 10-year period beginning on the date of enactment of this Act, mineral activities at such claim or site shall be subject to such plan of operations;

(ii) during such 10-year period, modifications of any such plan may be made in accordance with the provisions of law applicable prior to the enactment of this Act if such modifications are deemed minor by the Secretary concerned; and

(iii) the operator shall bring such mineral activities into compliance with this Act by the end of such 10-year period.

(B) Where an application for modification of a plan of operations referred to in subparagraph (A)(ii) has been timely submitted and an approved plan expires prior to Secretarial action on the application, mineral activities and reclamation may continue in accordance with the terms of the expired plan until the Secretary makes an administrative decision on the application.

(c) **FEDERAL LANDS SUBJECT TO EXISTING PERMIT.**—(1) Any Federal land shall be subject to the requirements of section 101(a)(2) if the land is—

(A) subject to an operations permit; and

(B) producing valuable locatable minerals in commercial quantities prior to the date of enactment of this Act.

(2) Any Federal land added through a plan modification to an operations permit on Federal land that is submitted after the date of enactment of this Act shall be subject to the terms of section 101(a)(3).

(d) **APPLICATION OF ACT TO BENEFICIATION AND PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL LANDS.**—The provisions of this Act shall apply in the same manner and to the same extent to mining claims, millsite claims, and tunnel site claims used for beneficiation or processing activities for any mineral without regard to whether or not the legal and beneficial title to the mineral is held by the United States. This subsection applies only to minerals that are locatable minerals or minerals that would be locatable minerals if the legal and beneficial title to such minerals were held by the United States.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

SEC. 101. ROYALTY.

(a) **RESERVATION OF ROYALTY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and subject to paragraph (3), production of all locatable minerals from any mining claim located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining. The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim and any person who controls such claim holder or operator shall be liable for payment of such royalties.

(2) **ROYALTY FOR FEDERAL LANDS SUBJECT TO EXISTING PERMIT.**—The royalty under paragraph (1) shall be 4 percent in the case of any Federal land that—

(A) is subject to an operations permit on the date of the enactment of this Act; and

(B) produces valuable locatable minerals in commercial quantities on the date of enactment of this Act.

(3) **FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.**—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to Federal land under paragraph (1).

(4) **DEPOSIT.**—Amounts received by the United States as royalties under this subsection shall be deposited into the Abandoned Mine Cleanup Fund established by section 201(a).

(b) **DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.**—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is responsible for making proper payments for all amounts due for all time periods for which such person has a payment responsibility. Such responsibility for the periods referred to in the preceding sentence shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in the operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) **RECORDKEEPING AND REPORTING REQUIREMENTS.**—A claim holder, operator, or other person directly involved in developing,

producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information that may be required by this section shall be made available for inspection and duplication by such officer or employee. Failure by a claim holder, operator, or other person referred to in the first sentence to cooperate with such an audit, provide data required by the Secretary, or grant access to information may, at the discretion of the Secretary, result in involuntary forfeiture of the claim.

(d) **AUDITS.**—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) **COOPERATIVE AGREEMENTS.**—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (3) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under this Act.

(3) Trade secrets, proprietary, and other confidential information protected from disclosure under section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, shall be made available by the Secretary to other Federal agencies as necessary to assure compliance with this Act and other Federal laws. The Secretary, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and other Federal officials shall ensure that such information is provided protection in accordance with the requirements of that section.

(f) **INTEREST AND SUBSTANTIAL UNDER-REPORTING ASSESSMENTS.**—(1) In the case of

mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary shall assess a penalty of not greater than 25 percent of the amount of that underreporting.

(3) For the purposes of this subsection, the term "underreporting" means the difference between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

(4) The Secretary may waive or reduce the assessment provided in paragraph (2) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(5) The Secretary shall waive any portion of an assessment under paragraph (2) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported;

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported;

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting; or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(6) All penalties collected under this subsection shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(g) **DELEGATION.**—For the purposes of this section, the term "Secretary" means the Secretary of the Interior acting through the Director of the Minerals Management Service.

(h) **EXPANDED ROYALTY OBLIGATIONS.**—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located under the general mining laws and maintained in compliance with this Act when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(i) **GROSS INCOME FROM MINING DEFINED.**—For the purposes of this section, for any locatable mineral, the term "gross income from mining" has the same meaning as the term "gross income" in section 613(c) of the Internal Revenue Code of 1986.

(j) **EFFECTIVE DATE.**—The royalty under this section shall take effect with respect to

the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

(k) **FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.**—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to the same extent as if the claim located under the general mining laws and maintained in compliance with this Act were a lease under that Act.

SEC. 102. HARDROCK MINING CLAIM MAINTENANCE FEE.

(a) **FEE.**—

(1) Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (relating to oil shale claims), for each unpatented mining claim, mill or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of \$300 per claim to hold such unpatented mining claim, mill or tunnel site for the assessment year beginning at noon on the next day, September 1. Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 et seq.) and the related filing requirements contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).

(2)(A) The claim maintenance fee required under this subsection shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(i) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(ii) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28 et seq.) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(B) For purposes of subparagraph (A), with respect to any claimant, the term "all related parties" means—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(ii) a person affiliated with the claimant, including—

(I) a person controlled by, controlling, or under common control with the claimant; or

(II) a subsidiary or parent company or corporation of the claimant.

(3)(A) The Secretary shall adjust the fees required by this subsection to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(B) The Secretary shall provide claimants notice of any adjustment made under this paragraph not later than July 1 of any year in which the adjustment is made.

(C) A fee adjustment under this paragraph shall begin to apply the calendar year following the calendar year in which it is made.

(4) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the De-

partment of the Interior shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(b) **LOCATION.**—

(1) Notwithstanding any provision of law, for every unpatented mining claim, mill or tunnel site located after the date of enactment of this Act and before September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by subsection (a) of \$50 per claim.

(2) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(c) **TRANSFER.**—

(1) Notwithstanding any provision of law, for every unpatented mining claim, mill, or tunnel site the ownership interest of which is transferred after the date of enactment of this Act, the transferee shall, at the time the transfer document is recorded with the Bureau of Land Management, pay to the Secretary a transfer fee, in addition to the fee required by subsection (a) of \$100 per claim.

(2) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(d) **CO-OWNERSHIP.**—The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain in effect except that the annual claim maintenance fee, where applicable, shall replace applicable assessment requirements and expenditures.

(e) **FAILURE TO PAY.**—Failure to pay the claim maintenance fee as required by subsection (a) shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(f) **OTHER REQUIREMENTS.**—

(1) Nothing in this section shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) related to filings required by section 314(b) of that Act, which remain in effect.

(2) Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting "or section 102 of the Abandoned Mine Reclamation Act of 2009" after "Act of 1993."

SEC. 103. RECLAMATION FEE.

(a) **IMPOSITION OF FEE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), each operator of a hardrock minerals mining operation shall pay to the Secretary, for deposit in the Abandoned Mine Cleanup Fund established by section 201(a), a reclamation fee of 0.3 percent of the gross income of the hardrock minerals mining operation for each calendar year.

(2) **EXCEPTION.**—With respect to any calendar year required under subsection (b), an operator of a hardrock minerals mining operation shall not be required to pay the reclamation fee under paragraph (1) if—

(A) the gross annual income of the hardrock minerals mining operation for the calendar year is an amount less than \$500,000; and

(B) the hardrock minerals mining operation is comprised of—

(i) 1 or more hardrock mineral mines located in a single patented claim; or

(ii) 2 or more contiguous patented claims.

(b) **PAYMENT DEADLINE.**—The reclamation fee shall be paid not later than 60 days after the end of each calendar year beginning with the first calendar year occurring after the date of enactment of this Act.

(c) **DEPOSIT OF REVENUES.**—Amounts received by the Secretary under subsection (a)(1) shall be deposited into the Abandoned Mine Cleanup Fund established by section 201(a).

(d) **EFFECT.**—Nothing in this section requires a reduction in, or otherwise affects, any similar fee required under any law (including regulations) of any State.

SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY OF CLAIMS.

Timely payment of the claim maintenance fee required by section 102(a) of this Act or any related law relating to the use of Federal land, asserts the claimant's authority to use and occupy the Federal land concerned for prospecting and exploration, consistent with the requirements of this Act and other applicable law.

TITLE II—ABANDONED MINE CLEANUP FUND

SEC. 201. ESTABLISHMENT OF FUND.

(a) **ESTABLISHMENT.**—There is established on the books of the Treasury of the United States a separate account to be known as the Abandoned Mine Cleanup Fund (hereinafter in this title referred to as the "Fund").

(b) **INVESTMENT.**—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.

SEC. 202. CONTENTS OF FUND.

The following amounts shall be credited to the Fund:

(1) All donations by persons, corporations, associations, and foundations for the purposes of this title.

(2) All amounts deposited in the Fund under section 101 (relating to royalties and penalties for underreporting).

(3) All amounts received by the United States pursuant to section 102 as claim maintenance, location, and transfer fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

(4) All amounts received by the Secretary in accordance with section 103(a).

(5) All income on investments under section 201(b).

SEC. 203. USE AND OBJECTIVES OF THE FUND.

(a) **IN GENERAL.**—The Secretary is authorized, without further appropriation, to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d), including any of the following:

(1) Protecting public health and safety.

(2) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage, including in river watershed areas.

(3) Reclaiming and restoring abandoned surface and underground mined areas.

(4) Reclaiming and restoring abandoned milling and processing areas.

(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purpose.

(7) Controlling of surface subsidence due to abandoned underground mines.

(b) **ALLOCATION.**—Expenditures of moneys from the Fund shall reflect the following priorities in the order stated:

(1) The protection of public health and safety, from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminants.

(2) The protection of public health and safety, from the adverse effects of past mineral activities.

(3) The restoration of land, water, and fish and wildlife resources previously degraded by the adverse effects of past mineral activities, which may include restoration activities in river watershed areas.

(c) **HABITAT.**—Reclamation and restoration activities under this title, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.

(d) **OTHER AFFECTED LANDS.**—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Fund for reclamation and restoration under subsection (a) for all directly affected lands.

(e) **RESPONSE OR REMOVAL ACTIONS.**—Reclamation and restoration activities under this title which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this title shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and that avoid oversight by multiple agencies to the maximum extent practicable.

SEC. 204. ELIGIBLE LANDS AND WATERS.

(a) **ELIGIBILITY.**—Reclamation expenditures under this title may be made with respect to Federal, State, local, tribal, and private land or water resources that traverse or are contiguous to Federal, State, local, tribal, or private land where such lands or water re-

sources have been affected by past mineral activities, including any of the following:

(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(b) **SPECIFIC SITES AND AREAS NOT ELIGIBLE.**—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(d)) shall apply to expenditures made from the Fund.

(c) INVENTORY.

(1) **IN GENERAL.**—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals mines on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this title, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.

(2) **PRIORITY.**—In preparing and maintaining the inventory described in paragraph (1), the Secretary shall give priority to abandoned locatable minerals mines in accordance with section 203(b).

(3) **PERIODIC UPDATES.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall update the inventory described in paragraph (1).

SEC. 205. EXPENDITURES.

Moneys available from the Fund may be expended for the purposes specified in section 203 directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such money available for such purposes to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, or Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program under this title.

SEC. 206. AVAILABILITY OF AMOUNTS.

Amounts credited to the Fund shall—

(1) be available, without further appropriation, for obligation and expenditure; and

(2) remain available until expended.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.

By Mrs. FEINSTEIN (for herself,
Mr. GREGG, and Ms. SNOWE):

S. 141. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation to protect one of Americans' most valuable but vulnerable assets: Social Security numbers.

The bill I am introducing today aims to protect individual privacy and prevent identity theft by eliminating the

unnecessary use and display of Social Security numbers.

I have been working since the 106th Congress to safeguard Social Security numbers. I believe that the widespread display and use of these numbers poses a significant, and entirely preventable threat to personal privacy.

In 1935, Congress authorized the Social Security Administration to issue Social Security numbers as part of the Social Security program. Since that time, Social Security numbers have become the best-known and easiest way to identify individuals in the United States.

Use of these numbers has expanded well beyond their original purpose. Social Security numbers are now used for everything from credit checks to rental agreements to employment verifications, among other purposes. They can be found in privately held databases and on public records—including marriage licenses, professional certifications, and countless other public documents—many of which are available on the Internet.

Once accessed, the numbers act like keys—allowing thieves to open credit card and bank accounts and even begin applying for government benefits.

According to the Federal Trade Commission, as many as 10 million Americans have their identities stolen by such thieves each year—at a combined cost of billions of dollars.

What's worse, victims often do not realize that a theft has occurred until much later, when they learn that their credit has been destroyed by unpaid debt on fraudulently opened accounts.

One thief stole a retired Army captain's military identification card and used his Social Security number, listed on the card, to go on a 6-month, \$260,000 shopping spree. By the time the Army captain realized what had happened, the thief had opened more than 60 fraudulent accounts.

A single mother of two went to file her taxes and learned that a fraudulent return had already been filed in her name by someone else—a thief who wanted her refund check.

A former pro-football player received a phone call notifying him that a \$1 million home mortgage loan had been approved in his name even though he had never applied for such a loan.

Identity theft is serious. Once an individual's identity is stolen, people are often subjected to countless hours and costs attempting to regain their good name and credit. In 2004, victims spent an average of 300 hours recovering from the crime. The crime disrupts lives and can destroy finances.

It also hurts business. A 2006 online survey by the Business Software Alliance and Harris Interactive found that nearly 30 percent of adults decided to shop online less or not at all during the holiday season because of fears about identity theft.

When people's identities are stolen, they often do not know how the thieves obtained their personal information. Social security numbers and other key identifying data are displayed and used in such a widespread manner that individuals could not successfully restrict access themselves.

Comprehensive limitations on the display of Social Security numbers are critically needed.

The U.S. Government Accountability Office conducted studies of this problem in 2002 and 2007. Both times—in studies entitled “Social Security numbers Are Widely Used by Government and Could Be Better Protected” and “Social Security numbers: Use Is Widespread and Could Be Improved”—the GAO concluded that current protections are insufficient and that serious vulnerabilities remain.

The Protecting the Privacy of Social Security Numbers Act would require government agencies and businesses to do more to protect Americans' Social Security numbers. The bill would stop the sale or display of a person's Social Security number without his or her express consent; prevent Federal, State and local governments from displaying Social Security numbers on public records posted on the Internet; prohibit the printing of Social Security numbers on government checks; prohibit the employing of inmates for tasks that give them access to the Social Security numbers of other individuals; limit the circumstances in which businesses could ask a customer for his or her Social Security number; commission a study by the Attorney General regarding the current uses of Social Security numbers and the impact on privacy and data security; and institute criminal and civil penalties for misuse of Social Security numbers.

This legislation is simple. It is also critical to stopping the growing epidemic of identity theft that has been plaguing America and its citizens.

As the President's Identity Theft Task Force reported last year, “[i]dentity theft depends on access to . . . data. Reducing the opportunities for thieves to get the data is critical to fighting the crime.”

Every agency to study this problem has agreed that the problem will continue to grow over time and that action is needed.

I urge my colleagues to support the Protecting the Privacy of Social Security Numbers Act. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Protecting the Privacy of Social Security Numbers Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Prohibition of the display, sale, or purchase of Social Security numbers.

Sec. 4. Application of prohibition of the display, sale, or purchase of Social Security numbers to public records.

Sec. 5. Rulemaking authority of the Attorney General.

Sec. 6. Treatment of Social Security numbers on government documents.

Sec. 7. Limits on personal disclosure of a Social Security number for consumer transactions.

Sec. 8. Extension of civil monetary penalties for misuse of a Social Security number.

Sec. 9. Criminal penalties for the misuse of a Social Security number.

Sec. 10. Civil actions and civil penalties.

Sec. 11. Federal injunctive authority.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of Social Security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used Social Security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a Social Security number in order to pay taxes, to qualify for Social Security benefits, or to seek employment. An unintended consequence of these requirements is that Social Security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of Social Security numbers.

(4) The display, sale, or purchase of Social Security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of Social Security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act provides each individual that has been assigned a Social Security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028A the following:

“§ 1028B. Prohibition of the display, sale, or purchase of Social Security numbers

“(a) DEFINITIONS.—In this section:

“(1) DISPLAY.—The term ‘display’ means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual’s Social Security number.

“(2) PERSON.—The term ‘person’ means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

“(3) PURCHASE.—The term ‘purchase’ means providing directly or indirectly, anything of value in exchange for a Social Security number.

“(4) SALE.—The term ‘sale’ means obtaining, directly or indirectly, anything of value in exchange for a Social Security number.

“(5) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

“(b) LIMITATION ON DISPLAY.—Except as provided in section 1028C, no person may display any individual’s Social Security number to the general public without the affirmatively expressed consent of the individual.

“(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual’s Social Security number without the affirmatively expressed consent of the individual.

“(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual’s Social Security number shall—

“(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

“(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

“(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a Social Security number—

“(1) required, authorized, or excepted under any Federal law;

“(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

“(3) for a national security purpose;

“(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

“(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

“(A) the prevention of fraud (including fraud in protecting an employee’s right to employment benefits);

“(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

“(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private non-profit organizations; or

“(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

“(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

“(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a Social Security number to the general public.

“(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of Social Security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make Social Security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

“1028B. Prohibition of the display, sale, or purchase of Social Security numbers.”.

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of Social Security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act, the impact of such uses on privacy and data security, and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 4. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028B the following:

“§ 1028C. Display, sale, or purchase of public records containing Social Security numbers

“(a) DEFINITION.—In this section, the term ‘public record’ means any governmental record that is made available to the general public.

“(b) IN GENERAL.—Except as provided in subsections (c), (d), and (e), section 1028B shall not apply to a public record.

“(c) PUBLIC RECORDS ON THE INTERNET OR IN AN ELECTRONIC MEDIUM.—

“(1) IN GENERAL.—Section 1028B shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except

as limited by the Attorney General in accordance with paragraph (2).

“(2) EXCEPTION FOR GOVERNMENT ENTITIES ALREADY PLACING PUBLIC RECORDS ON THE INTERNET OR IN ELECTRONIC FORM.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028B to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

“(A) The cost and availability of technology available to a governmental entity to redact Social Security numbers from public records first provided in electronic form after the effective date of this section.

“(B) The cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments of complying with section 1028B with respect to such records.

“(C) The benefit to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028B should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

“(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028B shall apply to any public record of a government entity which contains Social Security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

“(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028B to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028B to such records.

“(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

“(A) Professional or occupational licenses.

“(B) Marriage licenses.

“(C) Birth certificates.

“(D) Death certificates.

“(E) Other short public documents that display a Social Security number in a routine and consistent manner on the face of the document.

“(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028B should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

“(A) The cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State,

and local governments of complying with section 1028B.

“(B) The benefit to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028B should apply to such records.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 3(a)(2)), is amended by inserting after the item relating to section 1028B the following:

“1028C. Display, sale, or purchase of public records containing Social Security numbers.”.

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on Social Security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain Social Security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of Social Security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain Social Security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain Social Security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing Social Security numbers from public records, including a review of current technologies and procedures for removing Social Security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of Social Security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028C(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's Social Security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of Social Security numbers.

(C) The risk that a particular business practice will promote the use of a Social Security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards, procedures, and technologies to prevent—

(i) misuse of Social Security numbers by employees within a business; and

(ii) misappropriation of Social Security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain Social Security numbers.

(F) The impact of such uses on privacy.

SEC. 6. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following: “(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

“(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers

of other individuals. For purposes of this clause, the term ‘prisoner’ means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 7. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

“SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

“(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual's Social Security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

“(1) for any purpose relating to—

“(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

“(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

“(C) law enforcement; or

“(D) a Federal, State, or local law requirement; or

“(2) if the Social Security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

“(b) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

“(c) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

“(d) LIMITATION ON CLASS ACTIONS.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

“(e) STATE ATTORNEY GENERAL ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

“(i) enjoin that practice;

“(ii) enforce compliance with such section;

“(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

“(iv) obtain such other relief as the court may consider appropriate.

“(B) NOTICE.—

“(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

“(I) written notice of the action; and

“(II) a copy of the complaint for the action.

“(ii) EXEMPTION.—

“(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

“(II) NOTIFICATION.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

“(2) INTERVENTION.—

“(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

“(B) EFFECT OF INTERVENTION.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

“(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

“(A) conduct investigations;

“(B) administer oaths or affirmations; or

“(C) compel the attendance of witnesses or the production of documentary and other evidence.

“(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

“(5) VENUE; SERVICE OF PROCESS.—

“(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(f) SUNSET.—This section shall not apply on or after the date that is 6 years after the effective date of this section.”.

(b) EVALUATION AND REPORT.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests to provide a Social Security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 8. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a-8(a)(1)) is amended—

(A) by striking “who” and inserting “who—”;

(B) by striking “makes” and all that follows through “shall be subject to” and inserting the following:

“(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

“(B) makes such a statement or representation for such use with knowing disregard for the truth; or

“(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to”;

(C) by inserting “or each receipt of such benefits while withholding disclosure of such fact” after “each such statement or representation”;

(D) by inserting “or because of such withholding of disclosure of a material fact” after “because of such statement or representation”; and

(E) by inserting “or such a withholding of disclosure” after “such a statement or representation”.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—The first sentence of section 1129(a) of the Social Security Act (42 U.S.C. 1320a-8(a)) is amended—

(A) by striking “who” and inserting “who—”;

(B) by striking “makes” and all that follows through “shall be subject to” and inserting the following:

“(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

“(2) makes such a statement or representation for such use with knowing disregard for the truth; or

“(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to”.

(b) APPLICATION OF CIVIL MONEY PENALTIES TO ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a-8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

“(3) Any person (including an organization, agency, or other entity) who—

“(A) uses a Social Security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

“(B) falsely represents a number to be the Social Security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the Social Security account number assigned by the Commissioner to such individual;

“(C) knowingly alters a Social Security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

“(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

“(E) counterfeits a Social Security card, or possesses a counterfeit Social Security card with intent to display, sell, or purchase it;

“(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the Social Security account number of any person in violation of the laws of the United States;

“(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

“(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional Social Security account number or a number which purports to be a Social Security account number; or

“(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's Social Security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C), shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than \$5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.”.

(c) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a-8(e)(2)(B)) is amended by striking “In the case of amounts recovered arising out of a determination relating to title VIII or XVI,” and inserting “In the case of any other amounts recovered under this section.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a-8(b)(3)(A)) is amended by striking “charging fraud or false statements”.

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a-8(c)(1)) is amended by striking “and representations” and inserting “, representations, or actions”.

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a-8(e)(1)(A)) is amended by striking “statement or representation

referred to in subsection (a) was made" and inserting "violation occurred".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320-8 and 1320a-8a), as amended by this section, committed after the date of enactment of this Act.

(2) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a-8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 3(c).

(f) REPEAL.—Section 201 of the Social Security Protection Act of 2004 is repealed.

SEC. 9. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's Social Security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following:

"(9) except as provided in subsections (e) and (f) of section 1028B of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028B(a) of title 18, United States Code) any individual's Social Security account number without having met the prerequisites for consent under section 1028B(d) of title 18, United States Code; or

"(10) obtains any individual's Social Security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;"

SEC. 10. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) STATUTE OF LIMITATIONS.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been rea-

sonably discovered by the aggrieved individual.

(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than \$5,000 for each such violation; and

(B) to a civil penalty of not more than \$50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the Social Security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a-7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a-7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 11. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

By Mr. KERRY:

S. 142. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

MR. KERRY. Mr. President, today I am introducing the Kids Come First Act, legislation to ensure every child in America has access to health care coverage. The Kids Come First Act is the first bill I am introducing in the 111th Congress because I believe that insuring all children must be at the top of the agenda this Congress.

Long-term health care reform is vital, but we must also do all that we can now to make sure our children have access to health care. That is why I have incorporated the Small Business Children's Health Education Act as part of Kids First this Congress.

The 111th Congress faces many challenges, from the economic situation at home to the continuing conflicts in the Middle East. But perhaps no issue bears more directly on the lives of more Americans than health care reform. Today, nearly 46 million Ameri-

cans are uninsured, including 11 million children. Health care has become a slow-motion disaster that is ruining lives and bankrupting families all over the country. We cannot stand by as the ranks of the uninsured rise and American families find themselves in peril.

Children from low income households are three times as likely to be uninsured and more than 60 percent of uninsured children have at least one parent working full time. As we continue to face uncertain economic times we must do more for the children of this country who lack health coverage. Too many families are struggling with how to make ends meet. This is the time to take one worry off their plate and make health insurance available for all children.

The Kids Come First Act calls for a Federal-State partnership to mandate health coverage to every child in America. The proposal makes states an offer they can't refuse. The Federal Government will pay for the most expensive part: enrolling all low-income children in Medicaid, automatically. In return, the States will pay to expand coverage to higher income children. Under this legislation, States will save more than \$6 billion a year, and every child will have access to healthcare.

I think it is unacceptable that in the greatest country in the world, millions of children are denied access to the health care they need. The Kids Come First Act expands health care coverage for children up to the age of 21. Through expanding the programs that work, such as Medicaid and SCHIP, we can cover every uninsured child.

Insuring children improves their health and helps families cover the spiraling costs of medical care. Covering all kids will help reduce avoidable hospitalizations by 22 percent and replace expensive critical care with inexpensive preventative care. Also, when children get the medical attention they need, they do better in school.

To pay for the expansion of health insurance for children, the Kids Come First Act includes a provision that provides the Secretary of the Treasury with the authority to raise the highest income tax rate of 35 percent to a rate not higher than 39.6 percent in order to offset the costs. Prior to the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001, the top marginal rate was 39.6 percent. Less than one percent of taxpayers pay the top rate and for 2009, this rate only affects individuals with income above \$372,950.

In addition to expanding access to health insurance, we need to improve enrollment of eligible children. In February 2007, the Urban Institute reported that among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled. Specifically, one out of

every four eligible children with parents working for a small business or are self-employed are not currently enrolled. This compares with just 1 out of every 10 eligible children whose parents work for a large firm.

We need to do a better job of informing and educating America's small business owners and employees of the options that may be available for covering uninsured children. To that effect, the Kids Come First Act includes a provision that creates an intergovernmental task force, consisting of the Administrator of the Small Business Administration, the Secretary of Health and Human Services, the Secretary of Labor and the Secretary of the Treasury, to conduct a campaign to enroll kids of small business employees who are eligible for SCHIP and Medicaid but are not currently enrolled. To educate America's small businesses on the availability of SCHIP and Medicaid, the task force will make use of the Small Business Administration's business partners, including the Service Corps of Retired Executives, the Small Business Development Centers, Certified Development Companies, and Women's Business Centers, and with chambers of commerce across the country.

Additionally, the Small Business Administration is directed to post SCHIP and Medicaid eligibility criteria and enrollment information on its website, and to report back to the Senate and House Committees on Small Business regarding the status and successes of the task force's efforts to enroll eligible kids.

Health care for our children is a top priority that we must address. I believe it can be done in a fiscally responsible manner. We must invest our resources in our future by improving health care for children.

Since I first introduced the Kids Come First Act in the 109th Congress, more than 500,000 people have shown their support for the bill by becoming Citizen Cosponsors and another 20,000 Americans called into our "Give Voices to Our Values" hotline to share their personal stories.

It is clear that providing health care coverage for our uninsured children is a priority for our nation's workers, businesses, and health care community. They know, as I do, that further delay only results in graver health problems for America's children. Their future, and ours, depends on us doing better. I urge my colleagues to support and help enact the Kids Come First Act during this Congress.

By Mr. KERRY:

S. 143. A bill to amend the Internal Revenue Code of 1986 to provide for a college opportunity tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the College Oppor-

tunity Tax Credit Act of 2009. This legislation creates a new tax credit that will put the cost of higher education in reach for American families.

According to a recent College Board report tuition is rising at both public and private institutions. On average, the tuition at a private college this year is \$25,143, up 5.9 percent from last year, and the tuition at a public college \$6,585, up 6.4 percent from last year.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees. In my travels around Massachusetts, I frequently hear from parents concerned they will not be able to pay for their children's college. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, the Congress implemented two new tax credits to make college affordable—the HOPE and the Lifetime Learning credits. These tax credits have put college in reach for families, but I believe we can do more.

The HOPE and Lifetime Learning credits are not refundable, and therefore a family of four must have an income over \$30,000 in order to receive the maximum credit. Almost half of families with college students fail to receive the full credit because their income is too low. In order to receive the full benefit of the Lifetime Learning credit, a student has to spend \$10,000 a year on tuition and fees. This is more than \$3,000 the average annual public 4-year college tuition more than three times the average annual tuition of a 2-year community college. About 56 percent of college students attend schools with tuition and fees under \$9,000.

In 2004, I proposed a refundable tax credit to help pay for the cost of 4 years of college. Currently the HOPE credit applies only to the first 2 years of college. The College Opportunity Tax Credit Act of 2009 helps students and parents afford all four years of college. It also builds on the proposal I made in 2004 by incorporating some of the suggestions made by experts at a Finance Committee hearing held during the 109th Congress. My legislation creates a new credit, the College Opportunity Tax Credit, COTC, that replaces the existing HOPE credit and Lifetime Learning credit and ultimately makes these benefits more generous.

The COTC has two components. The first provides a refundable tax credit for a student enrolled in a degree program at least on a half-time basis. It would provide a 100 percent tax credit for the first \$2,000 of eligible expenses and a 50 percent tax credit for the next \$4,000 of expenses. The maximum credit would be \$4,000 each year per student. The second provides a nonrefundable

tax credit for part-time students, graduate students, and other students that do not qualify for the refundable tax credit. It provides a 40 percent credit for the first \$1,000 of eligible expenses and a 20 percent credit for the next \$3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the Lifetime Learning credit apply to the COTC. These amounts are indexed for inflation, as are the eligible amounts of expenses. This legislation is only for taxable years beginning in 2009 and 2010 in order to make colleges affordable during these difficult financial times. It will also give the Congress additional time to work on a permanent solution to help with the rising cost of a college education.

The College Opportunity Tax Credit Act of 2009 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit for college education a reality this Congress.

By Mr. KERRY (for himself and Mr. ENSIGN):

S. 144. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator ENSIGN and I are reintroducing the MOBILE Cell Phone Act of 2009, Modernize Our Bookkeeping in the Law for Employee's Cell Phone Act of 2009. Last Congress, 60 Senators cosponsored this legislation which would update the tax treatment of cell phones and mobile communication devices.

During the past 20 years, the use of cell phone and mobile communication devices has skyrocketed. Cell phones are no longer viewed as an executive perk or a luxury item. They no longer resemble suitcases or are hardwired to the floor of an automobile. Cell phone and mobile communication devices are now part of daily business practices at all levels.

In 1989, Congress passed a law which added cell phones to the definition of listed property under section 280F(d)(4) of the Internal Revenue Code of 1986. Treating cell phones as listed property requires substantial documentation in order for cell phones to benefit from accelerated depreciation and not be treated as taxable income to the employee. This documentation is required to substantiate that the cell phone is used for business purposes more than 50 percent of the time. Generally, listed property is property that inherently lends itself to personal use, such as automobiles.

Back in 1989, cell phone technology was an expensive technology worthy of detailed log sheets. At that time, it was difficult to envision cell phones that could be placed in a pocket or handbag. Congress was skeptical about the daily business use of cell phones.

Technological advances have revolutionized the cell phone and mobile communication device industries. Twenty years ago, no one could have imagined the role BlackBerries play in our day-to-day communications. Cell phones and mobile communication devices are now widespread throughout all types of businesses. Employers provide their employees with these devices to enable them to remain connected 24 hours a day, 7 days a week. The cost of the devices has been reduced and most providers offer unlimited airtime for one monthly rate.

Recently, the Internal Revenue Service reminded field examiners of the substantiation rules for cell phones as listed property. The current rule requires employers to maintain expensive and detailed logs, and employers caught without cell phone logs could face tax penalties.

The MOBILE Cell Phone Act of 2009 updates the tax treatment of cell phones and mobile communication devices by repealing the requirement that employers maintain detailed logs. The tax code should keep pace with technological advances. There is no longer a reason that cell phones and mobile communication devices should be treated differently than office phones or computers. Last, Congress 60 Senators cosponsored this legislation. I urge my colleagues to support this commonsense change.

By Mr. KOHL (for himself, Mr. VITTER, Mr. LEAHY, Mr. FEINGOLD, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. DORGAN, and Mr. ROCKEFELLER):

S. 146. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce legislation essential to restoring competition to the nation's crucial freight railroad sector. Freight railroads are essential to shipping a myriad of vital goods, everything from coal used to generate electricity to grain used for basic foodstuffs. But for decades the freight railroads have been insulated from the normal rules of competition followed by almost all other parts of our economy by an outmoded and unwarranted antitrust exemption. So today I am introducing along with my colleagues, Senators VITTER, LEAHY, FEINGOLD, SCHUMER, ROCKEFELLER, DORGAN and KLOBUCHAR, the Railroad Antitrust En-

forcement Act of 2009. This legislation will eliminate the obsolete antitrust exemptions that protect freight railroads from competition. This legislation is identical to the legislation that was reported out of the Judiciary Committee in the last Congress without dissent.

Our legislation will eliminate obsolete antitrust exemptions that protect freight railroads from competition and result in higher prices to millions of consumers every day. Consolidation in the railroad industry in recent years has resulted in only four Class I railroads providing over 90 percent of the nation's freight rail transportation. The lack of competition was documented in an October 2006 Government Accountability Office report. That report found that shippers in many geographic areas "may be paying excessive rates due to a lack of competition in these markets." These unjustified cost increases cause consumers to suffer higher electricity bills because a utility must pay for the high cost of transporting coal, result in higher prices for goods produced by manufacturers who rely on railroads to transport raw materials, and reduce earnings for American farmers who ship their products by rail and raise food prices paid by consumers.

The ill-effects of this consolidation are exemplified in the case of "captive shippers"—industries served by only one railroad. Over the past several years, these captive shippers have faced spiking rail rates. They are the victims of the monopolistic practices and price gouging by the single railroad that serves them, price increases which they are forced to pass along into the price of their products, and ultimately, to consumers. And in many cases, the ordinary protections of antitrust law are unavailable to these captive shippers—instead, the railroads are protected by a series of outmoded exemptions from the normal rules of antitrust law to which all other industries must abide. In August 2006, the Attorneys General of 17 states and the District of Columbia sent a letter to Congress citing problems due to a lack of competition and asked that the antitrust exemptions be removed.

These unwarranted antitrust exemptions have put the American consumer at risk, and in Wisconsin, victims of a lack of railroad competition abound. A coalition has formed, consisting of about 40 affected organizations—Badger CURE. From Dairyland Power Cooperative in La Crosse to Wolf River Lumber in New London, companies in my state are feeling the crunch of years of railroad consolidation. To help offset a 93 percent increase in shipping rates in 2006, Dairyland Power Cooperative had to raise electricity rates by 20 percent. The reliability, efficiency, and affordability of freight rail have all declined, and Wisconsin consumers feel the pinch.

Similar stories exist across the country. We held a hearing at the Antitrust Subcommittee in September 2007 which detailed numerous instances of anti-competitive conduct by the dominant freight railroads and at which railroad shippers testified as to the need to repeal the outmoded and unwarranted antitrust exemptions which left them without remedies. Dozens of organizations, unions and trade groups—including the American Public Power Association, the American Chemistry Council, American Corn Growers Association and many more affected by monopolistic railroad conduct endorsed the Railroad Antitrust Enforcement Act in the last Congress.

The current antitrust exemptions protect a wide range of railroad industry conduct from scrutiny by governmental antitrust enforcers. Railroad mergers and acquisitions are exempt from antitrust law and are reviewed solely by the Surface Transportation Board. Railroads that engage in collective ratemaking are also exempt from antitrust law. Railroads subject to the regulation of the Surface Transportation Board are also exempt from private antitrust lawsuits seeking the termination of anticompetitive practices via injunctive relief. Our bill will eliminate these exemptions.

No good reason exists for them. While railroad legislation in recent decades—including most notably the Staggers Rail Act of 1980—deregulated much railroad rate setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition. And there is no reason to treat railroads any differently from dozens of other regulated industries in our economy that are fully subject to antitrust law—whether the telecommunications sector regulated by the FCC, or the aviation industry regulation by the Department of Transportation, to name just two examples.

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the Federal government, state attorneys general and private parties to file suit to enjoin anticompetitive mergers and acquisitions. It will restore the review of these mergers to the agencies where they belong—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow state attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates. This legislation will force railroads to play

by the rules of free competition like all other businesses.

In sum, by clearing out this thicket of outmoded antitrust exemptions, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anti-competitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anti-competitive conduct and to seek redress for their injuries.

It is time to put an end to the abusive practices of the Nation's freight railroads. On the Antitrust Subcommittee, we have seen that in industry after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues support the Railroad Antitrust Enforcement Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Antitrust Enforcement Act of 2009".

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with "Code," is amended to read as follows: "Provided, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code."

SEC. 3. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

"Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary."

SEC. 4. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

"SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15, or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board."

SEC. 5. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking "subject to jurisdiction" and all that follows through the first semicolon and inserting "subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section 10706 of that title and transactions described in section 11321 of that title)";

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by striking "common carriers subject" and inserting "common carriers, except for railroads, subject".

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

"(b) Subsection (a) shall apply to a common carrier by railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed."

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking "and the Sherman Act (15 U.S.C. 1 et seq.)," and all that follows through "or carrying out the agreement" in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking "However, the" in the third sentence and inserting "The"; and

(C) in paragraph (5)(A), by striking "and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement"; and

(2) by striking subsection (e) and inserting the following:

"(e) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities."

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "The authority" in the first sentence and inserting "Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16

(15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority"; and

(B) by striking "is exempt from the antitrust laws and from all other law," in the third sentence and inserting "is exempt from all other law (except the antitrust laws referred to in subsection (c))"; and

(2) by adding at the end the following:

"(c) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a). The preceding sentence shall not apply to any transaction relating to the pooling of railroad cars approved by the Surface Transportation Board or its predecessor agency pursuant to section 11322 of title 49, United States Code.

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities."

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: "Rate agreements".

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

"10706. Rate agreements."

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to the provisions of subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) CONDITIONS.—

(1) PREVIOUS CONDUCT.—A civil action under section 4, 15, or 16 of the Clayton Act (15 U.S.C. 15, 25, 26) or complaint under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempted from the antitrust laws as defined in section 1 of the Clayton Act (15 U.S.C. 12) by orders of the Interstate Commerce Commission or the Surface Transportation Board issued pursuant to law.

(2) GRACE PERIOD.—A civil action or complaint described in paragraph (1) may not be filed earlier than 180 days after the date of enactment of this Act with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

Mr. FEINGOLD. Mr. President, I would like to thank the senior Senator from Wisconsin for his hard work to address antitrust issues in the rail industry along with other industries as Chairman of the Antitrust, Competition Policy and Consumer Rights Subcommittee of the Judiciary Committee. I have been pleased to support his efforts to bring antitrust scrutiny to the large freight railroads since he first introduced a version of this legislation in 2006. As Senator KOHL well knows, this is a vitally important issue for rail customers and ultimately consumers both in Wisconsin and across the country.

Over the past several years, I have heard more and more comments and concerns from freight rail customers at my town hall meetings in Wisconsin and my meetings in Washington. The concerns have come from constituents who rely on freight railroads to transport their goods or receive raw materials. The comments I have heard have been diverse by industry, ranging from forestry, energy, farming, and petrochemical companies to various manufacturers, and by size, from family owned enterprises to large corporations. The problems they have described do not seem to be isolated incidents, but instead suggest a systematic continuing problem.

There are several general concerns that seem to apply no matter which class of railroad is discussed. While outright refusals of transport may be rare, several of my constituents have found it difficult to get timely estimates of costs for carriage for their cargo. This seems to especially be a problem for short distances or small loads, or if the cargo is only on the originating railroads' tracks for a short distance. Many have said that they feel like second-class citizens, denied the better service and dedicated trains that the long-haul receive.

I have also heard about problems with changes to transportation schedules, and problems with rail car delivery and ancillary services such as scales. Many rail customers seem to feel that as railroads continued to merge over the past two decades, service, especially for small customers, has declined dramatically. Again, this seems to especially affect small railroad customers who are dependent on rail transport, but face difficulty in receiving cars to fill, moving filled cars in a timely manner or weighing their loads.

Of course cost is also an issue, but it is not just the cost of transportation. Some rail customers feel that the Surface Transportation Board, STB, complaint process is too costly, slow and tilted in favor of the railroads over the customers. They contend that these hurdles to exposing anticompetitive practices have the effect of perpetuating the unfair treatment and excessive rates they experience.

Senator KOHL's proposal would remove the current railroad antitrust exemptions so that railroads would be covered like other segments of industry. The Department of Justice and the Federal Trade Commission would then have the authority to review mergers and block anti-competitive mergers. The legislation would also expand the ability of State Attorneys General and private parties to halt anti-competitive behavior and seek up to treble damages for any such violations.

I believe this is a very reasonable and measured proposal as evidenced by the bill being passed out of the Judiciary

Committee in the previous Congress by voice vote. I look forward to supporting Senator KOHL's efforts to move the legislation through committee again and push for its passage into law during the current Congress.

While I hope that providing the Department of Justice the authority to review possible antitrust violations as proposed in the current bill will improve the situation for many shippers, it may have to go hand-in-hand with reforms at the STB as were contemplated in the previous Congress by Senator ROCKEFELLER's Railroad Competition and Service Improvements Act of 2007.

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. WYDEN, and Mr. WHITEHOUSE):

S. 147. A bill to require the closure of the detention facility at Guantanamo Bay, Cuba, to limit the use of certain interrogation techniques, to prohibit interrogation by contractors, to require notification of the International Committee of the Red Cross of detainees, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Today, I am introducing the Lawful Interrogation and Detention Act of 2009—legislation intended to reverse the harmful, dangerous, un-American, and illegal detention and interrogation practices of the past seven years.

As I will describe in detail below, the four provisions in this bill would: Close the Guantanamo Bay detention centers, outlaw CIA's coercive interrogation program, prevent the use of contractor interrogations, and end secret detention at CIA black sites.

These practices have brought shame to our nation, have harmed our ability to fight the war on terror, and, I believe, violate U.S. law and international treaty obligations.

As was made crystal clear on last November 4, we need change and we need a new direction. When it comes to the war on terrorism, we need to disavow "the Dark Side" so embraced by the Bush administration. Instead, we need to follow our approach honed through the Cold War: standing by the strength of our values and ideals, building strong partnerships with allies, and mixing soft power with the force of our military might.

This legislation would put us back on the right track and I believe it to be fully consistent with the policies and intentions of President-elect Obama.

It is time to end the failed experiment at Guantanamo Bay. It is time to repudiate torture and secret disappearances. It is time to end the outsourcing of coercive interrogations to outside mercenaries. It is time to return to the norms and values that have driven the United States to greatness since the days of George Washington, but have been tarnished in the past 7 years.

First, this legislation requires the President to close the detention facilities at Guantanamo Bay within 12 months.

The need to close Guantanamo is clear. Along with the abuses at Abu Ghraib, Guantanamo has been decried as American hypocrisy and cruelty throughout the world. They have given aid in recruiting to our enemies, and have been named by Navy General Counsel Alberto Mora as the leading causes of death to U.S. troops in Iraq.

Numerous reports, most recently one completed and approved unanimously by the Senate Armed Services Committee, have documented the abusive methods used at Guantanamo.

Beyond the physical, psychological, and emotional abuse witnessed at Guantanamo, it has been the source of great legal embarrassment. The Supreme Court has struck down the Bush administration's legal reasoning four separate times: in the *Rasul*, *Hamdi*, *Hamdan*, and *Boumediene* decisions.

It was explicitly created to be a separate and lesser system of justice, to hold people captured on or near the battlefield in Afghanistan indefinitely. It has produced exactly three convictions, including Australian David Hicks who agreed to a plea bargain to get off the island, and Osama bin Ladin's driver, Salim Hamdan, who has already served almost all of his sentence through time already spent at Guantanamo.

The hard part about closing Guantanamo is not deciding to do it—it is figuring out what to do with the remaining detainees.

Under the Lawful Interrogation and Detention Act, the approximately 250 individuals now being held there would be handled in one of five ways:

They could be charged with a crime and tried in the United States in the Federal civilian or military justice systems. These systems have handled terrorists and other dangerous individuals before, and are capable of dealing with classified evidence and other unusual factors.

Individuals could be transferred to an international tribunal to hold hearings, if such a tribunal is created; detainees could be returned to their native countries, or if that is not possible, they could be transferred to a third country.

To date, more than 500 men have been sent from Guantanamo to the custody of other countries. Recently, Portugal and other nations have suggested they would be open to taking some of the remaining detainees as a way to help close Guantanamo.

If there are detainees who can't be charged with crimes or transferred to the custody of another country, there is a fourth option. If the Secretary of Defense and the Director of National Intelligence agree that an individual poses no security threat to the United

States, the U.S. Government may release him.

This may work, for example, for the Chinese Uighurs remaining at Guantanamo. In fact, a Federal court has already ordered that this group be released into the country, though that ruling has been stayed upon appeal.

Finally, for detainees who cannot be addressed in any of the first four options, the Executive Branch could hold them under the existing authorities provided by the law of armed conflict.

I believe that these options provide sufficient flexibility to handle the 250 or so people now being held at Guantanamo. If the incoming Obama Administration decides that other alternatives are needed, it should come to Congress, explain the specifics of the problem, and we will work toward a joint legislative solution.

The other three provisions in this legislation end parts of the CIA's secret detention and interrogation program.

Some of the details of the program are already publicly known, like the use of waterboarding on three individuals. Other aspects remain secret, such as the other authorized interrogation techniques and how they were used.

There have been public allegations of multiple deaths of detainees in CIA custody. There was one conviction of a CIA contractor in the death of a detainee in Afghanistan, but other details remain classified.

But it is well known that on August 1, 2002, the Justice Department approved coercive interrogation techniques, including waterboarding, for the CIA's use. This despite the fact that the Justice Department has prosecuted the use of waterboarding and the State Department has decried it overseas.

The Administration used warped logic and faulty reasoning to say waterboarding technique was not torture. It is.

Other interrogation techniques used by the CIA have not been acknowledged but are still authorized for use. This has to end.

But we will never turn this sad page in our nation's history until all coercive techniques are banned, and are replaced with a single, clear, uniform standard across the United States Government.

That standard established by this legislation is the interrogation protocols set out in the Army Field Manual. The 19 specified techniques work for the military and operate under the same framework as the time-honored approach of the Federal Bureau of Investigation. If the CIA would abide by its terms, it would work for the CIA as well.

These techniques were at the heart of former FBI Special Agent Jack Cloonan's successful interrogation of those responsible for the 1993 World Trade Center bombing. They were also

the tools used by Special Agent George Piro to get Saddam Hussein to provide the evidence that resulted in his death sentence.

We have powerful expert testimony that the Army Field Manual techniques work against terrorist suspects. The Manual's use across the government is supported by scores of retired generals and admirals, by General David Petraeus, and by former secretaries of state and national security advisors in both parties.

Majorities in both houses of Congress passed this provision last year as part of the Fiscal Year 2008 Intelligence Authorization bill, sending a clear message that we do not support coercive interrogations.

Regrettably, the President's veto stopped it from becoming law.

The new President agrees that we need to end coercive interrogations and to comply strictly to the terms of the Convention Against Torture and the Geneva Conventions. I look forward to working with him to end this sad story in the Nation's history.

The third part of this legislation is a ban on contractor interrogators at the CIA. As General Hayden has testified, the CIA hires and keeps on contract people who are not intelligence professionals and whose sole job is to "break" detainees and get them to talk.

I firmly believe that outsourcing interrogations, whether coercive or more appropriate ones, to private companies is a way to diminish accountability and to avoid getting the Agency's hands dirty. I also believe that the use of contractors leads to more brutal interrogations than if they were done by government employees.

There are surely areas where paying contractors makes practical and financial sense. Interrogations—a form of collecting intelligence—is not one of them. This has become a major diplomatic issue, a key obstacle in prosecuting people like Abu Zubaydah and Khalid Shaykh Mohammed, and a national black eye. It is not the sort of thing to be done at arm's length.

The fourth and final provision in this legislation requires that the CIA and other intelligence agencies provide notification to the International Committee of the Red Cross—the ICRC—of their detainees. Following notification, the CIA will be required to provide ICRC officials with access to their detainees in the same way that the military does.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. Access to a third party, and the ICRC in particular, was seen by the U.S. in 1947 as a guarantee that American men and women would be protected if they were ever captured overseas.

But ICRC access has been denied at CIA black sites, just like it had been in

some military-run facilities in the war on terror. This has, in part, opened the door to the abuses in detainee treatment. Independent access prevents abuses like we witnessed at Abu Ghraib and Guantanamo Bay. It is time that the same protection is in place for the CIA as has been demanded of the Department of Defense.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But this is a war that will be won by fighting smarter, not by sinking to the depths of our enemies.

Our Nation has paid an enormous price because of these interrogations.

They cast shadow and doubt over our ideals and our system of justice.

Our enemies have used our practices to recruit more extremists.

Our key global partnerships, crucial to winning the war on terror, have been strained.

It will take time to resume our place as the world's beacon of liberty and justice. This bill will put us on that path and start the process. I urge its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawful Interrogation and Detention Act".

SEC. 2. INTELLIGENCE COMMUNITY DEFINED.

In this Act, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. CLOSURE OF DETENTION FACILITY AT GUANTANAMO BAY.

(a) **REQUIREMENT TO CLOSE.**—Not later than 1 year after the date of the enactment of this Act, the President shall close the detention facility at Guantanamo Bay, Cuba operated by the Secretary of Defense and remove all detainees from such facility.

(b) **DETAINEES.**—Prior to the date that the President closes the detention facility at Guantanamo Bay, Cuba, as required by subsection (a), each individual detained at such facility shall be treated exclusively through one of the following:

(1) The individual shall be charged with a violation of United States or international law and transferred to a military or Federal civilian detention facility in the United States for further legal proceedings, provided that such a Federal civilian facility or military facility has received the highest security rating available for such a facility.

(2) The individual shall be transferred to an international tribunal operating under the authority of the United Nations that has jurisdiction to hold a trial of such individual.

(3) The individual shall be transferred to the custody of the government of the individual's country of citizenship or a different country, provided that such transfer is consistent with—

(A) the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984;

(B) all relevant United States law; and

(C) any other international obligation of the United States.

(4) If the Secretary of Defense and Director of National Intelligence determine, jointly, that the individual poses no security threat to the United States and actions cannot be taken under paragraph (1) or (3), the individual shall be released from further detention.

(5) The individual shall be held in accordance with the law of armed conflict.

(c) REPORTING REQUIREMENTS.—

(1) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report that describes the President's plan to implement this section.

(2) REQUIREMENT TO UPDATE.—The President shall keep Congress fully and currently informed of the steps taken to implement this section.

(d) CONSTRUCTION.—

(1) IMMIGRATION STATUS.—The transfer of an individual under subsection (b) shall not be considered an entry into the United States for purposes of immigration status.

(2) NO ADDITIONAL DETENTION AUTHORITY.—Nothing in this section may be construed as altering or adding to existing authorities for, or restrictions on, the detention, treatment, or transfer of individuals in United States custody.

SEC. 4. LIMITATION ON INTERROGATION TECHNIQUES.

No individual in the custody or under the effective control of personnel of an element of the intelligence community or a contractor or subcontractor of an element of the intelligence community, regardless of nationality or physical location of such individual or personnel, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

SEC. 5. PROHIBITION ON INTERROGATIONS BY CONTRACTORS.

The Director of the Central Intelligence Agency shall not allow a contractor or subcontractor to the Central Intelligence Agency to carry out an interrogation of an individual. Any interrogation carried out on behalf of the Central Intelligence Agency shall be conducted by an employee of such Agency.

SEC. 6. NOTIFICATION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

(a) REQUIREMENT.—The head of an element of the intelligence community or a contractor or subcontractor of such element who detains or has custody or effective control of an individual shall notify the International Committee of the Red Cross of the detention of the individual and provide access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

S. 148. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce legislation essential to consumers receiving the best prices on every product from electronics to clothing to groceries. My bill, the Discount Pricing Consumer Protection Act, will restore the nearly century old rule that it is illegal under antitrust law for a manufacturer to set a minimum price below which a retailer cannot sell the manufacturer's product, a practice known as "resale price maintenance" or "vertical price fixing". In June 2007, overturning a 96-year-old precedent, a narrow 5-4 Supreme Court majority in the Leegin case incorrectly interpreted the Sherman Act to overturn this basic rule of the marketplace which has served consumers well for nearly a century. My bill—identical to legislation I introduced in 2007 (S. 2261 in the 110th Congress)—will correct this misinterpretation of antitrust law and restore the per se ban on vertical price fixing. Our bill has been endorsed by 34 state attorneys general as well as numerous antitrust experts, including former FTC Chairman Pitofsky and current FTC Commissioner Harbour.

The reasons for this legislation are compelling. Allowing manufacturers to set minimum retail prices will threaten the very existence of discounting and discount stores, and lead to higher prices for consumers. For nearly a century the rule against vertical price fixing permitted discounters to sell goods at the most competitive price. Many credit this rule with the rise of today's low price, discount retail giants—stores like Target, Best Buy, Walmart, and the Internet sites Amazon and eBay, which offer consumers a wide array of highly desired products at discount prices.

From my own personal experience in business I know of the dangers of permitting vertical price fixing. My family started the Kohl's department stores in 1962, and I worked there for many years before we sold the stores in the 1980s. On several occasions, we lost lines of merchandise because we tried to sell at prices lower than what the manufacturer and our rival retailers wanted. For example, when we started Kohl's and were just a small competitor to the established retail giants, we had serious difficulties obtaining the leading brand name jeans. The traditional department stores demanded that the manufacturer not sell to us unless we would agree to maintain a certain minimum price. Because they didn't want to lose the business of their biggest customers, that jeans manufacturer acquiesced in the de-

mands of the department stores—at least until our lawyers told them that they were violating the rule against vertical price fixing.

So I know firsthand the dangers to competition and discounting of permitting the practice of vertical price fixing. But we don't need to rely on my own experience. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called "fair trade" laws legalizing vertical price fixing. Studies Department of Justice conducted in the late 1960s indicated that prices were between 18-27 percent higher in the States that allowed vertical price fixing than the States that had not passed such "fair trade" laws, costing consumers at least \$2.1 billion per year at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even grater today. In his dissenting opinion in the Leegin case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be \$300 billion, translating into retail bills that would average \$750 to \$1,000 higher for the average family of four every year.

And the experience of the last year and a half since the Leegin decision is beginning to confirm our fears regarding the dangers from permitting vertical price fixing. In December 2008, for example, Sony announced that it would implement a no-discount rule to retailer's selling some of its most in-demand products, including some models of high-end flat screen TVs and digital cameras. On December 4, 2008, the Wall Street Journal reported that a new business has materialized for companies that scour the Internet in search of retailers selling products at a bargain. When such bargain sellers are detected, the manufacturer is alerted so that they can demand the seller end the discounting of its product. The chilling effect on discounting of such tactics is clear—in one example, the Wall Street Journal reported that Circuit City was forced to raise its retail price for an LG flat screen TV by \$170 to nearly \$1,600 after its discount price was discovered on the Internet.

Defenders of the Leegin decision argue that today's giant retailers such as Walmart, Best Buy or Target can "take care of themselves" and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will

By Mr. KOHL:

imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in *Leegin* announced this practice should instead be evaluated under what is known as the "rule of reason." Under the rule of reason, a business practice is illegal only if it imposes an "unreasonable" restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint's "history, nature and effect." Whether the businesses involved possess market power "is a further, significant consideration" under the rule of reason.

In short, establishing that any specific example of vertical price fixing violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts necessary to make the extensive showing necessary to prove a case under the "rule of reason." In the words of FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing "is a virtual euphemism for per se legality."

In July 2007, our Antitrust Subcommittee conducted an extensive hearing into the *Leegin* decision and the likely effects of abolishing the ban on vertical price fixing. Both former FTC Chairman Robert Pitofsky and current FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. Marcy Syms, CEO of the Syms discount clothing stores, did so as well, citing the likely dangers to the ability of discounters such as Syms to survive after abolition of the rule against vertical price fixing. Ms. Syms also stated that "it would be very unlikely for her to bring an antitrust suit" challenging vertical price fixing under the rule of reason because her company "would not have the resources, knowledge or a strong enough position in the marketplace to make such action prudent." Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a

price below which a product or service cannot be sold violates the law. No balancing or protracted legal proceedings will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both "big box" stores and on the Internet. Our legislation will correct the Supreme Court's abrupt change to antitrust law, and will ensure that today's vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Discount Pricing Consumer Protection Act".

SEC. 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the *Dr. Miles* decision until June 2007 in the *Leegin* decision, the Supreme Court had ruled that the Sherman Act forbid in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer's product (the practice of "resale price maintenance" or "vertical price fixing").

(2) The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the health of the economy.

(3) Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

(4) Abandoning the rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete. For 40 years prior to 1975, Federal law permitted states to enact so-called "fair trade" laws allowing vertical price fixing. Studies conducted by the Department of Justice in the late 1960s indicated that retail prices were between 18 and 27 percent higher in states that allowed vertical price fixing than those that did not. Likewise, a 1983 study by the Bureau of Economics of the Federal Trade Commission found that, in most cases, resale price maintenance increased the prices of products sold.

(5) The 5-4 decision of the Supreme Court majority in *Leegin* incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

(b) PURPOSES.—The purposes of this Act are—

(1) to correct the Supreme Court's mistaken interpretation of the Sherman Act in the *Leegin* decision; and

(2) to restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: "Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

By Mr. KOHL:

S. 149. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

Mr. KOHL. Mr. President, today I rise to introduce the Weekend Voting Act. This legislation will change the day for Congressional and Presidential elections from the first Tuesday in November to the first weekend in November. This legislation is nearly identical to legislation that I first proposed in 1997.

We have recently completed the most serious business of our democracy—a Presidential election in which millions and millions of citizens demonstrated an enormous amount of enthusiasm. We all want every eligible voter to participate and cast a vote. But recent experience has shown us that unneeded obstacles are placed preventing citizens from exercising their franchise. The debacle of defective ballots and voting methods in Florida in the 2000 election galvanized Congress into passing major election reform legislation. The Help America Vote Act, which was enacted into law in 2002, was an important step forward in establishing minimum standards for States in the administration of Federal elections and in providing funds to replace outdated voting systems and improve election administration. However, there is much that still needs to be done.

With more and more voters seeking to cast their ballots on Election Day, we need to build on the movement which already exists to make it easier for Americans to cast their ballots by providing alternatives to voting on just one election day. Twenty-eight States, including my own State of Wisconsin, now permit any registered voter to vote by absentee ballot. These states

constitute nearly half of the voting age citizens of the United States. Thirty-one States permit in-person early voting at election offices or at other satellite locations. The State of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections for it has become unreasonable to expect that a Nation of 300 million people can line up at the same time and cast their ballots at the same time. If we continue to try to do so, we will encounter even more reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our Federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our Federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections.

Under this bill, polls would be open nationwide for a uniform period of time from 10 a.m. Saturday eastern time to 6 p.m. Sunday eastern time. Polls in all time zones would in the 48 contiguous states also open and close at this time. Election officials would be permitted to close polls during the overnight hours if they determine it would be inefficient to keep them open. Because the polls would be open on both Saturday and Sunday, they also would not interfere with religious observances.

Keeping polls open the same hours across the continental United States, also addresses the challenge of keeping results on one side of the country, or even a state, from influencing voting in places where polls are still open. Moving elections to the weekend will expand the pool of buildings available for polling stations and people available to work at the polls, addressing the critical shortage of poll workers.

Most important, weekend voting has the potential to increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. There is already evidence that holding elections on a non-working day can increase voter turnout. In one survey of 44 democracies, 29 held elections on holidays or weekends and in all these cases voter turnout surpassed our country's voter participation rates.

In 2001, the National Commission on Federal Election Reform recommended that we move our Federal election day to a national holiday, in particular Veterans Day. As expected, the proposal was not well received among veterans and I do not endorse such a move, but I share the Commission's goal of moving election day to a non-working day.

Since the mid 19th century, election day has been on the first Tuesday of

November. Ironically, this date was selected because it was convenient for voters. Tuesdays were traditionally court day, and land owning voters were often coming to town anyway.

Just as the original selection of our national voting day was done for voter convenience, we must adapt to the changes in our society to make voting easier for the regular family. We have outgrown our Tuesday voting day tradition, a tradition better left behind to a bygone horse and buggy era. In today's America, 60 percent of all households have two working adults. Since most polls in the United States are open only 12 hours on a Tuesday, generally from 7 a.m. to 7 or 8 p.m., voters often have only one or two hours to vote. As we've seen in recent elections, long lines in many polling places have kept some voters waiting much longer than one or two hours. If voters have children, and are dropping them off at day care, or if they have a long work commute, there is just not enough time in a workday to vote.

With long lines and chaotic polling places becoming the unacceptable norm in many communities, we have an obligation to reform how our Nation votes. If we are to grant all Americans an equal opportunity to participate in the electoral process, and to elect our representatives in this great democracy, then we must be willing to reexamine all aspects of voting in America. Changing our election day to a weekend may seem like a change of great magnitude. Given the stakes—the integrity of future elections and full participation by as many Americans as possible—I hope my colleagues will recognize it as a commonsense proposal whose time has come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weekend Voting Act".

SEC. 2. CHANGE IN CONGRESSIONAL ELECTION DAY TO SATURDAY AND SUNDAY.

Section 25 of the Revised Statutes (2 U.S.C. 7) is amended to read as follows:

"SEC. 25. The first Saturday and Sunday after the first Friday in November, in every even numbered year, are established as the days for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January thereafter."

SEC. 3. CHANGE IN PRESIDENTIAL ELECTION DAY TO SATURDAY AND SUNDAY.

Section 1 of title 3, United States Code, is amended by striking "Tuesday next after the first Monday" and inserting "first Saturday and Sunday after the first Friday".

SEC. 4. POLLING PLACE HOURS.

(a) IN GENERAL.—

(1) PRESIDENTIAL GENERAL ELECTION.—Chapter 1 of title 3, United States Code, is amended—

(A) by redesignating section 1 as section 1A; and

(B) by inserting before section 1A the following:

"§ 1. Polling place hours

"(a) DEFINITIONS.—In this section:

"(1) CONTINENTAL UNITED STATES.—The term 'continental United States' means a State (other than Alaska and Hawaii) and the District of Columbia.

"(2) PRESIDENTIAL GENERAL ELECTION.—The term 'Presidential general election' means the election for electors of President and Vice President.

"(b) POLLING PLACE HOURS.—

"(1) POLLING PLACES IN THE CONTINENTAL UNITED STATES.—Each polling place in the continental United States shall be open, with respect to a Presidential general election, beginning on Saturday at 10:00 a.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

"(2) POLLING PLACES OUTSIDE THE CONTINENTAL UNITED STATES.—Each polling place not located in the continental United States shall be open, with respect to a Presidential general election, beginning on Saturday at 10:00 a.m. local time and ending on Sunday at 6:00 p.m. local time.

"(3) EARLY CLOSING.—A polling place may close between the hours of 10:00 p.m. local time on Saturday and 6:00 a.m. local time on Sunday as provided by the law of the State in which the polling place is located."

(2) CONGRESSIONAL GENERAL ELECTION.—Section 25 of the Revised Statutes of the United States (2 U.S.C. 7) is amended—

(A) by redesignating section 25 as section 25A; and

(B) by inserting before section 25A the following:

"SEC. 25. POLLING PLACE HOURS.

"(a) DEFINITIONS.—In this section:

"(1) CONTINENTAL UNITED STATES.—The term 'continental United States' means a State (other than Alaska and Hawaii) and the District of Columbia.

"(2) CONGRESSIONAL GENERAL ELECTION.—The term 'congressional general election' means the general election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

"(b) POLLING PLACE HOURS.—

"(1) POLLING PLACES INSIDE THE CONTINENTAL UNITED STATES.—Each polling place in the continental United States shall be open, with respect to a congressional general election, beginning on Saturday at 10:00 a.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

"(2) POLLING PLACES OUTSIDE THE CONTINENTAL UNITED STATES.—Each polling place not located in the continental United States shall be open, with respect to a congressional general election, beginning on Saturday at 10:00 a.m. local time and ending on Sunday at 6:00 p.m. local time.

"(3) EARLY CLOSING.—A polling place may close between the hours of 10:00 p.m. local time on Saturday and 6:00 a.m. local time on Sunday as provided by the law of the State in which the polling place is located."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 1 and inserting the following:

"1. Polling place hours.

"1A. Time of appointing electors."

(2) Sections 871(b) and 1751(f) of title 18, United States Code, are each amended by

striking "title 3, United States Code, sections 1 and 2" and inserting "sections 1A and 2 of title 3".

By Mr. LEAHY:

S. 150. A bill to provide Federal assistance to States for rural law enforcement and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to introduce the Rural Law Enforcement Assistance Act of 2009, a bill designed to help rural communities deal with growing crime problems that threaten to become significantly worse as a result of the devastating economic crisis we face.

Congress and the new administration are beginning this session focused on passing a stimulus bill that will provide hundreds of billions of dollars to restart our economy, create jobs, and reverse the economic downturn inherited from the Bush administration. The Bush administration has already provided hundreds of billions of dollars to rescue the financial industry, and President Bush released billions more for assistance to the auto industry. Despite our legislative efforts to protect jobs and the economy as a whole, little has been done to help the millions of people in rural America, who have been hit as hard as anyone by the devastating effects of this recession.

We must help rural communities stay safe during this economic downturn. Rural areas, which lack the crime prevention and law enforcement resources often available in larger communities, have a particular need for assistance to combat the worsening drug and crime problems that threaten the well-being of our small cities and towns and, most particularly, our young people. The Rural Law Enforcement Assistance Act of 2009 will provide just this kind of help.

This bill will reauthorize a rural law enforcement assistance program first passed by Congress in the early 1990s. Like so many valuable programs that help local law enforcement and crime prevention, funding for this program was allowed to lapse under the Bush administration, despite its effectiveness in contributing to the record drop in crime in the late 1990s.

The program would authorize \$75 million a year over the next 5 years in new Byrne grant funds for State and local law enforcement, specifically for rural States and rural areas within larger States. This support would be used to hire police officers, purchase necessary police equipment, and to promote the use of task forces and collaborative efforts with Federal law enforcement. Just as important, these funds would also be used for prevention and treatment programs in rural communities; programs that are necessary to combat crime and are too often the first programs cut in an economic downturn. This bill also authorizes \$2 million a year over 5 years for specialized train-

ing for rural law enforcement officers, since training is another area often cut in hard times. This bill will immediately help cash-strapped rural communities with the law enforcement assistance they desperately need.

In December, the Senate Judiciary Committee traveled to St. Albans, Vermont, to hear from the people of that resilient community about the growing problem of drug-related crime in rural America, and about the innovative steps they are taking to combat that scourge. The introduction of this bill is a step forward to apply the lessons learned in that hearing and in previous crime hearings in Vermont and elsewhere.

Crime is not just a big city issue. As we heard in St. Albans last month, and at a hearing in Rutland, Vermont, earlier last year, the drugs and violence so long seen largely in urban areas now plague even our most rural and remote communities, as well. As the world grows smaller with better transportation and faster communication, so do our shared problems. Rural communities also face the added burden of fighting these crime problems without the sophisticated task forces and specialized squads so common in big cities and metropolitan areas. In fact, too many rural communities, whether in Vermont or other rural States, don't have the money for a local police force at all, and rely almost exclusively on the state police or other state-wide agencies for even basic police services. In this environment, we must do more to provide assistance to those rural communities most at risk and hardest hit by the economic crisis.

Unfortunately, for the last 8 years, throughout the country, State and local law enforcement agencies have been stretched thin as they shoulder both traditional crime-fighting duties and new homeland security demands. They have faced continuous cuts in Federal funding during the Bush years, and time and time again, our State and local law enforcement officers have been unable to fill vacancies and get the equipment they need.

This trend is unacceptable, and that is why we must restore funding for rural law enforcement that proved so successful in 1990s, when crime fell to record lows in rural and urban areas alike.

As a former prosecutor, I have always advocated vigorous enforcement and punishment of those who commit serious crimes. But I also know that punishment alone will not solve the problems of drugs and violence in our rural communities. Police chiefs from Vermont and across the country have told me that we cannot arrest our way out of this problem.

Combating drug use and crime requires all the tools at our disposal, including enforcement, prevention, and treatment. The best way to prevent

crime is often to provide young people with opportunities and constructive things to do, so they stay away from drugs and crime altogether. If young people do get involved with drugs, treatment in many cases can work to help them to turn their lives around. Good prevention and treatment programs have been shown again and again to reduce crime, but regrettably, the Bush administration has consistently sought to reduce funding for these important programs. It is time to move in a new direction.

I will work with the new administration to advance legislation that will give State and local law enforcement the support it needs, that will help our cities and towns to implement the kinds of innovative and proven community-based solutions needed to reduce crime. The legislation I introduce today is a beginning, addressing the urgent and unmet need to support our rural law enforcement as they struggle to combat drugs and crime.

It is a first step for us to help our small cities and towns weather the worsening conditions of these difficult times and begin to move in a better direction. I hope Senators on both sides of the aisle will join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Law Enforcement Assistance Act of 2009".

SEC. 2. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(9)) is amended to read as follows:

"(9) There are authorized to be appropriated to be carried out part O—

"(A) \$75,000,000 for fiscal year 2009;

"(B) \$75,000,000 for fiscal year 2010;

"(C) \$75,000,000 for fiscal year 2011;

"(D) \$75,000,000 for fiscal year 2012; and

"(E) \$75,000,000 for fiscal year 2013.".

(b) CLARIFICATION OF RURAL STATE DEFINITION.—Section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)) is amended by striking all that follows "a State in which the largest county has fewer than" and inserting "200,000 people, based on the decennial census of 2000 through fiscal year 2009.".

(c) AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT TRAINING.—Section 180103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14082(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a)—

"(1) \$2,000,000 for fiscal year 2009;

"(2) \$2,000,000 for fiscal year 2010;

- “(3) \$2,000,000 for fiscal year 2011;
- “(4) \$2,000,000 for fiscal year 2012; and
- “(5) \$2,000,000 for fiscal year 2013.”.

SEC. 3. CLARIFICATION OF TITLES.

(a) OMNIBUS CRIME CONTROL ACT.—Part O of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb et seq.) is amended by—

(1) striking the part heading and inserting “**Rural Law Enforcement**”; and

(2) striking the heading for section 1501 and inserting “**RURAL LAW ENFORCEMENT ASSISTANCE**”.

(b) VIOLENT CRIME CONTROL ACT.—Section 180103 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14082) is amended by striking the heading for the section and inserting “**RURAL LAW ENFORCEMENT TRAINING**”.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 151. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleagues Senator THOMAS, Senator KYL, and Senator DOMENICI in introducing a bill to amend the Indian Arts and Crafts Act. This legislation would improve Federal laws that protect the integrity and originality of Native American arts and crafts.

The Indian Arts and Crafts Act prohibits the misrepresentation in marketing of Indian arts and crafts products, and makes it illegal to display or sell works in a manner that falsely suggests it's the product of an individual Indian or Indian Tribe. Unfortunately, the law is written so that only the Federal Bureau of Investigation, FBI, acting on behalf of the Attorney General, can investigate and make arrests in cases of suspected Indian art counterfeiters. The bill we are introducing would amend the law to expand existing Federal investigative authority by authorizing other Federal investigative bodies, such as the BIA Office of Law Enforcement, in addition to the FBI, to investigate cases of misrepresentation of Indian arts and crafts. This bill is similar to provisions included in S. 1255, which passed the Senate last Congress but wasn't acted on by the House, and the Native American Omnibus Technical Corrections Act of 2007, S. 2087.

A major source of tribal and individual Indian income is derived from the sale of handmade Indian arts and crafts. Yet, millions of dollars are diverted each year from these original artists and Indian tribes by those who reproduce and sell counterfeit Indian goods. Few, if any, criminal prosecutions have been brought in Federal court for such violations. It is understandable that enforcing the criminal law under the Indian Arts and Crafts Act is often stalled by the other responsibilities of the FBI including investigating terrorism activity and vio-

lent crimes in Indian country. Therefore, expanding the investigative authority to include other Federal agencies is intended to promote the active investigation of alleged misconduct. It is my hope that this much needed change will deter those who choose to violate the law.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 152. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator KYL in reintroducing legislation to authorize a special resources and land management study for lands adjacent to the Walnut Canyon National Monument in Arizona. The study is intended to evaluate a range of management options for public lands adjacent to the monument to ensure adequate protection of the canyon's cultural and natural resources. A similar bill was introduced last Congress and received a hearing in the Senate Energy and Natural Resources Committee's Subcommittee on National Parks. The bill being introduced today reflects suggested changes of that Subcommittee and includes language that met their approval. I am grateful for the input of the members of the Subcommittee and their staff.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the land surrounding the monument would be best protected from future development under management of the U.S. Forest Service or the National Park Service. The Coconino County Board and the Flagstaff City Council have passed resolutions concluding that the preferred method to determine what is best for the land surrounding Walnut Canyon National Monument is by having a Federal study conducted. The recommendations from such a study would help to resolve the question of future management and whether expanding the monument's boundaries could compliment current public and multiple-use needs.

The legislation also would direct the Secretary of the Interior and the Secretary of Agriculture to provide recommendations for management options for maintenance of the public uses and protection of resources of the study area. I fully expect that as this measure continues through the legislative process, Congress will ensure that funding offsets are provided to it and every other spending measure as we work to restore fiscal discipline to Washington in a bi-partisan manner.

This legislation would provide a mechanism for determining the management options for one of Arizona's

high uses scenic areas and protect the natural and cultural resources of this incredibly beautiful monument. I urge my colleagues to support its passage.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 153. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator KYL in introducing the Arizona Trail Feasibility National Scenic Trail Act. This bill would designate the Arizona Trail as a National Scenic Trail.

The Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail is approximately 807 miles long and begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border near the Grand Canyon. In between these two points, the Trail winds through some of the most rugged, spectacular scenery in the Western United States. The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the state, and incorporates a host of existing trails into one continuous trail. In fact, the Trail route is so topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in one day.

For over a decade, more than 16 Federal, State, and local agencies, as well as community and business organizations, have partnered to create, develop, and manage the Arizona Trail. Through their combined efforts, these agencies and the members of the Arizona Trail Association have completed over 90 percent of the longest contiguous land-based trail in the State of Arizona. Designating the Arizona Trail as a National Scenic Trail would help streamline the management of the high-use trail to ensure that this pristine stretch of diverse land is preserved for future generations to enjoy.

Since 1968, when the National Trails System Act was established, Congress has designated over 20 national trails. Before a trail receives a national designation, a federal study is typically required to assess the feasibility of establishing a trail route. The Arizona Trail doesn't require a feasibility study because it's virtually complete with less than 60 miles left to build and sign. All but 1-percent of the trail resides on public land, and the unfinished segments don't involve private property. The trail meets the criteria to be labeled a National Scenic Trail and already appears on all Arizona state maps. Therefore, the Congress has reason to forego an unnecessary and costly feasibility study and proceed

straight to National Scenic Trail designation.

The Arizona Trail is known throughout the State as boon to outdoor enthusiasts. The Arizona State Parks recently released data showing that two-thirds of Arizonans consider themselves trail users. Millions of visitors also use Arizona's trails each year. In one of the fastest-growing states in the United States, the designation of the Arizona Trail as a National Scenic Trail would ensure the preservation of a corridor of open space for hikers, mountain bicyclists, cross country skiers, snowshoers, eco-tourists, equestrians, and joggers.

I urge my colleagues to support the passage of this legislation.

By Ms. SNOWE (for herself, Mrs. LINCOLN, and Mr. BUNNING):

S. 155. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to reintroduce a bill I offered last December that will provide much-needed relief to struggling families across America. The Unemployment Benefit Tax Suspension Act of 2009 is a critical piece of legislation, which should be considered as part of any stimulus package, that would suspend the collection of Federal income tax on unemployment benefits for 2008 and 2009. This bill would ensure that as individuals sit down in the next couple months to complete their 2008 tax bills, they will not have to worry about paying taxes on the unemployment benefits they received last year or can get refunds of taxes withheld. It also means that the unemployed would not be concerned with taxes on benefits paid this year. I thank Senators LINCOLN and BUNNING for joining me to introduce this legislation.

In light of the calamitous labor market, Congress must act to ensure that workers who lose their jobs do not also lose their livelihoods. In December, the Labor Department released sobering statistics that demonstrated the gravity of the situation we face. In November, the economy shed 533,000 jobs, the largest monthly job loss since December 1974. Our unemployment rate now stands at a perilous 6.7 percent, a 15-year high. We have lost 1.9 million jobs since the beginning of our present recession in December 2007—including two-thirds of those jobs in the last 3 months alone—and the number of unemployed stands at a whopping 10.3 million.

Suspending the Federal income tax on unemployment benefits is a simple way to assist our Nation's unemployed workers and families. In fact, the CBO has estimated that in 2005, of the 8.1 million recipients of unemployment compensation benefits, 7.5 million had

incomes of under \$100,000. As such, most of the benefits of suspending this tax are likely to go to lower- and middle-income families, those struggling harder than ever just to make ends meet.

During these challenging times, taxes on unemployment compensation represents a burden that unemployed members of our society simply cannot afford. Working families are already suffering, with the high cost of groceries, an unstable energy market, and the outrageous pricetag for health care. My bill offers a means to help stimulate the economy by making unemployed workers' benefits stretch farther. While it is certainly not a solution to the problem, it is a step in the right direction.

President-elect Obama has voiced his support for this general idea, calling it "a way of giving more relief to families," and I believe that is the ultimate goal we must pursue in these trying times. I look forward to seeing this bill is passed in a timely manner, so that the impact can be immediate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Benefit Tax Suspension Act of 2009".

SEC. 2. SUSPENSION OF TAX ON UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

"(c) TEMPORARY SUSPENSION.—Subsection (a) shall not apply to taxable years beginning after December 31, 2007, and before January 1, 2010."

By Ms. SNOWE (for herself, Mr. KERRY, and Ms. LANDRIEU):

S. 156. A bill to amend the Internal Revenue Code of 1986 to extend enhanced small business expensing and to provide for a 5-year net operating loss carryback for losses incurred in 2008 or 2009; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to provide critical tax incentives to our Nation's small businesses, which will help them to make vital investments in new plant and equipment and weather the recession that is crippling our Nation's economy. The Small Business Stimulus Act of 2009 is just three pages, but by extending enhanced small business expensing and establishing a 5-year carryback for net operating losses, it would pack a powerful punch and assist America's 26 million small firms that represent over 99.7 of all employers. I am pleased that press reports indicate

that President-elect Obama will include these proposals in his stimulus initiative, and I hope that Congress will feature them in any legislation we pass in the coming weeks. I thank Senator KERRY for joining me to introduce this legislation.

I have long championed so-called enhanced Section 179 expensing, and I was gratified that Congress, as part of the Economic Stimulus Act of 2008, allowed small businesses in Maine and across the nation to expense up to \$250,000 of their investments, including the purchase of essential new equipment. Unfortunately, the incentive in that bill was written to last just one year, and so, in 2009, absent additional action, small firms will be able to expense just \$133,000 of new investment. Instead of being able to write off more of their equipment purchases immediately, firms will have to recover their costs over 5, 7, or more years.

At a time in which we find ourselves in a recession and our nation's small businesses are having trouble finding capital to make job-creating new investments, we simply cannot allow that to occur. Accordingly, my bill would allow small businesses to continue expensing up to \$250,000 of new investment in both 2009 and 2010. The purchase of new equipment will undoubtedly contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, my bill recognizes that many businesses that were once profitable are experiencing significant losses as a result of current economic conditions. As a result, many are curtailing operations, and over 2 million Americans lost their jobs in 2008. It is for this reason that I am introducing a proposal to extend the net operating loss carryback period from 2 to 5 years. In this way, businesses reporting losses in 2008 and 2009 may offset those losses against profits from as many as 5 years in the past and claim an immediate tax refund. They can use that money to help sustain operations and retain employees while the economy recovers. This proposal should be particularly beneficial to small businesses, which are responsible for creating 75 percent of net new jobs. Finally, I would note that although I proposed this very change in January 2008 and it cleared the Finance Committee as part of last year's stimulus legislation, it was subsequently dropped in negotiations with the House of Representatives. I hope that this worthy proposal does not suffer the same fate this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Stimulus Act of 2009”.

SEC. 2. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “2008” and inserting “2008, 2009, or 2010”, and

(2) by striking “2008” in the heading thereof and inserting “2008, 2009, OR 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. 5-YEAR CARRYBACK OF NET OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSSES.—In the case of a net operating loss for any taxable year ending during 2008 or 2009—

“(i) subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’,

“(ii) subparagraph (E)(ii) shall be applied by substituting ‘4’ for ‘2’, and

“(iii) subparagraph (F) shall not apply.”.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001, 2002, 2008, or 2009 and carryovers of net operating losses to taxable years ending during such calendar years, or”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendments made by subsection (b) shall apply to taxable years ending after 1997.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 157. A bill to amend the Internal Revenue Code of 1986 to expand the temporary waiver of required minimum distribution rules for certain retirement plans and accounts; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to introduce legislation to offer expanded relief to retirees who are forced to take so-called required minimum distributions from their retirement accounts. After a year in which the Dow Jones Industrial Average fell a staggering 34 percent, Congress rightly suspended required minimum distribution rules for 2009 as part of the Worker, Retiree, and Employer Recovery Act of 2008. Unfortunately, Congress did not act to suspend the rules for 2008 or 2010 as I had previously proposed. Consequently, we now find ourselves in a situation in which 1 year of relief is insufficient to enable retirees to recoup their losses, and I am, therefore, introducing the Retirement Account Dis-

tribution Improvement Act of 2009 to allow amounts required to have been distributed in 2008 to be re-contributed and to waive the rules for 2010. I would like to thank Senator LINCOLN for co-sponsoring this legislation.

Under current law, individuals who have reached age 70.5 generally must begin to withdraw funds from their IRAs or defined contribution retirement plans, including 401(k), 403(b), 457, and TSP plans. The withdrawals must begin by April 1 of the year after which an individual attains age 70.5. Failure to take a required minimum distribution may result in a 50 percent excise tax on the difference between what must be withdrawn and the amount actually distributed.

In times that equities markets are rising and retirement account balances are growing, required minimum distribution rules are sensible. Indeed, they ensure the Government gains revenue after years of tax-deferred growth. Unfortunately, we are now witnessing unprecedented losses in equities markets that have caused many individuals to suffer steep losses in their retirement account balances. Notably, the American Association of Retired Persons has said that retirement accounts have lost as much as \$2.3 trillion between September 30, 2007, and October 16, 2008. Forcing individuals to prematurely liquidate accounts and pay income taxes on the proceeds, as is required under current law, instead of allowing them to wait until the market recovers and continue to defer tax, simply adds insult to injury. Moreover, mandating withdrawals may cause stock prices to fall, hurting other investors.

It is for these reasons that I am today introducing legislation to allow individuals who were forced to withdraw funds in 2008 to re-contribute that money into their accounts by July 1, 2009. Any amounts erroneously distributed in early 2009 could also be re-contributed by July 1, 2009. Finally, my bill would also waive minimum required distributions for 2010.

Although Congress took a solid first step by suspending minimum required distributions for 2009, we must do more. With many predicting a multi-year recession, Congress must adopt a longer-term approach to helping individuals protect their retirement assets and weather the current economic storm. Individuals may require several years to recoup losses they have sustained, and by enabling them to keep assets in their retirement accounts until 2011, this bill offers them that opportunity. At that point, Congress can reevaluate whether the waiver of current-law rules should be further extended.

I urge all Senators to consider the benefits this legislation will provide to millions of retirees all across the United States, and I look forward to

working with my colleagues to enact it in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Retirement Account Distribution Improvement Act of 2009”.

SEC. 2. EXPANSION OF WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FROM CERTAIN RETIREMENT PLANS AND ACCOUNTS.

(a) IN GENERAL.—Subparagraph (H) of section 401(a)(9) of the Internal Revenue Code of 1986, as added by the Worker, Retiree, and Employer Recovery Act of 2008, is amended—

(1) by striking “for calendar year 2009” in clause (i) and inserting “for calendar years 2008, 2009 or 2010”,

(2) by striking “2009” in clause (ii)(I) and inserting “2010”, and

(3) by striking “to calendar year 2009” in clause (ii)(II) and inserting “to calendar years 2008, 2009, or 2010”.

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—The last sentence of section 402(c)(4) of the Internal Revenue Code of 1986, as added by the Worker, Retiree, and Employer Recovery Act of 2008, is amended by striking “2009” and inserting “2008, 2009, or 2010”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) RECONTRIBUTIONS OF DISTRIBUTIONS IN 2008 OR EARLY 2009.—

(A) IN GENERAL.—If a person receives 1 or more eligible distributions, the person may, on or before July 1, 2009, make one or more contributions (in an aggregate amount not exceeding all eligible distributions) to an eligible retirement plan and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be. For purposes of the preceding sentence, rules similar to the rules of clauses (ii) and (iii) of section 402(c)(11)(A) of such Code shall apply in the case of a beneficiary who is not the surviving spouse of the employee or of the owner of the individual retirement plan.

(B) ELIGIBLE DISTRIBUTION.—For purposes of this paragraph—

(i) IN GENERAL.—Except as provided in clause (ii), the term “eligible distribution” means an applicable distribution to a person from an individual account or annuity—

(I) under a plan which is described in clause (iv), and

(II) from which a distribution would, but for the application of section 401(a)(9)(H) of such Code, have been required to have been made to the individual for 2008 or 2009, whichever is applicable, in order to satisfy the requirements of sections 401(a)(9), 404(a)(2), 403(b)(10), 408(a)(6), 408(b)(3), and 457(d)(2) of such Code.

(ii) ELIGIBLE DISTRIBUTIONS LIMITED TO REQUIRED DISTRIBUTIONS.—The aggregate amount of applicable distributions which may be treated as eligible distributions for purposes of this paragraph shall not exceed—

(I) for purposes of applying subparagraph (A) to distributions made in 2008, the amount

which would, but for the application of section 401(a)(9)(H) of such Code, have been required to have been made to the individual in order to satisfy the requirements of sections 401(a)(9), 404(a)(2), 403(b)(10), 408(a)(6), 408(b)(3), and 457(d)(2) of such Code for 2008, and

(II) for purposes of applying subparagraph (A) to distributions made in 2009, the sum of the amount which would, but for the application of such section 401(a)(9)(H), have been required to have been made to the individual in order to satisfy such requirements for 2009, plus the excess (if any) of the amount described in subclause (I) which may be distributed in 2009 to meet such requirements for 2008 over the portion of such amount taken into account under subclause (I) for distributions made in 2008.

(iii) APPLICABLE DISTRIBUTION.—

(I) IN GENERAL.—The term “applicable distribution” means a payment or distribution which is made during the period beginning on January 1, 2008, and ending on June 30, 2009.

(II) EXCEPTION FOR MINIMUM REQUIRED DISTRIBUTIONS FOR OTHER YEARS.—Such term shall not include a payment or distribution which is required to be made in order to satisfy the requirements of section 401(a)(9), 404(a)(2), 403(b)(10), 408(a)(6), 408(b)(3), or 457(d)(2) of such Code for a calendar year other than 2008 or 2009.

(III) EXCEPTION FOR PAYMENTS IN A SERIES.—In the case of any plan described in clause (iv)(I), such term shall not include any payment or distribution made in 2009 which is a payment or distribution described in section 402(c)(4)(A).

(iv) PLANS DESCRIBED.—A plan is described in this clause if the plan is—

(I) a defined contribution plan (within the meaning of section 414(i) of such Code) which is described in section 401, 403(a), or 403(b) of such Code or which is an eligible deferred compensation plan described in section 457(b) of such Code maintained by an eligible employer described in section 457(e)(1)(A) of such Code, or

(II) an individual retirement plan (as defined in section 7701(a)(37) of such Code).

(C) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a payment or distribution from a plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the payment or distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the plan in a direct trustee to trustee transfer.

(D) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a payment or distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, such payments or distributions shall be treated as a distribution that satisfies subparagraphs (A) and (B) of section 408(d)(3) of such Code and as having been transferred to the individual retirement plan in a direct trustee to trustee transfer.

(3) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any pension plan or contract amendment, such pension plan or contract shall be treat-

ed as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii)(I).

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any pension plan or annuity contract which—

(I) is made pursuant to the amendments made by this section, and

(II) is made on or before the last day of the first plan year beginning on or after January 1, 2011.

In the case of a governmental plan, subclause (II) shall be applied by substituting “2012” for “2011”.

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless during the period beginning on January 1, 2009, and ending on December 31, 2010 (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. BROWN, and Mrs. LINCOLN:)

S. 158. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to reintroduce legislation that would provide State and local development finance authorities with greater flexibility in promoting economic growth that meets the changing realities of an ever more global economy. Specifically, my bill would expand the definition of “manufacturing” as it pertains to the small-issue Industrial Development Bond, IDB, program to include the creation of “intangible” property. I am pleased to be joined by Senators KERRY, BROWN, and LINCOLN in reintroducing this critical legislation to promote economic development, and I strongly believe it would be a critical addition to any stimulus legislation.

Our Nation’s capacity to innovate is a key reason why our economy remains the envy of the world, even during these difficult economic times. Knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long-term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs in North America.

It is clear that the promotion of knowledge-based industries can be a key economic tool for States and localities. This is especially true for States that have seen a loss in traditional manufacturing. In my home State of Maine, we lost 28 percent of our total manufacturing employment over the last decade. I believe that it is critical that we provide States and localities with a wider range of options in pro-

moting economic development, particularly as our economy lost over 2 million jobs in 2008. My legislation will do just that by expanding the availability of small-issue IDBs to new economy industries, such as software and biotechnology, that have proven their ability to provide high-paying jobs.

These IDBs allow State and local development finance authorities, like the Finance Authority of Maine, to issue tax-exempt bonds for the purpose of raising capital to provide low-cost financing of manufacturing facilities. These bonds, therefore, provide local authorities with an invaluable tool to attract new employers and assist existing ones to grow. The result is a win-win situation for local communities providing them with much needed jobs. Consequently, it only makes sense to ensure that these finance authorities have maximum flexibility in options to grow jobs.

In addition, my bill provides some technical clarity to distinguish between the phrases “functionally related and subordinate facilities” and “directly related and ancillary facilities.” Until 1988, there was little confusion based on Treasury regulations going back to 1972 that made it clear that “functionally related and subordinate facilities” were clearly eligible for financing through private activity tax-exempt bonds. But, Congress enacted the Technical and Miscellaneous Revenue Bond Act of 1988 that imposed a limitation that not more than 25 percent of tax-exempt bond financing could be used on “directly related and ancillary facilities.” While these two phrases appear to be very similar, they are indeed distinguishable from each other. Unfortunately, the Internal Revenue Service has blurred this distinction between the phrases which has had an adverse impact on the way facilities are able to utilize tax-exempt bond financing. My legislation would make it clear that “functionally related and subordinate facilities” are not susceptible to the 25 percent limitation.

We must continue to encourage all avenues of economic development if America is to compete in a changing and increasingly global economy, and my legislation is one small step in furtherance of that goal. I urge my colleagues to join me in supporting this bill and to include it in stimulus legislation we will be considering in the coming weeks.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.

(a) **EXPANSION TO INTANGIBLE PROPERTY.**—

(1) **IN GENERAL.**—The first sentence of section 144(a)(12)(C) of the Internal Revenue Code of 1986 (defining manufacturing facility) is amended—

(A) by inserting “, creation,” after “used in the manufacturing”, and

(B) by inserting “or intangible property which is described in section 197(d)(1)(C)(iii)” before the period at the end.

(2) **CLARIFICATION.**—The last sentence of section 144(a)(12)(C) of such Code is amended to read as follows: “For purposes of the first sentence of this subparagraph, the term ‘manufacturing facility’ includes—

“(i) facilities which are functionally related and subordinate to a manufacturing facility (determined without regard to this clause), and

“(ii) facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

“(I) such facilities are located on the same site as the manufacturing facility, and

“(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Mr. HATCH, Mr. LEAHY, Mr. KENNEDY, MRS. CLINTON, Mr. DODD, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD):

S. 160. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am honored to have the opportunity today, obviously early on this first day of this new session of Congress, together with my colleague from Utah, Senator HATCH, to introduce bipartisan legislation which will finally grant citizens of our Nation's Capital, the District of Columbia, voting representation, the proper representation to which they are entitled as citizens.

That representative voting would be in the House of Representatives. This bill is entitled “The District of Columbia House Voting Rights Act of 2009.” It is identical to a bill which Senator HATCH and I introduced in the 110th Congress.

It would, for the first time, give citizens of the District of Columbia full voting representation in the House while adding a fourth congressional seat for the State of Utah based on population statistics from the 2000 census in which they came very close. I think the people of Utah would in fact say they deserve an additional seat.

This is the fifth session in which I have introduced legislation to try to correct what I believe is a fundamental wrong—which is to deny the citizens of our Nation's Capital voting representa-

tion in Congress. I hope and believe and pray this is the session in which we are going to get this done.

Last year, this bill passed overwhelmingly in the House by a vote of 271 to 177, but it fell three votes short of gaining cloture in the Senate, though the vote in favor was 57 to 42. With a new Congress and a new President who was in fact a cosponsor of this bill himself in the last session of Congress, I am hopeful we can pass this legislation, vital to the rights of nearly 600,000 Americans living in the District of Columbia. Keep in mind the population of the District, though small compared to many States, is roughly equal to the State populations of Alaska, North Dakota, Vermont, and Wyoming, all of which have, of course, not only representation—that is, voting in the House—but two Senators here. This deals only and exclusively with voting representation in the House.

I want to particularly thank my dear friend and colleague, Senator ORIN HATCH, for his continued, principled, steadfast support of this bill. He set aside partisanship to join me and others in trying to right this historic wrong. I greatly admire his commitment to this cause.

I am also proud to say Senators LEAHY, KENNEDY, CLINTON, DODD, SANDERS, KERRY, DURBIN, and FEINGOLD are today joining as original cosponsors of this legislation.

Of course, I pay special honor and thanks to the DC Delegate, ELEANOR HOLMES NORTON, who has been a tireless champion of full representation for the citizens of the District; of course, a tireless champion for the citizens of the District generally. Delegate NORTON is introducing a similar bill in the House today.

I do this with a certain special personal pride because Delegate NORTON and I were at law school at Yale at the same time just a few years ago. It probably would seem, to the casual observer, hard to believe that we deny the residents of our Nation's Capital of the right to have a voting representative in the House of Representatives. In fact, public opinion polls have been taken over the years that ask people: Do you think the residents of the District of Columbia have voting representation in the House? Overwhelming, the American public says: Of course they do, because they cannot believe there would be a reason to deny them the representation.

In recent years, those who have opposed this legislation which would correct a historic injustice have argued that congressional representation is granted only to the States under the Constitution, and therefore our legislation is unconstitutional.

With all respect, I believe that simply is not true. The Constitution provides Congress with the authority to bestow voting rights on the District.

Multiple constitutional experts, spanning the full ideological spectrum of left to right, including Ken Starr, former judge on the U.S. Court of Appeals and former Solicitor General, and Viet Dinh, former Assistant Attorney General, and many others have told Congress and the public that this authority, which is, the authority to grant representation in Congress, lies within the District Clause of the Constitution, which is article I, section 8, where it states:

Congress has the power to exercise exclusive legislation in all cases whatsoever over such District.

Congress has repeatedly used this authority to treat the District of Columbia as a State for various public purposes. For example, as long ago as 1940, the Judiciary Act of 1789 was revised to broaden diversity jurisdiction to include citizens of the District, even though the Constitution specifically provides that national courts may hear cases “between citizens of different States.”

In other words, in that act, Congress said no, for purposes of diversity of jurisdiction access to the courts, even though the Constitution says that courts may hear cases between citizens of different States. It would be incomprehensible that citizens of the District of Columbia, because they happen to live in the Nation's Capital, could not gain access to the Federal courts.

When challenged, this revision to the Judiciary Act was upheld as constitutional by the Federal courts themselves. Furthermore, the courts have found that Congress has the authority to impose national taxes on the District, to provide a jury trial to residents of the District, and to include the District in interstate commerce regulations.

These are rights and responsibilities that our Constitution grants to States. Yet the District Clause has allowed Congress to apply those rights and responsibilities to the District of Columbia because not to do so would make residents of the District, or the District itself, second class in their citizenship.

Treating the District as a State for purposes of voting representation in Congress should be no different. The elections of 2008 saw a historic number of citizens carrying out their civic duty by voting for their representatives in Congress. Unfortunately, for over 200 years, DC residents have been denied that most basic right.

According to a 2005 KRC Research poll, 82 percent of Americans, when told that residents of the District do not have a voting representative in Congress, say it is time to give that voting representation to the citizens of our Nation's Capital.

This has very practical and just consequences. People of the District have been the target directly of terrorist attacks, but they have no vote on how

the Federal Government provides for their homeland security. Men and women citizens of the District have fought bravely in our wars, in defense of our security and our freedom over the years, many giving their lives in defense of our country. Yet citizens of the District have no voting representation in Congress on the serious questions of war and peace, veterans' benefits, and the like. Of course, the citizens of the District of Columbia, per capita, pay Federal income taxes at the second highest rate in the Nation. Yet they have absolutely no voice, no voting representation, in setting tax rates or in determining how the revenues raised by those taxes will be spent.

This is plain wrong. The Supreme Court has said "that no right is more precious in a free country than that of having a vote in the election of those who make the laws, under which, as good citizens, we must live."

We can no longer deny our fellow American citizens who happen to live in the District of Columbia this precious right. With the United States engaged now in two wars, a global war also against terrorists who attacked us on 9/11/2001, with our country facing the most significant economic crisis since the Great Depression, it is past time to grant the vote to those citizens living in our Nation's Capital so their vote can be rightfully heard as we debate these great and complex issues of our time.

This matter has fallen, according to our rules, under the jurisdiction of the Senate Committee on Homeland Security and Governmental Affairs, which I am privileged to chair. I hope we will be able to take it up quickly. It is my intention to consider this legislation at the first markup of our committee in the session, and then to bring it to the floor as quickly as possible with a high sense of optimism that on this occasion, if there is another filibuster that we will have, with the help of the new Members of the Senate, more than 60 votes necessary to close it off, and at least have a vote on this question of fundamental rights for 600,000 of our fellow Americans.

I want to submit not only an original copy of the bill to the clerk, but also for the RECORD a statement from Senator HATCH, which I ask unanimous consent to appear as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia House Voting Rights Act of 2009".

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) CONGRESSIONAL DISTRICT AND NO SENATE REPRESENTATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(2) NO REPRESENTATION PROVIDED IN SENATE.—The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

"(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members."

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking "come into office;" and inserting the following: "come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);".

SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the 112th Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including the Member representing the District of Columbia pursuant to section 2(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking "the then existing number of Representatives" and inserting "the number of Representatives established with respect to the 112th Congress".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) TRANSMITTAL OF REVISED APPORTIONMENT INFORMATION BY PRESIDENT.—

(1) STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act and identifying the State of Utah as the State entitled to one additional Representative pursuant to this section.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised

version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives shall submit a report to the Speaker of the House of Representatives identifying the State of Utah as the State entitled to one additional Representative pursuant to this section.

SEC. 4. EFFECTIVE DATE; TIMING OF ELECTIONS.

The general election for the additional Representative to which the State of Utah is entitled for the 112th Congress and the general election for the Representative from the District of Columbia for the 112th Congress shall be subject to the following requirements:

(1) The additional Representative from the State of Utah will be elected pursuant to a redistricting plan enacted by the State, such as the plan the State of Utah signed into law on December 5, 2006, which—

(A) revises the boundaries of Congressional districts in the State to take into account the additional Representative to which the State is entitled under section 3; and

(B) remains in effect until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010.

(2) The additional Representative from the State of Utah and the Representative from the District of Columbia shall be sworn in and seated as Members of the House of Representatives on the same date as other Members of the 112th Congress.

SEC. 5. CONFORMING AMENDMENTS.

(a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.—

(1) REPEAL OF OFFICE.—

(A) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91-405; sections 1-401 and 1-402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(B) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(2) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended as follows:

(A) In section 1 (sec. 1-1001.01, D.C. Official Code), by striking "the Delegate to the House of Representatives;" and inserting "the Representative in Congress,".

(B) In section 2 (sec. 1-1001.02, D.C. Official Code)—

(i) by striking paragraph (6); and

(ii) in paragraph (13), by striking "the Delegate to Congress for the District of Columbia," and inserting "the Representative in Congress,".

(C) In section 8 (sec. 1-1001.08, D.C. Official Code)—

(i) in the heading, by striking "Delegate" and inserting "Representative"; and

(ii) by striking "Delegate," each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1) and inserting "Representative in Congress,".

(D) In section 10 (sec. 1-1001.10, D.C. Official Code)—

(i) in subsection (a)(3)(A)—

(I) by striking "or section 206(a) of the District of Columbia Delegate Act"; and

(II) by striking "the office of Delegate to the House of Representatives" and inserting "the office of Representative in Congress";

(ii) in subsection (d)(1), by striking "Delegate," each place it appears; and

(iii) in subsection (d)(2)—

(I) by striking “(A) In the event” and all that follows through “term of office,” and inserting “In the event that a vacancy occurs in the office of Representative in Congress before May 1 of the last year of the Representative’s term of office,”; and

(II) by striking subparagraph (B).

(E) In section 11(a)(2) (sec. 1-1001.11(a)(2), D.C. Official Code), by striking “Delegate to the House of Representatives,” and inserting “Representative in Congress.”

(F) In section 15(b) (sec. 1-1001.15(b), D.C. Official Code), by striking “Delegate,” and inserting “Representative in Congress.”

(G) In section 17(a) (sec. 1-1001.17(a), D.C. Official Code), by striking “the Delegate to Congress from the District of Columbia” and inserting “the Representative in Congress”.

(b) **REPEAL OF OFFICE OF STATEHOOD REPRESENTATIVE.**—

(1) **IN GENERAL.**—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1-123, D.C. Official Code) is amended as follows:

(A) By striking “offices of Senator and Representative” each place it appears in subsection (d) and inserting “office of Senator”.

(B) In subsection (d)(2)—

(i) by striking “a Representative or”;

(ii) by striking “the Representative or”;

and

(iii) by striking “Representative shall be elected for a 2-year term and each”.

(C) In subsection (d)(3)(A), by striking “and 1 United States Representative”.

(D) By striking “Representative or” each place it appears in subsections (e), (f), (g), and (h).

(E) By striking “Representative’s or” each place it appears in subsections (g) and (h).

(2) **CONFORMING AMENDMENTS.**—

(A) **STATEHOOD COMMISSION.**—Section 6 of such Initiative (sec. 1-125, D.C. Official Code) is amended—

(i) in subsection (a)—

(I) by striking “27 voting members” and inserting “26 voting members”;

(II) by adding “and” at the end of paragraph (5); and

(III) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6); and

(ii) in subsection (a-1)(1), by striking subparagraph (H).

(B) **AUTHORIZATION OF APPROPRIATIONS.**—Section 8 of such Initiative (sec. 1-127, D.C. Official Code) is amended by striking “and House”.

(C) **APPLICATION OF HONORARIA LIMITATIONS.**—Section 4 of D.C. Law 8-135 (sec. 1-131, D.C. Official Code) is amended by striking “or Representative” each place it appears.

(D) **APPLICATION OF CAMPAIGN FINANCE LAWS.**—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1-135, D.C. Official Code) is amended by striking “and United States Representative”.

(E) **DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.**—The District of Columbia Elections Code of 1955 is amended—

(i) in section 2(13) (sec. 1-1001.02(13), D.C. Official Code), by striking “United States Senator and Representative,” and inserting “United States Senator,”; and

(ii) in section 10(d) (sec. 1-1001.10(d)(3), D.C. Official Code), by striking “United States Representative or”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(c) **CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO SERVICE ACADEMIES.**—

(1) **UNITED STATES MILITARY ACADEMY.**—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking “the District of Columbia,”.

(2) **UNITED STATES NAVAL ACADEMY.**—Such title is amended—

(A) in section 6954(a), by striking paragraph (5); and

(B) in section 6958(b), by striking “the District of Columbia,”.

(3) **UNITED STATES AIR FORCE ACADEMY.**—Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking “the District of Columbia,”.

(4) **EFFECTIVE DATE.**—This subsection and the amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

SEC. 6. NONSEVERABILITY OF PROVISIONS AND NONAPPLICABILITY.

(a) **NONSEVERABILITY.**—If any provision of this Act or any amendment made by this Act is declared or held invalid or unenforceable, the remaining provisions of this Act or any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

(b) **NONAPPLICABILITY.**—Nothing in the Act shall be construed to affect the first reapportionment occurring after the regular decennial census conducted for 2010 if this Act has not taken effect.

SEC. 7. JUDICIAL REVIEW.

If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

Mr. HATCH. Mr. President, as I did in the last Congress, I am cosponsoring the legislation introduced today by the Senator from Connecticut to provide a House seat for the District of Columbia and an additional House seat for Utah.

Representation and suffrage are so central to the American system of self-government that America’s founders warned that limiting suffrage would risk another revolution and could prevent ratification of the Constitution. The Supreme Court has said that no right is more precious in a free country than having a voice in the election of those who govern us. I continue to be-

lieve what I stated more than 30 years ago here on the Senate floor, that Americans living in the District should enjoy all the privileges of citizenship, including voting rights.

The bill introduced today would treat the District of Columbia as a congressional district to provide for full representation in the House. The bill states, however, that the District shall not be treated as a State for representation in this body.

No matter how worthwhile or even compelling an objective might be, however, we cannot legislatively pursue it without authority grounded in the Constitution. I would note that the Constitution explicitly gives Congress legislative authority over the District “in all cases whatsoever.” This authority is unparalleled in scope and has been called sweeping, plenary, and extraordinary by the courts. It surpasses both the authority a State legislature has over its own State and the authority Congress has over legislation affecting the States.

Some have argued that despite the centrality of representation and suffrage, and notwithstanding our unparalleled and plenary authority over the District, that Congress cannot provide a House seat for the District by legislation. They base their argument on a single word. Article I, Section 5, of the Constitution provides that the House of Representatives shall be composed of members chosen by the people of the several States. Because the District is not a State, the argument goes, it cannot have a House seat without a constitutional amendment.

I studied this issue extensively and published my analysis and conclusions in the Harvard Journal on Legislation for everyone to consider. I ask unanimous consent that this article be made part of the RECORD following my remarks. Let me here just mention a few considerations that I found persuasive.

First, as I have already mentioned, the default position of our system of government is representation and suffrage. That principle is so fundamental that, in this case, I believe there must be actual evidence that America’s founders intended to deny it to District residents. No such evidence exists.

Second, establishing and maintaining the District as a separate political jurisdiction does not require disenfranchising its residents. The founders wanted the capital to be free from State control and I support keeping it that way. Giving the District a House seat changes neither that status nor Congress’ legislative authority over the District.

Third, America’s founders not only did not intend to disenfranchise District residents, they demonstrated the opposite intention by their own legislative actions. In 1790, Congress provided by legislation for Americans living in the land ceded for the District to vote

in congressional elections. No one even suggested that this legislation was unconstitutional because that land was not part of a State. If Congress could do it then, Congress can do it today.

Fourth, courts have held for more than two centuries that constitutional provisions framed in terms of States can be applied to the District or that Congress can legislatively accomplish for the District what the Constitution accomplishes for States. Congress, for example, has authority to regulate commerce among the several States. The Supreme Court held in 1889 that this applies to the District. Do opponents of giving the District a House seat believe Congress cannot regulate commerce involving the District?

The original Constitution provided that direct taxes shall be apportioned among the several States. The Supreme Court held in 1820 that Congress' legislative authority over the District allows taxation of the District. Do opponents of giving the District a House seat believe that the District is suitable for taxation but not for representation?

The Constitution provides that federal courts may review lawsuits between citizens of different States. The Supreme Court held in 1805 that Congress can legislatively extend this to the District even though the Constitution does not.

The list goes on involving provisions of the Constitution, statutes, and even treaties. Over and over, courts have ruled either that provisions framed in terms of States can be directly applied to the District or that Congress can legislatively do so. Perhaps opponents of giving the District a House seat believe that all of these decisions over more than two centuries were wrong, that the word States begins and ends the discussion in every case. They cannot say so in the present case without confronting those precedents.

These and other considerations which I discussed in the article I mentioned have led me to conclude that the Constitution allows Congress legislatively to provide a House seat for the District. I do want to repeat my continuing opposition to District representation in the Senate. The District's status as a non-State jurisdiction is not relevant to representation in the House, which was designed to represent people, but it is relevant to representation in the Senate, which was designed to represent states. I would once again emphasize that the bill introduced today explicitly disclaims Senate representation for the District.

In December 2006, I signed a letter to the majority and minority leaders expressing the same position I had taken three decades earlier. It stated that while there are many differences between Utah and the District, to be sure, they share the right to be represented in our country's legislature. I

take the same position today, believing that Congress may and should pass the bill introduced today to provide for that representation.

Mr. LEAHY. Mr. President, I am proud to cosponsor the District of Columbia House Voting Rights Act of 2009 to end the unfair treatment of District of Columbia residents and give them voting representation in the House of Representatives. For over 200 years, the residents of the District of Columbia have been denied a voting Member representing their views in Congress. That is wrong, and I hope the Senate will consider this important issue early this year to remedy the disenfranchisement that residents of our Nation's capital have endured.

When the Senate considered this legislation last Congress the Republican minority chose to filibuster the bill. While a majority favored it, we fell short of the 60 votes needed to end the filibuster and pass it. Earlier that year, however, the House of Representatives worked in a bipartisan manner to pass a version of a voting rights bill for the District of Columbia led by Congresswoman ELEANOR HOLMES NORTON. As a young lawyer, she worked for civil rights and voting rights around the country. It is a cruel irony that upon her return to the District of Columbia, and her election to the House of Representatives, she does not yet have the right to vote on behalf of the people of the District of Columbia who elected her. She is a strong voice in Congress, but the citizens living in the Nation's capital deserve a vote, as well.

The bill introduced today would give the District of Columbia delegate a vote in the House. It would give Utah a fourth seat in the House as well. Last Congress, the Judiciary Committee held hearings on a similar measure and we heard compelling testimony from constitutional experts. They testified that this legislation is constitutional, and highlighted the fact that Congress's greater power to confer statehood on the District certainly contains the lesser one, the power to grant District residents voting rights in the House of Representatives. Congress has repeatedly treated the District of Columbia as a "State" for various purposes. Congresswoman ELEANOR HOLMES NORTON testified that although "the District is not a State," the "Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes." Examples of these actions include a revision of the Judiciary Act of 1789 that broadened Article III diversity jurisdiction to include citizens of the District even though the Constitution only provides that Federal courts may hear cases "between citizens of different States." Congress has also treated the District as a "State" for purposes of congressional power to regulate commerce

"among the several States." The Sixteenth Amendment grants Congress the power to directly tax incomes "without apportionment among the several States," but has been interpreted also to apply to residents of the District. In fact, the District of Columbia pays the second highest Federal taxes per capita without any say in how those dollars are spent.

I believe that this legislation is within Congress's powers as provided in the Constitution. I agree with Congressman JOHN LEWIS, Congresswoman NORTON and numerous other civil rights leaders and constitutional scholars that we should extend the basic right of voting representation to the hundreds of thousands of Americans residing in the District of Columbia. These Americans pay Federal taxes, defend our country in the military and serve on Federal juries.

This is an historic measure that holds great significance within the civil rights community and for the residents of the District of Columbia. I urge Senators to do what is right and to support this bill when it comes to the floor for full Senate consideration.

Over 50 years ago, the Senate overrode filibusters to pass the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965. Congressman LEWIS, a courageous leader during those transformational struggles decades ago, gave moving testimony before the Senate Judiciary Committee last Congress in which he reminded us that "we in Congress must do all we can to inspire a new generation to fulfill the mission of equal justice." The Senate should continue to fight for the fundamental rights of all Americans and stand united in serving this noble purpose. No person's right to vote should be abridged, suppressed or denied in the United States of America. Let us move forward together and provide full voting rights for the citizens in our Nation's capital.

By Mr. FEINGOLD (for himself,
Mr. MCCAIN, Mrs. MCCASKILL,
Mr. GRAHAM, and Mr. COBURN.)

S. 162. A bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, I am pleased to join with the senior Senator from Arizona, Mr. MCCAIN, the junior Senator from Missouri, Mrs. MCCASKILL, the junior Senator from Oklahoma, Mr. COBURN, and the senior Senator from South Carolina, Mr. GRAHAM, in introducing the Fiscal Discipline, Earmark Reform, and Accountability Act of 2009. Senator MCCAIN has been one of the preeminent champions of earmark reform, and I have been pleased to work with him in fighting this abuse over the last two decades. Senators MCCASKILL and COBURN,

though newer to the Senate, have been two of the most effective advocates of earmark reform since taking office. And Senator GRAHAM has been a courageous champion of reform as well, and during consideration of the Lobbying and Ethics Reform measure in the 110th Congress was a critical vote in helping to strengthen the earmark provisions of that legislation.

That measure was the most significant earmark reform Congress has ever enacted, and it reflected a growing recognition by Members that the business-as-usual days of using earmarks to avoid the scrutiny of the authorizing process or of competitive grants are coming to an end. It is no accident that the presidential nominees of the two major parties were major players on that reform package.

Mr. President, it would be a mistake not to acknowledge just how far we have come. The Lobbying and Ethics Reform bill was an enormous step forward, and I commend our Majority Leader, Senator REID, as well as our former colleague from Illinois, President-elect Obama, for their work in ensuring the passage of that landmark bill.

But it would also be a mistake not to admit that we still have a way to go. The Fiscal Discipline, Earmark Reform, and Accountability Act of 2009 will build on the significant achievement of the 110th Congress by moving from what has largely been a system designed to dissuade the use of earmarks through disclosure to one that actually makes it much more difficult to enact them.

The principal provision of this measure is the establishment of a point of order against unauthorized earmarks on appropriations bills. To overcome that point of order, supporters of the unauthorized earmark will need to obtain a super-majority of the Senate. As a further deterrent, the bill provides that any earmarked funding which is successfully stricken from the appropriations bill will be unavailable for other spending in that bill.

The measure also closes a loophole in last year's Lobbying and Ethics Reform bill by requiring all appropriations conference reports and all authorizing conference reports to be electronically searchable 48 hours before the Senate considers the conference report. And it requires all recipients of federal funds to disclose any money spent on registered lobbyists.

I am delighted that President-elect Obama has announced that the expected economic recovery package which may be proposed in the next few days should be kept free of earmarks. I couldn't agree more, and I expect to join with Senators MCCAIN, MCCASKILL, GRAHAM, and COBURN to see that the recovery package is free of unauthorized earmarks.

In the past, this urgently needed measure was just the kind of legisla-

tion that typically attracted unauthorized earmarks. We are much more likely to be successful in keeping that package and other appropriations bills free of earmarks if we are able to use the tools proposed in this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Discipline, Earmark Reform, and Accountability Act".

SEC. 2. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9.(a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, the amendment shall be out of order and may not be considered.

"(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

"(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2) The term 'new matter' means matter not committed to conference by either House of Congress.

"(3)(A) The term 'unauthorized appropriation' means a 'congressionally directed spending item' as defined in rule XLIV—

"(i) that is not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to,

or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

“(10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

“(b) If the point of order against a conference report under subparagraph (a) is sustained—

“(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

“(2) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck shall be deemed to have been made;

“(3) when all other points of order under this paragraph have been disposed of—

“(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated);

“(B) the question shall be debatable; and

“(C) no further amendment shall be in order; and

“(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

“(c) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

“(d) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

“(e) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a conference report on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions

against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (d), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

“(f) For purposes of this paragraph:

“(1) The terms ‘new or general legislation’, ‘new matter’, and ‘unauthorized appropriation’ have the same meaning as in paragraph 9.

“(2) The term ‘nongermane matter’ has the same meaning as in rule XXII and under the precedents attendant thereto, as of the beginning of the 110th Congress.”.

(b) **REQUIRING CONFERENCE REPORTS TO BE SEARCHABLE ONLINE.**—Paragraph 3(a)(2) of rule XLIV of the Standing Rules of the Senate is amended by inserting “in an searchable format” after “available”.

SEC. 3. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

“SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

“(a) **IN GENERAL.**—A recipient of Federal funds shall file a report as required by section 5(a) containing—

“(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

“(2) the amount of money paid as described in paragraph (1).

“(b) **DEFINITION.**—In this section, the term ‘recipient of Federal funds’ means the recipient of Federal funds constituting an award, grant, or loan.”.

Mr. MCCAIN. Mr. President, I am proud to again be joining forces with my good friend and colleague from Wisconsin, Senator FEINGOLD, to introduce a comprehensive earmark reform measure. We are also pleased to be joined by Senators McCASKILL, GRAHAM, and COBURN as cosponsors in this effort. The measure we are introducing today is designed to eliminate unauthorized earmarks and wasteful spending in appropriations bills and conference reports and help restore fiscal discipline to Washington. Specifically, this bill would allow any member to raise a point of order in an effort to extract objectionable unauthorized provisions. Additionally, it contains a requirement that all appropriations and authorization conference reports be electronically searchable at least 48 hours before full Senate consideration, and a requirement that the recipients of Federal dollars disclose any amounts that they spend on registered lobbyists. These are reasonable, responsible reform measures that deserve consideration by the full Senate.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending. But our appropriations bills do not always put our national priorities first. The process is broken and it needs to be fixed. As we enter the second year of a recession, the economy is in shambles. Record numbers of homeowners face foreclosure, our financial markets have nearly collapsed, and the U.S. automobile manufacturers are near ruin. The national unemployment rate stands at 6.7 percent—the highest in 15 years—with over 1.9 million people having lost their jobs last year.

In the last year alone, due to the mortgage crisis, the Government has seized control of Fannie Mae and Freddie Mac. Congress passed a massive \$700 billion rescue of the financial markets, and we’ve debated giving the big-three auto manufacturers tens of billions in taxpayer dollars—just as a “short-term” infusion of cash—knowing that they’d be back for more. Additionally, we’re getting ready to consider an economic stimulus package which is estimated to cost as much as \$850 billion to a trillion dollars. With all of this spending, we can no longer afford to waste even a single dime of taxpayer money.

It is abundantly clear that the time has come for us to eliminate the corrupt, wasteful practice of earmarking. We have made some progress on the issue in the past couple of years, but we have not gone far enough. Legislation we passed in 2007 provided for greater disclosure of earmarks. While that was a good step forward, the bottom line is that we don’t simply need more disclosure of earmarks—we need to eliminate them.

As my colleagues are well aware, for years I have been coming to the Senate floor to read list after list of the ridiculous items we’ve spent money on—hoping enough embarrassment might spur some change. And year after year I would offer amendment after amendment to strip pork barrel projects from spending bills—usually only getting a handful of votes each time.

Finally, I was encouraged in January 2007 when this body passed, by a vote of 96–2, an ethics and lobbying reform package which contained real, meaningful earmark reform. I thought that, at last, we would finally enact some effective reforms. Unfortunately, that victory was short lived. In August 2007, we were presented with a bill containing very watered down earmark provisions. Not only did that bill, S. 1, do far too little to rein in wasteful spending—it completely gutted the earmark reform provisions we passed overwhelmingly the previous January.

Earmarks, Mr. President, are like a cancer. Left unchecked, they have grown out of control—increasing by nearly 400 percent since 1994. And just

as cancer destroys tissue and vital organs, the corruption associated with the process of earmarking is destroying what is vital to our strength as a nation—that is the faith and trust of the American people in their elected representatives and in the institutions of their government.

Not long ago, in the House of Representatives, when another member questioned the necessity of one of his earmarked projects, a Congressman raged at the idea of someone challenging what he described as “my money, my money.” Therein lies the problem, Mr. President. Too many Members of Congress view taxpayers, funds as their own. They feel free to spend it as they see fit, with no oversight and, often, no shame. Look at some of the things we’ve funded over the years: \$225,000 for an Historic Wagon Museum in Utah, \$1 million for a DNA study of bears in Montana, \$200,000 for the Rock and Roll Hall of Fame in Ohio, \$220,000 for blueberry research at the University of Maine, \$3 million for an animal waste management research facility in Kentucky, \$170,000 for blackbird management in Kansas, \$196,000 for geese control in New York, \$50,000 for feral hog control in Missouri, \$90,000 for the National Cowgirl Museum and Hall of Fame in Fort Worth, Texas, \$200,000 for an American White Pelican survey, \$6 million for sugarcane growers in Hawaii, \$13 million for a ewe lamb retention program, \$500,000 to study flight attendant fatigue, \$200,000 for a deer avoidance system in Pennsylvania and New York, \$3 million for the production of a documentary about Alaska, \$1 million for a waterless urinal initiative, \$500,000 for a Teapot museum in North Carolina, \$1.1 million to research the use of Alaskan salmon in baby food, \$25 million for a fish hatchery in Montana, \$37 million over four years to the Alaska Fisheries Marketing Board to “promote and develop fishery products and research pertaining to American fisheries.” So how exactly does this Board spend the money Congress so generously earmarks every year? Well, they spent \$500,000 of it to paint a giant salmon on the side of an Alaska Airlines 747—and nicknamed it the “Salmon Forty Salmon.”

Unfortunately, I could go on and on with examples of wasteful earmarks that have been approved by Congress. And we wonder why our approval ratings stands at 20 percent.

The corruption which stems from the practice of earmarking has resulted in current and former Members of both the House and Senate either under investigation, under indictment, or in prison. Let’s be clear—it wasn’t inadequate lobbyist disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes in exchange for doling out \$70–\$80 million of the taxpayer’s

funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

We cannot allow this to continue. Now is the time to put a stop to this corrupt practice. The bill we are introducing today seeks to reform the current system by empowering all Members with a tool to rid appropriations bills of unauthorized funds, pork barrel projects, and legislative policy riders and to provide greater public disclosure of the legislative process.

We, as Members, owe it to the American people to conduct ourselves in a way that reinforces, rather than diminishes, the public’s faith and confidence in Congress. An informed citizenry is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. By seriously addressing the corrupting influence of earmarks, we will allow Members to legislate with the imperative that our Government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public’s confidence in Congress does not become a collapse of confidence. We can, and we must, end the practice of earmarking.

Again, I thank my friend and colleague from Wisconsin for his strong leadership on this issue, and I encourage the Senate act quickly to approve this measure.

By Mr. REID:

S.J. Res. 3. A joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be placed in the RECORD, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that

such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(C) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 4—EXPRESSING THE SENSE OF THE SENATE THAT THE SUPREME COURT OF THE UNITED STATES ERRONEOUSLY DECIDED KENNEDY V. LOUISIANA, NO. 07-343 (2008), AND THAT THE EIGHTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES ALLOWS THE IMPOSITION OF THE DEATH PENALTY FOR THE RAPE OF A CHILD

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 4

Whereas 1 out of 3 sexual assault victims is under 12 years of age;

Whereas raping a child is a particularly depraved, perverted, and heinous act;

Whereas child rape is among the most morally reprehensible crimes;

Whereas child rape is a gross defilement of innocence that should be severely punished;

Whereas a raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover;

Whereas the Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape;

Whereas the popularly elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury;

Whereas on March 2, 1998, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter;

Whereas the injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as "the most severe he had seen from a sexual assault";

Whereas the cataclysmic injuries to her 8-year-old body required emergency surgery;

Whereas a jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death;

Whereas the Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy's crime;

Whereas the Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States;

Whereas on June 25, 2008, the Supreme Court of the United States held in *Kennedy v. Louisiana*, No. 07-343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be "cruel and unusual punishment";

Whereas the Supreme Court, in the 5-4 decision, overturned the judgment of Louisi-

ana's elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court;

Whereas this decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional;

Whereas, as Justice Alito observed in his dissent, the opinion of the majority was so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape "no matter how young the child, no matter how many times the child is raped, no matter how many children the perpetrator rapes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator's prior criminal record may be";

Whereas, in the United States, the people, not the Government, are sovereign;

Whereas the Constitution of the United States is supreme and deserving of the people's allegiance;

Whereas the framers of the eighth amendment did not intend to prohibit the death penalty for child rape;

Whereas the imposition of the death penalty for child rape has never been within the plain and ordinary meaning of "cruel and unusual punishment", neither now nor at the adoption of the eighth amendment;

Whereas instead of construing the eighth amendment's prohibition of "cruel and unusual punishment" according to its original meaning or its plain and ordinary meaning, the Court followed a two-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices' own independent judgment in light of their interpretation of a national consensus and evolving standards of decency;

Whereas, to the extent that a national consensus is relevant to the meaning of the eighth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the *Kennedy v. Louisiana* decision by the presumptive nominees for President of both major political parties;

Whereas the evolving standards of decency is an arbitrary construct without foundation in the Constitution of the United States and should have no bearing on Justices who are bound to interpret the laws of the United States;

Whereas the standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 13 years;

Whereas the Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists;

Whereas the Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision; and

Whereas the Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards of decency allow, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child where the crime did not result, and was not intended to result, in death of the victim;

(4) the Louisiana statute making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of *Kennedy v. Louisiana*, No. 07-343 (2008), because the case was decided under a mistaken view of Federal law;

(6) the portions of the *Kennedy v. Louisiana* decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed by Federal or State courts as binding precedent, because the Supreme Court was operating under a mistaken view of Federal law; and

(7) the Supreme Court should reverse its decision in *Kennedy v. Louisiana*, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs about "cruel and unusual punishment", nor by the text, structure, or history of the Constitution of the United States.

SENATE RESOLUTION 5—EXPRESSING THE SUPPORT FOR PRAYER AT SCHOOL BOARD MEETINGS

Mr. VITTER submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 5

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the first amendment to the Constitution would prohibit the Federal Government from enacting any law that favors one religious denomination over another, not prohibit any mention of religion or reference to God in civic dialogue;

Whereas in 1983, the Supreme Court held in *Marsh v. Chambers*, 463 U.S. 783, that the practice of opening legislative sessions with prayer has become part of the fabric of our society and invoking divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause of the first amendment, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of the Nation;

Whereas voluntary prayer in elected bodies should not be limited to prayer in State legislatures and Congress;

Whereas school boards are deliberative bodies of adults similar to a legislature in that they are elected by the people, act in the public interest, and hold sessions that are open to the public for voluntary attendance; and

Whereas voluntary prayer by an elected body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of our society, voluntary prayer acknowledges beliefs widely held among the people of the Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause

for a public body to invoke divine guidance: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE RESOLUTION 6—EXPRESSING SOLIDARITY WITH ISRAEL IN ISRAEL'S DEFENSE AGAINST TERRORISM IN THE GAZA STRIP

Mr. VITTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 6

Whereas the state of Israel is the greatest ally of the United States in the Middle East;

Whereas the Hamas terror organization's charter calls for the destruction of the state of Israel;

Whereas Palestinian terrorists of the Islamic Jihad and Hamas in the Gaza Strip, recently have fired hundreds of rockets at civilian targets in southern Israel, ending a 6-month ceasefire with Israel, in declaration and in deed;

Whereas, during the 6-month "state of calm", the Government of Israel allowed the entry of approximately 17,000 truckloads of humanitarian aid supplies into the Gaza Strip, while Palestinian terrorists launched 538 rockets and mortars into Israel;

Whereas the latest terrorist attacks on Israel took place only days after the United Nations Security Council adopted Resolution 1850, which unanimously declared support for the peace process between the Palestinians and Israelis;

Whereas, since the most recent terrorist attacks and its military operation that began on December 27, 2008, the Government of Israel has allowed the entry of hundreds of truckloads of humanitarian aid supplies into the Gaza Strip, in full coordination with donor Arab countries and international aid organizations, including the Red Cross, out of respect for human rights and human life and in an effort to minimize the hardship and suffering of the Palestinian people;

Whereas the military operations of the Government of Israel constitute an effort to defend the people of Israel, which is the Government's moral duty in response to the unspeakable horrors of ongoing, indiscriminate terrorism, and are aimed only at dismantling the terrorist infrastructure; and

Whereas hundreds of innocent Israeli and Palestinian civilians tragically have been killed on account of ongoing escalations of violence initiated by Palestinian terrorist organizations: Now, therefore, be it

Resolved, That the Senate—

(1) stands in solidarity with the Government of Israel as it takes necessary steps to provide security to its people;

(2) remains committed to Israel's right to self-defense and supports additional assistance from the United States to help Israel defend itself;

(3) condemns the end of the ceasefire by Hamas;

(4) condemns the firing of rockets into civilian areas by the terrorist groups of Hamas and the Islamic Jihad;

(5) urges all Arab states to declare strong opposition to terrorism and terrorist attacks on civilians;

(6) urges all parties in the Middle East to pursue lasting peace in the region; and

(7) expresses its commitment to working to promote economic relations, bilateral trade, and partnerships in technology and alternative energy between the United States and Israel in order to stimulate the economies of both the United States and Israel in this time of crisis.

SENATE RESOLUTION 7—EXPRESSING THE SENSE OF THE SENATE REGARDING DESIGNATION OF THE MONTH OF NOVEMBER AS "NATIONAL MILITARY FAMILY MONTH"

Mr. INOUE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 7

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the month of November should be designated as "National Military Family Month"; and

(2) the Senate encourages the people of the United States to observe National Military Family Month with appropriate ceremonies and activities.

Mr. INOUE. Mr. President, today I rise to honor all our military families by introducing a resolution to designate November as National Military Family Month. As we all know, memories fade, and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent "short week" conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observances on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A concurrent resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

SENATE RESOLUTION 8—RELATIVE TO THE DEATH OF THE HONORABLE CLAIBORNE DE BORDA PELL, FORMER UNITED STATES SENATOR FOR THE STATE OF RHODE ISLAND

Mr. REID (for himself, Mr. MCCONNELL, Mr. REED, Mr. WHITEHOUSE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 8

Whereas Claiborne Pell represented the people of Rhode Island with distinction for 36 years in the United States Senate, from 1961 to 1997, and was the longest-serving Senator in Rhode Island's history;

Whereas Claiborne Pell served in the United States Coast Guard and the Coast Guard Reserve, beginning in 1941 and retiring in 1978 with the rank of Captain;

Whereas Claiborne Pell participated in the 1945 United Nations Conference on International Organization that established the United Nations, and was a champion of the United Nations throughout his life;

Whereas Claiborne Pell served as a Foreign Service Officer from 1945 to 1952;

Whereas Claiborne Pell sponsored the legislation that, in 1965, created the National Endowment for the Arts and the National Endowment for the Humanities and, in 1966, created the National Sea Grant College and Program;

Whereas Claiborne Pell's vision led to the creation of an improved passenger rail system in the Northeast and across the United States;

Whereas Claiborne Pell believed that economic means should not be a barrier to a higher education and sponsored legislation creating the Basic Educational Opportunity Grants in 1972, which were renamed "Pell Grants" in 1980;

Whereas Pell Grants have helped 54,000,000 people in the United States secure a higher education;

Whereas Claiborne Pell sought to expand educational opportunities throughout his tenure as a member and as Chairman of the Senate Subcommittee on Education, Arts and Humanities;

Whereas Claiborne Pell served as Chairman of the Senate Committee on Foreign Relations in the 100th through 103rd Congresses;

Whereas Claiborne Pell was a champion of human rights who devoted himself to promoting a peaceful resolution to international conflict and the elimination of the threat of nuclear weapons; and

Whereas the hallmarks of Claiborne Pell's public service were unsurpassed respect, decency, and civility: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Claiborne Pell, former member of the United States Senate;

(2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Claiborne Pell.

SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 8, 2009, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 8th day of January 2009, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter 'A'; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

SENATE CONCURRENT RESOLUTION 2—EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 6, 2009, the joint committee created by Senate Concurrent Resolution 67 (110th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution. SEC. 2. Effective from January 6, 2009, the provisions of Senate Concurrent Resolution 68 (110th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 8, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on current energy security challenges.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, January 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Steven Chu to be Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 15, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Ken Salazar to be Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

APPOINTMENT

The PRESIDING OFFICER. Pursuant to the order of the Senate of December 11, 2008, authorizing appointments to be made during the recess or adjournment of the Senate, the Chair lays before the Senate an appointment made on December 18, 2008:

The Chair, on behalf of the Republican Leader, pursuant to provisions of Public Law 110-343, appoints the following individual as a member of the Congressional Oversight Panel: the Honorable JOHN SUNUNU, of New Hampshire vice the Honorable JUDD GREGG, of New Hampshire.

ENSURING COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 3 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 3) ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

MEASURES READ THE FIRST TIME—S. 1, S. 2, S. 3, S. 4, S. 5, S. 6, S. 7, S. 8, S. 9, S. 10, S. 33, and S. 34

Mr. WHITEHOUSE. Mr. President, I understand there are 12 bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 1) to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

A bill (S. 2) to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

A bill (S. 3) to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

A bill (S. 4) to guarantee affordable, quality health coverage for all Americans, and for other purposes.

A bill (S. 5) to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

A bill (S. 6) to restore and enhance the national security of the United States.

A bill (S. 7) to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

A bill (S. 8) to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

A bill (S. 9) to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

A bill (S. 10) to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

A bill (S. 33) to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

A bill (S. 34) to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that further reading of the bills be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read the second time on the next legislative day.

CLAIBORNE DE BORDA PELL

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 8, submitted earlier today by Senator REID.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 8) relative to the death of the Honorable Claiborne de Borda Pell, former United States Senator for the State of Rhode Island.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, I join my colleagues, the people of Rhode Island, and people across the Nation in mourning the passing of Senator Claiborne Pell. It was my honor to serve with him here in the Senate. My first term in the Senate coincided with his last years of distinguished service in this body. In particular, I enjoyed the opportunity to serve on the Foreign Relations Committee during his time as chairman. He was known on the committee, and throughout the Senate on both sides of the aisle, for his unfailingly kind manner and his outstanding commitment to public service, and rightly so.

Senator Pell had many accomplishments during his life in public service, including his authorship of legislation that created the National Endowment for the Arts and the National Endowment for Humanities, but his work to create what came to be known as Pell grants was perhaps his greatest achievement. Pell grants have helped millions of Americans attend college who otherwise may not have been able to attend due to cost. Higher education is one of the most important investments our Federal Government can make, and Senator Pell, who was deeply concerned about the emergence of a widening educational gap between low-income and more affluent Americans, worked to try to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. As this new Congress begins, it is my hope that we can carry forward Senator Pell's legacy and boost Federal need-based grant programs to help ensure the doors of higher education are open to all Americans regardless of their financial circumstances.

Senator Pell's success in creating these grants, and giving so many Americans access to higher education, and to a better life, is a remarkable legacy. I am proud that I had the chance to serve with Senator Pell, and I join Americans across the country in honoring his memory.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be

laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 8) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 8

Whereas Claiborne Pell represented the people of Rhode Island with distinction for 36 years in the United States Senate, from 1961 to 1997, and was the longest-serving Senator in Rhode Island's history;

Whereas Claiborne Pell served in the United States Coast Guard and the Coast Guard Reserve, beginning in 1941 and retiring in 1978 with the rank of Captain;

Whereas Claiborne Pell participated in the 1945 United Nations Conference on International Organization that established the United Nations, and was a champion of the United Nations throughout his life;

Whereas Claiborne Pell served as a Foreign Service Officer from 1945 to 1952;

Whereas Claiborne Pell sponsored the legislation that, in 1965, created the National Endowment for the Arts and the National Endowment for the Humanities and, in 1966, created the National Sea Grant College and Program;

Whereas Claiborne Pell's vision led to the creation of an improved passenger rail system in the Northeast and across the United States;

Whereas Claiborne Pell believed that economic means should not be a barrier to a higher education and sponsored legislation creating the Basic Educational Opportunity Grants in 1972, which were renamed "Pell Grants" in 1980;

Whereas Pell Grants have helped 54,000,000 people in the United States secure a higher education;

Whereas Claiborne Pell sought to expand educational opportunities throughout his tenure as a member and as Chairman of the Senate Subcommittee on Education, Arts and Humanities;

Whereas Claiborne Pell served as Chairman of the Senate Committee on Foreign Relations in the 100th through 103rd Congresses;

Whereas Claiborne Pell was a champion of human rights who devoted himself to promoting a peaceful resolution to international conflict and the elimination of the threat of nuclear weapons; and

Whereas the hallmarks of Claiborne Pell's public service were unsurpassed respect, decency, and civility: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Claiborne Pell, former member of the United States Senate;

(2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Claiborne Pell.

ORDERS FOR WEDNESDAY,
JANUARY 7, 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m., Wednesday, January 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, and that the Senate recess from 12:30 p.m. until 2:15 p.m. to accommodate the weekly Democratic caucus lunch.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11:30 A.M.
TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order in honor of the late Senator Claiborne de Borda Pell of Rhode Island under S. Res. 8.

There being no objection, the Senate, at 7:45 p.m., adjourned until Wednesday, January 7, 2009, at 11:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING BERTHA LEWIS OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Bertha Lewis of Hernando County, Florida. Bertha has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 102nd birthday.

Bertha Lewis was born October 19, 1906 in Georgia. Following school in Cuthbert, GA, Bertha went to work as a seamstress. After marrying her sweetheart, Lovorge Lewis, the happy couple had one daughter. The proudest moments in Bertha's life were getting married and having a child.

Thinking back on her long life, Bertha said her fondest childhood memories are of going to church and Bible study. When asked what gives her the most pleasure now in life today, Bertha said she thanks God that she is alive.

Madam Speaker, I ask that you join me in honoring Bertha Lewis for reaching her 102nd birthday. I hope we all have the good fortune to live as long as she has.

FIGHTING IDENTITY THEFT AND DEFENDING THE HOMELAND

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, according to a 2005 GAO study, employers reported the use of 1.4 million Social Security numbers that did not exist. Nearly 1.7 million numbers had been used by multiple individuals, sometimes as many as 500 times for the same Social Security number. In my district, the Waukegan police find that at least 20 fake Social Security cards are found by law enforcement every week.

Now, upgrading the Social Security card should be common sense. It's about seniors. It's about identity theft. It's about illegal immigration. And it's about keeping Americans safe.

When we look at today's Social Security card, we find a 1930s design. It lacks a picture. It lacks a bar code. It lacks a magnetic strip. It poses almost no barrier to the thousands of counterfeiters that make false Social Security cards.

Today, along with my colleague from Illinois PETER ROSKAM, I have introduced legislation to finally give Americans the choice between the old 1930s design Social Security card and the new secure Social Security card. This card offers enhanced protections across the board.

It would replace that flimsy and easily counterfeitable Social Security card with a 21st century identity document that gives seniors real protection. Our legislation and this design is based on the Government's common access card. Already the U.S. Government has issued 10 million of these cards, and its protections, in our judgment, we believe, should be offered to people in the 21st century against Social Security card counterfeiters.

We think this legislation is important to propose a significant barrier to those who would counterfeit Social Security cards, to help seniors in fighting identity theft, and to make sure that a person who has that number and this card is really who they say it is.

We saw on September 11 that 18 of 19 hijackers had valid U.S. IDs during their crime of the century. I think it's time to make sure that at least the Social Security card has the 21st century protections that we can offer to make sure that we protect seniors, to make sure that we protect all Americans, and to protect the Social Security system. That's why we think that this legislation to create these secure Social Security cards is an idea whose time has come.

INTRODUCING THE SOCIAL SECURITY BENEFICIARY TAX REDUC- TION ACT AND THE SENIOR CITI- ZENS' TAX ELIMINATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the federal government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens' Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a shell game which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending

the practice of using trust fund monies for other programs. This is why I am also introducing the Social Security Preservation Act, which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending continues to threaten the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Madam Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

JOE RINEHART

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of Joe Rinehart on the occasion of his retirement after more than 37 years of service to Chillicothe, Missouri, as Fire Chief, Disaster Director and head of Department of Emergency Services.

Joe began his career as a firefighter in 1972, and rose to Fire Chief in 1979. Fourteen mayors have served during his tenure, but he has consistently been there to oversee numerous personnel and to put the safety of the citizens of Chillicothe, Missouri, before himself. —Chief Rinehart has also been instrumental in assisting in many projects over the years. During his years of service, he has modernized the fire department, overseen the move to its current location, helped form the Livingston County Ambulance District and provided the leadership to help pass the capital improvement sales tax.

Madam Speaker, I ask my colleagues to join with me in commending Chief Joe Rinehart for his dedicated service to ensuring the safety of the people of Chillicothe, Missouri. I know Joe's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO DAVID S. BLIDEN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor David S. Bliden upon his retirement from the position of Executive Director of the Maryland Association of Counties (MACo).

Mr. Bliden holds a bachelors degree in economics from the University of Maryland, College Park, and after earning a law degree from the University of Maryland School of Law in 1973, began his career in government as a legal intern at the State's Attorney's office in Prince George's County. By 1974, Dave was an Associate County Attorney, serving as a liaison to the Maryland Association of County Civil Attorneys. Serving as Deputy County Attorney in the Office of Law for Anne Arundel County from 1984-1991, Dave served as the County Executive's liaison to the General Assembly, Governor's staff, and the Maryland Association of Counties.

In 1991, Mr. Bliden was appointed Executive Director of the Maryland Association of Counties. As executive director, Dave managed the trade association which represents Maryland's twenty-four political subdivisions. He has served as MACo's primary representative to the Maryland General Assembly, the Governor's office, and the Local Government Insurance Trust. Throughout his tenure, he was a proactive communicator and was always conversant in emerging trends with local issues.

Dave's willingness to look at each county in Maryland individually, as well as part of one great state provided the backbone for Maryland's continued success. Although times are tough today in Maryland, they could be considerably worse were it not for the talents, persuasiveness, and dedication of Dave Bliden.

Madam Speaker, I ask that you join with me today to honor David S. Bliden in his retirement from the position of Executive Director of the Maryland Association of Counties. His legacy as a brilliant and competent director will be forever remembered in his service to one of Maryland's largest associations. It is with great pride that I congratulate Dave Bliden on his exemplary legal career and his outstanding leadership at MACo.

IN HONOR OF MICHELLE L. SMITH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. CASTLE. Madam Speaker, I rise today to recognize and pay tribute to the late Michelle L. Smith. On Monday morning, December 22nd, the Delaware City Fire Company was informed of the tragic loss of Firefighter Michelle L. Smith, who succumbed to the traumatic injuries she sustained on December 20th. Michelle was assisting with the care of a critically injured motorcyclist at the scene of an accident on DuPont Highway

when she was hit by a passing car. This is the first death in the line of duty for the Delaware City Fire Company in its 121-year history.

Michelle L. Smith has served the Delaware City Fire Company and the Delaware City Ladies Auxiliary for over five years, holding the position of Secretary with the Ladies Auxiliary. She also served with the Volunteer Hose Company of Middletown, DE.

Michelle will be greatly missed by her family, friends, and coworkers. She exemplified the honor and dedication that all firefighters throughout Delaware and across the United States strive for on a daily basis. The President of Delaware City Fire Company, Wally Poppe stated that, "Firefighter Smith typified Delaware City Fire Company as a firefighter and as a member of the Ladies Auxiliary. She took great pride in her numerous contributions, including emergency response, fire prevention and community awareness."

Michelle L. Smith will be greatly missed and her heroism, dedication, and selflessness will serve as an inspiration to all those who knew her.

HONORING MILES HOCHARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Miles Hochard of Weston, Missouri. Miles is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1249, and earning the most prestigious award of Eagle Scout.

Miles has been very active with his troop, participating in many Scout activities. Over the many years Miles has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Miles Hochard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO TEAM LETTERKENNY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of a distinguished group of American citizens. This dedicated group has worked for many years to enhance the military value of Letterkenny Army Depot and sustain the installation's work to increase support to our military. Each of these individuals has professionally served our Nation with great distinction.

Mike Ross has aggressively led Team Letterkenny from the start. Mike has sacrificed countless days, night and weekends to ensure that Letterkenny projects move forward and

Letterkenny is prepared to meet worldwide military priorities. Mike has led numerous team visits to Washington and Harrisburg to ensure that we understand the importance of Letterkenny and support their initiatives. Mike has also focused his Franklin County Area Development staff to work countless individual projects to modernize, expand and promote the depot. Mike Ross's professional leadership and hard work have significantly increased the military value of Letterkenny Army Depot and dramatically increased community understanding and support for Letterkenny.

Dave Sciamanna and Commissioner Robert Thomas serve as co-chairs of the local component of Team Letterkenny. Dave is also President of the Greater Chambersburg Chamber of Commerce and Bob is the President of the Franklin County Commissioners. These dedicated community leaders have many high priority community responsibilities, but they always find time to work on initiatives to support Letterkenny's military mission. Dave and Bob are instrumental in marketing Letterkenny's capability, and they aggressively partner with Letterkenny to show potential workers the highlights of working at Letterkenny and living in Franklin County. Despite their busy schedules, Dave and Bob are always ready to adjust their calendars and do whatever is needed to support Letterkenny and our military.

John Gray chairs the depot component of Team Letterkenny. His brilliant leadership and professional focus have dramatically increased the community's understanding of Letterkenny's importance to our military services. He has consistently dedicated countless off-duty hours to expanding community support for the depot and raising awareness of military contributions to the economy of the State. John Gray consistently provides thought provoking ideas and focuses the organizational energy on the best way to turn ideas into reality.

Stacy Gregson and Joe Spielbauer chair the State component of Team Letterkenny. They have worked tirelessly to obtain Pennsylvania resources to support Team Letterkenny initiatives and they can always be counted on to actively support all of the team initiatives. They have done an outstanding job educating Commonwealth leaders on the importance of Letterkenny to our military and our State.

I am proud of the work of these fine Americans, and I ask that my colleagues join me in honoring this team for their long and honorable service to our great Nation.

INTERNATIONAL HUMAN RIGHTS DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. WOLF. Madam Speaker, I share with our colleagues moving remarks that 19-year-old Ti-Anna Wang, a U.S. citizen, delivered at a press conference on the occasion of International Human Rights Day.

She had recently returned from China where she visited her father, Dr. Wang Bingzhang, who is serving a life sentence in a Chinese

prison for his pro-democracy activities. His ordeal bears the markings of so many Chinese dissidents who have been robbed of their freedom and endured severe hardship at the hands of their captors.

One thing we learned from President Ronald Reagan in his dealings with the Soviet Union is that it both inspires hope in the oppressed and shames the oppressors when we raise the individual cases of political and religious prisoners, like Dr. Wang.

I would like to start by thanking everyone here, on behalf of my family, for taking the time to come to this event. Since I started my work in DC, I've been lucky enough to be surrounded by supportive, generous and kind people who are genuinely concerned about my father's case. I want to take this opportunity to thank everyone who has been involved in his fight for freedom. More specifically, I would like to thank Dr. Yang, Congressman WOLF, Congressman SMITH, Congresswoman ROS-LEHTINEN and Senator FEINSTEIN for their recent work on my father's case. It is the compassion of everyone here that gives my family hope and reason to believe that the unlikely is possible.

I'm here today to tell you about my recent visit with my father just two weeks ago. To give a little background, my father's sentence allows for only one visit a month. Each of these visits last about 30 minutes. The standard procedure is that my family receives a visitation notice in the mail that lets us know the date of the visit. As my whole family lives in North America, we usually have a very short amount of time to make the necessary travel arrangements for a long trip to China. Once there, we have to go through a lengthy authorization process before we are allowed to see him. For my latest visit, I had some difficulties getting my visa as scheduled, and didn't have the proper paperwork, which added a lot of additional stress to this already difficult process. The visit takes place in a bare concrete building that borders the gate of his remote prison, several miles away from the closest city. It is so secluded that we have to be driven there by the prison officials, as some of the terrain in that area has yet to be paved. Right before we can meet, the prison authorities reminds us of the rules and regulations, which include only speaking in Chinese, and staying away from topics that will cause my father anxiety. These visits are conducted in visitation booths and are monitored by four prison officials, two standing behind the each of us. Separated by metal bars and two layers of plexi-glass, my father and I can only communicate using a telephone.

I was very nervous about seeing my father this time. It had been over a year since my last visit, and my family had lost contact with him for 2 months without any clear explanations from the prison, so I was worried about the state that my father was in. I was so relieved when I was finally able to see him, cheerful enough to smile. My first concern was his health. My father said that while he is stable, his chronic allergies and severe phlebitis continues to plague him. We talked mostly about my family, my educational future and the work that we are doing on his behalf. As we spoke, it was clear to me that my father's untreated depression and psychological health continues to worsen. He had difficulty making steady eye contact and sometimes repeated the same sentences several times. The prison officials monitoring our conversation were kind enough to allot us an extra 10 minutes.

My father wanted me to let everyone know that he is eternally grateful for all the work that has been done on his behalf and that he remains hopeful that justice will prevail. As our conversation came to an end, my father began to cry. He said the thought of never seeing his ailing 87-year-old mother again often brings him to tears and that his only wish is that they will be reunited before it's too late.

It has now been over 6 years that my father, now almost 62 years old, lingers alone in prison. I come here today in hopes of conveying the message that my father's situation has become evermore critical and his time is running out. This is my third time I've visited my father, and it is obvious that both his physical and mental health is deteriorating. He has aged so much in the last few years, and his depression is becoming dangerously severe. The prison authorities have told my family that my father's only chance of receiving medical parole is if he admit guilt to the charges of "terrorism" and "espionage". . . but I know that my father would never, nor does my family want him to confess to claims that are not only false, but that will comprise his dignity and values.

As we commemorate the 60th Anniversary of the Universal Declaration of Human Rights, I just want to remind everyone that it is because of my father's unwavering commitment to this cause that he is being so unjustly punished today. As the founder of the Chinese overseas pro-democracy movement, there was nothing harder that my father fought for than the values of human rights, freedom and democracy for the people of his homeland. His contribution to his beliefs has now cost him 6 years of solitary confinement, and possibly his life if we do not continue to fight for his freedom.

So I would like to close today by asking the present and new administration to call for my father's immediate release on medical and humanitarian grounds.

I also invite everyone here, along with your friends and family to visit www.initiativesforchina.org to sign an online petition addressed to President Hu Jintao, also calling for my father's release. Lastly, I would like to work with congressional leaders toward the goal of obtaining honorary U.S. citizenship for my father as recognition of his lifelong service to democracy and as a statement of America's recommitment to making human rights a priority in its agenda. On behalf of my family, I would like to thank everyone here for coming and for your sincere concern for my father.

INTRODUCTION OF THE SOCIAL SECURITY PRESERVATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, I rise to protect the integrity of the Social Security trust fund by introducing the Social Security Preservation Act. The Social Security Preservation Act is a rather simple bill which states that all moneys raised by the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will help keep Social Security trust fund moneys from being diverted to other programs, as well as allow the fund

to grow by providing for investment in interest-bearing instruments.

The Social Security Preservation Act ensures that the government will keep its promises to America's seniors that taxes collected for Social Security will be used for Social Security. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

With federal deficits reaching historic levels, and with new demands being made on the U.S. Treasury on an almost weekly basis, the pressure from special interests for massive new raids on the trust fund is greater than ever. Thus it is vital that Congress act now to protect the trust fund from big spending, pork-barrel politics. As a medical doctor, I know the first step in treatment is to stop the bleeding, and the Social Security Preservation Act stops the bleeding of the Social Security trust fund. I therefore call upon all my colleagues, regardless of which proposal for long-term Social Security reform they support, to stand up for America's seniors by cosponsoring the Social Security Preservation Act.

HONORING KEARNEY HIGH SCHOOL OF KEARNEY, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievements of the students, teachers, administrators, parents, and patrons of Kearney High School and the Kearney R-1 School District. Kearney High School was named a 2008 No Child Left Behind Blue Ribbon School of the year.

Madam Speaker, Kearney R-1 School District encompasses 100 square miles in northern Clay County and Clinton County. In order for Kearney High School to receive such a prestigious national distinction, they were required to score in the top 10 percent on the State of Missouri's assessment test. I would like to make a special note of Kearney R-1 School District Superintendent Dr. Chris Belcher, newly retired Kearney High School Principal Daryl Rinne, and current Kearney High School Principal Randy Wepler for their commitment and leadership to the students of Kearney High School.

Madam Speaker, I ask that you join me in applauding the outstanding achievements of Kearney High School. It is an honor to have a high school like Kearney in the Sixth Congressional District of Missouri that strives for educational excellence. We wish them many more years of success.

INTRODUCING LEGISLATION TO
STUDY METHODS OF ERADI-
CATING ASIAN CARP FROM THE
GREAT LAKES ECOSYSTEM

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, I am proud to stand here today to introduce legislation which provides for the exploration of methods to eradicate the dangerous Asian carp from the Great Lakes.

Each year, invasive species in the Great Lakes cause more than \$5 billion in economic damage and irreparable harm to an ecosystem that provides more than 40 million people with jobs, water, food, and recreation. A new invader, the Asian carp, threatens to further destroy the region's ecosystem and economy, and it is imperative that we act to prevent this catastrophe.

A single barrier in the Chicago Sanitary and Ship Canal, built as a temporary demonstration project 5 years ago, is the only thing preventing these invaders from entering Lake Michigan and drastically altering the entire region's ecosystem. While Congress recently provided full authorization and funding for this critical barrier, it may not be enough to prevent the Asian carp from infiltrating the Great Lakes and the devastating consequences that would follow.

It is therefore critical that we also explore alternatives and supplements to the carp barrier. My legislation would direct the Fish and Wildlife Service in conjunction with the National Atmospheric and Oceanic Administration and Great Lakes States to conduct a study on the feasibility of a variety of approaches to eradicating Asian carp from the Great Lakes. The legislation specifically directs the agencies to study the feasibility of temporarily harvesting Asian carp as a means to eradicate the invasive species in an environmentally responsible manner.

I urge my colleagues to support this legislation to explore all possibilities to effectively eliminate the threat that this dangerous species poses to our Nation's most precious natural resource.

RECOGNIZING BARBARA KUJAWA
OF WEEKI WACHEE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Barbara Kujawa of Hernando County, Florida. Barbara will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Barbara was born December 5, 1909 in Ironwood, Michigan. After attending schools in Detroit at St. Stanislaus and Resurrection schools, Barbara went on to work as an assembly line worker. Happily married to Aloysius Kujawa, she had four wonderful children,

thirteen grandchildren and twenty-one great grandchildren.

Her proudest moments were seeing all of her children get married and the happiest moment was when she gave birth to her daughter. Growing up in Michigan, some of her fondest childhood memories are of sledding on a big hill in Grand Rapids with her cousins and walking out on the ice to see her father ice fish.

Moving to Hernando County in the 1980's because it was a nice place to live, Barbara said the things she likes most about Weeki Wachee are that it's peaceful and quiet. Today, reading gives Barbara the most pleasure. If she could live her life over, Barbara would not have gotten married but would have traveled the world and made sure she had gotten a better education. Her advice to young people today is to work hard, be honest, don't drink or do drugs, and honor your parents.

Madam Speaker, I ask that you join me in honoring Barbara Kujawa for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

HONORING ALEXANDER THOMAS
TRITICO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Thomas Tritico of Kansas City, Missouri. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many Scout activities. Over the many years Alexander has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander Thomas Tritico for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN CELEBRATION OF THE LIFE
AND SACRIFICE OF SERGEANT
PRESTON R. MEDLEY, UNITED
STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor the life of Sergeant Preston Medley, United States Army. Sergeant Medley was killed in action on October 14, 2008 while serving our nation in Qazi Bande, Afghanistan, in support of Operation Enduring Freedom. Sergeant Medley was assigned to D Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Fort Hood, Texas.

A 2003 graduate of Baker High School, Preston played football and was involved in the broadcasting program. "He was the energetic, joyful kind of person that helped make our program successful," one teacher said. After his mother passed away in 2005, Preston decided he wanted to serve this nation and joined the Army. He will now go to his eternal resting place next to his mother in the Pyron Chapel Cemetery in Baker, Florida.

While Preston was serving on active duty at Fort Bragg, North Carolina, he met his beautiful wife, Sarah, who was a fellow Soldier. Sarah gave birth to their daughter, Raelynn, in September 2007 and gave birth to their son, Preston Ray Medley Jr. on December 8, 2008. Preston's name, his fighting spirit and his caring soul will continue to live on through Raelynn and Preston, Jr.

I am always reminded of the greatness of our country by the patriotism of those like Preston and the dedication of our military families like Sarah and the Medley family. We have an all-volunteer military and continue to ask our sons and daughters to travel to far-away lands to fight for our freedom. Men and women like Preston Medley continue to answer the call.

The people of Northwest Florida have reason to be proud of Sergeant Preston Medley for his service and sacrifice for freedom. While his passing is a tremendous loss for our country, his selfless service stands as a pillar of strength for us all. Vicki and I will keep Preston's entire family in our thoughts and prayers. I trust that all the people of Northwest Florida and our nation do the same.

THE FAIR AND SIMPLE TAX ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. DREIER. Madam Speaker, virtually everyone is talking about the need for us to have a second economic stimulus package. From falling home prices to rising unemployment, there is no doubt that the economic volatility our nation has experienced over the past few months has caused great uncertainty and there are many needs that have to be met. As we seek to get our economy back on track, I am very proud to be introducing what I think is the closest thing to a panacea to the economic growth challenge that we are facing.

This plan, known as Fair and Simple Tax Act, or simply FAST, would cut the number of tax brackets in half, with three simple tax rates—10 percent on the first \$40,000 in income, 15 percent on incomes between \$40,000 and \$150,000 and 30 percent on any income above \$150,000, significantly reducing the burden on taxpayers at all income levels. Furthermore, it will dramatically simplify the tax filing process by creating a one-page tax form that implements the three-tier simplified marginal rate structure, while retaining many of the popular deductions, including mortgage interest, state and local taxes, charitable giving, the personal exemption and the child tax credit.

But the FAST Act is about much more than just lowering marginal tax rates for working

families or making that April 15 deadline easier to meet each year. It's about getting our economy growing again and creating new opportunities. This bill reduces the capital gains rate from 15 percent to 10 percent, lowers the top corporate rate from 35 percent to 25 percent and permanently extends the research and development tax credit. These provisions will not only promote new economic growth, but they will also make the U.S. economy more competitive and help to provide the tax certainty that spurs investment and capital improvements.

The FAST Act will permanently end the death tax and will further index the alternative minimum tax (AMT) to inflation, ensuring that fewer taxpayers are impacted each year. It also permanently extends the 2001 and 2003 pro-growth tax cuts.

Finally, the FAST Act will enable Americans to better prepare for their future needs. This legislation creates three new, tax-free savings accounts: the Retirement Savings Account and the Lifetime Savings Account, both providing a \$5,000 tax-free contribution, and the Lifetime Skills Savings Account, which provides a \$1,000 tax-free contribution. Additionally, the FAST Act provides a \$7,500 tax deduction for individuals and a \$15,000 tax deduction for families who do not receive employer-sponsored health coverage. This expanded deduction will provide individuals and families with additional assistance to purchase healthcare and allows unspent funds to be allocated to a Health Savings Account (HSA). Each of these provisions will help Americans to secure their financial futures by saving for healthcare costs, continuing education and retirement.

Madam Speaker, our nation is facing a severe economic crisis that must be addressed comprehensively. I believe that the FAST Act will go a long way toward providing the simplicity, fairness and clarity that are needed for long-term growth. As we consider economic stimulus proposals in the days and weeks ahead, I hope my colleagues will join me in pursuing this pro-growth reform agenda.

20TH ANNIVERSARY OF THE GREATER HOUSTON PARTNERSHIP

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize the 20th anniversary of the Greater Houston Partnership. I ask my colleagues and those visitors in the House Chamber to join me in congratulating the Greater Houston Partnership and applauding the many achievements they have accomplished over the past 20 years.

In 1989, the Houston Chamber of Commerce, the Houston Economic Development Council and the Houston World Trade Center joined together to make the dream of an organization that would be an advocate for the business community in the greater Houston area a reality.

The Greater Houston Partnership has grown into an influential organization that now has

two thousand member businesses and serves 10 fast growing counties: Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto and Waller.

The Partnership has had an impressive impact on the region. In the last year, 53 percent of all jobs created in the United States were created in Texas—and one in four of those were in Houston. This is astounding and a testimony to the contributions the Greater Houston Partnership has made to cultivate a vibrant business environment. The Partnership's efforts are focused on building Houston's prosperity and promoting regional economic development. The Partnership is actively involved with public policy issues and works with local elected officials to ensure the Greater Houston community is well represented in areas such as clean air, education and transportation.

In its two decades of existence there is much to be proud of. It is an honor to recognize such an impressive organization. All Americans can learn from the collaborative example the Greater Houston Partnership continues to display through their leadership and guidance to the people and businesses in the Greater Houston community.

Madam Speaker, today more than ever, we must support the efforts of the Greater Houston Partnership and other similar organizations across the country. The work they do to help create jobs in our country is essential for continued economic growth and stability in the face of the global economic changes. I urge you to join me in congratulating the Greater Houston Partnership for 20 years of serving as the voice for the greater Houston business community.

INTRODUCTION OF THE PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. While Congress did add a prescription drug benefit to Medicare in 2003, many seniors still have difficulty affording the prescription drugs they need in order to maintain an active and healthy lifestyle. One reason is because the new program creates a "doughnut hole," where seniors lose coverage once their prescription expenses reach a certain amount and must pay for their prescriptions above a certain amount out of their own pockets until their expenses reach a level where Medicare coverage resumes. This tax credit will help seniors cover

the expenses provided by the doughnut hole. This bill will also help seniors obtain prescription medicines that may not be covered by the Medicare prescription drug program.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Madam Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repeatedly passing legislation liberalizing the rules governing the importation of pharmaceuticals. However, implementation of this provision has been blocked by the federal bureaucracy. It is time Congress stood up for the American consumer and removed all unnecessary regulations on importing pharmaceuticals.

The Prescription Drug Affordability Act also protects consumers' access to affordable medicine by forbidding the Federal Government from regulating any Internet sales of FDA-approved pharmaceuticals by state-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the Federal Government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on Web sites that sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Madam Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

BAD POLLUTERS ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, I am pleased to stand here today to introduce this bipartisan legislation that will help protect the Great Lakes from harmful pollution that poisons our water and closes our beaches. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than thirty

million Americans. It is critical that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

In 2007, British Petroleum (BP) threatened to begin a billion-dollar expansion of its refinery facility in Whiting, Indiana which would have included a large increase of pollution into the Great Lakes. The company sought to discharge an increase of 54 percent more ammonia and 35 percent more sludge into Lake Michigan per day. This would have totaled a combined increase of more than 1,800 pounds per day of these pollutants which strangle aquatic life and contribute to the increasing number of beach closures each year.

Based on a provision in the Energy Policy Act of 2005, BP was eligible for a tax credit that would have allowed them to expense half of the capital costs in the first year of the expansion. Essentially, the government would have paid the company to pollute our lakes. While providing incentives to energy production and refinery expansion helps to lower gas prices and reduce our dependence on foreign oil, we must not do so at the expense of one of America's most treasured natural resources.

Fortunately, BP yielded to public pressure and chose not to move ahead with the expansion as planned. Due to the determination and cooperation of federal, state and local officials, environmental advocacy organizations and communities around the region, BP is now working with a coalition of scientists and small businesses to seek an environmentally friendly way to expand its refinery.

While I applaud BP for making the right decision in the end, we must ensure that no refinery ever comes as close to drastically harming our precious lakes. That is why I am introducing the Bad Polluters Act, which will deny the capital expensing tax credit to any refiner whose facility's NPDES permit allows for an increase in any pollutant above its 2006 levels into the Great Lakes. This will prevent companies from seeking to increase pollution into our drinking water. In order to claim this important tax credit, companies will be forced to search a bit harder for a new solution to water treatment. I urge my colleagues to support this legislation and join in the fight to protect our national treasure.

RECOGNIZING CARL BLESSER OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Carl Blesser of Hernando County, Florida. Carl has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate his 102nd birthday.

Carl Blesser was born June 1, 1906, in New York City, New York. Attending school in Albany with a degree in accounting, Carl went on to be a successful CPA. Marrying his sweetheart Nadine, the two spent many happy years together traveling. One of his fondest memories, in fact, is of a trip he took with his

parents and wife to see the Empire State Building, as well as several trips to the American West.

Carl moved to Hernando County when his wife was ill, and remained here following her death. Truly devoted to Nadine, Carl states that his happiest moment was when he married his wife. If he could live his life over, Carl would travel more and would like to have met President Franklin D. Roosevelt.

A lover of books, Carl loves to go outside and read, and also enjoys going to the Golden Corral for his favorite shrimp dinner. Today he spends much of his time with his friends and loves to sit outside under the trees enjoying the beauty that Brooksville has to offer. His advice to young people today is to not smoke or drink so that they can live longer and better lives.

Madam Speaker, I ask that you join me in honoring Carl Blesser for reaching his 102nd birthday. I hope we all have the good fortune to live as long as him.

HONORING MAXWELL EMORY LANHAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Maxwell Emory Lanham of Kansas City, Missouri. Maxwell is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Maxwell has been very active with his troop, participating in many Scout activities. Over the many years Maxwell has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Maxwell Emory Lanham for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MASSACHUSETTS STATE REPRESENTATIVE JOHN A. LEPPER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. McGOVERN. Madam Speaker, today I rise in honor of John A. Lepper who is retiring after serving 14 years in the Massachusetts Legislature as State Representative for the city of Attleboro. I am proud to know and to have worked with Representative Lepper and I salute his many contributions to the citizens of Attleboro and the Commonwealth of Massachusetts.

Representative Lepper began his career of public service in the 1980s as a member of

the city of Attleboro Planning Board. He was elected to the Attleboro City Council in 1987 where he served for 6 years.

In 1995 he began his tenure as a member of the Massachusetts State Legislature and distinguished himself as a champion for children, families, and persons with disabilities. He is highly regarded for his work on a commission that championed the rights of grandparents who are raising their grandchildren. This issue is especially important to Mr. Lepper as he and his wife have devoted many years of their lives raising two of their grandchildren.

In his retirement, Representative Lepper is looking forward to staying involved with local politics but plans to take some time to relax at first and do some fishing.

Madam Speaker, I am certain that the entire House of Representatives joins me in congratulating State Representative John A. Lepper for all that he has accomplished and in wishing him the best in his retirement.

PERSONAL EXPLANATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KANJORSKI. Madam Speaker, the American automobile industry faces almost certain extinction if this body fails to act at this time. I cannot in good conscience allow that to happen. I will therefore vote for this legislation today, December 10, 2008, but I do so with some reservations.

Admittedly, the industry has made many missteps over the years. Moreover, the many flaws in this bill were probably pre-ordained by the expedited legislative procedures—adopted under the guise of an “emergency”—by which the congressional leadership chose to craft this bill. However, to reject this imperfect solution for an imperfect industry solely because it could have been better makes little sense.

Like my constituents, I am also astonished by the actions of overpaid, out of touch executives at these companies. We need to pursue further reforms in their compensation. But if we focus today on only the few individuals at the top of the companies, we will lose sight of the larger reality: Failure to act will cost the jobs of hundreds of thousands of average, hardworking Americans. It would also deprive our Nation of an industrial sector vital for us to remain an innovative global leader and manufacturer in the twenty-first century.

America needs its own automotive industry. I have always owned American cars. I believe in the American workforce, the thousands of men and women who make the automobiles on which we rely. They do not fly on corporate jets. They certainly do not make millions of dollars. We need to help them in their time of need.

Experts estimate that if the Congress does not provide this initial bridge loan and the automakers do fail, 2.5 million jobs will be lost. The Big Three employ 240,000 workers, suppliers and dealerships provide 800,000 jobs, and some 1.4 million jobs are dependent on the auto manufacturers. In my congressional

district, some 500 workers at Rieter Automotive in Bloomsburg produce carpets for General Motors, and these workers and their families would experience undue hardship if we allow the American automotive industry to fail.

Moreover, unemployment numbers released for November indicate this country lost 533,000 jobs in that month alone. The current unemployment rate sits at 6.7 percent. We simply cannot allow those already devastating numbers to swell further.

In addition, the loss of the industry would result in a sizable drop in government revenue, just when annual deficits have run away and our national debt soars. Unemployment assistance will skyrocket and thousands of American breadwinners will lose their homes and even the ability to feed their children. The costs of inaction will therefore be catastrophic.

Surely we all agree that the industry teeters on the precipice of disaster. Additionally, most agree that the global economic crisis bears a good deal of blame for the automakers' collective misfortune. Importantly, the industry has appropriately conceded that they deserve a large share of blame. They were reluctant to diversify their fleets of cars to suit demand and to inoculate themselves against market volatility in the price of oil.

Earlier this year, consumers quickly lost their taste for large sport utility vehicles in favor of small, fuel-efficient cars as automakers for too long ignored this shift. The automakers failed to trim costs appropriately. They retained too many unnecessary white collar jobs. As we all now know, they infamously provided private jets to transport executives across the country, all the while paying those very executives \$20 million-plus pay packages.

Over the last few years, the automakers have come to recognize the urgency of their plight by engaging in substantive changes in their corporate structures. They have now presented long-term viability plans to the Congress, and they seem intent on getting the job done. This bill—if its oversight provisions are dutifully carried out by the Executive Branch—attempts to ensure that the necessary transformations occur. As a start, the automakers have expressed that wide-scale restructuring has already begun, and at considerable cost.

This bill contains many thoughtful conditions. Executive compensation limits, taxpayer warrants, and a czar-like overseer are among the principles necessary for us to extend Federal assistance. This legislation, however, could have been better, tougher, and as a result more likely to succeed, if we had taken the time to get it right. I remain concerned that American taxpayer money could be used in a way that might outsource American jobs because the Congress did not include a specific prohibition preventing such an action.

So, I question whether the oversight of the disbursement and allocation of all government funds is sufficiently strong. As for executive compensation, even though the CEOs have agreed to annual \$1 salaries, the Big Three could have been forced to pay their top 20 executives no more than their leaner, more-profitable foreign counterparts are paid.

Furthermore, we failed to establish what will occur in the event of a disaster scenario, in

which the companies burn through this money and the hoped for results are not attained. We made some progress in planning for contingencies, but we should have done more. We could have created in legislation a structured bankruptcy system for the automakers.

We could have also relied more on the 1979 Chrysler bailout law for insight and guidance. That plan included a "certainty of success" formula and required more frequent reporting. Unfortunately, this precedent received far less attention than it deserved. Finally, I believe that we ought to have considered a buy-in incentive program, whereby Americans would hold a vested interest in the success of these companies.

Unfortunately, these and countless other potential provisions never saw the light of day because the Congress succumbed to the idea that emergencies, however real, preclude us from operating under regular order. The two are not mutually exclusive. I concede that the American automakers need money, and fast.

But, in the three weeks it took the companies to produce at least reasonable viability proposals, the Congress could have considered numerous drafts of bills, could have held additional hearings, and could have marked up legislation. In addition to producing a better legislative product, each of those activities probably would have built a stronger consensus and lessened partisan discord. Going forward into the 111th Congress, it is my sincere hope that the Congress will return to regular order so that we produce better laws and establish a more collegial, deliberative body.

That said, voting against this bill today simply was not an option. The industry might well have vanished in a matter of weeks, unemployment would have skyrocketed, and the economy would have sunk deeper. Let us hope that the money is allocated wisely, that the executives act prudently, that all stakeholders make some sacrifices, and that long-term viability is pursued tirelessly.

INTRODUCTION OF THE IDENTITY THEFT PREVENTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers that facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers within 5 years after the enactment of the bill. These new numbers will be the sole legal property of the recipient, and the Social Security Administration shall be forbidden to divulge the numbers for any purposes not related to Social Security Administration. Social Security numbers issued before implementation of this bill shall no longer be considered valid federal identifiers. Of course, the Social Security Administration shall be able to use an individual's

original Social Security number to ensure efficient administration of the Social Security system.

Madam Speaker, Congress has a moral responsibility to address this problem because it was Congress that transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, open a bank account, get a professional license, or even get a driver's license without presenting his Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

One of the most disturbing abuses of the Social Security number is the congressionally-authorized rule forcing parents to get a Social Security number for their newborn children in order to claim the children as dependents. Forcing parents to register their children with the state is more like something out of the nightmares of George Orwell than the dreams of a free republic that inspired this Nation's founders.

Congressionally-mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to Congress, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Many Americans have lost their life savings and had their credit destroyed as a result of identity theft. Yet the federal government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID!

This act also forbids the federal government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions among American citizens. In 2005, this body established a de facto national ID card with a provisions buried in the "intelligence" reform bill mandating federal standards for drivers' licenses, and mandating that federal agents only accept a license that conforms to these standards as a valid ID.

Nationalizing standards for drivers' licenses and birth certificates creates a national ID system pure and simple. Proponents of this scheme claim they are merely creating new standards for existing State IDs. However, imposing federal standards in a federal bill creates a federalized ID regardless of whether the ID itself is still stamped with the name of your State.

The national ID will be used to track the movements of American citizens, not just terrorists. Subjecting every citizen to surveillance diverts resources away from tracking and apprehending terrorists in favor of needless snooping on innocent Americans. This is what happened with "suspicious activity reports" required by the Bank Secrecy Act. Thanks to BSA mandates, federal officials are forced to waste countless hours snooping through the private financial transactions of innocent Americans merely because those transactions exceeded \$10,000.

Turning State-issued drivers licenses into federally controlled national ID cards is yet another federal usurpation of State authority and another costly unfunded mandate imposed on

the States. According to a report issued by the National Conference of State Legislators, turning drivers licenses into national ID cards will cost the States more than \$11 billion.

Madam Speaker, no wonder there is a groundswell of opposition to this mandate. Several State legislatures have even passed laws forbidding their States from complying with this mandate! The Identity Theft Prevention Act not only repeals those sections of the federal law creating a national ID, it forbids the federal government from using federal funds to blackmail States into adopting uniform federal identifiers. Passing the Identity Theft Prevention Act is thus an excellent way for this Congress to show renewed commitment to federalism and opposition to imposing unfunded mandates on the States.

This legislation not only repeals those sections of federal law creating the national ID, it also repeals those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier—an identifier which could be used to create a national database containing the medical history of all Americans. As an OB/GYN with more than 30 years in private practice, I know the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given to their doctors will be placed in a government accessible database?

By putting an end to government-mandated uniform IDs, the Identity Theft Prevention Act will prevent millions of Americans from having their liberty, property, and privacy violated by private and public sector criminals.

Some members of Congress will claim that the federal government needs the power to monitor Americans in order to allow the government to operate more efficiently. I would remind my colleagues that, in a constitutional republic, the people are never asked to sacrifice their liberties to make the jobs of government officials easier. We are here to protect the freedom of the American people, not to make privacy invasion more efficient.

Madam Speaker, while I do not question the sincerity of those members who suggest that Congress can ensure that citizens' rights are protected through legislation restricting access to personal information, the only effective privacy protection is to forbid the federal government from mandating national identifiers. Legislative "privacy protections" are inadequate to protect the liberty of Americans for a couple of reasons.

First, it is simply common sense that repealing those federal laws that promote identity theft is more effective in protecting the public than expanding the power of the federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputations as a result of identity theft.

Federal laws are not only ineffective in stopping, private criminals, but these laws have not even stopped unscrupulous government officials from accessing personal information.

After all, laws purporting to restrict the use of personal information did not stop the well-publicized violations of privacy by IRS officials or the FBI abuses of the Clinton and Nixon administrations.

In one of the most infamous cases of identity theft, thousands of active-duty soldiers and veterans had their personal information stolen, putting them at risk of identity theft. Imagine the dangers if thieves are able to obtain the universal identifier, and other personal information, of millions of Americans simply by breaking, or hacking, into one government facility or one government database?

Second, the federal government has been creating proprietary interests in private information for certain state-favored special interests. Perhaps the most outrageous example of phony privacy protection is the "medical privacy" regulation, that allows medical researchers, certain business interests, and law enforcement officials access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, "privacy protection" laws have proven greatly inadequate to protect personal information when the government is the one seeking the information.

Any action short of repealing laws authorizing privacy violations is insufficient primarily because the federal government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the federal government, not the Constitution, is the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow Thomas Jefferson's advice and "bind (the federal government) down with the chains of the Constitution."

Madam Speaker, those members who are not persuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the American people's opposition to national identifiers. The numerous complaints over the ever-growing uses of the Social Security number show that Americans want Congress to stop invading their privacy. Furthermore, according to a survey by the Gallup company, 91 percent of the American people oppose forcing Americans to obtain a universal health ID.

In conclusion, Madam Speaker, I once again call on my colleagues to join me in putting an end to the federal government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals, while diverting valuable law enforcement resources away from addressing real threats to public safety. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

HONORING BRIAN MICHAEL
BIRCHLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Michael Birchler of Kansas City, Missouri. Brian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many Scout activities. Over the many years Brian has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Michael Birchler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TO REAUTHORIZE THE TROPICAL
FOREST CONSERVATION ACT
AND EXPAND THE PROGRAM TO
INCLUDE THE CONSERVATION OF
ALL FORESTS AND CORAL
REEFS AND ASSOCIATED COAST-
AL MARINE RESOURCES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, today I introduce a bill to reauthorize and expand Rob Portman's landmark legislation, the Tropical Forest Conservation Act. This reauthorization will help developing countries reduce foreign debt and provide comprehensive environmental preservation programs to protect forests and endangered marine habitats around the world.

Since enacted in 1998, Tropical Forest Conservation Act programs have generated more than \$162 million over 10 to 25 years to help conserve 50 million acres of tropical forests in Asia, the Caribbean, Central and South America. But the rate of deforestation continues to accelerate across the globe in all types of forests.

Similarly alarming is the rapid rate of coral reef and coastal exploitation. The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. According to the National Oceanic and Atmospheric Administration, 60 percent of the world's coral reefs may be destroyed by the year 2050 if the present rate of destruction continues.

The Forest and Coral Conservation Act will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to

protect these unique ecosystems from degradation. This legislation will make available resources for environmental stewardship that would otherwise be of the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

This legislation has enormous consequences for the existence of critical ecosystems, the health of our planet and the livelihoods of millions of people across the globe. I am proud to introduce the Forest and Coral Conservation Act with Representative ALCEE HASTINGS (D-FL), which will help preserve the world's most precious natural resources.

RECOGNIZING CONNIE PASQUALINO OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Connie Pasqualino of Hernando County, Florida. Connie will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Connie Pasqualino was born June 28, 1909 in Brooklyn, New York. While she was never married and has no children, Connie did make a career in advertising, attending the Pratt Institute of Design in Brooklyn. In fact, Connie said her proudest moment was the day she graduated from school. Following school she went on to work at BBD and O Advertising Company. While she did not pursue a career in design, if she had it all to do over again she would have spent her career as a fashion designer.

As someone who lived in New York for many years, Connie remembers going to see the Pope perform Mass at Shea Stadium. She said that it was raining before he came onto the stage and as he came to the stage, the rain stopped and the sun shined brightly. She described it as a little miracle.

Although she has never met her, Mother Teresa is Connie's second cousin. Once, Connie and her family were going to visit Mother Teresa in New Jersey when she was visiting relatives there, but there was a blizzard and they had to cancel their trip.

Moving with her sister Nancy to Hernando County in 1990, Connie said she made the switch because of the great Florida weather. She and Nancy also lived with their sister Margaret, who was ill and needed extra care, and her nephew Joseph.

Today Connie lives in Hernando County near her centenarian sister, Nancy. She gets the most pleasure out of taking care of and playing with her pet Quaker parrot, named Jade. Connie's advice to young people is to listen to their parents' advice and get a good education.

Madam Speaker, I ask that you join me in honoring Connie Pasqualino for reaching her

100th birthday. I hope we all have the good fortune to live as long as her.

HONORING JEFFERSON HIGH SCHOOL OF CONCEPTION JUNCTION, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievements of the students, teachers, administrators, parents, and patrons of Jefferson High School and the Jefferson C-123 School District. Jefferson High School was named a 2008 No Child Left Behind Blue Ribbon School of the year.

Madam Speaker, in order for Jefferson High School to receive such a prestigious national distinction, they were required to score in the top 10 percent on the State of Missouri's assessment test. I would like to make a special note of Jefferson C-123 School District Superintendent Rob P. Dowis and Jefferson High School Principal Tim R. Jermain for their commitment and leadership to the students of Jefferson High School.

Madam Speaker, I ask that you join me in applauding the outstanding achievements of Jefferson High School. It is an honor to have a high school like Jefferson in the Sixth Congressional District of Missouri that strives for educational excellence. We wish them many more years of success.

SITUATION IN GAZA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. SCHIFF. Madam Speaker, the State of Israel has a right to defend its territory and its people from attack, whether that attack emanates from another sovereign nation, or, as in this case, from a terrorist organization that seized control of Gaza in a bloody putsch 18 months ago.

Hamas clearly chose to escalate its conflict against Israel by unilaterally declaring an end to the ceasefire that was implemented last June and launching a large-scale rocket attack on Israeli population centers. The Israeli government exercised great forbearance in the weeks prior to the formal breakdown of the ceasefire, which Hamas was already violating repeatedly, and had the international community more strongly condemned these attacks and taken action to stop them, the current Israeli offensive may have been unnecessary. But, Hamas bears ultimate responsibility for provoking this attack and for putting 1.5 million Palestinians in harm's way—a fact that Arab leaders from Egypt to Saudi Arabia have noted.

Along with millions of Americans, I grieve the terrible loss of life of innocent Israelis and Palestinians. Hamas's decision to fire rockets from populated areas and Israeli strikes on

those targets have resulted in many civilian casualties, and our hearts go out to all the innocents who have suffered.

It is too early to tell if Israel's military actions will quell the threat of rocket attacks from Gaza and shut down smuggling routes from Egypt. The conflict in Lebanon proved how difficult this can be and a strong international effort will be necessary to avoid a recurrence of missile strikes in both theaters. This will require a level of resolution thus far not demonstrated by the international community.

Israel's long-term security can only be guaranteed by a successful peace process that leads to the creation of a Palestinian state living side-by-side and in peace with Israel. President-elect Obama has committed himself to reinvigorating the search for peace and it is my hope that a timely conclusion of the present hostilities will allow the new President to begin these efforts from the first days of his administration.

STOP THE CONGRESSIONAL PAY RAISE ACT

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MITCHELL. Madam Speaker, earlier today my colleague Dr. RON PAUL and I were joined by more than 50 Members of Congress from both sides of the aisle to introduce the Stop the Congressional Pay Raise Act of 2009.

As you may recall, I introduced similar bills the last two years, seeking to prevent an automatic pay raise for Members of Congress from taking effect in 2008 and 2009. Unfortunately, despite the support of 34 cosponsors, last year's bill failed to reach the floor. As a result, every Member is now receiving \$174,000 this year, a \$4,700 increase since last year.

Madam Speaker, our economy is in a recession, hundreds of thousands of U.S. troops are fighting overseas, and our national debt exceeds \$10 trillion. Unemployment figures are on the rise, home values are falling, and markets around the world are suffering from a devastating loss of credit and consumer demand. The American people aren't getting a \$4,700 pay raise this year. I do not know how in good conscience we, as their Representatives in Congress, can accept one.

In the last year, jobless rates increased in 49 States and the District of Columbia. Unemployment was up 2 percentage point from a year before. In my home State of Arizona, unemployment rose by over 50 percent, leaving nearly 200,000 workers unemployed.

Compounding the situation, economists estimate that nearly \$7 trillion of investor stock wealth was lost in 2008, and Standard & Poor's 500 and the Dow Jones industrial average experienced their worst years since the Great Depression.

When Members of Congress accept this pay raise, we send the wrong message. We should be tightening our belts along with the men and women we represent. Americans are suffering and instead of feeling that pain, Congress is quietly approving pay raises to further

insulate us from it. If you want to know why people hate Washington and feel that it is out of touch, it is precisely because of moves like this.

If we are going to talk the talk of fiscal discipline, I believe we need to walk the walk of self-restraint. I will be donating my 2009 pay raise to charity, just as I did with my 2008 pay raise. I encourage my colleagues to do the same, and join me in stopping the next automatic pay raise from taking effect by supporting the Stop the Congressional Pay Raise Act.

INTRODUCTION OF H.R. 40, THE COMMISSION TO STUDY REPARATION PROPOSALS FOR AFRICAN-AMERICANS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. CONYERS. Madam Speaker, today I rise to introduce H.R. 40, the Commission to Study Reparation Proposals for African-Americans Act. This 111th Congress marks the 20th anniversary of this bill's introduction. Since 1989, I have believed it to be in the best interest of our Nation to formally address one of our greatest historical injustices.

As evidenced by recent events, the sin of slavery is one that continues to weigh heavily upon us. Following the lead of other churches, the Episcopal Church formally apologized for its role in slavery on October 4, 2008. Florida became the sixth state to apologize for slavery on March 26, 2008, following Virginia, Maryland, North Carolina, Alabama and New Jersey. During the internationally renowned Sundance Film Festival, *Traces of the Trade*, a documentary in which descendants of the largest U.S. slave trading family confront this painful history, screened in January of 2008.

Just last Congress, the House passed a slavery apology bill on July 29, 2008, in which the House issued a formal apology for slavery. In recognition of the 200th anniversary of the abolition of the transatlantic slave trade on January 1, 1808, the House and Senate passed legislation creating a commemoration commission, which was signed into law on February 5, 2008, and is currently awaiting funding. Such Federal efforts are significant steps towards proper acknowledgment and understanding of slavery and its implications, but our responsibilities on this matter are even greater.

Establishing a commission to study the institution of slavery in the United States, as well as its consequences that reach into modern day society, is our responsibility. This concept of a commission to address historical wrongs is not unprecedented. In fact, in recent Congresses, commission bills have been put forward.

In 1983, a Presidential Commission determined that the internment of Japanese Americans during World War II was racist and inhumane, and as a result, the 1988 Civil Liberties Act provided redress for those injured by the internment. However, the internment of Japanese Latin Americans in the United States

during World War II was not examined by the Commission, resulting in legislation calling for a commission to examine this oversight. Legislation establishing a commission to review the injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II has also been proposed.

H.R. 40 is no different than these other commission bills. H.R. 40 establishes a commission to examine the institution of slavery and its legacy, like racial disparities in education, housing, and healthcare. Following this examination, the commission would make recommend appropriate remedies to Congress, and as I have indicated before, remedies does not equate to monetary compensation.

In the 110th Congress, I convened the first Congressional hearing on H.R. 40. With witnesses that included Professor Charles Ogletree, Episcopal Bishop M. Thomas Shaw, and Detroit City Councilwoman JoAnn Watson, we began a formal dialogue on the legacy of the transatlantic slave trade. This Congress, I look forward to continuing this conversation so that our Nation can better understand this part of our history.

Attempts to eradicate today's racial discrimination and disparities will be successful when we understand the past's racial injustices and inequities. A commission can take us into this dark past and bring us into a brighter future. As in years past, I welcome open and constructive discourse on H.R. 40 and this commission in the 111th Congress.

HONORING STANBERRY HIGH SCHOOL OF STANBERRY, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievements of the students, teachers, administrators, parents, and patrons of Stanberry High School and the Stanberry R-II School District. Stanberry High School was named a 2008 No Child Left Behind Blue Ribbon School of the year.

Madam Speaker, in order for Stanberry High School to receive such a prestigious national distinction, they were required to score in the top 10 percent on the State of Missouri's assessment test. I would like to make a special note of Stanberry R-II School District Superintendent Dr. Bruce Johnson and Stanberry High School Principal Gregory Dias for their commitment and leadership to the students of Stanberry High School.

Madam Speaker, I ask that you join me in applauding the outstanding achievements of Stanberry High School. It is an honor to have a high school like Stanberry in the Sixth Congressional District of Missouri that strives for educational excellence. We wish them many more years of success.

DR. MARTIN LUTHER KING JR. MEMORIAL BREAKFAST

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. VISCLOSKY. Madam Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King's life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana's First Congressional District will be recognized during the 30th Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Saturday, January 17, 2009, at the Genesis Convention Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Service Club will pay tribute to several local individuals who have for decades unselfishly contributed to improving the quality of life for the people of Gary. Those individuals who will be recognized as Dr. Martin Luther King, Jr. Marchers at this year's breakfast include: Pastor W.N. Reed, Roosevelt Allen, Jr., Otho Lyles II, Willie Horne, Era Cleveland Twyman, and George Burrell. Additionally, Reverend Pharis Evans and Mr. Cleo Wesson will be honored with the prestigious Dr. Martin Luther King, Jr. Drum Major Award, an award given out annually to outstanding individuals of the Gary community. This marks the first time two individuals have been honored with this distinguished award.

After fifty-four years of service to the Gary community, the Gary Frontiers Service Club will proudly announce its first female members: Ferba Hines, Johnnie Rogers, and Gwen Johnson-Robinson. Yokefellow Sean Jones, a Gary Police Officer, was also named the 2008 Yokefellow of the Year.

Though very different in nature, the achievement of all these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and faced them with unwavering strength and determination. Each one of the honored guests' greatness has been found in their willingness to serve with "a heart full of grace and a soul generated by love." They set goals and work selflessly to make them a reality.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club officers: President Oliver J. Gilliam, Vice President James Piggee, Secretary Melvin Ward, Financial Secretary Sam Frazier, and Treasurer/Seventh District Director Floyd Donaldson, as well as Breakfast Chairman Clorius L.

Lay, Videographer Otho Lyles, Master of Ceremony Alfred Hammonds, the honorees, and all other members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

INTRODUCING THE SOCIAL SECURITY FOR AMERICAN CITIZENS ONLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, today I introduce the Social Security for American Citizens Only Act. This act forbids the federal government from providing Social Security benefits to noncitizens. It also ends the practice of totalization. Totalization is where the Social Security Administration takes into account the number of years an individual worked abroad, and thus was not paying payroll taxes, in determining that individual's eligibility for Social Security benefits!

Hard as it may be to believe, the United States Government already provides Social Security benefits to citizens of 17 other countries. Under current law, citizens of those countries covered by these agreements may have an easier time getting Social Security benefits than public school teachers or policemen!

Obviously, this program provides a threat to the already fragile Social Security system, and the threat is looming larger. The prior administration actually proposed a totalization agreement that would have allowed thousands of foreigners to qualify for U.S. Social Security benefits even though they came to, and worked in, the United States illegally. Adding insult to injury, this proposal could have allowed the federal government to give Social Security benefits to non-citizens who worked here for as little as 18 months. Estimates of what this totalization proposal would cost top one billion dollars per year.

Despite a major public outcry against extending Social Security benefits to those who entered this country illegally, a version of this proposal actually passed the other body in the 109th Congress. That the executive branch would propose, and part of the legislative branch would endorse, using social security monies to reward to those who have willingly and knowingly violated our own immigration laws is an insult to the millions of Americans who pay their entire working lives into the system and now face the possibility that there may be nothing left when it is their turn to retire.

While the new administration has yet to take a public position on totalization, and hopefully will be more reasonable on this issue than its predecessor, it is still imperative that Congress act. Even if the new administration repudiates all proposals to allow those who entered the country illegally to receive social security benefits, the only way to guarantee a future administration will not revive this scheme is for Congress to put an end to totalization once and for all. I therefore call upon my colleagues to stop the use of the Social Security Trust Fund

as yet another vehicle for foreign aid by co-sponsoring the Social Security for American Citizens Only Act.

THE GREAT LAKES WATER PROTECTION ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, today I am pleased to join with Congressman LIPINSKI to introduce the Great Lakes Water Protection Act. This bipartisan legislation, supported by the Alliance for the Great Lakes, National Resources Defense Council, National Wildlife Foundation, National Parks Conservation Association, Great Lakes Aquatic Network, Audubon Society and more, would set a date certain to end sewage dumping in America's largest supply of fresh water, the Great Lakes. More than thirty million Americans depend on the Great Lakes for their drinking water, food, jobs, and recreation. We need to put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem.

The Great Lakes Water Protection Act gives cities until 2029 to build the full infrastructure needed to prevent sewage dumping into the Great Lakes. Those who violate EPA sewage dumping regulations after that federal deadline will be subject to fines up to \$100,000 for every day they are in violation. These fines will be directed to a newly established Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund. Penalties collected would go into this fund and be reallocated to the states surrounding the Great Lakes. From there, the funds will be spent on wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

This legislation is sorely needed. Many major cities along the Great Lakes do not have the infrastructure needed to divert sewage overflows during times of heavy rainfall. More than twenty-four billion gallons of sewage are dumped into the Lakes each year; Detroit alone dumped over thirteen billion gallons of sewage into Lake Huron in 2005.

These disastrous practices result in thousands of annual beach closing for the region's 815 freshwater beaches. Illinois faced 793 beach closures and health advisories in 2007, up more than thirty percent from 2006. Six beaches in my district alone exceeded health standards more than 25 percent of the time. This greatly affects the health of our children and families—EPA estimates suggest that nearly 300 people could expect to contract a respiratory illness after swimming in Lake Michigan in Chicago on one summer weekend. This trend is echoed throughout the Great Lakes region and is one we need to reverse.

Protecting our Great Lakes is one of my top priorities in the Congress. As an original co-sponsor of the Great Lakes Restoration Act, I favor a broad approach to addressing needs in the region. However, we must also move

forward with tailored approaches to fix specific problems as we continue to push for more comprehensive reform. I am proud to introduce this important legislation that addresses a key problem facing our Great Lakes, and hope my colleagues will support me in ensuring that these important resources become free from the threat of sewage pollution.

RECOGNIZING JOSEPHINE BOYLAN OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Josephine Boylan of Hernando County, Florida. Josephine has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Josephine Boylan was born October 3, 1908 in Lebanon, New York. After attending school in Lebanon, she went to work as a seamstress and eventually married Vincent Boylan. Josephine had three children and eight grandchildren, with too many great grandchildren for her to count.

Living in Orlando until 1975, Josephine then moved to Tucson, Arizona for three years before returning to Florida in 1979. Since then she has lived in Spring Hill in Hernando County, where her grandson also lives. She is very proud of her grandson, and lists his graduation from MIT as one of the greatest moments of her life.

Still living an active lifestyle, Josephine enjoys playing bingo with her friends. She has fond memories of her son Jerry playing the organ with everyone singing during the holidays and remembers sitting on the back porch with Vincent while they were dating. As someone who loves to sing herself, Josephine has said that if she could live her life over again she would be an opera singer. If she could give advice to young people today she would tell them to have fun and work hard.

Madam Speaker, I ask that you join me in honoring Josephine Boylan for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

"STORMS ON THE HORIZON"

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. WOLF. Madam Speaker, I have never been more concerned about the short- and long-term budget shortfalls we face as a Nation. We must work to address these issues simultaneously in a bipartisan way.

Last October the Washington Post reported that China had replaced Japan as the United States' largest creditor, increasing its holding by 42 percent over the past year. On December 15, the U.S. Department of the Treasury released the "FY 2008 Financial Report of the Federal Government." Not only is America

facing a projected \$1 trillion in deficit spending for this fiscal year, there is now \$56 trillion in unfunded mandates through Social Security, Medicare and Medicaid, a number which will only continue to grow and has increased by \$3 trillion in the last year alone. Funding the deficit means that U.S. must attract approximately \$2 billion a day from foreign countries or risk a drop in the value of the dollar.

I believe that this is an economic, moral, and generational issue. Is it right for one generation to live very well knowing that its debts will be left to be paid by their children and grandchildren?

In the past few days numerous sources have reported that the economic stimulus bill on the agenda of the soon to be Obama administration is expected to cost between \$675 billion and \$775 billion. Other reports say it could expand to as much as \$1 trillion. Whatever package is passed, Congress has a historic opportunity to work in a bipartisan way to address the Nation's looming financial crisis by including a mechanism to deal with the underlying problem of autopilot spending. The bipartisan SAFE Commission I introduced with Rep. JIM COOPER in the 110th Congress would create a national commission to review entitlements with everything—including tax policy—on the table. This idea garnered the support of over 100 members during the 110th Congress. Senate Budget Committee Chairman KENT CONRAD and ranking member JUDD GREGG introduced similar legislation, which has also gained momentum. The time is now.

I share with our colleagues a speech by Richard W. Fisher, president of the Federal Reserve Bank of Dallas. "Storms on the Horizon" is a sobering account from a monetary policymaker's point of view on why deficits matter. Mr. Fisher calls the mathematics of doing nothing to change the long-term outlook for entitlements, "nothing short of catastrophic."

The 111th Congress will have on its watch this unfolding reality. What will we do to make a difference for our country's—and our children's and grandchildren's—future?

STORMS ON THE HORIZON: REMARKS BEFORE THE COMMONWEALTH CLUB OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA, MAY 28, 2008

(By Richard W. Fisher)

Thank you, Bruce [Ericson]. I am honored to be here this evening and am grateful for the invitation to speak to the Commonwealth Club of California.

Alan Greenspan and Paul Volcker, two of Ben Bernanke's linear ancestors as chairmen of the Federal Reserve, have been in the news quite a bit lately. Yet, we rarely hear about William McChesney Martin, a magnificent public servant who was Fed chairman during five presidencies and to this day holds the record for the longest tenure: 19 years.

Chairman Martin had a way with words. And he had a twinkle in his eye. It was Bill Martin who wisely and succinctly defined the Federal Reserve as having the unenviable task "to take away the punchbowl just as the party gets going." He did himself one up when he received the Alfalfa Club's nomination for the presidency of the United States. I suspect many here tonight have been to the annual Alfalfa dinner. It is one of the great institutions in Washington, D.C. Once a year, it holds a dinner devoted solely to poking fun at the political pretensions of the day. Tongue firmly in cheek, the

club nominates a candidate to run for the presidency on the Alfalfa Party ticket. Of course, none of them ever win. Nominees are thenceforth known for evermore as members of the Stassen Society, named for Harold Stassen, who ran for president nine times and lost every time, then ran a tenth time on the Alfalfa ticket and lost again. The motto of the group is *Veni, Vidi, Defeci*—"I came, I saw, I lost."

Bill Martin was nominated to run and lose on the Alfalfa Party ticket in 1966, while serving as Fed chairman during Lyndon Johnson's term. In his acceptance speech, he announced that, given his proclivities as a central banker, he would take his cues from the German philosopher Goethe, "who said that people could endure anything except continual prosperity." Therefore, Martin declared, he would adopt a platform proclaiming that as a president he planned to "make life endurable again by stamping out prosperity."

"I shall conduct the administration of the country," he said, "exactly as I have so successfully conducted the affairs of the Federal Reserve. To that end, I shall assemble the best brains that can be found . . . ask their advice on all matters . . . and completely confound them by following all their conflicting counsel."

It is true, Bruce, that as you said in your introduction, I am one of the 17 people who participate in Federal Open Market Committee (FOMC) deliberations and provide Ben Bernanke with "conflicting counsel" as the committee cobbles together a monetary policy that seeks to promote America's economic prosperity, Goethe to the contrary. But tonight I speak for neither the committee, nor the chairman, nor any of the other good people that serve the Federal Reserve System. I speak solely in my own capacity. I want to speak to you tonight about an economic problem that we must soon confront or else risk losing our primacy as the world's most powerful and dynamic economy.

Forty-three years ago this Sunday, Bill Martin delivered a commencement address to Columbia University that was far more sober than his Alfalfa Club speech. The opening lines of that Columbia address were as follows: "When economic prospects are at their brightest, the dangers of complacency and recklessness are greatest. As our prosperity proceeds on its record-breaking path, it behooves every one of us to scan the horizon of our national and international economy for danger signals so as to be ready for any storm."

Today, our fellow citizens and financial markets are paying the price for falling victim to the complacency and recklessness Martin warned against. Few scanned the horizon for trouble brewing as we proceeded along a path of unparalleled prosperity fueled by an unsustainable housing bubble and unbridled credit markets. Armchair or Monday morning quarterbacks will long debate whether the Fed could have/should have/would have taken away the punchbowl that lubricated that blowout party. I have given my opinion on that matter elsewhere and won't go near that subject tonight. What counts now is what we have done more recently and where we go from here. Whatever the sins of omission or commission committed by our predecessors, the Bernanke FOMC's objective is to use a new set of tools to calm the tempest in the credit markets to get them back to functioning in a more orderly fashion. We trust that the various term credit facilities we have recently introduced

are helping restore confidence while the credit markets undertake self-corrective initiatives and lawmakers consider new regulatory schemes.

I am also not going to engage in a discussion of present monetary policy tonight, except to say that if inflationary developments and, more important, inflation expectations, continue to worsen, I would expect a change of course in monetary policy to occur sooner rather than later, even in the face of an anemic economic scenario. Inflation is the most insidious enemy of capitalism. No central banker can countenance it, not least the men and women of the Federal Reserve.

Tonight, I want to talk about a different matter. In keeping with Bill Martin's advice, I have been scanning the horizon for danger signals even as we continue working to recover from the recent turmoil. In the distance, I see a frightful storm brewing in the form of untethered government debt. I choose the words—"frightful storm"—deliberately to avoid hyperbole. Unless we take steps to deal with it, the long-term fiscal situation of the federal government will be unimaginably more devastating to our economic prosperity than the subprime debacle and the recent debauching of credit markets that we are now working so hard to correct.

You might wonder why a central banker would be concerned with fiscal matters. Fiscal policy is, after all, the responsibility of the Congress, not the Federal Reserve. Congress, and Congress alone, has the power to tax and spend. From this monetary policymaker's point of view, though, deficits matter for what we do at the Fed. There are many reasons why. Economists have found that structural deficits raise long-run interest rates, complicating the Fed's dual mandate to develop a monetary policy that promotes sustainable, noninflationary growth. The even more disturbing dark and dirty secret about deficits—especially when they career out of control—is that they create political pressure on central bankers to adopt looser monetary policy down the road. I will return to that shortly. First, let me give you the unvarnished facts of our Nation's fiscal predicament.

Eight years ago, our federal budget, crafted by a Democratic president and enacted by a Republican Congress, produced a fiscal surplus of \$236 billion, the first surplus in almost 40 years and the highest nominal-dollar surplus in American history. While the Fed is scrupulously nonpartisan and nonpolitical, I mention this to emphasize that the deficit/debt issue knows no party and can be solved only by both parties working together. For a brief time, with surpluses projected into the future as far as the eye could see, economists and policymakers alike began to contemplate a bucolic future in which interest payments would form an ever-declining share of federal outlays, a future where Treasury bonds and debt-ceiling legislation would become dusty relics of a long-forgotten past. The Fed even had concerns about how open market operations would be conducted in a marketplace short of Treasury debt.

That utopian scenario did not last for long. Over the next 7 years, federal spending grew at a 6.2 percent nominal annual rate while receipts grew at only 3.5 percent. Of course, certain areas of government, like national defense, had to spend more in the wake of 9/11. But nondefense discretionary spending actually rose 6.4 percent annually during this timeframe, outpacing the growth in total expenditures. Deficits soon returned, reaching an expected \$410 billion for 2008—a

\$600 billion swing from where we were just 8 years ago. This \$410 billion estimate, by the way, was made before the recently passed farm bill and supplemental defense appropriation and without considering a proposed patch for the Alternative Minimum Tax—all measures that will lead to a further ballooning of government deficits.

In keeping with the tradition of rosy scenarios, official budget projections suggest this deficit will be relatively short-lived. They almost always do. According to the official calculus, following a second \$400-billion-plus deficit in 2009, the red ink should fall to \$160 billion in 2010 and \$95 billion in 2011, and then the budget swings to a \$48 billion surplus in 2012.

If you do the math, however, you might be forgiven for sensing that these felicitous projections look a tad dodgy. To reach the projected 2012 surplus, outlays are assumed to rise at a 2.4 percent nominal annual rate over the next 4 years—less than half as fast as they rose the previous 7 years. Revenue is assumed to rise at a 6.7 percent nominal annual rate over the next 4 years—almost double the rate of the past 7 years. Using spending and revenue growth rates that have actually prevailed in recent years, the 2012 surplus quickly evaporates and becomes a deficit, potentially of several hundred billion dollars.

Doing deficit math is always a sobering exercise. It becomes an outright painful one when you apply your calculator to the long-run fiscal challenge posed by entitlement programs. Were I not a taciturn central banker, I would say the mathematics of the long-term outlook for entitlements, left unchanged, is nothing short of catastrophic.

Typically, critics ranging from the Concord Coalition to Ross Perot begin by wringing their collective hands over the unfunded liabilities of Social Security. A little history gives you a view as to why. Franklin Roosevelt originally conceived a social security system in which individuals would fund their own retirements through payroll-tax contributions. But Congress quickly realized that such a system could not put much money into the pockets of indigent elderly citizens ravaged by the Great Depression. Instead, a pay-as-you-go funding system was embraced, making each generation's retirement the responsibility of its children.

Now, fast forward 70 or so years and ask this question: What is the mathematical predicament of Social Security today? Answer: The amount of money the Social Security system would need today to cover all unfunded liabilities from now on—what fiscal economists call the “infinite horizon discounted value” of what has already been promised recipients but has no funding mechanism currently in place—is \$13.6 trillion, an amount slightly less than the annual gross domestic product of the United States.

Demographics explain why this is so. Birthrates have fallen dramatically, reducing the worker-retiree ratio and leaving today's workers pulling a bigger load than the system designers ever envisioned. Life spans have lengthened without a corresponding increase in the retirement age, leaving retirees in a position to receive benefits far longer than the system designers envisioned. Formulae for benefits and cost-of-living adjustments have also contributed to the growth in unfunded liabilities.

The good news is this Social Security shortfall might be manageable. While the issues regarding Social Security reform are complex, it is at least possible to imagine how Congress might find, within a \$14 tril-

lion economy, ways to wrestle with a \$13 trillion unfunded liability. The bad news is that Social Security is the lesser of our entitlement worries. It is but the tip of the unfunded liability iceberg. The much bigger concern is Medicare, a program established in 1965, the same prosperous year that Bill Martin cautioned his Columbia University audience to be wary of complacency and storms on the horizon.

Medicare was a pay-as-you-go program from the very beginning, despite warnings from some congressional leaders—Wilbur Mills was the most credible of them before he succumbed to the pay-as-you-go wiles of Fanne Foxe, the Argentine Firecracker—who foresaw some of the long-term fiscal issues such a financing system could pose. Unfortunately, they were right.

Please sit tight while I walk you through the math of Medicare. As you may know, the program comes in three parts: Medicare Part A, which covers hospital stays; Medicare B, which covers doctor visits; and Medicare D, the drug benefit that went into effect just 29 months ago. The infinite-horizon present discounted value of the unfunded liability for Medicare A is \$34.4 trillion. The unfunded liability of Medicare B is an additional \$34 trillion. The shortfall for Medicare D adds another \$17.2 trillion. The total? If you wanted to cover the unfunded liability of all three programs today, you would be stuck with an \$85.6 trillion bill. That is more than six times as large as the bill for Social Security. It is more than six times the annual output of the entire U.S. economy.

Why is the Medicare figure so large? There is a mix of reasons, really. In part, it is due to the same birthrate and life-expectancy issues that affect Social Security. In part, it is due to ever-costlier advances in medical technology and the willingness of Medicare to pay for them. And in part, it is due to expanded benefits—the new drug benefit program's unfunded liability is by itself one-third greater than all of Social Security's.

Add together the unfunded liabilities from Medicare and Social Security, and it comes to \$99.2 trillion over the infinite horizon. Traditional Medicare composes about 69 percent, the new drug benefit roughly 17 percent and Social Security the remaining 14 percent.

I want to remind you that I am only talking about the unfunded portions of Social Security and Medicare. It is what the current payment scheme of Social Security payroll taxes, Medicare payroll taxes, membership fees for Medicare B, copays, deductibles and all other revenue currently channeled to our entitlement system will not cover under current rules. These existing revenue streams must remain in place in perpetuity to handle the “funded” entitlement liabilities. Reduce or eliminate this income and the unfunded liability grows. Increase benefits and the liability grows as well.

Let's say you and I and Bruce Ericson and every U.S. citizen who is alive today decided to fully address this unfunded liability through lump-sum payments from our own pocketbooks, so that all of us and all future generations could be secure in the knowledge that we and they would receive promised benefits in perpetuity. How much would we have to pay if we split the tab? Again, the math is painful. With a total population of 304 million, from infants to the elderly, the per-person payment to the federal treasury would come to \$330,000. This comes to \$1.3 million per family of four—over 25 times the average household's income.

Clearly, once-and-for-all contributions would be an unbearable burden. Alter-

natively, we could address the entitlement shortfall through policy changes that would affect ourselves and future generations. For example, a permanent 68 percent increase in federal income tax revenue—from individual and corporate taxpayers—would suffice to fully fund our entitlement programs. Or we could instead divert 68 percent of current income-tax revenues from their intended uses to the entitlement system, which would accomplish the same thing.

Suppose we decided to tackle the issue solely on the spending side. It turns out that total discretionary spending in the federal budget, if maintained at its current share of GDP in perpetuity, is 3 percent larger than the entitlement shortfall. So all we would have to do to fully fund our Nation's entitlement programs would be to cut discretionary spending by 97 percent. But hold on. That discretionary spending includes defense and national security, education, the environment and many other areas, not just those controversial earmarks that make the evening news. All of them would have to be cut—almost eliminated, really—to tackle this problem through discretionary spending.

I hope that gives you some idea of just how large the problem is. And just to drive an important point home, these spending cuts or tax increases would need to be made immediately and maintained in perpetuity to solve the entitlement deficit problem. Discretionary spending would have to be reduced by 97 percent not only for our generation, but for our children and their children and every generation of children to come. And similarly on the taxation side, income tax revenue would have to rise 68 percent and remain that high forever. Remember, though, I said tax revenue, not tax rates. Who knows how much individual and corporate tax rates would have to change to increase revenue by 68 percent?

If these possible solutions to the unfunded-liability problem seem draconian, it's because they are draconian. But they do serve to give you a sense of the severity of the problem. To be sure, there are ways to lessen the reliance on any single policy and the burden borne by any particular set of citizens. Most proposals to address long-term entitlement debt, for example, rely on a combination of tax increases, benefit reductions and eligibility changes to find the trillions necessary to safeguard the system over the long term.

No combination of tax hikes and spending cuts, though, will change the total burden borne by current and future generations. For the existing unfunded liabilities to be covered in the end, someone must pay \$99.2 trillion more or receive \$99.2 trillion less than they have been currently promised. This is a cold, hard fact. The decision we must make is whether to shoulder a substantial portion of that burden today or compel future generations to bear its full weight.

Now that you are all thoroughly depressed, let me come back to monetary policy and the Fed.

It is only natural to cast about for a solution—any solution—to avoid the fiscal pain we know is necessary because we succumbed to complacency and put off dealing with this looming fiscal disaster. Throughout history, many nations, when confronted by sizable debts they were unable or unwilling to repay, have seized upon an apparently painless solution to this dilemma: monetization. Just have the monetary authority run cash off the printing presses until the debt is repaid, the story goes, then promise to be responsible from that point on and hope your

sins will be forgiven by God and Milton Friedman and everyone else.

We know from centuries of evidence in countless economies, from ancient Rome to today's Zimbabwe, that running the printing press to pay off today's bills leads to much worse problems later on. The inflation that results from the flood of money into the economy turns out to be far worse than the fiscal pain those countries hoped to avoid.

Earlier I mentioned the Fed's dual mandate to manage growth and inflation. In the long run, growth cannot be sustained if markets are undermined by inflation. Stable prices go hand in hand with achieving sustainable economic growth. I have said many, many times that inflation is a sinister beast that, if uncaged, devours savings, erodes consumers' purchasing power, decimates returns on capital, undermines the reliability of financial accounting, distracts the attention of corporate management, undercuts employment growth and real wages, and debases the currency.

Purging rampant inflation and a debased currency requires administering a harsh medicine. We have been there, and we know the cure that was wrought by the FOMC under Paul Volcker. Even the perception that the Fed is pursuing a cheap-money strategy to accommodate fiscal burdens, should it take root, is a paramount risk to the long-term welfare of the U.S. economy. The Federal Reserve will never let this happen. It is not an option. Ever. Period.

The way we resolve these liabilities—and resolve them we must—will affect our own well-being as well as the prospects of future generations and the global economy. Failing to face up to our responsibility will produce the mother of all financial storms. The warning signals have been flashing for years, but we find it easier to ignore them than to take action. Will we take the painful fiscal steps necessary to prevent the storm by reducing and eventually eliminating our fiscal imbalances? That depends on you.

I mean "you" literally. This situation is of your own creation. When you berate your representatives or senators or presidents for the mess we are in, you are really berating yourself. You elect them. You are the ones who let them get away with burdening your children and grandchildren rather than yourselves with the bill for your entitlement programs.

This issue transcends political affiliation. When George Shultz, one of San Francisco's greatest Republican public servants, was director of President Nixon's Office of Management and Budget, he became worried about the amount of money Congress was proposing to spend. After some nights of tossing and turning, he called legendary staffer Sam Cohen into his office. Cohen had a long memory of budget matters and knew every zig and zag of budget history. "Sam," Shultz asked, "tell me something just between you and me. Is there any difference between Republicans and Democrats when it comes to spending money?" Cohen looked at him, furrowed his brow and, after thinking about it, replied, "Mr. Shultz, there is only one difference: Democrats enjoy it more."

Yet no one, Democrat or Republican, enjoys placing our children and grandchildren and their children and grandchildren in harm's way. No one wants to see the frightful storm of unfunded long-term liabilities destroy our economy or threaten the independence and authority of our central bank or tear our currency asunder.

Of late, we have heard many complaints about the weakness of the dollar against the

euro and other currencies. It was recently argued in the op-ed pages of the Financial Times that one reason for the demise of the British pound was the need to liquidate England's international reserves to pay off the costs of the Great Wars. In the end, the pound, it was essentially argued, was sunk by the Kaiser's army and Hitler's bombs. Right now, we—you and I—are launching fiscal bombs against ourselves. You have it in your power as the electors of our fiscal authorities to prevent this destruction. Please do so.

CONDEMNING HAMAS ATTACKS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. CARDOZA. Madam Speaker, I rise today to strongly condemn attacks against Israel in recent weeks. I deeply regret the loss of innocent civilian life in Israel and Gaza and urge Hamas, for the sake of its own people and those in the region, to immediately cease the attacks and agree to a lasting truce with its democratic neighbor.

As our strongest ally in the Middle East, I believe Israel has the right to defend its citizens from the constant barrage of Hamas rocket attacks from inside Gaza. For too long, Hamas has used terrorism against Israel to destabilize the region and prevent peace for the people of Israel and the Palestinian territories. As long as Hamas continues to attack innocent Israelis and use ordinary Palestinians as human shields, I will continue to support Israel's right to self-defense and its stated goal of preventing Hamas from firing rockets into Israel.

I remain hopeful that the United States and its allies can help bring a sustainable ceasefire to the region through diplomacy and create the conditions necessary for a durable peace.

HONORING DENNIS MCCARTHY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my friend, Dennis McCarthy, a renowned journalist, veteran, and the first Grand Marshal of the annual San Fernando Valley Veterans' Day Parade. Dennis is being honored by the Los Angeles Valley College for his many good works.

An award winning columnist for the Los Angeles Daily News, Dennis is a diligent crusader who tirelessly works to protect the rights of veterans and their families. His popular column is widely read in the San Fernando Valley and neighboring suburbs. It is not only well written, but it is often so compelling that it stirs people to take action.

Dennis obtained his degree in Journalism from California State University at Northridge. In addition to writing for the Los Angeles Daily News, Dennis has written for the Glendale News Press and South Bay Daily Breeze. He is extremely prolific; he has written nearly

3,000 columns in his 25-year-career including many columns about Los Angeles Valley College and its vital role in meeting the educational needs of our community.

He has demonstrated an extraordinary commitment to issues involving senior citizens, veterans, and the disabled. He uses wit, humor and solid reporting to spark the interest of community leaders.

I am grateful to Dennis for serving as the first Grand Marshal of the annual San Fernando Valley Veterans' Day Parade—a parade I helped put together and care deeply about. Dennis not only took on the Grand Marshal role with his customary great dignity, but he helped communicate the spirit of the parade through his columns. He has also used his column to help prompt other projects I have undertaken to help improve the lives and the health of our veterans.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Dennis McCarthy for his impressive career and dedication to the people of the San Fernando Valley, and to congratulate him on being honored at the Los Angeles Valley College President's Annual Gala.

SAN GABRIEL BASIN RESTORATION FUND

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. DREIER. Madam Speaker, I rise today to introduce legislation that will continue to provide safe drinking water to Southern California. Identical legislation was approved by the House in 2007 but was still awaiting consideration in the Senate when the 110th Congress adjourned. It is my sincere hope that we can move quickly to see this bill enacted.

In 2000, Congress created the San Gabriel Basin Restoration Fund after the discovery of perchlorate and other harmful contaminants in the basin's groundwater. The San Gabriel Groundwater Basin covers more than 160 square miles in Los Angeles County and is the primary source of drinking water for over 1.2 million people.

The fund initially authorized \$85 million in Federal funding to assist the state and local government agencies as well as the private companies found responsible for the contamination to effectively implement a comprehensive clean up plan that would protect the safety of our region's drinking water supply. After evaluation, it is evident that an increase in this authorization is necessary. That is why this bill extends the current authorization of the San Gabriel Basin Restoration Fund by a total of \$61.2 million—\$50 million for the San Gabriel Basin Water Quality Authority, WQA, and \$11.2 million for the Central Basin Municipal Water District (Central Basin).

The San Gabriel Basin Water Quality Authority, has done a tremendous job in administering the clean up program. In 1999, the WQA projected the cost of cleaning up the San Gabriel Basin at a total of \$320 million based on the level of contamination of the five original Operable Units of Baldwin Park, El

Monte, South El Monte, Whittier Narrows and Puente Valley. Since the initial authorization by Congress in 2000, dramatically increased contamination levels have been identified in the South El Monte and Puente Valley Operable Units. This discovery has significantly increased both the capital and operation and maintenance costs of the projects. With the cost of inflation, increased energy costs and the higher contamination levels found, the total cost is now estimated at \$1 billion. Significantly, the WQA has a number of treatment plants that are already operating at full capacity with more coming on line in the near future. I am proud to say that this partnership is an example of good stewardship of taxpayer money. Congress created the Restoration Fund in 2000, with an initial authorization of \$85 million, or a 25 percent investment. To date, over \$70 million has been appropriated, with approximately 83 percent of the clean-up provided by local sources and responsible parties, with about 12 percent federal funding. With this modest increase of \$61.2 million, bringing the total federal investment to \$146.2 million, or approximately 14 percent, the WQA and the U.S. Bureau of Reclamation can continue jointly administering this clean-up program.

In working with the WQA and the U.S. Bureau of Reclamation over the past decade on this regional solution, there is no doubt that this increase is warranted and will be utilized in the most effective way to continue to provide safe drinking water. The cost-effectiveness of the original authorization of the Restoration Fund is clear. And without a doubt, that cost-effective use of the Federal investment will be continued in this new authorization. The Federal partnership will continue to hold the coalition of local water agencies and private parties together to finish the job that we started a decade ago.

I look forward to working closely with the House Resources Committee, and with the Water and Power Subcommittee Chairwoman GRACE NAPOLITANO, who is a cosponsor of this bill and has been a champion of regional water solutions. I am also pleased to have the support of Representatives GARY MILLER, LUCILLE ROYBAL-ALLARD, and ADAM SCHIFF who are also cosponsors of this legislation and have long supported the safety of our regional groundwater supply.

INTRODUCTION OF THE CAPTIVE PRIMATE SAFETY ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. BLUMENAUER. Madam Speaker, today I am introducing a bill to prohibit interstate commerce in nonhuman primates as pets. The Captive Primate Safety Act, CPSA, would amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act and to make corrections in the provisions relating to captive wildlife offenses under that Act.

Nonhuman primates kept as pets pose serious risks to public health and safety. They can

transmit diseases and inflict serious physical harm. These risks are increased by interstate transport of the animals. Currently, twenty states prohibit keeping primates as pets, and many others require a permit. Even in states where it is legal to keep primates, most people cannot provide the special care, housing, and social structure these animals require.

Although the importation of nonhuman primates into the United States for the pet trade has been banned by Federal regulation since 1975, these animals are bred in the United States and are readily available for purchase from exotic animal dealers and even over the Internet. Because of the importation laws, there remains an active domestic trade in these animals.

The CPSA would amend the Lacey Act Amendments of 1981 to add nonhuman primates to the list of animals that cannot be transported across state lines. It would prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of nonhuman primates in order to safeguard public health and safety and protect the welfare of monkeys, apes (which include chimpanzees and orangutans), marmosets and lemurs. The bill is similar to the Captive Wildlife Safety Act, CWSA, which Congress passed in 2003 to ban interstate commerce in lions, tigers, and other big cats for the pet trade.

The CPSA would not affect trade or transportation of animals for zoos, research facilities, or other federally licensed and regulated entities. In the 110th Congress, the CPSA received strong support in the 110th Congress from Dr. Jane Goodall, the American Veterinary Medical Association, the Association of Zoos and Aquariums, and The Humane Society of the United States. It easily passed the House of Representatives.

I look forward to working with my colleagues to advance this bi-partisan legislation.

THE SENIORS' HEALTH CARE FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Seniors' Health Care Freedom Act. This act protects seniors' fundamental right to make their own health care decisions by repealing federal laws that interfere with seniors' ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing any Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments

not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrat before finding out if a desired treatment is covered.

Seniors' right to control their own health care is also being denied due to the Social Security Administration's refusal to give seniors who object to enrolling Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, "... I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors' Health Care Freedom Act.

THE CREATING OPPORTUNITIES TO MOTIVATE MASS-TRANSIT UTILIZATION TO ENCOURAGE RIDERSHIP

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, as our economy continues to struggle, an immediate and cost-effective way to offer relief to consumers is to provide incentives for mass transit use. According to a study published by the American Public Transportation Association (APTA), public transportation use in the U.S. saves an annual 1.4 billion gallons of gasoline. Factoring in the current average gasoline price of \$1.65 per gallon, public transit saves consumers more than \$2 billion in gas costs per year.

Greenhouse gas emissions from motor vehicles also pose a severe threat to our environment, as emissions from our transportation

sector account for nearly a third of all U.S. emissions. Public transit, however, reduces CO₂ emissions by 37 million metric tons annually. This is equivalent to the electricity used by nearly five million homes. If we want to get serious about emissions reductions, we must get serious about investing in public transit.

Current law allows businesses, governments, non-profits and employees to purchase tax-free transit benefits. However, there is no tax incentive for employers to directly subsidize their workers' transportation costs. The bipartisan Creating Opportunities to Motivate Mass-transit Utilization To Encourage Ridership (COMMUTER) Act of 2008 offers employers a 50 percent tax credit for all transit benefits provided to employees, up to \$115 per employee per month. Under the COMMUTER Act, employees could receive up to \$1,380 in free mass transit funds each year, with the employer receiving \$690 in tax credits per employee. As family budgets continue to tighten, an extra \$1,400 to \$2,800 could help ease the burdens of health care and education or help bolster retirement savings.

A study recently conducted by BusinessWeek Research Services estimates that 53 percent of employees in Chicago, San Francisco and New York would take public transportation if their employer provided access to current transit benefits. Out of the respondents, 60 percent said their company does not provide tax-free commuter benefits.

I believe we must work to provide long-term solutions to our energy crisis, such as passing long-term tax incentives for research and development of renewable and alternative energy, fuels and vehicles; eliminating the so-called boutique fuels and offering the nation one clean burning fuel; financing energy development projects in China, central Asia and the Gulf to meet Chinese energy needs apart from oil; and increasing fuel economy standards.

But our economy, environment and national security cannot wait ten, twenty or thirty years for the entire restructuring of our energy policy—we need to take action now. I am proud to offer the COMMUTER Act with Representatives DAN LIPINSKI (D-IL) JUDY BIGGERT (R-IL) and PETER ROSKAM (R-IL) and to help provide that immediate relief. I hope Congress will act swiftly and in a bipartisan manner to pass this important legislation.

RECOGNIZING TEKLA HAMPUS OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Tekla Hampus of Hernando County, Florida. Tekla has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 102nd birthday.

Tekla Hampus was born September 24, 1906 in Stockholm, Sweden. After she finished school in Stockholm, Tekla married but was widowed in 1979. She and her husband had two children, one of whom is now deceased.

Tekla is proud of her one grandchild, two great-grandchildren and three great-great grandchildren.

As someone who has lived for more than a century, Tekla is proudest of the births of her children and grandchildren. She has many fond memories of family outings with her parents and their picnics together back home in Europe.

Following her move to Hernando County in 1968 to be closer to her children, Tekla today gets pleasure from visits with her son and enjoys the cost of living in Hernando County.

Madam Speaker, I ask that you join me in honoring Tekla Hampus for reaching her 102nd birthday. I hope we all have the good fortune to live as long as her.

TRIBUTE TO NANCY RUSSELL

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. WU. Madam Speaker, I rise today to remember a courageous and pioneering Oregonian who we lost on September 19, 2008, Nancy Russell. Her love of the outdoors and of Oregon history led her to co-found an organization that assisted in obtaining Federal protection for the Columbia River Gorge—"Friends of the Columbia River Gorge."

Madam Speaker, and my fellow colleagues, if you have never seen the Columbia River Gorge, let me explain to you: It is Oregon's Grand Canyon, our Yellowstone, the crown jewel of Oregon's natural heritage, a spectacular and unique 80-mile-long, 4,000-foot-deep sea level cut through the Cascade Mountain Range. The Gorge is home to more than 800 species of wildflowers, six endangered and threatened animal species, and more than 40 other sensitive species.

As a self-taught wildflower expert, Nancy shared her love of wildflowers by developing the Wildflower Walkers program for the Portland Garden Club, which helped others understand and love the Gorge the way Nancy did.

In the late 1970s, development in the Portland area was threatening to spill into the Gorge, and a group of prominent conservationists recruited Nancy to lead the effort for Federal protection. In the face of pressure from opponents of scenic area designation, and even bumper stickers that read "Save the Gorge from Nancy Russell," she and her fellow supporters persevered in 1986, when President Reagan signed into law the Columbia River Gorge National Scenic Area Act. This act, quite notably, was the only stand-alone environmental legislation passed during the Reagan administration, and was the first such designation.

After a tremendous accomplishment such as this, most people would claim victory and rest on their laurels. However, Nancy proved tireless and continued to pursue further Gorge protection. She successfully advocated for the purchase of 40,000 acres that were passed into public ownership, and personally purchased more than 30 properties to ensure their protection from development.

Sadly, in 2004 she was diagnosed with ALS, also known as Lou Gehrig's Disease, but

like any true champion, her dedication did not fade. Nancy made one final trip to the Gorge in August with close friends. I am sure that she was thinking that no matter how much you do in your lifetime you always want it to carry on for others to learn from and enjoy.

Madam Speaker, the Columbia River Gorge continues to see threats from unwanted development, but I know that the organization she founded, and the strength and spirit that Nancy Russell left us all with is the strength and spirit to not budge an inch on our commitment to the protection of the crown jewel of Oregon's natural heritage. That commitment is what I want to commemorate today, Madam Speaker, and that commitment is what I will continue to draw strength from in my fight to protect the Columbia River Gorge.

INTRODUCING HAITIAN PROTECTION ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Haitian Protection Act of 2009. This important piece of legislation would designate Haitian nationals as eligible for Temporary Protected Status (TPS).

The creation of TPS was intended to serve as the statutory embodiment of safe haven for those who are fleeing—or reluctant to return to—a potentially dangerous situation in their country of origin.

According to section 244(A) of the Immigration and Nationality Act of 1990, TPS may be granted when: there is ongoing armed conflict posing a serious threat to personal safety; it is requested by a foreign state that temporarily cannot handle the return of nationals due to environmental disaster; or extraordinary and temporary conditions in a foreign state exist which prevent aliens from returning.

Haiti has continued to meet all three of these requirements, and yet, not once have Haitian nationals been granted TPS.

Last year, I, along with several of my colleagues, wrote on several occasions to the Department of Homeland Security (DHS) and the President of the United States urging them to grant Haiti TPS.

Sadly, just today, the Miami Herald reported that Homeland Security Secretary Michael Chertoff recently wrote to Haitian President René Préval formally denying his request for TPS. In his letter, Secretary Chertoff stated that "After very careful consideration, I have concluded that Haiti does not currently warrant a TPS designation."

Madam Speaker, this response came as an utter shock. This past summer, only a few months after deadly food riots led to the removal of the country's Prime Minister, Haiti was ravaged by four back-to-back natural disasters. Thousands lost their homes, many were left starving and isolated from humanitarian assistance, nearly 800 lives were taken, and as of last month, over 300 people remain missing.

Though recovery efforts have slowly commenced, much of Haiti remains in a state of

destruction. Up to 40,000 people are in shelters, and severe malnutrition concerns have arisen throughout rural areas.

How dire must the situation in Haiti become before the United States is willing to extend this helping hand to Haiti as it has done for other nations under similar circumstances?

The Haitian government's ability to provide basic governmental services—clean water, education, passable roads and basic healthcare—remains severely compromised by these natural disasters. Repatriating Haitians at this time imposes an additional burden on government resources that are already stretched too thin and poses a serious danger to deportees' personal safety.

Concerning stability and overall safety, Haiti is still in dire need of an adequate policing force to maintain order and halt the escalation in kidnappings that are plaguing the nation.

As of April 2008, the Department of State's current travel warning advises Americans that current conditions in Haiti make it unsafe to travel due to the potential for looting, the possibility of random violent crime, and the serious threat of kidnapping for ransom.

Madam Speaker, if it is unsafe for our citizens to travel to Haiti, then those same conditions should make it much too dangerous and inappropriate to forcibly repatriate Haitians at this time. It is unfortunate and appalling that our current immigration policies hold such harmful double standards.

I want to make it very clear that I acknowledge and heartily congratulate Haiti's efforts toward recovery and to a stable democratic government. However, President Préval's nascent democratic government still faces immense challenges with regards to rebuilding Haiti's police and judicial institutions to achieve the fair and prompt tackling of the ongoing political and criminal violence.

In addition to safety and human rights considerations, halting the deportation of Haitians is also an economic matter.

Under the law, TPS beneficiaries are eligible to obtain work authorization permits. The ability for Haitian nationals to legally work in the United States puts them in a position to contribute to their country's recovery and development until such time when it is safe for them to return to Haiti.

Madam Speaker, the Haitian Diaspora has always played a pivotal role in assisting Haiti. It is widely known that Haitians residing in the United States often work three jobs to send money back to Haiti each month. Many Haitians in the United States often send remittances to support family members, and others travel home to lend their expertise toward rebuilding and humanitarian efforts.

Designating Haiti under TPS status would preserve and increase remittances—totaling approximately a third of Haiti's GDP—from the Haitian Diaspora to relatives and communities in Haiti that are key for welfare, survival, and recovery.

Haiti is more dependent than any other country on remittances with nearly a billion dollars a year sent home by Haitians in the United States. In fact, remittances to Haiti far exceed foreign aid.

Now, many Haitian nationals in the United States who previously sustained relatives in Haiti through remittances are being deported,

further depriving Haiti of an important source of financial aid that is well-positioned to assist when based here in the United States.

Madam Speaker, there are currently six countries that are protected under the TPS provision: Nicaragua, Honduras, El Salvador, Burundi, Somalia, and Sudan. By refusing to give Haiti the TPS designation, our inequitable immigration policies continue to send the message that the safety of Haitian lives is not a priority compared to that of Salvadoran, Honduran, or Sudanese lives.

We must act to change this perception. Our immigration policies have to change. They must reflect fairness and treat Haitians equally to Nicaraguans, Hondurans, and Salvadorans whose deportations are suspended and who are allowed to work and support their families back home.

The Haitian Protection Act of 2009 is necessary to achieve fundamental fairness in our treatment of Haitian immigrants and remedy the accurate and widespread perception that U.S. policy has discriminated against them.

Madam Speaker, we cannot deny Haiti this opportunity to help stabilize its economy, recover from devastating natural disasters, rebuild its political and economic institutions, and provide a future of hope for Haiti's people.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

TRIBUTE TO MRS. ADA MCKINNEY DEVEAUX

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Mrs. Ada McKinney DeVeaux, a Miami native who was known for her contagious spiritual, humorous, and endearing personality. It is with both profound sadness, but also an enduring sense of gratitude for the tremendous inspiration she provided to the South Florida community.

Mrs. McKinney DeVeaux was born to Edmund Sr. and Mary Edwards McKinney on September 2, 1931 in Miami, Florida. One of the distinguished members of Booker T. Washington Senior High's Class of 1949 or the "fantastic 49-ers", she went on to obtain her Bachelor of Science degree and a degree in Registered Nursing from Florida Agricultural & Mechanical University. Mrs. McKinney DeVeaux was united in Holy Matrimony to the late Father Richard DeVeaux.

A dedicated registered nurse for 42 years, Mrs. McKinney DeVeaux distinguished herself in a number of professional appointments throughout her nursing career. She served the community at the Dade County Health Department's Overtown office, Jackson Memorial Hospital, University of Miami Medical School, and retired from the Miami-Dade County Health Department as supervisor of nursing in 1997.

While she was a devoted member of numerous community organizations, Mrs. McKinney DeVeaux had a special love and dedication to

Alpha Kappa Alpha Sorority, Incorporated. Throughout her 57 years of membership, some of the leadership roles she assumed were: multi-term chairperson of the Gamma Zeta Omega Chapter's annual Ebony Fashion Fair event, advisor to the undergraduate Iota Nu Chapter at University of Miami, chairperson of the health committee and founding member of the AKA WISH Foundation. In recognition of her 50 years of committed membership, she was crowned a "Golden Soror" in 2004.

In homage to her profession and the community where she was raised (Overtown), she proudly served for 14 years as the recording secretary of the board of directors, Jefferson Reaves Sr. Health Center, Inc. Also, always the consummate "Rattler", she was a life member of the Florida Agricultural & Mechanical University Alumni Association.

Mrs. McKinney DeVeaux remained devoted to her family, and will be missed by all who knew her. I offer my heartfelt condolences to her family—her children, Jennifer DeVeaux Robinson (Rodney) and Pierre Rutledge; sister, Barbara McKinney; brother, Robert L. McKinney, Esq.; special brother, Reverend Canon J. Kenneth Major; four grandchildren, as well as her nieces, nephews, godchildren, and vast array of friends and colleagues.

Madam Speaker, in the words of her Sorority's mission to provide "service to all mankind", Mrs. McKinney DeVeaux has embodied and wholeheartedly embraced this throughout her life. While she will indeed be missed, her legacy will live on and the outstanding contributions and service she made to the betterment of Miami-Dade County and south Florida will never be forgotten.

RECOGNIZING VERA BRYANT OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Vera Bryant of Hernando County, Florida. Vera will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Vera Bryant was born May 7, 1909, in Twin Lakes, Florida. A native Floridian, she married her sweetheart Robert Bryant and together they had two beautiful children, both girls. After finishing school, Vera worked as a certified nursing assistant for 33 years while raising her two children.

A dedicated church member that gives her much happiness in life, Vera attends the Bethlehem Progressive Baptist Church where she is the oldest member. Today she spends much of her time visiting with her family and her church. At one time, Vera enjoyed delivering the Tampa Tribune, where she had her own paper route. Vera said she did a lot of volunteer work and was a Lilly White Convention member and sang in the church choir.

Vera's proudest moments now are having time to spend with all of her grand, great- and great-great-grandchildren. She also has many

wonderful memories of riding her father's horses. Vera's advice to young people today is to be sure to get a good education and make something of their lives.

Madam Speaker, I ask that you join me in honoring Vera Bryant for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

INTRODUCTION OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. BECERRA. Madam Speaker, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. This bill would create a commission to review and determine facts surrounding the relocation, internment, and deportation of Japanese Latin Americans during World War II.

Almost 30 years ago, Congress established the Commission on Wartime Relocation and Internment of Civilians to study the circumstances which led to the detention of 110,000 Japanese Americans during World War II. After twenty days of hearings, testimony from 750 witnesses, and review of thousands of government and military documents, the Commission concluded that internment of Japanese Americans was the result of racism and wartime hysteria. In its report to Congress titled "Personal Justice Denied," the Commission stated "not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by Japanese alien . . ." The Commission's findings vindicated these loyal Americans and President Ronald Reagan's signature of the Civil Liberties Act of 1988 brought closure to thousands who suffered unspeakable indignities and tremendous losses. However, there remains a group who has not yet experienced the closure they deserve or obtained the justice to which they are entitled.

Between December 1941 and February 1948, approximately 2,300 men, women, and children of Japanese ancestry were abducted from 13 Latin American countries and deported to internment camps in the United States. The U.S. Government orchestrated and financed this operation with the intention of using these individuals as hostages in exchange for Americans held by Japan. Over 800 people, many who were second or third generation Latin Americans and had no familial or linguistic ties to Japan, were used in two prisoner of war exchanges. The remaining detainees were held in U.S. internment camps until after the end of the war. In the appendix of "Personal Justice Denied," the Commission cited the Federal Government's role in kidnapping and detaining Japanese Latin Americans, but acknowledged it had not researched documents that exist in distant archives or received official testimony from government officials or survivors.

It is for these reasons that I introduce this very important legislation. The Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act would create a commission to investigate and review the facts with regard to the abduction and detainment Japanese Latin Americans during World War II by the U.S. Government. Composed of nine members appointed by the President, Speaker of the House of Representatives, and President pro tempore of the Senate, the commission would be charged with holding public hearings and submitting a report of its findings and recommending appropriate remedies to Congress.

I am proud to be working with Senator DANIEL K. INOUE of Hawaii, a decorated World War II veteran and a tremendous public servant, who is also introducing an identical Senate companion measure today. Additionally, I am honored to have the indispensable support of the wonderful men and women of the Campaign for Justice and the Japanese American Citizens League. Without them this effort would lack the heart and soul essential to cross the finish line.

Madam Speaker, now is the time to reconcile our past and complete the official narrative on a troubling period in our Nation's history. As we commit ourselves to building a better America for our daughters and sons, I look forward to working with my colleagues to pass the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

TRIBUTE TO MURRELL MITCHELL, SR.

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Murrell Mitchell, Sr., a pillar of the community in Corbin, Kentucky, who sadly passed away on November 18, 2008 at the age of 91.

Murrell's life was a testament to his love for his community, the Commonwealth of Kentucky, his country, and the Lord. A hard worker and small business owner, Murrell was a fixture of southeastern Kentucky. In addition to his entrepreneurial efforts, Murrell also served as a member of the Knox County Kentucky School Board, as well as three terms as a Knox County magistrate.

Murrell was also devoted to serving the Lord and working in his church, the Grace Baptist Church in Corbin Kentucky, where he was a deacon for many years. As a faithful member of the congregation for most of his life, Murrell also served as Sunday school director as well as church treasurer.

Through all of his successes, Murrell had a deep abiding love for his family. He was married to his wife, Opal, for over 70 years. Together they have been the loving parents of 7 children, 15 grandchildren and 32 great-grandchildren. Murrell's presence as father, grandfather, deacon, and rock of the community will be sorely missed.

Madam Speaker, I ask my colleagues to join with me in honoring the memory of Murrell

Mitchell. Although he has departed from us in body, his memory will live on in each of us who were honored to know him. While we will miss him in this life, we know that his residence today is far better than ours is here. And we will be satisfied in that knowledge until we meet again.

HONORING BISHOP ROBERT J. CARLSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Bishop Robert J. Carlson, Bishop of the Catholic Diocese of Saginaw, as he celebrates the 25th anniversary of his Episcopal Ordination. The Diocese is celebrating this event in honor of Bishop Carlson at St. Stanislaus Kostka Church in Bay City, Michigan, on January 11.

Bishop Carlson is a native of Minneapolis. He was ordained to the priesthood on May 23, 1970, for the Archdiocese of St. Paul and Minneapolis. He received his Bachelor of Arts degree in Philosophy and his Master of Divinity degree from Saint Paul Seminary. He continued his studies at Catholic University of America, receiving his Licentiate in Canon Law in 1979.

On January 11, 1984, Bishop Carlson was ordained as an auxiliary bishop for his home archdiocese. In 1994 he was appointed the Bishop of Sioux Falls, South Dakota. He served at this post until Pope John Paul II directed he become the Bishop of the Diocese of Saginaw. He was installed as the fifth Bishop of the Saginaw Diocese on February 24, 2005.

Currently Bishop Carlson serves as co-chair of the Mission Advisory Committee of the Institute for Priestly Formation, as a member of the Canon Law Society of America, a member of the board of the International Dominican Foundation, as a member of board of Sacred Heart Seminary, a member of the board of Los Cabos Children's Foundation, a member of the National Conference of Diocesan Vocation Directors. In 2004 he founded the Messengers of Peace Religious Community in Colombia.

Bishop Carlson's pastoral letters, speeches and publications reflect his commitment to the Catholic Church, priestly formation, the sanctity of human life, and evangelizing. He has written on the Sacraments and the role of Bishops in the Church.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of Bishop Robert J. Carlson. His motto is, "Before the Cross there is no Defense," and expresses his deep faith in Our Lord, Jesus Christ. The cross on his coat of arms represents his commitment and mission to the faithful entrusted to his custody. Bishop Carlson has devoted his life to the care and nurturing of people of the Catholic Church and all humanity. The best testament to his life's achievement is the love, respect and spiritual growth they reflect back to him.

TRIBUTE TO WILLIS "SNAKE"
MURRAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Willis "Snake" Murray, an outstanding Floridian who is one of the most unsung leaders of our Miami-Dade County community and Florida.

A native of Miami, Mr. Murray was born to Willis and Mazie Murray on October 9, 1923, in Sanford, Florida. One of the distinguished members of Booker T. Washington's Class of 1943, he went on to obtain his bachelor's and master's degree from Florida Agricultural & Mechanical University, and attended postgraduate studies at Barry University and University of Miami.

An avid football fan, Mr. Murray especially enjoyed attending Florida Agricultural & Mechanical University and Miami Dolphins football games throughout football season.

Mr. Murray was a volunteer for the Alliance for Aging advocating for seniors, the American Cancer Society and the Miami-Dade County Public Schools Youth and Elderly Against Crimes Task Force. He was also a strong advocate for seniors. Each year he participated in the American Cancer Society Relay For Life, which raises money for cancer research and programs.

Mr. Murray was a staunch believer who abided by the dictum that those who have less in life, through no fault of their own, should be helped by the government, regardless of their race, creed, age, or gender. As a community activist, Mr. Murray had a penchant for being at the forefront of African-American and other minority struggles in their quest for justice and equality. The unabashed and exemplary service demonstrated by Mr. Murray was evident in his desire for youth academic excellence and political empowerment for disenfranchised Americans. His commendable political activism has motivated countless others from all political and philosophical persuasions throughout Florida to follow his example of unrelenting defense of the "forgotten man." Moreover, his charitable actions toward others served as the quintessential embodiment of the Judeo-Christian faith.

Throughout Mr. Murray's commitment as a community activist, he remained devoted to his family. He will be missed by all who knew him. I offer my heartfelt condolences to his family—his brother, James Murray; daughters, Barbara Walker and Karlar Arthur; and four grandchildren.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing Mr. Murray's contributions to south Florida. Mr. Willis "Snake" Murray's life was a triumph. He was blessed with a loving family who took pleasure in every aspect of his life and his interests. He will be remembered as a true pioneer and community activist.

INTRODUCTION OF THE MEDIKIDS
HEALTH INSURANCE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. STARK. Madam Speaker, I rise today to reintroduce the MediKids Health Insurance Act of 2009, legislation to provide universal health coverage to our Nation's children.

During the campaign, President-elect Obama spoke of the need to mandate coverage to ensure that every child receives needed health care services. MediKids is the simplest, most effective means of achieving that goal. While it is critical that any reform proposal meet the special needs of children, I want to be clear that I am not suggesting we start with children or stop with children. I am looking forward to working with the new administration and Congressional colleagues on a health reform effort for which the goal is assuring comprehensive care for everyone. I am open to other proposals and believe that we have to look across the board at various options. However, I submit that MediKids contains many elements that could be useful in the upcoming debate.

Nearly 9 million children in this country still lack health insurance coverage. The majority of these children live in families with at least one fulltime worker. Often, their families are not offered coverage by their employers at all or they cannot afford the premiums. These simple, but sobering, statistics speak to the need for change. Our system is fundamentally broken when a working parent cannot get health coverage for his or her children.

Rather than reinvent the wheel, I think we should build on what works. When Congress created Medicare more than 40 years ago, our Nation's seniors were more likely to be living in poverty than any other age group. Many senior citizens were unable to afford needed medical services and unable to find health insurance in the private market, even if they had the resources. Today, as a result of Medicare's success, seniors are much less likely to be shackled by the bonds of poverty or to go without needed health care.

Sadly, children are now the group who are most likely to be living in poverty. Kids in America are nearly twice as vulnerable to poverty as adults. This travesty is morally reprehensible, and it has grave consequences for the future of our country. Our future rests on our ability to provide our children with the basic conditions to thrive and become healthy, educated, and successful adults. Poor children are often malnourished and have difficulty succeeding in school. Untreated illnesses only worsen their chance to become productive members of our economy. Healthy children are the key to our economic future.

The MediKids Health Insurance Act would create a new Federal health insurance program for children. Modeled after Medicare, MediKids would provide comprehensive benefits appropriate to children, simplified cost-sharing, prescription drug coverage and mental health parity.

Every child in America would be automatically enrolled in MediKids at birth and maintain

that eligibility through age 23. The cost, adjusted for income, would be applied to the family's annual tax bill, unless they opted for other coverage and showed proof of that coverage. As such, parents would retain the choice to enroll eligible kids in private plans or other Government programs such as Medicaid or SCHIP. However, if a lapse in the other insurance coverage occurred, MediKids would automatically fill in the gap.

MediKids doesn't have complicated enrollment and eligibility hoops. Instead, it assures that families will always have access to affordable health insurance for their children, and it ensures that all children get a truly healthy start in life.

MediKids was originally written in close collaboration with the American Academy of Pediatrics. They have endorsed MediKids as the best way to provide health coverage to all our children. The bill has also been endorsed by the Children's Defense Fund, Families USA, the National Association of Children's Hospitals, and other organizations advocating for better health care for America's children. As we work on health care reform, we need to pay particular attention to the unique needs of our Nation's children. MediKids is a model that accomplishes that goal.

INTRODUCTION OF THE MEDICARE
ACCESS TO REHABILITATION
ACT OF 2009

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. BECERRA. Madam Speaker, I rise today to introduce the Medicare Access to Rehabilitation Act of 2009 with Representatives ROY BLUNT and MIKE ROSS. This important bill repeals the monetary caps that limit beneficiary access to medically necessary outpatient physical therapy, occupational therapy, and speech-language pathology services. Senators JOHN ENSIGN and BLANCHE LINCOLN are introducing this legislation in the Senate.

To remove all uncertainty for Medicare beneficiaries about being able to receive the appropriate therapy, the bipartisan Medicare Access to Rehabilitation Act of 2009 creates a stable payment environment so that health professionals can focus on providing quality health care. Rehabilitation services provided by physical therapists, occupational therapists, and speech language pathologists are essential to assisting individuals reach their highest functional level possible and the monetary caps are inconsistent with this objective.

A March 2008 Center for Medicare and Medicaid Services (CMS) study provided evidence that enforcement of the monetary caps could cause Medicare beneficiaries harm since it may require them to delay necessary medical care, force others to assume higher out-of-pocket costs, and disrupt the continuum of care for many seniors and individuals with disabilities. Specifically, the study provided data that the sickest patients who suffered from Parkinson's disease or who have multiple medical problems were most likely to exceed the monetary caps.

Since inclusion of the caps in the Balanced Budget Act of 1997, both Democratic and Republican Congresses and administrations have interceded to prevent their implementation and enforcement citing the negative impact the caps would have on elderly patients' access to necessary services. Most recently, Congress extended through 2009 the existing medical exceptions process that gives the Secretary of Health and Human Services the authority to allow patients to exceed the monetary caps if deemed medically necessary.

Madam Speaker, I urge my colleagues to continue ensuring that Americans have access to the highest quality physical therapy, occupational therapy, and speech and language pathology services by supporting this legislation.

HONORING SUPERVISOR ED ROBEY
OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Supervisor Ed Robey on the occasion of his retirement from the Lake County Board of Supervisors. Supervisor Robey has served the citizens of Lake County honorably for 28 years, the last 12 as a County Supervisor.

Supervisor Robey has had an illustrious career in public service. Since he was first elected to the Clearlake City Council in 1980, Supervisor Robey has consistently gone the extra mile for his constituents. The list of boards and commissions he has served on during his career is overwhelming. It includes LAFCO, the Area Planning Council, the Regional Council of Rural Counties, the California State Association of Counties, the Committee working with the Yolo County Flood Control District in regard to Clear Lake water rights issues, the Proposition 10/First Five Commission, the PEG Board of Directors, North Coast Emergency Medical Services, the Lake County Community Action Agency Board of Directors, the Area Agency on Aging Board of Directors, the North Coast Opportunities Board of Directors, the Caltrans DEAL Committee, and the County Reclassification Committee, among many others.

Supervisor Robey will be remembered for his great sense of humor and superior accessibility to his constituents. His legislative and community accomplishments are much too numerous to be noted here; however, the true test of any elected official is if his constituents are better off when he retires than when he first took office. This is unquestionably the case for Supervisor Robey. The citizens of Lake County owe him a great debt.

Madam Speaker and colleagues, it is appropriate at this time that we thank Supervisor Ed Robey for his years of dedication and service on behalf of Lake County and beyond. He has been a model of dignified and effective public service. I join his wife Beth, his son and two stepchildren in thanking Ed and wishing him a lifetime of fulfillment.

PROTECTING IMPACT AID FOR
NORTH SUBURBAN SCHOOLS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, today I am introducing a bill to ensure the federal government fulfills an important obligation to the families of service men and women in my district. In 1950, President Harry Truman established the Impact Aid program to assist school districts and communities that lose their property tax base because of the presence of the federal government. Without this federal money, the burden would fall to the remaining residents whose property taxes would continue to rise while impacting the quality of education which can be provided. The Impact Aid program helps to alleviate this problem by directly reimbursing public school districts for the loss of traditional revenue sources.

For years Impact Aid was fully funded and offered some of the strongest direct assistance to military families across the Nation. Unfortunately, over the last decade we have fallen behind on this commitment, and it is time to reverse this trend.

While I support fully funding the Impact Aid program, I believe the situation in my district warrants special attention. In order to ensure that our students most in need continue to receive necessary resources, I have introduced this bill to help North Chicago to continue to qualify for heavily impacted payments, and Glenview and Highland Park receive fair compensation.

Due to a unique housing situation for the Great Lakes Naval Training Facility, Impact Aid funding should be higher in five of my school districts. This Naval base is located in North Chicago, one of the poorest school districts in my state. However, some service members and their families live in Navy housing obtained when Ft. Sheridan and Naval Air Station Glenview, located in other suburbs, were closed in the 1990's. These former bases are located within the boundaries of other school districts that now must bear the economic cost of educating children from a base, but receive none of the economic benefits a base provides. Thus, it is vitally important that we both ensure North Chicago continues to receive heavily impacted payments for the benefit of students living there, and that the surrounding communities are more fairly compensated for their loss of property taxes.

By passing this bill, the federal government will be fulfilling its responsibility to these communities, and giving our military families the support they deserve.

INTRODUCTION OF THE BALANCED
BUDGET CONSTITUTIONAL
AMENDMENT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GOODLATTE. Madam Speaker, I rise to re-introduce legislation that will amend the

United States Constitution to force Congress to rein in spending by balancing the federal budget.

It is common sense to American families that they cannot spend more than they have—yet far too frequently, this fundamental principle has been lost on a Congress that is too busy spending to pay attention to the bottom line.

Our federal government must be lean, efficient and responsible with the dollars that our Nation's citizens worked so hard to earn. We must work to both eliminate every cent of waste and squeeze every cent of value out of each dollar our citizens entrust to us. Families all across our Nation understand what it means to make tough decisions each day about what they can and cannot afford and government officials should be required to exercise similar restraint when spending the hard-earned dollars of our Nation's citizens.

Congress took a dramatic step forward during the 109th Congress when it passed the Deficit Reduction Act. This law found savings of approximately \$40 billion over five years by eliminating wasteful spending and programs. This legislation was an important first step, but it was just that—a first step. Furthermore, the legislation was passed by the Senate by a margin of just one vote and was passed by the House by a margin of two votes, which shows exactly how difficult the task of balancing the budget is—and how important it is to force Congress to do so. This is exactly why I am re-introducing this legislation today.

My legislation, which garnered 163 bipartisan cosponsors in the 110th Congress, would amend the Constitution to require that total spending for any fiscal year not exceed total receipts and require the President to propose budgets to Congress that are balanced each year. It would also provide an exception in times of war and during military conflicts that pose imminent and serious military threats to national security.

Furthermore, the legislation would make it harder to increase taxes by requiring that legislation to increase revenue be passed by a true majority of each chamber and not just a majority of those present and voting. Finally, the bill requires a 3/5 majority vote for any increases in the debt limit.

This concept is not new. 49 out of 50 states have a balanced budget requirement.

It has become clear that it is extremely difficult for Congress to agree on a budget that is fiscally responsible. By amending the Constitution to require a balanced budget, we can force Congress to control spending, paving the way for a return to surpluses and ultimately paying down the national debt, rather than allow big spenders to lead us further down the road of chronic deficits and in doing so leave our children and grandchildren saddled with debt that is not their own.

Our Nation faces many difficult decisions in the coming years, and Congress will face great pressure to spend beyond its means rather than to make difficult decisions about spending priorities. Unless Congress is forced to make the decisions necessary to create a balanced budget, it will always have the all-too-tempting option of shirking this responsibility. The Balanced Budget Constitutional amendment is a common sense approach to

ensure that Congress is bound by the same fiscal principles that America's families face each day.

I urge support of this important legislation.

INTRODUCTION OF THE UDALL-EISENHOWER ARCTIC WILDERNESS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MARKEY. Madam Speaker, today, I am introducing the Udall-Eisenhower Arctic Wilderness Act, which would give permanent protection to the coastal plain of the Arctic National Wildlife Refuge. This legislation also honors two great American visionaries—President Dwight Eisenhower and Representative Morris Udall—by designating this pristine wild place as wilderness in their names. President Eisenhower—a Republican—began the bipartisan legacy of fighting to protect this special place for future generations of Americans when he set aside the core of the Refuge in 1960. Twenty years later, in 1980, Representative Morris Udall—a Democrat—succeeded in doubling the size of the Refuge and protecting even more of this untrammeled wilderness.

President Eisenhower and Rep. Mo Udall had the vision to protect a remote but very special piece of pristine wilderness. I am proud to introduce legislation today that would complete the job they began by permanently protecting the coastal plain of the Arctic Refuge from oil drilling.

I am also proud to once again introduce this legislation under the bill number H.R. 39, a bill number with important historical significance in the fight to preserve the land within the Arctic Refuge. H.R. 39 was the bill number given to Mo Udall's Alaska Natural Interest Lands Conservation Act that became law in 1980. This Act expanded the area President Eisenhower had originally set aside and renamed it as the Arctic National Wildlife Refuge. Rep. Udall later began introducing his legislation to designate the coastal plain of the Refuge as wilderness under that same bill number. Introducing the Udall-Eisenhower Arctic Wilderness Act under the bill number H.R. 39 offers an important reminder of the history of the fight to protect this special place.

The coastal plain is the biological heart of the Refuge and is central to the survival of many unique species of animals including polar bears, caribou, musk oxen, wolves, and over 160 species of birds. The U.S. Fish and Wildlife Service calls the coastal plain the "center for wildlife activity" in the Refuge. If we were to allow drilling in the Refuge it would irreparably disrupt this important ecosystem and one of our last great wild places will be forever destroyed.

We know that the Arctic is already feeling the strains of global warming. Alaska has warmed at four times the rate of the rest of the planet over the last fifty years and the impacts of a warming Arctic on iconic species such as the polar bear are disastrous. Last year, the Bush Administration listed the polar bear as 'threatened' under the Endangered

Species Act because of melting sea ice and government scientists project that the prospects for the polar bear's survival are bleak. A team of scientists at the U.S. Geological Survey released a series of reports at the end of 2007 which concluded that by mid-century, two-thirds of all the world's polar bears could disappear and that polar bears could be gone entirely from Alaska. The USGS team also noted that based on recent observations, this dire assessment could actually be conservative.

The 111th Congress marks a time of real change for our nation's energy policy. The Bush Administration and Republicans in Congress have argued for a shortsighted energy policy of "drill, drill, drill" that would forever sacrifice our beaches and most pristine wilderness areas for a few short months worth of oil. The United States consumes 25 percent of the world's oil but controls only 3 percent of the world's oil reserves. We cannot drill our way to energy independence. But we can enact smart, green energy policies that can simultaneously grow our economy, spur technological innovation, protect our environment, reduce global warming pollution and end our addiction to oil.

There are some places in our world that are so rare and so special that we have a responsibility to protect them. The Arctic Refuge is one of those places. Protecting the Arctic Refuge will send a strong statement of our nation's intent to preserve America's pristine wilderness areas, break our dangerous addiction to oil, and kick-start a green revolution to create jobs, grow the economy, and promote energy independence.

As Mo Udall said, "In our lifetime, we have few opportunities to shape the very Earth on which our descendants will live their lives. In each generation, we have carved up more and more of our once-great natural heritage. There ought to be a few places left in the world the way the Almighty made them." The Udall-Eisenhower Arctic Wilderness Act will ensure that the Arctic National Wildlife Refuge is forever protected for future Americans and never carved up by the big oil companies.

IMMIGRATION ENFORCEMENT AND SOCIAL SECURITY PROTECTION ACT

HON. DAVID DRIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. DRIER. Madam Speaker, over the last few years we have spent considerable time on the extremely important issue of immigration and homeland security. In the 108th Congress, we passed the National Intelligence Reform Act, a landmark piece of legislation to overhaul our intelligence agencies. But, as I noted at that time, the bill unfortunately did not go far enough in addressing the major security vulnerability presented by the porous nature of our borders.

Recognizing that need, in the 109th Congress we debated immigration extensively and even passed H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration

Control Act of 2005. Regrettably, the Senate failed to act on this important piece of legislation. In the 110th Congress, the House passed legislation to reauthorize the Basic Pilot, or E-Verify, employment verification program.

A tremendous amount of work remains in the effort to secure our borders. That is why I am reintroducing the Immigration Enforcement and Social Security Protection Act, which is designed to eliminate up to 98 percent of the illegal border crossings into the United States.

I believe that any effort to end illegal immigration will be viable only if it addresses the root cause of what attracts illegal immigrants to our country: the lure of economic opportunity and the ease with which illegal workers can find jobs. Under the Immigration Enforcement and Social Security Protection Act, we will dramatically increase the enforcement of laws which prohibit American businesses from employing illegal immigrants. The growing availability of counterfeit identity documents has undermined the current system because employers find it increasingly difficult to establish the authenticity of documents presented by job applicants. As a result, too many employers have been either unable or unwilling to comply with the law.

Our legislation adds new features to the Social Security card to deter counterfeiting and make it easier for employers to determine whether a card is genuine by including a digitized photo of the cardholder on the card. The improved Social Security card will also be encoded with a unique electronic encryption code to allow employers to verify each prospective applicant's work eligibility status prior to hiring, through either an electronic card-reader or a toll-free telephone number. The Department of Homeland Security will be required to establish and maintain an Employment Eligibility Database with an individual's proof of citizenship data, work, and residency eligibility information, including expiration dates for non-citizens. This database will also include information from the Social Security Administration that the Commissioner determines necessary and appropriate for the purpose of verifying an individual's work eligibility status. Employers who hire an illegal immigrant or choose not to verify a prospective employee's work eligibility will face stiff federal fines of \$50,000 and up to 5 years in prison. The employer would also be required to reimburse the government for the cost of deporting the illegal immigrant. Moreover, this bill provides that no officer or employee of Department of Homeland Security shall have access to any information contained in the Employment Eligibility Database for any purpose other than the establishment of a system of records necessary for the effective administration of this Act, and will impose penalties of \$10,000 in fines and mandatory minimum sentence of 5 years in prison on anyone who misuses information on the database.

With the improved Social Security card and national verification system, prospective employees will have no way of obtaining fraudulent identification documents. By improving the employment verification process, we can eliminate the supply of jobs for illegal workers and end the employment magnet that draws them here. Under this bill, legal workers will only

need to update their Social Security card once to have their photo placed on the card and for other long-overdue anti-fraud measures to be applied. Moreover, a worker would only need the updated Social Security card when applying for a new job. I want to make it absolutely clear that this proposal does not represent the creation of a national identification card. This bill strictly prohibits the use of the Social Security card as a national ID card, and stipulates that the card not be required to be routinely carried on one's person. Because Social Security cards are already required to be provided to new employers, the changes proposing in this bill take us no further down the road of creating a national ID card. It should also be noted that the government already has the information that would be contained in the Employment Eligibility Database. An individual's eligibility to work under the law is dependent on whether they are a U.S. citizen, and if not, their immigration status. Finally, the Immigration Enforcement and Social Security Protection Act also puts teeth into the new enforcement procedures by calling for the addition of 10,000 new Homeland Security officers whose sole responsibility will be to enforce employer compliance with the law. These new agents will free up the rest of the Border Patrol to exclusively focus on border enforcement and terrorism prevention.

This bill is in no way meant to send a message that we intend to limit opportunities for the American dream to be fulfilled. However, we are a Nation of laws and if individuals wish to pursue opportunities in the United States, they must play by the rules and we must make clear that there will be no economic opportunity for anyone who enters this country illegally. I look forward to continuing to work with my colleagues in this effort, and hope they will consider joining me as we take action on this vital national security priority.

I would like to thank the original co-sponsors of this legislation, including, Mr. REYES of Texas, who began his career in public service with the U.S. Immigration and Naturalization Service in the U.S. Border Patrol, where he worked for 26½ years. I would also like to thank the original co-sponsors from my home state of California, including Mr. ISSA, Mr. CALVERT, the author of the Basic Pilot Program, and Mr. BILBRAY, the Chairman of the Immigration Reform Caucus.

INTRODUCTION OF THE SHARK CONSERVATION ACT OF 2009

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. BORDALLO. Madam Speaker, today I have reintroduced a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks. In the 110th Congress, the House of Representatives passed this legislation, H.R. 5741 or the "Shark Conservation Act of 2008," by voice vote under suspension of the rules. The Senate, however, was unable to take action on the bill received by the

House or on its companion bill, S. 3231, before it adjourned. I have, therefore, reintroduced this bill today given the ongoing necessity for improved shark conservation and its benefits for ocean ecosystems.

Sharks are long-lived apex predators, which breed slowly, making it difficult for them to maintain populations under fishing pressure. Sharks have been increasingly exploited in recent decades, both as bycatch in the pelagic longline fisheries from the 1960s onward, and as targets in direct fisheries that expanded rapidly in the 1980s. The rising demand for shark fins over past decades has also led to increases in the particularly exploitive practice of shark finning, where fins of sharks are removed and the carcass is discarded at sea.

According to scientists, scalloped hammerhead, white, and thresher shark populations are each estimated to have declined by over 75 percent in the past 15 years due in large part to these fishing pressures. Removing these top predators drastically changes the food web structure, marine diversity, and ecosystem health. Addressing the practice of shark finning is an imperative step toward the conservation of sharks and marine ecosystems.

Congress recognized shark finning as an inherently wasteful practice in enacting the Shark Finning Prohibition Act of 2000 (Public Law 106-557). This Act prohibits U.S. fishermen from removing the fins of sharks and discarding the carcass at sea, and from landing or transporting shark fins without the corresponding carcass.

The Shark Conservation Act of 2009 includes several measures to strengthen the implementation and enforcement of that prohibition and would ensure that the intent of Congress is achieved. First, the bill eliminates an unexpected enforcement loophole related to the transport of shark fins by prohibiting vessels from having custody, control, or possession of shark fins which are not naturally attached to the corresponding carcass. This is intended to ensure that U.S.-flagged vessels are not traveling to the high seas and purchasing fins from fishermen engaged in shark finning and bringing them into U.S. waters in an attempt to skirt the finning prohibition. The bill further strengthens the enforcement of the existing ban on shark finning by calling for sharks to be landed with their fins naturally attached. This "fins-attached" landing strategy simplifies enforcement of the Shark Finning Prohibition Act. It is also consistent with the National Marine Fisheries Service, NMFS, final rule, which took effect on July 24, 2008, and which implements the management measures described in the final Amendment 2 to the Atlantic Highly Migratory Species Fishery Management Plan and strengthens enforcement of existing law in U.S. Atlantic waters by requiring that sharks be landed with their fins attached.

Finally, the Shark Conservation Act of 2009 amends the High Seas Driftnet Fishing Moratorium Protection Act to allow the Secretary of Commerce to identify and list nations that have not adopted a regulatory program for the conservation of sharks comparable to the United States. This amendment promotes the conservation of sharks internationally and in a manner that is consistent with the expectations placed on U.S. fishermen.

The bill is further consistent with the United States position in the United Nations relative to Resolution 62/177 that was adopted by the United Nations General Assembly on December 18, 2007, and which calls upon nation-states to take immediate and concerted action to improve the implementation of and compliance with national measures that regulate shark fisheries, including management efforts to require that all sharks be landed with each fin naturally attached.

The Shark Conservation Act of 2009 reestablishes the intended protections for sharks under U.S. law. I look forward to working with my colleagues on both sides of the aisle to again pass this timely and important bill in the House of Representatives. I also hope it will receive favorable action and consideration by the other body in the 111th Congress.

TERRORIST REWARDS ENHANCEMENT ACT OF 2009

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, today I am introducing the Terrorist Rewards Enhancement Act. This bill will assist in our fight against terrorism around the globe. Currently, the terrorist rewards program run by the State Department assists in our hunt for terrorists by promising a cash reward or other type of reward for information leading to the arrest of some of the world's most deadly terrorists. This program has been very successful in the past in apprehending key people including Mir Amal Kansi, a terrorist who had murdered two CIA employees and injured three others in a 1993 shooting outside CIA headquarters in Virginia.

Under current law, the U.S. may not pay a reward to an officer or employee of another government. I have traveled to Pakistan each of the last 4 years, where I met with a number of government officials. At the strong suggestion of Pakistan's ISI and IB intelligence and police bureaus, I believe the President should be able to pay such a reward to anyone having information leading us to the greatest terrorists. If there is anyone, anywhere, even if they work for a Pakistani government agency, who has information about the whereabouts of Osama bin Laden, we should be doing all we can to elicit that information.

With the increasing number of cross-border incursions into Afghanistan coming from the Waziristan region of Pakistan, it is more important than ever to develop a complete picture of where al Qaeda and Taliban terrorists are hiding. We need to provide our State Department and intelligence officials with all the possible tools to aid in the capture of the world's number one terrorist. The Terrorist Rewards Enhancement Act will provide one more of these tools.

INTRODUCTION OF THE VETERANS HEALTH EQUITY ACT OF 2009

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. SHEA-PORTER. Madam Speaker, today, I introduced The Veterans Health Equity Act of 2009. This legislation requires the Department of Veterans Affairs to ensure that every State has a full-service veterans hospital, or access to equivalent care in-state. I have been calling for the VA to provide full-service medical care to New Hampshire's veterans since October of 2007 and introduced identical legislation in the 110th Congress.

New Hampshire has not had a full-service veterans hospital since 2001 and is the only State without a full-service VA hospital or comparable facility. While New Hampshire may be a small State, it has a veteran population over 130,000.

Because we lack a veterans hospital, New Hampshire's veterans are often forced to travel out-of-state for medical care. Veterans traveling from the most Northern parts of the State may have to travel three hours to Manchester and then may be forced to travel up to 2 hours to Boston, if they are referred there for their care.

Unfortunately, this routinely happens—each year, hundreds of patients are referred to the Boston, MA or White River Junction, VT facilities.

It is simply a matter of fairness that our veterans in New Hampshire be afforded the same services as veterans in every other State. Though New Hampshire may be a small State, even smaller States with fewer veterans have full-service care available.

I am a realist, and a fiscal conservative. That is why my legislation does not require the VA to construct a full-service hospital in Manchester if it is not economically feasible. Instead, the Department could work with health care providers in the state to provide care through local hospitals.

The Manchester VA facility has done a great job of reaching out to local partners and getting our vets access to as much local care as possible within their current restrictions. In fact, they have submitted a business plan that would allow them to contract with more local health care providers. I urge the Department to strongly consider this business plan. Its approval would make a big difference in the quality and accessibility of care for New Hampshire's veterans.

If the VA will not consider restoring Manchester to a full-service facility or ensuring that New Hampshire veterans have access to care in New Hampshire, Congress must do so.

Our veterans, regardless of the services they need, deserve the same care their counterparts receive in every other State. It is unconscionable that we deny them this full-service care and instead offer them ad hoc services.

I will continue to work with the Director of the New Hampshire VA and with the new Obama Administration to ensure that our veterans have care in New Hampshire. Last summer's expansion of radiation services proves

that the VA can work to ensure that local care is available. It is time for the VA to go further and for the government to live up to the promises we've made to those who have served so honorably.

HONORING FORMER U.S. REP- RESENTATIVE CHARLES T. CAN- ADY UPON HIS INVESTITURE AS A JUSTICE TO THE FLORIDA SU- PREME COURT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PUTNAM. Madam Speaker, I rise today to pay tribute to a former member of this body, Representative Charles T. Canady on the occasion of his investiture as a Justice to the Supreme Court of the State of Florida.

During his tenure in the U.S. House of Representatives, Justice Canady served this nation and the people of the 12th Congressional District, which I now represent, with honor and distinction. His steadfast commitment toward upholding the laws and principles on which our nation was founded, will serve the people of the State of Florida well through his appointment as a Justice to the Florida Supreme Court.

Born in Lakeland, Florida, Justice Canady earned his B.A. from Haverford College in 1976 and Doctorate of Jurisprudence from Yale University in 1979. Thereafter, he practiced law in Lakeland at the firm of Holland and Knight and with the Lane, Trohn, Clarke, Bertrand and Williams law firm. In 1984, he was elected to the Florida House of Representatives where he served through 1990.

In 1992, Justice Canady was elected to the 103rd Congress and served four terms in the United States House of Representatives from January 1993 to January 2001. Throughout his tenure in Congress, Justice Canady was an active member of the House Judiciary Committee. For three terms from January 1995 to January 2001, former Rep. Canady was the Chairman of the House Judiciary Subcommittee on the Constitution. In this capacity, his efforts toward protecting and defending the laws of our nation made a lasting mark not only on this body, but on the American people for whom we are called serve.

While a member of the House of Representatives, Former Rep. Canady worked with steadfast dedication and fortitude on the issues found at the core of our country's belief system. Among his contributions include passage into law of the Religious Liberty Protection Act, which protects all citizens' right to exercise their religious freedoms. He also championed the Civil Rights Act of 1997, the Partial-Birth Abortion Ban Act, the Religious Land Use and Institutionalized Persons Act, the Private Property Rights Implementation Act, Equal Opportunity Act, as well as the Family Caregiver Enumeration Act.

Appointed as a House Manager to conduct the presidential impeachment proceedings, he worked to uphold the laws of our nation through his unwavering commitment to the principles of the Constitution of the United States and the governing rules of our country.

Justice Canady kept his term limits pledge, and did not seek reelection to a fifth term in 2000. After leaving Congress, Justice Canady returned to the practice of law, serving as counsel to Governor Jeb Bush. In 2002, Governor Bush appointed him to Florida's Second District Court of Appeal. On August 27, 2008, Governor Charlie Crist nominated Justice Canady to the Florida Supreme Court. His nomination was confirmed and Justice Canady took his seat as the 82nd Associate Justice to the Florida Supreme Court on September 8, 2008, and was sworn-in through a formal investiture on December 3, 2008.

Former Congressman Charles T. Canady resided until his appointment to the Florida Supreme Court in Lakeland, Florida, and is married to wife Jennifer and has two daughters, Julia and Anna. Charles T. Canady is the son of Charles and Delores Canady.

INTRODUCTION OF THE AMERICARE HEALTH INSURANCE ACT OF 2009

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. STARK. Madam Speaker, it gives me great pleasure to reintroduce the AmeriCare Health Care Act of 2009. I have often spoken before this body about the great need to reform our health care system. For too long, we have been plagued with an inadequate patchwork system that today leaves nearly 46 million Americans uninsured. We spend more per person than any other country in the world, yet our health outcomes lag well behind that of other industrialized nations.

The failing economy is even more proof of our need to act now. Our broken health system is a tremendous financial burden on our Nation's families and businesses alike. Since 1999, family premiums for employer-sponsored insurance have increased 119 percent, nearly 4 times the increase in wages (34 percent) and inflation (29 percent) during that same time. About one in three Americans reported a serious problem "paying for health care and health insurance" in October 2008. Half of all bankruptcies can be traced to medical bills. 49 percent of people in foreclosure named medical problems as a cause of their financial difficulties.

According to the New America Foundation, our economy lost as much as \$207 billion last year because of the poor health and shorter lifespans of those without health insurance. General Motors spends more on health care than on steel. While I'm not suggesting we import the Canadian health system, it is worth highlighting that if we paid the same amount for health care as Canada, G.M. would have accumulated an additional \$22 billion in profits over the last decade. Inadequate health coverage is crippling our economy.

The President-elect declared that health care reform should happen "this year". Chairman RANGEL and I are ready to work with him, Chairmen WAXMAN and MILLER, our leadership and the Senate to achieve this goal.

AmeriCare is a template of a way that we can achieve universal health care. AmeriCare

is built on a framework that is consistent with many of the principles that President-elect Obama identified during the campaign.

Like President-elect Obama's plan, it includes a public plan option. It uses Medicare's existing administrative infrastructure, but improves upon Medicare's benefits to address some of the current gaps in coverage. A public plan option is the only way to ensure that beneficiaries have access to an option that promotes people over profit. As Medicare itself includes both public and private plan options, one could make the case that AmeriCare has an exchange, like Obama's plan as well.

Like President-elect Obama's plan, it maintains employer sponsored coverage. People can keep the coverage they have if they like it. We need to build on what works, not create an entirely new system.

Like President-elect Obama's plan, it includes a pay-or-play component to ensure that the private sector continues to play a role in providing health care.

AmeriCare meets the Health Care for America Now! reform principles. It was endorsed last year by the coalition, as well as provider groups, beneficiary advocates, and unions including: American Academy of Pediatrics, American Nurses Association, Center for Medicare Advocacy, Consumers Union, Families USA, National Association of Community Health Centers, National Association of Public Hospitals, SEIU, Universal Health Care Action Network.

AmeriCare is a practical proposal to ensure that everyone has affordable health coverage in our country. It builds on what works in today's health care system to provide simple, affordable, reliable health insurance. I look forward to working with President-elect Obama as he assumes the office of the President to achieve a universal health care program that meets the principles that he will outline to Congress.

I will submit for the RECORD a short summary of AmeriCare. More can be found on my website at <http://www.house.gov/stark>.

AMERICARE HEALTH CARE ACT OF 2009

Overview: The AmeriCare Health Care Act ("AmeriCare") is a practical proposal to ensure that everyone has health coverage in our country. It builds on what works in today's health care system to provide simple, affordable, reliable health insurance. People would be covered under the new AmeriCare system, modeled on Medicare, or they would continue to obtain health coverage through their employer.

Using the administrative efficiencies within Medicare and building on the existing coverage people receive through their jobs today, we can create an affordable, efficient, and stable universal health care system in

America—and guarantee access to medical innovation and the world's most advanced providers and facilities.

Structure and Administration: Creates a new title in the Social Security Act, "AmeriCare." Provides universal health care for all U.S. residents, with additional coverage for children (under 24), pregnant women, and individuals with limited incomes (< 300 percent FPL). Sets out standards for supplemental plans with a focus on consumer protection. Requires the Secretary to negotiate discounts for prescription drugs.

Benefits: Adults receive Medicare Part A and B benefits; preventive services, substance abuse treatment, mental health parity; and prescription drug coverage equivalent to the BC/BS Standard Option in 2008. Children receive comprehensive benefits and Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) coverage with no cost-sharing.

Cost Sharing: There is a \$350 deductible for individuals/ \$500 for families (indexed over time), and 20 percent coinsurance. Total spending (premiums, deductibles, and co-insurance) is capped at out-of-pocket maximum of \$2,500 individual/\$4,000 family (indexed over time), or 5 percent of income for beneficiaries with income between 200 percent–300 percent FPL and 7.5 percent of income for beneficiaries with income between 300 percent–500 percent FPL. There is no cost sharing for children, pregnant women and low-income individuals (below 200 percent FPL). Sliding scale subsidies are in place for cost-sharing for individuals between 200 percent and 300 percent FPL.

Financing: At April 15 tax filing each year, individuals either demonstrate equivalent coverage through their employer or pay the AmeriCare premium based on cost of coverage and class of enrollment (individual, couple, unmarried individual with children, or married couple with children). Employers may either pay 80 percent of the AmeriCare premium or provide equivalent benefits through a group health plan (the contribution for part-time workers is pro-rated). AmeriCare does not affect contracts or collective bargaining agreements in effect as of the date of enactment, and employers may choose to provide additional benefits. Employers with fewer than 100 employees have until January 1, 2014 to comply (employees of small businesses would still only pay 20 percent of the premium).

TRIBUTE TO TERRY TOEDTEMEIER

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. WU. Madam Speaker, I rise today to remember a man who dedicated his life to the

art of photography and the history of Oregon, Terry Toedtemeier. We sadly lost Terry on December 10, 2008. Terry served as the curator of the Portland Art Museum's photography collection and was widely known as one of the Pacific Northwest's finest landscape photographers. Terry and a colleague had recently published a book, *Wild Beauty: Photographs of the Columbia River Gorge, 1867–1957*, and Terry had finished curating a show of the same name at the Portland Art Museum.

Terry Toedtemeier was a passionate explorer of the Gorge and one of its greatest interpreters. He was a trained geologist, photographer, photo historian, curator, and educator, who realized this stretch of the Columbia River is one of the natural wonders of America. Terry studied geology at Oregon State University. He had a strong desire to understand the forces of the earth that created the world around us, and it was being outdoors and experiencing Oregon's geological features that inspired him. As a student, one day Terry spied through fog-obscured sunlight a freshly plowed field and in the middle, growing serenely, a tree that he could only describe later as "scrubby" and "a wreck." Terry took a photo and when he printed the image he said that he understood "this creative possibility with the camera."

A colleague of his noted that Terry had immersed himself in the photographic history of the Northwest over the course of his career. Terry's curated show at the Portland Art Museum, *Wild Beauty*, revealed his technical expertise in describing geologic and geographic changes, as well as a photographic history of the Gorge over 90 years, ending in 1957 when the construction of The Dalles Dam submerged one of the last great Native American fishing grounds at Celilo Falls.

From the images taken by Carleton Watkins in 1867 when Americans were first establishing industry in the West, to those by Al Monner as the federal government was constructing hydroelectric dams throughout the area, the Columbia River Gorge has served as a place of meditation, wonder, and discovery for artists. It has been Terry's astute effort that has brought these artists' visions together to teach us about the vastness, power, and beauty of the Columbia River Gorge.

Madam Speaker, I commemorate the life of Terry Toedtemeier and share with you his commitment to the preservation of our knowledge and history in the Pacific Northwest and the Columbia River Gorge. I believe in his work reflects why we must act to protect and preserve the crown jewel of Oregon's natural heritage.

SENATE—Wednesday, January 7, 2009

The Senate met at 11:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are the source of light and peace, and we praise You for giving us blessings far beyond what we deserve. Thank You for the blessings of freedom and a government that seeks to empower people with liberty. Thank You for blessing us with lawmakers who strive to know what is right and to do it. Thank You also for the gift of forgiveness, for You daily meet our need for moral and spiritual renewal. Lord, use our Senators today. Show them Your path and teach them Your ways. Keep them so completely under Your rulership that they will do justly, love mercy, and walk humbly with You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. No, we are not. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 1, S. 2, S. 3, S. 4, S. 5, S. 6, S. 7, S. 8, S. 9, S. 10, S. 33, and S. 34

Mr. REID. Mr. President, it is my understanding there are 12 bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 1) to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

A bill (S. 2) to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

A bill (S. 3) to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

A bill (S. 4) to guarantee affordable, quality health coverage for all Americans, and for other purposes.

A bill (S. 5) to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

A bill (S. 6) to restore and enhance the national security of the United States.

A bill (S. 7) to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

A bill (S. 8) to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

A bill (S. 9) to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

A bill (S. 10) to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

A bill (S. 33) to amend the Internal Revenue Code of 1986 with respect to the proper

tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

A bill (S. 34) to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar en bloc.

MEASURE READ THE FIRST TIME—S. 22

Mr. REID. Mr. President, S. 22 was introduced earlier today by Senator BINGAMAN. It is my understanding that is the case and is due for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be read a second time on the next legislative day.

ORDER OF BUSINESS

Mr. REID. Mr. President, I have notified a number of Members—I had a meeting with them at 9 o'clock this morning—that because of a Senator not allowing us to move forward on this legislation last night and throwing every procedural hurdle in the way of these bills, which is now in the form of one bill, we are going to have a vote Sunday morning in the Senate. So everyone should understand, Sunday morning we are going to have a vote in the Senate.

I have had a number of meetings with President-elect Obama. We have a lot to do. I spoke with Senator MIKULSKI right before coming in. I have spoken with Senator KENNEDY today. The Ledbetter legislation, to make things more fair for people, especially women, is the next piece of legislation we are going to move to after this bill. We have just a few days to do all this work.

As President-elect Obama has said, there are people out there who would love to work on Sunday. We are going

to have to spend time on Saturdays, Sundays, and nighttime, especially during the first several months of this difficult time in which we find ourselves in this country. Everything that should be up is down. Alcoa is laying off 13,500 people today. The word is out that they expected about 400,000 jobs to be lost this month. They are reporting within the next few hours almost 700,000 jobs were lost this month. Do you think we can work a weekend, maybe take a Saturday vote or a Sunday vote? I think we better do that. Senators should cancel their travel plans this weekend.

I have a family just like everyone else does, and I would rather not be here this weekend. But I want everyone to understand—I am glad Republicans are on their retreat. That is important. We are going to have one later on. I hope the staff will alert them that on Sunday we are going to have a vote. I am sorry for the inconvenience, but as President-elect Obama has said, there are people out there who would like to be able to work on Sunday. They would like to work anytime; they don't have jobs. Mr. President, 670,000 people this month have lost jobs. Think about that—670,000 people have lost jobs.

Mr. President I want to say just one thing. This is Senator BYRD's 50th anniversary. I spoke at some length yesterday about his record. I don't want this day to go by without having acknowledged the 50th anniversary of Senator BYRD's service in the Senate. Senators will be coming to the floor today to talk about Senator BYRD's 50 years of service. At a later time, we will put that into a document and have that available for the public and individual Senators.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. CASEY. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 2:15 p.m., recessed subject to the call of the Chair and reassembled 3:04 p.m., when called to order by the Presiding Officer (Mrs. McCASKILL).

The PRESIDING OFFICER. The Senator from Maryland.

ISRAEL AND GAZA

Mr. CARDIN. Madam President, a nation's first responsibility is to defend its citizens against hostile threats. The United States exercised that responsibility when the Taliban Government of Afghanistan supported terrorist attacks against our country. Israel has the responsibility to protect its citizens from Hamas terrorist attacks.

I am deeply saddened by the continued violence and loss of innocent lives on both sides of the Israel-Gaza border.

I strongly support Israel's right to defend its citizens against threats to its security and its existence. I wholeheartedly agree with President-elect Obama who defined the problem very clearly:

If somebody was sending rockets into my house, where my family slept at night I'm going to do everything in my power to stop that.

The recent military action in Gaza is in direct response to numerous rocket and mortar attacks from militants in the Hamas-controlled Gaza, which have killed and injured Israeli citizens and currently paralyzes the southern regions of Israel.

Southern Israel cities have been the target of over 4,000 rockets and thousands of mortar shells since 2001, the majority of which were launched after Israel withdrew from Gaza in August 2005. During the more recent 6-month truce, more than 215 rockets were launched at Israel. Hamas has been extending the range of its striking capability, with new rockets supplied by Iran. The Israeli Government now knows that Hamas had acquired rockets that can reach Ashdod and even the outskirts of Beersheba.

Hamas' willingness to extend its reach deeper into Israel and its overall failure to end attacks exacerbates the already fragile humanitarian situation for the residents of Gaza and undermines efforts to attain peace and security in the region. As a result of the fighting, Gaza City and its main medical center, Shifa Hospital, have been left without electricity and hospitals are pushed beyond their capacity to handle the number of victims. Hamas seems to care more about inflicting damage on Israel than the protection and welfare of its own citizens.

Hamas poses a critical challenge to the regional peace process. Labeled as a terrorist organization but holding seats in the Palestinian Government and acting as the controlling authority in Gaza, the organization's leaders encourage violence and cling to the belief

that Israel itself should be destroyed. Questions remain as to whether or not the organization should even be included in peace negotiations, but the fact remains that the threat Hamas poses to Israel is an obstacle to any negotiation efforts.

I urge Israel and the Palestinians to take advantage of the current efforts to broker a sustainable cease-fire and a negotiated peaceful settlement. Any such cease-fire must include Hamas' ending its rocket and mortar attacks, recognize its neighbor's right to exist, renounce violence, and honor all past agreements in order to move toward a two-state solution based on mutual peace and security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STIMULUS

Ms. KLOBUCHAR. Madam President, we all know the American economy is in a challenged state. That is a nice way of putting it. I spent about a week in December traveling around my State visiting 22 counties, meeting with people who had been working three jobs, had their hours reduced, were afraid they weren't going to be able to buy their grandkids Christmas presents. Letters coming to my office included a woman who said she inherited a small amount of money from her dad. She thought that would go to her daughter's wedding, but instead it was used to pay for her retirement because she had lost so much money from her retirement funds. We heard stories of a man and his wife who would put their daughters to bed at night and gather at the kitchen table, shaking their heads and wondering how they were going to make it. Those were the comments I heard when I was home in Minnesota in December.

I also saw some optimism and hope as I traveled the State and saw the growing energy economy and heard the enthusiasm for our new President-elect. Obviously, there was frustration with what has been going on with this administration for the past 8 years and how they have not had a forward-thinking plan for the economy. People have hope that is going to change.

I can tell there is widespread interest in the economic stimulus package proposed by the new President. There is widespread interest in my State for infrastructure spending, for the energy jobs. One thing I believe we need to devote some specific time to in the next few weeks—and I know the new President is interested in this—is the idea of

looking not only at roads and bridges and infrastructure but to look at technological infrastructure, to figure out why we have had trouble competing with countries around the world.

When one talks to people in Park Rapids, MN, who go maybe a mile out of town, they can't get on the Internet or it costs them \$700 a month if they are going to do satellite, or they can be stuck with dial-up that is so slow they can hardly use it, you get to understand the need for better technological infrastructure. What I finally figured out, after this 22-county tour—I had been trying to figure out why some companies say they are offering Internet service. I finally figured out what the problem is. In many parts of my State, they may have Internet service, but it is either much too slow or much too expensive.

As a country we have ensured that every American has access to telephone service and electricity regardless of economic status. We must now do the same for broadband Internet access. Broadband not only creates educational and health care opportunities, it can create opportunities for businesses and employment that would otherwise not exist in rural communities.

In these tough economic times, broadband deployment creates jobs—not only the direct creation of jobs in the tech sector but also the creation of even more indirect employment opportunities by increasing access to broadband.

After visiting 22 of Minnesota's counties, I convened a Broadband Roundtable in my State on December 29. I heard firsthand from people about the importance of making sure they have access to fast and affordable broadband. We have had success stories in our State, as well.

One story I heard when I was out in a small town in Minnesota—Sebeka—they began diversifying early into cutting-edge technologies, including fiber optic infrastructure, digital telephone switching, cable and satellite TV, broadband Internet service to 100 percent of their customers. They have a very high percentage—I think 70 to 80 percent—of people who are actually purchasing this high-speed Internet in a very small town in a remote area of Minnesota.

The government of Carver County, MN, is leading a collaborative effort to interconnect county facilities with cities, school districts, townships, and other entities in the development of high-speed communications.

Through a number of funding and technical assistance programs, Minnesota's Blandin Foundation's Broadband Initiative has worked in rural Minnesota communities to educate community leaders and to get these partnerships started.

Despite these local success stories, however, much more needs to be done.

The overall reality is America has become an international laggard on broadband. In 2000, the United States ranked 4th among 30 nations surveyed in broadband subscribership, according to the Organization for Economic Cooperation and Development. Today, the United States is 15th on the list. So in the last 8 years, we have gone from 4th in the world to 15th in the world. That is not the kind of progress that is going to keep this country moving and get us back on track.

According to the International Telecommunications Union, the United States is now perched as 24th in the world in broadband penetration. Canada has a higher level of broadband penetration and digital opportunity than we do.

Broadband adoption in the United States does continue to grow—from 47 percent of homes in March 2007 to 55 percent in April 2008. But the figure is significantly lower for those living in rural America: only 38 percent.

Of course, we have to consider more than just access, as I noted earlier. We need to look at speed. We need to look at speed if we are going to compete with countries such as India and Japan.

So we have work ahead of us. All of us understand broadband is a critical infrastructure for the 21st century. By one estimate—to give you a sense of what we are talking about, jobs—every 1 percentage point increase in broadband penetration per year would lead to the creation of nearly 300,000 new jobs. That is why it is essential that all communities, including our rural communities, have the opportunity to take advantage of the opportunities offered by this 21st-century infrastructure. I want these jobs in my State going to Thief River Falls or Lanesboro or Crookston instead of going off to other countries such as Japan and India. It is that simple. I want these jobs to stay in the United States. We have seen the challenge before to make sure our rural communities are not left behind as technology develops.

For example, there are still many Americans who can remember growing up in homes with no electricity and no telephone service. In 1935, about 80 percent of all homes and towns and cities in the United States had electricity, but fewer than 12 percent of farms in America had electricity, and only about 25 percent had telephone service, which was often unreliable.

In 1935, President Roosevelt created the Rural Electrification Administration, REA. The REA helped organize and support farmer-owned electric cooperatives to bring electricity to farms. By 1949—this was from 1935 to 1949—more than three-quarters of all farms in America had electricity. So with those standards that were put in place, it went from 12 percent to 75 percent. That is an amazing achievement during a time of crisis because people believed you could get this done.

The penetration of telephone service actually took longer. In 1949, only 36 percent of America's farms had telephone service. That year, a telephone amendment was added to the Rural Electrification Act, which made loan funds available to finance rural telephone systems. In just a little more than a decade, nearly 80 percent of farms had telephone service.

Even much of our modern transportation infrastructure—including paved roads and steel and concrete bridges—has come into existence only in the past 70 years, thanks to both the New Deal and President Eisenhower's Interstate Highway Program. Our broadband infrastructure presents us with the same challenge to make sure no one is left behind.

President-elect Obama understands that broadband must now be considered a basic part of our national infrastructure. He also understands that investment in our broadband infrastructure is essential to our long-term prosperity.

A few weeks ago, in a weekly address, President-elect Obama announced that a key part of his economic recovery plan would involve increasing broadband deployment and adoption, saying:

It is unacceptable that the United States ranks 15th in the world in broadband adoption.

On Monday of this week, I sent a letter to the President-elect applauding his efforts to include investment in our Nation's information infrastructure as part of an economic stimulus package. I also asked that he consider these partnerships that we have seen work so well in our State, and that matching grants on the Federal level to work with the local communities would be one way to spur broadband development.

I finally asked him to look at the fact that this is not just about communities that have no access, it is also about communities that have had access or slow access or too expensive access. If we really want to get the broadband infrastructure in place, we have to make it work for everyone, just as what Dwight D. Eisenhower did with the highway system in the 1950s, and just as President Roosevelt did with rural electrification in the 1930s and 1940s.

I believe any economic stimulus package must include mechanisms designed to bring affordable and fast broadband to this country. An economic stimulus package should fully fund the Broadband Data Improvement Act, which I cosponsored and which passed last Congress.

Any economic stimulus package, as I mentioned, must also fund matching grants for community-level partnerships that demonstrate strong cooperation among local governments, businesses, schools, health care, and others.

Finally, one aspect of the Nation's information infrastructure that may continue to elude us absent some type of Federal involvement is the creation of an advanced, interoperable communications network for public safety.

I still remember hearing when one of our police officers was shot and killed in St. Paul, MN, how those who were trying to apprehend the person, the murderer in this case, were trying to communicate. When they were up in the helicopter, they literally had to have multiple walkie talkies and telephones, sometimes six or seven, to try to match up with all the phone systems that were in use across the area.

Well, since then we have had improvements in the large metropolitan area of the Twin Cities in our interoperability, but we do not have that kind of matching and that kind of cooperation in the rural parts of our State, nor do we have it across the country.

The first responsibility of government is to protect its citizens. The fact that our Nation's police, fire, and other first responders, including those in our rural areas, still do not have access to such a network more than 7 years after the tragic events of September 11 is simply unacceptable. I believe consideration of this issue in the context of broadband stimulus measures may present the best chance to address this continuing problem.

I join the President-elect and so many in this Senate in calling for 21st-century technology to create jobs and help our economy be more robust and competitive in the long term. This is about creating immediate jobs, and we can get that with technological infrastructure. But it is also about creating jobs in a way that leaves us with something that will actually move this economy forward.

This technological infrastructure, whether it be the electricity grid or whether it be the broadband I have spoken about today, is really our rural electrification. It is our interstate highway program. It is our generation's chance to build this infrastructure in a way that will fit the changing needs of this country and allow us to compete on the world stage.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. LEAHY. Madam President, I couldn't help thinking today, as we

were sitting in our weekly caucus—that the senior member of our party here in the Senate and the most senior Member of the Senate, and the senior Senator from West Virginia, the distinguished ROBERT C. BYRD, has now served 50 years which is an all time record as the longest serving Senator in our country.

I have had the privilege of serving beside Senator BYRD for 34 years and am proud to call him a very good friend. When I first came to the Senate as a new Member, it was ROBERT BYRD who took me aside and talked to me about the rules of the Senate. Senator BYRD took the time to speak about the rules and history of the Senate, but he also talked about the customs, and practices of this body. He spoke of the way you treat each other, and how you treat members of the other party. He also explained the customary order of recognition, the kinds of courtesies you use and the importance of taking into consideration the needs of another Senator.

Senator BYRD and I have sat here through inaugurations of Presidents, and we have traveled together to funerals of colleagues with whom we have served. His late wife, Erma, and my wife, Marcelle, were friends and would often ride together down to the Senate for Senate gatherings. I know I would always enjoy running into Erma and BOB in the grocery store in McLean, VA. After a while, we would tend to forget what it was we had gone to the store for because we would be catching up on the news of the Senate. Throughout it all, BOB BYRD has always had that great sense of what it means to be a Senator.

I said many times on the floor of this Senate that there are only 100 of us who have the privilege at any given time to serve here and the American people. BOB BYRD has always understood that better than most of us ever will. We can be and should be the conscience of the Nation.

We are, above all, a Senate of reasonable men and women who live by very specific rules, and we hurt both the Senate and the country if we ignore those rules. So many times I have heard Senator BYRD, who would see us moving away from the rules which guide us, stand up to address the Chair and remind each one of us what it means to be a Senator, what it means to protect those principals and what it means to serve this country.

Senators come and go. All of us will at some time leave this body. But those Senators who do the most to uphold and keep the functions and history of the Senate alive are the ones who will make it a better place for the next generation of Senators. Senator BYRD has authored histories of this Chamber, but then he has also lived the history of this Chamber.

I salute my good friend from West Virginia. I look forward to serving with him for years to come.

Mr. ROCKEFELLER. Madam President, I rise today to honor a giant of the Senate, my colleague and the senior Senator from West Virginia, ROBERT C. BYRD.

Yesterday we watched a number of new Senators take an enormously important oath to serve our country and to defend our Constitution. I was included in taking that oath and I couldn't help but think of my new colleagues. If these new Senators are looking for an inspiration, a guiding light, or a model, the way that I did some years ago, they need look no further than the seat directly behind our distinguished majority leader.

In that seat they will find a man who took that same oath that we did 50 years ago today. Senator BYRD has taken that oath a total of nine times. He has cast more votes than anyone in the history of the Senate. He has held more leadership positions than anyone in the history of the Senate. He has served longer than anyone in the Senate. He has literally written the book on the Senate and lived the story of the Senate over five decades.

ROBERT C. BYRD is nothing short of a legend. However, 50 years ago today he was a young man from West Virginia who married a coal miner's daughter. He had spent 4 years in the West Virginia Legislature and 6 years in the U.S. House of Representatives.

No one could know in 1959 that he would be a legend in 50 years. What they did know was ROBERT CARLYLE BYRD was an ambitious self-starter who would put himself through law school while serving in the U.S. Congress.

They knew Senator BYRD was always willing to help a colleague and to provide advice and guidance.

In 1959 they knew ROBERT BYRD had married his grade school sweetheart—Erma Ora—who would stand with him her entire life and was just as beloved as he was in West Virginia and in Washington. Senator BYRD always knew Erma's greatness saying she was not only his wife but his best counselor.

Speaking of West Virginia, the Senate knew from his first days here that he would advocate fiercely for the citizens of our State and throughout the years would bring prosperity to West Virginia.

While they knew these things in 1959, today we know Senator BYRD as the conscience of the Senate. We know him as the Senator with the greatest longevity. In West Virginia we now know him as the West Virginian of the 20th century and I am glad the Nation has had the opportunity to get to know Senator BYRD over these last 50 years.

I know my colleagues join me in congratulating Senator BYRD on a record-

setting 50 years in the Senate. Senator, I wish you many more.

Mr. DURBIN. Madam President, I want to join Senator REID and all of my colleagues in congratulating Senator ROBERT BYRD on reaching yet another historic milestone in his lifetime of public service.

In the history of the U.S. Senate, only one Senator, ROBERT CARLYLE BYRD, has served for 50 years.

A half century of service to his State, our Nation, this institution, and our Constitution. That is a remarkable achievement and one that we are not likely to see again for a very long time.

Senator BYRD is, of course, a great student of history and the author of the definitive work on the history of the Senate. In fact, one could say that ROBERT C. BYRD is Senate history.

Senator BYRD has served with (not under, with) 11 Presidents—very soon to be 12 Presidents.

He was the first U.S. Senator ever to cast 15,000 votes, and he is the only Senator ever to cast 18,000 votes.

Senator BYRD has served as majority leader, and held more leadership positions than any Senator in history.

To help put the length of his service in perspective, consider a few facts:

When Senator BYRD cast his first vote in the Senate—on January 8, 1959—his colleagues included Senators John Kennedy and Lyndon Johnson. Vice President Richard Nixon was the Presiding Officer. Hawaii was not yet a State. And a state-of-the-art computer would have taken up half of the space of this Chamber and had roughly the same amount of computing power as a Palm Pilot.

He has been a candidate for election 13 times—10 times as a candidate for the Senate and 3 times as a candidate for the House. He won every time.

And he has become perhaps the most popular political figure in West Virginia history. He was named West Virginian of the Century by the residents of his home State.

Senator BYRD's recent reelection to this body is a testimony to West Virginians' enduring respect and admiration for this proud son of "the Mountain State."

It is an honor to serve with this giant of Senate history, and to share with him this milestone. Again, I commend him and congratulate him.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I would like to offer my very sincere and heartfelt congratulations to the

President pro tempore of this body, Senator ROBERT BYRD. He has served in the body for 50 years. I have had the privilege of working on the Appropriations Committee with him. There has been no one who has been more faithful to the Constitution, to the goals of the Senate or who has served this Senate more honorably. I wish to say congratulations, Mr. Chairman. May you have many more years.

LAWFUL INTERROGATION AND DETENTION ACT

Mrs. FEINSTEIN. Madam President, I would like to speak—and I am joined on the floor by my comember of the Intelligence Committee, Senator RON WYDEN, who will also speak on this issue—about the bill that Senators ROCKEFELLER, WYDEN and WHITEHOUSE and I introduced yesterday. It is the Lawful Interrogation and Detention Act.

I began this effort some time ago because I believe very strongly it is time to end the failed experiment at Guantanamo. It is time to repudiate torture and secret disappearances. It is time to end the outsourcing of coercive interrogations to outside contractors.

I believe it is time to return to the norms and values that have driven the United States to greatness since the days of George Washington but have been tarnished in the past 7 years. That is what both Senator WYDEN and I hope this bill will do.

I have sent a copy of it to President-elect Obama's transition team. I have had occasion to talk with him about it and indicated that we look to work closely with him.

What this bill would do is require the President to close the detention facilities at Guantanamo Bay within 12 months. The need to close this facility is clear. Along with the abuses at Abu Ghraib, Guantanamo has been decried throughout the world. It has helped our enemies recruit, it has reduced America's credibility worldwide, strained relationships with our allies, and created a misguided dual legal system.

Additionally, the Supreme Court now has ruled four times that the procedures put in place at Guantanamo are illegal. First, in *Rasul v. Bush*, the Court ruled the administration could not hold detainees outside U.S. law on Guantanamo soil; second, *Hamdi v. Rumsfeld*, in which the Court ruled the Government could not detain a U.S. citizen without due process and struck down the executive's process of labeling detainees as unlawful enemy combatants; third, *Hamdan v. Rumsfeld*, in which the Court struck down the administration's process for trying detainees outside the civilian legal system or the Uniform Code of Military Justice; and most recently in *Boumediene*, in which the Court ruled that detainees must be afforded habeas corpus.

Guantanamo was explicitly created to be a separate and lesser system of justice, to hold people captured on or near the battlefield in Afghanistan indefinitely. In 7 years, it has produced three convictions, including Australian David Hicks—who agreed to a plea bargain to get off the island, and Osama bin Laden's driver, Salim Hamdan, whose sentence is almost already up.

The hard part about closing Guantanamo is not deciding to go do it; it is figuring out what to do with the remaining detainees. Under the Lawful Interrogation and Detention Act, the approximately 250 individuals now being held there would be handled in one of five ways.

No. 1, they can be charged with a crime and tried in the United States in the Federal civilian or military justice systems. These systems have handled terrorists and other dangerous individuals before and are capable of dealing with classified evidence and other unusual factors.

Second, individuals could be transferred to an international tribunal, if such a tribunal exists.

Third, detainees could be returned to their native countries or, if that is not possible, they could be transferred to a different country.

To date, more than 500 men have been sent from Guantanamo to the custody of other countries. Recently, Portugal and other nations have suggested they would be open to taking some of the remaining detainees as a way to help close Guantanamo. That is good news.

If there are detainees who cannot be charged with crimes or transferred to the custody of another country, there is a fourth option. If the Secretary of Defense and the Director of National Intelligence agree an individual poses no security threat to the United States, the U.S. Government may release him. This may work, for example, for the Chinese Uighurs remaining at Guantanamo. I believe five or six Uighurs have already been released. The District Court for the District of Columbia has ordered that the remaining 17 Uighurs be released into our country. That decision has been stayed upon appeal.

Finally, for detainees who cannot be addressed in any one of the other four options, the executive branch could hold them under existing authorities provided by the law of armed conflict.

I believe these options provide sufficient flexibility to handle the 250 or so people now being held at Guantanamo. If the incoming Obama administration decides that other alternatives are needed, I hope they will come to the Congress, explain the specifics of the problem, and we will work toward a joint legislative solution.

The three other provisions in the legislation end parts of the CIA's secret detention and interrogation program.

Some of the details of the program are already publicly known, such as the use of waterboarding on three individuals some years ago. Other aspects remain secret, such as the other authorized interrogation techniques and how they are used.

There have been public allegations of multiple deaths of detainees in CIA custody. There was one conviction of a CIA contractor in the death of a detainee in Afghanistan, but other details remain classified.

But it is well known that on August 1, 2002, the Justice Department approved coercive interrogation techniques, including waterboarding, for the CIA's use. This, despite the fact that the Justice Department has prosecuted the use of waterboarding, and the State Department has decried it overseas.

The administration used what I believe to be faulty logic and faulty reasoning to say that waterboarding was not torture. In fact, it is.

We will never turn this sad page in our Nation's history until all coercive techniques are banned and are replaced with a single, clear, uniform standard across the U.S. Government. I cannot say that too strongly.

That standard established by this legislation is the interrogation set of protocols outlined in the Army Field Manual.

This is the field manual. It is not a casual document. It has been developed and revised over a period of time. It contains 19 specific interrogation techniques. They work for the military and operate under the same framework as the time-honored approach of the FBI. If the CIA would abide by its terms, it would work for the CIA as well.

These techniques were at the heart of former FBI Special Agent Jack Cloonan's successful interrogation of those involved in the 1993 World Trade Center bombing. They were also the tools used by Special Agent George Piro to get Saddam Hussein to provide the evidence that resulted in his death sentence.

We have powerful expert testimony that the Army Field Manual techniques work against terrorist suspects. The manual's use across the Government is supported by scores of retired generals and admirals, by GEN David Petraeus, and by former Secretaries of State and national security advisers of both parties.

Majorities in both Houses of Congress passed this provision last year as part of the fiscal year 2008 intelligence authorization bill. I offered that amendment, as I believe Senator WYDEN will remember, in the joint conference between the House and the Senate Intelligence Committees, and it was added to the bill.

It sends a clear message that we do not support coercive interrogations. But, regrettably, the President's veto

of the bill stopped it from becoming law.

The President-elect agrees that we need to end coercive interrogations and to comply strictly to the terms of the Convention Against Torture and the Geneva Conventions. So we look forward to working with him to end this sad story in our Nation's history.

The third part of this legislation is a ban on contractor interrogators at the CIA. Now, this is interesting. Unlike the FBI, where FBI agents do their own interrogations, CIA agents do not carry out all their interrogations. They hire contractors to do so. As General Hayden has testified, the CIA hires and keeps on contract people who are not intelligence professionals and whose sole job is to break detainees and get them to talk.

Now, I firmly and staunchly believe that outsourcing interrogations, whether coercive or more appropriate ones, to private companies is a way to diminish accountability.

I also believe the use of contractors leads to more brutal interrogations than if they were done by Government employees.

Think about it. You can have a set of interrogation practices and, dependent upon who administers them and the length of time they are administered and the combination in which they are administered, they can have very different effects on an individual.

There are surely areas where paid contractors make practical and financial sense. Interrogation, a form of collecting intelligence, is not one of them.

The fourth and the final provision in this legislation requires that the CIA and other intelligence agencies provide notification to the International Committee of the Red Cross, the ICRC, of their detainees. Following notification, the CIA will be required to provide International Red Cross officials with access to detainees in the same way the military does.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. Access to a third party and the ICRC, in particular, was seen by the United States in 1947 as a guarantee that American men and women would be protected if they were ever captured overseas.

I believe it still remains that guarantee.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But this is a war that will be won by fighting smarter, not sinking to the depths of our enemies.

Our Nation has paid an enormous price because of these interrogations. They cast shadow and doubt over our ideals and our system of justice. Our enemies have used our practices to recruit more extremists. Our key global partnerships crucial to winning the war on terror have been strained. It

will take time to resume our place as the world's beacon of liberty and justice. But I deeply believe, and the cosponsors believe, this bill will put us on that path and start the process.

So I urge its passage. I ask unanimous consent to have printed in the RECORD the history of this legislation and the matters it contains.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE ACTIVITY ON GUANTANAMO AND CIA INTERROGATIONS

April 30, 2007: Introduced the first Senate legislation to close Guantanamo (co-sponsors: Dodd, Whitehouse, Kennedy, Clinton, Kerry).

July 11, 2007: Introduced amendment to close Guantanamo to the FY08 Defense Authorization bill. Amendment blocked from receiving Floor consideration. (co-sponsors: Harkin, Dodd, Clinton, Brown, Bingaman, Kennedy, Whitehouse, Obama, Salazar, Durbin, Byrd, Biden, Hagel, Boxer, Feingold).

December 5, 2007: Offered amendment to restrict CIA to Army Field Manual interrogation techniques to the FY08 Intelligence Authorization conference report. Amendment adopted, passed in conference report by House and Senate, vetoed by President Bush March 8, 2008. (amendment co-sponsors: Hagel, Whitehouse, Feingold).

August 1, 2008: Introduced legislation restricting the CIA to the Army Field Manual, banning contractor interrogations, and providing access to detainees to the ICRC (co-sponsors: Rockefeller, Whitehouse, Hagel, Feingold, Wyden).

January 6, 2009: Introduced legislation to close Guantanamo, restricting the CIA to the Army Field Manual, banning contractor interrogations, and providing access to detainees to the ICRC (cosponsors: Rockefeller, Wyden, Whitehouse).

Mrs. FEINSTEIN. Now I will defer to my distinguished friend, my colleague, the Senator from Oregon, the Honorable RON WYDEN.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I am very pleased to be able to be out on the Senate floor today with our incoming chair of the Intelligence Committee to discuss this legislation. Senator FEINSTEIN and I have sat next to each other on the Intelligence Committee now for I think about 8 years. We have talked about this issue on many occasions. I commend the Senator from California for all of her leadership.

This is the right way to start off our committee on breaking with the last 8 years of flawed policies that have been of dubious effectiveness and dubious legality. I am very pleased, honored to be one of our cosponsors, and I note that our outgoing chair, Senator ROCKEFELLER, is one of our cosponsors, and SHELDON WHITEHOUSE, the distinguished Senator from Rhode Island, is one of the cosponsors and is a great addition to our committee as well. So I thank the chair for all of her leadership.

What I think Senator FEINSTEIN has touched upon, and very thoughtfully,

is, if you share our view that it is possible to fight terrorism ferociously without compromising American laws or American values, you must, as Senator FEINSTEIN has correctly stated, you must be smarter in order to strike that balance in a dangerous world.

Regrettably, this administration has not been willing to show this sort of wisdom. All too often for the last 8 years the administration has engaged in complicated legal gymnastics to justify antiterrorism programs that, in my view, are of questionable effectiveness, questionable legality. Today, the incoming chair of our committee, Senator FEINSTEIN, is helping us with this important legislation. The Lawful Interrogation and Detention Act is helping us to right the balance and show the country that with smart antiterrorism policies we can effectively fight the war against terrorism and at the same time restore our moral authority and protect our values.

I will tell you, based on the information I have seen again and again, and what we are told by military leaders, these coercive techniques simply are not effective. General Petraeus, for example, has discussed with respect to soldiers in Iraq, that coercive techniques may be usable in terms of forcing someone to talk, but that does not necessarily mean the person will say something that protects American security.

Senator MCCAIN, our distinguished colleague from Arizona, has made much of the same point. Certainly, the use of these techniques in a number of instances can be detrimental to our national security. Certainly, the techniques have discouraged allies in the past from cooperating with us and, frankly, in my view, they serve as something of a recruiting poster for our enemies.

One of the areas I hope to pursue in the future, not as part of this legislation but working with our incoming chair, working with our ranking minority member, Senator BOND, and the administration of the President-elect, is I hope to be able to declassify a significant portion of the history of this program, particularly the legal underpinnings of this program, so the American people will actually be able to see that much of what has been done in the last 8 years simply is not as effective in the war against terrorism as the American people deserve.

Certainly, it is important to recognize that when Americans are captured abroad in the future, international standards of prisoner treatment, particularly the Geneva Convention, will sometimes be the only shield they have. These standards have evolved from hopeful ideals into widely observed rules of conduct, partly because the most powerful country on Earth has led by example.

Anytime our Government attempts to dodge these standards, it weakens

them, and it increases the risk of abuse for our prisoners. The fact that our worst enemies have horrifying and barbaric methods for dealing with prisoners does not, in my view, make these methods useful or legitimate.

I am confident that President-elect Obama is not going to engage in many of the practices that we have seen in the last 8 years. But I certainly want to pass legislation that codifies these important principles and makes sure that none of his future successors engage in these practices. That means you have to make the laws plain; you have to make them strong. This legislation will make them plainer and stronger than they are today. I would submit that is essentially what Senator FEINSTEIN has been working for all these past years.

I want to mention a couple of the other provisions. I was struck by Senator FEINSTEIN's comment with respect to the use of contractor interrogators at the CIA. As Senator FEINSTEIN noted, we do not get to have a lot of open sessions in our Intelligence Committee. That is for obvious reasons; we are dealing with classified material. But I have felt, as Senator FEINSTEIN, very strongly about this topic and actually raised this concern with Admiral McConnell at his confirmation hearing to head our intelligence service. I remain concerned about this issue, and that provision in the Feinstein legislation is especially important, in my view, because interrogators must be accountable. Under the clear language with respect to these interrogators in the Feinstein legislation, that will be the case.

Finally, let me comment on the provision that closes the prison at Guantanamo. During the past 8 years, I was concerned about the potential impact of this legislation and this provision. I was concerned at that point because it was not clear to me that President Bush had a competent plan for dealing with all of the prisoners currently held there.

I was concerned that closing Guantanamo could simply lead to a massive upswing in extraordinary rendition. Fortunately, President-elect Obama is working on a different strategy for dealing with those prisoners at Guantanamo, so I no longer have the same concern that under his administration we would simply have prisoners handed over to foreign countries that would torture them. I have long believed that if you looked at the intent of the Bush administration in this area, they sought to create a prison at Guantanamo Bay that would be under U.S. control but beyond the reach of U.S. law. Now the Supreme Court has definitively ruled that constitutional protections apply to people at Guantanamo Bay. So I would hope that even the prison's strongest advocates would say it serves no useful purpose.

The combination of the clear language in the Feinstein legislation we discuss today and that President-elect Obama is looking at a comprehensive plan for dealing with the prisoners at Guantanamo leaves me with a reassurance that there is a chance to close this prison and do it in a responsible fashion that will protect America's national security interests.

There are four of us who are sponsoring this legislation. We have sought for many months to get these issues of interrogation and Guantanamo right. We have consistently tried to pursue this in a bipartisan fashion. We are going to continue to do so in this session.

I believe, under the leadership of our incoming chair, it is going to be possible to get our Nation's counterterrorism program back on a firm legal and operational footing and prevent the mistakes of the past from being repeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the Senator. We are both westerners. We did sit together for about 8 years on the committee. As such, I have had a chance to discuss a great deal about this topic. It is a matter of very deep conscience and a sense of values of everything this Nation stands for, the thing that sets us apart from many other countries who pick people up and do horrible things to them. We don't do that. We have always had such pride in that. The Senator hit a nail on the head. People may talk, but they can say anything they want. It is not necessarily valuable. It is not necessarily actionable intelligence. Sometimes it might be. But there are other ways of doing this and not sacrificing the values we hold dear. The nearest tool to achieve that is the Army Field Manual.

It has been great for me to work with the Senator from Oregon, and I look forward to working with him in the future. I thank him very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that I be allowed to speak for such time as I may consume in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Thank you, Madam President.

I come to the floor today to offer my support for S. 147, the Lawful Interrogation and Detention Act, which my

very distinguished colleagues, Senator FEINSTEIN of California and Senator WYDEN of Oregon, have just spoken about.

This bill would do three very important things. The first is force the closing of the interrogation and detention activities at the Guantanamo Base. I have supported previous legislation that would do this. I enthusiastically support this legislation to do it.

The Bush administration has created a pretty significant mess with the activities down at Guantanamo. Unfortunately, some things you can snarl up so tightly that it becomes very difficult to unsnarl them, and I am afraid that is exactly the situation with Guantanamo. It will be difficult to unsnarl. It is a real challenge for the incoming administration. But it is vital that we do so because it has become a symbol to the rest of the world of America's departure from our core principles. So I am enthusiastically in support of that provision.

Another provision would restrict our interrogation activities to those techniques that are permitted under the Army Field Manual. In effect, it would end our embrace of enhanced interrogation techniques—indeed, torture.

In support of this notion, I would cite GEN David Petraeus, the Commander of the Multi-National Force in Iraq in 2007, who at the time wrote a letter to all U.S. military forces in Iraq. In that letter, he said this:

Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone "talk;" however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

We have heard arguments that, well, you can't really rely on military interrogators. They don't really know what they are doing. They are amateurish. They need the limitations of the Army Field Manual. By contrast, the interrogators of the CIA and of our intelligence community are experts and much more sophisticated and adept and don't need to have the Army Field Manual restricting them, as if it is some sort of a learner's permit for interrogation.

If you look at the facts, the reverse is actually true. It is the military that has officers with literally decades of experience interrogating enemy prisoners, interrogating enemy prisoners in situations where their fellow soldiers' lives are on the line, where men and women will die or live because of the information they are able to elicit. Notwithstanding those high stakes,

they live by the terms of the Army Field Manual. By contrast, we know that the CIA really did not know much about interrogations, that when they got into the business, they had to learn about it. The place they chose to learn was from the SERE Program, a program designed to train American soldiers, airmen, sailors and marines who are likely to be captured by enemies that engage in torture how to be prepared for that, how to withstand it. So for training purposes, to prepare them for these ordeals, they used the interrogation techniques of despot, tyrant nations—North Korea, Communist China, Soviet Russia. For some reason, that was where our intelligence community thought it needed to go for expertise in how you interrogate prisoners, never minding the fact that the purpose of those despot regimes was not to interrogate prisoners and get actionable intelligence information; it was to torture those prisoners so they would say things and produce propaganda for those tyrant regimes.

So the notion that the military is a bunch of amateurs in intelligence who need the constraint of the Army Field Manual to prevent them from making amateur errors and the CIA is a bunch of clever, crafty experts who can operate at a graduate level for all of this is absolutely backward.

The damage that has been done to our country by this decision is, in my opinion, incalculable. When I think of the choice that was made to go this road, I am reminded of a phrase of Winston Churchill's. He describes a bad and dangerous decision that leads to worsening consequences in this way. He describes it as going down "the stairway which leads to a dark gulf. It is a fine broad stairway at the beginning, but after a bit the carpet ends. A little farther on, there are only flagstones, and a little farther on still these break beneath your feet." That is where we stand now, in this dark, descending stairway, with flagstones crumbling beneath our feet and the world looking on in horror at our departure from our core principles. I believe this legislation will help turn us back away from that dark and descending stairway, back into the light of our own best principles and the good will of our fellow nations.

America has not only suffered grievous and lasting harm from this administration's embrace of torture but also from this administration's embrace of torture's handmaiden. Torture's handmaiden, of course, is secret detention.

The bill Senator FEINSTEIN and Senator WYDEN are proposing would require the International Committee for the Red Cross to have access to any prisoners held by the intelligence agencies. The ICRC has been visiting detainees in connection with armed conflict since 1915, nearly a century. In

2007, the ICRC visited over half a million detainees in 77 different countries to ensure respect for their life, dignity, and fundamental right to judicial guarantees. All of those notions are enshrined in our own Constitution. They are our national bedrock.

Thirty-eight retired military leaders, distinguished generals and admirals, have concluded that the ICRC access to prisoners held by our Government is a "critical measure to ensure continuing respect for the norm that [ICRC] access must be provided to all captives in wartime." This letter comes from battlefield warriors and intelligence officers who participated in every major American conflict from World War II until today. One of them, less than 3 years ago, was a member of our Joint Chiefs of Staff. They understand that this is important, and they understand why.

If we go down the corridors of history and survey the evil practices of tyrant regimes, we find one of their most notorious methods of coercion and subjugation is holding prisoners secretly and incommunicado. From the oubliettes of the Bourbon Kings of France to Calcutta's Black Hole, from the Gestapo's secret prisons to the Soviet gulags, from medieval dungeons to the bamboo cages of the Cambodian killing fields, secret and anonymous imprisonment has always been the hallmark of the despot. And now the Bush administration has stamped America with this shameful mark.

Our military leaders who are in the best position to judge are pushing back and saying "enough." Why do they do that? I think they do that because they are not beguiled by the force of arms. They live with the likelihood of armed conflict, of injuries, of fatalities. They understand that we engage in that to defend principles, and to give away those principles without a shot fired accomplishes the very harm that we have a military, that we have intelligence services to protect us from.

What is it, we ask ourselves, that makes our country great? Whence cometh our strength? For centuries, America has been called a "shining city on a hill." We are a lamp in the darkness to other nations. One of our greatest Senators, our friend TED KENNEDY, on the occasion of I believe his 15,000th vote in this institution said America is not a land, it is a promise. Torture, anonymous detention, and secret cells break that promise, extinguish that lamp, and darken that city on a hill.

Our strength as Americans comes from the fact that we stand for something. Our strength comes from the aspirations of millions of people around the globe who want to be like us, who want their country to be like ours, who want to believe in what we believe in. Our strength comes when we embody the hopes and dreams of mankind. Our strength comes, as President Clinton said, not from the example of our

power but from the power of our example.

I believe Senator FEINSTEIN's legislation will restore across this darkening world the power of America's example, turn us back from that dark and descending stairway, and restore us to the place where America belongs as an ideal and an example for other nations. I appreciate Senator FEINSTEIN's hard work in putting this legislation together. I appreciate the support of Senator WYDEN.

Many months ago, I offered the first amendment in the Intelligence Committee that would apply the Army Field Manual to interrogation techniques used by our intelligence agencies, and Senator FEINSTEIN was kind enough to cosponsor that amendment. We worked together in conference to get that amendment passed into legislation that was subsequently vetoed. I submitted the International Committee of the Red Cross access provision last year.

I cannot find words strong enough to explain the strength of my view about the things we sacrifice for whatever small, short-term, tactical intelligence advantage we may achieve from torture and secret cells, assuming there even are any. Most intelligence professionals believe that what you get from torture is people who will say anything to get away from the pain. But let's assume there is some value to it for the sake of argument. I cannot find words strong enough to explain how overwhelmed that small tactical value is by the loss of our reputation and our standing and the confidence and trust of our friends and allies when we engage in behaviors that have been associated with despots and tyrants and the worst of history's regimes.

Let's put this behind us. Let's support this bill. As we go through this time of transition in American Government, let's also go through a time of transition in America's reputation in the world.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. HARKIN. Madam President, I want to join my colleagues today in honoring the extraordinary service and accomplishments of the senior Senator from West Virginia, the Honorable ROBERT C. BYRD. It was exactly 50 years ago today, on January 7, 1958,

that he was first sworn into the Senate. Senator BYRD is the longest serving Senator in U.S. history, and he truly is a living legend in this institution that he loves so dearly and defends so fiercely.

The Almanac of American Politics says: ROBERT BYRD "may come closer to the kind of Senator the Founding Fathers had in mind than any other."

I couldn't agree more. He is a person of wise and mature judgment, a patriot with a deep love of his country. He is passionately loyal to the Constitution and a fierce defender of the role and prerogatives of Congress and the Senate in particular.

Senator BYRD was once asked how many Presidents he had served under. He answered that he had not served under any President, that he had served with 10 Presidents as a proud member of a separate and coequal branch of Government. During his five decades in this body, Senator BYRD has witnessed many changes our country has gone through. Think about it. Our population since 1958 has grown by 125 million people. There have been new technologies.

I was thinking about this. In 1958, I graduated from high school in Des Moines, IA. The year before the Russians had launched Sputnik, and we were trying to catch up. We had not established ourselves in space. I was out of high school that summer, getting ready to go to college. I found a job working on this new construction project called the interstate highway system which was just beginning at that time. Jet air travel was just starting. I remember my first flight. The airplane was propeller driven. We didn't have jet aircraft. There were some in the military, but it hadn't started for commercial air travel at that time. We had no computers, no cell phones, and nine out of ten TV sets were black and white. That was 1958, the year ROBERT BYRD came to the Senate. There have been many changes that have happened over the last 50 years.

Across this half century of rapid change, there has been one constant—Senator BYRD's tireless service to this country, his passion for helping bring new opportunities to the people of West Virginia, and his dedication to this institution, the Senate of the United States.

Senator BYRD is a person of many accomplishments and a rich legacy. But above all, I will mention his commitment to improving public education and expanding access to higher education, especially for kids from poorer families. As many of my colleagues know, ROBERT C. BYRD was raised in the hardscrabble coalfields of southern West Virginia. That is one thing he and I have always talked about. My father was a coal miner also in the State of Iowa. His family was poor but rich in

values and faith. His parents nurtured in ROBERT BYRD a lifelong passion for education and learning. He was valedictorian of his high school class but too poor to go to college right away. Those were the days before Pell grants and Byrd scholarships. So he worked as a welder in a shipyard, later as a butcher in a coal company town. It took him 12 years to save enough money to start college. He was a U.S. Senator when he earned his law degree.

No other Member of Congress before or since has started and completed law school while serving in the Congress. But degrees don't begin to tell the story of the education of ROBERT C. BYRD. He is the ultimate lifetime learner. It is as though for the last 50 years he has been enrolled in the Robert C. Byrd school of continuing education. You won't get a better, more thorough education at any school, Harvard, Yale, or anywhere else.

Senator BYRD's erudition has borne fruit in no less than nine books he has written and published over the last two decades. He literally wrote the book on the Senate, a masterful four-volume history of the institution that has become a classic. What my colleagues may not know is that he also authored a highly respected history of the Roman Senate. For those of us who have been here—in my case 24 years—we have listened, either here on the floor or later when we got television, on closed circuit in our offices, to the many speeches ROBERT BYRD gave about the Roman Senate, wonderful descriptions of the Roman Senate and how it operated. We could hear how he weaved in the operations of our own Senate. There are some who think ROBERT C. BYRD actually served in the Roman Senate. But that part of the BYRD legend I can absolutely say is not true.

I have talked at length about Senator BYRD's education because it explains why he is so passionate about ensuring that every American has access to quality public education, both K-12 and higher. The one thing Senator BYRD and I have in common is our fathers were coal miners with very little formal education. Coming from a poor background, Senator BYRD believes, as do I, that a cardinal responsibility of Government is to provide a ladder of opportunity so that everyone, no matter how humble their background, has a shot at the American dream. I said ladder of opportunity; I didn't say an escalator. On an escalator, you get a free ride. You get on and you get a free ride. But with a ladder of opportunity, you still have to exert energy and effort and responsibility to get to the top. But with that ladder there have to be rungs so you can actually climb.

The most important rungs on that ladder of opportunity involve education, early childhood education, Head Start programs, quality K-12 public schools, access to college and other

forms of higher education. During my 24 years in the Senate, no one has fought harder for public education than Senator ROBERT BYRD. As chairman of the Appropriations Committee, he has been the champion of education at every turn, fighting to reduce class size, improving teacher training, bringing new technologies into the classroom, boosting access to higher education.

In 1985, my first year in the Senate, he created the only national merit based college scholarship program funded through the U.S. Department of Education. Congress later named them in his honor. Originally, the Byrd scholarships consisted of a 1-year \$1,500 award to outstanding students. Today, Byrd scholarships provide grants of up to \$6,000 over 4 years. How many kids of meager means, coming from low-income families but very bright, very capable, have received these Byrd scholarships which got them through college.

Senator BYRD has also been outspoken in challenging the current administration for failing to keep its commitments under the No Child Left Behind Act. To the last fiscal year, No Child Left Behind has been underfunded since 2002, when it first came into existence. It has been underfunded by over \$70 billion.

Think what that would mean for our local school systems in America had we kept our commitment to funding No Child Left Behind. But I will tell you this: It would have been a lot worse if Senator BYRD had not been here on our Appropriations Committee, either as chairman or ranking member, sponsoring the key amendments to boost the funding above what the Bush administration had proposed.

Senator BYRD is a great student of literature, and I am sure he knows "The Canterbury Tales"—probably a lot of it by heart, as he knows a lot of things by heart, by memory. Describing the Clerk of Oxford, Chaucer might just as well have been describing ROBERT C. BYRD. Here is what Chaucer said about the Clerk of Oxford:

Filled with moral virtue was his speech;
And gladly would he learn and gladly teach.

Madam President, Senator BYRD is a great Senator, a great American, a great friend. He has both written our Nation's history and left his mark on it.

It has been an honor to serve both in the Senate and on his Committee of Appropriations with Senator BYRD for the last 24 years. The good people of Iowa have now reelected me, so I will be here for another term. I look forward to serving with Senator BYRD in this body and on the Appropriations Committee for many years to come.

So today on this historic anniversary, we honor his service, we express our respect and our love for this very remarkable Senator, ROBERT C. BYRD, from the great State of West Virginia.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009 RULE XLIV COMPLIANCE

Mr. BINGAMAN. Mr. President, pursuant to rule XLIV of the Standing Rules of the Senate, I hereby certify that, to the best of my knowledge and belief, the Omnibus Public Land Management Act of 2009 does not contain any limited tax benefits, limited tariff benefits, or congressionally directed spending items, as those terms are defined in rule XLIV.

Rule XLIV broadly defines the term "congressionally directed spending item" to include "a provision . . . included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

The Omnibus Public Land Management Act of 2009 is a collection of over 150 public land bills that were reported from the Committee on Energy and Natural Resources during the 110th Congress, for which we have not been able to get unanimous consent to take up and pass during the 110th Congress. I have included them in the Omnibus Public Land Management Act of 2009 to facilitate their early consideration in the new Congress, and not "primarily at the request of a Senator."

Nevertheless, even though no Senator has specifically requested me to include a congressionally directed spending item in the Omnibus Public Land Management Act of 2009, in the interest of furthering the transparency and accountability of the legislative process, I have posted on the Web site of the Committee on Energy and Natural Resources a complete list of all provisions in the Omnibus Public Land Management Act of 2009 that authorize a specific amount of spending authority that is targeted to a specific State or locality, other than through a statutory or administrative formula-driven or competitive award process. The list includes the name of the principal sponsors of the Senate bills in the 110th Congress that have been incorporated in the Omnibus Public Land Management Act.

In addition, I have added several other non-public-land measures from

the 110th Congress at the request of the majority leader. Most of these provisions were included in the Advancing America's Priorities Act—S. 3297—in the 110th Congress. They include: the Christopher and Dana Reeve Paralysis Act, subtitle B of title I of S. 3297; four parts of subtitle B, relating to oceans, of title V of S. 3297; and title VII of S. 3297, relating to the authorization of a greenhouse facility for the Smithsonian Institution. These provisions were determined not to constitute "congressionally directed spending items" in the Advancing America's Priorities Act. See 154 Cong. Rec. 16573-74, July 26, 2008.

In addition, I have added the Coastal and Estuarine Land Conservation Program Act, H.R. 1907 in the 110th Congress, and the Smithsonian Institution Facilities Authorization Act of 2008, H.R. 6627 in the 110th Congress, at the request of the majority leader. The grant program established under Coastal and Estuarine Land Conservation Program Act, section 12507 in the Omnibus Public Land Management Act, does not constitute a congressionally directed spending item because the funds are to be allocated through a competitive grant process. The authorizations in the Smithsonian Institution Facilities Authorization Act, sections 15101 and 15102 of the Omnibus Public Land Management Act, do not appear to constitute congressionally directed spending items because they were requested by the Board of Regents of the Smithsonian Institution, and because they originated in the House of Representatives, where the committees of jurisdiction determined they did not constitute congressional earmarks. See H. Rept. 110-842, part 1, at 5, 2008, Committee on House Administration, and H. Rept. 110-282, part 2, at 4, 2008, Committee on Transportation and Infrastructure.

Finally, I have added the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act, H.R. 5293 in the 110th Congress, at the request of the majority leader. This act ratifies a water rights settlement among the Shoshone-Paiute Tribes of the Duck Valley Reservation, individual water users, and the State of Nevada. Section 8 of H.R. 5293, section 10807 of the Omnibus Public Land Management Act, creates two trust funds to settle the legal claims of the Shoshone-Paiute Tribes against the United States for compromising tribal water rights and failing to maintain the Duck Valley Indian Irrigation Project. They do not appear to constitute congressionally directed spending items because they were included to settle pending legal claims rather than "primarily at the request of a Senator," and because they originated in the House of Representatives, where the committee of jurisdiction determined that they did not constitute congressional earmarks. See H. Rept. 110-815

at 11, 2008, Committee on Natural Resources.

I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009—S. 22

Provisions in the Omnibus Public Land Management Act of 2009 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional dis-

trict, other than through a statutory or administrative formula-driven or competitive award process:

Section	Program or entity	State	Principal sponsor of Senate bill in 110th Cong. (or requester)
2501(b)	Rio Puerco Watershed	NM	Bingaman/Domenici
7101(c)	Keweenaw National Historical Park	MI	Levin
7111	Women's Rights National Historical Park	NY	Clinton
7405(g)	St. Augustine Commemoration Commission	FL	Martinez/Nelson
8001(h)	Sangre de Cristo National Heritage Area	CO	Salazar/Allard
8002(h)	Cache La Poudre National Heritage Area	CO	Allard/Salazar
8003(h)	South Park National Heritage Area	CO	Salazar
8004(h)	Northern Plains National Heritage Area	ND	Dorgan/Conrad
8005(h)	Baltimore National Heritage Area	MD	Mikulski/Cardin
8006(i)	Freedom's Way National Heritage Area	MA & NH	Kerry
8007(h)	Mississippi Hills National Heritage Area	MS	Cochran
8008(h)	Mississippi Delta National Heritage Area	MS	Cochran
8009(i)	Muscle Shoals National Heritage Area	AL	none
8010(h)	Kenai Mountains—Turnagain Arm NHA	AK	Murkowski
8201(c)	Quinebaug & Shetucket Nat. Heritage Corridor	CN	Dodd
9001(c)	Snake, Boise & Payette River Systems Study	ID	Craig
9002(b)	Sierra Vista Subwatershed Study	AZ	Kyl/McCain
9003(c)	San Diego Intertie Study	CA	none
9101(c)	Tumalo Irrigation Project	OR	Smith/Wyden
9102(d)	Madera Water Supply Project	CA	Feinstein
9103(e)	Eastern New Mexico Rural Water Project	NM	Bingaman/Domenici
9105(b)	Jackson Gulch Rehabilitation Project	CO	Salazar/Allard
9106(g)	Rio Grande Pueblos	NM	Bingaman
9108(j)	Santa Margarita River	CA	none
9109(a)	Elsinore Valley Municipal Water District	CA	none
9110(a)	North Bay Water Reuse Authority	CA	Feinstein/Boxer
9111(a)	Prado Basin Treatment Project	CA	Feinstein
9112(b)	Bunker Hill Groundwater Basin	CA	Feinstein
9114(a)	Yucaipa Valley Water District	CA	none
9301(3)	San Gabriel Basin Restoration Fund	CA	none
10009	San Joaquin Restoration Settlement	CA	Feinstein/Boxer
10203	Friant Division Improvements	CA	Feinstein/Boxer
10501	Reclamation Water Settlement Funds	NM	Bingaman/Domenici
10609	(a) Navajo-Gallup Water Supply Project	NM	Bingaman/Domenici
10609(b)	San Juan Conjunctive Use Wells	NM	Bingaman/Domenici
10609(c)	San Juan River Irrigation Projects	NM	Bingaman/Domenici
10609(d)	Other Irrigation Projects	NM	Bingaman/Domenici
10702(f)	Navajo Nation Water Trust Fund	NM	Bingaman/Domenici
10807(b)	Duck Valley Development Fund	NV	Reid/Ensign
10807(c)	Duck Valley Maintenance Fund	NV	Reid/Ensign
12107	National Institute for Undersea Science and Technology	MS	Reid (Cochran)
13006	National Tropical Botanical Garden	HI	Akaka
15101	Smithsonian Institution Mathias Laboratory	MD	Leahy (Dodd)
15102	Smithsonian Institution Panama Laboratory	Panama	Leahy (Dodd)
15103	Smithsonian Institution greenhouse	MD	Reid (Leahy/Dodd)

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for your newsletter regarding the current problem of gasoline prices. I am a widow living on Social Security income. My car is a 1981 Volvo. Driving my car has almost come to a standstill. I drive only for necessities. I feel like a bear hibernating over the winter. The idea of buying a new car with better mileage is out of the question for me.

As to the things our Nation should be doing—these include drilling for oil wherever available, using oil shale, developing nuclear power, windmills, biofuels. Using corn for ethanol is the craziest idea of all. The commodities market is hitting new highs almost daily. With the floods in Iowa, we cannot afford to use corn for oil. The animals that need corn for food are affecting our prices in the grocery store. Get rid of regulations that cause energy companies to take years to develop energy or cause no action because of the red tape of government.

Blaming the oil companies for so-called obscene profits is nonsense. Taxes on gasoline are more than profits per gallon of gas that the oil companies collect. Exxon has even said that they are closing some stations because of non profit. It is sad that many do not understand the basics of economics.

The American public has spoken. Stop listening to the environmentalists. Because there has been no foresight, we are suffering now for the lack of action by those in the past who we elected to represent us. Both

parties are responsible, but blaming does not get the job done.

It is embarrassing to read that France has developed their nuclear power while we just sit and talk about it. It is sad knowing that foreign countries are acquiring leases to drill for oil in our backyard, while we just sit and watch what is going on in the Gulf of Mexico and grumble about it. It is humiliating to hear those who say we are becoming a third world nation. Americans are known for their innovation.

Gasoline prices are affecting food prices, small businesses and the cost of all goods and services. Independent truckers are suffering. We rely on them for delivery of our food and goods to market. If their numbers decrease because of their cost of doing business, it will cause an additional increase in prices or possibly the disappearance of some goods. I do not think we want that to happen to our food supplies.

The time has come to act. Now is the time. We must not waste time. The public is begging for some common sense to solve these problems. Egos must be ignored lest we suffer more. Corporate America knows how to solve these problems. Do not hinder them any more with government red tape.

LAVERGNE, Hayden.

Our family lives about 30 miles from Idaho Falls where we do most of our business. My daughter and I also drive about 32 miles each way to our places of work so we are impacted

every day. Our best guess is that we are spending about \$400 per month more now than we did when gas was \$2 per gallon. So far our response has been to curtail vacation traveling and reduce other unnecessary purchases.

Solutions (in order of preference):

1. Pursue increased domestic oil drilling including off-shore and ANWR and encourage construction of more refineries. I believe environmental concerns have been greatly exaggerated and need to be evaluated based on their cost effectiveness relative to their impact on the cost of living versus risk to our quality of life.

2. Pursue alternative energy sources only as far they are cost-effective. If bio-fuels need to be subsidized in order to maintain production, they are obviously not cost-effective.

3. Pursue nuclear power generation (we are 20 years behind). There is also potential for hydrogen as a by-product that could be used as an alternative to gasoline. I have doubts about wind generation as a cost-effective alternative energy source, and I personally do not care for it is adverse effect on the natural beauty of Idaho's landscapes.

4. Pursue improved coal-fired electrical generation. I also have serious concerns regarding the apparent race to reduce CO₂ emissions at any cost when there is so little real evidence that proves a correlation with global warming (also unverified).

5. Encourage more mass transit systems in our larger cities and offer incentives for their use. I was in San Diego, California last week and the traffic was absolutely mind-boggling.

6. Encourage better individual planning and carpooling across the nation. There are way too many of us making unnecessary trips to the store and letting our kids drive to school every day when we have buses making the same trip, but I suppose this will take care of itself eventually when the price of gas gets to around \$6 per gallon.

Thanks for asking and thanks for your service to Idaho,

WADE, *Hamer*.

We are an independent pharmacy and offer free delivery service to our customers. Medicare, Medicaid, uninsured and indigent customers are all included. We are seriously considering charging for this service or eliminating it all together due to excessively high fuel prices.

Along with fuel cost, Medicare issues, such as slow pay and low pay, are making it really difficult to stay in business. We have no control over our reimbursement prices and are told to take it or leave it. All of these price increases must be passed on to the consumer somehow if we are to survive. Drug companies are raising prices too.

Thanks for asking for input.

KENT, *Twin Falls*.

We appreciate your concern about the rising costs of energy. As you say in Idaho we live quite a distance from most of the things we do. So the rising cost of gas has made a big impact on what we spend for transportation. We would encourage you to do whatever is necessary to make the changes in the current laws to allow exploration and drilling for oil including oil shale process. We have billions of gallons that cannot be tapped because of all the government red tape. We have supported the foreign suppliers long enough. Many of them are supporting terrorists who are enemies to us and our way of life. It is way passed time Con-

gress became accountable for the restrictions they have placed on exploration and oil production. Do all you can to help this situation.

BOYD and LADENE, *Ucon*.

While the rise in petroleum prices is certainly a hardship to many people in Idaho, I do not know what else would have finally prompted a serious discussion about alternate energy sources and about seriously conserving energy. I usually ride a bicycle to work and drive an 18-year-old Honda Civic, which gets 44 mpg on the highway. If the entire U.S. auto fleet got similar mileage, I believe we could drastically cut our oil imports. The technology for more fuel efficient vehicles has been around for quite a while—that technology has not been encouraged and is currently not utilized. Here is an excerpt from Miller's *Living in the Environment* (8th edition) textbook written 10 years ago: "Since 1985 at least 10 companies including Volvo, Volkswagen, Renault, Peugeot, Honda, Mazda, Toyota and General Motors have had peppy prototype cars that meet or exceed current safety and pollution standards with fuel efficiencies of 67 to 138 mpg. If they were mass produced their slightly higher costs would be more than offset by their fuel savings . . . We can have roomy, peppy, safe, gas sippers, but only if consumers begin demanding them and buying them. (p 452)."

With encouragement from the government, we could do even better than this. However, we do not seem to change our wasteful energy behavior because it is logical or because it harms the environment. We do it because we have to and cannot afford to do otherwise. Only economic pressure will force us to let go of our addiction to driving 2-3 ton SUVs, usually with only one person inside, commuting 20 miles to work and 1 mile to the store when walking or biking would do. People in Europe drive smaller cars and use much less oil per capita—but they have been paying \$5 or more per gallon for a long time. Drilling more holes in the ground to extract the remaining reserves of oil in the U.S. faster, would only serve to delay the change in consumption of petroleum that we all must make. Subsidizing alternative energy development makes good sense. Solar, wind, and biofuels, along with conservation should receive highest priority. Nuclear power would seem to be the best "bridging" source of energy—if it were not for the problem of handling wastes. You might want to look at the International Society of Doctors for the Environment's resolution on nuclear energy, March 2007 (<http://201.116.215.170/isde.org>). Further research on handling nuclear waste should be encouraged before constructing more nuclear power plants. Had we put significant effort and resources on alternate energy during the past 20 years, the adjustment to higher oil prices now would not have been so painful. We will need to use a wide variety of energy sources to replace the declining and increasingly expensive petroleum. People will adjust to the higher prices of gasoline by car pooling, taking public transportation, moving closer to work, buying more fuel efficient vehicles, making less needless trips, and many other ways. I recognize that this is not the kind of personal story about how high oil prices are hurting me, but I thought you should be aware of a different view of the oil price crisis.

Thank for asking for input.

ROGER.

My husband and I live in Salmon. He will be 69 June 22nd; I am 70. He is a recovering

heart patient; I am a declining COPD patient. We are on a fixed income (Social Security) and are both under the care of specialists, who practice in Missoula, Montana, 170 miles away. We cancelled our appointments last month with our doctors because we simply do not have the money for gas. It is a sad state of affairs when a person cannot afford to visit their physician because gas is (as of today here in Salmon) \$4.25. I think it is time to start drilling. Perhaps even open some of our reserves.

Thank you for offering this site for folks like us to share the hardship this is causing not only in our lives but everyone in our community.

CONNIE.

One of the ways that my husband and I are coping with the increasing gasoline prices is that my husband is riding his motorcycle to work to reduce gasoline consumption. What I do not like about this situation is that it increases his chances for a fatal accident while commuting because of the increased danger of not being seen by the numerous other drivers in a high traffic time.

We should be using our own domestic resources for oil in all ways possible (drilling and shale) and we should build nuclear power plants. France is a good model for very safe and productive nuclear resources.

DEBRA, *Boise*.

Thank you for asking us everyday Idahoans how high fuel prices are affecting us on a daily basis. My husband and I were just discussing this two days ago, about how and where we can cut down in order to shift the dollars to gasoline. First off, we are retired and on a fixed income; so that means when the price of one thing goes up, another thing will have to go down. We spend an average of \$100 a month on gas. That, I know, is small compared to other Idahoans, and that is because we do not have to drive to work.

Since gas has doubled in one year, we have to come up with another \$100 a month to cover the increase. First, we ended our gym membership, which was costing \$45 a month. Well, that is as far as we got. We do not know what else to cut down on. So we are in the hole \$65 monthly. I am going to see if I can cut down on food, as I have seen the prices of food going up, too. I know my electric bill, water bill, and gas bill will be going up, too. It is very scary for us.

Other things we are doing is grouping our trips together. This does offer a challenge due to logistics and time. And the impact of this cannot be calculated by any means, so I do not know what the effect of that will be.

Other things we are trying is not eating fast food anymore. This is upsetting especially to me, because sometimes I just do not have the energy or the desire to cook. Going to a fast food was my respite.

We also are not planning to make any day trips to other cities in Idaho anymore. We are new residents of Idaho, and wanted to explore its beauty this summer, when the weather was warmer. Last year, we were able to drive to Bogus Basin, Silver City, McCall, and Tamarack, and also explore the Boise National Forest. After all, is not that what retirement is supposed to be? However, we stopped talking about those trips. We even opted not to go to the next city over, Eagle, to experience our first Eagle Days fair, due to the drive.

In other words, Senator, our driving today has been limited to just essential places, such as the grocery store and taking our Labradors to the nearby creek for a swim,

which is the highlight of their day and we just cannot take that away from them.

We were planning on buying life insurance for my husband, who is 63 and 13 years older than I am. Currently he has no life insurance. We are newlyweds (just 1 year), and I am always worried about what will happen to me when he dies. We have bills to pay, and the funeral costs alone average \$7,000. After doing research comparisons, the best insurance we could get was \$125 a month for just \$100,000 of life insurance. We wanted to buy more insurance, but at \$125 a month, that was all we can afford. Now, even that is on hold. That presents a daily worry for me, as my husband is active and can get hurt anytime.

We must open up America for the oil companies to dig. I am so upset with the current EPA guidelines, which seem to be more concerned about protecting animals (like the caribou and the polar bear) than of the survival of the human race, especially the elderly like my husband and myself. Quality of life? There is none anymore, but the caribou and the polar bears have a great quality of life, do not they? I remember my early Bible days when in Genesis, God told Adam, "All this is yours for your use" (paraphrasing). Man is the highest earth form yesterday, today, and always will be. I truly believe that everything around us is meant to be used to our advantage, with minimum and common sense protection.

I would also like to see a nuclear plant in Idaho. We have so much land here, with the nearest civilization miles away. Nuclear plants are safe. I know that. If having a nuclear plant here in Idaho will help Idahoans with lower energy costs, then that is what I want. My husband agrees, too. If the other states are too liberal or too scared to put one up, then that is their problem. Right now, my concern is for me, my husband, and Idaho.

Thank you so much for letting me speak. I really appreciate that. In my last state, that is unheard of. That is one of the reasons I love living in Idaho.

STELLA, *Meridian*.

A few years ago when we had another crisis with fuel, the Feds stepped in and made a national speed limit to help conserve fuel. I think it is needed more now than then. Stiff enforcement penalties would need to be set up for each state for enforcement.

Also many years ago we had glass bottles and people employed in glass factories making them. We could save a lot of petrol by getting away from so much plastic. Glass is far easier to recycle than plastic and it is reusable.

It is time [Congress got past partisanship and figured out how to solve these problems]. They should be paying us by now not the other way around. Let us put an end to the financial handout to them and start using those funds to build our own country.

LUCIAN.

Thank you for your recent communication regarding your vote on the climate change bill. I must say that I disagree with your decision, despite being spared an increase in gasoline costs. With 5 kilowatt-h/sq meter of solar income, in addition to our hydroelectric power and category 4-5 wind, Idaho should be a net green energy exporter. Just because the oil companies, in times of record profits, decide to squeeze the consumer, does not mean we can make the short-sighted choice to think only with our wallets. We need an energy policy that provides true se-

curity—a diversified portfolio of energy sources—not continued investment in a delivery system that is outmoded, wasteful, and polluting. I am stretched in this economy, but I would gladly put out the extra money for the long term solution of improved air quality (have you seen the brown air over the Treasure Valley recently), cutting off money supply to unstable Mideast regimes, and a chance for my son to have a functional environment in which to live. Please stop making short-term political decisions when you have the opportunity to show true leadership and thoughtfully consider how to achieve a sustainable future for our country. It is not too hard for us, for heaven's sake, we are Americans!

LISA, *Boise*.

The cost for fuel oil has gone from \$.60 per gal. to over \$4 per gallon, raising my monthly heating costs in the winter from \$85 to \$353 per month. I also drive around 40,000 miles per year for my job and while costs have skyrocketed, the business deduction has not, which is, in fact, a tax increase to go with the punishing costs. To add to these problems, my wife's mother, who lives in Dillon, Montana, has cancer, and lives at her trailer home for now. She is on Medicaid, has limited options for care and depends on us for many things. It is a six-hour drive. We get reasonable good mileage but that country, with the unpredictable weather, has a negative impact on our 26 miles per gallon. The cost of the trip has gone from \$100 to \$400 in just the last year and ½. My wife stayed home and raised our children while I provided for them so she has no Social Security. I am self-employed, so there is no retirement waiting except for what I can provide and I have used that to pay my taxes till it ran out. My wife was injured very badly 2½ years ago without insurance and I must pay the county back over the next 15 years. I realize that these things are adversity and I can, with hard work and the blessings of God, overcome them and still succeed. The biggest obstacle in my way is the very government that has sworn to uphold and defend the constitution that was inspired to protect me. Those who are bent on a socialistic society are destroying my hope for a future and the hope of my children.

RICHARD, *Caldwell*.

TRIBUTE TO ST. MICHAEL'S COLLEGE STUDENT VOLUNTEERS

Mr. LEAHY. Mr. President, I wish to draw the attention of the Senate to a group of selfless volunteers at St. Michael's College in Colchester, VT, who sacrificed time with their families and friends this past holiday season to ensure that Vermonters in need of emergency services had someone to call upon even on the Christmas holiday.

St. Michael's Fire and Rescue was founded in 1969 and has been staffed and operated by student volunteers ever since. Donald Sutton, affectionately known as "Pappy" around the firehouse, helped start the organization as dean and director of campus security following the untimely death of a student athlete on campus. Nearly 40 years later, the organization serves as the primary ambulance and fire service for a large portion of the State's most populous region, Chittenden County.

The student volunteers who make this organization run find time outside of their rigorous course work to not only be on call but also to complete hundreds of hours of Emergency Medical Technician training and Firefighter training. While their classmates may be battling another school on the ice, on the field, or on the court—St. Michael's Fire and Rescue members are risking their lives in real-life emergency situations, aiding the sick, and putting out fires. Even during the holidays, when schools shut down and students usually go home to visit with family, these students stand watch for their community.

While I was at my family farm in Middlesex this holiday season, I came across a Christmas Day Burlington Free Press article highlighting the sacrifice of these students. I ask unanimous consent that the text of that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Dec. 25, 2008]

NO BREAK FOR STUDENTS ON RESCUE SQUAD (by Joel Banner Baird)

COLCHESTER.—Their classmates might delight in holiday downtime: late nights, late mornings, heavy meals and torpor.

On the night before Christmas, a student-staffed rescue squad at St. Michael's College remains on-call and alert—by choice. Time off will come to squad Capt. Kristen Dalton, 21, later this week, after a 90-hour week at the College Parkway station.

Her fellow St. Mike's seniors, Mark Petersen and Peter Cronin, both 21, opted for holiday duty, too.

This is more than a club. The squad's 20 members are first-responders who you see tending to car-wreck victims and heart-attack patients. They respond to more than 2,700 calls every year from Chittenden County residents, most of them in Colchester, Winooski and Hinesburg. Dalton looked cheerful on a slow Wednesday morning.

The biology major and pre-med student said she typically logs 40 to 50 hours per week at St. Michael's Fire and Rescue.

Each volunteer, certified as an Emergency Medical Technician, puts in at least 24 hours per week, including a 12-hour overnight shift at the station.

"We hold ourselves to a 3-minute response time," Dalton said. "I throw a jumpsuit over my pajamas, I'm in my boots, and I'm out the door."

Like his captain, Petersen joined the squad as a freshman. He said the commitment taught him how to juggle academic commitments.

"It really, really forces you into time management," he said.

Another learning curve brought him up to speed as a member of a larger, adult community.

"What we do here is a lot of consequence-based decision-making," he said. "You see the results of your actions right away. It makes you step back and say, 'Hey—I'm not a kid anymore.'"

Interrupting him, a call came through dispatch: An infant in Plattsburgh, N.Y., needed to be transported to Fletcher Allen.

Petersen and Cronin did a final inspection of the neo-natal intensive care truck—one of

the station's three ambulances—and headed out to pick up a specialist at the hospital en route to New York.

Christmas Eve's activities would be anybody's guess. Wrapped packages lay beneath a decorated tree in the ready room. Cronin's parents said they'd cook breakfast for the volunteers on Christmas morning.

Dalton said the squad would lose almost half of its members after graduation. She's already planning a spring recruitment drive.

"This attracts a lot of different people—people who want to do something good with their time," she said.

As if on cue, Kate Soons of Colchester, a self-described "lingering alum," entered with an overnight bag. She'd heard about the Plattsburgh call and wanted to provide backup.

Soons served with the squad in the 1980s, and now is a nurse at Fletcher Allen. She also coordinates regional emergency care training, and keeps tabs on St. Mike's graduates who have chosen to stay active in the field.

Begun in 1969, the rescue squad is the busiest volunteer ambulance unit in the state, she said.

"It's a big family," she said.

Soons' husband, Pete Soons, also served with rescue volunteers as an undergraduate. He directs the college's department of public safety, overseeing campus security, rescue and fire squads.

Unlike the rescue volunteers, St. Michael's 25 firefighters have an off-campus affiliation; they're a battalion in the Colchester Center Volunteer Fire Company.

Standing between a hose truck and an engine, company firefighter Gary Zeno discussed hydrant fittings with freshman Andreea Dillner, 19. Still in training, Dillner will accompany squads as a rookie until she qualifies for hands-on work.

Nonetheless, she volunteered.

After a briefing with Zeno, she headed upstairs, past a wall-sized calendar of shift schedules and birthdays, to take a nap.

Dalton, coffee in hand, looked as wide-awake as ever on the night before Christmas.

ADDITIONAL STATEMENTS

RETIREMENT OF CHARLENE DAVIS

• Mr. BOND. Mr. President, today I acknowledge and pay tribute to Charlene Davis's dedication and service to the people of Missouri as she retires from the Jackson County Election Board of Election Commissioners after 34 years.

During her tenure with the board, Charlene has helped modernize our election technology, improving the reliability and integrity of elections.

Charlene had the opportunity to design the program to implement punch card voting; to design, implement, and monitor the computerized database for voter registration; and to implement the National Voting Rights Act, making modifications to the database to conform. Charlene has been instrumental to making the voting process in the State of Missouri a secure one.

Charlene was also instrumental in securing the new electronic voting system required by Help America Vote Act. As a sponsor of the Help America Vote Act, I express my gratitude to Charlene in executing this program.

She has been an active member of The International Association of Clerks, Recorders, Election Officials & Treasurers since 1981, serving as State director from Missouri for 10 years, treasurer of IACREOT and special assistant to the president in 2004.

Charlene received her formal education from the University of Missouri, in Columbia, MO, where she majored in math and physics.

She and her husband Wade are the parents of three married children, and they have eight grandchildren.

Charlene, congratulations on your well-deserved retirement and best wishes for your future endeavors.●

TRIBUTE TO DICK HOXWORTH

• Mr. CASEY. Mr. President, I would like to take a moment today to recognize the career of journalist Dick Hoxworth who, after serving the residents of central Pennsylvania for 40 years, retired from his post as anchor on WGAL-TV on Christmas Eve.

The longest serving anchor in the Harrisburg media market, Dick covered some of the most newsworthy events in the region's history. Most notably, he covered the Agnes flood in 1972 and was one of the first reporters on the scene at the Three Mile Island nuclear accident. During the Vietnam war he reported on the return of the first American prisoners of war, as well as the arrival of the first Vietnamese refugees to the United States. In the political arena, Dick Hoxworth covered stories at both the Pennsylvania State Capitol and the White House.

Dick was a highly decorated newsmen. Over the course of his distinguished career, he received awards from the Associated Press, the Pennsylvania Association of Broadcasters, and was nominated for 29 regional Emmy Awards, winning 3 times.

But simply listing Dick Hoxworth's accomplishments and accolades within the field of journalism doesn't tell his full story. Dick was an old-fashioned "news man," getting his start before blogs, the Internet, 24-hour cable news, and live satellite feeds. However, as time went on, he did one of the most difficult things to do in a profession he transcended the changes that were taking place in his field. Dick continued broadcasting, writing, and reporting even as the faces and technology around him changed with the times. Rather than be deterred by these changes, he embraced them and continued to thrive.

Edward R. Murrow once said, "the newest computer can merely compound, at speed, the oldest problem in the relations between human beings, and in the end the communicator will be confronted with the old problem, of what to say and how to say it."

For 40 years, Dick Hoxworth knew what to say and how to say it And, in

doing so, he has made Pennsylvania proud. Today I would like to recognize and pay tribute to that service and his long and successful career. ●

TRIBUTE TO JAMES A. TEGNELIA

• Mr. LUGAR. Mr. President, today I wish to honor the accomplishments and leadership of Dr. James Tegnella for his service to the Defense Threat Reduction Agency—DTRA—and the Nunn-Lugar Cooperative Threat Reduction Program. DTRA is a 2,000-member combat support agency which is charged by the Department of Defense to safeguard the United States and its allies from weapons of mass destruction.

I have had the pleasure of working closely with Jim and DTRA in their role as the primary implementers of the Nunn-Lugar program. I am thankful to have had such a strong ally in the fight against nuclear proliferation. The agency is an integral actor in the fight to reduce WMD proliferation worldwide and has proven to be an extraordinary source of leadership in reducing the threats posed by weapons of mass destruction.

Dr. James Tegnella, of Albuquerque, NM, has served as the Director of the Defense Threat Reduction Agency since February 2005, and will leave that post in February 2009, after 4 years of dedicated service. Dr. Tegnella's accomplishments are as wide in scope as they are large in number, and for this we honor him today on the floor of the U.S. Senate.

Dr. Tegnella was instrumental in institutionalizing and integrating the mission of combating weapons proliferation across the Department of Defense and in guiding agency support to the global war on terrorism. The integration of Department of Defense missions in both fighting terror and WMD proliferation has allowed both agencies to share valuable resources and seek common purpose in our efforts on both important fronts.

Jim has been a tireless champion of international efforts to curb the proliferation of nuclear weapons, and his understanding of the threat of weapons of mass destruction to our nation and U.S. interests abroad is unparalleled. This expertise and dedication manifested itself in a leadership role for the agency in the establishment of regional and global nonproliferation partnerships. Working closely with the Department of State, Dr. Tegnella has been a vocal advocate of the President's Global Initiative to Combat Nuclear Terrorism, a program designed to prevent terrorists and dangerous regimes from threatening the United States and its allies with the world's most deadly weapons.

I have had the opportunity to travel extensively with Dr. Tegnella and the experts at DTRA to Nunn-Lugar dismantlement sites all over the world. I

remember fondly a trip we took just 2 years ago. He joined Sam Nunn and I in celebrating the 15th anniversary of the program on a trip to Russia, Ukraine, and Albania. We enjoyed good conversation on the program's significant contributions to international security and Nunn-Lugar's future prospects in countries outside the former Soviet Union. Jim has been an immensely successful leader and colleague in the fight to keep the United States safe and secure against the threats of weapons of mass destruction. We are indebted for his service and honor his commitment to this country.

I ask my colleagues to join me in wishing him good luck in his future endeavors and thanks for a job well done.●

HONORING MAINE ENERGY SYSTEMS

● Ms. SNOWE. Mr. President, while many hold an idyllic notion of Maine in the winter as a haven for skiers and snow enthusiasts, Mainers know that the cold winter months bring with them many dangers, particularly when it comes to heating homes. That is why I wish to recognize Maine Energy Systems of Bethel, a small business that is using technology and innovative thinking to help solve our Nation's energy crisis and keep Mainers warm during the State's lengthy winter.

Maine Energy Systems is the product of three men: Les Otten, Dr. Harry "Dutch" Dressler, and William Strauss. They came together in 2007 to brainstorm a way to reduce energy costs for Mainers and for the Nation. When the trio formed Maine Energy Systems they agreed that any solution had to: Reduce dependency on foreign oil; be environmentally sensitive; be renewable; and be affordable. With these goals in mind, they spent 14 months researching every aspect of energy delivery and production. These efforts eventually bore fruit when they partnered with German manufacturer Bosch to create a wood pellet fueled boiler system suitable for sale in America.

Bosch created a boiler fueled by high-grade wood pellets that are pumped through an automatic feeder into the boiler itself. The wood pellets are made directly from trees or from the byproducts of other wood manufacturing processes before undergoing a unique and exciting process. The wood is first dried, pulverized and forced under high pressure through the holes in a die, a specialized manufacturing tool. The holes force the wood into a tightly compact pellet shape that stores energy without wasting space. These pellets are extremely versatile and can be made from either hardwood or softwood.

Once inside the boiler, the pellets are fanned in order to ensure maximum

combustibility. Finally, the pellets are burned, generating heat that can be used as a home heating source. The boiler has already been approved by the Underwriters Laboratories and proven reliable by the American Society of Mechanical Engineers. In addition to their dependability, wood pellets are also environmentally friendly.

The wood pellets have very little ash content. Unlike traditional log fires, burning pellets do not appear to create chimney deposits and in fact, burning wood pellets creates no visible smoke. The only byproduct left after burning is wood ash, which is actually beneficial to garden and lawn soil. Wood pellets are a local renewable resource, and many of the pellets used by Maine Energy Systems come from trees in the small Maine town of Athens. In this way, Maine's abundant forests can help reduce our Nation's dependence on foreign sources of energy, in particular Middle Eastern oil. The carbon footprint created by wood pellet burning stoves is only 28.6 lbs. per million British thermal units, which ranks as one of the most efficient ways to heat a home.

Maine Energy Systems is at the vanguard of the "green" product revolution, creating a product that is beneficial to the environment, saves consumers money, and produces profits and jobs. Entrepreneurs in the purest sense of the word, Maine Energy Systems' founders have provided our country a tremendous opportunity for a better future. I wish Les Otten, Dr. Harry "Dutch" Dressler, William Strauss, and Maine Energy Systems continued success as they help Mainers save money, energy, and the environment.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 8, 2009,

of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 3. Joint resolution ensuring that the compensation and other emoluments attached to the Office of Secretary of the Interior are those which were in effect on January 1, 2005.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1. A bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the Nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

S. 2. A bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

S. 3. A bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 5. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 6. A bill to restore and enhance the national security of the United States.

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

S. 8. A bill to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush administration.

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

S. 33. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

S. 34. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 22. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Big Spring, TX" (Docket No. FAA-2008-0757)(Airspace Docket No. 08-ASW-13)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-222. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the economic benefits of recreational boating in the Great Lakes basin; to the Committee on Environment and Public Works.

EC-223. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing activities during fiscal year 2008; to the Committee on Environment and Public Works.

EC-224. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2, 4-D, Bensulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Phorate, Sethoxydim, Terbufos, Tetrachlorvinphos, and Triallate; Technical Amendment" (FRL-8393-9) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-225. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2006 24-Hour Fine Particle (PM_{2.5}) National Ambient Air Quality Standards" (RIN2060-A002) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-226. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area" (FRL-8758-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-227. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois and Indiana; Finding of Attainment for 1-Hour Ozone for the Chicago-Gary-Lake County, IL-IN Area" (FRL-8757-8) received in the Office of the

President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-228. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides (NO_x) From Cement Kilns" (FRL-8758-8) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-229. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Nonattainment New Source Review Rules" (FRL-8757-9) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-230. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Oregon; Salem Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes" (FRL-8747-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-231. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Cross-Media Electronic Reporting Rule Deadline for Authorized Programs" (FRL-8757-2) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-232. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Clean Water Act Regulatory Definition of "Discharge of Dredged Material"; Final Rule" (FRL-8757-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-233. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Multiple Chemicals; Extension of Tolerances for Emergency Exemptions" (FRL-8392-3) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-234. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; The Metropolitan Washington Nonattainment Areas; Determination of Attainment of the Fine Particle Standard" (FRL-8759-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-235. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standards" (FRL-8759-6) re-

ceived in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-236. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC Section 41—Exhibit E" (LMSB-4-1208-057) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-237. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2009" (Rev. Rul. 2009-1) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-238. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Permitted disparity in employer-provided contributions or benefits" (Rev. Rul. 2009-2) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-239. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Petroleum Industry Overview Guide" (LMSB-4-1208-056) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-240. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Disproportionate Share Hospital Payments" (RIN0938-A045) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-241. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)" (RIN0938-A084) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-242. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Priority of Service for Covered Persons" (RIN1293-AA15) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-243. A communication from the Director of Interpretations and Regulatory Analysis, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Protecting the Privacy of Workers: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction" (RIN1215-AB67) received in the Office of the President of the

Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-244. A communication from the Program Manager, Office of Global Health Affairs, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Office of Global Health Affairs; Regulation on the Organizational Integrity of Entities that are Implementing Programs and Activities Under the Leadership Act" (RIN0991-AB46) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-245. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "The Federal Government: A Model Employer or a Work In Progress?"; to the Committee on Homeland Security and Governmental Affairs.

EC-246. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, a report relative to the national financial statement of the organization and national staff and convention minutes for the year ending July 31, 2008; to the Committee on the Judiciary.

EC-247. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Public Safety Officers' Benefits Program" (RIN1121-AA75) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-248. A communication from the Deputy Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers" (RIN1615-AB67) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-249. A communication from the Administrator of the Office of Policy Development and Research, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers), and Other Technical Changes" (RIN1205-AB54) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-250. A communication from the Administrator of the Office of Policy Development and Research, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Temporary Agricultural Employment of H-2A Aliens in the United States; Modernizing the Labor Certification Process and Enforcement" (RIN1205-AB55) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 22. A bill to designate certain land as components of the National Wilderness Pres-

ervation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

By Ms. CANTWELL (for herself, Mr. ENSIGN, Mrs. MURRAY, Mr. REID, Mr. ALEXANDER, and Mr. NELSON of Florida):

S. 23. A bill to amend the Internal Revenue Code of 1986 to permanently extend the election to deduct State and local sales taxes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. ROCKEFELLER):

S. 24. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

By Mr. SANDERS:

S. 25. A bill to ensure access to basic broadcast television after the Digital Television Transition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to reset the income threshold used to calculate the refundable portion of the child tax credit and to repeal the sunset for certain prior modifications made to the credit; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. KENNEDY):

S. 27. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. 28. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. BROWN:

S. 29. A bill to amend the Internal Revenue Code of 1986 to increase the credit for the health insurance costs of eligible individuals, to expand such credit to individuals covered under COBRA, and to extend the period of COBRA continuation coverage for certain individuals; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 30. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mr. BAYH, Mr. ISAKSON, Mrs. MCCASKILL, and Mr. SPECTER):

S. 163. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. ENSIGN:

S. 164. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. DURBIN):

S. 165. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BURR, Mr. ALEXANDER, Mr. ENZI, and Mr. VOINOVICH):

S. 166. A bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. VOINOVICH, and Ms. MIKULSKI):

S. Res. 9. A resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1, a bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the Nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

S. 2

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2, a bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

S. 3

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3, a bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

S. 4

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4, a bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 5

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 5, a bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 6

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 6, a bill to restore and enhance the national security of the United States.

S. 7

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 7, a bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

S. 8

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 8, a bill to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

S. 9

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 9, a bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

S. 10

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 10, a bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

S. 21

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 35

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 35, a bill to provide a permanent deduction for State and local general sales taxes.

S. 42

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 42, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 45

At the request of Mr. ENSIGN, the names of the Senator from Tennessee

(Mr. ALEXANDER) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 45, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

At the request of Mr. THUNE, his name was added as a cosponsor of S. 45, supra.

S. 46

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 47

At the request of Mr. ENSIGN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 47, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 160

At the request of Mr. LIEBERMAN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 22. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize

certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

Mrs. FEINSTEIN. Mr. President, I rise to speak to Senator BINGAMAN's introduction today of the Omnibus Public Land Management Act of 2009. I strongly support this bill and Senator BINGAMAN's leadership in sponsoring it, and urge my colleagues to vote for its prompt passage.

This omnibus legislation includes no fewer than 20 bills of interest to California, including 14 bills to increase our water supply and to restore our rivers and groundwater quality, 3 bills to designate additional wilderness areas, and 3 other National Park Service, Bureau of Land Management, and Forest Service bills.

I would like to speak at some length about one of these bills, the San Joaquin River Restoration Settlement Act, which I have introduced with Senator BOXER to bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority and the U.S. Department of the Interior. Before I discuss the San Joaquin bill, however, I would like to review the other 19 California bills in the omnibus legislation introduced today. These include the following:

ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

Eastern Sierra and Northern San Gabriel Wilderness,
Riverside County Wilderness, and the Sequoia and Kings Canyon National Parks Wilderness;

BUREAU OF LAND MANAGEMENT

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria land exchange;

FOREST SERVICE

Mammoth Community Water District land conveyance;

NATIONAL PARK SERVICES

Tule Lake Segregation Center Resource Study;

BUREAU OF RECLAMATION

San Diego Intertie feasibility study,
Madera Water Supply Enhancement Project authorization,
Rancho California Water District project authorization,

Santa Margarita River project authorization,

Elsinore Valley Municipal Water District project authorization,

North Bay Water Reuse Authority project authorization,

Prado Basin Natural Treatment System Project authorization,

Bunker Hill Groundwater Basin project authorization,

GREAT Project authorization,
Yucaipa Valley Water District project authorization,

Goleta Water District Water Distribution System title transfer,
San Gabriel Basin Restoration Fund, and the

Lower Colorado River Multi-Species Conservation Program.

I would like to say a few words about the water project authorizations and wilderness bills, in addition to the San Joaquin River Settlement legislation.

In the Western U.S., drought, population growth, increasing climate variability, and ecosystem needs make managing water supplies especially challenging. The 9 California water recycling projects included in the omnibus bill offer a proven means to develop cost effective alternative water supply projects. Together they will help the state reduce its dependence on imported water from both the Lower Colorado River and Sacramento/San Joaquin Delta.

Among the other bills to benefit California water supply and quality, one codifies the Lower Colorado River Multi-Species Conservation Program, MSCP, a 50 year plan to protect endangered species and preserve wildlife habitat along the Colorado River.

The three wilderness bills in this package would together protect a wilderness about 735,000 acres of land in Mono, Riverside, Inyo, and Los Angeles Counties, and within Sequoia-Kings Canyon National Park. This will protect spectacular lands ranging from the High Sierras to the magnificent California deserts. I want to thank Senator BOXER in particular for her leadership on these bills.

I would like to devote most of my remarks to the San Joaquin River Restoration Settlement Act, a bill Senator BOXER and I have cosponsored that approves, authorizes and helps fund an historic Settlement on the San Joaquin River in California. This Settlement restores California's second longest river, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world. One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

This San Joaquin Settlement bill is nearly identical to the bill that we introduced in the waning days of the 109th Congress, and reintroduced at the beginning of the 110th Congress as S. 27. However, the bill we are introducing today does reflect a few significant changes resulting from discussions among the numerous Settling Parties and various "Third Parties" in the San Joaquin Valley of California. During the past year the parties to the settlement and these affected third parties, such as the San Joaquin River Exchange Contractors, have agreed to certain changes to the legislation to make the measure PAYGO neutral and

to enhance implementation of the settlement's "Water Management Goal" to reduce or avoid adverse water supply impacts to Friant Division long-term water contractors. The legislation that we are introducing today incorporates these changes, which are supported by the State of California and major water agencies on the San Joaquin River and its tributaries.

The Settlement has two goals: to restore and maintain fish populations in the San Joaquin River, including a self-sustaining salmon fishery, and to avoid or reduce adverse water supply impacts to long-term Friant water contractors. Consistent with the terms of the Settlement, we expect that both of these goals will be pursued with equal diligence by the Federal agencies.

Without this consensus resolution of a long-running western water battle the parties will continue the fight, resulting in a court-imposed judgment. It is widely recognized that an outcome imposed by a court is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has enjoyed the strong support of the Bush administration, California Governor Schwarzenegger's administration, the environmental and fishing communities and numerous California farmers and water districts, including the Friant Water Users Authority and its member districts that have been part of the litigation.

When the Federal Court approved the Settlement in late October, 2006, Secretary of the Interior Dirk Kempthorne praised the Settlement for launching "one of the largest environmental restoration projects in California's history." The Secretary further observed that "This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities."

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator BOXER and a bipartisan group of California House Members who have previously introduced and supported this legislation to authorize and help fund the San Joaquin River Restoration Settlement.

During the past year we have worked with the parties to the settlement, affected third party agencies and the State of California to ensure that the legislation complies with congressional PAYGO rules.

In May of 2008, the Energy and Natural Resources Committee approved amendments agreed to by the parties that allow most Friant Division contractors to accelerate repayment of

their construction cost obligation to the Treasury. This change both increases the amount of up-front funding available for the settlement and decreases the bill's PAYGO "score" by \$88 million, according to the Congressional Budget Office. In exchange for agreeing to early re-payment of their construction obligation, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts.

The amendments also included new provisions to enhance the water management efforts of affected Friant water districts. Specifically, the legislation now includes new authority to provide improvements to Friant Division facilities, including restoring capacity in canals, reverse flow pump-back facilities, and financial assistance for local water banking and groundwater recharge projects, all for the purpose of reducing or avoiding impacts on Friant Division contractors resulting from additional river flows called for by the Settlement and this legislation.

Near the end of the 110th Congress, parties to the Settlement and affected third parties came to agreement on additional provisions that would greatly facilitate passage of the bill by making it PAYGO-neutral. The legislation we are introducing today includes substantial funding, including direct spending on settlement implementation during the first ten year period of \$88 million gained by early repayment of Friant's construction obligation, and substantial additional funding authorized for annual appropriation until 2019, after which it then becomes available for direct spending again. This additional funding is generated by continuing payments from Friant water users and will become directly available to continue implementing the settlement by 2019 if it has not already been appropriated for that purpose before then.

In 2006, California voters showed their support for the settlement by approving Propositions 84 and 1E, that will help pay for the Settlement, with the State of California now committing at least \$200 million toward the Settlement costs during the next 10 years. When State-committed funding, direct spending authorized by the bill, and other highly reliable funding including pre-existing payments by water users are added together, there is at least \$380-390 million available for implementing the Settlement over the next 10 years, with additional dollars possible from additional Federal appropriations.

Nevertheless, it is my intention to work with the Chairman of the Energy and Natural Resources Committee during the 111th Congress to find a suitable offset that will allow restoration of all of the direct spending envisioned by the settlement without waiting until 2019.

Today's legislation continues to include substantial protections for other water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis. These protections are accomplished while ensuring a timely and robust restoration of the River and without creating any new precedents for implementing the Endangered Species Act. Similarly, there is no preemption of State law and nothing in the bill changes any existing obligations of the United States to operate the Central Valley Project in conformity with state law.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

At the end of the day, I believe that this San Joaquin bill is something that we can all feel proud of, and I urge my colleagues to move quickly to approve this omnibus public lands legislation and provide the administration the authorization it needs to fully carry out the extensive restoration opportunities and other actions called for under the Settlement.

By Mr. KERRY (for himself and Mr. ROCKEFELLER):

S. 24. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator ROCKEFELLER and I are introducing the Strengthen the Earned Income Tax Credit Act of 2009. Since 1975, the earned income tax credit, EITC, has been an innovative tax credit which helps low-income working families. President Reagan referred to the EITC as "the best antipoverty, the best pro-family, the best job creation measure to come out of Congress." According to the Center on Budget and Policy

Priorities, the EITC lifts more children out of poverty than any other government program.

It is time for us to reexamine the EITC and determine where we can strengthen it. Census data and the events of Hurricane Katrina reiterated the fact that there is a group of Americans that are falling behind. The poverty rate for 2007 was 12.5 percent and this is basically the same as the rate for 2006. In 2007, there were 37.3 million living in poverty.

We need to help the low-income workers who struggle day after day trying to make ends meet. They have been left behind in the economic policies of the last 8 years. We need to begin a discussion on how to help those that have been left behind. The EITC is the perfect place to start.

The Strengthen the Earned Income Tax Credit Act of 2009 strengthens the EITC by making the following four changes: reducing the marriage penalty; increasing the credit for families with three or more children; expanding credit amount for individuals with no children; and simplifying the credit.

First, the legislation increases marriage penalty relief and makes it permanent. In the way that the EITC is currently structured, many single individuals that marry find themselves faced with a reduction in their EITC. The tax code should not penalize individuals who marry.

Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. This legislation would create a new credit amount based on three or more children. One of the purposes of the EITC is to lift families above the poverty level. Because the EITC adjustment for family size is limited to two children, over time large families will not be kept above the poverty threshold.

Under current law, the maximum EITC for an individual with two or more children is \$5,028 and under this legislation, the amount would increase to \$5,656 for an individual with three or more children. Increasing the credit amount would make more families eligible for the EITC. Currently, an individual with three children and income at and above \$40,295 would not benefit from the credit. Under this legislation, an individual with children and income under \$43,276 would benefit from the EITC.

Third, this legislation would increase the credit amount for childless workers. The EITC was designed to help childless workers offset their payroll tax liability. The credit phase-in was set to equal the employee share of the payroll tax, 7.65 percent. However, in reality, the employee bears the burden of both the employee and employer portion of the payroll tax.

For 2008, the EITC will fully offset the employee share of payroll taxes

only for childless workers earning less than \$5,720. A typical single childless adult will begin to owe Federal income taxes in addition to payroll taxes when his or her income is only \$10,655, which is below the poverty line.

The decline in the labor force of single men has been troubling. Boosting the EITC for childless workers could be part of solution for increasing work among this group. Increasing the EITC for families has increased labor rates for single mothers and hopefully, it can do the same for this group.

This legislation doubles the credit rate for individual taxpayers and married taxpayers without children. The credit rate and phase-out rate of 7.65 percent is doubled to 15.3 percent. For 2007, the maximum credit amount for an individual would increase from \$457 to \$913. The doubling of the phase-out results in taxpayers in the same income range being eligible for the credit. In addition, the legislation would increase the credit phase-out income level from \$7,470 to \$13,800 for 2009 and \$14,500 for 2010.

Under current law, workers under age 25 are ineligible for the childless workers EITC. The Strengthen the Earned Income Tax Credit Act of 2009 would change the age to 21. This age change will provide an incentive for labor for less-educated younger adults.

Fourth, the Strengthen the Earned Income Tax Credit Act of 2009 simplifies the EITC by modifying the abandoned spouse rule, clarifying the qualifying child rules, and repealing the disqualified investment test. Current rules require parents to file a joint tax return to claim the EITC. This can create difficulty for separated parents. If parents are separated and not yet divorced, complex rules govern whether the custodial parent may claim the EITC if a separate return is filed. The custodial parent must be able to claim head-of-household filing status. This test requires that a parent must pay more than half of household expenses from her own earnings, rather than from child support payments or program benefits. Under this legislation, the requirements by permitting a separated parent who lives with for more than six months of the year and also lives apart from his/her spouse for at least the final six months of the year to claim the EITC.

Under current law, two adults who live in the same household with a child may each qualify to claim the child for the EITC, but only one taxpayer may claim the child and the other taxpayer is not eligible to claim the childless worker EITC. Under this legislation, filers who are eligible to claim a child for the EITC but do not do so are eligible to claim the smaller EITC for workers not raising a child. For example, a mother and aunt living in the same house who are both qualified to claim the child would be able to receive the EITC. The one who claims the

child would get the larger amount and the other would be eligible for the smaller childless worker credit.

Under current law, low-income filers are ineligible for the EITC if they have investment income such as interest, dividends, capital gains, rent or royalties that exceeds \$3,950 a year. Very few EITC claimants have investment income above this level. This income test creates a "cliff" because those workers with investment income of \$2,951 would be unable to claim any EITC. This provision discourages savings among low- and moderate-income families. Under this legislation, the investment income test would be repealed.

This legislation will help those who most need our help. It will put more money in their pay check. We need to invest in our families and help individuals who want to make a living by working. I urge my colleagues to support an expansion of the EITC.

By Mrs. LINCOLN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to reset the income threshold used to calculate the refundable portion of the child tax credit and to repeal the sunset for certain prior modifications made to the credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I come before the Senate to once again raise an issue that is near and dear to my heart—an issue that is of great importance to working families across this country. In 2001 and again in 2003, Senator SNOWE and I worked together to ensure that low-income working families with children receive the benefit of the Child Tax Credit. Last year, we were successful in improving the credit to ensure that more working families are able to receive its benefit for the tax year 2008, and I come here today to introduce legislation that will ensure this important provision continues to provide tax relief for our working families in the future.

The change we made to the credit last year will ensure the Child Tax Credit is available for all working families. As some of my colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, then they don't qualify for the credit. The problem is that some of our working parents are working full-time and yet they still don't earn enough to receive a meaningful benefit from this provision because they just don't have a high enough income.

It is wrong to provide the credit to some hardworking Americans, while leaving others behind. That is why we temporarily lowered the income threshold to \$8,500 in the Emergency Economic Stabilization Act last Fall. As a result, the single, working parent that is stocking shelves at your local

grocery store for minimum wage will receive a meaningful credit this year.

This improvement to the credit must be made permanent to ensure that our tax code works for all Americans, especially those working parents forced to get by on the minimum wage. Today, we are introducing the Working Family Child Assistance Act, legislation which makes the refundable Child Tax Credit permanent and sets the income threshold at a reasonable level so that all working parents, including those making the minimum wage, receive the benefit of the credit.

I look forward to working with my colleagues and the Administration to ensure that those low-income, hard-working families that need this credit the most do receive its benefits.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 30. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials increasingly find themselves confronted by scams in the digital age. One of the most recent scams is known as caller I.D. "spoofing." Today, I am introducing a bipartisan bill with Senators SNOWE, MCCASKILL and KLOBUCHAR—The Truth in Caller I.D. Act of 2009—to put an end to fraudulent caller I.D. spoofing.

What is caller I.D. spoofing? It's a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows someone to hide behind a misleading telephone number to try to scam consumers or trick law enforcement officers.

Let me give you a few shocking examples of how caller I.D. spoofing has been exploited during the past 4 years:

In one very dangerous hoax, a sharpshooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really happened was a caller used spoofing to trick law enforcement into thinking that the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive telephone number.

In another example, identity thieves bought a number of stolen credit card numbers. They then called Western Union, set up caller I.D. information to make it look like the call originated from the credit card holder's phone line, and used the credit card numbers to order cash transfers, which the thieves then picked up.

In other instances, callers have used spoofing to pose as Government offi-

cials. In the past year, there have been several instances of fraudsters using caller I.D. fraud to pose as court officers calling to say that a person has missed jury duty. The caller then says that a warrant will be issued for their arrest, unless a fine is paid during the call. The victim is then induced to provide credit card or bank information over the phone to pay the "fine."

Furthermore, while these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone, giving out personal information, or telling the person on the other end of the line about their current whereabouts. The results could be tragic.

There are a number of Internet Web sites—with names like Tricktel.com and Spoofel.com—that sell their services to criminals and identity thieves. Any person can go to one of these Web sites, pay money to order a spoofed telephone number, tell the Web site which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. screen.

A new Web site—Dramatel.com—even offers a prepaid calling card platform that combines a caller I.D. spoofing service with other features that allow a fraudster to disguise their voice and record the entire call. It's hard to imagine what legitimate purpose this service could possibly offer—other than providing a tailor-made mechanism for criminals to prey on innocent victims.

In essence, these Web sites provide the high-tech tools that criminals need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be a representative of the consumer's credit card company or bank. The thief can then ask the consumer to authenticate a request for personal account information. Once a thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Furthermore, even if a consumer does not become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and trust the person on the other end of the line.

In June 2007, I chaired a Senate Commerce Committee hearing on caller I.D. spoofing. At that hearing, there was broad consensus that caller I.D. spoofing was quickly developing into a major area of consumer abuse and criminal fraud. Unfortunately, the Federal Communications Commission and the Federal Trade Commission have been slow to act on this latest scam. In

the meantime, many spoofing companies and the fraudsters that use them believe their activities are, in fact, legal. Well, it's time to make it crystal clear that spoofing is a scam and is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2009 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits fraudsters from using caller identification services to transmit misleading or inaccurate caller I.D. information with the intent to defraud, cause harm, or wrongfully obtain anything of value. This prohibition covers both traditional telephone calls and calls made using Voice-Over-Internet, VoIP, service.

Anyone who violates this anti-spoofing law would be subject to a penalty of \$10,000 per violation or up to one year in jail, as set out in the Communications Act. Additionally, this bill empowers States to help the Federal Government track down and punish these fraudsters.

I invite my colleagues to join Senators SNOWE, McCASKILL, KLOBUCHAR and myself in supporting the Truth in Caller I.D. Act of 2009. We should not waste any more time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Caller ID Act of 2009".

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

“(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

“(3) REGULATIONS.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in

Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

“(B) CONTENT OF REGULATIONS.—

“(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

“(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

“(I) any authorized activity of a law enforcement agency; or

“(II) a court order that specifically authorizes the use of caller identification manipulation.

“(iii) EFFECT ON OTHER LAWS.—Nothing in this subsection shall be construed to authorize or prohibit any investigative, protective, or intelligence activities performed in connection with official duties and in accordance with all applicable laws, by a law enforcement agency of the United States, a State, or a political subdivision of a State, or by an intelligence agency of the United States.

“(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

“(5) PENALTIES.—

“(A) CIVIL FORFEITURE.—

“(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.

“(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

“(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

“(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice of apparent liability.

“(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

“(6) ENFORCEMENT BY STATES.—

“(A) IN GENERAL.—The chief legal officer of a State, or any other State officer author-

ized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

“(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

“(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

“(i) to intervene in the action;

“(ii) upon so intervening, to be heard on all matters arising therein; and

“(iii) to file petitions for appeal.

“(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(E) VENUE; SERVICE OR PROCESS.—

“(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

“(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

“(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

“(7) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification information’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

“(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

“(C) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given that term by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

“(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f)

shall not apply to this subsection or to the regulations under this subsection.”.

By Mr. KOHL (for himself and Mr. DURBIN):

S. 165. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Student Credit Card Protection Act of 2009 with my colleague Senator DURBIN. This legislation will help prevent college students from compiling massive credit card debt while in school.

College students have become the target of credit card companies advertising campaigns over the past 15 years. Many universities allow credit card companies to set up tables on campus and offer students free gifts in exchange for filling out a credit card application. Additionally, students receive card solicitations through mail to their on-campus mailbox or at their home address even before they arrive at the university in the fall. These aggressive marketing strategies have worked and now close to 96 percent of college graduates hold a credit card, compared to 1994, when only half had one. The average college student graduates with close to \$3,000 in credit card debt, double the amount in 1994. In some very extreme cases, students are leaving school with multiple credit cards and debts amounting upwards of \$10,000.

Credit card debt can make it harder for graduates to rent an apartment, receive a car loan, or obtain a job after college. Due to the lack of financial education and complicated terms and conditions, many students find themselves in over their heads. The Student Credit Card Protection Act will help students avoid large credit card debt while forcing issuers to make more responsible loans. The bill requires credit card issuers to verify annual income of a full-time student and then extends a line of credit based on the income. For a student without a verifiable income, a parent, legal guardian or spouse must cosign the credit card and approve any increase in the credit limit. These simple underwriting requirements will make it more difficult for credit card companies to approve loans that are beyond a students' ability to repay and return to a more responsible lending policy.

It is imperative that we help minimize the amount of debt young consumers incur before entering into the workforce. On average, a student with a bachelors degree will leave school with \$18,000 in student loan debt. Paying for housing, health-care and student loans already place a financial strain on a recent college graduate. A huge credit card payment on top of all

of the other bills can lead to financial ruin before young people even have a chance to get on their feet. This bill gives students the protection they deserve from irresponsible lending that can trap them in years of crushing debt repayment.

The current economic situation has exposed many bad habits of both the financial industry and the average consumer. The savings rate of our country has significantly declined over the past decade as consumer spending and borrowing steadily increased. While it is necessary for Congress to implement policies which will allow Americans to save more of their income, it is equally important for consumers to put into practice controlled and prudent spending habits.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 9—COMMEMORATING 90 YEARS OF U.S.-POLISH DIPLOMATIC RELATIONS, DURING WHICH POLAND HAS PROVEN TO BE AN EXCEPTIONALLY STRONG PARTNER TO THE UNITED STATES IN ADVANCING FREEDOM AROUND THE WORLD

Mr. LUGAR (for himself, Mr. VOINOVICH, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 9

Whereas the United States established diplomatic relations with the newly-formed Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of democracy in Poland, as well as the 20th anniversary of the fall of communism in Poland;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland has strongly supported the United States diplomatically and militarily, as well as supporting United States-led efforts in combating global terrorism, and has contributed troops to the coalitions led by the United States in both Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 90th anniversary of U.S.-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

Mr. LUGAR. Mr. President, I rise today to offer a resolution commemo-

rating several remarkable milestones in the U.S.-Poland partnership. This year marks the 90th anniversary of diplomatic relations between the United States and Poland, the 50th anniversary of the Fulbright Exchange Program with Poland, and the 10th anniversary of Poland's accession to NATO.

The U.S.-Polish friendship formally began in 1919 and has endured through two world wars, the Cold War, and the emergence of a vibrant democracy after the fall of communism. This partnership has been bolstered by two unqualified successes of U.S. diplomacy. The Fulbright Exchange Program has nurtured the pursuit of higher learning for Polish and American students, professors, and researchers, for many decades offering Poles a rare window into the opportunities afforded by democratic society. Such exchanges invigorated intellectual thought and creativity in Poland, Eastern Europe, and the West and helped to hasten the dissolution of the Warsaw Pact.

Poland exhibited great energy in undertaking economic, political, and military reforms, and the NATO alliance was strengthened by Polish membership in 1999. Poland today remains the closest of our allies, having contributed great wherewithal to combating global terrorism and bringing stability to Afghanistan and Iraq. In recognition of the profound successes of the U.S.-Polish alliance, I am pleased to introduce this resolution congratulating the Polish people on their great accomplishments as a free democracy and expressing our country's appreciation for Poland's steadfast partnership.

I am hopeful that my colleagues will join me in supporting this important legislation.

PRIVILEGES OF THE FLOOR

Ms. KLOBUCHAR. I ask unanimous consent that John Branscome, a detailee in my office, be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—NOMINATIONS TO OFFICE OF INSPECTOR GENERAL

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the department, agency, or entity and, if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess or adjournment the committee

shall have 5 additional calendar days after the Senate reconvenes to report the nomination, and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEEKEND SESSION

Mr. REID. Mr. President, we are going to be in a weekend session. All Democratic Senators have been told this, and Republican Senators have been notified. We earlier anticipated that the vote would be early Sunday, but I have worked with the Senate staff and we are going to be protected with postcloture time by having that vote at 2 p.m. So what we will do is come in Sunday at 1 p.m. and have a vote at 2 p.m.

There are a few procedural games people can play, if they desire, and I am confident they won't, but if they do, we are protected, and we will have that vote so that the 30 hours expires during the next day, which would be Monday. We are working toward not being in session on Saturday. We think we can do that because some people have issues that they want to be protected, and I think we can do that. But at least for now—not for now; period—we are going to vote at 2 p.m. on Sunday, and everyone should know that. I know there are a lot of people who have plans, but there has been adequate notice.

I mentioned here this morning, and I repeat, that President-elect Obama has said that there are people out there who would love to be able to work on a Sunday but they do not have a job, and this is the least we can do. The reason we are doing it is we have to move this large number of issues as quickly as we can.

This one matter we will finish early next week will be the result of 164 bills that have been held up. We are going to move then to Lilly Ledbetter, an important piece of legislation. When we finish that, we are going to do the children's health initiative, which doesn't take care of all the health care problems in this country, but it does solve the problem for millions of our children. Then we are going to move to the economic recovery plan, and there may be other things we have to do. For example, if President Bush sends us the TARP—that is the matter dealing with the financial bailout—we will have to deal with that. So we have a lot to do, and I hope everyone is understanding of the fact we have to vote on Sunday.

ORDERS FOR THURSDAY, JANUARY 8, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it stand in adjournment until 10:30 a.m., Thursday, January 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak for up to 10 minutes each. I further ask that the Senate recess from 3:30 p.m. until 4:45 p.m. tomorrow to accommodate a special Democratic caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As a reminder, Senators will gather in the Senate Chamber at 12:45 p.m. to proceed to the House Chamber for a joint session to count the electoral ballots. The joint session will commence at 1 p.m.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, January 8, 2009, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL DONALD A. HAUGHT
BRIGADIER GENERAL THOMAS J. HAYNES
BRIGADIER GENERAL CRAIG D. MCCORD
BRIGADIER GENERAL ROBERT M. STONESTREET
BRIGADIER GENERAL EDWARD W. TONINI
BRIGADIER GENERAL FRANCIS A. TURLEY

To be brigadier general

COLONEL MARGARET H. BAIR
COLONEL JAMES H. BARTLETT
COLONEL JORGE R. CANTRES
COLONEL SANDRA L. CARLSON
COLONEL STEPHEN D. COTTER
COLONEL JAMES T. DAUGHERTY
COLONEL GRETCHEN S. DUNKELBERGER
COLONEL ROBERT A. HAMRICK
COLONEL CHRIS R. HELSTAD
COLONEL CECIL J. HENSEL, JR.
COLONEL FRANK D. LANDES
COLONEL ROBERT L. LECKER
COLONEL RICKIE B. MATTSOON
COLONEL MAUREEN MCCARTHY
COLONEL JOHN E. MCCOY
COLONEL JOHN W. MERRITT
COLONEL THOMAS R. SCHIESS
COLONEL RODGER F. SEIDEL
COLONEL GLENN K. THOMPSON
COLONEL DEAN L. WINSLOW
COLONEL WILLIAM M. ZIEGLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EDMUND P. ZYNDA II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL C. GIBSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DONALD L. MARSHALL
CHARLES E. PETERSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL J. CUSHMAN
DAMANI K. MITCHELL
LUIS F. SAMBOLIN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

CHRISTOPHER S. ALLEN
RAY H. KRUEGER

To be major

LYMAN C. FOSTER
DEEPA HARIPRASAD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RYAN R. PENDLETON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HOWARD L. DUNCAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY R. GRUNOW
DONA M. IVERSEN
JAN LOUISE RHODES
MARGARET W. SCHMIDT
PAMELA T. SCOTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EUGENE M. GASPARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL R. POWELL
VALERIE R. TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARY ELIZABETH BROWN
GERALD J. LAURSEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY R. CALIFF
GEORGE E. MEISTER
C. MICHAEL PADAZINSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN SCOTT BAKER
ROBERT CHARLES DORMAN
BRIAN F. HASKINS
FRANK R. MILLER
PHILLIP E. PARKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH ALLEN BANNA
TRACI D. GUARINIELLO
PATRICIA J. HAMMON
WILLIAM E. MOXLEY
MICHAEL W. MUMBACH
ERIC D. PLACKE

CAROL A. POWERS
DAVID C. STEWART
JOSEPH TOCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEITH A. ACREE
TODD S. BAKITA
WILLIAM JOHN BANKS
BRIAN SCOTT BRANDNER
THOMAS M. BUCKNER
CATHLEEN M. BULLARD
THOMAS D. CHALEKI
DAVID A. CLOSEN
PATRICK LOUIS CLOUTIER
JOHN J. COLLINS, JR.
ANTHONY J. COMTOIS
JOETTE D. DAUGHERTY
GARY M. DOBBINS
GERARD A. DUBLIN
TIMOTHY W. FARQUHAR
WILLIAM R. FINGAR
DALE C. FRIDLEY
STEVEN B. FULAYTAR
JOSEPH JOHN GLEBOCKI
JOHN RAYMOND GREENE
MICHAEL C. GRIECO
DOUGLAS E. HALL
JEFFREY W. HIGGINS
KENNETH D. HONAKER
JOHN D. HUNT
SCOTT P. HUTCHINS
GREGORY C. JONES
KURT D. JONES
NICHOLAS KOSKIVACIRCA
BRIAN J. KRAEMER
GREGORY D. LEE
JAMES E. LEHMAN
ROBERT M. LINDELL
ROBERT S. LIPIRA
PAUL A. LOOMIS
JULIO R. LOPEZ
CINDY G. LUNDHAGEN
WILLIAM H. MASON, JR.
THEODORE S. MATHEWS, JR.
GALEN W. MAYS
ROBERT K. MCCUTCHEEN, JR.
STEPHEN V. MOTYLINSKI
TIMOTHY E. NELSON
BRETT A. NEWMAN
JOHN E. PATCHETT
THOMAS O. PEMBERTON
EDWARD P. PERNOTTO
ROY A. PETERSON
RAYMOND F. PIJMA
BRIAN A. RENO
MICHAEL L. RICCI
JOHN S. RUSSELL
KEITH D. SCHULTZ
STEPHEN L. SEAMAN
MICHAEL C. SHIEH
DARRIN SIMMONDS
ROBERT J. STANTON
JOHN P. STOKES
STEVEN J. TALLEY
ROGER J. TANNER
BRUCE R. TAYLOR
DAVID L. THIRTYACRE
MARK C. WESTON
GREGORY G. WEYDERT
RONALD A. WILT
ROBERT J. WITTMANN
DERIC K. WONG
JAMES R. WYATT, JR.
STEVEN L. YOUSSE

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SCOTT A. GRONEWOLD

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT L. KASPAR, JR.
DAVID K. SCALES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

EMMETT W. MOSLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANDREW C. MEVERDEN
APRIL M. SNYDER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE

UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DOUGLAS M. COLDWELL
WAYNE W. KIM

To be major

REGINA S. BAHTEN
CHARLES DODSON
EUGENE L. HART
STEPHEN MONTALDI

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THOMAS S. CAREY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SCOTTIE M. EPPLER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PIERRE R. PIERCE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHERYL A. CREAMER
AGA E. KIRBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KATHRYN A. BELILL
JOCELIN S. BLAKE
MARLA K. BRUNELL
NICHOLAS R. CABANO
SCOTT C. CHAMBERLIN
BARBARA CLOUTIER
DAVID COX
THOMAS H. EDWARDS
SCOTT J. GOLDMAN
PATRICK J. GRIMM
LANE A. HANSEN
KATHERYN E. HANSON
ROBERT V. HAWLEY
ERIN H. HUISINGA
MICHELLE A. JEFFERSON
EILEEN K. JENKINS
SHANNON H. LACY
GREGORY S. LAUGHLIN
ERIC D. LEE
JAMES PRATT
CHRISTOPHER SCHELLHASE
JUSTIN R. SCHLANSER
DANIELLE M. TACK
SUZANNE R. TODD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHRISTOPHER ALLEN
JOHN S. BARNETT
SCOTT J. BAUMGARTNER
RONNY P. BIGHAM
CHARLES G. BLAKE
ROBERT W. BRADLEY
DARREN C. BRISENO
DAVID W. BROUSSARD
JAMES M. BRUMLEY
KEVIN W. BURNHAM
JAMES P. BURNS
TED T. CHAPMAN
MAE H. CISNEROS
JEFFREY W. CLARK
CHRISTOPHER B. COLE
ANDREW D. CONTRERAS
ROBERT J. CROUCH III
MICHAEL A. DAVIDSON
EARL K. DOWNS
JOSEPH S. ESTRADA
THOMAS D. FELDMAN
LORIE L. FIKE
CHRISTOPHER A. FLAUGH
WILLIAM P. GAFFNEY
DAVID M. GANN
SCOTT M. GILPATRICK
LYNN L. GROSVENOR
EDWARD A. HAIRSTON
ROBERT R. HOWES

COLEEN M. HURST
ANTHONY A. JAMES
NICHELLE A. JOHNSON
JAMES J. JONES
JOSEPH R. KARDOUNI
MICHAEL S. KIM
JOHN L. KINKEAD
JOSEPH T. KLAPPERICH
DAVID LARRES
WILLIAM A. LORO
DUSTIN S. MARTIN
VANCIL B. MCNULTY
CYNTHIA MCPHERSON
BRYAN W. MEECE
GEORGE S. MIDLA
JONATHAN D. MONTI
ALEX MORALES
PHILIP B. OSSOWSKI
MICHAEL J. PAGEL
WAYNE F. PILZ
YURI O. RIVERA
DOUGLAS R. ROACH
DAVID P. ROBBINS
HOLLY J. ROBERTS
MARTIN P. ROSE
LUIS A. SANTIAGO
JAMES R. SCHMID
HEATHER L. SCHOPF
CINDI J. SCHULER
STEPHEN W. SEWARD
MARK S. SHORT
FORBES E. SMITH
LISA M. SMURR
MICHELLE R. SMYTH
ZACK T. SOLOMON
CHARLES L. STANLEY
JERRY L. STARR
RAYMOND A. STERLING
CARRIE A. STORER
YUN Y. UGAITAFI
BRADLEY J. WARR
RICK E. WHITLEY
MICHAEL V. WINTERS
D060522

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOHN L. AMENT
MARIA O. ANGELES
ANGELIKA R. AVERY
KENNY BARAJAS
DAVID E. BENNETT
DWIGHT R. BERRY
ALLAN J. BOUDREAU
DEREK A. BOWLS
JASON J. BROOKHART
KRISTAL R. BRYANT
EDWARD F. BURKE
LORI K. BURRELL
RENEE L. BUSSE
RUSSELL B. CARROLL
SAWYER G. CASLEY
MARGARET D. CECIL
RHONDA L. CENTUOLO
JO A. CLABAUGH
RICHARD CLARK
SHANNON M. COLE
ADAMS J. COLEMAN
YETTA E. CONCINA
CHRISTOPHER L. CONNORS
MICHAEL R. CORBIN
ROBERT L. CORSON
SARAH R. CREASON
MARY A. CRISPIN
NOVELLA L. CURRINGTON
SHIRLEY DANIEL
MIGUEL L. DELEON
DAVID D. DEWITT
TERRY R. DICKINSON
TIM N. DINH
BRENT L. DONMOYER
LAUREN L. DOWLESS
EDWARD E. DUNTON II
JUDY J. ELDBURY
MICHAEL S. FISHER
JENNIFER L. FLORENT
DREXEL D. FORBES
CLAUDE E. FOURROUX
MICHAEL S. FRANZ
ROBERT K. FREDREGILL
SILVANA R. FRENCH
LAURA M. GALLAWAY
RUBEN GARCIA
RACHEL GEORGE
ALVIN J. GIBBONS
JAYNE A. GIBSON
THURAYYA C. GILLIS
CARRIE L. GIPSON
LESLIE A. GOODWIN
WENDY L. GRAY
YVONNE M. HEIB
WILLIAM R. HERRMANN
REGINALD A. HILLS
LINDA G. HOUSTON
INGRID L. HUFFMAN
JEFFREY T. HULEN
SARAH T. HUML
JENNIFER R. HUXEL

MARY E. ITTNER
 DETRA T. JACKSON
 LISA G. JACKSON
 RICHARD Y. JACOBSON, JR.
 KRISTIN D. JAUREGUI
 HYUN J. KANG
 STEVEN S. KERTES
 ANN K. KETZ
 MELODY A. KONGNDUMBE
 KIJA A. KOROWICKI
 ROBERT E. LAJERET
 DAVID D. LAMBERT
 GERALD G. LANGSTON
 THERESA L. LEWIS
 LARRY J. LINVILLE, JR.
 LAURA O. LORENSON
 MARY M. MARAN
 STEPHANIE K. MARTINSON
 REINALDO MASGONZALEZ
 BILLIE J. MATTHEWS
 DORIANNE C. MAY
 REBECCA K. MCARTHUR
 MICHAEL C. MCKINNEY
 DEREK L. MEAUX
 EILEEN C. MELVILLE
 CHRISTOPHER G. METCALF
 LORI M. METCALF
 STEVEN T. MEYER
 JOHN L. MITCHELL, JR.
 IDA S. MONTGOMERY
 PILLY A. MORALESMATEO
 VINCENT B. MYERS
 LESLIE J. NANCE
 BIRGIT B. NOSALIK
 BRADLEY P. OBRIEN
 TRACY J. OSTROM
 OMETRISS M. PARKER
 LILLIAN S. PERKINS
 LISA D. PHILLIPS
 PAULINE A. POTTER
 LORI E. POYNTER
 CHRISTINE M. QUINTANA
 JAY M. RAMES
 BRENT K. RAMSEY
 DARRELL G. REAMER
 BRIAN H. REASONER
 ANGELA R. REDMOND
 COLLEEN M. REID
 RICHARD E. RICKLEY
 JENNIFER L. ROBINSON
 TORRES J. RODRIGUEZ
 JOSEPH A. ROMEO
 THERESA A. ROSS
 LINDA K. SCOTT
 WILLIAM S. SEDGWICK
 MARIA H. SHELTON
 DOUGLAS A. SIMMONS
 WYLIE K. SIMMONS
 DONNA C. SMAWLEY
 CHRISTOPHER T. STAKE
 MARK R. STIPSITS
 ROBERT M. STOHLER
 CATHERINE E. SUNDERLAND
 ALICIA D. SURREY
 RUBY J. THOMAS
 SAFIYA S. THOMAS
 JEFFREY D. THOMPSON
 TRACY A. THORNTON
 JUSTIN T. VAUGHN
 DWAYNE D. WATSON
 SHEILA J. WEBB
 MATTHEW D. WELDER
 STEPHEN WELLINGTON
 JAMES H. WILSON
 MICHAEL W. WISSEMAN
 WENDY G. WOODALL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

TERRYL L. AITKEN
 ERIC J. ANSORGE
 JUSTIN AVERY
 MATTHEW T. BELL
 KENNETH R. BERRY
 ROBYN BETHEA
 AMY M. BIRD
 VAZQUEZ P. BONILLA
 KEVA R. BROWN
 LESLY C. CALIX
 COLLEEN E. CANNONE
 DONALD W. CARDEN
 TELLIS L. CARR
 JOHN D. CARTER
 LAKISHIA T. CHEEFUS
 TROY D. CHINEVERE
 RICKEY CHRISTOPHER
 SIDNEY M. COBB
 MICHELLE COLACICCOMAYHUGH
 BRADLEY M. DAMSCHEN
 TAMBA DAUDA
 KATHRYN M. DAVIS
 KYMBERLY A. DEBEAUCCLAIR
 GRACE M. DENEKE
 MICHAEL R. DEVRIES
 ERICA R. DIJOSEPH
 CHRISTOPHER N. DUNCAN
 LIQUORI L. ETHERIDGE
 CHRISTOPHER C. EVERITT

AMANDA J. FARLEY
 ERICH T. FELPS
 VANESA D. FINKLEA
 ERIC R. FLEMING
 CHADWICK B. FLETCHER
 ANTONIO FLORES
 RICHARD K. FLOYD
 BRIAN T. FREIDLINE
 JOLANDA L. J. GARDNER
 ROBERT G. GATES
 ANTHONY J. GENTILIA
 JALEH GHALANDARYSAFAVI
 DAVID L. GLAD
 TAMMY D. GLASCOE
 BRYAN T. GNADE
 RAINIER A. GONZALES
 MICHELLE J. GRADNIGO
 ANDREW R. GREGORY
 MATTHEW J. GRIESER
 BRENT W. GRUVER
 DANIEL M. GRUVER
 JIAN GUAN
 CASEY E. HAINES
 JAMES P. HALSTEAD
 CERISE R. HAMLIN
 CHRISTOPHER L. HANSEN
 JONATHAN M. HARTMAN
 NORVIS HAYGOOD
 TIFFANY N. HEADY
 MARK C. HEARD
 MICHAEL D. HIETT
 ADAM N. HOUDE
 NORLAND V. JAMES
 THWANA JOHNSON
 DONALD C. JOHNSTON
 ALAN A. JONES
 JASON M. JONES
 PAUL J. KASSEBAUM
 MARILYN V. KEENE
 TODD M. KIEJEK
 CHRISTOPHER W. KISS
 KEL H. KRATZER
 ROBERT D. KUNKEL
 JOSEPH E. LABRIE III
 LESLIE M. LATIMORELORFILS
 JASON D. LING
 HERBERT LORFILS
 JOHN E. LOUCH
 ELIASIB LOZANO
 CLAUDIA S. LUNA
 LUCINDA LYONS
 MARILYN C. MACALOS
 JAMES C. MAKER
 DAVID R. MALDONADOLOPEZ
 JALALUDDIN A. MALIK
 MATTHEW J. MAPES
 JEFFREY J. MCCONIHAY
 HARRY MCDONALD, JR.
 SEAN P. MCDONALD
 PETER A. MIELO
 CASSANDRA L. MIMS
 ZENITA E. MITCHELL
 ELLIS R. MOFFETT
 COHN R. MOON
 SEQUIN H. MOSLEY
 ALFRED H. NADER III
 CLAUDIA G. NOYOLA
 JAMES A. NUCE
 KATHERINE M. NYGREN
 CHRISTOPHER J. OLIVER
 CHRISTIAN K. OLSON
 TRAVIS D. PAMENTER
 ANTHONY W. PATTERSON
 SHAWN M. PECINOVSKY
 LORENZA L. PETERSON
 NAOMI S. PETTYMADISON
 LALINI PILLAYCLARKE
 MARTIN J. REIDY III
 NATHANIEL J. ROBERTS
 DAVINA M. ROBINSON
 CZARVITTO J. ROGERS
 PAUL R. ROLEY
 SABRINA R. ROOKSTHWEATT
 EDUARDO J. ROSA III
 MARTIN A. RUSSELL
 ALAN G. SCHILANSKY II
 ANDREW T. SCHNAUBELT
 JEFFREY B. SCHNOOR
 STEPHANIE A. SIDO
 TRACY C. SMALL
 ANNETTE M. SMITH
 ROSE L. SMYTH
 SUSAN L. SNOW
 ERIC F. STEEN
 KIRSTEN F. SWANSON
 MATTHEW T. SWINGHOLM
 XIAOLIAN TAN
 MATTHEW P. TARJICK
 TERESA M. TERRY
 WILLIAM A. TUDOR, JR.
 SORAYA TURNER
 BRIAN M. VANHALL
 MICHAEL L. VANZILE
 JOSE M. VELAZQUEZ
 DARRIN M. VICSIK
 DAVID V. WALSH
 BRENDAN L. WATSON
 FRED K. WEIGEL
 MARC R. WELDE
 MICHAEL S. WHIDDON
 RACHEL J. WIENKE
 EMILE K. WIJNANS

ROBERT V. WILLIAMS II
 SARAHTYAH T. WILSON

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MATTHEW E. SUTTON

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ANDREW N. SULLIVAN

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TRACY G. BROOKS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PETER M. BARACK, JR.
 JACOB D. LEIGHTY III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID G. BOONE
 JAMES A. JONES

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM A. BURWELL
 BALWINDAR K. RAWALAYVANDEVOORT

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KURT J. HASTINGS
 CALVIN W. SMITH

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES P. MILLER, JR.
 WALTER D. ROMINE, JR.
 MARC TARTER

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID S. PUMMELL

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT M. MANNING

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL A. SYMES

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL A. SHIRLEY

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD D. KOHLER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JULIE C. HENDRIX
MAURO MORALES

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTOPHER N. NORRIS
RICHARD P. OWENS
MARK S. ROY
SAMUEL W. SPENCER III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTHONY M. NESBIT
PAUL E. RICHARD
PAUL ZACHARZUK

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GREGORY R. BIEHL
JOHN F. REYNOLDS, JR.
BRYAN S. TEET

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TRAVIS R. AVENT
GREGG R. EDWARDS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSE A. FALCHE
CHRISTOPHER L. FIELDS
DONALD A. JOHNSON

CLENNON ROE III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KEITH D. BURGESS
CHRISTOPHER S. EICHNER
GERALD D. HABIGER
TROY A. KACZMARSKI
DANIEL C. KOCH
BRIAN J. SPOONER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARK L. HOBIN
GARY S. LIDDELL
TERRY G. NORRIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEVIN J. ANDERSON
WALTER W. AUDSLEY
LANCE S. BOOKLESS
BRUCE L. BROWN
ROBERT G. CAGLE, JR.
LOUIS CALA
VINCENT P. CODISPOTI
DEAN E. CRAFT
ERIC P. CRUDO
LEONARD J. DEFRAANCISCI
THOMAS H. GOESSMAN
MICHAEL A. HALT
GARRET H. HUBBARD
JAY J. KRAIL
JOSEPH R. MAGUIRE
SCOTT E. MAKER
MICHAEL A. MARTIN
KEVIN J. MULLALLY
JAMES M. MUMMA
DAVID E. OBRIEN
SEAN E. PECHON
SCOTT T. PETERSON
GERARDO L. PISCOPO
MICHAEL J. STOUGHTON
THOMAS W. WHITEHOUSE
EDWARD P. WOJNAROSKI, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DEANDREA G. FULLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVEN J. SHAUBERGER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

KAREN M. STOKES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SCOTT D. SHIVER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

CRAIG W. AIMONE
DIRK B. PADGETT

To be lieutenant commander

DAVID R. COLEMAN
JAMES B. EASTON
RICHARD C. PLEASANTS
HIEN T. TRINH
MATTHEW M. WILLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANIEL G. CHRISTOFFERSON
JAMES L. GRAY, JR.
DENNIS J. MCKELVEY
RODNEY A. MILLS
GLENN W. PENDRICK
ALBERT D. PERPUSE

HOUSE OF REPRESENTATIVES—Wednesday, January 7, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 7, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, gathered together as Members of the 111th Congress, we are ready to work for the good of this Nation. Called by Your voice and the will of free people, make us attentive to Your word. Being restless in our world, grant us Your peace.

Whatever their diverse needs, let us respond the best we can. Having found common ground in this Nation's history and principles of this sound government, guide us to accomplish deeds of justice and good order for all our citizens.

We commend ourselves and this Nation to You, as the shepherd and guardian of our souls, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BOOZMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate agreed to the following resolution:

S. RES. 8

In the Senate of the United States, January 6, 2009.

Whereas Claiborne Pell represented the people of Rhode Island with distinction for 36 years in the United States Senate, from 1961 to 1997, and was the longest-serving Senator in Rhode Island's history;

Whereas Claiborne Pell served in the United States Coast Guard and the Coast Guard Reserve, beginning in 1941 and retiring in 1978 with the rank of Captain;

Whereas Claiborne Pell participated in the 1945 United Nations Conference on International Organization that established the United Nations, and was a champion of the United Nations throughout his life;

Whereas Claiborne Pell served as a Foreign Service Officer from 1945 to 1952;

Whereas Claiborne Pell sponsored the legislation that, in 1965, created the National Endowment for the Arts and the National Endowment for the Humanities and, in 1966, created the National Sea Grant College and Program;

Whereas Claiborne Pell's vision led to the creation of an improved passenger rail system in the Northeast and across the United States;

Whereas Claiborne Pell believed that economic means should not be a barrier to a higher education and sponsored legislation creating the Basic Educational Opportunity Grants in 1972, which were renamed "Pell Grants" in 1980;

Whereas Pell Grants have helped 54,000,000 people in the United States secure a higher education;

Whereas Claiborne Pell sought to expand educational opportunities throughout his tenure as a member and as Chairman of the Senate Subcommittee on Education, Arts and Humanities;

Whereas Claiborne Pell served as Chairman of the Senate Committee on Foreign Relations in the 100th through 103rd Congresses;

Whereas Claiborne Pell was a champion of human rights who devoted himself to promoting a peaceful resolution to international conflict and the elimination of the threat of nuclear weapons; and

Whereas the hallmarks of Claiborne Pell's public service were unsurpassed respect, decency, and civility: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Claiborne Pell, former member of the United States Senate;

(2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Claiborne Pell.

The message also announced that the Senate agreed to the following joint resolution:

S.J. Res. 3. Joint resolution ensuring that the compensation and other emoluments at-

tached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

STAND FOR THE RULE OF LAW, NOT THE RULE OF FORCE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, we cannot truly celebrate a new year, a new Congress and a new administration if all we see is the same old destruction in the Middle East with U.S. weapons being illegally used to kill children.

I oppose Hamas' rocket attacks on Israel. The rocket attacks, even to try to end the blockade, have no moral justification, are illegal, and must stop. But how can Israel claim self-defense when it bombs Gaza, which has no army, no air force, no navy, and has been under a constant blockade? How can Israel claim self-defense when its bombs destroy U.N. schools, killing children?

The children of Palestinians and the children of Israel both deserve life. But the lives of the children of Gaza are cynically discounted as human shields. Massacres are being rationalized. Israel's "moral high ground" in Gaza, a growing pile of small bones in a graveyard.

The administration knows Israel is using U.S. weapons, paid for by U.S. taxpayers, with disproportionate force, creating a collective punishment of Gazans, assuring an escalation of conflict, clear violations of the Arms Export Control Act.

Israel was given U.S. weapons on condition they would not be used for aggression or escalation. This outgoing administration must finally stand for the rule of law, not the rule of force.

IN MEMORY OF SERGEANT JOHN PENICH, U.S. ARMY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to honor a brave American

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

soldier who sacrificed his life for freedom, Sergeant John Penich.

Sergeant Penich, by all accounts, was an extraordinary soldier whose hard work and determination earned him the title of Soldier of the Year in 2007 for his brigade. His bravery was evident in combat on several occasions. Brigadier General Perry Wiggins has said he knows of three separate instances when Sergeant Penich saved the lives of his comrades.

According to newspaper reports, one of his final acts of bravery came on September 6, 2008, when his patrol was attacked by rocket-propelled grenades and small-arms fire. He showed his courage under fire, taking charge and reestablishing security and saving the lives of his platoon members. His heroics on that day earned him a Silver Star, the third highest honor given to members of the armed services for valor.

Five and a half weeks after he earned the Silver Star, he gave the ultimate sacrifice. Sergeant Penich put himself in harm's way to make the world a better place.

His commitment to this country is second to none. He wanted to be an officer, and there's no doubt we would have benefited from this young man's tremendous leadership abilities.

Sergeant John Penich is a true American hero. I ask that my colleagues keep his family and friends in their thoughts and prayers during this very difficult time.

CONGRESS MUST WORK TO SAVE AND CREATE JOBS DURING THESE UNCERTAIN TIMES

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, last year, nearly 2 million Americans lost their jobs. Almost half of those job losses came in October and November, after the financial collapse of Wall Street.

The December jobs numbers will be out in a couple of days, but it is not likely to be good news. All month long retailers were saying that they had to lay off seasonal help because Americans simply were not spending their money. And that's not surprising, considering that many of our constituents are justifiably concerned about their job security. Even those that are confident that they will hold on to their jobs are feeling financially squeezed because they are being paid less than they were 10 years ago.

As the 111th Congress begins this week, we are committed to getting Americans back to work and preventing further job cuts from happening later this year. We also want to provide middle class Americans with tax relief so they can better afford their monthly bills.

Madam Speaker, as change comes to Washington, we should work in a bipartisan manner to pass an economic recovery package quickly. We cannot afford to wait.

A NEW YEAR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this year we should work immediately to address the challenges facing our Nation. Recent job losses and a decline in the housing market have led many Americans to lose confidence in our economy. I am optimistic, however, that sound bipartisan solutions that support small businesses and provide tax relief to American families will mean a quicker recovery and less of a burden on future generations of taxpayers.

As we expand opportunities for job creation, Congress should promote an all-of-the-above energy strategy. We cannot sustain our expensive and strategically dangerous dependence on foreign oil.

While there remain enemies who threaten our freedoms, I am grateful that our fighting men and women remain committed to their duty. We must defeat terrorists overseas to protect American families at home. We must always honor our military and veterans.

I am confident that we will lead our Nation toward greater prosperity and security if we trust and invest in the ingenuity and spirit of the American people with limited government.

In conclusion, God bless our troops, and we will never forget September the 11th.

ECONOMIC RECOVERY PLAN INVESTS IN AMERICA'S FUTURE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, at a time of great economic anxiety, this new Congress faces enormous challenges. In the next 6 weeks we're going to craft and hopefully pass an economic recovery package that will create and save millions of jobs and will help jump start our economy with investments in some of our Nation's top priorities.

At a time when millions of Americans are losing their health insurance, Washington needs to provide critical assistance to States so that they can continue to provide health care services through Medicaid. If Congress does not act, States will have no other choice than to begin dropping coverage. That is an immediate health care concern that we should deal with as part of any economic stimulus package.

But we also have an opportunity to modernize our health care system with new computer technology that will greatly reduce health care costs and will improve care for every American.

Madam Speaker, I look forward to working with all of my colleagues in crafting a bipartisan plan that will help rebuild our economy so that we can get people back to work.

SELF DEFENSE AGAINST RELIGIOUS EXTREMISM

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the radical hate group Hamas in Gaza has refused to renew a truce with Israel. It has begun once more firing thousands of Iranian-made rockets into Israel. Numerous Israelis have died in the last 11 days.

Hamas wants to annihilate Israel because, well, they're Jews. Hamas kills people that aren't radical Muslims like themselves. That's why they're called terrorists.

Hamas cowardly hides among civilians for cover, fires rockets, then is indignant if Israel defends itself. But Israel has moved into Gaza to find these bad guys.

Some world leaders, rather than mounting pressure on Hamas to stop the rocket attacks, are calling for a ceasefire, even a unilateral withdrawal of Israeli forces from Gaza. In other words, peace at any price.

Peace ought to be a goal, but not at all costs. Actually, some things are worth fighting for. Now is not the time for unrealistic, hopeful idealism. Lives are on the line.

Men may cry peace, peace, but there can be no peace as long as Hamas kills in the name of religion.

And that's just the way it is.

RULE CHANGES BY THE MAJORITY

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. We had two Members, Madam Speaker, speak this morning on the issue in the Gaza Strip. I tend to agree with my colleague on this side of the aisle, Mr. POE, and tend to disagree with my colleague on the other side of the aisle, the Democratic Member, Mr. KUCINICH.

But I did want to point out something, the analogy between what he said and what happened on the floor of this House yesterday in regard to changing the rules package. Mr. KUCINICH said, in regard to the proportionality and Israel's response to Hamas and the Gaza Strip, we ought to abide by the rule of law, rather than the rule of force.

Well, I would say the same thing to the Democratic majority in regards to

the rules change yesterday. You have a 40-vote margin, and you come in and you change the rules, and all of a sudden you weaken your PAYGO initiative so that you can declare spending an emergency to avoid PAYGO.

You said when you took control in the 110th that this business of holding a vote open for 3½ hours, breaking arms to change a vote, should never occur. You wanted to eliminate that, and now you say that's okay; we can do that.

I would say to my Democratic majority, despite those rules changes, for the sake of the American people, I hope my colleagues on the other side of the aisle come to recognize the need to include all voices in the legislative process.

PAYCHECK FAIRNESS ACT AND THE LILLY LEDBETTER FAIR PAY ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, this week, this Congress will take up two tremendously important bills that will work towards ending discrimination against women who still earn 78 cents to the dollar. We hope to get it to the Senate, pass it in the Senate and have it on President Obama's desk as one of the first bills for him to sign.

The Paycheck Fairness Act could be called the Free Speech Restoration Act because one of its features simply ensures that employees have the right to give out personal information on how much they make without being fired. Some of our corporations say, if you tell anyone how much you make, you will be fired.

The second, the Lilly Ledbetter Fair Pay Act, says that you can no longer cap damages. You cannot cap the amount of time that a person can be discriminated against. The Supreme Court held that if you did not bring a case within 180 days about pay discrimination, you could never bring it. So for 18 years, Lilly Ledbetter was discriminated against, and this Supreme Court said she could not bring suit. This Congress is changing that with this bill.

I urge a "yes" vote on these important bills.

□ 1015

MAINTAINING AMERICA'S PROSPERITY AND DEMOCRACY

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. When the House last met in December, in the dying days of the 110th Congress, thanks to the leadership of the Speaker and of the chairman of Financial Services and of the

people of this body, we sent a rescue package for the auto industry over to the Senate. Unfortunately, the Senate did not allow it to come up for a vote. Fortunately, President Bush and the administration offered and extended a bridge loan to the auto industry to keep the hardworking men and women employed and to keep America's manufacturing sector vital. We did not re-joice.

We understand that restructuring is necessary and that it will be painful. It will intensify and it will continue, but we also vow to do what we need to do to ensure that America keeps its engine of prosperity and its arsenal of democracy. We will prove the doubters wrong.

DEMOCRATS LOOK TO PROVIDE TAX RELIEF TO 95 PERCENT OF AMERICANS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Our Nation is facing some of the worst economic conditions in decades. By the end of next year, our economy could fall \$1 trillion short of its full capacity. That is a loss of \$12,000 of income for every family in America. We cannot continue on this same economic course. Congress must take bipartisan action in the coming weeks to improve our economy both in the near term and down the line.

Economists tell us that we must act in bold terms—that we must invest in new technologies and, most importantly, that we must invest in the American people.

Congress should work with President-elect Obama to craft a targeted and fiscally responsible economic recovery package that invests in the middle class families by providing them with tax relief during these uncertain times.

Madam Speaker, it's going to take time to turn this economy around, but we should start the process immediately so that all Americans can once again live the American dream.

THE COOPER-WOLF SAFE COMMISSION: A BIPARTISAN SOLUTION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I have never been more concerned about the short-term and the long-term budget shortfalls we face as a Nation.

Yesterday, President-elect Obama said we have trillion-dollar deficits for years to come even with the economic recovery we're working on. Whatever stimulus package, rumored to top \$700 billion, is brought to the House floor for a vote, Congress has an historic opportunity to work in a bipartisan way.

There is a plan already on the table that has garnered the support of over 100 Members of the House. It is the bipartisan plan that Congressman COOPER and I have that puts every spending program on the table and that sets up a bipartisan commission of eight Republicans and eight Democrats.

If this Congress does not pass this, then no Member ought to be able to go home and give the traditional Rotary speeches about how concerned they are for your children and for your grandchildren of the country. The real issue is, with trillion-dollar deficits, if we don't deal with the entitlement issues, we will fail.

DEMOCRATS LOOK TO PROVIDE TAX RELIEF TO 95 PERCENT OF AMERICANS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, the current economic recession is putting a lot of pressure on American families. Today, millions of our constituents are fearful that they could lose their jobs any day now.

Last night, my sister told me that she lost hers in New York. They've seen family members or work colleagues already let go, and they are uncertain about their futures. They are also working for less money than they did 10 years ago. Yet they face skyrocketing bills for their children's education, for health care and for their own groceries. They hear the bleak economic forecast on the news every night, and they're looking for help. We all know that the U.S. economy is in trouble, but now the question is: What are we going to do about it?

Democrats and Republicans must come together to pass a robust economic recovery package that includes tax relief to middle class families so we can begin to relieve the pressure that they feel every time they pay a bill.

Madam Speaker, the American people are looking to us for help and for help to jump start this economy. Let's go to work.

THE NEED FOR BIPARTISANSHIP IN THIS ECONOMIC CRISIS

(Mr. ADLER of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. ADLER of New Jersey. Madam Speaker, last year, our economy experienced the weakest employment growth since the Great Depression, causing more and more families across the country to feel financially strapped. The U.S. economy lost hundreds of thousands of jobs in the first eleven months of 2008, and we heard bad news this morning about December's reports. The employment rate last year reached the highest level

since 1993, and it could get worse, and those who managed to keep their jobs are experiencing stagnant and falling wages.

Americans are concerned about their futures as debts continue to mount, as bills pile up and as parents worry that their children won't have the same opportunities they had. Small businesses are an integral part of getting this economy moving again. We must ensure that we take appropriate action to assist small businesses and to restore our economic engine of growth. Small businesses represent the backbone of this country and of America's unwavering entrepreneurial spirit.

Madam Speaker, we must address our economic challenges quickly, and we must work in a strong bipartisan fashion to relieve the financial strain Americans feel every day. We must work immediately to pass an economic recovery package.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 6, 2009, at 5:13 p.m.:

That the Senate agreed to S. Res. 2.
That the Senate agreed to S. Con. Res. 1.
That the Senate agreed to S. Con. Res. 2.
With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

PROVIDING FOR A JOINT SESSION TO COUNT ELECTORAL VOTES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 8th day of January 2009, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in

the alphabetical order of the States, beginning with the letter 'A'; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUATION OF JOINT COMMITTEE TO MAKE IN- AUGURATION ARRANGEMENTS

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 6, 2009, the joint committee created by Senate Concurrent Resolution 67 (110th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.

SEC. 2. Effective from January 6, 2009, the provisions of Senate Concurrent Resolution 68 (110th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON INAU- GURAL CEREMONIES

The SPEAKER pro tempore. Pursuant to Senate Concurrent Resolution 2, 111th Congress, and the order of the House of January 6, 2009, the Chair announces the Speaker's reappointment of the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies:

Ms. PELOSI, California
Mr. HOYER, Maryland
Mr. BOEHNER, Ohio

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the

vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2009

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 35) to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Records Act Amendments of 2009".

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLO- SURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

"§ 2208. Claims of constitutionally based privilege against disclosure

"(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

"(A) promptly provide notice of such determination to—

"(i) the former President during whose term of office the record was created; and

"(ii) the incumbent President; and

"(B) make the notice available to the public.

"(2) The notice under paragraph (1)—

"(A) shall be in writing; and

"(B) shall include such information as may be prescribed in regulations issued by the Archivist.

"(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

"(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

"(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

“(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure must be asserted personally by a former President or the incumbent President, as applicable.

“(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

“(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

“(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

“(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

“(A) the incumbent President withdraws the privilege claim; or

“(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

“(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

“(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.”

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

“(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.”

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting “, except section 2208,” after “chapter”.

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting “, except section 2208,” after “chapter”.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

“2208. Claims of constitutionally based privilege against disclosure.”

SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order No. 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members

have 5 legislative days in order to review and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Madam Speaker, I yield myself such time as I may consume.

H.R. 35, the Presidential Records Act Amendments of 2009, will restore public access to Presidential records. Identical legislation was introduced in the last Congress and passed the House with strong bipartisan support.

The Presidential Records Act of 1978 established that the records of the President belong to the American people, not to the President. It also ensured that these records would be released to historians and to the public in a timely manner.

In an executive order issued in November 2001, President Bush reversed the presumption of disclosure in the Presidential Records Act. The order gave Presidents and former Presidents the ability to delay the public release of records even long after their own deaths. For the first time, it gave former Presidents the ability to assert privilege over their own records.

Today's legislation restores the intent of the Presidential Records Act. It makes clear that only Presidents and former Presidents, not former Vice Presidents or the descendants of Presidents, can make assertions of privilege over records. It gives former Presidents the authority to assert privilege over their own records, but it requires a sitting President or a court to agree with the assertions in order for those records to be withheld from the public, and it sets strict deadlines for the President and former Presidents to review records before they release them to the public. This legislation will prevent former Presidents from withholding embarrassing records, and will allow historians to tell a complete story about Presidential administrations.

I would like to thank the ranking member, of course, from California, Mr. ISSA, for his cooperation in moving this measure to the floor very quickly. I would like to thank him for that. I know that we share the same goals of making government more open and less wasteful, and we plan to work together on those goals in a bipartisan manner.

I also thank the previous chairman, Congressman WAXMAN, for his work in the last Congress, who did a marvelous job. Of course, that's the reason why we are able to move very quickly, because of some of the work that he was able to do in the last Congress.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

The new chairman and I both are assuming these positions after a long period of time of serving in lesser posi-

tions on Government Reform, and we come to it, I think, equally with the same vigor, with a vigor to make this committee a bipartisan committee, a committee that works openly between the majority and minority for the purpose of making sure that government works openly for the people who we serve.

□ 1030

I want to thank the chairman today because as we bring three votes from our committee, each of these was shared with the other in consultation, each of them was agreed were necessary and could be moved in a timely fashion today. Each of them will be presented to our conferences as non-controversial, and in fact, ones that should pass unanimously or near unanimously. This is a great start.

I'm particularly pleased with the chairman and myself to be able to offer the first pieces of legislation of the 111th Congress because I expect that this committee will be the most productive committee of the Congress. It is the committee that has the greatest responsibility, as President-elect Obama has said, to make government accountable. We are that committee.

I look forward to it. As the chairman said, this piece of legislation does restore a balance. It is not a balance that's without controversy, but it is a balance that I believe is appropriate.

Additionally, to what is in the language of the bill, which the chairman did a good job of explaining, there is, in fact, a final holdback which is any President asserting some Presidential secret or particular current damage to the government would be able to overcome this legislation, but it will be the burden of the current President, and as the chairman said, the burden of the previous President to make a case for why records should not be made public rather than the other way around.

I look forward to a floor vote on this on a bipartisan basis and urge passage of this bill.

I yield back the balance of my time.

Mr. TOWNS. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. Chairman.

I look forward to working with you in this upcoming session of Congress and working with Mr. ISSA.

I want to thank you for bringing this bill forward. If we truly have government of the people, then there has to be transparency. And not only must Presidents be accountable, but former Presidents must be accountable. And a system of transparency will ensure accountability, particularly with respect to Presidential records.

Now this legislation will make it impossible for Presidential records to be buried. It's going to set strict time frames in which information has to be

released to the public. It is not going to permit former Presidents to have unlimited, broad authority to be able to claim through the existing President executive privilege, and it is not going to enable designees of Presidents to assert claims of executive privilege after the death of a former President.

So this is a very important moment where transparency in government trumps the assertion of executive privilege. That can only be good for democracy.

I want to thank once again Mr. TOWNS for his leadership in bringing this forward as one of the first bills of the 111th Congress.

Mr. TOWNS. Madam Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairman for yielding.

I look forward to working with Chairman TOWNS, the new Chair of the Oversight and Government Reform Committee, as well as the ranking member, Mr. ISSA.

Let me also say, as an original cosponsor of H.R. 35 and chairman of the Oversight Subcommittee, I am pleased to see the measure presented for consideration by the House today.

Introduced by Chairman TOWNS, this bipartisan bill is intended to promote the timely release of Presidential records under the Presidential Records Act of 1978 by rescinding Executive Order 13233. Issued by President Bush in November 2001, the executive order granted new authority to Presidents, former Presidents, their heirs and designees, and Vice Presidents, allowing them to withhold information from public view unilaterally and indefinitely.

Executive Order 13233 undermines the Presidential Records Act by removing discretion from the archivists of the United States and delaying the release of records that are necessary to give historians and the public a full picture of a President's tenure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TOWNS. I yield the gentleman 2 additional minutes.

Mr. CLAY. I thank the chairman for yielding.

Madam Speaker, the American people value the importance of transparency and having an open government. Citizens have a right to know how and why important decisions are made at the highest level of government. This straightforward and bipartisan legislation would ensure that this will be the case by requiring Presidential records to be treated as the property of the American people.

I urge all of my colleagues to support the bill.

Mr. TOWNS. Madam Speaker, as we begin a new Congress and a new Presidency, it is time to move away from the policy of secrecy. The President-

elect has spoken of a desire for more openness in government. We in Congress share that goal, and this bill is an important step towards a more transparent White House.

I want to thank my colleague from California and his staff and my staff for the work that they've done on this bill. I urge all of my colleagues to support this bill because this is definitely good government, and I think that we need to be about good government because we cannot afford the luxury of waste, fraud, and abuse.

Madam Speaker, I ask all of my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me congratulate you for your reelection as Speaker of the House. It is an honor that you have served with great distinction and verve. I look forward to more of your continued leadership in the 111th Congress.

Madam Speaker, I rise today in support of H.R. 35, the Presidential Records Act Amendments, which amends chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

H.R. 35 provides that when the Archivist determines to make available to the public any Presidential record that has not previously been made available to the public, and that is not subject to any claim of constitutionally based privilege against disclosure, the Archivist should provide notice of the determination to the former President during whose term of office the record was created, the incumbent President, and make the notice available to the public. The notice must also be in writing. These amendments strengthen the underlying bill.

The Presidential Records Act itself governs the official records of Presidents and Vice Presidents created or received after January 20, 1981, and mandates the preservation of all Presidential records. The act changed the legal ownership of the official records of the President from private to public, and established a new statutory structure under which the President must manage their records.

Specifically, the Presidential Records Act: Defines and states public ownership of the records.

Places the responsibility for the custody and management of incumbent Presidential records with the President.

Allows the incumbent President to dispose of records that no longer have administrative, historical, informational, or evidentiary value, once he has obtained the views of the Archivist of the United States on the proposed disposal.

Requires that the President and his staff take all practical steps to file personal records separately from Presidential records.

Establishes a process for restriction and public access to these records. Specifically, the PRA allows for public access to Presidential records through the Freedom of Information Act (United States), FOIA, beginning five years after the end of the Administration, but allows the President to invoke as many as six specific restrictions to public access for up

to 12 years. The PRA also establishes procedures for Congress, courts, and subsequent administrations to obtain special access to records that remain closed to the public, following a 30-day notice period to the former and current Presidents.

Requires that Vice-Presidential records are to be treated in the same way as Presidential records.

This bill is important. It was under the Bush administration that the e-mail controversy surfaced in 2007. During that controversy which involved the dismissal of eight U.S. attorneys, congressional requests for administration documents while investigating the dismissals of the U.S. attorneys required the Bush administration to reveal that not all internal White House e-mails were available, because they were sent via a non-government domain hosted on an e-mail server not controlled by the Federal Government. Conducting general government business in this manner possibly implicates the Presidential Records Act. The Bush administration e-mail controversy highlights the need for these amendments and for the bill.

I urge my colleagues to support this bill.

Mr. WAXMAN. Madam Speaker, I thank Representative TOWNS for bringing this bill to the floor. The outgoing Bush administration has an obsession with secrecy that has led it to weaken many of this country's open government laws. Our consideration of H.R. 35, the Presidential Records Act Amendments of 2009, is one important step toward undoing that damage. The bill revokes a Bush executive order, issued in November 2001, which gave broad new authority to Presidents and former Presidents to prevent the release of Presidential records. The order gave former Presidents the ability to pick and choose the records viewed by historians and to shape their legacy through the selective withholding of information.

Under the Presidential Records Act of 1978, these records belong to the American people, not to the president who created them. Today's legislation restores the original intent of the Act and will lead to greater openness and improved understanding of presidential decision-making.

This is not a partisan issue. Similar legislation was first introduced in 2001 by Rep. BURTON. And two years ago, I introduced H.R. 1255 with Reps. BURTON, TOWNS, and PLATTS. I thank them for working with me. The House passed that bill with a strong bipartisan majority. I urge all of my colleagues to support this bill today.

Mr. VAN HOLLEN. Madam Speaker, today, the House considers a bill that amends the Presidential Records Act. This important piece of bi-partisan legislation will help preserve open government, by reversing an executive order issued in the early days of the Bush administration that cut off access to Presidential records for historians and the American public.

Under that executive order, former Presidents and their heirs were given unprecedented authority to withhold or, indefinitely delay, access to documents from the public. And, for the first time, the order extended the authority to assert "executive privilege" to former Vice Presidents.

This legislation reverses that order by stating clearly that only current and former Presidents may assert "executive privilege." The bill also grants current Presidents discretion over whether to support a former President's assertion of privilege and places strict time limits for the current and former President to review records before they are released.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 35.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2009

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 36) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Library Donation Reform Act of 2009".

SEC. 2. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Any Presidential library fundraising organization shall submit on a quarterly basis, in accordance with paragraph (2), information with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling \$200 or more for the quarterly period.

"(2) For purposes of paragraph (1)—

"(A) the entities to which information shall be submitted under that paragraph are the Administration, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate;

"(B) the dates by which information shall be submitted under that paragraph are April 15, July 15, October 15, and January 15 of each year and of the following year (for the fourth quarterly filing);

"(C) the requirement to submit information under that paragraph shall continue until the later of the following occurs:

"(i) The Archivist has accepted, taken title to, or entered into an agreement to use any land or facility for the archival depository.

"(ii) The President whose archives are contained in the depository no longer holds the

Office of President and a period of four years has expired (beginning on the date the President left the Office).

"(3) In this subsection:

"(A) The term 'Presidential library fundraising organization' means an organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at—

"(i) a Presidential archival depository; or

"(ii) any facilities relating to a Presidential archival depository.

"(B) The term 'information' means the following:

"(i) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

"(ii) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

"(iii) If the source of such a contribution is an individual, the occupation of the individual.

"(iv) The date of each such contribution.

"(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted under paragraph (1). The information shall be made available without a fee or other access charge, in a searchable, sortable, and downloadable database.

"(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

"(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

"(6)(A) It shall be unlawful for any Presidential library fundraising organization to knowingly and willfully submit false material information or omit material information under paragraph (1).

"(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

"(7)(A) It shall be unlawful for a person to knowingly and willfully—

"(i) make a contribution described in paragraph (1) in the name of another person;

"(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

"(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

"(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act (2 U.S.C. 441b(b)(3)).

"(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection."

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a

Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself as much time as I may consume.

Madam Speaker, H.R. 36, the Presidential Library Donation Reform Act, will require organizations raising money to build Presidential libraries and their affiliated institutions to disclose the identities of their donors and the amount of their donations. Like the records bill just considered, an identical version of this bill was considered in the 110th Congress and passed the House with strong bipartisan support.

Presidential libraries are becoming increasingly expensive, and fundraising for their construction begins during a President's term. These are broad campuses with museums, conference centers, and other institutions, some of which are entirely separate from the federally run libraries.

According to press reports, it cost more than \$80 million to build George H.W. Bush's library and \$165 million to build the Clinton library. Press reports have suggested that the fundraising target for President Bush's library is \$500 million.

Under current law, individuals, corporations and even foreign interests can make anonymous, unlimited donations to these organizations. Such donations can be made while the President is still in office. There is enormous potential for abuse in this system. Special interests could make multi-million dollar donations to a Presidential library foundation in an effort to influence the President, and the public would remain completely unaware.

In order to prevent real abuse, as well as the perception of abuse, H.R. 36 would require Presidential library foundations to divulge information about their donors while the President is in office and for the several years after the President's term has ended.

I again thank the ranking member, Mr. ISSA from California, for his cooperation on this bill and thank the

previous chairman, Mr. WAXMAN, for his work in this as well.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join with the chairman in recommending swift passage through the House for at least the third time. This bill has passed under multiple authors, both Republican and Democrat. It is, by nature, one in which we believe we are appropriately asserting a daylight requirement on past and future Presidents and would certainly hope that we would view this bill as noncontroversial in most areas.

Madam Speaker, our Nation's Presidential libraries attract millions of visitors each year. They have become elaborate institutions, and the cost of building and maintaining these facilities has grown dramatically.

Under current law, Presidential libraries are built with private funds, then turned over to the Archivist for operation.

Amendments to the Presidential Libraries Act mandated the establishment of an endowment to cover some of the costs of operating the library, which are usually met through the establishment of a charitable organization.

Funding for construction and the endowment comes from private sources. But under current law, no duty to disclose the source of those contributions exists.

On both sides of the aisle, there is strong support for increasing disclosure.

Earlier, under Mr. DUNCAN's leadership, the House passed solid bipartisan legislation to require the disclosure of contributions to organizations that raise funds for Presidential libraries and related facilities. And a bill identical to the bill before us passed the House last year by a wide margin.

We recognize the perception of impropriety that contributions to a Presidential library can raise, given the huge sums that must be amassed, and the attraction this avenue may hold for those seeking favors or influence.

This legislation will provide a needed degree of transparency to that process.

If I may, I am going to yield 2 minutes to the gentleman from Texas (Mr. GOHMERT) for a particular portion of the bill that he feels, before it becomes law, should ultimately be looked at.

Mr. GOHMERT. Madam Speaker, I do appreciate my friend for yielding.

This is a good overall idea. It's a good bill in general. There needs to be more clarity. Many of us have wondered who is building these Presidential libraries, and this will help inform the public just who it is that's doing that.

The concern I have is that there is a provision in the bill for filing errors or omissions that could send somebody to prison for 5 years. Now as a former judge, I've presided over thousands and thousands of felony cases. I have sent I don't know how many people to prison. That's not a concern. My reputation was, as one criminal was overheard telling another, "He will give a fair trial, but if you're guilty, you don't want his court."

I don't have a problem sending people to prison, but one thing, probably the best conservative organization as far as getting out the message, the Heritage Foundation, and the ACLU have actually been in agreement on, this body, almost on whims, throws in a prison sentence as an added provision, and we are having people go to prison who shouldn't. If it is a dollar issue, then fine them 1 million, 10 million, whatever would be appropriate. But we should not, in this body, continually subject people to being taken down in their home, handcuffed when they made an error that should not be criminalized.

So that is the concern I have. This never went through Judiciary. It has been through prior Congresses. It never went through Judiciary, the Crime Subcommittee, to look at that specific aspect. That is a concern, and it is something that we should not be doing, overcriminalizing provisions, by just sticking that in as an exclamation point. It needs to be well thought through before we provide a way to send somebody to prison.

I appreciate the time. I hope that could be taken out because that is an aspect that's inappropriate.

Mr. TOWNS. Madam Speaker, let me just say to the gentleman that I really share a lot of his views, and I'm willing to continue to work with him in seeing in terms of what we might be able to do to strengthen this legislation.

At this time, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

□ 1045

Mr. CLAY. Madam Speaker, I thank the chairman for yielding.

As an original cosponsor of the Presidential Library Donation Act, I rise in strong support of H.R. 36, and I urge my colleagues to vote in favor of it.

Federal election law limits the amount a single source can give to a political campaign and requires that donations and donor information be disclosed to the public. These requirements help to preserve the integrity of our democratic system by ensuring that campaign donors do not exercise undue influence over elected policymakers.

Similar requirements do not apply to Presidential library fund-raising campaigns, and this creates the potential for large donors to exert, or appear to exert, improper influence over a sitting President.

The fact that private foundations are required to raise money to build and maintain Presidential libraries lowers the burden on taxpayers, but it also increases the incentive to pursue aggressive fund-raising for libraries that have become more and more expensive over the years.

Under H.R. 36, Presidential library foundations would be required to report on a quarterly basis all donations

of \$200 or more. This requirement would apply to donations made to the foundation during the time that the President is in office and during the period before the Archives agrees to use the land or the facility.

In addition, the proposal calls on the Archivist to make all reports available to the public online through a searchable and downloadable database.

I commend Chairman TOWNS for his leadership in bringing this bill to the floor, and I urge all of my colleagues to support this important bipartisan bill.

Mr. ISSA. Madam Speaker, it's my pleasure now to yield up to 10 minutes to the gentleman from Tennessee (Mr. DUNCAN), the author of the original bill substantially similar to the one today and a constant advocate for this type of transparency.

Mr. DUNCAN. Madam Speaker, first of all, I will say I thank the gentleman from California, the ranking member, Mr. ISSA, for yielding me the time, but I won't need nearly that much time.

I want to thank the gentleman from New York, Chairman TOWNS, for his support of this issue and this legislation and his effort to bring this bill to the floor as one of the first bills considered in the 111th Congress, and I also want to thank the gentleman from California (Mr. ISSA) for his support of this legislation.

I first introduced this bill in the 106th Congress after reading a front-page story in the Washington Times reporting that foreign governments from the Middle East were making large donations, very large donations, to the proposed library for President Clinton. I was concerned about the influence that donations by foreign governments and perhaps others could have since there was no policy requiring disclosure of donors.

The topic of disclosing contributions made by private donors to Presidential library fund-raising organizations is of great concern to me. These organizations are formed while a President is in office and collect donations from individuals, corporations and foreign governments, with no limit on the contribution amount, and especially when there's no requirement for disclosing the donor or the amounts being donated, there is great potential for abuse.

After I introduced this bill, sometime after I introduced this bill, I learned of the very sizable donations, hundreds of thousands of dollars, given to the Clinton library by Marc Rich's ex-wife, another close friend of the Clintons. Marc Rich, who fled the country after evading over \$40 million in Federal income taxes, was granted a pardon on President Clinton's last day in office.

However, this is not a partisan issue. I introduced and have supported this legislation under both Democratic and Republican Presidents, and as Mr. ISSA mentioned and Chairman TOWNS mentioned, it has passed overwhelmingly

both times it was considered by the House previously.

Previous attempts to move this bill were met with little interest, I suppose, in the Senate, but perhaps this time around they will take up this issue.

This bill does not prohibit the contributions, including very large contributions. It simply requires Presidential library fund-raisers to disclose donations over \$200.

We're back once again, Madam Speaker, today, to try to pass this bill to provide some openness and transparency on the donations made to these organizations and on what could be the potential for abuse under a President of either party in the future.

The price to build these libraries, as Chairman TOWNS mentioned, has increased dramatically over the last few years from \$80 million to the \$200 to \$500 million estimated for the current President's library.

I think this bill promotes good government and is something that all of my colleagues should be proud to support. If we pass this legislation, it will certainly help to prevent the potential for serious abuse in the years ahead.

And like Chairman TOWNS, I will be glad to work with the gentleman from Texas (Mr. GOHMERT). I did not have that severe of a penalty in the first legislation that I originally worked on many years ago.

But once again, I want to thank all of my colleagues on both sides of the aisle for their support. This is a very bipartisan bill, and I urge its adoption by this Congress.

Mr. TOWNS. Madam Speaker, may I ask how many speakers does the minority have left.

Mr. ISSA. We have no further speakers at this time. If the gentleman's prepared to close, I will be brief.

Mr. TOWNS. I'm prepared to close.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume simply to say that I look forward to working with the chairman on any perfecting language here or in the Senate necessary to make this an even more acceptable bill to all Members because I believe that, as Mr. DUNCAN said, this is a bill whose time has come. We have been more than 6 years attempting to have this happen.

I think one thing that is very clear is that we could talk about library A, library B, library C, but as President Bush leaves office and that library is going to be built in Dallas, I think the American people will want to know every bit as much as with any previous President that that money was given by people who appreciated the legacy of that President and not by people who appreciated specific actions of that President in real-time.

And so I join with the majority and Mr. DUNCAN, as the original author of some time ago, in asking for quick pas-

sage of a bill, perfected as necessary in the work that I expect we will do together.

I yield back the balance of my time.

Mr. TOWNS. Madam Speaker, our President-elect has talked a lot about transparency. He's really interested in transparency. So improving transparency of donations to Presidential libraries, as this bill does, will assure the American people that their Presidents are not being influenced by unknown persons or groups.

Open government is an important goal of the Congress and the incoming administration, and I hope today's bill is just the right kind of bill to move forward with that in mind.

Let me say, Madam Speaker, this is a good piece of legislation, and I'm hoping that my colleagues join me in supporting this bill. I want to thank the minority for their support, and of course, we will continue to look and see how we might be able to improve the legislation, but I really feel that this is a giant step in the right direction. Transparency is something that we cannot lose sight of.

Mr. WAXMAN. Madam Speaker, I thank Representative TOWNS for bringing this bill to the floor today. H.R. 36, the Presidential Library Donation Reform Act has a simple purpose. It requires that the organizations created to raise money for presidential libraries and their affiliated institutions disclose information about their donors.

The lack of any such requirement creates opportunities for abuse. Under current law, anybody can give to these organizations anonymously, even while the President is still in office. These donations could be used to influence presidential decisionmaking with no public disclosure.

This is not the first time this bill has come before the House. In 2001, Representative DUNCAN introduced similar legislation. I thank him for his early leadership on this issue. And in 2007, I introduced H.R. 1254 with Representatives DUNCAN, CLAY, PLATTS, and EMANUEL. That bill passed the House with an overwhelming majority in the last Congress. I urge my colleagues once again to support this straightforward legislation.

Mr. VAN HOLLEN. Madam Speaker, today, the House considers the Presidential Libraries Donation Reform Act. I was a cosponsor of this bill when it was originally introduced in 2007 and I am proud to stand in support of it today.

Under current law, a sitting president can accept private donations in unlimited amounts for the purpose of building a presidential library. There is no requirement that the donor's identity or the amount of the donation be disclosed. The potential for abuse here is obvious.

This bill requires presidential libraries fundraising organizations to disclose to Congress information about the donors and their donations during and immediately following the president's term in office.

The bill originally passed the House on suspension in March 2007, and returns to the House floor today after receiving strong support in the Senate.

I encourage my colleagues to join me in supporting this important piece of bipartisan legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank Congressman TOWNS for attempting to bring greater transparency to presidential library fundraising efforts with H.R. 36, the "Presidential Library Donation Reform Act of 2009."

We are facing a new day, with a new administration, and a new Democratic majority. That is why it is important that we stay true to our core values of fairness, transparency, a accountability.

Starting with the lobbying and ethics reform, we as a body understand that a responsible government allows for openness. This legislation continues to rebuild our trust with the American people.

This legislation requires in part that, "any Presidential library fundraising organization shall submit on a quarterly basis with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling \$200 or more for the quarterly period."

Under current law, private organizations established for the purpose of building a presidential library can raise unlimited amounts of money from undisclosed donors while the President remains in office. It takes nothing more than common sense to see the potential for abuse in this area and the need for basic reform.

Presidential libraries serve an important purpose as depositories of presidential papers and centers for historical research. In 1939, President Franklin Roosevelt came up with the idea of a privately-built, but federally maintained library to house his presidential papers.

This split of responsibilities between the public and the private sectors has continued and has since been codified into law. In 1955, the Presidential Libraries Act formally established a system under which federally maintained libraries would be built using funds raised by private organizations. More recent amendments have required these private organizations to provide an operating endowment to the National Archives in addition to the library building.

Just as the funding requirements have grown, so have the libraries and their affiliated institutions. Now these libraries are much more than basic research facilities. They include museums and conference centers along with other tourist attractions; they are getting more costly all the time.

The George H.W. Bush library was reported to cost more than \$80 million to build. The Clinton library and museum cost about \$165 million to build. News reports have indicated that the fundraising goal for President Bush's library is \$500 million—half a billion dollars—before this institution is completed.

The vast scale of these secret fundraising efforts creates opportunities for abuse. Donors who do not need to be identified can give unlimited amounts of money to support these libraries while the President remains in office.

This legislation would require that presidential libraries disclose the identity of their donors to Congress and the National Archives during their period of most intense fundraising, which is while the President is in office and in the several years after the end of his term.

This legislation is but one part of a larger effort by this Congress to restore honesty and accountability in the Federal Government.

CONCLUSION

Madam Speaker, I want to thank Chairman TOWNS and the Committee on Oversight and Government Reform for helping us build a strong foundation of trust with the American people. I ask my colleagues to support me in supporting H.R. 36.

Mr. WOLF. Madam Speaker, I rise today in support of the Presidential Library Donation Reform Act.

I have long been troubled by the fact that fund-raising for Presidential libraries is completely unregulated and therefore ripe for corruption.

By making information about donations publicly accessible—including the amount, date of the contribution and the name of the contributor—through a free, searchable, database managed by National Archives, we take an important first step toward the accountability due these national landmarks.

However, I do not think that this legislation goes far enough as it does not limit donations in any way, it only discloses them.

While the majority of people who contribute to Presidential libraries do so for the right reason, there are some who do not, including those who do not share our national interests.

In fact, while donations to Presidential election campaigns are limited in amount, and restricted altogether from foreign governments, amazingly, foreign individuals and foreign corporations can donate to Presidential libraries even when the President is still in office.

In November I wrote to President Bush urging him not to accept any money from the Chinese government to help fund his Presidential library.

I did not want his library to be tainted by contributions from a government with such a deplorable human rights record. I am similarly concerned by the \$41 million that former President Clinton's foundation has collected from foreign nations including the likes of Saudi Arabia, which is widely known to promote the radical Wahhabi interpretation of Islam within its own borders and in schools and madrassas around the world.

Transparency in government builds accountability. And accountability is good for our democracy. It is long overdue for the American public to know who is contributing to these libraries, and how much, especially when it involves sitting Presidents. This legislation will help—but we must do more.

Mr. TOWNS. On that note, Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 36.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

ENSURING COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 3), ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the

question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(C) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself as much time as I may consume.

S.J. Res. 3 is a measure needed to ensure Senator SALAZAR of Colorado will be able to serve our country as the Secretary of the Interior during the Obama administration.

The Constitution provides that no Member of the House or Senate may be appointed to an office in the Federal Government for which the salary was raised during the Member's term. Fortunately, this does not prohibit the appointment of Senators or House Members to positions in the executive branch and will not prevent Senator SALAZAR from becoming Secretary of the Interior.

Numerous historical precedents and Justice Department interpretations hold that such appointments are, in fact, permissible so long as the salary is set at the level it was before the appointee's term began.

This long-standing practice dates back at least 100 years and is often referred to as the "Saxbe Fix," referring to the solution which set the salary for President Nixon's nominee for Attorney General, William Saxbe, so that it would reflect the salary level in place before his congressional term of office began.

Other Cabinet officials appointed under such arrangement include Secretary of State Edmund Muskie and Secretary of the Treasury Lloyd Bentsen. The House also passed a similar measure by unanimous consent just last December to ensure that Senator CLINTON may serve as Secretary of State.

This is a commonsense solution with ample precedent, which I urge all Members to support.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am strongly in support of this resolution as necessary and appropriate. It is sort of interesting to have to bring a vote to give

somebody less money and save the taxpayers money, but I'm pleased to do it at any time, and hopefully we will find larger savings as the year goes on.

But I would like to comment on one thing. This is obviously something that we've agreed on beforehand and we look forward to quick passage, but I am committed here today, and would say on the floor with the chairman, to going back to committee to drafting a broader bill, one we would bring before the House within a few days that would cover Congresswoman HILDA SOLIS, former Congressman Ray LaHood, and other Members who are going to be in the same situation of having voted for the tax bill or been present for it and are going to be, in all likelihood, in the President's Cabinet. I believe that we should bring a piece of legislation that, on a blanket basis, says if you want to accept the job, you will accept the lower pay.

So, although I was pleased to be on the floor and participate in the UC, I am pleased to do this. I would hope that for judicial expedience that we would bring a single bill in the next coming weeks that would cover anyone who chooses in the first 2 years to be in the Obama administration, and I look forward to the savings that will come from those appointments.

I reserve the balance of my time.

Mr. TOWNS. Let me just say to the gentleman that he makes a very good point, and we will review it and see in terms of what we can do to be able to move things along. Also, I'm for saving. Any way we can save, let's do it.

S.J. Res. 3 sets the salary of the Secretary of the Interior to the level in effect on January 1, 2005, before the start of Senator SALAZAR's term, satisfying the constitutional requirements. I urge Members to support the resolution and, of course, look forward to working with my colleague in terms of being able to look at a broader kind of legislation to be able to deal with others who might be moving forward or going into the administration.

Madam Speaker, I don't have any other speakers, and I want to know if the minority has any other speakers.

Mr. ISSA. Madam Speaker, I have no other speakers and would yield back.

Mr. TOWNS. Madam Speaker, on that note, I ask my colleagues to be supportive of this legislation because, after all, I think that when we look at the service that is provided and what it is going to do in the days ahead, I think we should be supportive.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 3.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 a.m.), the House stood in recess subject to the call of the Chair.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 35, by the yeas and nays;

H.R. 36, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 35, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 35.

The vote was taken by electronic device, and there were—yeas 359, nays 58, not voting 12, as follows:

[Roll No. 5]

YEAS—359

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Billakis

Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccheri
Bono Mack
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield

Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleafer
Clyburn
Coble
Coffman (CO)

Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLaunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson

Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler

Whitfield
Wilson (OH)
Wilson (SC)
Wittman

Wolf
Woolsey
Wu
Yarmuth

Young (AK)
Young (FL)

NAYS—58

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Blackburn
Boehner
Boustany
Broun (GA)
Campbell
Carter
Cassidy
Chaffetz
Conaway
Davis (KY)
Deal (GA)
Fallin
Flake
Fleming
Forbes

Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Granger
Hall (TX)
Hensarling
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel
E.
Mack

Manzullo
McHenry
McKeon
Myrick
Neugebauer
Olson
Pence
Pitts
Poe (TX)
Price (GA)
Rehberg
Rogers (AL)
Rooney
Sessions
Shadegg
Shuster
Smith (TX)
Thornberry
Westmoreland

NOT VOTING—12

Blumenauer
Bonner
Boucher
Galleghy

Graves
Herseth Sandlin
Kind
Nadler (NY)
Rangel
Snyder
Solis (CA)
Waters

□ 1227

Messrs. **BOEHNER**, **CASSIDY**, **REHBERG**, and **SMITH** of Texas changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SWEARING IN OF MEMBERS

The **SPEAKER**. Will the Representatives-elect please present themselves in the well of the House and take the oath of office at this time.

Representatives-elect **GUTIERREZ**, **HASTINGS** of Washington, and **ROGERS** of Michigan appeared at the bar of the House and took the oath of office as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The **SPEAKER**. Congratulations. You are now Members of the 111th Congress.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The **SPEAKER**. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remem-

brance of our brave men and women in uniform, who have given their lives in the service of our Nation in Iraq and in Afghanistan, and of their families and of all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. Under clause 5(d) of rule XX, the Chair announces to the House that the whole number of the House is now 433.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER pro tempore** (Mr. **HOLDEN**). Without objection, the 5-minute voting will continue.

There was no objection.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2009

The **SPEAKER pro tempore**. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 36, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The **SPEAKER pro tempore**. The question is on the motion offered by the gentleman from New York (Mr. **TOWNS**) that the House suspend the rules and pass the bill, H.R. 36.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, yeas 31, not voting 31, as follows:

[Roll No. 6]

YEAS—388

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccheri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bralley (IA)

Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw

Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster

Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan

Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pence
Perlmuter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—31

Akin	Forbes	Lamborn
Bartlett	Fox	Lummis
Barton (TX)	Franks (AZ)	McHenry
Broun (GA)	Garrett (NJ)	Myrick
Burgess	Gingrey (GA)	Paul
Campbell	Gohmert	Poe (TX)
Carter	Hensarling	Rogers (AL)
Conaway	Hoekstra	Shadegg
Davis (KY)	Johnson, Sam	Westmoreland
Deal (GA)	King (IA)	
Flake	Kingston	

NOT VOTING—13

Blunt	Graves	Snyder
Bonner	Hereth Sandlin	Solis (CA)
Boucher	Nadler (NY)	Waters
Butterfield	Nunes	
Galleghy	Salazar	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1241

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NUNES. Mr. Speaker, on rollcall No. 6, I was unavoidably detained. Had I been present, I would have voted "yea."

PROVIDING FOR ATTENDANCE AT INAUGURAL CEREMONIES ON JANUARY 20, 2009

Mr. HOYER. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 23

Resolved, That at 10:30 a.m. on Tuesday, January 20, 2009, the House shall proceed to the West Front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stands adjourned until 10 a.m. on Wednesday, January 21, 2009.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, there will be no votes for the balance of the day, and there will be no votes tomorrow.

There will be a joint session tomorrow. We will meet for the counting and for the report of the electoral college votes of the November 4 election.

There will be votes on Friday, and I will be trying to get you additional information on the calendar for Friday. Clearly there will be at least two bills on the floor—there may be others—the Pay Equity bill that already passed the

House last year, and the so-called Ledbetter bill are two items that have been currently already noticed, but there may be other items that we're working in conjunction with the minority on whether or not we can move those forward.

But I wanted to let Members know that there would be no further votes today that we contemplate no votes tomorrow. But there will be votes on Friday.

□ 1245

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, pursuant to clause 2 of rule XI of the Rules of the House, on January 7, 2009 the Committee on Rules adopted by voice vote, a quorum being present, the following rules:

RULES OF THE COMMITTEE ON RULES

U.S. House of Representatives

Rules for the 111th Congress

RULE 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

REGULAR MEETINGS

(a)(1) The Committee shall regularly meet at 10:00 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

NOTICE FOR REGULAR MEETINGS

(b) The Chair shall notify in electronic or written form each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting:

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution;

(B) any committee reports thereon; and

(C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

EMERGENCY MEETINGS

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

SPECIAL MEETINGS

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETING AND HEARING PROCEDURES

IN GENERAL

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

QUORUM

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)), or of taking any other action.

VOTING

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

HEARING PROCEDURES

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable:

(A) each witness who is to appear before the Committee shall file with the Committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the Rules of the House shall apply to any hearing conducted by the Committee.

SUBPOENAS AND OATHS

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may admin-

ister oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Oversight and Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5—SUBCOMMITTEES

ESTABLISHMENT AND RESPONSIBILITIES OF SUBCOMMITTEES

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

REFERRAL OF MEASURES AND MATTERS TO SUBCOMMITTEES

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

COMPOSITION OF SUBCOMMITTEES

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

SUBCOMMITTEE MEETINGS AND HEARINGS

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings,

receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

QUORUM

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

EFFECT OF A VACANCY

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

RECORDS

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

IN GENERAL

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

ASSOCIATE STAFF

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of rule X of the Rules of the House.

SUBCOMMITTEE STAFF

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

COMPENSATION OF STAFF

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

CERTIFICATION OF STAFF

(e)(1) To the extent any staff member of the Committee or any of its subcommittees

does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the Rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made—

(A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and

(B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7—BUDGET, TRAVEL, PAY OF WITNESSES BUDGET

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

TRAVEL

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

PAY OF WITNESSES

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the Rules of the House.

RULE 8—COMMITTEE ADMINISTRATION REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent

that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

RECORDS

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

COMMITTEE PUBLICATIONS ON THE INTERNET

(c) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

CALENDARS

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf):

(A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and

(B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

OTHER PROCEDURES

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

HAMAS—A HISTORY OF HATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, Israel and Hamas are fighting each other in the Gaza Strip. The question is, what is this fighting all about?

For centuries, the Jews and Muslims have fought over a strip of land in what we call the Holy Land called the Gaza Strip. It's a territorial dispute, but it's also a conflict of a religious nature.

The Gaza Strip is a tiny sliver of land about two times the size of Washington, D.C., with a population of about 1.5 million people. It is bordered by the State of Israel on three sides and the Mediterranean Sea to the West.

The modern war between Israel and the Palestinians began after Israel became a sovereign nation in 1948, after the end of World War II. After the Egyptian invasion of Israel in May of 1948 and the subsequent occupation of the Gaza Strip, large groups of Palestinian refugees began to arrive and live in Gaza.

In the last half of the 20th century, territorial control bounced back and forth between Israel and its Muslim neighboring countries. In the 1990s, Israel transferred security and civilian responsibility for the Palestinian-populated areas of Gaza to the Palestinian Authority. After that transfer, Palestinians elected Yasser Arafat to be their leader, a person who was by no means pro-Israel, but a leader at the very least who worked for peace between Israel and Palestine.

In September 2005, Israel unilaterally withdrew all of its settlers and soldiers and dismantled its military facilities in the Gaza Strip on the condition that the Palestinian terrorist groups, like

Hamas, would stop terrorizing innocent civilians in Israel near the Gaza border, but that did not happen. Hamas continued its relentless attacks against the Jews, causing an escalation of tension in that region.

Then in January of 2006, the people of Palestine elected Hamas to head the Palestine Legislative Council. The international community did not accept the Hamas-led government because it refused to renounce violence, refused to recognize the State of Israel, and refused to honor previous peace agreements between Israel and the Palestinian Authority.

After a series of infighting between Hamas and more moderate Palestinians, Hamas militants succeeded in a violent takeover of all the military and government institutions in the Gaza Strip.

So since 2000, Hamas terrorists have targeted over 1 million Israeli civilians in Gaza and Israel literally firing thousands of rockets, missiles and mortar shells into Israel. In just the past 10 days, Hamas has fired more than 500 rockets at innocent Israeli civilians, and there is no end in sight.

The anti-Semitic hate speech propagated by Hamas leaders is no figment of anyone's imagination. It is real. It's enticing an entire generation of young people to become terrorists, all in the name of religion. Even our State Department has designated Hamas as a foreign terrorist organization for as long as that list has existed.

But we don't have to take our own government's word for it. In 2005, a Hamas leader in Gaza told the media that, "Neither the liberation of the Gaza Strip nor the liberation of the West Bank or even Jerusalem will suffice us. Hamas will pursue the armed struggle until the liberation of all our lands. We don't recognize the State of Israel or its right to hold onto one inch of Palestine. Palestine is an Islamic land belonging to all the Muslims."

Later in 2006, another leader said, "Israel is not a legitimate entity, and no amount of pressure can force us to recognize its right to exist. Israel must be humiliated and degraded."

These are not the words of a people who desire peace and reconciliation. These are the words of a people who blatantly call for the complete destruction of Israel and will not stop at anything until that happens.

What's worse, Hamas doesn't care what it takes to make this happen, even if that means killing its own people.

Since the fighting began, Israel has allowed over 200 truckloads of food and medicine to enter Gaza, even under shellfire. Just today, Israel agreed to cease its ground operations for 3 hours every day so that humanitarian supplies can be taken into Gaza.

But meanwhile, Hamas is not only preventing its own wounded civilians

from crossing into Egypt to receive medical treatment, but they're stealing medicine and supplies meant for civilians and using them for their wounded terrorists.

What makes Hamas even more inhumane is their willingness to put their own people in harm's way. Time and time again, Hamas has intentionally launched missiles into school yards and residential areas, putting Palestinians at risk, daring Israel to try and come after them, even hoping for Palestinian civilian lives to be lost in these attacks.

It's time for the rest of the world to stand in solidarity with Israel in its fight against terrorism and demand that Hamas immediately end its rocket fire attacks on Israel and stop smuggling through tunnels between Egypt and Gaza. However, Hamas says it will never end their war against Israel until Israel ceases to exist.

In the face of such hate, Madam Speaker, Israel is left with no other choice but to defend its people and its sovereign territory from these murderous terrorists.

And that's just the way it is.

NEW CONGRESS, REAL COMMITMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the wonderful opportunity of a new Congress is that it is not bound by the mistakes of the past.

As foreclosure rates rise in Ohio and across our Nation, it's pretty obvious that the Federal responses are not working on Main Street, whether it's the \$700 billion Wall Street bailout or the \$300 billion FHA loan workout program.

Citigroup, for example, was one of the big culprits that caused the financial meltdown; yet, they got paid \$25 billion from the public Treasury. But Ohio, where foreclosures are raging, got nothing. Instead, out-of-State megabanks are buying up Ohio banks, while more Ohio homeowners get boot-ed out of their homes.

Last year, in my home County of Lucas, another 4,100 homes were foreclosed. That's a minimum of 10,000, 10,000 more people who were not helped by Treasury's failed TARP program. Ohio's families alone need \$20 billion to stop the real estate hemorrhage which is less than what Citibank received, and would go to real people, not ersatz and paper trades on Wall Street.

In Toledo, Ohio, you can now buy a home for \$4,500, but last fall, rather than local homeowners being refinanced in this Wall Street bailout bill, one California investor figured it out. He bought 137 foreclosed properties in Toledo at auction, an auction spon-

sored by the very Wall Street banks that caused the trouble in the first place. Houses are being auctioned at prices so low we could have put the original occupants back in. Even cities would be able to bid on these homes on behalf of their local homeowners, their property owners, but they've not yet received any funds from the \$4 billion neighborhood stabilization program that we were told was supposed to keep local neighborhoods whole.

But the Wall Street banks are cleaning up. They get the bailout money. They don't have to manage those properties. They auction them to outsiders and then they're just waiting for their taxes to be filed for 2008 at the IRS to get all those losses booked and get more back from the people of the United States.

Something is very wrong and uncoordinated with the manner in which the Federal Government is allowing equity to be bled from local homeowners and from our communities at large and awarded to Wall Street whole.

Wall Street banks that hold or sell mortgages on these foreclosed properties are not managing their property holdings. These holdings are then frequently stripped of copper, electrical wiring and other materials, further devaluing adjacent properties and decimating entire neighborhoods.

The \$300 billion FHA program designed to help modify troubled mortgage loans is as ineffective as the Wall Street bailout. The program has received fewer than 200 applications nationwide since taking effect October 1 and not a single loan has been modified.

A bank's receipt of TARP funds should be conditioned on them lending money and engaging in mortgage workouts to ensure the program at least starts to work somewhat. Many banks and servicers are still reluctant to structure manageable workouts with their customers. Among them are JP Morgan Chase, Wells Fargo and Wilshire, who have received \$65 billion among them in Treasury funds.

What's fair about that? May the 111th Congress pass more than just hollow legislation. Let's pass a measure worthy of the oath we took yesterday to protect our Republic from all enemies, foreign and domestic.

Jesse James robbed banks because he said that's where the money is. Well, Wall Street just robbed the biggest bank of them all, the public Treasury. It's time for Congress to blink and do what's right in the 111th Congress of the United States.

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HONORING THE LIFE OF FORMER SENATOR CLAIBORNE PELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY. Today, Madam Speaker, I join my colleague Congressman LANGEVIN in this tribute to Senator Pell, the great statesman from Rhode Island. His name is well-known throughout this country, associated most notably with the Pell Grant, the grant that allows millions of young people in this country opportunity to get a higher education.

But Madam Speaker, we wanted to pay tribute to Senator Pell not only for what he did to open the doors for millions in this country for economic and educational opportunity, we wanted to pay tribute to him for all that he's done as a five-term Senator from Rhode Island and one of the most distinguished Senators ever to serve not only Rhode Island but this country.

He was the author of the Humanities Act, National Endowment for the Humanities, which allows the arts to be accessible to the average person as well.

He was really the founder and the person who really began the belief that we ought to work cooperatively around the world in terms of foreign policy. As the chairman of the Foreign Relations Committee, he was the one who led in diplomacy.

And my friends, he was far ahead of his time as an environmentalist as well.

Madam Speaker, we could talk about his policies and what they meant to our country, but to know him as a person is to really say the most about Senator Pell. He was the most self-effacing, genteel, kind-hearted man that you could ever know. And in a world of rough-and-tumble politics, it's hard to find a genuine person such as that. And for that reason, on a personal level I was honored to know him and serve with him and today join my colleague, JIM LANGEVIN, in paying tribute to him.

Senator Pell left an extraordinary legacy that is appreciated by so many people around the world.

He spent his life in service to our country from his start in 1960 as a U.S. Senator from Rhode Island to his retirement in 1997, and in the years beyond in which he remained active in our State.

Our Nation has lost one of its most visionary and thoughtful legislative leaders, and his hallmark, the Pell Grant, exemplifies his efforts to promote education and opportunity for all Americans. So many families, though they may not know his name, were touched by the work and generous spirit of Senator Pell.

There are so many areas in which he led our country to the forefront such as oceanography, foreign policy, and college tuition assistance. His commitment to public service and his notable contributions to Rhode Island and our Nation continue to inspire people of all generations.

The magnitude and depth of his accomplishments may never be known because he let others take the credit and acclaim. His style was understated yet magnanimous and his

work ushered in many essential policies that have shaped our world today.

Earlier this week, President Clinton, Vice President-elect Biden, Senator KENNEDY, Senator REED and many of his other friends from around the globe paid tribute to his work and celebrated his life.

He will be truly missed and my sympathies and prayers are with his family. He leaves behind his wife of 64 years, wonderful Nuala O'Donnell Pell; his son, Christopher T.H. Pell, of Newport; a daughter, Dallas Pell, of New York City; as well as five grandchildren and five great grandchildren.

But those of us who will miss him extends much farther. It is our country's sorrow to lose such a giant of the Senate and the Nation.

And with that, I would like to yield the floor to my colleague and friend from the Second Congressional District, Congressman LANGEVIN.

Mr. LANGEVIN. Madam Speaker, I thank my colleague for yielding, and I am honored to join with him today in paying tribute to our State's former senior Senator, Senator Claiborne Pell, who passed away on the 1st of this year. He was an incredible public servant, and someone who I was proud to call a friend and a mentor. He was one of Rhode Island's greatest statesmen and gentlemen, as I said, who passed away on the first day of 2009.

Born on November 22, 1918 into a prominent and wealthy family, Senator Pell was better known as a champion for the common man and also the "Father of the Pell Grant Program." After receiving a degree from Princeton University, he served in the United States Coast Guard during World War II and later traveled the world as a Foreign Service Officer of the State Department. In 1960, he was elected to his first of six terms as a United States Senator from Rhode Island. After retiring in 1997, he became our State's longest-serving Senator.

Diagnosed with Parkinson's Disease in 1994, he never let his physical condition diminish his spirit and he remained active in the Rhode Island community and the Democratic Party. In Rhode Island, the Pell name is legendary in politics and synonymous with the best attributes of public service, and his legacy endures.

The esteemed Senator once stated, "The strength of the United States is not the gold at Fort Knox or the weapons of mass destruction that we have, but the sum total of the education and the character of our people." Believing that education was the great equalizer, he created legislation that passed in 1972 establishing the Basic Educational Opportunity Grants—better known now as Pell Grants—that provide financial assistance to students who may not otherwise be able to attend college. It is estimated that a remarkable 54 million students have benefited from these grants.

Due to his love of the arts, he also authored the legislation, as my col-

league, Congressman KENNEDY, mentioned, creating the National Endowment for the Arts and the National Endowment for the Humanities. He helped shape our country's foreign policy and believed strongly in the power of diplomacy. He stood up to defend rights for all Americans, regardless of race, class or sexual orientation.

Knowing him for more than two decades, I considered Senator Pell a friend and a mentor and had the opportunity of interning in his Washington, DC office during my studies at Rhode Island College. I found it to be one of the most rewarding experiences of my life and the beginning of a career path that led me here to Congress as a representative of Rhode Island's Second Congressional District.

As I began my own career in government, Senator Pell was always there for me, offering advice and support.

HONORING SENATOR CLAIBORNE PELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. In continuing my tribute to Senator Pell, Madam Speaker, Senator Pell was and always will be a role model as I work to serve the people of Rhode Island just as he did, with courage and integrity.

This past Monday, Senator Pell was remembered by his family, colleagues from the Senate, President Clinton, Vice President-elect Biden, and many others. It was a fitting tribute to his years of public service and his life-long vision for our country.

Madam Speaker, it is an understatement to say that his presence will be forever missed, but his enduring legacy will live on in his many accomplishments that have enhanced our country greatly, and especially the past, present and future students who have achieved a higher education because of Pell Grants. And it will live on in the people of Rhode Island, who have benefited greatly from his life's work.

My thoughts and prayers are with his entire family, especially his beloved wife of 64 years, Nuala Pell, during this very difficult time.

I join with my friend and colleague, Congressman KENNEDY, to say that Senator Pell had a tremendous impact on our careers. And again, we extend both our sincerest condolences to the entire Pell family.

ISRAEL AND HAMAS CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS of Alabama. Madam Speaker, I rise today to speak about the devastating situation in Gaza.

Each of us in this Chamber knows what it's like to deal with a terrorist attack on our soil and against our people. Over the last several years, the Israeli people have been constantly bombarded by terrorist attacks on their soil and against their people. Since Israel withdrew from Gaza in late 2005, more than 6,000 rocket and mortar attacks from Hamas and other terrorist groups were fired into their territory.

The Government of Israel has a right and a responsibility to defend and protect its people. To stand idly by while hundreds of bombs explode on Israeli territory would have indeed been an irresponsible position for Israel's government to take, and continuing to do nothing could cause long-term detrimental implications to Israel's security in the region.

So Madam Speaker, critics who have said that Israel responded to Hamas in a disproportionate or indiscriminate way are wrong. Madam Speaker, I ask, what amount of force would have been necessary to stop the brutal attacks, to put an end to the terrorists' rocket launching pad in Gaza?

Hamas has repeatedly targeted school yards and hospitals filled with children and civilians in Israel. And the militants have been deliberate in operating from places where Gazan civilians have sought shelter, jeopardizing innocent lives in Gaza. Only Hamas is responsible for the massacre of the people in Gaza. Hamas is responsible for this conflict.

Today marks the 12th day of this conflict, and I think we all hope for a cease-fire to take place soon. However, even if the parties can reach an agreement to a cease-fire, it remains to be seen whether it will be durable.

Therefore, I strongly urge support for Israel's right to self-defense and its efforts to protect itself militarily. I also urge the United Nations and our European allies to do the same.

ECONOMY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Madam Speaker, it is a pleasure to be here as we start another 2 years in a new Congress, the 111th Congress. It is a humbling honor to get to follow in the footsteps of so many giants.

I come today to talk a bit about the economy and what's been done so far and what is being proposed to be done in the future. Now, there is so much to be learned from people who have been around this place and been on this Earth for many, many decades. A fellow down in Nacogdoches had the wisdom, when he was told by a young re-

porter on his 95th birthday, "Congratulations on your 95th birthday, I hope you're not offended, but I hope I never turn 95," and the gentleman said, "Well, son, that's because you're not 94." But a man over 90 approached me there and said that he was sick and tired of hearing people say, oh, this is the worst day since the Depression, some people saying it's as bad as the 1930s Depression. And he said, let me tell you about the Depression. I was there. Sometimes we went for 2 days without eating. And I look around nowadays and I see people offended if they don't have three cars in their family. They've got a computer, they've got cell phones, they've got all these things, and they're trying to tell me that this is as bad as the Depression when my family couldn't eat, when unemployment, by some estimations, at times was going toward 50 percent, but by most agreement was more like 25 percent or so. It was an incredibly rough time for America, but they managed to get through it.

There is interesting literature out now that says, by government intervention all through the thirties, the economy never got better until after World War II started; that all the government intervention may have actually prolonged the terrible Depression rather than helping. Here in this day and time we have people with the best of intentions, they want, truly, to make it better. There are others that we have here in Washington, part of the government that perhaps want to reward their friends. And that is not a partisan comment, that apparently is a bipartisan comment because we've seen it on both sides of the party issue.

But to be told repeatedly that this is a terrible depression, worst economy since the thirties, I was around in the late 1970s, I was around in 1980 and 1981. And so I gathered some numbers about those days. We had a 1973 oil crisis and a 1979 energy crisis. And we had, let's see, unemployment at 5.1 in January of 1974. And it rose, let's see, mild recession from January to July. But unemployment got to 7.5 and eventually got over 10 percent. And I recall thinking, when this guy Reagan started talking about—and I was in the Army at the time at Fort Benning, Georgia—and I heard him, and he was just such a gifted communicator, and he communicated confidence and a good feeling about this country. And it helped make America stronger when America felt stronger. There is so much to the mental status of the people of this country. But by 1979, inflation had reached 11.3 percent. In 1980, it soared to 13.5 percent. And here we had a guy, Reagan, who was saying in 1980 that as President he could bring down double-digit inflation, he could bring down double-digit unemployment, he could bring down double-digit interest rates.

I recall my wife and I bought our first house out near Fort Benning,

Georgia. And my dad was concerned with the high interest rate being over 10 percent. And he said, you know, son, it just doesn't get any higher than that, why don't you wait until it comes down. And yet at the time we were selling our house after my 4 years at Fort Benning, there were people wanting desperately to absorb 12 percent loans because the interest rates had gotten so high. In fact, I've got some data gathered on that.

The Federal funds rate was about 11 percent in '79; it rose to 20 percent by June of 1981. The prime interest rate eventually reached 21.5 percent in June of 1982. And here was this candidate in 1980 named Reagan saying "I can help bring these things down." And I remember telling my wife at the time, "I like this guy." As a member of the Army, I could not criticize a Commander in Chief because he was in the chain of command and that's a court-martialable offense. So you couldn't say anything critical about the Commander in Chief. But I was excited about this guy Reagan.

□ 1315

But I said to my wife, let's face it, there is no way one man, even the President of the United States, could bring down double-digit unemployment, double-digit inflation, and double-digit interest rates. I mean one man just can't do that. And these things started peaking through the late 1970s, 1980, 1981, and 1982; and lo and behold, he was able to turn things around. We had a massive tax cut, and the economy turned around and started going the other way. And lo and behold, double-digit interest rates fell below 10 percent, unemployment rates fell below 10 percent. Interest rates, inflation, all of those things came down, and I was wrong. Apparently one man could make that much difference.

Now, some of the folks know here, Madam Speaker, I like President George W. Bush. I think he is a good man, an honorable man, despite what some folks say. I like him. He's smarter than people give him credit, but as Jeff Foxworthy says, often when people who are not from the South hear a southern accent, they immediately deduct 50 IQ points from what they think the IQ of the speaker is. But when our Secretary of the Treasury convinced him to say, as the Treasury Secretary said, that we're about to have this terrible depression and we could have a stock crash like '29; in some of the private meetings, it could be that once the first bank fails, they'll all fail. We'll have a worse depression than the 1930s. We'll have all these terrible things. Those kinds of things when said from the highest people in the country can become self-fulfilling prophesies. You need to have Presidents that will come forward and say "The only real thing we have to fear is fear itself," as

Roosevelt did. You need to spread calm and confidence. And there are obviously many issues on which I disagree with President-elect Obama, but one of the things we see about this man, as he prepares to take over the Presidency, he has a real gift for spreading confidence, spreading calm, and spreading hope, as he likes to say.

Now, we've been hearing a lot lately people trying to set the bar so low that anything he does will pass the bar, but the fact is we need all of our national leaders to be spreading confidence. You don't do that by saying, "Oh, we're in this terrible depression," because we are not. When you actually look at the numbers, we are in so much better shape as a Nation than we were in 1980. We don't have hostages being held in Iran and looking just so helpless to the rest of the country. President Bush has certainly made clear, and I think by some of President-elect Obama's appointments he has made clear to the rest of the world, you don't attack us or we will respond. And so I hope that will continue. It's an important message. But we should not claim that things are worse than they are because that becomes self-fulfilling.

Though I have to say, by scaring Congress enough, there were about 60 Republicans and about three times that many Democrats who voted for the bailout bill mainly because the Secretary of the Treasury scared them enough into doing so. That's not a basis for making good judgments to help direct this ship of state.

Now, there's another \$350 billion of the original \$700 billion in TARP funds that were in that bailout bill. All that is required—and I know there are some who say, oh, no, in Congress we will get to have an up-or-down vote. The bill doesn't say that. The bill says all the Treasury Secretary has to do is file a plan. I mean, goodness, his plan could just say "I want to spend \$350 billion and send it all to my friends," and under the law if there is no vote disapproving within 15 days, he can take the money and spend it.

We have already seen \$350 billion squandered. Now, I know that Secretary Paulson had his department issue a report last week that says we have studied what we did and we think we did—no, they don't say "we think." They said, we did a great thing. We saved the economy.

Well, one of the things they were doing was spending hundreds of billions of dollars, we were told, to get more credit, to loosen up the credit. I have been sent copies of letters from banks that received billions and billions of dollars of taxpayer money and the letters say we're not going to be able to make car loans anymore, we're not going to floor plan dealers anymore.

Now, one of the things Congress has done that's been a problem is to force lenders to lend money to people who

could not afford to pay it back. So I'm not in favor of doing that. I don't want to force lenders into making bad loans. But when billions and billions of American taxpayer dollars are extended to these huge banks, and at the same time I've seen press releases from those banks that say, oh, this will really help us to extend more credit, lend more money. This will help with the credit crunch, and then follow it up shortly thereafter by saying, we're not going to lend like we used to and we're holding money in reserve. It had absolutely the opposite effect of what it was supposed to have. So that causes great concern. It has not opened up lending. And the fact is this Congress could allocate \$2 trillion to Detroit auto makers, but if people cannot buy cars from the dealers and the dealers have all the banks pulling back floor plans saying, we're not going to help you get cars in to sell to other buyers, then it will be wasted money. You've got to have people able to buy cars or any money given to Detroit is absolutely wasted.

There was some criticism of Secretary Paulson, and I was one of those who was appropriately critical, for not having more restrictions on the money that was given away. Some of it went to bonuses. Instead of extending more credit, some banks actually bought up competition, which means there will be less credit extended because there are fewer lenders out there to extend that money in the way of credit. So it had the exact opposite effect it was supposed to. And with all due deference to the Secretary of the Treasury patting himself and his department on the back for doing such a great and noble job, I just don't see it in what we've had happen here.

I've been joined by one of my colleagues from Georgia, a man I have the utmost respect for. He is someone in whom I have the greatest of confidence and admiration, and I know that when I have an idea, I'm better off running it by him before I float it out publicly. And so I would like to yield to my friend LYNN WESTMORELAND from Georgia.

Mr. WESTMORELAND. I thank the gentleman from Texas. It might not be your accent that hurts you with the points IQ, but it may have been your introduction of me. But it is good to be here with you to talk about the stimulus package.

I voted against the stimulus package, or the recovery bill, as I know you did and many others did, because we didn't see any real plan out there. And the only plan that we really heard, Madam Speaker, if you will remember, they said there was a bad automobile wreck, that this credit crisis was like a bad automobile wreck clogging up the expressway and that behind this accident there were trucks carrying student loans, automobile loans, mortgage loans, all different types of credit, and

that because of this accident that those loans were not getting through to the people that needed them; so we need to spend \$700 billion. And I think at the time they said it was about a 5 percent bad mortgage of home loans, and there are about 80 million mortgages; so that's roughly 4 million loans. So this credit crunch was caused by these 4 million loans to spend \$700 billion. So we cleared the accident, or at least we were told that we were clearing the accident.

But the accident is not cleared, or if it is cleared, nobody has let the traffic through because there are people every day being foreclosed on because the banks that are getting this money, and one bank in particular that does business in Georgia got \$4 billion of TARP money and they are foreclosing on people every day. They are not giving people an opportunity to restructure their loans. They are calling more principal due on these loans. And I'm not telling a bank to make bad loans, but the reason that we are in this situation is because they originally made bad loans. What I think we're telling them is they need to clean up the bad loans that they made. They need to clean up their own mess. But now that they've got taxpayers' dollars, they especially need to be using that for the intent that Congress gave it to them.

There was an article, and I think it was in the New York Times, this is the name of the article, December 17, "Fed Cuts Key Rate to a Record Low." It says: "Of much greater practical importance, the Fed bluntly announced that it would print as much money as necessary to revive the frozen credit markets and fight what is shaping up as the Nation's worst economic downturn since World War II."

And you addressed that. We're not necessarily in that economic downturn, and we're going to continue to print money until we unfreeze the credit market. Well, this first \$350 billion should have done something to help fall it out in the least, but people every day—I have got builders and developers, small business people in my district, the Third District of Georgia, every week calling me saying, we're going out of business.

A good friend of mine has been in the grading business. His family has been in the grading business for 57 years. He's been running it for the past 30 years. His father started it. He called me and he said, "Lynn, today is the last day we're going to be in business. I've got employees that have been with me for over 30 years that I have got to let go. What do I need to tell them about the bailout?"

This money is not getting through to these small businesspeople, and we need to make these lending institutions accountable. I talked to Chairman FRANK, and he said that they're going to come up with a bill in about

the next 2 weeks or so to make these people accountable. And they need to be held accountable.

These are taxpayers' dollars. These are people's individual dollars going to this bailout, and they are not having the ability to even access any of the money. These banks are holding the money, and they're holding the money so they can buy small banks. I've had community bankers call me and say, we applied for TARP but we can't get it. We can't get the TARP money.

So do you think that some of the Big Nine are going to go into our communities, into Grantville, Georgia; or Griffin, Georgia; or Thomaston or Greenville, Georgia; and make somebody a loan that wants to open up a barber shop or wants to have a nail salon or wants to do an automotive repair shop? No. We depend on these community bankers, and right now these big banks are sitting around waiting on these community banks to fail so they can go in, gobble them up, and do away with our community banks. These community banks, some of them told me they voted not to get them. The gentleman from Texas, they voted not to take the TARP money. The Federal regulators came in and said, you need to take the TARP money. And then they applied for it and couldn't get it. We have got to stop this nonsense, and we need to let the free market work. It will work.

□ 1330

It has worked. It will work again if we will just quit muddying the water.

Now I hear about this new stimulus package that the President-elect is going to come up with. He is going to create about 3 million jobs, and I heard today on the news, before I came over here, of 1.2 trillion, which means that each one of these jobs is going to be about \$400,000.

Now, I don't know about you, but that's pretty expensive for the taxpayers to create 3 million jobs at \$400,000 apiece. I would think that we might create, with that kind of money, we might create a lot more jobs than that at \$200,000 apiece, twice as many jobs. In fact, I know a lot of people today that would just love to have a job.

But the government creating jobs, 600,000 new government jobs, that's 50 percent of the people, exclusive of the Postal Service, that we employ right now. We are fixing to employ 50 percent more people.

Now, that's great that we are creating these jobs, but that means that this 600,000 people are going to have to continue to be paid every year and their insurance and their benefits. I am telling you, we are going down a real rocky road.

I am glad that the President-elect has realized that this economic situation that we are facing in our country

today needs some attention. This Congress has tried to give it the attention. The current President has tried to give it the attention, but I think there has been too much love and not enough firm discipline that everyday citizen is out there facing, the firm discipline of not being able to pay your bills. They don't have the ability to print more money, and they are out there suffering.

We are not doing the suffering here. We keep printing the money and keep throwing it out there, and it keeps going to the big dogs. It keeps going to the people that made these major mistakes that leveraged some of these mortgage investments 45 and 50-1.

We are bailing them out, and the average guy is not getting bailed out. I have got a real good friend of mine that called me yesterday, he is in his early 50s, he has been in the real estate business and the building business along with me—he and I have been in it together for a long time—he is going to the police academy. He is starting the police academy. He is starting a new career because he cannot make a living doing what he's doing.

We need to wake up and to realize that if we are going to clear the wreck, if we are going to unfreeze this credit market, these lending institutions need to be accountable to us, the taxpayers, and make sure that they are taking this money and doing what they are supposed to do with it and not just paying their top dogs, their bigwigs, all this money going to the resorts, sponsoring championship football games, buying banks in China for \$6 billion, but they are lending the money out.

I don't care if you have got a credit rating of 835, you are not going to be able to borrow a dime, because they are afraid. They don't want to lend it, and they are saving this money to help their balance sheets. This is no way to run a railroad.

It's not the intention that this Congress had. We need to do something to make these people that are receiving this TARP money accountable. We need to make them go back and correct the bad loans that they made and to make sure that the everyday guy out there that's furnishing this \$700 billion can have some type of benefit from it.

With that, I appreciate you giving me the opportunity to do this.

Mr. GOHMERT. Thank you, Mr. WESTMORELAND, for participating. You have made some great points.

You know I have talked to a number of builders there in east Texas, where I represent, back in September. I know things were tough in a lot of places in the country back in September, but the contractors were telling me they are doing okay, you know, it's just not fantastic, but they are doing okay.

As soon as we started hearing all the gloom and doom, I started to hear people say, you know, we were going to

buy a house, we were going to build a house, we were going to buy a car. But since we are told we may be headed for depression, we are going to hold up and wait and see, you know, maybe sometime next year. We don't want to be buying a new house, or building a new house, or building a new building for our business if we are about to hit a depression.

So what happens? People quit buying cars, they quit building. Contractors say, you know, we always love when the phone rings, that means it may be somebody that's about to build another building. But, lately, they cringe every time the phone rings, because it means someone else may be calling to say we had talked to you, we were planning on building something the first of the year, but let's hold up and wait and see if this depression really is coming.

Let me tell you a little more about the 1980s when people say, oh, this is the worst since the 1930s. Actually, in 1980, there were approximately 4,590 State and federally chartered savings and loans institutions with total assets of over \$616 billion. Let's see, between 1980 and 1983, 118 S&Ls with 43 billion in assets failed.

Things were going badly in this country. Banks, S&Ls failing, S&L crisis, all kinds of things that had been built up, ready to start happening during the 1970s and in the early 1980s that began happening. Were it not for the foresight to have tax cuts, stimulate the economy, then things never would have turned around, but Ronald Reagan did a good job of doing that.

Now, as my friend, Mr. WESTMORELAND, read the quote, the Fed is printing money. They are printing money like crazy. There are consequences to doing that, for those of us that really believe so many solutions can be found in history, because you can go back historically.

As Solomon said, there is nothing new under the sun. There is new technology, but there are not new issues. These things have all been tried and failed, succeeded. So you go back and you say, okay, this is what was done this year, that failed. This was done here, that succeeded. Let's go over the things that succeeded.

And we have seen over and over that if you want to create inflation, as we saw in the late 1970s and the very early 1980s, just print money like the Fed is doing now. We are very fortunate that we haven't hit a huge inflation rate in the last 2 months. And why would that be? Well, back last summer, we were paying \$4 a gallon for gasoline and now many of us are paying \$1.40, that kind of thing, for gasoline.

We are very fortunate that the price of energy failed at a time when we were printing money like crazy. But we cannot keep doing that. To print \$1.2 trillion over the next 2 years will devastate this country with inflation. We

are talking about the 1920s. For those of you who remember your history, going back after World War I, Germany was in very, very difficult circumstances. Their economy was a real problem. They had elected officials, they were trying to turn things around.

They thought they could print money and print their way out of their economic troubles. And some people remember the illustration of people carrying wheelbarrows of money to the supermarket—wasn't supermarkets back then—but to the market just to buy essentials and food.

That's where this leads, when you just keep unabatedly printing money, like is being done now, the inflation will come. It will devastate this country. It is silly to be doing that when we know from history what happens.

If you really want to get scared, look what happened in Germany in the 1920s and going into the 1930s. The economy got so desperate because of all this inflation, they ended up electing a little guy with a funny mustache that was such a bigot and such a mean-spirited man, he devastated the planet.

Israel is having difficulty now, having rockets fired on them each day from the Gaza Strip from Hamas. During that little man with the mustache's regime, over 6 million Jewish people were slaughtered. Why? Because good people in Germany got desperate because of inflation, and they elected a man who was going to help with their economy, not realizing just how mentally unbalanced the man was, and millions and millions and millions, the entire world, suffered as a result.

This Nation has been the defender of freedom around the world. This Nation has been the most solid economy around the world. The world depends on us to make good judgment in this body. And when we fail, it's not just those of us in this body that suffers, it's the Nation, it's the world that suffers.

It is so touching, and the older I get, the more I turn into my late mother, who just got teary-eyed and emotional about all kinds of things, it was deeply touching to see all the children, Madam Speaker, gathered up here around the Speaker's rostrum yesterday as we were sworn in, cute children, all races, both genders, just really neat, great, wholesome, bipartisan, Democratic kids, Republican Members' kids. But the thought that went through my mind is, if we don't change our ways, these are the sweet little children that as adults will pay, literally pay, for what we are doing.

We are running debt up on those little kids that they should never have to pay. For us to live now, that is so wrong. We need to be helping our children, not saddling them with more debt, and that's what an overzealous stimulus package will do.

That's why yesterday the first bill that was laid down on the desk over

here to be filed was a 2-month tax holiday bill. I filed it in December, and I filed it again yesterday with this Congress.

It takes the 350 billion still remaining of the bailout bill, and section 4, it's not a long bill, it just has 5 pages, section 4, "Immediate Termination of TARP Purchase Authority." That is an important principle. It is time to end the authority that we gave to one person, the Secretary of the Treasury, with all of this unfettered ability to just squander money.

I mean, the main restriction in there was he couldn't bail out central banks of foreign governments. But, basically, you read through the bill—and I am afraid there weren't enough people that did—and it just goes on and on as the Secretary determines.

I tried to point out to people, we have never, since we had a Constitution, given that kind of authority to one man. We should never give that kind of authority to one man. It was a mistake. You don't give unrestricted authority like that to just go out and squander money.

No matter which party is in power, it doesn't matter in this country, the principles that made us great, the principles that caused the signers of the Declaration of Independence to pledge their lives and their fortunes and cause many of them to lose and give up their lives, their families' lives, their complete fortunes, was the principle that government does not need to have this kind of unrestricted authority. And yet the market dropped 777 points, and all of a sudden people who knew our history, knew the principles on which this Nation was founded, were all of a sudden ready to come rushing in here and give one man that kind of authority.

George Washington, before the Constitution, December 27, 1776, was given that kind of authority. He didn't ask for it. He hardly used any of it. He used his leadership to persuade the soldiers to reenlist. That's why the bill was passed December 27, 1776.

The Continental Congress knew if these guys don't reenlist in January, we are all dead, and so will our families be dead. So that's why they passed the bill giving Washington this unfettered authority to spend money. He used his leadership to persuade them to reenlist, even in that terrible winter. That's leadership.

But as Washington said, a people unused to restraint must be led, they will not be driven. And too often in Congress we try to drive people instead of leading people. So that's one part of my 2-month tax holiday bill. It ends the authority.

Now, Madam Speaker, people need to understand that in this bill, the bailout bill that was passed in September, there was \$700 billion appropriated. To give another \$350 billion, all he has to do is file a plan, and we don't vote for 15 days.

□ 1345

My bill is funded by bringing that \$350 billion back into the Treasury. So, what did we learn historically from the tax cuts that President John F. Kennedy did, President Ronald Reagan did, and in 2003 President George W. Bush did? We will just overlook the last 4 months where we forgot our principles here in this administration. But you go back to those tax cuts, the economy was stimulated. And each time the revenue into the Federal Treasury did not decrease. It increased dramatically, because the economy went strong.

So there are two ways to raise revenue in this country. One is raising taxes, and then you have an immediate increase in tax dollars coming into the Treasury, but the long-term effect repeatedly we have seen it is to kill the economy. Or you can lower taxes and immediately stimulate the economy, and then as a result of the economy being stimulated, then more tax dollars than ever come in than even when you raise taxes.

So it is all what you want to happen long-term for the sake of our children and those to follow us, and that is why this bill says instead of the Treasury Secretary squandering, it doesn't use that term, of course, but that is what has happened, squandering \$350 billion, it allows the people who earned the money to keep it for two months. So, that is about \$101 billion a month that individuals pay into the U.S. Treasury in individual income tax.

Now, we really need long-term tax reform. We need to drop the capital gains rate, like Ireland did, to 12 percent, which has really helped their economy. I think their corporate tax rate is 11 percent, so businesses are flooding into Ireland.

I am sick and tired too of hearing people say we will never get manufacturing jobs back into America. That is hogwash. Look around the world. Some of us went to China. What was the number one reason industry was moving to China, they told us, why they moved their industry? Yes, they said labor is cheaper, but we have better quality control back in the U.S. Our workers produce better products back in the U.S. But the corporate tax rate is less than half of what it is here. Lower the corporate tax rate. You will see manufacturing jobs flood back into the United States. That is what it is all about.

Some of them said, you know, they cut us a deal on corporate tax rates in China so we were able to build a brand new facility with state-of-the-art equipment and it basically was paid for very quickly out of money we didn't pay in corporate taxes, and now we are competitive again because our aging factories in the U.S. were costing us, and now we are state-of-the-art. All you have to do is lower the tax rate. Jobs will instantly appear.

Go after our own energy in this country. We know the energy rates are going to come up, and we need to do something about it now to produce our own energy so that we are doing that and this inflation cycle doesn't kill us.

Going back to my 2-month tax holiday bill, it says as far as the tax cut part, in the case of wages received for services performed during the period beginning in the first full month after the passage of this bill, the percentage of tax will be zero.

Now, I heard from some self-employed people who said, well, it is not going to help me being self-employed. I work just as hard or harder than anyone else, and yet I am not included. Yet that is not accurate. That is included. It says clearly in the case of self-employment income for service performed during the 2-month period, the percentage of tax will be zero. So there will be no withholding during the 2-month period for income tax, there will be no withholding for FICA.

I have gotten good suggestions. Newt Gingrich has been extremely helpful in suggestions and spreading the word, as Jed Babbin and Neal Boortz and Steve Morton, so many, many great thinkers have been helpful.

But President-elect Obama promised that if you make less than \$250,000, you will get a tax cut. Some of us have been concerned when we give tax cuts to people that don't pay taxes that that is not a tax cut, that is welfare. Under this bill, the tax cuts go to people that pay taxes.

There are, we know, people who do not pay income tax. They don't make enough. They work hard, they earn a wage, but it is not enough to get to the level of paying income tax. They still have FICA withheld from their check. Under this bill, no FICA will be withheld from their bill, and because the employee has no FICA taken out, then the employer who is struggling to make sure they keep people employed gets a 2-month holiday on paying FICA as well.

Some have said, well, this will hurt people on Social Security. No, it won't, because it specifically says that, and this is in section 3, funding of Social Security trust funds is with repealed TARP funds. It is covered. The \$350 billion doesn't get to be doled out for bonuses for the Nation's wealthy who have mismanaged their banks or their firms and then reward themselves with bonuses. It doesn't go there. It goes to the people who have earned it. So everyone who is working will get a tax break.

Some have said, well, I would appreciate having the withholding not taken out for 2 months, that will really help me for those 2 months, but it will hurt me at the end of the year when I have to pay that. They miss the point. There is no Federal tax for 2 months under this bill. Everybody gets a tax cut. So

actually what this very short, very efficient bill does is exactly what President-elect Obama promised would be done, with the exception it doesn't have a \$250,000 cap on it.

Now, there are those I know who are doing well and are able to live off the dividend income and the interest income, and that is harder, of course, after the stock market went down. And God bless those folks. I am thrilled to death that you are in a position where you can live off of dividend and interest income. I would like to see across-the-board complete tax reform. But under this bill, this does not give tax breaks for unearned income like interest and dividend. This is only for wages earned during this time.

So if you are a hardworking American, you are going to get a tax cut under this bill. It does exactly what President-elect Obama promised. For anyone who pays any FICA, income tax, for 2 months you get that tax break.

Now, it is so ironic that the bailout bill was partly under the guise that we are going to give all these billions or hundreds of billions to banks so they can increase credit, make more loans, so people can refinance their loans and finance into the new refinance money what they are behind on so they don't lose their homes.

Well, I have talked to people who say if they could have their withholding from their check in their check for 2 months, they can catch up. A lot of people fell behind last summer when gas prices were \$4 a gallon. They get their withholding for a couple of months. I have seen figures that estimated if your family income, household income is in the \$60,000 range, you could get \$2,000 or \$3,000 over that 2-month period. So they could catch up on the mortgage and you wouldn't have to borrow more money to catch up on your mortgage. You could catch up.

I have had some people tell me, I want to get out from under this gas-guzzling car I have got, but when energy prices went up, the value of any car went so far down, now I owe more on my car than it is worth, so I can't trade it in, because I don't have a down payment for another car. I would be without a car, so I have to keep paying on this gas-guzzler. I would like to get a more efficient car.

This would allow those people to buy a new car, a more efficient car. It is good for everybody.

But we come back to what I said earlier: If people cannot buy cars, then it doesn't matter how many trillions of dollars we give to the auto makers, they are going to still ultimately go out of business. And the trouble with bailouts is once you start giving money to anybody, whether it is a bank, an insurance company, whoever, once you start that process, you will always be able to find someone more deserving of

a bailout than those who have already gotten money, and there becomes no good place to stop.

Well, when you love someone and you see that they are getting addicted to some substance, and as a judge I saw it, you see them getting addicted to something, then it is time to have an interdiction and say I love you too much to allow you to continue this addiction. We are not going to let you have any more of that.

Now, I was upset when we were talking about an auto bailout, because I knew the auto makers had been withholding hold-back money, rebate money, that they contractually owed dealers. They were putting dealers in a bind just because they weren't abiding by their own contracts. As I understand it, they have begun to catch up on that, and that is appropriate.

But to see then letters from major banks who have gotten billions of tax dollars who are now saying we are not going to be lending money for cars, we are not going to be lending money to dealers anymore, even though they are wonderful dealers, they have a good business, it looks like they will stay in business for good, we are just not going to lend anymore, that is such an abuse and 180 degrees from what was promised.

Now, some would say we should not get the Federal Government into the business of telling lenders what to do with their money, and I am one of those. However, the danger that every bank should have been told by their attorneys is, keep in mind if you take Federal money, the Federal Government is going to have their hand in your business and they are going to tell you how to run it, because they are a partner with you. And I happen to believe if we are going to put Federal money in something, we should have restrictions and tell people like a bank that this is what you can and can't do. Secretary Paulson did not do that.

But my preference is don't give away any more bailout money. Let's let the people that earned it keep it and let them decide who deserves to be bailed out and who deserves to have their products purchased. That is how a free market works.

When you look back, you see that an open government is a good thing, a free market is a good thing. To my way of thinking, being such a student of history, it looks like from our founding documents the most important job that we have as a Federal Government is to provide for the common defense. Then, beyond that, this Federal Government should create a level playing field, punish cheaters, make sure everybody plays fairly, and then let them play. That is what we need to be doing, and we have gone so far in excess of that.

This government, when I heard that we were going to encourage a car czar,

I couldn't believe it. I mean, we can't even do a good job of designing our own I.D. card. Can you imagine what we would do with cars? Good grief. We should not be in that business.

So I would encourage people, Mr. Speaker, who believe that they would do a better job of spending their own money, to contact their Representative, contact their Senator, call the Capitol Hill operator and they can be connected to their Representative, their Senators, and that would go a long way toward getting this bill to the floor and getting it passed. Because it is not an issue of if the money will be spent, it is an issue of will the Treasury Secretary squander it on your behalf, or will you be able to use your own money to help get this economy turned around.

REVIEWING THE NATION'S LONG-TERM ECONOMY

The SPEAKER pro tempore (Mr. YARMUTH). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I have been concerned about the financial future of our country for some time and in 2006 introduced a bill to set up a national commission to review our Nation's long-term economy, including mandatory entitlement spending, discretionary spending and tax policy. It is bipartisan. We have well over 100 members from both sides of the aisle.

□ 1400

The bipartisan Cooper-Wolf SAFE proposal was similar to the commission proposal by Senator CONRAD and Senator Judd Gregg of New Hampshire, would be bipartisan and a way to review entitlement spending and force the Congress to act. The commission has over 100 cosponsors during the last Congress.

We've all read, Mr. Speaker, the stark figures of the 2008 Financial Report of the Federal Government. Even more telling is, during the month of October and November, for the first 2 months of this fiscal year, the Federal Government piled up \$401 billion in red ink, and we're on a pace to surpass the fiscal year 2008 deficit of 455; in 2 months almost we're going to rival that.

And yesterday, President-elect Obama predicted a \$1 trillion deficit, he said, "for years to come."

Now, does anybody really care? It just seems that this institution continues to go and do what it's done in the past. In the past few days, numerous sources have reported that the economic stimulus is expected to cost \$675 billion, and some are saying up to \$1 trillion.

Mr. Speaker, whatever package is voted on, Congress has the obligation

to their children and their grandchildren and to their constituents to find a bipartisan way to address the Nation's looming financial crisis by including a mechanism to deal with the underlying problem, what is now on auto-pilot spending. If we don't do this in this Congress when we're doing the stimulus, I think both political parties in this Congress, the 111th Congress, will go down as the Congress that refused to deal with the fundamental issues that are facing this country.

There's the Simon and Garfunkel song, *The Boxer*, that says "Man hears what he wants to hear and disregards the rest."

This Congress disregards the overwhelming debt that we have faced in this Nation. I have here, Mr. Speaker, a bill issued by the Federal Reserve of Zimbabwe in July of last year. It's \$100 billion. \$100 billion. It won't even buy a loaf of bread. Is this the future of our country?

And if this Congress, and let me just say to my colleagues on this side, if our party doesn't deal with this issue, and they don't deal with this issue then, frankly, this Congress will go down in Congress' history as the Congress that's neglected to deal with these fundamental issues.

So many say, why a short-term stimulus simultaneously with this? Well, it takes two legs to walk. If we can demonstrate that we are dealing with the entitlement issue now, that may very well get whatever short-term thing we're going to do to demonstrate that we have the commitment to make it work.

Isabel Sawhill, Senior Fellow at the Brookings Institute, has likened the situation in our country, she said, to "termites in the woodwork, slowly eroding our strength as a nation."

I recently read a speech by Richard Fisher, President of the Federal Reserve Bank of Dallas; it's called *Storms on the Horizon*. It's a sobering account from a monetary policy point of view of why deficits matter. And it is frightening. I put it in the CONGRESSIONAL RECORD every day. I would hope Members of Congress could read it.

But what he said is doing deficit math is a sobering exercise. It becomes an outright painful one when you apply your calculator to long-term fiscal challenge posed by entitlement programs. Then he goes on to say that we are facing catastrophic conditions. Our children, our grandchildren, our constituents are facing a catastrophic condition if we don't act.

Some people say we need regular order. Frankly, if we don't do this in a bipartisan way, 8 Republicans, 8 Democrats, similar to what we did on the Iraq Study Group, frankly, I think this Congress will not have the courage, the foresight, the ability to vote on these issues to deal with it.

So what we are saying is a massive package up-or-down vote, 8 Repub-

licans, 8 Democrats, this bill was drafted by the Heritage Foundation, by the Brookings Institution, supported by David Walker, supported by David Broder, by David Brooks, by economists all over the country, and then it uses the language that is in the Base Closing Commission that requires, because if you don't require this institution to act it will not act. It will find all the reasons it can to neglect it. It will require it to act in 60 days.

So I say to my colleagues on this side, if we're going to deal with this stimulus, we'd better have our own ideas and put up for a proposal, which I will do unless I'm tied and gagged, I will offer a motion here to force us to vote on this.

And I say for the other side, I ask you to do the same thing so we could come together in a bipartisan way so when we leave this Congress we know that we have truly dealt with the entitlement issue and saved America for our children and our grandchildren and future generations.

OUR ECONOMIC SITUATION AND FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHERMAN. I will take much but not all of this hour to speak. Roughly, the first half of the presentation will be on our economic situation. The second half will focus on foreign policy.

I know that I have a number of colleagues that may have important things to say to this House, and if they come to the floor, I'll be happy to yield them a few minutes at a time that is convenient for them.

Even with this long speech, I will not be able to cover all the details that I'd like to provide to my colleagues. Therefore, I invite all my colleagues to visit the relevant portion of my web page, bradsherman.house.gov for more of the details of the matters I'll be discussing here.

In talking about our economy, I will divide my speech first to talking about matters relevant to the Financial Services Committee, on which I've served for 12 years, and particularly the bill known as TARP, or EESA, the Emergency Economic Stabilization Act, best known to the public as the \$700 billion bailout bill.

The second part of my economic presentation will deal with the stimulus package now being put together, particularly by the Committees on Appropriations and Ways and Means.

Now, I was a critic and twice voted against the \$700 billion bailout bill, the so-called TARP. The supporters of that bill will have to admit that it has not restored our economy as the proponents had advertised, and, in fact,

some of the worst times for the economy were the 2 to 3 weeks following its passage.

On the other hand, those of us who were critics should admit that the bill has, frankly, cost the government far less than I had anticipated. When I say cost, I don't mean just how much is spent, but from that must be subtracted the value of the securities, the bonds and the stock certificates received by the Federal Government.

In this case, Secretary Paulson misled this House and the other body by testifying that he would use the \$700 billion to buy toxic assets, bad bonds. Had he done that, and all of us voting on the bill had every reason to believe that he was telling us the truth, had he carried out that policy, then he would have bought, for the money he had spent, whether it's the 350 billion he has spent so far or the 700 billion that I feared he would spend, he would have spent that money in return for assets of dubious value. That's why they're called toxic assets.

In contrast, having misled the House and the other body, Secretary Paulson bought preferred stock in the various financial institutions. In doing so, he was overly generous to Wall Street as to the terms, but, nevertheless, he did secure assets for the Treasury that are of substantial value.

Paulson's shift, frankly, was right along the lines that many of us who are critics of the bill had urged him to adopt. And so those who supported the bill, those who are critics of it, must both recognize that what the Treasury has done so far is far different from what all of us believed would, in fact, be the policy.

Now, we see that \$350 billion has been expended by the Treasury, and another \$350 billion remains unspent. I am pleased that the Secretary of the Treasury has not yet taken the procedural actions to release and give himself control of the remaining \$350 billion.

It is my understanding that leadership will bring to this House a bill that will release the \$350 billion to the Treasury and will impose additional conditions. And I'd like to take a few minutes to address what I think ought to be in that bill.

First, is the issue of whether any of the funds to be released, any of that second \$350 billion, will be available to the Bush administration. Last month I wrote the chairman of the Financial Services Committee saying that we should have limits on the amount that could be spent by the Bush administration out of the second \$350 billion. In fact, I proposed that only \$10 billion or less be available to the Bush administration to deal with whatever exigencies it dealt with in its waning days. It is my understanding that the bill that will be brought before this House will provide the Bush administration with

\$0 to deal with whatever comes up in its last week or so in office.

In any case, I think, having seen Paulson in action, the vast majority of this House would believe that somewhere between 95 percent and 100 percent of the second \$350 billion, if it is made available to anyone in the executive branch should be made available only to the Obama administration.

I should point out something about process. It would be best if any bill dealing with the second \$350 billion was actually dealt with in regular order.

Now, I'm not saying necessarily that every committee of possible jurisdiction should do a full markup, but as we deal with this economic crisis, at least the primary committee as to each bill should have a markup so that Members can be heard, and the House can work its will.

In addition, I would hope that the Rules Committee would allow a reasonable number of amendments to be considered on the floor.

In addition, I would hope that the Financial Services Committee would give the same scrutiny to the financial institutions who have received and are likely to receive additional bailout monies as we gave to the executives of the three automobile makers.

We need extensive hearings. We need to bring the titans of Wall Street down, and we need to have these hearings at both the full committee and the subcommittee level.

We do not want to give further credence to the accusation that Congress and the administration have two standards for scrutinizing bailout requests, one for those who shower before work and a more severe standard for those who must shower after work. We should have at least the same amount of scrutiny to an industry that has already received the bulk of \$350 billion as we provided to an automobile industry that is requesting amounts less than 5 percent of that amount.

Now, what should we provide in the way of restrictions to those who obtain bailout funds or retain the bailout funds they have already received?

Federal dollars should be expended to bail out private interests only on the toughest terms. Taxpayers should demand the highest yield, the largest equity upside, the strictest limits on executive compensation and perks. Even when we bail out individual homeowners rather than big time executives and shareholders of major companies, the Treasury should get a large share of the profit that they earn when they sell their homes.

Why is it so important that we are tough on those who seek bailout funds? There are three important reasons. First, being tough will increase support for the program. The public is currently focused on executive compensation and perks. I think it will soon focus on the value of the securities the

Treasury is receiving, including warrants that represent the upside, the potential profits of a company that is receiving bailed out funds.

□ 1415

We need public support for the enactment, and there is considerable public skepticism. In talking to my colleagues, I find very few who are enthusiastic about releasing the second \$350 billion to the executive branch, and I find, while most of my colleagues believe that we need a stimulus package, there is real reluctance to adopt one as large as that being recommended by so many prominent economists. We can achieve that support in this House and in the public by being tough on those who receive bailout funds.

Second, being tough on those obtaining bailout funds will help to limit the number of people seeking to be bailed out. Not even the Federal Government can afford to fund all of the bailouts that will be demanded if executives see the Federal Government as a source of easy and cheap money.

Third, getting a good deal by tough negotiations with anyone receiving a bailout will reduce the amount by which we are increasing the Federal deficit. We will be expending hundreds of billions of dollars now. I'm just addressing the \$700 billion piece that is half completed. There will be other expenditures. We need to reassure our children, and we need to reassure the international markets that we are acting responsibly to minimize the increase in the Federal deficit.

Now, some of the expenditures being made out of the TARP funds are going to be money lost forever. It's going to be buying assets that turn out to be worthless or investing in companies that go bankrupt. That is why we need a very large upside on those of our investments that are successful. Typically, the Federal Government obtains an upside by obtaining warrants from the companies it provides bailout funds to. These allow the taxpayers to reap the benefits of a company's success when it returns to profitability and when that profitability is reflected in its stock price.

I believe that, in the negotiations with Wall Street, Secretary Paulson has been far too generous to his friends in the financial services industry. Given the tremendous risks the Federal Government is assuming, taxpayers should be receiving far more of the upside in return for their investments.

For example, in the recent bailout of Goldman Sachs, the taxpayer received half the rate of return and one-sixth the warrants that investor Warren Buffett was able to receive on a similar investment that he made in Goldman Sachs for his fund.

The Emergency Economic Stabilization Act gives the Treasury too much

discretion as to what to demand in the way of warrants. While the Treasury is required to obtain warrants when it injects capital into financial institutions, it can accept as few warrants as it likes.

The Treasury has adopted a one-size-fits-all approach, which provides the Federal Government with warrants equal to 20 percent of its investment when it buys preferred stock in a financial institution. Not even this 20 percent is required by the statute, and this 20 percent is often way too low because those healthiest banks on Wall Street were willing to give us 20 percent. Clearly, the riskier banks on Wall Street that got bailout funds were not adequately compensating the American taxpayer for the risk we are taking because they only provided 20 percent warrants, a figure that might be appropriate for those financial institutions that are low risk.

The question is: What can we do in a statute? Clearly, we hope that the next Secretary of the Treasury will drive a tough bargain whenever investing our taxpayer dollars in private firms, but we can do something in the statute.

At a minimum, we should include language that was in an early version of the House bill dealing with the automobile relief that requires warrants of at least 20 percent, and we should make it clear that this 20 percent is a floor, not a ceiling. We should direct the Secretary of the Treasury to demand warrants that fully compensate the taxpayer for the risks being taken in any particular deal.

Then we turn to the issue of executive compensation and perks. These are very important to taxpayers and are important in deterring those companies that don't need a bailout from coming to Washington in their private jets, hats in hand.

Now, the bill, as interpreted by the Bush administration, has allowed multimillion dollar salaries to continue to be paid to the very executives who drove their companies into the ditch, and the Bush administration has chosen to impose no limits on perks. In particular, the Bush administration has ignored section 111(b) of the EESA, also known as the TARP bill.

That section states: Where the Secretary determines that the purposes of the act are best met through direct purchases of troubled assets, the Secretary shall require that the financial institution meet appropriate standards for executive compensation and corporate governance.

Virtually all of the \$350 billion that the Secretary of the Treasury has expended has been pursuant to his determination that we could best be served through direct purchases of troubled assets. He has not done an auction, which was the main part of the bill he was trying to sell to us. Instead, he has simply made direct purchases of assets

from companies, negotiated one at a time. In those circumstances, the law requires that he shall require that the financial institution meet appropriate standards for executive compensation and corporate governance.

What has Secretary Paulson done?

He has allowed multimillion dollar bonuses to be paid to the executives of AIG. He has allowed million-dollar-a-month salaries to continue to be paid to executives of bailed-out Wall Street firms. He has allowed all of those entities to continue to operate fleets of private jets. Despite getting our money, Goldman Sachs spent almost a quarter million dollars a year to provide a limo for one executive. This does not constitute appropriate standards for executive compensation and corporate governance, nor should Congress simply punt to the executive branch what those appropriate standards should be.

Instead, we should provide by law that, if a company gets a Federal bailout, the firm must limit its total compensation package to any executive to no more than \$1 million per year for as long as the firm is holding our money. The limits should apply to the whole package of compensation—salaries, bonuses, pension plan contributions, and stock options. In particular, a huge grant of stock options to an executive at this time could be a bonanza—and an unjustified one—because right now all the stock prices of Wall Street firms are at depressed levels, and an option given to an executive to buy shares of stock for \$1 or \$2 a share could turn out to be more valuable than a ton of winning lottery tickets.

To the extent any existing contract provides for executive compensation in excess of that which is allowed under statute, I suggest that the bill provide that that contract is void as against public policy.

Now, let us turn to perks. We should limit luxury perks like corporate jets and chauffeured limousines. We should prevent these while any firm is holding taxpayers' money. I'll point out there are firms on Wall Street that got money from Paulson that said, "Hey, we signed up for the money. We never knew you were going to get tough with us." Fine. You don't like the new rules? Give us back our money; but if you retain taxpayer money, then you should not, as Goldman Sachs has done, be paying a quarter million dollars in a year for a chauffeured limousine service for one executive. If the firm's executives don't want to take off their belts and their shoes and go through airport security like the public does, then that firm should not receive and should not retain a bailout, and it probably doesn't need one.

For as long as those bailout funds are outstanding, we should prohibit firms from owning, leasing or chartering luxury jets or from maintaining a fleet of chauffeured limousines. We should pro-

vide exceptions for chartering planes to travel to remote areas, areas remote from scheduled air service, and we should allow some sort of driver and auto to be provided to those executives who face severe physical challenges.

We may also want to provide limits on how much the company reimburses its executives per night for any hotel room—a maximum amount of \$500 comes to mind—or per meal for any meal. Perhaps it should be \$100 per meal. I hate to get down to this level of specificity, but Wall Street has proven that they will squander the money taxpayers provide their firms on lavish parties and fancy travel if we are not specific.

It is possible that the auto bailout bill that passed this House will be used as a model for limiting executive compensation and perks. If that's the case, we had better strengthen it first. We had better make clear that the limits on bonuses apply not just to cash bonuses but also to grants of stock options. We should limit the total compensation to \$1 million a year, and we should limit the use not just of leased or of purchased luxury aircraft but also of chartered luxury aircraft. Finally, we should have appropriate limits on limousines.

Let me point out that some of my colleagues have noticed that I was tough on the auto executives who used their private jets to come to us the first time.

One of those companies has told me very explicitly: "Sherman, the law may say that we can't own the jets; the law may say we can't lease the jets, but the law, as passed by the House, says we can still charter the jets, and our CEO is never going to fly commercial."

That's fine unless that firm receives bailout money. Once it does, we have to limit it. We can't play a shell game with the American people. Oh, we'll limit the luxury travel, and then just have the company charter the jet instead of lease the jet. That would be a fraud on the American people.

There is one other important improvement that we need to make to the TARP bill. You see, after that bill passed, the Treasury adopted, as I mentioned before, a plan to buy preferred stock, in particular, of financial institutions. The next administration will probably use a good chunk of the money to go back to the original plan, which was to buy bad bonds—toxic assets—from the financial institutions. Then we have to be worried. If we're buying bad bonds, at least we should buy bad bonds owned by American investors. It is not the purpose of this bill to bail out banks in London and in Riyadh and in Shanghai.

I want to make a technical distinction. I have no objection to our treating as American companies such firms as Hancock Insurance and Fireman's

Fund that happen to be owned by a foreign parent. We should look at what company is on American soil, and we should provide appropriate bailouts to the companies on American soil, but what we should not do is start bailing out banks in Shanghai, London and Riyadh.

Under the bill as we passed it from this House, the Bank of China can sell a portfolio of toxic assets to any U.S.-headquartered entity whether it owns that entity or not. It could be a small branch that it owns in my State of California or it could be some big bank on Wall Street that it does not own, but the Bank of China can sell a portfolio of bad bonds to a U.S.-headquartered entity on Monday, and under the bill we passed, that entity can sell those same bonds to the Treasury on Tuesday. I call this the China two-step. It is a mechanism by which we will end up bailing out the bad business investments, not of U.S.-based companies, but bad bonds which are held in safes in Shanghai and in London.

Our new legislation should provide that the Treasury can only buy assets—bad bonds, mortgages—proven to be held by a U.S. entity—whether it's a foreign-owned entity or not, an on-the-ground, in-the-United States entity—on September 20, 2008.

□ 1430

We should only be buying the bad bonds that were in safes located in America on September 20, which is the day that Paulson went public with the need for a bailout bill.

Now, I look forward not only to reforming the TARP bill but also using that reform as an opportunity to pass other legislation within the jurisdiction of the Financial Services Committee that can help deal with this economic crisis. And I want to point out, first, things that we can do that won't cost the treasury a penny, because before we start spending trillions of dollars, we should say, "What can we do to get out of this mess that doesn't cost us anything?"

There are a couple of opportunities.

First, we can increase the amount of business lending that can be made by credit unions. Right now, we limit credit unions severely as to how much business lending they can do. We could, for the duration of this crisis, allow those credit unions to make those business loans to small business: \$100,000 loans, \$150,000 loans. I'm only talking here about smaller loans to small businesses that need them. We need to allow businesses in all of our districts to get that \$100,000 loan that they need to expand or even to stay in business. And it is just folly for us to take one of the healthy groups of financial institutions in this country namely, the credit unions, and tell them they can't make the \$100,000 loan that is des-

perately needed by the small businesses in our respective districts.

Second, we need to increase the conforming loan limit. The conforming loan limit is the size of the loan that can be purchased by Fannie Mae and Freddie Mac. Those are basically the only loans that are being made today. And the cost of housing differs tremendously from one region of the country to another, even in these tough times when of course in most regions prices have gone down.

Last year, we raised the conforming loan limit to \$729,750 for high cost areas, but we allowed that increase to expire effective on the first day of this year. We need to restore that at 730, perhaps raise it to 750. Now, this will not cause the Federal Government to lose a penny because Fannie and Freddie actually make a profit on the larger loans. They suffer losses or have suffered losses on the smaller loans.

One way we can help replenish the money that Fannie and Freddie have lost is to allow them in high cost areas to do loans at the \$750,000 level. That can be so critical for some of our big cities where declines in house prices have so badly affected local economies.

Now let me turn my attention to the stimulus bill, the bill that will basically be crafted by the Appropriations and Ways and Means Committees.

First, I want to approach the general principles that should be covered under that bill, and then I want to comment on specific ideas that are being put forward in light of those principles.

Mr. Speaker, this country faces the specter of depression. A deflationary cycle threatens a long period of economic contraction. We need an enormous immediate economic stimulus. But unless that stimulus is well designed, it may not pass Congress. Unless it is well designed, it may not achieve its objectives. And unless it is well designed, it may sow the seeds of a future disastrous decline in the value of the dollar.

So we have to make sure that the stimulus bill is big and fast but also tough, temporary, and self-reversing.

What do I mean by "tough"? As I have said, Federal dollars should be extended to private interests only on the toughest terms. And I have indicated there are three reasons for that.

First, we've got to discourage everyone from seeking a bailout or from believing that they're suckers for not seeking a bailout.

Second, we need to increase public support for what will be a highly contentious and difficult-to-pass stimulus bill. It will be much easier for Members to vote for such a bill if it provides the toughest terms to those who are receiving extraordinary Federal largess.

And finally, as I pointed out, by getting warrants, by getting other securities that give us a share of the upside, we will be in a position to decrease the

increase in the deficit occasioned by the stimulus package.

Now let's talk about why the bill must contain provisions so that the stimulus is temporary and reversible. Self-reversing, in fact.

Keynesian economics offers a simple prescription for the difficult times we're facing now. That is to say, easy money now and fiscal and monetary austerity after the economy improves.

How in good conscience can we vote for a massive economic stimulus now if we believe that it is unlikely that Congress will adopt austerity later? We in Congress love handing out money. We know that. We love tax cuts, and tax rebates, and tax holidays, and tax fiestas, and benefit expansions, and subsidies, and bailouts, and infrastructure projects, and aid to States, and aid to cities and Rite Aid, Kool-Aid. We like spending money.

Can we count on future Congresses to discontinue and then reverse the fiscal expansion that is necessary today? What I fear is going to happen is that the advocates of fiscal responsibility—and I count myself among them—may prevent Congress from giving us the full level of economic stimulus that we need now. I fear that the stimulus will not be as big and fast as we need now. And simultaneously, I fear that the advocates of tax cuts and the advocates of free spending will prevent us from turning off the spigot later.

To avoid this outcome, the stimulus package should be both temporary and self-reversing. The same statute which provides a huge amount of stimulus should also provide particular identified tax increases and expenditure cuts that will go into effect automatically in the year 2013. The statute could and should provide that those automatic provisions would be delayed if we failed to achieve 3 percent economic growth in the year 2012.

Now, of course I can't know today what is the best budgetary policy for this country in 2013. We would have to fine tune or change anything that we write today as 2013 approaches. But we need to give the upper hand to those who would advocate fiscal responsibility after economic growth has resumed.

If austerity in 2013 is mandated by a statute that goes into effect, then the advocates of fiscal responsibility will have that upper hand and can negotiate with our colleagues to make sure that we get the kind of austerity that should follow the fiscal expansion that we need now. Only if an economic stimulus proposal is tough, temporary, and self-reversing can we generate the political will necessary to adopt a proposal that's big enough and fast enough. Only if stimulus measures are temporary and self-reversing can we make sure that the actions we take this month do not eventually lead to inflation, higher interest rates, a declining dollar, and an enormous and

permanent increase in the Federal debt.

So these are the principles that I think should guide us with regard to particular elements of the stimulus bill.

Now let us look at particular proposals. Are they efficient? Do they get money into circulation quickly? Does every dollar we spend or forego get into the economy and get in quickly?

Second, is the money spent for a good purpose?

Third, does the money stay in the United States, or are we going to be spending money at the Federal level that goes to simply finance our trade deficit?

And finally, are the provisions temporary and self-reversing?

First, let us talk about aid to States. This is, I think, the most important element of the program because what could be worse for an economy facing contraction than to see our police officers and teachers being laid off by State and local governments just when we need to keep people employed.

If we provide aid to States, what about the efficiency? I think every State government is going to spend that money effectively. Those States that don't need it may choose to save it for the future, but there are very few of those. Will the money be put to good use? Yes, to keep teachers and firefighters and police officers on the payroll and all on the job. Will the money stay in the United States? One hundred percent of it stays in the United States.

And, of course, this would be temporary. If we wanted, we could even make it self-reversing. Most States are not allowed to borrow money from the Federal Government by their own constitutions, but what we could do is change the reimbursement formulas so that we take a bigger share of the Medicaid budget than we do now and let the States save money on that with the understanding that come 2013, not only does that formula go back to where it was, but it may even swing in the other direction and be adverse to the States.

They could plan for this. This would be a way to make the proposal of State aid even self-reversing. But if it's not self-reversing, it will be temporary. It will be efficient. It will be a good use of money, and the dollars will stay in the United States.

Second is the possibility of tax rebates to consumers. This is money that will be well spent by America's families who need it. But we cannot be sure that they will spend it. It may be saved, and we have to expect that of the portion of it that will be spent, much of it will be spent on foreign-made goods. So it may be important to provide these rebates to consumers in our society. It will help keep the retail economy going, keep our shopping centers from going bankrupt, et cetera.

But let us remember that a chunk of that money is going to go overseas.

A third element is business tax breaks, and here we have to draw a distinction between those business tax breaks, which we in the tax world call "timing differences," and those that are permanent tax reductions.

What are the timing differences? Timing difference is when you give somebody a deduction today that they would otherwise get tomorrow anyway. You have simply changed the year in which they get the tax reduction.

There are two proposals on the table from the Obama transition team that fit this bill. One of those is changing the rules with regard to investments up to, I believe it's a quarter million dollars, to let smaller businesses write this money off in the year in which they spend the money. In the absence of a special provision, they would have to capitalize that money and write it off as the asset they purchased is used up, as the machinery wears out.

Well, we want to encourage businesses to invest now, and ultimately it costs us little or nothing. Yes, we give them the deduction right now this year, otherwise they would take it over a period usually of 5 years. Why not give them the deduction now? The ultimate increase in the deficit over 5 years is very small.

□ 1445

Now, it is true that there's a time value of money. Not getting tax dollars today and getting them instead several years from now, that used to be thought of as a cost to the Treasury because you have to pay interest on the money the Federal Government borrows. But today the Federal Government is borrowing money for amazingly low interest rates, some at the rate of zero, and so the fact that we will get the tax dollars collected from businesses 2 or 3 years from right now, rather than immediately, scarcely increases the Federal deficit.

Another issue is net operating loss carryforwards and carrybacks. These are companies that made money during the last 5 years. Now they're losing money in 2008 or they're going to lose money in 2009. Current tax law allows them to write off those losses chiefly against money they make in 2011, 2012, future years. We should allow these companies to carry it back, to use these net operating loss deductions now to offset the taxes they paid in prior years.

First, I regard this as fair. Any accounting theorist will tell you that the use of the 1-year accounting period is arbitrary, that companies make and lose money in cycles. Business cycles often last many years, and so you cannot say that it is anything but artificial to say, well, you made money in 2007, you lost money in 2008. No, you made and lost money over a period of

years that we have artificially divided into 12-month periods. So saying that you have to pay money on the taxes you made in 2007 but cannot get an immediate refund of those taxes when you discover that really over the 2-year period you've lost money is not consistent with good accounting theory. We should allow net operating loss carryback.

The other thing is these net operating loss deductions. They're going to be taken at some point. We might as well let them be taken now, and the ultimate increase in the deficit is very small.

So those are two provisions that I think will encourage business and will provide a lot more money in expenditures today than an ultimate increase in the deficit over a 5-year period.

So I look forward to working with my colleagues on economic policy. I will have more details of what I've talked about on the Web page, bradsherman.house.gov. This is the beginning of a dialogue on how to deal with the greatest economic crisis that we have faced in the lifetimes of all but the oldest Members of this body.

FOREIGN POLICY

At this point, Mr. Chairman, I'd like to focus on foreign policy and particularly the Middle East. Again, I would point out that if there are colleagues that would like me to yield them a few minutes and they happen to be on the floor, they need only get my attention.

Now, I want to commend the Bush administration for its support of Israel during this difficult period. Now, the press, as is often the case, is beating up Israel due to its lack of understanding of what is happening and how to interpret it.

First, let us remember that over the last several years Hamas has sent nearly 7,000 rockets into Israel. That's 7,000 times they have attempted murder. But the press would have you believe that those attempts at murder don't count because most of them were unsuccessful. This is absurd. The malice is demonstrated by the attempted murder, and I use the term "murder" explicitly here because every one of those rockets was fired with only one intention: kill Israeli civilians. Not a single one of those rockets was targeted at anything military. The fact that they haven't killed 7,000 Israelis does not reflect well on their morality. It may reflect poorly on their aim.

Second, and this is under-covered by the press, the United Nations has stated that roughly three-quarters of the casualties in Gaza are of terrorists—military, gun-toting, Hamas terrorists. This is a true tribute to the tactics used by Israel because Israel has done everything possible to avoid civilian casualties. Hamas has done everything possible to increase civilian casualties. Again and again, they fire rockets from the middle of schools, from the middle

of hospitals, from the middle of residential neighborhoods.

I mean, these people live very close to each other. Israel actually has the Gaza phonebook. They will call a house and say, We know military supplies are being stored there, we're going to hit this house, you've got 10, 20 minutes to leave. And what happens? Hamas forces civilians up to the rooftops.

Perhaps one of the best-known examples is the highest level Hamas individual to be killed by Israel. At his home he stored rockets and Israel knew it. He announced publicly that he wanted to be a martyr and that he, himself, would be at his home. And Israel called that home and said we want to avoid civilian casualties. We have to hit that home because we know that rockets are being stored there, you have time to leave. What did this Hamas leader do? He forced and brought together his four wives and their many children and insisted that he be allowed to die as a martyr and that as many of his family members would die as possible in order to increase civilian casualties.

Now, it is well-known that Israel is allowing trucks of supplies to get into Gaza. This is usually known by press critics who say Israel didn't allow a resupply truck in at this particular hour; they made the truck wait a couple of hours. Let us compare this to the wars we are most familiar with: World War I and World War II.

During each of those wars, Britain used its entire navy to cut off every German civilian from food imports and any other kind of import. And Germany deployed its submarines with the sole effort of depriving the British of the food imports they needed from chiefly the New World.

So, in the wars we're most familiar with, both the good and the bad side did everything possible to stop civilian supplies from getting into Germany or Britain. Compare that to an Israel that protects the trucks as they go in.

With that, I'd like to yield to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank the gentleman for yielding. I appreciate my Democratic colleague for bringing this very important issue to the forefront, and I support your effort to do so, and I trust that we across the aisle can continue to support Israel.

In the Torah, in the Old Testament of the Bible, we read: Blessed is the Nation that blesses Israel, and cursed is the Nation that curses Israel. We as a Nation have been extremely blessed by our creator, by God, and I believe a big part of that, a huge part of that is because we have blessed Israel and supported Israel. These people are under attack by terrorists who consider Jewish people dogs, less than human, and we need to support Israel.

I highly congratulate my Democratic colleague for bringing this forward, and

I encourage our colleagues to continue to support Israel, to continue to do what we can to make sure that the Israeli citizens remain safe against these heinous attacks by Hamas, by Hezbollah, by the Iranian people who are funding both organizations. So we need to absolutely continue to support Israel so that God will continue to support America, and I congratulate my colleague for bringing this forward, and I look forward to working with you to continue to support Israel.

Thank you.

Mr. SHERMAN. I look forward to working with the gentleman from Georgia and thank him for his remarks.

Any discussion of the morality of war sometimes gets off on what I think is a sidelight. People always want to criticize this or that sergeant, this or that gunner; oh, you shouldn't have responded this way to rocks being thrown; oh, your attempt to return fire to a Hamas rocket site was off by 10 yards or 20 yards in the direction of a civilian location.

We have to remember, the moral responsibility for war and for the deaths of war cannot be placed at the feet of this or that sergeant making this or that decision under life-threatening conditions. The moral responsibility for war and for its casualties must be placed on politicians who seek extreme and unjust objectives through violent means.

Here's a case where Hamas has earned its designation as a terrorist organization. Not only does it use terrorist means, but what are its objectives? They are stated very clearly. They are for the death or expulsion of every Jew from the Middle East. They refuse any change in that policy. So whether it is genocide or ethnic cleansing or more likely a combination of the two, these are the objectives of Hamas, being pursued by violent means. It is obviously the fault of the politicians of Hamas who seek these objectives that must be held responsible for the resulting carnage.

We need a sustainable, permanent cease-fire, not a 2-day resupply truce to allow Hamas to bring in more rockets.

Now, I think it's clear that this is not just a conflict between Israel and Hamas. It is a conflict between the Government of Iran and the people of the United States. The fighting in Gaza has demonstrated again that the ultimate adversary of the United States and its allies in the Middle East is the Government of Iran. Hamas is a terrorist organization seeking the destruction of Israel in favor of an Islamic Palestinian State, but it is also an Iranian proxy. As such, it is part of a regional war waged by the Iranian regime against the United States and its allies.

Many Hamas weapons are made in Iran, and many top Hamas military

leaders and the experts who launch the missiles into Israel were trained in Iran. Iran also provides the group with significant funding. It is unlikely that Hamas would have been able to achieve its status as the premier Palestinian terrorist organization and thus provoke this crisis without Iranian backing.

Iran-backed Hamas, like Iran-backed Hezbollah, shoots rockets at Israeli civilians from deep inside their own densely populated civilian population, knowing that when Israel acts to defend itself innocent Palestinians will be among the victims.

Through Hamas, Hezbollah and its operatives in Iraq, Iran and its government are able to stir up crises in the Middle East, thus injuring American prestige while helping to achieve that government's own aims.

We know that Iran is working hard toward the possession of a nuclear bomb. This would allow Iran to act with impunity in the future. A nuclear Iran would go from provoking this crisis to that crisis, and we would have to go face-to-face with a nuclear power, each time hoping, hoping for the same results we saw in the Cuban missile crisis—that is to say, going eyeball-to-eyeball with a hostile nuclear power hoping we always have the same result, namely, some peaceful resolution.

□ 1500

It only takes one crisis with a nuclear power that goes in the wrong direction to destroy an entire city or an entire country.

Furthermore, we should recognize that if the regime in Tehran ever finds itself on the verge of collapse—and many of us pray for that day—its leaders may decide to go out with a bang.

Preventing Iranian nuclear possession is critical to world peace, and we can still succeed in accomplishing that goal, but we have to act quickly. The good news is we have used only 1 percent of the tools that are available to us, and therefore we can do a lot more. The bad news is we've used only about 1 percent of the tools available to us. We have demonstrated a lack of political will to use the methods that we have to use to put pressure on the Iranian regime.

Now, President-elect Obama has a strong record of working to put pressure on the Iranian regime. He voted for the Lautenberg amendment, which would have prevented U.S. oil companies from doing business with Iran through their foreign subsidiaries. And he authored a bill that would have encouraged divestment from firms—chiefly oil companies—doing business with Iran.

He will have the ability, when he takes office, to go a long way toward

increasing the price the Iranian Government pays for its stance on the nuclear issue and its support for terrorism. First, he can stop U.S. oil companies from using their overseas subsidiaries from doing business with Iran. We should also do that by legislation.

The administration can start enforcing the Iran Sanctions Act. We can demand that the World Bank stop dispersing funds to Iran in the form of concessionary loans which have not been effectively opposed by the current administration. We can deny nuclear cooperation agreements to countries that provide technologies to Iran. We can deny insurance to ships that carry cargo to Iran. And we can put economic pressure on American foreign companies seeking to build liquefied natural gas plants in Iran and those that sell refined petroleum—chiefly gasoline—to Iran.

Now, while Iran is oil rich, it needs to import nearly half its gasoline because it lacks refinery capacity. I'm here to bring to the House's attention one recent success. The Indian press is reporting that as a result of pressure that was initiated in the Congress, a major Indian petroleum refinery is halting its business dealings with Iran. I want to thank the several of my colleagues who joined with me in sending a letter to the U.S. Import-Export Bank to demand that EX-IM not provide loans to this particular Indian refinery as long as the Indian refinery was supporting Iran and providing it with the gasoline it needs.

I look forward to being able to convince Iranian elites that they face other economic and diplomatic isolation if they continue their nuclear program and continue their support for terror, and there are many other ways that we can achieve that objective. I invite my colleagues again to see more details at bradsherman.house.gov.

SANCTITY OF HUMAN LIFE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Georgia. Mr. Speaker, I believe that there is no greater moral issue that America faces that is more important than the killing of 4,000 babies every day through abortion. God cannot and will not continue to bless America while we're killing those innocent unborn children.

As we ring in the new year and begin the 111th Congress, the need to protect the unborn remains front and center in the national political debate. Each year, in keeping with my promise to my constituents and many around the country that the first bill that I will introduce provides constitutional protections to unborn children, today I'm honored to introduce the Sanctity of Human Life Act, H.R. 227, that defines

life beginning at fertilization with the creation of a human zygote, a one-celled human being.

As a physician, I understand the medical and scientific truths that life begins at fertilization. I also understand that the entire abortion debate rests on the decision of when life begins. That's why my bill, among other things, says unequivocally that at the moment of fertilization, when this spermatozoa enters the cell wall of the oocyte and forms that one-celled human being, the zygote, that a human life begins and must be protected under law.

As James Madison wrote in Federalist 39, the form of our government must be "reconcilable with the fundamental principles of the revolution," the American Revolution. First among those principles is the right to life. If a nation will not protect the most innocent of human beings, who will we protect? Concerned citizens and lawmakers must keep this fundamental principle in mind as we work fervently to protect the rights of unborn children.

When I was a full-time doctor prior to coming to Congress, I served on the board of directors for a crisis pregnancy center in inner-city Atlanta, Georgia. We were fighting to save babies of underprivileged moms, many black moms in Atlanta. From a statistical standpoint, more black babies are being killed proportionately through abortion than white babies, and we were working to save those children.

I'm using the tools that my constituents have blessed me with to protect life and give constitutional protections to the innocent unborn. My bill, the Sanctity of Human Life Act, gives Republicans and Democrats alike who cherish life an opportunity to protect and defend the innocent and most defenseless among us.

We need to pass the Sanctity of Human Life Act. I encourage my colleagues to get on this bill, support this bill, bring it to the floor for a vote, and stop killing these unborn children so God will continue to bless America.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 24

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Murtha, Mr. Dicks, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano,

Ms. DeLauro, Mr. Moran of Virginia, Mr. Oliver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Kennedy of Rhode Island, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Mr. Boyd of Florida, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry, Ms. Lee, Mr. Schiff, Mr. Honda, Ms. McCollum of Minnesota, Mr. Israel, Mr. Ryan of Ohio, Mr. Ruppersberger, Mr. Chandler, Ms. Wasserman Schultz, Mr. Rodriguez, Mr. Lincoln Davis of Tennessee, Mr. Salazar.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Spratt, Mr. Ortiz, Mr. Taylor, Mr. Abercrombie, Mr. Reyes, Mr. Snyder, Mr. Smith of Washington, Ms. Loretta Sanchez of California, Mr. McIntyre, Mrs. Tauscher, Mr. Brady of Pennsylvania, Mr. Andrews, Mrs. Davis of California, Mr. Langevin, Mr. Larsen of Washington, Mr. Cooper, Mr. Marshall, Ms. Bordallo, Mr. Boren, Mr. Ellsworth, Mr. Patrick Murphy of Pennsylvania, Mr. Johnson of Georgia, Ms. Shea-Porter, Mr. Courtney, Mr. Loebisack, Mrs. Gillibrand, Mr. Sestak, Ms. Giffords, Ms. Tsongas, Mr. Nye, Ms. Pingree of Maine, Mr. Kissell, Mr. Heinrich, Mr. Kravotil, Mr. Massa, Mr. Bright.

(3) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Dingell, Mr. Markey, Mr. Boucher, Mr. Pallone, Mr. Gordon of Tennessee, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Gene Green of Texas, Ms. DeGette, Mrs. Capps, Mr. Doyle, Ms. Harman, Ms. Schakowsky, Mr. Gonzalez, Mr. Inslee, Ms. Baldwin, Mr. Ross, Mr. Weiner, Mr. Matheson, Mr. Butterfield, Mr. Melancon, Mr. Barrow, Mr. Hill, Ms. Matsui, Mrs. Christensen, Ms. Castor, Mr. Sarbanes, Mr. Murphy of Connecticut, Mr. Space, Mr. McNerney, Ms. Sutton, Mr. Braley of Iowa, Mr. Welch.

(4) COMMITTEE ON FINANCIAL SERVICES.—Mr. Kanjorski, Ms. Waters, Mrs. Maloney, Mr. Gutierrez, Ms. Velazquez, Mr. Watt, Mr. Ackerman, Mr. Sherman, Mr. Meeks of New York, Mr. Moore of Kansas, Mr. Capuano, Mr. Hinojosa, Mr. Clay, Mrs. McCarthy of New York, Mr. Baca, Mr. Lynch, Mr. Miller of North Carolina, Mr. Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Ms. Bean, Mr. Moore of Kansas, Mr. Hodes, Mr. Ellison, Mr. Klein of Florida, Mr. Wilson of Ohio, Mr. Perlmutter, Mr. Donnelly of Indiana, Mr. Foster, Mr. Carson of Indiana, Ms. Speier, Mr. Childers, Mr. Minnick, Mr. Adler of New Jersey, Ms. Kilroy, Mr. Driehaus, Ms. Kosmas, Mr. Grayson, Mr. Himes, Mr. Peters, Mr. Maffei.

(5) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Rahall, Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler of New York, Ms. Corrine Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Taylor, Mr. Cummings, Mrs. Tauscher, Mr. Boswell, Mr. Holden, Mr. Baird, Mr. Larsen of Washington, Mr. Capuano, Mr. Bishop of Utah, Mr. Michaud, Mr. Carnahan, Mrs. Napolitano, Mr. Lipinski, Ms. Hirono, Mr. Altmire, Mr. Walz, Mr. Shuler, Mr. Arcuri, Mr. Mitchell, Mr. Carney, Mr. Hall of New York, Mr. Kagen, Mr. Cohen, Ms. Richardson, Mr. Sires, Ms. Edwards of Maryland, Mr. Ortiz, Mr. Hare, Mr. Boccieri, Mr. Schauer, Ms. Markey of Colorado, Mr. Griffith, Mr. McMahon, Mr. Perriello, Ms. Titus, Mr. Teague.

(6) COMMITTEE ON WAYS AND MEANS.—Mr. Stark, Mr. Levin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomerooy, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Blumenauer, Mr. Kind, Mr. Pascrell, Ms. Berkley, Mr. Crowley, Mr. Van Hollen, Mr. Meek of Florida,

Ms. Schwartz of Pennsylvania, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Etheridge, Ms. Linda T. Sánchez of California, Mr. Higgins, Mr. Yarmuth.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IN SUPPORT OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I rise this afternoon in support of the beleaguered people of the State of Israel. I rise in support of the only democracy in the Middle East. I rise in support of the country in the Middle East that has the same values that our great country, the United States of America, has, principles of democracy and principles that are so important to every man, woman and child.

The people of Israel have for 60 years been vilified by undemocratic powers and by powers that would wish to destroy it. For the past several years, day in and day out the people of Israel have had to endure rocket attacks coming from the terrorist organization that runs Gaza called Hamas. Israel is supposed to just accept these attacks on its citizens and do little or nothing about it if you would listen to the United Nations, if you would listen to the international community, if you would listen to these hypocritical demonstrations going on in London and all the Arab capitals and everywhere else, and even some in the United States.

Every country, every government's primary responsibility is to protect its citizens, and the people of Israel and the Government of Israel should not be held to any other standard than that.

The terrorist organization that runs Gaza called Hamas, bought and paid for by Iran, thinking that it can use terrorism as a way of somehow getting its state, must understand that in order to gain acceptance of nations in the free world, that it needs to renounce terror, that it needs to recognize Israel's right to exist, and that it needs to abide by all previous resolutions that were signed by the Palestinian Authority. It doesn't do it because it's a terrorist state. It doesn't do it because its vow is to destroy the Jewish State of Israel. It doesn't do it because, like Hezbollah and like Osama bin Laden and like al Qaeda, it thinks it can use terrorism to establish its aims and goals, but it cannot.

We stand in a bipartisan fashion with the people of Israel because if we in the United States had missiles being fired onto our innocent civilians from states across the border, we would move across the border and try to stop those terrorists from killing our people. That's what Israel is doing.

Many of us on the Foreign Affairs Committee this morning met with the Israeli ambassador and we saw a tape where Israel takes great precaution to try to prevent civilian casualties. But what Hamas does is it builds its bomb factories and it builds its terror weapons in the heart of the densely populated areas of Gaza and uses its own people as human shields. And so when the Israelis destroy these missile-making and bomb-making terror factories, innocent civilians very unfortunately get killed. But it is the Palestinians that support Hamas. It's the Hamas organization that is responsible for these killings. Israel has an absolute right to defend itself.

Now, we all want a cease-fire. We all want peace in the region. And we all know that ultimately peace will come when there is a two-state solution, an Israeli Jewish state and a Palestinian Arab state. The problem is most Israelis do accept the fact that there ought to be a Palestinian state, but the Palestinians, Hamas, does not accept the viability of Israel as a Jewish state.

And so let's put things in perspective here. If you have people that want to destroy you and want to kill you and don't recognize your right to exist, how can we have peace in the region?

We ought to note that Israel pulled out of Gaza several years ago and left Gaza to the Palestinians. And what did it get in return? It got missiles fired on its citizens in Syrot and other places in return for Israel leaving Gaza. The Palestinians used to say, well, it's the occupation, that's what drives everything. What occupation is there in Gaza? There is none. Israel has left Gaza. And the people of Gaza could have built a democratic government living in peace with its neighbors; instead, they chose to embrace terrorism and try to kill as many Israelis as they can.

So, in conclusion, Mr. Speaker, let me say that support for Israel in this Congress is strong and it is bipartisan and will remain so because we understand that the democratic nation of Israel has a right to exist, and the government of Israel has a right to protect its citizens.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 6, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the Superior Court for the District of Columbia, for the production of documents.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DANIEL P. BEARD,
Chief Administrative Officer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for January 6 after 3:30 p.m. on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 14.

Mr. FRANKS of Arizona, for 5 minutes, January 8.

Mr. JONES, for 5 minutes, January 14.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY, for 5 minutes, today.

Mr. ROGERS of Alabama, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

ADJOURNMENT

Mr. ENGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, January 8, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Cattle from Mexico; Addition of Port at San Luis, AZ [Docket No.: APHIS-2007-0095] (RIN: 0579-AC63) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7. A letter from the Secretary, Department of the Navy, transmitting notification of an increase in the Average Procurement Unit Cost (APUC) for the H-1 Upgrades Program that exceeds the current Unit Cost Report (UCR) baseline estimate by at least 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

8. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report and recommendations pursuant to Section 133 of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

9. A letter from the Acting Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2006, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

10. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

11. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting weekly reports relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998, Pub. L. 105-338 for the reporting period of October 15, 2008 through December 15, 2008; to the Committee on Foreign Affairs.

12. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's 2008 competitive sourcing report, pursuant to Public Law 108-199, section 647(b); to the Committee on Oversight and Government Reform.

13. A letter from the Postal Regulatory Commission, Postal Regulatory Commission, transmitting the Commission's Report on Universal Postal Service and the Postal Monopoly; to the Committee on Oversight and Government Reform.

14. A letter from the Acting Administrator, Small Business Administration, transmitting the Administration's report on competitive sourcing for fiscal year 2008, pursuant to Public Law 108-199, section 647(b); to the Committee on Oversight and Government Reform.

15. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Repeal of Increased Contribution and Coordinated Party Expenditures Limits for Candidates Opposing Self-financed Candidates received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

16. A letter from the General Counsel, Office of Justice Programs, Department of Justice, transmitting the Department's final rule — Public Safety Officers' Benefits Program [Docket No.: OJP (BJA) 1468] (RIN: 1121-AA75) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

17. A letter from the Office of Public Information, Supreme Court of the United States, transmitting a copy of the embargoed 2008 Year-End Report on the Federal Judiciary; to the Committee on the Judiciary.

18. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Polyamide-11 (PA-11) Plastic Pipe Design Pressures [Docket No. PHMSA-2005-21305] (RIN: 2137-AE26) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

19. A letter from the Division Chief, Division of Legislation and Regulations, Department of Transportation, transmitting the Department's final rule — America's Marine Highway Program [Docket No.: MARAD-2008 0096] (RIN: 2133-AB70) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

20. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2009 [FRA-2008-0136] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MILLER of North Carolina (for himself, Ms. LINDA T. SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. WATT, Mr. ELLISON, Ms. LEE of California, Mr. COURTNEY, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. SIRE, Mr. CAPUANO, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. STARK, Mr. JOHNSON of Georgia, Mr. DAVIS of Alabama, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Ms. EDWARDS of Maryland, and Mr. LEWIS of Georgia):

H.R. 225. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

By Mr. PENCE (for himself, Mr. WALDEN, Mr. UPTON, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. DREIER, Mr. CARTER, Mr. PRICE of Georgia, Mr. HENSARLING, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROWN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. COBLE, Mr. COLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. FALLIN, Mr. FLAKE, Mr. FORBES, Ms. FOX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOOD-

LATTE, Ms. GRANGER, Mr. GRAVES, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HELLER, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN of Ohio, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LEWIS of California, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS, Ms. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCHUGH, Mr. MCKEON, Mr. MICA, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. PAUL, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. POSEY, Mr. PUTNAM, Mr. REHBERG, Mr. REICHERT, Mr. ROYCE, Mr. ROHRABACHER, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of California, Mr. TIAHRT, Mr. TIBERI, Mr. WAMP, Mr. WESTMORELAND, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 226. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia (for himself, Mr. DEAL of Georgia, Mr. LINDER, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. KINGSTON, Mr. FLEMING, Mr. LUCAS, Mr. ALEXANDER, Mr. MCHENRY, Mr. BURTON of Indiana, Mr. LAMBORN, Ms. FALLIN, Mr. HERGER, Mr. JONES, Mr. TERRY, Mr. FRANKS of Arizona, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. INGLIS, Mr. FORBES, Mr. HUNTER, Mr. WITTMAN, Mr. HENSARLING, Mr. WAMP, Mr. AKIN, Mr. KLINE of Minnesota, Mr. KING of Iowa, Mr. MANZULLO, Mr. BISHOP of Utah, Mrs. SCHMIDT, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. NEUGEBAUER, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. CONAWAY, Mr. MILLER of Florida, Mr. TIAHRT, Mr. BARRETT of South Carolina, Mr. RYAN of Wisconsin, Mr. EHLERS, Mr. BARTLETT, Mr. SCHOCK, Mr. GARRETT of New Jersey, Mr. ADERHOLT, Mr. ROONEY, and Mr. LATTA):

H.R. 227. A bill to provide that human life shall be deemed to begin with fertilization; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 228. A bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; to the Committee on Veterans' Affairs.

By Mr. RYAN of Ohio (for himself and Ms. SUTTON):

H.R. 229. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Natural Resources.

By Mr. CARDOZA:

H.R. 230. A bill to prevent foreclosure of home mortgages and increase the availability of affordable new mortgages; to the Committee on Financial Services.

By Mr. BACA (for himself and Mr. WOLF):

H.R. 231. A bill to require certain warning labels to be placed on video games that are given certain ratings due to violent content; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. INSLEE, Mr. HOLT, and Ms. LEE of California):

H.R. 232. A bill to provide for the creation of a Federal greenhouse gas registry, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. POMEROY, Mr. ALEXANDER, and Mr. WALZ):

H.R. 233. A bill to amend the Federal anti-trust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 234. A bill to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Mr. MCKEON, Mr. GRIJALVA, Mr. CHANDLER, Mr. SIREN, Mrs. CAPPS, Mr. ENGEL, Ms. DEGETTE, Mr. VAN HOLLEN, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. WAXMAN, Mr. SHERMAN, Mr. PALLONE, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Mr. KENNEDY, Mr. FILNER, Mr. TIERNEY, Ms. WOOLSEY, Mr. REYES, Mr. MELANCON, Mr. RUPPERSBERGER, Mr. LEWIS of Georgia, Mr. FARR, Mr. BURTON of Indiana, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. SPACE, Ms. MCCOLLUM, Mrs. BIGGERT, Mr. PETRI, Ms. BORDALLO, Ms. SCHWARTZ, Mr. LARSON of Connecticut, Mr. CARNAHAN, Mr. MCCAUL, Mr. HOLT, Mr. CAPUANO, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. BROWN of South Carolina, Ms. SUTTON, Mr. KAGEN, Mr. MCCOTTER, Ms. SCHAKOWSKY, Mr. WILSON of South Carolina, Mr. ORTIZ, Mr. STARK, Mr. GEORGE MILLER of California, Mr. BACHUS, Mr. GALLEGLY, Mr. HELLER, Mr. DOGGETT, Mr. SCHIFF, Mr. HONDA, Mrs. TAUSCHER, Mr. BACA, Mr. YOUNG of Florida, Mr. GENE GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAUL, Mr. WELCH, Mr. CARNEY, Mr. BILBRAY, Mr. BOUSTANY, Mr. WU, Mr. CUELLAR, Mr. MATHESON, Ms. ZOE LOFGREN of California, Ms. BERKLEY, Ms. DELAURO, Mr. PATRICK MURPHY of Pennsylvania, Ms. HARMAN, Mr. VISLOSKY, Mr. ACKERMAN, Mr. KUCINICH, Mr. FORBES, Mr. LANGEVIN, and Mr. MURPHY of Connecticut):

H.R. 235. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 236. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 237. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 238. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. PAUL):

H.R. 239. A bill to impose requirements with regard to border searches of digital electronic devices and digital storage media, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 240. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 241. A bill to amend title 10, United States Code, to require the amounts reimbursed to institutional providers of health care services under the TRICARE program to be the same as amounts reimbursed under Medicare, and to require the Secretary of Defense to contract for health care services with at least one teaching hospital in urban areas; to the Committee on Armed Services.

By Mr. GENE GREEN of Texas:

H.R. 242. A bill to direct the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 243. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 244. A bill to provide for the security of critical energy infrastructure; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 245. A bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 246. A bill to amend the Immigration and Nationality Act to exempt elementary and secondary schools from the fee imposed on employers filing petitions with respect to non-immigration workers under the H-1B program; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 247. A bill to amend section 1369 of title 18, United States Code, to extend Federal jurisdiction over destruction of veterans' memorials on State or local government property; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 248. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 249. A bill to direct the head of a Federal department or agency that is carrying out a project involving the construction of a culvert or other enclosed flood or drainage system to ensure that certain child safety measures are included in the project; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas:

H.R. 250. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the Committee on Transportation and Infrastructure.

By Mr. GENE GREEN of Texas:

H.R. 251. A bill to prevent the nondisclosure of employer-owned life insurance coverage of employees as an unfair trade practice under the Federal Trade Commission Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 252. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Ms. MATSUI, and Ms. CORRINE BROWN of Florida):

H.R. 253. A bill to direct the Election Assistance Commission to make grants to States to carry out election administration improvement plans; to the Committee on House Administration.

By Mr. ISRAEL:

H.R. 254. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on House Administration.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CULBERSON, and Mr. CUELLAR):

H.R. 255. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 256. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 257. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 258. A bill to prevent the President from encroaching upon the Congressional prerogative to make laws, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H.R. 259. A bill to amend title 23, United States Code, to establish national standards

for State safety inspections of motor vehicles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas:

H.R. 260. A bill to authorize the Secretary of Energy to make loan guarantees for cellulosic ethanol production technology development; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself and Mr. THOMPSON of Mississippi):

H.R. 261. A bill to provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 262. A bill to prevent hate crimes, to provide support services for victims of hate crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Oversight and Government Reform, House Administration, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 263. A bill to amend title 28, United States Code, to grant to the House of Representatives the authority to bring a civil action to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with any subpoena or order issued by the House or any committee or subcommittee of the House to secure the production of documents, the answering of any deposition or interrogation, or the securing of testimony, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 264. A bill to amend the Immigration and Nationality Act to comprehensively reform immigration law, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 265. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a

period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 266. A bill to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 267. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the Internal Revenue Service's Taxpayer Assistance Centers; to the Committee on Ways and Means.

By Mr. JONES:

H.R. 268. A bill to amend title 10, United States Code, to ensure that every military chaplain has the prerogative to close a prayer outside of a religious service according to the dictates of the chaplain's own conscience; to the Committee on Armed Services.

By Mr. JONES:

H.R. 269. A bill to require the Department of Defense to grant access to accredited members of the media when the remains of members of the Armed Forces arrive at military installations in the United States; to the Committee on Armed Services.

By Mr. LATTA:

H.R. 270. A bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve; to the Committee on Armed Services.

By Mr. LATTA:

H.R. 271. A bill to amend the Internal Revenue Code of 1986 to increase the standard charitable mileage rate for delivery of meals to elderly, disabled, frail and at risk individuals; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Mr. CANTOR):

H.R. 272. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. TIBERI, Ms. BERKLEY, and Mr. HERGER):

H.R. 273. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Ways and Means.

By Mr. WITTMAN:

H.R. 274. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida (for himself and Mr. HERGER):

H.R. 275. A bill to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan:

H.R. 276. A bill to direct the Administrator of the Environmental Protection Agency to convene a task force to develop rec-

ommendations on the proper disposal of unused pharmaceuticals, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of North Carolina (for himself, Mr. CONYERS, and Ms. LEE of California):

H.R. 277. A bill to provide an alternate procedure for the prosecution of certain criminal contempts referred for prosecution by the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina:

H.R. 278. A bill to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute; to the Committee on the Judiciary.

By Mr. ORTIZ (for himself and Mr. GONZALEZ):

H.R. 279. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to designate the historic site as the Palo Alto Battlefield National Historical Park, to expand the boundaries of the park, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL:

H.R. 280. A bill to establish the Paterson Great Falls National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. ROSKAM:

H.R. 281. A bill to authorize the Securities and Exchange Commission to permit or require persons filing or furnishing information under the securities laws to make such information available on internet websites, in addition to or instead of including such information in filings with or submissions to the Commission, under such conditions as the Commission may specify by rule; to the Committee on Financial Services.

By Mr. SESTAK:

H.R. 282. A bill to prevent Members of Congress from receiving any automatic pay adjustment in 2010; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mrs. SCHMIDT, Mr. KUCINICH, and Ms. SUTTON):

H.R. 283. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; to the Committee on Natural Resources.

By Mr. SPRATT:

H.R. 284. A bill to direct the Secretary of the Interior to complete a special resource study of the site of the Battle of Camden, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Ms. WOOLSEY, and Mrs. TAUSCHER):

H.R. 285. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Natural Resources.

By Mr. TURNER (for himself, Mr. RYAN of Ohio, and Mr. AUSTRIA):

H.R. 286. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add

sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mrs. EMERSON:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 7. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mrs. EMERSON (for herself and Mr. BACHUS):

H.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.J. Res. 10. A joint resolution denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burnings, dowry deaths, and other gender-based persecutions, expressing the sense of Congress that participation, protection, recognition, and equality of women is crucial to achieving a just, moral and peaceful society, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. MILLER of Michigan:

H.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each State who are citizens of the United States; to the Committee on the Judiciary.

By Mrs. EMERSON:

H. Con. Res. 4. Concurrent resolution expressing the sense of Congress regarding the need to prevent the closure or consolidation of post offices; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 5. Concurrent resolution expressing that Congress has the sole and exclusive power to declare war; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 6. Concurrent resolution expressing the sense of Congress that the Government of Iraq should not grant blanket amnesty to persons known to have attacked, killed, or wounded members of the United States Armed Forces in Iraq; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 7. Concurrent resolution expressing the sense of Congress that the people of the United States should grieve for the loss of life that defined the Third Reich and celebrate the continued education efforts for tolerance and justice, reaffirming the commitment of the United States to the fight against intolerance and prejudice in any form, and honoring the legacy of transparent procedure, government accountability, the rule of law, the pursuit of justice, and the

struggle for universal freedom and human rights; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 8. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Barbara Charline Jordan; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 9. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of George Thomas "Mickey" Leland; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 10. Concurrent resolution supporting the observance of World Stroke Awareness Day, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER:

H. Res. 23. A resolution providing for the attendance of the House at the Inaugural Ceremonies of the President and Vice President of the United States; considered and agreed to.

By Mr. LARSON of Connecticut:

H. Res. 24. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. GENE GREEN of Texas:

H. Res. 25. A resolution expressing the support of the House of Representatives for the goals and ideals of National Internet Safety Month; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H. Res. 26. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Juan Nepomuceno Seguin; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas:

H. Res. 27. A resolution honoring the accomplishments and legacy of Juan Nepomuceno Seguin; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Res. 28. A resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines; to the Committee on Homeland Security.

By Mr. LATTA:

H. Res. 29. A resolution expressing the sense of the House of Representatives that any comprehensive plan to reform our national energy policy must promote the expanded use of renewable and alternative energy sources; increase our domestic refining capacity; promote conservation and increased energy efficiency; expand research and development, including domestic exploration; and, enhance consumer education; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA:

H. Res. 30. A resolution expressing the sense of the House of Representatives that in order to continue aggressive growth in our Nation's telecommunications and technology industries, the United States Government should "Get Out of the Way and Stay Out of the Way"; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself and Mr. STEARNS):

H. Res. 31. A resolution expressing support for designation of January 28, 2009, as "National Data Privacy Day"; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GENE GREEN of Texas introduced a bill (H.R. 287) for relief of Enrique Soriano and Areli Soriano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mrs. BLACKBURN, Mr. HALL of Texas, Mr. GENE GREEN of Texas, and Mr. GORDON of Tennessee.

H.R. 31: Mr. SKELTON, Mr. WATT, Ms. CLARKE, and Mr. TIERNEY.

H.R. 72: Ms. WATSON.

H.R. 81: Mr. PALLONE and Mr. KING of New York.

H.R. 104: Mr. GUTIERREZ, Mr. SCOTT of Virginia, Mr. BOUCHER, Ms. BALDWIN, and Ms. WASSERMAN SCHULTZ.

H.R. 109: Ms. GINNY BROWN-WAITE of Florida.

H.R. 111: Mr. COURTNEY, Mr. BRADY of Texas, Mr. SMITH of New Jersey, Mr. KUCINICH, and Mrs. MILLER of Michigan.

H.R. 124: Mr. ROHRABACHER, Mr. POE of Texas, Mr. BLUNT, Mr. ROYCE, Mr. BILBRAY, Mr. MCCAUL, and Mr. MCCOTTER.

H.R. 137: Mr. CAMPBELL.

H.R. 138: Mr. ROHRABACHER, Mr. POE of Texas, Mr. ROYCE, Mr. BILBRAY, Mr. MCCAUL, and Mr. MCCOTTER.

H.R. 140: Mr. CAMPBELL and Mr. ROHRABACHER.

H.R. 143: Mr. BURGESS and Mr. WOLF.

H.R. 144: Mr. FATTAH, Mr. CAPUANO, and Mr. MORAN of Virginia.

H.R. 146: Mr. FALCOMA-VAEGA.

H.R. 156: Mr. KIND, Mr. LEE of New York, Mr. PERRIELLO, Mr. MASSA, Mr. DONNELLY of Indiana, and Mrs. BLACKBURN.

H. Res. 18: Mr. GRIJALVA.

H. Res. 20: Mr. FORTENBERRY, Mr. SMITH of New Jersey, and Mr. MCCOTTER.

PETITIONS, ETC.

Under clause 3 of rule XII,

1. The SPEAKER presented a petition of Platte County, relative to a resolution supporting the NCLB Recess Until Reauthorization Act; which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

HONORING LT. BENJAMIN BERGER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my very good friend, Lieutenant Benjamin Berger, a veteran of the U.S. Navy. In honor of his courage, initiative and devotion to duty, he was awarded the following decorations: Silver Star for heroism during the Normandy invasion, and the Presidential Unit Citation. On April 16, 2008, Lt. Berger was bestowed the title of "Chevalier" of the Legion of Honor by the President of the French Republic.

Born in Chicago, Illinois in June 1920, Ben graduated from Sullivan High School and obtained his degree from Loyola University. After working part time for the U.S. Postal Service, he was inducted into the U.S. Navy as an officer in December 1942. Following basic training in Chicago, he was shipped off as a communications officer to the U.S. Amphibious Force, 3rd Division and participated in the invasions of North Africa and Sicily.

In December 1943, he was assigned to England and trained as a fire control officer in support of the U.S. Rangers. On June 6, 1944, he landed at Vierville with the Army Ranger 2nd and 5th Battalions in one of D-Day's most dangerous assignments. Lt. Berger organized critical naval gunfire control support not only for his unit, but also for another unit whose leadership had been disrupted during the landing chaos. His actions contributed to a successful assault on the important enemy gun emplacements above the cliffs at Point du Hoc and later the towns of Isigny and Grandcamp. Benjamin was separated from the U.S. Navy at Norfolk, Virginia in October 1945.

Ben married his first wife, Florine Perlman, in December 1941 and they had two children, Elise and Stephan. He retired from his position as Operations District Manager in Southern California for Thrifty Drug Stores in 1981. He married his current wife Rae Polland, who is a lovely vivacious lady, served as senior intern in my district office. They were married in June 2002, and now reside in Valley Village, California near their extended family.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Lieutenant Benjamin Berger for his impressive military career and dedicated service to the United States of America.

THE ECONOMIC RECOVERY
THROUGH RESPONSIBLE HOME-
OWNERSHIP ACT AND THE COM-
MONSENSE AUTO RECOVERY
(CAR) ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. DREIER. Madam Speaker, today I have introduced a trio of bills that focus on my top legislative priority for the coming year: getting our economy growing again. The centerpiece of this plan is the Fair and Simple Tax (FAST) Act. I introduced this legislation in the previous Congress, and it remains my long-term goal for economic revitalization. The FAST Act would dramatically simplify and reduce the tax burden on Americans. By creating a simple, one-page tax form that retains the child credit and all major deductions, like mortgage interest, it would make the annual tax filing nightmare far more manageable. It would also implement a host of additional tax reforms, such as reducing the tax on capital gains and corporate income, permanently extending the R&D credit, and creating new incentives for long-term financial planning.

Implementing the FAST Act, however, is a long-term goal. As we work toward comprehensive reform, we must also pursue more immediate and targeted solutions to jumpstart our economy. That's why I introduced two additional pro-growth bills—aimed at the housing industry and the auto industry.

The Economic Recovery Through Responsible Homeownership Act would create new tax incentives for responsible home purchases. Those who make a down payment of 5, 10 or 15 percent will get a tax credit of \$2000, \$5000 or \$10,000 respectively. The housing crisis is at the root of our economic crisis. We need to encourage new purchases to stabilize the market, stop the free-fall in prices and restore the communities that have been plagued by foreclosures. But because irresponsible homeownership and predatory lending are partly to blame for the crisis in the first place, only a plan that rewards responsible action will succeed. This bill accomplishes both objectives.

I have also introduced the Commonsense Auto Recovery (CAR) Act to provide a boost to our ailing auto industry, without resorting to another bailout. The CAR Act draws on the same principle as my housing bill and creates a tax credit for car purchases, equal to the amount of the sales tax on the purchase. Any individual or small business owner is eligible for the credit. This is an important component of my pro-growth plan because the auto industry touches so many parts of our economy and workforce. The manufacturers, dealers, auto-parts makers and financiers—many of whom are small businesses—are all a part of the

broad-based auto industry that has weakened considerably in this economy. Thousands of jobs have already been lost, and thousands more are threatened. An effective and sustainable way to boost the industry is to encourage Americans to get back to their local car dealerships.

Addressing the immediate challenges of the weak housing and auto industries will provide a quick boost to our economy. These are critical short-term steps that must be taken. In the long run, we must act on the need for fundamental reform of our tax code to reduce the burden on families and businesses and simplify the tax-filing process. We cannot restore our economy without both a short-term and long-term view. I believe that this package of tax bills is a comprehensive approach to getting our economy back on a path of growth and I look forward to working with my colleagues in a bipartisan way to achieve this goal.

THE GREEN SCHOOLS ACT OF 2009

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, I am proud to stand here today to introduce legislation with Congressman CHRISTOPHER CARNEY (D-PA) which will provide healthier and more productive environments for students.

As energy prices soar and state budgets shrink, schools around the country need more assistance than ever to keep afloat. Congress can provide a commonsense way to help schools achieve fiscal sustainability by helping them to reach energy sustainability through energy efficient and other green improvements.

According to the independent U.S. Green Buildings Council which established a nationally recognized green school certification program, the LEED rating system, green schools on average save \$100,000 per year. This is enough to hire two new teachers, buy 500 new computers or purchase 5,000 new textbooks. In fact, if all new school construction or school renovations went green, energy savings alone would total \$20 billion over the next 10 years.

Green schools also provide better environments for our children, improving student achievement and health. Students at LEED certified schools perform 20 percent better on reading tests and 24 percent better on math tests than the average student. There are nearly 40 percent fewer asthma occurrences at green schools, contributing to the decreased number of sick days students experience.

Providing green school improvements are extremely cost effective. Construction costs on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

average less than \$3 per square foot more to build, yet saves roughly \$12 per square foot in energy and water savings.

Some schools are already investing in green school technology to take advantage of all the benefits it provides. I am proud that a school in my Congressional District of northern Illinois, Thomas Middle School, installed a one-kilowatt solar array on its roof in November 2007 with a \$10,000 grant from the Illinois Clean Energy Community Foundation. The photovoltaic panel produced enough energy to date to offset more than 730 pounds of carbon dioxide. The output so far is equivalent to the energy needed to power 6 homes for one day, or operate one TV for 2,565 hours.

Thomas Middle School teachers also use the solar array data to help teach students about the importance of renewable energy. Classes use the information from the solar panels in experiments about energy conservation and environmental protection.

I applaud Thomas Middle School Principal Tom O'Rourke and science department chair Jay Bingaman for taking such an initiative to improve the school, environment and education of their students.

We are introducing the Green Schools Act to encourage schools all around the country to follow the example of Thomas Middle School. This legislation provides up to \$10,000 in matching grants for schools to undertake green construction and improvement projects. The bill would also reauthorize the Qualified Zone Academy bonds program, which is used to fund renovations and repairs at schools in low-income neighborhoods. The bill would require that any improvements or rehabilitations be energy efficient. Since its establishment in 1997, the QZAB program has provided nearly \$1.7 billion for school improvements projects.

I hope my colleagues will join me in supporting this bill to improve the health and education of our children and provide financial security to schools.

CAGING PROHIBITION ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. CONYERS. Madam Speaker, today I rise to introduce the Caging Prohibition Act of 2009, a much needed reform to our election system. As the 111th Congress focuses on election fixes and greater voter protections, this legislation is a critical contribution to such efforts. Prohibitions on voter caging will ensure that our democracy lives up to the belief that every eligible citizen is entitled to the right to vote.

Voter caging, though just recently given media attention, is a disenfranchisement tactic that has been around for over 50 years. This undemocratic tactic often involves sending mail to voters at the addresses at which they are registered to vote. Should such mail be returned as undeliverable or without a return receipt, voters' names are placed on a "caging list," that list then being used to challenge voters' eligibility.

Those suggesting that voter caging is necessary to weed out ineligible voters must rec-

ognize this practice is unreliable and dangerous for such purposes. Mail may be returned as undeliverable for any number of reasons unrelated to an individual's eligibility to vote. For example, mail is returned due to typos, transposed numbers, new street names, and improper deliveries.

Voters in my home State of Michigan have been subjected to voter caging controversies in the last two Presidential elections. In the 2008 election, a voter caging strategy meant to politically capitalize on the subprime mortgage crisis was identified. Those voters whose homes had been subjected to foreclosure were targets for caging on the basis that they no longer resided at the addresses at which they registered to vote.

During the 2004 election, challengers monitored every single one of Detroit's 254 polling stations. This strategy was consistent with a Michigan lawmaker's effort to "suppress the Detroit vote." It was widely accepted that this statement was synonymous with "suppress the Black vote," as Detroit is 83 percent African American.

Our most vulnerable voters—racial minorities, language minorities, low-income people, the homeless, and college students—always seem to be targeted for caging and other voter suppression campaigns. However, all voters are susceptible to voter intimidation and suppression. For example, during the 2004 election, Ohio and Florida caging lists included the names of soldiers whose mail had been returned as undeliverable because they were stationed overseas.

It is because no one is immune to caging and other disenfranchisement tactics, that I am introducing the Caging Prohibition Act. This bill is really quite simple, as it one, requires election officials to corroborate their caging documents with independent evidence before a voter can be deemed ineligible. And two, limits all other challenges that do not come from election officials to those based on personal, first-hand knowledge.

By eliminating caging tactics, we restore what has been missing from our elections—fairness, honesty, and integrity. I ask that my colleagues in the Congress join me in supporting the Caging Prohibition Act of 2009. Please stand with me in protecting the very core of our democracy.

INTRODUCTION OF THE DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. NORTON. Madam Speaker, today I am introducing, I believe for the last time, the District of Columbia House Voting Rights Act, simultaneously with our Senate partners, Senators JOE LIEBERMAN and ORRIN HATCH. The bill we introduce today also will add two permanent House seats, the first increase in 96 years. It therefore carries a triple bonus: the first vote for the District of Columbia after 212 years, an additional seat for Utah, and two new permanent seats for the House of Rep-

resentatives itself. The citizens of the District of Columbia are deeply grateful for the persistent partnership and bipartisan dedication that Senator LIEBERMAN and Senator HATCH continue to bring to this bill, and for the continued support of Utah Governor Jon Huntsman.

Because of the importance to the city of achieving the vote after more than two centuries, the D.C. House Voting Rights Act is my first bill of the 111th Congress. This year we introduce the bill as members of the armed services from the District of Columbia are again engaged in war abroad. In gratitude for the service of our residents serving today, and of those who have served since our country was founded, I dedicate the bill this year to the first soldier from the District to die for his country in the Iraq War, 21-year-old D.C. National Guard Specialist Daryl Dent, and to the District's first unknown soldier to die after picking up arms to fight for liberation on the promise of no taxation without representation. Although two centuries apart, the first to die in these wars had in common fighting for the vote. Our first residents here fought in the War for Independence. Specialist Dent gave his life ensuring the vote for Iraqi citizens, a right he did not live to get for himself.

Today's bill is the first in the Free and Equal series of bills that I will introduce this session to complete the full roster of citizenship rights for residents of the Nation's capital that the first soldiers were promised and for which today's soldiers continue to give their lives and their service for our country. There can be no doubt that the revolutionaries who invented America's most quoted national slogan did not create a new Nation in order to get the vote, only to turn around and deny the vote to the citizens of their capital.

This bill was passed by the House in the 110th Congress, thanks to Speaker NANCY PELOSI, who has long fought for the rights of D.C. residents and personally insisted that this legislation go forward as a bill of historic importance; Majority Leader STENY HOYER, my long-time regional friend, who has been an especially outspoken champion of this bill; Judiciary Chairman JOHN CONYERS, who gave the bill his priority attention, emblematic of the strong support he has always brought to our rights throughout his long service in Congress; and Chairman HENRY WAXMAN, who as ranking member and then as chair of the Oversight and Government Reform Committee, also was a central figure in ensuring passage; and many others among my colleagues in both Chambers and both parties, who have made special efforts for passage of the D.C. House Voting Rights Act. My special thanks to Tom Davis, my good friend and a strong partner on this bill, who retired at the end of last session. It was Tom's idea to pair the District with Utah after Utah narrowly missed getting a seat following the last census. I will always be grateful to Tom for the unfailing bipartisan spirit that characterized all his work as chair of the Oversight and Government Reform Committee, especially his consistent respect for home rule and for affording me every opportunity to fashion this bill when he was a member of the Republican majority and I was a minority member. I must also thank the two important coalitions of organizations that have led this fight. The Leadership Conference on Civil Rights,

whose leader, Wade Henderson, also has been a close advisor throughout the many years of this struggle, and D.C. Vote and its leader, Ilir Zherka, who gave our bill a big quantum leap in strength it never had before through a superior indispensable grassroots organization that was born to lead the successful lobbying strategy here and nationwide and that singlehandedly raised the funds necessary to make D.C.'s struggle a national campaign.

There is every reason to believe that the D.C. bill will finally prevail this year. The bill easily passed in the House in 2007, and now has an estimated 64 votes in the Senate, considerably more than the 60 needed. The addition of seven Democratic senators, who replaced seven Republican opponents of the bill, together with the eight remaining Republicans who supported the bill, should assure that our bill will have significantly more than the 57 Senate votes it received in 2007. We are equally encouraged that President-elect Barack Obama, who was a co-sponsor of the bill in the Senate, will sign the D.C. House Voting Rights Act when it reaches his desk.

My service in Congress has been defined by the search for ways to get full representation for the city where my family has lived since before the Civil War. That search has been guided by the pursuit of the maximum that was possible, including the two-day debate followed by the first and only vote on statehood more than 10 years ago, the vote I won in the Committee of the Whole during my second term, and the "No Taxation Without Representation" Act for votes in both the House and Senate. Our struggle has always been driven by what was required but we also have insisted on all that was possible, as with the District's first floor vote, the Committee of the Whole vote on some but not all matters on the House floor and the Home Rule Act, the path-breaking bill enacted before I came to Congress that gave the city partial self-government.

The Congress, which has always been divided by regional and parochial concerns, virtually never does all that is required at one time, even granting a vote to American citizens who are second per capita in Federal income taxes paid to support their Government and served in every war, including the war that created our country. However, the people of the District of Columbia have never ceased demanding the full measure of their rights, while insisting on all that is possible for each generation. The people of the Nation's proud capital will never give up until achieving their full rights as American citizens. Today's bill is another big step to achieve full and equal citizenship.

Voter Intimidation Prevention Act of 2009. During our elections, including the 2008 election, we have witnessed numerous attempts, some of them successful, to disenfranchise our eligible voters. Deceptive practices and voter intimidation, age-old voter disenfranchisement tactics, continue to keep voters away from the polls today.

The Deceptive Practices and Voter Intimidation Prevention Act is a critical effort in ensuring fairness and integrity in our elections. It is a direct response to the fraudulent tactics used to undermine our elections. Every eligible voter should be able to vote free of intimidation, harassment, and harm.

Numerous accounts indicate that deceptive practices have been employed throughout the country in our elections. Voters have been told to vote on the wrong day. They have been told they could not vote with outstanding parking tickets. Ultimately, they were misled, deceived, and disenfranchised.

During the 2008 election, a phony flyer circulated in Virginia telling Democratic voters that they were to vote on Wednesday instead of Tuesday. During the 2006 midterm, Latino voters in Orange County, California, were threatened with incarceration if they voted and African American voters in Prince George's County, Maryland were given fliers with false endorsements. As evidenced in California and Maryland, our most vulnerable voters—immigrants and minorities—are often those voters that are targeted for deceptive practices.

No matter who is targeted for these tactics, however, such actions are despicable and those responsible for them must be held accountable. This country's long history of voter suppression must end now. We must protect the right to vote for all of our citizens and that is what this legislation will enable us to do.

Under this legislation, those that engage in deceptive practices and voter intimidation will be held accountable. Deceptive electioneering practices are clearly defined and prohibited so there is no confusion as to the rights and protections afforded voters.

Additionally, the Federal Government will be held responsible for protecting and advancing the right to vote. The Attorney General and the Department of Justice are required to combat and counteract deceptive practices. These measures will ensure that voters are not left to fend for themselves when their right to vote is threatened.

If we allow deceptive practices and other such behavior to continue, we jeopardize the very core of our democracy, the right to vote. I ask that my colleagues in the Congress stand with me in support of this legislation, so that we may begin eliminating barriers to the polls.

Technology Enhancement Rights or VOTER Act of 2009. I introduce this legislation, more than 200 years after the founding of our democracy, because we have yet to realize a government that is truly representative of the principle, "of the people, by the people." Not until every eligible voter has the opportunity to cast a ballot and have that ballot counted, will we have a proper democracy.

Though the 2008 Election did not present the widespread irregularities and improprieties that were witnessed during the 2000 and 2004 Elections, it was still an election in which voter disenfranchisement was attempted and accomplished. Voters' names are still missing from voter rolls. Voter harassment and intimidation continues.

In fact, over the years, the methods that are used to disenfranchise voters have just become more contemporary and sophisticated as evidenced during the 2008 Election. For example, in my home State of Michigan, in the midst of the current subprime mortgage crisis, a strategy to challenge a voter's eligibility based on home foreclosure status was devised. In Virginia, a flyer telling Democrats to vote on Wednesday November 5, 2008, circulated.

Anything short of a perfect election system is unacceptable. I have introduced VOTER so that we may work towards a more perfect system, one that reflects legitimacy, integrity, and inclusivity. VOTER will protect and expand voting rights in Federal elections, as well as ensure the proper administration of Federal elections.

VOTER will:

- (1) provide for a uniform Federal write-in absentee ballot;
- (2) require States to provide for a verified audit trail;
- (3) count provisional ballots cast in the proper State;
- (4) properly allocate voting machines and poll workers;
- (5) provide for election day voter registration;
- (6) protect against improper purging of registration lists;
- (7) mandate early voting;
- (8) require verification and audit ability for punch cards;
- (9) simplify voter registration requirements;
- (10) allow voter identification by written affidavit;
- (11) provide for a study of nonpartisan election boards;
- (12) strengthen the EAC with funding and resources;
- (13) require the EAC to (a) enhance training for election officials; (b) require the use of publicly available open source software; (c) provide uniform standards for vote recounts; and (d) prohibit voting machine companies from engaging in political activities;
- (14) prohibit deceptive practices and intimidation;
- (15) prohibit caging and other questionable challenges;
- (16) restore voting rights to former felons; and
- (17) treat Election Day as a federal holiday.

Some of these initiatives have already been implemented by States, the success of which was observed during the 2008 Election. There

INTRODUCTION OF DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. CONYERS. Madam Speaker, today I rise to introduce the Deceptive Practices and

INTRODUCTION OF THE VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT RIGHTS (VOTER) ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. CONYERS. Madam Speaker, today I rise to introduce the Voting Opportunity and

are 32 States that currently provide early voting, including Florida, a State that witnessed over one million voters turn out to the polls the weekend before the election. There are also 28 States that currently provide no-excuse absentee voting.

Such practices were critical to managing an unprecedented voter turnout. More than 130 million people turned out to vote in the 2008 Election, the highest turnout in any presidential election. With this many longtime and new voters engaged in the 2008 election process, I suspect that voter participation will only increase in 2012.

As such, we must pledge to fight for election reform in this Congress. The right to vote and to have that vote counted is one of our democracy's most fundamental principles. It is with VOTER that I intend to protect this fundamental principle, and I ask that my colleagues in this Congress join me in this fight for fair and just elections.

HONORING THE LIFE AND SERVICE OF ANDY ANDERSON

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. LARSEN of Washington. Madam Speaker, Andy Anderson's passing is a tragic loss for Washington state, Whatcom County and for me personally. My thoughts and prayers are with Andy's loved ones during this difficult time.

Andy's commitment to public service is legendary and his contributions to Washington state have been many and varied.

While serving as District Manager for Congressman Al Swift, Andy was instrumental in creating the PACE (now NEXUS) lane for frequent travelers between the United States and Canada. Andy's efforts to expand trade and reduce wait times helped thousands of families and businesses on both sides of the border.

After I was elected to Congress in 2000, I asked Andy to come out of retirement to join my team. For 3 years, he served as director of my Bellingham office, representing me in Whatcom County.

I am honored to have worked with Andy Anderson. He was a true friend and a tireless advocate for my constituents. He was always available to answer a question, investigate and solve a problem and look for new ways to make life a little easier for the people he served.

Andy will be missed, but his contributions to our community, our State and our country will be felt for many decades to come.

HONORING THE 2008 MYRTLE BEACH HIGH SCHOOL FOOTBALL TEAM

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. BROWN of South Carolina. Madam Speaker, please permit me to take this oppor-

tunity to extend my personal congratulations to the 2008 Myrtle Beach High School Football Team. By beating the Chester Cyclones in "Death Valley" at Clemson University, the "Seahawks" led by Coach Scott Earley returned the Class AAA State Football Championship Trophy to Myrtle Beach after a hiatus of 24 years. This outstanding victory exemplifies the drive, ambition and teamwork of these young men.

CONGRATULATING MR. CLARENCE E. FAULK, JR., ON THE OCCA- SION OF HIS 100TH BIRTHDAY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Clarence E. Faulk, Jr., on the occasion of his 100th birthday.

Mr. Faulk was born on January 9, 1909 in West Monroe, LA to Clarence E. Faulk, Sr. and Josephine McClendon Faulk.

He married Louise Benson Page on July 8, 1931 and from this union three children were born. In addition, Mr. Faulk is the proud and loving grandfather of 10 grandchildren and seven great-grandchildren.

Mr. Faulk was the publisher of the Ruston Daily Leader from 1931 to 1962, the owner of radio station KRUS from 1947 to 1968, and the owner of Westside Self Storage from 1980 to present.

Moreover, Mr. Faulk and his late beloved wife owned 10 rental houses, one 16-unit apartment house, and eight commercial buildings in Ruston, LA.

Mr. Faulk is a friend to many, and is deemed a gracious and hardworking person to all who have had the privilege of making his acquaintance.

I ask my colleagues to join me in congratulating Mr. Clarence Faulk on this truly significant birthday.

RECOGNIZING RICHARD RIEDEL OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Richard Riedel of Hernando County, Florida. Richard will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate his 100th birthday.

Richard was born February 1, 1909 in Sturbridge, Massachusetts. Richard's favorite childhood memories include receiving his first bicycle and robbing his sisters' piggy banks to buy penny candy.

During his youth, Richard attended Sturbridge Public and Vocational School, and then went on to serve as a sergeant in the United States Air Force. Eventually moving to Florida, Richard started working at Linen Com-

pany in St. Petersburg, Florida, eventually working his way up from a driver to the vice president of the company, an accomplishment of which he is very proud.

Throughout his life, Richard married twice, but had no children. His first wife Lucille passed away in 1981 and his second wife Ann passed away in 2006. He has fond memories of sailing into New York harbor and seeing the Statue of Liberty and the tug's radio playing "Sentimental Journey."

Richard came to Hernando County in 1984 looking for a retirement community where he could keep his dog. Today he enjoys living in the Timber Pines community where he is far away from the congestion of Pinellas County. Richard is quite the everyday comedian, telling friends and neighbors that breathing gives him the most pleasure. If he had his life to do over again, Richard said he would get more education, and his advice to young people today is to always do things in moderation and be conservative.

Madam Speaker, I ask that you join me in honoring Richard Riedel for reaching his 100th birthday. I hope we all have the good fortune to live as long as him.

"THE PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ACT"

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. PASCRELL. Madam Speaker, it is my pleasure today to introduce the "Paterson Great Falls National Historical Park Act" as my first act in the 111th Congress. This bipartisan legislation was approved by the House in October 2007, and would designate a National Park at the majestic Great Falls in Paterson, NJ. I urge my colleagues to pass this legislation as soon as possible.

Fifteen miles west of New York City, the Great Falls was the second largest waterfall in colonial America. No other natural wonder in America has played such an important role in our nation's historic quest for freedom and prosperity. At the Great Falls, Alexander Hamilton conceived and implemented a plan to harness the force of water to power the new industries that would secure our economic independence.

Hamilton told Congress and the American people that at the Great Falls he would begin implementation of his ambitious strategy to transform a rural agrarian society dependent upon slavery into a modern economy based on freedom. True to Hamilton's vision, Paterson became a great manufacturing city, producing the Colt revolver, the first submarine, the aircraft engine for the first trans-Atlantic flight, more locomotives than any city in the Nation, and more silk than any city in the world.

New Jersey's Great Falls is the only National Historic District that includes both a National Natural Resource and a National Historic Landmark. In a special Bicentennial speech in Paterson with the spectacular natural beauty of the Great Falls in the background, the late President Gerald R. Ford

said, "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful Nation in the world."

Preeminent Hamilton biographers, an esteemed former Smithsonian Institution curator, the former chief of the National Park Service Historic American Engineering Record, and distinguished professors at Yale, Princeton, Harvard, NYU, Brown and other universities have filed letters with the National Park Service strongly recommending a National Historical Park for the Great Falls Historic District. Editorial boards, Federal, State, and local officials and community groups have also endorsed the campaign to award a National Park Service designation to the Falls.

Scholars have concluded that Pierre L'Enfant's innovative water power system in Paterson, and many factories built later, constitute the finest remaining collection of engineering and architectural structures representing each stage of America's progress from a weak agrarian society to a leader in the global economy. It is a little known fact that L'Enfant was hired by Hamilton to create Paterson as the sister city to Washington, DC, having completed his plan of Washington only months before arriving in Paterson.

Madam Speaker, Congress must act now to pass this vital piece of legislation, so that we may fully recognize these cultural and historic landmarks that have played such a seminal role in America's history.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 1 and 4; "nay" on rollcall vote 3; and for Rep. NANCY PELOSI (CA-08) on rollcall vote 2 for the election of the Speaker of the U.S. House of Representatives.

ISRAEL'S MILITARY ACTION IN GAZA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. COSTELLO. Madam Speaker, for the past several years, Israelis living near Gaza have endured a continual state of fear due to the thousands of rocket attacks launched from there by Hamas. When the six-month cease fire between Hamas and Israel recently ended, Hamas responded almost immediately by firing more than 70 missiles at civilian targets within Israel. On December 27th, Israel, in an act of self defense, struck at Hamas targets in Gaza in response to these continued attacks, and I want to express my strong support for Israel's right of self-defense.

Israel has taken meaningful steps in recent years to push the peace process forward, in-

cluding unilaterally withdrawing from Gaza in 2005. Unfortunately, Hamas has not met Israel's efforts towards a peaceful coexistence, and has instead increased military operations against its neighbor and continues to deny Israel's right to exist.

These unfortunate developments are tragic, but have been precipitated by Hamas' aggression. Hamas must stop the rocket attacks and all parties in the region need to commit to renewing efforts at peace. The U.S. should remain involved in the peace process and I will continue to work with my colleagues in Congress towards this goal.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Ms. NORTON. Madam Speaker, today I am introducing, I believe for the last time, the District of Columbia House Voting Rights Act, simultaneously with our Senate partners, Senators JOE LIEBERMAN and ORIN HATCH. The bill we introduce today also will add two permanent House seats, the first increase in 96 years. It therefore carries a triple bonus: the first vote for the District of Columbia after 212 years, an additional seat for Utah, and two new permanent seats for the House of Representatives itself. The citizens of the District of Columbia are deeply grateful for the persistent partnership and a bipartisan dedication that Senator LIEBERMAN and Senator HATCH continue to bring to this bill, and for the continued support of Utah Governor Jon Huntsman.

Because of the importance to the city of achieving the vote after more than two centuries, the D.C. Voting Rights Act is my first bill of the 111th Congress. This year we introduce the bill as members of the armed services from the District of Columbia are again engaged in war abroad. In gratitude for the service of our residents serving today, and of those who have served since our country was founded, I dedicate the bill this year to the first soldier from the District to die for his country in the Iraq War, 21-year-old D.C. National Guard Specialist, Daryl Dent, and to the District's first unknown soldier to die after he picked up arms to fight for liberation on the promise of taxation without representation. Although two centuries apart, the first to die in these wars had in common fighting for the vote. Our first residents here fought in the War for Independence. Specialist Dent gave his life ensuring the vote for Iraqi citizens, a right he did not live to get for himself.

Today's bill is the first in the Free and Equal series of bills that I will introduce this session to complete the full roster of citizenship rights the residents of the Nation's capital, that the first soldiers were promised and for which today's soldiers continue to give their lives. There can be no doubt that the revolutionaries who invented America's most quoted national slogan did not create a new nation in order to get the vote, only to turn around and deny the vote to the citizens of their capital.

This bill was passed by the House in the 110th Congress, thanks to Speaker NANCY PELOSI who has long fought for the rights of D.C. residents and personally insisted that this legislation go forward as a bill of historic importance, Majority Leader STENY HOYER, my long-time regional friend, who has been an especially outspoken champion of this bill; Judiciary Chairman JOHN CONYERS, who gave the bill his priority attention, emblematic of the strong support he always has brought to our rights throughout his long service in Congress; and Chairman HENRY WAXMAN, who as ranking member and then as chair of the Oversight and Government Reform committee, also was a central figure in ensuring passage; and many others among my colleagues in both chambers and both parties, who have made special efforts for passage of the D.C. House Voting Rights Act. My special thanks to Tom Davis, my good friend and strong partner on this bill, who retired at the end of last session. It was Tom's idea to pair the District with Utah after Utah narrowly missed getting a seat following the last census. I will always be grateful to Tom for the unfailing bipartisan spirit that characterized all his work as chair of the Oversight and Government Reform committee, especially his consistent respect for home rule and for affording me every opportunity to fashion this bill when he was in the Republican majority and I was a minority member. I must also thank the two important coalitions of organizations that have led this fight, the Leadership Conference on Civil Rights, whose leader, Wade Henderson also has been a close advisor throughout the many years of this struggle, and D.C. Vote, and its leader Ilir Zherka, who gave our bill indispensable strength through a superior grassroots organization that led the successful lobbying strategy here and nationwide and singlehandedly raised the funds necessary to take D.C.'s struggle national.

There is every reason to believe that the D.C. bill will finally prevail this year. The bill easily passed in the House in 2007, and now has an estimated 64 votes in the Senate, considerably more than the 60 needed. The addition of seven Democratic senators, who replaced seven Republican opponents of the bill, together with the eight remaining Republicans who supported the bill, should assure that the bill will have significantly more than the 57 Senate votes it received in 2007. We are equally encouraged that President-elect Barack Obama, who was a co-sponsor of the bill in the Senate, will sign the D.C. House Voting Rights Act when it reaches his desk.

My service in Congress has been defined by the search for a way to get full representation for the city where my family has lived since before the Civil War. That search has been guided by the pursuit of the maximum possible, including the two-day debate followed by a vote on statehood more than 10 years ago, the vote I won in the Committee of the Whole during my second term, and the "No Taxation Without Representation" Act for votes both in the House and Senate. The struggle has been driven always by what was required but also by what was possible, as with the Committee of the Whole vote on some but not all matters on the House floor

and the Home Rule Act, the path-breaking enacted before I came to Congress that gave the city partial self-government.

The Congress which has always been divided by regional and parochial concerns, never does what is clearly right, even granting a vote to American citizens who are second per capita in federal income taxes paid to support their government and have served in every war, including the war that created our country driven by the slogan of "No Taxation without Representation." However, the people of the District of Columbia have never ceased demanding the full measure of their rights, while insisting on all that is possible for each generation. The people of the nation's proud capital will never give up on our full rights as American citizens.

TRIBUTE TO ROBERT "RED"
MCKEON

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. COURTNEY. Madam Speaker, I rise today to congratulate Robert "Red" McKeon on being inducted into the Connecticut Firefighters Hall of Fame. There is perhaps no one more worthy of such an honor than Red.

Red has been a leader in his community for over 60 years. In 1944, Red joined the Occum, Connecticut Volunteer Fire Department. Red served in various roles within the department before becoming fire chief in 1960, a position he held for 34 years. Red was not only an active and committed fireman, but he was also a pioneer. During Red's tenure, he ensured that Occum's department led the way in improving the life saving services which they provide to the people of eastern Connecticut. Occum was the first department in the state of Connecticut to employ two-way radio communication in fire trucks and other emergency service vehicles. Occum was also the first department that employed a computer to develop the skills of its first responders.

In 1970, Red founded the Occum volunteer ambulance service to provide the residents of Occum access to state-of-the-art emergency services. Red has also been a pioneer in taking care of his fellow first responders. Red led the charge for establishing a pension system for volunteer firefighters. Despite putting their lives in on the line every day, volunteer firefighters do not receive a pension in recognition of their service. Red worked with State and local leaders in Connecticut to establish a program that allows local communities like Occum to establish retirement programs for volunteer firefighters.

Red has demonstrated his commitment to our first responders at the State, national and even international levels. After serving in the Connecticut State Firemen's Association since 1944, he was elected State President by his fellow firemen in 1977 and 1978.

In 1991, Red became the national chairman of the National Volunteer Fire Council, the largest volunteer firefighter organization in the country, and served in the post until 1994. His leadership within that organization and at

home in Connecticut received further recognition when the Council chose him as the National Firefighter of the Year in October 1999. Along with this award, Red was presented with a certificate for \$2000 from Scott Health and Safety. In keeping with his unselfish nature, Red announced that he would donate the proceeds to the North Carolina Relief Fund to help fire departments that were devastated by Hurricane Floyd.

Red has also been generous enough to share his talents and expertise with the world. Red served as a representative for the United States at the World Federation of Firefighters meetings in Argentina, Denmark, Indonesia and Japan and is an active member of the International Society of Fire Service Instructors.

After a lifetime of service to his community and his fellow first responders it should come as no surprise that Red would be chosen as an inductee to the Connecticut Firefighters' Hall of Fame. This latest recognition is one that is well deserved, and I applaud my friend Red for receiving this prestigious award. We in eastern Connecticut are lucky to have such a fine public servant.

IN HONOR OF CATHERINE "LENA"
ZABARA DICHELE

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to honor the 100th birthday of Lena Dichele, a living example of the hard work and spirit that we cherish as Americans. Born on January 1, 1909, Lena immigrated to the United States at age 7. Her story began at Ellis Island, where so many other American stories began. Although Lena stopped her formal education in the 8th grade to help her family in trying economic times, she went on to become a life-long educator.

At the age of 14, Lena learned to sew at the Waterbury Connecticut Girls' Club, where she transformed this skill into her life's passion. Lena went on to become a sewing instructor at the Girls Club and an informal authority on all things sewing at Tops Department Store in Waterbury. She was also familiar enough with electric sewing machines to assist customers and perform repairs. Lena began sharing her love of sewing with seniors throughout Waterbury by teaching at the Pearl Street Neighborhood Center, the Palladino Center and the Mattatuck Senior Center, where she ended her 83 year career in 2006 at the age of 97.

On New Year's Day, Lena's family gathered to celebrate her 100th birthday. But more appropriately, they celebrated the impact that she has had on her family, her friends, and her community, during those 100 years. Lena's story is a truly American story, and I am honored to represent her in Congress, and be able to congratulate her today, here on the floor of the United States House of Representatives, on this milestone.

HONORING HOSTELLING INTERNATIONAL-USA ON THEIR 75TH ANNIVERSARY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. WU. Madam Speaker, I rise today to congratulate Hostelling International-USA on their 75th anniversary. Since 1934, Hostelling International-USA has encouraged cultural interaction among its guests by providing affordable overnight accommodations for domestic and international travelers.

In my home state of Oregon, Hostelling International-USA operates three facilities, which together welcome more than 35,000 visitors each year.

J.R.R. Tolkien once wrote: "Not all those who wander are lost." Travel reminds us of the unity in our diverse world, and I believe that the more we interact with others, the more we can understand of ourselves.

I ask my colleagues to join me in recognizing Hostelling International-USA on this important occasion.

HONORING THE WORK OF CAROL
J. FRIEDMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to celebrate Carol J. Friedman of Point Reyes Station, California. Carol is retiring as Executive Director of the Dance Palace Community Center after 37 years at the helm. From the founding of the organization in 1971 to the present, she has been the force that has made the Dance Palace an integral part of the West Marin community.

Born and raised in Rye, New York, Carol was a dancer from her youngest days, whether it was the Nutcracker Suite in her living room or formal study with a number of modern dance teachers. She matriculated at Radcliff College but took time off in 1971 after two years as dance was not part of the Harvard curriculum. She came to the Bay Area and connected with fellow dancers who had rented a perfect dance space with apartments above in a building in Point Reyes that had previously housed the Palace Market. As described by Carol, "So we moved into the Dance Palace—7 of us—dancers, musicians, hippies, idealists, and all completely naive about the community and about going about business."

From those early beginnings, the Dance Palace evolved into a multi-use facility with input and ideas from all segments of the community and Carol as the guide. She made the ideas into reality, whether it took building a whole new building, constantly securing funding, running day-to-day operations, programming events, reaching out to new people, or plunging toilets. When she saw a need in the community, she worked to fill it. And she did

it all with her own personal warmth, style, and creativity.

Today the Dance Palace Community Center has an annual budget of \$475,000, presents 100 special events a year, offers 30 classes weekly, has 200 regular volunteers, and serves 27,000 people of all ages annually—providing a wide variety of services including a summer day camp, senior meals program, teen theater activities, after-school classes for kids, English as a Second Language instruction, and weekend performances and concerts. Carol personally participated in many of these activities, claiming, for example, “I am personally responsible for introducing the ever-popular Bubble Wrap Day plus the Russian hand jive dance to generations of Dance Palace Campers.”

Carol expanded the Dance Palace’s role by actively promoting collaboration among other local and County-wide organizations. She herself became an expert on non-profit and community work and gave unstintingly of her time and knowledge wherever it was needed.

Along the way, Carol had two sons, Abraham and Eli, whom she raised as a single mother. The Dance Palace was their second home, and they were early performers in community productions. Carol continues to dance and teach dancing as well as sing, and has volunteered in many capacities including as an elephant seal docent and hospice bereavement supporter. She also stars in a weekly soccer pickup game where she has evolved into a formidable talent. Clearly, she will not be sitting still after retiring from her Dance Palace duties.

Madam Speaker, Carol Friedman will be missed at the helm of the Dance Palace Community Center but will continue to be involved in her community, as long as it doesn’t interfere with her soccer schedule. As the heart and soul of the Center for so many years, Carol’s spirit will shine at the Dance Palace Community Center for generations to come.

117TH ANNIVERSARY OF ELLIS ISLAND

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. SIRE. Madam Speaker, tooday I rise to recognize the 117th anniversary of the opening of Ellis Island. Originally opened on January 1, 1892, the island remains a part of American history and our culture. Together with the Statue of Liberty, these places represent what it means to be an American.

During the attacks of September 11, 2001 these symbols stood as a reminder and a warning that we will prevail against those who wish us harm. So great are these symbols that visitors from here and abroad visit them every day. Yet the Statue of Liberty crown is still closed to visitors. I am happy that both President-Elect Obama and Interior Secretary Designate Salazar support fully opening up the crown.

I am optimistic that we will again allow Americans and foreign visitors to peer out from the crown and to think about what it means to be an American.

IN RECOGNITION OF STANLEY REED

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. ROSS. Madam Speaker, I rise today to recognize Stanley Reed of Marianna, Arkansas, and his outstanding service to the state of Arkansas as outgoing president of the Arkansas Farm Bureau and outgoing chairman of the University of Arkansas Board of Trustees.

I have had the distinct honor and privilege of knowing Stanley for many years and his dedication to the citizens of Arkansas is second to none. A third-generation cotton farmer from Marianna, he holds a bachelor’s degree in agricultural engineering and a law degree from the University of Arkansas, though his affection for the land eventually led him back to the farm.

Stanley is one of the greatest allies to and advocates for Arkansas farmers and farm families. He has served as president of Arkansas Farm Bureau for 5 years, and has been a member of the organization’s state board for more than 20 years, including stints as vice president and secretary-treasurer. He also serves as a member of the Arkansas Farm Bureau Federation’s board of directors. Due to his determination to improve Arkansas agriculture, Stanley has participated in numerous foreign trade missions including trips to Mexico, Turkey, Taiwan, Korea, Japan and Cuba.

Of course, Stanley’s commitment to Arkansas does not end with farming. Stanley just completed a 10-year term on the University of Arkansas Board of Trustees, where he served as chairman for 2 years. His service on this distinguished panel earned him the respect and admiration of all who came into contact with him throughout his tenure. Stanley will forever be remembered for his selfless service to improve secondary education opportunities for countless Arkansans. In addition to these roles, Stanley also serves on the board of directors for Baptist Health and as a board member of Pine Bluff-based Simmons First National Bank.

Amidst all of these professional successes, anyone who knows Stanley understands that his most treasured role in life is that of a husband to Charlene, father to Haley Davis, Nathan and Anna, and grandfather to three grandchildren. Carrying on in true Reed family tradition, Stanley’s son Nathan continues to work with him on the family farm.

Stanley Reed will long be considered one of Arkansas’s finest, and a best friend and advocate for agriculture. It is with great pride that I rise today to recognize Stanley Reed for a lifetime of accomplishments, and for his much-admired service to one of his greatest passions—farming.

TRIBUTE ON THE RETIREMENT OF MASTER SERGEANT ROBERT C. WILKINS FROM THE UNITED STATES AIR FORCE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. TANNER. Madam Speaker, on the occasion of his retirement from the United States Air Force, I want to personally take this opportunity to honor my dear friend, MSgt Robert C. Wilkins for his 26 years of dedicated service to our country. In his most recent assignment, he served as the Superintendent, Operations, Air Operations Division, Office of the Legislative Liaison, Secretary of the Air Force, Washington, DC.

A superior leader, Master Sergeant Wilkins assisted me and members of the U.S. delegation to the NATO Parliamentary Assembly during trips to France, Spain, Italy, Belgium, Macedonia, Albania, Croatia, Turkey, Germany and the Netherlands. He performed magnificently, upholding the highest standards of professional conduct and through his efficient planning, these trips were a complete success.

Madam Speaker, I respectfully request my distinguished colleagues join me in expressing our sincere appreciation to Master Sergeant Wilkins for his extraordinary service to the United States Air Force and our great Nation. On behalf of members serving on the U.S. NATO Parliamentary Assembly delegation, I say we will miss his expertise and positive attitude, but most importantly, we will miss his friendship.

Betty Ann and I wish Rob, his wife, Amy and son, Robert, the very best as they face new and exciting challenges in the coming years.

RECOGNIZING THE UBLY HIGH SCHOOL BEARCATS 2008 FOOTBALL SEASON

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today to acknowledge the inspiring and truly remarkable football season displayed both on and off the field by the Ugly High School Bearcats from Huron County.

The Bearcats took an undefeated record of 13 wins and 0 losses in to the Division 7 State Championship at Ford Field in Detroit against perennial powerhouse Traverse City St. Francis. Although at the end of the contest St. Francis had prevailed on the scoreboard, Ugly can stand proud with their heads held high. I think former Green Bay Packers Coach Vince Lombardi said it best, “We didn’t lose the game; we just ran out of time.”

The 2008 season was comprised of more than just film sessions, chalk talks and wind sprints but something beyond the parameters

of just football. Sadly in early October, the entire Ubyly community experienced a tremendous loss when former teammate and classmate, David Ostenski, passed away from cancer at age 17. David was diagnosed while a member of the JV team but courageously continued his support of the football team despite his ailing physical condition. Less than 2 weeks before his passing, David was recognized during a special ceremony at the homecoming game and even took pictures with the homecoming court proudly wearing his #44 black and orange jersey.

This small rural town sought comfort in each other, rallied together as family and used football as a form of therapy to ease the pain of this devastating loss. To commemorate his life, each player wore David's name on his helmet and broke each huddle saying his name.

Led by Head Coach Bill Sweeny, these 24 young men conveyed the true meaning of the human spirit, in what was a historic run to the school's first finals appearance, and that through tragedy you can find triumph.

When you reflect upon the entire season, everyone can agree that these young men are "real" champions and they should be proud of all their accomplishments. They persevered when confronted with adversity and matured quickly beyond their years. They learned that life is not always fair but instead of giving up they stepped up to meet each challenge head-on and will forever have those experiences to help them grow in the future.

Thank you to the 2008 Ubyly Football Team for providing coaches, school officials, students, and parents with an outstanding season. I commend you all! Way to go Bearcats.

"BRIAN ROTHSCHILD: MAN OF THE YEAR"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. FRANK of Massachusetts. Madam Speaker, after the congressional redistricting of 1992 and the subsequent election, I won the great responsibility and challenge of representing America's most prosperous fishing port—the City of New Bedford and the Town of Fairhaven. Over these past sixteen years I have worked very hard in conjunction with the people in the fishing industry to help create the conditions in which they can do their work which is so important not just to the region in which they are located, but to the entire country. As we stress the importance of people eating in a healthier manner, the role of seafood becomes all the more important, and preserving the ability of people in the fishing industry to perform this service they do for the rest of us is a major part of my job.

In some cases, our advocacy can be fairly easy, as a matter of principle. But there are also cases in which mastering a very complex body of data is essential if we are to do our job right. We are of course in the Congress assisted in doing that by the extremely talented and dedicated people we are lucky enough to have on our staffs, but we are also

in need of help from outside. In the case of the fishing industry, no individual during my career has been as important as Dr. Brian Rothschild of the University of Massachusetts Dartmouth.

Brian Rothschild combines in an extraordinary degree technical expertise, practical knowledge, political savvy, and an ability to understand all viewpoints and articulate his own that makes him an enormous asset to those concerned with the fishing industry. He is a model of how public policy discussions should be conducted. Not surprisingly, the New Bedford Standard Times recently named him their South Coast Man of the Year, an honor that is beyond dispute an extremely well deserved one.

Madam Speaker, I ask that the article from the New Bedford Standard Times chronicling the extraordinary work of Dr. Rothschild and his importance to the fishing industry be printed here, since this is an industry which is greatly impacted by our activity and about which the Members should know a great deal.

[From South Coast Today, Jan. 1, 2009]

A BIG FISH IN MARINE SCIENCE

Teacher, fisherman, furniture maker, marine scientist—there isn't much that University of Massachusetts Dartmouth professor Brian Rothschild can't do and do well.

Luckily for the city of New Bedford, sometime in the 1990s he set his mind on seeking ways to save the local scallop fishery. A little over a decade later, scallops have made the city the biggest fishing port, in terms of dollars worth of seafood caught, in the United States.

Around the same time that Dr. Rothschild, now 74, started studying scallops, he also started building up the faculty and facilities at the UMD Center for Marine Science and Technology (SMAST), making it into one of the nation's quality schools of ocean science. He was dean of the marine school from 1995 through 2006, the school's formative decade, when it first began attracting a world-class faculty.

For his efforts on behalf of the fishermen of New Bedford and the seafood economy to their fisheries, and for his efforts in making UMass Dartmouth a growing center of marine science and research, Brian J. Rothschild is The Standard-Times 2008 SouthCoast Man of the Year.

Nominations for the award came from the community and members of the newspaper staff. Recipients were selected by a newsroom committee.

"He's really made a big difference in the fishing industry in New Bedford," said Rodney Avila, the owner of two scallop boats and the city's representative to the New England Fisheries Management Council (a coalition of industry, conservation, and government officials that recommends regulations for the region's fisheries).

Dr. Rothschild and UMass Dartmouth professor Kevin Stokesbury developed a system of counting scallops by using an underwater camera to photograph their beds at the bottom of the ocean.

Previously, the National Marine Fisheries Service (NMFS) had estimated scallops by the numbers caught in fishing nets, a method that invariably led to undercounting, Dr. Rothschild said.

Dr. Rothschild and Dr. Stokesbury proved the government conservationists' methods of measuring scallops were wrong.

The underwater camera, in addition to being able to count scallops not caught in

nets, was also able to count scallops in ocean areas that federal regulators had closed to scallopers. They found the scallop numbers in the closed areas were also greatly underestimated.

"I've always supported the idea of controlling fishing, but I also support the idea of the best science," Dr. Rothschild said. "What we did was really good science."

Jean MacCormack, the chancellor of UMass Dartmouth, noted the singular nature of Brian Rothschild convincing a federal regulatory agency to change its practices.

"It's pretty unusual," she said, "to develop a methodology that NMFS accepted."

"NMFS was saying there were no scallops and they proved them wrong," Mr. Avila said. "That was one of the main components of the rejuvenation of the scallop industry."

New Bedford Mayor Scott Lang is unqualified in his praise of Brian Rothschild.

"I think he's the difference between the scallop industry prospering, as they have in the last decade, versus being in the same situation as groundfish," he said.

The mayor was referring to the fact that the New Bedford groundfishing industry has suffered from stringent federal fishing regulations.

New Bedford was the nation's busiest port last year, for the ninth year in a row, with 60 million pounds of fresh seafood landed, with a value of \$281 million, principally due to the scallop catch.

Dr. Rothschild stresses that he's a big supporter of conserving fisheries but, because fish live below the surface, they aren't easily measured. He thought that if he could improve the science, he could benefit both the fishery and the fishermen.

"There was some resistance from the fisheries service. And some of the conservation groups thought our estimates were in error, but it's a solid scientific process we went through," he explains.

Dr. Rothschild subscribes to a view of ocean ecology that the fishermen, and their fishing efforts, are themselves an integral part of the ocean ecology of a given area.

"You have to look at a balance between the substantial effects that humans have on the (fish) populations and the productivity of the populations. That's what conservation is in this day and age."

Because fishing species, under certain conditions and to a certain extent, proliferate in the wake of a fishing effort, Dr. Rothschild set out to balance the maximum amount of fishing effort needed to benefit human beings with the maximum amount of fishing effort needed to benefit the population of fish species.

Currently, SMAST is studying counting methods for groundfish (which unlike scallops, move around in the ocean). The objective is to obtain more accurate counts of the groundfish (haddock, cod, yellowtail flounder) in the New England fishery.

Because the federal government's currently accepted methods of counting groundfish counting show the stocks are depressed, NMFS intends to further restrict the fishing effort—which is already a barely profitable industry—next year.

The failure to find a better method for integrating the effects of fishing and groundfish proliferation has had devastating effects on the local industry, Dr. Rothschild said.

"You can see all this happening in New Bedford. The (fish) populations are being managed biologically yet there's a tremendous amount of economic grief," he said. "The societal grief won't be realized until these contemplated cuts (in the fishing effort) take place."

People will be displaced from their jobs and end up on government "welfare," dependent on the taxpayers, he said.

In addition to his professional fields of expertise, Dr. Rothschild is an active advocate for area fisheries and his research on important government and quasi-government boards and commissions. He worked for the National Oceanic and Atmospheric Administration in the 1970s as a senior policy adviser so he well understands how the regulatory bureaucracy works.

Presently, he chairs New Bedford's Ocean and Fisheries Council (an advocacy group for the city's fishing interests), co-directs the Massachusetts Marine Fisheries Institute (a research partnership between UMass Dartmouth and the state Division of Marine Fisheries) and chairs the Scientific and Statistical Committee of the Mid-Atlantic Fisheries Management Council.

The goal is to bring fishing regulations more into line with statistics that better reflect ocean science, including in the economics of the fisheries, he said.

"One measure of performance is over-fishing, another is optimal yield (of fish), another is minimal angst among the people that are regulated," he said. "I think we could do a much better job so we need to increase the dialogue with the agency. (That's) a step that Barney Frank and the mayor and I have been involved in."

Congressman Frank, who along with Sens. John Kerry and Edward Kennedy, has long advocated for the city's interests in Washington, said Dr. Rothschild has been very helpful in making the scallop industry more successful.

"The beauty of Brian is that he knows the scene better than anybody else," he said.

Dr. Rothschild's reputation as a scientist has given his studies credibility with the federal government, said Mayor Lang.

A former professor at the state universities of Maryland and Washington, Brian Rothschild is the author of nearly 100 papers and books and is an acknowledged expert in fish population dynamics, biological oceanography, and natural resources policy. Next year, in collaboration with several West Coast fishery scientists, he will publish a book on the future of fisheries science in North America.

Mayor Lang calls him the perfect expert on the Magnusson-Stevenson Act that governs American fisheries.

"He understands how it relates to species and he understands how it relates to human beings," he said.

Dr. McCormack noted that even though Dr. Rothschild has an international reputation as a scientist, he is completely at home with the fishermen and fishing boat owners on the New Bedford docks.

"When you see him present a paper to academics, he speaks their language, but he can go to the fish auction and speak their language, too," she said.

Boat owner Rodney Avila gave a similar assessment.

"He doesn't talk down to fishermen, he talks with them. That's important," he said.

"He's a good, all-around man," said Mr. Avila.

Brian Rothschild has dug deep into New Bedford in the 13 years he's been at UMass Dartmouth.

He and his wife, Susan, have refurbished one of the long-neglected Victorian houses in the city's West End and he has a studio in the North End where, in his spare time, he builds replicas of 18th century furniture.

He has traded in the sailboat he first came to New Bedford in for a 40-foot "Novi," a rec-

reation fishing boat where he and Susan fish for local fish that make good eating: stripers, fluke and whatever else in local waters that might taste good.

His wife, like himself, loves fishing and ocean studies so it makes for an interesting crew, he said, the dry sense of humor he's well known for coming through.

Dr. Rothschild said he hopes his New Bedford legacy will be the use of ocean science to continue the revival of the fishing industry, and he hopes that SMAST can continue to build the quality of its faculty so it becomes one of the nation's elite marine science schools.

It may be, however, that Dr. Rothschild's biggest legacy will be tied to the people of New Bedford themselves.

He admits that his survey is unscientific but he says the city has changed since 1995 when he first arrived, sailing his own boat from Maryland to the city, passing Cuttyhunk and then finally coming up a foggy Acushnet River.

"When I moved here, the houses were, in general, in a state of disrepair. The economy looked bleak," he said. "As the economy and the fish auction developed, the community seemed brighter and better furnished and more prosperous."

That's not a bad legacy, for an ocean scientist who sees local fishermen as part of the sea's ecology.

INTRODUCTION OF THE MOUNT MCKINLEY NAME ACT

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. RYAN of Ohio. Madam Speaker, Representative BETTY SUTTON and I offer the attached bill, on behalf of the now-retired Congressman Ralph Regula (R-OH).

January 29th brings the birthday of President William McKinley, a native son of Niles, Ohio and a true patriot whose presidency was tragically ended by assassination. In order to preserve President McKinley's memory and continue to honor him, it is fitting to retain the name of North America's highest point, Mount McKinley. Reaching an astounding height of 20,320 feet, Mount McKinley honors this prominent figure who was not only a fallen President but also a Union veteran of the Civil War. Mount McKinley has borne the name of our 25th Commander-in-Chief for over 100 years. We must retain this national landmark's name in order to honor the monumental legacy of this great President and patriot.

GAZA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mrs. TAUSCHER. Madam Speaker, I am observing the violence unfolding in the Middle East with great concern. My constituents, like many across the nation, are horrified by the loss of life that is occurring on top of several decades of strife, and yearn for a solution that would bring stability to the region. I continue to

believe that the United States has a central part to play and must return to an active and engaged role as mediator between Israel and the Palestinian people.

The solution to the Israeli-Palestinian conflict is also a regional one, and it is high time that all countries in the neighborhood play an active role in supporting a two state solution. The aspirations of the Palestinian people and of their Israeli neighbors will continue to be undermined if Iran and Syria continue to funnel support for terrorist groups who kill innocent civilians and challenge the aspirations of moderates.

Just like we in our country would and have responded to a terrorist attack on our soil, I fully support the right of Israel to defend its people against rockets launched by Hamas. Hamas has fired more than 6,300 rockets and mortars at Israeli population centers since Israel withdrew from Gaza in 2005. No country can endure such actions. Hamas had an opportunity to govern the Gaza strip and work with Israel to meet the needs of the Palestinian people when Israel withdrew from Gaza in August 2005. Instead of renouncing its goal to eliminate the Israeli state and provide true leadership for the Palestinian people, Hamas chose violence and most recently broke the cease-fire which Egypt had brokered.

Fatah in the West Bank and Palestinian moderates have shown the way by growing the economy there. Moderates on both sides will find lasting solutions which must then be actively supported by our new administration, the region and our European allies. Until that time when all parties can return to the negotiating table, I urge Israel to keep its operation focused on its core goal of eliminating the military threat posed by Hamas while protecting the lives of civilians who must be Israel's partners in the future.

RECOGNIZING LUCIUS YOUNG OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Lucius Young of Hernando County, Florida. Lucius will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate his 100th birthday.

Lucius Young was born May 8, 1909 in Martel, Florida. A native Floridian, Lucius attended school at Howard University, Georgetown University and Fessenden Academy. He eventually married Muriel Young and the two did not have any children. While one of his proudest memories is his high school graduation, he remembers when his brother earned the title Professor and he was able to address him as such.

During World War II, Lucius served in the Army Infantry, where he met general Douglas MacArthur and heard him make the statement, "I shall return." He also met President Franklin D. Roosevelt when he became a special representative of the president as a commissioned officer. Lucius said he was also happy

to meet Mrs. Roosevelt. Lucius retired from the military as a commissioned officer. In fact, Lucius's proudest moment was when his mother said that he made her proud when he became a commissioned officer.

Lucius moved to Hernando County when he married his wife Muriel. Today Lucius says that just eating, sleeping and reading give him all the pleasures he needs to be content. He likes it here in Hernando County because it's clean and quiet. Lucius' advice for young people is to study hard in school including subjects you don't like.

Madam Speaker, I ask that you join me in honoring Lucius Young for reaching his 100th birthday. I hope we all have the good fortune to live as long as him.

INTRODUCING THE CRITICAL ELECTION INFRASTRUCTURE ACT OF 2008

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Critical Election Infrastructure Act of 2009.

This legislation is a necessary and vital investment in our citizens and the future of our democracy. This bill authorizes \$1 billion to states and local governments over the next four years for the acquisition of additional voting systems and equipment, improving training of election administration officials, upgrading existing election equipment, and allocating additional election administration officials to polling places serving greater numbers of voters. This funding is essential to improve efficiency and fairness in the operation of polling places in federal elections.

President Dwight Eisenhower once said, "The future of this republic is in the hands of the American voter." In the 2008 Presidential election, an astounding 130 million people voted and, even more exciting, an unprecedented number of youth and minorities lined up at the polls to participate in the electoral process, many for the first time. While this increased turnout is emblematic of our nation's commitment to our future, in some parts of the country it caused undue difficulties.

For example, throughout South Florida and elsewhere in the country, hundreds of thousands of voters found themselves waiting on interminable lines, sometimes for over five hours. *Five hours!* Forced to stand in the heat and during Florida's famous afternoon thunderstorms with little food and water, voters are to be commended for their civic commitment. But American citizens should not have to face such difficulties when exercising their sacred right to vote.

Election officials simply did not have enough equipment and trained personnel on the ground to speedily and effectively handle such large numbers of voters. Clearly what is needed is more: more polling booths, more trained workers, more equipment, and more polling locations and facilities to handle increasing numbers of voters.

Madam Speaker, voting should not be a right granted only to those who can stand in

line the longest or can go the longest without food or a bathroom break. Voting is the sacred right of all eligible citizens. We have a solemn responsibility to ensure the greatest possible access to exercise that right. Authorizing funding for the necessary equipment and personnel is an essential first step in that process. I urge my colleagues to support this legislation.

HONORING RANDALL JOHNSON

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. WESTMORELAND. Madam Speaker, at the end of 2008, a great Georgia lawman turned in his badge to retire after a long, distinguished career.

Randall Johnson worked for Fayette County as sheriff for 32 years. At his retirement, he was one of the longest serving sheriffs in the state of Georgia. But more important, he was one of the most distinguished sheriffs in Georgia.

Sheriff Johnson oversaw the department during three decades of incredible growth. In the 1970s when Johnson first won election to the post, the Fayette Sheriff's Department has less than a dozen employees in a county then considered a rural outpost. By the time he left, the department had transformed into a modern law enforcement operation that protected a large suburban county in the booming metropolitan Atlanta region. Sheriff Johnson acted as a constant, a steady hand and a voice of leadership throughout those times of change.

The sheriff's post fulfilled Johnson's lifelong dream. He said at his graduation from Fayette County High School in 1960 that he was going to be sheriff one day. He got his start in law enforcement working for the state of Georgia, busting moonshine operations along the multitude of Georgia's creeks and streams. As testament to the depth of respect he holds in the community, some of those moonshiners he arrested decades ago showed up at his retirement party to wish him well.

During my two decades in politics, I've seen a lot of politicians come and go. Most are quickly forgotten. It is the rare public official who holds the job for three decades. It is even rarer that one constantly maintains the integrity, dignity and honesty that Sheriff Johnson demonstrated in office.

I'm well aware that, as I enter my third term in the U.S. House of Representatives, I owe a large debt to Sheriff Johnson. I got my start in politics in Fayette County as a state representative. No one in the county back then won office without the express consent of Sheriff Johnson. His support was the Good House-keeping Seal of Approval for any local campaign. He carried great weight not because he carried the proverbial big stick but because he had earned the people's trust and respect. His loyalty and backing through all these years humbles me.

In Fayette County, "sheriff and Randall Johnson" are synonymous. When he entered a room, everybody knew the sheriff had arrived—even if he wasn't wearing his uniform.

His presence was a statement in itself. The county will sorely miss one of the greatest leaders in its history, but the department that he has built up will carry on, and its continued success will serve as part of Sheriff Johnson's legacy.

On behalf of the people of Georgia's 3rd Congressional District, I want to thank Sheriff Johnson for his lifetime of service to the people of Georgia and to Fayette County. He is a great American and an inspiration to us all. Best wishes to Sheriff Johnson and his wife Kaye as they enter a new phase of life in retirement, a reward that's richly deserved.

RECOGNIZING NANCY PASQUALINO OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Nancy Pasqualino of Hernando County, Florida. Nancy has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 101st birthday.

Nancy was born May 12, 1907 in Brooklyn, New York. Coming from a loving family, Nancy grew up and attended school in Brooklyn. She did not get married or have any children, but she did have a long career as a bookkeeper and office manager at Gucci Shops on 5th Avenue in New York City. While she has not met any famous people in her life, Nancy said she and her sister Connie are second cousins to Mother Theresa.

Living in Hernando County with Connie, Nancy says that the beautiful weather is what drew her to this area of Florida. Still active in the community, she is still driving her car and has recently renewed her driver's license. She enjoys the company of her sister and likes to read literature. Nancy's advice to young people today is that they should always listen to their parents.

Madam Speaker, I ask that you join me in honoring Nancy Pasqualino for reaching her 101st birthday. I hope we all have the good fortune to live as long as her.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. TANNER. Madam Speaker, during the period November 10–November 18, I led a bipartisan House delegation to NATO Parliamentary Assembly, NPA, meetings in Valencia, Spain and to additional meetings in Rome and Florence, Italy. The co-chair of the NPA delegation was the Hon. JOHN SHIMKUS. The delegation also included Representatives JO ANN EMERSON, DENNIS MOORE, JOHN BOOZMAN, BARON HILL, KENDRICK MEEK, CHARLES MELANCON, CAROLYN MCCARTHY,

MELISSA BEAN, JEFF MILLER, MIKE ROSS, DAVID SCOTT and staff. The NPA delegation had a highly successful trip in which a wide range of political, economic and security issues on NATO's agenda, as well as issues involving the U.S.-Italy bi-lateral relationship, were examined.

The NATO Parliamentary Assembly, NPA, consists of parliamentarians from all 26 NATO member states. The NPA provides a unique forum for elected officials to analyze and debate issues that the NATO leadership discusses in Brussels. In addition to the 26 member parliaments, parliamentarians from countries such as Russia, Georgia, Croatia, and Afghanistan also participated in the sessions as associate states or observers and engaged in the discussions and debates. Through these sessions, delegates have the opportunity to learn first-hand the views and concerns that other countries have over the key security issues of the day. An invaluable aspect of the meetings is the chance to meet and come to know members of parliaments who play important roles in their own countries in shaping the security agenda that their governments pursue at NATO. These contacts can endure through a career, and can provide an invaluable private avenue for insights into each ally's particular views on an issue.

As NATO approaches its 60th anniversary summit in April 2009, the key issues on the agenda of the Alliance include the broader issue of the future of NATO and more specific issues including relations with Russia, energy security, missile defense, the conflict in Afghanistan, and emerging threats, such as piracy. Each of these issues was on vigorous display at the NPA meetings. The conflict between Russia and Georgia that played out this past August was the one issue that dominated the Valencia sessions. Many members of the Alliance expressed concern that Russia has begun to implement an increasingly assertive security policy including efforts to intimidate neighboring states, through the threat of force. There was also continued concern that Russia would use its energy supplies as a political lever to influence European policy. It was clear from our meetings that not only the United States and NATO, but the European Union as well, are concerned about Moscow's posture on a wide range of issues. There were, however, differences of opinion over how to structure future relations between NATO and Russia as well as the NPA and the Russian delegates to the Assembly. While the consensus among the delegates was that dialogue between NATO and the NPA and Russia was important and should continue, there were calls for the NPA to take some action against the Russian delegation as a show of displeasure over Russia's conduct in Georgia. As a result, the Assembly, at large, adopted a series of measures limiting, for now, the participation of the Russian delegation. These measures included, among others, the downsizing of the Russian delegation and the suspension of Russian participation in Committee and Sub-committee visits and the Transatlantic Forum.

In addition to these issues, many of the NPA delegates were extremely interested in the outcome of the U.S. Presidential elections and how the incoming administration would

conduct relations with Europe in general and with NATO in particular. Questions over the incoming Administration's views on Afghanistan, Iran and missile defense were on everyone's agenda. A highlight of the session was a letter that President-elect Obama had written to outgoing NPA President Jose Lello of Portugal pledging to work with NATO and the NPA during the Obama administration.

Before the opening sessions of the Assembly's plenary the U.S. delegation received a detailed briefing from Ambassador Kurt Volker, the U.S. representative to NATO. He very ably prepared us for the nuances involved in some of the issues that would be debated during the NPA sessions, particularly regarding Russia and whether NATO should offer a Membership Action Plan to Georgia. In addition to the briefing by Ambassador Volker, various members of our delegation held private meetings with NATO Secretary General Jaap de Hoop Scheffer, who gave an overview of member state perspectives on the most controversial issues confronting the alliance; he later addressed the NPA's plenary session. The Foreign Minister of Spain, who also addressed the plenary, briefed several of our Members. And, we met with General Bantz John Craddock, Supreme Allied Commander for Europe who covered a wide range of issues, including the situation in Afghanistan. I also had the opportunity to attend a private meeting with Mikheil Saakashvili, President of Georgia who recounted the August conflict between his country and Russia and what Georgia faces today with respect to reconstruction of the country.

Over two days of the NPA session, intense meetings of the NPA committees took place. There are five NPA committees. In each, parliamentarians presented reports on issues before the alliance. The reports were debated by all members of the committee who often made counter-arguments or suggestions for amending a report. Members of our delegation were present in each committee meeting.

I chaired the Economics and Security Committee, which heard reports on reconstruction efforts in Afghanistan, on Russia's economy, and on economic developments in India. Representative BOOZMAN was the co-rapporteur of this last report, which he very ably presented, and which generated an interesting discussion. The Committee also heard an interesting presentation by Rodrigo Rato, former managing director of the International Monetary Fund who spoke on the impact of the current global financial crisis. The Committee also heard from Lt. Gen. Karl Eikenberry, former head of the military command in Afghanistan who spoke on the nexus between security and development in Afghanistan.

The Political Committee heard several reports that touched off sometimes animated debates. Most notable were the reports on NATO's future political agenda and NATO's partnerships that included a lengthy discussion on the recent Russia-Georgia conflict and the future of Georgia's membership in NATO. There were significant differences of opinion on who actually was responsible for starting the war in Georgia and whether to grant Georgia a Membership Action Plan for eventual membership in NATO. U.S. Representative MIKE ROSS was a rapporteur for a report on a

possible NATO political engagement with Iran. When Mr. ROSS was unable to present his paper to the Committee, Representative CAROLYN MCCARTHY stepped in and made the presentation. The report was well received. Representative BEN CHANDLER serves as a vice-chairman on this Committee and during the session, Representative CAROLYN MCCARTHY was elected to serve as a Subcommittee vice-chairperson.

The Defense and Security Committee heard two reports on NATO's ongoing operations, including the ISAF mission in Afghanistan and on the contributions non-NATO states were making to NATO operations. The Committee also received a report on NATO's future capability requirements. During the session, the Committee received presentations from the Minister of Defense of Spain, and the Defense Minister of Georgia. Representative TAUSCHER is a vice-chair of one of the Committee's subcommittees.

The Science and Technology Committee heard reports on energy security, reducing global nuclear threats, and on missile defense. Representative DAVID SCOTT was very engaged on the issue of energy security and was successful in offering three amendments to the resolution proposed on energy and security.

The Committee on the Civil Dimension of Security also heard a report on energy security and the protection of energy infrastructure, along with reports on Kosovo and the future stability in the Balkans, and democracy and security in Central Asia. The Committee also heard presentations on the Balkans and Central Asia.

On Tuesday, the final day of the plenary, the general assembly debated and approved a resolution on relations with Russia. The consensus view was that NATO and Russia should resume their dialogue and continue to find ways to cooperate with each other on critical issues. Also on Tuesday, the Assembly elected new officers to serve during 2009. I had the honor of being elected President of the Assembly and look forward to an interesting and productive year.

Prior to arriving in Valencia for the NPA Plenary, the delegation traveled to Italy on November 10-13 for bi-lateral meetings in Rome and Florence. In Rome, the delegation received a briefing by U.S. Charge d'Affairs, Barbara Leaf and Embassy staff on current relations between Italy and the United States that continue to be strong. After the briefing, the delegation, in honor of Veterans Day, traveled to the Sicily-Rome Cemetery in the town of Nettuno, just outside the city of Anzio.

During the Second World War, the critical Italian campaign was launched in Sicily and proceeded up the coast of Italy. The delegation visited the resting place of almost 8,000 U.S. soldiers, sailors, and airmen who died in the liberation of Sicily and in the landings at Salerno and Anzio. The beautiful cemetery is managed by the U.S. American Battle Monuments Commission. Together, the members of the delegation laid a wreath at the cemetery's central monument, "Brothers in Arms." Members of the delegation also visited individual graves of fallen soldiers from their states to place a rose in memory of those servicemen. This was perhaps the most memorable and

poignant moment of the delegation's trip. We were deeply honored to visit the cemetery and want to thank Ron Grosso of the Commission and Joseph Bevilacqua, Cemetery Superintendent, for their hospitality and the fine job they do preserving the memory of those U.S. servicemen who gave their lives in Italy.

Upon our return to Rome, the delegation visited the NATO Defense College for a tour and briefing by the College Commandant, Lt. Gen. Wolf-Dieter Loeser. The College was created in 1951 at the suggestion of General Dwight Eisenhower who argued that military officers from the newly created NATO Alliance "needed an establishment where they could meet and learn to operate together." The Commandant briefed us on the work taking place at the College and the issues currently under discussion in the fall curriculum. We also had the opportunity to meet several U.S. military personnel attending the Senior Course.

Following the visit to the Defense College, the delegation visited the Italian Ministry of Defense. We were briefed by the Deputy Minister of Defense Crossetto and the head of the Italian General Staff, General Camporini who gave us an overview of the numerous operations that the Italian military were currently engaged in. Italy has approximately 8,000 troops stationed abroad, including 2,200 in the ISAF mission in Afghanistan, 2,500 in Lebanon, and 83 engaged in training the Iraqi National Police. This meeting provided a precise, focused discussion of how Italy is contributing to the global security mission.

Also in Rome, the delegation was hosted at a working lunch by Senator Sergio Di Gregorio, President of the Italian delegation to the NATO Parliamentary Assembly. We had a very animated discussion on issues ranging from the U.S. presidential elections, to Afghanistan, to Russia and energy security. At the time of our visit, the Italian Senate was in the middle of a debate on their defense budget. With the global economic crisis affecting everyone, Senator Di Gregorio told us that the defense budget for next year would be less than 1 percent of the Italian GDP. As a result, we were told it was unlikely that Italy could do much more in Afghanistan. Following our meeting at the Senate, the delegation met with Mr. Gianni Letta, Under Secretary of the Council of Ministers and close advisor to Prime Minister Berlusconi. Mr. Letta covered a range of issues but spent some time addressing the impact of the global financial crisis on Italy.

On November 13, the delegation traveled to Florence. We were met by U.S. Consul General Mary Ellen Countryman who briefed the delegation on the work the Consulate does in Tuscany and the surrounding region. Tuscany is home to several thousand U.S. citizens, retired, employed, or students studying abroad. While in Florence we also visited the European University Institute which operates a campus comprising doctoral students from all over Europe. We were warmly welcomed by EUI President Yves Meny, faculty and students. A lively discussion followed on the U.S. elections and their impact on transatlantic relations, the differences between the European and U.S. views of the world, and the future role of NATO, relations with Russia, and the conflicts in Iraq and Afghanistan.

Our visit to Italy concluded that evening at a dinner hosted by New York University which operates a campus outside Florence for American students studying in Italy. Our dinner was hosted by Ms. Ellyn Toscano, Director of the campus. Ellyn is no stranger to the House of Representatives where she served for several years as the chief of staff to our colleague, JOSÉ SERRANO.

Madam Speaker, the NATO Parliamentary Assembly provides a unique opportunity for Members of Congress to engage in serious discussions on critical issues with our colleagues from other NATO member states. I believe our delegation, and thus this Congress, benefits greatly from the information we exchange and the personalities we meet during these meetings. I look forward to a very productive Assembly during 2009.

In conclusion, I would like to acknowledge the hard work and dedication of our Embassy staff in Rome and Madrid, our Consular services in Florence and our entire military escort group from the United States Air Force, including the pilots who took us to Europe and back for the NPA sessions. Our diplomatic corps and military personnel provide a quiet but invaluable service in ensuring safety and an efficient schedule for U.S. congressional delegations, and this group of diplomats, servicemen and women was no exception. I thank them for their hard work and their dedication to duty.

TRIBUTE TO MUNSON'S CHOCOLATES

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor Bob Munson and the employees of Munson's Chocolates which is headquartered in Bolton, Connecticut.

During the recent holiday season, I had the privilege of visiting Iraq and Afghanistan with a Congressional Delegation led by Representative GENE TAYLOR of Mississippi and witnessed first hand the important work being done by the men and women of our armed forces. Our group spent time meeting with civilian and military leaders serving on the ground in each country. The holidays are always a difficult time for the men and women of the armed forces as they are away from their loved ones. One of the things that they will tell you makes this time of year a little easier is to enjoy some of the comforts of home.

Thanks to Bob Munson, President of Munson's Chocolates of Bolton, the men and women of the 890th Engineer Battalion and the 926th Engineer Brigade, Multi-National Division currently serving in Baghdad were able to enjoy a sweet reminder of home. A few days before Christmas Congressman TAYLOR arranged for 2,000 pounds of shrimp gumbo to be served to the battalion and Munson's donated almost 600 Connecticut made chocolate bars for dessert. This gift is just another example of the generosity of the Munson family, who for generations has been active supporters of the military community.

The Munson family of employees is no stranger to the heartache families endure while their loved ones are serving overseas. During my visit to the Munson factory, I had the honor of meeting Kay Doherty. Kay's son Stephen recently returned from a tour in Iraq. As Kay can attest, the holidays are an extremely difficult and trying time for military families which is why this generous gift is so timely.

HONORING JADE MOORE; THERE WAS NO BETTER FRIEND OF TEACHERS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Mr. YOUNG of Florida. Madam Speaker, Pinellas County, Florida lost one of the pillars of our community and our teachers lost their greatest advocate December 16th with the passing of Jade Moore.

Jade served for 34 years as Executive Director of the Pinellas Classroom Teachers Association. In that role, he was the champion for teachers, but he was also the champion for the students they taught.

Jade Moore was a tough but fair negotiator, one who earned the trust and respect of all those with whom he came in touch. He grew up in Pinellas County and was a product of Pinellas County schools, having graduated from Clearwater High School.

His advice was eagerly sought not just by this Congressman but by Governors, legislators, school board members and community leaders. And it was just not advice on educational issues. In fact, Jade was just completing a difficult term as the Governor's appointee to the Florida Taxation and Budget Review Commission.

More than 700 people turned out this past Saturday to memorialize Jade Moore and pay tribute to his life as a husband, a father, an educator, a community leader, a Sunday school teacher, and a friend to many. Following my remarks, I will include an article "Boisterous and Fitting Farewell" by Thomas Tobin and Donna Winchester of The St. Petersburg Times on January 4, 2009 which talks about the very moving and uplifting memorial service. Also, I will include a December 20, 2008 column by Jon East of The St. Petersburg Times which describes Jade as a tough but friendly advocate. As Mr. East says in concluding his column, Jade Moore "honestly believed in saving one soul, one child, at a time."

Madam Speaker, at a time when our Nation looks to its elected leaders to come together and put politics aside to do the people's business, Jade Moore should be an enduring example of how we can serve our constituencies and express our views with respect rather than conflict. We have lost a great leader in Jade Moore, but we must not lose those lessons from a lifetime of leadership he leaves behind.

[From the St. Petersburg Times, Jan. 3, 2009]

BOISTEROUS AND FITTING FAREWELL

(By Thomas C. Tobin and Donna Winchester)

CLEARWATER.—He loved roses and Broadway musicals. He stunk at golf, though he had a whale of a time playing it.

He was an optimist, active in his church, strong in his views. He was a reader and a smiler, a pundit, a partier, a people lover.

And when it came to teachers, Jade Thomas Moore—the executive director of the Pinellas teachers union for 34 years—was no pushover.

"He fought hard for them and he loved them," Tim Moore said at a memorial service for his brother Saturday. "If you want to remember Jade, remember that love for teachers."

Pinellas County's education and political communities turned out in force to remember Mr. Moore, who died Dec. 18 at age 61 after suffering his second stroke in a year.

More than 700 people jammed Trinity Presbyterian Church in Clearwater for an hourlong service that recalled his success as a family man, his long career as an educator and the outgoing personality that endeared him to allies and adversaries alike.

The congregation included state and county officials, legislators, judges, lawyers and school system employees of every stripe—from support workers and teachers to top administrators and school board members.

In keeping with Mr. Moore's love of food and celebration, hundreds of mourners reconvened at union headquarters in Largo for an evening of eating, drinking, tears, laughter and toasts.

Guests arrived to a massive potluck spread, a full bar and a chance to talk about Mr. Moore for up to three minutes.

A DJ played Broadway hits, popular songs from the 1950s and '60s and Mr. Moore's favorite, Blue Moon by the Marceels.

"The noise is what Jade would want to have happened," his wife, Sue Moore, told the crowd. "He would want us talking to each other and drinking a whole lot."

She offered a toast: "To the best man I've known and the best man I will ever know."

Said U.S. Rep. Kathy Castor, D-Tampa: "He believed in the power of education. He believed in the power of teachers. He believed we could take this state forward."

Kim Black, president of the Pinellas Classroom Teachers Association, said Mr. Moore served with her and 12 other presidents during his tenure.

"Jade has adapted to every one of us," she said. "He has been the constant. When we were weak, he was strong."

She said his favorite part of the job was visiting schools. Black and Mr. Moore had been to 40 so far this year and planned many more visits in the upcoming semester.

"He was about bringing joy to the workplace," Black said. "He was about bringing joy to everybody he knew."

County Commissioner Susan Latvala recalled her time on the Pinellas School Board from 1992 to 2000.

"I don't know if I would have survived those eight years without Jade," she told the crowd. "He would call me to say, 'Susan, why don't you come over to the office and we'll have a drink.' It was never a 15-minute conversation."

Upstairs at union headquarters Saturday, Mr. Moore's office remained as he left it on Dec. 15, his last day of work.

An avid reader who would polish off a dozen books during vacations to North Carolina, he had three books on his desk.

The titles: I Haven't Understood Anything since 1962, Educational Conflict in the Sunshine State and The Language of God.

Mr. Moore was known in Pinellas and across the state for his knowledge of Florida's budget and politics. He took tough stances, including pushing for a teacher raise this year even as the district plunged into a deep economic hole. But he maintained a collaborative style and an optimistic outlook.

"All of us knew that Jade meant what he said, that ... his views were in support of the many, not of the few, and that he would always, no matter what, stand by his beliefs," said the Rev. Victoria ByRoade, a local Presbyterian pastor who eulogized him Saturday. "Jade Moore was a man we could trust."

[From the St. Petersburg Times, Dec. 20, 2008]

A TOUGH, FRIENDLY ADVOCATE

(By Jon East)

What made Jade Moore such an institution in Pinellas public education was also what made him such an invaluable source to those of us who watched from the sidelines. Moore, who died Thursday after suffering a stroke, knew his stuff. He believed in what he was doing, and he would never let education ideology cloud his plain assessment of right and wrong. And, yes, Moore would speak his mind, usually with blunt, sometimes profane and often comic effect.

Moore ran a union with 8,000 teachers and could throw a punch with the best of them. He retaliated to legislative cutbacks in 1991 by stuffing what was then called the Florida. Suncoast Dome with 15,000 educators and supporters holding signs imploring, "Don't Shortchange our Kids." He skewered a Pinellas School Board that in 1998 voted to seek an end to the federal court order on desegregation, and then fought a choice plan for student assignment that he viewed as a retreat. But Moore became a force in education policy for three decades in part because conflict was not really in his genes and was never his first impulse.

School boards and superintendents from other locales would marvel at the relationship between the Pinellas Classroom Teachers Association and the school administration. Most contracts through the years were signed after friendly collaboration, not threats and mediation. Moore came to respect most of the superintendents with whom he worked, though he remained partial to Scott Rose for his inspirational style through the 1980s. Moore managed to develop such strong bonds with school officials that former superintendent Clayton Wilcox made the unfortunate mistake upon his arrival in 2004 of seeing Moore as part of a good ol' boy network that needed to be rooted out. Moore remained as Wilcox left.

The Moore persona was a tapestry of color and contradiction. He would cuss enough to make the timid blush. But he also was a Sunday school teacher who really did live by the Golden Rule. Nothing got him angrier than to see teachers be made scapegoats for political causes or to be publicly humiliated for private and personal transgressions. But he would avoid like the plague defending any teacher who he believed didn't belong in the classroom. He was an unabashed liberal Democrat, but he befriended so many Republicans that he even managed an appointment from Gov. Charlie Crist to a constitutional taxation review panel. He could describe, in detail, the district cost differential multiplier in the Florida Education Finance Program but much preferred to settle budgetary policy over a bottle of bourbon.

Back in the early 1990s, when tensions were high with then-superintendent Howard

Hinesley, Moore was persuaded by a former PCTA president to lobby School Board members for the four votes necessary to remove Hinesley. He failed, and to the day he passed away he seemed to regret what he had done. Guerrilla politics were never Moore's style, and the failed attempt nearly severed his relationship with Hinesley. "I'll never go there again," he would say. "I won't do it."

The lesson was never lost, and Moore even found himself taking friendly fire as a result. A splinter group calling itself TUFF-Teach emerged in 2001, condemning what it saw as too much coziness between PCTA and school administrators and state lawmakers. But Moore was unyielding and argued that cooperation, not confrontation, is more productive in the long run. In his characteristic style, he said: "You don't score points by taking a dump on these guys."

What I always saw in Moore was an unfailingly sentimental view of public education. He would speak wistfully of his own days at Clearwater High School and the way such schools can be a gathering place for children from different walks of life. Nothing got him more emotional than to talk about a teacher who had made a difference in a child's life. That was the Sunday school teacher in Jade. He honestly believed in saving one soul, one child, at a time.

RECOGNIZING ROSE RUSSO OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 7, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Rose Russo of Hernando County, Florida. Rose will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Rose Russo was born April 11, 1909 on 63rd Street and 1st Avenue in New York City, New York. Following her schooling in Brooklyn, Rose went on to work at the New York Health Department as a tab-operator.

Marrying Anthony Russo, Rose went on to have two daughters and is now the proud grandmother of nine grandchildren. Her happiest moments include her 50th wedding anniversary and touring our beautiful country. Rose's proudest moment was seeing her daughter and her grandchildren graduate from college. In fact, Rose's youngest grandson now has his PhD.

Eventually moving to Hernando County, Rose decided to live with family because her daughter and son-in-law didn't want her to live alone. Today she enjoys relaxing with a book and knitting. Her advice to young people is to stay in school and get a good education.

Madam Speaker, I ask that you join me in honoring Rose Russo for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 8, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED JANUARY 9

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Hilda L. Solis to Secretary of Labor.

SD-430

Joint Economic Committee

To hold hearings to examine the employment situation in December 2008.

SD-106

JANUARY 13

9 a.m.

Budget

To hold hearings to examine the nominations of Dr. Peter R. Orszag, of Massachusetts, to be Director, and Robert L. Nabors II, of New Jersey, to be Deputy Director, both of the Office of Management and Budget.

SD-608

9:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Hillary R. Clinton to be Secretary of State.

SH-216

10 a.m.

Budget

To hold hearings to examine the nomination of Mr. Shaun Donovan, of New

York, to be Secretary of Housing and Urban Development.

SD-538

Energy and Natural Resources

To hold hearings to examine the nomination of Steven Chu to be Secretary of Energy.

SD-366

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Arne Duncan to be Secretary of Education.

SD-430

JANUARY 14

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Thomas J. Vilsack to be Secretary of Agriculture.

SD-G50

Environment and Public Works

To hold hearings to examine the nominations of Lisa P. Jackson to be Administrator of the Environmental Protection Agency, and Nancy Helen Sutley to be Chairman of the Council on Environmental Quality.

SD-406

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

Veterans' Affairs

To hold hearings to examine the nomination of Eric Shinseki to be Secretary of Veterans Affairs.

SD-106

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Dr. Peter R. Orszag, of Massachusetts, to be Director, and Robert L. Nabors II, of New Jersey, to be Deputy Director, both of the Office of Management and Budget.

SD-342

JANUARY 15

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Ken Salazar to be Secretary of the Interior.

SD-366

Foreign Relations

Business meeting to consider the nomination of Hillary R. Clinton to be Secretary of State; to be followed by a hearing to examine the nomination of Susan E. Rice to be Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations.

SH-216

Judiciary

To hold hearings to examine the nomination of Eric H. Holder to be Attorney General of the United States.

SR-325

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Mary Schapiro, of New York, to be Chairman of the Securities and Exchange Commission; Christina Romer, of California, to be Chair of the Council of Economic Advisors; Austan Goolsbee, of Illinois, and Cecilia Rouse, of New Jersey, each to be a Member of the Council of Economic Advisors; and Daniel Tarullo, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System.

SD-538

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Janet A. Napolitano to be Secretary of Homeland Security.

SD-342

2:30 p.m.

Indian Affairs

To hold hearings to examine job creation and economic stimulus in Indian country.

SD-628

JANUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine challenges facing the Department of Defense.

SD-106

SENATE—Thursday, January 8, 2009

The Senate met at 10:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, before whom the generations rise and pass away, give our Senators today the provisions of Your grace. Provide them with the grace of Your comfort to cheer, Your wisdom to teach, Your hand to guide, Your counsel to instruct, and Your presence to inspire. Prosper the works of their hands, as You direct their steps. Lord, show them what needs to be changed and give them the courage and wisdom to do. In all their labors, help them to strive to fulfill Your purposes for our Nation and world.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business with Senators allowed to speak for up to 10 minutes each. All Senators are invited to gather in the Senate Chamber at 12:45 p.m. to proceed to the Hall of the House for the counting of electoral ballots. The joint session will commence at 1 p.m. The Senate will recess from 3:30 until 4:45 to allow for a special Democratic caucus meeting. If none have been to the counting of the electoral ballots, it is quite historic and interesting, and people should consider going to that.

MEASURE PLACED ON THE CALENDAR—S. 22

Mr. REID. It is my belief that S. 22 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPORT FOR ISRAEL IN ITS BATTLE WITH HAMAS AND THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. REID. Mr. President, I rise to voice my strong support for a resolution in support of Israel that Senator MCCONNELL and I introduced with a bipartisan, overwhelming number of Senators. When we pass this resolution, the U.S. Senate will strengthen its historic bond with the State of Israel, by reaffirming Israel's inalienable right to defend against attacks from Gaza as well as our support for the Israeli-Palestinian peace process.

I spoke last week with Prime Minister Olmert and again expressed my

understanding of and appreciation for the terrible situation that Israel has faced. Hamas has been firing rockets and mortars into Israel, killing, maiming innocent Israeli citizens for more than 8 years. I ask any of my colleagues to imagine that happening here in the United States, rockets and mortars coming from Toronto and Canada into Buffalo, NY. How would we as a country react? We would react, and we would react swiftly and quickly. Israel has been very patient.

Gaza was controlled by Israel since 1967. They, in an effort of extending an olive branch to the Palestinians, gave that territory up willingly. What have they gotten in return for it? Mortars and rockets fired, by now into the thousands. So we would have to react as they have done. We would have to react to protect our people, and it would not only be our right but an obligation to do so. That is what the Israelis have done. Hamas must stop the rocket fire from Gaza into Israel. That is the simple stated objective of Israel. I acknowledge and appreciate the calls by some for a cease-fire. Certainly we must encourage a peaceful resolution of the conflict. But we must be certain that any cease-fire is sustainable, durable, and enforceable.

Our resolution reflects the will of the State of Israel and the will of the American people. It expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders and recognizes its right to act in self-defense and to protect its citizens against acts of terrorism. It reiterates that Hamas must end the rocket and mortar attacks against Israel, and it recognizes Israel's right to exist, renounce violence, and accept previous agreements between Israel and the Palestinians, which Hamas has certainly not done even a little bit. It encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza as soon as possible that prevents Hamas from retaining or rebuilding the capability to launch rockets against Israel and allows for the long-term improvement of daily living conditions for the ordinary people of Gaza.

This resolution believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza. It supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories

and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel.

Finally, it reiterates strong support for U.S. Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. MCCONNELL. Mr. President, let me add, this resolution in support of the State of Israel has strong bipartisan support. Hamas is a terrorist organization. It clearly started this current conflict by launching rockets on to civilian sites in Israel. The Israelis, as the majority leader indicated, are responding exactly the same way we would if rockets were being launched into the United States from Canada or Mexico or some similar situation. The Israelis have every right to defend themselves against these acts of terrorism. I enthusiastically support the resolution, as does Senator LUGAR, our ranking member on the Foreign Relations Committee.

Mr. REID. Mr. President, Senator JOHN KERRY has been open and very forward thinking on this issue. He, along with Senator LUGAR, supports this resolution.

I ask unanimous consent that the Senate proceed to the consideration of S. Res. 10 submitted earlier by Senators REID and MCCONNELL.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, S. Res. 10, the resolution that was adopted today reaffirming U.S. support for Israel, is factually accurate. No one here doubts our commitment to Israel's security or Israel's right to defend itself from Hamas rocket attacks. But the resolution, unfortunately, presents an incomplete response to the situation in Gaza. With so much at stake for the United States, for Israel and for the world, we owe the American people and all concerned a clear-eyed, forthright and constructive discussion of such vital matters as these.

Hamas's unilateral decision to break the cease-fire was deplorable. It is clear that rather than work for peace, Hamas used the cease-fire to amass more powerful and longer range weapons. Its actions should be universally condemned, and they will achieve nothing

positive for the cause of the Palestinian people. Those who have collaborated in supplying weapons that are being used to terrorize and harm innocent civilians in Israel are complicit in the suffering and destruction that has occurred on both sides.

For its part, Israel used the cease-fire to pressure Hamas through a blockade that, in the absence of a long-term strategy, has caused extreme hardship for the Palestinian people collectively in Gaza but done nothing to change Hamas's militant policies. The blockade was not coupled with an effective strategy to address the underlying causes of the conflict.

In the past 14 days, according to the United Nations, 758 Palestinians have died, including 257 children, as a result of Israel's military operations, and thousands more have been injured. Palestinian homes, schools and other civilian infrastructure have been demolished. Among Israelis, three civilians have been killed, and seven soldiers have died. Israeli homes have also been badly damaged from Hamas rocket fire. The U.N. Relief and Works Agency, which is the principal humanitarian organization functioning in Gaza, suspended its operations earlier today due to risks to the safety of its personnel as a result of Israeli attacks which killed two of its workers and injured one.

As has been said here repeatedly, Israel has the right to defend itself. And I have no doubt that the Israeli Defense Forces, using powerful weapons supplied by the United States, can achieve tactical victories in Gaza by damaging Hamas's military capabilities. But the right response is one that will, over the long term, make Israel more secure, and that will be achieved only when Israel is accepted by its neighbors. Those of us who have long worked to support Israel should not lose sight of this crucial goal and this bigger picture. This escalation will, I fear, have the opposite effect. The widening use of force has implications for Israel's long-term security that should concern each of us. This approach may increase support among Palestinians for Hamas as well as anger and resentment toward Israel and the United States within Arab countries and around the world.

Israel seeks to deal a fatal blow to Hamas militants, to bomb them into submission and moderation. If our country were attacked in a similar way by one of our neighbors we might respond the same way. But there is little if any reason to believe these tactics can work. This latest escalation, with bombs falling and tank artillery striking in heavily populated areas where civilians—more than half of whom are children—have no means of escape, obviously and tangibly is providing ammunition to extremists, inside and outside of Gaza. And in doing so it in-

creases the dangers to both soldiers and civilians—Israeli and Palestinian—and of miring Israel in an open-ended mission in Gaza resulting in far more destruction and loss of innocent life than we have seen so far. Ultimately, extremism is what has hindered a political resolution that ends this conflict with two secure states living side by side.

There are some who may argue that the collapse of the recent cease-fire proves that Hamas will only respond to force. Hamas has abused the cease-fire, but that is not the only lesson from the collapse. Any clear-eyed analysis will show that a cease-fire cannot succeed—indeed, it will be exploited by Israel's enemies—if it is treated as an end in itself instead of as an opportunity to materially improve the humanitarian situation and to undertake serious negotiations to end the conflict.

There are broadly acknowledged immediate steps that must be taken: put a meaningful ceasefire in place, stop the smuggling of weapons into Gaza, and open crossings into Gaza to facilitate the flow of licit goods and services.

But beyond that, history has shown that absent an inclusive, diplomatic process that effectively addresses the core interests of both Israelis and Palestinians, the cycle of violence will continue. Preconditions are an obstacle to that process in the Middle East as much as they were for another seemingly intractable conflict, in Northern Ireland.

Others have asked these questions, which are worth repeating: Does the Gaza war improve Israel's long-term, or even short-term, security? Was it realistic and in Israel's long-term interests to expect Hamas to accept Israel in advance of negotiations, rather than push for a total cessation of the use of violence and blockade, followed by negotiations? Was it realistic to expect the ceasefire to hold while Gaza remained under siege, rife with hunger, illness, joblessness, and hopelessness, and while construction of settlements continued, and even accelerated, in the West Bank?

On January 6, Secretary of State Rice spoke to the U.N. Security Council. I do not doubt the sincerity of her concern with the humanitarian situation in Gaza, or for the need for a ceasefire "that can endure and bring real security." We all want that. But her words were noteworthy for what they said about the dismal failure of the Bush administration's approach to the Middle East conflict. Eight years were squandered and mishandled, and President-elect Obama faces a far more difficult situation than his predecessor inherited.

Our credibility in the entire world has suffered immeasurably since 9/11.

In particular our image in predominantly Muslim countries has been affected by the failure to advance a credible strategy to help resolve the Israel-Palestinian conflict. This has pronounced and obvious implications for our security, for Israel's security, and for the entire Middle East region.

At this time of great opportunity in America to change our policies and make a true contribution to peace in the Middle East, we should be careful when we adopt resolutions on subjects as sensitive as this to be cognizant of the history of the region and the complexities of the situation. Above all, our goal should be to enhance our role as a force for peace and our ability to advance our Nation's interests.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 10) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 10

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas has refused to comply with the requirements of the Quartet (the United States, the European Union, Russia, and the United Nations) that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

Whereas, in June 2006, Hamas crossed into Israel, attacked Israeli forces and kidnapped Corporal Gilad Shalit, whom they continue to hold today;

Whereas Hamas has launched thousands of rockets and mortars since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas Hamas locates elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields;

Whereas Secretary of State Condoleezza Rice said in a statement on December 27, 2008, that "[w]e strongly condemn the repeated rocket and mortar attacks against Israel and hold Hamas responsible for breaking the ceasefire and for the renewal of violence there";

Whereas, on December 27, 2008, Prime Minister of Israel Ehud Olmert said, "For approximately seven years, hundreds of thousands of Israeli citizens in the south have been suffering from missiles being fired at them. . . . In such a situation we had no alternative but to respond. We do not rejoice in battle but neither will we be deterred from it. . . . The operation in the Gaza Strip

is designed, first and foremost, to bring about an improvement in the security reality for the residents of the south of the country.";

Whereas, on January 2, 2009, Secretary of State Rice stated that "Hamas has held the people of Gaza hostage ever since their illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. Hamas has used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a very bad daily life for the Palestinian people in Gaza, and to a humanitarian situation that we have all been trying to address";

Whereas the humanitarian situation in Gaza, including shortages of food, water, electricity, and adequate medical care, is becoming more acute;

Whereas Israel has facilitated humanitarian aid to Gaza with over 500 trucks and numerous ambulances entering the Gaza Strip since December 26, 2008;

Whereas, on January 2, 2009, Secretary of State Rice stated that it was "Hamas that rejected the Egyptian and Arab calls for an extension of the tahadiya that Egypt had negotiated" and that the United States was "working toward a cease-fire that would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. It is obvious that that cease-fire should take place as soon as possible, but we need a cease-fire that is durable and sustainable"; and

Whereas the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will allow for a viable and independent Palestinian state living side by side in peace and security with the State of Israel, which will not be possible as long as Israeli civilians are under threat from within Gaza: Now, therefore, be it

Resolved, That the Senate—

(1) expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizes its right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding the capability to launch rockets and mortars against Israel and allows for the long term improvement of daily living conditions for the ordinary people of Gaza;

(4) believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza;

(5) supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel; and

(6) reiterates its strong support for United States Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Oklahoma.

HONORING OUR ARMED FORCES

SPECIALIST STEPHEN G. ZAPASNIK

Mr. INHOFE. Mr. President, today I wish to recognize a very special person and remember his life and sacrifice as a young man. I can identify with this; I was a specialist in the U.S. Army.

Stephen Zapasnik of Broken Arrow, OK—that is right outside of Tulsa—lost his life. He was only 19 years of age. He died on December 24—that was on Christmas Eve—in Baghdad, Iraq, along with two other soldiers in support of Operation Iraqi Freedom.

Stephen followed in the footsteps of his father by joining the Army and went on to complete basic training in Fort Sill, OK. He was stationed at Fort Carson, CO, and assigned to the 3rd Battalion, 16th Field Artillery Regiment, 4th Infantry Division. He deployed to Iraq in 2008.

Stephen, or Bud, as his mom called him, or Zap, as his friends called him—he had lots of names—is survived by his parents, Gary and Chris, and his sister, Ashley, and a very close friend, also named Chris, who lived with the Zapasnicks since he was 15 years old, whom Stephen considered to be his brother.

Stephen's mother described his determination to enter the Army by losing over 90 pounds to get in. He was grossly overweight, but he made that sacrifice. She said she barely recognized him after basic training because he lost even more weight at that time.

His friends and fellow soldiers affectionately nicknamed him "Zap," describing him as a jokester who would happily make fun of himself if anyone needed to be cheered up. Zap would create short skits and record them on his

camera in order to share them with anyone who would watch. After the accident, many of his fellow soldiers from his battalion got together and watched the movies he had made, staying up throughout the night, telling stories about him and laughing—exactly what Zap would have wanted them to do. Stephen loved video games, particularly his flight simulator game. He wanted to become a pilot someday.

His colleagues described Stephen as a fantastic shot, always a qualifying expert in every weapon. Chris Hamil said his brother volunteered to man the machine gun on top of his humvee. As we all know, and certainly the occupant of the Chair knows, that is one of the most exposed positions a person can take. He was willing to do that.

In his tribute comments, Staff Sergeant Barry summed Stephen up by saying:

Zap would give the shirt off his back or the last dollar in his pocket to anyone that needed it.

A comment from a friend:

My family will be forever grateful for young men like Stephen who risk themselves to provide protection and security to this great country of ours . . .

A spouse stationed at Fort Carson wrote:

Zap was one of my husband's soldiers and friends. Zap left an impression on our lives that we will never forget. He would come to my house and have the best manners and be so respectful . . . Zap always cared about others before himself, even offering to babysit my three children so that my husband and I could have a date right before he deployed. He left an impression on our lives that will never be forgotten and most of all my son loved him dearly . . . He was a hero in so many ways and he was a respected soldier always giving 100 percent.

His mom Chris wrote:

I am so proud of my son and what he accomplished as a member of the military family. I would not take back the man he had become or the hero he will always be for anything, even if I could have him beside me again. He was an outstanding young man and he will live forever in my heart and soul.

Stephen was committed to what he felt he was called to do and fully understood the sacrifice he would be making by serving his country in Iraq. All those guys and gals over there know the risk they are under. They are willing to do that.

Before Stephen left for Iraq, he said:

Mom, if I ever don't come back, you know I will always be with you, and I will be with Jesus, and I will be fine.

Stephen had a strong faith in God, a strong commitment to his family and his friends, and a calling to protect our Nation by his service in the Army.

His mom said:

I know that he is perfectly safe and spending Christmas up there with Jesus.

Keep this in mind: This happened late on Christmas Eve.

She also expressed Stephen's pride to serve in the Army and to serve our

country by fighting terrorism. She told me just a few minutes ago what a man he had become, and she thanked the U.S. Army for doing for him what was done for him.

The pride is now in Stephen, this young Oklahoman who enthusiastically joined the military at age 17 and was willing to lose 90 pounds in order to serve his country. He sacrificed his life in order to provide us with the precious freedoms we enjoy each day. His life embodies what it means to be a hero.

We remember you today, Stephen, your sense of humor, your commitment to your family and to the Lord.

Having just talked with his mother, she reaffirmed how strong Stephen was in his love for Jesus. I think we can say today—and we understand this—as fleeting as life is, this wink of time we are here—and I talked with Chris about this—that this today is not saying goodbye to Stephen, it is saying we will see you later. Thanks for your job well done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

ECONOMIC STIMULUS

Mr. GREGG. Mr. President, I rise to speak about the issue of the economy and how we address the question of economic stimulus in the context of what is a very severe slowdown, recession, and in the context of what is an extraordinary situation relative to our deficits.

Just yesterday, the Congressional Budget Office reported that the deficit this year will be \$1.2 trillion. That is a number which most of us cannot even fathom. To try to put it in context, that size of deficit has not occurred in this country, if you calculate it as a percentage of GDP, since World War II. It is a deficit that is extraordinarily large. A deficit means we are running up debt our children are going to have to pay for. So it has a real effect on the next generation and generations after that and their ability to be prosperous.

Not only does CBO tell us the deficit is going to be \$1.2 trillion, but they also tell us that with the stimulus package that is being proposed—and the package that is being talked about is in the range of \$700 billion to \$800 billion, and when you throw that spending on top of the deficit, we are talking about a deficit which will be closing in on \$2 trillion, which is about 11 percent of GDP. That will be almost four times larger than the largest deficit we have run since World War II. There are a lot of things causing this, of course, and most of them are tied to the economic slowdown. The economic slowdown is severe, but as we try to mute and lessen the impact of that slowdown on working Americans and on everyday Americans, we have to be

careful that we don't do things which aggravate significantly in the outyears this country's fiscal strength and our children's ability to have a high quality of life.

I have said on numerous occasions that I believe President-elect Obama is on the right track relative to bringing forward a very robust and aggressive stimulus package. But what is key to determining whether that package is a good package or a marginal package is the policy that underlies it. It is not the numbers so much as it is the policy.

I believe there are a few signposts which we should follow as we develop such a package. The first is that we not unduly aggravate this long-term debt situation which we have as a country.

We know we are facing a fiscal tsunami as a nation. The baby boom generation is about to be into full retirement. During the term of this Presidency, should the President be re-elected, the baby boom generation will be very close to full retirement. That will mean we will have doubled the number of people in retirement in this country, and the cost of maintaining those retirees will put a massive burden on the backs of this tax generation but especially the next generation. We are talking \$60 trillion of unfunded liability that is coming at us. That is debt coming at us. That doesn't count the debt we are putting on the books today to deal with this economic slowdown.

So what is very critical as we address trying to get the economy going by using a stimulus package is we have to be very careful that we put in place programmatic activity that doesn't add to the long-term debt of the Nation, that are one-time items that will basically retract and no longer be part of the deficit function or add to the deficit function in the outyears.

The TARP program is a good example. The TARP program was a program we put in place to try to stabilize the financial institutions of this country, and it has. That program basically used investment versus spending relative to tax dollars. We purchased preferred stock in a series of financial institutions across this country. That preferred stock, the purchasing of it, has helped to stabilize those financial institutions and the financial system of the Nation. The purchase of that preferred stock creates a significant jump in the deficit for next year. Depending on how many of the dollars we end up using of the TARP, it could be \$400 billion or \$500 billion. But in the outyears, we are going to get that money back because we are buying assets. In fact, we may get it back with interest—or we will get it back with interest and make a little money for the taxpayers, which would be good. They deserve to make a little money off that initiative.

That type of investment is a one-time event which may aggravate the deficit in the short run but does not aggravate the deficit in the long run. That is the type of initiative we need to look at.

In the area—and this is being talked about a lot—of the Federal Government going out and just spending money, not investing money that comes back in assets to us, we have to take the same approach: that we are basically going to put the dollars of the stimulus package into initiatives which will make our Nation more competitive and more productive in the outyears so that we get more tax revenues, hopefully, but at least have more jobs created in this country as we compete in the worldwide economy. Thus, as we invest in infrastructure, which will be a large part of this stimulus package, it is absolutely critical that we have entry-level tests to be sure that the infrastructure we are investing in is infrastructure which is going to produce an outyear return to us beyond the dollars that are put into them.

Now, we all love things such as beautifying Main Street or putting in running tracks. These are all things people love to do, and some people even love to build halls of fame to this issue or that issue. But that is not the type of infrastructure investment which is going to help us be more competitive and create more jobs, and the bottom line is to create more jobs. What we want to do is invest in what is going to create more jobs and make us more competitive in the global economy: roads, bridges, high-speed broadband in areas that aren't quite as dense population-wise to make it affordable in the commercial sense; IT, and especially in these quasi-public areas, such as health care, where it will give us a return on our investment; the military—and we have the chairman of the Armed Services Committee sitting in the Chair—we have to obviously retool our military. These are investments which give us a long-term return.

So I hope as we get to the stimulus package and we send this money out to the States, primarily—I suspect that is where it is going to go, States and communities—there will be some entry-level tests they have to meet before they can spend the money so that we get a return on those dollars in the way of making our Nation more competitive and more productive. I would hate to see us just give it to the States with very little limitation on how they spend it because a lot of the money will, unfortunately, be wasted.

I know in my State every community is pulling together their wish lists, and I have seen things like putting in alarm systems in dorms. You know, maybe that is a good idea, but it is not the responsibility of the Federal Government to do that. Our responsibility

would be to replace a bridge or build a bridge that is a bottleneck from the standpoint of transportation or put broadband into a region of the State which couldn't get it otherwise because of density issues or give our health communities a better way to do their IT so they are more efficient. So we do need these tests.

In addition, everything needs a hard sunset. Everything in this stimulus package needs a hard sunset so that when we get to the end of this recession, which we are going to get to because we are inherently a resilient nation, we don't continue these programs into the future. By hard sunset my view would be that for a program to continue under this it would have to have a two-thirds vote.

Another major initiative in the stimulus package, it appears, will be tax initiatives. I respect, and first off I admire, the energy and the focus of the Obama team on this issue. I think he has put together an extraordinarily talented group of people in many areas but especially in the fiscal area—with Secretary-designate Gardener and Larry Summers and Paul Volcker—and it is my view that as we look at the tax part of this component—and I understand it is going to be fairly big—it should be again focused on where we create jobs because this is the issue: How are we going to create more jobs? It is pretty obvious that in our economy jobs aren't created by big business or by government. Jobs are created by individual entrepreneurs who go out and start something small and it builds. So the majority of the tax initiatives, in my opinion, should be focused on job creation and assisting people who are willing to take risks in the small business community.

There is a lot of discussion about a major employment tax credit; that if you hire people, you get a credit for employment. I tend to think that is probably not going to generate a whole lot of economic activity. If somebody is going to hire someone, they are going to hire them. And they will take advantage of it, obviously, but the odds of people actually adding people because they have a credit for adding people is slim, I suspect. It is not human nature to do that, even for a tax credit. I suspect it will just be money put out the door and not produce much in the way of results. We have a pretty good and pretty recent example of how this works in the area of tax policy because we did a stimulus package which was keyed off a tax rebate last spring, and \$80 billion of a \$160 billion package was a tax rebate and it generated virtually no greater consumption. So there are some pretty good statistics which have shown consumption was not increased significantly at all by that tax rebate initiative. So a tax rebate approach is probably not going to get you a lot in the area of the big bang for the buck.

We want to come out of this slow-down a stronger, more productive nation by making capital investments and using tax policy to generate those investments so we can compete better in the world economy. I would hope that would be the approach that is taken.

There is another proposal which addresses the issue of States, and this one is the most problematic of all the initiatives in the stimulus package for me. There are a lot of States that have been fiscally responsible and actually have surpluses, and some States have said they do not even need this sort of support. There are other States with revenues that have dropped precipitously because of this economic slowdown which they didn't have any control over, and they have a legitimate claim. They are in dire straits. There are other States, however, that have simply during the recession spent a lot of money which was out of proportion with what good fiscal policy allows. So I would hope that as we are talking about assisting States—and I understand it is probably going to come in through the FMAP for the Medicaid Programs—that we have some conditionality that says if the State's financial distress is caused by a drop in revenues, then we will be supportive. But if the financial distress is caused by the fact they have simply been excessive in their programmatic activity, beyond profligate—profligate is probably too strong a term—but excessive in their programmatic activities, beyond what is reasonable in these slow times, then we should not be underwriting that sort of activity that is inappropriate from the standpoint of fiscal restraint. We should rather be focused on assisting States that have seen a significant drop in their revenue. It is difficult to do, but I believe it can be done, and I believe it should be done.

It is obvious we need a robust stimulus package right now, and it is very obvious we need to have it sooner rather than later. From my standpoint, as a member of the Republican Party, which is in opposition here arguably, I want to work with the other side of the aisle and with the President-elect to accomplish it because I don't think we can afford partisan politics at this time. We need to govern. These issues are so huge and are going to have such a devastating impact on our Nation if they are not aggressively and boldly addressed that we can't afford this to be a party-line event. We need to have cooperation. We have a template for that. When we took up the TARP bill, which was an extraordinary piece of legislation, it was done because we recognized the crisis was upon us and action had to be taken, and it was done in a totally bipartisan and, I thought, a very effective way, and that is a good template for moving forward.

So I just lay these ideas out as an approach to take, and I say, from my standpoint, to the extent I can participate—and I hope I can—I am willing to listen to any ideas, and I want to see us make progress. I want to see it be prompt because in this area, it is absolutely critical for the President-elect to succeed for the Nation's good.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UNANIMOUS-CONSENT AGREE- MENT—MODIFICATION TO AP- POINTMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the order of January 6 with respect to the announcement of Members appointed to be Senate tellers for the joint session today be modified to reflect that Senator SCHUMER will replace Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE ECONOMIC RECOVERY BILL

Mr. DURBIN. Mr. President, I want to follow on the comments of my friend from New Hampshire, Senator GREGG. Although he and I may disagree on some political issues, and we do, the fact is, many of the things he just said I agree with completely. I think there is a sense among Members of Congress that we are facing an extraordinary set of circumstances in America today. The Presiding Officer, from the State of Michigan, probably has endured more economic bad news than almost any of us. If I am not mistaken, one out of every eight people in his State is currently on food stamps, and it is an indication of how his economy is struggling.

With regard to the economies of some of the other States, when you look across the United States, the headlines are sobering. We have been told repeatedly about the loss of jobs. Look at some of the most recent headlines: DHL cuts 9,500 U.S. jobs; Chrysler to lay off 2,400 in Fenton, MO; AT&T announcing job cuts; Sprint losing jobs; Stanley Works, GM, Office Depot—the list goes on and on.

The fact is, yesterday 22,000 Americans lost their jobs. If the latest projections are true, 22,000 more Americans will lose their jobs today, and 22,000 more Americans will lose their jobs tomorrow. That is the state of the economy. Instead of creating employment, we are losing jobs at a pace which sober all of us.

As a student of history, I understand the Great Depression that Franklin Roosevelt inherited as he became President in March of 1933 was much deeper and dangerous and wider in scope. But when you look at what we

face today, that is the only historical analogy we can point to in recent memory that even is close to what we are facing.

Over 9,000 American families lost their homes to foreclosure yesterday, more than 9,000 families will lose their homes today, and another 9,000 the day after and every day that succeeds. The reason, of course, is that we have so many bad mortgages—the subprime mortgages. Many people were misled into signing up for mortgages they couldn't afford, and now, as the terms reset and come due, families can't keep up with them and are losing homes.

It is not just a problem for that person who lives down the street, the family who had to move out; it is your problem too. In my hometown of Springfield, IL, a small Midwestern town, with relatively stable real estate values, my home is diminished in value because of the foreclosures that are occurring in our community and the general state of the economy so even families dutifully making their mortgage payments are falling behind because their core assets, such as the value of their home, are diminishing.

Every day this economic crisis deepens and claims more victims. Families who have worked so hard for so many years are finding it difficult to maintain even the most basic standards of the middle class. This is the worst economic time our Nation has seen since the Great Depression 75 years ago. We can observe it, lament it, give our speeches about it or we can do something. This morning, President-elect Barack Obama, my former Illinois Senate colleague, gave a speech at George Mason University, right outside Washington, DC, in Fairfax, VA. He talked about what we are facing and what we need to do about it. He said:

... equally certain are the consequences of doing little or nothing at all, for that will lead to an even greater deficit of jobs, incomes, and confidence in the economy.

President-elect Obama said:

That is why we need to act boldly and act now to reverse these cycles. That's why we need to put money in the pockets of the American people, create new jobs, and invest in our future. That's why we need to restart the flow of credit and restore the rules of the road that will ensure a crisis like this never happens again.

That work begins with a plan, a plan that he says he is confident “will save or create at least 3 million jobs over the next few years.” He talks about the priorities we need to invest in, such as energy and education, health care and new infrastructure, that are necessary to keep us strong and competitive in the 21st century.

Yesterday, the designate for the new Secretary of Energy, Dr. Steven Chu, came to my office. He is a man who is widely respected for his academic expertise and knowledge of energy issues. He finds it a little challenging and daunting, as he thinks about facing

Members of Congress and the massive level of employment of personnel at his Department, but he talked in terms of energy, and he said it is ironic we have reached a point in history that the United States is not on the cutting edge of developing new forms of energy technology. The windmills we are constructing across America are, by and large, built or designed in Europe. Nuclear energy we have not touched for some 20 years in this country and have ceded the research to other countries.

There are areas where we need to invest in America. As President-elect Obama said this morning at George Mason University, this energy investment is important for our future to move toward energy independence.

President-elect Obama in a few days will take the oath of office not far from here and then will count on Congress to move quickly to pass the American Recovery and Reinvestment Plan. He is urging we do it boldly and swiftly and that we bring transparency and openness to the process so the American people see their money is being well spent on investments in America's future—investments when it comes to education and energy and health care; investments that will bring down the cost of health care for many American families who are struggling today, not to mention those who have no health protection whatsoever.

He also calls on us to stabilize and repair our financial system on which we all depend. I think we know what we are talking about. When a man named Bernard Madoff can, over the span of 10 or 20 years, lure investors into what has turned out to be a Ponzi scheme, causing many of them to lose millions of dollars, and his wrongdoing goes unnoticed by major regulatory agencies such as the Securities and Exchange Commission, it is clear more has to be done.

When the ratings agencies, major ratings agencies that set the standards for whether a company is doing well basically ignore their responsibility and fail to make accurate reports, everyone loses as a result of it.

President-elect Obama said in closing today:

It is time to set a new course for this economy, and that change must begin now. We should have an open and honest discussion about this recovery plan in the days ahead, but I urge Congress to move as quickly as possible on behalf of the American people. For every day we wait or point fingers or drag our feet, more Americans will lose their jobs. More families will lose their savings. More dreams will be deferred and denied. And our Nation will sink deeper into a crisis that, at some point, we may not be able to reverse.

I hope what I am about to say is a reminder to all of us of the responsibility we face in this new session. We are all concerned about the size of the economic stimulus plan. Eight years ago, the Federal Government was actually

running a budget surplus. Today we estimate a budget deficit, by the end of the year, of \$1 trillion. That deficit is a reflection of poor choices that have been made at many levels of Government, but we cannot let the bad choices in the past prevent us from making the wise choices we have to make now to end this economic crisis.

It is interesting that economists from all across the political spectrum have come to the same conclusion about what America needs. Nobel Prize-winning economist Paul Krugman, who is put in the category of liberal or Democrat, said recently:

It is much better, in a depressed economy, to err on the side of too much stimulus than on the side of too little.

He publicly wondered whether three-quarters of a trillion dollars is enough. Martin Feldstein, President Reagan's chief economic adviser, said:

Without action, the economy will continue to decline rapidly.

Mark Zandi, who advised Senator McCAIN during his campaign, said:

My advice is, err on the side of too big a package rather than too little.

All the great minds, economic thinkers, are coming to the same conclusion: We need to act, act decisively, and act boldly. But we need to act responsibly too. We do not have a day to waste, but we do not have a taxpayer dollar to waste either. We have to make sure the dollars are well spent, not in the creation of Government agencies but in the creation of good-paying jobs right here in America; not in investments in bureaucracy but investments in our economy that will help our Nation grow in the years to come.

We need to include smart spending and targeted tax cuts for the middle class so they can cope with the challenges, the economic challenges they face. We have to make sure the money that is spent by Congress is spent responsibly so we do not end up with embarrassing earmark projects that have not been subjected to public scrutiny and review in advance. We need to make sure programs are authorized and funds are pumped quickly into the economy but in an efficient way.

We need to invest in jobs for American workers. States have identified almost \$18 billion in road and bridge projects ready to launch within 90 days. Every \$1 billion of Federal funds can create up to 35,000 private sector, good-paying American jobs and generate \$6.2 billion in economic activity.

There is a lot of work to do. Our States are struggling. They don't have the money to keep the safety net Americans will need as the economy weakens. They cannot help colleges and universities that need a helping hand. Nineteen States are considering cutbacks in basic health care; 18 States are cutting services for the elderly; 20 States are cutting or proposing to cut K through 12 and early childhood education. The list goes on and on.

I see my colleague from Montana, and I will be happy to take the chair so he can continue his remarks, if necessary, but the last point I will make is that the mortgage foreclosure crisis is at the core of our problems in America. We cannot come to grips with a rebirth of the American economy without dealing with the mortgage foreclosure crisis. It is a crisis that, as I mentioned earlier, hurts the families losing their homes and those living in the neighborhoods and towns around them. We are all in this together. What we need to do is work with major financial institutions to renegotiate these mortgages so people who still have a job and can make a reasonable mortgage payment can stay in their homes.

I got off the phone with one of the major bankers in the city of Chicago, a friend of mine. He said: We get it. We are going to have to do things much more boldly to deal with mortgage foreclosure. The programs we put together, the voluntary programs, have not worked, they have not touched enough people. More and more homes are facing foreclosure, more people are heading to bankruptcy, and that has to come to an end. The housing industry, much like the automobile industry, is one of the staples of our economy and we have to deal with putting it back on track.

Last month, Credit Suisse estimated 8.1 million homes were likely to be lost to foreclosure by 2012. If the economy continues to worsen, they believe foreclosures will exceed 10 million homes.

We are going to have to come up with the money to turn this economy around. It will mean more debt in the short term but, if the economy starts moving forward again, it, frankly, is the only thing that we can look to in the long term for America's future. I urge my colleagues in the Senate, Democrats and Republicans, to try to find a common ground where we can work together.

Just a day or two ago, President-elect Obama came up to meet with Democrats and Republicans, House and Senate leaders, just a few steps from this Senate floor. There was a conversation about ideas. I know him pretty well, having served with him, and I have been his friend for a number of years. I know he was genuine and sincere when he turned to one of the Republican leaders and said: If you have a better idea, I want to hear it. I want an opportunity to bring in all ideas, Democratic and Republican, so we can come up with the best package to serve the American people. It is not about one political party taking credit. Let's take credit as a Congress and as an administration in turning this economy around.

We are going to have that chance, to stabilize our economy and to rebuild it in the future. I look forward to working on a bipartisan basis to achieve that.

Mr. TESTER. Mr. President, I join the Democratic whip in his comments. I think it is critically important that we work together in these economic times to solve the problems this country faces. We don't have problems as Democrats or Republicans with the economy, we all have problems with the economy, and I think the American people are looking forward to us working together for solutions to our economic mess.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that at 12:45 p.m. today, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

MONTANA NATIONAL GUARD

Mr. TESTER. Mr. President, as we begin this new year and this new Congress, I would like to ask the Senate to stop and reflect on the service of the men and women of our military. Every day, hundreds of thousands of men and women in all branches of our military are performing jobs that place them in harm's way and at the tip of the spear.

In particular, I would like to thank the 229 men and women of the Montana National Guard who have deployed or will be deploying this month.

Just in the past week, 46 airmen from the Montana Air National Guard security forces left the sub-zero temperatures in Montana for training at Fort Bliss, TX. From there, they will head to Kyrgyzstan.

Another 120 soldiers of the Montana National Guard's 639th Quartermaster Battalion left Helena for Fort Lewis, WA before they leave for Iraq.

And later this month, 63 soldiers from our 189th Aviation Battalion will go to Fort Sill to prepare for a tour in Iraq.

We feel a great deal of pride when sending our strongest and most dedicated Montanans overseas. We feel a great deal of hope too.

Leaving Montana to answer the call of duty isn't just another assignment. It is a symbol of commitment and courage. We will always appreciate their service, their hard work, and their willingness to protect Montana and America.

They say Montana is just a small town with a lot of long streets, and that means that when 229 guardsmen deploy overseas, it impacts a great deal of the State.

Businesses lose talented members of their workforce. Cities and towns lose cops, firefighters, doctors and other professionals in the community.

And most important of all, families have an empty seat at the dinner table. Family schedules get changed. Mothers

and fathers become single parents for a little while.

Americans will never forget the sacrifices National Guard families make at home.

Sharla and I join all Montanans in sending our thoughts and prayers to these men and women as they complete their mission.

As Montana's only member of the Veterans Affairs Committee, I look forward to working to serve them as honored veterans when they all come home.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

SUPPORT FOR ISRAEL

Mr. MENENDEZ. Mr. President, a few days ago, we all counted down the final seconds of 2008. In Israel they had something else to count all through last year. From January until December of 2008, a terrorist group launched more than 3,262 rockets and mortar shells into Israeli cities. These were deliberate acts of violence, provocation, and murder. The group responsible was Hamas. Hamas is a terrorist organization founded on one principal goal: destroying the state of Israel. Its charter says there is no value to international conferences, political initiatives, or dialogue. It says there is only one approach to the political situation in the Middle East, and that is jihad.

So it was no surprise when the terrorist group Hamas staged an illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. It was no surprise that Hamas rejected Egyptian and Arabian calls for an extension of the cease-fire Egypt had negotiated.

It was no surprise that when Israel voluntarily and unilaterally dismantled settlements and withdrew from Gaza in 2005 that Hamas saw this not as an opportunity to build peace but to instigate war, to continue to terrorize and kill Israelis in their places of worship, their schools, and their homes.

Since that year, Hamas terrorists have used Gaza to fire more than 6,300 mortars and rockets into Israel, reaching major cities, and pushing ever closer to the capital.

No country would be expected to sit on its hands and simply allow its citizens to endure these kinds of vicious attacks without taking action to stop the responsible party. If I am sitting in New Jersey, and rockets are landing around my house, near my children, and near our schools, my No. 1 goal, my immediate goal, is to stop the rockets. So in December of 2008, Israel sent its military to Gaza to achieve a direct goal: stop the rockets.

And now we all hope strongly that this goal can be achieved as quickly as

possible. But we recognize it must be pursued if Israel is to have the sovereign right to protect itself and its citizens. Israel's acts to stop the Hamas rocket attacks are a response to the daily risk of death faced by the 900,000 Israeli citizens who live within rocket range. These innocent civilians have been forced to live constantly under the threat of mass casualties. No nation—no nation—should have to wait for the death toll to rise enough before it can act. No nation needs to wait until enough schoolchildren have fallen victim to a rocket attack before it stops rockets from falling on its cities. The launching of rockets and mortar fire is an invasion of Israel's sovereign territory. It is no different from dropping bombs out of airplanes. It is no different from any other act of war. There is no question that Israel has a right and an obligation to defend its people.

We mourn the loss of all innocent life, and the death of Palestinian civilians as a result of this conflict is tragic. There are a great many Palestinians in Gaza and the West Bank who completely reject the Hamas ideology. They want to live in peace and build the Palestinian state for themselves and for their children. They are, however, Hamas hostages. Hamas has hijacked Gaza, not to build a state in which you can live in peace and prosperity but to use it as a base to launch attacks against innocent civilians in Israel.

Let us remember it was Hamas that chose to end the cease-fire, Hamas that chose to fire a continuous barrage of rockets. To date, it is Hamas that deliberately uses civilians as human shields and launches its attacks from heavily populated civilian areas, putting them at risk. It is Hamas that has spent its money on rockets rather than on food for the hungry. It is Hamas that would rather focus on the rhetoric that calls for the destruction of the State of Israel than on relief for its own people.

Israel and the United States have proven their commitment to helping innocent civilians in Gaza. In stark contrast to the terrorist group of Hamas, Israel has taken significant steps to prevent civilian casualties. They give warnings of impending attacks, they drop leaflets, and make phone calls to targeted areas to warn the citizens they are in danger, even if that means losing the element of surprise and putting the lives of their own soldiers at risk.

Israel and the United States have actively provided humanitarian assistance to Gaza. Since December 26, 10,000 tons of humanitarian aid have been delivered to Gaza in coordination with Israel, the Palestinian Authority, international organizations, and various other donors.

The United States Government, through the U.S. Agency for Inter-

national Development, is continuing to deliver humanitarian supplies to the people of Gaza. The United States has provided medical and food supplies to health care facilities. We support the UN, the International Committee of the Red Cross, and other nongovernmental organizations as they continue their relief efforts.

We all want peace in Gaza and hope it can come very soon. But peace cannot be achieved so long as Hamas continues its missile attacks. If a just and lasting cease-fire is to occur, it is incumbent upon Hamas to immediately and permanently halt all attacks against the Israeli people.

I rise today to express unwavering commitment to the welfare, security, and survival of the state of Israel as a Jewish and democratic state. That is what the resolution before us affirms. As the resolution states, the ultimate goal of the United States is a "sustainable resolution of the Israeli-Palestinian conflict, that will allow for a viable and independent Palestinian state, living side by side in peace and security with the State of Israel." This will not be possible as long as Israeli civilians are under threat from rockets. As this resolution correctly lays out, Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians.

Today, the Senate must stand in support of the state of Israel, stand in support of its right to defend itself against terrorists, stand in support of its right to exist. Having said all of this, of course, we urge Israel as it defends its sovereignty and its people to use every option it can to limit the loss of innocent lives. So let us vote for a resolution that demonstrates our commitment to one of the strongest allies the United States of America has in the world, and let us do all we can to make it a peaceful 2009.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR JOINT SESSION OF THE TWO HOUSES

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 12:46 p.m., recessed subject to the call of the Chair, to reassemble in the Hall of the House of Representatives for a joint

session, and at 2:30 p.m. reassembled in the Senate Chamber when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The Republican whip is recognized.

SUPPORT FOR ISRAEL

Mr. KYL. Mr. President, I would like to speak to two subjects. The first deals with a resolution the Senate unanimously adopted this morning.

Mr. President, today the Senate approved a resolution recognizing the right of Israel to defend itself against terrorist attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas.

The first thing the resolution does is remind people why the State of Israel had to act.

Israel has had to endure more than 6,300 rocket and mortar attacks on its citizens since it fully withdrew from Gaza in 2005. In fact, the town of Sderot, which is about 3 miles from the border of Gaza, has been suffering for over 8 years from these attacks.

Is there any doubt that if the United States were suffering an attack from just across the border similar to what Israel is facing, that we wouldn't react to stop that from happening? I think there is no question that we would act to stop this terrorism, and this resolution expresses the United States' support for Israel's right to defend itself.

The second point the resolution makes is that there is no equivalency between the terrorist actions of Hamas and the defensive actions of Israel. Israel conducts its military operations to spare innocent life. It has specifically targeted Hamas command centers, security installations, rocket-launching sites, weapons stockpiles, and weapons smuggling tunnels. It has tried very hard to avoid civilian casualties. Hamas, on the other hand, deliberately and maliciously fires rockets into civilian areas from civilian areas, thereby making it more difficult for Israel to target the terrorists and increasing the likelihood of civilian casualties when Israel does take action.

Finally, this resolution speaks to calls for a cease-fire. Many voices in the international community have been heard pleading for an immediate cease-fire, although I think it is instructive that one never hears those voices condemning rocket attacks by Hamas terrorists.

I believe the path to a halt in the violence is clear. A cease-fire is appropriate if, and when, it is durable and sustainable. A precipitous cease-fire, on the other hand, that would allow Hamas to rearm and rebuild its support in Gaza is not acceptable. Hamas cannot be given a cease-fire that only serves to provide it breathing room to regroup and then start firing its rockets and missiles again.

By adopting this resolution, we have said to the Israeli people: "We stand with you, and we support you in defending yourselves against terrorists."

In short, the resolution expresses strong support for the defense of Israel by its military action today in the Gaza Strip, the fact that it has been repeatedly attacked by Hamas terrorists from the Gaza Strip, and finally decided that the only way to stop those attacks on its citizens was to go into Gaza and try to remove the weapons and the launching sites and to try to arrest the terrorists who were involved in the launching of those rockets.

This resolution expresses strong support for Israel. It reminds us all why Israel was forced to act. It makes the point that there is no equivalency between the action of the Israelis and the terrorist action of Hamas, which deliberately seeks to harm civilians. Finally, it speaks to the question of a cease-fire, noting that the position of the United States is correctly that a cease-fire could only be supported if it is durable and sustainable; in other words, it ensures that the conditions that created the controversy today are not simply repeated another 6 months from now when the Hamas terrorists have had an opportunity to rearm.

I am pleased the Senate has spoken in such a timely fashion on this important issue. I commend my colleagues for supporting the resolution.

ECONOMIC STIMULUS

Mr. KYL. Mr. President, the president-elect spoke to the stimulus package today. The Finance Committee had an informal meeting today to discuss the proposition. Its outlines are still quite vague. There is no specificity to what precisely will go into the stimulus package, but there are some general concepts emerging.

So what I wanted to do today, very briefly, is to outline what I think would be some sensible tests to evaluate what is being proposed, and what it may reveal is that some ideas would not meet these tests and should not be part of a stimulus package. Others would meet the tests and would help to resolve the economic crisis that faces America today.

I think the context we put this in is one in which we have already had some bailouts, and Americans are a little suspicious that some of the money we have committed to these bailouts is going to help—the \$200 billion bailout to Fannie Mae and Freddie Mac, the \$150 billion bailout of AIG, the insurance company, the \$700 billion Troubled Asset Relief Program, the recent \$17.4 billion auto bailout, and, by the way, the announcement yesterday was that for the first time in the history of the world the budget deficit of a country—namely, the United States of America—will top \$1 trillion. That is

over 8 percent of our gross domestic product.

A friend of mine reminded me today—I think it is an interesting bit of trivia—\$1 trillion is more money than all the cash in circulation in the world today of the United States of America. All the dollar bills, the ten-dollar bills, the hundred-dollar bills, and all of the quarters, nickles, and all of the other cash of the United States does not equal \$1 trillion, and that is how much the deficit is going to be for just this current year. That is a lot of money.

In that context, we have to be very careful about how we spend another \$1 trillion or thereabouts to stimulate the economy. The money comes from somewhere, and it either comes from taxpayers directly in the form of increased taxes or it is borrowed and the taxpayers eventually have to pay that back with interest. The interest cost, by the way, is expected to be well over \$300 billion. So, as a result, we have to be very careful that we do more good than harm by taking this money away from American taxpayers. The first test obviously is, will it work? Will it stimulate economic growth? That is the test that Larry Summers, an adviser to the President-elect, has stated. In fact, he said, and I am paraphrasing, that investments will be chosen strategically on the basis of which will do the most to spur the economy. So if we have tried something before, and it has not worked, it is a good sign that probably we should not do that.

The reason I say that is we had a stimulus already: the so-called tax rebate. We spent \$150 billion on it. The facts are now in. It did not work; it did not stimulate the economy. In fact, only about 12 percent of the money turns out to have been spent. The lesson to be learned in a situation like this is, if you have tried something before and it has not worked, then do not repeat it because it is throwing good money after bad.

The reason it did not work is because when people get a one-time windfall, they tend to save it or to pay bills with it. They spend it if they believe that it is a permanent part of their income forever, more so if it is going to relate to their taxes, we need to ensure that they know that they are going to have permanent tax relief. If it is simply something they believe they are going to have for a year or two, chances are they are not going to spend it. It is not going to do any good.

Another test is, would Government action be better in the private sector or the Government sector? We know in America it is small business and some big business. It is our free enterprise system that creates jobs, that creates economic growth. The Government cannot create economic growth.

In fact, when the Government gets involved, there is more potential to do

harm than good. We can tax them, we can regulate them. Usually, it does not do them any good. Sometimes you can do things to help business. Usually, you do it in a way that helps with their tax burden. There are some good ideas that I have heard discussed that would, by making it more tax friendly to invest in certain kinds of equipment, for example, or to hire more people, if we knew that would stimulate an economic activity, that those kind of activities would be very useful.

But frequently when we spend Government money, in this case, for example, potentially creating 600,000 new Government jobs, remember we are taking that money out of the private sector, and it is likely to do less good in the public sector than it would if we left it in the private sector.

In fact, a couple of economists with whom we spoke yesterday noted that even in a recession business gets a 4 to 5 percent return on its investment. The real test should be, if the money is spent in the Government sector, will we get at least that return on the investment that we are making? If we do not, we should leave that money in the private sector so the private sector can get that return on that investment and therefore generate more economic activity in our private enterprise system.

Another question is whether the new Government spending replaces State and local spending. My understanding is there is a big chunk of money to go to State and local governments. Now they have gotten themselves into a pickle because a lot of them have big budget deficits this year. They are going to constrict what they spend money on as well or they are going to have to raise taxes or fees or find some other way to balance their budgets.

But they obviously would like for the Federal Government to bail them out. Well, obviously before the Federal Government considers doing that, the first question is, Are you going to correct what has created the deficiency in the first place or are we simply going to save your bacon then you do not have to do anything to change your ways. Are you going to reduce your spending? For example, are you going to spend the money anyway?

People are talking about shovel-ready projects. There are a lot of shovel-ready projects at the State level for roads or highways or whatever, and they are called shovel-ready because the State is prepared to do them. Well, if the State is going to do them anyway, then clearly the Federal Government paying for it is not going to create any new jobs. It is not going to stimulate economic growth in any way, even though it might produce a new bridge or a new highway that is useful to the people in that State. So since our goal is to stimulate new economic activity, we must ask whether the spending will really create new eco-

nomics activity or merely replace something at the State level that would occur anyway.

The penultimate question is, Is it worth doing? We have to ask the taxpayers from whom we are getting money whether an investment is worth undertaking at all. For example, one of the things that would be on an infrastructure to-do list was a mob museum in Las Vegas; there was a snowmaking venture in Minnesota. Are these the kind of investments that American taxpayers believe are warranted under any circumstances?

There are a lot of investments the Federal Government can make that are worthwhile. For example, clearly we have used a lot of military equipment that needs to be replaced. There are good jobs throughout this country producing military equipment. We need to add personnel to our military. I think there is a general consensus to do that. That will cost money. That will obviously create jobs.

So those are activities that are needed, are worthwhile, are job creating, and clearly would help our country, potentially being much more worthwhile than, like I say, a mob museum or some kind of snowmaking equipment.

Then, finally, I think there is one final test that we might talk about. In view of the huge deficit we have, should we make the deficit worse? This is a cost-benefit analysis. This is clearly going to be added to the deficit. So the question is, How much more deficit can we pile on without having adverse consequences in the immediate and long-term? We might stimulate the economy over the next 3 or 4 months, but if we are creating a huge hole to dig out of 3 or 4 years from now, we have to ask, Is it really going to be worth it.

So when we evaluate the different proposals, we have to ask whether it is going to be worth it to have this large deficit, twice the \$1.2 trillion of this coming year. One thought in this regard is this: When we lower tax rates, we know it helps people. It helps small business create jobs. That is what you do in a recession. You try to help people by letting them keep more of their money so they can spend it and help get us out of the recession.

Permanent tax cuts are the way to do that. The permanent tax cut obviously may or may not reduce revenue to the Treasury. The right kind of tax cuts can actually produce more revenue to the Treasury, but increased spending, there is no way around it, loses money to the Treasury. It puts you in a deeper hole. So as between the potential relief from taxes, leaving more money in the private sector, which is eventually going to create the jobs to get us out of the recession, or having the Government spend more money and creating a larger deficit that way, it is a test that I think we

need to be very clear about, from my mind.

While I am willing to help do things to stimulate economic activity in the short term, I am not willing to ignore long-term consequences of a deficit the size that would be created by the kind of spending we are talking about.

If we apply the right kind of tests—and they are sensible. They are not Republican or Democratic tests; they are obviously tests that any prudent person would ask before spending this kind of money—I think that will help us better evaluate the kind of economic stimulus package we can actually support in the Senate. It will be the kind of analysis our taxpaying constituents expect of us when, in view of all of the other things that have been done to bail out various aspects of our economy, with the kind of trillion-dollar-plus deficit we are looking at, they want us to engage in, they want us to be prudent.

They have had their fill of wasteful Washington spending. They want us to be very careful about what we do with their money in the future. I hope as we engage this debate in the future—we will have plenty of time to talk about it, debate it, think about it, to analyze it and I am not suggesting we try to slow-walk it, but in trying to move quickly we nevertheless take the time to perform the kind of analysis I have talked about.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRIFFIN BELL

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to a long-time, good friend and a great Georgian, Griffin Bell, who passed away on Monday of this week. Judge Griffin Bell was a native of America's Georgia. He was a distinguished lawyer in our State since 1947, when he passed the Georgia bar after completing just four quarters of study in his beloved Mercer Law School in Macon, GA. Upon graduation the following year, he entered private practice in Savannah. Appointed by President John Kennedy to the Fifth Circuit Court of Appeals, Attorney General of the United States under President Jimmy Carter, and as an attorney for President George H.W. Bush, Judge Bell has left an extraordinary legacy of courage, integrity, wisdom, and, yes, humor to our Nation and to my State.

In one of the press reports this week, upon Judge Bell's death at the age of

90, one of his law partners, Richard Schneider at the distinguished Atlanta firm of King & Spalding, where Judge Bell practiced before and after his service on the Federal bench and as Attorney General, said:

No novelist, not even Dickens or John Irving, could have created a more memorable character than Judge Bell. He took the role of being a lawyer and transformed it into a legend. It is remarkable that every man and woman who spent even a brief period with Judge Bell would cling to him and claim him as their hero forever. That is how legends are made and legends last forever. That will be the case with the great Griffin Bell.

I ask unanimous consent that the article from the Newnan Times-Herald, in which the Schneider comments appear, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Newnan Times-Herald]

HEAVEN IS GREATER WITH THE ARRIVAL OF
GRIFFIN BELL

Georgia is saying goodbye to one of our state's most distinguished citizens. Griffin B. Bell, lawyer, judge, U.S. attorney general and confidante to presidents, governors and many others, died Monday. A public graveside service will be 11 a.m. today in Americus, where he was born. A public memorial service will be 11 a.m. Friday at Second Ponce de Leon Baptist Church in Atlanta.

When we think of Griffin Bell, some of the words that come to mind are distinguished, integrity, professionalism, charm, statesman, enduring. In reading some of the news accounts reacting to his death, we heard words that help define this Georgia giant.

Said his grandson Griffin Bell III: "He was ready to go. We are just blessed to have him so long. He's a great man, a great grandfather. We're going to miss him—everything was checked off his list. . . . He was still running the show until very recently. . . . If he had another six months, he'd still knock off four or five major projects."

Arlington Christian School

Said law partner Bob Steed: "If he took a position, he'd take it strongly and defend it. But if someone improved it, he was willing to give way. His ego didn't get involved with his choices. . . . He was sharp to the very end. He told his son that there must be a committee in heaven in charge of dying, because it was taking so long."

Former Mercer University Chancellor R. Kirby Godsey said, "Griffin Bell was more than an outstanding statesman or a great American; he stood as a first citizen of the world whose voice and insights will shape human history for decades to come."

"No novelist—not even Dickens or John Irving—could have created a more memorable character than Judge Bell," said law partner Richard N. Schneider. He took the role of being a lawyer and transformed it into legend. . . . It is remarkable that every man and woman who spent even a brief period with Judge Bell would cling to him and claim him as their hero forever. That's how legends are made, and legends last forever—and that will be the case with the great Griffin Bell."

And finally, from former prosecutor and now CNN personality Nancy Grace:

"I have known many, many judges during my legal career. Judge Bell, without a doubt, was the most honorable of them all. . . . He

will be missed sorely, but, as of this moment, heaven has become even greater."

Mr. CHAMBLISS. In two short weeks President-elect Obama will be inaugurated as the 44th President of the United States. I am proud of this moment for him and for our Nation. The new President will have my prayers and support. I believe it is appropriate to link in some small way the President-elect's great and historic victory to the courage and integrity of Judge Bell. In the 1950s and 1960s across the South and across our Nation as a whole, the country worked to implement the landmark case of *Brown v. Board of Education*. While serving as chief of staff to Georgia Governor Ernest Vandiver, Judge Bell provided counsel to the Sibley Commission. This blue-ribbon panel held hearings throughout Georgia for the purpose of educating citizens on the inevitability of public school desegregation. In my view, his efforts on this commission were an important step down the path Dr. Martin Luther King, Jr. and others traveled that enabled Atlanta to become the city and community that it is today, for Georgia to truly become the empire State of the South, and for our Nation to elect our new President.

After cochairing President Kennedy's successful Georgia campaign during his 1960 Presidential election, the President nominated Judge Bell to a position on the Fifth Circuit Court of Appeals. To quote from his excellent biography provided by King & Spalding:

Judge Bell was unquestionably one of the court's strongest civil rights enforcers. He fervently believed in the rule of law and had little patience for segregationist-minded government officials seeking to evade or defy court orders to deny African Americans their civil rights. In *United States v. Barnett* . . . Judge Bell voted with the majority of the court in ordering the University of Mississippi to admit James Meredith as a student and enjoined the governor from interfering with his admission.

I ask unanimous consent that the firm's biography of Judge Bell be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BELL, GRIFFIN (1918—)

The shadow of Griffin Bell looms large across the landscape of jurisprudence in the United States. Over the course of his distinguished fifty-five-year legal career, Bell has compiled an impressive list of achievements, serving as the managing partner of Atlanta's premier law firm, the chief of staff to the governor of Georgia, the U.S. attorney general, legal adviser to three U.S. presidents, the "lawyer of last resort for some of the nation's largest corporations," and, for over fourteen years, an influential federal appellate judge.

Griffin Boyette Bell was born on 31 October 1918 in Americus, Georgia, to Adlai Cleveland Bell, a cotton farmer, and Thelma Leola Pilcher Bell. A. C. Bell laid the foundation for his son's future career in law and politics at an early age, taking the youngster to numerous campaign rallies and trials at the

local courthouse. Fortunately, the boy's intellect was more than sufficient to meet his father's ambitions for him. He was extremely intelligent, graduating from Americus High School at the age of fifteen. Bell then attended Georgia Southwestern College and worked as a Firestone salesman before being drafted by the army in 1941. After completing Officer Candidate School, he served as a company commander for more than 500 soldiers during World War II, eventually attaining the rank of major. Bell credits his time in the army as the most valuable management experience he could have received for a career in the law. It was also during this time period that he met his bride-to-be, Mary Powell. The Bells were married for almost sixty years before Mary's passing in the fall of 2000. Their marriage produced one son, Griffin Jr., and two grandchildren, Griffin III and Katherine. Judge Bell is now married to Nancy Kinnebrew Bell.

In 1946, after receiving an honorable discharge, Griffin Bell took advantage of the G.I. Bill by enrolling at Mercer University's law school in Macon, Georgia. In addition to his legal studies, Bell clerked for the law firm of Anderson, Anderson and Walker and served as the first city attorney of Warner Robbins, Georgia. In 1947, after just four quarters of study, he passed the Georgia bar on his first attempt. One year later, he graduated from Mercer with honors. Since that time, Bell has received the Order of the Coif from Vanderbilt University's law school and honorary degrees from several other colleges and universities.

Griffin Bell began his legal career with Lawton and Cunningham, a historic Savannah law firm that once "sued the federal government to recover the value of the cotton that Gen. William Tecumseh Sherman had burned on his 'march to the sea'" (Murphy 1999, 29). In 1952, he left Savannah to become a named partner of Matthews, Owens and Maddox, a law firm located in Rome, Georgia. But he only stayed in Rome for a "spell," leaving just one year later to join the prestigious Atlanta law firm of King and Spalding (formerly known as Spalding, Sibley, Troutman and Kelly). Upon arriving at King and Spalding, he immediately "began to lead the firm toward a more involved role in government affairs" (Murphy 1999, 40). In 1958, after just five years, he became the firm's managing partner and one year later was named chief of staff to S. Ernest Vandiver, the newly elected governor of Georgia. As chief of staff, Bell was the architect of the Sibley Commission, a blue ribbon panel designed to conduct hearings throughout the state "for the purpose of educating segregationists on the inevitability of public school desegregation" (Patterson 1977). The commission is universally credited with being the vehicle that saved Georgia's public school system.

In 1960, Bell was asked to cochair Sen. John F. Kennedy's presidential campaign in Georgia. He agreed to do so "before it was by any means certain a Catholic and a 'liberal' on civil rights could carry that state" (Patterson 1977). In one of their first meetings, Kennedy asked Bell whether he would be embarrassed to campaign on behalf of a Catholic. Bell replied, "Not at all. But I am embarrassed for our country that you would think to ask me that question" (Murphy 1999, 71). In the end, Kennedy won the election and carried Georgia by a larger margin than in any other state. Afterward, Robert Kennedy, the president's brother and new U.S. attorney general, contacted Bell to inquire as to whether he was interested in a position or

appointment with the federal government. Bell told him it was his understanding that two judgeships might open up on the United States Court of Appeals for the Fifth Circuit, at that time the nation's largest federal appellate court, and that he would certainly be interested in being considered for one of them. President Kennedy gladly obliged, nominating the forty-two-year-old Bell for a judgeship on the Fifth Circuit on 6 October 1961. But instead of waiting for the Senate to confirm the nomination, Kennedy decided to make Bell a recess appointment because of "the circuit's mounting caseload problems" (Barrow and Walker 1998, 29). The U.S. Senate confirmed Bell's nomination by an overwhelming margin the following spring.

Griffin Bell brought a forceful personality to the Fifth Circuit. A cross between Mark Twain and John Marshall, Bell was plain spoken, witty, charming, politically savvy, and extremely intelligent. He joined the court during one of the most turbulent times in our nation's history. The country was in the midst of a social revolution, and the Fifth Circuit—with jurisdiction over the Deep South states of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas—was the primary battleground in the struggle for civil rights. As tensions rose to a boiling point, the Fifth Circuit was called upon to dispense justice and maintain societal order. Never one to sit on the sidelines, Bell wasted little time entering into the fray and quickly became one of the court's most respected and influential jurists. As a judge, he unequivocally enforced the civil rights of black Americans, served as a bridge between the activist judges of the court and states' rights advocates, masterfully accommodated the competing interests of warring civil rights litigants to achieve commonsense solutions in the most complex of cases, and was a leader in the fight to preserve neighborhood schools on a nonracial basis.

Judge Bell was unquestionably one of the court's strongest civil rights enforcers. He fervently believed in the rule of law and had little patience for segregationist-minded government officials seeking to evade or defy court orders or deny blacks their civil rights. In *United States v. Barnett* (1963–1965), Bell voted with the majority of the court in ordering the University of Mississippi to admit James Meredith as a student, enjoining the governor of the state from interfering with his admission, and holding the governor in civil contempt for attempting to do so. In *Evers v. Jackson Municipal Separate School District* (1964), he reversed a district court's dismissal of complaints seeking desegregation of the public school systems of Jackson, Biloxi, and Leake County, Mississippi, eloquently noting that schools are not truly desegregated until "inhibitions, legal and otherwise, serving to enforce segregation have been removed . . . [and black children] are 'afforded a reasonable and conscious opportunity to apply for admission to any schools for which they are eligible without regard to their race or color, and to have that choice fairly considered by the enrolling authorities.'" In *United States v. Lynd* (1965), he authored an opinion holding a state court clerk in civil contempt for willfully disregarding a court order allowing blacks to register to vote. In *Turner v. Goolsby* (1965–1966), Bell crafted an innovative desegregation order placing the school system of Taliaferro County, Georgia, into a receivership after local officials closed down the county's only white school and secretly arranged for those children to attend schools in adjoining counties.

One of Judge Bell's most important enforcement decisions was *United States v. Hinds County School Board* (1969), a case involving the development and implementation of desegregation plans in thirty-three Mississippi school districts. This case came about after the Supreme Court reversed and remanded a Fifth Circuit order giving the state additional time to desegregate, holding "the continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible" (*Alexander v. Holmes County Bd. of Educ.* 1969). In an extraordinary move, the Court ordered the Fifth Circuit immediately to fashion and implement desegregation plans for each school district, even though the school year was already well under way. Chief Judge John R. Brown wasted little time in assigning Bell the difficult task of handling the case. Brown's reasons for doing so were obvious to the other members of the court. By that time, Bell had proven himself to be a brilliant tactician and a deft negotiator. As the "man in the middle," he was adroit "in the use of compromise" and "had the ability to bring together opposing sides, to find a common ground, and reconcile differences" (Barrow and Walker 1998, 28). A judge who frequently hunted with Bell claimed that he was so persuasive "[he could] talk the birds out of the trees to sit on his shoulder" (28). His colleagues had no doubt that he could handle this complex and unwieldy case. Bell did not disappoint. He began by summoning all of the school superintendents to New Orleans for a meeting. According to one witness, "He read the riot act to them—He told them they were desegregating next month whether they liked it or not" (Strasser 1977). After flashing the "big stick," Bell turned on his trademark charm. He spent several weeks conferring with civil rights lawyers, school board attorneys, and local officials about the details of the respective desegregation plans and the manner in which they would be implemented. This innovative approach "drew praise from all sides" and helped safeguard "the public's perception of judicial even-handedness" (Bass 1998a, 1505). More important, the Hinds decision marked a turning point for the Fifth Circuit's desegregation jurisprudence. In the past, if a circuit panel found fault with a district court's desegregation order, it would simply reverse and remand the case with instructions to develop a new plan. In the meantime, schools would remain segregated. After Hinds, however, the status quo during desegregation litigation was a desegregated school system.

Judge Bell was the Fifth Circuit's leading critic of using busing as a means of disestablishing the "separate but equal" school systems of the past. Although Bell strongly believed in both the legal and moral correctness of *Brown v. Board of Education* (1954), that black children have a fundamental constitutional right to attend school with white children and receive the same quality of education, he did not favor integration—that is, busing children several hours across town to achieve "a racial ratio [in each school] that reflected the total school population in the geographic entity" (Murphy 1999, 129). In his opinion, busing had nothing to do with equal protection and everything to do with social engineering. Bell interpreted *Brown* as giving black students "freedom of choice to go to schools, primarily in their own neighborhoods" (129). In this respect, he favored a strict neighborhood-school policy, with a majority-to-minority transfer policy that allowed students to transfer to a school out-

side of their neighborhood so long as the transfer did not have the effect of increasing the majority of the students' race at that school. If segregated schools still existed after the implementation of this policy, Bell advocated pairing nearby schools together as a means of further "disestablishing the dual school system" (101). Although Bell's argument did not, initially, carry the day, his valiant fight to preserve neighborhood schools remains praiseworthy. Many historians lavish praise on the activist members of the Fifth Circuit for requiring busing, but the real-world consequences of their actions have been devastating for public schools. Bell believes that the decline of public education in the United States is inextricably linked to the judiciary's decision to impose "forced integration and mandatory busing" on the schools: "Anybody with one eye and half sense should have known that busing would ruin them. The neighborhood strengths were lost" (132).

In addition to his formal participation on the bench, Bell also distinguished himself as an expert in the area of judicial administration, establishing "many of the Fifth Circuit's innovative screening and expediting processes" (U.S. Senate Committee on the Judiciary 1977, 6). He held several leadership roles in this area, serving as the chairman of the Federal Judicial Center's Committee on Innovation and Development (1968–1970), as a director of the Federal Judicial Center (1973), and as chairman of the American Bar Association's Commission on Standards of Judicial Administration (1976). He also took time from his judicial duties to serve as chairman of the Atlanta Commission on Crime and Juvenile Delinquency (1965–1966).

During his fourteen-plus years on the Fifth Circuit, Judge Bell participated in over 3,000 cases and authored more than 1,000 opinions. His reputation as jurist was such that four separate presidents (Kennedy, Nixon, Carter, and Reagan) had Bell on their short list of potential Supreme Court nominees. But as the fall of 1975 approached, Bell was restless. The intellectually challenging civil rights cases had come and gone, and he now spent the majority of his time dealing with "a heavy load of criminal and habeas corpus matters," work that he considered boring and dreary (Field Van Tassel 1993, 354). Around that same time, lawyers from King and Spalding paid him a visit and asked him whether he would consider leaving the bench and rejoining the firm. The offer was tempting. Bell loved practicing law, and he missed working with clients. After a few months, he informed his fellow judges that he had decided to resign. They were taken aback by his announcement. It was highly unusual for a federal appellate judge to relinquish a lifetime appointment, and Bell was, at that time, only the fourth judge to ever resign from the Fifth Circuit. Although his colleagues were disappointed by the decision, they were nothing but complimentary of his service to the court. Judge Bryan Simpson summed up their collective sentiment nicely, noting that Bell "was a tower of strength, and I think his strength has been that he's been a balance wheel. He always took the center ground, and he can draw people from either side when we get in these real tough fights" (Murphy 1999, 140).

When Griffin Bell decided to step down from the bench, he thought his career as full-time public servant was over. But eleven short months later, everything changed. A childhood acquaintance, Jimmy Earl Carter, had been elected the thirty-ninth president of the United States and selected Bell to be

his U.S. attorney general. Although he had no desire to return to government service, Bell's patriotism was such that he could not refuse a president's request to serve his country. His selection, however, created a firestorm of controversy, and several members from Bell's own party led the charge to derail his nomination. After being subjected to one of the most contentious Senate confirmation fights in modern history, the Senate Judiciary Committee voted ten to three, with one senator voting present, to recommend his confirmation to the full Senate. On 25 January 1977, the U.S. Senate voted seventy-five to twenty-one to confirm him. Later that day, Chief Justice Warren E. Burger swore in Bell as the nation's seventy-second U.S. attorney general.

Griffin Bell has been called one of the greatest attorney generals of the twentieth century. Under his leadership, the Department of Justice had an active legislative agenda on issues such as judicial administration, criminal justice reform, and intelligence reform. Bell also helped reshape the federal judiciary by overseeing the selection of 152 new judges and in the process appointed more blacks, women, and Hispanics to the bench than any other administration had up to that point. His primary achievement, however, was "rebuilding the Justice Department as a neutral zone in government [and] . . . restoring the integrity of the FBI and our foreign intelligence agencies in the wake of Watergate" (Barry 2000). At the time of Bell's resignation, in August 1979, Chief Justice Burger remarked that "[n]o finer man has ever occupied the great office of attorney general of the United States or discharge[d] his duties with greater distinction" (Murphy 1999, 302).

In the years following his return to King and Spalding, Griffin Bell has established himself as one of the country's premier lawyers and most prolific rainmakers, bringing numerous and profitable clients to the firm. Although he handles a variety of complex legal matters, he is nationally recognized for his expertise in conducting internal investigations of high-profile corporate crime (for example, E. F. Hutton check-kiting scandal; Exxon Valdez oil spill; Dow Corning breast implant controversy). He has also received a great deal of media attention for his pro bono representation of Eugene Hasenfus, an American mercenary shot down in Nicaragua while delivering arms to the Contras; serving as Pres. George H. W. Bush's private attorney during the Iran-Contra investigation; and guiding the Atlanta Committee for the Olympic Games through a congressional investigation into actions taken by committee members during the bidding process.

In addition to his private practice, Judge Bell has continued to serve his country in a variety of leadership roles. In 1980, he led the U.S. delegation to the Conference on Security and Cooperation in Europe. He has also served as cochairman of the Attorney General's National Task Force on Violent Crime (1981); a member of the Secretary of State's Advisory Committee on South Africa (1985 to 1987); a director, and then chairman, of the Ethics Resource Center (1986 to 1991); a member of the Board of Trustees of the Foundation for the Commemoration of the United States Constitution (1986-1989); vice chairman of President Bush's Commission on Federal Ethics Law Reform (1989); a member of the Webster Commission, which, in March 2002, issued its report on Federal Bureau of Investigation (FBI) security programs and Russian spy Robert Hanssen; and a member of the ad hoc advisory committee established

by Secretary of Defense Donald Rumsfeld for the purpose of developing rules to govern military tribunals (2002). During the Clinton impeachment process, he was one of nineteen legal scholars asked to testify before the House Judiciary Committee on the historical origins of impeachment. In 1984, Bell received the Thomas Jefferson Memorial Foundation Award for excellence in law, and he was recently named one of the 100 Georgians of the century.

Judge Bell's political clout remains considerable. In recent years, this onetime Democrat has taken to endorsing Republican presidential candidates. He lent his support to Vice Pres. George H. W. Bush in 1992, Sen. Robert Dole in 1996, and Gov. George W. Bush in 2000. During the presidential election controversy of 2000, Bell visited the recount site and served as one of the Bush team's key advisers. He also filed an amicus brief on behalf of the American Center for Law and Justice in *Bush v. Gore* (2000). After the election, Bell served as a member of president-elect Bush's transition advisory team for the Department of Justice. Although these actions have no doubt raised eyebrows in the Democratic Party, Bell insists that he is not a Republican: "I haven't switched parties, I consider myself to be an independent" ("Griffin Bell, Carter's Attorney General" 1996).

Griffin Bell's life is an American success story. Born into humble circumstances, he reached the heights of his profession through a combination of talent, ambition, and an indefatigable work ethic. More important, when positions of power provided him with an opportunity to make a difference, he consistently rose to the occasion. As a judge, his "intelligence and even-handedness in administering justice guided the South and the nation through some of its most perilous times" (Barry 2000). With all of his achievements, this is Bell's greatest legacy: his commitment to the rule of law and the equal rights of all citizens.

Mr. CHAMBLISS. There were many more important decisions in which he was involved, and I was privileged to study and learn from them while attending law school at the University of Tennessee.

Judge Bell was nominated by President Carter and confirmed by the Senate on January 25, 1977, as the Nation's 72nd Attorney General. His force of character and common sense revived a Justice Department that suffered from the Watergate era. According to Terry Adamson, a law clerk for the judge when he was on the Fifth Circuit, a principal assistant for Judge Bell at the Justice Department and a long-time friend of his, he said in an article that also appeared this week in the *Atlanta Journal Constitution*:

Bell recently told NPR reporter Nina Totenberg that his effort to bring about transparency during his service at the department was the core of restoring public confidence.

Certainly, it was.

Mr. President, I ask unanimous consent that Mr. Adamson's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Jan. 7, 2009]

HARDWORKING BELL LEAVES A LEGACY TO BE APPRECIATED

(By Terry Adamson)

Judge Griffin Bell and I were breakfasting in the White House mess in 1991 with my wife, who was then on President George H.W. Bush's senior staff. The president heard Bell was there and sent a message to visit in the Oval Office. It was a visit among friends, and Bush and his wife, Barbara, at Bell's invitation, were soon at Sea Island where they had not visited since their honeymoon. Rounds of golf were played, a return engagement for Bell followed at Camp David that included golf with Bush and Arnold Palmer, and Bush soon had Bell as his personal lawyer. For Griffin Bell, who died Monday at age 90, that was normal.

During his terminal illness, Bell's doctors told him to establish a goal each day. He accomplished many during the last six months, invigorated by the outpouring of visits and calls of his lifetime of friends, and at peace after a satisfying and long life. His mind stayed clear and vigorous to the end. Former Atlanta Constitution editor Eugene Patterson was one of those who told Bell in a call a few weeks ago how "the courage" displayed by Bell and Gov. Ernest Vandiver to bring Georgia within the legal requirements of integration and save public education in Georgia "set my own bearing."

Bell was a new 43-year-old judge for just a few months on the 5th Circuit Court of Appeals when he drew the case that ended the discriminatory county unit system and changed Georgia elections. He was soon embroiled in Mississippi Gov. Ross Barnett's defiance of court orders to admit James Meredith to the University of Mississippi. The Georgia and Mississippi cases were two among about 3,000 cases in which he participated and more than 500 opinions that he wrote. These cases reflected his frequent and significant role during his nearly 15 years as a judge in which he synthesized the court's center, advancing civil rights. President John F. Kennedy went on television in the midst of the Barnett controversy to cite Bell and other southern judges as courageous heroes.

In 1977, Bell and President Jimmy Carter had a mission to refurbish the Justice Department and FBI after the severe tarnish of Watergate. He started and ended by boosting the professionalism of the careerists in the department. When he left, the esprit of the body of the men and women at Justice was at an all-time high.

As a critical ingredient of this mission, Bell earned the respect of a cynical post-Watergate press corps. Seemingly small things were part of his plan, such as posting on the press room bulletin board his own daily logs showing his every meeting and telephone call with anyone outside the Justice Department from the day before. He enforced rules such as restricting White House contacts to only the highest levels of the department to minimize even the appearance of political pressures on lesser officials. Bell recently told NPR reporter Nina Totenberg that this transparency was the core of restoring public confidence.

While rigorous about his national security responsibilities and proud of the first modern successful prosecutions of spies, Bell also persuaded the intelligence community and the Congress to trust the judiciary to oversee domestic surveillance by authoring and passing the Foreign Intelligence Surveillance Act. He recruited and persuaded William Webster to resign a lifetime appellate judgeship to become head of the FBI.

Bell implemented Carter's campaign pledge to give meaningful roles to minorities and women. African-Americans as solicitor general and the head of the civil rights division were among his first two recruits. At the beginning of the Carter presidency, there were few minorities and no women judges on the federal appeals courts, and few on the trial courts. It was one of the highest priorities of Carter and Bell, and for the first time in history, significant percentages of women and minorities became federal trial and appellate judges.

As I watched Bell operate over the years, I was amazed not only with the depth of his mind, but his laudable ability to absorb and process the energy and knowledge of the law clerks, aides, or fellow lawyers around him in order to improve his own. The daily breakfast with other Justice officials in the Martha Mitchell dining room was nothing but fodder for his intellect.

Initially labeled by some critics as a "crony" of Carter, 21 senators voted against Bell's confirmation as attorney general. All of these opponents later publicly voiced their support for him. Bob Dole wrote in the *Washington Post* that his vote against Bell was one of his two worst votes in Congress. The leader of that initial opposition, Sen. Charles McMathias, a liberal Republican from Maryland, also recanted "the error of his opposition" as he hosted Bell at his Maryland farm before they together commemorated John Marshall, the first chief justice, at a nearby rural burial site.

Bell was a people's person of the first order, who valued his own common origins. Secretaries around the Justice Department would be surprised when this attorney general would wander into their far-flung offices, alone and unannounced. It took no more than five minutes before Bell had established a common acquaintance. On the day a massive snowstorm engulfed and closed Washington, the *Washington Post* called the offices of the Cabinet to see who was working. He and I were the only ones there that morning, and I was off making coffee, when the phone rang. He answered in his recognizable and unassuming drawl. That was the lead of the *Washington Post* story about who was working in Washington.

Bell's most mentioned trait was his rich humor and wit. Former Atlanta Constitution editor Reg Murphy wrote an engaging biography laden with samplings of this wit: "Uncommon Sense: The Achievement of Griffin Bell." Bell introduced a widely rumored aphrodisiac, rooster pepper sausage, to Washington, headlined in a front-page story by reporter Phil Gailey, "Rooster Pepper has White House Links."

Bell gave a still remembered acceptance speech in 1979 as "a candidate for President of the United States" at the Alfalfa Club, an annual banquet and mock political event in Washington usually attended by the current president, the Cabinet, military, judicial, political and business leaders. He began in his distinctive Georgia drawl, "I would like to advise that arrangements have been made for simultaneous translation."

He continued (paraphrasing Churchill's great statement), "Our motto will be to wage obfuscation. We will wage obfuscation on the beaches and on the landing fields and in the political arena of America. And when all else fails and we can no longer obfuscate, we will tell the truth to the extent we know it."

We celebrate with deep affection the life of this rare man.

Mr. CHAMBLISS. When leaving the Fifth Circuit, Judge Bell returned to

King and Spalding and distinguished himself as one of the country's premier lawyers.

In closing, as I have paid tribute to his distinguished career, I wish to take a moment to pay tribute to this wonderful gentleman and friend. As a lawyer, I learned so much from him about the practice of law. As a Congressman and Senator, I learned so much about politics and public service.

As a friend, I enjoyed our visits and conversations. His keen sense of humor has been compared to Mark Twain. As my good friend, Bob Steed—Georgia's very own "Mark Twain"; a real humorist, columnist, and long-time law partner of Judge Bell—said this week of his wisdom and wit:

If he took a position, he'd take it strongly and defend it. But if someone improved it, he was willing to give way. His ego didn't get involved with choices . . . He was sharp to the very end. He told his son that there must be a committee in heaven in charge of dying, because it was taking so long.

That was Judge Bell.

Griffin Bell changed the course of the history of our country. As a judge on the Fifth Circuit, his decisions regarding integration of school systems in Georgia and across the South were a model for integration throughout the Nation. In his role as Attorney General, he did much to restore the public's trust in the Department of Justice. He was a close personal friend of mine, and this is not only a national loss but a personal one as well.

Mr. President, I have before me a commencement speech that he gave at Mercer University Law School in 2002. I ask unanimous consent that it be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

Dr. Godsey, Congressman Chambliss, members of the faculty, families of graduates, graduates and friends:

I congratulate each one of you graduates on having completed law school. Through much study and great effort, you are about to become lawyers. You are about to become members of a privileged class of Americans because as lawyers, you are agreeing to serve your fellow Americans in resolving those kinds of disputes which arise in a free country.

We have many rights and many responsibilities, and lawyers are necessary to resolve the conflicts which arise from time to time with respect to those rights and responsibilities.

In 1835, a young Frenchman by the name of Alexis de Tocqueville came to this country to study our prison system. He stayed for two years and ended up writing *Democracy in America*, an epic study of our democratic system. He reached many conclusions, and two apply to you.

First, he said that almost every problem that arises in a democracy will eventually be resolved in the court system. This was true then and it is true now.

Second, he said that there was no aristocracy in America, but that the nearest approach to aristocracy was in the lawyer class. His thought was that lawyers occupy

an unusual and favored position in our system.

So now that you are about to become aristocrats, I want to give you a short lecture on behavior. We have an ample supply of lawyers in our country, and some of the lawyers overlook the obligation to serve others. They also distort the privilege of practicing law by converting it into a mere occupation. I was taught in law school that a lawyer had ethical obligations well above the morals of the marketplace.

We are privileged to represent others in resolving their problems, but we have to do so with the public interest in mind. We can advise and counsel and defend clients, but we cannot advise or facilitate activities which violate the law. We live in a very complex world where the channels of commerce depend on tax laws, which are often unfathomable. There is a fine line between tax avoiders and tax evaders. Accounting standards can be evaded with the result that the public loses confidence in our business corporations and in the integrity of the marketplace. Lawyers are the watchmen on the wall in the sense that they should say no to clients who engage in such activities.

One of the first duties of a lawyer is to remain detached in any representation to the end that you do not facilitate the breaking of the law. Always err on the side of doing right. You and only you are responsible for your ethics.

You should attach yourself to a mentor at the earliest possible time. Those of you who will be trial lawyers—and that will probably be about half of you—will not have the privilege of being trained as barristers, as would be the case in England, where you would have your training at an Inn of Court. Inns of Court do not teach law, but they teach lawyers how to conduct themselves and how to behave themselves. Once they are certified by their mentors, as knowing how to conduct themselves, they become barristers. If you attach yourself to a mentor who has integrity—and I can assure you that the older lawyers are always glad to help young lawyers—you will absorb those qualities of conduct that will make you into respected lawyers.

The rules of conduct that you should follow in your practice can be simply stated.

1. To a client a lawyer owes undivided allegiance and the utmost application of your learning, skill and industry as well as the employment of all appropriate legal means within the law to protect and enforce the interests of the clients. You should not be deterred by any fear of judicial disfavor or public unpopularity. Nor should you be influenced by self interest.

2. To opposing counsel a lawyer owes a duty of courtesy, candor in the pursuit of truth and cooperation in all respects—not inconsistent with the clients' interests. You also must scrupulously observe all mutual understandings. Your word is your bond.

3. To the courts you owe respect, diligence, candor and punctuality. You should also work to ensure the independence of the judiciary and protect the courts against unjust and improper criticism. In return, you should expect from the judge and the courts that you be treated with respect and that your dignity and independence as an officer of the court be maintained. I have always thought it a mark of great distinction that a lawyer in court can make a statement, as they say, "in his or her place" to the court, without the necessity of being put under oath. This is a mark of our professionalism.

4. In the administration of justice, you must abide by the rules and conform to the

highest principles of professional rectitude, irrespective of the desires of the clients or others.

5. To the public you owe the duty of making certain that the system for administering justice is fair and efficient, and you should do what you can to improve the system.

6. To the public you also owe the duty of seeing to it that counsel is made available to those who cannot afford counsel either on a pro bono basis or for such fees as can be afforded.

7. Finally, to our country you owe the duty of leadership. You are in the class "to whom much is given, much is expected."

You should arrange your affairs as lawyers so as to have time to be thorough and diligent. The bane of many lawyers may be having too much practice. You do not serve any client well when you lack the time to be thorough and prompt. You are not required to take every matter that is presented to you, but having assumed a representation, it becomes your duty to finish the representation. Sometimes you will make a bad bargain, but as professionals, you are still obligated to carry out the representation.

Someone asked one of my friends when we were in law school why so many of us veterans were going to law school just after World War II. My friend replied that we were hoping to gain a part of the American dream. In most instances, my generation has found the American dream. We have had good, rewarding lives and we have taken great pride in our profession.

I am proud to be a lawyer. I am proud of the fact that my son is a lawyer, and I am proud of the fact that my grandson, a member of this class, is about to become a lawyer. Being a lawyer is an honorable profession, and our obligation is to maintain it with honor.

I feel certain that all of you will have that attitude toward being lawyers, and I wish you well as you go forth now into the practice. I hope that each one of you will find the American dream.

Thank you.

Mr. CHAMBLISS. I remember the day very well when Judge Bell gave that commencement speech at Mercer Law School because that day his grandson Griffin, III graduated from Mercer Law School, and my son Bo graduated from Mercer that same day. I was privileged not only to be there to see my son graduate from law school but also to share the dais with Judge Bell and to introduce Judge Bell to make that commencement address.

He was a great American. He was a great Georgian. He was a terrific lawyer with unparalleled credentials, unparalleled integrity, and someone who is going to be missed by our State and by our country.

(Ms. KLOBUCHAR assumed the chair.)

ISRAEL

Mr. CHAMBLISS. Madam President, I also wish to discuss the security in the Middle East and to offer my support for Israel. Israel is an important foundation of stability and democracy in the Middle East. The resolution of the Israeli-Palestinian conflict is important not only to the peace and secu-

rity of the Middle East but also to the rest of the world.

The United States and Israel share common principles and a strong commitment to eradicate terrorism and to secure a better future for the world. Israel has been a steadfast ally of the United States and, I assure you, the United States will stand ready to assist our friends, the Israelis, to promote peace, defeat terrorism, and prevent hostile countries that sponsor terrorism from obtaining nuclear weapons.

With hopes for peace and a two-state solution, Israel evacuated all of its citizens and soldiers from Gaza in 2005, including the uprooting of homes, schools, and places of worship. Unfortunately and regrettably, following these actions, the Palestinians failed to develop fully the Gaza Strip and voted into power Hamas, a terrorist organization supported by Iran and whose true objective is to eradicate the state of Israel.

Following years where terror groups in Gaza launched rockets at Israel, targeting the Israeli civilian population, it became clear that it was time for action. After Hamas failed to renew its self-imposed cease-fire—one it, frankly, never enforced fully—Israel was forced to take appropriate action to protect her citizens. To that end, Israel has responded appropriately.

The United States-Israel alliance remains more critical than ever as Israel defends her people and works to end the threat posed from terrorist groups on its borders. The United States and Israel face an unprecedented array of shared threats—from Iran developing a nuclear program with unclear intentions and a clear track record of deceit, to the expanding military capabilities of terrorist groups such as Hamas and Hezbollah, which are supported by Iran—and security and stability in the Middle East, especially for our ally Israel, has never been more precarious.

I do hope this conflict will soon come to a peaceful conclusion. Nevertheless—and let me be clear—Israel has every right to defend its citizens while taking precautions, to the extent possible, to spare the civilian population in Gaza and reduce collateral damage.

I urge the people of Gaza to reject Hamas and surrender the terrorists' rockets in the most expedient manner to facilitate ending this necessary action by Israel. Israel remains committed to peace talks with the Palestinian Authority, despite Hamas's constant bombardment of Israel and its ineffective control over the Gaza Strip.

In order to improve the prospects for successful and lasting peace between the Israelis and the Palestinians, it is necessary for all Palestinians to work toward a solution. This cannot be done while Hamas is allowed to rain terror into southern Israel. I encourage the Palestinian Authority in the West

Bank to form a legitimate and authoritative body which can speak for all of Palestine, effectuate change, and exercise control over terrorists who reside in their territory. I commend President Abbas for taking part in the international discussions about the situation in Gaza.

I support the necessary requirements of any cease-fire which Secretary Rice discussed before the United Nations. Hamas must end the rocket, mortar, and other attacks on Israel, and Israel can then cease its military offensive and reopen Gaza's border crossings so that Palestinians can benefit from humanitarian goods and basic supplies. Most importantly, the smuggling of weapons into Gaza through hundreds of illegal tunnels must end. The Arab states in the region, especially Egypt, should be a part of this process, and I encourage the Palestinians to seek their guidance and support, and in return for them to offer guidance and political and financial support.

Madam President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Finally, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WHITEHOUSE. Madam President, today Senator Daschle has come before the HELP Committee for his confirmation hearing as our Secretary designate of Health and Human Services. I know that all of our colleagues and friends in the Senate found it moving and wonderful to see the distinguished chairman of that committee, Senator KENNEDY, back in his chair leading that hearing. We are all delighted to see him back at work in the Senate, and we are delighted to see Senator Daschle back with us in this exciting new capacity.

We know every American deserves health care that he or she can afford. Senator Daschle knows that to do that we need basic systemic reform that will improve the way health care is delivered in this country. Senator Daschle has already brought forward ideas, such as the creation of a Federal health board, that have contributed enormously to the health care reform debate, and I hope very much he will pursue those ideas further at HHS. His nomination and President-elect Obama's creation of a new White House

Office of Health Care Reform emphasize their serious commitment to solving this bedeviling problem. Senator Daschle will bring distinguished, thoughtful leadership to the crisis in our Nation's health care system.

Health care reform is the signal challenge facing our families, our economy, and our Government. I wish to take a few minutes today to speak about this great challenge and the urgent need for action.

We all know the system is broken. The evidence lies all around us—in my State of Rhode Island and across the country. When a lost job is frightening not just because it means lost income but because it means lost health care, our health care system is broken. When sudden illness strikes and insurance will not cover the costs, our health care system is broken. When families wait to see a doctor until it is too late because they have no health insurance to pay for the visit, our health care system is broken.

We see the evidence of the broken system and the staggering costs of health care in this country. The United States spends 16 percent of our GDP on health care. That is about twice what our major industrialized competitor nations spend. The annual cost of the system exceeds \$2 trillion, and it is expected soon to double. Family health emergencies have been the most common cause of personal bankruptcy, and businesses, large and small, struggle under the weight of ever-increasing health insurance costs. There is more health care than steel in Ford's cars and more health care than coffee beans in Starbucks coffee.

Yet for all that money, what do we get? We still leave 46 million Americans uninsured; 46 million wrenching stories of health care foregone, of personal misfortune, even lives lost. That doesn't even include the experiences of our Nation's underinsured or small business owners struggling to provide health insurance or the many Americans who receive poor quality health care.

President-elect Obama is committed to reforming this broken system, and he has taken swift action to engage the American people in a national conversation about what is wrong and what we can do to fix it. Last month, he and Secretary-designate Daschle asked people to hold meetings in their communities to discuss health care reform and to share their ideas.

In the end, there is no better way to understand the deep failures of our health care system and the very real pain, frustration, anxiety, and anger it causes than to talk to the people who have experienced it firsthand. Over the past few years—at community dinners that I have around our State, in my office, as I travel around—many Rhode Islanders have reached out to me to share their stories and to urge that we

work urgently to repair this broken system. I wish to take a moment to share a few of those stories.

A mother in Narragansett, RI, shared a story about her 20-year-old son who suffers from severe bipolar disorder and relies on therapy and expensive medications to remain a valued and productive member of his community. He is too old to be covered under her family health insurance plan, and his pre-existing condition makes buying insurance on the individual market impossible—prohibitively expensive. So what did they do? This mother and her family came up with a surprising solution. They enrolled her son at the Community College of Rhode Island so he could participate in the student health insurance plan. He takes the absolute minimum course load in order to continue to work, but he remains a student because it is less expensive to pay for college tuition than it is to pay for individual health insurance. Any parent with a child in college knows what a burden this Rhode Island family is bearing to ensure that their son gets the basic treatment he needs to stay healthy.

I also heard from the proud owner of a small bookkeeping and tax preparation business in Warwick, RI. She has worked tirelessly to raise five sons, go back to college, and finally she has become her own boss. Yet despite all her effort and all her success, she wrote me to plead for reform. She wrote this:

I spend over 50 percent of my income just to have health insurance for my husband and myself. The premiums are over \$1,000 per month, even with very high deductibles. My employees need health insurance also, but I am unable to provide them with any benefits because of the poor economic conditions.

Her employees are like family to her, as with so many small businesses, and it breaks her heart that they are uninsured. Yet she says she simply will not be able to keep her doors open if she tried to contribute toward their benefits.

In the midst of this economic downturn, and particularly in Rhode Island where the unemployment rate is one of the highest in the Nation, this story shows all too clearly how closely linked are the tasks of reforming our health care system and strengthening our economy.

Our health care system manages to fail even those who believe themselves to be covered. A woman who lives in Woonsocket and who has health insurance and was always careful to pay her bills on time, assumed she would be covered in the event of an emergency. Why not? She was current. She paid her premiums. She had insurance. But not too long ago, she suddenly had to have her appendix removed. Despite having health insurance, she left that hospital with a \$10,000 bill. She is currently working for a temp service and she has no idea how she can pay off this

debt. She had recently bought her own home, a longtime dream and an accomplishment in which she took great pride. Now, because of the fine print of that health insurance policy, she risks losing the home she worked so long to afford. As this Rhode Islander learned in the hardest way possible, health insurance often ends up ensuring very little.

It is on behalf of these Rhode Islanders and so many others that I urge my colleagues to come together to support health care reform that will lower costs and improve the quality of care for all Americans. We must improve the way we deliver health care by promoting quality, implementing health information technology, and investing in preventing disease. We must, and will, protect existing coverage when it is good, we must improve it when it is not, and we must guarantee health care for the 46 million Americans, 9 million of whom are children who have no health insurance at all.

We see ourselves now in darkening and tumultuous economic times. Yet looking beyond the immediate economic perils we face, there is a \$35 trillion unfunded liability for Medicare that is bearing down on us. It is bearing down on us because our population is aging, because people get sicker as they age, and that makes them more expensive. Unless we figure out a way in this Chamber to stop time, unless we figure out a way in this Chamber to reverse the aging process, unless we figure out a way in this Chamber to make elders have healthier lives and bodies than younger people, this is inevitable. It is coming at us, and we have to prepare. In order to prepare, we have to reform the health care delivery system. We are committed, as Democrats, to making sure every American has health insurance coverage, but it is not enough just to bring everyone into the boat. If you had a boat in the ocean and people swimming around it and to save them you needed to bring them into the boat, you would do that. But if the boat itself was sinking, if the boat itself was on fire, just bringing everybody into the boat is not an adequate discharge of your duties. It is also important that you repair the boat, that you get it steaming forward, that you make sure it is safe for the people whom you bring into it.

That means reforming our health information technology infrastructure so every American can count on an electronic health record, so when you go to see your doctor, you don't have to fill out that clipboard one time after another, when at the same time you can sign on to Amazon and not only do they know who you are, they know what you have bought and they have suggestions for you based on your buying habits. There is no excuse for our health care system being back in the 1950s as the rest of the economy moves

forward into the 21st century. It requires improving the quality of health care and it requires investing in prevention.

We dramatically underinvest in prevention and quality. There are market failures that cause those things to happen. They are repairable. In addition to the cost savings, it is estimated that 100,000 Americans die every year—100,000 Americans die every year—because of avoidable medical errors. It is simply not tolerable to allow that to continue, particularly when it is a win-win situation, where improved quality of care means lower costs.

Finally, the third leg of the reform, in addition to helping infrastructure technology and quality and prevention reform, is that we have to reform how we pay for health care to align the price signal that we send by those payments with what we want from health care. Until we do that, we will be constantly struggling uphill against our own financial message.

This is all doable. This is all so doable, but it will take time. These are complex matters. We will have to make adjustments. The adjustments will take time. It is a dynamic environment which will have to make course corrections along the way. That means we need to start now. We do not have the luxury of time on our side. If we do not get started on a thorough-going health care delivery system reform now, then the alternative will be times that are even darker and more tumultuous than we find ourselves in right now.

I see the very distinguished chairman of the Budget Committee on the floor, a man who is an eloquent voice on the dark and tumultuous times and the risks we face from the current fiscal situation, so I will gladly yield at this point, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

CBO REPORT

Mr. CONRAD. Madam President, first of all, I wish to thank Senator WHITEHOUSE for his contributions to this Chamber. He has been an outstanding Member. He serves on the Budget Committee with me. He has developed a special expertise on health care which is so badly needed.

I wish to comment very briefly on the CBO report we received today in the Budget Committee hearing on the fiscal outlook. It is truly jaw-dropping. There is a \$1.2 trillion deficit for this year, before any economic recovery package is passed. Add to the debt even higher: \$1.6 trillion will be added to the debt of the country, and, again, that is before any cost of an economic recovery plan.

If one factors in an economic recovery plan, we could be looking at an increase in the debt of \$2 trillion this

year alone. To put that in context, we have a gross debt of the United States of \$10.6 trillion roughly today.

So I think it is imperative that while we put together an economic recovery plan, which we must, we also are cognizant of the very serious long-term fiscal condition we face as a nation.

There is a front-page story in the New York Times today indicating that the Chinese, the biggest financiers of our debt, have a reduced appetite for American dollar-denominated debt because they have their own economic issues, their own need for the use of capital at home. This could have enormous consequences for us going forward in terms of interest rates and what it will take to attract foreign capital to float this economic boat.

One final point. Last year, of the new debt financing for this country, 68 percent of it came from abroad. Madam President, 68 percent of our new debt financing came from abroad. The fact that the Chinese, who have been the most significant contributors to financing that debt, are expressing a reluctance to take on more of our debt, do more of our debt financing, should send a warning signal to all of us as we fashion long-term fiscal and economic policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I wish to ask, through the Chair, a question of the distinguished chairman of the Budget Committee with respect to the \$10 trillion debt the country is now carrying.

At the time the current administration that is leaving office came into office 8 years ago, my understanding is the situation in America was rather different. It is my understanding that at that time we were actually looking at surpluses in our country, and the \$10 trillion deficit is largely the responsibility of the policies that have been followed over the past 8 years.

Mr. CONRAD. The Senator is exactly right. The debt of the country at the beginning of the last administration was about \$5 trillion. They have approximately doubled the debt of the country on their watch, dramatically more than doubled foreign holdings of U.S. debt. So the current administration, the outgoing administration, has left the incoming administration in a very deep hole, not to mention the economic difficulties and the extreme need for an economic recovery plan to give lift to this economy.

Mr. WHITEHOUSE. So through the good times, we could have been laying money aside so that when this situation came, we would be in a strong economic condition. Instead, by squandering all those years, we have put the incoming administration in a very challenging position.

Mr. CONRAD. Yes, not only the incoming administration, the whole

country because our ability to cope with an economic downturn, the flexibility is substantially limited by what has already been done to dramatically increase the debt, as the Senator described, in good economic times. Unfortunately, that is the reality we now confront.

Today's news by the Congressional Budget Office of not only the \$1.2 trillion deficit this year but massive deficits as far as the eye can see should sober us all.

Mr. WHITEHOUSE. I thank the very distinguished chairman of the Budget Committee for being willing to engage in this colloquy with me.

Mr. CONRAD. I thank the Senator from Rhode Island and look forward to working with him on the Budget Committee as we attempt to come up with a plan to deal with these multiple challenges.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 4:45 p.m.

Thereupon, the Senate, at 3:34 p.m., recessed until 4:45 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, under the rules, have we been in a quorum call or in recess?

The PRESIDING OFFICER. We have been in a recess.

GLOBAL WARMING

Mr. INHOFE. Madam President, first of all, I appreciate your coming from your meeting to preside. As we begin the new Congress and a new administration, we begin a new chapter on energy and environmental policy, and it is a time that environmental activists, the United Nations, and many of my Democratic colleagues have been salivating for for years. The stars are all aligned. Democrats control both sides of Pennsylvania Avenue, and the Supreme Court has spoken now that carbon dioxide is a pollutant under the Clear Air Act, even though it was a 5-to-4 decision. It is kind of interesting how something can be a pollutant with a 5-to-4 decision.

It is believed the stage has been set for a home run on mandatory Kyoto-like climate controls and the dawn of a new bustling green energy economy. However, before many of my colleagues rush to leap before they look, I wish to remind them of some very unfortunate developments that may complicate their early action on items on their wish lists. I ask my colleagues to at least consider some of the facts I will be revealing over the next series of speeches and to keep an open mind before rushing to sweeping action after waiting for so many years.

The scale and pace of the climate proposals and the regulatory actions we have debated in the past, including the recently failed Lieberman-Warner bill and the ones we will likely be debating this Congress, leave little room for error in this fragile, recession-ridden economy, and the inflated promises of a sweeping green jobs revolution need an honest and frank reality. The proponents of mandatory global warming controls need to be honest with the American people. The purpose of these programs is to ration fossil-based energy by making it more expensive and therefore less appealing for public consumption. It is a regressive tax that imposes a greater burden relative to resources on the poor than it does on the rich. Let me say that again. The purpose of these programs is to ration the fossil fuel-based energy by making it more expensive to all Americans and therefore less appealing for public consumption. But it is a regressive tax, and we have talked about this before. It is one that punishes those whose resources have to be used for such purposes as being able to operate their vehicles and heat their homes.

Advocates may argue that the redistribution of wealth toward the income consumers will offset the balance of revenue or taxes being taken in, but we learned firsthand during the Lieberman-Warner debate that this simply is not true. I don't like the argument that we have equal distribution of wealth efforts that are going to take a regressive nature out of the punitive values of this type of program. To me, there is something un-American about that. But while the bill's sponsors try to convince us there is actually tax relief in the bill, we learn that families—now I am talking about the Lieberman-Warner bill, and this was only about 8 months ago, the Lieberman-Warner bill—we learn that families with workers will still have to pay \$6.7 trillion into the system in the form of higher energy costs to get back an estimated \$802 billion in tax relief. That is a return of \$1 out of every \$8.40 paid. It is time that proponents of climate policies be honest. It is expensive, and it is going to cost taxpayers a lot of money.

You know, it doesn't really matter which form we use. We have gone through, first of all, the Kyoto Treaty. We came this close to passing the Kyoto Treaty, and it wasn't until the Wharton School of Economics came along with the econometrics survey and they determined it would cost some \$300 billion a year to join onto and actually try to achieve the emission requirements of Kyoto. Then along came the McCain-Lieberman bill and then after that the Warner-Lieberman bill. And cap and trade is going to be about the same amount. They may massage it a little bit, but we are still talking in the neighbor-

hood of \$300 billion a year. That equates to over \$2,000 for each tax-paying family in America. So it is huge.

In the coming weeks, I will go into more detail about other false promises proponents of mandatory global warming policies are advocating. Among them are a reality check on green projects—the number of new green jobs from a climate regime are overstated compared to the number of manufacturing jobs lost, and we know from the National Association of Manufacturers how many jobs would have been lost with any of these schemes in the past; a review of the weaknesses of offset policies—companies have bought offsets which are not real; and a review of the attempts to estimate the cost of inaction. Many advocates are claiming it is more expensive to do nothing than the cost of a cap and trade, but they are untested and nontransparent economic modeling.

All these issues will play a vital role in the debate on both energy and global warming policy, which have become unavoidably intertwined. You can't really talk about one without the other. You can't talk about what you are going to do on greenhouse gases or CO₂ or cap and trade without affecting our overall energy policy.

When there are sensible proposals debated in Congress that can achieve double benefits of reducing emissions and making America's energy supply more stable, diverse, and affordable, then we will look forward to working on a bipartisan basis to achieving these goals. Increasing our domestic energy production and lowering our dependence on foreign oil are two issues that are critically important to myself and my State of Oklahoma, and of course this will include renewables and new green jobs.

However, we need to be smart and realistic about these policies. Unfortunately, I fear that the scale and pace many of my colleagues will be advocating with mandatory climate policies are unrealistic, extraordinarily narrowly expensive, and ill-advised. What is the driver for these unrealistic proposals that seem to make unnecessarily abrupt and painful increases in our energy costs in the near term? It is all rooted in global warming science.

I have given over 12 speeches, averaging over an hour apiece, on the science of global warming over the past few years. Today, I wish to update my colleagues on some of the latest science that has not yet been reported in the mainstream media. I will simply be a disseminator of this information and not a commentator. I have to say that because I am not a scientist, nor is anyone else that I know of in this body a scientist. So the statements I will make will be quoting people who are qualified and are scientists, and this is what my role will be.

Before I do that, I ask all my colleagues to think about the issue. Science should not be reviewed through any one frame. It is not partisan, it is not regional; however, the political process has largely engulfed science behind climate change. As I have documented in speeches before, the politicizing of the global warming science has become one of the most unfortunate developments in the last 8 years. Anytime one questions a hypothesis or a conclusion that does not fall in line with "the sky is falling" doom and gloom scenario of global warming alarmists, it is ridiculed, written off, denigrated, and not reported by the mainstream media. Yet anytime a more severe interpretation or alarming statistic is related, it is headline grabbing in the news. Objective, transparent, and verifiable science gets lost in the public dialog.

Funding has a way of influencing this debate. The other day there was an article in the Bloomberg News—and I say this for those individuals who might be feeling sorry for Al Gore—it was reported that his net worth in 2000 was between \$1 million and \$2 million and it is now in excess of \$100 million today, so he will be all right.

When the stakes of the policy outcomes with cap and trade and other mandatory climate proposals are this high for the American people, I hope the Senate this year will embrace my calls for objectivity and transparency in science and modeling. As policymakers, it is our duty to make sure models developed by agencies and used in policy are useful for their intended purpose, articulate major assumptions and uncertainties, and separate scientific conclusions from policy judgments.

However, with global warming science this has not been the case. With many left-of-center scientists, the environmental activists now realize the so-called consensus on man-made global warming is not holding up.

The leftwing blog Huffington Post—this is a left-leaning organization—surprised a lot of people by featuring an article on January 3, 2008, by Harold Ambler demanding an apology from Gore for promoting unfounded global warming fears. The Huffington Post—again, left leaning—article accused Gore of telling the biggest whopper ever sold to the American public in the history of mankind because he claimed the science was settled on global warming. The Huffington Post article, entitled "Mr. Gore: Apology Accepted," adds, "It is Mr. Gore and his brethren who are flat-Earthers, not the skeptics." Again, it is not myself, not Jim Inhofe saying this about Gore; it is the leftwing blog, the Huffington Post, saying these things.

The Huffington Post article continues:

Let us neither cripple our own economy by mislabeling carbon dioxide a pollutant nor

discourage development in the Third World, where suffering continues unabated day after day.

Another left-of-center atmospheric scientist who has descended on the manmade climate fears is the U.K.'s Richard Courtney, a U.N.—and let's keep in mind where all this started. A lot of people forget this was started by the United Nations—the United Nations Intergovernmental Panel on Climate Change. They came out and said: Oh, it is manmade gases, anthropogenic gases, CO₂, methane that are causing climate change. And this person used to be on that panel. He was an expert reviewer in the U.K.-based climate and atmospheric science, a consultant, and a self-described Socialist who also happens to reject manmade climate fears.

Joining Courtney are many of the other progressive environmental scientists. Former Green Peace member and Finnish scientist Dr. Jarl Ahlbeck, a lecturer of environmental technology and a chemical engineer at the University of Finland who has authored 200 scientific publications, is also skeptical of manmade climate doom. Ahlbeck wrote in 2008:

Contrary to common belief, there has been no or little global warming since 1995, and this is shown by two completely independent data sets. But so far, real measurements give no ground for concern about catastrophic future warming.

This is kind of interesting because what he is saying—and this is a guy who started out with the United Nations in the beginning, with the IPCC—is that right now we are actually in a cooling period. I think no one debates that now. We have had the most severe weather, and I will have another talk I will try to get in next week about what is happening around the country right now. It isn't global warming, it is global cooling. People forget God is still up there and we go through these cycles. I can remember the middle 1970s when they were saying there is another ice age coming and we are all going to die. Those same people—and there was an article in *Time* magazine at that time—are the ones now saying we are going to die, but it is for a different reason, it is global warming.

Lifelong liberal Democrat Dr. Martin Hertzberg, a retired Navy meteorologist with a Ph.D. in physical chemistry, also declared his dissent of warming fears in 2008. He said:

As a scientist and life-long liberal Democrat, I find the constant regurgitation of the anecdotal, fear mongering claptrap about human-caused global warming to be a disservice to science.

Finally, CNN—not a bastion of conservatism—had yet another of its meteorologists dissent from warming fears. Meteorologist Chad Myers, a meteorologist for 22 years, certified by the American Meteorological Society, spoke out against anthropogenic climate claims on CNN in December.

You know, to think that we could affect weather all that much is pretty arrogant. Mother Nature is so big, the world is so big, the oceans are so big—I think we are going to die from the lack of fresh water or we are going to die from some type of ocean acidification before we die from global warming, for sure.

Myers joins fellow CNN meteorologist—by the way, CNN has been very biased all this time. I think we know that, as has the Weather Channel, because there is a lot of money in perpetuating this myth. Myers was joined by his fellow CNN meteorologist, Rob Marciano, who compared Gore's film to fiction in 2007, and CNN anchor Lou Dobbs just said of a global warming fear promotion on January 5 of this year, "It's almost a religion without any question."

Recently, I released a new report on climate scientists which documents many of the studies ignored by the mainstream media.

Here it is right here. This is one that is actually too large to put into the CONGRESSIONAL RECORD. In here, in the report, are 650 scientists who have challenged manmade global warming claims made by the United Nations Intergovernmental Panel on Climate Change. We talked about that. I have been detailing these science issues for a number of years.

In a July 28, 2003, floor speech in this Chamber I said: The issue of global warming "is far from settled, and indeed is seriously disputed." The science continues to evolve.

I explained that "anyone who pays even cursory attention to the issue understands that scientists vigorously disagree over whether human activities are responsible for global warming, or whether those activities will precipitate natural disasters."

I noted—and this is what I said in 2003:

Not only is there a debate, but (at least in certain corridors) the debate is shifting away from those who subscribe to global warming alarmism.

That was in 2005. After that speech, I led the charge against the McCain-Lieberman global warming cap-and-trade bill—that would be in 2003, then again in 2005—both times easily defeating the bills. At the time it was a lonely battle. Only a few people came down to help me on the floor. I remember so well in 2005 when I was alone down here on the floor of the Senate for 5 consecutive days that we had it on the floor, about 10 hours a day. Very few people came down and were willing to join me on the Senate floor.

That has changed. If you fastforward from 2005 to 2008, we had the Warner-Lieberman bill on the floor. At that time I had over 25 Senators come down and join me. You are seeing people who no longer fear the money generated by the moveon.orgs, the Hollywood elitists, those individuals who have millions of dollars to put into cam-

paigns, to throw into the system. We are getting a lot of encouragement. Things have changed. In fact, at the end of the bill that we had that is referred to sometimes as either the Lieberman-Warner bill or the Boxer climate tax bill, they are only able to get about 37 people from their own party, from this side of the aisle over here, who would support it. That is a major change from the past.

After this election that number has only gone up from 37 to 39. You are not getting close to the 60 votes necessary to try to inflict this economic damage on the United States.

The Republicans were prepared to debate the bill—this is the Warner-Lieberman bill—and were ready to offer amendments, but the Democrats didn't want to debate, much less vote, on our amendments that were aimed at protecting American families and workers from the devastating economic impacts of the bill. When faced with the inconvenient truth of the bill's impact on skyrocketing gas prices, it was Democratic Senators who wanted to see the bill die a quick death.

By the way, we had a list of some 10 Democratic Senators who, in a very responsible way, said we will go ahead and vote on some of these amendments, but when it comes to final passage, we are not going to vote on it.

After the bill failed, the *Wall Street Journal* aptly noted that environmentalists are stunned that their global warming agenda is in collapse. The paper added:

The green groups now look as politically intimidating as the skinny kid on the beach who has sand kicked in his face.

The paper quoted a political analyst who noted that "this issue is starting to feel like the Hillary health care plan again."

Despite the claims that we must act now to prevent climate crisis, the climate tax bill would not have resulted in any action whatsoever. The bill, often touted as an insurance policy against global warming, would instead have been all economic pain and no climate gain. This is because without a global treaty, the binding commitments by both the developing and developed countries is not going to work.

Let's say we believed that manmade, anthropogenic gases were the major cause of climate change and the debate was over if we do something just unilaterally in the United States of America. All that would do is cause a flight of our manufacturing jobs overseas to countries such as India and China and Mexico—places where they do not have any kind of a restriction on the greenhouse gases. So it would have a net increase, if we were to pass one of these. Yet we are the ones who would be saddled with a \$300 billion-a-year tax bill.

Americans are suspicious of the need for solutions to global warming. The Gallup Poll released on Earth Day 2008

revealed the American public's concern about manmade global warming has remained unchanged since 1989. According to Gallup, and this is a quote from the report, they said:

Despite the enormous attention paid to global warming over the past several years, the average American is in some ways no more worried about it than they were in years past.

In other words, after all the money, all the hype, all the biased media over the past few years, people have not moved in that direction. They know better. They know when they have been duped.

What perhaps is the most striking is that, aside from the economics of global warming solutions, the science has continued to move in the direction I predicted in 2003. In 2007 I released a Senate minority report detailing over 400 scientists disputing manmade global warming claims. In the inconvenient real world climate study, developments are refuting global warming fears. That was 2007, just a year ago.

In 2008, in the tail end of 2008, for the benefit of public dissemination we have updated our report, and the so-called consensus on global warming is even more in dispute. That is the report I have right here. Over 650 dissenting scientists from around the globe challenge manmade global warming claims made by the United Nations Intergovernmental Panel on Climate Change and by former Vice President Al Gore. Our new 233-page U.S. Senate minority report features the skeptical voices of over 650 prominent international scientists, including many current and former U.N. IPCC scientists who have now turned against the U.N. IPCC.

This updated report includes an additional 250—and growing, I might add; it has grown since then—scientists and climate researchers since the initial release in December of 2007. The over 650 dissenting scientists are more than 12 times the number of the U.N. scientists—only 52 of them—who authored the media-hyped IPCC 2007 Summary for Policymakers.

This is very significant. I know it is kind of heavy lifting to understand this, but the U.N. IPCC, that started this whole thing, they have this analysis that is made and updated, but you never get the full report by any of the scientists. It is merely the summary for policymakers. That is us. That is for the politicians out there. So they only have 52 scientists who signed this report. We are talking about 650 scientists versus 52.

The chorus of skeptical scientific voices grew louder in 2008 as a steady stream of peer-reviewed studies, analyses, real-world data, and inconvenient developments challenged the U.N.'s and former Vice President Al Gore's claims that the "science is settled," and there is a "consensus." Despite what is now being portrayed in the media on a

range of issues, 2008 proved to be devastating for the promoters of manmade climate fears.

In addition, the following developments further secured 2008 as the year the "consensus collapsed." Russian scientists "rejected the very idea that carbon dioxide may be responsible for global warming."

Frankly, they laugh. I have had meetings with them. They laugh at it. In Milan, when they had one of the big United Nations meetings where they tried to coerce countries into supporting this, the Russians at that time were in a position, since they have these vast areas that are totally undeveloped—I remember flying across Siberia a few years ago. I am a pilot and flew an airplane across the world, and I remember flying across Siberia and looking down and seeing time zone after time zone where you don't see any people, nothing but natural resources. Yet all of those would go in the formula, so they would be great big recipients if they are able to get some kind of international treaty.

In addition to that, the American Physical Society editor conceded that "a considerable presence" of scientific skeptics exists. An international team of scientists countered the U.N. IPCC, declaring, "Nature, not human activity, rules the climate."

India issued a report challenging global warming fears. A team of international scientists demanded the U.N. IPCC "be called to account and cease its deceptive practices," and a canvass of more than 51,000 Canadian scientists revealed that 68 percent disagree that global warming science is "settled."

We are not talking about politicians, people, Senators like me and others in this room. We are talking about real scientists who are out there. We are talking about 68 percent of the scientists in Canada now have come to recognize this. That was not true 5 years ago. Most were on the other side of this issue, but they have now looked at it and realize they have been duped. This new report is the latest evidence of the growing groundswell of scientific opposition challenging significant aspects of the claims of the United Nations IPCC and Al Gore. Scientific meetings are now being dominated by a growing number of skeptical scientists. The prestigious International Geological Congress, dubbed the geologist's equivalent of the Olympic Games, and held in very high esteem, was held in Norway in August 2008, just a few months ago, and prominently featured the voices of scientists skeptical of manmade global warming fears. The conference was reportedly overwhelmed with skeptical scientists, with "two-thirds of the presenters and question-askers who were hostile to, even dismissive of, the United Nations IPCC."

Even the mainstream media in 2008 began to take notice of the expanding

number of scientists serving as "consensus busters." A November 25, 2008, article in *Politico*—everyone in Washington reads that—noted that a "growing accumulation" of science is challenging warming fears, and added that the "science behind global warming may still be too shaky to warrant cap-and-trade legislation." Canada's *National Post* noted on October 20, 2008, that "the number of climate change skeptics is growing rapidly." New York Times environmental reporter Andrew Revkin noted on March 6, 2008, "As we all know, climate science is not a numbers game (there are heaps of signed statements by folks with advanced degrees on all sides of this issue)." I agree with him, and it's a shame that we have had to resort to a numbers game. It should be focused on objective, transparent and peer reviewed science, and debate should not be quarantined. In 2007, Washington Post staff writer Juliet Eilperin conceded the obvious, writing that climate skeptics "appear to be expanding rather than shrinking."

Skeptical scientists are gaining recognition despite what many say is a bias against them in parts of the scientific community and are facing significant funding disadvantages. Dr. William M. Briggs, a climate statistician who serves on the American Meteorological Society's Probability and Statistics Committee, explained that his colleagues described "absolute horror stories of what happened to them when they tried getting papers published that explored non-'consensus' views." In a March 4, 2008, report Briggs described the behavior as "really outrageous and unethical . . . on the parts of some editors. I was shocked."

Again, this is not me saying this; there are scientists. Here are some of the highlights of my 2008 Senate minority report featuring over 650 international scientists dissenting from man-made climate claims.

Incidentally, this report I have—it was my intention to make this report of these 650 scientists a part of the RECORD. However, very wisely this body has said we do not want the expense. Something like this would be so overwhelming that some Senators who are conservatives would rather not do it. The report is here. It is a matter of public record. You can get a lot of this on my Web site, ewo.senate.com.

Nobel Prize Winner for Physics, Ivar Giaever, stated:

I am a skeptic . . . Global warming has become a new religion.

Atmospheric Scientist Dr. Joanne Simpson, the first woman in the world to receive a Ph.D. in meteorology, and formerly of NASA, who has authored more than 190 studies and has been called "among the most preeminent scientists of the last 100 years," stated:

Since I am no longer affiliated with any organization nor receiving any funding, I can

speak quite frankly. . . . As a scientist I remain skeptical . . . The main basis of the claim that man's release of greenhouse gases is the cause of the warming is based almost entirely upon climate models.

We all know the frailty of models concerning the air-surface system.

Here, no one can argue with Dr. Simpson.

The United Nations IPCC Japanese scientist Dr. Kiminori Itoh, an award-winning Ph.D. environmental physical chemist, stated—this is from all over the world now, this is in Japan.

Warming fears are the worst scientific scandal in the history. . . . When people come to know what the truth is, they will feel deceived by science and scientists.

Indian geologist Dr. Arun Ahluwalia of Punjab University, and a board member of the U.N.-supported International Year of the Planet, stated:

The IPCC has actually become a closed circuit; it does not listen to others. It does not have open minds. I am really amazed that the Nobel Peace Prize has been given on scientifically incorrect conclusions by people who are not geologists.

Solar physicist Dr. Pal Brekke, senior advisor to the Norwegian Space Center in Oslo, has published more than 40 peer-reviewed scientific articles on the Sun and solar interaction with the Earth. Brekke stated:

Anyone who claims that the debate is over and the conclusions are firm has a fundamentally unscientific approach to one of the most momentous issues of our time.

These are all top scientists. No one can discredit these people. You might wonder, why is it that so many people want us to believe that maybe bad old man is responsible for those horrible things that are going to happen, that are not going to happen? There are a lot of reasons for that. A lot of money behind this comes from organizations such as those we find in some of the Hollywood groups, moveon.org, George Soros, and different foundations such as the Hines Foundation that do want to stop the progress in this country.

But, anyway, back to some of these scientists. Victor Manuel Velasco Herrera, a researcher at the Institute of Geophysics of the National Autonomous University of Mexico—I am covering all of these countries now. These are the top scientists in these countries—states:

Models and forecasts of the UN IPCC are incorrect because they only are based on mathematical models and presented results and scenarios that do not include, for example, solar activity.

Surprise, surprise. The Sun warms things.

U.S. Government atmospheric scientist Stanley Goldenberg of the Hurricane Research Division of NOAA stated:

It is a blatant lie put forth in the media that makes it seem that there is only a fringe of scientists who do not buy into anthropogenic global warming.

Geoffrey G. Duffy, a professor in the Department of Chemical and Materials

Engineering of the University of Auckland in New Zealand, stated:

Even doubling or tripling the amount of carbon dioxide will virtually have little impact, as water vapor and water condensed on particles as clouds dominate the worldwide scene and always will.

This has always happened. We have gone through these stages. I do not want to make this part without documentation, but when we went through one of the other warming periods in this country, it was back before they had the combustion engine, back before CO₂ was even around yet. Here we are today with all of these people, the names are the top scientists in the world who are making these statements. A lot of them used to be on the other side of this issue. That was back when they were being threatened with withdrawal of various funding for the projects they had, and now they are back on the other side.

Andrei Kapitsa, a Russian geographer and Antarctic ice core researcher, stated:

The Kyoto theorists have put the cart before the horse. It is global warming that triggers higher levels of carbon dioxide in the atmosphere, not the other way around . . . A large number of critical documents submitted at the 1995 United Nations conference in Madrid vanished without a trace. As a result, the discussion was one-sided and heavily biased, and the U.N. declared global warming to be a scientific fact.

Prominent Hungarian physicist and environmental researcher Dr. Miklos Zagoni reversed his view. He was on the other side of this issue, on man-made warming. He is now a skeptic. Zagoni, once Hungary's most outspoken supporter of the Kyoto Protocol, stated that:

Nature's regulatory instrument is water vapor: more carbon dioxide leads to less moisture in the air, keeping the overall greenhouse gases content in accord with the necessary balance conditions.

Again, that is a very prominent scientist, perhaps considered the most prominent scientist in Hungary.

Geologist Dr. David Gee, the chairman of the science committee of the 2008 International Geological Congress, who has authored 130-plus peer-reviewed papers, who is currently at Uppsala University in Sweden, stated:

For how many years must the planet cool before we begin to understand that the planet is not warming? For how many years must cooling go on?

Meteorologist Hajo Smit of Holland, who reversed his belief—he was another one on the other side of this issue, another one of the many scientists who reversed his belief on man-made warming to become a skeptic—is a former member of the Dutch U.N. IPCC committee. He stated:

Gore prompted me to start delving into the science again and I quickly found myself solidly in the skeptic camp . . . Climate models can at best be useful for explaining climate changes after the fact.

South African nuclear physicist and chemical engineer Dr. Philip Lloyd was also one of them who was very prominent in the United Nations IPCC in years past. He was the co-coordinating lead author who has authored over 150 refereed publications, and he stated:

The quality of CO₂ we produce is insignificant in terms of natural circulation between air, water and soil . . . I am doing a detailed assessment of the U.N. IPCC reports and the Summaries for Policymakers, identifying the way in which the Summaries have distorted the science.

I am actually getting that report. As we have said, we have been looking at these reports for policymakers for a long time. And those people on the other side would have you believe that is the National Academy of Sciences, that is the United Nations. It is not scientists. This is a summary for policymakers. These are politicians who have an agenda.

Atmospheric physicist James A. Peden, formerly of the Space Research and Coordination Center in Pittsburgh, stated:

Many scientists are now searching for a way to back out quietly (from promoting warming fears), without having their professional careers ruined.

This is the intimidation I was talking about.

Geophysicist Dr. Phil Chapman, an astronautical engineer and former NASA astronaut, who served as staff physicist at MIT, stated:

All those urging action to curb global warming need to take off the blinkers and give some thought to what we should do if we are facing global cooling instead.

Which, incidentally, happens to be going on right now. Environmental scientist Professor Delgado Domingos of Portugal, the founder of the Numerical Weather Forecast Group, who has more than 150 published articles—these guys are smart guys. This is not politicians talking, these are the incontrovertible scientists who cannot be challenged—stated:

Creating an ideology pegged to carbon dioxide is dangerous nonsense . . . The present alarm on climate change is an instrument of social control, a pretext for major business and political battle. It became an ideology, which is concerning.

Dr. Takeda Kunihiro, vice chancellor of the Institute of Science and Technology Research at Chubu University in Japan, stated:

CO₂ emissions make absolutely no difference one way or another . . . Every scientist knows this, but it doesn't pay to say so . . . Global warming, as a political vehicle, keeps Europeans in the driver's seat and developing nations walking barefoot.

Award-winning paleontologist Dr. Eduardo Tonni of the Committee for Scientific Research in Buenos Aires and the head of the Paleontology Department at the University of La Plata said:

The global warming scaremongering has its justifications in the fact that it is something that generates funds.

There we go again. All of these different groups and these foundations who will fund people who will agree to support their political positions.

Atmospheric scientist Dr. Art Douglas, former chair of the Atmospheric Sciences Department at Creighton University in Omaha, NE, and author of numerous peer-reviewed publications, stated:

Whatever the weather, it's not being caused by global warming. If anything, the climate may be starting into a cooling period.

And this is, by the way, something that nobody questions now; we are going well into a cooling period.

Chemist Dr. Patrick Frank, who has authored more than 50 peer-reviewed articles, stated:

But there is no falsifiable scientific basis whatever to assert this warming is caused by human-produced greenhouse gasses, because current physical theory is too grossly inadequate to establish any cause at all.

Award-winning NASA astronaut and moonwalker Jack Schmitt, who flew on the Apollo 17 mission and formerly of the Norwegian Geological Survey, and for the U.S. Geological Survey, stated:

The global warming scare is being used as a political tool to increase government control over American lives, incomes and decisionmaking. It has no place in the Society's activities.

By the way, I would have to add to that, another one of the motivations in the United Nations is they are always critical of us when we threaten to withhold some of the funding, when they are advocating policies that are contrary to our policies in the United States. They would love nothing more than to have some type of a funding mechanism where they did not have to be accountable to the United States or any other nation.

Climatologist Dr. Richard Keen, of the Department of Atmospheric and Oceanic Sciences at the University of Colorado, stated:

Earth has cooled since 1998 in defiance of the predictions by the U.N. IPCC . . . The global temperature for 2007 was the coldest in a decade and the coldest of the millennium . . . which is why global warming is now called climate change.

This is kind of interesting. Next week I am going to put together what has been happening recently in this cooling period, the fact that we have had records that are set all around the United States and all around the world, and that is exactly what Dr. Richard Keen is talking about now. We are in a cooling period. It has to drive these global warming people nuts to have to recognize that.

Dr. G. LeBlanc Smith, a retired principal research scientist with Australia's CSIRO, stated:

I have yet to see credible proof of carbon dioxide driving climate change, let alone manmade CO₂ driving it. The atmosphere hot-spot is missing and the ice core data re-

fute this. When will we collectively awake from this deceptive delusion?

That is G. LeBlanc Smith of Australia, one of the top scientists in Australia.

The distinguished scientists featured in this new report are experts in diverse fields, including climatology, geology, biology, glaciology, biogeography, meteorology, oceanography, economics, chemistry, mathematics, environmental sciences, astrophysics, engineering physics, and paleoclimatology.

Some of those profiled have won Nobel Prizes for their outstanding contribution to their field of expertise and many shared a portion of the U.N. IPCC Nobel Peace Prize with Al Gore.

The notion of hundreds or thousands of U.N. scientists agreeing to a scientific statement does not hold up to scrutiny—just not true.

Recent research by Australian climate data analyst John McLean revealed that the IPCC's peer-review process for the Summary for Policymakers leaves much to be desired. The 52 scientists who participated in the 2007 IPCC Summary for Policymakers had to adhere to the wishes of the United Nations political leaders and delegates in a process described as more closely resembling a political party's convention platform battle, not a scientific process.

Only 52 scientists wrote the media-hyped U.N. summary for policymakers, and it was actually published by the politicians and not the scientists. One former U.N. IPCC scientist bluntly told EPW, our committee, how the United Nations' IPCC summary for policymakers distorted the scientists' work. He said:

I have found examples of a Summary saying precisely the opposite of what the scientists said.

This was from South African nuclear physicist and chemical engineer Dr. Philip Lloyd, a U.N. IPCC co-coordinating lead author who has authored over 150 referred publications. A 2008 international report of the U.N. found its climate agency "rife with bad practices." Others like to note that the National Academy of Sciences and the American Meteorological Society have issued statements endorsing the so-called consensus view that man is driving global warming. But both the NAS and the AMS never allowed member scientists to directly vote on these climate statements. Essentially only two dozen or so members of the governing bodies of these institutions produced a consensus statement. This report gives a voice to the rank-and-file scientists who were shut out of the process. So they are very thankful.

Many of these scientists are glad that we have this report so that they now have access to the truth and they can come out from hiding.

The more than 650 scientists expressing skepticism comes after the U.N.

IPCC Chairman Pachauri implied that there were only about a dozen skeptical scientists left in the world. Former Vice President Gore has claimed that scientists skeptical of climate change are akin to flat Earth society members and similar in number to those who believe that the moon landing was actually staged in a movie lot in Arizona. It is a shame that proponents have now been reduced to name calling. That is what we are getting now, name calling and insults. When you lose your logic, this is what happens. They start the name calling and insults because they don't have logic.

Examples of consensus claims made by promoters of manmade climate fears: The U.N. special climate envoy Dr. Gro Harlem Brundtland, on May 10, 2007, declared that the debate is over and added that "it's completely immoral, even, to question the U.N.'s scientific consensus."

The U.N. Framework Convention on Climate Change Executive Secretary said it was criminally irresponsible to ignore the urgency of global warming. This was on November 12, 2007.

ABC News global warming reporter Bill Blakemore reported on August 30, 2006:

After extensive searches, ABC News has found no such [scientific] debate on global warming.

While the dissenting scientists contained in the report hold a diverse range of views, they generally rally around four key points. No. 1, the Earth is currently well within national climate variability. We are talking about 650 of the top scientists in the world. No. 2, almost all climate fear is generated by unproven computer model predictions. No. 3, an abundance of peer-reviewed studies continues to debunk rising CO₂ fears. No. 4, consensus has been manufactured for political and not scientific purposes. Those four things, all of these 650 top scientists in the world agree to.

Since I released the report on December 11, other scientists have contacted us to be included.

On December 22, 11 more scientists were added, including meteorologists from Germany, the Netherlands, and CNN. Even CNN, very much on the other side of this issue, two more of their meteorologists have come over and become skeptics, as well as professors from MIT, the University of Arizona, and other institutions. One prominent scientist added was award-winning Princeton University physicist Will Happer, who was reportedly fired by former Vice President Al Gore in 1993 for failing to adhere to Gore's scientific views. Happer has now declared manmade global warming fears as mistaken. Happer is a professor in the Department of Physics at Princeton University and former director of energy research at the Department of Energy

who has published over 200 scientific papers and is a fellow of the American Physical Society, the American Association for the Advancement of Scientists, and the National Academy of Sciences. Happer does not mince words when it comes to warming fears. He said:

I am convinced that the current alarm over carbon dioxide is mistaken . . . Fears about man-made global warming are unwarranted and are not based on good science.

As we face a new administration and a U.N. eager to draw the U.S. into its climate policy, let's not forget that this aspect of the debate is still alive and well and only growing. We should not become weary of calling into question policy choices when they are driven by still evolving scientific assessment, especially when the stakes are so high and the costs are so extraordinary. Let us hope this administration and our news media recognize this new reality as we move forward into this new Congress.

On a personal note, it has been a lonely fight. For the last 6 years I have been talking about the Hollywood and media-driven fear that tries to convince us that those who are fueling this machine called America are somehow evil and fully responsible for global warming. This is absurd. We all know better. It does take power to run this machine we call America. In the past, the only argument that defeated all the cap-and-trade schemes was the economic argument. I think you can argue each one differently, saying no, this wouldn't cost the same as adhering to emissions required by Kyoto back in the Kyoto treaty days. But any time you get into a cap and trade of CO₂, it is going to cost about \$300 billion annually in taxes. I was critical of my colleagues, the 75 Senators who voted to give an unelected bureaucrat, Secretary Paulson, \$700 billion to do with as he wished with no oversight. I was critical of that. Of course, that is a one-shot deal. This was every year, a \$300 billion annual tax increase. It was too much, even if the science was fully settled.

Now the science is shifting dramatically to the other side. So I believe we need to be looking, even if we use their own figures of \$6.7 trillion as the cost of the life of a similar bill to the Lieberman-Warner bill.

I conclude by repeating something I have said many times: Even if you believe this, if you believe that manmade gas is a major cause of climate change, what good would it do for us unilaterally in the United States to impose a financial hardship, \$300 billion a year, on people in the United States, when all that would do logically is cause our manufacturing base to further erode and to go to countries such as China and India and Mexico, other countries that have no emission restrictions at all. It would be a \$300 billion tax on us

every year, and it would have the effect of increasing the net amount of emissions worldwide.

Last year I didn't say very much about the science. In fact, when we had the Lieberman-Warner bill up, I made the statement: Let's assume, for debate of this bill, that the science is all there and that it is settled. Then I pursued the economic argument. The other side didn't like it because they wanted to debate the science. I said: Let's assume you are right. You are not, but let's assume you are. This is something that we could not afford, the cost. Sometimes we throw around big figures. I often have said about the \$700 billion bailout that I opposed and that 75 Senators voted for, if you stopped and realized the number of taxpayers or families who file a tax return and do the math, this comes to \$5,000 a family. If you look at this, this would be over \$2,000 a family every year. We want to be sure we are right if we do something. Let's go forward. Let's look at it, but let's pay attention more than anything else at this time not just to the economics but the fact that without doubt, the science is shifting. This report, 650 of the top scientists and growing every day, is conclusive in my mind that many of those individuals who were on the other side of this issue are now standing up to the intimidation and have become skeptics.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC CHALLENGES

Mrs. SHAHEEN. Mr. President, I rise to discuss the urgent need to address our Nation's economic challenges and to suggest that a major part of our approach should be to invest in clean alternative energy and energy efficiency.

Before I get into my remarks, it has been a very exciting few days for me. Since being sworn in as the junior Senator from New Hampshire, and as this is my first speech on the Senate floor, I want to begin by thanking Majority Leader REID, Minority Leader MCCONNELL, our senior Senator from New Hampshire JUDD GREGG, and the entire Senate leadership for their warm welcome and support.

On November 4, voters in my State of New Hampshire went to the polls and demanded a new direction, just as voters did across the country. I am eager to work with my fellow Senators and with our next President, Barack Obama, to fulfill that promise of

change. The challenges before us are great. For 11 months in a row, the number of jobs in our Nation has declined. More and more families across the country are losing their homes to foreclosure, and too many Americans watched their retirement savings evaporate last year.

It is no exaggeration to say that this 111th Congress and President-elect Obama will face some of the most difficult challenges in our country's history. These problems were created over many years, and they will not be solved quickly. But Americans have always united to meet great challenges, and I have no doubt that we will do so once more.

Our first task is to get our economy back on track by putting middle-class families first again and creating good jobs. As the recession continues, it has become clear that a bold economic recovery package is necessary. This package must focus investment in areas of the economy that will provide the recovery we need and lay the foundation for long-term economic growth.

Investing in our Nation's infrastructure will both create needed jobs in the short term and foster economic development in the long term. There are critical capital projects throughout the State of New Hampshire and the country—projects such as repairing and upgrading our roads and bridges, modernizing our public schools and higher education facilities, and replacing outdated water treatment plants, and other municipal projects. These investments will create jobs and lay the groundwork for sustained economic growth.

We also need a bold investment in energy efficiency and clean alternative energy. These investments in new energy will create millions of 21st century green-collar jobs, begin to reverse global warming, and start on the path to energy independence.

New Hampshire small businesses already are leaders in the new energy economy, making everything from wood pellets to ethanol, from forest by-products to solar panels and biofuels. We have seen firsthand how investment in clean energy creates good jobs up and down the economic ladder—advanced manufacturing jobs, highly skilled construction jobs, jobs installing solar panels and energy-efficiency systems, jobs selling and delivering new fuels. These are good jobs. They are jobs that cannot be outsourced overseas. I am honored I will be joining the Senate Committee on Energy and Natural Resources to work on these very issues as we develop a real energy policy for the future of this country.

These investments are necessary to get our economy moving again. But as we must invest, we also must develop a comprehensive plan to address the Nation's ballooning budget deficit and the enormous national debt we have inherited. Our Nation's financial strength

tomorrow depends on our careful planning and prudent investments today.

In November, Americans cried out for a new way of doing business in Washington. I applaud President-elect Obama for leading the way with the most open and transparent transition process in our Nation's history and believe we must continue that transparency. We must recommit to accountability and oversight, and we must end the partisan gridlock that has stymied progress for too long. I am committed to working across the aisle to make Washington work again for middle-class American families.

Tuesday, when I took the oath of office as a Senator, I made a commitment to embrace the opportunities that lie ahead and to help lead our Nation in a new direction. I am eager to begin.

Thank you, Mr. President.

I yield the floor and I suggest the absence of a quorum.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask my friend from New Hampshire to withhold her request?

Mrs. SHAHEEN. I say yes to the majority leader. I did not see the majority leader on the floor. I apologize for that. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The majority leader is recognized.

CONGRATULATING SENATOR SHAHEEN

Mr. REID. Mr. President, I wanted to be here to listen to JEANNE SHAHEEN give her maiden speech. Of course, it brings back a flood of memories of my maiden speech. I was so fortunate, I tell everyone, on that initial speech. I had served a couple terms in the House, and I had been trying to get something called the Taxpayers' Bill of Rights passed. The subcommittee chair in the House made fun of my legislation. I did not get anywhere with that. But I believed in it, so I marched over here—and I had the last seat way back in the corner over there—and I gave my first speech, and it was on the Taxpayers' Bill of Rights.

Fortunately, I say to the Presiding Officer, David Pryor—MARK PRYOR's father—was presiding. He was a member of the Finance Committee and the chairman of the subcommittee that had jurisdiction over the IRS. CHARLES GRASSLEY was listening to my speech. There were not many more people than there are right now on the floor. But David Pryor sent me a note saying: I like this. Let me help you. And CHUCK GRASSLEY communicated with me saying he would help.

That was a fortunate day in my life because even though I took credit for the Taxpayers' Bill of Rights passing,

it would never have happened if not for David Pryor. He worked the last night of this session—I was in Nevada—he was on that Finance Committee, and they were trying to complete the conference. Anyway, he got it done.

These maiden speeches are meaningful because you will never forget the speech you have given.

Now, for JEANNE SHAHEEN, I have had such admiration for her for such a long time. We all watched as she presided over the State of New Hampshire as Governor. She did a remarkably good job. When I learned she wanted to run for the Senate, I was excited because this great statesperson, with this engaging smile and her ability to work hard, which everyone knows about, is going to leave her in good standing here in the Senate.

I say to my friend from New Hampshire, the junior Senator from New Hampshire, I appreciate the Senator running for the Senate. The people of the State of New Hampshire are going to reap benefits from that decision for many years to come.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. KENNEDY. Mr. President, I join Senators on both sides of the aisle in paying tribute to our dear colleague and dear friend from West Virginia on this historic occasion of his 50th anniversary in the Senate. On January 7, 1959, ROBERT C. BYRD was sworn in as a Senator for the people of his beloved West Virginia, and in the years since then, he has become truly one of the greatest Senators ever to serve in this Chamber.

I have served with BOB for 46 of those years. I have immense respect for him, and I am proud to say that we have become close friends. I love ROBERT C. BYRD.

It wasn't always this way. There was a time that Senator BYRD and I were rivals, each with eyes on the position of majority whip. I was elected to that position after the 1968 election, but as I have often said, BOB taught me how to count votes in 1970 when he defeated me for reelection. It turned out to be a blessing for both of us.

BOB would go on to become one of the finest majority leaders in the history of the Senate, and the defeat freed me to concentrate on my legislative passions of health care, education, labor, and civil rights. In a very real sense BOB liberated me, and as our leader in many of those years he was especially helpful in accomplishing my goals.

The BOB BYRD I have come to know is a patriot, a passionate defender of the Constitution and the special role of the Senate, and an eloquent historian of the Senate, who has brilliantly served the people of his State.

I have so many wonderful memories of our relationship, but there are two recent ones I want to mention here.

The first has to do with the Iraq war. When President Bush set us on this course, few had the courage and strength to question, let alone oppose, this rush to war, but BOB BYRD stood strong against it. Facing enormous pressure, he led the opposition. He was in the minority—a lonely minority—but he was unbowed. He was right, and I am sure that history will judge his courageous leadership well.

The second memory is of a campaign trip I took to West Virginia in the fall of 2004 to support our candidate JOHN KERRY. We crisscrossed the State from Charleston to Mingo County, and what I saw everywhere was the extraordinary love and affection the people of West Virginia have for BOB and that he has for them. It was an amazing and touching thing to sense the deep bond between this great man and the people he has so ably represented in Washington for so long. It is an experience I will never forget.

Now, as we reflect on his unparalleled career in the Senate on this special 50th anniversary, I congratulate our friend. I thank him for all he has done so well for so many for so long. On this golden anniversary of his arrival in the Senate, I think of the famous lines of A. E. Housman about the "golden friends" the poet had. BOB BYRD is our golden friend, and we are all deeply honored to have the privilege of serving with him.

Mr. DORGAN. Mr. President, I would like to add my congratulations to Senator ROBERT C. BYRD for his historic achievement today. Senator BYRD arrived in the Senate 50 years ago. For decades, he has defended the Constitution and the principles upon which it stands. Senator BYRD is truly a statesman, a patriot, a proud son of West Virginia, and an important voice in the history of this country.

The people of West Virginia definitely know that they have a champion who will stand up for them. Senator BYRD has never forgotten the hard life that he had as a boy growing up in poverty in the southern West Virginia coalfields. He has always remained true to his faith and his family and has worked to build a better future for West Virginia and the Nation.

In the history of our great Nation, Senator BYRD has served longer than all but one Member of Congress and has been a committed public servant. Senator BYRD first came to Washington in 1953 as a Congressman and served three terms in the House before being elected to the Senate. Senator BYRD quickly learned the rules and procedures that make the Senate run. He used these to his advantage while serving as the Senate majority leader and in other key leadership positions. On June 11, 2006, Senator BYRD became the longest serving U.S. Senator in history, and in November 2006, he was elected to an unprecedented ninth full term.

During his tenure, his colleagues have elected him to more leadership positions than any other Senator in history. This includes Senate majority whip, chairman of the Democratic Conference, Senate minority leader, and Senate majority leader. Currently, BYRD is the President pro tempore. Throughout his career, Senator BYRD has cast more than 18,100 roll call votes in five decades of service in the Senate.

Senator BYRD is also the longest serving member of the esteemed Appropriations Committee. He has served as its chairman or ranking member since 1989. After many distinguished years of service, he has stepped down from his leadership position but will remain an important voice on this committee. I have enjoyed serving with him on the Appropriations Committee and have learned a tremendous amount under his leadership.

There are other sides to Senator BYRD that have contributed to his life's accomplishments, his achievements as a musician and author. Senator BYRD learned to play the fiddle at a young age and carried it with him everywhere he went. His skill with the instrument led to performances at the Kennedy Center and on a national television appearance on "Hee Haw." He even recorded his own album, "Mountain Fiddler." He is also the author of a magisterial four volume set about this body entitled "The Senate, 1789-1989" and other works.

No tribute to Senator BYRD would be complete without mentioning his life's love, Erma Ora James. For nearly 69 years, the Byrds were inseparable, traveling throughout their native West Virginia and crossing the globe together. Sadly, Mrs. Byrd passed away on March 25, 2006, but Senator BYRD speaks lovingly of her and their life together each day.

The times have changed considerably since Senator BYRD was first elected to the West Virginia House of Delegates and eventually the U.S. Senate. We have seen a man walk on the Moon. We have mapped the human genome, and we have seen unbelievable technological advances that have changed the way we live, work and communicate. But through it all, the one constant is Senator BYRD's steadfast championing of our Constitution and the people of West Virginia. I join my colleagues in offering my hardy congratulations to him on this important day.

Mr. INOUE. Mr. President, today marks the 50th anniversary of Senator ROBERT BYRD's service to this most American of institutions: the United States Senate.

"Service to the Senate"—I have chosen these words intentionally, and with care. To serve in this hallowed chamber is to meld service to home and community with service to the Nation as a whole. It is a distinction that we are all privileged to share.

But through his five decades in this Chamber, ROBERT BYRD's service has transcended the ordinary to rise to the absolute allegiance our country has only rarely received over her long history.

Senator BYRD was born and raised in humble circumstances. The loss of his mother at the age of 1 left him a virtual orphan, and he grew up in West Virginia's coal country. The Great Depression postponed the young ROBERT BYRD's education, but it did nothing to hold back his lively and agile mind or his passion to seize on America's promise of equal opportunity. In 1946, he entered West Virginia's House of Delegates, and sought progressively higher offices. Finally, in 1958, he arrived in the Senate and found his "home."

It is said that education opens doors, but in Senator BYRD's case, we learn that the doors it opens may not be the ones that we expect. For him, he was already a Member of the House of Representatives when he began work to earn his J.D. Ten years of night school finally earned him the degree as a sitting Senator.

So what doors did his studies open? After all, he was already one of the Nation's highest officials.

Education, a love of history, the discipline of rigorous study, the independence of thought. If you think about it, these are the very qualities that our American democracy most depends on. And by cultivating them, Senator BYRD grew in his capacity to serve his home, serve his Nation, and to serve the Senate.

Mr. BYRD served as the Senate majority leader from 1977 to 1981, and many believe it is in recognition of that time that I continue to call him "Mr. Leader." But I would like to take this opportunity to set the record straight.

Mr. Leader. My dear friend. Protocol dictates that anyone who served as majority leader should retain the title for life. Even in the absence of protocol, however, my heart would demand that I rise and salute you as leader of this institution. Congratulations on this milestone, Mr. Leader. We have worked together for many years, and it will be a distinct honor to continue working with you on the Appropriations Committee and in the Senate.

WORKING FAMILY CHILD ASSISTANCE ACT

Ms. SNOWE. Mr. President, yesterday, I joined Senator LINCOLN to introduce legislation to make permanent the tremendous change Congress enacted last October to enhance the refundable child tax credit. To assist working families, Congress reduced the amount of earnings a family must have to qualify for the refundable child tax credit to \$8,500 for 2008 from the \$12,050 that prevailed prior to passage of the Act. Unfortunately, because Congress

did not make the incentive permanent, families will have to earn at least \$12,550—\$4,050 more—this year to take advantage of the incentive.

At a time in which the economy is in recession and many have to work two or even three jobs to put food on the table, it would be unconscionable to make families toil even harder to provide their children with life's necessities. That is why I am so proud to introduce the Working Family Child Assistance Act to permanently set the amount of earnings necessary to qualify for the refundable child tax credit at \$8,500.

Last October's change to boost the refundable child tax credit took a significant time to materialize, and although the road was long, it was a worthwhile journey. Indeed, our work began in 2001 when I pushed to make the child tax credit refundable for workers making around the minimum wage. As enacted in 2001, a portion of a taxpayer's child tax credit would be refundable—up to 10 percent of earnings above \$10,000.

Not resting on our victory in 2001, in 2004, Congress passed the Working Families Tax Relief Act of 2004, which increased from 10 percent to 15 percent the portion of the child tax credit that is refundable. Although the legislation increased the amount of the refundable child credit, it failed to increase the number of families eligible for the benefit. The reason was that it did not reduce the amount of earnings a family must have to qualify for the incentive. Worse still, the earnings threshold rose each year because it was adjusted for inflation. The consequences were serious for low-income Americans living paycheck-to-paycheck because it meant that tens of thousands of low-income families were left completely ineligible for a credit they should receive.

To ensure that low-income families could get the benefits that they so rightly deserve, I worked with my colleagues to introduce legislation in both 2005 and 2007 to reduce the earnings threshold for the refundable child tax credit to \$10,000 and to de-index that amount for inflation. As I mentioned, we were more successful than that last year when Congress lowered the earnings threshold for 2008 to \$8,500.

Unfortunately, we cannot rest on our laurels and must get right back to work. This year, because the incentive we passed last October was effective for just 2008, only taxpayers earning over \$12,550 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than that amount are shut out of the child tax credit completely.

As an example of how crucial it is to enact our legislation to permanently set the threshold for the refundable credit at \$8,500, let's look at the following example. A single mother who

earns the current minimum wage of \$6.55 per hour and works a 40 hour week for all 52 weeks of the year would earn \$13,264. Accordingly, under the law effective for 2009, her refundable child tax credit would be \$161. In contrast, if the earnings threshold were set at \$8,500, her refundable child tax credit would jump to \$715. Thus, if Congress does not change the law, that mother will have 554 fewer dollars in her pocket this year than she did last year. Put another way, she won't have the money that is so necessary for her to clothe her child and put gas in the car. What is even more regrettable is that the \$554 amount will only grow next year because the \$12,550 she needed to earn this year is adjusted for inflation and will increase.

Let's do the right thing and make permanent the sensible change Congress made last year to set the earnings threshold for the refundable child tax credit at \$8,500. Our families and our country are better off when Government lets people keep more of what they earn, particularly the most vulnerable among us. Parents deserve their per-child tax credit, and this bill rewards families for work.

In conclusion, I would note that President-elect Obama was a stalwart supporter of our efforts as a Member of the Senate, and I hope that he will work with Congress so we can help an additional 1 million children, whose parents and guardians struggle every day to take care of them.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for asking about our story and giving us an opportunity to help. Me and my wife are students at BYU-Idaho and have one

child on the way. The situation that we are in requires us to drive to school and work. We use about 2 tanks of gas a month and that is just business travel and does not include any enjoyment travel such as going to see family which has been very limited lately. My job consists of working at a Thai restaurant as a waiter for only 10 hours a week because with my heavy school load; that is all I can do. My wife does not work and is 37 weeks pregnant and attending school. Luckily we have received government financial aid for school, which consists of Pell grants. This money helps but we find that instead of using that money the government gave us for education, we are using it to pay for gas. We are grateful for the aid the government is giving us but sorry that it is not used for what they meant it for but instead find ourselves using it to pay the oil companies. To try to limit the use of such fund we tend to stay home more and visit family less but even with that sacrifice we still see the money slowly seeping out due to gas prices.

Thank you for your efforts,

BLAKE.

Our government's inaction in this energy crisis is in my view the greatest act of treason by a group of Americans in recent memory. Inaction and pointing fingers at each other is unacceptable behavior by a government who is "supposed" to be looking after the best interests of the American people. We have every ability to provide for our energy needs with our own resources while we work to conserve and provide the energy responsibly in our environment. The fact that our government is allowing the American people to be held hostage by the world on this issue is tragic and has enhanced my view that the corruption is not with our industries but with those that we are electing.

JAY.

Trucks move the nation and the price of diesel is hurting everyone.

MARGE.

I see my married children struggle to buy gas for their cars—money that should go to food, medical, and housing costs.

Two years ago, in my construction business, it would not have mattered whether a job was 3 miles away or 30 miles away, but now I cannot bid a job without adding extra for fuel for added distance. All of our construction materials are going up also. How long will the economy stand this?

It is frustrating to see the congress do nothing to help relieve the pressure of this on the nation. Raising taxes will not help. Just doing something about the environmentalists will help. Stop the government controls and get drilling for oil and build some refineries.

Thank you for what you do, Senator Crapo. I know that you are for drilling because I watch your voting record. I also listen to you on "Probing America". The United States needs more people like you.

ALLAN, Shelley.

Living in Southeast Idaho with its wide open spaces can be both a blessing and a curse. As an educator and a proud parent, I am deeply concerned about the rising energy costs. I work fifteen miles from where I live. That translates to thirty miles round-trip. I choose to work in a rural school district and am proud to do so as I believe every district deserves quality teachers. As you are well aware, educators are already some of the poorest paid in this great state. I fear that I

may not be able to afford to keep my job, but I can also not afford to lose it. One thing I am sure of and that is that Washington does not know about the special needs of our state as far as transportation is concerned. I am glad that you can present our situation to them.

STEPHANIE.

Our business is ATV Alternatives, LLC in Caldwell. Our product is a fantastic utility vehicle imported to the USA from abroad that gets nearly 40 MPG and is increasingly popular to businesses (especially dairies, farms, ranches, recreational users) who see value in using a smaller vehicle that can carry a variety of things along with a second passenger in an enclosed cab. It gets 2-4 times better mileage than other products being used (pickups being underutilized 10 MPG, ATVs getting 15-20 MPG, UTVs getting 20-25 MPG, or tractors getting 4-12 gallons per hour.

Increasing prices for fuel is increasing demand but commuting to the office, delivering vehicles, and overall shipping costs (especially over the ocean, on rails and by truckers) have dramatically gone up as well. Further, increasing international competition for the same used "Kei" class Mini Trucks along with the drastic decline of the U.S. Dollar versus the Japanese Yen have also dramatically increased product costs (upwards of 75-100% increase versus 2006). The margin is now too thin to really let this business generate the income we need it to . . . it looks like a great little business needs a buyer; know anybody interested in a great opportunity that can easily and synergistically combine with another Farm Equipment, Vehicle, or Recreational Vehicle dealership? We are going broke commuting for this single product company . . .

Oh, Customs wants to tariff these as if they are road legal an extra 25%, but DOT and DEQ does not want them here at all (ATV manufacturers pay lobbyist and lawyers well).

We are open to offers, ideas, and customer orders (for now).

ROY and ARLENE, Caldwell.

I have a beautiful wife and four handsome boys. Gas prices are really hurting our family. Last November (2007), we were lucky to have twin boys born to us three months and a week early. The doctors gave them a 50% chance of living. They were in the hospital for three months and a little bit. We have insurance but with doctors asking for money and continuous doctors' appointments, my little paycheck is having a very rough time trying to afford rising gas prices, doctor bills, house mortgage, car payment, and student loans. I bring home about \$1,250 a paycheck. I have one house with a mortgage of \$1,260 a month, one car with payments at \$244 a month; we do not have internet, cable, magazine subscriptions, cell phones, or any of the other extras that this wonderful life can afford. If you really start adding the number together, I do not really make that much. And the gas prices are really hurting me and my family, not to mention all the other young families around me. Some people in life are just starting out, they do not have the high paying job, let us think twice before we raise the price of gas. We do not want to be the cause kids not being able to go to the doctor's office because we cannot afford to drive there.

ANCLE, Idaho Falls.

Recent gasoline price increases have induced my wife and I to spend more time on

our bicycles. I am feeling better, she's lookin' good, and we have each lost 10 pounds. High pump prices have motivated a healthy self examination of our lifestyle.

Metaphorically speaking, the nation could benefit from the loss of a few pounds. The current gas crunch will be good for the nation insofar as it motivates introspection and reasoned change in our national energy habits.

I fear, however, that the nation will choose political expedience instead of the changes that will assure our country's long term health. Rather than wean ourselves from petroleum, we will be tempted to increase domestic oil production. Such an increase, however, would be gobbled up by the global market, and do little to ameliorate conditions at home. To be sure, domestic petroleum development might be a part of a comprehensive energy policy, but relying on domestic production as the centerpiece of the nation's energy plan would be foolish.

High gasoline prices are due as much to a weak dollar as to increased global competition for the world's petroleum. Our nation's industrial and technological base is rapidly eroding, both in real terms and relative to the rest of the world. As a consequence, we have less to offer in exchange for the petroleum and other products we import.

The nation's 20th century rise to power coincided closely with its ability to dominate the world's energy market. We exported the lion's share of the world's petroleum and, importantly, we manufactured the automobiles and machines that used it. For the United States, both literally and figuratively, energy has been the source of power.

Today's high petroleum prices signal a window of opportunity for the United States. As the world's largest energy consumer, we are in a unique position to define the alternative energy technology that the entire world will use for decades. We can, as a nation, choose to regain our preeminence as the world's largest energy supplier by developing and manufacturing the energy production, distribution, and storage systems that the world will use. This will decrease our dependence on foreign petroleum, revitalize our industrial base, and rid us of the trade deficit that is sapping our buying power.

MICHAEL, *Boise*.

One good step toward actually doing something about gasoline prices would be to realize that the oil "prices" quoted daily in the media do not represent the oil companies' costs for their raw material. They are taken from the commodities futures trading markets, and have no bearing upon what it costs an oil company to pump oil out of the ground. The oil companies do and will use the futures markets as cover for increasing their prices, but the fact is that when the price in the commodities market goes up that does not mean the gasoline producers' costs go up too. It is obvious to any thinking person that, in fact, the oil companies do not get their crude oil through the futures markets.

If Congress wants to do something worthwhile, it could require that oil futures trading be confined to buyers who will take actual physical delivery of the oil "purchased." As it is, quoted oil futures prices are merely analogs for the general value of the dollar, not for the true cost of oil or the decent price of retail gasoline.

JAMES.

Senior citizens can either buy gas or groceries but not both so the groceries win out

of course and we stay at home. Do something!

ANNETTA.

I wish to respond to your email concerning current energy prices. The current energy prices have had a profound effect upon my retirement. In May, we turned off our propane powered furnace for the summer and fall. The price of propane has increased from \$1.09 per gallon four years ago to \$2.59 per gallon a month ago. Also, we turned off the pilot light to our gas fireplace.

Our family is spread from Oregon to Georgia. The current price of gas has resulted in our inability to afford trips to visit our children and grandchildren. Our children cannot afford to visit us. We now make sure that trips to town are fewer and with more errands accomplished per trip.

Our government needs to (1) open all areas to oil drilling, (2) Increase development of solar power technology to include vast solar collection arrays in the unused desert areas, (3) consider nuclear energy power development, (4) do not overtax our energy companies, (5) develop policies that will curtail energy speculators from driving up prices and (6) provide incentives for non oil based powered automobile production.

JAMES, *Bonnors Ferry*.

Thanks for your concern in this matter. I am a soon-to-be 67 year old, retired, on a fixed income. My wife and I live approximately 20 miles NW of Couer d'Alene. I am thankful for our wood stove as it allows us to keep our heating costs reasonable. Not so when it comes to gasoline. The prices in Rathdrum are near \$4 per gallon, and it looks like prices will continue to rise. We do need four wheel drive vehicles around here. My truck is indispensable in so many things I do, including a logging ministry that a friend and I are engaged in. Yes, we cut trees and give the proceeds away. Keeping nothing for ourselves. With our grandchildren on the coast, the cost of traveling is now being considered more and more. Where does it end?

What I have been asking for years is why, when we have been blessed with oil and natural gas reserves that will provide this economic engine to our country, are we still choosing to allow our energy policy to be dictated by people who want to prohibit our energy independence and prosperity. It makes no sense. As is being reported regularly, food costs are rising at an alarming rate due to the cost of transportation. I challenge you and others who we elected to represent us, to begin setting the stage for oil exploration/drilling, and to promote the use of nuclear energy, among other sensible items.

I hope this is not in the "for what is it worth" category, but that you are indeed deeply concerned about this self-imposed dilemma. And a self-imposed, and totally solvable problem it is.

JOHN.

With my household, it has been a bit hard. When I first bought my Dodge neon, I was putting about \$15 in my tank every two weeks. But that was back in 2004 when my husband and I could buy a house for close to nothing. Now I easily spend \$40 every two weeks and that is if I do not drive anywhere but school and back. Then add on our house bills which is \$1,000 with utilities, then food which is \$200 a month, phone is \$50 a month, the internet which I need for school is also \$50 a month, and my husband only makes \$700 every two weeks. My husband was also

asked to step down by Micron and they docked his pay. I am 26 years old and cannot seem to find a job so I went back to school to enter the medical field. So that leaves the only one working is my husband and he has to work 12-hour shifts three to four nights a week. Now he is forced to work almost five nights or six nights a week just to pay for food, bills, and maybe Oreo's if we are lucky for luxury. Plus we have to pay for my school bills, which means sometimes our phone is shut off or we miss a house payment. I was a stay-at-home mom but now I am forced back into the working world. And all I can do at the end of the day is cry alone at night and hope we can get through the next week. We have thought about moving but that would mean renting and they will not allow our dogs to go into the rentals. And I am not about to give up my dogs. The only thing keeping me going half the time is I will be graduating next year with an associates degree in medical specialist. And that will hopefully help me to find a job to help my family out.

DANIELLE.

High energy prices are taking a toll on not just me, but my community. Because of the rise in gas prices, I can no longer afford in my budget to do something that I love to do—volunteer. I have volunteered with Family Services Alliance of Southeast Idaho for a year, but as the price of gas got over 3\$ a gallon, I had to stop. One part of the job is to be able to drive to homes of victims of domestic violence when the police ask for an advocate. The best way to help a victim of sexual assault or domestic violence is to empower them by showing them that they are not just victims, they are survivors. But to do this, you need to go where they are and intervene immediately. It requires taking a car. While it pains me to have to cut this out of my activities, I have already cut back in other ways and it was a hard decision to make.

DIANA, *Pocatello*.

I have been a small business owner, (one that pays taxes and one of the thousands of small businesses that support this country) for over thirty-five years. I am amazed and deeply troubled by the political chaos in our country and the energy crisis that is bankrupting this country. Our raw materials have raised three or four fold over the last few years and the energy situation is driving many small businesses out of business. I see the effects trickling down to food and other essentials. Many families are in deep trouble and I see it becoming drastic if something is not done in a short period of time. I do not mean in a few years. If Congress does not take steps immediately to put a stop to this runaway disaster, America will never recover and we will never have a quality of life again in America.

I hate to seem gloomy but I see business and families everyday that are panicked. When we let OPEC and other foreign governments support the so-called "Greenies" and other environmental groups in America to the extent that we cannot take care of our own needs here at home, then we of all people are to be pitied. America is rich with raw materials and coal and oil. It is completely insane to let governments that hate us hold us hostage. My fourteen-year-old grandson has more sense than that. Oil companies are getting filthy rich while the American People are suffering. If there is going to be anything left for our children and grandchildren, then we better quit worrying about the owl

or the snail and start worrying about our children and grandchildren. I do not know one American that I associate with that does not care about the environment and wildlife etc. But it is ridiculous for us to govern ourselves into non-existence.

I urge you to take a stand against this corruption and turn us back to common sense. I am very concerned and I vote.

DANNY.

I am a 63-year-young woman who is disabled. I am on SSI when I get a cost of living raise, my rent goes up and eats it up. So for me this is really rough; I run out of money before the month is out. The cost of food has doubled mostly and it goes on and on. Thank you.

JUDITH.

High gasoline prices are really putting a damper on our monthly budget. My wife and I are in our 50's and we do not have a high income. I am partially disabled and working for low wages. We do not feel that we are going to be able to drive much longer. We have parked one of our cars. In my driving of over 30 years, we have seen the 1973 oil embargo and so called shortage and many other price hikes. But this is beyond comprehension. I am not one for government control but in this case I feel that the government must take over the oil. Otherwise it is going to put a huge damper on the economy. We have only seen the beginning. OPEC has held America hostage with these prices.

LARRY.

ADDITIONAL STATEMENTS

TRIBUTE TO DEBRA BROWN STEINBERG

• Mr. BROWNBACK. Mr. President, I commend Debra Brown Steinberg, an extraordinary woman who I have had the honor of working with for the last few years.

Debra has been a tireless fighter for the families of 9/11 victims. While continuing to work fulltime as a partner at the law firm of Cadwalader, Wickersham & Taft LLP, Debra spearheaded her firm's pro bono efforts to assist the families left behind.

The cases she handled were complicated, involving myriad issues. Many families faced social service, financial and immigration complications. Rather than addressing simply the legal aspects of each case, Debra worked to connect organizations, agencies, and policies to tackle cases in their entirety.

In May of 2002, New York State passed the September 11 Victims and Families Relief Act, large portions of which Debra helped draft. She also contributed to the Federal September 11th Family Humanitarian Relief and Patriotism Act, which was introduced by Senator LAUTENBERG in the 110th Congress.

Debra's outstanding work has already been recognized by numerous current and former Members of Congress, Presidential candidates, authors, activists, religious leaders, the New

York State Bar Association, and many distinguished publications. She has received the Ellis Island Medal of Freedom and commendations from the New York City Fire Department and Chief of Police. No one, however, can better speak to Debra's service than the families themselves. In a thank-you note, a sister of one of the victims wrote:

[Debra] held us, offered her shoulder, and made us feel that it is still worthwhile to continue this passage. Thank God for this Angel.

For the last 7 years, Debra Steinberg has fought for justice for a group of people forgotten in the shadows of this terrible tragedy. She has given selflessly of her time and expertise to help those in need and is an example to others and a credit to our country. I am proud to call her my friend.●

TRIBUTE TO STELLA MAY BROWN WEACO

• Mr. KENNEDY. Mr. President, all of us in Massachusetts who knew her or knew of her were saddened to learn of the death of Stella May Brown Weaco at Massachusetts General Hospital on New Year's Eve.

Stella was born in Mississippi, but she called Boston her home for the last 26 years of her life and she became a legend in our city. She lived on the streets, but her plight never deterred her gentle spirit. She found a home and a family in the volunteers and the fellow guests at the Women's Lunch Place, the famed daytime shelter in the city for poor and homeless women. She went there every day after the shelter opened in 1982, and she became a familiar face and beloved friend to many other members of the community.

Stella had an amazingly positive impact on every person she met. She is very fondly remembered as very grateful, very amicable, and very kind. Year after year, the Women's Lunch Place tried to persuade her to accept housing, but her indomitable spirit led her to decline such assistance. Finally, when the pressures of daily living on the streets became unbearable even for Stella, she graciously accepted the help of those around her and spent the last 2 years on her life in the Pine Street Inn.

Even then, Stella unfailingly came back to the Women's Lunch Place as often as she could, to seek out the familiar faces and friendships she cherished so much there. Sadly, Stella passed away on New Year's Eve, in the company of those who loved her for the joy she had given to their lives. In many ways, Stella exemplified the power and the spirit of giving and the extraordinary importance of human kindness. She'll be deeply missed, but the impact she had on all who knew her is immeasurable, and the lessons she taught will never be forgotten.

Mr. President, I ask that the obituary of Stella written by Women's Lunch Place Executive Director Sharon Reilly and an eloquent column about Stella by Rachelle Cohen in the Boston Herald may be printed in the RECORD.

The information follows:

STELLA TAUGHT US ALL ABOUT GRACE,
DIGNITY

(By Rachelle Cohen, Jan. 5, 2009)

We lost Stella on New Year's Eve.

Even as the city prepared to usher out this year that nearly everyone agrees they couldn't wait to see end, this woman who had little and complained little died in the company of those who cared about her and for her.

For at least a quarter of a century Stella lived on the streets. And we only know that much because she was there when the Women's Lunch Place, a daytime shelter for poor and homeless women, first opened its doors 26 years ago.

For all those years she'd come for breakfast, a shower, to do her laundry, maybe take a nap and stay through lunch. For all those Thanksgivings and Christmases she had found a warm, accepting place.

She was there when I reported for my first stint as a volunteer, by then Stella was an undemanding kind of queen bee—occupying her favorite spot against the wall in the dining room. She was engaging and gracious, accepting a pancake with butter and syrup as if it were a special gift.

Stella became the ultimate challenge for Lunch Place staff over the years. The confusion that reigned in her head—which often made her insist she was descended from royalty or needed to return to her real home in Jerusalem—also made her refuse any kind of housing.

For more than two decades this tugging and pulling continued. As one former staffer put it, “she broke your heart” when she left the shelter at its 2:30 p.m. closing time, heading out into bruising heat in the summer, into the cold and the snow on wintry days. Housing—temporary or permanent—wasn't for her, nor was the medication that might have allowed her to see the world differently.

But her decades on the streets began to take their toll on Stella. And, frankly she was no match for the Lunch Place staffers who were tireless in their devotion and relentless in their efforts to make whatever time remained for Stella safe and comfortable.

So for the last two years of her life Stella had a roof over her head and a place to call home.

And at the end of her days she had what so many others with so much more in material wealth would envy. She had at her bedside people who loved her. They loved her—we all loved her—for the simplest of reasons. She returned our affection and our kindness tenfold. She taught us that grace and dignity aren't a function of wealth or power. And at the beginning of a new year she reminded us—even in death—that being poor or homeless or mentally ill doesn't rob you of that grace or that dignity. That comes from within. Stella taught us that.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 35. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

H.R. 36. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 35. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

H.R. 36. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 22. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 182. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-251. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years" (RIN0560-AH85) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-252. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Proliferation Security Initiative; to the Committee on Armed Services.

EC-253. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-254. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report entitled "Report and Recommendations Pursuant to Section 133 of the Emergency Economic Stabilization Act of 2008: Study on Mark-To-Market Accounting"; to the Committee on Banking, Housing, and Urban Affairs.

EC-255. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-256. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-257. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Matching Requirement in McKinney-Vento Act Programs" (RIN2506-AC24) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-258. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Financial Education Programs That Include the Provision of Bank Products and Services" (RIN3064-AD28) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-259. A communication from the Director, Office of Legislative Affairs, Federal De-

posit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Requirements After Certain Conversions; Definition of "Corporate Reorganization;" Optional Conversions ("Oakar Transactions"); Additional Grounds for Disapproval of Changes in Control; and Disclosure of Certain Supervisory Information" (RIN3064-AD25) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-260. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Assessment Dividends" (RIN3064-AD27) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-261. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Actions Taken on Office of Inspector General Recommendations"; to the Committee on Commerce, Science, and Transportation.

EC-262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Restricted Areas 4806W, 4807A&B, and 4809; Nevada" ((Docket No. FAA-2008-1252)(Airspace Docket No. 08-AWP-12)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Ketchikan, AK" ((Docket No. FAA-2008-0998)(Airspace Docket No. 08-AAL-29)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Toksook Bay, AK" ((Docket No. FAA-2008-0999)(Airspace Docket No. 08-AAL-30)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Ruby, AK" ((Docket No. FAA-2008-0005)(Airspace Docket No. 08-AAL-1)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; Conroe, TX" ((Docket No. FAA-2008-0960)(Airspace Docket No. 08-ASW-17)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Napakiak, AK; Correction" ((Docket No. FAA-2008-0454)(Airspace Docket No. 08-AAL-

13)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Edinburg, TX" ((Docket No. FAA-2008-0985)(Airspace Docket No. 08-ASW-18)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Franklin, NC" ((Docket No. FAA-2008-0986)(Airspace Docket No. 08-ASO-15)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Metlakatla, AK" ((Docket No. FAA-2008-1018)(Airspace Docket No. 08-AAL-31)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Butler, PA; Removal of Class E Airspace; East Butler, PA" ((Docket No. FAA-2008-0836)(Airspace Docket No. 08-AEA-23)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace; Brunswick, ME" ((Docket No. FAA-2008-0203)(Airspace Docket No. 08-ANE-99)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Washington, DC Metropolitan Area Special Flight Rules Area" ((RIN2120-AI17)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation T-254; Houston, TX" ((Docket No. FAA-2008-0716)(Airspace Docket No. 08-ASW-9)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-275. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Adjustments of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2009" (FRA-2008-0136) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-276. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Polyamide-11 (PA-11) Plastic Pipe Design Pressures" ((RIN2137-AE26)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-51, DC-8-52, DC-8-53, and DC-8-55 Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-61, DC-8-62, and DC-8-63 Airplanes; Model DC-8-61F, DC-8-62F, and DC-8-63F Airplanes; Model DC-8-71, DC-8-72, and DC-8-73 Airplanes; and Model DC-8-71F, DC-8-72F, and DC-8-73F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0123)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G60EU previously held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L 23 Super Blanik Sailplane" ((RIN2120-AA64)(Docket No. FAA-2008-1138)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 172, 175, 177, 180, 182, 185, 188, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1328)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Models PA-46-350P, PA-46R-350T, and PA-46-500TP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1085)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0858)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-282. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1044)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0977)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0975)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier-Rotax GmbH 914 F Series Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0842)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CT7-8A Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2006-24261)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-200, AT-300, AT-400, AT-500, AT-600, and AT-800 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1120)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 560 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0903)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-1250)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-290. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Adjustments to the Minimum and Maximum Civil Monetary Penalties for Violations of Federal Railroad Safety Laws or Federal Railroad Administration Safety Regulations" (RIN2130-AB94) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-291. A communication from the Division Chief of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "America's Marine Highway Program" (RIN2133-AB70) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-292. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Crustacean Fisheries; Deepwater Shrimp; Correction" (RIN0648-AV29) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-293. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007-2009 Specifications" (RIN0648-XM06) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-294. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New Jersey" (RIN0648-XL93) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-295. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2008 Winter II Period" (RIN0648-XL95) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-296. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XM17) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-297. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #7, #8, #9, #10, #11, and #12" (RIN0648-XK59) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-298. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Record-keeping and Reporting; Permits" (RIN0648-AT91) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-299. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New Jersey" (RIN0648-XL93) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-300. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-AX43) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-301. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska" (RIN0648-XL84) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-302. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer" (RIN0648-XL76) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-303. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation" (RIN0648-XK69) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-304. A communication from the Deputy Assistant Administrator for Operations, Na-

tional Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Subsistence Fishing" (RIN0648-AW36) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-305. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries" (RIN0648-AS71) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-306. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area" ((ID 112108A) (Docket No. 071106673-8011-02)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-307. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Critical Habitat for Threatened Elkhorn and Staghorn Corals" (RIN0648-AV35) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-308. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled "Assessment of Demand Response & Advanced Metering"; to the Committee on Energy and Natural Resources.

EC-309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL-8758-6) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-310. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2008; to the Committee on Finance.

EC-311. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-312. A communication from the Assistant Secretary of Education (Special Education and Rehabilitative Services), transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs)" (4000-01-U) received in the Office of the President of the

Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-313. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Director, National Institutes of Health, received on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-314. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of General Counsel, received on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-315. A communication from the Executive Director, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-316. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-317. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the competitive sourcing efforts for fiscal years 2003–2008 and plans for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-318. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Testimony by NARA Employees Relating to Agency Information and Production of Records in Legal Proceedings" (RIN3095-AB32) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-319. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the need for existing bankruptcy judgeships; to the Committee on the Judiciary.

EC-320. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of United States Attorney, District of New Jersey, received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-321. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of United States Attorney, Southern District of New York, received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-322. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2008; to the Committee on Small Business and Entrepreneurship.

EC-323. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule

entitled "Business Loan Program Regulations: Incorporation of London Interbank Offered Rate (LIBOR) Base Rate and Secondary Market Pool Interest Rate Changes" (RIN3245-AF83) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Small Business and Entrepreneurship.

EC-324. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Counsel for Advocacy, received in the Office of the President of the Senate on January 5, 2009; to the Committee on Small Business and Entrepreneurship.

EC-325. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Survivors' and Dependents' Educational Assistance Program and Other Miscellaneous Issues" (RIN2900-AM67) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mrs. BOXER, Ms. STABENOW, Mr. KERRY, and Mr. WHITEHOUSE):

S. 167. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. CRAPO, Mr. BINGAMAN, Mr. SPECTER, Ms. CANTWELL, and Mr. MCCAIN):

S. 168. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. AL-EXANDER, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. KYL, Mr. MARTINEZ, Ms. SNOWE, Mr. VITTER, and Mr. VOINOVICH):

S. 169. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. INOUE, Mr. ROCKEFELLER, Ms. SNOWE, Ms. CANTWELL, Mr. CARDIN, and Ms. COLLINS):

S. 170. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUE, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KERRY, Mrs. BOXER, Mr. REED, Ms. COLLINS, and Mr. NELSON of Florida):

S. 171. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. INOUE, and Mr. ROCKEFELLER):

S. 172. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. INOUE, Mr. ROCKEFELLER, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, and Mr. REED):

S. 173. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within NOAA; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE):

S. 174. A bill to establish a coordinated and comprehensive Federal ocean and coastal mapping program; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 175. A bill to evaluate certain skills certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 176. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 177. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for those programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD:

S. 178. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. SNOWE):

S. 179. A bill to improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 180. A bill to establish the Cache La Poudre River National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. REID, Ms. SNOWE, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUE, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. KOHL, Mr. LIEBERMAN, Mr.

AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mrs. LINCOLN, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mrs. SHAHEEN, Mr. MERKLEY, Mrs. HAGAN, Mr. BEGICH, and Mr. PRYOR):

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; read the first time.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. BROWN, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Ms. CANTWELL, Mrs. MURRAY, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. DURBIN, Mr. AKAKA, and Mr. REID):

S. 182. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 183. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 184. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 185. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 186. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 187. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 188. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 189. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 190. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 191. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. KYL, Mr. LEVIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. HATCH, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEMINT, Mr. LAUTENBERG, Mr. THUNE, Ms. LANDRIEU, Mr. CRAPO, Mr. MENENDEZ, Mr. MARTINEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CASEY, Mr. PRYOR, Mr. DORGAN, Mr. CARPER, Mr. BAUCUS, Mr. BAYH, Mr. JOHNSON, Mrs. LINCOLN, Mr. BROWN and Mr. CARDIN):

S. Res. 10. A resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 11. A resolution to authorize production of documents to the Department of Defense Inspector General; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the names of the Senator from Nebraska (Mr. JOHANNES) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 61

At the request of Mr. DURBIN, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 69

At the request of Mr. INOUE, the names of the Senator from Utah (Mr. BENNETT), the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 69, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 118

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 142

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 142, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 154

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 154, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mrs. BOXER, Ms. STABENOW, Mr. KERRY, and Mr. WHITEHOUSE):

S. 167. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators FEINSTEIN, LEAHY,

REID, and others to introduce the COPS Improvement Act of 2009. This legislation would reauthorize one of the Department of Justice's most successful efforts to fight crime, the Community Oriented Policing Services, COPS, program.

The success story of the COPS program has been told many times, but it is worth repeating. The goal in 1994 was to put an additional 100,000 cops on the beat. Over the next 5 years, from 1995 to 1999, the COPS Universal Hiring Program distributed nearly \$1 billion in grants to State and local law enforcement agencies to hire additional law enforcement officers, allowing us to achieve our goal of 100,000 new officers.

Common sense told the American people that having more police walking the beat would lead to less crime, and our experience with the COPS program proved that to be true. This unprecedented effort to put more police officers in our communities coincided with significant reductions in crime during the 1990s. As the number of police rose, we saw 8 consecutive years of reductions in crime. Few programs can claim such a clear record of success.

Unfortunately, the success of the COPS program led some to declare victory. Beginning in 2001, funding for the COPS program came under attack. President Bush proposed cuts to the COPS program in each of his budget requests, and his proposed cuts to State and local law enforcement programs has totaled well over \$1 billion in recent years. Despite bipartisan efforts in Congress to prevent those cuts, State and local law enforcement funding has consistently declined. Ultimately, the administration succeeded in eliminating the COPS Hiring Program in 2005.

These cuts have been felt by the people who work every day to keep our communities safe, and the consequences have been real. Cities across the country have seen the size of their police force reduced. New York has lost thousands of police officers in recent years. Other cities have hundreds of vacancies on their forces. Years of decreases in funding have led to fewer cops on the beat and, unfortunately, increases in violent crime.

Therefore, in order to restore the safety of our neighborhoods and communities, it is imperative that we commit ourselves to restoring funding for the COPS program. The COPS Improvement Act of 2009 would authorize \$1.15 billion per year over 6 years for the COPS program. It would allocate \$600 million per year to hire officers to engage in community policing and as school resource officers. It also authorizes \$350 million per year for technology grants.

The legislation would also provide some relief to local prosecutors, who have also seen their ranks reduced by the cuts in funding. Specifically, it in-

cludes \$200 million per year to help local district attorneys hire community prosecutors.

To be sure, some will argue that more than \$1 billion is too large a price tag. It is hard to put a price tag on the security of our communities. Investing money in such a successful program with such an important goal is certainly worth the cost. We must also remember that preventing crime from occurring saves taxpayers from the costs associated with victim assistance and incarceration. For that reason, a recent report by the Brookings Institution found "COPS . . . to be one of the most cost-effective options available for fighting crime."

It is also worth noting the assistance the COPS program can provide to our economy. Few government programs can claim such a direct connection to job creation. The COPS Hiring Program actually puts more people in this country to work. In addition to reducing crime, this investment can serve as a direct injection of money into the American economy.

It is difficult to overstate the importance of passing the COPS Improvement Act. Because of the success of the program and the need for a renewed commitment to it, the bill has long had the support of every major law enforcement group in the Nation, including the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, and the Fraternal Order of Police. These law enforcement officers put their lives on the line every day to make our communities a safe place to live, and they deserve our full support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COPS Improvements Act of 2009".

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

“(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).”;

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting “COMMUNITY POLICING AND CRIME PREVENTION GRANTS”;

(B) in paragraph (3), by striking “, to increase the number of officers deployed in community-oriented policing”;

(C) in paragraph (4), by inserting “or train” after “pay for”;

(D) by inserting after paragraph (4) the following:

“(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;”;

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking “and” at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

“(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

“(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.”;

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

“(c) TROOPS-TO-COPS PROGRAMS.—

“(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

“(2) DEFINITION.—In this subsection, ‘former member of the Armed Forces’ means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

“(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

“(1) handle cases from specific geographic areas; and

“(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

“(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities

from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”;

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking “to States, units of local government, Indian tribal governments, and to other public and private entities,”;

(B) in paragraph (2), by striking “define for State and local governments, and other public and private entities,” and inserting “establish”;

(C) in the first sentence of paragraph (3), by inserting “(including regional community policing institutes)” after “training centers or facilities”; and

(D) by adding at the end the following:

“(4) **EXCLUSIVITY.**—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.”;

(8) in subsection (g), as so redesignated, by striking “may utilize any component”, and all that follows and inserting “shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.”;

(9) in subsection (h), as so redesignated—

(A) by striking “subsection (a)” the first place that term appears and inserting “paragraphs (1) and (2) of subsection (b)”;

(B) by striking “in each fiscal year pursuant to subsection (a)” and inserting “in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)”;

(10) in subsection (i), as so redesignated, by striking the second sentence; and

(11) by adding at the end the following:

“(j) **RETENTION OF ADDITIONAL OFFICER POSITIONS.**—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.”.

(b) **APPLICATIONS.**—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, unless waived by the Attorney General” after “under this part shall”;

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) **RENEWAL OF GRANTS.**—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended to read as follows:

“SEC. 1703. RENEWAL OF GRANTS.

“(a) **IN GENERAL.**—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

“(b) **NO COST EXTENSIONS.**—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.”.

(d) **LIMITATION ON USE OF FUNDS.**—Section 1704 of the Omnibus Crime Control and Safe

Streets Act of 1968 (42 U.S.C. 3796dd-3) is amended—

(1) in subsection (a), by striking “that would, in the absence of Federal funds received under this part, be made available from State or local sources” and inserting “that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources”; and

(2) by striking subsection (c).

(e) **ENFORCEMENT ACTIONS.**—

(1) **IN GENERAL.**—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-5) is amended—

(A) in the section heading, by striking “**REVOCAION OR SUSPENSION OF FUNDING**” and inserting “**ENFORCEMENT ACTIONS**”; and

(B) by striking “revoke or suspend” and all that follows and inserting “take any enforcement action available to the Department of Justice.”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended by striking the item relating to section 1706 and inserting the following:

“Sec. 1706. Enforcement actions.”.

(f) **DEFINITIONS.**—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(1)) is amended—

(1) by inserting “who is a sworn law enforcement officer” after “permanent basis”; and

(2) by inserting “, including officers for the Amtrak Police Department” before the period at the end.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(11)) is amended—

(1) in subparagraph (A), by striking “\$1,047,119,000 for each of fiscal years 2006 through 2009” and inserting “\$1,150,000,000 for each of fiscal years 2009 through 2014”; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking “3 percent” and inserting “5 percent”; and

(B) by striking the second sentence and inserting the following: “Of the funds available for grants under part Q, not less than \$600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than \$200,000,000 shall be used for grants under section 1701(d), and not more than \$350,000,000 shall be used for grants under section 1701(e).”.

(h) **PURPOSES.**—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking “development” and inserting “use”; and

(2) in the matter following paragraph (4), by striking “for a period of 6 years”.

(i) **COPS PROGRAM IMPROVEMENTS.**—

(1) **IN GENERAL.**—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting “, except for the program under part Q of this title” before the period.

(2) **LAW ENFORCEMENT COMPUTER SYSTEMS.**—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

“(c) **EXCEPTION.**—This section shall not apply to any grant made under part Q of this title.”.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators KOHL, LEAHY, and others in introducing the COPS Improvement Act of 2009. I am honored to join them in introducing this important bill on an issue that has been so forcefully championed by Senator BIDEN for so many years.

It is my sincere hope that we are entering the dawn of a new age in our approach to State and local law enforcement funding. For the last 8 years, the Bush administration has steadily and drastically reduced the amount of funding and programming that the Federal Government provides to State and local law enforcement. This has been a huge mistake, with a corresponding spike in the rise of violent crime in our country.

The need for additional funding for state and local law enforcement through the COPS program is clear. Over the last 5 years, our country has experienced an alarming increase in violent crime. In 2007, the Police Executive Research Forum reported that from 2004 to 2006, homicides increased overall by 10 percent, aggravated assaults with guns rose 10 percent, and robberies rose 12 percent.

This survey mirrors the FBI's own statistics, which showed that violent crime rose by 1.8 percent between 2003 to 2007. And this surge in the violent crime rate isn't just limited to big cities. In February 2008, in testimony before the House Judiciary Committee, Attorney General Mukasey acknowledged that violent crime was increasing across all of our communities.

Let me put these numbers in human terms. The International Association of Chiefs of Police equates the rise of 2.5 percent to 31,479 more victims of violent crimes in 2005. The 3.7 increase for all of 2006 means about 47,000 more Americans were victims of murder, robbery, assault, rape, or other violent crimes.

Unfortunately, despite these disturbing numbers and the Justice Department's own acknowledgement that violent crime is increasing, over the last 8 years the Bush administration continually proposed drastic cuts in the Federal assistance traditionally available to state and local law enforcement.

President Bush's proposed fiscal year 2009 budget slashed funding for State and local law enforcement at unprecedented rates. After repeatedly proposing to eliminate COPS hiring grants, President Bush finally zeroed out the entire COPS program for fiscal year 2009, replacing it with a mere \$4 million for a new community policing grant. This is simply not acceptable and our communities are suffering because of it.

During the 1990s and earlier years in this decade, the federal government

vigorously funded grant programs for state and local law enforcement, including the COPS Program. We saw real results—violent crime went down year after year. It is no surprise that with the recent cuts, violent crime rates have ticked back up.

This trend has to stop, and it is my hope that Congress and the incoming Obama administration will move to correct the huge damage that has been inflicted on state and local law enforcement in the last eight years. The bill Senator KOHL and I introduce today will go a long way to do that.

We know what works, and we can see the results of ignoring and underfunding proven programs. We also know that crime often rises in times of economic trouble. Now is not the time to continue the rollbacks in state and law enforcement funding initiated by the Bush administration.

This bill will serve a dual purpose—creating thousands of jobs in the current economic downturn and providing state and local law enforcement with the resources they need to successfully fight crime.

Specifically, the bill would authorize \$1.15 billion per year for the next 6 years to fund the following:

Police Hiring Grants: The bill authorizes \$600 million per year to hire up to 50,000 officers to work in community policing efforts, and school resource officers to fight school violence. These funds will create jobs in a worsening economy, and can be used to retain officers, pay overtime costs, and reimburse officers for training costs.

Law Enforcement Technology Grants: The bill authorizes \$350 million per year for police departments to obtain new technology and equipment to analyze real-time crime data and incident reports to anticipate crime trends, map crime “hot-spots”, examine DNA evidence, and purchasing badly needed technology upgrades for police on the street.

Community Prosecutor Grants: The bill authorizes \$200 million per year to help local district attorneys hire and train more prosecutors.

Troops-to-Cops Program: The bill authorizes a troops-to-cops program to encourage local police agencies to hire former military personnel who are honorably discharged from military service or who are displaced by base closings to allow them to continue working and engaging in public service.

The COPS Program is a time-tested program that has proven its effectiveness for years. It is one of the cornerstones in the State and local law enforcement efforts that have removed thousands of pounds of drugs and millions of dollars worth of drug proceeds from communities across the country.

Money from the COPS Program provides law enforcement with the officers, prosecutors and technology that they need to keep our communities

safe. All we have to do is look at the rising rates of violent crime that correspond to the staggering funding cuts to understand how important these programs are for our country.

We must provide the necessary tools and funds to State and local law enforcement and act decisively to combat the nation's growing gang problem and violent crime. Enacting the COPS Improvement Act of 2009 will be a step in the right direction. I hope my colleagues will join Senator KOHL and I in supporting this important legislation.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. CRAPO, Mr. BINGAMAN, Mr. SPECTER, Ms. CANTWELL, and Mr. MCCAIN):

S. 168. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today the Senate Judiciary Committee held a hearing entitled “Helping State and Local Law Enforcement During an Economic Downturn.” Today Senator KYL and I are introducing a bill that will do just that. The SCAAP Reimbursement Protection Act of 2009 will help to alleviate the costs of illegal immigration to State and local governments by broadening the State Criminal Alien Assistance Program, SCAAP, to ensure that States and localities are eligible for reimbursement of the costs associated with incarcerating criminal aliens.

We are joined today by Senators BOXER, HUTCHINSON, SCHUMER, CORNYN, DURBIN, CRAPO, BINGAMAN, SPECTER, CANTWELL, and MCCAIN.

The burden of incarcerating criminal aliens weighs heavily on States, especially during this time of economic uncertainty. California is home to approximately 32 percent of the Nation's illegal immigrants and spent over \$950 million in 2008 alone to house these criminal aliens.

Understanding the expenses that States and localities bear, Congress enacted SCAAP in 1994 to help reimburse States and localities for the costs of incarcerating criminal aliens. Prior to 2003, the Department of Justice interpreted the SCAAP statute to include reimbursement to States and localities that are incurring costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses and have been incarcerated for a minimum of 72 hours. After 2003, DOJ limited reimbursement to the amount States and localities spend incarcerating convicted criminal aliens for at least 4 consecutive days.

Reimbursing States and localities only for the costs when a criminal

alien is convicted and incarcerated for 4 consecutive days significantly undermines the goal of SCAAP that States and localities should not bear the burden of a broken Federal immigration system. The actual costs of this failed Federal system begin when these aliens are charged with a crime, transported, and incarcerated for any length of time.

This narrow interpretation is even more devastating because SCAAP is consistently under-funded. The President has zeroed out SCAAP funding in his budget proposals for the past 7 years. Through bipartisan support, Congress was only able to partially fund the program.

As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. In 2008, the California State government will receive approximately \$118 million in SCAAP funding. However, it is estimated to cost the State approximately \$960 million each year for the incarceration of criminal aliens in California—\$842 million above the reimbursement amount. The State of California is therefore only being reimbursed for approximately 12 percent of its actual costs to incarcerate illegal criminal aliens.

This cut has had a domino effect on public safety funding. For every dollar less that SCAAP reimburses States, a dollar less is available for critical public safety services. For example, after the SCAAP funding cuts in 2003, the Los Angeles County Sheriff's Department implemented an “early release” policy for prisoners convicted of misdemeanors.

I believe it is the Federal Government's responsibility to control illegal immigration. The funding cuts imposed by the Bush administration have let our local public safety services down, and have made our communities less safe.

The SCAAP Reimbursement Protection Act of 2009 is good federal policy to fix a failed Federal one—so that States are reimbursed for the full costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors.

This policy has the support of the National Sheriffs' Association, California State Association of Counties, the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs' Association, the Los Angeles County Sheriff Lee Baca, and the Sheriffs' Association of Texas, who have all endorsed the bill I am reintroducing today.

Our colleagues in the House unanimously passed this companion bill last Congress and I urge my colleagues in this chamber to join me in supporting this much needed amendment to the SCAAP statute.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “SCAAP Reimbursement Protection Act of 2009”.

SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting “charged with or” before “convicted”.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUE, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KERRY, Mrs. BOXER, Mr. REED, Ms. COLLINS, and Mr. NELSON of Florida):

S. 171. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation’s coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal and Ocean Observation System Act of 2009 and the NOAA Undersea Research Program Act of 2009. These bills will greatly enhance our nation’s existing ocean observation and research capabilities and drastically improve our understanding of the marine environment.

Oceans cover nearly three quarters of the Earth’s surface, and have great influence over our lives. They shape our weather and climate systems, provide highways for international and domestic commerce, sustain rich living and non-living resources on which many of our livelihoods are based, and provide our nation over 95,000 miles of shoreline which is the backbone of tourist and recreational activities in many of our coastal states. Despite the constant, intricate interaction between our lives on land and the natural systems of the ocean, we know woefully little about the physical properties of the overwhelming majority of our planet. What lies over the horizon remains, by most accounts, a mystery.

Yet, the effects of those mysterious systems can be devastating. In recent years, hurricanes, tsunamis, and other natural disasters have devastated regions of our nation, and other parts of the world. Today, we have the technology to monitor a wide range of ocean-based threats, from destructive storms to quieter dangers such as harmful algal blooms and man-made pollution. The purpose of the Coastal Ocean Observing System Act is to put

that technology to work predicting these threats more accurately and, when possible, mitigating their impacts.

This bipartisan, science-based bill would authorize the National Oceanic and Atmospheric Administration, or NOAA, to coordinate an interagency network of ocean observing and communication systems around our nation’s coastlines. This system would collect instantaneous data and information on ocean conditions—such as temperature, wave height, wind speed, currents, dissolved oxygen, salinity, contaminants, and other variables—that are essential to marine science and resource management and can be used to improve maritime transportation, safety, and commerce. Such data would improve both short-term forecasting that can mitigate impacts of major disasters, and prediction and scientific analysis of long-term ocean and climate trends.

My home State of Maine currently participates in an innovative partnership known as the Gulf of Maine Ocean Observing System, or GoMOOS. Launched in 2001, GoMOOS takes ocean and surface condition measurements on a hourly basis through a network of linked buoys. These data are subsequently made available via the GoMOOS website to scientists, students, vessel captains, fishermen, and anyone else with an interest in our oceans. The vast geographic range and frequency of measurements has led to unprecedented developments in scientific analysis of ocean conditions in the Gulf of Maine. It has also contributed invaluable information to our region’s assessments of fisheries, weather conditions, and predictions of other ocean phenomena.

Unfortunately, due to recent budget cuts within NOAA, in 2008 GoMOOS was forced to remove several buoys from the water, compromising the integrity of the system and reducing the quality of data available to system users. The funding levels authorized in this bill will ensure that this system, which has been shown to return \$6 to the regional economy for every dollar invested, will continue to grow and provide its vital services to our maritime community.

Of course, the need to access this type of information is not limited to the Gulf of Maine. In June 2006, the Joint Ocean Commission Initiative, made up of members from the Pew Ocean Commission and the U.S. Commission on Ocean Policy, presented to Congress a list of the “top ten” actions Congress should take to strengthen our ocean policy regime. One of those priorities was “enact legislation to authorize and fund the Integrated Ocean Observing System.” Ocean and coastal observations are a cornerstone of sound marine science, management, and commerce. This bill will save lives by al-

lowing seafarers to better monitor ocean conditions and providing timelier and more accurate predictions of potentially catastrophic weather and seismic phenomena. It will save taxpayers’ dollars by reducing the emergency spending that comes in the wake of unanticipated storms, and it will enhance the appreciation and understanding of our oceans and coastal regions to benefit all Americans.

I am very proud to introduce this bill, and I would like to thank my co-sponsors, Senators CANTWELL, INOUE, ROCKEFELLER, LANDRIEU, KERRY, BOXER, REED, COLLINS, and BILL NELSON for contributing to this legislation and supporting this national initiative. Of course, our current and expanding ocean observation and communication system would not be possible without the work of dedicated professionals in the ocean and coastal science, management, and research communities—they have taken the initiative to develop the grassroots regional observation systems as well as contribute to this legislation. Thanks to their ongoing efforts, ocean observations will continue to provide a tremendous service to the American public.

While my ocean observing legislation will greatly enhance our ability to analyze and disseminate oceanographic and meteorological data, we also face a shortfall in our Nation’s ability to explore vast regions of our undersea territory. Nearly 3 years ago the U.S. Commission on Ocean Policy released its long-awaited report, which noted that approximately 95 percent of the ocean’s floor remains uncharted territory. If past experience is any indication, fascinating discoveries await us in these vast unexplored areas. These regions are sure to include species of marine life that are currently unknown to science, archaeological and historical artifacts that can shed new light on our past, and marine resources that may support our ongoing quest for a sustainable future.

In 2004 the U.S. Ocean Policy Commissioners called for enhanced, comprehensive national programs in ocean exploration, undersea research, and ocean and coastal mapping. The vision of the Commissioners, one that I share, is for well-funded and interdisciplinary programs. Such programs are being led by NOAA, with significant input from partners in other agencies, academia, and industry, but currently they lack formal Congressional authorization. This legislation would establish those programs, and provide a strong foundation upon which we can continue to expand the quest for knowledge to areas of the planet that have literally never been seen by human eyes. I look forward to seeing these efforts enhanced under this legislation.

I am proud to introduce this legislation today as well, and I thank my co-sponsors on this bill, Senators INOUE,

and ROCKEFELLER for their support. I would also like to acknowledge my support for three other oceans bills being introduced by my colleagues simultaneously with these two bills: the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping and Integration Act. All will be integral to enhancing our nation's coasts and oceans and I am pleased to support my colleagues' efforts by offering my co-sponsorship of these three pieces of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 171

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal and Ocean Observation System Act of 2009".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States Commission on Ocean Policy recommends a national commitment to a sustained and integrated coastal and ocean observing system and to coordinated research programs which would provide vital information to assist the Nation and the world in understanding, monitoring, and predicting changes to the ocean and coastal resources and the global climate system, enhancing homeland security, improving weather and climate forecasts, strengthening management and sustainable use of coastal and ocean resources, improving the safety and efficiency of maritime operations, and mitigating the impacts of marine hazards.

(2) The continuing and potentially devastating threat posed by tsunamis, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and communications, and data management systems to provide timely detection, assessment, and warnings and to support response strategies for the millions of people living in coastal regions of the United States and throughout the world.

(3) Safeguarding homeland security, conducting search and rescue operations, responding to natural and manmade coastal hazards (such as oil spills and harmful algal blooms), and managing fisheries and other coastal activities each require improved understanding and monitoring of the Nation's waters, coastlines, ecosystems, and resources, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(4) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over \$117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, handling \$700 billion in waterborne commerce, and supporting commercial and sport fisheries valued at more than \$50 billion annually.

(5) Ensuring the effective implementation of National and State programs to protect unique coastal and ocean habitats, such as wetlands and coral reefs, and living marine resources requires a sustained program of research and monitoring to understand these

natural systems and detect changes that could jeopardize their long term viability.

(6) Many elements of a coastal and ocean observing system are in place, but require national investment, consolidation, completion, and integration among international, Federal, regional, State, and local elements.

(7) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, reliable, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated coastal and ocean observing system is an essential part.

(8) Protocols and reporting for observations, measurements, and other data collection for a coastal and ocean observing system should be standardized to facilitate data use and dissemination.

(9) Key variables, including temperature, salinity, sea level, surface currents, ocean color, nutrients, and variables, such as acidity, that may indicate the occurrence and impacts of ocean acidification, should be collected to address a variety of informational needs.

(b) PURPOSES.—The purposes of this Act are to establish an integrated national system of ocean, coastal, and Great Lakes observing systems to address regional and national needs for ocean information and to provide for—

(1) the planning, development, implementation, and maintenance of an integrated coastal and ocean observing system that provides data and information to sustain and restore healthy marine, coastal, and Great Lakes ecosystems and manage the resources they support, aid marine navigation safety and national security, support economic development, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science education and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the marine environment and achieve the full national benefits of an integrated coastal and ocean observing system;

(3) implementation of a data, information management, and modeling system required by all components of an integrated coastal and ocean observing system and related research to develop early warning systems to more effectively predict and mitigate impacts of natural hazards, improve weather and climate forecasts, conserve healthy and restore degraded coastal ecosystems, and ensure usefulness of data and information for users; and

(4) establishment of a network of regional associations to operate and maintain regional coastal and ocean observing systems to ensure fulfillment of national objectives at regional scales and to address State and local needs for ocean information and data products.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term "Council" means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term "Interagency Ocean Observation Committee" means the committee established under section 4(d).

(4) NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—The term "National Oceanographic Partnership Program" means the program established under section 7901 of title 10, United States Code.

(5) OBSERVING SYSTEM.—The term "observing system" means the integrated coastal, ocean, and Great Lakes observing system to be established by the Council under section 4(a).

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of coastal and ocean observations, data communication and management, analysis, modeling, research, education, and outreach designed to understand current conditions and provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environments that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the Nation's coasts, oceans, and Great Lakes in order to—

(1) understand the effects of human activities and natural variability on and improve the health of the Nation's coasts, oceans, and Great Lakes;

(2) monitor key variables including temperature, salinity, sea level, surface currents, ocean color, nutrients, and variables, such as acidity, that may indicate the occurrence and impacts of ocean acidification;

(3) measure, track, explain, and predict climatic and environmental changes and protect human lives and livelihoods from hazards such as tsunamis, hurricanes, storm surges, coastal erosion, levy breaches, and fluctuating water levels;

(4) supply critical information to marine-related businesses such as marine transportation, aquaculture, fisheries, and offshore energy production and aid marine navigation and safety;

(5) support national defense and homeland security efforts;

(6) support the sustainable use, conservation, management, and enjoyment of healthy ocean, coastal, and Great Lakes resources, better understand the interactions of ocean processes within the coastal zone, and support implementation and refinement of ecosystem-based management and restoration;

(7) support the protection of critical coastal habitats, such as coral reefs and wetlands, and unique ecosystems and resources;

(8) educate the public about the role and importance of the oceans, coasts, and Great Lakes in daily life; and

(9) support research and development to ensure improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national and international observation priorities.

(2) A network of regional associations to manage the regional coastal and ocean observing and information programs that collect, measure, and disseminate data and information products.

(3) Data management, communication, and modeling systems for the timely integration

and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council, including projects under the National Oceanographic Partnership Program, consisting of the following:

(A) Basic research to advance knowledge of coastal and ocean systems and ensure improvement of operational products, including related infrastructure, observing technology, and information technology.

(B) Focused research and technology development projects to improve understanding of the relationship between the coasts and oceans and human activities.

(C) Large scale computing resources and research to advance modeling of coastal and ocean processes.

(5) A coordinated outreach, education, and training program that integrates and augments existing programs (such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve System), to ensure the use of data and information for improving public education and awareness of the Nation's coastal and ocean environment and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—The Council shall serve as the oversight body for the design and implementation of all aspects of the observing system. In carrying out its responsibilities under this section, the Council shall—

(1) adopt plans, budgets, and standards that are developed and maintained by the Interagency Ocean Observation Committee in consultation with the regional associations;

(2) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(3) coordinate and approve programs of intramural and extramural research, technology development, education, and outreach to support improvements to and the operation of an integrated coastal and ocean observing system and to advance the understanding of the oceans;

(4) promote development of technology and methods for improving the observing system;

(5) support the development of institutional mechanisms and financial instruments to further the goals of the program and provide for the capitalization of the required infrastructure;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs, including those under the jurisdiction of the International Joint Commission involving Canadian waters; and

(7) in consultation with the Secretary of State, support coordination of relevant Federal activities with those of other nations.

(d) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—

(1) ESTABLISHMENT.—The Council shall establish an Interagency Ocean Observation Committee.

(2) RESPONSIBILITIES.—The Interagency Ocean Observing Committee shall be responsible for program planning and coordination of the implementation of the observing system.

(3) DUTIES.—The Interagency Ocean Observing Committee shall report to the Council and shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing global, national, and regional observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(B) coordinate the development of agency and regional associations priorities and budgets to implement, operate, and maintain the observing systems;

(C) establish and refine standards and protocols for data collection, management and communications, including quality control standards, in consultation with participating Federal agencies and regional associations;

(D) establish a process for assuring compliance for all participating entities with the standards and protocols for data management and communications, including quality control standards;

(E) integrate, improve, and extend existing programs and research projects, and ensure that regional associations are integrated into the operational observation system on a sustained basis;

(F) provide for the migration of scientific and technological advances from research and development to operational deployment; and

(G) perform such duties as the Council may delegate.

(4) IMPLEMENTATION.—There is established an Interagency Program Coordinating Office. The Office shall be—

(A) located in, but is not an office of, the Department of Commerce; and

(B) staffed by employees of agencies represented on the Interagency Ocean Observation Committee, to facilitate the Interagency Ocean Observation Committee's responsibilities for system implementation, budgeting, and administration.

(e) ROLE OF NOAA.—The National Oceanic and Atmospheric Administration shall provide leadership for the implementation and administration of the observing system, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the observing system and the regional associations, and shall—

(1) establish an Integrated Ocean Observing Program Office to facilitate action under the Administration's leadership;

(2) implement a merit-based funding process to support the activities of regional associations;

(3) provide opportunities for competitive contracts and grants to design, develop, integrate, deploy, and support ocean observation system elements;

(4) have the authority to enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator deems appropriate;

(5) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and regional associations in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(6) develop and implement a process for the certification and assimilation into the national ocean observations network of the regional associations and their periodic review and recertification and certify regional associations that meet the requirements of subsection (f); and

(7) develop a data management and communication system, in accordance with the

established standards and protocols, by which all data collected by the observing system regarding coastal waters of the United States are integrated and available.

(f) REGIONAL ASSOCIATIONS OF COASTAL AND OCEAN OBSERVING SYSTEMS.—

(1) The Secretary shall initiate a rule-making proceeding to establish a process for the certification of regional associations to be responsible for the development and operation of regional coastal and ocean observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certified a regional association shall meet the certification standards developed by the Interagency Ocean Observing Committee in conjunction with the regional associations and approved by the Council and shall—

(A) demonstrate an organizational structure capable of supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects broad representation from State and local government, commercial interests, and other users and beneficiaries of marine information;

(B) operate under a strategic operations and business plan that details the operation and support of regional coastal and ocean observing systems pursuant to the standards approved by the Council; and

(C) work with governmental entities and programs at all levels to identify and provide information products of the observing system for multiple users in the region to advance outreach and education, to improve coastal and fishery management, safe and efficient marine navigation, weather and climate prediction, to enhance preparation for hurricanes, tsunamis, and other natural hazards, and other appropriate activities.

(2) For the purposes of this Act, employees of Federal agencies may participate in the functions of the regional associations.

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional coastal and ocean observing system that is a designated part of a regional association certified under this section shall, with respect to tort liability arising from the dissemination and use of the data, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while operating within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. PROCESS FOR TRANSITION FROM RESEARCH TO OPERATION.

The National Oceanic and Atmospheric Administration, in consultation with the Council, shall formulate a process by which—

(1) funding is made available for intramural and extramural research on new technologies for collecting data regarding coastal and ocean waters of the United States;

(2) such technologies are tested including—
(A) accelerated research into biological and chemical sensing techniques and satellite sensors for collecting such data; and

(B) developing technologies to improve all aspects of the observing system, especially the timeliness and accuracy of its predictive models and the usefulness of its information products; and

(3) funding is made available and a plan is developed and executed to transition technology that has been demonstrated to be

useful for the observing system is incorporated into use by the observing system.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the Interagency Oceans Observation Committee, a common infrastructure, and system integration for a coastal and ocean observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OTHER LAWS.

Nothing in this Act supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of this Act, \$150,000,000 for each of fiscal years 2009 through 2011 and \$175,000,000 for each of fiscal years 2012 and 2013. At least 50 percent of these sums shall be allocated to the regional associations certified under section 4(f) for implementation of regional coastal and ocean observing systems.

SEC. 9. IMPLEMENTATION PLAN.

Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress and the Council a plan for implementation of this Act, including for—

(1) coordinating activities of the Secretary under this Act with other Federal agencies; and

(2) distributing, to regional associations, funds available to carry out this Act.

SEC. 10. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this Act.

(b) CONTENTS.—The report shall include the following:

(1) A description of activities carried out under the implementation plan and this Act.

(2) An evaluation of the effectiveness of the observing system.

(3) Benefits of the program to users of data products resulting from the observing system (including the general public, industry, scientists, resource managers, emergency responders, policy makers, and educators).

(4) Recommendations concerning—

(A) modifications to the observing system; and

(B) funding levels for the observing system in subsequent fiscal years.

(5) The results of a periodic external independent programmatic audit of the observing system.

By Ms. SNOWE (for herself, Mr. INOUE, and Mr. ROCKEFELLER):

S. 172. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on

Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “NOAA Ocean Exploration and Undersea Research Program Act of 2009”.

TITLE I—OCEAN EXPLORATION

SEC. 101. PURPOSE.

The purpose of this title is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 102. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 103. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 102, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 105;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote commu-

nication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 104. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 105. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 103(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in this title supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

- (1) \$33,550,000 for fiscal year 2009;
- (2) \$36,905,000 for fiscal year 2010;
- (3) \$40,596,000 for fiscal year 2011;
- (4) \$44,655,000 for fiscal year 2012;
- (5) \$49,121,000 for fiscal year 2013;
- (6) \$54,033,000 for fiscal year 2014; and
- (7) \$59,436,000 for fiscal year 2015.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. PROGRAM ESTABLISHED.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) **PURPOSE.**—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 202. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 203. ADMINISTRATIVE STRUCTURE.

(a) **IN GENERAL.**—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) **DIRECTION.**—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 204. RESEARCH, EXPLORATION, EDUCATION AND TECHNOLOGY PROGRAMS.

(a) **IN GENERAL.**—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and

Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) **OPERATIONS.**—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 205. COMPETITIVENESS.

(a) **DISCRETIONARY FUND.**—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) **COMPETITIVE SELECTION.**—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 203 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

- (1) for fiscal year 2009—
 - (A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
 - (B) \$5,500,000 for the National Technology Institute;
- (2) for fiscal year 2010—
 - (A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
 - (B) \$6,050,000 for the National Technology Institute;
- (3) for fiscal year 2011—
 - (A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
 - (B) \$6,655,000 for the National Technology Institute;
- (4) for fiscal year 2012—
 - (A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
 - (B) \$7,321,000 for the National Technology Institute;
- (5) for fiscal year 2013—
 - (A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
 - (B) \$8,053,000 for the National Technology Institute;
- (6) for fiscal year 2014—
 - (A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast re-

gional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

By Mr. FEINGOLD:

S. 175. A bill to evaluate certain skills certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I introduce a straight-forward bill that is a first step toward helping American workers and businesses. This bill is part of my E-4 Initiative, which focuses on issues affecting the economy, energy, education and employment. The Skills Standards Certification Evaluation Act will require the Secretaries of Labor, Education and Commerce to evaluate skills standards certification programs that have been developed with federal funding.

Skills Standards Certifications have emerged over the past two decades in response to job growth in high-technology and varied industries. The training or classes usually take weeks or months, rather than years. Often, they are developed in response to the needs of one industry or even one company, though the skills are often applicable more widely.

As the President-elect and Congress work to save and create jobs through additional funding for infrastructure, green jobs, and similar programs, among other things, it is even more critical that employers be able to find qualified workers for a variety of positions. Workers who can easily demonstrate their skills quickly and easily will be able to benefit from such investments early on.

Over the past two decades, the Federal Government has taken conflicting approaches to skills standards certifications. That is why, as part of the Skills Standards Certification Evaluation Act, I require a recommendation from the Secretaries of Labor and Commerce on how Congress ought to move forward with funding for these certification programs. Both the national, top-down, and a local, bottom-up approach have been tried, and a thorough evaluation will make clear how we can move forward to get the most out of the funding the Federal Government provides.

These certifications have a tremendous benefit for workers. First, because the training is often condensed into a few weeks with a flexible schedule, it allows people to complete certifications without leaving a current job and without the financial cost of attending a full-time program that lasts

a year or more. In addition, these programs allow workers to clearly demonstrate a certain set of skills, and may open more doors for higher-paying employment. Because these programs can be completed without leaving work, they also allow workers to advance within a career or company to more skilled positions and better wages and benefits.

For employers, Skills Standards Certifications can simplify the search for employees. I have heard from numerous Wisconsin employers, especially small businesses with limited resources, that it is hard to find employees with the skills they need, or who will be dedicated and loyal. Skills Standards Certifications clearly show the qualification of an individual, of course, but also tell the employer that he or she is dedicated enough to invest in the course to earn the certificate. Very few people will spend the time and money to enroll in such a program if they don't intend to use the certificate.

Lastly, these programs can help state and local governments quantify their skilled workforce, which can be invaluable when marketing the area to businesses and investment.

This bill is a small first step in what I hope can be a continuing effort to help hard-working Americans obtain and use high-demand work skills.

By Mr. FEINGOLD:

S. 176. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I reintroduce a piece of my E4 initiative, so named because it is a collection of proposals that address issues important to the economy, education, employment and energy. This piece of the E4 legislation focuses on the important supporting role that transportation can play in economic development by creating an environment where employers and those seeking employment or better employment are connected together. Having such a system to overcome transportation hurdles can benefit both employers and employees, as well as the local economy and is all the more important in these difficult economic times.

In more general terms, investing in our infrastructure like roads, bridges and transit systems can have direct job creation impacts. This is one reason I have fought hard with the rest of the delegation for a fair rate of return for Wisconsin from the highway bill. It is also why in a letter I sent to President-elect Obama and Senate leaders I included highway and transit projects as part of a variety of ready-to-go infrastructure projects that should be included in the forthcoming economic recovery program.

In addition to supporting transportation-related jobs, linking workers and businesses that need them can also be an important part of a more comprehensive job creation strategy. This can mean supporting a robust public transportation system or more specific programs designed to link low-income individuals with jobs. I have consistently done the former by supporting public transportation during consideration of the highway bill and Amtrak reauthorizations. But my specific proposal today focuses on the latter and improving the Job Access and Reverse Commute, JARC, program that links low-income workers with employers.

I have heard good things about the JARC program and was glad that it was shifted away from earmarks and was made available as a combination formula and competitively awarded program in the last highway bill. The primary program goal is to locally assess the transportation needs of low-income workers and then plan and fund programs to help alleviate transportation-related barriers to employment or better employment. While initially this may have been viewed as a way to support reverse commute projects whereby transit routes were established to allow city center residents to access jobs in the suburbs, the program actually does much more than just this and provides reliable transportation to low-income urban, rural and suburban workers.

In Wisconsin, the Federal JARC program is jointly administered by the State departments of transportation and workforce development as the Wisconsin Employment Transportation Assistance Program, WETAP. According to the Wisconsin Department of Transportation, transportation barriers can include a lack of a dependable vehicle or bus service in the area, an absence of local jobs, or childcare transportation problems. The State agencies in Wisconsin have found several different types of projects to be effective depending on the local circumstances. These projects have included the traditional public transit projects such as extending bus lines or supporting van-pooling, along with other programs such as providing cars or car repairs to low-income individuals. Wisconsin has even found that assisting with indirect barriers such as transportation of children to and from childcare facilities is critical in allowing some individuals to improve their job prospects.

A recent University of Illinois Chicago, UIC, study found that the societal benefits from this program are \$1.65 per dollar spent and estimates lifetime benefits to low income participants of \$15 per dollar spent due to their ability to find and retain better paying jobs. While the goals of the Job Access and Reverse Commute program are important and the program has

been found to be fairly effective, there are some details that have prevented the program from reaching its full potential. Working closely with transportation officials in Wisconsin and partially based on recommendations from the UIC study, I've come up with some specific ideas to improve the program.

With a proven effective program and continuing unmet needs by employers and low-income individuals seeking employment, JARC could use a boost in funding. So that is why my proposal ramps up funding by \$100 million over 5 years from the current funding of \$165 million to \$265 million in fiscal year 2014.

My proposal would also allow the Federal share of projects to increase to 80 percent from the current 50 percent level for operating expenses. The 50 percent local and State match wasn't feasible for far too many local governments in Wisconsin and as a result Wisconsin has not been able to spend all its Federal funds. The higher Federal cost share will better balance the need to leverage Federal funds, while ensuring that these critical funds are fully utilized—millions of dollars in an account does nothing to link people to jobs.

Besides the challenge in coming up with a 50 percent local cost share, the other main issue that has kept JARC from being as effective as it could be is the paperwork and reporting burden required by the program, especially for the small nonprofit groups that often have never dealt with Federal grant requirements before. My proposal directs the Federal Transit Agency, FTA, to examine the current reporting requirements to see if there are ways to streamline the amount of paperwork required while still ensuring that the program goals are met.

My bill also includes a pilot program funded at \$10 million a year for 5 years in order to test a few areas that seem very promising, but should be evaluated more fully before broader implementation. The first portion of the pilot program builds off the regulatory streamlining evaluation and allows the FTA to test streamlined reporting requirements to help get the balance between oversight and administrative burden right.

The second part of the pilot program focuses on improving education- and employment-related transportation for teens and young adults. Enabling students and young people to reliably get between their high schools or neighborhoods and technical colleges, job training centers or apprenticeships can have a lifelong positive impact.

The third section of the pilot program would allow experimentation with combining different transit programs and integrating JARC projects across local political boundaries to provide a more comprehensive local transportation system. Instead of having one transit program to assist the

disabled, one targeted toward the elderly and another focused on jobs, this pilot program would encourage funding combined applications to meet these needs together with one comprehensive project. There is even the potential for the Department of Transportation to further coordinate with other departments such as Health and Human Services for healthcare-related transportation. Similarly, the needs of employers for employees do not recognize local political boundaries, so encouraging greater collaboration between local entities to make a more robust interconnected system should ultimately provide more efficient and effective service.

While the FTA already provides some technical assistance for the JARC program, my proposal provides a small boost in funding and some additional areas of emphasis. For example, after hearing about the struggles that some small nonprofits have with the reporting requirements, in addition to looking for ways to streamline the requirements, my proposal would direct the FTA to also provide some technical assistance especially targeted to this need.

The final element of my proposal is the offset. The new spending authorized in the proposal is fully offset by rescinding highway and bridge earmarks that have not had funds spent from them despite being authorized over a decade ago as part of the TEA-21 highway bill. Helping connect workers and employers is a much better use of these funds than letting them sit unused in some obscure DOT account.

Providing reliable transportation to low-income individuals only goes so far—it is the companies and innovators creating the jobs and the individuals seeking to better their lot through education or more challenging employment, that are doing the heavy lifting. That being said, transportation can clearly be a challenge for companies and workers and in the case of the JARC program can play an important supporting role.

By Mr. FEINGOLD:

S. 177. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for these programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. FEINGOLD. Mr. President, we are all aware of the serious challenges our economy faces in the short term and the urgency of our need to promote job creation and economic development. I am committed to engaging in this broad effort with my colleagues on

both sides of the aisle. But it is essential that our efforts not just be short term fixes—they must not only aim to create jobs and investment opportunities in the short term, they must be part of strategic efforts to strengthen our Nation's innovation capabilities and sustain long term economic development in a changing and competitive global environment. There is no better way to do this than by stimulating and supporting small business innovation, especially in areas of national priority. As part of this effort, today I am introducing the Strengthening Our Economy Through Small Business Innovation Act of 2009.

Job growth, innovation and economic development are driven by our small businesses. Small businesses also tend to be based in our cities and communities and so they are major contributors to our local economies. Half of our county's payroll jobs and most of our new job opportunities are provided by small businesses. Small businesses are proven innovators and drive commercialization of cutting edge technologies. Not only are small businesses our major source of employment, they employ about one third of our country's scientists and engineers and generate more patents on a per capita basis than large businesses and universities. They also are effective partners with universities to enhance product creation, develop university income and attract university graduates and faculty through increased innovative job opportunities.

Over the last 25 years, through the Small Business Innovation and Research program, SBIR, and, more recently, the Small Business Technology Transfer program, STTR, up to 2.5 percent and 0.3 percent, respectively, of Federal R&D funds from 11 Federal agencies have been specifically allocated to our Nation's small businesses to fund innovation. These small business allocations are not sufficient. We must diversify and strengthen innovation capabilities and our economic base, and to accomplish this we must extend and increase R&D allocations to our Nation's innovative small businesses.

My bill does 3 things. First, it extends the SBIR and STTR programs for a further 14 years so that small businesses, as well as universities and non-profit research organizations that collaborate with small businesses, can continue to leverage Federal research and development funding.

Second, it significantly increases the allocation of funds and the awards from large Federal research and development budgets to small businesses through the SBIR and STTR programs. It would increase the SBIR allocation from its current 2.5 percent to 10 percent and the STTR allocation from 0.3 percent to 1.0 percent over a 3-year period. It would increase SBIR phase I

awards from \$100,000 to \$300,000 and phase II awards from \$750,000 to \$2.2 million. Third, it identifies specific funding priorities for energy innovation; safe and secure water; domestic security; and transportation.

The SBIR program is tested, successful and worthy of extension. In its comprehensive study of the SBIR program, the National Research Council found that the program "is sound in concept and effective in practice"; was "stimulating technological innovation"; "linking universities to the public and private markets"; "increasing private sector commercialization of innovations" at an "impressive" rate; and "providing widely distributed support for innovation activity." The study concluded that:

[T]he program is proving effective in meeting Congressional objectives. It is increasing innovation, encouraging participation by small companies in R&D, providing support for small firms owned by minorities and women, and resolving research questions for mission agencies in a cost effective manner. Should the Congress wish to provide additional funds for the program in support of these objectives, those funds could be employed effectively by the nation's SBIR.

The NRC's study also found that universities and other non-profit research institutions would benefit significantly from the increase in both the SBIR and the STTR programs. In particular, the STTR allocation increase will directly benefit universities and efforts to bring university-based research into the commercial marketplace, as a partnership with a non-profit research institution, such as a university, is a requirement of all STTR award recipients. Many of the small businesses that receive SBIR funding are rooted in the university infrastructure so investigators and graduates from universities will have opportunities to be part of commercial developments. More than two-thirds of SBIR companies report that at least one founder was previously an academic. About one-third of SBIR company founders were most recently employed as academics before founding the company. Over a third of SBIR projects cite direct university involvement with 27 percent of projects having university faculty as contractors on the project, 17 percent using universities themselves as subcontractors, and 15 percent employing graduate students.

In its report accompanying reauthorization legislation, the Senate Small Business and Entrepreneurship Committee recently concluded that:

increases in the SBIR allocation will invest money in research, contracting, internships, and other collaborative activities done with universities, with the contracting and patenting activities with SBIR companies being a sizable source of revenue for universities as well. The university-industry partnerships that SBIR creates are crucial in that they provide an applied research and commercialization focus that otherwise likely would not be present in university research. More

specifically, the partnerships are important in exposing faculty and the next generation of scientists and engineers to commercial research and development. SBIR businesses provide graduate and undergraduate students with hands-on experience and job opportunities that universities would be unable to provide alone.

Our country not only faces immediate economic and employment challenges, it faces major challenges in transportation, energy, domestic security and water quality and safety. Targeted research and development will be critical. Congress, with non-partisan expert guidance, has a role to play in guiding our national research and development priorities and, in this case, stimulating small business innovation and job creation in specific areas of critical national need. The National Academies of Science and other independent government research organizations provide us with carefully researched and considered recommendations on how we can address these priorities, so my bill draws on their recommendations to develop innovative energy technologies; enhance water quality and security; strengthen domestic security; and address transportation priorities. This is not only a good investment in short term job creation; it is an imperative investment in our Nation's long term innovation prospects and economic development.

The costs of my bill would be fully offset by cancellation of the airborne laser program. CBO estimates that cancelling that program will produce savings of over \$2.6 billion.

By Mr. FEINGOLD:

S. 178. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, as the 111th Congress begins, I am reintroducing a number of different bills designed to fuel job creation and spur economic development. My initiative, dubbed E4 because of its focus on economy, employment, education, and energy, seeks to respond to economic and job development needs both in my State of Wisconsin and around the country. These challenging economic times call for a comprehensive set of solutions including providing new job training opportunities for workers, fostering innovation among small businesses, protecting the existing family-supporting jobs in our nation, and boosting educational opportunities for young Americans. Today I am introducing the Connecting Education and Emerging Professions Act of 2009, which provides competitive grants to States and local school districts to promote better collaboration between high schools and local businesses and workforce development groups. This E4

education initiative is designed to help prepare America's students for future success in the workforce and post-secondary education as well as enhance America's competitiveness in the global economy as we prepare to enter the second decade of the twenty-first century.

Helping to ensure that all American students have access to a high-quality education is critical to boosting America's competitiveness and helping to ensure that our country is better equipped to respond to the economic challenges currently before us. Investment in our young people now will pay off in the future when these individuals are better prepared to compete for the highly skilled jobs of tomorrow. If the United States is to remain competitive on an international stage and continue to lead the world in innovation and development, we need to make certain that our young people are well prepared to meet current and future economic challenges.

Improving educational opportunities in the United States is going to require a comprehensive set of policy strategies and I look forward to working with my colleagues in Congress this year as we get to work on a variety of education issues including expanding access to education from pre-K through college. We also face the monumental task of reauthorizing and reforming the Elementary and Secondary Education Act, ESEA, better known as No Child Left Behind, NCLB. As we consider the ESEA reauthorization, we should make substantial changes to the testing mandates that were imposed through NCLB and provide support to states that develop smarter accountability systems with enhanced assessments that measure higher-order thinking skills among students. We also need to look at ways to strengthen and reform our Nation's public secondary schools as part of the ESEA reauthorization. The legislation I am introducing today is designed to help support innovative changes that are taking place in some of our Nation's high schools and help even more States and local communities make improvements to their local high schools.

My CEEP bill seeks to address a couple of interrelated issues related to secondary education. The first issue is the alarmingly high dropout rate in our nation's high schools. While numbers vary slightly, a growing body of research indicates that the United States has a graduation rate of approximately 70 percent and that about one-third of our country's high school students will not graduate on time. Graduation rates for minority and low-income students are even lower, in many cases, alarmingly lower. In addition, many of our nation's urban school districts report very high dropout rates, including the Milwaukee Public School District. According to the Cities in Crisis report

released in 2008 by the Editorial Projects in Education Research Center, the Milwaukee Public Schools has a graduation rate of 46.1 percent. Unfortunately, there are at least a dozen large urban districts that have even lower graduation rates than Milwaukee.

One of our top education priorities as a Nation must be to address the low graduation rates nationwide in urban, suburban, and rural school districts. We must also work to close the huge opportunity gap that is created by the large disparity in graduation rates between our minority and non-minority students as well as between low-income and more affluent students. Solving this problem will require a broad, comprehensive solution involving the federal, state and local governments. It is my hope that when Congress finally reauthorizes the Elementary and Secondary Education Act, we pay particular attention to the needs of our nation's high schools and our students.

While many factors contribute to high dropout rates, disengagement from classroom instruction can contribute to a student's decision to drop out. Some students feel that high school is not relevant to their lives and do not see how completing high school will translate into future career and academic success. In this increasingly competitive twenty-first century where postsecondary education is now required for many entry-level jobs, it is up to us to show our nation's students why it is so important that they graduate from high school.

Another issue that this bill seeks to address is the growing sense among employers and postsecondary institutions that our nation's high school students who do graduate are unprepared for success either in the workforce or in college. Employers in various economic sectors, including technology, manufacturing, health care, construction, and others, report difficulty in identifying qualified candidates for skilled positions. Recent surveys also indicate that many employers are dissatisfied with the overall preparation of secondary school graduates. In order for companies in the United States to be competitive in a global economy, we must have a highly skilled workforce. Adequate preparation at the high school level can help prepare students for entry into our rapidly changing global economy where new emerging industries are cropping up in Wisconsin and around the country.

To address these two interrelated issues, my bill would provide 5-year competitive education grants to states and school districts to foster collaboration and discussions between schools, businesses, and others about the emerging industry workforce needs and how to prepare our high school students to meet those needs, both academically and practically. States and

local school districts must use this money to form partnerships with local or regional businesses, postsecondary institutions, workforce development boards, labor organizations, nonprofit organizations and others.

These partnerships will have the responsibility of surveying local, regional, and statewide emerging industries and deciding what are the academic and work-based skills that our high school students need in order to be successful in these emerging industries. The partnerships will then work together to develop new and engaging curriculums and programs designed to teach the academic and work-based skills that are necessary to succeed in these new emerging industries. Once the partnership has designed a curriculum or program and received approval from the Federal Department of Education, the partnership will work to implement the program in qualifying schools.

During the implementation phase, the partnership will come together to implement hands-on learning and work opportunities for students including internships, apprenticeships, job shadowing, and other career and technical education programs. These hands-on learning and work opportunities will be based on the emerging industry pathways curriculum or program that the eligible partnership has designed and will offer students practical academic experiences and skill-building lessons that they can use in the workplace or in postsecondary education.

This legislation seeks to help schools, businesses, colleges, and the students who would be served by this legislation talk with each other to build new programs that would help boost student engagement in learning and student attendance and graduation rates while also preparing students for success in the workforce or in college after they graduate. There are a number of successful local and state programs around Wisconsin that this legislation would help support and that served as valuable examples as I developed this legislation.

Wisconsin's Department of Public Instruction, Department of Workforce Development, and various local school districts have all been working to boost Wisconsin's career and technical education offerings and gear these offerings towards emerging industries. My bill seeks to help Wisconsin and other states build on these efforts and engage in additional conversations with interested stakeholders to design new curriculums and programs to prepare students for emerging industries.

I look forward to moving this legislation forward this year as the new Congress begins to debate how best to boost educational opportunities for all of our Nation's children. We have a significant achievement gap and graduation gap in urban, rural, and suburban

schools throughout the country and it is imperative that we work together to promote innovative ideas that will close these gaps. Some of our Nation's schools are experiencing high dropout rates in part because students aren't connecting with what they are being taught. At the same time, we're seeing an emergence of new industries, like those aiming to capitalize on alternative energies and energy efficiency, that need employers with skills and training in their field. If we help schools connect their students with businesses, workforce development boards, and colleges that offer career and academic opportunities in these new and exciting fields, we can help to lower the alarming dropout rates while helping these emerging industries thrive.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Connecting Education and Emerging Professions Act of 2009".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The majority of secondary school students in the United States receive some career-related instruction before graduation, and about half of secondary school students have a strong career-related component to their educational programs.

(2) A gap still remains between what students are learning in school and the knowledge required to succeed in the current labor market.

(3) Employers in various economic sectors, including technology, manufacturing, healthcare, construction, and others, report difficulty in identifying qualified candidates for skilled positions.

(4) A survey of more than 400 employers nationwide found that nearly half were dissatisfied with the overall preparation of secondary school graduates.

(5) Almost 40 percent of secondary school graduates report feeling unprepared for the workplace or postsecondary education.

(6) In order for companies in the United States to be competitive in a global economy, the United States must have a highly skilled workforce.

(7) Adequate preparation on the secondary school level can help prepare students to enter high-demand fields in need of skilled workers.

(8) Collaboration between businesses, industries, and education leaders can help determine how best to prepare students for workforce success.

(9) Career-related experiences during secondary education, such as apprenticeships, are associated with positive labor market outcomes for students.

(10) The United States has a secondary school graduation rate of 70 percent, and approximately one-third of students entering secondary school will not graduate on time.

(11) Minority and low socioeconomic status students have significantly lower secondary school graduation rates.

(12) Disengagement from classroom instruction contributes to student decisions to drop out of school.

(13) Studies indicate a link between career-oriented models of secondary education, secondary school dropout rate reduction, and higher earning potential for secondary school graduates.

(14) Studies suggest that academic lessons taught in a work context or an applied manner can improve some students' ability to comprehend and retain information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster improved collaboration among secondary schools, State, regional, and local businesses, institutions of higher education, industry, workforce development organizations, labor organizations, and other nonprofit community organizations to identify emerging industry pathways, as well as the academic skills necessary to improve student success in the workforce or postsecondary education;

(2) address industry and postsecondary education needs for a prepared and skilled workforce;

(3) improve the potential for economic and employment growth in covered communities; and

(4) help address the dropout crisis in the United States by involving students in a collaborative curriculum or program development process related to emerging industry pathways to improve student engagement and attendance in secondary school.

SEC. 3. CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM.

(a) AUTHORIZATION.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

"Subpart 22—Connecting Education and Emerging Professions Demonstration Grant Program

"SEC. 5621. DEFINITIONS.

"In this subpart:

"(1) COVERED COMMUNITY.—The term 'covered community' means a town, city, community, region, or State that has—

"(A) experienced a significant percentage job loss in the 5 years prior to the date of enactment of this subpart or is projected to experience a significant percentage job loss within 5 years after the date of enactment of this subpart; or

"(B) an unemployment rate that has increased in the 12 months prior to the date of enactment of this subpart.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

"(A) a State educational agency, a consortium of local educational agencies, or a local educational agency that collaborates with—

"(i) a State, regional, or local business, including a small business, that serves a covered community in which a qualifying school is located; or

"(ii) a regional workforce investment board that serves a covered community in which a qualifying school is located; and

"(B) at least 1 of the following entities:

"(i) An institution of higher education that provides a 4-year program of instruction.

"(ii) An accredited community college.

"(iii) An accredited career or technical school or college.

"(iv) A tribal college or university.

“(v) A nonprofit community organization.

“(vi) A labor organization.

“(3) EMERGING INDUSTRY PATHWAYS.—The term ‘emerging industry pathways’ means industry careers that—

“(A) are estimated to increase in the number of job opportunities in a covered community within the 5 to 7 years after the date of enactment of this subpart;

“(B) require new academic skill sets because of new technology or innovation in the field;

“(C) are important to the growth of the State economy, regional economy, or local area’s economy; and

“(D) may include—

“(i) green industries;

“(ii) healthcare industries;

“(iii) advanced manufacturing industries; and

“(iv) programs of study, as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006.

“(4) QUALIFYING SCHOOL.—The term ‘qualifying school’ means a secondary school that—

“(A) serves students not less than 30 percent of whom are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or meet an equivalent indicator of poverty established by the Secretary;

“(B) has a graduation rate that is lower than the State average; and

“(C) is located in a covered community.

“(5) SCHOOL- AND WORK-BASED CURRICULUM OR PROGRAM.—The term ‘school- and work-based curriculum or program’ means a curriculum or program that incorporates a combination of school-based instruction and work-based learning opportunities, including internships, work experience programs, apprenticeships, service learning programs, mentorship opportunities, job shadowing, and other career and technical education programs, in an emerging industry pathway.

“(6) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘tribal college or university’ means an educational institution that is—

“(A) a tribal college or university, as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978; or

“(B) one of the 1994 Institutions, as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

“SEC. 5622. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—From amounts appropriated under section 5626, the Secretary shall establish and carry out an emerging professions and educational improvement demonstration project, by awarding grants, on a competitive basis, to eligible partnerships.

“(b) PROGRAM PERIODS.—

“(1) IN GENERAL.—The Secretary shall award grants under this subpart for periods of not more than 5 years, of which the eligible partnership shall use—

“(A) not more than 18 months for assessing emerging industry pathways, assessing the academic skills needed for success in such pathways, and designing a school- and work-based curriculum or program to teach such academic skills necessary for success in an emerging industry pathway;

“(B) not more than 48 months for implementing the new emerging industry pathways school- and work-based curriculum or program in qualifying schools; and

“(C) not more than 12 months to disseminate best practices to other State educational agencies, local educational agencies, or schools.

“(2) OVERLAP.—Each eligible partnership receiving a grant under this subpart may carry out subparagraphs (A), (B), or (C) concurrently.

“(c) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to eligible partnerships that—

“(1) serve qualifying schools in which 50 percent or more of the students are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or meet an equivalent indicator of poverty established by the Secretary;

“(2) serve qualifying schools the majority of which have secondary school dropout rates in the top 25 percent statewide;

“(3) pledge to serve the students most at-risk of dropping out of qualifying schools;

“(4) develop school- and work-based curricula or programs serving green industries, health care industries, and advanced manufacturing industries; or

“(5) have a demonstrated record of success in forming collaborative partnerships with businesses, workforce development boards, institutions of higher education, local community and technical colleges, tribal colleges or universities, labor organizations, and other nonprofit community organizations.

“SEC. 5623. APPLICATIONS.

“An eligible partnership that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the eligible partnership, including the responsibilities of each partner and how each partner will meet its responsibilities;

“(2) a description of the statewide, regional, or local emerging industry pathways and labor market needs to be filled;

“(3) a description of how members of the eligible partnership will collaborate with each other and interested community stakeholders to assess the emerging industry pathways in the State, region, or local area;

“(4) a description of how the eligible partnership will engage students from qualifying schools to be served in the design and implementation of the school- and work-based curriculum or program;

“(5) a description of how the eligible partnership will use the assessment of emerging industry pathways to establish a school- and work-based curriculum or program to teach academic and industry skills needed for success in such emerging industries and how these skills will be aligned with existing challenging State academic content standards;

“(6) a description of how teachers, parents or guardians, and school guidance counselors will be consulted by the eligible partnership in the development of the school- and work-based curriculum or program developed under this subpart;

“(7) a description of how the eligible partnership will ensure that teachers and instructors have the necessary training and preparation to teach the school- and work-based curriculum or program developed under this subpart;

“(8) a description of how the school- and work-based curriculum or program developed under this subpart will improve the academic achievement, student attendance, and secondary school completion of at-risk students and such students’ readiness to enter into a career in an emerging industry or pursue postsecondary education;

“(9) a description of how the eligible partnership will design a school- and work-based

curriculum or program that meets the unique academic and career development needs of students to be served by the curriculum or program;

“(10) a description of how the school- and work-based curriculum or program will support statewide, regional, or local emerging industries;

“(11) a description of how the eligible partnership will measure and report improvement in academic and student engagement outcomes among students who participate in the school- and work-based curriculum or program developed under this subpart;

“(12) a description of how the eligible partnership will seek to leverage other sources of Federal, State, and local funding to support the development and implementation of the school- and work-based curriculum or program;

“(13) a description of how the eligible partnership will work to create, use, and evaluate individual learning plans and career portfolios for students served under this subpart;

“(14) a description of how the eligible partnership will coordinate such curriculum or program with programs funded under the Carl D. Perkins Career and Technical Education Act of 2006; and

“(15) a description of how the eligible partnership plans to sustain and expand such school- and work-based curriculum or program after the Federal grant period ends.

“SEC. 5624. PROGRAM ADMINISTRATION.

“(a) SELECTION.—In awarding grants under this subpart, the Secretary shall—

“(1) consider the information submitted by the eligible partnerships under section 5623;

“(2) prioritize applications in accordance with section 5622(c); and

“(3) select eligible partnerships that submit applications in compliance with section 5623.

“(b) AWARD AMOUNTS.—

“(1) IN GENERAL.—Subject to subsection (c), the Secretary shall award each grant under this subpart in an amount of not more than \$5,000,000.

“(2) USE OF FUNDS.—An eligible partnership that receives a grant under this subpart shall use—

“(A) not more than 35 percent of the grant funds for designing the emerging industry pathways school- and work-based curriculum or program; and

“(B) not less than 65 percent of the grant funds for implementing the emerging industry pathways school- and work-based curriculum or program in qualifying schools.

“(c) FUNDING TO IMPLEMENT CURRICULA OR PROGRAMS.—The Secretary may not award grant funds under subsection (b)(2)(B) to implement the emerging industry pathways school- and work-based curriculum or program until the Secretary certifies that the eligible partnership is in compliance with the following:

“(1) The eligible partnership has engaged in a collaborative process involving educators and school administrators, including curriculum experts, as well as representatives from local businesses and industry to assess emerging industry demands and the academic knowledge and skills needed to meet those demands.

“(2) The school- and work-based curriculum or program developed by the eligible partnership is aligned with challenging State academic content standards.

“(3) The eligible partnership has consulted with and involved students in qualifying schools in the collaboration process and design of the school- and work-based curriculum or program.

“(4) The eligible partnership has received a commitment from at least 1 qualifying school agreeing to implement the school- and work-based curriculum or program in the qualifying school.

“(5) The school- and work-based curriculum or program will help prepare students for both direct entry into a career in emerging industries and success in postsecondary education.

“(6) The eligible partnership has established a plan to promote the school- and work-based curriculum or program among qualifying schools, businesses, parental groups, and community organizations.

“(d) ELIGIBLE USES OF FUNDS.—

“(1) PLANNING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the designing phase for the following:

“(A) Establishing collaborative working groups consisting of educators, school administrators, representatives of local or regional businesses, postsecondary education representatives, representatives from labor organizations, and representatives from non-profit organizations.

“(B) Identifying emerging industry pathways at the State, regional, or local level.

“(C) Identifying the academic and skill gaps that need to be addressed to promote success in the emerging industry pathways identified in subparagraph (B).

“(D) Developing a school- and work-based curriculum or program to teach and integrate the academic and work-based skills, including soft skills, that are needed for success in emerging industry pathways and postsecondary education.

“(E) Creating a comprehensive set of academic and industry skills to be taught across multiple emerging industry pathways.

“(F) Aligning the school- and work-based curriculum or program with challenging State academic content standards.

“(G) Establishing professional development opportunities for educators, business partners, school counselors, and others who will be implementing the school- and work-based curriculum or program.

“(H) Collaborating with multistate regions to develop and identify a school- and work-based curriculum or program that addresses regional emerging industry pathways.

“(2) IMPLEMENTING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the implementing phase for the following:

“(A) Integrating the emerging industry pathways school- and work-based curriculum or program into classroom- or work-based instruction.

“(B) Providing professional development opportunities designed around the school- and work-based curriculum or program for educators, business partners, and others.

“(C) Identifying and creating school- and work-based learning curricula or programs for students in such emerging industry pathways.

“(D) Promoting the school- and work-based curriculum or program among school guidance counselors.

“(E) Working with pupil services staff to develop opportunities for career exploration among emerging industry pathways business partners.

“(F) Conducting ongoing evaluations of the school- and work-based curriculum or program, including assessing whether participating students report increased engagement in learning, increased school attendance, and improved success upon entry into the workforce or postsecondary education.

“(G) Purchasing resources, including textbooks, reference materials, assessments, labs, computers, and software, for use in the school- and work-based curriculum or program.

“(3) DISSEMINATION PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the dissemination phase for the following:

“(A) Evaluating, cataloging, and disseminating best practices from the school- and work-based curriculum or program.

“(B) Disseminating the school- and work-based curriculum or program to—

“(i) the National Research Center for Career and Technical Education;

“(ii) State, regional, and local professional education organizations; and

“(iii) institutions of higher education.

“(e) MATCHING CONTRIBUTIONS.—An eligible partnership that receives a grant under this subpart shall provide, from non-Federal sources, matching funds, which may be provided in cash or in-kind, to carry out the activities supported by the grant, in an amount equal to—

“(1) for the first year of the grant, 5 percent of the amount of the grant for such year;

“(2) for the second year of the grant, 10 percent of the amount of the grant for such year;

“(3) for the third year of the grant, 15 percent of the amount of the grant for such year;

“(4) for the fourth year of the grant, 20 percent of the amount of the grant for such year; and

“(5) for the fifth year of the grant, 25 percent of the amount of the grant for such year.

“(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement and not supplant other Federal, State, and local funds available to implement secondary school education programs or career and technical education programs.

“SEC. 5625. EVALUATION AND REPORTS.

“(a) ANNUAL REPORTS.—An eligible partnership that receives a grant under this subpart shall submit an annual report to the Secretary during the grant period detailing how the eligible partnership is using the grant funds under this subpart, including—

“(1) how the State educational agency or local educational agency that is a member of the eligible partnership collaborated with local businesses, workforce boards, institutions of higher education, and community organizations to assess emerging industry pathways;

“(2) how the eligible partnership has consulted with and involved students in qualifying schools in the design and implementation of the emerging industry pathways school- and work-based curriculum or program;

“(3) the effectiveness of the school- and work-based curriculum or program with respect to improving—

“(A) student engagement;

“(B) attendance;

“(C) secondary school graduation rates; and

“(D) preparation for and placement in a career in an emerging industry or in postsecondary education;

“(4) how the eligible partnership has improved its capacity to respond to new workforce development priorities and create educational opportunities that address such new workforce development priorities; and

“(5) any other information the Secretary may reasonably require.

“(b) FINAL REPORTS.—

“(1) IN GENERAL.—An eligible partnership that receives a grant under this subpart shall, at the end of the grant period, collect and prepare a report on the following information:

“(A) The number and percentage of students served by the eligible partnership who—

“(i) graduated from secondary school with a regular secondary school diploma in the standard number of years;

“(ii) entered into a job in an emerging industry; and

“(iii) enrolled in a postsecondary institution.

“(B) The emerging industry pathways school- and work-based curriculum or program and the—

“(i) successes of such curriculum or program, including placement rates of students in work or postsecondary education and trends in secondary school graduation rates in qualifying schools utilizing the school- and work-based curriculum or program;

“(ii) areas of improvement for the school- and work-based curriculum or program;

“(iii) lessons learned from the implementation of the school- and work-based curriculum or program in secondary schools; and

“(iv) plans to replicate the school- and work-based curriculum or program in other schools or examples of successful replication of the curriculum or program.

“(2) SUBMISSION OF REPORTS.—A report prepared under paragraph (1) shall be submitted to the Secretary and the National Research Center for Career and Technical Education.

“(c) FEDERAL EVALUATION AND REPORT.—Not later than 6 years after the date of enactment of this subpart, the Secretary shall—

“(1) develop and execute a plan for evaluating the emerging industry pathways school- and work-based curricula or programs assisted under this subpart; and

“(2) submit a report to Congress—

“(A) detailing aggregate data on—

“(i) the categories of activities for which eligible partnerships used grant funds under this subpart;

“(ii) the impact of the grants on—

“(I) student engagement, attendance, and completion of secondary school; and

“(II) the postsecondary placement of students in high-quality emerging industry careers or postsecondary education; and

“(iii) promising strategies for improving student engagement, attendance, and completion of secondary school through engaging curricula or programs; and

“(B) that includes any recommendations for improvements that can be made to the grant program under this subpart.

“SEC. 5626. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—From the amounts appropriated to and available for Program Administration within the Departmental Management account in the Department of Education for each of fiscal years 2010 through 2013, there are authorized to be appropriated \$25,000,000 for each of fiscal years 2010 through 2013, respectively, to carry out this subpart.

“(b) SET ASIDE FOR EVALUATION.—Of the amounts appropriated under subsection (a) for a fiscal year, 2 percent shall be set aside for such fiscal year for the Federal evaluation required under section 5625(c).”.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by

inserting after the item relating to section 5618 the following:

“SUBPART 22—CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM

“Sec. 5621. Definitions.

“Sec. 5622. Program authorized.

“Sec. 5623. Applications.

“Sec. 5624. Program administration.

“Sec. 5625. Evaluation and reports.

“Sec. 5626. Authorization of appropriations.”.

By Ms. STABENOW (for herself and Ms. SNOWE).

S. 179. A bill to improve quality in health care by providing incentives for adoption of modern information technology, to the Committee on Finance.

Ms. STABENOW. I am very pleased to introduce the Health Information Technology Act with my friend and colleague from Maine, Senator SNOWE. As co-chairs of the Senate Health Care Quality Improvement and Information Technology Caucus, we have seen firsthand the transformative power information technology has on the delivery of health care.

Our legislation is a substantial downpayment in building up our Nation's health information network and an important step in reforming health care. In doing so, we will reduce costs for our businesses, improve the quality of care for patients, and ensure health providers have access to the most accurate information. And I am very excited that President-elect Obama identified health IT as an important part of investing in our Nation's economy.

The result of using 19th century technology in a 21st century health care system is higher costs, increased errors, and decreased quality of care. Too often, care is duplicated or the best and most appropriate care isn't given. Our health care professionals can't possibly provide the best care if they don't have complete and accurate information about the patient sitting in front of them.

Many studies have found that as much as \$300 billion is spent each year on health care that does not improve patient outcomes on treatment that is unnecessary, inappropriate, inefficient, or ineffective. For example, in last year's series of health reform hearings in the Senate Finance Committee, we heard testimony from Elizabeth McGlynn of the RAND Corporation that we only receive 55 percent of recommended preventive care services, 54 percent of recommended care for acute health problems, and 56 percent of the care that doctors agree is necessary for people with chronic conditions when we seek medical treatment.

It's long past time that we fully utilize technology to make health care accessible and affordable for every family and business. However, most of our Nation's health care providers don't have access to capital in order to purchase information technology and service up-

dates. Too many providers, especially our safety-net providers, are having a hard enough time just keeping up with their daily costs, much less to invest in something new.

A March 2001 Institute of Medicine study concluded that in order to improve quality, there must be a national commitment to building an information infrastructure. An October 2003 Government Accountability Office report found that the benefits of an electronic healthcare information system included improved quality of care, reduced costs associated with medication errors, more accurate and complete medical documentation, more accurate capture of codes and charges, and improved communication among providers enabling them to respond more quickly to patients' needs.

By providing the most appropriate care at the most appropriate time in a safe, secure way, we can reap huge savings. A January 2005 Report by the Center for Information Technology Leadership found that moving to standardized health information exchange and interoperability would save nearly \$80 billion annually in the United States.

The benefits of adoption and use of health care information technologies, systems and services will be widespread: employers will realize cost savings, clinicians will gain new electronic support tools and patient information to help guide medical decisions, and patients will benefit from a more efficient health care system and from a safer health care system with fewer unnecessary treatments and more attention to preventive care.

We know that adoption of health information technology can play a critical role in improving patient outcomes and at the same time greatly reduce costs. But it can't happen without the federal government playing a role. The members of the Health Information Technology Leadership Panel concurred that without federal leadership, neither their individual companies nor the industrial sector as a whole can achieve the breadth of HIT adoption that would be required to realize the needed transformation of health care.

Our country must have a national commitment to building an information infrastructure, and the Federal Government needs to step up to the plate and provide much-needed funds to get the ball rolling. Without health IT, we are not going to be able to accomplish other reforms necessary to improve our health care system. That is why I am fighting for funding similar to the legislation we are introducing today, will be included in the economic recovery act we will soon be debated.

The sooner we get them into our hospitals, physician offices, nursing homes, community health centers, community mental health centers, and other health care providers, the sooner

our patients, providers, and pocket-books will see the rewards.

Ms. SNOWE. Mr. President, today I join my colleague, Senator STABENOW of Michigan, to introduce the Health Information Technology Act of 2009 to improve the quality of health care through the implementation of information technology, IT, in hospitals, health centers and physician practices throughout the country. Our legislation will help us address two critical issues.

The first is the serious patient safety problem facing our Nation. Indeed, if most Americans were told today that 98,000 lives were lost needlessly last year—and a cure was available—they would undoubtedly call for action. Yet the Institute of Medicine, IOM, has reported that medical errors inflict that terrible toll every year, even though the technology is at our disposal to dramatically reduce those deaths.

A second major problem is the escalating cost of health care. Health spending now comprises over 16 percent of GNP—\$2.2 trillion last year—and the price of a health plan has grown so high that 70 million Americans today are either underinsured or lack any coverage whatsoever. That group expands as unemployment rates increase and individuals and families lose health insurance tied to employment. A recent Urban Institute study found that for each 1 percentage point increase in unemployment 1 million Americans are added to the rolls of the uninsured. However, simply expanding government subsidies or entitlements alone is not the answer, because on our current trajectory, escalating costs will erode our ability to maintain such supports. It is clear that some fundamental changes must be made in health care to combat rising health care costs.

Bold changes and innovations are necessary to address both medical errors and escalating costs. One of those changes must be the application of modern data technology. Most of us have been told at one time or another, “we're waiting to get the test results mailed” or “we're still waiting for your chart.” Consider the savings we realize when a physician can locate information efficiently so that tests don't have to be repeated and data isn't delayed. A patient obtains faster, higher quality care when multiple practitioners can review diagnostic test results right at their desktops. The fact is the health care industry is one of the last sectors where information flows so slowly. Indeed, it is often easier to track the service history on one's automobile than to see your own health history. In an age where millions of Americans share family pictures over the Internet in seconds, isn't it long past time that a physician should be able to retrieve an x-ray just as easily?

Today, the technological tools are at hand to dramatically reduce medical

errors and save lives. Many of us have heard about how drug interactions can be avoided by software systems which check a patient's prescriptions for hazards, and there are so many other applications which can also improve health. For example, by reviewing and analyzing information, a health provider can help a patient better manage chronic diseases such as diabetes and heart disease to reduce avoidable adverse outcomes. The unfortunate reality is that the cost of new systems and a lack of standards have prevented us from reaping the benefits of new technologies.

While the current economic crisis has surely put a focus on addressing the inefficiencies and high costs of health care, I have long shared a determination to modernize health information with my colleagues. In 2003, I joined with Senator Bob Graham to introduce the "Medication Errors Reduction Act of 2003" to make grants of up to \$750,000 available to hospitals and nursing facilities to aid in implementation of health IT infrastructure. In 2005, Senator STABENOW and I offered our bill to create a \$4 billion competitive grant program and tax incentives to enable hospitals, skilled nursing facilities, community health centers and physicians to invest in health IT.

The President-elect shares our recognition of the critical role which information technology must play in transforming health care. In his campaign, he acknowledged the critical need to make technology implementation a priority.

A lack of standards to ensure interoperability has been a factor in slowing IT adoption by many health care providers. One must know that a system purchased will be compatible with others, and that—no matter what may happen in the future to a vendor—the investment one makes in building an electronic medical record won't be wasted. In other words, your system must be able to communicate with other systems, and your investment in building electronic medical records must be preserved. When a patient moves, their electronic "chart" should be able to move right along with them to prevent disruption in the continuity of their care—in other words "we must have interoperability."

Yet standards alone are not sufficient, as there are fiscal hurdles to implementing health IT. Today, many providers are struggling to adopt new technology, and for those who serve beneficiaries of Medicare, Medicaid and SCHIP, it can be exceedingly difficult. Our physicians, for example, have seen recent Medicare payment updates which have not even kept pace with inflation—even as we expect them to make a major investment in health IT.

We must also recognize there is a misalignment of fiscal incentives for health IT. The benefits to patients are

evident—in fewer delays, in better outcomes, in lives saved. Modern information technology reduces costs as well, but primarily to those who pay for services—not for the healthcare providers who must bear the burden of implementation. Indeed, it has been estimated that 89 percent of cost savings accrue to those who pay for services. It should be obvious then that the federal government would invest in health IT to both improve health outcomes and to reduce its expenditures on Medicare, Medicaid and SCHIP.

That is precisely the type of investment the Health Information Technology Act of 2009 would achieve. Because as we look to the many studies and reports on health IT, it is clear that annual cost savings can actually exceed the price of implementation. With that kind of return, it is indisputable that the federal government must employ health IT to see not only the savings in lives, but also better management of our health care spending.

Our legislation spurs adoption by providing grants to physicians, hospitals, long term care facilities and both federally-qualified health centers and community mental health centers. These grants are targeted to help provide the health IT resources providers need to serve our federal beneficiaries. In fact, the size of an allowable grant for each provider is keyed to the proportion of the patient care which they deliver to federal beneficiaries. This will help providers deliver better care to those on Medicare, Medicaid and SCHIP while we also see costs reduced in those programs. That is simple common sense.

The legislation supports reasonable expenditures for a variety of costs required to implement health care information technology. These include such components as computer hardware and software in combination with installation and training. In addition for a system to be suitable for support under this legislation, we require that it must meet the HHS Secretary's interoperability standards.

Our new legislation even provides an alternative to those for-profit providers who do not wish to apply for a grant. Under this bill, such providers will be able to expense the cost of a qualified system. We will thus assure that every type of provider has a meaningful opportunity to invest in moving their health care practice into the new millennium. With the development of a 21st century health technology system, we will ensure that providers have the appropriate tools to effectively provide the best quality health care at reasonable cost.

As the current Congress struggles with matters related to the ailing economy, many Americans are finding it exceedingly difficult to access health care which they find to be both expen-

sive and inefficient. While it is clear that health IT alone will not reduce all excessive costs or address every inefficiency, one must understand that the only way to achieve either goal is to have access to the type of coordinated information that a fully integrated health care system would provide. In fact, the information we will obtain through health IT is essential to achieve such goals as improving quality and reforming provider payment. This is the foundation for our work on health reform.

When the Medicare and Medicaid programs began, we could have only dreamed about computerized clinical information systems. Today, we have this technology at our disposal, and I strongly believe that we cannot afford to delay implementation. In fact, as we face challenges in the financing of these vital federal programs, this is exactly the sort of initiative which will enable us to achieve the fundamental improvements to make our health entitlements more fiscally secure.

I hope my colleagues will join us in support of this legislation so we may soon achieve the goals of improving patient safety and reducing our escalating health care costs.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. REID, Ms. SNOWE, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUE, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mrs. LINCOLN, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mrs. SHAHEEN, Mr. MERKLEY, Mrs. HAGAN, Mr. BEGICH, and Mr. PRYOR):

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; read the first time.

Mr. KENNEDY. Mr. President, I'm proud to join Senator MIKULSKI in introducing this legislation. Equal pay

for equal work is a fundamental civil right. Over the past 4 decades, America has made enormous progress toward ensuring that all its people have an equal chance to enjoy the benefits of this great Nation. Bipartisan civil rights bills have been enacted to expand and strengthen the law to ensure fair pay for all workers. Despite these advances, civil rights is still America's unfinished business. It is therefore fitting that we open the 111th Congress with introduction of the Lilly Ledbetter Fair Pay Act.

This bill will restore the basic right of all workers, regardless of their race, sex, religion, national origin, age, or disability, to be paid fairly, free from discrimination. It will restore workers' rights to challenge ongoing discrimination and hold unscrupulous employers accountable.

This legislation is needed because the Supreme Court turned back our Nation's progress on equal pay with its Ledbetter decision, which undermined a core protection of Title VII of the Civil Rights Act of 1964 and overturned decades of precedent that had established a fair, workable rule for challenging pay discrimination claims.

This needed bill will restore the longstanding rule that each discriminatory paycheck is a separate wrong that may be challenged by workers within the required period after receiving the check. In the Ledbetter case, a jury had found that Lilly Ledbetter was paid less than her male coworkers because she was a woman. The jury awarded back pay to Ms. Ledbetter, but the Supreme Court reversed that award, holding that she had waited too long and should have filed her lawsuit within a short time after Goodyear first began discriminating against her. Never mind that the company discriminated against her for decades, and that the discrimination continued with each new paycheck she received.

Far too often, workers like Lilly Ledbetter put in a fair day's work, but go home with less than a fair day's pay. Women, African-American, and Latino workers all earn a fraction of what white male workers make. Many qualified older workers and workers with disabilities also are paid less than their coworkers for reasons unrelated to their performance on the job.

It's more important than ever that we attack the problem of pay discrimination and correct the injustice caused by the Ledbetter decision. In the current economic crisis, millions of American workers are struggling to make ends meet. Pay discrimination makes that struggle harder, and workers can't afford to lose more economic ground. To protect these workers, we must move quickly to pass the Lilly Ledbetter Fair Pay Act.

I urge my colleagues, Republicans and Democrats alike, to do so, and to send a strong signal that this new Con-

gress is dedicated to standing up for fairness and equality in the workplace. The Lilly Ledbetters of our Nation deserve no less.

Mr. LEAHY. Mr. President, I am pleased to join Senators MIKULSKI, KENNEDY, SNOWE and others in introducing the Lilly Ledbetter Fair Pay Restoration Act of 2009. This legislation is long overdue and I am pleased that the majority leader will try again to move this legislation in the opening days of this new Congress. The Supreme Court's divided decision in Ledbetter v. Goodyear Tire struck a severe blow to the rights of working families across our country. More than 40 years ago, Congress acted to protect women and others against discrimination in the workplace. In the 21st century, equal pay for equal work should be a given in this country. Unfortunately, the reality is still far from this basic principle. American women still earn only 77 cents for every dollar earned by a male counterpart. That decreases to 62 cents on the dollar for African-American women and just 53 cents on the dollar for Hispanic-American women.

For nearly 20 years, Ms. Ledbetter was a manager at a Goodyear factory in Gadsden, Alabama. After decades of service, she learned through an anonymous note that her employer had been discriminating against her for years. She was the only woman among 16 employees at her management level, yet Ms. Ledbetter was paid between 15 and 40 percent less than all of her male colleagues, including several who had significantly less seniority. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that Ms. Ledbetter was owed almost \$225,000 in back pay. However, 5 members of the Supreme Court overturned her jury verdict because she had filed her lawsuit more than 180 days after her employer's original discriminatory act.

I was honored to invite Ms. Ledbetter to testify at a Judiciary Committee hearing I chaired in September to examine how the Supreme Court's recent decisions have affected the lives of ordinary Americans. Ms. Ledbetter's case is but one example of how the Supreme Court has dramatically misinterpreted the intent of Congress and offered a liability shield to corporate wrong-doers.

This decision is yet another example of the Supreme Court's increasing willingness to overturn juries who hear the factual evidence and decide cases. A recent study revealed that in employment discrimination cases, Federal courts of appeal are 5 times more likely to overturn an employee's favorable trial verdict against an employer than they are to overturn a verdict in favor of the corporation. That is a startling disparity for those of us who expect employees and employers to be treated fairly by the judges sitting on our appellate courts.

In the 110th Congress, the House passed the bipartisan Lilly Ledbetter Fair Pay Act by a vote of 225-199. In the Senate, despite the support of 57 Senators who urged its consideration, the majority of Republican Senators objected to even proceeding to consideration of this bipartisan measure. One Republican Senator who supported the filibuster introduced an alternative bill, claiming to offer a solution for victims of pay discrimination. In reality, that partisan alternative proposal would fail to correct the injustice created by the Ledbetter decision. At the Judiciary Committee hearing in September, Ms. Ledbetter confirmed that the alternative bill would not have remedied her case, but instead would have imposed additional burdens and increased the costs of her litigation.

Congress passed Title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin—however the Supreme Court's cramped interpretation of this important law contradicts Congress's intent to ensure equal pay for equal work.

This Supreme Court decision goes against both the spirit and clear intent of Title VII of the Civil Rights Act, and sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed by employers.

Equal pay is not just a women's issue, it is a family issue. With a record 70.2 million women in the workforce, wage discrimination continues to hurt the majority of American families. As a working mother, the discrimination inflicted on Ms. Ledbetter affected her entire family and continues to affect her retirement benefits. As the economy continues to worsen, many Americans are struggling to put food on the table and money in their retirement funds. It is regrettable that recent decisions handed down by the Supreme Court and Federal appellate courts have contributed to the financial struggles of so many women and their families. In the next weeks, I hope we can act to overturn the wrongly-decided Ledbetter decision to prevent the devastating consequences of pay discrimination.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR:

S. 187. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing four bills, S. 187, S. 188, S. 189, S. 190, that will preserve and protect majestic public landscapes in Colorado and help provide needed water supplies to communities and farmers on Colorado's productive Eastern Plains. These bills were introduced in the last session of Congress, where they each had hearings and one passed the U.S. House of Representatives. I hope that we can work together to move these bills in this Congress and see them signed into law.

I ask unanimous consent that the text of all four bills be included in the RECORD and be printed alongside these remarks.

The first bill is the Arkansas Valley Conduit Act of 2009. This bill will help protect the water supply for the Arkansas River Valley's communities and its productive agricultural lands by advancing the construction of the long-planned Arkansas Valley Conduit. The bill will restructure the cost-share provisions of the project and is similar to legislation introduced in the last Congress by Senators Wayne Allard and KEN SALAZAR and introduced yesterday in the U.S. House of Representatives by Reps. JOHN SALAZAR and BETSY MARKEY.

The Arkansas Valley Conduit, a proposed 130-mile water delivery system from the Pueblo Dam to communities throughout the Arkansas River Valley, was originally authorized in 1962 as part of the Fryingpan-Arkansas, Fry-Ark, project. Unfortunately, the authorization did not include a Federal-local cost-share provision necessary to cover the estimated \$300 million in construction costs, and local communities—especially those in southern Colorado—do not have the resources to shoulder all of the costs. The project has thus remained unfinished for over 4 years.

The bill will provide for a 65-35 Federal-local cost-share for completion of the project, with revenues from so-called "excess-capacity" contracts for water storage in other Fry-Ark project facilities being used to fund the majority of the local contribution. This approach is the result of close collaboration between community stakeholders and the Colorado congressional delegation and will ensure communities in the Arkansas River Valley can finance their portion of the project without incurring unbearable financial burdens.

Moreover, the bill will allow the Bureau of Reclamation to move forward with the construction of the Conduit. The depressed economic status of southeastern Colorado made it a difficult financial undertaking for the region, a challenge that continues today. This bill will help see this facility become a reality and thereby help the farming and ranching communities in the valley continue to produce needed food and fiber for the state and Nation.

The second bill I am introducing today is the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced similar bills in the U.S. House of Representatives in the 107th, 108th, 109th and 110th Congresses. In previous Congresses, the bill passed the House and the Senate Energy and Natural Resources Committee but did not receive final action.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern Denver-metro area and the region just west of Rocky Flats. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation. The open-space character of this mountain backdrop is an important aesthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also increasing pressure for development of other lands within and adjacent to that national forest.

We can see the effects of rapid population growth throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling through valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountaintops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents to Colorado. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities in preserving open space along the backdrop and aims to assist further efforts along the same lines.

The bill directs the U.S. Forest Service to study the ownership patterns of the lands comprising the Front Range mountain backdrop, identify areas that

are at risk, and recommend to Congress how these lands might be protected and how the Federal Government could help local communities and residents to achieve that goal. Importantly, I note that the bill does not interfere with the power of local authorities regarding land use planning or infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with Federal lands, it will work in collaboration with local communities, the state and private parties.

I strongly believe it is in the national interest for the Federal Government to assist local communities to identify ways to protect the mountain backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come.

The third bill I am introducing today—the National Trails System Willing Seller Act—will allow people who want to sell land for inclusion in certain units of the National Trails System to do so. Current law prohibits people who own land associated with several units of the trail system from selling those lands to the Federal Government for inclusion in those units. This bill will allow such sales to happen.

This legislation is identical to bills introduced in previous Congresses by my former Republican colleagues from Colorado, Representatives Beauprez and McInnis. The Trail System units covered by the bill are the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, the North County National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, and the Nez Perce National Historic Trail.

Our national trails are a national treasure, and we should allow people who own land along these trails to sell that land to the Federal Government to be part of our public lands legacy. But it is important to make clear that these land sales are from willing sellers, which is what this bill will do. This bill makes a small but important adjustment to current law, and I think it deserves the support of all Members of the Senate.

The final bill I am introducing today is the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, which will designate nearly 250,000 acres of Rocky Mountain National Park as wilderness. I introduced this bill in the 110th Congress as a member of the House of Representatives. It was cosponsored in the Senate by my colleague Senator KEN SALAZAR, and eventually by the Colorado Congressional delegation. Over a period of months, we worked together to develop this bipartisan legislation that will provide important protection and management direction for some truly remarkable country. This is a public lands policy goal that goes back to the 1960s, and is long overdue.

This bill is consistent with the Colorado Congressional delegation's efforts in the last Congress to strike a balance in protecting the park and the water users who rely on the Grand River Ditch. This carefully negotiated language met the needs of those users, but questions have been raised about the particular way that liability and water use issues were addressed in the delegation bill. Specifically, there have been questions about how these provisions work in the context of the Park Resources Protection Act. While I am confident that my bill addresses these liability concerns, I appreciate the recent efforts by Senator SALAZAR to offer a slightly different approach that provides a path to a widely-shared goal that has broad support in Colorado.

The wilderness designation in this bill for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammelled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the park are included in the wilderness that will be designated by this bill. At the same time, the wilderness boundaries have been drawn so as to allow continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to ensure that there will be no adverse effects on continued use of existing water facilities.

The lands designated as wilderness will become part of the National Wilderness Preservation System that was established by the Wilderness Act and will be managed in accordance with that Act and the provisions of the bill. The bill's provisions amplify this by specifying that—no new reclamation projects will be allowed in the wilderness area; nothing in the bill will cre-

ate a "buffer zone" around the wilderness and non-wilderness activities visible or audible from within the wilderness will not be prohibited; the National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the wilderness; and nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

The bill is similar to measures previously introduced by my predecessor in the House of Representatives, Representative David Skaggs, as well as other bills introduced before that, and legislation I introduced in the 107th, 108th, and 109th Congresses. However, it does include a number of adjustments and refinements that reflect discussion within the Colorado delegation in Congress and with interested parties in Colorado.

Like H.R. 2334 of the 110th Congress, the new bill includes wilderness designation of more than 700 acres in the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original wilderness recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a wilderness character, and their designation will not conflict with any current uses. On the west side, the town of Grand Lake and Grand County requested that about 650 acres inward from the park boundary around the town be omitted from the wilderness designation in order to allow the park to respond to potential forest fire threats. As was the case previously, this bill accommodates that request.

Also like that previous measure, the bill responds to the request of the Town of Grand Lake, Grand County and the Headwaters Trails Alliance, a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking, and the International Mountain Bicycling Association to omit from wilderness designation an area along the western park boundary, running south along Lake Granby from the town to the park's southern boundary. This will allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park. Similarly, the bill expands the Indian Peaks Wilderness Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which is accordingly reduced by about 1,000 acres.

As did the previous bill, this bill includes a section that authorizes the National Park Service to lease an 11-acre property, the Leiffer tract, that was donated to the National Park

Service in 1977. Located outside the park's boundaries, it has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing it, but current law allows leasing only for "property administered . . . as part of the National Park System," and this property does not qualify. The bill allows the Park Service to lease the property as if it were located inside or contiguous to the park.

Also like previous measures, the bill addresses the question of possible impacts on water rights—something that can be a primary point of contention in Congressional debates over designating wilderness areas. It reflects the legal reality that it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself. And it reflects the geographic reality that the park sits astride the continental divide, meaning there is no higher land around from which streams flow into the park, and thus there is no possibility of any diversion of water occurring upstream from the park. In recognition of these legal and practical realities, the bill includes a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation or appropriation of such right, and an explicit disclaimer that the bill effects any such reservation.

As I mentioned, there are also provisions in this bill that deal with the Grand River Ditch, created before Rocky Mountain National Park was established and partly located within the park. The owners of the ditch are currently working to conclude an agreement with the National Park Service with respect to operation and maintenance of the portion of the ditch within the park, and the bill provides that after conclusion of this agreement the strict liability standard of the Park Resources Protection Act which now applies to any damage to park resources will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch remain liable for damage to park resources caused by negligence or intentional acts, and the bill specifies that it will not limit or otherwise affect the liability of any individual or entity for damages to, loss of, or injury to any park resource resulting from any cause of event occurring before the bill's enactment. In addition, the bill specifies that its enactment will not restrict or otherwise affect any activity relating to the monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date of

the bill's enactment. The bill also provides that use of water transported by the ditch for a main purpose or main purposes other than irrigation will not terminate or adversely affect the ditch's right-of-way.

The matters dealt with in this bill have a long history. The wilderness designations are based on National Park Service recommendations presented to Congress by President Richard Nixon. That they have not been acted on before this reflects the difficult history of wilderness legislation. One Colorado statewide wilderness bill was enacted in 1980, but it took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a second statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress by providing wilderness designations for other deserving lands in Colorado, including lands that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

Lands covered by the bill are currently being managed to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas, there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains. This is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape. Further, the park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain National Park sees nearly the same number of visitors each year. At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

In summary, the Rocky Mountain National Park Wilderness and Indian

Peaks Wilderness Expansion Act will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. It is bipartisan and will affirm the commitment of all Coloradans to preserving the features that make our State such a remarkable place to live. So, I think it deserves prompt enactment.

Mr. President, I ask unanimous consent that the text of each bill be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arkansas Valley Conduit Act of 2009".

SEC. 2. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87-590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after "cost thereof," the following: "or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities."

(b) RATES.—Section 2(b) of Public Law 87-590 (76 Stat. 390) is amended—

(1) by striking "(b) Rates" and inserting the following:

"(b) RATES.—

"(1) IN GENERAL.—Rates"; and

(2) by adding at the end the following:

"(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

"(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

"(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

"(3) ARKANSAS VALLEY CONDUIT.—

"(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

"(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking "SEC. 7. There is hereby" and inserting the following:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is"; and

(2) by adding at the end the following:

"(b) ARKANSAS VALLEY CONDUIT.—

"(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

"(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit."

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Northern Front Range Mountain Backdrop Protection Study Act".

SEC. 2. PURPOSE.

The purpose of this Act is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term "State" means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term "study area" means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled "Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area" and dated August 27, 2008.

(B) EXCLUSIONS.—The term "study area" does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) UNDEVELOPED LAND.—The term "undeveloped land" means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 4. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this Act authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “National Trails System Willing Seller Act”.

SEC. 2. AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(c) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The

authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(1) by striking the fourth and fifth sentences; and

(2) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

(i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(1) by striking the fourth and fifth sentences; and

(2) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

SEC. 3. CONFORMING AMENDMENT.

Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.”

“(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”

S. 190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to include in the National Wilderness Preservation System certain land within the Rocky Mountain National Park, Colorado, to protect—

(A) the enduring scenic and historic wilderness character and unique wildlife values of the land; and

(B) the scientific, educational, inspirational, and recreational resources, values, and opportunities of the land; and

(2) to adjust the boundaries of the Indian Peaks Wilderness and Arapaho National Recreation Area of the Arapaho National Forest.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term “Map” means the map entitled “Rocky Mountain National Park, Colorado Wilderness Boundaries” and dated September 2006.

(2) PARK.—The term “Park” means the Rocky Mountain National Park in the State.

(3) POTENTIAL WILDERNESS LAND.—The term “potential wilderness land” means—

(A) the land identified on the Map as potential wilderness; and

(B) any land acquired by the United States on or after the date of enactment of this Act that is—

(i) located within the boundaries of the Park; and

(ii) contiguous with any land designated as wilderness by section 4(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Colorado.

(6) TRAIL.—The term “Trail” means the East Shore Trail established under section 5(a).

(7) WILDERNESS.—The term “Wilderness” means the Rocky Mountain National Park Wilderness designated by section 4(a).

SEC. 4. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the Map, which shall be known as the “Rocky Mountain National Park Wilderness”.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and boundary description of the Wilderness.

(2) **AVAILABILITY.**—The map and boundary description submitted under paragraph (1) shall be on file and available for public inspection in the Office of the Director of the National Park Service.

(3) **CORRECTIONS.**—The Secretary may correct clerical and typographical errors in the map and boundary description submitted under paragraph (1).

(4) **EFFECT.**—The map and boundary description submitted under paragraph (1) shall have the same force and effect as if included in this Act.

(c) **INCLUSION OF POTENTIAL WILDERNESS LAND.**—

(1) **IN GENERAL.**—On publication in the Federal Register of a notice by the Secretary that all uses of a parcel of potential wilderness land inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, the parcel shall be—

(A) included in the Wilderness; and

(B) managed in accordance with this section.

(2) **MAP AND BOUNDARY DESCRIPTION.**—The Secretary shall modify the map and boundary description prepared under subsection (b) to reflect the inclusion of the parcel in the Wilderness.

(d) **EXCLUSION OF CERTAIN LAND.**—The boundaries of the Wilderness shall specifically exclude:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the "Specimen Ditch"), the right-of-way for the Grand River Ditch, land 200 feet on each side of the marginal limits of the Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from the North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Lands owned by the Vincentsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted as the "East Shore Trail Area" on the map prepared under subsection (b)(1).

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, any land designated as wilderness under subsection (a) or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) this Act.

(2) **EFFECTIVE DATE OF WILDERNESS ACT.**—With respect to the land designated as Wilderness by subsection (a) or added to the Wilderness after the date of enactment of this Act under subsection (c), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act or the date of enactment of the Act adding the land to the Wilderness, respectively.

(3) **WATER RIGHTS.**—

(A) **FINDINGS.**—Congress finds that—

(i) according to decisions of the State courts, the United States has existing rights to water within the Park;

(ii) the existing water rights are sufficient for the purposes of the Wilderness; and

(iii) based on the findings described in clauses (i) and (ii), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(B) **NO RESERVATION OF WATER RIGHTS.**—Nothing in this Act or any action carried out pursuant to this Act shall constitute an express or implied reservation by the United States of water or water rights for any purpose.

(4) **GRAND RIVER DITCH.**—

(A) **LIABILITY.**—Notwithstanding any other provision of law, or any stipulation or applicable agreement, during any period in which the Water Supply and Storage Company (or any successor in interest to the Water Supply and Storage Company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch within the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service entered into on

_____, no individual or entity who owns, controls, or operates the Grand River Ditch shall be liable for any response costs or for any damages to, loss of, or injury to the resources of the Park resulting from any cause or event (including, but not limited to, water escaping from any part of the Grand River Ditch by overflow or as a result of a breach, failure, or partial failure of any portion of the Grand River Ditch, including the portion of the ditch located outside the Park), unless the damages to, loss of, or injury to the resources are proximately caused by the negligence or an intentional act of the individual or entity.

(B) **LIMITATION.**—Nothing in this section limits or otherwise affects any liability of any individual or entity for damages to, loss of, or injury to any resource of the Park resulting from any cause or event that occurred before the date of enactment of this Act.

(C) **EXISTING ACTIVITIES.**—Nothing in this Act, including the designation of the Wilderness under this section, shall restrict or otherwise affect any activity (including an activity carried out in response to an emergency or catastrophic event) on, under, or affecting the Wilderness or land excluded under subsection (d)(1) relating to the monitoring, operation, maintenance, repair, replacement, or use of the Grand River Ditch that was authorized or approved by the Secretary as of the date of enactment of this Act.

(D) **NO EFFECT.**—Notwithstanding any other provision of any previous or existing law, any stipulation, or any agreement, or interpretation thereof, use of water transported by the Grand River Ditch for a main purpose or main purposes other than irrigation shall not terminate or adversely affect the right-of-way of the Grand River Ditch, and such right-of-way shall not be deemed relinquished, forfeited, or lost, solely because such water is used for a main purpose or main purposes other than irrigation.

(5) **COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.**—

(A) **EXISTING ACTIVITIES.**—Activities (including activities that are necessary because of emergencies or catastrophic events) on, under, or affecting the Wilderness relating to the monitoring, operation, maintenance, repair, replacement, or use of the Alva B. Adams Tunnel at its designed capacity and all other Colorado-Big Thompson Project facilities located within the Park that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191)—

(i) shall be allowed to continue; and

(ii) shall not be affected by the designation of the Wilderness under this section.

(B) **EFFECT.**—Nothing in this Act or the designation of the Wilderness shall prohibit or restrict the conveyance of any water through the Alva B. Adams Tunnel for any purpose.

(C) **NEW RECLAMATION PROJECTS.**—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(6) **NO BUFFER ZONE.**—

(A) **IN GENERAL.**—Nothing in this Act creates a protective perimeter or buffer zone around the Wilderness.

(B) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that a nonwilderness activity or use can be seen or heard from within the Wilderness shall not preclude the conduct of the activity or use outside the boundary of the Wilderness.

(7) **FIRE, INSECT, AND DISEASE CONTROL.**—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, including the use of mechanized tools, subject to such conditions as the Secretary determines to be desirable.

(8) **MANAGEMENT AUTHORITY.**—Nothing in this Act shall be construed as reducing or restricting the authority of the Secretary to manage the lands and other resources within the Park pursuant to the Act of January 26, 1915 (16 U.S.C. 191), and other laws applicable to the Park as of the date of enactment of this Act.

SEC. 5. EAST SHORE TRAIL AREA IN ROCKY MOUNTAIN NATIONAL PARK.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in Rocky Mountain National Park an alignment line for a trail, to be known as the "East Shore Trail", to maximize the opportunity for sustained use of the Trail without causing—

- (1) harm to affected resources; or
- (2) conflicts among users.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the wilderness area; and

(B) modify the map of the Wilderness prepared under section 4(b)(1) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) **ADJUSTMENTS.**—To the extent necessary to protect National Park System resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) **INCLUSION IN WILDERNESS.**—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 4; and

(2) the Secretary shall modify the map and boundary description of the wilderness prepared under section 4(b)(1) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this Act shall affect the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 6. INDIAN PEAKS WILDERNESS AND ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-450) is amended—

(1) by striking “seventy thousand acres” and inserting “74,195 acres”; and

(2) by striking “dated July 1978” and inserting “dated May 2007”.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “dated July 1978” and inserting “dated May 2007”.

SEC. 7. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

(1) located near the eastern boundary of Rocky Mountain National Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

By Mr. NELSON of Florida:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United

States; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, earlier today, the Congress met in a joint session, as it does every 4 years in early January, to conduct the official count of the electoral ballots from the States. Most Americans pay no attention to this ritual, believing that presidential elections in this country get decided on Election Day. But it is the votes of the Electoral College, presented by each State to the Congress, that determine who our next President and Vice President are going to be. We are the beacon of democracy in the world, and yet, voters in this country do not have the opportunity to elect their leaders directly.

Today, I am introducing a constitutional amendment to abolish the Electoral College to allow direct election of the President by popular vote. If the principle of one person, one vote is to mean anything, it is that the candidate who wins a majority of the votes wins the Presidency, and votes for every candidate from every State should count.

On only a few occasions in our history, the candidate who lost the popular vote won the Electoral College and became president. In 2000, George W. Bush actually lost the nationwide popular election to Al Gore by nearly 544,000 votes, yet won the presidency in a Supreme Court showdown over Florida's Electoral College votes that hinged on far fewer disputed State ballots. That dispute undermined Americans' confidence in our democracy and should not be allowed to happen again.

In addition, the Electoral College skews the way candidates for president campaign, causing them to focus only on contested “battleground States”. As the Miami Herald recognized in an editorial published the day after the 2008 election, the Electoral College is a “horse-and-buggy-era political contraption,” which effectively shuts out the majority of Americans—those who don't live in one of the key battleground States—from any meaningful participation in the selection of our President.

A recently released study by FairVote, the Center for Voting and Democracy, documents just how lopsided the Electoral College has made presidential elections: more than 98 percent of all campaign events and more than 98 percent of all campaign spending occurred in 15 large and small battleground States representing 36.6 percent of the Nation's eligible voter population. Of the 300 campaign events by the major presidential candidates held between September 5 and November 4, 2008, fully 57 percent of these events took place in four States—Ohio, Florida, Pennsylvania, and Virginia—representing just 17 percent of the Nation's eligible voters. Voter turnout was 67 percent in the 15 battleground

States and only 61 percent in the remaining 35 States.

The simple and straightforward constitutional amendment simply provides for the direct election of the President and Vice President, based on the national popular vote from the 50 States, the U.S. territories, and the District of Columbia.

The proposed amendment also confirms—consistent with the vision of the Framers—that it is within Congress's power to set the time, place and manner—as well as other key criteria—for holding Federal elections. Unlike some proposed constitutional amendments that have been introduced in the past, my proposal does not delve into additional detail by specifying the qualifications for voters or by imposing a majority requirement for an election, leaving those issues for the Congress to address through the legislative process. Rather, the amendment keeps the focus where it belongs—on enshrining in our Constitution the principle of one person, one vote, in the election of our President.

I first introduced this constitutional amendment during the previous Congress, as part of a broader package of reforms that also included measures to make it easier to vote, for example, by encouraging early voting or no-fault absentee voting; to ensure that there is a verifiable paper ballot so that every vote cast gets counted; and to allow voters, not party bosses, to select presidential candidates. I plan to file these other election reforms early in this Congress.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

“ARTICLE—

“SECTION 1. The President and Vice President shall be jointly elected by the direct vote of the qualified electors of the several States and territories and the District constituting the seat of Government of the United States. The electors in each State, territory, and the District constituting the seat of Government of the United States shall have the qualifications requisite for electors of the most numerous branch of the legislative body where they reside.

“SECTION 2. Congress may determine the time, place, and manner of holding the election, the entitlement to inclusion on the ballot, and the manner in which the results of the election shall be ascertained and declared.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 10—RECOGNIZING THE RIGHT OF ISRAEL TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA AND REAFFIRMING THE UNITED STATES' STRONG SUPPORT FOR ISRAEL IN ITS BATTLE WITH HAMAS, AND SUPPORTING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. REID (for himself, Mr. McCONNELL, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. KYL, Mr. LEVIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. HATCH, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEMINT, Mr. LAUTENBERG, Mr. THUNE, Ms. LANDRIEU, Mr. CRAPO, Mr. MENENDEZ, Mr. MARTINEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CASEY, Mr. PRYOR, Mr. DORGAN, Mr. CARPER, Mr. BAUCAS, Mr. BAYH, Mr. JOHNSON, Mrs. LINCOLN, Mr. BROWN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 10

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas has refused to comply with the requirements of the Quartet (the United States, the European Union, Russia, and the United Nations) that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

Whereas, in June 2006, Hamas crossed into Israel, attacked Israeli forces and kidnapped Corporal Gilad Shalit, whom they continue to hold today;

Whereas Hamas has launched thousands of rockets and mortars since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas Hamas locates elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields;

Whereas Secretary of State Condoleezza Rice said in a statement on December 27, 2008, that "[w]e strongly condemn the repeated rocket and mortar attacks against Israel and hold Hamas responsible for breaking the ceasefire and for the renewal of violence there";

Whereas, on December 27, 2008, Prime Minister of Israel Ehud Olmert said, "For approximately seven years, hundreds of thousands of Israeli citizens in the south have been suffering from missiles being fired at them. . . . In such a situation we had no alternative but to respond. We do not rejoice in battle but neither will we be deterred from it. . . . The operation in the Gaza Strip is designed, first and foremost, to bring about an improvement in the security reality for the residents of the south of the country.";

Whereas, on January 2, 2009, Secretary of State Rice stated that "Hamas has held the people of Gaza hostage ever since their ille-

gal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. Hamas has used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a very bad daily life for the Palestinian people in Gaza, and to a humanitarian situation that we have all been trying to address";

Whereas the humanitarian situation in Gaza, including shortages of food, water, electricity, and adequate medical care, is becoming more acute;

Whereas Israel has facilitated humanitarian aid to Gaza with over 500 trucks and numerous ambulances entering the Gaza Strip since December 26, 2008;

Whereas, on January 2, 2009, Secretary of State Rice stated that it was "Hamas that rejected the Egyptian and Arab calls for an extension of the tahadiya that Egypt had negotiated" and that the United States was "working toward a cease-fire that would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. It is obvious that that cease-fire should take place as soon as possible, but we need a cease-fire that is durable and sustainable"; and

Whereas the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will allow for a viable and independent Palestinian state living side by side in peace and security with the State of Israel, which will not be possible as long as Israeli civilians are under threat from within Gaza: Now, therefore, be it

Resolved, That the Senate—

(1) expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizes its right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding the capability to launch rockets and mortars against Israel and allows for the long term improvement of daily living conditions for the ordinary people of Gaza;

(4) believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza;

(5) supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel; and

(6) reiterates its strong support for United States Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

SENATE RESOLUTION 11—TO AUTHORIZE PRODUCTION OF DOCUMENTS TO THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 11

Whereas, last Congress the Committee on Armed Services conducted a staff inquiry into allegations regarding irregularities in the administration of a contract for logistical support in Iraq by the Department of the Army;

Whereas, upon the completion of the Committee's staff inquiry, the Chairman and Ranking Member referred to the Acting Inspector General of the Department of Defense for review allegations regarding the Administration of this LOGCAP contract;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Member of the Armed Services Committee, acting jointly, are authorized to produce to the Department of Defense Inspector General records of the Committee's staff inquiry into allegations relating to the administration of the Army's LOGCAP contract.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table.

SA 2. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 3. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 4. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 5. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 6. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 7. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 8. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 9. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 10. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 11. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 12. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 13. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:
SEC. 13 . . . PROHIBITION ON USE OF FUNDS.

No funds made available under this Act (or an amendment made by this Act) shall be used to establish a new unit of the National Park System or National Wilderness Preservation System, a new National Heritage Area, conduct a new study, or carry out any other new initiatives authorized by this Act until the date on which the Secretary of the Interior certifies that the maintenance backlog at each of the Statute of Liberty National Monument, Grand Canyon National Park, Yellowstone National Park, Glacier National Park, Gettysburg National Park, Antietam National Battlefield, the National Mall, Lake Mead National Recreation Area, and USS Arizona Memorial has been eliminated.

SA 2. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . LAND NOT WITHDRAWN FROM MINERAL LEASING, MINERAL MATERIALS, AND GEOTHERMAL LEASING LAWS.

Notwithstanding any other provision of this Act, no land or interest in land shall be withdrawn under this Act from disposition under the mineral leasing, mineral materials, or geothermal leasing laws.

SA 3. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National

Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title III.

SA 4. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike part I of subtitle A of title X.

SA 5. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7405.

SA 6. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 13006.

SA 7. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle E of Title VI.

SA 8. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 7305.

SA 9. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13 . . . EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land shall be acquired under this Act by eminent domain.

SA 10. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13 . . . ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the “Director”) shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) **USE OF EXISTING ANNUAL REPORTS.**—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 11. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. EFFECTIVE DATE.

This subtitle shall not take effect until the date on which the Inspector General of the Department of the Interior issues a finding that no laws were violated by the employees of the National Landscape Conservation System in the investigation of the Inspector General relating to allegations of improper coordination between employees of the National Landscape Conservation System and environmental advocacy organizations.

SA 12. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HUNTING ON FEDERAL LAND.

(a) **PURPOSE.**—The purpose of this section is to require that all management plans for Federal land include hunting activities as a land use to the extent that the hunting activities are not incompatible with the purposes for which the Federal land is managed.

(b) **DEFINITIONS.**—In this section:

(1) **HUNTING.**—The term “hunting” includes hunting, trapping, netting, and fishing.

(2) **MANAGEMENT PLAN.**—The term “management plan” includes a management plan, management contract, or other comprehensive plan for the management or use of Federal land.

(3) **SECRETARY CONCERNED.**—The term “Secretary concerned” means the Secretary with jurisdiction over the applicable Federal land.

(c) **HUNTING ALLOWED UNLESS INCOMPATIBLE.**—In developing or considering approval of a management plan (or any amendment to a management plan) for Federal land, the Secretary concerned shall ensure that hunting activities are allowed as a use of the Federal land to the extent that the hunting activities are not incompatible with the purposes for which the Federal land is managed.

(d) **PUBLICATION OF REASONS FOR NOT ALLOWING HUNTING.**—

(1) **IN GENERAL.**—If hunting activities are not allowed or are restricted on Federal

land, the Secretary concerned shall include in the management plan for the Federal land the specific reason that hunting activities are not allowed or are restricted.

(2) **CONTRACT OR QUOTA THINNING.**—For purposes of this subsection, allowing contract or quota thinning of wildlife shall not constitute allowing unrestricted hunting.

(3) **FEE AS RESTRICTION.**—For purposes of this subsection, a fee relating to hunting activities on Federal land under the jurisdiction of the Secretary concerned that is in excess of the amount needed to recover costs of management of the Federal land shall be considered to be a restriction on hunting.

(e) **FEES.**—Fees charged relating to hunting activities on Federal land shall be—

(1) retained by the Secretary concerned to offset costs directly related to management of hunting on the Federal land on which hunting activities related to the fees are conducted; and

(2) limited to an amount that the Secretary concerned reasonably estimates to be necessary to offset costs directly related to management of hunting on the Federal land on which hunting activities related to the fees are conducted.

(f) **APPLICABILITY.**—This section shall apply to all management plans developed, approved, or amended after the date of the enactment of this Act.

SEC. ____ . HUNTING ON NEWLY ACQUIRED OR DESIGNATED LAND.

With respect to any land subject to State and local hunting laws that is acquired by the United States or designated as a unit of the National Park System, a unit of the National Wilderness Preservation System, or a National Heritage Area on or after the date of enactment of this Act, the head of the agency with jurisdiction over the land shall submit to Congress for approval any proposed changes to the use of the land that would affect hunting on the land.

SA 13. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13 ____ . EFFECT ON BORDER FENCE.

Nothing in this Act (or an amendment made by this Act)—

(1) prevents, delays, or obstructs the planning, construction, operation, or maintenance of a border fence running parallel to the international border between the United States and Mexico;

(2) affects the operations or duties of the Secretary of Homeland Security (including Border Patrol agents) or State or local law enforcement agencies on any land subject to this Act (or an amendment made by this Act); or

(3) affects security operations along the international border between the United States and Canada.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Com-

mittee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, January 8, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, January 8, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled “Oversight Hearing on the Tennessee Valley Authority and the Recent Major Coal Ash Spill.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on January 8, to conduct a hearing on the nomination of Former Senate Majority Leader Thomas A. Daschle, of South Dakota, to be Secretary of Health and Human Services. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 8, 2009, at 1:30 p.m. to conduct a hearing entitled “Lessons from the Mumbai Terrorist Attacks.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled “Helping State and Local Law Enforcement During an Economic Downturn” on Thursday, January 8, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the following staff members from Senator SHAHEEN’s office be granted floor privileges for today’s session of the Senate: Maura Keefe, Judy Reardon, and Michael Yudin.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING PRODUCTION OF DOCUMENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 11.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) to authorize production of documents to the Department of Defense Inspector General.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, last Congress, the staff of the Committee on Armed Services conducted an inquiry into allegations regarding irregularities in the administration by the Department of the Army of a Logistics Civil Augmentation Program, LOGCAP, contract for logistical support in Iraq. At the conclusion of that staff inquiry, the chairman and ranking member of the committee referred allegations regarding administration of the LOGCAP contract to the Department of Defense acting Inspector General for review.

The chairman and ranking member would like to share with the inspector general records of the committee staff inquiry to assist in the conduct of the inspector general's review. This resolution would accordingly authorize the chairman and ranking member, acting jointly, to release committee records relating to this matter to the Defense Department Inspector General.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 11) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 11

Whereas, last Congress the Committee on Armed Services conducted a staff inquiry

into allegations regarding irregularities in the administration of a contract for logistical support in Iraq by the Department of the Army;

Whereas, upon the completion of the Committee's staff inquiry, the Chairman and Ranking Member referred to the Acting Inspector General of the Department of Defense for review allegations regarding the Administration of this LOGCAP contract;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Member of the Armed Services Committee, acting jointly, are authorized to produce to the Department of Defense Inspector General records of the Committee's staff inquiry into allegations relating to the administration of the Army's LOGCAP contract.

MEASURES READ THE FIRST TIME—S. 181 AND S. 182

Mr. REID. Mr. President, I am told there are two bills at the desk. I, therefore, ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

A bill (S. 182) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. REID. I now ask for their second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read a second time on the next legislative day.

ORDERS FOR FRIDAY, JANUARY 9, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, January 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, all Senators are notified that at 2:45 p.m. on Sunday, the Democratic caucus will meet in the LBJ Room for a continuation of the caucus we held today to deal with the economic recovery plan of President-elect Barack Obama. At 2 p.m. on Sunday, there is a scheduled vote, and it will be necessary that all Senators be in attendance at that vote.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Friday, January 9, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

STUART GORDON NASH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RUFUS GUNN KING, III, RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN M. CROLEY
BRIG. GEN. TRACY L. GARRETT

HOUSE OF REPRESENTATIVES—Thursday, January 8, 2009

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, Who has had compassion on our darkness and sent forth Your own light upon our conscience to make right judgments, grant us the joy of knowing the closeness of Your love.

May all our words and actions this day be infused with the creative spirit of freedom and bring forth personal integrity, as well as justice, and that we all will join together in serving Your people of this Nation with true goodness.

May true freedom and justice reign in our hearts and become contagious in our world, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. HOLDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. HOLDEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF TELLERS ON THE PART OF THE HOUSE TO COUNT ELECTORAL VOTES

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 111th Congress, the Chair appoints as tellers on the part of the House to count the electoral votes:

The gentleman from Pennsylvania (Mr. BRADY) and

The gentleman from California (Mr. DANIEL E. LUNGREN).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minutes on each side of the aisle.

WAKE UP, AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KUCINICH. Wake up, America. We have trillions for a war machine and the banks, while our government stands by and sniffs at the slaughter of innocents in Gaza, where Israel is blocking aid for wounded Palestinians.

Here's today's Washington Post. It says, The International Committee of the Red Cross said Thursday that it found at least 15 bodies and several children, emaciated but alive, in a row of shattered houses in the Gaza Strip and accused the Israeli military of preventing ambulances from reaching the site for 4 days.

Twelve corpses lying on mattresses in one home, along with four young children lying next to their dead mothers. That's a quote.

Today, U.S. tax dollars, U.S. jets and U.S. helicopters provided to Israel are enabling the slaughter in Gaza. The administration enables Israel to press forward with the attack against defenseless civilians, blocks efforts at promoting a cease-fire at the U.N., and refuses to make Israel comply with conditions that armed shipments not be used for aggression.

Israel is going to receive \$30 billion in a 10-year period for military assistance, without having to abide by any humanitarian principles, international laws or standards of basic human decency.

Wake up, America.

THE FACTS ABOUT OUR ECONOMIC CHALLENGES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, we have been dealing with economic challenges for several months. Last fall it was called a bailout. Now it's being called a stimulus or sometimes an economic recovery plan. But I think it's important that we talk about the facts of what we're discussing.

The stimulus being discussed now could range from \$800 billion to more than \$1.3 trillion. This will likely be the largest single spending bill in history. Now, what will this do to our deficit which we heard so much about for the 2 years before the Democrats took power?

Nonpartisan budget experts are now predicting a deficit for 2009 of almost \$1.3 trillion, triple the current year's deficit. That would equal 9 percent of

GDP, which is a 50 percent increase over the World War II record of 6 percent. We may be paying a premium rate to foreign investors like China to borrow this kind of money. And what's going to be included in that package? \$350,000 for a fitness center, \$4.5 million to bottle water with recyclable bottles.

Mr. Speaker, we need more of the facts, not just words.

MONUMENT TO PRESIDENT BUSH

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. In his last year, George Bush has constructed a monument to his Presidency that will last for generations to come. He not only doubled our national debt in 8 short years; as he goes out the door, he's leaving America with a \$1.2 trillion deficit. That means we will borrow \$3.2 billion a day, \$2.2 million a minute. It's unfathomable. That legacy of profligacy based on trickle down and bailouts has brought our economy to its knees.

It would have been one thing if he borrowed the money to rebuild our crumbling infrastructure, to build new schools to educate our kids, to give us a sustainable energy future. But, no, the money has been squandered in bailouts for Wall Street and an unnecessary war in the Middle East.

And now it's up to us, this Congress, the Democrats, to give us a recovery package that will put Americans back to work and rebuild our country. We have to reject the policies of the Bush years. No more tax giveaways. Let's rebuild the infrastructure of this country, put people back to work, borrow the money for a purpose, not more waste.

GOVERNMENT GONE WILD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Federal Government continues to bankrupt Uncle Sam with bailouts to special interest groups using taxpayer money. One more group has appeared on the steps of the Capitol dragging the sack for more "Free Money." None other than the adult entertainment business, specifically, the CEO of "Girls Gone Wild," has asked for \$5 billion to save them from calamity.

When is this mentality going to stop that citizens should subsidize industries that have fallen on hard times?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

According to the Congressional Research Service, the total amount of bailouts in 2008 now exceeds "all the costs for major wars the United States has ever engaged in, including the American Revolution, the War between the States, World War I, World War II, Korea, Vietnam, Iraq and Afghanistan,"—about \$8.5 trillion.

Mr. Speaker, the Federal Government has gone wild with all these giveaway programs. And so far the bailouts have had little or no positive impact on the markets or the economy.

No more bailouts. We cannot tax, borrow and spend our way into prosperity during these tough economic times.

And that's just the way it is.

PRESIDENT-ELECT OBAMA'S STIMULUS PACKAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, 87 percent of the American people support President-elect Obama's stimulus package, a package that addresses the concerns and needs of low-income Americans, working Americans, middle-class Americans.

It is obvious that the Federal Government has to be the spender of last resort. No frivolous, foolish spending, but spending that creates jobs, jobs, jobs, puts Americans back to work, bring home our troops from Iraq, be able to downsize the investment in a war that many of us disagreed with, ensure that the war in Afghanistan succeeds, and make sure that those in America's Appalachia and Mississippi Delta and the inner cities of Houston, Texas, have the amount of money to begin to work, summer youth jobs. That's what this stimulus package is about.

President-elect Obama has it right. We in the Federal Government have to rescue those who provided the tax dollars for America to work. Put them back to work. You'll see our economy spiraling.

Frivolous comments about bailouts will not work. The American people know a stimulus package is for them. Let's do it quickly. Let's get the money to our local governments. I believe we should bypass some of our State governments; make sure those dollars are in our cities, our counties, our municipalities, put America back to work. That's what President-elect Obama wants us to do.

ISRAEL HAS THE RIGHT TO SELF- DEFENSE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, America's ally Israel remains under constant and frequent attack by Hamas. Noted columnist Charles Krauthammer recently revealed in a column in *The Greenville News* that Hamas has cruelly launched 6,464 rockets into Israel in the last 3 years. No other country has endured such attacks.

Now Israel has chosen to defend itself by going after the Hamas terrorists. The loss of life is terrible, but it is Hamas that bears the responsibility. I saw firsthand, while visiting Israel this summer, that Hamas has fired rockets against civilians in Israel.

A peaceful relationship between Israel and Palestine is in the best interest of both nations. It will only be accomplished if Hamas agrees to stop firing rockets targeting civilians.

In conclusion, God bless our troops, and we will never forget September the 11th.

God bless Torry Lyons and Eric Dell upon their marriage tomorrow at St. Peter's Catholic Church.

CONGRATULATING THE CITY OF IOWA CITY, IOWA, FOR BEING DESIGNATED A UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) CITY OF LITERATURE

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I want to express my sincere congratulations to the City of Iowa City for its designation as a City of Literature by the United Nations Educational, Scientific and Cultural Organization. Iowa City is only the third city in the world to receive such designation, and the first in the United States.

This recognition is well-deserved and rightly honors a city which has long been dedicated to literature and the arts. The City of Iowa City alone has produced more than 25 Pulitzer Prize winners in literature since 1955, as well as four recent U.S. Poet Laureates.

I am proud of all who contributed to Iowa City receiving this designation, including Christopher Merrill, the current director of the University of Iowa International Writing Program. I trust future residents and generations to come will not only recognize the importance of this designation, but also continue to carry on the city's tradition of literary excellence.

ARRIVAL OF THE 21ST CENTURY ON JANUARY 20, 2009

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, the 21st century, in reality, will be arriving in America on the 20th of January 2009.

It's been put off far enough by my colleagues on the other side of the aisle, and we've heard more of their rhetoric today, acting like, as DICK CHENEY said, "Herbert Hooverians." If the Republican Party didn't wake up, they'd be known as the Party of Herbert Hoover forever.

When the Great Depression came, Herbert Hoover and his Treasury Secretary Morgenthau and his colleagues in the Congress did not act. It caused the Great Depression to be worse.

We must act. We need a major economic stimulus package which will be presented by President-elect Obama, and this Democratic Congress and this Democratic Congressman will support it because we need jobs creation. We need to give people hope and the reality that we can come out of this. We're going to have problems in 2009 with the economy regardless, but they'll be less.

The 21st century couldn't come soon enough. I look forward to January 20, 2009, to working with President-elect Obama and this Democratic Congress to make America great again.

□ 1015

LILLY LEDBETTER FAIR PAY ACT AND PAYCHECK FAIRNESS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise today in support of two critical bills: the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act.

More than 40 years have passed since the passage of the Equal Pay Act. Unfortunately, women still earn less than men for the same work, and that is unfair. Women earn 78 cents for every dollar earned by men. The pay gap is even more severe amongst minority women. African American women earn 69 cents. Hispanic women earn just 56 cents on the dollar.

The story of Lilly Ledbetter is a case in point of the barriers faced by women today. It's time for a change. Simply because of her gender, Ms. Ledbetter was paid 20 percent less for performing the same job that her male colleagues performed. It's unfair.

The gap doesn't just affect women. It affects the Nation's economy. Women represent 41 percent of the total heads of households and sole income earners in this country. We cannot afford to weaken the ability of our breadwinners to pay for the basics, like groceries, child care and health care, especially as we face a growing economic recession.

I urge us to support this legislation.

HOUSE GOP TALKERS ON STIMULUS

(Mr. PENCE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PENCE. As every American knows, this economy is hurting, and millions of Americans are anxious.

House Republicans applaud our President-elect for focusing on legislation. Today, President-elect Obama will say that this Congress must act boldly and act now, and we agree. He has invited House Republicans to bring forward ideas to stimulate this economy, and we will gladly do so, but the American people know we cannot borrow and spend and bail our way back to a growing economy.

In that vein, House Republicans will insist that tax relief go to taxpayers, that it be permanent and that it create jobs. We'll demand a stimulus plan to be transparent and accountable and achieve its intended results. As this legislation is developed, there will be the need for competing interests and for compromise, but let this point be clear:

In this cause, in the cause of stimulus legislation, House Republicans will be on the side of the people who will pay for the stimulus bill. House Republicans will be on the side of the American taxpayer and will demand a stimulus plan that will turn loose the inherent power of the American economy, a stimulus plan that will be accountable, transparent and will achieve the intended result.

AMERICA'S ECONOMIC RECOVERY PLAN

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, as we begin the 111th Congress this week, we are plagued by an economic crisis that continues to affect every family in America. We must act now to address these serious challenges or we could experience an even deeper economic downturn and continued job losses this year.

Passing an economic recovery package that provides a short-term economic boost and that invests in America's future is a priority for this new Congress.

Rebuilding our crumbling roads, bridges and schools will create jobs today and will transform our economy tomorrow. Making public buildings more energy efficient will reduce our dependence on fossil fuels and will create high-wage jobs in all communities.

We must invest in our aging water and sewer systems. Fifty- and 100-year-old pipes lack the capacity to support our growing population and to preserve and protect our Nation's drinking water.

Mr. Speaker, these problems are not partisan, and our solution should not be either. Democrats and Republicans must come together now to get our

economy back on track and to reinvest in America's financial future.

REMEMBERING THE LIFE OF THE LATE SENATOR CLAIBORNE PELL

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise today to remember the life of the late Senator Claiborne Pell, who passed away last week after an inspiring career as a Senator from Rhode Island and as a strong advocate for higher education. Most famously, Senator Pell authored legislation in 1972 that created the higher education grant program that bears his name and that has allowed millions of low- and middle-income students to attend college.

Senator Pell was known as a modest man, and he often shied away from the attention he received for creating the Pell Grant program, originally entitled the Basic Educational Opportunity Grant, and that was modeled after the GI bill. Senator Pell believed that the fastest way for Americans to prosper was through education and that making education accessible was essential.

While grant awards under Senator Pell's program have risen since it was first enacted, they have not kept pace with the rising cost of attending college. Despite the efforts of the 110th Congress through the reauthorization of the Higher Education Act to raise the Pell Grant maximum to \$6,000 per year, many families are still burdened by the rising costs of higher education.

In the 111th Congress, I hope we continue Senator Pell's goal of educating our youth by working to ensure adequate funding for all forms of student financial aid such as the Perkins loan program and SEOG. Funding for these programs will help to ensure that higher education is affordable and accessible to all students regardless of one's income or background.

RECESS

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 12:55 p.m. today.

Accordingly (at 10 o'clock and 20 minutes a.m.), the House stood in recess until approximately 12:55 p.m.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order at 1 o'clock and 1 minute p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 1:01 p.m., the Majority Floor Services Chief, Barry Sullivan, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left. Senators took seats to the right of the rostrum as prescribed by law.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Madam Speaker and Members of Congress, pursuant to the Constitution and laws of the United States, the Senate and House of Representatives are meeting in joint session to verify the certificates and count the votes of the electors of the several States for President and Vice President of the United States.

After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their places at the clerk's desk.

The tellers, Mr. SCHUMER and Mr. BENNETT on the part of the Senate, and Mr. BRADY of Pennsylvania and Mr. DANIEL E. LUNGREN of California on the part of the House, took their places at the desk.

The VICE PRESIDENT. Without objection, the tellers will dispense with reading formal portions of the certificates. After ascertaining that certificates are regular in form and authentic, the tellers will announce the votes cast by the electors for each State, beginning with Alabama.

The tellers then proceeded to read, count, and announce the electoral votes of the several States in alphabetical order.

The VICE PRESIDENT. Members of Congress, the certificates having been read, the tellers will ascertain and deliver the result to the President of the Senate.

The tellers delivered to the President of the Senate the following statement of results:

JOINT SESSION TO COUNT ELECTORAL VOTES,
THURSDAY, JANUARY 8, 2009

Electoral votes of each State	For President		For Vice President	
	Barack Obama	John McCain	Joseph Biden	Sarah Palin
Alabama—9	9	9	9	9
Alaska—3	3	3	3	3
Arizona—10	10	10	10	10

Electoral votes of each State	For President		For Vice President	
	Barack Obama	John McCain	Joseph Biden	Sarah Palin
Arkansas—6		6		6
California—55	55		55	
Colorado—9	9		9	
Connecticut—7	7		7	
Delaware—3	3		3	
District of Columbia—3	3		3	
Florida—27	27		27	
Georgia—15		15		15
Hawaii—4	4		4	
Idaho—4		4		4
Illinois—21	21		21	
Indiana—11	11		11	
Iowa—7	7		7	
Kansas—6		6		6
Kentucky—8		8		8
Louisiana—9		9		9
Maine—4	4		4	
Maryland—10	10		10	
Massachusetts—12	12		12	
Michigan—17	17		17	
Minnesota—10	10		10	
Mississippi—6		6		6
Missouri—11		11		11
Montana—3		3		3
Nebraska—5	1	4	1	4
Nevada—5	5		5	
New Hampshire—4	4		4	
New Jersey—15	15		15	
New Mexico—5	5		5	
New York—31	31		31	
North Carolina—15	15		15	
North Dakota—3		3		3
Ohio—20	20		20	
Oklahoma—7		7		7
Oregon—7	7		7	
Pennsylvania—21	21		21	
Rhode Island—4	4		4	
South Carolina—8		8		8
South Dakota—3		3		3
Tennessee—11		11		11
Texas—34		34		34
Utah—5		5		5
Vermont—3	3		3	
Virginia—13	13		13	
Washington—11	11		11	
West Virginia—5		5		5
Wisconsin—10	10		10	
Wyoming—3		3		3
Total—538				

CHARLES E. SCHUMER,
ROBERT F. BENNETT,

*Tellers on the part of
the Senate.*

ROBERT A. BRADY of
Pennsylvania,
DANIEL E. LUNGREN of
California,

*Tellers on the part of
the House of Rep-
resentatives.*

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

Barack Obama of the State of Illinois has received for President of the United States 365 votes.

JOHN MCCAIN of the State of Arizona has received 173 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

JOE BIDEN of the State of Delaware has received for Vice President of the United States 365 votes.

Sarah Palin of the State of Alaska has received 173 votes.

This announcement of the state of the vote by the President of the Senate

shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States each for the term beginning on the 20th day of January, 2009, and shall be entered, together with the list of the votes, on the Journals of the Senate and House of Representatives.

The purpose of the joint session having been concluded, pursuant to Senate Concurrent Resolution 1, 111th Congress, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 36 minutes p.m., the joint session of the two Houses of Congress dissolved.)

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 111th Congress, the electoral vote will be spread at large upon the Journal.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1406

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 o'clock and 6 minutes p.m.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STIMULUS PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Thank you, Mr. Speaker.

What I would like to do today is to talk a little bit about the new stimulus package that President-elect Obama and some of the leadership has been talking about, the last stimulus package that we did, the rescue plan, and talk a little bit about the timetable.

And exactly, Mr. Speaker, where the people of this country may get an idea of exactly where we're going because sometimes things happen so fast in Washington that they don't really have an opportunity to grasp exactly what has happened to them not only now, but in the future. And not only in their future, but in their children's future and in their grandchildren's future.

So what I would like to do today is talk a little bit about how we got into the situation that we're in now and what direction the new administration and the new majority or the larger majority is going to take us.

And what I would like to do, Mr. Speaker, is start in October of 2007 when the Dow Jones was 14,078, October 10. The Bush administration responded to the unfolding subprime mortgage crisis with the HOPE program, which was a program designed to help people in foreclosure to go back and to renegotiate their mortgages.

At the time, if you will remember, we were told that there were about 80 million mortgages in this country, about 5 percent of them were bad or subprime or delinquent, which is about 4 million loans. January of 2008, the Dow closed at 11,971, and it has gone down continually since then.

In September of 2008, we were informed—the White House, the Congress was informed by Secretary Paulson that we were in a financial crisis; that something had to be done to unfreeze the credit market; that the credit market was frozen; that banks couldn't borrow from each other or wouldn't lend to each other; that large corporations were not able to do overnight borrowing; that student loans were not there; that automobile loans were not there; that loans for new homes were not there, and that we need to unfreeze this. And to unfreeze this, it was going to take \$700 billion.

Now, \$700 billion is a lot of money, and it's going to affect people for a long time. It's going to create more of a deficit for our country, which a lot of people in this body, especially on the majority side of the aisle, has said was not good policy, not good finances to spend deficits. So we had \$700 billion.

Now, if you take the 4 million delinquent or toxic assets or mortgages, that's about \$175,000 per mortgage. And, Mr. Speaker, I don't know of a lot of mortgages that were in trouble that \$175,000 would not have cured.

But what we did is we didn't do anything with those mortgages. We decided that we would bail out those guys that had taken these mortgages and had leveraged them 45, sometimes 50 percent. And while they were doing this, they were making money hand-over-fist. While the poor guy in the house was losing his home, he was losing his job, this guy that had come up with all of this creative financial stuff with all of these derivatives that nobody really understood, and the only thing a lot of the guys coming up with these derivatives understood is that they were making a ton of money. So they were selling these things. And not only did it affect our economy and our banks and our financial institutions, but it did worldwide.

□ 1415

These four million bad loans that could have been solved with \$175,000

each, if you took from the \$700 billion—probably much, much, much less than that—and all of a sudden we had this great financial crisis.

And so the one thing that I heard, Mr. Speaker, over and over again, not only in this body, but in the Senate and all the pundits on some of these talk shows, was, well, this is kind of like a traffic accident on the expressway and it's got all of the lanes blocked. Credit is frozen. This is the highway of credit; it's frozen. And behind it sitting in line in traffic is the student loans, the car loans, the mortgage loans, the small business loans, the payroll loans, all the credit is sitting in line. We've got to free up this accident. And so we did. Congress voted to free up this accident. All lanes are clear—well, at least the majority of the lanes are clear; we've only done \$350 billion of the \$700 billion, but they're going to be back wanting the other \$350 billion.

But the credit market is not unfrozen. We still have people today that are getting foreclosed on every day. I don't care if you've got credit that's 850 on your credit score, you probably couldn't go borrow a dime today. These banks and these financial institutions, AIG is one—you know, AIG used to write bonds for construction and development. They wrote bonds. They won't even write you a bond now, and the government has given them about \$125 billion. What are we doing?

So if you look at all of these things that were intended in this one bailout that was intended to unfreeze the credit market, we can see that it hasn't worked. And not only has it not worked, we have not even tried to make any of these lending institutions, these banks, holding companies, insurance companies accountable for the money that we've given them.

Mr. Speaker, I'm sure that you've got the same thing I've got, community banks, small banks calling me every day saying we've applied for the TARP, we've applied for the Capital program, we can't get any money. We can't get any money. And so what's happening? If you think that the big nine banks are going to come into these communities and loan somebody money to start a beauty salon or a car wash or an automotive repair, or whatever, you're badly mistaken. The community bankers, those small banks in our communities that know Fred and they know Jane, they know their families, they know what kind of reputation they've got, they know their ability to pay back this money, these are the people that are being squeezed out. And the American people are depending on us to do something about it.

I was happy to talk to Chairman FRANK, and he said within the next 2 weeks he's going to have legislation come out of Financial Services that's

going to do that. We need to make these people accountable because the very taxpayers that are paying the \$700 billion that we've given to the fat cats to balance their books and to hold the money to buy out the small and the community bank, we've given them the money and we still can't get credit.

Mr. Speaker, I had a Chrysler dealer that came into my office and he sat down and told me over a period of time, a small period of time, he had sent 155 contracts or sales to Chrysler; they had approved seven of them. If we were supposed to have cleared the wreck and we were have supposed to freed up this credit market, it has not worked, and the American people and myself and many others in this body want to know why it has not worked.

Now, let's look at the deficit for a minute because we're borrowing this money that we're using to stimulate or to buy out—or whatever you want to call—remember that we passed a \$150 billion stimulus package, Mr. Speaker, where we actually sent checks to people to stir up the economy, to give the economy credibility. I don't think it worked. Evidently it didn't work. So what's been the result of that? We borrowed that \$150 billion from China.

The stimulus that's being discussed today—now, we're beyond the \$700 billion stimulus—well, let's start out with the \$150 billion stimulus, then the \$700 billion stimulus, and then the loan to the automakers. And now we're talking about another \$700, \$800 billion up to 1.3 trillion. Now, keep in mind if you look at the bailout that had already been done after the first stimulus where we gave checks back to people, we had AIG, we had IndyMac, we had Fannie Mae and Freddie Mac, we had the housing bill, we had already spent about \$700 billion. You're starting to talk about some real money now, Mr. Speaker.

You now, this range of \$800 billion to \$1.3 trillion, what does that mean? Well, I'll tell you what it means; it means that the deficit for 2009 is going to be \$1.3 trillion, triple the current year's deficit. In fact, it's going to be 9 percent of our gross domestic product, 9 percent of our gross domestic product in this one—not counting all the other things—this one deficit in this 1 year, 9 percent, which is a 50 percent increase over World War II's record deficit of 6 percent of the gross domestic product. So what that means is that some governments, some countries are thinking about charging us a prime or a premium interest rate from foreign investors, such as China is now thinking about charging us a premium for this money that we're borrowing from them.

Now, what I've heard is that this majority plan, the Democratic plan, Mr. Speaker, that's coming from the President-elect and the Senate and the House leaders is that this infrastruc-

ture, part of this will be infrastructure projects that's ready to go, shovel ready so to speak, they're ready to get out there and they're ready to get it on. The Conference of Mayors published a list of these projects that were ready to go, they put it on their Web site. So Mr. Speaker, if anybody was listening today—and I have to remember that most of my constituents at 2:30 in the afternoon, those that have jobs are out working. We didn't have any votes today in this body, so for you that may be taping this or may have an opportunity of a loved one to see it, we actually counted votes today—or had some people count them for us and we watched them. So we had a pretty easy day today, had a pretty easy day yesterday. In fact, we were out by about two o'clock yesterday. We'll probably have a pretty easy day tomorrow, I think we've got two bills. But for those of you that are watching—and that could be, Mr. Speaker, if I was talking to somebody out in the audience, if I was addressing them I would tell them to go to a Conference of Mayors Web site and look at some of these projects that are ready to go, that are infrastructure and vital—I believe it says vital infrastructure projects. The first one is \$350,000 for an Albuquerque, New Mexico fitness center. That's a vital project. Ninety-four million for a parking garage at the Orange Bowl in Miami. Now, these are the ready-to-go infrastructure projects that our tax dollars are going to go into, these are those vital projects; \$4.5 million for Gretna, Florida to bottle water with recyclable bottles; \$35 million, Music Hall of Fame in Missouri; \$55 million for a mob museum in Las Vegas that's described in the Mayor's report as "historic post office museum rehabilitation." You know, we think of so many good ways to name these bills that they just are really warm and fuzzy, and so sometimes you don't pull back the covers. Twenty million for a minor league baseball museum in Durham, North Carolina, and \$6 million for snowmaking and maintenance facilities at Spirit Mountain, Minnesota. Now, I apologize to those Members, Mr. Speaker, that these are in their districts and that these may have been put in—not necessarily put in the package to get a vote or two, I don't know. But what I do know is that the lady and the gentleman and the family that's sitting around the kitchen table wanting to know how they're going to pay their house note or their car note or what they're going to do because mom or dad, or both, don't have a job, they don't think these are such vital projects. They don't think they're that vital. What they think is vital is us starting to do something rather than just talking.

We've been talking long enough. It's time to take some action and to have some real cure for the taxpayers of this

country; and not just the taxpayers today, but the taxpayers of the future, my children and my grandchildren, and maybe even my great grandchildren at the rate that we're going.

I'll turn now, after we've talked about that for a little bit, Mr. Speaker, and I want to quote President-elect Obama, January 8, 2009, "Only government can break the vicious cycles that are crippling our economy." You know, I think there is some truth in that. Although I think that we the people, the entrepreneurs, the free market system, do a much better job than government doing anything, but I think the truth of this statement is that only government can break the vicious cycle. Yeah, government's got to get out of it. If we want to break the vicious cycle that we're in of rewarding bad behavior, we've got to get out of this and let the market take care of itself. But no, we haven't learned from that because, you know, you would think that with the Dow going down every day, even with all the money that we're pumping in it, we would go, you know what? This isn't working. We've got a problem here. Let's look at it, let's see what it is. And we might find out that we're our own worst enemy, Mr. Speaker.

But let's talk about the national debt. Let's talk about the deficit. The national debt is currently more than 10.6 trillion—and I'm talking with a "T." You know, it took me a while, when I got into government, to learn what a million dollars was, and then it took me a little bit longer to learn what a billion is. It's hard to get your head around a trillion. So Mr. Speaker, if anybody is at home that is going to go to the Mayors Conference vital projects Web site might also want to go to a math Web site and try to figure out how much a trillion is. But our national debt today is \$10.6 trillion, continues to grow. The national debt has increased by \$2 trillion since the Democrats took over Congress just 2 years ago, \$2 trillion increase.

The President-elect on 60 Minutes, November 16, said we shouldn't worry about the deficit next year or even the year after. Speaker PELOSI, on a floor speech on March 17 of 2005, said, "Democrats have made a commitment to honor the value of accountability, including eliminating deficit spending." STENY HOYER, speech at the National Press Club September 28, 2007, Mr. Speaker, he said, "Today Democrats are fighting to restore the fiscal discipline that has been sorely lacking since 2001. Why? Because we believe deficits and spiraling debt threaten our future prosperity and national security." What has changed in a year, a little over a year; what's changed?

Rahm Emanuel, the President-elect's Chief of Staff in the White House, January 26, 2005 floor speech, "If you're looking for a crisis to solve, look no

further than the President's budget deficit. The President's reckless policies are damaging our Nation's future." This is the same Chief of Staff of the President-elect that the President-elect said we shouldn't worry about the deficit next year or even the year after.

□ 1430

BART GORDON, in a press release of January 5, 2007, said, "American families must live within their budgets, and it's time for Congress to do the same."

MIKE ROSS, in a floor speech December 6, 2005, said, "Deficits do matter. Deficits reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who now own 40 percent of our debt." That's right, foreign lenders now own 40 percent of our debt.

I would venture to say to my good friend from Arkansas I would like to work with him to try to find out what percentage foreign investors and lenders own of our debt right now, where they're even thinking about charging us premium interest because 9 percent of our gross domestic product is going to be in that debt.

TIM RYAN, July 6, 2004: "We have almost a \$600 billion annual deficit for the past year. This is getting rolled into our \$7 trillion debt that we have. So almost 20 percent of our annual budget that we pay down here is interest on the debt that we have. So if you keep accruing the big debt, you have to keep taking tax money to pay it off. Who's lending us this money? Japan and China are lending us this money."

Mr. RYAN, you're right. They are. But now rather than a \$7 trillion debt, it's a \$10.6 trillion debt that has increased by \$2 trillion since the Democrats have been in charge here.

BRAD ELLSWORTH, in a press release January 5, 2007: "Hoosier families in my district make the tough choices to balance their family's budget. Congress should be held to the same standard when it comes to our Nation's budget."

RON KLEIN, in a floor speech on September 10, 2008: "It's now the Democrats, many of us, who are sort of leading the fight on fiscal discipline. We are the fiscal hawks."

Representative KLEIN, the gentleman from Florida, I hope you're right. I hope you're telling the American people the truth.

Mr. Speaker, I hope this is truth that's come out where these people said we're going to look after the fiscal well-being of this country, because if they follow this plan or if they follow the plan that's being discussed right now by the President-elect and the majority in the House and the majority in the Senate, these things are going to be a lot worse than what they were when they were reading these floor speeches. So they're going to be caught head on looking into the headlights of

what they've said and how that's going to balance out with what they do. Mr. Speaker, we are going to be held accountable for what we say and especially in what we do.

So if you want to look at Mr. CARDOZA, in a floor speech December 6 of 2006: "The past few years the Republican rule in Washington has left our Nation severely crippled with debt. Reckless fiscal policies have turned record surpluses into record deficits in 6 short years. Democrats believe that fiscal responsibility is a crucial ingredient in good government. The American people turned to Democrats to get our Nation's books out of the red."

What a disappointment that must be, Mr. Speaker, for the American people to find out that they hired the Democrats to get the American books out of the red and since that time the debt has grown by \$2 trillion.

DAN BOREN, in a press release January 5, 2007: "If the government is going to buy something, Congress has to figure out how to pay for it. It's time the government be held to the same standards as every American family."

I couldn't agree with you more, Representative BOREN. I couldn't agree with you more. We need to be held to those same standards as that American family. But you know what? We're not. And the path that has been laid out, the map that has been laid out by the majority that has been increased in both the House and the Senate and by the President-elect, we're not headed out of the red, we're headed deeper into the red. But this red is not just for this generation, it's for our children and our grandchildren.

KENDRICK MEEK, in a floor speech June 22, 2005: "The share of the national debt for every American is \$26,255.76. This has to be paid off. This is not monopoly money. This is not funny money. When this House was run by Democrats, we balanced the budget without one Republican vote, and that is a fact. That is prima facie evidence, as they say in the courtroom. That is not a fabrication. That is not an exaggeration. That is not something that some Democrat said on the floor and it's not true. We balanced the budget."

I want to challenge the gentleman from Florida, my friend (Mr. MEEK), to balance the budget. I want to do that. I see my good friend over here. She wants to balance the budget. We all want to balance the budget. And to balance the budget, we're going to have to make some tough, tough decisions in this House. We cannot continue to go down the same road that we have been going down. Sure, we have borrowed the money to do this, but you know what? Here's the hard part: The hard part is that the people that we have done these things for are not receiving the relief and we are still not unfreezing the credit market. So what are we doing? We're not unfreezing the

credit market. What we are doing is we're piling more and more and more and more debt on them. So we have got to bring that to a close.

I see a good friend of mine from Texas, the gentleman that came up with one of the most brilliant tax packages last December that I know of but we can't seem to get a hearing on it or seem to get it to the floor for a vote, and that's my friend from the First District of Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate the gentleman's yielding.

You've made some wonderful points, but I come back to the statement you have in quotes there from our President-elect. I have great hope that he will be able to instill more confidence and more calm to help reassure the economy. But the statement "Only government can break the vicious cycles that are crippling our economy" is more of the same. We were promised change, and even though I'm a Republican and he's a Democrat, I was hoping we would get the change and get away from the government's interfering in everything.

We should have done a better job, the Federal Government should have, in monitoring what was being done and spent. But the fact is you go back to the late 1930s, the government just kept getting bigger and bigger. The government kept getting involved more and more. It has continued to expand and grow. And you look at Fannie Mae and Freddie Mac. Those are governmental creations, and then when they got in trouble in 2002, 2003, fortunately we at that time had a Secretary of the Treasury that was concerned about it and fought here on the Hill to try to get someone to take notice and to start better regulating Fannie Mae and Freddie Mac. But the government was more interested in continuing to throw money at the issue and not to fix it.

Our job, and we have said this before, is to provide for the common defense and then beyond that create a level, fair playing field, make sure everybody's playing fair, punish the cheaters, and let free enterprise work. And more and more and more we are getting the government in running things.

And now after the bailout of September, it has grown even more. We have got the government buying interest in banks, buying interest in automakers, creating a car czar, for goodness sakes. We can't design a good pen or an ID card for ourselves here all that easily, much less a car. Good grief.

But, anyway, "Only government can break the vicious cycles that are crippling our economy." Our government is crippling our economy. It did in September. It continues to. It has for many years. The trick is to allow the free enterprise and the entrepreneur-

ship that is so inherent in this society that has made us the greatest Nation, I believe, in the history of the world, and yet that's not change, "Only government can break the vicious cycles."

Mr. WESTMORELAND. The gentleman brought up a good point about government and the fact that we have an interest now in banks and we have an interest in the car business. We even have a car czar I guess that's going to tell them what kind of cars will sell best.

But the question I have and I think the question that the American people have is the government is what brought this on in the Community Reinvestment Act. And, look, I love the Community Reinvestment Act in some of the design of it because I believe in downtown redevelopment. I think we need to go into some of these downtown areas, especially places like Detroit and other places, to redevelop that downtown. These downtowns are beautiful. So some of that Community Reinvestment Act was good.

But the part that was put in place in 1995 by President Clinton that told these lending institutions, look, you're either going to make so many of these loans to people who can't afford them or we are going to fine you, and then we, the government, are bailing out these people that not only took that but then made all these different loan programs with derivatives that nobody in the free world with any type of computer could figure out, and here we are; so the government's being involved—and that's why this statement right here concerns me so much when it says "Only government can break the vicious cycles." There's truth in that, but it's kind of a different truth than what the President-elect means. We can break the cycle; we've got to get out of it.

Mr. GOHMERT. If the gentleman would yield.

Mr. WESTMORELAND. Yes.

Mr. GOHMERT. I appreciate the gentleman's yielding.

We do need to have the Federal watchdog groups like the SEC do a better job of monitoring and seeking out the cheaters and the crooks. And that should have happened with Madoff. It should have happened with many things that have been going on. Some of the problems are right within government itself. And so the gentleman from Georgia, my friend, is exactly right. The government will break the vicious cycle by getting out and by becoming more a policeman, going after people that are cheating, instead of trying to dictate everything. It is killing this country to move so quickly towards socialism.

Now, I brought this up in a meeting previously back in September that when the government buys interest in banks, buys interest in stock brokerage firms, car dealers, whatever it is,

that's called socialism, and the government becomes a partner and eventually the government takes over the business. That's how socialism works.

I was told by a colleague here obviously these things are not socialism because the socialists are not in favor of the September bailout bill.

Well, after it passed, I saw one of the socialist leaders on television saying, yes, you know, initially we weren't for the bailout because we didn't think money should be paid to Wall Street and all these other groups, but now that it's past, we realize the government's taking over the financial sector, the insurance company, all these things are great. It's the greatest day for socialism in American history.

So it was socialism. It is socialism. I have used the example before, but I learned a great lesson on exactly why socialism never works. Not only did it not work for the New Testament church, and eventually Apostle Paul had to issue an order that if you don't work, you don't eat, it didn't work for the Pilgrims. They had too many people starve to death the first year; so they went to private property and it flourished.

But the summer I spent as an exchange student in the Soviet Union allowed a trip out to a collective farm, and the fields looked bad. And I have worked on lots of farms and ranches, and normally you get your work done early, early, before the sun gets to its peak. And all the farmers were sitting in the shade, and it was obvious they hadn't worked so far as midmorning.

□ 1445

And so I spoke a little Russian back then, and I said, you know, trying to be as nice as I could, when do you work out in the field? They laughed. One of them said, I make the same number of rubles if I am out there in the field or if I am here in the shade, so I am here in the shade.

Many people don't understand why socialism isn't a good idea. It always fails. The only way the Soviet Union made it last for 70 years, they had to have a tyrannical government that killed people or put people in prison if they didn't abide by it or work.

Our government, country, had flourished because the government was the policeman and not the dictator. That's what we have got to get back to.

I appreciate the gentleman yielding.

Mr. WESTMORELAND. Thank you. Now I want to recognize another friend of mine from New Jersey, the Honorable Representative GARRETT.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia and appreciate his taking the lead on this Special Order hour this afternoon.

Mr. WESTMORELAND. I told him that most of our constituents were still at work.

Mr. GARRETT of New Jersey. There you go, and likewise mine in the great State of New Jersey.

Let me preface my comment, the gentlelady from Ohio would like in a moment to speak.

Mr. WESTMORELAND. Sure.

Mr. GARRETT of New Jersey. Because she worked with me on the issue that we are talking about here, that your comment is only to break the vicious cycles that are crippling our economy. You have to couch that in the correct terminology as to what government can do and what they shouldn't do.

We came to the floor, what was it, several months ago now, 2 months ago now, I guess, time flies, when we were dealing with can the government solve the problem out on Wall Street? Can the government solve the problem with regard to all the banks? Can the government solve the problem with regard to the crippling lending situation that was going on in this country at that time?

And we heard, or we were told by the White House just down the street, and some folks from leadership right here, and the legislative body—but, absolutely, government can do it, and they can do it with taxpayer dollars, \$700 billion. I will use the word “scheme,” they called it a “plan” at the time, that government would solve the problem.

A few of us, not enough, a few of us came to the floor at that time and said, you know, maybe government just can't solve that problem by saying that we have the only answer to do it.

One of the people who joined us with that fight was the gentlelady from Ohio. And I would like her to address those issues again why they couldn't solve it in the manner they were suggesting.

Ms. KAPTUR. Will the gentleman yield?

Mr. WESTMORELAND. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I want to thank the gentleman for yielding.

Last year back in the Congress when it really mattered, when that proposal came down like a fast ball down the center aisle here from the administration and wanted the American people to put forward nearly \$1 trillion and normal hearings were not held. The membership, I don't think, was respected at that time.

Thank goodness, it's a new Congress, and we have now seen that the Treasury Department, under Mr. Paulson's leadership, was more than happy to take over \$250 billion of the American people's money and to distribute it to their favored friends. We don't even know who all those friends are. We read press reports. There has been no proper oversight, and we don't know who the recipients have been.

I can tell you, and I was identifying so much with the gentleman from Texas, because in my region of northern Ohio the foreclosures are increas-

ing, unabated, the pace of increase. And just last December we had another 300, right before Christmas, 300 more families dislodged from their homes. This month, we had the same.

I went over to the Treasury. Right before Christmas, when Congress left, I came back with a big scroll. I took over to the Treasury 4,100 addresses in Lucas County, Toledo, Ohio, of every citizen that had lost their home in my district in 2008.

The Secretary wasn't there to see me. So we went out in the back and we unrolled the scroll, which went all the way down the stairs on the south side of the Treasury building. And we took some photos, and we put them up on our Web site. We pleaded with the people from Treasury to please work with us, not to make it a bad holiday for the people in our region, not to make it a bad new year, to find a way to gather the agencies.

One of the assistants to the Secretary gathered us, and we asked for a televideo conference with people back home. We did that over at the Library of Congress, where Treasury officials, FDIC, SEC, HUD, Federal Reserve—and we had the people back home, realtors, the county commissioners, the auditors. We had all of the interest groups back home in this conversation—and it was great to have a conversation on how can we stop the hemorrhage in the mortgage markets?

It didn't happen. Christmas came, Hanukkah came, more hundreds of people got dislodged from their homes, and the system just didn't work.

Unfortunately, the administration said to us, well we really need a housing czar. I said, we said we don't need a housing czar. We need for the agencies to use their regulatory power to get the market to work. Let the market heal itself. You are not using these powers to let the market heal itself.

As a result, my region has had auctioneers come in. One company from Texas actually came in. I read about it in the newspaper, and I went to the auction of homes that were auctioned off for \$4,500. For that amount of money, we could have put the original owner back in.

But the HUD money hadn't come. The HUD money wasn't there so the city couldn't bid on its own properties. Outside investors, one outside investor bought 137 properties.

These properties are not maintained. What happens is people break in them and they steal the copper wiring and the chandeliers, and they become gutted units. This is what is happening.

Mr. WESTMORELAND. Absentee ownership.

Ms. KAPTUR. Absentee ownership. What is happening in my community is horrendous, and yet I see these Wall Street banks get more money. Wells Fargo—I will say their names. Citigroup, Deutsche Bank, U.S. Bank,

these are the ones that are causing huge problems in my region. And when they get acquisition of the property, they don't manage it because they don't care about our community.

We are a dot on the map for them. You know what? I was sitting here, I was thinking, what is going on here? I figured out, you know what they are going to do? They are going to take the loss on those properties, their original worth, and then the \$4,500 they got, they are going to take the loss and book it on their tax returns for 2008 and make a huge windfall in the Tax Code, which isn't fair to the American people, because the American people are footing the bill here.

So we have a lot of work that we have to do to heal this system and to heal this market. The one gentleman was talking about, you know, when the government takes over it's socialism. I don't know exactly what to call it when the Treasury Department really has rescued all these banks. The fascist system used to do that. They are combines, they are industrial combines, and their banking combines were one and the same with the government. But it's an “ism” of some kind.

I thank very much the gentleman. We share the same deep concern.

Mr. GARRETT of New Jersey. I appreciate the gentlelady's comments she made. I know a number of other individuals would like to make some remarks.

Let me just be brief, the gentlelady actually made four excellent points.

One, she made the point that with regard to the idea of whether government can be the solution to all the problems, is there a rush to judgment? Yes, there was a rush to judgment with regard to what we did last year with the spending of \$700 billion on TARP. Today, there sounds like there is a rush to judgment, what may be going on in the spending that we may be doing in the future.

Now, BARNEY FRANK said the other day, a week ago, he said these were artificial deadlines that were being set, whether we are talking about TARP or the auto situation or now the spending going forward, the sun still rose tomorrow, to quote BARNEY FRANK. The sun will still rise tomorrow with regard to our economy as well. We should not set artificial deadlines.

The gentlelady also made an important comment when she said it's the people's money that we are dealing with here. We have to always remember that. It's the taxpayers' dollars. So we must be careful how it's spent.

Also, within that subset of the comment, it is the nature of politics that it will be political decisions, as opposed to market decisions, that will direct the forces of the dollars. We should allow market forces to direct it.

Thirdly, she made a great point, which I was going to make as well,

oversight, past and future. Oversight. We didn't have oversight in the past. It doesn't sound like we are going to have a heck of a lot of oversight going forward. Even if we do have a little modicum of oversight right now, a hearing or two on this billion, trillion dollars that we are about to spend, just as with the housing situation, it is impossible for the Federal Government to manage all these dollars going forward. Likewise here going forward, it will be impossible to manage it.

Finally, she made a good point as well, and I will close on this, market, heal thyself, is what she said. Likewise here, whether it's the credit market, the financial market or the unemployment market, we can allow the private sector, with the assist of the government getting out of the way for the market to heal thyself in those situations as well in the appropriate manner.

Mr. WESTMORELAND. Let me just make a couple of comments too about some of the things that the lady from Ohio said, of those 4,162 people, I wonder if they would be interested to know if they took the \$700 billion, that about \$175,000 each of that would have paid and straightened out their mortgage.

They would be appalled to know that. Not only that, if the government had been serious about this, and it put that money and told those banks that made those loans, whether the government made them, make them or what, you need to go back and renegotiate those loans, whether it's for 40 years or 50 years at a less percentage rate so you are getting your money back, that's what you need to do.

But, no, it's a lot easier to give it to the big cats and let them wipe the slate clean, let them fix their balance sheet, throw those people out, sell it for whatever they can and go on about their business. That's wrong.

I would like to recognize my friend from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Well, I appreciate the gentleman conducting this hour. Of course, when you come late to the game, you are going to be repeating some of the things that have been said, but I think that some of these things bear repeating.

I think the number one premise that the American people need to be listening, as we have this debate, about further actions that this government might take to intervene in these markets, is to remind everybody whose money this is. Now, some people out there think that it's the government's money, and we let the American people keep some of it.

Others think that small businesses and hard-working families across America that are working hard and conducting business, that money belongs to them. That's the premise that I believe in.

As a former small businessman, like the gentleman is as well, I have been

out in the marketplace, and I know what market forces are. What I do know is that government is always a hindrance to market forces and has very seldom been oil for commerce.

As we begin to do this, we are going to be talking about who do we trust? There are those that voted, the other day, that said we don't trust the American people to distribute their money.

Then there are those of us that voted that said, you know what, we trust American small businesses and hard-working families with their own money, and we believe we know the right prescription on how to stimulate the economy, how to spend money.

One of the things that we know is that the more money you let a small business or a large business keep, the more money they are able to reinvest in their business. And what happens when they reinvest in their business? They create jobs.

What do American people want? American people want the opportunity that this great country affords them. And what greater opportunity than to have a good job. And plowing billions and trillions now, we are talking trillions of dollars, into feel-good things isn't going to stimulate this economy. As the gentleman knows, which is the reason I introduced a bill, today, in fact, that is going to allow the American people to keep more of their money.

It's going to allow small businesses and large businesses to keep more of their money, because that's the cheapest capital that they can obtain. So if we are taking a smaller bite out of that, they can buy, start another factory or buy another truck for their electrical contracting business or whatever business they are in. And what happens when they buy another truck, they have got to have employees for that truck.

What does that do that creates more jobs? So I hope the American people are listening to this very carefully, because, really, there are a lot of fancy words being used here, but the real word is trust, some don't trust the American people. I just want the American people to know I trust them.

Mr. WESTMORELAND. Well, and I think the gentleman makes a great point because, you know, change was the key word of this election cycle. And I think the American people love that word "change," and they did want to change.

But I think the change they wanted was trust and transparency. That's what they thought change meant. If we are going down this path, and the path that the majority in the House and the majority in the Senate is talking about, was spending their tax dollars, it's not that trust and transparency that they are going to get.

You know, that's the amazing thing, these 4,162 foreclosures, they are the

ones that put up the 700, or part of the \$700 billion to allow their house to be sold.

I see another good friend of mine, somebody that I have served with in the State legislature and now have a great opportunity to serve in Congress with, somebody that is the new Republican Study Committee chairman for this Congress, and I am certainly excited about that, and that's my friend, Dr. PRICE.

□ 1500

Mr. PRICE of Georgia. I want to thank you for your leadership on this issue and hosting this hour and pointing out probably one of the most stark pieces of contrast information this early in the session with the poster you have there, where the President-elect said just today, "Only government can break the vicious cycles that are crippling our economy." It really is remarkable when you think about it. I know the American people believe in themselves strongly, I know we believe in them, and I know that they know that government isn't necessarily the answer to all of our woes.

We are talking about solutions. We have remarkable challenges, and everybody wants a solution to this. But the root word of "solution" is to solve, and to take government money that has been talked about here that is not the government's money, that is the people's money, I am making just a short point on that, this is tax money that we don't have; that we don't have.

People think we are talking about this \$1.2 trillion or something like it is sitting over here in the corner and all we have got to do is figure out how to spend it. Well, it is not. It is on the backs of the children, grandchildren and now great-grandchildren of the adults in this Nation. That is wrong. That is wrong.

There is a solution. There are positive solutions out there. You and our colleagues have talked about some of them today. They are allowing Americans to keep more of their hard-earned money, making it so that businesses, small and large, can create jobs, unlock the credit crisis, the credit freeze that we have had, and make certain that we move in a direction that allows the economy to expand and allows jobs to grow without spending money that we don't have.

That is one of the huge differences between the folks in charge right now and those of us who believe strongly in the American people and believe strongly in American principle, in American vision and American values, that would embrace a solution that would champion the individual, champion the American people.

So I want to commend you for what you are doing, and just mention that one of the casualties of all of this discussion is the concept of what a zero

means. A zero tacked on to a zero tacked on to a zero with a one put in front is a lot of money when you get a lot of zeros, and the American people, frankly, Members of Congress, have lost sight about what a trillion dollars is.

One trillion dollars is virtually one-third of our current revenue that comes into the Federal Government, and when we are talking about trillion dollar deficits, that is spending again money that we don't have for, as the President-elect said today, as far as we can see. That is not the kind of policy that will result in positive improvement for the men and women across this Nation and growth in our economy, which is what we need.

The gentleman from Georgia knows that, having served at the State level and having put in place policies that have created remarkable opportunity for so many people. I wanted to thank you for your leadership.

Mr. WESTMORELAND. Thank you. Let me say this. I think \$1 trillion is actually 12 zeros. That is amazing. So I hope, Mr. Speaker, that anybody that is watching would go to a Web site that has got some of these math solutions on it and look at exactly how much \$1 trillion is.

One billion seconds, one billion seconds is 32 years. There are 60 seconds in a minute, 60 minutes in an hour, 24 hours in a day, 365 days in a year. One billion seconds is 32 years. And we are talking trillions now, trillions with a "T."

Mr. Speaker, when I was running for office, when I was running for Congress, I had served in the State legislature. I went to a gathering and I met somebody there, he was a lobbyist for the peanut shellers, and as I got on the plane to come back to Georgia I thought to myself, you know, everybody must have a lobbyist. Everybody. If the peanut shellers of America have a lobbyist, then everybody must have a lobbyist.

But I thought of one group, one group and only one group in this country that does not have a lobbyist, and Mr. Speaker, you probably know who that group is, and I would imagine that anybody watching this knows what that group is. But in case you don't or you may have forgotten, I am going to tell you who that group is that does not have a lobbyist up here. That is the American people.

The American people have representatives up here. They have somebody that is supposed to represent them on this floor. And about half of America is being shut out because of the process. We are going to bring bills to the floor that are going to deal with the deficit. We are going to bring bills to the floor that are going to deal with the national debt. We are going to bring bills to the floor that are going to talk about health care and are going to talk about all different types of things.

Half of this body, Mr. Speaker, half of the Representatives, who are the only people in this city that represent our people back home, are going to be shut out of the process, because it is going to be done under suspension, which is a form that the majority has chosen to do some very important bills, without debate, without committee hearings, without input, in fact, a lot of times without even being available to be read for two or three hours.

That is no way to do business. So we not only have the problems that we have discussed here today with the budget, with the deficit, with the national debt. This whole process is broken. The whole process is broken.

The gentlelady from Ohio, the gentleman from New Jersey, myself, we all had amendments and different ideas that we wanted to put in this legislation. What is so wrong with letting us vote on it? Why did this have to happen so quickly and so immediately? Why is something more important than open, honest, fair debate? There is no dis-infectant in the world like sunlight. So we need to open up this process. We need to have sunlight.

Mr. Speaker, if I could tell the American people anything, it is to understand that the only person in Washington, D.C., that is here on your behalf is your Representative. And let me tell you something, you better keep a close eye on him or her to make sure that they are representing you, and not only that they are representing you, but that they have the ability to have some input into what is happening in this body.

There are many Members in the majority party that can't get any input if they disagree with what is going on, not just if you are in the minority, but if you are in the majority. This has been a closed system, a closed House.

I am not saying we did it perfectly, Mr. Speaker, when we were in charge for 12 years. But I want to put all of that aside. President-elect Obama gave many people in this country hope. He gave them hope and he promised change, and part of that hope and that change was to open up the process and to work in a bipartisan way.

So as I am closing today, I want to hope. My hope is that your hope will be brought to fruition, and that we can sit in this Chamber and we can have open, honest discussions about how the constituents of the Third District of Georgia feel, or how the district of the gentlelady from Ohio feels, or how the district of the gentleman from Virginia feels. We will make sure that our 600,000 or 700,000 constituents give the only representation they have in this body the ability to speak, to speak freely and openly and share ideas, not only with their colleagues, but with everybody in this country.

So, Mr. Speaker, if I could ask for them to contact their Representative, I

would, and pay attention, because I promise you that nobody is going to look after you if they know that you are not looking at them.

Mr. Speaker, with that, I appreciate the opportunity that the minority leader gave me to share this hour with you and others.

—

HOOR OF MEETING ON TOMORROW

Ms. KAPTUR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

—

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON TOMORROW

Ms. KAPTUR. Madam Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules relating to House Resolution 34 on the legislative day of Friday, January 9, 2009.

The SPEAKER pro tempore. Is there objection the request of the gentlewoman from Ohio?

There was no objection.

—

EXPRESSING SUPPORT FOR H.R. 11, THE LILLY LEDBETTER FAIR PAY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, today I am here to express my support of the Lilly Ledbetter Fair Pay Act. I would like to commend and indeed applaud my colleagues Congresswoman ROSA DELAURIO and Chairman GEORGE MILLER of the Education and Labor Committee for their tireless efforts in support of fair treatment in the workplace. Jobs are on everyone's mind, and I rise in support today of H.R. 11, not only because it is the right thing to do, but also because, for me, it is personal.

When our beloved mother, Anastasia, began work back in the middle of the last century as a counter waitress at a place called Liberty Lunch on Broadway in Toledo, Ohio, she did not even earn the minimum wage. And I will tell you what; she deserved it. That wage was only made possible by the Fair Labor Standards Act in 1938. But even when that act passed, her vile boss would then cash her check and deduct the increase from her and pocket the money for himself. Sadly, stories of pay discrimination and inequity still reside across our country.

The Lilly Ledbetter bill is named after Lilly Ledbetter, who worked for

almost 20 years at a Goodyear Tire and Rubber Company plant in Gadsden, Alabama. After finding out that she was the lowest paid supervisor at the plant where she worked, despite the fact that she had more experience than her male counterparts, Lilly sued Goodyear for unlawfully discriminating against her based on gender.

A jury found in her favor, but, of course, Goodyear, which has deep pockets and in fact is a defense contractor of our country, went to court. In fact, they had the money to go all the way to the Supreme Court, and the Supreme Court ruled in favor not of Lilly, but of Goodyear.

The Court cited the reason being that the time limit for her claim had passed as the initial discrimination happened nearly 20 years earlier. However, Lilly Ledbetter filed her charge as soon as she learned of the pay discrimination. It was not her fault that it took almost 20 years to learn of her situation.

The United States Supreme Court's decision changes the law, limiting any action to 180 days after the first incident of discriminatory activity. In such cases as Lilly Ledbetter's, it took nearly 20 years to have the discrimination come to light. This decision limits the ability of any employee to challenge discriminatory pay.

H.R. 11 will restore the law and justice by clarifying that each paycheck resulting from a discriminatory pay decision would constitute a new violation of the employment nondiscrimination law and reset the 180-day clock.

Employees do not go around asking each other how much money they earn on each paycheck. In fact, many employers even explicitly prohibit such conversations. It is not like working for Congress, where our pay is public record. In addition, who would want to go around when they are at a new job and ask new coworkers their income and level of work experience as well as other data to evaluate if one's own pay is fair, knowing you have 180 days from your first paycheck to file with the U.S. Equal Employment Opportunity Commission? Who would want to start a job like that?

□ 1515

Most new employees are more focused on doing their job and working hard and performing well so that he or she can keep their new position and continue to earn paychecks. In today's climate, an income is more critical than worrying about pay discrimination, but that too should not allow this practice to continue.

We cannot allow employers to hide behind a mere 180 days and potentially successfully carry out pay discrimination day after day.

Madam Speaker, that is why I'm an original cosponsor of the Lilly Ledbetter Fair Pay Act. It's in memory of our own mother. This bill is not only

about pay discrimination on the basis of gender, but also race, religion, national origin, disability or age. This bill is about doing the right thing to protect the hardworking people of this Nation.

I urge my colleagues to support this important bill as we begin the 111th Congress, and I want to thank Lilly Ledbetter for her life and for the life of working-class women and men across this country.

Madam Speaker, thank you very much for the opportunity today to support the Lilly Ledbetter Act of 2009, H.R. 11.

FEDERAL BUDGET DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, we saw yesterday the CBO projection that the Federal budget deficit for this fiscal year, which started in October, will balloon to \$1.2 trillion. A member of the Senate Budget Committee, KENT CONRAD, called it "jaw-dropping." And our budget chairman, JOHN SPRATT, said he got "sticker shock."

President-elect Obama has predicted that "potentially we've got trillion dollar deficits for years to come." President-elect Obama then said, "if we do nothing, then we will continue to see red ink as far as the eye can see."

Most Members know that our country is facing a critical crisis, and if we fail to find solutions that will halt a mortgaging of our children and grandchildren's future, I seriously consider and believe the 111th Congress will really go down as a failed Congress.

We have an opportunity at hand to deal with this issue, and we need to do it in a bipartisan way. There's a bipartisan plan on the table that Congressman COOPER of Tennessee and I have, called the Cooper-Wolf SAFE Commission, that sets up a bipartisan panel to put every spending program and tax policy on the table and require this institution that has avoided its responsibility to vote it on up or down.

Today's Washington Post, in this editorial which I will submit for the RECORD, talked about our effort and the tough decisions that Congress faces. The editorial said, "Ideally, Congress could make the necessary hard choices through the normal legislative process. Its repeated failure to do so, however, may necessitate a commission to recommend reforms for the House and Senate to accept or reject."

Amen. The Post is right. Unless we do the Cooper-Wolf concept of a commission, this Congress will not deal with the issue. And if we don't do it now, both parties, the Democratic Party and the Republican Party, will have failed the American people, and both parties will have to explain to the

American people their failure to act in the best interest of future generations.

Others have spoken out. Ben Bernanke, Fed Chairman said, "The quality of the future that we will endow to our children and our grandchildren will depend in important measure on how we rise to the occasion."

David Broder, a respected columnist for The Washington Post said, "The need for such a bipartisan approach (to examine the future of entitlement programs) is evident."

Robert Samuelson, Washington Post columnist, Newsweek said, "What would distinguish this commission from its many predecessors is that Congress would have to vote on its recommendations."

David Brooks, from the New York Times, said "The Commission would come up with a plan to restore fiscal balance, and the plan would immediately go to Congress for an up-or-down vote."

John Snow, the 73rd Treasury Secretary, said, "I agree that because of the huge debt overhang we face a looming financial crisis and I know of no better approach than the SAFE Commission idea."

Editorials from the Richmond Times Dispatch said, "The Cooper-Wolf bill would give the commission some teeth by requiring Congress to take an up-or-down vote on the recommendations of the 16-member bipartisan panel."

The Washington Times said, "Two rays of bipartisan sunlight appear to be trying to shine through the clouds casting dark shadows on the Nation's long-term fiscal horizon. The two rays of bipartisanship sunshine take the form of legislative proposals working their way through the House and the Senate."

And there were many others. Policy groups across the political spectrum, including the Heritage Foundation, the Brookings Institution, the Concord Coalition and the Committee for a Responsible Federal Budget also have embraced the SAFE Commission.

Make no mistake. This could well be the hardest economic issue our Nation will ever be faced with, but we cannot afford to wait.

I will end with a statement by Dietrich Bonhoeffer, who was a Lutheran pastor who stood up to the Nazis and was executed, hung in Flossenbergh Prison when the artillery was coming, the western ally artillery was coming to liberate Germany. He was hung by the Nazis. Here's what Dietrich Bonhoeffer said, and I think he was exactly right when he said, "The ultimate test of a moral society is the kind of world that it leaves to its children."

Will this Congress, will this 111th Congress meet the Dietrich Bonhoeffer test? I don't know. But I'm going to do everything I can, offer amendments on

the floor, amendments in committee, to see that this Congress is forced to deal with this issue so that we can honestly say to Dietrich Bonhoeffer, we have tried and done whereby we, however, are a moral society, and we have left a good environment and society for our children.

[From the *The Washington Post*, Jan. 8, 2009]
YEARS TO COME

“FISCAL SPACE” is an economist’s term for a country’s capacity to borrow and spend its way out of recession without risking exorbitant interest rates and inflation later on. Generally speaking, the more public debt a country already has as a share of its economy, the less new debt it can take on.

As President-elect Barack Obama and Congress contemplate a fiscal stimulus package that could total hundreds of billions of dollars, they still have some fiscal space to work with. At \$6.3 trillion, the publicly held national debt is about 45 percent of the \$14 trillion economy—not much above the post-World War II average debt-to-GDP ratio of 43 percent. But the space is shrinking rapidly. According to new figures from the Congressional Budget Office, federal debt is rising at the fastest rate since World War II. It is estimated at \$1.2 trillion in fiscal 2009, or 8 percent of gross domestic product. This stunning number reflects both the direct effect of the recession on tax revenue and spending and the high cost of measures taken to combat the downturn, such as the financial sector bailout. And it is likely to be matched or exceeded when the Obama stimulus plan kicks in.

Mr. Obama was just leveling with the American people when he noted yesterday that the country faces “trillion-dollar deficits for years to come” unless policymakers “make a change in the way that Washington does business.” The question, of course, is how to change. Though Mr. Obama’s appointment of an efficiency-minded chief performance officer sent a useful signal, the real answers are legislative. The stimulus package must not bloat the government’s permanent financial commitments. According to a recently published International Monetary Fund paper, appropriate measures include increased transfers or temporary tax cuts to consumers at the bottom and middle of the income scale; aid to state and local governments; and repairs and improvements (especially energy-saving ones) to existing infrastructure. The IMF recommends against increasing the federal payroll, cutting corporate tax rates or letting companies deduct their recent losses against past years’ profits. The stimulus plan should include a plan for offsetting spending cuts and revenue increases once the economy recovers.

Over the long run, investors will finance the U.S. government at reasonable rates only if it tackles its huge unfunded health-care and pension commitments. Unchecked, the cost of providing Social Security, Medicare and Medicaid to 77 million retiring baby boomers could push the debt-to-GDP ratio up to nearly 300 percent by 2005, according to a December 2007 CBO report.

Ideally, Congress would make the necessary hard choices through the normal legislative process. Its repeated failure to do so, however, may necessitate a commission to recommend reforms for the House and Senate to accept or reject. Reps. Jim Cooper (D-Tenn.) and Frank R. Wolf (R-Va.) and Sens. Kent Conrad (D-N.D.) and Judd Gregg (R-N.H.) have offered proposals for such a panel. Hard as it is, jumpstarting the U.S. economy

will be easy compared with securing its financial future. But Mr. Obama and the Congress must do both.

HONORING THE SACRIFICE OF STAFF SERGEANT SOLOMON T. SAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Madam Speaker, I rise today to honor a young man beloved by his family, friends and his country, Staff Sergeant Solomon T. Sam of the United States Army, who was taken from us on December 4, 2008, in Mosul, Iraq.

Staff Sergeant Sam devoted nearly a decade to this country. He enlisted in the U.S. Armed Services in October 2000, and redeployed to Iraq in November of 2008, serving with the 523rd Engineer Company, 84th Engineer Battalion, 25th Infantry Division out of Schofield Barracks, Hawaii.

The commitment for this country is something we can all be proud of. Solomon will be remembered as a soldier, a son, a husband and a father. His three young children will grow up knowing their dad was a hero.

Madam Speaker, Staff Sergeant Sam is a true American hero who made the ultimate sacrifice for his country. I ask my colleagues to keep his family and friends in their thoughts and prayers during this very difficult time.

THE FORGOTTEN WAR

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Madam Speaker, with a President to inaugurate and a troubled economy we can overlook the sacrifice of our troops in Afghanistan. This conflict, overshadowed by Iraq, is often called the Forgotten War.

Last month I became the first Member of the House to serve in an Imminent Danger Area since 1942. Now, Members of this House have served in all of America’s wars, from the Revolution through World War II. But the Defense Department’s policy of 1943 blocked reservist Congressmen from serving in Korea, Vietnam, Desert Storm, Kosovo or Iraq. Senator and Colonel LINDSAY GRAHAM broke through this barrier 2 years ago, and I became the first Member of this House to also serve since World War II.

While our country has moved from a draftee military to an all-volunteer force, I think it’s still important for as many Americans as possible to share the burden of our troops. Our military is the strongest when it pulls into its ranks Americans from all races, creeds and colors and especially all walks of

life. It is important for Members of this House, where the Constitution places the power to declare war, to also serve alongside our troops.

I voted for the deployment of troops to Iraq and Afghanistan, and was honored then to be one of the first to join them in Afghanistan.

As a Naval Reserve Intelligence Officer, I deployed to Southern Afghanistan in support of NATO’s International Security Assistance Force, or ISAF at the headquarters of Regional Command South. I served in the command of a Dutch Major General, Mart de Kruif, and on the staff of his American Deputy for Stabilization, Brigadier General John Nicholson of the U.S. Army.

I can report to the House that the morale of our troops in Afghanistan is high. Americans that I joined feel that this is the right mission in the right place. Just because this effort is 10 times harder than we first thought, it remains the place where we can best support the safety of the American people.

Our headquarters was located at Kandahar Airfield, known as KAF. We located just a few miles from Tarnak Farms, where Osama bin Laden had trained many al Qaeda operatives. A few miles further down the road was the palace of Mullah Omar, the murderous former dictator of the Taliban.

We face some real challenges in Afghanistan. Our mission has now stretched for 7 years, and can wear thin with the Afghan people. As we look at Senator Barack Obama becoming our Commander-in-Chief, it’s important that we review what we have accomplished in Afghanistan, its differences from the Iraq mission and what remains to be done.

First, it’s important to note that Afghanistan is not Iraq, and almost every comparison between the two leads to people making errors with regard to our policy in Afghanistan. While both countries are predominantly Muslim, with over 25 million people, there is where the similarities end.

Iraq is a country that has always had a strong central government. Afghanistan has always had a certain amount of lawlessness, even during the Soviet dictatorship.

Iraq has an oil industry and a middle class. Afghanistan has neither.

Iraq was a mission carried out by America and Britain, nearly alone, with few allies helping. Afghanistan is home to a NATO mission where a very large majority of the troops come from outside America.

Finally, the insurgency in Iraq was sustained by dictatorships in Syria and Iran. In Afghanistan, the principal sustenance in income of the Taliban is now heroin, generating billions in profit.

Our troops have accomplished a great deal already in Afghanistan. We destroyed al Qaeda’s training bases, and

then deposed the Taliban dictatorship that protected them. We organized elections, and then protected a new democratically elected government under Hamid Karzai.

□ 1530

These missions were no small feat in a country that has proven to be the graveyard of the Soviet military and that has seen no elections for three generations.

Since 2006, the mission in Afghanistan has stalled as the Taliban has morphed into a new and deadly force. The tenets of Islam are generally anti-narcotic. The Taliban first eradicated poppy and heroin production, but now has changed its practice. Once the Taliban no longer had easy access to bin Laden or to Saudi charity money, they went into the heroin business big time. Today, they are more accurately described as the narco-Taliban, backed by at least \$500 million in annual drug profits. Some of Afghanistan's wealthiest warlords are Taliban leaders who produce heroin to support jihad and terror against the elected Government of Afghanistan and of the nations of the West.

The narco-Taliban are not evenly distributed across Afghanistan. They are concentrated in the heroin heartland of the Helmand River valley and in the nearby city of Kandahar. There is a growing misperception that the war in Afghanistan is fiercest near Pakistan's border. While that may have been true last year, the key to fighting this year is along the heroin river of Helmand in southern Afghanistan. The Afghan Government and NATO are fighting pitched battles in the strategic rear of NATO where support and funding for the Taliban are actually the greatest.

Our effort there has been expensive both in blood and in treasure. In my area, the U.S. has lost over 80 soldiers, but the Canadians have lost over 90 and the British over 110. I cannot emphasize enough the dedication and professionalism and commitment of our troops and especially of our NATO allies.

I, personally, served with British Royal Marine Commandos, with Canadian troops, with Dutch armor officers and enlisted, with Danish armor officers and enlisted, and with Romanian infantry. Along with our service men and women from the Army, the Marines, the Air Force, and the Navy, I found these troops from the West to be young, idealistic and some of the most dedicated people I've ever served with. In short, I worked with heroes whom I admire a great deal.

When I deployed to Afghanistan, I thought I might serve as a Fobbit. A "Fobbit" is a person who works on a Forward Operating Base, or a FOB, who never leaves its border, who simply shuttles between the chow hall, the office, the gym, and the rack. Thanks to

my command, I was not a Fobbit. I spent a great deal of my time outside the wire in Kandahar, in Geresk, in Lashkar Gah, and in Qalat. This experience gave me a much greater understanding of the opportunities that we share with NATO and with the Afghan Government.

With all of this effort, we should ask the question: What is at stake in Afghanistan? Should we pull out? Should we stay put or should we double down?

In my view, what is at stake is that the safety of American families is at risk especially if you live in the target cities of New York, Washington or Chicago. These are the cities most emphasized by al Qaeda and the Taliban. The dream of many Talib and foreign fighters is to depose the democratically elected government of Afghanistan and then move jihad back into the cities of Europe and the United States.

Most of the NATO troops whom I met remember not just 9/11, which they watched on TV, but also the Madrid Metro attack, the London bus bombings, and the murder of intellectuals in Amsterdam. They believe as I do, which is the best way to face the Talib is in Afghanistan with Afghan allies who know how to fight them best.

Should we keep the mission in Afghanistan as it is today?

If we do that, we risk a bloody stalemate that would definitely protect the capital of the Afghan Government in Kabul but would surrender much of the territory of the country to the Talib. The Talib is also wearing our allies thin, especially in Canada and in the Netherlands, and it would strain our alliance. The Taliban now attacks young girls, who dare to go to school, with acid in their faces, and it has assassinated Afghanistan's only female police officer because she was a woman. We know who they are. They are brutal dictators who want to set society back to the 13th century.

As Americans, we cannot go back to the 13th century. Our culture and our country don't even go back that far. Most Afghans support our values of reform, of rights for women, of the vote, and especially of modernity. But simply to protect their families, many in Afghanistan want to be with the winning side, and right now, many families in Afghanistan don't know who the winning side will be—the Afghan Government and NATO or the Taliban.

Should we double down?

NATO allies clearly believe that we should double down, but they are waiting for a call from our new President. Our best allies—the U.K., Spain, France, and several other NATO countries—are already planning to add their troop commitment to Afghanistan. Other close allies of the United States, especially Canada and the Netherlands, need to be asked before making the painful decision for themselves to hang in there. Most expect that the U.S. will

be part of a 60,000 troop commitment to Afghanistan, one-third being Americans, who will then move to attack the heroin production heartland that sustains the Taliban. If this happens, we can expect some tough days ahead. Hard fighting and casualties would ensue. The Taliban cannot survive without the heroin income that comes from this region. If we succeed, we will rip the financial engine out from the Taliban, securing a future for central Asia that does not include terror.

In the end, we should ask this key question: What is our exit strategy?

Currently, the Afghan police and army are much, much smaller than their counterparts in Iraq, a country that has an equal number of people. We need to double the size of Afghanistan's police and army so that they can take this mission from NATO and so that we can wind up our own effort. It will take at least 2 or 3 years to accomplish this objective, which is why our NATO mission is needed now.

I want to thank the men and women with whom I served. Our Dutch allies sent us General de Kruif, and our British allies sent us Brigadier General Hook of the Royal Marine Commandos, both of whom I served with closely.

I also want to thank the men with whom I most closely worked: Majors Will Daniel and Fred Tanner of the U.S. Army. I also want to thank them for their dedication. I think about them here from the floor each and every day.

I especially want to thank my boss, Brigadier General John Nicholson, of the U.S. Army. I count myself lucky that, at this later stage in my life, I have served briefly with such an inspirational leader.

To the mothers and fathers of this country, I would say that, if your sons or daughters serve in southern Afghanistan, they will work under one of the most able military leaders whom I have ever met.

As we leave Iraq, it is likely that Afghanistan will no longer be the forgotten war. Members of this House should take note that our troops have already accomplished a great deal there, but more remains to be done.

For my part, I am honored to have served there, and I will be on this House floor the voice of the troops, of the Americans whom we have stationed in the land far above the Khyber Pass.

I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. HIRONO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.
 Ms. KAPTUR, for 5 minutes, today.
 Mr. SHERMAN, for 5 minutes, today.
 (The following Members (at the request of Mr. WESTMORELAND) to revise and extend their remarks and include extraneous material:)
 Mr. WOLF, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, January 15.
 Mr. JONES, for 5 minutes, January 15.
 Mr. GOHMERT, for 5 minutes, today.
 (The following Member (at his request) to revise and extend his remarks and include extraneous material:)
 Mr. BOOZMAN, for 5 minutes, today.

ADJOURNMENT

Mr. KIRK. Madam Speaker, I move that the House do now adjourn.
 The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 9, 2009, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2008, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
James McGovern	11/8	11/13	Ecuador .....	.....	1,223.00	.....	2,333.23	.....	.....	.....	3,556.23
Cynthia Buhl	11/8	11/13	Ecuador .....	.....	1,223.00	.....	2,333.23	.....	.....	.....	3,556.23
Committee total .....	.....	.....	.....	.....	2,446.00	.....	4,666.46	.....	.....	.....	7,112.46

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LOUISE MCINTOSH SLAUGHTER, Chairperson, Dec. 16, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRUSSELS, BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 24 AND NOV. 27, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Robert F. Reeves	11/24	11/27	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Teri Morgan	11/24	11/27	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Kyle Anderson	11/24	11/27	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Karina Newton	11/24	11/27	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Catherine Cooke	11/24	11/30	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Jeff Gold	11/24	11/27	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Kirsten Gullickson	11/24	11/30	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
John Clocker	11/24	11/30	Belgium .....	.....	514.07	.....	7011.62	.....	215.00	.....	7740.69
Committee total .....	.....	.....	.....	.....	4,112.56	.....	56,092.96	.....	1,720.00	.....	61,925.52

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT F. REEVES, Dec. 17, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY FALL MEETING IN VALENCIA, SPAIN AND BILATERAL MEETINGS IN FLORENCE AND ROME, ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 10 AND NOV. 19, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John Tanner	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	11,728.80
.....	11/14	11/19	Spain .....	.....	1,922.77	.....	6,059.35	.....	.....	.....	.....
Hon. Melissa Bean	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. John Boozman	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Jo Ann Emerson	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Baron Hill	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/19	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Carolyn McCarthy	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/19	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Kendrick Meek	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/19	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Charlie Melancon	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Jeff Miller	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Dennis Moore	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. Mike Ross	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. David Scott	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Hon. John Shimkus	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Melissa Adamson	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	11,765.67
.....	11/14	11/19	Spain .....	.....	1,922.77	.....	6,096.22	.....	.....	.....	.....
Kathy Becker	11/10	11/14	Italy .....	.....	3,746.68	.....	(3)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(3)	.....	.....	.....	.....
Gene Gurevich	11/14	11/18	Spain .....	.....	1,506.18	.....	5,326.53	.....	.....	.....	6,832.71
.....	.....	.....	.....	.....	.....	.....	(3)	.....	.....	.....	.....
Vincent Morelli	11/10	11/14	Italy .....	.....	3,746.68	.....	.....	.....	.....	.....	11,765.67
.....	11/14	11/19	Spain .....	.....	1,922.77	.....	6,096.22	.....	.....	.....	.....

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY FALL MEETING IN VALENCIA, SPAIN AND BILATERAL MEETINGS IN FLORENCE AND ROME, ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 10 AND NOV. 19, 2008—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Taylor Morgan	11/10	11/14	Italy .....	.....	3,746.68	.....	(³)	.....	.....	.....	5,252.86
Dr. Amanda Sloat	11/14	11/18	Spain .....	.....	1,506.18	.....	(³)	.....	.....	.....	.....
.....	11/10	11/14	Italy .....	.....	3,746.68	.....	(³)	.....	.....	.....	5,252.86
.....	11/14	11/18	Spain .....	.....	1,506.18	.....	(³)	.....	.....	.....	.....
Delegation Expenses:											
Representational Funds									16,332.52		16,332.52
Miscellaneous									721.56		721.56
Committee total					97,307.43		23,578.32		17,054.08		137,939.83

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

JOHN S. TANNER, Chairman, Dec. 17, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

21. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's assessment of Demand Response and Advance Metering, pursuant to Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

22. A letter from the Chief of Staff, Defense Intelligence Agency, transmitting notification that the Agency has adopted and fully adheres to the No FEAR Disciplinary Best Practices and Advisory Guidelines 1 through 6; to the Committee on Oversight and Government Reform.

23. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's report on competitive sourcing competitions in fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

24. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report for fiscal year 2008 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

25. A letter from the Inspector General, U.S. House of Representatives Office of Inspector General, transmitting a revised report due to an identified typographical error within the notes to the financial statements of the Financial Statement Audit Report for Fiscal Year 2007, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on House Administration.

26. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting notification that the Solicitor General has decided not to seek en banc or Supreme Court review of the decision of the United States Court of Appeals for the Federal Circuit in *Rothe Dev. Corp. v. U.S. Dep't of Defense*, 545 F.3d 1023 (Fed. Cir. 2008), pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

27. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report on the continuing need for authorized bankruptcy judgeships, pursuant to 28 U.S.C. 152(b)(3); to the Committee on the Judiciary.

28. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Low Altitude Area Navigation T-254; Houston, TX [Docket No.: FAA-2008-0716; Airspace Docket No. 08-ASW-9] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

29. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Adjustments to the Minimum and Maximum Civil Monetary Penalties for Violations of Federal Railroad Safety Laws or Federal Railroad Administration Safety Regulations [Docket No.: FRA-2004-17529; Notice No. 6] (RIN: 2130-AB94) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

30. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Restricted Areas 4806W, 4807A&B, and 4809; Nevada [Docket No.: FAA-2008-1252; Airspace Docket No. 08-AWP-12] (RIN: 2120-AA66) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

31. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Class E Airspace; Conroe, TX [Docket No. FAA-2008-0960; Airspace Docket No. 08-ASW-17] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

32. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Metlakatla, AK [Docket No. FAA-2008-1018; Airspace Docket No. 08-AAL-31] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

33. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Franklin, NC [Docket No. FAA-2008-0986; Airspace Docket No. 08-ASO-15] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

34. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Butler, PA. Removal of Class E Airspace; East Butler, PA. [Docket No. FAA-2008-0836; Airspace Docket No. 08-AEA-23] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

35. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Edinburg, TX [Docket No. FAA-2008-0985; Airspace Docket No. 08-ASW-18] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

36. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Ruby, AK [Docket No. FAA-2008-0005; Airspace Docket No. 08-AAL-1] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

37. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Ketchikan, AK [Docket No. FAA-2008-0998; Airspace Docket No. 08-AAL-29] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

38. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Brunswick, ME [Docket No.: FAA-2008-0203; Airspace Docket No. 08-ANE-99] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

39. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Napakiak, AK [Docket No.: FAA-2008-0454; Airspace Docket No. 08-AAL-13] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

40. A letter from the United States Trade Representatives, Executive Office of the President, transmitting the Administration's intent to participate in the negotiation of the Trans-Pacific Strategic Economic Partnership Agreement (TPP); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas:

H.R. 288. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 289. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to the seven members of

the crew of the space shuttle Columbia in recognition of their outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Mr. McDERMOTT:

H.R. 290. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 291. A bill to provide for certain temporary additional unemployment benefits; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. MICHAUD, Mr. WALZ, Mr. BROWN of South Carolina, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. LAMBORN, Mr. HARE, Mr. BUCHANAN, and Mr. MILLER of Florida):

H.R. 292. A bill to improve energy and water efficiencies and conservation throughout the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. LAMBORN, Mr. BUCHANAN, Mr. STEARNS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 293. A bill to amend title 38, United States Code, to direct the Secretary of Labor to carry out a grant program to provide reintegration services through programs and facilities that emphasize services for homeless women veterans and homeless veterans with children; to the Committee on Veterans' Affairs.

By Mr. BUYER (for himself, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. ROONEY, Mr. BUCHANAN, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 294. A bill to amend title 38, United States Code, to provide for the reauthorization of the Department of Veterans Affairs small business loan program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BUYER (for himself, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. BUCHANAN, and Mr. STEARNS):

H.R. 295. A bill to authorize appropriations for the veterans' workforce investment programs; to the Committee on Education and Labor.

By Mr. BUYER (for himself, Mr. BOOZMAN, Mr. ROONEY, Mr. STEARNS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 296. A bill to amend title 10, United States Code, to revise the process by which a member of the Armed Forces is retired for disability and becomes eligible for retirement pay, and for other purposes; to the Committee on Armed Services.

By Mr. BUYER (for himself, Mr. BILIRAKIS, Mr. BOOZMAN, and Mr. BUCHANAN):

H.R. 297. A bill to amend title 38, United States Code, to provide for an increase in the amount of subsistence allowance payable by the Secretary of Veterans Affairs to veterans participating in vocational rehabilitation programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOUSTANY:

H.R. 298. A bill to amend title XXI of the Social Security Act to require SCHIP annual reports to include information on the HEDIS measure relating to access to primary care

practitioners by individuals eligible for child health assistance under such plans and on State efforts to avoid certain displacement of private health coverage, and to express the sense of Congress that such States should utilize Consumer Assessment of Healthcare Providers and Systems consumer satisfaction surveys to measure access by such individuals to physicians; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 299. A bill to provide American consumers information about the broadcast television transition from an analog to a digital format, and to provide additional funds for the converter box coupon program under the Digital Television Transition and Public Safety Act of 2005; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H.R. 300. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 301. A bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases and to provide additional tax reductions to stimulate economic growth; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mrs. MALONEY, Mr. WEINER, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. PERLMUTTER):

H.R. 302. A bill to require the Securities and Exchange Commission to reinstate the uptick rule on short sales of securities; to the Committee on Financial Services.

By Mr. BILIRAKIS:

H.R. 303. A bill to amend title 10, United States Code, to permit additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself and Mr. CAPUANO):

H.R. 304. A bill to award a Congressional Gold Medal to Joseph Barnett Kirsner, M.D., Ph.D., in recognition of his many outstanding contributions to the Nation; to the Committee on Financial Services.

By Mr. KIRK (for himself, Mr. COHEN, and Mr. WHITFIELD):

H.R. 305. A bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself and Mr. McDERMOTT):

H.R. 306. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce,

and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mrs. BONO MACK, Mr. LANGEVIN, and Mr. BILIRAKIS):

H.R. 307. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself and Ms. ROS-LEHTINEN):

H.R. 308. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Mr. PUTNAM):

H.R. 309. A bill to amend the Internal Revenue Code of 1986 to allow certain current and former service members to receive a refundable credit for the purchase of a principal residence; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 310. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Natural Resources.

By Mr. BRADY of Texas (for himself, Mr. KINGSTON, Mr. AKIN, Mr. BARTLETT of South Carolina, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROWN of Georgia, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. PITTS, and Mr. POSEY):

H.R. 311. A bill to cap discretionary spending, eliminate wasteful and duplicative agencies, reform entitlement programs, and reform the congressional earmark process; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 312. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. CUELLAR:

H.R. 313. A bill to amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 314. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 315. A bill to require the establishment of customer service standards for Federal agencies; to the Committee on Oversight and Government Reform.

By Mr. DELAHUNT (for himself and Mr. CAPUANO):

H.R. 316. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. DELAHUNT:

H.R. 317. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. DELAHUNT (for himself and Mr. MARKEY of Massachusetts):

H.R. 318. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission; to the Committee on Natural Resources.

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 319. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State Children's Health Insurance Program (CHIP); to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH (for himself, Mr. BACHUS, Mr. MOORE of Kansas, and Ms. GRANGER):

H.R. 320. A bill to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Financial Services.

By Mr. FORTENBERRY (for himself, Mr. BURGESS, Mr. SESSIONS, Mr. TERRY, Mr. PRICE of Georgia, and Mr. SHADEGG):

H.R. 321. A bill to amend title XXI of the Social Security Act to expand coverage options under the State Children's Health Insurance Program (CHIP) through premium assistance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 322. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 323. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 324. A bill to establish the Santa Cruz Valley National Heritage Area, and for other

purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 325. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 326. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida (for himself,

Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. MEEK of Florida, Mr. BROWN of South Carolina, Mr. BISHOP of Georgia, Mr. MACK, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BORDALLO, Ms. CASTOR of Florida, Mr. WEXLER, Mr. MCINTYRE, Mr. MOORE of Kansas, Mr. BILIRAKIS, Mr. WEINER, Mr. MELANCON, and Mr. BUCHANAN):

H.R. 327. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Science and Technology.

By Mr. HINCHEY (for himself, Ms. SCHWARTZ, Mr. ENGEL, Mr. CASTLE, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. SERRANO, Mr. KENNEDY, Mr. OBERSTAR, Mr. FATTAH, Mr. HOLT, and Mr. COURTNEY):

H.R. 328. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Mr. ELLISON, and Mr. DAVIS of Illinois):

H.R. 329. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to repeal the denial of food stamp eligibility of ex-offenders; to the Committee on Agriculture.

By Ms. LEE of California:

H.R. 330. A bill to establish grant programs to encourage energy-efficient economic development and green job training and creation, and to establish the Metro Area Green Institute to produce and disseminate best practice information to economic and workforce development initiatives undertaken by metropolitan communities nationally; to the Committee on Education and Labor.

By Ms. LEE of California (for herself, Mr. KUCINICH, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Ms. SCHAKOWSKY, and Mr. HONDA):

H.R. 331. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on Foreign Affairs.

By Ms. LEE of California:

H.R. 332. A bill to provide that no funds made available to the Department of the Treasury may be used to implement, administer, or enforce regulations to require specific licenses for travel-related transactions directly related to educational activities in Cuba; to the Committee on Foreign Affairs.

By Mr. MARSHALL (for himself, Mr. JOHNSON of Georgia, Mr. BARROW, Mr.

WESTMORELAND, Ms. SHEA-PORTER, Mr. TAYLOR, Mrs. GILLIBRAND, Mr. COURTNEY, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. GOHMERT, Mr. BOUCHER, Mr. SCHIFF, Mr. DEFazio, Mr. BRADY of Pennsylvania, and Mr. MCINTYRE):

H.R. 333. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability rated less than 50 percent to receive concurrent payment of both retired pay and veterans' disability compensation, to eliminate the phase-in period for concurrent receipt, to extend eligibility for concurrent receipt to chapter 61 disability retirees with less than 20 years of service, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 334. A bill to provide for the appointment of a high-level United States representative or special envoy for Iran for the purpose of easing tensions and normalizing relations between the United States and Iran; to the Committee on Foreign Affairs.

By Ms. LEE of California:

H.R. 335. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. KUCINICH, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BRADY of Pennsylvania):

H.R. 336. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 337. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Natural Resources.

By Mr. MATHESON:

H.R. 338. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Natural Resources.

By Mr. PLATTS:

H.R. 339. A bill to extend the expiration date of coupons issued under the digital television converter box program; to the Committee on Energy and Commerce.

By Mr. PLATTS:

H.R. 340. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Camp Security, located in Springettsbury, York County, Pennsylvania, as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. PLATTS:

H.R. 341. A bill to amend the Internal Revenue Code of 1986 to suspend the running of

periods of limitation for credit or refund of overpayment of Federal income tax by veterans while their service-connected compensation determinations are pending with the Secretary of Veterans Affairs; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 342. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced deduction for qualified residence interest on acquisition indebtedness for heritage homes; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 343. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 344. A bill to amend the Internal Revenue Code of 1986 to allow a full deduction for meals and lodging in connection with medical care; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 345. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Ways and Means.

By Mr. PLATTS (for himself and Ms. FOX):

H.R. 346. A bill to repeal the provision of law that provides for automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. SKELTON, Mr. HONDA, Mr. ABERCROMBIE, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Mr. INSLEE, and Mr. MCCOTTER):

H.R. 347. A bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON:

H.R. 348. A bill to direct the Secretary of the Interior to complete a special resource study to determine the suitability and feasibility of adding the birthplace site to the Harry S Truman National Historic Site or designating the site as a separate unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. SMITH of Nebraska, and Mr. FORTENBERRY):

H.R. 349. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 350. A bill to amend the Rules of the House of Representatives to require committee reports to include domestic energy impact statements, and for other purposes; to the Committee on Rules, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-

in the jurisdiction of the committee concerned.

By Ms. TSONGAS:

H.R. 351. A bill to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes; to the Committee on Natural Resources.

By Mr. WALDEN:

H.R. 352. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas:

H.J. Res. 12. A joint resolution expressing support for designation of September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself and Mr. HIGGINS):

H.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States relating to limitations on the amounts of contributions and expenditures that may be made in connection with campaigns for election to public office; to the Committee on the Judiciary.

By Mr. PLATTS:

H.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. PLATTS:

H.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. KING of Iowa:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to repeal the sixteenth article of amendment; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 11. Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world; to the Committee on Foreign Affairs.

By Mr. COHEN:

H. Con. Res. 12. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring Sam Phillips and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself and Mr. HIGGINS):

H. Con. Res. 13. Concurrent resolution expressing the sense of Congress that the Supreme Court misinterpreted the First Amendment to the Constitution in the case of *Buckley v. Valeo*; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. CARNAHAN, and Mr. BURGESS):

H. Con. Res. 14. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a

commemorative postage stamp honoring former Representative Shirley Chisholm, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Res. 32. A resolution recognizing the historic steps India and Pakistan have taken toward achieving bilateral peace; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Res. 33. A resolution expressing the sense of the House of Representatives that the Government of Iran's lack of protection for internationally recognized human rights creates poor conditions for religious freedom in the Islamic Republic of Iran; to the Committee on Foreign Affairs.

By Ms. PELOSI (for herself, Mr.

BOEHNER, Mr. HOYER, Mr. CANTOR, Mr. CLYBURN, Mr. PENCE, Mr. LARSON of Connecticut, Mr. MCCARTHY of California, Mr. BERMAN, Ms. ROSENBERG, Mr. ACKERMAN, and Mr. BURTON of Indiana):

H. Res. 34. A resolution recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas:

H. Res. 35. A resolution expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research; to the Committee on Energy and Commerce.

By Ms. LEE of California (for herself,

Mr. CARSON of Indiana, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Ms. MATSUI, Mr. MCGOVERN, Mr. RANGEL, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Ms. CLARKE, Mr. HINCHEY, Ms. MCCOLLUM, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. MEEKS of New York, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. BOSWELL, Mr. STARK, Mr. RUSH, Ms. DEGETTE, Ms. RICHARDSON, Ms. CORRINE BROWN of Florida, Mr. TOWNS, Ms. EDWARDS of Maryland, and Ms. WOOLSEY):

H. Res. 36. A resolution acknowledging the 40th anniversary of the election of Shirley Anita St. Hill Chisholm, the first African-American woman in Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GUTIERREZ:

H.R. 353. A bill for the relief of Simeon Simeonov, Stela Simeonova, Stoyan Simeonov, and Vania Simeonova; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.R. 354. A bill for the relief of Gloria Ayala Cuyuch; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.R. 355. A bill for the relief of Francisca Lino; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.R. 356. A bill for the relief of Rebeca Rojas de Guzman; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 357. A bill for the relief of Jose de Jesus Ibarra, Monica Ibarra Rodriguez, and Cristina Gamez; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 358. A bill for the relief of Alemseghed Mussie Tesfamariam; to the Committee on the Judiciary.

By Ms. LEE of California:

H.R. 359. A bill for the relief of Geert Botzen; to the Committee on the Judiciary.

By Mr. McHUGH:

H.R. 360. A bill to authorize the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation for operation in the coastwise trade for the vessel ZIPPER; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. ESHOO, Mr. PRICE of North Carolina, Mr. GRAYSON, Mr. RANGEL, Mr. CONNOLLY of Virginia, Mr. DRIEHAUS, Mr. HIMES, Mr. TEAGUE, Mrs. DAHLKEMPER, Mr. BOCCIERI, Ms. KILROY, Mr. LUJÁN, Mr. NYE, Ms. FUDGE, Mr. MASSA, Mrs. HALVORSON, Mr. PIERLUISI, Ms. TITUS, Mr. ADLER of New Jersey, Mr. MARSHALL, Mr. POLIS of Colorado, Mr. PASTOR of Arizona, Mr. MURTHA, Mr. MEEK of Florida, and Ms. ROYBAL-ALLARD.

H.R. 12: Ms. ESHOO, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. CONNOLLY of Virginia, Mr. DRIEHAUS, Mr. HIMES, Mr. TEAGUE, Mrs. DAHLKEMPER, Mr. BOCCIERI, Ms. KILROY, Mr. LUJÁN, Mr. NYE, Ms. FUDGE, Mr. MASSA, Mrs. HALVORSON, Mr. PIERLUISI, Ms. TITUS, Mr. ADLER of New Jersey, Mr. MARSHALL, Mr. POLIS of Colorado, Mr. PASTOR of Arizona, Mr. MEEK of Florida, and Ms. ROYBAL-ALLARD.

H.R. 13: Mr. SIRE.

H.R. 16: Mr. GONZALEZ and Mr. BUCHANAN.

H.R. 25: Mrs. MYRICK.

H.R. 40: Mr. GUTIERREZ.

H.R. 81: Mr. KIND.

H.R. 97: Mr. GUTIERREZ and Mr. BOUCHER.

H.R. 100: Mr. TIBERI.

H.R. 103: Mr. GUTIERREZ.

H.R. 105: Mr. GUTIERREZ.

H.R. 124: Mr. CAMPBELL.

H.R. 135: Mr. JOHNSON of Georgia, Mr. HINOJOSA, and Mr. DEAL of Georgia.

H.R. 143: Ms. GRANGER.

H.R. 147: Mr. MICHAUD, Mr. HOLDEN, Mr. REYES, Mr. MORAN of Virginia, and Mr. FATTAH.

H.R. 156: Mr. POSEY.

H.R. 161: Mr. PLATTS and Mr. HENSARLING.

H.R. 176: Mrs. MALONEY.

H.R. 179: Ms. BALDWIN and Ms. MATSUI.

H.R. 186: Mr. BISHOP of Georgia, Mr. BOOZMAN, Mr. BUTTERFIELD, Mr. COHEN, Mr. CUMMINGS, Mr. GRIJALVA, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. SARBANES, Mr. SIRE, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Mr. HOLT.

H.R. 196: Mr. MCCOTTER.

H.R. 200: Mr. GUTIERREZ, Mr. COHEN, and Ms. EDWARDS of Maryland.

H.R. 219: Mr. POE of Texas.

H.R. 225: Mr. DINGELL, Ms. LORETTA SANCHEZ of California, Mr. GRAYSON, Ms. ROYBAL-ALLARD, Ms. WATERS, and Mr. FILNER.

H.R. 226: Mrs. CAPITO, Mr. DENT, Mr. EHLERS, Mr. FRELINGHUYSEN, Mrs. MYRICK, Mr. POE of Texas, Mr. RADANOVICH, Mr. ROSKAM, Mr. ROGERS of Michigan, Mr. MCINTYRE, Mr. ALTMIRE, and Mrs. EMERSON.

H.R. 253: Ms. FUDGE, Mr. CONNOLLY of Virginia, and Mr. FILNER.

H. Res. 18: Mr. MORAN of Virginia, Mr. SERRANO, Mrs. TAUSCHER, Mr. BLUMENAUER, Mr. MATHESON, and Ms. EDWARDS of Maryland.

H. Res. 19: Mr. DENT, Mr. EHLERS, and Mrs. EMERSON.

H. Res. 31: Mr. MARKEY of Massachusetts, Mr. BARTON of Texas, Mr. MCGOVERN, Mr. DREIER, and Mr. COBLE.

PETITIONS, ETC.

Under clause 3 of rule XII,

2. The SPEAKER presented a petition of the City of Margate, Florida, relative to Resolution No. 11-354 objecting to the state requiring present users of the Margate utility system to pay for all alternative water sources without additional funding or grants from the State of Florida and urging the State of Florida to either provide additional revenue sources or withdraw the requirement that utility systems find alternative water sources; and providing for an effective date; which was referred to the Committee on Natural Resources.

EXTENSIONS OF REMARKS

IN HONOR OF SGT JOHN SAVAGE,
USA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the State of Texas and of our Nation.

Sergeant John J. Savage was a soldier in the United States Army and a true American hero. John gave his life in the service of his country on December 4, 2008, when an explosives-laden SUV broadsided Sergeant Savage's armored vehicle in Mosul, Iraq.

Assigned to 2nd 103rd Engineer Company, 94th Engineer Battalion, Sergeant Savage did his part during a time of war, an action that speaks volumes far greater than words about his character and patriotism.

A native of Weatherford, Texas, John had aspirations for a life in the military from a young age. As stated by his mother, "He loved the military. It was a lifelong dream of his."

John had been on active duty in the United States Army for 6 years. He spent 3 years stationed in Germany prior to his first deployment to Iraq in 2005 and was then deployed for a second tour in September of 2007.

Sergeant Savage's three-year-old daughter, Nicole, will continue to learn of her father through family and friends. John's father, a retired Master Sergeant from the United States Army, commented on his son by stating, "His family was his number one priority."

Our thoughts and prayers are with Sergeant Savage's daughter, parents, siblings, and all of his family and friends. His community and Nation honor his memory, and we are grateful for his faithful and distinguished service to America.

Sergeant Savage will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

CELEBRATION OF MRS. MAGGIE
KATIE BROWN KIDD'S 104TH
BIRTHDAY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. SCOTT of Georgia. Madam Speaker, as the Proverb states, "Who can find a virtuous woman? For her price is far above rubies." I rise today to recognize a truly virtuous woman whose life is not only far above rubies, but one of great milestones and accomplishments that is worthy of celebration. On December 8,

2008, Mrs. Maggie Katie Brown Kidd turned 104 years old and I am honored to serve as a spokesman for Mrs. Kidd's family members and friends who recognized her birthday with a party in November of last year.

Born during President Theodore Roosevelt's second term in office, Mrs. Kidd has been blessed to see 17 Presidents in her lifetime. The eleventh and youngest child of William and Lucy Brown, Mrs. Kidd learned the importance of hard work and faith in God at an early age. Baptized at the Mount Zion Baptist by the Reverend Henry Gresham, she served under the leadership of the Reverend W.M. Combs until she moved to her current home in Atlanta Ga. However, her faith is her Lord and her dedication to the church never left her and she instilled the traditions of faith and her work in her own family. She married the late Willie Kidd, III on November 30, 1940, and together they raised their two children, John and Rosalyn. She is also the proud grandmother to four and the great-grandmother to three and serves as the matriarch of her loving family.

Mrs. Kidd's family describes her as a loving and selfless member of her community, offering her time and whatever she has to those in need. She is also an avid quilter and participates in family gathers and activities outside of Georgia. Her most favorite moments, however, are the ones on a quiet afternoon stitching in her favorite chair.

Madam Speaker, I am so honored to serve as Mrs. Kidd's representative. Her life is a living history of the times and events that have shaped our great land and is a monument to how far we've come as a Nation. Moreover, her life serves as a testament to individuals and families everywhere that a strong binding faith in the Lord, coupled with hard work and a dedication to family will carry you far in life. As the Proverb states, "favour is deceitful, and beauty is vain: but a woman that feareth the LORD, she shall be praised". Mrs. Maggie Katie Brown Kidd truly embodies the example of a virtuous woman and I ask my colleagues to join me in recognizing her life by wishing her a very happy 104th birthday.

INTRODUCTION OF H.R. 293, THE
HOMELESS WOMEN VETERAN
AND HOMELESS VETERANS WITH
CHILDREN REINTEGRATION
GRANT PROGRAM ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BUYER. Madam Speaker, today I am introducing the Homeless Women Veteran and Homeless Veterans with Children Reintegration Grant Program Act of 2009. Madam Speaker, veterans of all conflicts often face challenges that are unique to their military

service and that too often result in their becoming homeless.

For veterans, especially women veterans and veterans with dependent children, those challenges can become nearly insurmountable when combined with a lack of appropriate housing. This legislation seeks to provide appropriate housing for women veterans and family-style housing for any homeless veteran with dependent children. Specifically, this bill creates a new grant for providers that offer family-style housing for homeless veterans with dependent children.

The bill also requires recipients to provide employment counseling, placement assistance, literacy, job skill training, and child care services as well as the unique services that are needed for homeless veteran families and women veterans. The Department of Labor's Veteran Employment and Training Service would administer the program within their successful Homeless Veteran Reintegration Program (HVRP).

The bill also requires that the current biennial reports to Congress include data that shows results and outcomes of the services provided to the homeless women veterans and homeless veterans with dependent children. The bill authorizes appropriations of \$10,000,000 for each fiscal year for the program.

If this bill is enacted, it would provide valuable services to this vulnerable population of veterans and help stem the tide of chronic homelessness. I urge my colleagues to support and co-sponsor the measure.

HONORING DAVID "NICK" LYNCH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. HOYER. Madam Speaker, I rise to honor the memory of Suitland High School head football coach David "Nick" Lynch, who was killed in a car accident last week, at the age of 43. Nick Lynch was one of the most respected football coaches in Maryland, leading the Suitland High team for 12 years and taking it to two state championships.

More than his coaching success, though, Coach Lynch was set apart by his devotion to his players and outsized role in the Prince George's County community. As Suitland Principal Mark Fossett said, "He's had an impact on so many people's lives—not only football players, but students in general. It wasn't like Nick was just the head coach of football. This is a devastating loss to our community, to our family." Many of his current and former players echoed that thought, speaking of Coach Lynch's commitment to shaping the lives of his players off the field, inviting them to church and meals, and acting as the caring authority

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

figure that many of them had lacked. Keith Brown, one of Suitland's players, put it simply after Coach Lynch's memorial service: "That's my father."

At a service in which some mourners squeezed into stairways or sat in aisles, nearly 3,000 members of the Prince George's community gathered to honor Nick Lynch's impact on the lives of so many young men. Though Coach Lynch is gone, his influence will no doubt endure in all the lives he touched.

HONORING LEROY RADANOVICH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor the accomplishments of Leroy Radanovich. Mr. Radanovich was recognized by the Mariposa County Board of Supervisors on December 9, 2008.

Leroy Radanovich was born and raised in Mariposa County, CA. As a child, Yosemite National Park was his playground. He grew up learning to appreciate his surroundings and his community. Through his love of nature, Mr. Radanovich began photographing areas of Mariposa and Yosemite Valley. Because of his talented eye for beauty today many of his photographs can be found in numerous books and museums. Although his photography has spread his name around the world, it is his community activities that have made him a leader in Mariposa.

Mr. Radanovich is a local business owner. Though retired from the pharmacy business, he currently operates a photography business. He has served his community as a volunteer firefighter, past president of the Lions Club, and past president of the Mariposa County Water Agency. He served as president of the Mariposa Chamber of Commerce and assisted in establishing multiple tourism and economic development programs. From 1985 through 1988, Mr. Radanovich was elected as the supervisor of District 4 in Mariposa County. During his role as supervisor he served as the chairman of the board in 1987 and the president of the San Joaquin Valley Supervisors Association in 1988. In 1987 he was instrumental in obtaining the designation of the Kern and Merced Rivers as "National Wild and Scenic River" by the Federal Government. From 1996 until 2003 he was a member of the Mariposa Planning Commission and assisted in developing the comprehensive update of the General Plan. Mr. Radanovich is a member of the Historical Sites and Records Preservation Commission, the Cemetery Advisory Committee, and was influential in the restoration of the Mariposa County Courthouse. Since 2006, he has served as the director of the Yosemite/Mariposa County Tourism Bureau. Mr. Radanovich has been involved with nearly every significant project in Mariposa County since the 1960s.

Madam Speaker, I rise today to honor the accomplishments of Leroy Radanovich. Although he is going to move away from the public role, I am certain that his influences will still be noticed. I invite my colleagues to join

me in honoring his accomplishments and wishing him the best in future endeavors.

HONORING JAMES ALBON MATTOX

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and pay tribute to the late James Mattox.

Jim Mattox was a lifelong Dallasite. A graduate of Woodrow Wilson High School, he also worked his way through the Baylor School of Business and earned a law degree from SMU. He served as an assistant district attorney in Dallas County before beginning his long political career in 1973 when he took office as a State representative from East Dallas. From there he was elected to Congress for three terms and ended his political service in 1991 when he stepped down from his post as Texas attorney general.

Jim Mattox will be remembered as a man who fought for average, working Texans, and who left an unforgettable mark on Texas government in politics. He took on airlines and the insurance industry—among many other corporations—on behalf of Texas consumers. He was one of the greatest attorney generals in the State's history.

After his political career Jim Mattox became known as the "People's Lawyer" and built a truly modern law practice. He and his staff handled more than 2 million cases, won judgments totaling more than \$2.5 billion for the State, and opened up the diversity of the office by hiring more women and minority lawyers than the top 10 Texas law firms of that era combined.

Madam Speaker, Jim Mattox is survived by his wife Marta and their two children, Jim and Janet, as well as his sister, Janice, and brother, Jerry, both of Dallas. I ask my colleagues to join with me in honoring the memory of Jim Mattox. Although he has departed from us in body, his memory will live on in each of us.

HORSE TRANSPORTATION SAFETY ACT OF 2009

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. KIRK. Madam Speaker, today Representative STEVE COHEN and I introduced the Horse Transportation Safety Act of 2009.

In Wadsworth, IL, on Saturday, October 27, 2007, a double decker cattle truck carrying 59 Belgian draft horses overturned when the driver ran a red light and hit another vehicle.

Residents at the scene could hear the animals kicking and screaming, panicked by their inability to escape. Eight horses died on the scene while another ten had to be euthanized. After the crash, Wayne Pacelle, president and CEO of The Humane Society of the United States said, "What a gory mess we saw recently in Illinois. It must never happen again . . ."

It is time that we heed these words by putting an end to using double decker trucks to transport horses. This legislation, endorsed by the Humane Society, Animal Welfare Institute, Hooved Animal Rescue and Protection Society, and the Communication Alliance to Network Thoroughbred Ex-Racehorses would take steps toward preventing this disaster from occurring again.

This bill prohibits the interstate transport of horses in a motor vehicle containing two or more levels stacked on top of one another as well as creates civil penalties between \$100 and \$500 for each horse involved.

In my own State of Illinois, the State General Assembly has already moved forward and passed similar legislation. I urge my colleagues to become a cosponsor of this bipartisan commonsense legislation.

STEVE AND SHARON RUSNAK TO RETIRE: 70 YEARS OF COMBINED SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. HOYER. Madam Speaker, I take this opportunity to acknowledge the support staff that keeps the House up and running year-round and regardless of which party is in power. Specifically, I would like to pay tribute to Steve and Sharon Rusnak, a truly unique couple who will both be retired within the next few months after serving "behind the scenes" in the House of Representatives for a truly remarkable combined service of 70 years.

Most of our colleagues, along with countless numbers of our constituents, have been on the other side of Steve's camera lens and have benefited from the skill, talent, and quiet dignity that he has brought to his work in the Office of Photography for the past 32 years. Steve joined the staff of the House in January of 1977 and has been witness to and chronicled the tremendous changes that have occurred within the Congress and the Nation for more than three decades.

After attending Ohio State University, Steve began his career as a lab technician and just retired from the House as senior photographer, having also served as acting manager for the Office of Photography last year. Through his skill, hard work, and long hours Steve has made an important contribution to the archives of the House, providing a visual recorded history and account of the House's work for these many years.

In addition to being on hand to photograph the annual State of the Union Address and other official events inside and outside of the House chamber, Steve has traveled the four corners of the world to record on film the work of Members of the House. And for so many years he has rushed from office to office and to the steps of the House chamber, in all kinds of weather, to photograph the visits made by our constituents and other groups to Washington.

In addition to the professionalism and ability he brings to his job as an official House photographer, his kind manner and ready smile

have put many people at ease and given them a visual reminder of their visit to Capitol Hill which for many is a once in a lifetime opportunity. There is no telling how many people Steve has photographed and touched in such a unique way. Steve worked long hours and missed many lunches to do his job and to do it so well, and he was supported throughout the process by a woman who is no stranger to the long hours and unique workplace that exists here in the "people's House."

Sharon Rusnak began her service in the House in 1967, as a summer intern to the late Congressman Carl D. Perkins, D-KY. After graduating from Berea College, she worked in his official office and went on to serve as executive assistant for him, and after his death, for his son Carl C. Perkins until 1993. In addition to maintaining a very full Hill schedule, Sharon earned a master's degree in education from George Washington University.

After serving as office manager to former Representative Lynn Schenk, D-CA, Sharon joined the staff of former Congressman E "Kika" de la Garza, D-TX, and served as scheduler for the House Committee on Agriculture until Kika's retirement in 1996. For the next 8 years, she served as office manager for the committee's ranking minority member, former Congressman Charlie Stenholm, D-TX. Sharon is currently serving as chief administrative officer for the Agriculture Committee chaired by Congressman Collin C. Peterson, D-MN, and will remain in that position for the next few months.

Despite the long hours and hectic schedules, Steve and Sharon Rusnak have enjoyed a happy and productive life away from the halls of Congress. They married in 1973 and raised two daughters, Shelley Brooke and Stacey LeeAnn, and took an active hand in helping nurture their children's educational and athletic abilities. Steve served as a youth basketball coach, youth soccer coach, and little league coach. A soccer player in her own right, Sharon also coached youth soccer, worked as a referee, and has experience as a liturgical dancer.

Steve and Sharon's commitment to their children is clear. Shelley graduated from Christopher Newport University and Stacey took her first degree from Virginia Tech, subsequently earning a nursing degree from Marymount University in Arlington, VA.

There is an expression that "slow and steady wins the race." For more than three decades the House of Representatives has benefited from the tireless service of these very capable civil servants. You won't see their names on the election ballot every 2 years, but the work of this body would be impossible without individuals such as Steve and Sharon Rusnak. Their dedication to their jobs, their country and their family are an inspiration to us all and I would like to thank and commend them for their selfless service to this body. And I hasten to wish them a long, happy, and healthy retirement. They have certainly earned it.

VIOLENCE IN ISRAEL AND GAZA

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. MITCHELL. Madam Speaker, I rise today to address an issue that is very much on the minds of my constituents right now—the violence in Israel and Gaza.

This is a difficult time for Israel, and as its ally, I believe we must support its right to self-defense.

Before I joined Congress, I had the privilege of visiting Israel. It was a trip that I will never forget. I have always considered myself a friend of Israel, but that trip made me realize just how much our two nations have in common.

We all want peace, Madam Speaker, but clearly there can be no peace while Hamas continues to launch unprovoked rocket attacks into Israel.

We would not let Hamas launch rockets into the United States, and I do not know how we could expect Israel to permit these attacks either.

I am deeply saddened by the casualties the recent conflict has inflicted, especially the civilian casualties. Each one of these is a tragedy, and I sincerely hope that both sides will do everything possible to avoid them.

I am encouraged by Israel's decision to temporarily pause its military operations to allow delivery of humanitarian aid, and by Hamas's decision to cease rocket launches during these deliveries. While only three hours, this is an important step forward. I hope that a longer lasting peace can be achieved soon.

CONGRATULATING RIVERHEAD BLUE WAVES FOOTBALL TEAM

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BISHOP of New York. Madam Speaker, today I rise to recognize the exceptional achievements of the Riverhead Blue Waves Football Team: 2008 Long Island Class II Champions and the first Long Island squad in history to compile a record of 12–0. The Blue Waves also earned the overall championship for Suffolk County and the Rutgers Award as the county's consensus best team.

As always, Riverhead's success was built on strong teamwork, solid coaching, and the contributions of talented individuals. Anchoring a potent offense that averaged 35 points per game, senior running back Miguel Maysonet was voted the top offensive player in Suffolk County by opposing coaches. The same group recognized one of their own, Riverhead Coach Leif Shay, as coach of the year.

Madam Speaker, the success of Riverhead's football team has brought great pride to their school and the community. I am pleased to join all residents of Riverhead in congratulating the Blue Waves on their accomplishments, and wish the departing seniors the best of luck in their future endeavors.

IN MEMORY OF PAUL WEYRICH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. WILSON of South Carolina. Madam Speaker, on December 18, Paul Weyrich, one of the founders of the modern conservative movement, died. He successfully worked to evolve conservatism from a status of negativism to a dynamic movement promoting creative and meaningful reforms. I personally saw his success firsthand with the American Legislative Exchange Council developing State legislative reforms. And with Dr. Robert Kriebel, I served on the delegation in August 1991 of the Kriebel Institute to Sofia, Bulgaria, where Paul Weyrich gave presentations to the newly elected democrats of the National Assembly who helped Bulgaria emerge from the darkness of totalitarian Communism. Bulgaria today is a model free market democracy as a valued member of NATO and the European Union. His service to our nation will always be appreciated.

John Gizzi, columnist for Human Events professionally penned the following thoughtful tribute to Mr. Weyrich on the day of his passing.

[From Human Events, Dec. 18, 2008]

PAUL WEYRICH: RIP

(By John Gizzi)

Paul Weyrich—"The midwife of the New Right"... "Pope Paul"... "The Man Who Taught Conservatives to Network"—passed away this morning after a long illness.

Weyrich was called a lot of things—and some of them that originated on the left are unprintable—but one thing admirers and enemies of Paul Weyrich found inarguable: that in 66 years of life, the man who launched the Heritage Foundation and Free Congress Foundation and played a key role in mobilizing cultural conservatives into political battle was someone who left postwar conservatism and the world a different place than it was before he came on the political scene. In short, he was a man of consequence.

Born in Racine, Wisconsin, Weyrich had a passion for politics almost since childhood. Active in Young Republicans at the University of Wisconsin (Madison), the young Weyrich quit college to become a political reporter for the Milwaukee Sentinel and later became a television reporter in Kenosha, Wisconsin and then in Denver, Colorado.

In 1967, Weyrich came to Washington as press secretary to conservative Sen. Gordon Allot (R-Col.). At one point, Weyrich later recalled to me, he had received an invitation by mistake to a luncheon of liberal staffers on Capitol Hill. Weyrich attended anyway and, in his words, "I saw all the liberal groups and staffers going through issues, giving assignments to people, and agreeing to meet again. Conservatives needed to be doing the same thing and I decided to do something about it."

Beginning with staffers from conservative House and Senate offices, and later with leaders of national right-of-center groups, Weyrich began regular lunches and meetings that are today a staple of the modern conservative movement. With the financial support of Colorado beer baron Joseph Coors, Weyrich and fellow Hill staffer Ed Feulner

launched the Heritage Foundation in 1973. A counterforce to the liberal Brookings Institute, Heritage would grow into one of the most respected "think tanks" and provide the intellectual firepower in the Reagan Administration in 1980 and to Congress after Republicans won control of both Houses in 1994.

In the 1970s, Weyrich helped launch the Committee for the Survival of a Free Congress (which later became the Free Congress Foundation) and the Moral Majority. Both groups were pivotal in mobilizing religious conservatives into political activity for candidates and, in 1978, played critical roles in the elections of such conservative titans as Sens. Bill Armstrong (R.-Col.) and Gordon Humphrey (R.-NH) and Reps. Newt Gingrich (R.-GA) and Dan Lungren (R.-CA).

Quoting Napoleon's celebrated question "How many legions does the Pope have?" Weyrich once told me, "Believing Christians now have many legions—and they're voting." (Raised a Roman Catholic, Weyrich himself became angry when a priest attacked something his then-boss Allott was supporting in the Senate; he thereupon joined the Eastern Rite Orthodox Church and later became a deacon.)

Weyrich attempted to bring change and fresh activity to every aspect of politics. As more and more countries became democratic and elected their leaders, Weyrich became president of the Kriebel Institute from 1989–96 and trained political activists in Eastern Europe and the former Soviet Union. (At one point, he and fellow Kriebel trainer Gary Hoffmeister performed a vaudeville skit to demonstrate campaigning to budding Russian politicians.) The former TV newsman founded the satellite television station National Empowerment Television and later hosted a talk show on satellite radio.

Occasionally, Weyrich critics on both the right and left would bring up his penchant for abrupt replies and gruffness. His response to me was "I never wanted everyone to like me—just enough people so we can get political change."

In September of this year, more than 400 friends, Members of Congress and other political leaders packed the Four Seasons Hotel to pay tribute to the activist, who had been in failing health from a spinal injury in '01. In thanking his friends, Weyrich recalled how, in spite of his health problems, life had been good to him: an only child, he had had a strong marriage to wife Joyce that produced five children; interested in the U.S. Senate all his life, he got to work there; a lover of trains, he served on the national board of Amtrak and the Amtrak Reform Council; a lifelong conservative, he played a major role in shaping its modern form.

And, even when we disagreed or he took issue with Human Events, Weyrich was a faithful reader who would frequently cite columns in our publication. I already miss Paul Weyrich very much. We all will in the future.

INTRODUCTION OF THE DEPARTMENT OF VETERANS AFFAIRS ENERGY SUSTAINABILITY ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BUYER. Madam Speaker, today, my distinguished colleague Mr. MICHAUD and I,

along with several of our other colleagues, are introducing the bipartisan Department of Veterans Affairs, VA, Energy Sustainability Act of 2009. This legislation would establish strategic and long-term plans for energy sustainability and conservation within the VA.

Addressing our Nation's energy problem calls for Congress to adopt a multi-faceted approach to include the use of alternative fuels, restructuring building systems, and encouraging the use of energy efficient systems and vehicles. Our bill would require a report on the installation of alternative fuel stations at VA facilities, as funded in P.L. 110–329, and require a feasibility study regarding the installation of energy efficient and renewable energy systems in Department buildings. Such systems include solar technologies, energy efficient roof and building envelope systems, wind technology, and wood-based bio-fuels.

As our country adapts to the increased global demand for energy resources, it is imperative that we effectively implement wise consumption policies and take real steps to mitigate the impact of increased costs. This bill would create a VA Office of Energy Management, and an Energy Advisory Committee consisting of VA officials and private sector experts on energy management. The Office of Energy Management, with the advice and recommendations of the Energy Advisory Committee and national laboratories such as those at Lawrence Livermore and Oak Ridge, would be responsible for helping VA meet a number of specific energy sustainability goals. This includes compliance with Presidential Order 13423, VA Directive 0055, and the long term sustainable energy plans in this legislation. The office would also establish a database to track VA's energy and water consumption.

In an effort to assist our Nation's veterans in their individual efforts to become more energy efficient, our bill would provide an additional amount of up to \$10,000 for high efficiency systems for veterans who qualify for specially adaptive housing grants under section 2101(a)(2) of title 38, United States Code. Additionally, it would provide veterans who qualify for a specially adapted auto grant, under section 3902(a) of title 38, United States Code, the additional amount necessary to purchase alternative fuel vehicles.

Finally, VA would be authorized to conduct a pilot program for the sale of air pollution emission reduction incentives, also known as emission reduction credits, and VA would be authorized to retain proceeds from the sales. America's veterans should benefit from the VA's efforts to produce cleaner energy.

Madam Speaker, as the cost of fossil fuels rises and resources become scarcer, our nation must provide services for our veterans in an energy efficient manner. A sustainable energy program at VA will conserve energy and financial resources that can be used to provide care for our veterans. I encourage my colleagues to support the bipartisan Department of Veterans Affairs Energy Sustainability Act of 2009.

INTRODUCTION OF RESOLUTION HONORING "GO FOR BROKE" REGIMENTS WITH CONGRESSIONAL GOLD MEDAL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. SCHIFF. Madam Speaker, I rise today to introduce legislation recognizing the Japanese-American 100th Infantry Battalion and 442nd Regimental Combat Team, commonly known as the "Go For Broke" regiments, for their dedicated service to our Nation during World War II.

These brave men served with pride, courage and conviction, waging a war on two fronts—abroad against a forceful and oppressive fascism, and at home against the intolerance of racial injustice. After the bombing of Pearl Harbor incited doubts about the loyalty of Japanese-Americans, these brave men who enlisted to fight to protect our Nation were faced with segregated training conditions, families and friends relocated to internment camps, and repeated questions about their combat abilities. At a time when they could have easily turned their backs on a country which had seemingly turned its back on them, these men chose the nobler, bolder, and more difficult route.

The "Go For Broke" regiments went on to earn several awards for their distinctive service in combat, including: 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions. For their size and length of service, the 100th Infantry Battalion and the 442nd Regimental Combat Team were the most decorated U.S. military units of the war. However, these regiments have yet to be honored with a Congressional Gold Medal.

To answer the call of duty requires exceptional courage and sacrifice, but to respond with a vigor and persistence unaffected by those who sought to malign and impede their every achievement reveals an incredible spirit and admirable will. Please join me in honoring these courageous men by supporting the granting of a Congressional Gold Medal, collectively, to the U.S. Army's 100th Infantry Battalion and 442nd Regimental Combat Team.

INTRODUCING THE NATIONAL HURRICANE RESEARCH INITIATIVE ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today with my colleague and good friend from Florida, Representative ROS-LEHTINEN, and almost 20 bipartisan original cosponsors to introduce a very significant piece of legislation, the National Hurricane Research Initiative Act of 2009.

This legislation is largely based on the recommendations presented in a 2007 National Science Foundation, NSF, report, Hurricane Warning: The Critical Need for a National Hurricane Research Initiative.

The report delivered a stern warning: "Relative to the tremendous damage future hurricanes will inflict, the current federal investment in hurricane science and engineering is entirely insufficient."

The state of science today is not advanced enough to inform us reliably about when or where hurricanes are going to strike or what their precise impact on our communities will be.

Since 2001, hurricane damage has cost our Nation almost \$36 billion in economic losses per year. In 2005, Hurricanes Katrina, Rita and Wilma accounted for over \$160 billion in total damages and the loss of almost 1,500 innocent lives. Further, the impact from inland flooding and tornadoes, which can result from the onset of hurricanes and tropical storms, can be felt throughout the entire United States.

Currently, 50 percent of the U.S. population lives within 50 miles of the coastline. As populations and economies continue to expand in these high risk coastline areas, the economic and societal costs will only increase when future hurricanes strike our Nation.

Our Government can ill afford to ignore the advice of its premier scientists and put our populations and infrastructure at risk. We need to nationally invest in new research to better prepare, respond and mitigate these disasters.

This comprehensive hurricane research bill will improve hurricane research dramatically in the United States. The bill authorizes \$2.35 billion in critical hurricane research funding to help scientists study and better understand how hurricanes form and intensify, as well as enhance early warning systems, infrastructure durability standards, and hurricane tracking and prediction capabilities.

The entire Nation would deeply benefit from enhanced, coordinated hurricane research. Better intensity forecasting, long-range projections of hurricane activity, emergency management, and hurricane mitigation would be advantageous to everyone—from improving the ability of local communities to respond to hurricanes to reducing the Federal Government's share in recovery efforts by billions of dollars.

Madam Speaker, our Nation and my State of Florida in particular are all too familiar with the immense damage hurricanes can inflict. It is imperative that we take significant actions to increase Federal investment in new research to better prepare for, respond to, and mitigate the devastating impacts of hurricanes. Let us resolve to act promptly to address ways to prevent and respond to future hurricanes before the next hurricane strikes.

I ask for my colleagues' support and urge the House leadership to bring this legislation to the floor for its swift consideration. There is no time for further delay.

LESLIE POHLEY HONORED AS
FLORIDA'S OUTSTANDING MID-
DLE SCHOOL SCIENCE TEACHER
OF THE YEAR

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. YOUNG of Florida. Madam Speaker, I rise to pay tribute to Leslie Pohley, a teacher I represent at Largo Middle School, who has been named Florida's Outstanding Middle School Science Teacher of the Year.

Ms. Pohley was honored by her peers at the Florida Association of Science Teachers. Her principal Fred Ulrich told The St. Petersburg Times, "She is the science teacher every principal would love to have on staff. She cares about her students."

A teacher at Largo Middle School for 30 years, Ms. Pohley grew up in Pinellas County, Florida where she now teaches. She graduated from Clearwater High School in 1973 and holds two bachelor's degrees from the University of South Florida. One degree is in science education and the other in biology.

Previous honors for Ms. Pohley include being named the 2003 Air Force Association Science Teacher of the Year, the 2004 recipient of the Southwest Florida Water Management District Outstanding Leadership in Environmental Education Award, and being selected for a National Science Foundation fellowship program at the University of Georgia.

Madam Speaker, at a time when the education of our children is a top national priority, especially in the fields of math and science, I salute Leslie Pohley for her lifelong dedication to teaching. Throughout the past 30 years, teaching from the same classroom at Largo Middle School, she has touched the lives of thousands of students and impressed upon them the value and importance of the sciences.

HONORING THE 20TH ANNIVERSARY OF THE SHARING THE DREAM CELEBRATION IN ARLINGTON, TEXAS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to recognize and honor the "Sharing Dr. King's Dream Celebration" in Arlington, Texas, which marks its 20th Anniversary this year.

It is one of the longest Dr. Martin Luther King, Jr. Day Celebrations in the country, with citywide events taking place over four days starting January 16th.

The city's first MLK, Jr., celebration was held back in 1989. The organizing committee included groups from all over the community, including the Arlington Chamber of Commerce, City of Arlington, Arlington Independent School District, Arlington Ministerial Association, Black Citizen's Advisory Council, U.S. Postal Service, Marion Anderson Society, Fort

Worth Star Telegram, The University of Texas at Arlington and Tarrant County College—South East campus.

That first event attracted nearly 1,000 participants. Over the years "Sharing the Dream" has continued to grow and it now includes diversity training, sensitivity workshops, banquets, festivals and other multicultural events. This celebration truly embodies what Dr. King's vision was all about and that is a reflection of all communities coming together.

And Arlington's MLK, Jr. Celebration committee continues to expand the event. Each year, in cooperation with the United States Postal Service, they produce an official cachet envelope and a special pictorial cancellation postmark to commemorate the citywide celebration. These special envelopes and postmarks have become favorites of collectors all over the nation.

The theme for this year's cachet envelope and postmark is "20th Anniversary—Sharing the Dream".

The design is always chosen from student submissions to various art or essay contests organized by the Arlington Independent School District. The celebration also recognizes special individuals who have taken the time to make a difference within their respective communities in the areas of Education, Community Service and Government.

This is a unique and very special celebration that each year honors the contribution's of Dr. Martin Luther King, Jr. and on its 20th Anniversary, I am proud to recognize the individuals and organizations that have helped make this event possible over the years and all of the people who have shared Dr. King's dream by attending.

INTRODUCTION OF H.R. 294 THE
VETERAN OWNED SMALL BUSI-
NESS PROMOTION ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BUYER. Madam Speaker, today I am introducing the Veteran Owned Small Business Promotion Act of 2009. As this body ponders legislation to stimulate the economy and create new jobs, I believe the best economic stimulus we can offer is to empower those who have defended America, and the Department of Veterans' Affairs should play a major role in that effort.

This legislation includes our nation's veterans in our economic recovery by promoting veteran-owned small businesses. Those who have done so much to protect the American economy deserve every opportunity to start and grow a viable business. This bill would renew VA's authority to guarantee small business loans up to \$500,000 for small businesses owned and operated by veterans. VA would be authorized up to \$1 billion in loan guarantees for each fiscal year. The previous program was terminated in 1986 and it is time that VA once again became a leader in promoting veteran-owned businesses.

It is not right that some set-aside programs get a competitive advantage over veteran-

owned businesses, so my bill also includes provisions to have veteran-owned small businesses evaluated and awarded contracts under the same rules as 8(a) businesses.

If this bill is enacted it will be a win-win for all Americans, as it will provide a valuable boost to our veterans who want to start a business, while stimulating the economy at the same time. I urge my colleagues to co-sponsor and support this measure.

**PORT JEFFERSON VOLUNTEER
AMBULANCE CORPS' 50TH ANNIVERSARY**

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to join the Port Jefferson Volunteer Ambulance Corps in celebrating 50 years of dedicated service to our community. An historical shipbuilding town renamed in honor of our third President, Port Jefferson is now a thriving village of nearly 8,000 residents, growing in the summer with the arrival of tourists from Connecticut on the Cross-Sound ferry.

In the fifty years of its existence, the Port Jefferson Volunteer Ambulance Corps has expanded to meet the growing needs of the wider community, including the villages of Belle Terre and Mt. Sinai. Starting with a single ambulance, the Corps now operates three ambulances and a first-responder car, with 120 volunteers ready to answer the call 24 hours a day.

Madam Speaker, ambulance volunteers embody the best aspects of the American spirit and play a vital role in keeping our communities safe and healthy. I am proud to represent the membership of the Port Jefferson Volunteer Ambulance Corps and to join them in marking fifty years of service to their neighbors. I wish them the best as they continue their important, frequently life-saving mission.

**THE TURN-ABOUT RANCH IN
GARFIELD COUNTY, UTAH**

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. MATHESON. Madam Speaker, I rise today to introduce legislation that would correct a drafting error that involves a 25-acre parcel of Bureau of Land Management, BLM, land, and land that is part of the Turn-About Ranch, which rehabilitates troubled youth.

An erroneous survey in January 1999 was the cause of this trespass conflict when Congress approved a major land exchange, P.L. 105-335, between the State of Utah and the border of the Grand Staircase-Escalante National Monument. This legislation makes a minor boundary change to resolve the trespass conflict. It would grant the owners of the ranch to purchase the erroneously surveyed land at a fair market value, enabling this important and effective program for troubled youth to continue unimpeded.

The Turn-About Ranch has graduated approximately 500 troubled and at risk teenagers through an intense program of training and rehabilitation. The ranch also employs about 35 Garfield County residents. The Turn-About Ranch has strong support from the local community, and the Garfield County Commission, as well as approval from the parents of the troubled youth.

The Government-owned land administered by the BLM surrounds the congressional action by passing this legislation in Congress. The land was historically used for agriculture and grazing purposes. The Townsend family purchased the ranch and then leased the land to the Turn-About Ranch, Inc., for the sole purpose of rehabilitating the troubled youth, and restoring the values and self-esteem to these wayward teens.

Madam Speaker, this legislation is a fair resolution to a technical problem. I hope Congress can implement this legislation and resolve this problem to continue helping our troubled adolescent teens.

SITUATION IN GAZA

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BOSWELL. Madam Speaker, I strongly support Israel's right to defend itself against the rocket attacks by Hamas—attacks which have killed and injured many Israeli citizens. Israel's actions are understandable. We must stand by our ally and be involved in any negotiations. I'm heartened to learn of a possible cease fire proposal. However, any cease fire must ensure an end to the terrorist attacks by Hamas.

**ADDRESSING THE SITUATION IN
GAZA**

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. McNERNEY. Madam Speaker, I take this opportunity to express my concern about events in Israel and Gaza, and my support for Israel's right to defend itself against rocket attacks launched from the Hamas-controlled Gaza Strip. The region must have a meaningful resolution that will permanently end these rocket attacks and open a pathway to alleviate civilian suffering and develop a secure and prosperous Palestinian society. Hamas' rocket attacks targeting civilians triggered the current crisis. Any country is compelled to defend its civilians against attack.

The situation in the region has reached a new level of violence, and each civilian death is tragic. The images of suffering innocents, especially children, in both the Gaza Strip and Israel are a stark reminder that it is long past time for this region to know peace. The United States must be deeply involved in the peace process while vigorously working for short and long term solutions that will provide security to

Israel and the means for a better future to Palestinians.

**HONORING MADELINE DELOACH
FRANKLIN**

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Mrs. Madeline DeLoach Franklin. A loving mother, grandmother, great-grandmother, friend, and compassionate soul, Madeline will be dearly missed by all who knew her. Madeline passed away on December 21, 2008, at the age of 94, less than 1 month short of her 95th birthday.

Born on January 17, 1914, Madeline had a long and fascinating life. She not only witnessed the most transformative periods in our Nation's history, she actively participated in them. Madeline Franklin was a vanguard of the pre-civil rights era and an inspiring political mother to many activists from the civil rights movement up until the present.

Madeline was born in New Orleans, Louisiana. Her parents, William and Dora C. DeLoach, moved the family from New Orleans to Philadelphia, Pennsylvania, during World War I. In Philadelphia, Mr. and Mrs. DeLoach founded St. Philip's Lutheran Church and raised their children in the spirit of community service. Growing up during the first decades of the 20th century, Madeline shared a simple and happy childhood with her nine older siblings. It was during this time that Madeline developed her strong social values, faith in God, and belief in the necessity of justice and human dignity for all people. She would carry these values with her and teach them to those fortunate enough to know her for over 70 years.

After graduating from the prestigious Philadelphia Girls High School, Madeline returned to New Orleans to attend Dillard University, where she pledged as a member of the Delta Sigma Theta Sorority. She graduated in 1939, and by that time had already fulfilled one of her dreams by becoming an accomplished pianist. Madeline was living in Pass Christian, Mississippi, and it was during this period that she decided to formally pursue a career in education and become politically active in the most important efforts of her time—actions that would serve as the precursors to the civil rights movement in America. Even before Rosa Parks' famous refusal to give up her bus seat to make room for White passengers in 1955, Madeline DeLoach was refusing to sit on wheel covers or wait for the next bus to come in the 1930s in Jackson, Mississippi.

During that same period she met her future husband, Dr. Charles L. Franklin, who was living in New York after graduating from Columbia University in 1936 at the age of 25. At that time, Dr. Franklin was one of the youngest PhDs in the country, and the only African-American with a doctorate degree in his field. A specialist in social legislation, labor economics, and statistics, Dr. Franklin was an energetic intellectual at the forefront in the struggle

for employment integration in the Federal government. On his own merit he received the highest average of all of the competitors in the New York State Civil Service Examination, bringing mass attention to the issue of inequality. Madeline and Charles were wed on May 24, 1943.

Although not related by blood, Madeline was part of my extended family who I loved dearly. She was a wise woman who inspired me and supported me in all of my efforts. For that, I am deeply grateful.

Madeline was an incredibly intelligent, sophisticated, and talented individual. She was an African-American woman born in the American south at the turn of the century, a teenager and young woman of the Great Depression, an adult of the pre-civil rights era, and a mentor of the civil rights movement. Undoubtedly, Madeline faced every conceivable challenge of her generation, gender, and as a person of color. However, not only did Madeline survive these difficult and tumultuous times, she triumphed and brought countless others up behind her.

Today, California's 9th Congressional District salutes Madeline DeLoach Franklin, honoring her incredible life and inspiring legacy. We thank her family for sharing this amazing spirit with us, especially her three children, Charles L. Franklin, Jr., Dolores Mercedes Franklin, and Estelle Diane Franklin, her grandchildren, Sharath Smith and Michelle Franklin, Lynnette Franklin and Charles Franklin, her great-grandchildren Brian and David Smith, her daughter-in-law Alexis M. Herman, her grandsons-in-law Jeffrey Smith and Christian Duffus, and a host of additional family members and friends. May her soul rest in peace.

INTRODUCTION OF H.R. 295, MORE JOBS FOR VETERANS ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BUYER. Madam Speaker, today I am introducing the More Jobs for Veterans Act of 2009. Madam Speaker, having the right skills is critical to finding good-paying employment in today's job market. The Assistant Secretary of Labor administers the Veterans Workforce Investment Program, VWIP, a grant program to State and local governments, private, not-for-profit organizations including community based and faith based organizations to fund a wide range of employment and training programs for veterans. Eligible veterans are those with service-connected disabilities, significant barriers to employment, veterans who served on active duty during a war or a recognized campaign or expedition, and recently separated veterans.

It makes no sense to spend millions on State employment placement systems if veterans lack relevant job skills. Unfortunately, funding for training programs such as VWIP, which directly targets veterans, is severely underfunded. This legislation would change that by authorizing \$20 million annually, almost triple today's funding level.

Madam Speaker, the current \$7 million appropriation is a small drop in the bucket towards meeting the skills-improvement needs of today's 651,000 unemployed veterans. This bill would significantly improve education and training opportunities for those who have worn the uniforms of our armed forces.

I urge my colleagues to cosponsor and support the measure.

HAMAS IS TO BLAME FOR MOST RECENT CONFLICT IN GAZA

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. ROHRBACHER. Madam Speaker, today we are saddened by the loss of innocent lives in Gaza; people being killed and wounded, bodies of children torn apart, all of this is a horror story. If we are serious about ending this tragedy we must be brutally honest, and not give in to ignoring hard truths. In this case the hard truth is that the real blame for this carnage in Gaza is traced to actions taken by Hamas, radical Islamists, and those who supply them with rockets and other weapons.

There was a tremendous opportunity for peace when Israel withdrew its troops from Gaza in 2005. Instead of moving forward and building a Palestinian homeland, irreconcilables have launched nearly 7,000 rockets and mortar rounds into Israel since Israeli troops left.

The hate-filled radicals who launched missiles into Israel—Hamas triggermen, not Israeli pilots—are the ones who are really responsible for the horrible mayhem we are witnessing in Gaza. The radical Islamists ruthlessly and without any remorse did what they knew would bring retaliation and result in the slaughter of their own people. The hatred of Israel in the hearts of these Hamas radicals clearly outweighs their commitment to the safety and well being of their own people. That's a hard fact. And that after shooting rockets into Israel, they hide among and behind non-combatants—women, and children—makes their actions even more despicable.

An honest assessment leads to the conclusion that Hamas doesn't want peace with Israel and has no desire for a two state solution. Hamas wants a war that will destroy Israel. This commitment is the real cause of the current bloodshed in Gaza. Once Israel left Gaza, Hamas should have used its resources, their money, our money, on health care, education, roads and economic development in Gaza. Instead they have chosen death and destruction.

Recently China's representative to the U.N. Security Council voiced concern about, "large-scale Israeli air attacks against Gaza." Now, that takeschutzpah! Many of the rockets fired into Israel "were manufactured in China. These Chinese rockets were smuggled into Gaza after the Sinai border wall was blown up by Hamas in January." Making matters worse the State Department and the White House haven't mentioned a word about the China connection to the turmoil in Gaza, just as

they're mum about Chinese complicity in crimes elsewhere.

Yes, the bloodshed is horrible, and yes, Israel is doing what any other sovereign nation would do. It is protecting its people by retaliation when attacked. Those who shoot rockets into Israel know there will be retaliation, thus they are the responsible party for the bloodshed we are now witnessing. It's the hard truth we can't ignore if we are to someday end this terrible heart-wrenching violence.

THE ESCALATING VIOLENCE IN THE MIDDLE EAST

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. JACKSON of Illinois. Madam Speaker, I have been closely following the troubling events and escalating violence in the Middle East. We in the United States must continue to stand shoulder-to-shoulder in support of our friend and ally Israel as it defends itself against Hamas' unrelenting rocket attacks from Gaza.

I'm encouraged by the recent cease-fire negotiations underway in the region. The talks must seek to end the intolerable rain of rockets on southern Israel and stop the violence and killing of Israelis and Palestinians. Until a cease-fire agreement is reached, I hope that every effort and scrupulous care continue to be taken to avoid the death of innocent civilians.

I've long believed that the only route to a sustainable peace in the Middle East is through diplomatic means, not military might. The United States must once again take a leadership role and actively engage in the multilateral effort to build a permanent path to peace between the Israeli and the Palestinian people.

HONORING ARTHUR HILL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today along with my colleague from California Mr. COSTA to commend and congratulate Captain Arthur Hill (U.S. Army retired) upon being honored with the Citizen Soldier Award. Mr. Hill was honored on November 7, 2008 at the Fresno City College Veterans Day 2008 Memorial and Dedication Ceremony.

Mr. Hill was born on July 16, 1916. Shortly after the bombing at Pearl Harbor he began volunteering for the Army Engineers; he was 27 years old. He has a background in construction, so in 1942 he was sent to Camp Claiborne, LA to a Special Service Engineer Regiment. On December 23, 1942, Mr. Hill graduated from O.C.S. and the Heavy Equipment School at Fort Belvoir, VA as a Second Lieutenant. At Camp Swift, TX, he was assigned to the 146 Engineer (C) Battalion as the Headquarters Company Commander with

the additional duty of Battalion Motor Officer. He held this command, as a Captain, with various additional duties until the end of the war.

During the war his battalion moved to England's North Coastal area of Saunton Sands. They helped build and operate an assault training center of enemy fortifications duplicated during their time overseas. These fortifications were from secret aerial reconnaissance photos of the landing beaches and Siegfried line defenses. This led to the spearheading of the Omaha Beach "D Day" landing at the "H" hour plus 3 minutes across the English Channel on June 6, 1944. The five European campaigns of Normandy, Northern France, Rhineland, Ardennes-Alsace, and Central Europe followed.

After the collapse of Germany, the 146th (C) Engineers, along with other engineer groups of V Corps were assisting with the debris clearance and the restoration of utilities of battered Pilsen, Czechoslovakia. In Pilsen, Captain Hill was named director of the XXII Corps Heavy Equipment School for approximately 65 Czech civil engineers and equipment operators from the V, VII, and XXII Corps. Captain Hill was later given the title of Base Commander at one of several embarkation centers that were responsible for upgrading facilities for pending troop movement. While at the Biarritz American University in Southern France, he learned that he had received a Foreign Award, the Czech Military Medal.

Upon returning home, Captain Hill was discharged on January 8, 1946. He began his civilian life and worked in the petroleum industry for 30 years. He and his wife, B.J. (now deceased), were married for over 50 years. Since April 1992, Mr. Hill has enjoyed his time as a volunteer at the National Legion of Valor Museum in Fresno, California, where he is also an honorary lifetime member. He became the museum Director in July 2001. From 1995–1996, he also served as the American Legion Commander of Fresno Post No. 4.

Madam Speaker, I rise today to commend and congratulate Arthur Hill upon his achievements. I invite my colleagues to join me in wishing Mr. Hill many years of continued success.

TRIBUTE TO I. BERNARD WEINSTEIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. RANGEL. Madam Speaker, I rise today to honor and pay tribute to the life of Dr. I. Bernard Weinstein for his significant accomplishments as a scientist, professor of medicine, physician, mentor, colleague, advisor, administrator, and humanitarian, who passed away on November 3, 2008 at the age of 78.

Dr. Weinstein was a world authority in the fields of chemical carcinogenesis, cancer treatment and prevention, and a founder of the field of molecular epidemiology. His pioneering discoveries and visionary theories, including the breakthrough concept of "oncogene addiction," opened up new frontiers in cancer research and led to the development of new, effective, life-saving therapies for patients.

For more than 47 years, Dr. Weinstein was on staff at Columbia University Medical Center, where he also served as Frode Jensen Professor of Medicine, Professor of Environmental Health Sciences; Professor of Genetics and Development; and, for a decade, Director of the Herbert Irving Comprehensive Cancer Center. In recognition of his groundbreaking, seminal scientific work, Dr. Weinstein received some of the most prestigious national and international awards in his field. Additionally, he was a fellow of the American Academy of Arts and Sciences, a member of the Institute of Medicine of the National Academy of Science, a fellow of the National Foundation for Cancer Research, and he served with great distinction as president of the American Association for Cancer Research. Dr. Weinstein also provided his renowned expertise and wisdom as a valued and respected member of many scientific advisory and editorial boards.

In addition to his scientific discoveries, Dr. Weinstein also leaves a remarkable legacy as a mentor and a teacher, having helped train many generations of leaders in cancer and biological research. Dr. Weinstein guided and inspired scores of devoted students, who mourn the passing of this great scientist and remarkable man. It's a loss also deeply felt by his family, to whom he was so loyal and so loving.

In honor of this great American scientist and his commitment and contributions to the field of oncology, I express my gratitude to Dr. Weinstein for devoting his life to preventing and curing cancer. America mourns his passing while also celebrating his inspiring legacy. He is survived by his son Matthew, his two daughters Claudia and Tamara, and two grandchildren.

INTRODUCTION OF THE ARMED FORCES DISABILITY RETIREMENT ENHANCEMENT ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BUYER. Madam Speaker, today I am introducing the Armed Forces Disability Retirement Enhancement Act of 2009. This measure would simplify and streamline the daunting process injured men and women must endure when navigating the Department of Defense, DOD, disability retirement system. The system is too complex, and it is unfair to confront wounded warriors with such a mess when their focus should be on recovery and their loved ones.

These systemic problems were identified more than 2 years ago when the President's Commission on Care for America's Wounded Warriors and the Veterans Disability Benefits Commission interviewed injured service members, but the problems have yet to be resolved. This bill would ensure that those found unable to serve would automatically receive military retirement benefits based on rank and years of service. This provision would resolve the 'concurrent receipt' issue, and it would replace confusing, piecemeal programs.

Those found unfit for service would also automatically receive health and dental coverage. Currently, such eligibility hinges on the findings of a military physical evaluation board. Severely injured servicemembers undergoing the emotional and physical pain of recovery and rehabilitation should not have to endure the added, unnecessary worry as to whether physical evaluation board determinations will grant disability benefits.

It's well past time to eliminate these burdens for those who have already sacrificed dearly for our country. I call upon my colleagues on both sides of the aisle to address this difficult issue now rather than leaving it to future generations to resolve.

HONORING THE LIFE AND SERVICE OF SENIOR CORPORAL NORMAN SMITH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor the life and service of Senior Corporal Norman Smith who died in the line of duty on January 6, 2008. An 18-year veteran of the Dallas Police Department, Sr. Cpl. Smith spent his career bravely serving the residents of Dallas, TX. With a heavy heart, I pay tribute to him and the impact he made in our city. My condolences are extended to his family and his fellow officers who are mourning the loss of a husband, father and friend.

Sr. Cpl. Smith, 43, joined the Dallas Police Department in 1991 and most recently served as a member in the Gang Unit for the past 12 years. Deeply committed to stamping out the influence of gangs, he worked tirelessly to free neighborhoods crippled with violence, crime and drugs. He was instrumental in taking back neighborhood blocks long controlled by gangs in Dallas for years. His work in this area is now credited as a textbook case for Federal and local officials working to rid communities of criminal organizations. Throughout his career, he received numerous commendations and was honored as a Dallas Police Department Officer of the Year.

There is no doubt that Sr. Cpl. Smith was not only exemplary of those who choose to serve and protect, but admired and deeply respected by all he met. He will be remembered for his strength of character, respect for all those he encountered and his deep commitment to his police work. He is described by his own Police Chief as having the "heart of a warrior." Dallas has truly lost a hero, and we will forever remember the positive changes he brought to the community. His life was a testament to all that can be achieved through dedication to public service.

My prayers are with his wife, Dallas Police Lieutenant Regina Smith, and his teenage son and daughter. He first met his wife while she was a young police officer, noting that she was the most beautiful woman he had ever seen. During the time they had together, there is no doubt there was much happiness and a unique shared passion for their life's work.

Madam Speaker, today we mourn the loss of one of Dallas' finest—Sr. Cpl. Norman Smith. Our city is forever grateful for the sacrifice he has made in the line of duty. His legacy will live on in our hearts and in the community he served.

INTRODUCING LEGISLATION TO
AWARD DR. JOSEPH B. KIRSNER
THE CONGRESSIONAL GOLD
MEDAL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. KIRK. Madam Speaker, I am proud to introduce this bill to award Dr. Joseph B. Kirsner the Congressional Gold Medal for his outstanding work in the medical field of gastroenterology.

The son of Russian immigrants, Kirsner overcame adversity as a young man and graduated from Tufts University School of Medicine at the top of his class. He went on to earn his medical degree at the University of Chicago. While training in Chicago, he became an expert in gastroenterology and helped to make the University of Chicago the premier center for research and therapy of inflammatory bowel disease. His leadership and research led to unprecedented medical advances in the field of gastroenterology, enhancing the lives of people across the world.

Despite his devotion to his research, Kirsner was compelled to join the armed forces in World War earning a third Battle Star in the battle of the Philippines before serving under General Douglas MacArthur in Japan. Following the war, Kirsner became a full Professor of Medicine at the University of Chicago. During his time as a Professor, he published over 700 papers and 15 books, and gave over 25 named lectureships. He has served as a leader on a number of boards and foundations, such as the National Institutes of Health, the American Gastroenterological Association and the Chicago Medical Society. Despite all of his world-renowned successes, he continues to provide personal care to patients from across the country.

Dr. Kirsner, a World War II veteran and devoted civil servant to the field of medicine, has lived his life in service to others, deserving of national recognition for his honorable contribution to our country.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in two votes on the floor of the House of Representatives on January 7, 2009.

The first vote was H.R. 35, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of

claims of constitutionally based privilege against disclosure of Presidential records. Had I been present, I would have voted yea on that question.

The second vote was H.R. 36, to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations. Had I been present, I would have voted yea on that question.

HONORING THE DISTINGUISHED
SERVICE OF BOB WATERSTON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California Mr. RADANOVICH and Mr. NUNES to pay tribute to the distinguished public service of Bob Waterston. After 8 years with the Fresno Board of Supervisors, including two as Chairman and Vice-Chairman, Mr. Waterston is retiring as Supervisor for the 5th District in Fresno County, California. We thank him for his hard work on behalf of the county.

Bob is a lifelong Fresno native. Prior to embarking on his distinguished career with Fresno County, Bob was a twenty-nine year veteran of the Fresno Fire Department serving 4 years as a firefighter, 8 years as a driver and 17 years as a fire captain. He also served on the Clovis City Council as an elected member and then as a Mayor Pro Tem. Bob has also been a State certified paramedic for 24 years. His professional career includes Board Certified Advanced Cardiac Life Support and Basic Life Support Affiliate Faculty for the American Heart Association. Most recently he became a California State licensed Contractor specializing in swimming pool construction and has maintained his commitment to the community as a County Supervisor all while managing his home business.

Bob Waterston's involvement in his community has been far-reaching, ranging from Chairman of the America Health Walk in 1998 to the Fandango Advisory Board Committee in 1999 and as Community Advisor for the Junior League of Fresno in 2000 and 2001. Bob served on Community Services for the California League of Cities, and he was an Executive Board Member of the Sequoia Council Boy Scouts of America in 2004. Bob has also given back to his fellow firefighters by serving as a past Chairperson for the CPR Committee with the Central Valley Fire Agencies, and he is a founder of the annual "Firefighters Creating Memories" program at the Fresno District Fair.

Throughout his distinguished career, Bob Waterston has served on numerous boards and has given back to his community. He served on the board of directors of the Fresno Business Council, the Economic Development Corporation of Fresno County and the Fresno Regional Foundation. He is also a member of the "Make a Wish" Foundation, the American Heart Association Board of Directors, and the Public Education Committee for the Fresno City Fire Department. He is also a past board member for the Fresno Firefighters Associa-

tion Benefit Fund and the South San Joaquin Division Committee on California League of Cities.

Bob's accomplishments were recognized as early 1989, when he was awarded the first Fresno Fire Department Employee of the quarter. He was also honored by Governor George Deukmejian for "Recognition in Excelling in the Performance of Duty." In 1996 Bob was honored by the Veterans of Foreign Wars as Peace Officer of the Year, and he was honored by Exceptional Parents Unlimited for his efforts to "Silence the Violence."

I commend Bob for dedicating his life to his family and his community. His accomplishments have touched the lives of many, and his impact on our community will be long remembered. I extend my best wishes for his continued health, happiness, and service. Bob Waterston is a distinguished member of the community, and it is with great pleasure that I recognize him today.

INTRODUCTION OF THE PRO-
TECTING CONSUMERS THROUGH
PROPER FORBEARANCE PROCE-
DURES ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. DINGELL. Madam Speaker, today I am reintroducing the Protecting Consumers Through Proper Forbearance Procedures Act. This legislation, which I also introduced during the 110th Congress, is intended to correct persistent procedural problems created by two words in the Communications Act of 1934, as amended. I urge all my colleagues to join me in supporting this common sense legislation.

Section 10 of the Communications Act permits a telecommunications carrier to file a petition with the Federal Communications Commission (FCC) asking the FCC to forbear from applying certain statutory or regulatory requirements to it. In turn, the FCC may grant forbearances if it finds that doing so is in the public interest.

As I have stated in the past, the Congress certainly has the prerogative to create a statutory regime that permits a regulatory agency to forbear from applying a statutory requirement, so long as the agency finds that consumers will continue to be protected and well served. What is problematic about this circumstance is that the Communications Act states that the carrier's petition will be "deemed granted" if the FCC does not act within a prescribed timeframe. In simpler terms, if the FCC cannot agree on the merits of a petition, it is automatically granted.

We must act to correct this untenable situation for two reasons. First, in the case of a petition that is "deemed granted" without an accompanying written order, it is impossible for the Congress or the courts to ascertain the scope of relief granted or the legal rationale supporting the FCC's action. This makes it difficult for the Congress to conduct proper oversight of the implementation of the Communications Act, as well as oversight of the telecommunications industry.

Second, the "deemed granted" language leads to unsound decision-making at the FCC. When faced with contentious and complicated issues, which are often the subject of these petitions, the FCC now routinely waits until the last moment to make a decision. At the same time, the threat of an automatic grant of forbearance hovers over the proceedings. It is unlikely that such a disjointed process results in public policy that benefits consumers.

The Communications Act, as amended by this bill, would still permit carriers to seek forbearance, which the FCC may also still grant. However, by removing the "deemed granted" language from statute, we will vastly improve the ability of the Congress and the courts to conduct appropriate oversight, better protect consumers, and restore transparency to the decision-making process. I urge my colleagues to support this legislation.

INTRODUCTION OF H.R. 297, VETERAN VOCATIONAL REHABILITATION AND EMPLOYMENT SUBSISTENCE ALLOWANCE IMPROVEMENT ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BUYER. Madam Speaker, today I am introducing the Veteran Vocational Rehabilitation and Employment Subsistence Allowance Improvement Act of 2009. The Department of Veteran Affairs' Vocational Rehabilitation and Employment program should be the crown jewel in VA's benefit system for service-disabled veterans.

Most of the nearly 100,000 veterans participating in this program are enrolled in long-term education programs, typically those that lead to a college degree. Unfortunately, thousands of participants drop out of the Vocational Rehabilitation program because they need to work to support their families. This legislation would significantly increase the ability of veterans to support their families while undergoing rehabilitation.

Today's VR&E program, in addition to paying for the costs related to any education or training program, also provides a small subsistence per month allowance. For FY09, the basic allowance for full-time participation is about \$541 per month with small additional sums for dependents. Considering this modest amount, it is not surprising that thousands of veterans drop out of their rehabilitation program. This bill would increase the basic subsistence allowance to \$1,200 per month. The bill would also simplify VA's administrative burden by standardizing payments for all types of services under the program.

Madam Speaker, I urge my colleagues to co-sponsor and support the measure.

KIDNEY DISEASE EDUCATION BENEFITS ACT OF 2009

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. KIRK. Madam Speaker, today, I am introducing the Kidney Disease Education Benefits Act. As co-Chairman of the Congressional Kidney Caucus, I am proud to join with my fellow Kidney Caucus co-Chairman, Congressman JIM McDERMOTT (D-WA) to introduce this important initiative.

Each year, some 80,000 people are diagnosed with End-Stage Renal Disease. This stage of kidney disease occurs when the kidneys function at less than 10 percent and, as a result, are no longer able to maintain life. Patients with kidney disease require regular kidney dialysis treatments or a transplant to survive. Medicare pays for most renal patients at the cost of \$20 billion a year, nearly 7 percent of all Medicare expenditures, despite the fact that the kidney disease population represents just 1.1 percent of all Medicare patients.

Complications associated with kidney disease are common, but can be reduced if appropriate education is provided prior to the onset of renal failure. There are a number of steps chronic kidney disease patients can take to reduce renal failure and better prepare themselves for dialysis, including making lifestyle changes, learning about renal replacement options, and seeking a compatible kidney donor. Medicare, however, does not provide coverage for education on nutrition, treatment options, venous access, or transplant coordination until after the patient has experienced kidney failure and is already undergoing dialysis.

To remedy this situation, we are introducing the Kidney Disease Education Benefits Act of 2009 to make counseling available to patients before they begin dialysis. This is a top National Kidney Foundation legislative priority. Our bill would provide reimbursement for an estimated \$10 million per year for up to six educational sessions for Medicare patients. These sessions would be offered one year prior to kidney failure to help prevent renal failure, better prepare these patients for dialysis, and save Medicare costs that can be associated with complications resulting from renal failure.

Kidney disease cannot be reversed, but, with appropriate education, its effects can be slowed, improving the quality of life for renal patients and reducing costs to taxpayers. I would like to thank Congressman McDERMOTT for joining me in the fight against kidney disease. I look forward to working with him and my other colleagues on this important initiative.

HONORING FREDERIC VON RUEDEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today along with my colleague from California Mr. COSTA to commend and congratulate Frederic Von Rueden, U.S. Navy Retired, upon being honored with the Citizen Soldier Award. Mr. Von Rueden was honored on November 7, 2008 at the Fresno City College Veterans Day 2008 Memorial and Dedication Ceremony.

Mr. Von Rueden was born in Farihault, Minnesota, on October 25, 1917. In 1936 he enlisted in the Navy, went through "Boot Camp" at Great Lakes, Illinois, and underwent further training in San Francisco, California. From San Francisco he went to San Diego to board the Light Cruiser USS *Richmond* where he spent the next 9 years. The home port for the ship was Panama. He was in Valparaiso the day Pearl Harbor was hit. The ship escorted many convoys to the South Pacific and conducted regular bombardment off the coast of Japan in company with the USS *Salt Lake City*, where they often engaged the Japanese Fleet in battle. Mr. Von Rueden was a boiler technician. Most of his days were spent below deck in the engine rooms. At the end of World War II the USS *Richmond* was returned to Philadelphia and was decommissioned.

In Philadelphia, Mr. Von Rueden went through some schooling and was reassigned to the Battleship USS *Iowa* out of Long Beach, California for about 6 months. After that he spent some time aboard the USS *Topeka* and the USS *Los Angeles* for tours. He decided to spend some time on land training at Port Huene, California. With this new training he was sent to Kwadjelen in the South Pacific for 18 months to do utility maintenance. After completing another tour aboard the USS *Theodore E. Chandler* he trained to be a Recruiter and was sent to the Fresno Recruit Center. He completed one more 18 month tour aboard the USS *Iowa* before returning to Fresno. In 1955, Mr. Von Rueden became a permanent resident in Fresno and retired to the Fleet Reserve on February 5, 1957.

After retiring from the Navy, Mr. Von Rueden was hired by the County of Fresno to work at Juvenile Hall. He attended school, part time, at Fresno City College on the GI Bill, and graduated with a degree in 1961. In 1968 he transferred to the County Public Works Department and was a maintenance engineer at Fresno County Hospital until he retired on March 1, 1980. Mr. Von Rueden and his wife reside at a retirement home in Clovis, California. He is still active in the Fresno Branch 249 of the Fleet Reserve Association.

Madam Speaker, I rise today to commend and congratulate Frederic Von Rueden upon his achievements. I invite my colleagues to join me in wishing Mr. Von Rueden many years of continued success.

HONORING PFC GARFIELD M.
LANGHORN, MOH

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. BISHOP of New York. Madam Speaker, our brave men and women in uniform are all heroes. But the exceptional few who make the supreme sacrifice to protect the lives of their brothers-in-arms become more than heroes; they become legends. Today, I rise to honor U.S. Army Private First Class Garfield M. Langhorn, a resident of Riverhead in Eastern Long Island who received the Medal of Honor for his heroic actions in Pleiku Province, Vietnam, 40 years ago this month.

As they attempted to rescue the crew of a downed helicopter, PFC Langhorn's unit was trapped under intense enemy fire. As night fell and U.S. air support was called off, enemy fighters began to probe their perimeter. The citation for PFC Langhorn's Medal of Honor reads:

"An enemy hand grenade landed in front of PFC Langhorn and a few feet from personnel who had become casualties. Choosing to protect these wounded, he unhesitatingly threw himself on the grenade, scooped it beneath his body and absorbed the blast. By sacrificing himself, he saved the lives of his comrades. PFC Langhorn's extraordinary heroism at the cost of his life was in keeping with the highest traditions of the military service and reflect great credit on himself, his unit, and the U.S. Army."

Madam Speaker, PFC Langhorn's sacrifice half a world away remains a credit to the Riverhead community, which is proud to celebrate his achievements on the 40th anniversary of his death. May his example continue to inspire all those who aspire to service "beyond the call of duty."

THANKING LONG-TIME STAFFER
DAVID RANSOM FOR HIS SERVICE
AND CONGRATULATING HIM
ON HIS MOVE TO A MAJOR LAW
FIRM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. HOYER. Madam Speaker, today, I want to thank one of my former staffers, David Ran-

som, who recently left the Majority Leader's Office to join one of our Nation's premier law firms, for his 9 years of service as my principal speechwriter, as a key member of my communications team, and as a senior advisor who always offered strong recommendations based on solid reasoning.

There are few people who have served on my staff who know my position on issues better than David does.

At a going-away luncheon for David, I told the assembled staff that I needed them to step up as David had, and to give me their best advice and counsel—even if that meant that on occasion they might be disagreeing with me or other staff. As a good lawyer, David clearly appreciates the importance of making a compelling argument. But he also recognizes the necessity of anticipating and considering opposing points of view and policy positions.

This approach not only has made David a valued member of my staff, but also has enabled me to better serve my constituents in Maryland's Fifth Congressional District, this great institution and our Nation.

During his more than 9 years on my staff, David demonstrated that he is a team player and problem solver who has exceptional analytical, writing, and communication skills. Over that period, he drafted everything from short statements, to countless Floor statements, to major speeches, to substantive policy documents, to advocacy materials for members of the Democratic Caucus.

While I am certainly sad to lose a trusted, valued member of my staff, I am very pleased that David has joined such a great law firm—McDermott Will & Emery, one of the top law firms in America. There's no question that his insight into the congressional leadership and the Members who serve here will be of great value to McDermott Will & Emery's clients.

I wish David and his family—his wife, Lori, and two children—all the best in the future, and again thank him for his efforts on my behalf.

HONORING THE DISTINGUISHED
SERVICE OF THE HONORABLE
ALAN AUTRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 2009

Mr. COSTA. Madam Speaker, I rise today along with my distinguished colleagues from

California, Mr. RADANOVICH, Mr. NUNES, and Mr. CARDOZA to pay special tribute to Mr. Alan Autry for 8 years of distinguished public service to the city of Fresno, CA. Mr. Autry has completed the maximum numbers of years of service allowable by city charter as the mayor of the city of Fresno. He is to be honored at a Roast and Recognition reception on Thursday, December 18, 2008.

During his two terms, Alan has remained strongly committed to fulfilling the mission of Fresno, as a "united city working together to ensure equal access to opportunity, education and quality of life for every man, woman, and child, regardless of their race, religion, age, or socio-economic status." Mayor Autry's efforts have focused on crime reduction, educational reform, economic development, availability of affordable housing, addressing homelessness, raising awareness on the water issues of our Central Valley and on government reform.

Throughout his notable career, Alan has served on numerous commissions and boards at the local, State and Federal levels. He has been a part of the Advisory Council on Historic Preservation, the U.S. Conference of Mayors Advisory Board, the U.S. Conference of Mayors Education Standing Committee, the U.S. Conference of Mayors Arts and Entertainment Standing Committee, the U.S. Department of Commerce's Strengthening America's Communities Secretarial Advisory Committee, the League of California Cities Board of Directors, the California Partnership Board, the League of California Cities Housing Task Force, the Fresno County Transportation Authority Board and the Fresno County Council of Government Board. Mayor Autry was a founding board member of the Operation Clean Air Board and the Regional Jobs Initiative Board.

His service and work have been acknowledged through countless awards and honors, not the least of which is his recognition as one of the most effective advocates ever in terms of garnering a fair share of State and Federal resources for the Central Valley.

Madam Speaker, it goes without saying that throughout his career, Alan Autry has proven to be a highly motivated leader, striving for excellence in public service, keeping his city safe and making it the best city possible for all the residents of Fresno. As he gets ready to spend more time on other endeavors, we thank him for his service and wish him continued success and fulfillment in the future.

SENATE—Friday, January 9, 2009

The Senate met at 10 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

Almighty God, who has made and preserved us as a nation, guide our lawmakers through this day by Your higher wisdom. Take from them all that stains their lives or keeps them from intimacy with You. Lead them to a fresh dedication to serve and to choose the harder right. In the living of their days, may faith replace fear, truth conquer falsehood, justice triumph over greed, love prevail over hate, and peace abide with all humanity.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks, if there be any, from the

leaders, there will be a period of morning business, with Senators allowed to speak for up to 10 minutes each.

MEASURES PLACED ON THE CALENDAR—S. 181 AND S. 182

Mr. REID. Mr. President, it is my understanding there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

A bill (S. 182) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DESIGNATING CERTAIN LAND COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MOTION TO PROCEED

Mr. REID. Mr. President, I will now ask that we move to S. 22, order No. 13. I move we proceed to S. 22.

The ACTING PRESIDENT pro tempore. The motion is pending.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak in morning business for up to 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. DORGAN. Mr. President, we have learned this morning that the unemployment rate has gone to 7.2 percent. Percentages don't mean much to a household in which one spouse comes home and says: Honey, I lost my job. We have seen now more than 2.5 million people lose their jobs in the last 12 months. We face a very severe and deep financial crisis. There is no question about that. There has not been a debate in the Senate about whether there is a problem. This is probably the first area of agreement. There is a big problem with this economy.

The question is, What do we do about it? What can give people confidence that we can pull this economy out of the ditch and try to provide for growth and opportunity and expansion once again?

It is interesting. I read in the newspaper yesterday that the New York Yankees offered a pitcher \$22 million a year to pitch for the next 8 years. So not all of the economy is in deep trouble, apparently. There is at least one baseball team and one pitcher smiling today. But even as we read those kinds of stories, many American families are worried about losing their jobs and their homes, concerned about what the future holds. I wanted to talk about that today.

All of us understand the economic engine of America has stalled. All of us understand the mechanics of starting an engine. If the engine of the ship of state is stalled, I am all for hooking up jumper cables and trying to start it. That is the discussion we had in our caucus for 2 hours yesterday—about what kind of emergency actions can jump-start the economy, what kind of jumper cables or hand crank or whatever effort one wants to make will help get the economy up and running again. The point I made yesterday was, that is important to do, and I support it. But we ought to focus like a laser if we are going to spend money we don't have to put together an emergency plan for some sort of economic recovery. That means we are going to borrow money. If we are going to borrow money at a time of escalating substantial Federal deficits, I want every single penny to go toward creating a job

that will put somebody back on the payroll and give their family hope for the future.

This is all about building confidence. But even as we do that, if we ignore the fundamental requirement to rewire this engine, then we have missed the boat. By rewiring, I mean this financial system has collapsed. The biggest names in finance have collapsed. They have been the recipient of hundreds of billions of dollars of Federal help. We have to rewire the whole thing. If we don't rewire that system and make basic fundamental reforms, we will not restore confidence in the American people about the financial system going forward. That means accountability looking back and accountability looking ahead.

It means making certain we end what we have seen created in recent years—a house of cards. I have the house on top because this starts with an unbelievable scandal in the mortgage industry, subprime lending, and so on. I know we read in the papers about Mr. Madoff having absconded with \$50 billion of investor money by building a Ponzi scheme. The tongue and groove of all of the rest of this fits and is no different than the Ponzi scheme of Mr. Madoff. It was brokers, mortgage bankers, investment banks and hedge funds. It was collateralized debt. It was securitized instruments. It was exotic structured financial instruments created for one purpose: to give everybody a lot of money as they all wallowed in the creek. So the fact is, we have to fix it.

Everybody is talking about jump-starting the economy, putting people back to work. I am all in favor of doing that, but I want to make certain we rewire this system. I want to talk a little about what needs to be done.

Let me say also that people who created this wreck, the people who steered this country into the ditch, are not going to be the ones who show up with an ambulance. They will not be the ones we will turn to for advice on how to fix it. That is just a fact. My great worry is we have already authorized \$700 billion for the Treasury Department's Troubled Asset Relief Program. Isn't it interesting that the title of that program has nothing to do with what is happening? I didn't vote for it because I didn't think those who requested it had the foggiest idea what they were going to do with it. The request came from the Secretary of the Treasury saying: I need \$700 billion in emergency money, and I need it in 3 days. Here is a three-page bill to do it. That made no sense. He wanted to relieve financial institutions of troubled assets.

Why did they have all these troubled assets? Because they were greedy and dumb, buying things that now in retrospect had very little value and very big risk. So we ended up with the biggest

financial institutions in the country having massive amounts of assets on their balance sheets that have lost value.

So the Treasury Secretary said: Give me \$700 billion of taxpayer money so I can go buy those bad assets and relieve those poor companies of these failed assets. So the Congress voted for \$700 billion, \$350 billion of which was made available right away.

The Treasury Secretary then decided: I really don't want to do that at all. I don't want to buy troubled assets, despite the fact that is in the name of the program. What I would like to do is provide capital for big banking institutions so they can expand lending because that is the circulatory system of our economy. We need to expand lending.

So a rather substantial amount of money was given to the biggest financial institutions, \$125 billion in one tranche to nine of the big financial institutions. It was essentially no-strings-attached money. The money was provided to those financial institutions without saying to them: By the way, you have to use this to expand lending in order to deal with the credit freeze. There were no restrictions that said: If you take this money, you can't then give it out in executive bonuses. In fact, we now have a report from December of last year on the Troubled Asset Relief Program by the GAO. It says:

The standard agreement between Treasury and the participating institutions does not require that these institutions either track or report how they plan to use or do use this money.

Isn't that unbelievable? We gave all this money to the biggest banks, and there is no requirement that they track or report on how they plan to use or do use the money? Then when a number of them were asked what they did with the money by the GAO, many executives of those companies said: Well, money is fungible. They don't intend to track or report what they did with that capital.

That is unbelievable to me. This is apparently some sort of no-accountability Government. There is nothing I am aware of, of course, in the U.S. Constitution that decides this is the way that representative Government ought to perform.

But when the Treasury Secretary came to the Congress, along with the Chairman of the Federal Reserve Board—talk about secrecy, by the way, that is another institution that has another story attached to it—but they came to the Congress—the two of them; the head of the Fed and the Treasury Secretary—and here are the kinds of things we heard from them: We need oversight. We need protection. We need transparency. I want it. We all want it.

Well, the administration the Treasury Secretary works for—after he told

us that—has failed. This is a Washington Post report: The administration has failed to establish sufficient oversight over its \$700 billion program and must move rapidly to guarantee that banks are complying with the limits on conflict of interest, lavish executive compensation. So they say, yes, we agree. Give us the money. There will be oversight. And we discover: Well, there is no oversight at all.

The Federal Reserve Board, they are refusing to identify the recipients of almost \$2 trillion of assistance backed emergency loans from American taxpayers. They refuse to identify the troubled assets they are accepting as collateral. The Federal Reserve opened it window for the first time in history to noninsured banks. They have all kinds of programs now to move money out. I understand there is an urgency here, but I do not understand why the American taxpayers are told: By the way, you are the guarantor of a lot of these debts, you are going to pick up the pieces, and you are going to pay for it, but we are not going to tell you what it is we are doing. Mr. President, \$2 trillion of emergency loans for troubled assets and they say: You don't deserve to know. We are not going to tell you.

In fact, Bloomberg, the news organization, had to sue the Federal government to try to get details about the total has gone out in terms of guarantees and capital which, by the way, is over \$8 trillion. It does not mean we are going to lose all that. My point is, why should a news organization have to sue the Government in order to give the American people some information about how much they are on the hook for with all of this emergency activity?

About \$8.5 trillion is what we have discovered as a result of Bloomberg and the work of some other enterprising reporters. It certainly is not the work of a Federal agency that has come to the Congress to say: Oh, by the way, here is exactly what you need to know. In fact, just the opposite has happened. The Federal Reserve program has about \$5.5 trillion now they have engaged. I understand that is an organization that prints money, but I also understand that organization, in the end stage, is an organization created by the U.S. Congress, and any liabilities existing there are liabilities of the American people. The FDIC program is \$1.5 trillion; the Treasury Department, \$1.1 trillion; and Federal housing, \$300 billion. That is, at this point, a compilation of about \$8.5 trillion of liability that exists out there.

Now, I want to make a couple points before I try to describe what has happened and what I think should happen.

This has been a consumer-driven economy. It is not surprising. I brought to the floor of the Congress one day a whole stack of letters. At that point, I had a 12-year-old son, and the Diners

Club had written to my son offering him a credit card, preapproved, suggesting perhaps a trip to Europe would be in line. So I brought that and probably a dozen or two dozen other solicitations to my children from credit card companies—from MasterCard and Visa and Diners Club and American Express—all of them writing to my kids. Obviously, they had no idea whose kids they were or how old they were. They were just names in some sort of a name bank. They were writing to them to say: Here is a preapproved credit card for you. Go have a good time.

What has happened all across this country is they are wallpapering college campuses with credit cards. It is unbelievable. On most college campuses, many kids don't have a job. They are going to school. Yet credit card companies understand that is the best place to go find a customer.

So there are credit cards all around, wallpapering the entire country with credit card solicitations. In fact, if you have another card, get rid of it. Bring it to us. We will charge you zero interest for 3 months. We don't tell you, by the way, if you have a little problem one month, we are going to jack your rate up to 25 percent or whatever it is they are doing these days in rates and fees.

The fact is, that dramatic runup in the last couple of decades in credit card debt has been unbelievable, and that is what has been supporting a substantial amount of the consumption.

In addition, about \$300 to \$350 billion a year has been supporting additional American consumption because of the increase in home values which, of course, represents that huge bubble that was created in home values. That allowed people to believe they had more money because their home was more valuable and they could borrow against the home, and that contributed another \$350 billion to the economy. But it was a substantial amount of consumer initiative coming from credit card debt and from home values that they could borrow against which it turns out were illusory increases in home values because those values have now collapsed.

My point is that our consumer-driven economy was driven by, in some cases, fumes that are not going to be around in the future, and we are not going to be able to replicate that to build a new economy with that same kind of debt consumer-driven initiative.

As you know, about at that point, oh, 8, 10 years ago, as the bubble began to develop in home values, there was this issue of thinking that everybody could make a lot of money by developing new and exotic mortgages for homes and putting people into their homes who probably could not buy a home or finding people who were in existing homes and saying to them: You are paying way too much. So what happened was,

a huge industry developed in this country. Even as they were securitizing credit card debt and selling it back upstream, they began to develop a new industry to finance homes, and then found a way to securitize those home mortgages and sell those back upstream as well.

This is what we began to see in this country. Everybody saw it. All you had to do was watch your television set and you saw the commercial come across. This was Countrywide, which was the biggest bank: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

The biggest mortgage company in the country said: Are you a bad person because you can't pay your bills? Are you a bad credit risk? Do you have lots of trouble? Are you buying things you can't pay for? Hey, I tell you what, we have a deal for you. Come. We will give you a loan. That is Countrywide.

By the way, this company failed and has been purchased by someone else. But the head of this company, Mr. Mozilo, was given the Horatio Alger award as one of the best executives in America, and from what I can tell, he it appears to have walked away with about \$200 million. So even though his company is gone and he does not have the job he had, he certainly cannot be weeping, or if he is, he is wiping his tears with \$200 million of cold cash.

So it was not just Countrywide. Millenia Mortgage—again, we saw all these. This was not some dark secret: Twelve months no mortgage payment. That's right. We will give you the money to make your first 12 payments on your home. Just call in 7 days. We will pay it for you. Our loan program could reduce your current monthly payment by 50 percent and allow you to make no payments for the first 12 months. Just call us. Pretty enticing, right? You want a home, you want a mortgage, you don't want to make a payment for a year. No problem. Just call us up.

ZoomCredit. ZoomCredit says in their advertisement: Credit approval is seconds away. Get on the fast track at ZoomCredit. At the speed of light, ZoomCredit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit is in the tank, ZoomCredit is like money in the bank. ZoomCredit specializes in credit repair, and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

Can you imagine a company that says: I have a new model. We are so proud of our company, we actually specialize in giving credit to people who don't deserve it?

Now, does one wonder—when companies such as this sprang up all over the country—why our economy is in a wreck, why we have experienced this economy being driven into the ditch by

a lot of bad people? Three mortgage companies—and, oh, by the way, just in case you are wondering, is it over? No.

This is from the Internet: Low-doc loans and no-doc loans. What does that mean? It means if you go to the Internet, you can still find a company that says, just as the others did: We have a new financial instrument for you that is really intriguing—no documentation of your income. That is right. We will loan you money without you having to document your income to us. Does that sound ignorant? It does to me. But we will charge you a higher interest rate in exchange for your deciding not to document your income. No-doc loans: no doc, no payments for the first 12 months. And, oh, by the way, when you do first start making payments, you don't have to make any payments on principal, just interest. If that is not good enough, we will give you a no-doc loan, no payments for 12 months, no principal, and you don't have to pay all the interest because we will wrap the principal and some of the interest on the back side. Does anybody wonder why we had a financial wreck?

So we had all these companies put out this sort of Ponzi scheme. Yes, Madoff is apparently a pretty awful guy because he ran a Ponzi scheme of \$50 billion, it appears to me. This was all a Ponzi scheme as well, and everybody was involved in it.

So these mortgage companies put people in these mortgages called subprime mortgages, and then the broker made a lot of money because the broker was able to get people into these mortgages. And I did not mention, they put prepayment penalties into the mortgages so you could not pay it off early or you had a big penalty? Then they wrapped it into a big security. They put all of them together, like you put a snowball together, in a big security—that is called securitization—and then you sell it. So you sell it to perhaps an intermediary or perhaps you sell it to a Wall Street firm that takes a look at it and says: That is pretty good. That has a high rate of return because you have prepayment penalties and all these things, and the interest rates were really low, but they reset in 3 years to be really high. What a good deal. So I am going to buy these securities.

Everybody is buying securities like hogs in a trough. The brokers are making money. The mortgage company is making massive amounts of money. The people who are securitizing it are making money. The big investment banks are making money. In fact, the current Secretary of the Treasury—his firm and four other firms came to the Securities and Exchange Commission one day in 2004 and said: What we need you to provide is some relaxation for us so we can take on more debt to buy more of these kinds of securitized instruments and make more money.

In the basement, deep in the bowels of the Securities and Exchange Commission, after a hearing, by unanimous vote, the SEC, for the company that was headed by the current Treasury Secretary and four other of the largest investment banks, said: It is OK. We will allow you to take some of this money you set aside in the event of failure of your assets—the reserves—and you can take some of those reserves and use them now to make more money by these investments. That meant some of those firms went from 12 times leverage to 30 times leverage.

Isn't that unbelievable? They were all fat and happy, making money left and right. And then the whole thing crashed. That financial scandal, this subprime scandal, took this country right to the edge of a cliff. It was not just this, but it was led by this, and it was especially this.

At the same time all of this carnival of greed was going on in this country—at the same time we were spending, in budget policy—President Bush leading the charge; and Congress, Republicans and Democrats, a part of it—spending in fiscal policy way beyond our means, \$600 billion a year. Oh, I know the reported budget deficit was \$400 billion last year. It was not \$400 billion. What your deficit really is is what you had to borrow for the year. That was over \$600 billion. So we were \$600 billion out of balance in fiscal policy, and that is going to be over \$1 trillion this year.

Then add to that a trade problem of \$700-plus billion a year, consuming 3 percent more than you produce every year—year after year after year—and then energy prices on a roller coaster. Oil runs way up to \$147 a barrel in day trading, just like that, and then collapses right back down, and now goes back up because of the circumstances in the Middle East between Israel and the Palestinians. Then health care is busting everybody's budget—the family budget, the business budget, the Government budget. All of those together is an almost perfect storm.

So the question is, What do we do about all that because this economy is a mess? It is in very serious trouble, and the one thing that unites me and the smartest economist or the most prescient business mind in this country is that neither of us have ever been here before. We are walking in woods that have no maps. We do not know. None of us know exactly how you are going to move people out of this situation, how you move this country. I taught economics in college ever so briefly but I do know this: This is not about charts and bar graphs, and it is not about supply demand curves. It is all about confidence. Will we see the restoration of confidence? Because if people are confident about the future, they do things that manifest that confidence. If they are confident about themselves and their jobs, they buy a

suit, they buy a car, buy a home, take a trip; they do the things that expand America's economy. If they are not confident, they do exactly the opposite. They defer the purchase. They decide not to take the trip, not to buy the car. That is the contractional side of the business cycle, but this is much more than a business cycle. Still, confidence is at the root of our opportunity to put this country back on track.

I have great hope for this country, but I wish to say this again. I have described some of the unbelievable circumstances of the carnival of greed that has led us into this economic trap, and if we don't address both sides of this issue—first, to try to jump start this engine of ours and rewire it at the same time—but if we don't at the same time, then, make those in this kind of financial industry accountable for past actions and for future actions, we will not in any way give the American people confidence about the future.

So the question of what do you do in addition to a recovery package or stimulus program—which I will speak about in a moment—the question of what you do in addition to that leads me to the discussion I had with my colleagues last evening. I said we must revisit unbelievably bad decisions and judgments that have been made in the last 10 and 15 years. For example, in 1999, the Financial Modernization Act was passed by this Congress; financial modernization to help create the large financial holding companies, to take away the Glass-Steagall Act—abolish the very act that was put together following the Great Depression that said: You have to separate banking interests from risk interests. You have to separate securities and you have to separate real estate. That was Glass-Steagall. You have to keep them separate. In 1999, this Congress, in legislation called Gramm-Leach-Bliley, after Senator Phil Gramm from Texas, said: You know what. We have to do something that modernizes our financial system. We have to get rid of Glass-Steagall. We have to create big bank holding companies. We have to allow that to be the case, and we have to allow banks to merge with real estate, with insurance, with securities.

Now, I was one of eight Senators to vote no. On the floor of the Senate, here is what I said in 1999: This bill will, in my judgment, raise the likelihood of future massive taxpayer bail-outs.

I regret I was right.

It will fuel consolidation and mergers in the banking and financial services and it will be done at the expense of the American people.

I said at the same time in that debate: I say to people who own banks—talking about the folks who pushed this—and, by the way, this was pushed because one large bank wanted to merge with one large insurance com-

pany and they couldn't do it because the law wouldn't allow it. What is the response? We will go get the law changed. It wasn't just this Congress; it was President Clinton and his advisers—some of whom, by the way, are going to work in this new administration. They said all of this is good. We are going to modernize the system. I thought it was nuts. Three years before this, I had written a cover story for the Washington Monthly Magazine, talking about derivatives and what I had previously described as securities sold upstream by the big mortgage companies, and the title of my cover story, in 1994, I believe it was, in Washington Monthly Magazine: "Very Risky Business." From that time, I have introduced five pieces of legislation to require the regulation of derivatives and to prohibit banks from trading on derivatives on their own proprietary accounts but to no avail because there were too many people who believed we need to modernize the system—meaning, they said, take away the restrictions that were put in place after the Great Depression. Take away the restrictions that prohibited banks from engaging with real estate and securities and other things that were risky. Well, they succeeded. I failed in stopping it. The fact is, it is what set up this unbelievable, spectacular financial collapse in this country. The question is: Now what?

I am going to introduce some legislation today, and I wish to talk about, specifically, the requirements of the legislation. I am not willing—as I was not willing last fall on the \$700 billion proposal—I am not willing to advance assistance proposals unless the American people are protected. I am going to introduce the Taxpayer Protection Act that does four things that are tough, certain, and require accountability. I don't know whether there is the support or the stomach to pass this kind of legislation, but I will not be advancing support for additional taxpayers' money until and unless we have some assurance that these things are done. First of all, establishing a Financial Market Investigation and Reform Commission.

Back at the end of the Roaring Twenties, which, by the way, the history books will certainly compare the era of the Roaring Twenties with the Gay Nineties and the unbelievable excess and greed—but at the end of the twenties and early thirties, the Congress put together a committee that investigated and subpoenaed and brought people here to find out what happened, who did it, how did it happen, and what do we do to stop it from ever happening again. That needs to be done again. There ought to be a select committee of the Congress doing that right now, and I hope we will do that. Some will say: Well, we have existing authorizing committees in the Congress that can do that. The fact is they

are not going to do it. They have never done it and will not do it. If we don't put together those kinds of committees or commissions here and now and issue subpoenas and discover what happened, we will not know how to prevent it from happening again. We need to establish that reform commission to investigate and then propose reforms. That is the rewiring portion of what I described.

Second: I want all emergency economic assistance programs, including the troubled asset relief program—the \$700 billion that I didn't vote for, but others did—to have oversight, accountability, and transparency. That needs to be required for all of that. There is no oversight for \$7.8 trillion in emergency economic assistance at this point that has been issued by the Federal Reserve Board. No oversight at all. None. The same requirements in the TARP program ought to be applied to every other bailout by the Fed or by the Treasury or others providing similar help.

Third: we should make conditions imposed on one company receiving emergency economic aid applicable to all companies, and that is limits on executive compensation, prohibiting bonuses and golden parachutes, and payment of dividends and private aircraft ownership, and more. We should require those private entities receiving the emergency economic assistance to be subject to audit, provide detailed monthly reports, tell us: What did you do with that money? Is that money advancing the economic interests of this country to put this country back on track?

Finally, we should create a Taxpayer Protection Prosecution Task Force to investigate and prosecute financial fraud cases and other violations of laws that contributed to the collapse of this country's economy.

It is unbelievable to me that a couple things conspired at the same time. One, Congress passes the Financial Modernization Act, which was a complete disaster for this country. Two years later, President Bush came to town and hired a bunch of folks who were supposed to be regulators who, actually, in some cases, boasted: We don't intend to regulate. We want to be willfully blind. That combination has injured this country in a very significant way.

Our country's financial markets—the Wall Street Journal said in an article by Arthur Levitt on October 23—are in their darkest hours in 76 years. We are in this situation because of an adherence to a deregulatory approach. Our regulatory system failed.

I know there are people I serve with who think regulation is a four-letter word. It is essential. The free market must, in certain areas, have proper regulatory authority.

Alan Greenspan, who bears a significant part of this responsibility as then

chairman of the Fed, here is what he says now: I made a mistake in presuming that the self-interests of organizations—specifically banks and others—were best capable of protecting their own shareholders and their equity. What he was saying, if I translate this to English, he was saying: I believed in self-regulation, or I believed in no one regulating because they will self-regulate.

I come from a small town and a small school. I graduated in a high school class of nine. That wouldn't pass a laugh test in second grade. Just let them all go and they will do what is in the country's best interests? That is unbelievable to me.

So we have a lot of work to do. The banking system after 1999 evolved so that we had a lot of banks that were considered too big to fail, but they weren't big enough to regulate, apparently. Too big to fail, which means that if they get in trouble, we are the ones who are going to pick up the costs. We bear the burden. We will be responsible. But they are not big enough to regulate, so they get the best of all worlds. They get taxpayer protection with no requirements, no accountability. This is just a few of them.

Let me make an aside. Even as I have described on the floor of the Senate in the past, some of the same firms that, by the way, require bailouts are firms that have been so irresponsible in other areas. Yes, I am upset about the way these mortgages were put out. I am upset about the greed and the avarice and all the money people were making; one guy making \$20 million a year and his buddy making \$30 million a year, running one of the biggest investment banks into the ground, by the way. One of the biggest bailouts has been of one of the biggest investment banks. To my knowledge, nobody lost their jobs, nobody parked their airplanes.

Wachovia Bank. Wachovia Bank went sour, so they had to be purchased, but it wasn't just because they were involved in toxic assets. Wachovia Bank—it is a culture apparently here. They had bought a German sewer system. You might ask the question: Why would an American bank buy the sewer system of a German city? Because they like sewers? Because they have a sewer department in the bank? Because they have special knowledge of sewers? No. They bought a German city's sewer system and leased it right back to the city because you are not going to dig up the sewer pipes of a German city, right? Why would you want to own it in a German city? Because you can lease it right back. It is a big scam because you can reduce your U.S. tax bill to the U.S. Government by hundreds of million of dollars.

I shouldn't pick on Wachovia because there are plenty of others who did it. This happens to be a convenient case.

A big old bank buying a sewer system of a German city so they can avoid paying U.S. taxes. By the way, the same company got in trouble with bad assets; part of the whole scam in terms of what happened with the scandal of the subprime system that steered this country into the ditch.

Now, let me say that this issue of President-elect Obama proposing to us a stimulus program or economic recovery program is a very important issue for us to consider. I am a chairman of one of the subcommittees on appropriations. We are working on my portion of this effort to find out what could we invest in, in what some call “shovel ready jobs” that will put people to work immediately. There are water programs, highways, bridges, schools, things we can do that will put people to work and do it immediately, put people back on payrolls. At the end of that expenditure, you have better schools, better roads, better bridges, and water projects that will enhance life. So those are the right things to do. But we all know there are plenty of people who have proposals that have nothing to do with putting people back to work. I am very concerned about that.

I am also concerned about the tax side of this. We are talking about 40 percent of this proposal representing the tax side. I think there are some things we can do in the tax system to encourage investment which encourages employment. Here are some of the proposals I have made: \$250,000 expensing for small business equipment so we encourage the decisions to make or buy or build equipment right now. That puts people to work. So there are some things on the tax side that I think make some sense, but I worry about 40 percent on the tax cut side. No one is going to have a problem saying: Yes, give us a tax cut. Everybody likes that.

But the proposition on the expenditure side, a whole lot of folks are coming in with projects that have nothing to do with creating jobs. I don't want to be part of that. Money is going to be borrowed in any event. We need to get this right. I am willing to participate, and I am willing to support the kinds of investments that will put people back to work and create an asset for our country—better roads, better bridges, better schools, water projects that we need for the future. I am willing to do all that if it puts people back to work. But we ought to be looking with a laser at what is it that will put people on payrolls to try to jump-start the economy.

Even if we do that, if we don't rewire this system and do the financial reform I described in the legislation I am introducing today, we are not going to succeed because the people will not be confident about the future.

We have to fix what has helped cause this scandal, and that includes fixing a

trade system where we consume 3 percent more per year than we produce, fixing a trade system where we have \$700 billion a year trade deficit, fixing a fiscal policy budget situation that is way out of balance. We have to do all those things.

I would not be able to come to work in the morning if I were not hopeful. I still have great hope for this country. I am an optimist. Yes, I want to look back and hold people accountable. I want subpoenas, and I want to prosecute wrongdoing. I want to do all those things with respect to this financial scandal. I think it is big. I think a whole lot of folks took the \$30 million, and they are at home and they are wiping their tears with American currency while a lot of other people have lost their homes and their jobs. I want us to investigate. I want accountability looking back, and I want accountability going forward. All of that is very important to me. But I do want to say this: I am somebody inspired by the ability of this country to recover and to ask the American people to be a part of something bigger than themselves and to come together and do things that will pull up this country, lift this country.

The other day, I was reading a news report of a guy, and I was so inspired by it. It is so typically American of somebody out there—way out there thinking: I can do this. I read about a guy named Ken Mink. I don't know Ken Mink from a cord of wood.

Ken Mink comes into the house one night and says to his wife: Honey, it is back.

She said: What is back?

He is 73 years old.

Honey it is back.

What is back?

My shot.

He had been out shooting baskets in the backyard.

My shot—I am shooting baskets. I am not missing any.

He had been a college basketball player, and because of a prank, he got kicked out of college. At the age of 73, he is shooting baskets in his backyard and says: Honey, it is back.

So he sat down and wrote applications to college. A junior college said: Yes, we will give you a shot; you can come to school here and try out for the basketball team. At the age of 73, Ken Mink played basketball with a junior college team just a month ago and made two free throws. He was the oldest man, I think, by 42 years to ever score a point in a college basketball game. Isn't that wonderful? It is so inspiring that people don't know what they can't do.

As an aside, my Uncle Harold is 88 years old, and he is training for the Senior Olympics because he qualified to go to San Francisco to run in the 100-meter dash. He runs it in under 19 seconds, by the way, at age 88. My aunt

thinks he had a stroke, she thinks he has gone crazy because he runs all over the country running races. My uncle is 88 and can run faster than most people his age and has 100 medals. I am inspired by my Uncle Harold and by Ken Mink, and I am inspired by people who don't know what they can't do.

I hope in the coming days when we talk about all the ingredients of all the issues, the proposals that are complicated and difficult, I hope all of us will understand, if we ask the American people to be a part of something bigger than themselves, to help this country recover and put this country back on track. You go back over two centuries of history, and there is not much this country cannot do. There is just not much America cannot do. This is a country that rolls up its sleeves and has great hope for the future.

I know my colleague from Oklahoma is here to speak. I appreciate his forbearance. I will be back Monday to talk some more about these issues.

There is no social program in this country as important as a good job that pays well. The reason I say that is the root of giving people hope about the future is to have opportunities for the American people to find a good-paying job, keep a job that has some benefits, to give them an opportunity to take care of their families. That is where we start.

I hope in the coming days, as we discuss and work on these issues, we will have the opportunity to call on what is the best in this country rather than the worst and come together and do what we can to restore to America the kinds of opportunities we have always felt will exist for our children.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak in morning business, the time I might consume not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, let me give some praise to my chairman of one of my committees. He hit right on the nose. Confidence is what the American people need to see. We have great resources in this country, and I am not talking materially. The resource we have that is the most bountiful and most productive and strongest and made of steel is the American people. When we get together, united as a nation, there is not anything we cannot accomplish.

I appreciate his words very much. I also appreciate some of his wisdom and foresight we heard today. I am hopeful that in the months and years to come, we can continue to work and we can draw on that American spirit which he so directly outlined, which is what makes us unique and allows us to come from behind and accomplish the things

in front of us. I thank him for his words.

I wish to spend a few minutes—we are going to have several votes between now and next week over the Bingham lands bill. I thought we ought to spend some time today to do that since I know we won't want to come in early on Sunday. I wish to talk about procedure for a moment so we can understand.

We are going to be here on Sunday not because we have to but because the majority leader has decided that we will. There are other things we can be accomplishing. And goodness knows, the problems in front of this country require extra effort on our part. We are going to have a \$10 billion to \$12 billion bill in front of us again that will have no amendments available to it and very limited discussion. As a matter of fact, I think I am the only one who has discussed anything on this bill thus far, and we probably will not see a lot of discussion.

There are a lot of issues we need to address, and my colleague, Senator DORGAN, just outlined the most important of them; that is, confidence, how do we reestablish confidence in this country. It is my position that we are not going to reestablish confidence in the country until we reestablish confidence in this institution.

Since July 16, the Republicans have had one amendment allowed on the floor of the Senate. In the last 6 months, one amendment—that was September 10. In 6 months of legislation, we have had one amendment allowed to the minority side to express the views for greater than 50 percent of the American people.

If the Senate is about anything, it is about the ability to debate and amend the interests of the American people. What we have seen over the past 6 months is that the rights of Americans have been taken away in terms of discussion, debate, and amendment of the very large issues that are in front of us.

My position on this bill—which the American people should know is a hodgepodge of a ton of bills; it is not just all lands bills—is about priority. It is about reestablishing confidence. It is about doing the most important things that are of the highest priority for our country and not doing the things that are of the lowest priority even though it may make us look extremely good back home.

Some will contend this is just an authorization bill, that it doesn't spend any money whatsoever, that it will have to be appropriated. I remind them there is mandatory spending in this bill, so there is actual spending involved.

Also—and I won't do this, but I am prepared to do so if I need to—I will offer into the RECORD the press releases of everybody talking about all the

money that is going to be spent because of this bill. You cannot be on the Senate floor saying this does not spend any money and at the same time send a press release out telling your constituency that you just passed a bill that will spend money that will do something because you are actually creating a false expectation if you don't expect to appropriate the money.

So let's be clear about why we cannot afford to pass this bill. It has to do with a whole lot of things. One is we cannot continue to operate the Senate where there are no amendments for the minority because what it does is it cuts off the voice of over half the American public, by populations that are represented by the minority. But there are other greater reasons.

We have a \$10.6 trillion debt at this point. We are going to have a \$1.8 trillion deficit next year. That is \$1.2 trillion as a minimum estimate by CBO, which does not include the \$160 billion we will steal from Social Security and will not include half of the money that is coming in a stimulus package. If you take 300 million Americans and divide them by \$1.8 trillion, what you get is \$6,000 per man, woman, and child that we are going to run in the red next year, real dollars, real loss in the future, and we are going to have to pay that back sometime. The people in this room, the Members of the Senate are not ever going to be attached the cost of the price to pay that back.

Last year, we paid \$230 billion in interest alone. That is about \$900 per man, woman, and child in this country—\$860, actually—that we are paying in interest, which is going to double over the next 4 years. So not only are we going to run a \$6,000 deficit, we are going to run another \$800 in interest costs that are going to take away the potential of families across this country who are struggling, and that is what we are going to put into their future.

So when my colleague talks about confidence, what I want the American people to see is us working on the real problems that are at hand, not problems that are not real or are not a priority.

We offered several amendments. We were told we were getting no amendments to this bill. I am going to spend some time going through those amendments because I think a lot of them make sense. I am also going to spend the majority of my time talking about the main reason I oppose this bill.

If you will recall, back in the summer we were paying \$4 for gasoline. We saw oil at \$146 a barrel, which is now around \$40. And the assumption of this bill is we will never see high oil and gas prices again. The very time to be fixing our future energy needs is now, not when there is a crisis again.

What this bill does is essentially take 1.3 trillion barrels of oil in this country

and say: You can never touch it. That is 1.3 trillion barrels that we will never, ever—regardless of our technology, regardless of whether we can do it totally without any impact whatsoever on the environment, we will never be able to touch it under the auspices of this bill. It takes 9.3 trillion cubic feet of known natural gas that is in proven reserves right now, enough to fuel this country for 2½ years, and it says: You cannot touch that; you can never touch it. And then another couple hundred trillion cubic feet that are known to exist, with the technology that is here today.

Why would we do that? We just went through a big problem, and because we are in an economic cycle, we are seeing the only benefit of that is lower energy costs. Yet through this bill, we are going to tie the hands of our children for available energy.

This is not about whether you believe in global warming or CO₂ as an anthropogenic gas because even if I agreed with that 100 percent, and everybody would agree with it, we are going to take 20 years to transition away from hydrocarbons. Every dollar we send out of this country for the purchase of energy is part of that \$700 billion my colleague, Senator DORGAN, just noted as one of our big structural financial problems. So why would we pass a bill that is going to eliminate our ability to achieve some greater level of energy independence?

Another area of why I oppose this bill: property rights are—should be—pristine in this country, and this bill adds 15 new heritage areas, and the Federal Park Service will then fund those who are against the development of the land around it or in it, against the homeowners, the landowners who are actually part of it, through zoning. Even though several of the individual bills in this bill put a prohibition on eminent domain, the vast majority of the bill has no prohibition on eminent domain.

One of the rights fought for, one of the foundational principles of this country, is property, the right to have and hold property and be free, as long as you are not endangering somebody else with that property. Yet we are going to step all over that with this bill. Five separate property rights groups who recognize this is a protected guarantee under the Constitution have come out supporting the defeat of this bill because it tramples on property rights.

Finally, one of the reasons I am opposing the bill is the fiscal nature of what it does. It sets in motion \$12 billion ad infinitum over the next 5 years—year by year by year by year—that we are going to spend, and it is going to go into the mix of priorities that are not a priority. Now, there are some things in this bill, I will admit, 20 or 30 items, that should go through

here. But the vast majority of the bills in this mega bill are not a priority for this country. They are not a priority whatsoever right now considering the condition in which we find ourselves. So as we contemplate this bill, I believe it demonstrates that we are more interested in looking good at home than fixing the real problems that are facing the country.

So let me for a moment summarize the bill and highlight some of the things that are in it, and then ask the American people to answer this question: Should we add four new National Parks at a time when we have a \$9 billion backlog in maintaining the parks we have today? We can't even take care of the parks we have today. We have 10 million gallons of raw sewage in Yellowstone, in the Grand Tetons, which seeped out because we didn't maintain the pipelines. We have a \$700 million backlog on The National Mall; in Lake Mead, NV, a \$258 million backlog.

We are not addressing any of the backlogs whatsoever. Yet we are creating greater responsibilities for the National Park Service and the resources they have today. In a declining discretionary budget, because of the fiscal nature in which we find ourselves, we are going to make worse and worse this situation. We are going to create 10 new heritage areas and study 15 others.

Now, remember what happens when we create a new heritage area. We create the inability to ever extract minerals, oil, gas, timber, and other resources. We are saying: Off limits and, by the way, if you like to enjoy the outdoors—maybe you want to go hunting or maybe you want to ride a three-wheeler or four-wheeler or a motorcycle—that may not be available to you. It may be limited.

There are 19 separate provisions in this bill that directly withdraw Federal land from mineral leases, such as oil and gas and geothermal. Nineteen specific. That doesn't have anything to do with the undergirding statutes in terms of the National Park Service, the Bureau of Land Management, and heritage areas that will eliminate the opportunity for exploration of energy and make us more energy independent.

There are 130-plus bills in this legislation, 1,300 pages, that was introduced two nights ago. I will tell you, other than my staff and probably the committee staff, nobody in this body has looked at it—1,300 pages. It is going to get passed out through the body next week, and the vast majority of the Senators and their staffs will have never taken a look at it, at a time when we should be about building confidence not undermining it.

We have 1.2 million acres in one small area of Wyoming that in the 1960s, 1970s, and 1980s contained the greatest and largest and most powerful pressurized source of natural gas the

country had ever seen. As a matter of fact, we didn't have the technology to handle it, so we capped it. It eliminates any additional leasing. It sets it up so those people who have a lease will have a lawsuit filed against them. It will never be developed. It will never be developed because the cost of fighting the lawsuits will be greater than the benefit of developing the natural gas. The companies that developed that came from Oklahoma. We now have the technology to handle that. It is a proven reserve.

We have 92 new scenic rivers in this bill. Now, I am all for scenic rivers, but we should understand the consequences of a scenic river designation. What does it mean? There will be no power lines across it, there will be no transmission lines, there will be no natural gas pipelines, water pipelines, or slurry lines that can cross a scenic river. What we know, with our desire to use alternative energy, especially in terms of the Southwest for solar and in my part of the country on up through the wind corridor, is that we are going to have to develop transmission lines, probably up to 40,000 miles of transmission lines, and we are going to double the cost of developing those lines because we would not be able to cross a scenic river. There is a prohibition in this bill.

We will eliminate the ability to take the natural gas that is available in abundance in Alaska today, in proven known quantities, and the pipeline that is scheduled to come down to the greater 48 will be tripped up by these designations. Again, another way to shoot ourselves in the foot when energy independence ought to be part of our goal.

The people who want to do the things in these bills are highly motivated for good reasons, but the judgment is suspect at the time in which we find ourselves. We find ourselves dependent on energy and in a financial mess. Yet we are going to make both of those problems worse with this bill.

Today, in this country, we have 108 million acres of developed land. Now, that is cities, that is manufacturing sites, that is towns, and that is highways. That is all of it. We have 109 million acres right now of wilderness designation already, which is twice what was ever thought about being accomplished when the wilderness designation was first started in the 1950s and early 1960s. Then the Government owns another 656 million acres of land. So we are not only robbing the future from our children because we have been fiscally irresponsible, we are robbing their future potential to make decisions about independence and freedom in the future because we are going to be totally indebted in the 20 years that we transition from a carbon-based economy to a noncarbon-based economy. We are going to make that ex-

tremely painful, much more difficult, and extremely more expensive.

Let me talk about why the National Park Service is overburdened for a minute and the things we ought to be doing. We have in Hawaii the USS Arizona Memorial. Now, 1,117 Americans died on that ship. The visitors' center—and if you have ever been there, you go out on a boat to the visitors' center—is sinking. The maintenance backlog is about \$33 million. What are we going to do? What should we be doing? Creating these new ones or should we take care of the memorial for the USS *Arizona*? Which one is a priority? Should we maintain what we have or should we do something and say we did it through a press release, even though we are probably not going to have the money to do much of this, and create a false sense of expectation with the American people?

The Gettysburg National Battlefield has a \$29 million backlog; the Statue of Liberty Park, a \$197 million backlog right now. Remember when Lee Iacocca helped to raise funds for the Statue of Liberty in 1976, and we did all that. That is the last time we have done any regular maintenance. So we have let it fall down. We haven't been responsible. We haven't put the money there. As a matter of fact, today President-elect Obama, in a press conference, asked for ideas as to how to spend money that will actually create jobs and create an investment. Well, I can tell you how I would spend the money. Let's fix up our parks, let's fix up The Mall, let's take care of the \$29 million backlog we have on some of the greatest treasures we have in this country before we add to the maintenance headaches of the National Park Service by creating new National Parks. That is a way we could actually create some jobs and invest our money; things we are going to have to invest in someday anyway.

The Grand Canyon National Park has a \$299 million backlog. These aren't my numbers, these are National Park Service numbers. And there is the National Mall, as I talked about earlier.

What is in this bill that doesn't make sense just from a commonsense standpoint, maybe something we should do at the right time? How about spending \$5 million to compensate ranchers for losses from gray wolves that we re-introduced into the wild? We put them back in there, and now we are going to pay ranchers for the cattle they lost to them. We repopulated a species that is now overgrowing its habitat and coming onto private lands, and our answer to that is, well, we will just pay the losses.

Do we have the money to waste \$5 million paying for cattle losses from wild wolves? We might at some point in time. I hardly think we have the money to do that right now. The ranchers aren't going broke. There is no question it is an irritation and a cost

to them, but I am not sure the Federal Government ought to be responsible for the cost.

What about the coyotes in Oklahoma that kill our sheep and our chickens? Should we compensate the chicken farmers and the sheep farmers for the coyotes that kill their livestock?

How about \$1 billion and counting on the San Joaquin River project to make sure we restore 500 salmon? You heard me right—\$1 billion is going to be spent over the next 10 years, and then money after that, to make sure we restore at least 500 salmon. How does that fit with our priorities? It may be something that we ultimately ought to do. How is it that we should do that now? Why should we even be thinking about doing that? How does that fit with any air of common sense?

How about building a road to 800 residents, after we provided a hovercraft to get there? One hundred environmental groups are against building this road through a very pristine area. We do have access another way. Yet we are going to do that, and we are going to spend \$2 million per mile over 17 miles, building a one-lane road that many times is not going to be accessible in the winter, through some of the greatest pristine areas that we have. Therefore, 100 environmental groups are adamantly opposed to including this in this bill. You can understand why they think that might not make sense for protecting such pristine land.

This is my favorite: \$3.5 million to the city of St. Augustine, FL, to plan—just to plan—for a birthday party 16 years from now for the 450th birthday of St. Augustine, FL. Does that restore confidence in the Senate, that we would say we are going to spend \$3.5 million on a city that has been having a birthday party every year? Yet we are going to put another \$3.5 million into the kitty to plan for a big one? There is no doubt we should recognize the historic significance of the longest lived settlement in this country at 450 years. But the question is, in today's economic climate, is that something we should be doing? Who out there without a job today would agree that we should do such a thing?

How about spending a quarter of a million dollars to go down to the Virgin Islands to study whether Alexander Hamilton's old home down there ought to be made into a park? Is that a priority now? What would a quarter of a million dollars do for somebody who is unemployed right now? How many mortgages would it get people out from behind who are in arrears? How many people would not default if we could leverage \$250,000 to them? We have our priorities messed up.

The reason there is a lack of confidence in the Congress, with an approval rating of 9 percent, is because it is deserved.

There is also \$12 million for us to build a new greenhouse for orchids for

the Arboretum. We may need to do that. There is no question we should preserve the things that mark our heritage. But is now the time to build a new greenhouse in Maryland to grow orchids? Is it the time? What can we do with that \$12 million? Who could we help with that \$12 million? Could we use it in a better, more efficient way so that the American people would benefit? If we are going to spend \$12 million, couldn't we spend it in a better way?

My State has Route 66 all through it. We have all these tourism things that are in this bill. Now is not the time for us to be working with grants to promote Route 66 in Oklahoma. Now is the time to be putting that money to work on something that is going to create a job or save a foreclosure or absolutely make a difference in somebody's life, not an aesthetic benefit of the past. We need to start thinking about the benefits of the future.

I talked about the Wyoming range. It will be disputed by the Wyoming Senators, but the fact that the Bureau of Land Management used the latest geologic data and their study uses one that is 2 years old and makes the assumption that all land in Wyoming is the same would refute some of my statistics. But all of the geological engineers in this country and all the oil and gas exploration would remind us of the tremendous loss we are going to achieve by cordoning all that off and not making it available.

I talked about the wilderness designations. I am not against, necessarily, new wilderness designations as long as we limit their impact on property rights. But we do not. As a matter of fact, they directly impact property rights. They directly limit individual property rights. So as we add wilderness areas and zoning requirements within them, we take away the right of the landowner because we fund a specialized group through the National Park Service to change the property rights to the disadvantage of the property owner. People who have no ownership in it will decide what the property's zoning rules will be because they will be funded by the Federal Government. If you are opposed to that, you are disadvantaged because the Government is going to send dollars to your opponent, so we attack property rights at the very basic level. Not only do we challenge them, we take your own money and support your opponent on what you can and cannot do with your own property.

I love scenic rivers. We have the Illinois River in Oklahoma. It is a beautiful, pristine river. It has had some tributary problems, but we actively worked and cleaned it up and it is markedly improving every day. It is a real pleasure.

Should every river in America be a scenic river? And, if it is, how are we

going to cross them with utility lines, power transmission lines, natural gas lines, coal slurry lines, bridges, roads? How are we going to do that? We can't. Yet the goal of some is to make everything, every river, a scenic river. Now is not the time for us to do that because it will limit our ability to achieve greater energy independence.

Those are not just threats. A 2001 lawsuit was filed against the U.S. Forest Service for failure to protect wild and scenic rivers in Arizona because a transmission line was coming across a 30-yard segment of it. Guess what happened. We didn't build the transmission line, so power was not made available.

As we think about wind energy and solar energy, especially in the Southwest in the wind corridor, it will do us no good to put windmills out there if we do not have a way to send that energy somewhere else. Yet with this bill there are multiple instances, over 50 instances, where we are going to block our ability to send transmitted power to other areas of the country.

In 2002, on scenic rivers, the lawsuit was won that said within the collection territory of the Los Padres National Forest in California we will not ever permit oil, gas, or mineral development within the river corridor. What happens if we can drill from outside? What if we can send a line 20 miles from the outside? What we are doing is we are saying no matter what the technology you ever develop, no matter how you ever attempt to make us energy independent, it is never going to be OK; we are never going to allow it.

If you look at what this bill does in terms of geothermal—this is the potential geothermal source of energy. It is clean, renewable in this country. We markedly go after some of the most potent areas of geothermal availability in this bill. We say you can't use them. We can use geothermal—clean, alternative energy. But because we want to look good, because we want to say we did something, we changed that.

Just so we might all be informed about how much land the Government actually owns, as you can see in the Western States, in Alaska, the vast majority of the land is owned by the Government. But that is not nearly as significant as what is happening with this bill because large portions of what is not owned by the Government now is very difficult to develop because when we try to get a permit for extraction of minerals, geothermal, gas, coal, or oil, it is hit with lawsuit after lawsuit.

Now, in addition to these high percentages, nearly 50 percent, we are adding all these other things on top of it, the vast majority of which are moving to the west. It makes no common sense, no matter whether you are an avid global warming enthusiast or you are an energy explorer, if we want to stay warm in the winter, it doesn't make sense to anybody.

Mr. President, 29 percent of all the land in this country is owned by the Federal Government. We are markedly increasing that by 2.2 million acres in this bill. We are going to threaten property rights. We are going to use eminent domain. We are going to use very sophisticated and poised sleight-of-hand zoning requirements to change land that is not owned by the Federal Government—to change the ability of the owner of that land to use that land if we pass this bill.

There are about 40 of the bills in this bill that we don't have any problem with. They make sense; they don't cost a lot of money; they accomplish some of the things that are a priority. Let me spend a minute, if I might, just talking about the amendments we were going to offer had we had the ability to offer them. I note again, since July 16 the minority has had the opportunity to offer one amendment in this body, one amendment. In the greatest deliberative body in the world, the minority has had the opportunity to offer one amendment.

One amendment we wanted to offer that I thought made sense: "No funds can be made available . . . to establish a new unit of the National Park System or National Wilderness Preservation System, a new National Heritage Area . . . new Wild and Scenic Rivers, new wilderness areas . . . until the Secretary of the Interior certifies that the maintenance backlog at the Statue of Liberty National Monument, Grand Canyon National Park, Yellowstone National Park, Glacier National Park, Gettysburg National Park, Antietam National Battlefield, the National Mall" in Washington, are up to date.

Why wouldn't we want to take care of what we have now before we add to it?

The Grand Canyon cannot even keep its trails open right now, or employees, due to lack of funding. There are 10 million gallons of raw sewage in Yellowstone. The Pearl Harbor USS Arizona Memorial is sinking. The manager of the Glacier National Park declared his park bankrupt—the manager. His words: "We are bankrupt."

At Gettysburg the number of employees has gone down. Their ability to maintain that significant monument to the history of us coming back together through war, through the results of ending that war and the tremendous number of lives that were lost on that day, General Pickett's charge—the fact is, we are ignoring them. According to some, the National Mall has now become a national disgrace because it is not maintained. We are going to see some of the great difficulties with that when we swear in our next President, with the tremendous burden being placed on it.

ELEANOR HOLMES NORTON, the delegate from DC, said we should be ashamed of what the average Mall visitor sees. It is not a priority. We made

it politically expedient. We made looking good at home a priority. We have not taken care of our national treasures.

The second amendment we offered, having been through this crush of energy price escalation, what we did was to prohibit new restrictions on American exploration and production—new restrictions; have not changed any of the old ones; we just said: Let's not put any more roadblocks in the way right now until we have a cogent energy policy that does not put us at the mercy of the nations that would like to see us destroyed. That is all we said: Let's not hurt ourselves any worse.

But let me show you what occurs in this bill 19 times. Here is what it says:

Subject to valid existing rights, all Federal land within this proposed area is withdrawn from all forms of entry, appropriation or disposal under the public land laws (in other words, we can never sell it) location, entry and patent under the mining laws, or disposition under all laws relating to mineral or geothermal leasing.

It says that 19 times. What we have done is we have completely excluded any ability to get any energy. The ability for us to solve our energy problems over the next 20 years is being tremendously hampered by this bill. That does not include the 2.2 million acres that are added to the wilderness area.

Amendment 3 to strike the Wyoming Range leasing withdrawal provision—if we can extract natural gas and oil and do it in a totally clean, environmentally friendly way and we know we have 300 million barrels of oil and 8.8 trillion cubic feet, probably closer to 15 trillion cubic feet of proven reserves now, why would we take that away? Why would we do that? Tell me how it makes sense to tell OPEC: Keep doing what you have been doing through the years because we know we have some oil, but we are never going to touch it. In the fields around this Wyoming Range, we know there are another 30 trillion cubic feet of natural gas.

Locking the resources away is not a partisan issue. My colleague from Louisiana, Senator LANDRIEU, claims this bill is moving us backward, not forward.

Amendment 4 was to strike the \$1 billion and counting for 500 salmon.

Amendment 5 was to not spend \$3.5 million on a birthday party for St. Augustine, FL, even though it is not directed at—Florida beat Oklahoma last night. It is kind of hard for me to offer that today thinking that is just revenge, but I wrote this long before we lost that game.

Cut the \$200,000 for a tropical botanical garden in Hawaii. Should we be spending \$200,000 on a tropical botanical garden right now? I mean, does it make sense to anybody in America, when we are going to have a \$1.8 trillion deficit, that we just throw \$200,000 out there for a botanical garden? Is that a priority? I am not suggesting

that we abandon everything, but what I am suggesting is that we ought to be about priorities, and I cannot see that as a priority at this time.

How about a cave institute in New Mexico to receive unlimited Federal funding, an authorization that puts no limits on this funding. What happened is this used to be a Federal program, but it could not take private money. So they took it and made it to where it was a private program, hoping to get matching money from Federal grants. Well, they were not successful in getting matching money for Federal grants, so now we are going back and saying it is going to be a Federal program and it gets all the Federal money it wants. Is it a priority for us to have a cave institute right now? I do not think it is a priority.

An amendment to limit Federal employees from using eminent domain to take away the private property rights of American citizens. We either have a right or we do not. But the more we take away property rights, it is not going to be long before we lose other rights. Simple, straightforward amendment, vote it up or down, but at least let the American people see where you stand on property rights for them.

How about an amendment, very straightforward—the Federal Government does not know what it has and what it does not have. How about an annual report detailing the amount of Federal property the Federal Government owns and the cost of Government land ownership to taxpayers. As an aside, we do know the Federal Government is currently holding about \$20 billion worth of property that is costing them about \$4 billion a year to maintain that they do not want but we can't sell. And last year, property disposal legislation failed to go through this body, even though it costs us \$4 billion a year. Common sense.

How about to make sure we can always have a hunting preserve in this country, to limit the restriction on hunting activities as far as the land use on Federal lands with reason, control. We have lots of Federal lands that are overpopulated with species that need to be thinned. Yet we limit the ability of sportsmen to address that.

There were several others. We do not expect to get all of those amendments or the rights for those. As a matter of fact, if the record is right, if you look at what the last 6 months have been, the minority will get one amendment over the next 6 months. We represent over half the population of this country in the greatest deliberative body in the world.

So how are we to rebuild confidence in this country? Is it by packaging 134 bills together and ramming them through because everybody has something in it? Even though some of them may be very much a priority, the rest of them do not have and do not pass

the priority test. Is that what we are about? Is that going to build confidence in this country? Is that going to restore the American people's confidence that we are up to the task of attending to the very real and practical, severe needs of this country at this time? Is this something President-elect Obama would say: This is the first thing I want you to pass out of the Senate in terms of a priority. It would not even pass his smell test.

My hope is that we go forward, but that as we go forward, we do it in a way that the American people would like to see us do. The goal is not to delay, the goal is to make the point that we ought to have an option to amend and debate bills. These bills got here because they were trying to be passed without any debate, with no amendment, passed by a procedure called unanimous consent.

It is important that the American people know what that is. Unanimous consent is where a bill comes to both cloakrooms, whether it has gone through committee or not, and it is said, can we pass this bill? Well, the problem is, I read the bills and I put a test on them: Are they a priority? Are they a necessity? Are they something that lessens our debt? Are they within the role that has been granted to us under the enumerated powers of the Constitution as something we ought to be doing? If they are not, I am not trying to stop the bill; all I am saying is, bring it to the floor and let's have some debate and amendments on it. And what we have seen is that there is something wrong if you won't, in the dark of night, let bills go through that the American people never hear anything about. Well, the American people need to hear about it all. This stuff all needs to be online.

There needs to be 30 Senators here today debating this. Instead, we are not. And we are going to let status quo, poor priority, lead us down the path to where we do not have the courage to do what is necessary to fix what is wrong in our country. And this is symbolic of what is wrong, is that we do what is politically expedient rather than what is in the best long-term interests of our country.

I have already readily admitted there are several, maybe 60 bills I have no problem with; I think they are a priority. But when they are packaged together, that takes away property rights, that eliminates our ability to be independent in terms of energy in the future, and that blocks the ability to take alternative forms of energy and create transmission lines so that we can use it somewhere after we produce it. I am going to stand up every time—every time. As a Senator representing 3.8 million people from Oklahoma, that voice is going to be heard; it is not going to be stifled. It may not have an amendment, but it is going to be heard.

This country is worth us fighting for. And this is not worth our priority at this time. At the dilatory state we find ourselves in, we ought to be about bigger and better things that really impact people both in the long run and short run and get us out of the problems we are in.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent to speak in morning business for whatever time I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. INHOFE. Mr. President, yesterday I spent over an hour on the floor talking about a report that we put together that is pretty incredible, the numbers of scientists coming forth now who were always on the other side, or 10 years ago were on the other side of this issue and at that time were agreeing with former Vice President Gore in saying that manmade gases, anthropogenic gases, CO₂ and such were the major causes of global warming. Now these scientists are coming over in droves, even individuals who are leading riots in the streets throughout the world talking about having to do something or we are all going to die. I spent more time than I should have on it because it deserved the time. But I had to read a lot of the stuff. I know you go to sleep when you think about things like this, and it does get to be heavy lifting. What I am trying to say is, we need to view this with a fresh look because so many things have happened.

It is going to be difficult for many of my colleagues whom I deeply respect who crawled way out on the limb saying it is manmade gases and we will have to have expensive cap-and-trade solutions to the problem; they now are facing a very liberal constituency that is saying: Wait a minute. Now we have the White House, the House, and the Senate. We have everybody lined up on this issue, as if it is a done deal, a fait accompli; we are now expecting you to come forward.

This is totally ignoring the fact that everything has changed from what it was before. Last year we had the Lieberman-Warner bill. Let's go back further than that. Let's go back to the original Kyoto Treaty. Quite frankly, way back 7 years or so ago, when I became chairman of the Environment and Public Works Committee, all we ever heard was that manmade gases were causing global warming and, therefore, we have to do something about it.

Frankly, when the Kyoto Treaty was first suggested, I was one who thought it must be true because that is all we heard in the media. When I became chairman, I knew that I would have an impact on the decisions that were made that would concern global warming. I thought at that time it was something we should address.

Then the Wharton School of Economics came out with the Wharton Econometric Survey. This was something that was pretty well done, and it is still out there. In fact, I have a Web site, epw.senate.gov. If you access that, you can see this in more detail than you probably really want. If you are not a believer in the cost of this issue, then you would want to do that. The Wharton Econometric Survey asked: What would it cost the United States if we were to ratify the Kyoto Treaty and live by its emission requirements? They came to the conclusion that it would be in the range of between \$300 to \$330 billion a year. I always hesitate to use figures such as that because it is hard for people to conceive how that affects them. What I normally do is take the number of families in America who file tax returns, and then I do the division. That \$330 billion a year it would cost us to comply with the treaty comes out to be almost \$3,000 a family. We are talking about something that is big. This is huge.

After looking at that, I thought: If it is going to cost that much, let's be sure the science is real and it is there. After looking at it, we found that the science was not there. Even though you had the appearance of it being there because the National Academy of Sciences and the United Nations all said the science was there, the Intergovernmental Panel on Climate Change, something started by the United Nations—I hasten to say I have never been much of a fan of the United Nations to start with. Maybe I am a little bit biased in this analysis. When they put together the Intergovernmental Panel on Climate Change, they did so for the purpose of trying to do something to force the whole world to be involved and say: This is a world problem that we will have to correct.

This is just a suspicion I have. Every once in a while the United Nations comes out with something that totally contradicts our interests. My good friend from Alabama and several of us put together resolutions. These resolutions say we will withhold 20 percent of our dues to the United Nations unless they reverse their position. The United Nations doesn't like that. They would like not to have to answer to anyone. Consequently, if they could ever get in a situation of global taxation, which is what they have openly been promoting for many years, they would be in a position not to be accountable to anyone.

This is kind of what happened. So this was the Kyoto Treaty.

Fastforward then to 2003 and 2005 when we had two bills, the first of which was McCain-Lieberman. Those bills were also cap and trade. Cap and trade costs about the same amount of money. This is very interesting. You will hear a lot of people during the next few months say: We want some kind of controls on CO₂. But we are not going to do it in a way that will cost a lot of money. We will have offsets. The bottom line is, it is going to cost about the same \$300 billion regardless of what scheme we adopt and how we massage it.

I have to say, there has been an awakening in the last few years. In 2005 there were only two Senators who came to the floor and helped me. I was the one, as chairman of the Environment and Public Works Committee, who was charged with fighting this issue. It was on the floor of the Senate for 5 days, 10 hours a day. That is 50 hours. We only had about 3 hours of other Senators coming to assist me. Now fastforward to 2008. That was the Warner-Lieberman bill. We had 25 Senators, including the Senator in the Chamber presently from Alabama, who came down to assist in this debate. That is a huge difference. We resoundingly defeated that bill, mostly on the economic arguments, not on the scientific arguments.

When we started the debate, I said: I don't believe the science is there. Evidence is showing that it is not there. But let's assume for purposes of this debate that the science is there, that manmade gases, anthropogenic gases, CO₂, methane, are all responsible for climate change and for increasing the temperature or global warming. Let's assume that. So the debate started, and we talked about the economics of the issue. Even assuming the science is there, we defeated that by a huge margin. In fact, BARBARA BOXER was handling the Democratic side. They only had 37 Democrats committed for final passage. That is a big change from 2005.

Now we have something where everybody is assuming that it is going to pass because the Democrats have control of everything. They have the White House, the House, and the Senate. I remind them not to get too arrogant because we went through the same thing, or they went through the same thing in 1992, and things turned out pretty well after that.

If you look at where the attitudes of people are right now, that we are going to be passing something, I wouldn't get too far ahead. What we are trying to do and what I did yesterday—and I took far too long in doing it—was talk about the size of the tax and the fact that the tax is going to be a regressive one.

I have to say also that I was one of the few people who actively opposed the \$700 billion bailout. Again, when we relate that to each family that files a tax return, it is about \$5,000 a family.

That was giving an unelected bureaucrat the sole control over \$700 billion. One of the things I don't like about that, not only was it the wrong thing to do, but that also got people changing their thinking as to these large numbers. Now that \$300 billion a year that it would cost us, if we had a cap-and-trade policy, doesn't seem nearly that big. But it would be, and it would be regressive.

The argument on the other side is, you may be right in the regressive nature of a tax because everybody has to buy energy. Everybody has to buy gasoline and heat their homes, so a larger percentage of the expendable income of someone who is in a lower income is going to be far greater than it would have been otherwise, but we can take care of that by redistribution of wealth toward low-income consumers. They have actually said that. That sounds a little bit un-American to me. Keep in mind, if we are talking about redistributing wealth, somebody has to create wealth before it can be redistributed. Right now—and we are looking at the figures going around now—there will not be a lot of wealth to redistribute, if we get to that point.

Anyway, that was the main argument I was using yesterday and have used up through the last 7 years. I have had occasion to give 13 rather lengthy floor speeches on the science on global warming. What I did yesterday was use this report that we put together of the 650 very top international scientists who refute all the arguments used heretofore. I would like to concentrate for a moment on some of the left-of-center scientists, environmentalists, and activists we are talking about, the so-called consensus.

The Huffington Post is a left-leaning publication. We all understand that. Harold Ambler was demanding an apology from Al Gore for promoting unfounded global warming fears. The Huffington Post article accused Gore of selling "the biggest whopper ever sold to the public" in American history.

We see a former Greenpeace member who was in Finland. His name is Jarl Ahlbeck. He says there has been little or no global warming since 1995. This is interesting. Everyone is talking about global warming. We are in a cooling spell now. It has been that way since the turn of the century. Nobody argues that. I am sure that upset a lot of people, the promoters, because it is kind of hard to be talking about some very expensive scheme to fight global warming when we are going through global cooling.

Nonetheless, we have all types of people, and I cited a long list of them, who say we are in the middle of this cooling period right now.

Going into the liberal side or the left-leaning scientists, one of them is Martin Hertzberg, a meteorologist with a Ph.D. in physical chemistry. He said:

As a scientist and life-long liberal Democrat, I find the constant regurgitation of the anecdotal fear mongering clap-trap about human-caused global warming to be a disservice to science.

You have some of the punishment that has been covered in this report. They talk about how they no longer can get grants from various organizations, whether it is the Heinz Foundation or others, unless they go along with their philosophy.

The other argument that has come up that we want to use and make sure everybody understands is, even if you are a believer that manmade gases cause climate change, global warming, the things we are looking at now and the things we looked at after Kyoto, Kyoto actually made more sense than some of the bills I have been talking about that happened in 2003 and 2005 and 2008 because that would single out the United States and say: This is what we are going to do regardless of what they do in China and Mexico and India and other countries.

So, obviously, if we did it, and we had this punitive tax arrangement, that would drive our manufacturing base overseas to places where they wouldn't have this heavy expense. Consequently, it would be going to countries such as Mexico and China where they have almost no restrictions on their emissions. It would have a net increase on the amount of CO₂ going into the atmosphere.

As to the manual we have with over 650 scientists, I would like to suggest to you that you compare that to the IPCC reports. The IPCC—that is the United Nations Intergovernmental Panel on Climate Change—report is called a Summary for Policymakers. We never saw the report. We just see the summary. That was put together by 52 scientists who are pretty much owned by the politicians who are wanting to come to these conclusions.

So if you canvas the scientists now in Canada who came out with a report just recently—51,000 Canadian scientists—68 percent of them disagree that global warming is a science that is settled. At the same time, you have the same percentage—and this came from the International Geological Congress which just had their meeting in Norway—an overwhelming number of the scientists were skeptical. Two-thirds of the presenters and question askers were hostile and even dismissive of the U.N. IPCC report. So the same two-thirds keeps reappearing in terms of what the scientists are saying about this issue.

Now, yesterday, I did not get into this, but if you look at those scientists who are on the left side, Dr. Robert Giegengack, the former chair of the Department of Earth and Environmental Science at the University of Pennsylvania, actually was a strong Gore supporter in the 2000 election. He

now states that global warming does not even qualify as 1 of the top 10 environmental problems facing the world. This is not me or any other Senator talking. This is one of the far left leaning environmental scientists.

With Alexander Cockburn it is the same situation. He is a maverick journalist who leans left on almost all topics. He lambasted the alleged global warming consensus on a political Web site called counterpunch.org, arguing that there is no evidence that humans are causing the rise in global temperature. This gets to the intimidation factor. He said:

I have been treated as if I have committed intellectual blasphemy.

Alexander Cockburn stated:

This turn to climate catastrophism is tied into the decline of the left, and the decline of the left's optimistic vision of altering the economic nature of things through a political program.

I guess what he is saying is, these intellectuals, any of these scientists who were formerly on the far left side who have come over—as most of them now have; more than 50 percent of them have—are beat up pretty badly by the scientific community, or at least by the National Academy of Scientists.

Another left-leaning individual is Denis Rancourt, professor of physics and an environmental science researcher at the University of Ottawa. He stated that the global warming campaign does a disservice to the environmental movement by beating this drum. He is a big environmentalist. When, obviously, the science is not there, it is doing a great disservice, and I think that is right.

Then you get into the three I like the best. Dr. Claude Allegre is a socialist. He is one of the top French scientists. He is the one who was marching in the streets with Al Gore 10, 15 years ago. Claude Allegre is recognized by everyone. He has now totally reversed his position. He was the top guy in France. With Dr. David Bellamy from the UK, it is the same situation. He was on the far left side of this issue. He has come around.

I have all the quotes by these individuals. There is not enough time to read them. The same thing is true with Nir Shaviv. Nir Shaviv was a scientist in Israel who is now quite outspoken in his opinion that the science just flat is not there.

Ecologist Dr. Patrick Moore, he was a founder of Greenpeace and has now joined the ranks of the dissenters. He said:

It is clear the contention that human-induced CO₂ emissions and rising CO₂ levels in the global atmosphere are the cause of the present global warming trend is a hypothesis that has not yet been elevated to the level of a proven theory.

So this goes on and on and goes over many of these areas. I think even some of the mainstream media has begun to

take notice of this issue. An article in *Politico* noted the other day—that is a paper we are all familiar with in the Senate—that a “growing accumulation” of science is challenging warming fears, and added that the “science behind global warming may still be too shaky to warrant cap-and-trade legislation.”

Canada’s *National Post*, which is always promoting cap and trade, is now saying “the number of climate change skeptics is growing rapidly.”

So I leave with three thoughts: First of all, the left is now abandoning the whole global warming fear concept, and we have all the names. I can recall when we had our 2-hour session with former Vice President Al Gore, and I never saw any sweat coming off his forehead until we started talking about people such as Claude Allegre, David Bellamy, and Nir Shaviv, who were always on his side before.

Second is the cost. If you do not want to use my \$300 billion-a-year tax increase figure, use the figure that was used in the Boxer-Lieberman-Warner bill last year. It was \$6.7 trillion.

The third thing to keep in mind has to do with Kyoto. It would have been bad enough, but for us to do it unilaterally would really be a very bad idea.

I would suggest people go to a Web site. I have the Web site: epw.senate.gov/minority. “EPW” stands for Environment and Public Works—epw.senate.gov/minority. I have a lot of documentation there for anyone who might be interested in the truth, not that that always produces a lot of interest around here.

BAILOUT AND JOBS

Lastly, Mr. President, I want to go into one other thing unrelated, and I do not want to use too much time because others want to speak.

I have said—I do not think it is unfair, at least in my mind—that as to this whole idea of the \$700 billion bailout, 75 percent of the House and the Senate supported this legislation. Let’s keep in mind that was to give an unelected bureaucrat the power to do with the first half of the \$700 billion anything he wanted to do.

In fact, when Secretary Paulson—he actually said at one time: I promise this is going to be used to buy damaged assets. Well, we found out that, obviously, 3 or 4 minutes after he received the money, it did not go to that. I have heard, and just this past Wednesday an economist gave a presentation, that if we had used that for the intended purpose, it might have had an effect. They contend this did not have any effect at all on what has happened.

So with the concern that several of us have, I would only like to say that it has fallen on deaf ears. But I have been trying to get Members of this body to understand—I am talking about Democrats and Republicans; we have some Democrats, such as BERNIE

SANDERS, who do understand this—and that is, the concept of giving the money to an unelected bureaucrat is wrong.

This is something we can do now on the second half of the \$350 billion that remains. They spent every cent of the first \$350 billion. As to the second \$350 billion, if we leave the law like it is today, they can come forward and say this: Well, I want to have the other \$350 billion. I am going to spend it on this and this and this—and maybe not even talk about the whole amount. They may be very uncertain as to what he is going to use it for. But then the only way to stop that would be to pass a resolution of disapproval.

Now, it would be very difficult to pass a resolution of disapproval. In fact, for obvious procedural and other reasons, it could not be done. What I have proposed, in S. 64, is to make a modest change in that law, and instead of saying it is going to automatically pass unless a resolution of disapproval, in a 15-day period, is successfully passed, say that you have to come forward and show us what it is going to be, how you are going to spend the money.

I have been trying to get more sponsors on this legislation. As I say, I already have some Democratic sponsors, and I applaud them for having the courage to come out and say: We want accountability. We don’t care who it is in the White House, we need to have accountability.

So as we get toward the bailout bill, the last thing I want to mention is something I have very strong feelings about, and that is this: The figures I have heard—and at this point I do not think anyone can intelligently say exactly what the bailout bill is going to be—we have heard figures batted around about \$1.2 trillion, huge amounts of money. But the report I got from the President-elect’s team, they talked about out of \$1.2 trillion, only \$25 billion in total investment would be on infrastructure. That is nothing, \$25 billion out of \$1.2 trillion.

Now, I would say this: My good friend, JIM OBERSTAR, over in the House of Representatives, with whom I served on the Transportation Committee for 8 years before coming over here, has come up with a much more ambitious portion of it.

Now, if we are going to spend money for a stimulus bill, let’s spend money on something that will actually come up with some jobs. I am not saying I want to spend all this money, but if it is going to be spent anyway.

I do not want to play down the whole idea of tax relief. We all know—we have learned from experience—what can happen if tax relief is done in the right way. We all remember what Woodrow Wilson did after World War I. He decided to cut taxes because the war was over. He did not need them

anymore, and he expected revenue to drop down. It did not. It increased.

A very smart President of the United States, in the 1960s, John Kennedy, said—this is an exact quote—we need more money for the Great Society programs, and the best way to increase revenue is to decrease marginal rates. So he decreased rates, and it increased revenue.

Remember in 1980, the total amount of money that was raised from marginal rates was \$244 billion. In 1990, it was \$466 billion. That was during the 10-year period that had the largest tax reductions in the history of this country.

So we know we can stimulate the economy. I fear that is not going to be that type of tax reduction if we just merely have a redistribution of wealth and give money to people who do not pay taxes. That is not going to do it. So I say that because if tax relief were done properly, I would not be standing here and saying we ought to have a larger percentage of this spent on infrastructure. We have huge critical needs in the United States on our infrastructure. We are in a position right now where we had passed the last authorization bill, and it was a \$286 billion bill in 2005. That was the transportation reauthorization. We are going to do it again. But if we could get a running start and spend some of the money that is going to be spent anyway on providing jobs immediately, we have \$80 billion ready to go right now for jobs, where we could have the spade in the dirt tomorrow.

Then we have the categorical exclusion projects that are out there in addition to this. Those are projects that do not increase capacity, do not increase the footprint, but just maintain some of the crumbling bridges and infrastructure that is out there. So all that can be done. I think Gary Ridley is the best director of highways anywhere in America. He is our highway director in Oklahoma. We have, just in our State, one billion dollars’ worth ready to go right now. So this is what we want to do.

On Monday, I am going to elaborate a little more on our opportunities that we have for infrastructure. I have been ranked most of the time as the most conservative Member of the Senate, and yet I am a big spender in some areas. One is in national defense, but another certainly is in infrastructure. That is what we are supposed to be doing.

I think we have an opportunity to do what we are supposed to be doing and at the same time produce jobs, and that will be my intent. I plan to talk about this in more detail on Monday.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Briefly, Mr. President, I see the Senator from Hawaii is

in the Chamber. I see he has some remarks, and I would be pleased to yield to him and would ask unanimous consent that I be recognized after he has full opportunity to make any remarks he desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I thank my colleague for giving me this opportunity to speak at this time.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. President, this year marks my 19th year in the Senate, a mere fraction of the time served by my esteemed colleague and good friend, Senator ROBERT BYRD, the Senator from West Virginia.

Senator BYRD has been a Senator as long as Hawaii has been a State—50 years. I rise here today to pay tribute to this great human being, this great man, this great Senator, who has served for those many years here for our country. His contributions are well documented, his influence legendary, and his grasp of history and knowledge about our democracy and our institutions is without equal.

It is my great honor to serve alongside the distinguished Senator BYRD. I consider him my Senate mentor. He has been a mentor for many of my colleagues. He has taught me much, both trivial and profound. For example, one of the first things he told me was to always wear my pin while at work. In the early years, it helped distinguish me from all the other people wearing suits at the Capitol. So as Senator BYRD can see, I learned that lesson well, and I do wear my pin every day. He also taught me the intricacies of presiding over the Senate. He said: Speak in sentences, and don't take any of your work with you to do while you are presiding. I have done that when I did preside. His point was respect for the Senate as an institution.

As I mentioned, I have learned a lot from Senator BYRD, but I chose to share with my colleagues those two lessons, as simple they may seem, so they can appreciate how much he cares about his colleagues and the Senate. For him, no detail is too small and no challenge is too big.

Many know that Senator BYRD usually carries a copy of the U.S. Constitution in his pocket and frequently displays it to make a point. It is an appropriate place; it is close to his heart.

Senator BYRD, God bless you abundantly, and congratulations on 50 years of distinguished service to the people of West Virginia and the United States. Thank you for all you have done for me. I cherish your friendship and look forward to our continued work together on behalf of our great country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

EROSION OF SENATE TRADITIONS

Mr. SESSIONS. Mr. President, I thank Senator AKAKA for his comments about the Senate and Senator BYRD, and I would share those. Certainly it is a good lead-in, I think, to the remarks and thoughts I wish to share right now.

In the Senate, individual Senators have traditionally had substantial powers to participate in the debate and to offer amendments to improve legislation. The Senate has been described as the saucer which allows the hot coffee to cool, and I think that is a good description.

I have been very concerned that Senator COBURN of Oklahoma, who has desired to offer just one or two amendments to legislation that is pending in the Senate before it becomes automatically passed into law, has systematically been denied that right and has been held up as someone who does not respect the body and is doing something wrong. I think that is a very bad analysis of the principled stands he takes. I think he is one of the finest Members of this Senate. He has the odd belief that a Senator should actually read the legislation, and if it can be improved and should be improved, a Senator has an obligation to offer an amendment to fix that, and he has done so. However, as we know, Senators have gotten into the habit of believing that if they have produced a piece of legislation and it is essentially a piece of legislation that a lot of people would agree ought to be passed without any debate and/or without, certainly, any amendments—and the majority leader, who I have to say is going to have to watch this and is going to lead continued activity in this area—to deny the fundamental right of Senators to debate and vote to improve legislation cannot continue without causing very serious disruption of the body because it changes the historical nature of it.

I participated in a bankruptcy bill. It was my subcommittee. We passed the bankruptcy bill. It took several weeks. It was an important piece of legislation. We had 39 votes asked for by the Democrats, who were in the minority. They got those votes, and eventually the bill passed with 83 or 87 votes, I have forgotten which. That is what this body is capable of doing and should do much more often.

Let me go back to what has happened here. Senator COBURN has objected to various pieces of legislation. They asked unanimous consent that the bill be passed without amendment and basically without debate. That is what the request is. Senator COBURN has said: Well, I have an amendment. I don't like section such-and-such. I don't approve of provisions in this bill

that will restrict further our already restricted ability to produce oil and gas in America, for example or I don't want to see that become law or I think that expenditure in the bill is unacceptable and it ought to be eliminated or cut substantially or my constituents think this is not good policy for America, and I wish to at least be able to offer an amendment to it. Well, the powers that be are not comfortable with that. It has been done during Republican times, but it has gotten to the high-water mark now, where the leadership of the Senate systematically denies people the right to vote.

I was really taken aback that Senator COBURN has announced that not a single amendment has been voted on in this Senate since July. How can that be? It is unthinkable to me that that has been the case, but I can't remember any. I know they were able to ram through a \$700 billion TARP financial bailout without an amendment. Unthinkable.

So I think the history, the integrity, the traditional role of the Senate is being eroded because leadership does not want votes. They don't want their members to have to take tough votes. That is what you hear. They want to pass bills quickly—let you have a little say and then pass the bill, but nobody really gets to try to offer amendments to make the bill better and anybody who insists on that is obstructing.

So basically what has happened in this body is that we now have a public lands bill that has attached to it some of what Senator COBURN has objected to, and they want to move the bill without any amendments. I don't think that is right.

Let me just say this about Senator COBURN: He is a medical doctor. He works extraordinarily hard. He is highly intelligent. He has been a successful businessman, an inventor, and one of the smartest Members of this body. He campaigned in his State that he was going to read the legislation that comes before this Senate and he would work to make it better. He committed to his people that he would work to control wasteful Washington spending. I think almost every Member of the Senate has said the same; the only difference is he does it with a tenacity and a courage and an analytical ability that few of us possess. He is willing to come down here and ruffle feathers by saying: I know, Senator, you love this bill and you think it is perfect, but I have a different view. I think this part of it ought to be fixed. I have an amendment, and I want a vote on it to see if my colleagues agree with me. We have gotten in the habit of denying this opportunity.

If anybody thinks this is such an insignificant matter—when we passed last fall, over my objection, the financial bailout, the \$700 billion bailout, I

think I can say without fear of contradiction it was the greatest expenditure in the history of the Republic or allocation of Federal money in the history of the Republic. Not one amendment was allowed. Blame it on President Bush. Blame it on President Bush, but the Democrats had the majority in the Senate. I didn't support it. I would have been delighted to stand with them to object to the breadth of this bill, the lack of control that was exercised over \$700 billion in taxpayers' money. But Senator REID brought it up in a fashion that allowed no amendments, and they rammed it right through the great Senate of the United States, and we committed this country to \$700 billion in expenditures and guarantees.

Well, how did it work out? Most economists now tell us that using that money to buy stock in banks, private banks, to buy stock—\$100 billion-plus—in a big insurance company with taxpayers' money has not helped the economy. Had the money been spent on buying toxic assets, as promised, it might have worked. At least we would have been further along in the game. Why did that happen? Secretary Paulson told us he wanted to buy toxic assets. He told us he didn't want to buy stock. He was asked about that in the House committee. He said: No, I don't think we should buy stock. But one thing Secretary Paulson told the Congress—and I was stunned by it, really—he said it publicly and repeatedly: I want maximum flexibility to do what I think is necessary to fix this economy. That is what this Senate gave him. Within a week of getting \$700 billion to buy toxic mortgages to try to stabilize the housing market, he was spending the money to buy stock in banks and insurance companies—directly contrary to what he said.

All I am saying to my colleagues is that the Senate is a great body. I am just commencing my third term. I remember when I first came up here and I attended a luncheon and they asked me to say something briefly. The words I recall saying were that I can think of no greater honor than to represent the people of Alabama in the greatest deliberative body in the history of the world. That is this Senate. But we are eroding that tradition, that heritage. If we can't have amendments, it can no longer be called the great U.S. Senate. I think Senator BYRD can't help but be uneasy about these trends in the Senate he has so loved and served for so long.

We ought to be appreciative of Senator COBURN from Oklahoma for taking the time to study this legislation, to offer amendments to fix it and to make it better, and to serve in the classical manner of "Mr. Smith Goes to Washington" to serve the American people. We ought not create a freight train designed to run over him and to silence and muzzle him and to deny him the

ability to offer amendments. That is what we are about.

There is no reason for us having to vote on Sunday except the majority leader has insisted on it and tried to blame Senator COBURN. If we are going to stay in session until Sunday, why are we not voting? Why don't we have some votes? What are they afraid of to have a vote? I am serious. What could be so fearful about casting votes? Isn't that what we were sent here to do? We know on every vote, we are going to make somebody unhappy. The Senate, since the founding of the Republic, has found it acceptable to vote. Why are we stopping voting now?

I want to be counted in his favor. I know the legislation before us today has a number of good provisions in it. I support some of them, and some of them I have worked hard to support and see they are in the legislation. I don't think it is a horrible piece of legislation. But just as a matter of procedure, we ought not to deny good Senators the right to offer amendments. I object to that procedure.

I believe we will have to confront this change in the procedures of the Senate because we are going to wake up and find it is not the same Senate we used to know.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak a few minutes in support of the motion to proceed to S. 22, the Omnibus Public Lands Management Act.

S. 22, which I introduced earlier this week, is a collection of over 160 bills. Primarily, they are bills that came out of our Committee on Energy and Natural Resources. The question before us is whether the Senate should proceed to consider the bill. I strongly believe we should, and that is the vote the majority leader has scheduled us to have on Sunday.

Although S. 22 itself is a new bill, the individual pieces of legislation contained in it and incorporated in it are not. This package includes 159 bills which were considered by our committee during the previous Congress. Several of the bills in the package have even been considered in one or more Congresses prior to the previous Congress.

Let me make the obvious point that needs to be understood by everyone paying attention to this issue. This is not a partisan bill. The bills in this package have been developed on a bipartisan basis. Last year, we developed this legislation hand in hand with Senator Domenici, who was at that time the ranking member of the Energy Committee. This year, we have worked with Senator MURKOWSKI, who is taking over as the ranking member of the Energy and Natural Resources Committee, to develop this legislation.

Almost all of the bills that were reported from our committee were reported on a unanimous vote. In cases where there was not a unanimous vote, we have made further modifications in some of those bills in an effort to address remaining concerns.

Collectively, the legislation that is before us or that we are going to vote on whether to proceed to is one of the most sweeping conservation laws that has been considered by the Senate in recent years. It will designate over 2 million acres of wilderness in nine different States. It will establish three new units of the National Park System, a new national monument, and three new national conservation areas. It will codify the Save America's Treasures and Preserve America historic preservation programs.

In addition, it will designate over 1,000 miles of new additions to the national wild and scenic river system, including several hundred miles in Wyoming that are dedicated to our late friend and colleague, Craig Thomas, and will help protect 1.2 million acres of the Wyoming range. This is in large part due to the leadership of Senator BARRASSO, who is on the Senate floor and intends to speak following my remarks.

The bill designates four new national scenic or national historic trails, enlarges the boundaries of several existing units of the National Park System, and establishes 10 new national heritage areas. It establishes in law the Bureau of Land Management's National Landscape Conservation System and the collection of national monuments and conservation areas that are administered by the BLM.

The package is not just about new designations. The bill authorizes numerous land exchanges and conveyances to help local communities throughout the West. It includes several provisions to improve land management, such as the Forest Landscape Restoration Act which will facilitate collaborative landscape-scale restoration to help reduce fire risk and fire costs and provide new forest product jobs.

Another example which is in my home State of New Mexico, the bill will reauthorize the Rio Puerco Management Committee. This committee has become one of the most effective collaborative land management efforts in the Southwest which, for more than 10 years, has helped to facilitate the restoration of the highly degraded Rio Puerco watershed, which is a major tributary leading into the Rio Grande.

This package incorporates 30 separate bills that, taken in their entirety, will have an unprecedented positive impact in helping address critical water resource needs on both the local and national level. It authorizes a range of studies to assist several communities conduct indepth reviews of

local water supplies and evaluate the best ways to meet their future water challenges.

There are also approximately 18 specific authorizations for local and regional projects that enhance water use efficiencies, that address infrastructure that is in disrepair, that provide a sustainable supply of water to rural communities, and conserve water to promote environmental health and alleviate conflicts that arise under the Endangered Species Act.

The overall understanding of our critical water resources, including the impact of climate change on our water resources, is also promoted by provisions in this legislation.

Finally, I note that the bill will reduce the workload of water lawyers in the West by ratifying three extremely important water settlements in the States of California, Nevada, and New Mexico. These settlements, involving Indian tribes, agricultural and municipal water users, environmental interests, and the applicable States themselves, will resolve decades old litigation in a manner that is consistent with Federal responsibilities and with the broad support of diverse interests in each of these situations.

As most who are familiar with the history of western water can attest, it is a near impossible task to bring competing interests together to agree on long-term solutions. That has been achieved in this bill, and this bill ensures that the Federal Government will be a full partner to help implement reasonable solutions to complex water issues.

I think it is important to note the lengthy public process associated with many of the individual bills in this package. Many of these land and water bills began as an effort by local citizens to resolve important resource issues within their States. In many cases, local working groups were formed and discussion took place over a period of years, before a local consensus developed.

Following all of that, many of these proposals then spent additional years under consideration in Congress, often with further negotiations and modifications. In my opinion, this is exactly the way the legislative process should work, and this process reflects why there is such strong local support for many of these provisions.

Based on the action of our committee last Congress, there is also strong bipartisan support in the Senate for the bills in this package. I commend the majority leader for his commitment to pass this bill in such a timely manner, and I urge my colleagues to support the motion to proceed and, following that, passage of the legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to put into per-

spective some statements made by my good friend from Oklahoma, and he made those with regard to the Wyoming Range Withdrawal Act. This is a bill that I introduced.

I am especially pleased to be giving this speech from this desk. People back home in Wyoming ask about the desk and whose desk do you have? As you know, after the election and the new swearing in of Senators, some of the desks switched around. Due to the generosity of Senator SHELBY—and I am very grateful to him—he has allowed me to have this desk because this is the desk of F.E. Warren, who was Wyoming's first Senator when we became a State in 1890. He took the oath of office, and he served for almost four decades. This is the desk he got when he came to the Senate on day one.

It is important to give this speech from this desk because we are talking about a part of Wyoming's past and a part of Wyoming's future that is very important, and it is the Wyoming range. Wyoming has a long history of getting it right when it comes to multiple use of the land. We have done it for 119 years that we have been a State, and we will continue to do it forever.

I am here to tell you and to tell the people of Wyoming, tell the people of America that I introduced this bill, the Wyoming Range Withdrawal Act, to fulfill a commitment I made to the people of Wyoming and to complete the work that was started by my good friend, Senator Craig Thomas. We lost Senator Thomas in 2007. At the time of his death, he was working on this bill. He had traveled the State. He had visited with people, listened to people. That is exactly what I did when I took the oath of office—having town meetings, traveling to all of the parts of the State, visiting, listening to people, and then working to try to improve the bill that is in front of us today as part of this lands package.

I am here to tell you that right now, today, there is oil and gas development going on in the Wyoming range. I have a picture of the Wyoming range, a beautiful part of western Wyoming. It means so much to so many people. There are certain places that are so special and so pristine that they need to be protected for future generations. But we do it right in Wyoming. We rely on multiple uses of the land.

This legislation we have heard about today seeks to protect from future oil and gas activity—let me say that again—from future oil and gas activity, lands in the Wyoming range that are not currently under lease. And there are lands in Wyoming that are currently under lease.

As we can see in this picture, it is still a very pristine, beautiful area, but some of this land is under lease for oil and gas development. The legislation in this lands package does not—does not—affect areas that have been cur-

rently leased for exploration. There are 18 oil and gas leases within the proposed withdrawal area. These leases cover over 70,000 acres. These leases are primarily located in areas that have some of the most significant potential, the most significant potential for mineral development. They represent valid existing rights, and they will not be canceled in any way by this bill. I repeat: These leases represent valid existing property rights and will not be canceled by this bill.

In addition, there are 35 oil and gas leases covering almost 45,000 additional acres that have been issued and are under protest or have been sold but not yet issued. The legislation does not cancel any of these areas which are being contested. There does exist an appropriate administrative process whereby the Bureau of Land Management, the U.S. Forest Service is evaluating these contested leases to determine their status. I repeat: This legislation today does not cancel any of these currently contested leases. Everyone should keep in mind that the acres currently leased or currently leased but under protest represent the area where the most promising reserves exist. This bill does not touch that.

Now, my colleague from Oklahoma stated that the legislation would take off the table 8.8 trillion cubic feet of recoverable natural gas and over 300 million barrels of recoverable oil. Well, let us first set aside whether those figures are accurate, and we will get to that in a minute. I reiterate: The areas believed to hold the majority of the oil and gas reserves are leased, those areas are leased, and those are valid existing rights and will not be changed by this piece of legislation. Now, regarding the figures. I have an updated estimate, an estimate of the reserves of the Wyoming Range that has been prepared by the U.S. Department of Interior, the U.S. Geological Survey, and this was prepared on June 19, 2008. I have shared these numbers with Members of the Senate.

Under the revised estimates, the best minds, the best geological thinking, they believe there is some natural gas potential in this area of 1.5 trillion cubic feet, not 8.8, and an oil potential of 5 million barrels, not 300 million barrels.

Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, the USGS letter to the chairman of the Senate Committee on Energy and Natural Resources, Senator BINGAMAN, who earlier spoke.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARRASSO. Mr. President, these figures, particularly the estimated gas reserves, are still not a small amount, but they are significantly lower than

the previously stated estimates and much smaller in size and in scope relative to other known gas reserves in the area of western Wyoming. Currently, in this area, there are 4,300 producing oil and gas wells in the three counties that are touched by this legislation. There is a proposal being considered for up to 4,339 additional wells that would not be affected by this legislation. There is production currently taking place in the Wyoming Range that will not be stopped by this legislation.

The people of Wyoming are doing their part to keep America's energy flowing. We in Wyoming are the largest net exporter of energy in the United States. We support development of our coal, of uranium, of oil, of gas, and of renewable resources—the electricity from wind. We have never been a State that has said: Not in my back yard. We are No. 1 in coal production in the country, we are No. 1 in uranium production in the country for nuclear power, and we are No. 2 in the country in production of onshore natural gas. The people of Wyoming continue to do their part.

We also recognize, through 119 years of statehood, that there must be a balance, a balance between helping the Nation meet its energy needs and maintaining the quality of life the people of Wyoming have come to enjoy. The Wyoming Range Withdrawal Act has bipartisan support throughout the State of Wyoming. The Governor of Wyoming, Governor Dave Freudenthal, a Democrat, came to Washington to testify at a hearing before the Senate Energy and Natural Resources Committee, and he spoke in favor of the bill. My colleague in the Senate, Senator MIKE ENZI, is a cosponsor of the bill. It truly is a bipartisan measure.

The Wyoming Range Withdrawal Act strikes the proper balance. I have come to the Senate floor today to put this bill in context with what is occurring on the ground in Wyoming, as well as what is occurring under the ground. My goal is to provide an accurate and a complete picture for the Senate and, much more importantly, for the American people.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
U.S. GEOLOGICAL SURVEY,
Reston, VA.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 27, 2008, and your request for U.S. Geological Survey (USGS) oil and gas resource information regarding the Wyoming Range Withdrawal Area (WRWA), outlined in S. 2229.

Based on the map your staff provided, the withdrawal area encompasses parts of two geological provinces assessed by the USGS—the Southwestern Wyoming Province and the Wyoming Thrust Belt Province. The USGS conducts assessments of the undiscovered, technically recoverable oil and gas resources of the entire geologically defined province.

To approximate the amount of the estimated resources underlying the proposed withdrawal area, we placed the map provided to us into a geographic information system (GIS), calculated the amount of WRWA area that overlaps the assessment units we had analyzed and assessed in the two geologic provinces, and calculated the percentage geographic area that the WRWA represents of each assessment unit. We then calculated a first approximation of the potential undiscovered, technically recoverable oil and gas resources in this region by taking the mean estimates of each resource category and multiplying by the percent geographic area of each assessment unit. Results are as follows:

Mean oil potential in the WRWA is 5 million barrels.

Mean natural gas potential is 1.5 trillion cubic feet.

Mean natural gas liquids potential is 60 million barrels.

Please note that these GIS-analyzed estimates can only be considered approximations, for the following reasons: (1) The map provided to us of the WRWA was a general outline and therefore subject to error when calculating the geographic extent of the assessment units relative to the WRWA; and (2) a homogeneous distribution of oil and gas resources was assumed across each entire assessment unit.

For an overview of USGS mean estimates for undiscovered, technically recoverable natural gas resources for geologic provinces within in the United States and their relative sizes, please see the map at http://certmapper.cr.usgs.gov/data/noga00/natl/graphic/2007/total_gas_mean_07.pdf

Please let us know if you have any further questions or we can be of further help.

Sincerely,

MARK D. MYERS,
Director.

Mr. BARRASSO. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 22, the Omnibus Public Land Management Act of 2009.

Harry Reid, Jon Tester, Daniel K. Inouye, Robert Menendez, Ken Salazar, Jeff Bingaman, Robert P. Casey, Jr., Mark L. Pryor, John F. Kerry, Richard Durbin, Ron Wyden, Dianne Feinstein, Ben Nelson, Evan Bayh, Thomas R. Carper, Carl Levin, Patrick J. Leahy.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the mo-

tion to invoke cloture on the motion to proceed to S. 22 occur on Sunday, January 11, at 2 p.m., with the mandatory quorum waived, and that on Sunday, after the Senate convenes, the time until 2 p.m. be equally divided or controlled between the leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF SENATOR JOSEPH R. BIDEN, JR.

The PRESIDING OFFICER. At this point, the Chair lays a communication before the Senate.

The legislative clerk read as follows:

Hon. RICHARD CHENEY,
President of the United States Senate, U.S. Capitol, Washington, DC.

DEAR MR. VICE PRESIDENT: I am resigning my seat in the United States Senate as the senior Senator from the State of Delaware to assume my duties as Vice President of the United States of America. My resignation is effective January 15, 2009, at 5 p.m.

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, what a sad but happy day it is to have that letter read before the world. JOE BIDEN, from the day I came to the Senate, was the most gracious, helpful person one could imagine. Having chosen him speaks volumes about Barack Obama. We will miss Senator BIDEN, with his many years in the Senate, but we look forward to his working arm in arm with Barack Obama for the next 8 years.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDAN

Mr. FEINGOLD. Mr. President, today marks the 4-year anniversary of the signing of Sudan's Comprehensive Peace Agreement, which brought an end to the tragic north-south civil war that raged for over two decades; a war, frankly, that for a long time seemed virtually endless. We should keep the CPA in mind as we lament the horrific suffering that endures in eastern Congo, Darfur, Somalia, and Zimbabwe. I am hopeful that 2009 will be a year in which we make significant progress toward peace in all of these countries, and that the United States plays an active role in that progress. The CPA is a remarkable testament to the fact that transformation is possible in even the most seemingly intractable

conflicts when there is political will. I am proud of the critical role the United States played in bringing about this historic agreement 4 years ago, and it is a testament to the hard work of Special Envoy Jack Danforth and the leadership of President Bush.

Nevertheless, the CPA is not merely about a piece of paper or a moment in history but a commitment to secure lasting peace throughout Sudan. Unfortunately, this process remains unfinished and increasingly fragile, as evidenced by the clashes that broke out in the oil-rich Abyei region last May. Several flashpoints in the states of South Kordofan, Jonglei, and Blue Nile remain highly volatile. There remain too many arms and armed actors in these areas that are capable of undermining the agreement. Both sides, anticipating future clashes, are spending increased resources to build up their militaries. It is not difficult to imagine a minor incident causing renewed fighting in these areas, which could quickly plunge the north and the south back into full-scale war. Such a scenario would not only be devastating for the Sudanese but could have dramatic repercussions for the wider region.

With elections under the CPA scheduled for this year, 2009 may well be a watershed year for Sudan. The United States must renew and intensify its support for the implementation of the CPA as part of a comprehensive strategy for Sudan. We must continue to demonstrate, both in terms of our diplomacy and resources, a commitment to rebuild southern Sudan's institutions, and support the approaching elections. Simultaneously, we must work with our international partners to ensure that the UN Mission in Sudan, UNMIS, is doing all it can to monitor and keep the peace in Sudan's flashpoints. I am confident that the Obama administration understands the importance of implementing the CPA and will bring bold leadership and a holistic vision to peace efforts in Sudan.

Finally, we cannot ignore how the continued violence and humanitarian crisis in Darfur is a deep stain on the vision of a peaceful Sudan. Efforts at peacebuilding in Sudan will prove futile without a workable political solution for Darfur. Too often in the past, we have made the mistake of focusing on one region of Sudan at the expense of others. This kind of piecemeal approach has proven limited, if not counterproductive at times. In this critical year ahead, we need a comprehensive approach that can pave the way for lasting peace and stability for all of Sudan. I look forward to working with my colleagues and the Obama administration to make that a reality.

ADDITIONAL STATEMENTS

TRIBUTE TO HELEN SUZMAN

• Mr. FEINGOLD. Mr. President, today I honor the life of South Africa's Helen Suzman, a champion of equality and rights for the people of South Africa who suffered under apartheid. For generations to come, her story will be an inspiration to people around the world who have the courage to speak out against injustice.

Helen Suzman dedicated her life and 36 years in South Africa's Parliament to fighting institutionalized racism in South Africa. Often she stood alone in defiance of her own Government as it systematically obstructed the rights and freedoms of the majority of South Africans. Particularly during the 13 years when she was the only anti-apartheid member of South Africa's Parliament, Helen Suzman provided the voice of reason that reminded the world of the injustices that persisted in South Africa.

Helen Suzman's intelligence, courage, and perseverance helped to end apartheid in South Africa. Her contribution to ending that evil has become a symbol of hope for millions in South Africa and around the world. That is a powerful and inspiring legacy, and it is one I am pleased to recognize and celebrate today. •

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 182. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Joint Economic Committee:

Special Report entitled "2008 Joint Economic Report" (Rept. No. 111-1). Minority views filed.

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship:

Special Report entitled "Summary of Legislative and Oversight Activities During the 110th Congress" (Rept. No. 111-2).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 192. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. INOUE, Mr. ROBERTS, Mr. AKAKA, Mr. VOINOVICH, Mrs. BOXER, Mr. JOHANNES, Mr. NELSON of Nebraska, and Mr. BROWN):

S. 193. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH):

S. 194. A bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN:

S. 195. A bill to extend oversight, accountability, and transparency provisions of the Emergency Economic Assistance Act of 2008 to all Federal emergency economic assistance to private entities, to impose tough conditions for all recipients of such emergency economic assistance, to set up a Federal task force to investigate and prosecute criminal activities that contributed to our economic crisis, and to establish a bipartisan financial market investigation and reform commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 196. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mrs. BOXER, Mr. CARDIN, Mr. BROWNBACK, Mr. KERRY, Mr. KOHL, and Ms. LANDRIEU):

S. 197. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 198. A bill to direct the Secretary of Transportation to waive non-Federal share requirements for certain transportation programs and activities through September 30, 2009; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 199. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 42, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 47

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 47, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 164

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 164, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 170

At the request of Mr. GREGG, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. REED), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 170, a bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development and for other purposes.

S. 181

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 182

At the request of Mrs. CLINTON, the names of the Senator from Vermont

(Mr. SANDERS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. RES. 10

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 10, a resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process.

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 10, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. INOUE, Mr. ROBERTS, Mr. AKAKA, Mr. VOINOVICH, Mrs. BOXER, Mr. JOHANNIS, Mr. NELSON of Nebraska, and Mr. BROWN):

S. 193. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill to provide urgently needed relief to federal district courts in California, Hawaii, Kansas, Nebraska, and Ohio.

This bill is supported by both Senators from all five of the States affected: Senators BOXER and myself, Senators BROWNBACK and ROBERTS, Senators AKAKA and INOUE, Senators NELSON and JOHANNIS, and Senators BROWN and VOINOVICH.

The bill is identical to a bill passed by the Senate by unanimous consent last year. I hope that my colleagues will move expeditiously to consent to this bill once again.

The bill creates one new temporary judgeship in the Eastern District of California and one in the District of Nebraska, and it extends temporary judgeships in the District of Hawaii, the District of Kansas, and the Northern District of Ohio.

The bill has broad, bipartisan support because the relief it provides is sorely needed. All of these courts face overwhelming caseloads that are leading to judicial burnout and long delays in the administration of justice. The bill, put simply, provides assistance to districts that do not have enough judges to handle the work assigned to them.

I have been concerned about this problem in the Eastern District of California for many years now.

According to statistics provided by the Administrative Office of the United

States Courts, the Eastern District's caseload burden is higher, on a sustained basis, than any other district in the country.

In 2008, the judges in the Eastern District handled 968 cases each. That is twice the number of cases that the Judicial Conference recommends. In fact, the Judicial Conference has recommended that Congress create a new judgeship in a district whenever a threshold of 430 cases per judge is reached.

A caseload burden of this magnitude is not only a problem for judges. The people who live in the district and other litigants who appear before the court are also affected.

Victims of crime are forced to endure long waiting periods to see justice done. Citizens find that they are unable to resolve their civil disputes promptly. And plaintiffs face extensive delays in getting damages or restitution for harms that they have suffered.

Currently, people who have cases in the Eastern District court are facing delays of approximately 42 months from filing to verdict. That is three and a half years—twice the national average for federal court delays. This kind of delay is simply unacceptable.

The delays are by no means the fault of the district judges either. By every measure, the judges in the Eastern District are among the most productive in the nation.

In 2008, each of the district's active judges completed 903 cases. In addition to this extraordinary effort, two of the five senior judges carry a full load.

One senior judge has explained that he has not reduced his workload for two reasons: "[F]irst the district is so short of needed judges that it appears to me unjust to leave those who require a court either to resolve criminal cases or resolve their civil cases; second, I have felt great compassion for my colleagues who would be left with a still more unmanageable case load if I left or even cut down on my load."

In California, the overwhelming burden on the Eastern District court is no secret. This past summer, the Chief Judge of the Ninth Circuit called on all judges in the Circuit—district and circuit judges alike—to volunteer to hear 15 cases in the Eastern District each. Although 84 federal judges generously stepped forward to relieve the District of more than 1,000 cases, thousands of cases remain pending.

The Eastern District of California should not be forced to rely on temporary assistance from judges from other districts. Each court needs enough judges to handle its caseload in a reasonably timely manner.

Although not sufficient, one temporary district judgeship would provide much needed relief to the hardworking judges of the Eastern District and the litigants who come before them. Based on last year's filings, one new judgeship would reduce the filings per judge from 968 to 572.

Congress has not authorized a new permanent judgeship for the district since 1978. In 1992, a temporary judgeship was authorized, but that judgeship expired in 2004. Last year, a bill that I co-sponsored—the Federal Judgeship Act of 2008—would have provided four new permanent judgeships, but that bill stalled before the full Senate after being favorably reported out of the Judiciary Committee.

This bill was introduced by Senator LEAHY last year, and I want to thank him for all of his work on its behalf. The bill passed the Senate by unanimous consent. This year, the need is only greater, as caseloads have only increased.

I urge my colleagues to consent to this bill once again, and to do so in an expeditious manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) **ADDITIONAL TEMPORARY JUDGESHIPS.**—

(1) **IN GENERAL.**—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) **VACANCIES NOT FILLED.**—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) **EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.**—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting “the district of Hawaii,” after “Pennsylvania,”;

(2) in the third sentence (relating to the district of Kansas), by striking “17 years” and inserting “26 years”;

(3) in the fifth sentence (relating to the northern district of Ohio), by striking “17 years” and inserting “25 years”; and

(4) by inserting “The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.” after the sixth sentence.

By Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH):

S. 194. A bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies

under the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce the Bonus TEFAP Assistance Act of 2009 with my colleagues Senator SNOWE and Senator VOINOVICH. Our bill provides immediate and valuable assistance to our national food banks and the families who rely on food banks to put meals on the table by ensuring that food banks can accept and distribute food donations they might otherwise have had to decline. Our bill has the support of Feeding America, formerly known as America's Second Harvest, the national hunger relief charity that operates a network of over 200 food banks across America.

We are in the middle of a crisis. The on-going economic crisis is the worst in a generation, but this crisis is more than stock prices and market certainty. The economic crisis has a face. The faces of hardworking Pennsylvanians who suddenly find themselves unable to afford food for the family meals. The economic crisis is also a hunger crisis—a crisis that is pushing more people to apply for Federal nutrition programs and stand in line at the local food bank. It is a crisis that threatens to undo all of the progress we have made over the past few decades to end hunger in America.

The United States Department of Agriculture, USDA, reported that, for 2006, 35.5 million Americans did not have enough money or resources to get food for at least some period during the year. This figure was an increase of 400,000 over 2005 and an increase of 2.3 million since 2000. With the fragile State of our economy, it is extremely likely that these figures for 2007 and 2008 will be even more devastating. The only recourse for these millions of families is to turn to federal food assistance programs and emergency food banks for their basic food needs.

Unfortunately, as articles in national publications like the USA Today and the New York Times have highlighted, there is a critical lack of food inventories available in local food pantries across the country. Rising demand, sharp drops in federal supplies of excess commodities, and declining donations have forced food banks to cut back on rations, and in some cases, close their doors. In short, America's food banks are facing critical shortages now.

As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I was proud to help create last year's farm bill. The bill helps food banks by providing additional annual funding to shore up food bank supplies. But there are additional measures that we can take to help ensure that food banks can continue to fulfill their mission.

That's why today I'm pleased to introduce the Bonus TEFAP Assistance Act of 2009. This legislation provides

the critical support needed to ensure food assistance agencies, already in desperate need of supplies, can take full advantage of the distributions of bonus food commodities supplied by USDA through the Emergency Food Assistance Program, TEFAP. By helping to offset the intrastate storage, transportation, and distribution costs the food assistance agencies incur to distribute these bonus food surpluses, the bill ensures that commodities reach the greatest number of needy individuals.

The Emergency Food Assistance Program began in 1981 as a temporary program with dual purposes; it was intended to help reduce the Federal food inventories and storage costs while also assisting the needy. Because of the program's success in helping distribute food to those in need, in 1988, after much of the federal inventory was depleted, the Hunger Prevention Act authorized funds to be appropriated to purchase food for TEFAP.

Under current-day TEFAP, the USDA provides states and food assistance agencies with commodities bought specifically for the program and with funding to help cover distributing agencies' intrastate storage, handling, and distribution costs. In addition, when available, USDA provides any excess food not needed to fulfill other program requirements to States for allocation to local food assistance agencies. This excess food is known as “bonus TEFAP.” Unfortunately, while the USDA generously distributes these bonus TEFAP commodities to the States, many of the State and food assistance agencies are unable to accept the bonus TEFAP commodities because they do not have the resources to store, transport, or distribute them.

The Bonus TEFAP Assistance Act of 2009 that I am introducing today alleviates this problem by providing offsetting funds to recipient agencies to assist with the costs of storing, transporting, and distributing bonus TEFAP commodities. The funds provided through this legislation will help to provide more food to those in need through food banks, food pantries, emergency shelters, soup kitchens, and other organizations that directly provide these resources to the public.

To solve the problem the inadequacy of local resources causes, the bill authorizes the Secretary of Agriculture to use existing funds granted under Section 32 of the Agricultural Adjustment Act of 1935. Currently, Section 32 funds are used to fund child nutrition programs and other programs to support the farm sector at the discretion of the Secretary. Through this legislation, a small portion of Section 32 funds would be allocated to each eligible recipient agency in the lesser amount of \$0.05 per pound or \$0.05 per dollar value of bonus TEFAP commodities. With this modest increase in

funding, the States and their food assistance agencies will be able to accept more food distributions from the USDA through TEFAP, benefitting the many low-income recipients who rely on the program for emergency food and nutrition assistance.

I urge all of my colleagues to join Senator SNOWE, Senator VOINOVICH and me in ensuring that the States and food assistance agencies can accept the available excess commodity foods the USDA provides under the Emergency Assistance Food Program. Food assistance agencies are in dire need of funds, food, and supplies and we owe it to them to ensure that they can take full advantage of every opportunity to serve those in our nation who are in desperate need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bonus TEFAP Assistance Act of 2009”.

SEC. 2. ASSISTANCE FOR COSTS OF DISTRIBUTING BONUS COMMODITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage States and food assistance agencies to accept commodities acquired by the Secretary of Agriculture for farm support and surplus removal activities; and

(2) to offset the costs of the States and food assistance agencies for the intrastate transportation, storage, and distribution of the commodities.

(b) COSTS OF DISTRIBUTING BONUS COMMODITIES.—Section 202 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502) is amended by inserting after subsection (a) the following:

“(b) COSTS OF DISTRIBUTING BONUS COMMODITIES.—

“(1) IN GENERAL.—The Secretary shall use funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to provide funding described in paragraph (2) to eligible recipient agencies to offset the costs of the agencies for intrastate transportation, storage, and distribution of commodities described in subsection (a).

“(2) FUNDING.—The Secretary shall provide funding described in paragraph (1) to an eligible recipient agency at a rate equal to the lower of \$0.05 per pound or \$0.05 per dollar value of commodities described in subsection (a) that are made available under this Act to, and accepted by, the eligible recipient agency.”.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mrs. BOXER, Mr. CARDIN, Mr. BROWNBACK, Mr. KERRY, Mr. KOHL, and Ms. LANDRIEU):

S. 197. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources

for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2009. I am very pleased that Senator CRAPO has once again agreed to lead on this legislation with me. I am always glad to work with my colleagues from across the aisle. We are pleased to be joined by Senators BOXER, BROWNBACK, CARDIN, KERRY, KOHL, LANDRIEU, and MARTINEZ, who are cosponsors of this legislation.

The Crane Conservation Act will ensure we do our part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our state provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home State.

Congress’ efforts to help protect and recover species throughout the world began in earnest in 1994 when Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation by authorizing the United States Fish and Wildlife Service to distribute up to \$10 million in grants every year to support projects in developing countries. Since 1994, Congress has established the “multinational species conservation fund” to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world’s 15 species at risk of extinction. Specifically, this legislation would authorize up to \$5 million of funds per year for fiscal years 2008 through 2012 to be distributed as conservation project grants to protect cranes and their habitat in Asia, Africa, and North America. In keeping with my belief that we should balance the budget, this bill proposes that the \$25 million in authorized spending over 5 years for the Crane Conservation Act should be offset through the Secretary of Interior’s administrative budget. This bill is similar to legislation I have introduced since the 107th Congress and I was very pleased that last Congress the bill passed the House of Representatives and the Senate Environment and Public Works Committee and was positioned to pass the Senate before stalling late in the last Congress.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. By 1890, the whooping crane disappeared from its main migratory route from Idaho through Wyoming and Colorado to New Mexico. In 1944, only 21 birds remained along the migratory route between Montana and Texas’ Aransas National Wildlife Refuge, via the Dakotas, Nebraska, Kansas, and Oklahoma. Unfortunately, the breeding grounds for this remaining flock were unknown, but since they were discovered in Canada in 1955, cooperative efforts between the United States and Canada have been under way to recover the species. Today, this flock remains the only wild flock of North American whooping cranes that breeds in northwest Canada, and spends its winters in coastal Texas.

In 1980, a new course was chartered for recovering the species, and captive breeding efforts began at Patuxent Wildlife Research Center in Maryland in hopes of rearing chicks for release in the wild—today, captive breeding centers are also located at New Orleans’ Audubon Species Survival Center and Canada’s Calgary Zoo.

These breeding efforts blossomed into efforts to reintroduce a migratory flock of whooping cranes into their historic range in the Eastern United States. In 2001 this became a reality when the first class of whooping cranes followed their “mother” (actually an ultra light aircraft) over 1,300 miles to their wintering grounds.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin’s Necedah National Wildlife Refuge to Florida’s Chassahowitzka National Wildlife Refuge and back, the birds rely on the ecosystems of a multitude of states in this country. Along the journey which traverses through Illinois, Indiana, Kentucky, Tennessee, and Georgia the birds face threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made.

However, the birds can also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program

a success. On every front, this partnership is unique. This ongoing recovery effort would not be possible without the cooperative efforts of federal and state governments, landowners, volunteers, and non-governmental organizations. Seven years later, these partnerships support an ever-growing eastern crane population, now numbering over sixty.

While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the eco-

systems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education, and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This modest investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2009.

This legislation is endorsed by African Wildlife Foundation, American Bird Conservancy, American Veterinary Medical Association, Association of Zoos and Aquariums, Audubon Nature Institute, Born Free USA, Conservation International, Defenders of Wildlife, Dian Fossey Gorilla Fund International, Fauna & Flora International, Humane Society of the United States, Humane Society International, International Crane Foundation, International Fund for Animal Welfare, International Rhino Foundation, National Wildlife Federation, National Wildlife Refuge Association, The Nature Conservancy, Sierra Club, Wildlife Alliance, Wildlife Conservation Society, and the World Wildlife Fund.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crane Conservation Act of 2009".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term "conservation" means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term "conservation" includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term "Convention" has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term "Fund" means the Crane Conservation Fund established by section 5(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the

proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, de-

termines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 5. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681-237; 16 U.S.C. 4246) a separate account to be known as the "Crane Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (c); and

(2) amounts appropriated to the Fund under section 7.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or \$150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 4.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 6. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 7. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Fund \$5,000,000 for each of fiscal years 2009 through 2013, to remain available until expended.

(b) OFFSET.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of \$25,000,000 shall be used to establish the Fund.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 198. A bill to direct the Secretary of Transportation to waive non-Federal share requirements for certain transportation programs and activities through September 30, 2009; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, I rise today with my colleague from Vermont, Senator SANDERS, to introduce a bill that will help states struggling with meeting non-federal match requirements for federal transportation funding under the Safe, Accountable, Flexible and Efficient Transportation Equity Act, SAFETEA. Representative PETER WELCH from Vermont introduced identical legislation in the House today as well.

Our States are struggling with enormous budget deficits due to the current economic crisis. As a result, nearly every one of our states has been forced to make drastic cuts to their transportation budgets. On top of that, state and local governments around the country report they do not have the necessary funding in their budgets to match any new Federal transportation money possibly forthcoming in an economic stimulus package. The inability of our states to improve roads and bridges, support public transit agencies facing record demand, and upgrade rail lines puts a strain on our already sagging economy.

Waiving the non-federal match requirements for all highway, transit, and rail projects contained in SAFETEA would allow cash-strapped states to implement high priority transportation projects immediately—at no additional cost to the Federal Government. Since State and local transportation officials have ready-to-go projects that simply cannot move forward without untying the strings of the required match, our legislation would waive the non-federal matching requirements of SAFETEA through September 30, 2009.

I hope my colleagues will take a good look at our bill and support this important legislation that will stimulate needed transportation infrastructure investments all across the country.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 199. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance

of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the "Steel Industry National Historic Site" in southwestern Pennsylvania.

The importance of the steel industry to the development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great Nation. The legislation offered today would create a national historic site that would be affiliated with the National Park Service. There is no better place to honor our Nation's steel industry heritage than in southwestern Pennsylvania, which played a significant role in early industrial America and continues today.

I have long supported efforts to preserve and enhance the historical steel-related heritage through the Rivers of Steel National Heritage Area, which includes the city of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Fayette, Greene, Washington, and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area. I have consistently advocated for increased funding to support our National Heritage Areas and I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition of this site and our steel heritage. That is why I am introducing this legislation today.

It is important to note why Pennsylvania should be the home of the national site that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive in the 19th and 20th centuries. Today, the remaining buildings and sites that were devoted to steel production are threatened with deterioration. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace Complex, the Hot Metal Bridge, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation. As testimony of the area's historical significance, on September 20, 2006, the Carrie Furnaces were designated as a National Historic Landmark by the Secretary of the Interior.

Highlights of this proposed national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation, including industrial technology advancements and mile-

stones in labor-management relations. One of the sites that would be included in the historic site would be the location of the Battle of the Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of the Homestead marked a pivotal moment in our Nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the Federal Government to join this effort to recognize their importance with the additional protection I provide in this bill.

I commend my colleague, Representative DOYLE, who has been a long-standing leader in this preservation effort and who has sponsored this legislation in the U.S. House of Representatives. I look forward to working with officials in southwestern Pennsylvania and Mr. August Carlino, president and chief executive officer of the Steel Industry Heritage Corporation, to bring this national historic site designation to fruition. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel Industry National Historic Site Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the steel industry of the United States.

(2) Certain buildings and other structures in the Commonwealth of Pennsylvania are nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge.

(3) Despite substantial efforts for cultural preservation and historical interpretation by the Commonwealth of Pennsylvania and by individuals and public and private entities in the Commonwealth, these buildings and other structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this Act are to ensure the preservation, interpretation, visitor enjoyment, and maintenance of the nationally significant historical and cultural sites and structures described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 3. STEEL INDUSTRY NATIONAL HISTORIC SITE, PENNSYLVANIA.

(a) ESTABLISHMENT.—The Steel Industry National Historic Site is hereby established as a unit of the National Park System in the Commonwealth of Pennsylvania.

(b) DESCRIPTION.—

(1) INCLUSION OF CERTAIN PROPERTY.—Subject to paragraph (2), the historic site shall consist of the following properties, each of which relate to the former United States Steel Homestead Works, as depicted on the map entitled "Steel Industry National Historic Site", dated November 2003, and numbered 80,000:

(A) The historic location of the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marcegaglia Steel Mill.

(B) The historic location of the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house.

(C) The historic location of the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall, Pennsylvania.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for public inspection in an appropriate office of the National Park Service.

(c) ACQUISITION OF PROPERTY.—To further the purposes of this section, the Secretary of the Interior may acquire, only by donation, property for inclusion in the historic site as follows:

(1) Any land or interest in land with respect to the property identified in subsection (b)(1).

(2) Up to 10 acres of land adjacent to or in the general proximity of the property identified in such subsection, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(3) Personal property associated with, and appropriate for, the interpretation of the historic site.

(d) PRIVATE PROPERTY PROTECTIONS.—Nothing in this Act shall be construed—

(1) to require any private property owner to permit public access (including Federal, State, or local government access) to the private property; or

(2) to modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(e) ADMINISTRATION.—The Secretary of the Interior shall administer the historic site in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Until such time as the Secretary of the Interior has acquired the property identified in subsection (b)(1), as depicted on the map referred to in such subsection, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution to further the purposes of the historic site.

(2) CONTRARY PURPOSES.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall

be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purpose of the historic site, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may provide technical assistance to any person for—

(1) the preservation of historic structures within the historic site; and

(2) the maintenance of the natural and cultural landscape of the historic site.

(h) GENERAL MANAGEMENT PLAN.—

(1) PREPARATION.—Not later than three years after the date on which funds are first made available to carry out this Act, the Secretary of the Interior shall prepare a general management plan for the historic site that will incorporate or otherwise address substantive comments made during the consultation required by paragraph (2).

(2) CONSULTATION.—The Secretary shall prepare the general management plan in consultation with—

(A) an appropriate official of each appropriate political subdivision of the Commonwealth of Pennsylvania that has jurisdiction over all or a portion of the lands included in the historic site;

(B) an appropriate official of the Steel Industry Heritage Corporation; and

(C) private property owners in the vicinity of the historic site.

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

ORDERS FOR SUNDAY, JANUARY 11, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m. Sunday, January 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day,

and the Senate resume consideration of the motion to proceed to S. 22, the lands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under the previous order, at 2 p.m. Sunday, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 22, the lands bill.

RECESS UNTIL SUNDAY, JANUARY 11, 2009, AT 1 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 2:43 p.m., recessed until Sunday, January 11, 2009, at 1 p.m.

HOUSE OF REPRESENTATIVES—Friday, January 9, 2009

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. TSONGAS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 9, 2009.

I hereby appoint the Honorable NIKI TSONGAS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As a parent encourages a child or a mentor calls forth the hidden potential of an intern, Lord our God, may You bless all who work as the 111th Congress, especially new Members.

Remove fear and confusion, which only inhibit good judgment and leadership. Strengthen the resolve and compassion of all Members, that they may serve Your people with renewed clarity of vision and refined purpose that will soon unify this Nation in self-discipline and confidence.

For You reward the just and their deeds, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests

for 1-minute speeches on each side of the aisle.

A NEW DIRECTION IN THE MIDDLE EAST

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. In Gaza the United Nations gave the Israeli Army the coordinates of a U.N. school, and the school was then hit by Israeli tank fire, killing about 40.

The U.N. put flags on emergency vehicles, coordinating the movements of those vehicles with the Israeli military, and the vehicles came under attack, killing emergency workers.

The Israeli Army evacuated 100 Palestinians to a shelter, and then bombed the shelter, killing 30 people.

Emergency workers have been blocked by the Israeli Army from reaching hundreds of injured persons.

Today's Washington Post: "100 survivors rescued in Gaza from ruins blocked by Israelis. Relief agencies fear more are trapped, days after neighborhood was shelled."

Today the U.S. Congress is going to be asked to pass a resolution supporting Israel's actions in Gaza. I'm hopeful that we don't support the inhumanity that has been repeatedly expressed by the Israeli Army.

The U.S. abstained from a U.N. call for a cease-fire. We must take a new direction in the Middle East, and that new direction must be mindful of the inhumane conditions in Gaza.

HONORING THE LIFE OF DENNIS BARNEY

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, every so often a community is blessed with a giant of a man, a man whose imprint and influence will be felt for generations to come. Such is the case with Dennis Barney, who passed away this week at the far too young age of 62.

Countless organizations like the United Way, the Boy Scouts, the Boys and Girls Club, the United Food Bank and the Arizona Interfaith Movement have profited from his generosity. Thousands of students, families and individuals have benefited from his kindness, his example and his inspired counsel.

Still, it was within the walls of his own home that his most important

work was accomplished. Along with his wife, Ann, he raised a remarkable family of 10 children who will surely carry on his great legacy.

May every community in every State across this great land be so blessed as to know such a giant of a man as Dennis Barney.

OIL COMPANIES REDUCING EXPLORATION

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Madam Speaker, remember the "Drill here, Drill Now" rallying cry we heard nonstop on this floor? Even when the lights were off and Congress was in recess, the other side stood here in the dark, with their charts and graphs, blaming Democrats for high gas prices.

If only we would allow drilling in the Outer Continental Shelf, they said, the oil companies would expand exploration and produce oil in record amounts. Well, we opened up the OCS for the first time in 20 years, and now the oil companies are free to explore and drill without restriction.

But the oil companies are reducing exploration. That's right. We opened up the OCS to the oil companies and they responded by cutting back on exploration.

Where is the outrage from my colleagues on the other side?

Congress did its part. So when gas prices inevitably go back up, I hope they will focus their "Drill Baby Drill" chants directly on the oil companies.

IRAN IS THE WORLD THREAT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Israel and Hamas are at war. But make no mistake about it, it's the little fellow from Iran, Mahmoud Ahmadinejad, and his radical religious cronies of hate that are the ones that are behind this troubling turmoil in the lands of the Middle East.

For years Iran has supported the twin tribes of terror, Hamas and Hezbollah, by supplying arms and equipment and training. In 2006 Iran used the hired guns of Hezbollah in Lebanon to war with Israel.

Hamas has proudly proclaimed that it's had its soldiers of terror trained in Iran. Now Hamas is firing long-range

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Iranian missiles from Gaza into civilian areas of Israel. And the bandit group, Hezbollah, is getting blamed for new missile attacks into northern Israel.

As the nations of the world, especially Egypt, attempt to broker a cease-fire between Hamas and Israel, they would do well to deal with the real culprit in this war, Iran.

Until the world recognizes that President Ahmadinejad is determined to destroy Israel by any means necessary, there will never be peace in the Middle East. Iran has made its intentions clear to the world. World leaders need to make it clear to Iran that murder in the name of hate, will not be tolerated on the world stage.

And that's just the way it is.

OUR ECONOMY IS IN A SHAMBLES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. After 8 years of disastrous Bush-led trickle-down deregulation, anything-goes economic policies, our economy is in a shambles. Unemployment, foreclosures, they're skyrocketing.

We need to rebuild the foundations of our economy, putting Americans back to work and putting our economy on a path to recovery.

I congratulate the President-elect with his sense of urgency. Shovel-ready infrastructure projects, he's put that on everybody's mind. That's excellent, tremendous public support. Unfortunately, the package is a little short on infrastructure and shovel-ready, and very long on tax cuts, the same policies that failed us during the Bush years. Five times as much for tax cuts.

Will \$8 a pay period additional in their take-home put Americans back to work? It's good for Americans. They're suffering. But will that rebuild our economy, put people back to work?

Will a look back for the banks so they can get tax benefits, they can reclaim taxes they paid in the past, while taking TARP money and not telling us what they do with it, will that put Americans back to work?

We need more investment in infrastructure and less emphasis on the tax cuts.

RECOGNIZING SOUTH CAROLINA JAG CORPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to recognize the South Carolina National Guard. In 2008 they achieved the highest number of judge advocate generals serving in the Nation, according to Scott Bell, National Guard historian.

This significant milestone is a tribute to the South Carolina Bar and to the professional leadership of Colonel Barry Bernstein, state judge advocate for the South Carolina National Guard. Twenty-four of the State's 27 JAGs have been awarded Global War on Terrorism campaign medals.

As a former staff judge advocate, I understand and appreciate and know firsthand the work that our JAG Corps has done to provide legal counsel to our military leadership and to our brave men and women in uniform. Theirs is an important part of the defense of American families by defeating terrorists overseas. I saw this when I visited the 218th Brigade JAG during quarterly visits in the last year at Camp Phoenix in Afghanistan.

I commend Colonel Bernstein and Adjutant General Stan Spears for their leadership and all the members of the South Carolina JAG Corps on this achievement.

In conclusion, God bless our troops, and we will never forget September 11th.

ECONOMIC RECOVERY PLAN WILL INVEST IN AMERICA'S FUTURE AND CREATE JOBS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the deepening effects of the economic crisis have made their way to the kitchen table of every American home, leaving families worried about their financial future. That's why we need immediate passage of an economic recovery plan to avoid a deeper economic downturn and restore jobs. In addition to giving the economy a short-term boost, we must spur economic growth and competitiveness for the long-term stability of this country.

This economic recovery package is an opportunity to invest in tomorrow by making major changes to our Nation's approach to energy, health care, education and infrastructure. Addressing our Nation's infrastructure challenge will create jobs in the troubled construction and manufacturing sectors, while helping to spur long-term economic growth. Highway projects could create 630,000 jobs, while green school construction and maintenance and repair initiatives for schools could create 250,000 jobs.

Madam Speaker, we must work quickly and in strong bipartisan fashion to create and save 3 million jobs.

CONSUMER AUTO RELIEF ACT

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Madam Speaker, I rise today to discuss the

Consumer Auto Relief Act, or CAR Act, a bill that I plan to introduce later today. This bill will provide a variety of incentives to the purchasers of new cars, and will incentivize lenders to loan the money to finance these new automobile purchases.

This legislation is about giving American consumers much needed tax relief. It's about stimulating consumer credit markets. It's about restoring consumer confidence. It's about jump-starting our stalled economy, and it should be a part of the new economic stimulus package.

I ask the House to support this bill.

LILLY LEDBETTER FAIR PAY ACT AND THE PAYCHECK FAIRNESS ACT

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise to express my strong support for two important bills that we will consider later today. The Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act both advance the fight to ensure equal pay for women in the workforce.

According to the U.S. Census Bureau, women make 78 cents for every dollar earned for similar work by their male counterparts. This form of discrimination is unacceptable, and it not just a women's issue, it is a family issue. The Institute of Women's Policy Research found that this wage disparity will cost an individual woman anywhere from \$400,000 to \$2 million over a lifetime in lost wages. We can easily imagine the impact on a woman's life, as well as her children's.

I am proud to support these important measures which make the American promise of opportunity more accessible to women and to their families.

□ 0915

THE STATE AND LOCAL SALES TAX DEDUCTION EXPANSION ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, on the day following the President-elect's call for a new \$1 trillion spending package free from earmarks, House Democrats are bringing to the floor two bills that represent little more than an earmark for the trial bar.

Given the current state of the economy, it is inconceivable that Congress move forward with more ways to restrict the ability of honest employers to run their businesses. Instead, we need to focus our attention on stimulating the economy without earmarks for special interest groups. Congress can do this by providing tax cuts to

spur investment on alternative energy—or how about first-time home purchases?—and implement common-sense tax changes like the State and Local Sales Tax Deduction Expansion Act, which I am introducing today.

These ideas will stimulate the economy immediately without hurting small businesses. It will be helping small businesses. Let's reject earmarks for the trial bar. Let's pass tax relief for working Americans and spur job growth.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. TSONGAS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RECOGNIZING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST AT- TACKS FROM GAZA

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 34) recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 34

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the United States as a Foreign Terrorist Organization;

Whereas Hamas has refused to comply with the Quartet's (the United States, the European Union, Russia, and the United Nations) requirements that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

Whereas in June 2006, Hamas illegally crossed into Israel, attacked Israeli forces, and kidnapped Corporal Gilad Shalit, whom they continue to hold today;

Whereas Hamas has launched thousands of rockets and mortars against Israeli population centers since 2001, and has launched more than 6,000 such rockets and mortars since Israel withdrew its civilian population and its military from Gaza in 2005;

Whereas Hamas has increased the range and payload of its rockets, reportedly with support from Iran and others, putting hundreds of thousands of Israelis in danger of rocket attacks from Gaza;

Whereas Hamas locates elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields;

Whereas Secretary of State Condoleezza Rice said in a statement on December 27,

2008, that "We strongly condemn the repeated rocket and mortar attacks against Israel and hold Hamas responsible for breaking the cease-fire and for the renewal of violence there";

Whereas on December 27, 2008, Israeli Prime Minister Ehud Olmert said, "For approximately seven years, hundreds of thousands of Israeli citizens in the south have been suffering from missiles being fired at them . . . In such a situation we had no alternative but to respond. We do not rejoice in battle but neither will we be deterred from it. . . . The operation in the Gaza Strip is designed, first and foremost, to bring about an improvement in the security reality for the residents of the south of the country";

Whereas the humanitarian situation in Gaza, including shortages of food, water, electricity, and adequate medical care, is becoming more acute;

Whereas Israel has facilitated humanitarian aid to Gaza with hundreds of trucks carrying humanitarian assistance and numerous ambulances entering the Gaza Strip since the current round of fighting began on December 27, 2008;

Whereas on January 6, 2009, before the United Nations Security Council, Secretary Rice stated that: "The situation before the current events in Gaza was clearly not sustainable. Hundreds of thousands of Israelis lived under the daily threat of rocket attack, and frankly, no country, none of our countries, would have been willing to tolerate such a circumstance. Moreover, the people of Gaza watched as insecurity and lawlessness increased and as their living conditions grew more dire because of Hamas's actions which began with the illegal coup against the Palestinian Authority in Gaza. . . . A cease-fire that returns to those circumstances is unacceptable and it will not last"; and

Whereas the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will ensure the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and a viable, independent, and democratic Palestinian state living side by side in peace and security with the State of Israel: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizes its right to act in self-defense to protect its citizens against Hamas's unceasing aggression, as enshrined in the United Nations Charter;

(2) reiterates that Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, agree to accept previous agreements between Israel and the Palestinians, and verifiably dismantle its terrorist infrastructure;

(3) encourages the Administration to work actively to support a durable and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding its terrorist infrastructure, including the capability to launch rockets and mortars against Israel, and thereby allowing for the long-term improvement of daily living conditions for the people of Gaza;

(4) believes strongly that the lives of innocent civilians must be protected to the maximum extent possible, expresses condolences to innocent Palestinian and Israeli victims and their families, and reiterates that hu-

manitarian needs in Gaza should be addressed promptly and responsibly;

(5) calls on all nations—

(A) to condemn Hamas for deliberately embedding its fighters, leaders, and weapons in private homes, schools, mosques, hospitals, and otherwise using Palestinian civilians as human shields, while simultaneously targeting Israeli civilians; and

(B) to lay blame both for the breaking of the "calm" and for subsequent civilian casualties in Gaza precisely where blame belongs, that is, on Hamas;

(6) supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories, and strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel;

(7) calls on Egypt to intensify its efforts to halt smuggling between Gaza and Egypt and affirms the willingness of the United States to continue to assist Egypt in these efforts;

(8) calls for the immediate release of the kidnapped Israeli soldier Gilad Shalit, who has been illegally held in Gaza since June 2006; and

(9) reiterates its strong support for a just and sustainable resolution of the Israeli-Palestinian conflict achieved through negotiations between Israel and the Palestinian Authority in order to ensure the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and a viable, independent, and democratic Palestinian state living side by side in peace and security with the State of Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself 2 minutes.

When a nation's towns and villages are attacked without provocation by nearly 9,000 rockets over the span of 8 years, there could hardly be a more solid case for the use of force in self-defense. At least 700,000 Israelis, 10 percent of that small nation, are now within range of missiles and rockets operated by an Islamist terrorist group committed to Israel's destruction.

I have no trouble justifying the war Israel is undertaking, but I am deeply troubled by the suffering, destruction and loss of innocent life that war inevitably entails, in this case, a war forced upon Israel by a terrorist enemy that not only targets Israeli civilians but that also bases itself among Gazan Palestinian homes, schools, mosques, and hospitals in order to use innocent civilians as human shields and as tools of a propaganda war. It is imperative that a

way be found to stop the killing on both sides but in a manner that will ensure that this round will be the last round.

I know the U.S. and several other nations are working on developing such a plan. Our ally Egypt should be particularly commended for its serious efforts in this regard.

What we need is not merely a cease-fire but a transformative cease-fire. We need to ensure not just that Hamas stops firing rockets into Israel; we need to make sure that it stops receiving weapons and weapons parts and that it stops smuggling them into the Gaza Strip. We should support Egyptian efforts to prevent this illegal arms trade from crossing the Sinai toward the Gaza border.

Madam Speaker, I commend the Speaker and the bipartisan leadership for authoring this important resolution. It provides a sensible way of understanding how we got to the current situation and of how we should move forward. This is why I support this resolution, and I urge my colleagues to do likewise.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself as much time as I may consume.

I rise in strong support of House Resolution 34, recognizing Israel's right to defend herself against attacks from Gaza and reaffirming the United States' strong support for Israel.

Madam Speaker, the conflict between Israel and violent Palestinian extremist groups is not, to paraphrase Chamberlain, a quarrel in a faraway country between people of which we know nothing. This conflict is one part of a broader struggle that we're all engaged in, a struggle between liberty and tyranny, between democracy and violent Islamic extremism, between those who love life and those who preach death.

It is a struggle Israel did not seek but one which she must, nonetheless, fight and win. For 8 years, while Israel has sought just and lasting peace and security, Hamas and other Islamic militants have launched thousands of rockets from Gaza against innocents in southern Israel. Israel, a democratic state, chose to exercise remarkable restraint.

Finally, on December 19, Hamas unilaterally broke the calm, the so-called calm, and began launching scores of rockets against Israel. Israel chose to protect itself and her people. Israel has made every effort to prevent civilian casualties and has provided significant humanitarian assistance to Palestinian civilians. Meanwhile, Hamas has again committed war crimes by placing its militants and its weapons in or at schools, in hospitals, in private homes, and in other civilian buildings.

How has much of the world reacted? Too many states and too many officials in the United Nations have responded

by blaming Israel and only Israel. The U.N. swung into action, holding four Security Council meetings in less than 2 weeks, including last night, when it passed a resolution that did not even mention rocket attacks against innocent Israeli civilians, that did not even mention Hamas and its war crimes, and it called for an immediate cease-fire, not a sustainable cease-fire.

Sadly, these officials do not recognize that only Israel would consider itself bound by such an agreement. Hamas would continue to pursue Israel's destruction, and such a devil's bargain without holding Hamas and its state sponsors of terror accountable will only embolden these Islamic extremists to intensify their destructive agenda.

The desire to stop all violence now is understandable. We all desire peace. We all regret the loss of innocent lives on both sides of the conflict, but as the ancient rabbis have stated, those who are merciful to the cruel, as the U.N. has been, will end up being cruel to the merciful, in this case, Israel.

The right way forward is not easy; it is not pleasant, but upon it rests the security of the Israelis, of the Palestinians, of the Americans, and of all freedom-loving people.

The following is my full statement for the RECORD: Madam Speaker, I rise in strong support of House Resolution 34, recognizing Israel's right to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel.

Madam Speaker, the conflict between Israel and violent Palestinian extremist groups is not, to paraphrase former British leader Neville Chamberlain, a quarrel in a faraway country, between people of which we know nothing.

On the contrary, this conflict is one part of a broader struggle that we are all engaged in—a struggle between liberty and tyranny; between democracy and violent Islamist extremism; between those who love life and those who preach death.

It is a struggle which the United States and Israel did not seek, but which we must, nonetheless, fight and win.

On the outcome, rests our freedom, our security, and our very existence.

Today, this House sends a strong and unequivocal signal that America stands with Israel in its fight to exist.

To some of the "high-minded" who feel comfortably removed from this struggle, such language is old-fashioned, or out of style, or undiplomatic.

In the United States, Madam Speaker, we prefer to call it the truth.

For 8 years, while Israel has sought just and lasting peace and security, Hamas and other Islamist militants have launched over 8,000 rockets from Gaza against innocents in southern Israel.

Even after Israel took the risk of withdrawing from Gaza in 2005, Hamas rejected peace and chose to use its new sanctuary to plan and carry out more attacks against the Jewish state and its people.

Six months ago, Hamas agreed to a so-called state of "calm," then proceeded to

break it repeatedly by using other groups to do its dirty work and fire rockets.

Israel, a democratic state, chose to exercise remarkable restraint.

Finally, on December 19, Hamas unilaterally broke the "calm" and began launching scores of rockets into Israel.

Israel chose to protect its people and defend itself.

Hamas and its fellow violent hate-mongers do not seek a few more square miles of land. They do not seek a Palestinian state.

They seek to destroy Israel, impose an Islamist dictatorship in its place, and fight on throughout the world.

Such an outcome is unacceptable to Israel. It is unacceptable to the United States.

It must be unacceptable to all other responsible nations—because in a compromise between good and evil, only evil benefits.

Israel has made every effort to prevent civilian casualties, and has provided significant humanitarian assistance to Palestinian civilians.

Meanwhile, Hamas has again committed war crimes by placing its militants and weapons, in or near schools, hospitals, private homes, and other civilian buildings.

In the real world, Hamas's use of civilians as human shields would provoke international condemnation and action to stop this menace. But how has much of the world reacted?

Too many states, and too many officials at the United Nations, have responded by blaming Israel and only Israel.

Let us remember that in the months and years before Israel started its defensive operation on December 27, the U.N. did not make any meaningful effort to stop the relentless attacks by Hamas or diminish the threat posed by its state sponsors.

But once Israel rose to protect its citizens, the U.N. swung into action, holding four Security Council meetings in less than two weeks, including last night, when it passed a resolution—that did not even mention rocket attacks against Israeli civilians; that did not even mention Hamas and its war crimes; and that called for an immediate cease-fire, not a sustainable cease-fire.

This Security Council resolution and other developments throughout the U.N. system, reflect the short-sightedness and bias that pervade that body.

The so-called President of the U.N. General Assembly called Israel's behavior a "monstrosity," and the Secretary-General called for an immediate cease-fire.

Sadly, they do not recognize: that only Israel would consider itself bound by such an agreement; that Hamas would continue to pursue Israel's destruction; and that such a devil's bargain without holding Hamas and its state-sponsors accountable would only embolden these Islamist extremists to intensify their destructive agenda.

The desire to stop all violence now is understandable.

We all desire peace and regret the loss of innocent lives on both sides of the conflict.

But as the ancient rabbis stated, those who are merciful to the cruel (as the U.N. has been) will end up being cruel to the merciful (in this case, Israel).

If the U.N. wants to regain its credibility, it should advance peace and security by moving

to compel Hamas and their state sponsors to: immediately stop their attacks, shut down their militant infrastructure, and recognize Israel's right to exist as a Jewish state.

Madam Speaker, we've been here before.

In 2006, the violent extremist group Hezbollah kidnapped Israeli soldiers and fired rockets relentlessly against northern Israel.

In response, the U.N. Security Council passed a resolution calling for a cease-fire between Israel and the violent extremist group Hezbollah, which would supposedly strengthen the ability of a U.N. force in Lebanon to prevent Hezbollah from rearming.

In the last 2½ years, Israel has held up its end of the deal, while a legitimized Hezbollah has rapidly re-armed under the U.N.'s nose and has, along with its state-sponsors Iran and Syria, increased its control in Lebanon.

As a result, U.S. interests in the region have been damaged.

If we act the same way this time, we will get the same result or worse, and we are running out of second chances. Not again, Madam Speaker.

We must support Israel's right to defend itself by rooting out the Islamist militant infrastructure in Gaza and by ending—not reducing, not postponing, but ending—the threat Hamas poses to Israel's existence; to regional stability; and to global peace and security.

Then, and only then, Madam Speaker, can a cease-fire work.

Consistent with the Palestinian Anti-Terrorism Act, we should also tighten U.S. and international sanctions against Hamas.

Additionally, the U.S. and our allies must seek to stop Iran and Syria from providing financial and other support to Hamas and other violent Islamist extremist groups.

The right way forward is not easy or pleasant, but upon it rests the security of Israelis, Palestinians, Americans, and all other peoples.

With that, Madam Speaker, I reserve the balance of our time.

Mr. BERMAN. Madam Speaker, I am very pleased to recognize the chief sponsor and author of this resolution, the Speaker of the House, Ms. PELOSI, for 1 minute.

Ms. PELOSI. I thank the gentleman for yielding.

I commend him, Mr. BERMAN, the Chair of the Foreign Affairs Committee, and Congresswoman ILEANA ROS-LEHTINEN for bringing this resolution before us today. I am pleased to join Mr. BOEHNER and Mr. HOYER in co-sponsoring it.

Today, we have reaffirmed with this resolution that Israel, like any nation, has a right to defend itself when under attack. Protecting the people of our country is the first responsibility any of us has, and so has Israel. The rocket and mortar attacks from Hamas in Gaza, which were increasing in frequency and in range, constituted an unacceptable security threat to which Israel had a responsibility to respond.

Certainly, all of us regret the loss of life, injury and destruction of property of innocent civilians that has occurred on both sides of the conflict. When I

spoke with Prime Minister Olmert last week, I conveyed the concerns of my constituents and of my colleagues about the loss of life among civilians. We must do all we can to relieve the pain of the innocents and to bring about a real peace that will avoid further loss of life on both sides.

If we are to achieve a real peace, we must begin with a cease-fire to the current conflict. Hamas must stop the attacks, which is why this resolution calls for the Bush administration to work toward that end, but a cease-fire must do more than just end the current fighting. It must address some of the root causes of the conflict so we may attain a peace that is, in the words of this resolution, "durable and sustainable."

Security for Israel and an improvement in the lives of the people of Gaza cannot be achieved as long as Hamas uses that impoverished land as a launching pad for attacks against Israelis. The goal of any cease-fire must be more than a return to the status quo. It must be a positive and measurable step toward a final, just resolution of the differences between Palestinians and Israelis.

Our goal must be to achieve an agreement between Palestinians and Israelis that results in a secure, democratic Israel, living side by side with a viable and independent Palestinian state and with both sides finding peace and prosperity. The cycle of violence that feeds the fury of despair must be broken. The hard work of negotiation must be done, and the difficult but necessary decisions must be made so that such an agreement can be achieved.

The United States must be an active, constant and engaged partner in this conflict. With the new energy and fresh thinking of the new administration, we pray that an enduring settlement can be reached.

On days like this, Madam Speaker, and with the resolution that we have before us, we are all reminded that for more than 60 years the commitment of the United States to the security of Israel has been a real one. From the moment in 1947 when President Harry S. Truman took the bold step of recognizing the State of Israel to this very day, America stands shoulder to shoulder with our democratic ally in the Middle East.

We want, as I said, a two-state solution with a Jewish democratic Israel side by side with a secure Palestinian state. That can only occur if Hamas stops the exploitation of the impoverished people of Gaza for its own purposes as it continues its attacks on Israel.

Again, I thank the chairman of the committee, Mr. BERMAN, and the ranking member, Congresswoman ROS-LEHTINEN, for their leadership in bringing this resolution to the floor.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 1 minute to the

gentlewoman from North Carolina, Congresswoman VIRGINIA FOXX.

Ms. FOXX. The main goal of any democratic nation is to ensure the safety and prosperity of its people.

As we all know, Israel has commenced defensive military actions in Gaza aimed at disrupting Hamas' weaponizing capabilities which are being used to terrorize Israeli civilians. Unlike the indiscriminate rocket attacks launched by Hamas, Israel's precision strikes are a defensive last resort necessary to protect her people.

Considering that since Israel's 2005 withdrawal from Gaza Hamas, with the help of Iran, has openly fired more than 6,300 rockets and mortars at Israeli population centers with more than 1,000 of these having been fired within the past month, it's clear that the Israeli Government is taking a measured response that any other responsible country would expect to take in defending its sovereignty. I think that we have to do everything that we possibly can in this country to lend our support to Israel in her defense of the people of Israel, and I want to lend my support to this resolution.

□ 0930

Mr. BERMAN. Madam Speaker, I yield 1 minute to the chairman of the European Subcommittee of the House Foreign Affairs Committee, the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Madam Speaker, I rise in strong support of this resolution which expresses Congress' unwavering support for Israel and its unequivocal right to self-defense in the face of an ongoing campaign of terror perpetrated by Hamas.

The world must know that America stands shoulder-to-shoulder with Israel in its ongoing struggle for security and peace. All of us wish to see a stable, secure, and peaceful Middle East, and we mourn for the loss of innocent lives. But it is unconscionable to expect the Israeli Government or any government to sit idly by as deadly rockets rain down on its cities.

The world must recognize how we came upon the deadly circumstances that exist in Gaza now. It was Hamas, not Israel, that abrogated the so-called truce by firing rockets into Israel. Instead of using violence to achieve its destructive goals, Hamas must adhere to the international principles established by the Quartet.

I strongly urge my colleagues to support this resolution and support Israel's right to self-defense so that we can move toward a more peaceful Middle East. But peace comes with strength and resolve; it does not come by avoiding the unfortunate circumstances that Hamas, not Israel, has placed this region in once again.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Madam Speaker, I rise in opposition to this resolution, not because I am taking sides and picking who the bad guys are and who the good guys are, but I'm looking at this more from the angle of being a United States citizen, an American, and I think resolutions like this really do great harm to us.

In many ways what is happening in the Middle East, and in particular with Gaza right now, we have some moral responsibility for both sides, because we provide help in funding for both Arab nations and Israel. And so we definitely have a moral responsibility. And especially now today, the weapons being used to kill so many Palestinians are American weapons and American funds essentially are being used for this.

But there is a political liability which I think is something that we fail to look at because too often there is so much blowback from our intervention in areas that we shouldn't be involved in.

Hamas, if you look at the history, you will find that Hamas was encouraged and actually started by Israel because they wanted Hamas to counteract Yasir Arafat. You say, Well, yeah, it was better then and served its purpose, but we didn't want Hamas to do this.

So then we, as Americans, say, Well, we have such a good system; we're going to impose this on the world. We're going to invade Iraq and teach people how to be democrats. We want free elections. So we encouraged the Palestinians to have a free election. They do, and they elect Hamas.

So we first, indirectly and directly through Israel, helped establish Hamas. Then we have an election where Hamas becomes dominant then we have to kill them. It just doesn't make sense.

During the 1980s, we were allied with Osama bin Laden and we were contending with the Soviets. It was at that time our CIA thought it was good if we radicalize the Muslim world. So we finance the Madrassas school to radicalize the Muslims in order to compete with the Soviets.

There is too much blowback. There are a lot of reasons why we should oppose this resolution. It's not in the interest of the United States, it is not in the interest of Israel either.

I strongly oppose H. Res. 34, which was rushed to the floor with almost no prior notice and without consideration by the House Foreign Affairs Committee. The resolution clearly takes one side in a conflict that has nothing to do with the United States or U.S. interests. I am concerned that the weapons currently being used by Israel against the Palestinians in Gaza are made in America and paid for by American taxpayers. What will adopting this resolution do to the perception of the United States in the Muslim and Arab world? What kind of blowback might we see from this? What moral responsibility do we have for the

violence in Israel and Gaza after having provided so much military support to one side?

As an opponent of all violence, I am appalled by the practice of lobbing homemade rockets into Israel from Gaza. I am only grateful that, because of the primitive nature of these weapons, there have been so few casualties among innocent Israelis. But I am also appalled by the longstanding Israeli blockade of Gaza—a cruel act of war—and the tremendous loss of life that has resulted from the latest Israeli attack that started last month.

There are now an estimated 700 dead Palestinians, most of whom are civilians. Many innocent children are among the dead. While the shooting of rockets into Israel is inexcusable, the violent actions of some people in Gaza does not justify killing Palestinians on this scale. Such collective punishment is immoral. At the very least, the U.S. Congress should not be loudly proclaiming its support for the Israeli government's actions in Gaza.

Madam Speaker, this resolution will do nothing to reduce the fighting and bloodshed in the Middle East. The resolution in fact will lead the U.S. to become further involved in this conflict, promising "vigorous support and unwavering commitment to the welfare, security, and survival of Israel as a Jewish and democratic state." Is it really in the interest of the United States to guarantee the survival of any foreign country? I believe it would be better to focus on the security and survival of the United States, the Constitution of which my colleagues and I swore to defend just this week at the beginning of the 111th Congress. I urge my colleagues to reject this resolution.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I will vote for this resolution today, but I'm disappointed that we are doing, once again, what we've done so often. Of course we all condemn Hamas and support Israel, but we should be saying and doing so much more. I applaud the statements of the chairman and of our Speaker, and I wish they were part of the resolution.

We must call for greater U.S. engagement to achieve a durable cease-fire and to restart the Israel-Palestinian peace process. We all know the Israeli-Palestinian conflict will never be settled militarily. My fear is that this action by Israel, justified as it is and provoked by Hamas, will not enhance Israel's security but only further endanger it.

Achieving peace in the Middle East is in Israel's best interest, and it is in America's best interest; but the violence that now permeates Gaza only puts off the serious and difficult work of diplomacy that is a predicate to peace, and it obscures the remarkable progress that is even now being made in the West Bank. And in the meantime, the humanitarian crisis in Gaza has grown to unspeakable proportions, and millions of innocent Palestinians and Israelis are suffering.

I urge my colleagues not only to make statements of support for Israel

but to call for a cease-fire and to press for peace.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Texas who says, "That's just the way it is," Judge POE.

Mr. POE of Texas. I thank the gentlelady for yielding.

Madam Speaker, Hamas is a rogue group of outlaws that hibernate in Palestinian civilian areas of Gaza and fire Iranian missiles into Israel. Israel has received hundreds of these missile attacks in the last few days, thousands in the last few years.

Israel has been patient, maybe overly patient. Make no mistake about it, Hamas is the aggressor. So Israel not only has the right but moral obligation to defend its people by fighting back.

You see, Hamas is one of the two twin tribes of terror that operate in the Middle East. The other being Hezbollah. These bandits operate in the Middle East with the sole purpose to kill Israelis. Hamas murders in the name of religious hatred for Jews and Israel. Israel defends itself while some world leaders criticize Israel for doing so. These world leaders, especially those in the United Nations, are out of touch with the way the world really is. The Middle East is in turmoil because of terror groups like Hamas, and they are the aggressor.

The recent aggression by Hamas is no doubt sponsored by the little fellow from Iran, Mahmoud Ahmadinejad. He is the real world threat to peace in the Middle East. He has openly stated that Israel must be completely destroyed. And eventually, world leaders must deal with this issue. But people cry "peace, peace—peace at any price", but there can be no peace as long as Hamas continues to murder Israelis.

Israel is our ally. The United States should stand by its allies. Israel is defending its people. It is obligated to do so, and I commend them for representing and defending their people.

And that's just the way it is.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentlelady from California (Ms. HARMAN), who is very active on these issues.

Ms. HARMAN. I thank the gentleman for yielding and commend him on bringing up this resolution so promptly.

Madam Speaker, I've seen Israel up close and personal on almost two dozen trips. I've seen thousands of spent missiles stockpiled in Sderot, witnessed destruction of homes and buildings, and know a government official from Israel who was seriously wounded. I have also spent time on Israel's border with Lebanon, including a trip there during the 2006 Hezbollah war while rockets flew overhead.

Israel, indeed any country, has a right to defend herself from attack. The U.S. must stand by our only democratic ally in the Middle East. Hamas'

ability to strike Israeli cities is continuing evidence that it has been receiving illicit arms for use against Israel—no doubt with the complicity of its sponsors in Iran.

However, Israelis are not the only victims. The Palestinian people in Gaza and the West Bank have paid a huge price, too. They have been held hostage by the Hamas leadership since its 2006 coup against the Palestinian authority. And they are being used as human shields.

That said, Israel's effort must minimize civilian casualties and maximize Red Cross access. Measures to permit humanitarian aid must be sustained.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. Madam Speaker, I yield the gentlelady an additional 10 seconds.

Ms. HARMAN. As this resolution states, our President must work actively to support a durable, enforceable, and sustainable cease-fire, promote a two-state solution, and encourage and strengthen moderate Palestinian voices.

This House is doing its part today. Following Senate action yesterday, we signal bipartisan, bicameral support for this effort.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield 5 minutes to the gentleman from Virginia (Mr. CANTOR), our distinguished Republican whip.

Mr. CANTOR. I thank the gentlelady.

Madam Speaker, colleagues, I don't think there is any of us who would doubt a nation's right to defend its citizens and to defend its population. That's why I rise in support of this resolution. I thank the sponsors, the gentleman from California, the gentlelady from Florida, for bringing this forward.

At this time it is very, very important for us in the United States to stand tall in defense of our democratic allies, Israel's right to defend its borders, to defend its people.

I stand here in support of Israel because I have been there. I've seen Sderot. One of the most memorable visits to Israel that I've been on, I visited with a family, a family that lived in a town called Gush Katif. It was a town in the southern portion of the Gaza Strip. I visited with them almost 3½ years ago when it was just after Israel's unilateral pullout of the Gaza Strip.

This family had two children, parents—professional parents—who had just gone through the wrenching process of uprooting their family, leaving their home, in hopes of a better life. The parents said to me one of the most difficult jobs was to explain to their children why they needed to leave their life and their home. These parents said they told their children they were going to leave because they needed to be sure that Israel had every chance

imaginable for peace so they could leave in peace.

I actually cannot imagine what those parents are going through now. Three-and-a-half years later they've settled in the area of Sderot, and life could not be any more frightening for them or their children.

When they moved out of the Gaza Strip, they joined the group of citizens of Israel who have to live by the 15-second rule. They have to know, their children have to know, where a safe spot is within 15 seconds of a siren going off. That's the unimaginable fear that they live in day in and day out. Even when these people take vacation and leave Israel, their children, immediately upon arriving at their destination, ask the question, Where is the safe place? Where do I need to run and hide from the rockets?

That's the mentality. That's the culture that has bred because of the incessant, tireless firing of rockets by Hamas aimed at civilians.

Madam Speaker, that is the issue. Israel has a foe on many of its borders, certainly to the south, that is determined to kill its civilians. I don't think any of us would want any of our population in this country to be subjected to that type of terror, nor would we sit here and allow it. That's why Israel has taken the action that it has.

□ 0945

After trying to stop the rockets through third-party negotiations, cease-fires, and even lodging complaints at the United Nations, Israel has taken defensive action. And today, we speak as one body in support of our democratic ally, Israel. We stand up to reaffirm the vibrant relationship that our two countries share, a relationship underpinned by shared values like respect for human life, democracy, and a relationship strengthened by our indispensable strategic interests.

Mr. BERMAN. I am pleased to yield 1 minute to the chairman of the Democratic Caucus, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I appreciate the gentleman yielding me the time.

Madam Speaker, I rise in strong support as an original cosponsor of H. Res. 34, which recognizes Israel's right to defend itself against attacks from Hamas terrorists in Gaza and reaffirms the United States' strong support for Israel.

Since Israel unilaterally withdrew from Gaza in 2005, the Hamas terrorist organization has launched thousands of missile attacks against Israeli civilian targets.

I mourn the loss of life on both sides of this conflict, including the innocent Palestinians who have cynically and deliberately been used by Hamas terrorists as human shields.

In order to end the violence in Gaza, Hamas needs to recognize Israel's right

to exist and renounce terror. As the only true democracy in the Middle East, the 111th Congress recognizes Israel's struggle to protect its people, maintain peace with its neighbors, and defend the freedoms of a democratic society.

I encourage all of my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, at this time, I would like to yield 3 minutes to the gentleman from California (Mr. ROYCE), a senior member of the Committee on Foreign Affairs.

Mr. ROYCE. I thank the gentlelady.

I would just like to quote for a minute from Hamas. They say Allah is the goal, the Prophet its model, the Quran its constitution, jihad its path, and death for the cause of Allah its most sublime belief. Now, that is the charter; that is the opening of the charter for Hamas itself. These are the words that drive these ideological jihadists. And it's an offshoot of the Muslim Brotherhood, which was the Egyptian group whose ideology actually spawned al Qaeda. So Hamas, in this case, as we know, wants to replace Israel and wants to replace it with an Islamic state.

Now, Israel withdrew its soldiers and all of its settlers from Gaza in 2005, and in return Hamas came to power in the Gaza Strip. Over 6,000 rockets have been fired into southern Israel, leaving a quarter of a million Israelis just seconds away from a rocket attack. And I wonder how Americans would feel if citizens in San Diego or in Buffalo had a matter of 20 seconds to rush to a bomb shelter.

I had an opportunity in August, a year and a half ago, back when rockets like these were being fired into Haifa, to see the results of that targeting of civilian neighbors. And I was in Rambam Hospital, and indeed on that very day there were attacks on the city; 80,000 ball bearings in each one of these rockets designed to inflict maximum casualties on the civilians, and this is what Israel faces. And of course Israel has been harshly criticized for its so-called disproportionate response. But what is proportional? Should Israel fire 6,000 rockets into Gaza indiscriminately? Israel would not do that. On the contrary, it seems as though Israel has gone out of its way to even contact noncombatants who live next to the rocket launchers in advance to warn them of approaching danger.

Hamas has been deliberate in the locating of its security forces in residential neighborhoods. They put these rocket launchers in areas that are intended both to deter Israel from attacking in the first place, as well as to turn world opinion against the democratic state when it does try to silence with counter-battery fire these rockets.

Madam Speaker, no one wants to see human suffering. I would like to see

this come to an end. And the longer this goes on with Hamas, the longer international attention will be taken away from the even more serious threat of Iran's nuclear program. More delays in terms of taking out Hamas only work in favor of the Islamic state over in Iran at this point, and they are helping provide the rockets.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the majority leader for the House of Representatives, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from California and I thank the gentlelady from Florida for bringing this resolution to the floor.

Today the House will stand in support of Israel as it faces enemies bent on its destruction.

For 8 years, Hamas, aided by Iran and others, has sent deadly rockets and mortars into Israel; so many have already talked about that. In 2005, Israel dismantled its settlements and withdrew its military from Gaza, and still the rockets came, more than 6,000, as has been related, since Israel's withdrawal.

I was in Israel on August 15 of 2005 with a delegation, a meeting with Ariel Sharon. It was a courageous act that the Israelis took; it was a controversial act that the Israelis took. It took great political courage to do what the Israelis did. And there were many citizens in that democracy that demonstrated against that action because they feared what would happen is what is happening now. Each one of them, the rockets that have been sent, those 6,000—intended to kill the maximum number of civilians and falling indiscriminately on southern Israel cities and towns—was a war crime by any definition. Mr. ROYCE spoke of that, as to what our response would be if Mexico or Canada—which obviously has not done so nor would they—but if they did that, what our own citizens would demand of us. Mexico would not exist, nor would Canada, quite simply put. We would not tolerate, and no amount of criticism leveled on us would in any way modify our response.

The harm of these missiles is undeniable, I've seen it firsthand. When I traveled to the southern Israel town of Sderot, I met families whose children had lost the ability to speak, who no longer had control of their bodily functions. That is the profound and ever-present fear that covers much of Israel today.

Let us be quick to intone, however, our sympathy for the children and for the families of the Palestinians living in Gaza. Let us not forget that the problem with these conflicts is that it is the innocent who suffer the most. How tragic it is, I believe, that for over six decades the Palestinian people have been led by those who rationalize the use of terror and rationalize the

premise of the destruction of Israel, established by the United Nations of the world. How tragic it is that the Palestinians have not had among their number a Gandhi, a Mandela, a Martin Luther King, Jr., who said the way to solve this problem is not through terror and violence, but the way to solve this problem is through reason and an appeal to moral suasion in the world community. How tragic it is that the Palestinian children and the Israeli children and their families—men, women, older people—on both sides have been subjected to the terror sold by Hamas, Hezbollah and other terrorist organizations. But the reality exists today that Hamas is in control and is threatening, and that is the danger that Israel nor any nation could endure.

As Secretary Rice said last week, and I quote, "Hamas has held the people of Gaza hostage ever since their illegal coup against the legitimate President of the Palestinian people." To the Hamas terrorists, the ordinary people of Gaza are not fellow citizens, but all too often propaganda props.

As reporter Jeffrey Goldberg writes, and I quote, "Hamas terrorists unblinkingly and ostentatiously use their own civilians as human shields. I have seen this up close, and it's repulsive."

For Hamas, the lives of Palestinians are valued as cheaply as the lives of Israelis. How sad it is for both those people. Having exhausted diplomatic options and confronted with an enemy sworn to its destruction, Israel has been given no choice but to take military action in order to relieve the threat against its people.

How sad it is, my fellow colleagues, that the international community responds strongly today, but has failed to respond strongly to the decades of terrorism visited on Israel—and yes, visited on the United States—by those who employ terror and destruction and murder against innocence.

By offering this resolution, we recognize Israel's right to act in self-defense as we claim for ourselves and for every nation of the world—that same right claimed by America and any other sovereign nation when faced with a similar threat.

We urge both sides to protect the lives of civilians. I believe the Israelis are trying to do that, and they have always tried to do that. It is demonstrably true that that is not true of Hamas or Hezbollah or other similar terrorist organizations.

We urge the administration to work towards a durable—and that is the operative word, "a durable," not a temporary cessation, not a 5-minute or 5-day or even 5-month cessation from terror—but a durable, sustained cessation of the terror, a durable ceasefire that puts an end to the fighting and to its cause—Hamas' ability to

threaten Israel and to produce the weapons of terror.

Only when Israel's enemies forswear violence and recognize Israel's right to exist will we be any closer to a just and lasting peace, which the people need. And when I say the people need that, I don't mean the Palestinian people or the Israeli people, but the people need on both sides of the line, but which Hamas, Hezbollah, Islamic Jihad and other such terrorist groups have refused for decades now to take place, a peace in which the Palestinian and Israeli people can live in their own states side by side. That is our objective, that is the objective of this resolution. Let us stand with Israel's right to defend itself and its people and defeat terror.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield 2 minutes to the gentleman from Indiana (Mr. PENCE), our distinguished Republican Conference chairman.

Mr. PENCE. Madam Speaker, for a millennia, Israel was a dream; in 1948, it became a reality. But in recent days, the periphery of Gaza has become a nightmare for Israeli men, women and children.

I rise today in strong support of H. Res. 34, a bipartisan measure which recognizes Israel's right to defend itself against attacks from Gaza and reaffirms the United States' strong support for our partner.

□ 1000

Time is of the essence. This very morning Hamas continues to fire rockets into Israel despite the United Nations cease-fire resolution passed last night. Israel has a right and Israel has a duty to defend her people against the attacks of a terrorist group that victimizes the people of Gaza and Israelis on her borders. In the face of those evil acts no nation could tolerate, I commend Israel for working to minimize civilian casualties.

But in these dire circumstances, America must stand with Israel. We must show the resolve of our relationship as peaceful democracies, and we must show the resolve of a relationship borne of the intimate and deepest held values of both of our people, for the history of Israel is a history of struggle.

Over 60 years ago, the State of Israel, under the leadership of a small band of courageous Zionists, declared independence in its ancient homeland. It was promptly recognized by the United States, and it was promptly attacked by its Arab neighbors. The more things change, the more they seem to stay the same.

Israel prevailed against the long odds then, again in 1967 and in 1973 and countless other times, and Israel will prevail again today; but she will not do so alone.

We and all the freedom-loving nations of the world must stand with

Israel and condemn the violence that's been perpetrated against her people. We cannot stand idly by while a gathering menace grows in the region and a menace perpetrates such acts of evil against our cherished allies.

We must come together to rededicate ourselves to the preservation and protection of Israel as a Jewish state and of Jerusalem as her eternal capital, and I commend all of my colleagues for bringing this timely resolution to the floor.

Mr. BERMAN. Madam Speaker, for a unanimous consent request, I yield to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Speaker, I rise in support of Israel's right to defend its citizens from the terrorism and extremism of Hamas.

Our government has a responsibility to stand in solidarity with Israel as it endures a difficult moment in its history.

Imagine if an American town or city was hit by a barrage of rocket and mortar attacks? How would we respond? How would we react?

Just as America would not tolerate violence against its people, Israel should not have stand idly by and watch while rockets rain down on its citizens.

Israel has correctly taken steps that will ensure that terrorism against its nation will be punished with the hope that one day its nation can live in peace.

Fifteen Israelis have lost their lives since the beginning of Hamas's rocket and mortar attacks in late December.

While I deplore the cowardly attacks from Hamas against the Israeli people, I am aware of the suffering of Palestinian people living in the Gaza Strip.

Since the conflict began, hundreds of Palestinians civilians have lost their lives.

But make no mistake about it, this conflict was created by Hamas's unwavering commitment to violence against both Israelis and Palestinians.

Since coming to power in 2006, Hamas has done nothing but terrorize Israelis and intimidate the Palestinian people with its iron-fist militancy.

This terrorist organization openly recruits suicide bombers to launch attacks in Israel but in Arab nations as well.

Just last week, a female suicide bomber killed over 100 innocent Iraqi Muslims without causing the slightest outcry from Hamas.

In Gaza, where Hamas has ruled for several years, Palestinians are without decent schools, affordable healthcare and any semblance of a bright economic future.

This is because Hamas's mission is not to lift up Palestinians, it is to inflame passions and stir hatred against the State of Israel.

Hamas represents a great threat to international peace and to the stability of Israel and will continue to do so as long as it remains a significant force in the Middle East.

For too long Hamas has terrorized both Israelis and Palestinians alike. It falsely believes that it can use terrorism and intimidation to bully Israelis to the bargaining table.

Mr. BERMAN. Madam Speaker, I'm pleased to yield 2 minutes to the gen-

tleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished chairman of the Foreign Affairs Committee for yielding me the time and certainly respect his work on this resolution. We have talked about this issue numerous times over our careers in this body.

Madam Speaker, I am saddened by the recent escalation and fighting over the past few weeks in the Middle East. I condemn the Hamas attacks and recent air strikes in southern Lebanon into Israel. My hope is that all sides can take a step back, deescalate the fighting, and work together to renew the cease-fire agreement that expired on December 19. At the same time, humanitarian aid and assistance should be allowed to reach those in the region that need it the most, particularly civilian victims of the conflict.

Military action alone is not going to be a solution to the problems in the Middle East; we all know that. Working towards a lasting, peaceful solution to these conflicts by addressing the root causes is in the best interests of the United States.

The current fighting is not in the best interests of the United States. Only the extremists on both sides are the winners. Those moderates in the middle, both in Israel and on the Palestinian side, are the real losers in the current fighting.

Make no mistake about it. This campaign was planned some time ago, not just at the expiration of the cease-fire in December. Recent events in Israel show that the prime minister election coming up in February certainly have been a major factor in these air strikes, witnessing meteoric rise of Defense Minister Ehud Barak from almost nothing in the polls to now leading for prime minister of Israel.

So make no mistake about it, there are a variety of factors on all sides that come into play. There's no political will on the Palestinian side. There's no political side on the Israeli side to reach a real agreement in addressing the root causes.

This resolution, while there's nothing in that it can be denied, is not in my opinion in the best interests of resolving this conflict. We applaud what happened in the United Nations last night, but we know that what happens in the United Nations is far different than what happens on the ground in the region.

We urge the Egyptians, along with the Palestinian Authority, to reach an agreement in Cairo, as they are negotiating as we speak between Israel and Hamas, so that we can start addressing the smuggling of arms and the root causes of the conflict in the region.

Mr. BERMAN. Madam Speaker, I'm pleased to yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

I support Israel's security and its right to exist in peace, without the fear of rocket attacks from Hamas. And I abhor the violence which has been visited upon the people of Israel who are subject to such attacks. However, I would submit that the resolution, which this Congress will vote on, is incomplete, that it doesn't sufficiently take sufficiently take notice of the Arms Exports Control Act, which the United States is governed by in terms of its transmittal of arms to Israel, nor does it take notice of the humanitarian conditions sufficiently, nor establish a true path towards peace. And for that reason, I will oppose this resolution.

Israel is an established democracy and a firm U.S. ally. It's also signed agreements governing the use of U.S. military assistance. The Arms Export Control Act of 1976, which governs shipments of weapons from United States to foreign nations, requires that each Nation receiving a shipment of arms from the United States must certify that the weapons are used solely, solely for defensive purposes, not increase the escalation of conflict, nor prejudice the development of peace agreements. And I think in each case, the Israeli use of arms given by the U.S. has failed that test.

Israel has had Gaza under a punishing blockade. A blockade is in itself an act of war, at which time Israel has had complete control of access to Gaza. The Israeli government even made a truce with Hamas in bad faith, because at the same time it was making the truce, it was preparing to attack Gaza, to pursue its policy of regime change, an all-out attack on Hamas to oust Hamas, without any regard to the law and to the consequences to the civilian population of Gaza.

The people of Gaza have no army, no navy, no air force. Israel using F-16 jets and Apache helicopters acquired from the United States is engaged in a military offensive inside Gaza, escalating the conflict in Gaza, and prejudicing the development of peace agreements, contrary to the letter of the stated policies and purposes of U.S. military assistance to Israel.

Now, we know from news reports that the United Nations gave the Israeli Army the coordinates of U.N. schools and that schools have been hit by Israeli tank fire, killing dozens. The U.N. put flags on emergency vehicles and coordinated the movements with the Israeli military, and those vehicles came under attack, killing at least one emergency worker.

The Israeli Army evacuated 100 Palestinians to a house, and then bombed the house, killing 30 people. They don't have bomb shelters in Gaza. Emergency workers have been blocked by the Israeli Army from reaching hundreds of injured persons. Today's Washington Post headline documents that.

We all want peace, but we're not going to get peace until we recognize

that there are two parties to this dispute and that we have to also review Israel's conduct as well. That path to peace has to begin with stopping the war, having a cease-fire, constructing a truce, ending the blockade, getting humanitarian assistance through to all the people, rebuilding the infrastructure of the Palestinians, rebuilding their economic possibilities, bringing Hamas and Israel together for talks, using that as the basis to the path for peace in the Middle East.

This resolution is, therefore, incomplete and I will oppose it, but I urge this Congress to take these concerns up again next week so that we can address the humanitarian issue and, by doing so, open up the possibility of this Congress playing a more constructive role in helping to achieve peace in the region by reaching out to all the parties, notwithstanding the devastating conflict that has been visited on both sides.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 30 seconds to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, Israel has a responsibility to protect its citizens. Hamas has blatantly ignored any cease-fire agreements by assailing Israel with thousands of rocket and mortar attacks during the last 8 years, nearly half during this last year, including the 6-month so-called cease-fire.

Israel has the right to defend its people from terrorist attacks and is only taking the actions currently taken in direct response to Hamas policy.

Madam Speaker, I support this resolution, H. Res. 34, and I urge its adoption.

Mr. BERMAN. Madam Speaker, I'm pleased to yield 1 minute to the chairman of the subcommittee that covers the jurisdiction of terrorism and arms and human rights, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Hamas claims to be beleaguered, but it has rejected the U.N. Security Council cease-fire resolution passed last night. Hamas has done everything it can to increase civilian casualties, including the use of human shields. Yet even U.N. estimates say that over two-thirds of the Palestinian casualties have been gun-toting militants, and, other estimates put that number at over three-quarters.

When Hamas launches rockets from a neighborhood, an Israeli sergeant has seconds to decide whether to return fire, and there's always a pundit to vilify that decision. But moral culpability for civilian casualties does not lie at the feet of sergeants. Moral culpability for the horrors of war lies with politicians who seek extreme and unjust ends, through violent means.

While Israel seeks to live in peace alongside a Palestinian state, Hamas seeks to kill or expel every Jew from

the Middle East. Hamas proudly waves the banner of genocide and ethnic cleansing.

Vote for the Resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 1½ minutes to the gentleman from California (Mr. ROHRABACHER), a senior member of the Foreign Affairs Committee.

Mr. ROHRABACHER. I rise in support of this motion, and let us note that those of us who are seriously saddened by the bloodshed and the carnage that is going on and the loss of innocent lives in Gaza, people being killed and bodies of children being torn apart, we see this horror story. But let us note and we don't have to be reminded that, yes, this is a fight and Israeli planes are dropping those bombs. But if we are serious about ending this tragedy, we must be brutally honest and not give in to ignoring the hard truths which our allies overseas seem to be doing.

In this case, the hard truth is the real blame for this carnage is not Israel. It can be traced back to Hamas, to radical Islamists and those who supplied them their rockets and their weapons. The radical Islamists who ruthlessly and without remorse did what they knew would bring retaliation and slaughter on their own people, they are the ones to blame. The hatred in their hearts, the hatred of Israel, the irreconcilable hatred of those people obviously outweighs the commitment to the safety of their own women and children in Gaza. They are the ones who are to blame for the carnage that is going on right now, and we should not hesitate to condemn that if we really want to bring a peace in the Middle East.

Yes, bloodshed is horrible, and yes, we must also recognize that Israel is doing no more in this case than what any sovereign nation would do if they were attacked. By protecting its own people from attack, this retaliation which has caused this loss of life in Gaza, we must recognize the real villains in this story are not the Israelis. The Israelis are open to peace. The real villains are those people who have ignored the opportunities for peace and, instead, shoot rockets into Israel, knowing there will be retaliation.

Today we are saddened by the loss of innocent lives in Gaza; people being killed and wounded, bodies of children torn apart, all of this is a horror story. If we are serious about ending this tragedy we must be brutally honest, and not give in to ignoring hard truths. In this case the hard truth is that the real blame for this carnage in Gaza is traced to actions taken by Hamas, radical Islamists, and those who supply them with rockets and other weapons.

There was a tremendous opportunity for peace when Israel withdrew its troops from Gaza in 2005. Instead of moving forward and building a Palestinian homeland, irreconcilables have launched nearly 7,000

rockets and mortar rounds into Israel since Israeli troops left.

The hate-filled radicals who launched missiles into Israel—Hamas triggermen, not Israeli pilots—are the ones who are really responsible for the horrible mayhem we are witnessing in Gaza.

The radical Islamists ruthlessly and without any remorse did what they knew would bring retaliation and result in the slaughter of their own people. The hatred of Israel in the hearts of these Hamas radicals clearly outweighs their commitment to the safety and well being of their own people. That's a hard fact. And that after shooting rockets into Israel, they hide among and behind non-combatants—women, and children—makes their actions even more despicable.

An honest assessment leads to the conclusion that Hamas doesn't want peace with Israel and has no desire for a two state solution. Hamas wants a war that will destroy Israel. This commitment is the real cause of the current bloodshed in Gaza. Once Israel left Gaza, Hamas should have used its resources, their money, our money, on health care, education, roads and economic development in Gaza. Instead they have chosen death and destruction.

Recently China's representative to the U.N. Security Council voiced concern about, "large-scale Israeli air attacks against Gaza." Now, that takeschutzpah! According to a January 1st report in the Jerusalem Post, many of the rockets fired into Israel "were manufactured in China. These Chinese rockets were smuggled into Gaza after the Sinai border wall was blown up by Hamas in January." Making matters worse the State Department and the White House hasn't mentioned a word about the China connection to the turmoil in Gaza, just as they're mum about Chinese complicity in crimes elsewhere.

Yes, the bloodshed is horrible, and yes, Israel is doing what any other sovereign nation would do. It is protecting its people by retaliation when attacked. Those who shoot rockets into Israel know there will be retaliation, thus they are the responsible party for the bloodshed we are now witnessing. It's the hard truth we can't ignore if we are to someday end this terrible heart-wrenching violence.

Humanitarians do the cause of peace no favor by blaming Israel for retaliating, instead of fixing responsibility on those who initiated the violence by attacking Israel.

Mr. BERMAN. Madam Speaker, at this time, I would like to ask unanimous consent that there be an additional 6 minutes of debate on the resolution under consideration and that it be equally divided between both sides.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1015

Mr. BERMAN. Madam Speaker, could I inquire about the time remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 7¼ minutes and the gentlewoman from Florida has 3 minutes.

Mr. BERMAN. Thank you, Madam Speaker.

I am pleased to yield 1 minute to the gentleman from New York, the chairman of the Western Hemisphere Subcommittee, Mr. ENGEL.

Mr. ENGEL. I thank the gentleman.

Madam Speaker, I rise in support of the resolution. I support the right of democratic Israel to defend itself against terrorism by Hamas.

We know that missiles have been raining down on Israel, more than 7,000 in the past few years, and that the Palestinians, Hamas, are using its people as human shields. We say to Hamas you will not be allowed to use terrorism as a negotiating tool. The hypocrisy of the negotiating community and the U.N. and demonstrators around the world, we say to those people, you will not hold Israel to a different standard than any other country when it comes to protecting the safety of its citizens.

To those who say that Israel is using disproportionate force, is it disproportionate to want to protect your citizens from terrorist attacks? We want to see two states, a Palestinian state and an Israeli state, living side by side, a Jewish-Israeli state, an Arab-Palestinian state. We want to see that. Hamas does not, Israel does.

There are three things that Hamas needs to do before it is a player in the international community. It needs to recognize the right of Israel to exist. It needs to abide by previous agreements signed by the Palestinians, and it needs to reject terrorism as a negotiating tool.

There is strong and bipartisan support in this Congress for the democratic State of Israel, and we stand by Israel when it has tried to defend its citizens from being attacked by terrorism. That is why we have bipartisan support, and that is why the United States will always stand with the democratic nation of Israel, the only democracy in the Middle East.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield myself such time as I may consume.

Madam Speaker, I would like to make five simple points that get to the heart of what is happening right now.

First, Israel is a democratic Jewish state that respects human rights and desires peace with its neighbors, innocent civilians, innocent Palestinians included. The jihadists in Gaza continue to terrify thousands of innocent Israelis with their attack, while Israel continues to facilitate the transfer of humanitarian aid into Gaza.

Second, Hamas is a hate filled, violent, Islamic militant group that is backed by Iran and Syria regimes and seeks Israel's destruction.

Third, like any sovereign nation, Israel has the right to defend herself, her existence and to protect her citizens from attack, whether by Hamas or Hezbollah or other radical Islamists.

I have been to Sderot, and I have watched as air raid warnings forced the entire population, including children, to hide from an incoming attack.

Fourth, the actions and aims of violent Islamist extremists and their state sponsors is not just a threat to the Middle East peace and security, but to global peace and security. Today it's Hamas, tomorrow Hezbollah, the Taliban, al Qaeda, and so on.

Fifth, the U.S. and Israel are in this together. We have a saying in Spanish about close alliances that describes the U.S. and Israel friendship perfectly, we are two wings of one bird.

We depend on each other for our security and our existence. America and Israel are engaged in a broader conflict throughout the world, a struggle between liberty and tyranny, between those who love life and those who preach death. We did not seek this struggle, but we must win it.

As we stand at this important day in our living history, let us remember the consequences of inaction in the face of evil. For many years, responsible nations turned the other way, refused to accept the reality of what Israel was subjected to.

But no responsible nation could stand by and allow such attacks to continue, allow thousands and hundreds of its people to continue to live in constant fear of being murdered at any moment. No responsible nation could defer its security of its people to entrenched bureaucrats, the European Union, the United Nations, who constantly chastise Israel for taking all necessary actions to protect her own people.

Despite the U.N.'s rhetoric, there is no moral or legal equivalent between militant Islamic extremists who target civilians and a democracy that responds by targeting them. This false moral equivalence only persuades militants to persist in the unlawful action against civilians.

So, Madam Speaker, I hope that the House will carefully consider this resolution, will look at the actual language of the United Nations' resolution that points no finger at Hamas and its violent action and only points its finger at the democratic State of Israel. It's an unbalanced resolution. The United States was correct in not voting in favor of it.

Israel must not abide by it. We all want peace, but Israel wants peace with security as well.

With that, Madam Speaker, I yield back the balance of our time.

Mr. BERMAN. Madam Speaker, for the purpose of making a unanimous consent request, I am pleased to yield to the chairman of the Energy and Commerce Committee, Mr. WAXMAN.

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of H. Res. 34, a resolution that expresses soli-

darity with Israel in its efforts to defend itself from Hamas. The resolution also calls on the President to work for a durable and sustainable cease-fire, stresses the need to address the humanitarian situation in Gaza and emphasizes the importance of protecting innocent civilians to the maximum extent possible.

The Hamas leadership has held the Palestinian people hostage to its terrorist aspirations. Peace negotiations have been stalled by its bloody coup against Fatah and Gaza is now in shambles because of its relentless rocket fire against Israel. If Israel is unable to stop Hamas from rearming again, hope will continue to fade for achieving an enduring two state solution with a democratic Jewish Israeli state living beside a viable, independent and democratic Palestinian state.

In the summer of 2005 Israel disengaged from Gaza entirely, unilaterally removing settlements and military installations at a great financial and political cost. One year later Israel went to war with Hezbollah, despite the Israeli Army's complete disengagement from Southern Lebanon six years earlier.

The Israeli people face a grim reality that Hamas and Hezbollah seek their destruction despite Israel's overtures of peace and tranquility. Although that does not mean Israel will not continue to take risks for peace, it is imperative that Israel and the United States continue to take all measures necessary to fight these terrorists and safeguard Israel's security.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from California for yielding.

Madam Speaker, I rise today in strong support for this resolution and for Israel's right to defend itself. No nation could be expected to stand idly by as its citizens are bombarded by missiles launched 20, 30, 40 times a day by a terrorist organization on its orders.

These daily attacks have caused death and inflicted enormous physical and emotional damage on the people of Israel. Their government, the Israeli government, has shown extraordinary restraint in not retaliating until now.

For those of my colleagues who expressed concern or outrage for Israel's actions, where was their concern and outrage when Israeli children were killed by indiscriminate Hamas rockets? Where is their outrage when Israel asked Egypt to close the tunnels to stem the flow of weapons coming from Egypt to the Gaza? Where is their outrage then?

Hamas is all too happy to fire their missiles from schools and mosques and houses, putting their own families at risk in order to maximize civilian casualties. Their own leaders cynically embrace a culture of death, not only for Israel, but their own people.

I urge support for this resolution. We should be standing by the only democracy in the Middle East, Israel.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentlelady from California, Mrs. SUSAN DAVIS.

Mrs. DAVIS of California. Madam Speaker, I rise today in support of Israel's right to self-defense and a broader U.S. diplomatic role in the Middle East. The Israeli government has a right and a responsibility to defend Israeli citizens, and we have an obligation to support our ally in times of crisis.

But this body also has an obligation to advance the dialogue beyond the conflict of today toward how we can achieve a stable peace in the future. This conflict shows that the United States cannot manage the situation from the sidelines.

This approach only serves Iran and radical elements in the region. Rather, we must maintain a high diplomatic presence that allows responsible parties to capture every opportunity for peace.

I believe that the new administration and the new Congress represent an opportunity to regain our position as an honest broker in the region. For this to happen, the tone coming from Washington must be in sharp contrast to the last 8 years.

Congress helped set that tone, which is where I hope my colleagues will use this tragedy as an opportunity to call for an end to this conflict and a broader, American, diplomatic presence in the region.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to a member of the committee, the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

Madam Speaker, I rise to support H. Res. 34. War is ugly. That is why it took more than 6,000 or so rockets before Israel decided to defend herself. There is no doubt that we, as Members of Congress, wrap ourselves around the need for humanitarian aid and relief. We too feel the pain of loss of life.

But I think it is important to understand the resolution. It gives a wonderful roadmap for the decision of peace, a two-state solution, Israel and Palestine.

But what it does say, and what all of us have to commit ourselves to, is that no nation can stand for the extinguishing of other people in another sovereign nation. All Hamas has to do is to stand for the dignity and integrity of the Palestinian people, to allow Israel to survive and stand, to commit to its existence and to promote the survival of its people.

We must rally around people, women and children and families. But we cannot engage in peace unless all stand down.

This resolution is a roadmap for that. It is to encourage Egypt to continue in the peace process. It is to close the tunnels. It is to make sure that we are supporting the dignity of all.

I support this resolution. I beg the people of Palestine to stand up for dig-

nity, peace, democracy and freedom for all.

Madam Speaker, thank you for your leadership in bringing this timely resolution to the floor today. I want to also thank the minority leader, Congressman BOEHNER for working with us in a bipartisan manner on this important issue.

Let me start off by saying that I support House Resolution 34—recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process.

I support this bipartisan resolution because I believe that we must support a country's right to defend itself against terror attacks. I believe that we must not show support for Hamas, when it launches rockets indiscriminately, at civilians or when it incorporates elements of terrorists infrastructure into civilian population centers.

This resolution promotes a durable and sustainable cease-fire in Gaza, which would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. Moreover, a durable and lasting cease-fire would ensure that innocent Palestinians especially women and children are protected and humanitarian assistance is allowed to flow freely.

We all want to see peace take place in this region. While diplomatic means should always be sought first, there comes a time when a nation must defend itself. Sadly, this defense often comes with many innocent civilian casualties for which we all extend our deepest condolences.

I encourage our friends in Israel to take greater steps to protect the innocent Palestinians living in and along the Gaza strip and allow more humanitarian goods and services to enter the area to help the people of Gaza, especially elderly, women, and children. These are the victims on both sides of this conflict.

John F. Kennedy said years ago that "those who make peaceful revolution impossible will make violent revolution inevitable." As the rockets have continued to be fired into Israel, we have seen Hamas refuse to comply with the urgings of the United States, the European Union, Russia, and even the United Nations requests for a cease-fire. I urge Hamas to reconsider for the sake of the Palestinian people.

Although, violence begets violence and yet even in our great Nation we provide for defense of self. I do not support violence, however we would not expect a child to continue to be bullied, to continue to be beat up, to continue to have violence inflicted upon him without understanding when that child decides to fight back.

As missiles have been fired into their homes, shops, and restaurants the people of Israel have finally decided to respond.

I support the people of Israel and their right to be free from violence, free from terror, and free watching their friends and families die. I also support the innocent Palestinians right to be free from violence and have access to humanitarian relief. I am sad that the innocent Palestinians have to suffer for the violent acts of Hamas. Along with many of my colleagues, I continue to call for a cease-fire and an op-

portunity for diplomatic negotiations to succeed that would include a two state solution of Palestine and Israel.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Speaker, I come to the floor today torn about this resolution. Though I welcome resolutions by the Congress to express support for the people of Israel and Gaza at this difficult time, this resolution does not do enough to move towards a stable and durable peace in the Middle East.

I feel that I cannot vote against the resolution, because I believe every country has a right to defend itself. I have been to Sderot, and I have seen firsthand both the physical and emotional destruction caused by the rockets.

Last fall I voted for a resolution specifically condemning the rocket attacks into Israel. However, I feel I cannot vote for this resolution either, because it does not sufficiently address the human suffering by Palestinians in Gaza. Over 750 people have been killed, 250 of them children, 50 of them women, with over 3,000 people injured.

Mosques have been bombed, schools as well. Even before the recent military operation, life for the people in Gaza has become increasingly unlivable under a crushing blockade. The Red Cross has been obstructed, 800,000 people without water, 1 million people without electricity.

That is why I intend to vote "present" today. Hopefully we can urge this Congress to not simply declare its support of its ally, but will actually move its ally and the rest of the region toward a more durable, sustainable, final solution to this conflict.

History has shown that ground troops and air strikes have not resolved conflict in the Middle East. If we try to resolve conflict with military might and nothing else, then we will be no safer than we were before. No one will be. Diplomacy is necessary to save lives and yield a lasting peace with security.

The United States must play a more active role in pursuing real peace in the Middle East.

Mr. BERMAN. Madam Speaker, to close the debate, I am pleased to yield to the chairman of the Middle East and South Asia Subcommittee of the House Foreign Affairs Committee, the gentleman from New York (Mr. ACKERMAN).

The SPEAKER pro tempore. The gentleman from New York is recognized for 2¼ minutes.

Mr. ACKERMAN. I thank the chairman.

Madam Speaker, my colleagues, I spent Sunday in Sderot with Mayor Bloomberg of New York. We were being briefed by some people on the Israeli side of the border with Gaza when suddenly, after 14 missiles had already

fallen that morning before we got there, the sirens started screaming, and we were rushed and told we had 20 seconds to get into a fallout shelter before the missile hit, rather petrifying.

I cannot imagine what I would have done had I children out on the street, as happens each and every day, sometimes hourly in that little town, trying to live peacefully across the border from its neighbor.

□ 1030

I listened very, very carefully to our colleagues, especially to the gentleman from Ohio, who has run twice on our side for the Presidency of the United States, and the gentleman from Texas, who ran twice for the Presidency of the United States on the other side of the aisle, and I was wondering, had they become President, either of them, and God forbid our country was struck by missiles, and they had taken the oath to defend our country, how many missiles would have had to have fallen before we struck back?

Countries have rights to defend themselves. It is not just one missile or two missiles or three missiles. From the beginning of this decade, each year over 1,000 missiles have been launched from Gaza on Israel. Thousands of missiles. And yet they have held their strength, they have held their warnings that they issued, with the patience of Job. A country that was founded to protect the lives of Jews from destruction and annihilation after World War II held its calm, held itself together, until the missiles started falling 50 a day, 80 a day, 100 a day. And they warned the Palestinians that they would strike back, and they have, as is their right, as is their responsibility to their citizens.

We are all upset at the loss of innocent lives in this altercation and any altercation. But, you know, it reminds me of my two boys when they were growing up and they would get in a little hassle with each other, and I would separate them and say, Who started this? And Ari would say, Corey hit me back first.

If you don't want to be hit back, don't hit. That is the message. Israel has the right to defend itself, and we stand with Israel as it exercises that right to live in peace with its neighbors.

Mr. MCMAHON. Madam Speaker, I rise in strong support of H. Res. 34, this bipartisan legislation sponsored by our Congressional leadership and to stand with Israel and its efforts to protect innocent Israeli civilians against attacks by Hamas.

No country would permit attacks against innocent people, regardless of the political agenda or concerns that motivate such actions, and we in the international community cannot do so here.

We all know Israel as a country of peace, and the only way Israel and its neighbors will be able to enjoy a true and lasting peace will

be through the agreed upon process working toward a two-state solution. We cannot let a group of terrorist extremists derail the hard work that our President, Israel, and leaders throughout the region have worked so hard to achieve.

In their oath of loyalty, members of Hamas declare that "death in the cause of God is their supreme desire." And since Hamas unilaterally decided to breach its agreed upon truce and renew its attacks on Israel on December 24, we have seen the horrors that occur when this extreme ideology is put into effect against innocent people—both Israeli and Palestinian alike.

Residents of Israeli communities near Gaza have endured over 6,000 rockets crossing into their borders, threatening their lives, and breaching a 6-month cease-fire.

Hamas continues to concentrate its bases of operations close to Palestinian residential neighborhoods and humanitarian centers—sometimes even firing rockets from rooftops of school buildings.

And while there are some who say that Hamas is merely a problem just for Israel, Hamas' utter disregard of innocent human life ultimately affects us all here in the United States, and all peace-loving people around the world.

In the face of increasing international terror, we in the United States must condemn the actions of Hamas. Hamas refuses to employ peaceful methods in dealing with Israel and refuses to acknowledge its right to exist.

The unyielding disregard for human life that Hamas displays is not only a terrorist strategy against Israel, but an ideology that Hamas strives to spread to others in that region and to the global community as a whole.

Israel has an absolute right to defend its citizens and borders. I therefore urge my colleagues to support House H. Res. 34, stand by our friend and ally Israel, and condemn Hamas for obstructing the basic human rights of both groups and the road to a peaceful co-existence between Israelis and Palestinians.

Mr. CAPUANO. Madam Speaker, I voted in favor of H. Res. 34, Recognizing Israel's right to defend itself against attacks from Gaza, because not to support that right would undermine Israel's rights as a sovereign state. That said, I continue to deplore the eagerness of this House to assign blame in a tragic and complicated historic conflict. It is true that Hamas began to fire rockets into Israel just days after the expiration of the 6-month cease-fire agreement. This properly elicited a reaction from Israel aimed at protecting its citizens. It is regrettable, however, that Israel was unable—in the 3 years after its unilateral withdrawal from Gaza—to work to strengthen those Palestinians who seek peace. I hope that a cease-fire observed by all parties, credibly verified and effectively monitored, will be followed by vigorous diplomacy. When calm is established, I urge the Government of Israel to engage in confidence-building measures to increase the likelihood of a negotiated settlement.

I urge my colleagues in the House to address the human tragedy in Gaza and southern Israel rather than to choose sides among suffering people. We must not forget that there are innocent Palestinian civilians suffering

along with Israeli civilians. We would do well to acknowledge the plight of those on both sides of Gaza's border and the need to address the humanitarian crisis in a manner that allows free access to the necessary staff, supplies, and resources.

Mr. HOLT. Madam Speaker, I am voting for H. Res. 34, which expresses vigorous support and unwavering commitment to the welfare and security of the State of Israel. The indiscriminate rocket attacks by Hamas are an unacceptable assault on Israel's citizens and her sovereignty. Like all nations in the world, Israel has the right and responsibility to respond in self-defense. The United States has a responsibility to stand with Israel, our closest ally in the Middle East, during this crisis.

At the same time, the United States has a responsibility to ensure that the humanitarian needs in Gaza are being addressed promptly and responsibly. The present resolution, H. Res. 34, is not so clear on that. The United States should have done more to ensure that they were being met even before the recent fighting, just as the United States should have done more to stop the mortars and rockets fired from Gaza over recent years. I am troubled deeply by reports that the humanitarian situation, bad as it has been, continues to deteriorate. Israel must make every effort to protect the innocent and prevent the destruction of civilian communities. All parties must work as quickly as possible to enact a durable and sustainable cease-fire that will allow for a lasting improvement of the humanitarian situation in Gaza and for the long-term security of Israel.

It is critical to recognize that even a durable and sustainable cease-fire is only a temporary solution to the ongoing Israeli-Palestinian conflict. We should remember that extremism incubates in societies afflicted with poverty, hopelessness, and humiliation. We must work tirelessly to diminish the appeal and influence of terrorists by lifting up all of those trapped in these conditions. It is equally necessary that we continue to assist moderate Palestinians and strengthen governments that are committed to securing a lasting peace with the State of Israel.

I continue to believe that the United States has a vital role to play in brokering an enduring peace agreement. My thoughts and prayers are with all the innocent civilians suffering in Israel and Gaza. For their sake, the United States must recommit itself to bringing Israelis and Palestinians back to the negotiating table. This includes the need to create a viable representative of the Palestinians that can negotiate in good faith. And it includes the need to get the Israelis to make the daily welfare of ordinary Palestinians one of the principal criteria for any negotiations. The future security of the Middle East depends on negotiating a just, permanent, and peaceful settlement between Israelis and Palestinians that both guarantees Israel's security and establishes a Palestinian state.

Mrs. BLACKBURN. Madam Speaker, I rise in strong support of H. Res. 34, legislation that not only recognizes Israel's legitimate right to defend itself from terrorist threats, but also expresses this body's steadfast commitment to a strong, vibrant, and long-lasting relationship between the United States and Israel, the only

functioning democracy in the Middle East. While rockets, mortars, and homemade weapons continue to rain down on Israel from Lebanon and inside Palestinian controlled territory in Gaza, this resolution places the world on notice that the U.S. House will not waver during Israel's hour of need.

The violence and terror inflicted on the people of Israel by agents of Hamas and their sympathizers represents a continuation of the organization's blood-stained history, and is little more than an extension of a decades-long campaign designed to destroy the State of Israel. It is a moral imperative to stand alongside the people of Israel while their government repels and quells the violence inflicted by Hamas, and today's consideration of H. Res. 34 provides much needed leadership that the international community would be wise to follow.

Make no mistake: the violence, death, and destruction suffered by both the innocent citizens in Israel and the Palestinian people is a tragedy that no man, woman, or child should be forced to endure. Yet this tragedy suffocating the innocents on both sides is not born of a decision taken by the Israeli government, it is singularly the result of a long-planned paramilitary campaign of terror initiated by a terrorist organization.

Madam Speaker, I rise not only to support this timely resolution, but also to join the chorus of voices in this chamber calling for the terrorists in Gaza to put an end to their campaign. Let the violence stop, and the healing process begin. Only then can the diplomatic process have a chance to work towards the international community's goal of a democratic, free, and vibrant State of Israel living side-by-side a peaceful and stable Palestinian community.

Mrs. SCHMIDT. Madam Speaker, I rise today to applaud this House for standing with our friend, the nation of Israel.

Madam Speaker, Israel has a right and a duty to defend herself from the savage attacks of Hamas launched from Gaza.

The Israeli government continues to work for peace, but the relentless attacks have left her with little choice but to use military force to stop the Hamas militants hiding among innocent civilians in Gaza.

Madam Speaker, Hamas must end its attacks on the people of Israel for peace to take root; I applaud this House for its strong support of our friend Israel.

Mr. HONDA. Madam Speaker, I rise today to offer my comments on H. Res. 34, a resolution which reaffirms our commitment to Israel and its right to defend itself against attacks from Gaza and Hamas.

I have always been a strong supporter of Israel, and consider myself a good friend to Israel. Israel's right to exist as a country is unquestionable in my mind, and I support its right to defend itself from those who would do harm to its people.

I also strongly support a durable and sustainable cease-fire in Gaza, and support a resolution to the conflict through diplomacy and negotiations between Israel and the Palestinian Authority. I have consistently supported efforts to increase peacemaking efforts in the region, including asking the President to appoint a special envoy to the Middle East.

For these important reasons, I voted in favor of H. Res. 34. This resolution rightly reiterates our support for the safety, security, and welfare of Israel. However, Madam Speaker, H. Res. 34 is not perfect, and my vote for it today is not unequivocal. The resolution does not adequately address the civilian casualties in Gaza, or the worsening humanitarian situation there. The world has a responsibility to join together to help solve this crisis. I also hope that the incoming Administration will turn this hope into reality.

The human consequence of this violence has taken a tragic toll on Gaza civilians, where access to basic humanitarian needs is limited, and dangerous. Some reports by the International Committee of the Red Cross describe the movement of ambulances and aid workers as extremely difficult, and attribute that difficulty to Israel's restrictions. In addition to this challenge, existing hospitals are running out of fuel, power, and supplies to treat victims.

We are right to support Israel's right to defend itself, but we must not forget that innocent Gaza civilians are living under harsh, even desperate, conditions right now. Both the Israeli and Palestinian people deserve to live a life free of the threat of attack or psychological fear. It has always been my hope that our involvement in the region may be used to improve the lives of the people affected by the Israeli-Palestinian conflict.

Once again, Madam Speaker, my vote in favor of H. Res. 34 reflects my strong support for Israel, but the severe humanitarian plight of Gaza civilians is something we must not ignore.

Mr. BLUMENAUER. Madam Speaker, I appreciate the widespread concern for the crisis unfolding in Gaza since December 27. The recent conflict in between Palestinians and Israelis is as tragic as it was predictable. The fundamental lesson in the Middle East is clear: without political processes that strive continuously for peace, events and the acts of extremists can overpower the desire of people across the region to reject violence.

I voted "present" because words matter and this resolution did not express adequately the scope of the humanitarian crisis. To that end I am joining other colleagues in urging the administration to work to meet the immediate humanitarian needs while we work for a cease-fire.

Any country facing such attacks would wish to respond firmly and decisively, yet it is frustrating to witness the region locked into a downward spiral of conflict. This path will give neither side what it wants, but will continue to destabilize the situation and further impede efforts at a resolution.

This cycle of violence must be broken. Yet, nearly a decade of failed Bush policies has left America in a weakened position at the table, less able to help deliver peace or improve the humanitarian situation on the ground. At least the administration declined to vote against a January 8 United Nations Security Council resolution calling for an immediate cease-fire in Gaza.

Forceful U.S. diplomatic reengagement now is critical. Though a secure Israel and an independent Palestinian state living side by side seems remote today, I have high hopes that the new Obama administration will exhibit a

strong reversal of course and reengage the region. Our efforts here today are inadequate to this task. We must not only work for a cease-fire that halts this backslide into chaos, but move forward toward an ultimate solution that recognizes the legitimate needs of both Israelis and Palestinians. We know where we need to go, we must have the will to achieve it.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of House Resolution 34, a resolution that recognizes Israel's right to defend itself from attacks by Hamas and reaffirms the United States's support of the Israeli-Palestinian peace process. I was extremely pleased to join with Speaker PELOSI, Republican Leader BOEHNER, and other bipartisan leaders of the House in introducing this important legislation.

Israel withdrew from the Gaza Strip in 2005 in hopes of reducing violence between Israelis and Palestinians. Unfortunately, just the opposite has occurred. Since Israel's withdrawal, Hamas have terrorized Israel by firing more than 6,000 missiles from Gaza into Israel's southern region. Israel, thankfully, has shown a remarkable level of restraint throughout these attacks. It was not until December 2008, when Hamas brazenly refused to continue a cease-fire, instead choosing to ratchet up its attacks, that Israel used military force in response.

The resolution before us today emphasizes the United States's belief that Israel has the right to self-defense. No other country in the world would or could have shown the level of restraint that Israel has over the past years. Moreover, none should ever be required to.

House Resolution 34 also recognizes the burgeoning humanitarian situation in the Gaza Strip. While Israel has provided humanitarian assistance throughout this conflict, the situation will not be fully addressed until a stable and lasting peace can be achieved between the Israelis and Palestinians. For that reason, the resolution states the United States's full support of a cease-fire that ends rocket attacks by Hamas, prevents additional arms and explosives from entering Gaza, and jumpstarts a diplomatic initiative in the region.

Madam Speaker, passage of this resolution will send the right message at the right time to our friends in Israel and our allies around the world. I urge its quick passage.

Mr. BARROW. Madam Speaker, I rise in support of H. Res. 34, supporting Israel and its government's right to defend itself against attacks from Hamas.

The relationship between the United States and Israel is based on a shared commitment to democratic values. Israel has stood on the front lines in confronting those who would use terror against civilians as a means of bringing about political change. During that time, the United States has stood for the political independence and physical security of Israel.

A government's first responsibility is to defend its citizens, and Israel has the same right and obligation to protect her people. If our people were being terrorized daily by a barrage of rocket fire, we would certainly act to defend ourselves, and we would expect no less of our Government.

Those who truly value peace and democracy are united in the belief that the only remedy to this crisis is a successful peace process. Working for peace is not an alternative to security, but is part of security. Without a peace process, and ultimately without peace, Israel remains insecure. That's why I rise in support of H. Res. 34, recognizing Israel's right to defend herself, and that's why I voice my continued support for peace negotiations between Israel and Hamas. I hope that we can all look forward to the day when our countries will be able to devote less of our national treasures to the vital work of survival and self defense, and be able, instead, to devote ourselves to more profitable enterprises.

Mr. BACA. Madam Speaker, I rise today to support House Resolution 34, a resolution to recognize Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process.

Israel continues to be the United States' strongest ally in the Middle East.

Now Israel faces a tough situation with her neighbors.

Since 2005, Israel attempted to promote peace with the Palestinians by withdrawing its civilians and soldiers from Gaza in hopes of lessening day to day conflicts.

However, since then Israel has received over 6,000 attacks from the area of Gaza, including a flurry of attacks last month when Hamas abandoned a 6-month cease-fire.

The Hamas leadership continues to hold Palestinian civilians as hostages to its terrorist agenda and Israelis now find themselves within range of Hamas rockets.

The bloodshed and conflict of this situation will only lead to more devastation if nothing is done.

The United States supports Israel and all efforts to promote a cease-fire and a durable and sustainable resolution of the Israeli-Palestinian conflict.

I urge my colleagues to vote in favor of H. Res. 34, and stand for justice and humanity.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I am proud to be a cosponsor of this essential Resolution, recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process.

As Israel faces intense international criticism for exercising its legitimate right to self-defense, southern Israel is being repeatedly and consistently showered with Hamas rockets and northern Israel has been hit by rockets from Lebanon.

Like all sovereign nations, Israel has not only a right, but moreover, an obligation, to ensure the safety and security of her citizens.

Let me be very clear. Israel's response, her defense of her people, is in reaction to the hundreds of Hamas missiles that were targeted at Israeli citizens throughout the flimsy cease-fire of 2008.

Hamas's leaders, choosing terror against Israel over the welfare of the Palestinian people, have chosen violence over peace.

And while Hamas has been going out of its way to kill innocent Israelis, Israel has been going above and beyond—even putting itself at risk—to protect innocent Palestinians.

Specifically, Israel drops leaflets and makes phone calls to targeted Palestinian areas to warn citizens they are in danger, even if this means losing the element of surprise and putting the lives of its own soldiers at risk.

In contrast, Hamas deliberately attacks Israeli civilians and uses its own people as human shields.

In addition, Israel has been facilitating the transfer of significant amounts of humanitarian supplies to the Gaza Strip; delivering 15,000 tons of aid over the past week and a half.

Hamas, on the other hand, has stolen some of those humanitarian medical supplies from civilians to give to their gunmen.

Undeniably, the suffering is great in Israel and Gaza. Now is the time for us all to stand together in support of Israel and peace. I urge my colleagues to support this critical resolution, and pray that Hamas stops firing rockets into Israel, and starts working towards peace instead of terror.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to express my concerns regarding H. Res. 34. I do not think that this resolution provides a complete picture of the conflict in Gaza and as a result, I will be voting present on this resolution. I am particularly concerned that this resolution does not address the core cause of the crisis, and I am not confident that this resolution will be beneficial to improving the situation in Gaza.

I have grave concerns about Hamas's alarming history of violence. However, in order to resolve this crisis it is imperative that we encourage both Israel and Hamas to pursue a peaceful resolution and come to a sustainable cease-fire.

Today marks the 14th day of the Gaza war. Over 700 people have been killed by both Israeli and Hamas military actions. International aid workers are reporting that they are unable to access the Gaza civilians and the United Nations has suspended its aid operations following the death of a U.N. official. I believe that a bipartisan resolution should have more fully addressed these challenges and stressed the need for both parties to cease all fire and fulfill their obligations under the Road Map peace plans.

This weekend I will be meeting with a number of relevant organizations and community leaders from my district to discuss the current crisis in Gaza. Through these meetings I hope to continue to learn more about the status of the ongoing situation and consider the ways in which the United States can develop a proactive plan that will both end this current conflict and bring long-term peace and stability to the region.

Mr. DINGELL. Madam Speaker, since 2001, thousands of rockets and mortar have been indiscriminately fired into southern Israel at innocent civilians. When Israel withdrew from Gaza in 2005, these rocket attacks continued. In December 2008, the negotiated cease-fire ended and Hamas responded by firing over 60 rockets into Israel in a single day. Hundreds of thousands of Israelis are terrorized daily by fear of attack while an extremist group who calls for Israel's destruction continues to operate.

The Israeli government determined it had no choice but to respond to Hamas militarily. Sadly, the cost has been great. Since Israel

began its two-week offensive on the Gaza strip, over 750 Palestinians have died. An UN-operated school was bombed and dozens of innocent children were killed. In an unusual move, the International Red Cross issued a statement that "the Israeli military failed to meet its obligation under international humanitarian law to care for and evacuate the wounded." Gazans are trapped with little ability to seek shelter or help for the wounded.

Does Israel have a right to defend itself? My answer is unequivocally, yes. I cannot argue with most of the statements contained in this resolution. I do not condone the tactics Hamas uses in its efforts to destroy Israel, nor is it acceptable that an elected government refuses to recognize Israel's right to exist and exploits its own citizens to further its extreme agenda. But I cannot also pretend this resolution, H. Res. 34, will help bring about a cease-fire in Gaza, resolve the extreme humanitarian crisis Gazans face, or bring us closer to a final resolution sought by the Quartet, Israel, the Palestinian Authority, and Middle Eastern nations.

That a peaceful resolution and a two-state solution seem to grow more distant with each passing day is a very real consequence of the Bush Administration's inaction and failure of leadership. Eight years ago, President Bush came to office and pledged to negotiate a "road map to peace." As we can clearly see, the few efforts President Bush made during his tenure have fallen far short.

Last night, the United Nations passed a cease-fire resolution. Today, the crisis continues. In this ongoing battle, words and actions are very different things. That is why President-elect Obama must reengage the peace process immediately upon taking office. He has the support of many of the Middle Eastern nations, who have attempted to fill in as mediators while the Bush Administration was asleep at the wheel and who also have an interest in rallying against the growing threat of Iran. President-elect Obama faces many challenges when he enters office, but with the help of his capable appointed Secretary of State, and my dear friend, Hillary Clinton, I believe the United States can once again take the lead in achieving a peaceful two-state solution for the Israelis and Palestinians.

Mr. YOUNG of Florida. Madam Speaker, I rise in strong support of House Resolution 34, which reaffirms our Nation's strong unwavering support for Israel and its right to defend itself against missile attacks from Gaza.

As an ardent supporter of Israel and its fight against terrorism, I am well aware of the ongoing conflict between Israel and the Palestinians and am monitoring developments closely.

As any nation, Israel has every right to protect itself from terrorist attacks within its borders and across its borders to ensure the safety of its citizens from the threat of terrorism. As a sovereign nation, Israel has the right to defend itself just as our Nation and any of our allies would.

Throughout the past year, Hamas has launched an estimated 3,000 rockets into Israel and during that time the range of these rockets has increased striking further and further into Israel. The ultimate goal is peace, security and prosperity for the people of this troubled region, but there can be no peace when terrorists attack the Israeli people.

Israel is carefully targeting the Hamas leadership and its rocket launching capability, but as long as Hamas hides and operates within civilian locations there will be civilian casualties. That is regrettable, but as long as Hamas launches rockets into Israel, there will also be civilian casualties there.

Our Nation will continue to respond to terrorist attacks and threats on our Nation and our people and I would not expect the Israeli government to react any differently to these ongoing threats.

Madam Speaker, Israel remains our staunchest friend and ally in the Middle East and we stand together with them as they endure this most recent assault against their freedom and liberty.

Mr. BURTON of Indiana. Madam Speaker, I am proud to be an original cosponsor and strong supporter of House Resolution (H. Res.) 34 which expresses the United States House of Representatives strong support for and commitment to Israel and recognizes that Israel has a fundamental right to defend its citizens against violent attacks.

Back in 2005, I spoke to this House to express my profound concern about Israel's withdrawal from the Gaza Strip. I feared that Islamic radicals would exploit that opportunity to jump-start the peace process and instead use Gaza as a launching pad for attacks on Israel; undermining the peace process, exacerbating global and regional terrorism and moving the Middle East one step closer to all out war. I am sad to see that circumstances have proven that my concerns were justified.

There can be no negotiations with—and no concession to—terrorists like Hamas; who refuse to even accept Israel's right to exist. If the world wants calm to return to the Middle East it must speak with one voice—as this House is speaking with one voice today—and tell the leaders of Hamas, and their handlers in Tehran—that blame for this bloodshed falls squarely on their shoulders. To end that bloodshed—and to bring humanitarian relief to the people living in Gaza, Hamas must immediately end the rocket and mortar attacks against Israel and verifiably dismantle its terrorist infrastructure.

Israel and the United States have shared a special bond since the founding of the modern Jewish State in 1948. As a lone State fighting for freedom and democracy in a region dominated by authoritarian and military regimes, Israel is the only country in the Middle East that the United States can fully count on to stand firm against the terrorists and oppressors.

As we continue to fight against the proliferation of weapons of mass destruction in the region by rogue regimes, and work to halt the States who continue to sponsor terrorism, Israel stands as a lone and vital ally. Similarly, Israel stands as an important strategic partner with regard to our joint efforts to stop the spread of Islamic radicalism.

We all support the cause of peace; we all want to see the Israeli-Palestinian conflict resolved but will we ever reach that goal if the rockets and mortars do not stop; that is the first step.

I strongly urge my colleagues to support H. Res. 34.

Mrs. LOWEY. Madam Speaker, I rise today as a proud cosponsor and strong supporter of

H. Res. 34, a Resolution "Recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the U.S.'s strong support for Israel, and supporting the Israeli-Palestinian peace process."

I believe unequivocally that Israel has the right and responsibility to defend itself and its citizens. I stand in support and solidarity with Israel's efforts to end Hamas' campaign of terror. For years, Hamas has fired thousands of rockets into Israel, murdering Israeli civilians and terrorizing peaceful communities. Earlier this year I traveled to the Western Negev and saw first-hand the trauma suffered by women and children who faced nearly daily rocket attacks from Gaza. While war is never a preferred option, after repeated calls to Hamas to end rocket attacks, Israel had no choice but to respond militarily to Hamas' breaking of the cease-fire.

During its operation in Gaza, Israel has taken extraordinary steps to prevent civilian casualties, including providing advanced warning to civilians about pending attacks of Hamas targets. I am dismayed and disgusted with Hamas' tactics of co-locating their terrorist infrastructure amongst the civilian population. My heart goes out to the families of the innocent civilians killed and wounded on both sides of the conflict; however, Hamas bears the responsibility for the loss of life and the humanitarian situation of residents of Gaza.

Hamas, which continues to deny Israel's right to exist, will stop at nothing to deny peace to the region, including exploiting and endangering Gaza civilians. I believe that Israel's operation to dismantle Hamas's terrorist infrastructure will provide space to reinvigorate support for the Israeli-Palestinian peace process. It is my hope that the Israeli operation will make it clear to Hamas that its attacks on Israeli communities must end so that negotiations toward a peaceful coexistence in the region can continue.

Ms. LEE of California. Madam Speaker, I rise today to express my strong support of the right of Israel to exist and to defend itself and to condemn unequivocally the rocket attacks launched by Hamas on Israel. I believe there can be no military solution to this conflict, only a political solution reached by the parties assisted by the United States acting as an honest broker. Seldom do I vote present but I will in this case. Let me explain why.

First, the resolution ought to make it clear that the only way to remove the threat to Israel, and to the larger region, is to resolve these issues through an immediate cease-fire and commit the United States to high-level and sustained diplomacy in support of the Road Map and initiatives. This resolution does not address how to end the escalating violence.

Second, the resolution should offer concrete steps to be taken immediately to alleviate the humanitarian crisis in Gaza. The resolution is silent on this point.

The bottom line is there is absolutely no military resolution to the issues confronting this region—notwithstanding the acts of self-defense to which Israel has resorted.

That is why I renew my call for the administration to redouble its efforts in discharging its indispensable role as honest broker in the peace process needed to realize the two-state

solution and secure Israel's right to peaceful co-existence and the right of the Palestinians to live in dignity.

Mr. CROWLEY. Madam Speaker, I rise today to express my overwhelming support for Israel's right to defend her people against terrorist attacks.

Over the past 6 months, we have seen a relative calm between Israelis and Palestinians due to an Egyptian brokered cease-fire.

Unfortunately, however, this calm was used by Hamas to rearm themselves with more technologically-advanced rockets and weapons, which were smuggled through tunnels from Egypt and over the Syrian border.

When the cease-fire expired on December 19, 2008, Hamas refused to extend it and began to fire its updated arsenal of rockets deep into Southern Israel.

Sadly, rocket fire is nothing new to the Israelis, who have seen 6000 rockets land in Southern Israel since unilaterally withdrawing from Gaza in 2005.

Hamas had a choice this past December—extend the cease-fire or continue hostilities. They chose war over peace.

Israel was forced by Hamas' action to make a choice too, either live with the threat of rocket fire against her people or take action to keep its people safe from harm. They made the choice any reasonable nation would make—to defend its citizens.

It is time for the Palestinians in Gaza to have better representation—representation that puts the peoples' well-being before Hamas' unachievable goals.

The U.S. Congress and the people of the United States will not allow a terrorist organization, like Hamas, to destroy the thriving democracy that is Israel.

We stand with Israel and her goal of peace.

Mr. PETERS. Madam Speaker, I rise today in support of H. Res. 34, the Gaza Conflict Resolution.

Israel has been under attack, and like any sovereign nation it has the right to defend itself. I steadfastly support Israel as it continues to undertake operations to ensure the security of its citizens. Israel is America's friend and ally and I support its pursuit of security and its objective of self defense in the face of continued attacks on its existence. Hamas is a terrorist organization and its actions undermine the hopes and aspirations of the Palestinian people.

The U.S. must do everything it can to help reach a resolution that begins with an immediate end to Hamas rocket fire on Israel and includes efforts to provide for the humanitarian needs of all civilians. The U.S. should continue to be thoroughly involved in the region in order to ensure Israel's security and help achieve sustained peace.

In support of these goals, I urge passage of this resolution.

Ms. MCCOLLUM. Madam Speaker, the resolution before the House today, H. Res. Israel's bombardment of the citizens of Gaza, sanctions the incursion of Israeli troops into Gaza to clear this occupied territory of Hamas fighters regardless of the human cost, and calls for "supporting the Israeli-Palestinian peace process" while innocent Palestinian women and children are being killed in Gaza. This resolution strongly and justifiably condemns Hamas, but the resolution's intent and

substance are void of any relation to the hellish reality that is being inflicted on the citizens of Gaza right now or the deprivation inflicted upon Gaza families by Israel's harsh denial of food, medicine and fuel over the past year.

This is only the latest battle in a long war for respect and security between Israel and the Palestinian people. Israeli citizens have suffered for years under an intermittent but terrifying rocket bombardments launched by militants in the Gaza Strip. Since 2001, 20 Israelis have been killed by these rockets, hundreds injured, and the lives of many thousands more disrupted by the constant fear of random and indiscriminate violence from the sky. When this summer's tenuous cease-fire broke down, the rocket attacks increased precipitously, prompting Israel's current military operation in Gaza.

I recognize Israel's right to protect its citizens from the persistent and growing threat of rocket attacks. However, as an unwavering proponent of peace, and as an advocate for the rights and security of the Israeli and Palestinian people, I seriously question the proportionality of Israel's response and regretfully predict that Israel's military action will produce only short-term security gains while severely undermining the prospects of peace in the months and years ahead.

Despite the fact too many Israeli citizens are under great stress from Hamas rockets, these weapons do not represent an existential threat to Israel. Rather than a serious military challenge, these rockets are like a drug gang that uses drive by shootings as a tactic to terrify a neighborhood. When is the solution to this type of terror for authorities to lay waste to the neighborhood?

Recent weeks of Israeli air and ground assaults have resulted in nearly 800 deaths, half of these innocent civilians. A population of 1.5 million Gazans, already weakened by previous months of economic blockade, are suffering from a lack of food, water, electricity and essential medicine. With border crossings closed, civilians are literally caught in the crossfire between Hamas militants and the Israeli army with no ability to escape. The difficult situation that existed in Gaza prior to Israel's attack has quickly deteriorated into a humanitarian disaster.

The world is watching as Israel's bombardment in Gaza continues to escalate. Public opinion around the world is hardening against Israel as desperate images of destruction reach the media. For example, a high-ranking Vatican official has compared the conditions in Gaza to "a big concentration camp." An Israeli official condemned the comments and chastised the Catholic leader's words as "far removed from truth and dignity." But after 13 days of warfare it is reported by officials in Gaza that more than 750 people are dead, of which 40 percent are women and children.

Last night, the United Nations Security Council voted and approved a resolution for "an immediate, durable and fully respected cease-fire" leading to a "full withdrawal" of Israeli forces from Gaza. The resolution also called for humanitarian aid to pass into Gaza and an end to trafficking of weapons into the occupied territory. The United States, represented by Secretary of State Rice, did not join the 14 other nations approving the measure, our Government abstained.

The Bush administration has failed to successfully work for an immediate cease-fire. And this resolution fails to call for an immediate cease-fire in Gaza. What this resolution does do is allow Israel to continue its efforts to eliminate the threat of Hamas, which will only lead to further civilian deaths. With nearly 800 Gazans already dead and Israel's international image equally bloodied, there is no victory left for either side to achieve, the present battle has become a competition for biggest loser.

An immediate cease-fire is the only option. The current fighting must end before the foundations of the peace process are undermined any further and the prospects of a two state solution are dealt a final blow. The United States Government must recapture its role as an honest broker in the Israel-Palestinian conflict and urgently commit its full energy and resources to achieving a cease-fire and sustaining its engagement to ensure the causes of the present violence—arms smuggling, rocket fire, economic blockade—are resolved.

The continued isolation of Gaza is an unacceptable option in light of the depravation and increasing desperation of the mothers, fathers and children of Gaza. If the humanitarian needs in Gaza are not quickly and comprehensively addressed, the world faces the prospect of a radicalized generation of Palestinian youth—over 56 percent Gazans are under the age of 16. America should lead an international effort, initiated immediately after declaration of a cease-fire, to heal and rebuild Gaza. The memory of the present conflict cannot be erased from the minds and hearts of Palestinian youth, but we can ensure those memories include a generous and meaningful response from the world.

The goal of the United States, and the world, must be to work for peace. And the path to peace will never be forged through violence.

For these reasons, it is my intention to vote present on H. Res. 34.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of H. Res. 34, the Gaza Conflict Resolution. We must end the current violence and bloodshed among both Palestinians and Israelis. This resolution reaffirms our support for Israel but additionally reaffirms our commitment toward a continuing peace process.

With this resolution, we call for an end to the rocket and missile attacks from Hamas and ask that they recognize previous cease-fire agreements between Israel and Palestine.

In response to the attacks, however, Israel, as a sovereign nation, does maintain the right to defend its borders and citizens from aggression. This basic right to protect our people is not one that we should undermine. Our country knows too well that a response must be made when we are attacked and our way of life disrupted. However, there must be humanitarian considerations in any conflict, and there must be steps taken to protect civilians and prevent attacks on innocent school children.

In both countries, as a result of the attacks and subsequent response, civilians are being killed, injured and witnesses to horrific tragedy. Humanitarian aid has only recently been allowed into Palestine and there is no doubt that there is terrible human suffering on all sides.

It is my hope that this resolution will help offer a roadmap to a peaceful solution, and that there will soon be an end to the violence. We cannot forget that beneath the politics, there is great human tragedy.

I will support this resolution, but believe that we must focus on ending this continuing violence and search for a peaceful solution for all parties involved.

Mr. DeFAZIO. Madam Speaker, I rise in opposition to H. Res. 34. While I fully support the right of Israel to defend itself and its citizens, the resolution before us today appears to endorse the failed strategies and policies of the Bush Administration in finding a peaceful resolution to the Israeli-Palestinian conflict. The Bush Administration quashed a real effort towards peace begun by the Clinton Administration and turned a blind eye towards 8 years of unnecessary and avoidable turmoil.

The peace process lost many years of progress and the incoming Obama administration faces a great challenge to reconstruct the broken peace process. President-elect Obama and his designee for Secretary of State, HILLARY CLINTON, must take immediate steps to engage key international players in an attempt to restart talks towards a two-state solution to the conflict. This will be difficult and slow, but necessary to find long-term peace for a region strained by violence.

The House resolution before us today does not reflect the complexities of the current conflict and would not help the incoming Obama administration in bringing about the necessary changes in U.S. foreign policy to promote a lasting peace in the region. The world is excited and hopeful with a new administration that has promised a return to a cooperative U.S. foreign policy. This resolution fails to reflect that hope. Therefore, I voted present on H. Res. 34.

Mr. PUTNAM. Madam Speaker, no one can view the reports of innocent lives lost on both sides of the Israeli border without a sense of mourning and a strong desire to see the violence stop. Some criticize the degree to which Israel has responded to the most recent rocket attacks, but it is inconceivable that any nation would tolerate rockets or missiles being fired at it by another nation.

Nations not only have the right to self-defense, but an obligation to protect their citizens. Recognizing this fundamental right, the Israeli government responded to the Hamas rocket fire in the only manner available to them—by attacking the buildings that house Hamas leaders and the sites where it is believed weapons have been stockpiled.

Unfortunately, in addition to killing militants, civilians have also died as a result of Hamas' exploitation of hospitals, schools, and mosques to store weaponry and conceal terrorist activities. The loss of civilian lives during any military engagement is tragic, but it should not go unnoticed that Hamas selfishly relishes in martyrdom at the expense of the innocent Palestinians.

The actions of Hamas are unacceptable and must come to a stop immediately. Hamas initiated the attacks and now cynically cries foul when Israel responds. Those who blame Israel are playing into the hands of the extremists who are opposed to substantive peace.

I wholeheartedly believe that we must find a solution that brings peace to the region. Bear

in mind that reaching an agreement in the Middle East has been a goal among peace-loving nations since the founding of Israel.

The key point in the conflict, nonetheless, has been the refusal of a number of governments and militant organizations, including Hamas, to accept the fundamental premise that Israel has the right to exist. Without agreement on this point, peace will be impossible to achieve.

The onus is on Hamas to suspend its attacks on Israel and to call for a renewed cease-fire. Perhaps, then serious negotiations can resume with the goal of bringing peaceful coexistence in the Middle East. As one of our closest allies, we should continue to support Israel in their quest for peace and endeavor to stop terrorism in the region.

Mr. MICA. Madam Speaker, I strongly support Israel's right to defend itself against the Hamas terrorist attacks. Until Israeli citizens can live without fear of these attacks, Israel is justified in its effort to maintain national security for its citizens.

While we all hope for peace in this region, it must not come at the expense of Israel's sovereignty or right to exist. The Gaza Strip, from which Israel unilaterally withdrew in 2005, poses a growing security threat to Israeli civilians. Over 10,000 rocket and mortar shells have been fired from Gaza since 2001, and this indiscriminate bombardment has escalated since Hamas seized power in their violent coup in 2007. About 860,000 Israeli civilians, or more than 12 percent of Israel's population, live in daily fear of a Hamas rocket attack.

Hamas ended the 6-month cease-fire on December 19th by increasing its random rocket bombardment of Israeli civilians. Israel was compelled to take on the responsibility of defending its citizens against these terror tactics. In response to being attacked, it launched a defensive air attack against Hamas' terrorist rocket launchers and their terrorist infrastructure. Israel responded with a ground assault to minimize collateral losses in the civilian neighborhoods the Hamas terrorists hide in to launch these rockets.

Critics of Israel demand it sit down with Hamas to negotiate a lasting peace. I ask them all, how do you find a diplomatic solution with an enemy that will not recognize your right to exist? What terms can you offer that will bring peace with such an enemy other than outright capitulation?

Madam Speaker, let us stand together as an institution to show our Nation's support for Israel's right to defend itself against attacks from Gaza and pledge our continued commitment to Israel's right to defend itself as a free, independent and sovereign state.

Mr. BERMAN. Madam Speaker, When a nation's towns and villages are attacked, without provocation, by nearly 9,000 rockets over the span of 8 years, there could hardly be a more solid case for the use of force in self-defense. At least 700,000 Israelis—10 percent of that small nation—are now within range of missiles and rockets operated by an Islamist terrorist group committed to Israel's destruction.

I have no trouble justifying the war Israel has undertaken. I am deeply troubled, however, by the suffering, destruction, and loss of innocent life that war inevitably entails—in this

case, a war forced upon Israel by a terrorist enemy that not only targets Israeli civilians but also bases itself among Gazan Palestinian homes, schools, mosques, and hospitals in order to use innocent civilians as human shields and as tools of a propaganda war.

It is imperative that a way be found to stop the killing on both sides—but in a manner that will ensure that this round will be the last round.

I know the United States and several other nations are working on developing such a plan. Our ally Egypt should be particularly commended for its serious efforts in this regard.

What we need is not merely a cease-fire but a transformative cease-fire. We need to ensure not just that Hamas stops firing rockets into Israel; we need to make sure that it stops receiving weapons and weapons parts and stops smuggling them into the Gaza Strip. We should support Egyptian efforts to prevent this illegal arms trade from crossing the Sinai toward the Gaza border.

Ideally, the legitimate Palestinian Authority under President Mahmoud Abbas should be restored to its role as the effective authority in Gaza in the aftermath of any cease-fire. The Palestinian Authority was illegally expelled from Gaza by Hamas in June 2007, and it should be restored to its rightful role.

As for Hamas, it has no prospect of legitimization in the international community unless it renounces violence and disarms, recognizes Israel, and accepts the validity of all previous agreements between Israel and the Palestinians.

Our resolution supports Israel's right to defend itself against unprovoked terror and reaffirms this body's unwavering commitment to Israel's security and survival as a democratic, Jewish state. It condemns Hamas for its 8-year artillery war against Israel and appropriately assigns Hamas responsibility for the destructive consequences of the ongoing war in Gaza. And it insists that a cease-fire be established that is durable and sustainable and that prevents Hamas from acquiring more arms and provoking another round of fighting.

I commend the Speaker and the bipartisan leadership for authoring this important resolution. It provides a sensible way of understanding how we got to the current situation and of how we should move forward. That is why I support this resolution, and I urge my colleagues to do likewise.

Mr. MORAN of Virginia. Madam Speaker, I will vote "present" on Resolution 34. While the intent of this resolution is to speak out against terrorism and to reiterate U.S. support for Israel's security, I am deeply concerned that the message it send may be contrary to the best interests of both Israel and the Palestinians. A solution to this crisis in the Middle East must be diplomatic; it will not be achieved by military force.

The resolution contains many facts, but it omits others that are important. The United Nations Office for the Coordination of Humanitarian Affairs reported January 8 that since the Israeli military operation "Cast Lead" began, 758 Palestinians have been killed, including 60 women and 257 children. More than 3,000 Palestinians have been injured. Israeli media reported that 11 Israelis have been killed,

most of them soldiers, 3 from "friendly fire." Of paramount concern today is to stop the loss of life, to allow medical supplies and personnel to enter Gaza, and to provide emergency care to those who have been injured.

The citizens of Gaza, most of whom are refugees, have nowhere to go. They are prevented from fleeing into Israel or Egypt and are cornered in one of the most populated areas in the world.

This resolution emphasizes Israel's right to defend itself. Of course it has that right. But we also need to stand strongly in solidarity with both Israelis and Palestinians who want peace and an end to the horrific cycle of violence that manifests itself so horribly in Gaza today. I agree that the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will ensure the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and a viable, independent, and democratic Palestinian state living side by side in peace and security with the State of Israel. Unfortunately, I do not believe this resolution moves us closer to this goal, and because of this, I vote present.

Mr. SKELTON. Madam Speaker, let me take this means to express my support for H. Res. 34. Israel, which has been our ally since President Truman recognized this country in 1948, could no longer tolerate relentless attacks on its citizens by Hamas and took military action to prevent future attacks. Israel must defend itself, as would any nation in the face of such provocation.

The United States and the international community must work to support an enduring cease-fire that ends missile attacks by Hamas, prevents illegal arms and explosives from entering Gaza, and sets in motion a diplomatic solution that will allow Israelis and Palestinians to live in peace. Only when the cycle of violence in this troubled region is broken will Israelis and Palestinians be able to enjoy the peace and prosperity that people everywhere deserve.

Mr. MCGOVERN. Madam Speaker, I will vote in support of H. Res. 34, the Gaza Conflict Resolution. Certainly, everyone recognizes Israel's legitimate right to defend itself, the need for a cease-fire, and the demand that Hamas stop its rocket attacks against Israel, recognize the right of Israel to exist, and join the rest of the Palestinian people in negotiations with Israel to reach agreement on a two-state solution to the Middle East conflict and establish peace for all the peoples of the region. Earlier this month, I issued a statement outlining these same key concerns.

However, I would like to clearly express my frustration and dissatisfaction with what has not been included in this resolution.

I strongly believe the resolution should have included and expressed support for the concerns raised by the International Committee of the Red Cross, ICRC and United Nations field staff on the ground inside Gaza about potential violations of international humanitarian law, IHL by both parties. I am particularly concerned about potential violations of IHL by Israel because I am such a strong supporter of Israel.

I am also disappointed that the resolution did not reference the resolution passed by the

U.N. Security Council on January 8, calling for an immediate cease-fire. While the UNSC resolution is flawed by its failure to condemn Hamas rocket attacks, it is an important call for a cessation of hostilities, which H. Res. 34 also demands.

Finally, I am deeply saddened and disturbed by the increasing toll on Israeli and Gazan citizens as this most recent escalation in the conflict over Gaza continues. Military operations must stop; the rocket attacks must stop; and all regional and international actors must engage Hamas and Israel to agree to a durable and verifiable cessation of hostilities.

Mr. PRICE of North Carolina. Madam Speaker, the resolution before us correctly condemns the actions by Hamas to target innocent civilians in southern Israel and to thwart the cease-fire that had been in place for the previous 6 months. It correctly calls for a new, sustainable cease-fire and affirms the U.S. commitment to a just and durable peace based on a two-state solution. But the resolution does not begin to do justice to the humanitarian disaster gripping Gaza, and it offers little more than lip service on behalf of a serious peace process. Focusing on affixing blame for the current crisis, it fails to emphasize the steps required to lead us toward a long-term solution.

I recently wrote an article which appeared in the January 6 Charlotte Observer and Miami Herald in which I proposed immediate actions the U.S. must take to return us to a trajectory leading to a just and lasting peace. I ask permission that it be included in the RECORD. After the conflict ends and the dust settles, after all the recriminations and resentments have been aired, we will be left with the crucial question of whether and how to resume efforts toward a lasting peace. This is the only goal that can meet our and Israel's long-term security needs in the region. We must act urgently, knowing that the steps we take now will determine just how steep that future road to peace will be.

U.S. MUST ACT NOW IN GAZA

(By Representative David Price)

For observers of the Israeli-Palestinian conflict committed to a peaceful and lasting two-state resolution, the conflict between Israel and Hamas in Gaza brings the temptation to throw one's hands in the air in despair. Mistaken assumptions and lessons left unlearned seem to guide each of the protagonists down a course antithetical to the long-term interests of both Israelis and Palestinians.

We can't help but lament another cycle of retributive violence—both for the terrible toll it takes on both sides and because we know it is not the way forward. Yet exasperation and passivity are indulgences that the United States and the world can ill afford.

FIGHTING VS. GOVERNING

For its part, Hamas has again proven that it would rather fight than govern or tend to the needs of Gazans, making it exceedingly difficult to envision it as a serious partner at the negotiating table. Israel, while unquestionably justified in its move to put an end to the daily barrage of rockets falling upon its citizens, seems to have forgotten the lessons of the 2006 Lebanon war, during which its use of massive force alienated the Arab world and turned Hezbollah into freedom

fighters in the eyes of many Lebanese. And the Bush administration once again offers little—only an unconditional green light to follow the fight, now a full-scale ground war, wherever it leads.

It is difficult to imagine how the current conflict might ultimately lead to a just and lasting peace. Hamas, though militarily debilitated, is not likely to disappear as a political force or to suddenly prove more pliable in negotiations. It may become more rather than less difficult to bring Gaza under the authority of President Mahmoud Abbas and Fatah, lest they be seen as capitalizing on the misery wrought by the fighting.

And Israel, while addressing a key short-term security objective, risks far-reaching damage to the peace process that is essential to its most critical long-term security objective: a resolution to the conflict. Equally troubling, the overwhelming force of its bombardment has buttressed support for extremist elements, like Hezbollah and the Iranian government, that threaten Israeli and regional security.

As ominous as the picture may be, it is strongly in the interests of our own country to ensure that the architecture of the peace process is not irreparably damaged. To do so, the United States should take several immediate steps, even as the Bush administration draws anemically to a close.

HUMANITARIAN CRISIS LOOMS

First, the administration, working with the international community, must take swift action to avert a massive humanitarian crisis in Gaza. Gazans have been on the verge of a humanitarian meltdown for months; the bombing of border tunnels—which have been used to smuggle food and humanitarian supplies, in addition to weapons—pushes Gaza further toward collapse.

Secondly, the administration should urgently engage Israel, along with regional allies like Egypt, Jordan, and Saudi Arabia, in putting together the framework for a sustainable long-term cease-fire, not simply a temporary halt to fighting. Such a framework must protect Israel from the persistent rocket fire on Sderot and from Hamas's stockpiling of deadly weapons. But it also must provide relief from the devastating embargo on Gaza. To be effective, it must involve Egypt and regional partners as mediators and monitors.

COLLATERAL CONSEQUENCES

Coming on the heels of the 2006 Lebanon war, Israel's military actions in Gaza have had the unfortunate collateral consequence of generating substantial domestic political unrest for many of Israel's friendliest Arab neighbors, particularly Egypt. The United States will need to walk a fine diplomatic line, encouraging Arab nations to lead Hamas toward a sustainable cease-fire while empowering them to advocate for the just peace their citizens demand.

Finally, both President Bush and, as soon as he takes office, President-elect Obama should explicitly express the United States' unwavering commitment to a viable peace process and undertake diplomacy toward that end. How the present conflict is waged, and on what terms it is halted, will be especially consequential on the Palestinian side of the equation.

The U.S., Israel and moderate Sunni regimes have not done enough to help President Abbas and Fatah gain credibility, and that task is now even more urgent and challenging. As for Hamas, while its military capabilities may be downgraded by the conflict, its political stock may rise. The orga-

nization and its constituency must be taken into account, directly and indirectly, in any viable process. Regional mediations and renewed Israeli-Syrian talks should figure prominently in such efforts.

These steps will not resolve the conflict. But they will help preserve the possibility of a future peace, a possibility that is now teetering on the brink.

Mr. POSEY. Madam Speaker, I rise in support of House Resolution 34 which recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process.

When Israel withdrew from Gaza in 2005, there was hope from many that this was an opportunity for peace. Sadly, this has not been the case. Since then more than 3 years have passed and approximately 6,400 rockets have been fired from Gaza into Israeli civilian communities by Hamas and other pro-Palestinian organizations. Their goal: to kill, maim, terrorize and traumatize innocent Israeli civilians.

My friends, this total disregard for human life must be condemned in the strongest possible terms. These terrorist groups, some of which we know are supported by Iran and Syria, have left the Israeli Government no choice but to defend the lives of their citizens.

And to make matters worse, Hamas has been using its own people—families and children—as human shields when launching their sinister rocket attacks. Hamas terrorists have chosen to launch missiles into Israel from civilian sites intentionally placing the lives of Palestinians at risk. This shows their total disregard not only for the lives of Israelis, but for the lives of Palestinians as well.

The world must come together and condemn the use of these outrageous and cowardly tactics against civilian communities and recognize Israel's right as a sovereign and democratic nation to protect its citizens and borders from unprovoked terrorism. I urge my colleagues to stand up and support H. Res. 34 and recognize Israel's right to do whatever it takes to protect the lives of its citizens.

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Israel's right to defend itself and to express my desire for a peaceful and lasting resolution to the current conflict.

In September of 2005, the Israeli government completed an evacuation of all Israeli citizens from Gaza. This historic evacuation, ordered by then-Prime Minister Ariel Sharon, was not widely popular throughout Israel but Mr. Sharon felt it was an important and necessary step in the quest for a 2-state solution. Soon after the evacuation, in January 2006, Hamas won 2/3 of the parliamentary elections in Gaza and took over as the democratically-elected government of the Palestinian people.

Since their election, Hamas has ignored the conciliatory actions of Israel and they have seen their popularity plummet because of this and their steadfast refusal to recognize the existence of Israel. So much was expected of the new Palestinian leadership following the death of Yassir Arafat but the leadership of Hamas has failed its people, and continues to be corrupt. This failed leadership came to a head on December 19th when Hamas ended the six-month cease-fire with Israel and fired over 50 rockets into Israel.

After continued rocket attacks into heavily populated areas, Israel had no choice but to

retaliate with force against Hamas and protect Israeli citizens. Hamas leadership knew Israel would respond, but still may have been surprised by the forcefulness with which the Israelis defended their citizens. Once the Israelis made clear they would not tolerate the rocket attacks, Hamas leaders followed a time-honored terrorist tradition of hiding amongst and under the people they should have been leading and protecting.

Following Israel's continued defense of its homeland, some have demanded Israel stop its targeted strikes into Gaza. This would only allow Hamas foot soldiers to continue resupplying their terrorist network and would offer little assurance that Hamas will refrain from targeting Israeli civilians. It is regrettable that Hamas continues firing rockets into Israel and as recently as Wednesday, rockets were fired into Israel from Lebanon.

I will continue to support the right of Israel to defend itself and encourage the people of Gaza to demand that their elected leaders cease the unjustified rocket attacks and the conscious choice to act as terrorists. Furthermore, I commend Egypt on its continuing role as an evenhanded facilitator of peace negotiations and urge other Middle Eastern nations to follow suit.

Mr. MORAN of Kansas. Madam Speaker, I rise in support of Israel's right to defend its citizens and H. Res. 34. Confronted with repeated, indiscriminate attacks on its citizens, Israel is engaged in an effort to ensure its people can live in peace and without fear of rocket and mortar attacks. As one of our strongest allies, it is critical Israel knows it has the support and backing of the United States in this effort. I support Israel's right to defend itself and encourage my colleagues to join me in sending a strong message of support to Israel by voting for this legislation.

In addition to expressing vigorous support for the welfare, security and survival of Israel, the resolution also encourages the Administration to work actively to support a durable and sustainable cease-fire in Gaza that prevents Hamas from retaining or rebuilding its terrorist infrastructure. It is my hope that both groups will implement a swift end to this conflict that ensures future peace and stop unnecessary civilian casualties.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today regarding H. Res. 34, concerning the fighting now taking place in the Gaza Strip between Israel and Hamas.

Like every Member of the House, I support the right of Israel to defend itself and its people. I join my colleagues in strongly denouncing the ongoing, indiscriminate, and destabilizing rocket attacks being launched by Hamas against the civilian population of southern Israel, and in denouncing Hamas' clear intent to continue to terrorize the people of Israel.

I call on Hamas to end its rocket attacks against Israel immediately.

Like every one of my colleagues here, I am also deeply saddened and troubled by the latest round of fighting in the Middle East, the loss of life to children and their families, the vast destruction of homes, and the enormous suffering that is being caused by the escalation of this conflict.

Today the House was asked to insert its voice into this latest conflict between Israel

and Hamas. H. Res. 34 states, in part, that the House "recognizes Israel's right to defend itself against attacks from Gaza, reaffirming the United States strong support for Israel, and supporting the Israeli-Palestinian peace process."

I support much of the language in this resolution but I regret that H. Res. 34 in its entirety is not the correct statement for the House to make at this time.

America's support for Israel and its right to exist is unquestionable.

What is in question and what is the most important issue for the House and the international community to consider is how the Israeli people will be able to live in peace and without the constant threat of attack from Hamas or others, and how the United States and all other nations can assist in achieving that outcome.

The resolution today does not adequately address that concern, nor does it adequately address the complex political facts on the ground in the Middle East. Therefore, I have chosen to vote "present" on this resolution. I do not oppose Israel's right to defend itself and therefore I will not vote against the resolution. But I do not believe this resolution helps to resolve the current conflict and therefore I cannot vote for it.

What the House of Representatives should do at this moment in time is to throw its considerable weight behind the call for an immediate cease-fire between Israel and Hamas. A cease-fire is in the best interests of Israel and the United States and I call on Israel and Hamas to agree to an immediate cease-fire.

The fact is that there has been a failure of political leadership that has led to this renewed and devastating fighting in Gaza. The Bush Administration has failed to adequately or successfully address the Middle East conflict, and the international community has failed to adequately address the conflict between Israel and Hamas.

Experts on the Middle East had warned that a conflict of this nature would eventually come if conditions on the ground did not change. Their warnings went unheeded and now a new and costly war has broken out.

Hamas' rocket attacks against Israel are indefensible. But neither can the disproportionate military response by Israel be defended. The latest fighting was preceded by a lengthy and crushing blockade by Israel of Gaza that caused a humanitarian crisis. Hamas chose to break the cease-fire and continue shelling Israel. And Israel chose to use the breaking of that cease-fire to launch an all out attack on Gaza.

Lost in all of this is the answer to the question of how the Israeli people can be assured the protection they deserve. The rocket attacks against Israel continue despite the enormous firepower brought against Hamas by Israel. There is no clear answer as to how Israel will bring this conflict to an end in Gaza nor is it clear what are Israel's ultimate goals in this conflict.

Only a cease-fire and a new international commitment to negotiate a cessation of hostilities between Hamas and Israel can protect the people of Israel. This is also in the best interest of the United States, which is so closely identified with Israel throughout the world.

I urge my colleagues in the House, who clearly are concerned about the protection of the Israeli people, to use their voices to call for an immediate cease-fire and to urge all interested parties to make the cessation of hostilities between Hamas and Israel a priority.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H. Res. 34. This important resolution recognizes Israel's right to defend itself against attacks from Gaza, while at the same time supporting the Israeli-Palestinian peace process and recognizing that the humanitarian needs in Gaza should be promptly addressed.

For fourteen days, now, Israel has launched airstrikes and now, a ground invasion in response to thousands of Hamas-sanctioned rocket attacks on Israeli towns from the Gaza Strip. The strikes began less than a week after the expiration of a six-month-long cease-fire deal with Hamas—during which time, Hamas continually violated the cease-fire and shot rockets into southern Israel. Israel has a right to defend itself from these attacks and when Hamas announced that it was ending its "period of calm," Israel began to do just that.

I have visited Israel on several occasions, and have seen the struggles Israelis face daily. I have even been to Sderot, Israel and have seen how close these attacks are and how they affect the families that live there. During these visits, I have seen the Israelis' perseverance and determination to create a peaceful and prosperous state despite Hamas' continued refusal to work towards a peaceful resolution. Hamas must end this violence and commit itself to a real truce. Without this, I believe that there is little chance for peace in the region.

Israel and the United States have been close friends and allies for the past sixty years. Our relations have evolved from an initial American policy of sympathy and support for the creation of a Jewish homeland in 1948 to a key partnership based on common economic interests, common security interests, and most of all common values. We must continue to cultivate this relationship and encourage peace in the region.

Mr. MARKEY of Massachusetts. Madam Speaker, I rise in strong support for H. Res. 34, a resolution recognizing Israel's right to defend itself, reaffirming the United States support for Israel, and supporting the Israeli-Palestinian peace process.

I am deeply concerned about the situation in Gaza, and I am deeply saddened by the loss of innocent life on both sides. Every innocent death or injury in this conflict is a tragedy.

The United States must play a central role in bringing the parties together to stop the violence, and must forcefully engage to restart the peace process so that the dream of two states living side by side in peace finally can be made a reality. For too many years, the war in Iraq has distracted the United States from what should be its number one priority in the Middle East: bringing peace to the Israeli-Palestinian conflict. Finding a just, lasting, and equitable solution to the conflict is not only vital for Israelis and Palestinians; it is also very much in our national interest. I am very hopeful that the incoming Obama administration will reengage the United States at the highest levels to complete the peace process.

The resolution we are considering today appropriately recognizes the fact that Hamas has been designated by the United States as a terrorist organization. Hamas continues to reject the very right of Israel to exist and refuses to renounce violence. Hamas has launched thousands of rockets and mortars against Israeli population centers since 2001. Instead of laying the foundation for an independent state following Israel's withdrawal from Gaza more than three years ago, Hamas turned Gaza into a launch pad for rockets targeting Israeli civilians. Hamas has launched more than 6,000 rockets and mortars at Israel since Israel's withdrawal from Gaza in 2005.

Israel has the right and obligation to protect its citizens from the thousands of rockets that have rained down on its cities and towns since Israel's withdrawal from Gaza. These rocket attacks must stop.

Hamas is not only indiscriminately firing rockets at Israeli civilians; it is also damaging the future for all Palestinians who seek a normal life for themselves and their families. Peace will only result from a political process of engagement and negotiation, not from volleys of rockets.

The incoming Obama Administration has a golden opportunity to breathe new life into the peace process, and I am committed to working with President Obama to stop the violence, get the peace process back on track and establish the security that all residents of the region urgently need.

Madam Speaker, I urge my colleagues to support the resolution.

Mrs. MALONEY. Madam Speaker, I rise to express my support for H. Res. 34.

The resolution places the blame for the situation in Gaza exactly where it belongs, squarely on the shoulders of Hamas.

It makes clear that Israel has a right to defend itself and that the path to peace in the region lies in the recognition of Israel's right to exist, the dismantling of Hamas' terrorist infrastructure and the release of Gilad Shalit.

For the last eight years, more than 10,000 missiles have fallen on Israel's civilian population centers, killing 28, injuring more than 700 and traumatizing tens of thousands.

Hamas violates international law by embedding its weapons in civilian centers and using its people as human shields.

Its cynical choice to reap public relations success from the bodies of their own civilians is reprehensible.

These are the irresponsible acts of madmen and cowards, not rulers who can hope to lead a nation.

I hope that President-elect Obama will be willing to spend political capital in calling upon the international community to work together to prevent Hamas from rebuilding.

I urge my colleagues to support this resolution and to take a strong stand against the morally bankrupt actions of Hamas.

Ms. MOORE of Wisconsin. Madam Speaker, Israel is a strong ally of our country and has a right to defend itself and I have voted on a number of times—along with a large majority of my colleagues in the House—to make clear our support of that right. According to one estimate, as many as one million Israelis live in range of rockets that have been fired from Gaza by militants. No one questions the

responsibility or right of a sovereign nation to protect its people.

However, the deaths of innocent civilians wherever they may occur concerns me. I join my colleagues in condemning all acts of violence and hostilities against civilians and acts of terrorism. While Hamas may be indifferent to the suffering of Palestinians and Israelis as a result of its actions, the rest of the world must not share that indifference.

It is distressing to see this volatile region again paralyzed by a new chapter of a seemingly endless cycle of retributive violence in which no side really wins and innocent civilians lose the most. We must push to break this destructive cycle. The U.S. regional actors, and the international community all need to move quickly to defuse this situation and help to reach a cease-fire by all sides while addressing the security and humanitarian issues that cannot be allowed to continue to fester.

The unfolding humanitarian crisis in Gaza and the firing of rockets into Israel do not serve the best interest of anyone truly concerned with securing permanent peace in the region. That is why it is even more important that this House take up a resolution that makes a serious call for and helps strongly support ongoing diplomatic efforts to bring an end to the violence, demands greater U.S. leadership and engagement in those efforts, and recognizes the great loss suffered by the Israeli and Palestinian people as a result of the violence and urges a swift end to that violence. Unfortunately, the bill before us today is not such a resolution.

Hamas' own actions time and time again show that it is a threat to regional and international peace. This is not in dispute. The House has rightly condemned Hamas time and time again including passage last March of H. Res. 951—which I supported.

However, I have several concerns about other aspects of the resolution before us today. At a time of increasing international concern about the situation in Gaza highlighted by diplomatic efforts under way at the UN, by the EU, and the Arab League—particularly a proposal put forth by Egypt and France—and the passage just last night by the UN Security Council of a resolution calling for an immediate cease-fire, I fear that this may be the wrong time for a resolution that does little to support efforts to halt the conflict.

The Security Council resolution called urgently for an "immediate, durable and fully respected cease-fire, leading to the full withdrawal of Israeli forces from Gaza." I am disappointed that the resolution before the House today does not support the UN's call for an immediate and verifiable cease-fire by both sides.

When a clear international consensus and diplomatic efforts are beginning to coalesce and work towards a solution, why would the U.S. Congress want to consider a resolution that takes a sharply different tack?

The resolution before us also differs in a number of ways even from a similar resolution that the Senate passed just yesterday. That Senate resolution takes a much more serious approach and puts a greater and much needed emphasis on the proactive role the U.S. needs to play to bring this latest crisis to a

close. The U.S. has a vast array of diplomatic and other tools that are at the disposal of the President and his foreign policy advisers to help resolve international crises such as this. Now is the time to open that toolbox and actively use those tools.

If anything has been clear from the last eight years it is that when U.S. does not lead and stay in engaged in regional diplomacy, the situation in the region will not get better.

The EU, the UN, the Arab League all recognize that Israel's military operations must be supplemented and supplanted by a diplomatic resolution that will last. That is why the Egyptians and the French are expending considerable efforts—in the absence of U.S. leadership—to forge a cease-fire agreement that meets Israel's needs, namely ending the firing of rockets into Israel and preventing Hamas from rearming while also addressing the humanitarian needs of Gazans. Just yesterday, Secretary Rice expressed verbal support for this initiative, stating that these efforts "should not just be applauded, but must be supported" by the international community. But the resolution fails to even bring it up.

The resolution before the House today also expresses support for "diminishing the appeal and influence of extremists in the Palestinian territories and strengthen moderate Palestinians who are committed to a secure and lasting peace." However, this resolution by its lack of a call for U.S. engagement and lack of recognition of the suffering of civilians actually undermines this goal—one that I have long advocated and supported—both in its tone and substance. The resolution ignores or fails to apprehend the tremendous damage that is being done to the efforts of moderates—either presently or in the future—by the ongoing conflict that according to one report has generated "incredible bitterness and anger" in the region. To expect our moderate friends in the Middle East to succeed in such an environment is foolhardy at best.

A cease-fire does not diminish or hinder Israel's right to defend itself. It does help get us back on the path to finding a political and diplomatic solution that will address Israel's security needs and lead to long-term security and peace. A cease-fire is not an end itself but is desirable as a means to halt violence and chaos in the immediate term while creating room to assure humanitarian aid and for renewed and sustained multilateral negotiations for a sustainable peace.

Congress must speak out to help stop this latest crisis in the Middle East but in a way that our message is fair, tough, and smart and that makes clear that the U.S.—while supporting Israel's right to self-defense—can be and is an honest broker in the region. I fear that this resolution fails to meet that standard.

The best support that we can give our close friend and ally Israel is by being an impartial and honest broker that can work with all interested parties in the region, Israelis and Palestinians alike. I am wary about continuing to take actions that hinder the ability for the U.S. to be seen as such a mediator and which may throw more obstacles in the way of the incoming administration foreign policy aims.

The ongoing military operations by Israel cannot and should not substitute for a credible long-term diplomatic solution reached with the

help of the international agreement between the Israelis and Palestinians that meets the needs and aspirations of both sides that will prevent the return to an endless cycle of violence that guarantees that "security" and peace remains elusive.

Innocent people on both sides want nothing more than to live normal lives with peace and dignity. While I cannot support this resolution in its current form, I strongly encourage the administration and the international community to undertake robust diplomacy to mediate a cross-border cease-fire and to continue to engage in constructive activities, statements, and resolutions will help bring peace to the region and address Israel's real security needs.

Mr. FARR. Madam Speaker, have a long record of supporting Israel and I have no intention of reversing course. My wish continues to be that Israel will one day soon enjoy a lasting peace with its neighbors.

The resolution before the House today is not an easy vote for me. I refuse to vote nay because I continue to support Israel's right to exist and to defend itself. But I cannot vote yea because in the midst of a humanitarian nightmare in Gaza, this resolution is silent on the need for an immediate cease-fire and the need to actively relieve human suffering.

The resolution is right to condemn the rocket attacks against Southern Israel. These attacks are crimes against humanity. The Hamas rockets endanger thousands of lives, terrorize the Israeli populace and deny the people of Israel and Gaza the peace they both deserve.

However, to introduce a resolution in the midst of a raging war that has the impression of assigning blame does not measure up to the moment.

We're watching another desperate episode in the cycle of Middle East violence, yet our call for a cease-fire is timid.

We're watching human suffering at a stomach-turning scale, and our call to relieve suffering is weak.

A spasm of violence is consuming lives and we're failing to do all that we can to be honest brokers of peace.

I agree with almost all the language in this resolution, so I cannot vote against it. However, I cannot vote in favor of the resolution because it does not do enough to set the stage for lasting peace. My conscience dictates a vote of present, which is the only vote for peace.

Mr. TIAHRT. Madam Speaker, I rise today in support of H. Res. 34, a resolution recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process. I applaud Speaker PELOSI and Leader BOEHNER for bringing this resolution to the floor.

We stand in solidarity with those praying for real and lasting peace and an end to the terrorism brought upon the people of Israel. I am confident the acts of aggression carried out by those seeking the destruction of the State of Israel will not end in success. Peace will come to the land of Israel once again.

Born out of genocide and conflict, the modern State of Israel has developed into a free, democratic and prosperous country. I have been to Israel several times and I have seen

how they make the desert bloom. I have witnessed their corporate compassion to take care of people in need. I have heard their pleas for peace. An unfailing ally of the United States, Israel is a beacon of freedom and religious tolerance in the Middle East.

Israel understands the dangers of terrorism all too well. From suicide bombers to thousands of incoming rockets and mortar shells, the people of Israel have experienced mass casualties of enormous and unacceptable proportions.

As Israel currently undertakes military efforts in Gaza, I stand with the Israeli Government and the Jewish community as they seek to establish peace and protect its citizens from terrorism. Hamas and radical Islam must be defeated.

No nation can sit idly by while its people are killed, its children are traumatized, and the daily life of its people is severely disrupted by terrorism. Ask yourself, would America tolerate more than 3,000 rockets launched against our homeland in just 1 year? No, we would protect our people. Israel has the responsibility to protect its citizens, as well, and that is what it is doing in on-going operations in Gaza.

Americans look forward to peace in Israel and the Middle East, but until Hamas and its terrorist allies relinquish its arms and renounce violence, the hope for peace can not be attained.

Madam Speaker, I urge my colleagues to support this important resolution.

Mr. GRAVES. Madam Speaker, I wish to express my strong support for House Resolution 34, recognizing Israel's universal and sovereign right to defend itself from acts of war and aggression, and reaffirming the United States' strong support for Israel in our mutual fight against terrorism.

The cause of the present crisis is clear. Hamas, a terrorist organization committed to the destruction of Israel, has continually violated the territorial integrity of the State of Israel, a member of the United Nations, by launching thousands of rocket attacks from Gaza for the purpose of terrorizing and killing the citizens of Israel.

Hamas has received substantial support in its campaign of terror from other rogue nations, most notably Iran, which has provided Hamas with the material and expertise to conduct their rocket attacks.

In responding to these attacks, Israel is exercising its sovereign right to self defense, a legitimate right recognized by the international community.

Unfortunately, rather than lay the blame for this crisis where it belongs, with Hamas and its leadership, too many of our international allies have instead criticized Israel.

Blaming Israel for this present situation is akin to blaming the victim of a crime for the actions of a criminal. These criticisms of a sovereign state exercising its legitimate right to self defense will only embolden Hamas and terrorists everywhere.

House Resolution 34 recognizes that it is Hamas that is responsible for this present crisis and expresses our nation's solidarity with our friends and allies in Israel during their time of great danger. It is for this reason that I wish to express my strong support for House Resolution 34.

Mr. BACA. Madam Speaker, I rise today to urge my colleagues to support Israel, our strongest ally in the Middle East, during her time of need. Israel's unstable situation continue to get worst. Since 2005, Israel has attempted to promote peace with the Palestinians by withdrawing its civilians and soldiers from Gaza in hopes of lessening day to day conflicts.

Now for more than two weeks, the Hamas leadership in Gaza continues to hold Palestinian civilians as hostages to its terrorist agenda and Israelis now find themselves within range of Hamas rockets. The bloodshed and conflict of this situation will only lead to more devastation. Every day more innocent civilians on both sides of the Gazan border are suffering.

The United States supports Israel and all efforts to promote a cease-fire and a durable and sustainable resolution of the Israeli-Palestinian conflict. I urge my colleagues to remember that our strongest ally in the Middle East is Israel and we must support her efforts towards peace during this time.

Mr. KINGSTON. Madam Speaker, when Israel unilaterally withdrew from Gaza in 2005, the Islamic group Hamas—which does not acknowledge Israel's right to exist—took control over the small strip of land. Since then, relations between Gaza and Israel have steadily deteriorated.

On December 19, Hamas ended the 6-month cease-fire with Israel by launching dozens of rocket attacks into southern Israel, randomly targeting civilian neighborhoods. Eight days later, Israel began a counter defensive of large scale air strikes. Hamas has continually used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a reduction in the quality of daily life and the deteriorating humanitarian situation.

I deeply support Israel's right to defend themselves against Hamas attacks. I also hope to see a sustainable cease-fire brokered to save the innocent victims of Hamas' continual instigation of Israel's defensive power.

A friend recently sent me this compelling Washington Post article which I would like to submit for the RECORD.

[From the Washington Post, Jan. 4, 2009]

AS MY SON GOES TO WAR, I AM FULLY
ISRAELI AT LAST

(By Yossi Klein Halevi)

JERUSALEM.—"I just heard on the news that Gavriel's base has been shelled," my wife, Sarah, said to me last Tuesday, referring to our 19-year-old son, a member of an Israeli army tank unit waiting on the Gaza border for the order to enter. And, she added in a deliberately calm tone, "A soldier was killed." We texted Gavriel, and within five minutes he called, safe. How, Sarah asked, did families survive war before cellphones?

For days we waited for a cabinet decision: Will there be a land invasion or a new cease fire? The politicians began to bicker while our soldiers waited on the border, in the rain and the mud. Anything but this, I said to Sarah. Not another Lebanon War, which, like Gaza, began with an impressive show of Israeli air power but ended with Hezbollah leader Hassan Nasrallah predicting the imminent end of "the Zionist entity." If we don't win this time—deliver an unambiguous blow if not topple Hamas entirely—our deterrence will further erode, inviting more

rocket attacks and encouraging the jihadist momentum throughout the Middle East.

And then I caught myself: How can I be hoping for an outcome that will send my son into battle? This is my first experience as the father of a soldier, and now, after 26 years of living in Israel, I finally understand the terrible responsibility of being an Israeli. I had assumed that I'd become initiated into Israeliness when I myself was drafted into the army as a 34-year-old immigrant in 1989. But perhaps only now have I become fully Israeli. Zionism promised to empower the Jews by making them responsible for their fate; the price for that achievement is to be prepared to make the ultimate sacrifice for one's commitments.

I know Gaza from a previous conflict. During the first intifada of the late 1980s, when Palestinians revolted against the occupation, I was part of a reservist unit that patrolled Gaza's refugee camps. There I learned that there is no such thing as a benign occupation, as Israelis had once deceived themselves into believing. Our unit not only arrested terrorist suspects but also dragged people out of their beds in the middle of the night to paint over anti-Israel graffiti and rounded up innocents after a grenade attack just to "make a presence," in army terminology. At night, in our tent, we argued about the wisdom of turning soldiers into policemen of a hostile civilian population that didn't want us there and which we didn't want as part of our society.

A majority of Israelis emerged from the first intifada convinced that we need to do everything possible to end the occupation and ensure that our children don't serve as enforcers of Gaza's despair. That was why I initially supported the 1993 Oslo peace process that took a terrible gamble on Yasser Arafat's supposed transformation from terrorist to peacemaker. And even after it became clear that Arafat and other Palestinian leaders never intended to accept Israel's legitimacy, I supported the unilateral withdrawal from Gaza in 2005, simply to extricate us from that region, knowing that we would not receive peace in return.

And now my son is fighting in Gaza. The conflict he and his friends confront is far worse than my generation's experience in Gaza. In our time, we were confronted with mere rocks and Molotov cocktails; my son faces Iranian-supplied anti-tank weapons—one more price we will pay, along with the missile attacks on our towns, for the Gaza withdrawal, just as the Israeli right had warned.

Still, I don't regret that withdrawal. If Israelis are united today about our right to defend ourselves against Gaza's genocidally minded regime, it is at least partly because we are fighting from our international border. My son and his friends have one crucial advantage over my generation's experience in Gaza: They know, as we did not, that Israel was ready to make the ultimate sacrifice for peace, uprooting thousands of its citizens from their homes and endorsing a Palestinian state. My son confronts Gaza knowing that its misery is now imposed by its leaders. He knows that his country was even prepared to share its most cherished national asset, Jerusalem, with its worst enemy, Arafat, for the sake of preventing this war. That empowers him with the moral self-confidence he will need to get through the coming days. The face of my Gaza enemy was a teenager throwing rocks; the face of Gavriel's Gaza enemy is a suicide bomber.

But we are hardly free of moral anxiety. Even as I pray for Gavriel's physical safety,

I pray too for his spiritual well-being: that his tank doesn't accidentally shell civilians, that he isn't caught in some terrible mistake, which can so easily happen in a war zone where terrorists hide behind innocent people.

For the past eight years, Israel has fought a single war with shifting fronts, moving from suicide bombings in Jerusalem and Tel Aviv to Katyusha attacks on Israeli towns near the Lebanon border to Qassam missiles on Israeli towns near the Gaza border. That war has targeted civilians, turning the home front into the actual front. And it has transformed the nature of the conflict from a nationalist struggle over Palestinian statehood to a holy war against Jewish statehood. Except for a left-wing fringe, most Israelis recognize the conflict in Gaza as part of a larger war that has been declared against our being and that we must fight.

But how? Even some right-wingers are saying that we should have declared a unilateral cease-fire after the initial airstrike and then dared Hamas to continue shelling our towns, rather than risk another quagmire. And even some left-wingers are saying that we should now destroy the Hamas regime and then offer to turn Gaza over to international control or, if possible, an inter-Arab force led by Egypt. Every option is potentially disastrous. Most Israelis agree on two points: that we cannot live with a jihadist statelet on our border, and that we cannot become occupiers of Gaza again.

The despair of Gaza is contagious. One friend, a Likud supporter, said to me, "I don't know what to hope for anymore."

Meanwhile, I try to reassure myself about Gavriel's safety. Growing up in Jerusalem during the suicide bombings in the early 2000s, he has already known danger, intimacy with death. A 13-year-old acquaintance was stoned to death, and was so mutilated that he could be identified only by his DNA. A friend lost the use of an eye in a bus bombing on his way to school. At least now, Gavriel and his friends can defend themselves. Perhaps one reason most of them volunteered for combat units was because now the generation of the suicide bombings can finally fight back.

Just before the conflict in Gaza began, I happened to visit Gavriel at his base. His unit's barracks had been turned into what young Israelis call a "zula"—a hangout. There were muddy couches, chairs without backs, a darbuka drum, a TV (Jay Leno was on). It could have been a teenage scene anywhere in the West, except that hanging on the walls were Hamas banners captured by the unit's veteran members in a previous round of fighting in Gaza. In a corner of the room hung a photograph of a fallen soldier. Across the bottom someone had written, "What was the rush, Shachar? Why did you have to leave us so soon?"

Even now, perhaps especially now, I feel that our family is privileged to belong to the Israeli story. Gavriel, grandson of a Holocaust survivor, is part of an army defending the Jewish people in its land. This is one of those moments when our old ideals are tested anew and found to be still vital. That provides some comfort as Sarah and I wait for the next text message.

Yossi Klein Halevi is a senior fellow at the Adelson Institute for Strategic Studies of the Shalem Center in Jerusalem and the author of "At the Entrance to the Garden of Eden: A Jew's Search for God with Christians and Muslims in the Holy Land."

Mr. KENNEDY. Madam Speaker, I rise today in support of Israel's right to defend its

citizens from the terrorism and extremism of Hamas. The United States and this Congress have a responsibility to stand in solidarity with Israel as it endures a difficult moment in its history. We must understand that this conflict was created by Hamas's unwavering commitment to violence against both Israelis and Palestinians. Since 2001, Hamas has fired over 7,500 rockets and mortars at villages and towns in Southern Israel. More alarmingly, Hamas has recently acquired rockets with an increased range that have the ability to levy even more destruction on Israeli society. As their rocket technology becomes more sophisticated, Hamas could potentially strike airports, major cities and nuclear power plants. Would we as Americans accept living under an incessant barrage of violent air attacks? We would expect our leaders to take the appropriate action against these perpetrators of violence. Israel has correctly taken steps that will ensure that terrorism against its nation will be eliminated with the hope that one day its nation can live in peace. I firmly believe that a two-state solution is the only way in which peace and stability can come to Israelis and Palestinians in the Middle East.

Madam Speaker, for over 20 years, Palestinians have been subject to the terror, intimidation and militancy of Hamas. This terrorist organization openly recruits suicide bombers to launch attacks throughout the Middle East. Earlier this month, a female suicide bomber killed over 100 innocent Iraqis without causing the slightest outcry from Hamas. In Gaza, Hamas has committed a litany of human rights violations including the arrest, tortures and imprisonment of political opponents. In December 2008, Hamas terrorists refused to allow Palestinian pilgrims in Gaza to travel to Mecca, Islam's holy site. Hamas represents a great threat to international peace and will continue to do so as long as it remains a significant threat in the Middle East. I urge the swift passage of this resolution.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to support H. Res. 34 recognizing the State of Israel's right to exist in the community of nations and reaffirming America's strong support for Israel.

Paramount among any sovereign state's rights is the right to defend itself. I voted to affirm that right for our good friend, the State of Israel against attacks from Hamas. If the Hamas-led government truly wishes to be a member of the global community, it must acknowledge and abide by all the world's rules including severing all links to terrorism and acknowledging the right of Israel's peaceful existence.

Madam Speaker, the Middle East has been plagued by chronic fighting long enough. I join my colleagues in supporting Israel and in calling on all parties to cease hostilities and focus their efforts on the Israeli-Palestinian peace process.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 34.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to section 5(a) of House Resolution 5, I call up the bill (H.R. 11) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lilly Ledbetter Fair Pay Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

"(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory

compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

"(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge."

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking "(d)" and inserting "(d)(1)";

(2) in the third sentence, by striking "Upon" and inserting the following:

"(2) Upon"; and

(3) by adding at the end the following:

"(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice."

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after "(42 U.S.C. 2000e-5 (f) through (k))" the following: "(and the application of section 706(e)(3) (42

U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation)"; and

(B) in paragraph (2), by inserting after "1964" the following: "(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)".

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

"(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section."

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking "of section" and inserting "of sections 7(d)(3) and".

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore. Pursuant to section 5(a) of House Resolution 5, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, the 2007 *Ledbetter v. Goodyear* Supreme Court ruling was a painful step backwards in the civil rights in this country. Today, the House will vote once again to say that the ruling is unacceptable and must not stand.

Nondiscrimination in the workplace is a sacred American principle. Workers should be paid based upon their merits and their responsibilities, not on the employer's prejudices. Yet, more than 40 years after the passage of the Civil Rights Act of 1964, the Supreme Court decided to dramatically turn back the clock.

Lilly Ledbetter worked for Goodyear for nearly two decades. Just as she was retiring as supervisor in 1998, she found out that her salary was 20 percent, 20 percent lower than that of the lowest paid male supervisor. Not only was Ms. Ledbetter earning nearly \$400 a month less per month than her male colleagues, she also retired with substantially smaller pension and Social Security benefits. A jury found that Goodyear in fact had discriminated against Ms. Ledbetter because she was a woman. She was awarded \$3.8 million in back pay and damages. This amount was reduced to \$360,000 because of the damage gap of title VII of the Civil Rights Act.

Despite the fact that the jury found Goodyear guilty of discrimination, a

sharply divided Supreme Court in a 5–4 opinion decided that while Goodyear discriminated against Ms. Ledbetter, her claim was made too late. They had discriminated against her, but she was too late in making her claim.

Why was she too late? Because they said that she had filed outside the 180 day statute of limitations because she did not file after they had taken their secret executive action to pay Ms. Ledbetter less than her male counterparts. The fact of the matter is, she did not know that all of the time that she was working because of the secrecy of that act. The practical result, the practical result of the decision by this court, would be that as long as they could continue to hide the act, if they could get past 180 days, Ms. Ledbetter could be discriminated against and she would not be able to recover anything.

The law has said for a very long time that when a decision was made which was discriminatory in its nature, every paycheck issued since that time was a continuation of the original discriminatory act and Ms. Ledbetter had 180 days and other plaintiffs had 180 days to file from the last paycheck that was issued. Ms. Ledbetter did that, but the Supreme Court saw otherwise.

So, what the Supreme Court is saying is that employers would be allowed to continue to discriminate against employees without any consequences if they could hide it for 180 days. That is simply unacceptable in the American workplace, it is unacceptable to women in this country, and it is important that we pass the Lilly Ledbetter Fair Pay Act, which would reset the law as businesses and most courts and employees and the EEOC had understood it to be before the court's dramatic ruling.

Under H.R. 11, every paycheck or other compensation resulting in whole or in part from an early discriminatory pay decision or other practice would continue as a violation of title VII. That is as it should be. That is as it was before the court spoke.

In other words, each discriminatory paycheck would restart the clock for filing a charge. As long as workers filed their charges, as Ms. Ledbetter herself did, within 180 days of the discriminatory paycheck, their charges could be considered as timely.

No worker should have to put a full day's work in and get a paycheck at the end of the week that is based upon their gender, race or religion, without any recourse to justice. That is what this legislation will stop. It is fundamental and it is important.

This legislation also ensures that these simple reforms extend to the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act to provide these same protections for victims of age and disability discrimination. Connecting pay discrimination poses sig-

nificant challenges to workers, made all the harder by the Supreme Court's Ledbetter decision.

The reality is that most workers don't know what their coworkers are making. Employers often prohibit employees from discussing their pay with each other. We fix these problems also with the passage of the Paycheck Fairness Act.

The court's misguided decision is already having very harmful consequences far beyond Ms. Ledbetter's case. According to *The New York Times*, the Ledbetter decision has been cited in over 300 cases in the last 19 months that have denied people the opportunity to provide for recovery.

In this economy, especially in this economy, when every dollar counts to every worker in this country, to provide for themselves or their families, to provide for the wherewithal to go through the daily life in America, we cannot have people discriminated against because of their gender. We can pass the Lilly Ledbetter Pay Act, and that will end that practice in the American workplace.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to oppose this seriously flawed legislation before us. Not only would it amount to a radical change to our civil rights laws, it has come to us without the benefit of the serious consideration and debate due such a significant policy shift.

The enthusiastic supporters of the Ledbetter Act want us to believe that we are simply voting on a straightforward bill to reverse a Supreme Court decision involving discrimination in the workplace.

Unfortunately, Madam Speaker, that isn't the whole story. While this bill would reverse a Supreme Court decision for the benefit of Lilly Ledbetter, it would also dismantle the long-standing statute of limitations established by the 1964 Civil Rights Act. That statute of limitations was deemed to be critical in that Supreme Court decision.

In so doing, this bill would set into motion unintended consequences that its supporters simply are not willing to acknowledge, including radically increasing the opportunity for frivolous and abusive litigation and exposing employers to open-ended lawsuits indefinitely. Further, this bill would also permit individuals to seek damages against employers for whom they never worked by allowing family members and others who were never directly subjected to discrimination to become plaintiffs, even after the worker in question is deceased.

In the current economic climate, as the gentleman from California said, especially in this economic climate, we cannot afford to enable endless litiga-

tion and potentially staggering record keeping requirements on employers. We also should be wary of the devastating effect this bill would have on pensions by exposing employers to decade-old discrimination claims that they have little ability to defend. This legislation could risk the retirement security of millions of hard-working Americans.

Madam Speaker, it is very clear that this legislation amounts to a significant change in our civil rights laws. What is less clear are the answers to a number of relevant questions, many of which remain unanswered because of a complete disregard for the normal legislative process.

As you may know, not one legislative hearing was conducted on this bill in the last Congress. This bill has instead been brought to the floor in haste, completely bypassing any deliberation by me and my colleagues on the Committee on Education and Labor. Surely such a monumental change to our civil rights laws deserves more reflection.

My concerns and unanswered questions can only lead me to say that the Ledbetter bill makes for bad policy created through a poor legislative process. I urge my colleagues to vote against this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a subcommittee Chair of the Education and Labor Committee.

Mr. ANDREWS. Madam Speaker, I thank my chairman for yielding.

I wanted to clear up what I think were three inaccuracies in my friend from Minnesota's statement about the bill.

First of all, this bill will not extend an endless statute of limitations. It restores the statute of limitations the law recognized until the ill-considered Ledbetter decision. It essentially says you have 180 days after each paycheck to make your claim. If you don't make your claim, your claim expires. It doesn't extend the statute beyond that.

Second, with respect to pensions, the bill makes it clear in the "findings" section that the same law that applied to pensions is not touched by this bill at all. The courts have generally recognized that when the pension structure is put in place and the person gets their pension, the clock starts running, and if the time expires after that, your ability to make the claim expires after that.

Finally, with respect to the point that is made about people who never worked for the employer being able to sue, I think that is simply not an accurate statement. What is true is if someone suffers discrimination and their estate is owed money for what they would have earned when they were

working, the estate is absolutely entitled to recover that sum of money because the man or woman who died would have recovered that.

□ 1045

So this is a good bill. There was an extensive hearing on this issue previously. I would urge the House to do the right thing and adopt this bill. It should not become the law of the land that if you're an employer and can hide discrimination for 180 days you get away with it. If the Ledbetter decision stands, that's what the law is. Let's change that law and adopt this bill.

Mr. KLINE of Minnesota. Madam Speaker, I would like to ask unanimous consent that we yield the remainder of our time to the ranking member on the Education and Labor Committee (Mr. McKEON) to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to this ill-considered and overreaching legislation. Proponents of this bill claim it simply reverses a May 29, 2007, U.S. Supreme Court decision and clarifies congressional opposition to wage discrimination. In reality, however, this bill will set into motion a series of unintended consequences that will ripple through the economy and plague workers, small businesses, and the judicial system with a vast new legal minefield.

At the outset, let me make it clear that opposition to discrimination of any type, be it gender discrimination, racial discrimination or any other type of discrimination inside and outside the workplace, is not confined to one party or the other. Every Member of this Chamber stands in strong opposition to the unfair treatment of any worker.

At the same time, I believe we must stand firmly behind a process that ensures justice for all parties, and that includes protecting against the potential for abuse and over-litigation. It is my commitment to those principles that requires me to vote no on this bill today.

For more than 40 years, title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. This is a principle upon which all of us, Democrats and Republicans alike, can agree. As such, current law provides that any individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations, which is either 180 or 300 days, depend-

ing on his or her state of employment after the alleged workplace discrimination occurred.

The statute of limitations was clearly established in the law to encourage the timely filing of claims which helps prevent the filing of stale claims and protects against the abuse of the legal system. Consider these "worst case" scenarios, for example:

Without a statute of limitations in place, an employee could sue for pay discrimination resulting from an alleged discriminatory act that might have occurred, 5, 10, 20 or even 30 years earlier.

And without a statute of limitations in place, it is entirely conceivable that a worker or retiree could seek damages against a company run by employees and executives that had nothing to do with the initial act of the alleged discrimination that occurred dozens of years ago.

The bill before us would dismantle the statute of limitations and replace it with a new system under which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. While fair-minded in principle, this dramatic change in civil rights law would have an incredibly far-reaching impact, one that supporters of the bill have yet to take the time to thoroughly and appropriately consider. Indeed, if this bill becomes law, the worst case scenarios I just described could become commonplace. And let's not kid ourselves: our Nation's trial lawyers would seize upon that.

Madam Speaker, this bill is not a matter of tinkering around the edges as its supporters would have the American people believe. Rather, it is a fundamental overhaul of longstanding civil rights laws.

The last major change to these laws occurred more than 15 years ago, and after several years of debate. Yet, here we are, just hours into the 111th Congress, and without having held legislative hearings, a committee markup, or even an open-debate process on the floor, voting on a highly flawed bill without any regard to its long-term ramifications.

I'm opposed to discrimination in the workplace, and I believe that workers must have a protected right to avail themselves of legal protections when such discrimination occurs. That right exists today in carefully crafted civil rights law that ensures fairness and justice for all parties. Unfortunately, the bill before us is neither fair nor just, and for that reason, I will oppose it. I urge my colleagues to do likewise.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized.

There was no objection.

Mr. ANDREWS. Thank you, Madam Speaker.

I am pleased at this point to yield 2 minutes to the gentlelady from California (Ms. WOOLSEY) in favor of this restoration of 40 years of civil rights legislation.

Ms. WOOLSEY. Lilly Ledbetter went to work at Goodyear Tires every day for 19 years. She was one of the few female supervisors at the plant, and she was an outstanding one, at that. She received awards for her work.

However, all of those years she was paid less than her male colleagues, 20 percent less by the time she retired, because of gender discrimination.

A jury agreed that she had been discriminated against and awarded her over \$3.8 million in back pay and damages. But the Supreme Court, the Federal Supreme Court, reversed the decision because it found that Lilly didn't file her claim within 180 days of the initial decision to discriminate, even though she had absolutely no idea at the time that she was being paid less than her male counterparts simply because she was a woman.

The Lilly Ledbetter Fair Pay Act restores the common and longstanding understanding of employees, employers and the circuit courts alike that, when it comes to discriminatory pay, the protection of title VII extends not only to pay decisions and practices, but to each and every paycheck as well.

Unfortunately, Lilly will not reap the benefits of this legislation. As a result, she will continue to feel the effects of the Court's wrongheaded decision for the rest of her life, through smaller pension and Social Security benefits. But this bill will help other women, and it will also be a reminder that absolutely no employer can tell their employees to keep their pay a secret. They can tell you that, but, in fact, they have no right and no legal standing.

So, along with bringing that to light, this wonderful bill is a tribute to Lilly Ledbetter, who has paved the way for other women.

Mr. McKEON. I have no further speakers, so I will reserve our time.

Mr. ANDREWS. Madam Speaker, I am pleased to yield at this time 2 minutes to one of the civil rights champions of this Congress, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, I rise today in support of the Lilly Ledbetter Fair Pay Act. This legislation reverses the Supreme Court's decision in the Ledbetter case in which the Court ruled that workers filing suit for pay discrimination must do so within 180 days of the original decision to discriminate against them. After the 180 days from the initial decision to discriminate, the employer could continue its discriminatory practices and the employee would no longer have any legal remedy.

Prior to the Supreme Court decision, employees could file suit against employers who were guilty of discriminatory pay practices within 180 days of

any discriminatory act, not just the initial decision to discriminate, so that each paycheck in which women were paid less than men for performing the same job would restart the 180-day period. The Supreme Court's ruling in *Ledbetter* changed this, so that now, if the discrimination is not discovered within 180 days, employers are now allowed to continue to discriminate, even if the pattern of discrimination is well known and acknowledged.

Unfortunately, the fact is that many women, like Lilly Ledbetter, do not learn about the discrimination until much later. So under the Supreme Court decision these women have no remedy under civil rights laws. This bill corrects the injustice and does so, it does not make a so-called dramatic change. Most of the country operated under this policy anyway.

And also, the bill retains the 2-year limit on past wages, so the burden of proof remains also on the plaintiff. So any delay which erodes evidence would be a higher burden for the plaintiff. So there's no incentive to delay bringing suit.

Madam Speaker, this is a common-sense application of what everyone thought the law was anyway. I commend Chairman MILLER for bringing the bill to the floor, and urge my colleagues to support it.

Mr. ANDREWS. Madam Speaker, I am pleased to yield, at this time, 1 minute to the gentlelady from Hawaii (Ms. HIRONO) who truly understands what's wrong with the situation where you get paid based on your gender.

Ms. HIRONO. Madam Speaker, I rise in strong support of H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009. And I want to thank Chairman GEORGE MILLER for his continuing leadership and dedication in bringing this bill to the floor.

H.R. 11 is needed because the U.S. Supreme Court, in 2007, ruled in *Ledbetter v. Goodyear* that did not take into consideration the reality that discovering discriminatory pay at the outset is difficult for employees. The Court's imposition of 180 days to file a discrimination claim is totally unrealistic and unfair.

When Lilly Ledbetter came to testify before the Education and Labor Committee in 2007, I was moved by her story of justice denied. Ms. Ledbetter was deprived of lost wages compensation because she did not know she was being paid less than her male colleagues until many years had passed since her employers made the initial decision to discriminate.

This bill restores fairness to any employee who has been paid less than their coworkers. I urge my colleagues to support the Lilly Ledbetter Fair Pay Act, as well as the Paycheck Fairness Act also being debated this morning.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

As we debate this legislation, Madam Speaker, I must point out that the myths propagated by our friends in the majority are almost too much to take, so I'd like to take a few moments to dispel some of their more disingenuous claims.

We've heard them claim, for example, that H.R. 11 merely restores prior law by reversing the Supreme Court's *Ledbetter* decision. If indeed this bill was intended simply to reverse the decision, it would have been written to do just that. However, it wasn't. As we have discussed, current law provides that an individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations.

Let's be perfectly clear. This was the law both before and after the 2007 Supreme Court decision. This bill would dismantle that statute of limitations and replace it with a new system in which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. In other words it restores nothing. Rather, it totally guts current law and leaves the door open for trial lawyers to have a veritable field day.

Supporters of this bill also tell us that with hundreds of charges of gender-based pay discrimination filed with the Equal Employment Opportunity Commission each year, numerous claims will never be brought to justice without this legislation.

Once again, nothing could be further from the truth. The right to each and every EEOC pay discrimination claim exists today, just as it has since the 1964 Civil Rights Act. This bill does not restore any rights because these rights never were taken away. Current law allows an individual to challenge an employment practice as discriminatory by first filing a charge with the EEOC within the applicable statute of limitations. This bill does not establish any new rights, and its supporters know this perfectly well.

Finally, the bill's supporters claim that unless this bill becomes law, victims of pay discrimination will have no recourse unless they file a claim within 180 or 300 days of that decision. Unfortunately, the majority refuses to acknowledge clear protections against such a scenario.

First, employees who believe they are victims of pay discrimination may also have recourse under the Equal Pay Act, which is not subject to the Equal Employment Opportunity Commission 180 to 300 days filing requirements.

□ 1100

Through a variety of legal doctrines, courts already allow plaintiffs to file

claims outside the statute of limitations where it is fair and equitable for them to do so. For example, a court may choose to do so in a case where an employer withheld critical information or otherwise misled an employee into sleeping on his or her rights.

In short, Madam Speaker, the lack of candor from this bill's proponents is clouding the debate, and I feel it is my duty to set the record straight.

With that, I reserve the balance of my time.

Mr. ANDREWS. Madam Speaker, I am pleased at this time to yield to the majority leader of the House of Representatives, who will lead us to reverse this unfortunate Court decision today, the gentleman from Maryland (Mr. HOYER) for 1 minute.

Mr. HOYER. I thank the gentleman from New Jersey. I thank Chairman MILLER from California. I thank my friend Mr. McKEON as well for the consideration of this debate.

We've passed this bill before, properly so. Unfortunately, it didn't pass the Senate. It wasn't signed by the President. That will not happen this time. We will pass this bill. My belief is the Senate will pass this bill, and the President of the United States will sign it. Why? Because it's the right thing to do.

I listened to my friend in his conversation, but frankly, it somewhat belies the fact that there came a case to the Supreme Court, and the Supreme Court had to rule on the case, and the Supreme Court ruled on the statute of limitation.

The value of work, of course, Madam Speaker, lies in a job well done, not in the gender of the worker. I don't think there is a man or a woman in this Chamber who would disagree, but all too often in America, sexism, frankly, cheats women out of equal pay and equal worth. It still robs women of their equal right to earn a livelihood, to provide for their families and to secure the dignity of their labor. It does much of its worst work in the dark.

Frankly, women in this body all know that they make the same thing as the men in this body. Why? Because it's public information, but if it were secret information, notwithstanding the fact that we had a number of women vote against this the last time it was up, I would be shocked that they would do so again if they were put in the position of making \$25,000 less than those of us who are males, doing exactly the same job. That is the position, of course, Lilly Ledbetter found herself in.

So many of us know by now that Lilly Ledbetter was precluded from recovery. For almost two decades, from 1979 to 1998, she was a hardworking tire plant supervisor. For much of her career, she suffered from two kinds of discrimination simultaneously—from sexual harassment when a manager said to

her face that women didn't belong in a factory to the supervisor who tried to coerce her into a sexual encounter. There was pay discrimination as well. There's no doubt about that. Now, she couldn't recover for it because the Supreme Court said she hadn't acted. By the end of her career, she was making nearly \$7,000 less than the lowest paid man in the same position.

Both kinds of discrimination were founded on the belief that women in the workplace are second-class citizens. I hope there are no women in America who believe that, and I would hope there are no men in America who believe that. I say that as a father of three women, as the grandfather of two granddaughters and as the great grandfather of a 2-year-old young woman.

Of the two, the unfair pay may have been the most damaging, between the sexual discrimination and the pay discrimination. The sexual discrimination, obviously, is abhorrent, but the pay discrimination diminished Lilly Ledbetter's opportunities in our country.

There has been a lot said on this floor about "it's their money, and they know how to spend it better," and we've talked about that in terms of tax bills. "It's their money, and they know how to spend it better." If that's the case, then I would hope that this bill would pass unanimously to make sure that their money, which they earn fairly, is paid to them so they then can use it as they see fit.

Ms. Ledbetter might have been in the dark to this day; they may have kept it a secret because people, particularly in the private sector, don't go around, saying, "Well, I make X and you make Y." In fact, a lot of employers tell their employees, "Don't tell people what you make." Lilly Ledbetter didn't know how badly she was being discriminated against.

A coworker, however, gave her proof of what her employer was doing to her. Such silent discrimination is surprisingly common because it is so difficult to identify. After all, how many of us know what the salaries of our coworkers are? As I said, we do. My friend from California knows that she makes the same thing as Mr. MILLER makes, and that's appropriate. They are both elected; they both have the same job; they both work hard, and they're paid the same.

Lilly Ledbetter took her employer to court, but the Supreme Court finally ruled against her. So, apparently, there is a problem somewhere, not because she was making it all up but because she had failed to file suit 180 days after her first unfair paycheck. Now, that adopts the premise that the subsequent paychecks somehow were not in violation of the law. They were. Every time she was paid discriminatorily, it was another violation of the law. In fact, the 180 days should have run from the

last violation of the law, which, of course, was the last time she was paid in a discriminatory fashion. You have 6 months to find out you're being paid unfairly or you're out of luck for a lifetime.

The Supreme Court's flawed ruling ignored the real-world facts of discrimination, and it has the potential to harm thousands of women, indeed, hundreds of thousands and millions of women and their children and their families and our communities and society, leaving victims of pay discrimination without any recourse.

As Justice Ginsburg said—and she put it in as a strong dissent—"Pay disparities often occur . . . in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view . . . Small, initial discrepancies may not be seen to meet the Federal case, particularly when the employee, trying to succeed in a non-traditional environment, is averse to making waves."

That's what Justice Ginsburg said. So, apparently, Justice Ginsburg thought there was a problem to which we ought to respond, which is what is happening today.

"The ball," Justice Ginsburg concluded, "is in Congress' court . . . The legislature may act to correct this Court's parsimonious reading."

That is what we are doing today. That is the right thing to do for our country. It is the right thing to do for women. It is the right thing to do for our families, and that is the aim of the Lilly Ledbetter Fair Pay Act.

This bill gives employees a fair time limit to take action against discrimination. A 180-day limit will still stand, but the clock is reset after each violation of the law, as it should be, not simply after the first one, and that change fits our commonsense understanding of pay discrimination. It is not a single act but an ongoing practice that is renewed every time the employer signs an unfair paycheck.

Madam Speaker, pay discrimination anywhere is an attack on the dignity of every woman in every workplace in America. When workers face unfair pay, they should find us standing by their side, not throwing up technicalities and roadblocks on the way to equality.

For that reason, I urge every one of my colleagues, male and female, Representatives of all of the people who ought to have equal opportunity under the law. This accomplishes that objective. Vote for this important piece of legislation.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. MILLER) is recognized.

There was no objection.

Mr. GEORGE MILLER of California. May I inquire of the Chair my time remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. MILLER) has 17½ minutes remaining.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Madam Speaker, I rise today to voice my strong support for H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009. I thank Chairman MILLER of the Education and Labor Committee for his leadership on this issue.

As a member of the Education and Labor Committee, I had the opportunity to hear firsthand Ms. Ledbetter's story when she testified before the committee in June of 2007. Her experience is, indeed, appalling, but Ms. Ledbetter is not the only victim in this case. The Supreme Court's decision makes it harder for all employees to challenge pay discrimination.

The Lilly Ledbetter Fair Pay Act restores the integrity of our Nation's pay discrimination protections by clarifying that every discriminatory paycheck represents a new violation of the law, restarting the clock on the statute of limitations. It restores the protections, because prior to the Supreme Court's ruling, the EEOC and most circuit courts understood the law the same way, that each discriminatory paycheck restarted the clock.

The Supreme Court's ruling changed all of this, putting all workers at a disadvantage, threatening the integrity of all pay discrimination protections, not just gender-based pay discrimination. We have an opportunity today to clarify the law, to strengthen our anti-discrimination protections and to move one step closer to ensuring the right of every worker to equal pay for equal work.

I am a proud cosponsor of this legislation, and I urge my colleagues to support it as well. I ask them to support it not only for themselves but for those who will come after us. It is critical that we have an understanding, and when the courts face these issues again, it must be very clear what was intended by Congress.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Madam Speaker, I rise in strong support of H.R. 11, the Lilly Ledbetter Fair Pay Act. I commend my chairman, Chairman MILLER, for bringing this important legislation forward.

Last year, I, too, had the privilege of hearing Ms. Ledbetter testify before the Education and Labor Committee. After 19 years as a Goodyear employee, Ms. Ledbetter discovered she was paid significantly less than every single one of her male counterparts. She sued the company. She took her case all the way to the Supreme Court. Ignoring a previous court's judgment to award Ms.

Ledbetter damages for pay discrimination, the Supreme Court threw out the case based on a technicality.

The Court's decision ignores the reality of the workplace where employees generally don't know enough about what their coworkers earn or how decisions regarding pay are made to file a complaint right when discrimination first occurs. Under this decision, employees in Ms. Ledbetter's position are forced to live with discriminatory paychecks for the rest of their careers.

The Lilly Ledbetter Fair Pay Act would correct this wrong by clarifying that every paycheck resulting from a discriminatory pay decision constitutes a violation of the Civil Rights Act and that employees have 180 days after each discriminatory paycheck to file suit.

When the Supreme Court sanctions discrimination through technicalities, it is the job of Congress to clarify the intent of the law. I am pleased that our first action in the 111th Congress is to stand up for American workers by invalidating this misguided ruling.

Once again, I commend my chairman, Chairman MILLER, and I urge all of my colleagues to vote for H.R. 11.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in support of the Lilly Ledbetter Fair Pay Act, and I commend Chairman MILLER for his leadership and for his tireless efforts that have brought us so far.

We are here today because Lilly Ledbetter got short-changed, short-changed by her employer—the perpetrator of consistent pay discrimination lasting years—and short-changed again by the Supreme Court.

A jury found that, yes, Lilly Ledbetter had been discriminated against by her employer, and they awarded her \$3.8 million in back pay and damages. Then under Title VII, this award was reduced to \$360,000, ultimately to zero, when the Supreme Court ruled 5-4 against her last year, drastically limiting women's access to seek justice for pay discrimination based on gender, requiring workers to file a pay discrimination claim within a 6-month period only, regardless of how long the pay inequity goes on. When women still earn only about 78 percent of what men earn, this ruling essentially rolled back efforts to ensure equal pay and left women with little remedy.

□ 1115

Justice Ginsberg suggested in her dissent, "Congress has an obligation to correct the Court's decision." That is why we introduced and passed the Lilly Ledbetter Fair Pay Act last year, clearly stating the title VII statute of limitation runs from the date a discriminatory wage is actually paid, not simply some earliest possible date

which has come and gone long ago. Instead, you would be able to challenge discriminatory paychecks as long as you continue to receive them.

Earlier this week, Lilly Ledbetter wrote to the entire Congress, "I may have lost my personal battle, but I have not given up. I am still fighting for all of the other women and girls out there who deserve equal pay and equal treatment under the law."

Madam Speaker, ensuring pay equity can help families gain the resources they need to give their children a better future, the great promise of the American Dream. Let us make good on that promise, pass this bill, and make sure women who face the discrimination that Lilly Ledbetter faced have the right to fight against it.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Mr. Chairman.

I rise today as a cosponsor of H.R. 11, the Lilly Ledbetter Fair Pay Act. The Supreme Court's Ledbetter decision has made it significantly harder for women and other workers to hold employers accountable for pay discrimination. The Court's reasoning lacks common sense about the realities of workplace discrimination, and completely disregards the intent behind our robust civil rights laws.

Now we in Congress must correct this injustice, and H.R. 11 seeks to do just that.

As a father and husband, I think it's shameful that by 2009 we haven't been able to close the gender wage gap. Should my wife, who was recently elected to serve as Staten Island's first woman Supreme Court justice, receive a lower salary than her male counterparts simply because of her gender?

I worry about my high school-aged daughter and hope that when she enters the workforce, she will have the same opportunities as her male colleagues. As asked by the majority leader, if she were elected to the House today, should she be paid \$145,000 while the men receive \$165,000? I say, No.

Is this America's promise to our young women? To my wife? To my daughter? Enactment of the Lilly Ledbetter Fair Pay Act will ensure that when women face discrimination in the workplace, they will be able to fight for and protect their rights to fair, equal treatment.

I recently visited Wagner College in my district and met with the next generation of working women. I made a promise to all of the young women of Staten Island and Brooklyn that I would work hard in Congress to change the practices that permit women to earn only 77 cents on every dollar made by men.

I thank the House leadership, and especially the gentleman from California

(Mr. GEORGE MILLER) for allowing me to be part of this historic moment here today. Let us put to rest the age-old problem of sex-based discrimination.

I urge my colleagues to vote yes on the Lilly Ledbetter Fair Pay Act, H.R. 11, and on H.R. 12, the Paycheck Fairness Act.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized.

There was no objection.

Mr. ANDREWS. Thank you, Madam Speaker.

I am pleased to yield 1 minute to a member of the Rules Committee, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time and for his leadership on this issue.

I thank the chairman of the Education and Labor Committee, Mr. MILLER, for his tremendous leadership, as well as Representative ROSA DELAURO for her commitment. And I rise today in strong support of this bill.

Madam Speaker, I wish this legislation were not necessary. But, sadly, nearly 45 years after the Civil Rights Act of 1964, pay discrimination still exists; and in one fell swoop, in the Ledbetter case, the Supreme Court made it immensely easier for discrimination to prevail at the expense of women and their families across this country, and that is unacceptable.

The Court held that Lilly Ledbetter would have had to file a complaint within 180 days of when her employer began years of discrimination against her even though there was no way that she could have known that she was being discriminated against. The Court, in effect, eliminated any real opportunity for victims of long-term gender-based pay discrimination to be made whole and provided employers who engage in pay discrimination for years to do so without consequence.

Let's pass this bill.

Mr. ANDREWS. Madam Speaker, I am pleased to yield 1 minute to a strong and consistent voice for the rights of all people in this Congress, the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Madam Speaker, I rise in full support of H.R. 11. I was extremely proud last year when the House swiftly acted to pass the Lilly Ledbetter Fair Pay Act. The Supreme Court had made a terribly misguided decision and failed to fully recognize the rights of women to seek remedy for pay discrimination.

And how proud I am today that we are wasting no time and again passing legislation to clarify that victims of pay discrimination should not be punished because they were not aware of the discrimination against them earlier.

The Civil Rights Act exists to protect individuals precisely when they find themselves in the situation Lilly

Ledbetter found herself in, and it was never meant to be interpreted in a way that provides a loophole for employers to discriminate—if they can just make sure that their employees are kept in the dark for 6 months.

Lilly Ledbetter will never be compensated for decades of discrimination by her employer, but let us ensure that none of our sisters, our daughters, our granddaughters are ever punished in the same way.

I urge my colleagues the vote yes for the Ledbetter Fair Pay Act.

Mr. ANDREWS. Madam Speaker, I am pleased at this time to yield 1 minute to the gentleman from New York (Mr. NADLER), a strong voice for civil liberties.

Mr. NADLER of New York. Madam Speaker, it's been 46 years since Congress passed the Equal Pay Act of 1963. Yet women still earn on average only 77 cents for every dollar earned by a man, and the promise of pay equity remains unfulfilled. And the Supreme Court's Lilly Ledbetter decision makes it almost impossible to challenge Federal discrimination.

This bill will overturn that decision. Last year, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, which I chair, held a hearing on the Ledbetter case and heard directly from Lilly Ledbetter who eloquently described the terrible injustice of the Court's decision.

The Court held that although Ms. Ledbetter had lost thousands of dollars of pay because of intentional sex discrimination, she could not sue because the employer had successfully hidden its own misconduct and discrimination for more than 6 months. This decision makes it almost impossible to enforce the right to be paid the same regardless of race or sex, et cetera. This must be changed, and this bill changes that.

The need for the Paycheck Fairness Act is equally clear. Unfair pay disparities require workers and their families to live on less than they rightfully deserve and reduce retirement earnings.

I urge adoption of both bills.

Mr. ANDREWS. Madam Speaker, it is my distinct and humble privilege to yield 1 minute to a person of great strength and dignity and leadership, the Speaker of the House of Representatives, the gentlelady from California.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding.

I want to commend him for his extraordinary leadership, his attention to this issue of concern to America's families. I thank him, I thank his chairman, GEORGE MILLER, for championing this issue in the committee and on the floor.

And I want to particularly salute Congresswoman ROSA DELAUNO for being a relentless advocate. Ten years ago, she introduced the Pay Equity Act, and she has been working on it for a long time; and over the years, our

ranks have grown of those who recognize the importance of this legislation.

I am particularly happy today, my colleagues, because on Tuesday we swore in a new Congress. It was a result of an election where the American people spoke out very clearly for change. And in the very first week of this new Congress, the change that we want to make is in the lives of America's families.

This legislation hits home. It helps America's working women meet the challenges that their families face economically, and it is about ending discrimination. So I thank all of our colleagues who worked so hard over the years to put this forward. We passed it in the House in the last Congress. We passed the Lilly Ledbetter bill, really a real tribute to a heroine, a woman who is a heroine. She took her personal story and she is making change for all working women in American.

That the Supreme Court would have ruled against her after she had won one court challenge after another speaks to the need for this legislation. And the courts have spoken to Congress' ability to change the law if they do not agree with what the law had been before.

So here we are. This is the day. We campaigned all over the country. This issue of pay equity and Lilly Ledbetter legislation was part of the campaign. This woman from Alabama stood before crowds and talked about her personal experience. It was painful to experience it, yet she used her own situation to make life better for others. I'm sorry she cannot be with us here today, but I hope she knows how deeply grateful we all are to her because her case showcased the need for this legislation.

And again, in terms of pay equity, I'm a mother of four daughters and one son; and for all of them, this is important legislation. Many colleagues in this House—we have many women Members of the House now, many more we want, but we have fathers of daughters, and those fathers of daughters know that their daughters are capable of doing anything they set out to do and that the value that is placed on them in the workplace is the same value that is placed on young men and men of whatever age.

So I speak, really, from the heart on this in terms of what it means to women in their lives, to what it means to women in their homes, what it means to them in the workplace, what it means to them in their role in the economy, and what it means to them in their retirement because if women are not paid fairly in the course of their work years, it has an impact on their retirement as well.

So for the benefit of our economy—because this has an impact on our entire economy—I want to salute all who have brought us to this day. I think it's a happy day for our country, and as Speaker of the House, I'm particularly

pleased that in the first week of the new Congress, this is the primary legislation that we are putting forward. Pay equity, fairness to women in the workplace, the Lilly Ledbetter Act. These are our priorities.

I hope that we will have a big strong vote in the Congress today so the message will go out that this Congress has heard the message of change in the election, that this Congress knows the needs of America's women, that this Congress is prepared to be relevant in its action, relevant to the concerns of America's working families.

I thank all of you for what you do, and I urge all of our colleagues to join all of us in supporting this important legislation.

Mr. ANDREWS. Madam Speaker, I am pleased to yield at this time 1½ minutes to the gentlelady from Chicago (Ms. SCHAKOWSKY) who is the Democratic leader of the bipartisan Women's Caucus in the House.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of two critical pieces of legislation, the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act.

It is high time for the United States to end gender discrimination in the workplace and to start paying women equal pay for an equal day's work.

As the Democratic co-Chair of the Congressional Caucus on Women's Issues, I'm particularly concerned about how the downturn in the economy will impact women and their families. Today in the United States of America, women earn just 78 cents for every dollar earned by a man. African American women earn just 63 cents on the dollar, and Latinas earn only 53 cents for each dollar males earn, and single women earn just 56 cents for every dollar earned by a man.

□ 1130

These alarming statistics, coupled with the fact that women are losing their jobs at a frightening rate, makes passing the Equal Pay Act even more important, and I thank ROSA DELAUNO for her leadership on that legislation.

But the Lilly Ledbetter Fair Pay Act provides adequate legal protections for wage discrimination. Lilly Ledbetter worked for 19 years at a Goodyear Tire plant and was routinely paid less than her male colleagues, including in her last paycheck. Unfortunately, the United States Supreme Court, in essence, said to employers, if you can just keep your underpaid women in the dark for 180 days, then you're free to deny her fair pay and leave her to attempt to meet her family's expenses on a salary that denies her rightful payment.

My colleagues, in this 21st century, it's time we made fairness the law of the land.

Madam Speaker, I rise today in support of two critical pieces of legislation, the Lilly

Ledbetter Fair Pay Act and the Paycheck Fairness Act. It is high time for the U.S. to end gender discrimination in the workplace and start paying women equal pay for an equal day's work.

As the Democratic Co-Chair of the Congressional Caucus on Women's Issues, I am particularly concerned about how the downturn in the economy will impact women and their families. Today, in the U.S.A. women earn just 78 cents for every dollar earned by a man. African American women earn just 63 cents on the dollar, Latinas earn only 53 cents for each dollar males earn and single women just 56 cents for every dollar earned by a man. These alarming statistics coupled with the fact that women are losing their jobs at a frightening rate makes passing pay equity legislation even more important.

I thank ROSA DELAUNO for her leadership on this legislation. The Paycheck Fairness Act will help put women's wages on par with those of their male colleagues.

We must also pass the Lilly Ledbetter Fair Pay Act to provide adequate legal protections from wage discrimination. Lilly Ledbetter worked for 19 years at a Goodyear Tire plant and was routinely paid less than her male colleagues including her last paycheck. Unfortunately the U.S. Supreme Court in essence compounded this problem when it overturned the lower court and denied her the right to seek relief from our legal system by telling her she waited too long to seek relief even though she had no way of knowing she was paid less. The Supreme Court's decision means that if an employer discriminates in paying a woman but she isn't aware of it for six months, the employer can continue to discriminate for years or even decades under an immunity shield that gives that woman no legal recourse.

In other words, if employers can just keep under paid women in the dark for 180 days, they are free to deny her fair pay and leave her to attempt to meet her family's expenses on a salary that denies her rightful payment. Women should be allowed to seek legal remedies for employment discrimination and the Lilly Ledbetter Fair Pay Act would remove existing barriers that prevent women from turning to the courts for help.

It is time that we help the many women this 21st century. Its time we make fairness the law of the land.

Finally, I would strongly recommend to all my colleagues if you want to do the right thing, if you want to be on the side of the women in your district, and if you do not want to be on the wrong side of history, cast a proud yes vote for the Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act.

Mr. ANDREWS. Madam Speaker, may I inquire as to the time left on each side?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining. The gentleman from California (Mr. MCKEON) has 20 minutes remaining.

Mr. ANDREWS. Madam Speaker, at this time, I would be pleased to recognize for 1 minute a gentlelady who once chaired the Equal Employment Opportunity Commission, who is the House's leading expert on this statute, the

gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for his hard work and for his leadership.

It's a rare privilege to cosponsor a bill about a law that I once enforced, but no pleasure at this time because it takes me back to the future, repeating what Congress did on this floor more than 40 years ago, permitting only what the act previously enforced, exactly as it was when I chaired the Equal Employment Opportunity Commission, both before and since that time.

The plaintiff in a discrimination suit carries a heavy burden; Congress never meant it to be an impossible burden. This is secret information—the pay of your coworkers. There is no way for you to know that kind of information any more than you know the health condition of your coworkers. Therefore, what we usually do in enforcement is give an incentive for the employer to contain his liability through self-remediation. The moment he finds the problem, he can contain his liability by in fact correcting the problem. Essentially what the Supreme Court has done is to perversely invite him to hold out for 180 days, and then it's all over, no matter how much discrimination.

This is a bill that must be passed because it already was passed more than 40 years ago.

Mr. ANDREWS. Madam Speaker, I am pleased at this time to yield 1 minute to the gentlelady from New York, a leader on the Equal Rights Amendment Campaign, Mrs. MALONEY.

Mrs. MALONEY. This is a very important bill for working women in our country. The bill overturns the unfair Ledbetter decision where five members of the Supreme Court basically told employers everywhere that if you can just get away with cheating an employee—usually a woman—for 6 months and not have them call you on it, you have our permission to continue to cheat them for the rest of their working life with you, and there is absolutely nothing you can do about it. The message is immoral and against all commonsense. If you cheat and nobody catches you in the first 6 months, it's okay.

A jury of Ledbetter's peers ruled that in fact she had economically been discriminated against. The only question was, can someone cheat you week after week, year after year and receive a get-out-of-jail-free card if they don't get caught in the first 6 months they cheat?

As Ruth Bader Ginsburg said in her stinging rebuke to the Supreme Court, "The Court does not comprehend or is indifferent to the way in which women can be victims of pay discrimination."

It's a very important bill. Thank you, Ruth Bader Ginsburg.

Mr. ANDREW. Madam Speaker, I am pleased to yield 1 minute to the energetic and strong young lady from Florida, my friend, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I met Lilly Ledbetter during a Judiciary Committee hearing in 2007. She told us then how it was only after 20 years of working at Goodyear that she learned of the long-standing pay discrimination against her. Immediately upon learning this, Lilly took her case to court. But instead of following long-standing precedent that each new unfair paycheck represented a new cause of action, the Supreme Court denied Lilly Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after the start of a discriminatory action to file suit, even if that employee has no way of knowing about it. This standard is impossible to meet. The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck.

I thank Chairman MILLER and Congresswoman DELAUNO for their outstanding leadership on this issue, and for my two beautiful daughters and the daughters of America, urge my colleagues to support fair pay in the workplace.

Mr. MCKEON. Madam Speaker, may I inquire as to how many further speakers there are?

Mr. ANDREWS. Madam Speaker, we have one further speaker, and then we would anticipate closure from the minority, in which case we would then close.

Madam Speaker, I am pleased to yield 30 seconds to a new Member, who is already making a very positive mark on this very important issue, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague for giving me 30 seconds.

I think today we right a wrong, a wrong not only about discrimination, but, frankly, a wrong done in the Supreme Court of the United States. The convoluted logic employed by a majority on that Supreme Court is also an injustice we, today, need to overturn. And so I'm so pleased to cast one of my first votes today on behalf of my daughter and all of the daughters of America to right this wrong.

Mr. MCKEON. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, these are serious times. The economy is facing challenges like none we've faced in decades, and this time those challenges are on a global scale.

The U.S. Department of Labor released its December jobs report this morning, and the news is jarring. The U.S. economy shed some 524,000 jobs in the month of December, and total job

losses for 2008 have reached 2.6 million. There are now 11 million Americans out of work, and the unemployment rate has climbed upward to 7.2 percent, the highest level since 1993.

The 111th Congress was sworn in this week amid these troubling indicators. What we do on this floor has the potential to help, but it also has the potential to harm. What we do here makes a difference, substantively, of course, but also symbolically. And what signal does it send to the Nation and the world that the first substantive order of business of the 111th Congress is not job creation or tax relief or economic stimulus, but, rather, a trial lawyer boondoggle that could put jobs and worker pensions in jeopardy.

We should have done better, and perhaps we could have done better if we had taken the time to craft a bipartisan bill, or if we would have had an open debate process that allowed all Members of this body to contribute in a thoughtful way.

Had this truly been a narrow fix, as its supporters would have the American people believe, this rush to approval may not have been such a problem. However, this is a major fundamental change to civil rights law, and no less than four separate statutes.

The last change to civil rights law of this magnitude, the 1991 Civil Rights Act, took 2 years of negotiation, debate and partisan accord to accomplish. Instead, what we have before us is a partisan product that is fundamentally flawed. It guts the statute of limitations contained in current law, and in doing so would allow an employee to bring a claim against an employer decades after the alleged initial act of discrimination occurred. Trial lawyers, you can be sure, are salivating at this very prospect.

Madam Speaker, this is a bad bill that is the result of an equally bad process. I urge my colleagues to join me in opposing this bill.

Madam Speaker, I yield back the balance of my time.

Mr. ANDREWS. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, Lilly Ledbetter won an award for being the best at her job in her company. She was woefully underpaid compared to the men along whom's side she worked doing the same job. She said that she was underpaid because she was a woman, the employer said she was underpaid because she wasn't as good at her job. So they both went before a jury of their peers in Alabama, and the jury unanimously decided that Ms. Ledbetter was right and the employer was wrong, and they decided that she should be financially compensated for that wrong. But then she got an unwelcome surprise, that because she hadn't acted at precisely the right moment, because she hadn't acted against a wrong she did not know existed yet, because she did not have

the power of a stance, she could not file her claim.

The Supreme Court, with all due respect, turned this law into a trap and a game. Today, we are recorrecting that law, restoring the notion that when a woman goes to work in this country, she should be compensated on how good she is at her job, not her gender. Vote "yes" on this bill.

Mr. DINGELL. Madam Speaker. I am pleased to rise today to join with my colleagues in passing H.R. 11, the Lilly Ledbetter Fair Pay Act.

Ms. Ledbetter worked at Goodyear for over 19 years, retiring as a supervisor in 1998. Unbeknownst to Ms. Ledbetter during her time at Goodyear she earned 20 percent less in salary and a smaller pension than the lowest-paid male supervisor. While a jury found in Ms. Ledbetter's favor, agreeing that she had been discriminated against and awarding her \$3.8 million in back pay, the Supreme Court did not agree.

In 2007, the Supreme Court overturned this decision finding that Ms. Ledbetter made her claim too late. This decision ignored the fact that Ms. Ledbetter filed her charge within 180 days of a discriminatory paycheck from Goodyear, which is in line with the 180 days requirement under Title VII of the Civil Rights Act.

Today this Congress has an opportunity to pass this legislation that will not only help Lilly Ledbetter recover the wages she rightly deserved, but it will ensure that the women who come after Ms. Ledbetter will not have to suffer her same fate. Under this bill every paycheck or other compensation that is discriminatory in nature would restart the clock for filing a charge. Furthermore, it entitles employers up to two years of back pay, unlike the 180 days of back pay given to Ms. Ledbetter.

During today's economy more and more families are relying on two paychecks to put dinner on the table, buy school supplies for their children or visit the doctor. A smaller paycheck not only hurts female employees who deserve proper compensation, but the families they also must provide for. I urge my colleagues, to join with me in supporting both this bill. A vote in favor will go a long way in ensuring our daughters and granddaughters are treated as equals in the workplace.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of the Lily Ledbetter Fair Pay Act (H.R. 11), which is the first of two bills the House will consider today focused on ensuring fair and equal pay for women in our workforce.

By now, most of us have heard the heart-rending story of Lily Ledbetter. Despite being intentionally paid 20 percent less than her male colleagues for 19 years, Ms. Ledbetter was denied damages by Supreme Court. In its May 27, 2007, the Court, by a narrow majority, ruled that because Ms. Ledbetter failed to file a claim within 180 days of the initial discriminatory action, she had missed her opportunity to challenge her employer.

Thankfully, we have the opportunity today to overturn the Supreme Court's egregious decision by approving the Lily Ledbetter Fair Pay Act. This legislation clarifies that each discriminatory paycheck represents a new act of dis-

crimination and therefore restarts the 180 day statute of limitation. By restoring the law to as it was prior to the Supreme Court's ruling, we will ensure that women, such as Lilly Ledbetter, who are unknowingly discriminated against for years retain the legal right to challenge their employer and obtain compensation for the discrimination that they have endured.

Madam Speaker, the legislation before us today does nothing more than restore common sense to the laws that protect our nation's women from discrimination. I urge all of my colleagues to fully support it.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 11, "The Lilly Ledbetter Fair Pay Act." The time has come for the Congress to reverse the wrongheaded and discriminatory Supreme Court case of *Ledbetter v. Goodyear Tire Co.* If left intact, this case will not only continue to undermine the validity of our Nation's gender discrimination laws, but also laws that prevent employer discrimination based on race, religion, national origin, disability, or age.

Madam Speaker, I was shocked when I heard the story of Lilly Ledbetter, the Goodyear Tire plant employee who suffered from pay discrimination for nearly two decades. After learning that she had been victimized by her employer, she brought an Equal Employment Opportunity Commission complaint against Goodyear. Unfortunately, in 2007, a majority of our anti-worker, pro-corporate Supreme Court denied her claim, ruling that employees must file a wage-discrimination complaint within 180 days of the very first discriminatory payroll decision. This means that in order to have her day in court, Ms. Ledbetter would have needed to file suit in 1979, even though there was no way she could have known that discrimination was occurring at that point. And even though each successive payroll left her with fewer dollars than her equally qualified colleagues, the Justices of the Supreme Court argued that Ms. Ledbetter had missed her chance at justice.

Ms. Ledbetter, a clear victim of discrimination, was left without recourse in a country founded on a respect for the rule of law. For this, we should be ashamed.

Adding insult to injury, federal and state courts packed with conservative jurists have taken the precedent created by the Roberts Court's *Ledbetter* decision and expanded upon its logic—for the sole purpose of undermining a wide range of antidiscrimination laws. Because statutes which prevent discrimination are extremely similar in form to one another, it has been extremely easy for these jurists to employ the logic found in a gender discrimination case like *Goodyear* to disenfranchise claimants seeking redress under provisions of the Civil Rights Act, The Americans with Disabilities Act, the Immigration Reform and Control Act, The Age Discrimination in Employment Act, and many other laws aimed at ending anti-discrimination.

If enacted, this bill will clarify that each paycheck resulting from a discriminatory pay decision is a new violation of employment non-discrimination law. As long as a worker files a charge within 180 days of a discriminatory paycheck, the charge would be considered timely.

Madam Speaker, I believe that our courts are our last line of defense when it comes to

protecting the fundamental rights enshrined in our Constitution and in our civil rights laws. With our marketplace and court systems unwilling to correct obvious injustices, we need a legislative solution that will ensure that the universal values of fairness, respect, and decency continue to be a part of the American workplace. For the sake of "equal pay for equal work" and the continued utility of all of our federal discrimination laws, I urge my colleagues to support this bill.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of the Lilly Ledbetter Fair Pay Act (H.R. 11, which addresses gender-based wage discrimination. This is a historic day in the fight for equal rights for women, and I would like to thank Speaker NANCY PELOSI and House leaders for making pay equity for women among the first votes in the 111th Congress.

Families are struggling with the current economic crisis, making it more important than ever that women, who are often the head of the household and make up nearly half the workforce, are compensated fairly and equitably. Leading the legislative session with measures to reverse gender-based wage bias is a clear signal of the level of commitment American families can expect from this Congress.

The disastrous economic policies of the Bush administration failed to address major workforce equity issues over the last eight years. It is unacceptable that on average, women only make 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. That could mean a difference of \$400,000 to \$2 million over a lifetime in lost wages. Furthermore, the wage disparity grows wider as women age and threatens their economic security, retirement, and quality of life. The new Congress and the incoming administration must act quickly to protect America's workers from wage-discrimination.

The Lilly Ledbetter Fair Pay Act seeks to level the playing field between men and women. This bill is named for a woman who worked for nearly two decades at a Goodyear Tire and Rubber facility in Alabama. She sued the company when she learned that she was the lowest-paid supervisor at the plant, despite having more experience than several of her male counterparts. A jury found that her employer had unlawfully discriminated against her on the basis of sex. However, the Supreme Court said that Ledbetter had waited too long to sue for pay discrimination. This legislation will restore the intent of the Civil Rights Act before the Supreme Court decision and will keep employers from being able to run out the clock by keeping discriminatory practices hidden.

There is no question that our top priority is to get Americans and our economy working again. The Lilly Ledbetter Fair Pay Act recognizes that equal pay is not only an issue of fairness for women, but also one of fairness for working families. In these tough economic times, this bill could make all the difference for working families to make ends meet in their everyday lives. Through these efforts we can help give families the resources they need to give their children a better future. Pay equity should not be a benefit that needs to be bargained for, it is a promise that the government must ensure.

I urge my colleagues to support this bill to ensure economic security for women, their families, and our communities. Through this legislation we can ensure a better future for our daughters, granddaughters, and generations to come.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 11, the Lilly Ledbetter Fair Pay Act. As an original cosponsor of this bill, I am pleased to see this legislation on the House floor today.

H.R. 11 would correct an injustice and break down barriers to equal pay. From 1979 until 1998, Lilly Ledbetter worked as a supervisor for the Goodyear Tire & Rubber Company. Although Ledbetter initially received a salary similar to the salaries paid to her male colleagues, a pay disparity developed over time. By 1997, the pay disparity between Ledbetter and her 15 male counterparts had widened considerably, to the point that Ledbetter was paid \$3,727 per month while the lowest paid male colleague received \$4,286 per month and the highest-paid male colleague received \$5,236 per month. An anonymous note informed Ms. Ledbetter of this discrimination, which had been going on for years, and she immediately filed a complaint in 1998. A jury found in her favor, but, in a misguided Supreme Court decision, the jury's verdict was overturned. According to the Supreme Court, her complaint was too late.

This decision makes it more difficult for employees to sue for pay discrimination under Title VII, which was not the intent of Congress when the title was written into law. H.R. 11 would clarify that the statute of limitations for suing employers for pay discrimination begins each time they issue a paycheck and is not limited to the original discriminatory action. This change would be applicable not only to Title VII of the Civil Rights Act, but also to the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

Madam Speaker, I urge my colleagues to support this bill to protect women like Lilly Ledbetter from taking their case for equal pay all the way to the Supreme Court, to support single mothers who may worry whether or not they are being treated fairly by their employers while they provide for their children, and to ensure that daughters entering college can reach their full potential when they graduate.

Mr. GRIJALVA. Madam Speaker, the Supreme Court's recent decision in Ledbetter v. Goodyear was a giant step backwards for America in its commitment to fairness and equality. It is hard to believe that at the end of the first decade of the 21st century, our country is still struggling with gender based employment and wage equity. The Ledbetter decision made a legal remedy for this discriminatory practice considerably more difficult.

As Justice Ginsberg pointed out in her dissent, the decision counsels women to sue early on, "when it is uncertain whether discrimination accounts for the pay disparity you are beginning to experience. Indeed, initially you may not know that men are receiving more for substantially similar work. Of course, you are likely to lose such a less than fully baked case. If you sue only when the pay disparity becomes steady and large enough to enable you to mount a winnable case, you will

be cut off at the court's threshold for suing too late."

Under this precedent, evidence of an employer knowingly carrying past pay discrimination forward must be treated as lawful. This was clearly not the intent of the legislation.

Today's legislation attempts to remedy the destructive effects of the Court's actions. Under this bill, each sex-based discriminatory salary payment constitutes a new violation of Title VII. As a result, if an individual uncovers a sex based discriminatory act related to compensation that has been going on for years, like Ms. Ledbetter, that individual can seek redress.

If we oppose discrimination in compensation then we must provide a legal recourse for those who have been discriminated against. The Fair Pay Act effectively restores this just and necessary remedy.

Mr. MORAN of Virginia. Madam Speaker. I rise today in support of H.R. 11, The Lilly Ledbetter Act. This legislation was passed by the House in the 110th Congress and we should pass it again today so the Senate can act swiftly and get this important initiative signed into law.

Mrs. Ledbetter was a victim of a system gone awry. When she was hired as a supervisor at Goodyear's tire assembly department in Gadsden, Alabama, her wages were exactly on par with those of a male employee working by her side. Mrs. Ledbetter didn't know her first paychecks matched her co-workers' paychecks. She just assumed they did.

Then, in 1998, an anonymous note informed her that her annual salary was lagging \$15,000 behind a certain male co-worker. In fact, she was being paid less than all her male counterparts in the tire assembly department, even recent hires.

Within a month after receiving the note, Ledbetter filed a discrimination charge with the Equal Employment Opportunity Commission. But Title VII of the 1964 Civil Rights imposes a six-month limitation period on discriminatory acts; Ledbetter's evidence was limited to events that took place after Sept. 26, 1997, or 180 days prior to her EEOC charge.

In November of 1998, she filed suit to determine and recoup her losses. Goodyear said Ledbetter's poor job performance was to blame. But she prevailed and was awarded nearly \$4 million in pay and punitive damages, which the judge reduced to \$360,000. Of course, Goodyear appealed, and the 11th Circuit Court of Appeals' unanimous opinion tossed out the award and dismissed Ledbetter's complaint altogether.

In 2007, in a 5-4 decision, the United States Supreme Court upheld the 11th Circuit's decision, finding that the limitations period for a disparate pay claim cannot be extended or disregarded. But how can a claim be filed if there is no knowledge of the discriminatory act?

Congress must now act on Justice Ruth Bader Ginsburg's dissenting comment that she read from the bench: "the ball is in Congress's court," and "correct this parsimonious reading of Title VII." I agree with Justice Ginsburg; this court "does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination."

Colleagues, let us pass this bill and correct this gross inequity.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today, I am pleased to speak about two bills that will go a long way towards establishing gender equity in American workplaces. The Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act will help close the legal loopholes and restore the initial intent of our civil rights laws.

It has been 45 years since the passage of the landmark Equal Pay Act of 1963, and while pay disparities have narrowed, a strong wage disparity still exists. In fact, according to the U.S. Census Bureau women still make only 78 cents on the dollar to their male counterparts.

We cannot deny that this gender disparity exists, and it is essential that we close the loopholes that allow it to continue. The Paycheck Fairness Act increases enforcement and accountability in cases of discrimination, and provides relief for women who face retaliation for standing up for equal pay. It also requires the Department of Labor to increase their efforts to end pay disparities.

Last year, the U.S. Supreme Court overturned a longstanding prior law making it increasingly difficult for workers to pursue legal remedies for pay discrimination. Today we will work to restore the intent of the Civil Rights Act through passage of the Lilly Ledbetter Fair Pay Act. We will no longer unfairly turn back to the clock on discrimination claims. An incident of pay discrimination occurs each time a worker receives a lesser paycheck because of their gender, and we must treat it as such. We can no longer distort the intent of the law to protect those who seek to discriminate.

These bills are not only for women, but for children and families. For the millions of working mothers in America—many of whom are heads of households—it offers financial stability. This wage disparity is costing women between \$400,000 and \$2 million over a lifetime.

Lower wages factor into long-term financial planning. Retirement and Social Security are based on income. Retirement aged women today are far less likely to receive a pension, and rely on Social Security benefits to survive. The wage discrimination women are facing today will continue to follow them well into retirement.

We cannot continue to simply accept this disparity, and the Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act are strong statements that this type of discrimination will not be tolerated. I would like to thank Congresswoman DELAURO and Chairman MILLER for offering these important pieces of legislation, and commend the Democratic leadership for bringing these bills to the floor.

Mr. BLUMENAUER. Madam Speaker, today I am proud to support two important workplace civil rights bills addressing pay discrimination—the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act. In the years since the 1963 Equal Pay Act, women have made enormous advances toward economic equality. However, the goal of “equal pay for equal work” is not yet reality.

Today, the average full-time working woman earns only 78 cents for every \$1 a man makes. Women of color are worse off. African-American women make 69 cents on the dollar, while Hispanic women make only 56 cents. A

recent study of college graduates showed that in their first year after graduation, women earned only 80 percent as much as male graduates, demonstrating the gender pay disparities only compound over time.

These pay disparities equal a significant loss of income—anywhere from \$400,000 to \$2 million over a lifetime—which has a tremendous impact on lives of women and their families, especially as so many are struggling with the economic turnaround.

In 2007, the Supreme Court made it virtually impossible for victims of pay discrimination to go to court to vindicate their rights, holding that any challenges to pay discrimination must be filed within 180 days of an employer's initial decision to discriminate. The Lilly Ledbetter Fair Pay Act will overturn the Supreme Court's decision in *Ledbetter v. Goodyear Fire & Rubber Co.*, and restore the long-standing interpretation of civil rights laws that employees can file pay discrimination claims within 180 days of each discriminatory paycheck they receive.

The Paycheck Fairness Act strengthens the Equal Pay Act to ensure that it provides effective protection against sex-based pay discrimination by closing loopholes and barring retaliation against workers who disclose their wages. Additionally, it also allows women to receive the same remedies for sex-based pay discrimination that are currently available to those subject to discrimination based on race and national origin.

This meaningful legislation will help further advance American women and families' economic security and I am proud to support both.

Ms. ESHOO. Madam Speaker, I rise today to express my strong support for H.R. 11, the Lilly Ledbetter Fair Pay Act. I salute the extraordinary work of Chairman MILLER and Congresswoman DELAURO to bring these important bills to the floor today.

Lilly Ledbetter worked for nearly 20 years at a Goodyear Tire and Rubber facility in Alabama. After 20 years, she received an anonymous note alerting her to pay discrimination against her. She learned that she was the lowest-paid supervisor at the plant, despite having more experience than many of her male counterparts. For 20 years she worked hard and played by the rules only to be paid less and treated unfairly. She then sued Goodyear for pay discrimination. A jury of her peers found that her employer had unlawfully discriminated against her on the basis of sex and awarded her back pay. Her case was appealed and reached the Supreme Court which held that Ledbetter had waited too long to sue for pay discrimination, despite the fact that she filed a charge with the U.S. Equal Employment Opportunity Commission as soon as she received the anonymous note. The Supreme Court said that under Federal fair pay laws a person must file a discrimination claim within 180 days of the first violation.

Today our opponents will say that this bill is a trial lawyer's dream and that it will bring unnecessary litigation. This is simply not true. The Lilly Ledbetter Fair Pay Act restores the law as it was prior to the Supreme Court's decision. Prior law was fair and worked. Before the Court's ruling, the law was clear—every discriminatory paycheck was a new violation

of the law that restarted the clock for filing a claim. Under the Supreme Court's ruling, the Ledbetter decision allows employers to escape responsibility by keeping their discrimination hidden and running out the clock.

The Lilly Ledbetter Fair Pay Act clarifies that each new paycheck resulting from a discriminatory pay decision constitutes a new violation of employment nondiscrimination law. As long as a worker files a charge within 180 days of a discriminatory paycheck, the charge would be considered timely.

This is what the law was and what it should be going forward. I'm very proud to support this bill and I urge a “yes” vote on the underlying legislation.

Mr. STARK. Madam Speaker, I rise in strong support of pay equity.

The Supreme Court's ruling in *Ledbetter v. Goodyear* was absurd. If I broke the law for nearly two decades—as the Goodyear Tire and Rubber Company did when they stiffed Lilly Ledbetter out of the pay she deserved for 19 years—I couldn't turn around and say that I didn't owe anything because no one caught me during the first 6 months. Yet that's exactly what the Supreme Court allowed Goodyear to say to Ms. Ledbetter.

The existing law is unfair. Many workers don't even discover that they're being discriminated against until the existing 180-day statute of limitations has passed. In every other area of American tort law, the clock restarts with every new violation. The Lilly Ledbetter Fair Pay Act simply fixes existing law so that sex discrimination is treated the same way.

My Republican colleagues love to call up the “frivolous lawsuits” bogeyman to scare hard-working Americans out of their rights, but there's nothing frivolous about equality and justice. The wage gap in the United States has remained stagnant over the last 7 years. Women in the United States still make less than 78 cents for every dollar a man makes. Women of color have it even worse: African-American women earn only 68.7 cents and Latin American women 59 cents for every dollar an American man makes.

That's why I'm a co-sponsor of the Lilly Ledbetter Fair Pay Act, and why I encourage all of my colleagues to join me in passing this important legislation. American workers deserve better. They deserve equal pay for equal work, regardless of gender, race, ethnicity, religion, and sexual and gender orientation. When they don't get it, they deserve their day in court.

Mr. TIAHRT. Madam Speaker, I rise today in opposition to H.R. 11, the Lilly Ledbetter Fair Pay Act. Although I join my colleagues in steadfast opposition to pay discrimination, this ill-advised, over-reaching, and disingenuous overhaul of civil rights law is the wrong approach.

Pay discrimination is not a partisan issue. Pay discrimination strikes at the heart of the American Dream. For more than 40 years, the 1963 Equal Pay Act and Title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. I wholeheartedly agree and support these laws. Every American should be able to work hard, and make a living for his or her family. We can not tolerate gender discrimination in the workplace.

This legislation, however, is about bad politics rather than good policy. H.R. 11 was supposedly written to remedy a sad situation for one person—Lilly Ledbetter. She was apparently paid significantly less than her counterparts at Goodyear Tire Company during her tenure there. Decades later Ms. Ledbetter filed a claim of discrimination. Taking her claim through the courts, the U.S. Supreme Court ruled on May 29, 2007 that the statute of limitations had unfortunately run out.

Instead of simply restoring prior law, by overturning a Supreme Court ruling against Ms. Ledbetter, in reality, Democrats will gut a decades-old statute of limitations that prevents the filing of “stale” claims and protects against abuse of the legal system. Current law rightly provides a statute of limitations to file a discrimination claim, up to 300 days after the alleged workplace discrimination occurred. Under this bill, however, employees or retirees could sue for pay discrimination years, even decades, after the alleged discrimination.

How can a company defend itself when the accused offenders left the company decades before? The answer is—they can’t. And that is exactly the answer desired by the trial lawyers who support this legislation. This legislation will not end pay discrimination, but it will certainly encourage frivolous claims and lawsuits. It is inevitable that under this legislation employees will sue companies for reasons that have little if anything to do with the accused discrimination.

Madam Speaker, the issue of pay discrimination is too important to consider this poorly crafted, politically motivated piece of legislation. As much as we sympathize with Ms. Ledbetter, H.R. 11 is bad legislation. Let us instead join together, work in a bipartisan manner, to address pay discrimination while not destroying decades-worth of solid employment discrimination law. Until then, I ask my colleagues to join with me in opposing this legislation.

Mr. HOLT. Madam Speaker, I rise in strong support of the H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009.

For nearly 20 years, Lilly Ledbetter worked at a Goodyear Tire facility in Alabama. After learning that she was the lowest paid supervisor—earning 20 percent less than the lowest paid, least experienced man in the same position at Goodyear—she sued the company for pay discrimination. On May 29, 2007, after a series of cases and appeals, the Supreme Court handed down a disturbing 5–4 ruling that fundamentally rewrote protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

According to Justice Samuel Alito, who wrote the flawed decision, when Ms. Ledbetter failed to file a discrimination case within the statutorily provided 180 days from the initial decision to pay her less than her male colleagues, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

Justice Alito’s opinion runs contrary to decades of civil rights law, and the Lilly Ledbetter Fair Act would restore the law as it was prior

to the Court’s ill considered decision. This bill would make it clear that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices.

As an original cosponsor of the Lilly Ledbetter Fair Pay Act, I urge my colleagues to support its passage, and I encourage the Senate to work quickly to send it to the President.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act. As an original cosponsor of both pieces of legislation, I will proudly cast my vote for both bills before us today.

The Lilly Ledbetter Fair Pay Act corrects an errant Supreme Court decision in the case of Ledbetter v. Goodyear, which denied a woman named Lilly Ledbetter equal pay for equal work by ruling that she had only 180 days from her first discriminatory paycheck to file her claim, whether she was aware of that discrimination or not. This legislation will help ensure fair treatment in the workplace by clarifying that every paycheck resulting from a discriminatory pay decision constitutes a new violation of employment discrimination law.

The Paycheck Fairness Act will complement the Ledbetter bill by plugging loopholes that have been used to weaken enforcement of the Equal Pay Act. This legislation will ensure that employers have a job-related reason for any disparity in pay. It also protects from retaliation employees who discuss salary matters and puts gender discrimination on equal footing with other forms of wage discrimination when it comes to seeking damages.

Madam Speaker, while we have made important strides towards gender equality in our Nation, American women still make only 78 cents for every dollar earned by their male counterparts for equal work. Together, these bills will bring us closer to America’s promise of workplace equality for all of our citizens.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(a) of House Resolution 5, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this bill will be postponed.

PAYCHECK FAIRNESS ACT

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to section

5(b) of House Resolution 5, I call up the bill (H.R. 12) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Paycheck Fairness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act in 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—
(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women’s retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act has not worked as Congress originally intended. Improvements and modifications to the law are necessary to ensure that the Act provides effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress' power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the Equal Pay Act, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employment Opportunity Commission to their responsibilities, increased information as a result of the amendments made by this Act to the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA-FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking “No employer having” and inserting “(A) No employer having”;

(2) by striking “any other factor other than sex” and inserting “a bona fide factor other than sex, such as education, training, or experience”;

(3) by inserting at the end the following: “(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

“(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term ‘establishment’ consistent with rules prescribed or guidance issued by the Equal Opportunity Employment Commission.”

(b) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) in subsection (a)(3), by striking “employee has filed” and all that follows and inserting “employee—

“(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing or action, or has served or is planning to serve on an industry Committee; or

“(B) has inquired about, discussed or disclosed the wages of the employee or another employee.”;

(2) by adding at the end the following:

“(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.”

(c) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: “Any employer who violates section 6(d) shall additionally be liable for such compensatory damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.”;

(2) in the sentence beginning “An action to”, by striking “either of the preceding sentences” and inserting “any of the preceding sentences of this subsection”;

(3) in the sentence beginning “No employees shall”, by striking “No employees” and inserting “Except with respect to class actions brought to enforce section 6(d), no employee”;

(4) by inserting after the sentence referred to in paragraph (3), the following: “Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.”; and

(5) in the sentence beginning “The court in”—

(A) by striking “in such action” and inserting “in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection”; and

(B) by inserting before the period the following: “, including expert fees”.

(d) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting “or, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b),” before “and the agreement”; and

(B) by inserting before the period the following: “, or such compensatory or punitive damages, as appropriate”;

(2) in the second sentence, by inserting before the period the following: “and, in the case of a violation of section 6(d), additional

compensatory or punitive damages, as described in subsection (b)”;

(3) in the third sentence, by striking “the first sentence” and inserting “the first or second sentence”; and

(4) in the last sentence—

(A) by striking “commenced in the case” and inserting “commenced—

“(1) in the case”;

(B) by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.”

SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 10, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 5. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) INCORPORATING TRAINING INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the

Secretary of Labor determines to be appropriate.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this Act.

SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) **IN GENERAL.**—There is established the Secretary of Labor's National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)).

(b) **CRITERIA FOR QUALIFICATION.**—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The Secretary shall establish procedures for the application and presentation of the award.

(c) **BUSINESS.**—In this section, the term "employer" includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8) is amended by adding at the end the following:

"(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

"(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

"(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

"(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports."

SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) **BUREAU OF LABOR STATISTICS DATA COLLECTION.**—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) **OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.**—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define "similarly situated employees" in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10-III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60-2.18 of title 41, Code of Federal Regulations (as in effect on September 7, 2006), designating not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) **DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.**—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimi-

nation, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$15,000,000 to carry out this Act.

(b) **PROHIBITION ON EARMARKS.**—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

SEC. 11. SMALL BUSINESS ASSISTANCE.

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) **TECHNICAL ASSISTANCE MATERIALS.**—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small businesses in complying with the requirements of this Act and the amendments made by this Act.

(c) **SMALL BUSINESSES.**—A small business shall be exempt from the provisions of this Act to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act pursuant to section 3(s)(1)(A)(i) and (ii) of such Act.

SEC. 12. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendments made by this Act, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

The **SPEAKER** pro tempore. Pursuant to section 5(b) of House Resolution 5, the gentleman from California (Mr. MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. **GEORGE MILLER** of California. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, Members of the House, in 1963, the Equal Pay Act was passed to end the discriminatory practices of paying men and women differently for performing the same job. The law's principle is that women and men should be paid based upon their merits and not on an employer's prejudice.

Before the Equal Pay Act, women in the workplace earned 59 cents on the dollar compared to their male counterparts. Things have gotten better since the passage of the act, but we still see that women earn only 78 cents for every dollar that is earned by a man doing the same job with the same responsibilities.

It is also very disturbing that African American women earn only 66 cents on the dollar, and Hispanic women earn an astonishing 55 cents on the dollar compared to their male counterparts in the workplace. This wage disparity will cost women anywhere from \$400,000 to \$2 million over a

lifetime in lost wages, and it will follow them right into retirement in the form of smaller pensions and reduced Social Security benefits. It will make their health care even more expensive.

Today, this House will take a critical step forward to ensure that the Equal Pay Act lives up to its promise. Over 12 years ago, our colleague, ROSA DELAUNO from Connecticut, introduced the Paycheck Fairness Act. In those 12 years, she was unable to get a hearing in this Congress. But she has now received a hearing, and later today she will receive passage of this legislation that will greatly strengthen the Equal Pay Act and close many of the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

Currently, an employer can refute a pay discrimination claim if he or she provides the difference of pay is based upon any factor other than gender, even factors unrelated to the job. That is just unacceptable. An excuse for equal pay that is not related to the job is no excuse at all. H.R. 12 will ensure that employers either provide equal pay for equal work, or provide a real business justification for not doing so. They will have to show that any gender-based wage differential is job-related, not based on or derived from gender-based differential and is consistent with business necessity.

H.R. 12 will also prohibit employers from retaliating against employees who discuss their pay. Many employers have policies forbidding employees from talking about their pay. This was the case of Lilly Ledbetter, the subject of the previous legislation that we just considered here this morning.

□ 1145

For years, Lilly Ledbetter was paid less than her male counterparts just because she was a woman, but she was unable to know that because she could not discuss her pay with any of the other supervisors, the people in the place of employment. That is wrong. They should be allowed to do that.

Such policies silence workers and allow employers to hide discriminatory pay practices. Employees should feel free to discuss their pay. It is often the only way that they can discover discriminatory pay practice and seek to rectify them.

The bill will also put gender-based discrimination sanctions on an equal footing with other forms of discrimination by allowing women to sue for punitive damages in addition to compensatory damages, just as business and workers may do under section 1981 for race and national origin discrimination.

If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the weak sanctions under the current law.

The Paycheck Fairness Act will require the Department of Labor to continue collecting pay information based upon gender. It also creates a program designed to help strengthen the negotiation skills of girls and women.

Any pay gap based on gender is unacceptable, especially during these tough economic times. Single women who are head of households are twice as likely to be in poverty as single men.

For families, especially those working under or near the poverty line, equal pay for women will make a significant difference in their economic well-being.

Allowing wage discrimination to continue will hold down women and their families while further harming the American economy.

And, again, I'd like to thank Congresswoman ROSA DELAUNO for her passionate advocacy of this legislation and her introduction of this legislation.

I reserve the balance of my time.

Mr. McKEON. Madam Speaker, I rise in opposition to the bill, and I yield myself such time as I may consume.

Discrimination in the workplace is wrong. Paying women lower wages for the same work is wrong. It's also illegal.

Congress enacted protections to ensure equal pay for equal work in 1963 when the Equal Pay Act was added to the Fair Labor Standards Act. Congress acted again to protect women and all Americans from workplace discrimination with the enactment of title VII of the Civil Rights Act.

Together, these laws offer women strong protections against workplace discrimination and strong remedies should they be subject to illegal employment practices.

Yet we're here today debating a bill that has been touted as necessary to protect women from being underpaid. Supporters of the bill would have you believe that unless this legislation is enacted, employers are free to pay women less money for doing the same job as their male counterparts. Nothing could be further from the truth.

This bill isn't needed to protect women from wage discrimination. Such protections are already included in the law. No, this bill is about something entirely different.

Rather than addressing the real concerns of working families, issues like job training, health care, or a lack of workplace flexibility, this bill invites more and costlier lawsuits.

The bill opens EPA claims to unlimited compensatory and punitive damages for the first time ever. The majority offered an amendment last year that attempts to mask this trial lawyer boondoggle. But make no mistake about it, at the end of the day, this bill will invite more lawyers to bring more lawsuits because it offers them the promise of a bigger payday.

H.R. 12 will breed litigation in other ways as well, from encouraging class action lawsuits to expanding liability.

I am also concerned that this bill has been put forward using misleading claims to justify its dangerous consequences. One statistic that is often repeated is that women earn just 77 cents on the dollar compared to men. Madam Speaker, if a woman earned 77 cents on the dollar doing the same job as a male counterpart, it would be a travesty and it would be illegal.

What supporters of this bill won't tell you is that the 77 percent figure does not compare one man and one woman, equally situated, doing the same job. To argue that a woman only makes 77 cents on the dollar doing the same work as her male counterpart is to distort reality. The 77 percent figure is based on 2005 census data, looking at median earnings of all women and all men who work at least 35 hours per week. Interestingly, if you look at 2006 data from the U.S. Department of Labor comparing men and women who worked 40 hours per week, women actually earned 88 cents on the dollar. That's better but not good enough. The wage gap is much narrower, but the existence of a gap is still troubling.

However, in the 110th Congress, the Education and Labor Committee heard testimony that cited an article published in "The American Economic Review," which found that when data on demographics, education, scores on the Armed Forces Qualification Test, and work experience are added, the wage ratio rises to 91.4 percent. The addition of variables measuring workplace and occupational characteristics, as well as child-related factors, causes the wage ratio to rise to 95.1 percent. When the percentage female in the occupation is added, the wage ratio becomes 97.5 percent, a far less significant difference.

In another study, researchers from the University of Chicago and Cornell University found almost no difference in the pay of male and female top corporate executives when accounting for size of firm, position in the company, age, seniority, and experience.

So before we use the 77 percent figure to justify new legal "gotchas," I think we need a better understanding of the scope of any actual pay disparity and why such a disparity exists.

Madam Speaker, I've said it before and I will say it again: discrimination in the workplace is wrong. Equal pay for equal work was the right principle when it began in 1963, and it is still right today.

The bill before us is not about ensuring equal pay for equal work, and it doesn't offer working women any protections they don't already enjoy. Just look at the plain text of the legislation. This bill is about more and costlier lawsuits.

Madam Speaker, I'm strongly opposed to this bill, and I encourage my colleagues to join me in voting "no."

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman

from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Madam Speaker, at one time I was a single mother raising three small children. I worked full time, but I still struggled to put food on the table and to care for my children because my paycheck did not cover all of our needs. That's when women earned 59 cents on the dollar. That's when I needed Aid for Dependent Children to make ends meet at our house, even though I got a paycheck every month.

And that's when I decided that I should join the Sonoma County Commission on the status of women where I eventually became the Chair, and we worked to change that very statistic of what women earn compared to men. But we now are only at 77 cents to the dollar.

That actually was more than 40 years ago, but today there are still millions of mothers in this country that are struggling to provide for their families while trying to balance full-time work. It is a fact, and we have said it before today, that single mothers are twice as likely than single fathers to raise their children in poverty. Unfortunately, so long as women continue to receive 77 cents on the dollar earned by a man, this statistic is unlikely to change anytime soon, particularly when a woman college graduate earns the equivalent of a male gardener.

You've got to take those statistics into your head. You've got to know what it means, and in this current economic climate, things are so bad. We can't in good conscience sit by, and let one American worker earn less than she rightfully deserves.

This gap in pay cannot be explained away just as a result of women's personal choices. In fact, a recent study from the American Association of University Women found that just 1 year out of college, women working full-time make just 80 percent of what their male counterparts earn.

The Paycheck Fairness Act is one of the first steps to get us back to an economic recovery. It must be passed.

Mr. McKEON. I'm happy to yield to at this time to the subcommittee ranking member over this piece of legislation, the gentleman from Minnesota (Mr. KLINE), such time as he may consume.

Mr. KLINE of Minnesota. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, once again I find myself rising in opposition to ill-conceived legislation before Congress. Closely related to the Ledbetter bill we debated earlier today, the so-called Paycheck Fairness Act is yet another attempt to hamstring our Nation's businesses by limiting their ability to make hiring decisions based on the merits of their individual employees.

Despite the misleading title, this bill isn't about paycheck fairness. As my colleagues on the Education and Labor Committee know very well, multiple existing laws, including the Fair Labor Standards Act and the Civil Rights Act, already make it illegal to discriminate on the basis of sex, and rightly so.

Rather than curbing discriminatory employment practices, as its supporters claim, this bill vastly expands the likelihood of discrimination lawsuits by making it easier and more lucrative for trial lawyers to bring such cases. In fact, a more apt name for this bill would be the Plaintiff Bar or Trial Lawyer Expansion Act, and I can understand why some of my colleagues who may have law schools in their districts or have the opportunity to perhaps build a new law school might, in fact, be in favor of this legislation.

This bill would allow discrimination claims to be made on very thin grounds and expose employers to unlimited claims made under the Equal Pay Act, far beyond what is available under any other civil rights law. The bill also exposes employers to unlimited punitive and compensatory damage awards, without requiring proof of intentional discrimination. It eliminates key employer defenses for pay disparities, and it prohibits employers from disciplining or discharging employees for publicly disclosing sensitive wage information.

Madam Speaker, we all can agree that wage discrimination is unconscionable. It is prohibited under Federal laws that are already strongly supported and aggressively enforced by the U.S. Department of Labor.

Congress should not be in the business of making employment decisions for individual businesses. In times of economic uncertainty, we should instead focus on improving conditions for individual workers and enabling our Nation's businesses, large and small, to continue to create jobs and drive our Nation's economy.

I strongly urge my colleagues to vote against this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) a member of the committee.

□ 1200

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation, and I would like to address several of the arguments that we have heard against it, first, that this is some bonanza for trial lawyers.

What this is is an opportunity for women who have been discriminated against to get a lawyer. If you work as a sales clerk or in a factory, you can't afford to pay a lawyer the hourly fee that he or she needs to represent you. The only way you are going to get represented is through a contingent fee ar-

rangement where a lawyer would recover, would get to keep part of what you recover as part of the deal.

Now, the problem with the Equal Pay Act is its remedies are limited so much to just twice what your salary is that the damages are never high enough to justify legal representation. This is about getting lawyers for people who have a valid claim who cannot afford the thousands of dollars that it would be.

Second, there was a representation made that defenses are stripped from employers. That's not accurate. What is accurate is that if an employer alleges that some reason other than gender was the reason that he paid the woman less than the man, it has to be a legitimate reason, like level of education or experience. It has to be a legitimate reason. The present law doesn't require that legitimacy.

Finally, the statement was made that an employer cannot discharge an employee for talking about pay scales publicly, that's not accurate. What the law does is to say that it protects employees that are custodians and guardians of pay records. But it certainly doesn't restrict in any way an employer's right to enforce a legitimate and realistic company policy.

This is a good bill. It's an excellent proposal that will help lift the economic status of women who work very hard, every day, in some cases 7 days a week, and deserve it.

I would urge a "yes" vote.

Mr. McKEON. I reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds here just to say that I am about to recognize, to speak on this legislation, Congresswoman ROSA DELAURO of Connecticut. I think all of us in the House, whether we agree or disagree with this legislation, recognize the incredible advocacy that she has brought to this issue of equal pay for equal work, of paycheck fairness, of women's rights at work, and the protection of low-income American families throughout her entire career in the Congress.

As I had mentioned earlier in this debate, she introduced this legislation some 12 years ago and has been unable to get a hearing on the legislation. We provided that hearing, and I think it was compelling to almost all of the members of the committee that this wage disparity and these actions could not continue and deny women their full opportunity to participate in the American economy on equal footing.

So it's with a lot of pride and a great sense of honor just to recognize her to speak on behalf of this legislation which she has introduced and she is the primary author of.

I recognize the gentlewoman from Connecticut for 6 minutes.

Ms. DELAURO. Mr. Speaker, I rise in support of the Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act.

I want to commend and thank Chairman MILLER for his tireless commitment to this issue—I know that we could never have come this far without his tenacious leadership, we are grateful—and to Speaker PELOSI, whose vision and leadership have made pay equity a priority in this Congress.

Earlier this week we convened the 111th Congress. We welcomed our new colleagues to the floor, we celebrated this institution's proudest achievements and honored its great potential. Together, we look to the challenges before us with a great sense of responsibility.

Today, the economy weighs heavily on most Americans. Families across this Nation are struggling with job insecurity, declining incomes, foreclosures and a financial system in crisis. Women, who account for nearly one half of the workforce, feel the effects of this faltering economy with particular force and poignancy.

Incomes for women-headed households are down by 3 percent since 2000. Unmarried women have an average household income almost \$12,000 lower than unmarried men, and half of all women are in jobs that do not offer retirement plans. Retired women are more likely to be poor than elderly men.

With our economy in crisis, so many women are on the edge financially. They feel as if their economic freedom is under assault. Almost 60 percent of women say they are concerned about achieving their economic and financial goals over the next 5 years, 15 points higher than for men.

But we know that it does not have to be this way. Today we face a transformational moment with a new Congress, a new administration. We have a chance to finally provide equal pay for equal work and make opportunity real for millions of American women. The status quo will not do.

The Department of Labor's own data shows that today women still earn 78 cents for every dollar that men earn, and the marketplace alone will not correct this injustice. We need a solution in law, just as our country has done in the past, to bring down discriminatory barriers.

As the National Committee on Pay Equity tells us, pay disparity's long-term impact on women's lifetime earnings is substantial, can cost a woman anywhere from \$400,000 to \$2 million over her lifetime. That lack of pay equity translates into less income toward a pension, in some cases Social Security benefits. It is no coincidence that 70 percent of older adults living in poverty are women.

I am so proud that, together with the Lilly Ledbetter Fair Pay Act, the Paycheck Fairness Act is among the first legislative proposals this Congress has chosen to consider. It says something profound about our priorities as an in-

stitution and our goals for the months ahead. It says that we are a Nation that values the work that women do in our society.

The Paycheck Fairness Act closes loopholes that have enabled employers to evade liability, stiffens penalties for employers who discriminate based on gender, protects employees from retaliation for sharing salary information, with some exceptions. It establishes a grant initiative to provide negotiation skills training programs for girls and women.

It addresses a real problem with concrete solutions. Last year working women filed over 800 charges of unlawful sex-based pay discrimination with the U.S. Equal Employment Opportunity Commission. We all know Lilly Ledbetter's story. For so many years she was shortchanged by her employer.

This week, a New York Times editorial said that by acting today, we can, and I quote, "signal a welcome new seriousness in Washington about protecting civil rights after 8 years of erosion."

This is our moment to fight for economic freedom and to eliminate the systemic discrimination faced by women workers. Because what we know is at stake, had the Paycheck Fairness Act been the law of the land when Lilly Ledbetter decided to go to court, she would have had a far better opportunity to receive just compensation for the discrimination that she endured.

That is why President-elect Obama has said about the Paycheck Fairness Act, and I quote, "This isn't just an economic issue for millions of Americans and their families. It's a question of who we are as a country—of whether we're going to live up to our values as a Nation."

Pay equity is not just another benefit to be bargained for or bargained away. It is about giving women the power to gain economic security for themselves and for their families. This body took a major step when it passed the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act last summer. We return today to carry that momentum forward, finish what we started.

I have always been proud to serve in this institution, and I revere those lawmakers who, before us on previous days, took a stand for health care, for the elderly or for the Civil Rights Act and for the Family and Medical Leave Act and made such an impact on people's lives.

That is the whole reason why we are here. It is my hope that the House acts today to pass both the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act to again make history for this country.

Mr. McKEON. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the

gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act, of which I am a proud cosponsor. I want to commend my friend and colleague, Representative ROSA DELAURO, for introducing this legislation so we can seriously address the long-standing problem of gender-based wage discrimination in our Nation.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. This wage disparity will end up costing women anywhere from \$400,000 to \$2 million over a lifetime in lost wages. Making matters worse, the wage gap grows wider as women age and move through their careers. This is not only a problem for women, it is a problem for our Nation.

Gender-based wage disparity allows employers to discriminate against women and avoid liability in the courts. Secondly, wage discrimination leads to more women in poverty, increasing the burden of health care costs of welfare programs on the taxpayer.

The Paycheck Fairness Act will strengthen pay equity laws by closing the loopholes that have allowed employers to avoid responsibility for discriminatory pay and help to build economic and retirement security for women.

It is in the best interest of all Americans to ensure that every worker is treated fairly in the workplace. I urge my colleagues to support this bill.

Again, I thank Congresswoman DELAURO for her leadership on this issue.

Mr. McKEON. Mr. Speaker, I continue to reserve.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey, a member of the committee who has worked very diligently on this issue, Mr. HOLT.

Mr. HOLT. I thank the gentleman.

Mr. Speaker, I rise in support of the Paycheck Fairness Act. Equal pay for equal work must not be just a saying, it must be the law.

Last year I had the honor of joining the Chair of our committee and others in unveiling the portrait of the former New Jersey Representative Mary Norton, who was Chair of the Labor Committee seven decades ago and a tireless advocate then for equal pay.

Under her leadership, Congress passed the 1938 Fair Labor Standards Act that established the 40-hour work week, it outlawed child labor and established a minimum wage of 25 cents an hour. The criticisms we hear today were the same then. The Federal Government shouldn't be involved, the critics said.

I think of Mary Norton today when I say that while we have made significant progress since the Equal Pay Act of 1963, the fight for equality in the

workplace is far from over. According to the Census Bureau, women still earn 78 percent of men.

Mary Norton understood that the wage gap was not just a women's issue, it is a family issue. Nowadays, men understand that too. When women earn less for equal work, families are forced to make do with less.

I urge my colleagues to pass the Paycheck Fairness Act.

Mr. ANDREWS. Mr. Speaker, I am very pleased to yield 1 minute to the gentlelady who really makes the trains run on time around here, the Chair of the Rules Committee, Ms. SLAUGHTER from New York.

Ms. SLAUGHTER. Thank you, Mr. Chairman, I appreciate it very much.

Mr. Speaker, when I graduated from the University of Kentucky with both a bachelor's degree and a master's degree, I believed at that time that it was perfectly fine to discriminate against women. Do you know why we were discriminated against in our wages, even though we had gone to the same classes, we had earned the same degree from the University of Kentucky, but women were told we were worth half as much because we might get married and we might have children. Therefore, there was no point in making any investment whatever in us. I believed that up until the point where I became the mother of three daughters and the grandmother of two young women.

I first got involved in this at the 1972 Democratic convention. At that time we all wore little buttons that said 59 cents on the dollar. That's what we were paid then 40 years ago. How far have we come? Up from 59 to 77 cents.

I cannot for the life of me believe that anyone would be opposed to this bill, knowing that in almost every American family both parents work to try to make ends meet. Why should one of them be cheated? Isn't that a cheat on the family?

My anger knows no bounds. I am so grateful this is up today. Forty years is long enough to wait.

Mr. ANDREWS. Mr. Speaker, I am now pleased to yield 1 minute to the very hardworking gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I rise today to express my enthusiastic support for H.R. 12, the Paycheck Fairness Act, and I thank Chairman MILLER of the Education and Labor Committee and Congresswoman DELAURO, the sponsor of this legislation, for their tireless work and their leadership on this issue.

To paraphrase James Madison, if men and women were angels, no government would be necessary. In an ideal world, we wouldn't need legislation to reinforce a concept of equal pay for equal work.

But even today in 2009, women make an average of only 78 cents for every dollar made by their male counter-

parts. The importance of the Paycheck Fairness Act is clear. Gender-based wage discrimination has been illegal in this country since the Equal Pay Act of 1963 was signed into law. Yet, the pay disparity between women and men that still persists today highlights the need to take another look at our wage discrimination laws. This disparity, by the way, is estimated to cost a working woman between \$400,000 and \$2 million over a lifetime. I am a proud cosponsor and urge "yes."

Mr. ANDREWS. Mr. Speaker, I am pleased at this time to yield 1 minute to the gentleman from Michigan (Mr. PETERS), one of our new Members who is already delivering justice for the hardworking women of his district.

Mr. PETERS. I would like to thank the gentleman from New Jersey.

Mr. Speaker, I rise today in support of H.R. 12. Decades after the landmark Equal Pay Act and the Civil Rights Act, women in my home State of Michigan still earn an intolerable 70 cents for every dollar earned by a man.

This discrimination must end. Pay equity is not just a women's issue, it is an economic issue. More than ever, working families are relying on two incomes. When a mother is denied fair pay, she is denied the ability to provide for her family, her husband, her children, and the entire family suffers.

□ 1215

My two daughters, Madeleine and Alana, will enter the workforce some day. If I learned that an employer was paying my daughters less than what they deserve, simply because they were female, I would be outraged. And right now our Nation's daughters, our Nation's sisters, our Nation's mothers, are being denied fair treatment and I am outraged, and we all should be as well. This bill creates commonsense measures to ensure fair treatment for women, and I urge its passage here today.

Mr. McKEON. Mr. Speaker, I reserve my time.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a very strong voice for workers' rights in this country, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. In 1968, I believe it is, Congress passed a Civil Rights Act, and we saw still that there had been over a period of 40 years racial discrimination in America. In 1963, Congress passed the Equal Pay Act, and yet we know there was wage discrimination over a period of more than 40 years affecting women.

This Paycheck Fairness Act is an important step in eliminating the gap that exists between the compensation of men and women. It is a travesty that in 2009 we even have to address this issue, but the fact of the matter is, the unfortunate reality is that a compensation gap has existed for decades

and persists to this day. Women receive less compensation than their male counterparts do for the same work.

This bill is going to close the legal loopholes that employers have exploited to avoid compensation discrimination lawsuits. It will treat gender discrimination on par with other types of discrimination.

We are about to have an economic stimulus package. We have to make sure that women are able to fully participate in the gains that we hope to see in this economy.

Thank you, ROSA DELAURO, for standing up for economic justice.

Mr. ANDREWS. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New Jersey has 10 minutes remaining. The gentleman from California has 22 minutes remaining.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON), a distinguished employment lawyer before she came to this body.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for the time and for his leadership, and I thank the distinguished Chair of the Education and Labor Committee, Mr. MILLER, for his leadership, and, of course, the gentlewoman from Connecticut, Ms. DELAURO, for her unyielding advocacy on this legislation.

Mr. Speaker, I rise in strong support of this bill. Last November, people across this country voted for change, and with passage of this legislation we will finally change the wage gap that has persisted between men and women.

We know the statistics: 77 cents on the dollar that women earn as opposed to men. But this is about more than statistics. It is about people. It is about women and it is about their families, and it is about fairness. With every paycheck of these affected women, they are cheated and their families are cheated. It robs families of earned income, it robs their pensions, it robs their Social Security benefits, and it robs them of fairness and justice.

We are a country that values fairness and justice for all of our citizens, not just those of a certain gender. Let's pass this bill.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to a strong and compassionate voice for working women all over this country, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act. I want to commend our colleague ROSA DELAURO for her stellar work on this legislation and thank our leadership for making sure that this bill is one of the first we are considering in our new Congress. I am thrilled, and I know it is a testament to our commitment to equality for all.

H.R. 12 closes existing loopholes that otherwise prevent employees from recouping deserved wages. Existing law allows employers to use a myriad of excuses to justify a pay disparity between men and women. This is true even if the excuse has nothing to do with the job itself. Furthermore, women cannot always safely discuss salaries with their coworkers to determine if there is discrimination occurring for fear of retaliation from their employers. The Paycheck Fairness Act will ensure that women can safely discuss wages with other workers and modernize the law so that companies must show more proof that pay disparities did not occur because of gender.

I urge my colleagues to vote in favor of this important legislation to ensure a better economic future for all American women.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1½ minutes to the very principled and articulate gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, the Paycheck Fairness Act is about far more than the size of a paycheck. It is about our commitment to the American values of hard work and equality and of opportunity. The story of America is our never-ending march toward the highest ideals of equal opportunity for all our citizens. Today we write a new chapter in that great American story. Today we say to women all across our land that if you work hard and play by the rules, you will be rewarded fairly. You will reap what you sow.

Fulfilling the promise of equal opportunity for American women will lift millions of our families and our children out of poverty. That is not just progress for their families; it is real progress for the American family. Some will say this step forward is inconvenient. I say that knocking down barriers to equality of opportunity has never been the convenient thing to do, but it has always been the right thing to do.

Mr. Speaker, my wife and I try to teach our two young sons every day that if they work hard, they will do well in life, that their work will be rewarded fairly. I am supporting this bill because I want the parents of every little girl in America to be able to teach that value, to make that promise to their daughters. It is the American promise.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield at this time 1 minute to a life-long fighter against discrimination, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, every day, despite the Equal Pay Act of 1963, millions of American women are denied equal pay for performing comparable work. In the case of Lilly Ledbetter, the Supreme Court of the United States compounded the indignity of

discrimination by ignoring years of Equal Employment Opportunity Commission and lower court decisions, narrowly interpreting the law that should have protected her, thus denying her the justice she deserved.

Justice has not been achieved over the past 45 years, with women's wages rising from 59 cents for every dollar earned by a man in 1963 to just 77 cents per dollar earned by a man in 2008. Minority women face even greater disparity, a gap that widened even more last year. These women are from all walks of life. They calculate our taxes. They teach our children. In California's District 15, my home district, they are developing the technologies of the future. Our sisters, daughters, and granddaughters deserve better from our country. We should have told them that they can do anything, reach for and achieve any dream.

I urge my colleagues to support this.

Mr. McKEON. I reserve my time.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), who speaks with great authority for constituents and her beliefs.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my distinguished friend from New Jersey, and I want to take my time to salute our distinguished chairman, Chairman MILLER, and ROSA DELAURO for bringing to the forefront in this crisis of unemployment, 500,000 unemployed, to recognize and to acknowledge to America we believe in fair employment.

Lilly Ledbetter, we have heard you and we salute you. You lost \$200,000 in back wages because of a Supreme Court decision. Now today with the Lilly Ledbetter Fair Pay Act we know that it will clarify that each paycheck that is discriminatory, that is less than it should be, will constitute a discriminatory practice and you will fall within the 180 day statute of limitations.

The Paycheck Fairness Act, which we are standing on the floor today to defend and support, will create meaningful penalties against employers whose pay practices are proven to have been discriminatory, and it will protect workers from retaliation by their employers when employees discuss their pay with coworkers.

In America we are a country that believes in work and provides that opportunity for women. These are two bills that we support. What a great day in America, when Democrats can stand up for working Americans and the women of America.

I would like to thank Congresswoman DELAURO for this important legislation as well as the Chairman and Ranking Minority Member of the Committee on Education and Labor for working together to see that gender equity is not just something we talk about, but something we are actually willing to put into action.

This legislation is intended to combat the wage gap that still exists today between men

and women in the workplace. It is an important step in addressing the persistent wage gap between women and men by updating the Equal Pay Act—passed more than 45 years ago.

The reality is the Equal Pay Act needs to be strengthened and improved for all women to combat wage discrimination and eliminate loopholes in the current law. The Paycheck Fairness Act creates meaningful penalties against employers whose pay practices are proven to have been discriminatory. The bill will also protect workers from retaliation by their employers when employees discuss their pay with coworkers.

Early last year the House passed H.R. 2831, legislation reversing last year's Supreme Court decision in *Ledbetter v. Goodyear Tire and Rubber Co.*, in which the court ruled, 5–4, that workers filing suit for pay discrimination must do so within 180 days of the actual decision to discriminate against them.

The Paycheck Protection Act is also needed to stop discriminatory pay practices by employers against our mothers, wives, daughters, and granddaughters that do the same job as their male counterparts.

The Paycheck Fairness Act, will strengthen the Equal Pay Act—passed more than 45 years ago—and as a result improve the law's effectiveness, and help to address the persistent wage gap between men and women. The Paycheck Fairness Act would:

Clarify acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than sex.

Deter wage discrimination by strengthening penalties for equal pay violations, and by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. The bill's measured approach would ensure that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin. AAUW would strongly oppose any efforts to add such caps.

Provide women with a fair option to proceed in a class action suit under the Equal Pay Act, and allow women to receive punitive and compensatory damages for pay discrimination.

Clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees to determine fair wages.

Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

It will aid in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees.

It will require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, collecting wage-related data, at conducting and promoting research about pay disparities between men and women.

More importantly for our young ladies going into the workforce it will establish a competitive grant program to develop salary negotiation training for women and girls.

As a Member of the Women's Caucus I have been fighting for pay equity for American women since before I arrived here as a Representative in 1995, and I believe that equal pay for equal work is a simple matter of justice. Wage disparities are not simply a result of women's education levels or life choices.

In fact, the pay gap between college educated men and women appears first after college—even when women are working full-time in the same fields with the same major as men—and continues to widen during the first 10 years in the workforce.

Further, this persistent wage gap not only impacts the economic security of women and their families today, it also directly affects women's retirement security tomorrow. Now is the time for additional proactive measures to effectively address wage discrimination and eliminate loopholes that have hindered the Equal Pay Act's effectiveness.

I urge my colleagues, both men and women to support equality in rights and pay for all Americans by supporting the Paycheck Fairness Act.

Mr. ANDREWS. Mr. Speaker, may I inquire as to the remaining time left on each side.

The SPEAKER pro tempore. The gentleman from New Jersey has 4½ minutes remaining, and the gentleman from California has 22 minutes remaining.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York City (Mrs. MALONEY), a strong advocate of women's rights.

Mrs. MALONEY. This is an important day for America's working women, and it shows what a Democratic Congress can mean to their lives because it will help end pay discrimination against women. Women are on the front lines of the economic meltdown. When a full time working woman still earns only 78 cents for every dollar men make, the results can be devastating in their lives.

The Paycheck Fairness Act could also be called the Free Speech Restoration Act, because it allows an employee to simply tell other employees critical information about themselves. It allows them to tell others what they are being paid and not be fired. Many of our corporations in America literally have a law that if you tell anyone what you make, you will be fired. Well, Lilly Ledbetter did not find out until someone gave her a secret note 18 years after she had been discriminated against in pay.

This is a critical bill. It helps end pay discrimination against women. Thank you to the Democratic leadership.

Mr. ANDREWS. I am pleased to yield 1 minute to a very effective and knowledgeable member of our committee, the gentleman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I want to thank Congresswoman DELAURO and Chairman MILLER for their hard work on the Lilly Ledbetter

Fair Pay Act and the Paycheck Fairness Act.

In my work on the Armed Services Committee, I have had the honor and privilege of working with many of our female servicemembers in the armed services. And although work still needs to be done in other areas, I am proud of the fact that our female servicemembers receive exactly the same pay as their male counterparts for doing the same work. In many ways, the military is a model of equal pay for equal work. We would never allow our female servicemembers to be paid differently for serving our country. Why then would we allow women in the civilian sector to get paid 78 percent of what their male coworkers are paid?

I urge the passage of this these two bills.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a wise and strong voice for the rights of our country, the gentleman from Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New Jersey for yielding.

I rise in strong support of both these bills, H.R. 11 and H.R. 12. I think it is an excellent way to start the new session of Congress, to start the new year. I want to commend Chairman MILLER and Representative DELAURO for their strong leadership on these issues for the last several years.

I know that we ought to begin by saying that everybody has equal rights, equal opportunity, and equal pay. I thank the gentleman again.

Mr. ANDREWS. Mr. Speaker, I would like to yield 30 seconds to the gentleman from Tennessee (Mr. COHEN), a strong advocate for his constituents.

Mr. COHEN. I thank the gentleman.

I want to first thank Congresswoman DELAURO for her long work on this. It is hard for me to believe that it is 2009 and this issue is still before us. It is a great day in this United States Congress, Mr. Speaker, that we will do fairness and equity for women here in this House. Hopefully the Senate will do the same.

The Supreme Court in Lilly Ledbetter did itself just as much disservice as it did in Bush v. Gore. The Supreme Court needed to be reversed. We will do it with this legislation and will provide remedies for women in the future for inequities in workplace pay.

Mr. McKEON. Mr. Speaker, it is my understanding that I will close and you will close. We have no more speakers.

Mr. ANDREWS. Mr. Speaker, that is correct. The only remaining speaker is our chairman.

Mr. McKEON. Mr. Speaker, I yield myself the balance of my time.

"The Paycheck Fairness Act." It has a nice ring to it. Who doesn't support paycheck fairness? Who doesn't support equal pay for equal work?

□ 1230

I have three beautiful and talented daughters, and I have 13 beautiful and talented granddaughters. I won't mention that I have three handsome, talented sons and 16 handsome, talented grandsons.

If this would do for women what all of these speeches have said it would do, I would be the strongest advocate for it because of my daughters and my granddaughters and hopefully, some day, great granddaughters.

Unfortunately, that is not what this bill is offering. No, Mr. Speaker, if this bill becomes law, it will make the system fundamentally unfair, except for trial lawyers. Now, if one of my granddaughters becomes a trial lawyer it would help her, and I guess that's a good thing to support.

But the bill will expose family businesses to unlimited liability, threatening jobs, and retirement security at a time when both are on shaky ground. The Democrats' meager efforts to blunt the potential harm do not change the fact that trial lawyers stand to receive a big payday because this bill lowers the bar on costly jury awards.

H.R. 12 will encourage class action lawsuits, treating the EPA as a litigation factory. It will make it harder for businesses to defend against legal challenges, inviting unscrupulous trial lawyers to pursue baseless claims.

Now we know what the bill would do. But what about what it fails to do? It doesn't prohibit discrimination under the law. We did that 46 years ago. It doesn't offer working women new flexibility so they can balance work and home, as Republicans have fought for. It certainly doesn't do anything to stimulate the economy, which is the number one issue, what many working families are struggling with today, working mothers are struggling with.

Mr. Speaker, this is a bad bill, and I strongly urge my colleagues to oppose it.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself the balance of our time.

I want to thank my friend and colleague, ROSA DELAURO, for her hard work on this. And this is the bill that is for the women who are office managers who are being underpaid for the men who are being called executive vice presidents. This is the bill for the women who do the work, make the decisions, shoulder the responsibility but don't get the pay. Now, that's been illegal for 46 years, but that remedy has been wholly ineffective until this bill came along. You couldn't get represented by a lawyer, under the present law, because your damages couldn't be enough because of the cap that were put on damages.

We live in a world where women do the work, take the responsibility, shoulder the burden, but do not get the compensation. This makes the promise

of the Equal Pay Act a reality for working women around this country.

I'm proud that in the 19 years she's served in this body, the author of this bill has fought for this bill; and I say to her, to you, Mr. Speaker, and Americans all over this country, it will become law because of what we're about to do here today.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act. I am a longtime strong supporter of this legislation, which strengthens the Equal Pay Act of 1963 and closes the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

As a husband, father, and grandfather, I am appalled that in this day and age women are still fighting for an equal paycheck. We know that on average women earn 78 cents for every dollar earned by a man. This pay discrimination has cost women thousands of dollars in lost wages over their lifetime, which results in many women not only living paycheck-to-paycheck, but also neglecting to properly save for their retirement.

The pay gap is too often seen as a "women's issue." In fact, this is not a women's issue, it is a family issue. The simple fact of the matter is that it often takes two incomes to make it in this country. This is especially true during an economic downturn like we face today. When women are not paid fairly, our families suffer.

I am proud to be here today voting in favor of the Paycheck Fairness Act and sincerely hope this critically important legislation is signed into law this year.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of the Paycheck Fairness Act and commend the House leadership for making this legislation among the first orders of business in this new Congress.

Forty-six years ago, Congress passed the Equal Pay Act to end wage discrimination against women who on average earned only 60 cents to every dollar earned by men.

Since then, women have made extraordinary achievements. Glass ceilings continue to be broken in the public and private sector; we now serve under the first female Speaker of the House, and the number of women heading Fortune 500 companies continues to expand.

I believe that these achievements have contributed to an illusion that women have reached full equality in the workplace.

The sad reality is, however, that in spite of these achievements and the passage of the Equal Pay Act, today women still earn only an estimated 78 cents to every dollar earned by their male counterparts, for equal work.

This unfairness often has devastating economic consequences on women, especially upon retirement, as pension and Social Security benefits are based on life earnings.

Wage discrimination can cost a woman anywhere from \$400,000 to \$2 million in lifetime earnings, contributing to the disturbing fact that today women make up 70 percent of older adults living in poverty.

I urge my colleagues to begin the process of ending wage discrimination in our Nation's workplaces once and for all by voting yes on the Paycheck Fairness Act. We need to act

today to strengthen the Equal Pay Act and ensure that women in the workforce have the means to protect their economic security.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act, H.R. 12, which continues this House's efforts to ensure fair and equal pay for the women of our workforce.

Over four decades ago, Congress passed the Equal Pay Act with the goal of eliminating gender-based wage discrimination and once and for all closing the wage gap between men and women. Unfortunately, loopholes and deficiencies found within the legislative text allowed the wage gap to persist. As a result, women currently make on average only 77 cents for every dollar earned by a male and in my great State of Connecticut, matters are not much better with women making only 82 cents on the dollar.

The Paycheck Fairness Act, of which I am a proud cosponsor, provides a logical and effective means to eliminate gender-based wage discrimination. By strengthening the Equal Pay Act and eliminating loopholes that have for too long been exploited by some employers, this legislation will offer greater protection to women in the workforce, while also substantially increasing penalties on those disreputable employers who continue to disregard our Nation's laws.

Mr. Speaker, during this time of economic uncertainty it is more important than ever that all Americans earn equal pay for equal work. I would like to thank both Chairman GEORGE MILLER and Congresswoman ROSA DELAURO for their collective efforts on this important issue and urge all my colleagues to stand up for women workers and vote in favor of this legislation.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 12, "The Paycheck Fairness Act." I am hopeful that the momentum created with the passage of the Act this past July will propel this important legislation through the Senate and on to our new President's desk as one of the first laws enacted by the 111th Congress. In doing so, our Nation takes the final steps in its long journey towards ensuring that men and women receive equal pay for equal work.

The Congress first committed itself to remedying the scourge of pay discrimination in 1963, when it passed the Equal Pay Act. At that time, full-time working women were paid on average 59 cents on the dollar earned by their male counterparts. In the ensuing 43 years, the wage gap between men and women has narrowed. In 2009, women earn about 77 percent of what men earn. While this is a dramatic improvement, the 23 cent gap that exists still exemplifies that gender discrimination is a real and contemporary problem in our labor market.

H.R. 12 would attack this problem in a comprehensive manner. It builds on many of the innovative policies found in the original EPA and adds provisions specifically crafted to address the realities of 21st century offices.

H.R. 12 will strengthen the EPA by making it unlawful for an employer to pay unequal wages to men and women who have substantially similar jobs that are performed under similar working conditions within the same physical location of business. Under the origi-

nal EPA, employers can justify unequal pay if it is based on: seniority; merit; quality or quantity of production; or "any factor other than sex." This legislation clarifies the 'any factor other than sex' defense, so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based, is job-related, and necessary for the business.

The bill will also prohibit employers from retaliating against employees who discuss or disclose salary information with their coworkers. However, employees such as human resources personnel who have access to payroll information as part of their job would not be protected if they disclose the salaries of other workers.

The bill also adds teeth and accountability by strengthening the remedies available to include punitive and compensatory damages. Under the EPA currently, plaintiffs can only recover back pay and in some cases double back pay. The damages would not be capped.

Mr. Speaker, the time has come for this body to enshrine "equal pay for equal work" as the law of the land. I encourage my colleagues to support the bill.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act, H.R. 12, which addresses gender-based wage discrimination. This is a historic day in the fight for equal rights for women, and I would like to thank Speaker NANCY PELOSI and House leaders for making pay equity for women among the first votes in the 111th Congress.

Families are struggling with the current economic crisis, making it more important than ever that women, who are often the head of the household and make up nearly half the workforce, are compensated fairly and equitably. Leading the legislative session with measures to reverse gender-based wage bias is a clear signal of the level of commitment American families can expect from this Congress.

The disastrous economic policies of the Bush administration failed to address major workforce equity issues over the last 8 years. It is unacceptable that on average, women only make 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. That could mean a difference of \$400,000 to \$2 million over a lifetime in lost wages. Furthermore, the wage disparity grows wider as women age and threatens their economic security, retirement, and quality of life. The new Congress and the incoming Administration must act quickly to protect America's workers from wage discrimination.

The Paycheck Fairness Act seeks to level the playing field between men and women. This bill will strengthen the Equal Pay Act of 1963 and close the loopholes that have allowed employers to avoid responsibility for discriminatory pay. The bill will give women the same access to recover back pay and damages as victims of other types of pay discrimination. Furthermore, it protects employees who discuss pay information from retaliation by their employers and does not allow courts to accept poor excuses for unfair pay practices.

There is no question that our top priority is to get Americans and our economy working

again. The Paycheck Fairness Act recognizes that equal pay is not only an issue of fairness for women, but also one of fairness for working families. In these tough economic times, this bill could make all the difference for working families to make ends meet in their everyday lives. Through these efforts we can help give families the resources they need to give their children a better future. Pay equity should not be a benefit that needs to be bargained for, it is a promise that the government must ensure.

I urge my colleagues to support this bill to ensure economic security for women, their families, and our communities. Through this legislation we can ensure a better future for our daughters, granddaughters, and generations to come.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act. As an original cosponsor of this bill, as well as a cosponsor in previous Congressional sessions, I am pleased to see this legislation on the House floor today.

H.R. 12 would narrow the wage gap between men and women and strengthen the Equal Pay Act, which makes it unlawful for an employer to pay unequal wages to men and women that have similar jobs within the same establishment. The Paycheck Fairness Act would allow women to sue for punitive damages, as well as compensatory damages. Currently, women who seek compensation for unequal pay can only recover back pay, or in some cases, double back pay. While this bill would increase penalties for employers who pay different wages to men and women for equal work, it also provides incentives such as training programs for employers to eliminate pay disparities and grant programs to help strengthen the negotiation skills of girls and women.

Some may argue that these changes are not necessary, but the numbers speak for themselves. Despite greatly increased commitment to the labor force over the past 45 years, women working full-time make 77 cents for every dollar earned by a man—less than a 20 percent increase since the Equal Pay Act was signed into law in 1963. Even more troublesome, African-American women earn 66 cents to the dollar and Latina women earn 55 cents to the dollar. According to a Census Bureau study, male high school graduates earned \$13,000 more than female high school graduates in 2006. Women with a bachelor's degree employed year-round earned \$53,201, while similarly educated men earned an average of \$76,749. This same study also noted that the pay difference between men and women grows wider as they age.

Mr. Speaker, I urge my colleagues to support this bill to protect women like Lilly Ledbetter from taking their case for equal pay all the way to the Supreme Court, to support single mothers who may worry whether or not they are being treated fairly by their employers while they provide for their children, and to ensure that daughters entering college can reach their full potential when they graduate.

Ms. LEE of California. Mr. Speaker, I rise today in support of H.R. 12, the Paycheck Fairness Act. I want to thank my colleague Congresswoman ROSA DELAURIO for introducing it, a champion for women and working

families. And I also want to thank President-elect Obama for urging us to pass this important bill.

In 1963, women working full-time made 59 cents on average for every dollar earned by men. For every dollar men earn today, women earn 78 cents. Over the last 45 years the wage gap has narrowed by less than half a cent per year. Clearly, we still have a long way to go.

The wage gap is most severe for women of color. It is absolutely inexcusable that women and especially minority women earn a fraction of what men earn for the same job.

African-American women earn just 63 cents on the dollar and Latina women earn far worse at 52 cents. In my own State of California, Black women earn only 61 percent, and Latina women only 42 percent, of the wages of White men. That is outrageous.

The wage disparity begins at the start of a woman's work life and grows wider as women age. In the long term, this pattern of substantially lower lifetime earnings affects the quality of life for women and their families. It limits their opportunities for promotion, and contributes to decreased savings, pension income, and Social Security benefits. The result is that quite simply, many women are at risk of falling into poverty as they get older.

H.R. 12 takes immediate steps to close the wage gap for all women by amending and strengthening the Equal Pay Act, EPA, of 1963, so that it will be a more effective tool in combating gender-based pay discrimination.

Mr. DICKS. Mr. Speaker, I rise in support of H.R. 12, the Paycheck Fairness Act. More than 40 years after the passage of the Equal Pay Act and Title VI, women continue to be paid less for performing many of the same jobs as their male counterparts. According to the U.S. Census Bureau, on average, women only make 78 cents for every dollar earned by a man. That could mean a difference of \$400,000 to \$2 million over a lifetime of work. The pay disparity is even larger among African Americans and Latinos; it affects women at all income levels and throughout the range of occupations in American. This gap even widens as women age.

The legislation we are considering today, The Paycheck Fairness Act, is a terribly important initiative, in my judgment, designed to close that pay gap between men and women. The bill strengthens the Equal Pay Act of 1963 by increasing the remedies available to put sex-based pay discrimination on par with race-based pay discrimination. How would we achieve these objectives? Specifically, this legislation, the Paycheck Fairness Act, would:

Require that employers seeking to justify unequal should bear the burden of proving that its actions are job-related and consistent with a business necessity;

Prohibit employers from retaliating against employees who share salary information with their co-workers;

Put gender-based discrimination sanctions on an equal footing with other forms of wage discrimination such as discrimination based on race, disability or age. We would achieve this by allowing women to sue for compensatory and punitive damages;

Require the Department of Labor to enhance outreach and training efforts to work

with employers in order to eliminate pay disparities;

Require the Department of Labor to continue to collect and disseminate wage information based on gender; and, finally,

Create a new grant program to help strengthen the negotiation skills of girls and women.

Mr. Speaker, at the outset of the 111th Session of Congress, I believe passage of this legislation sends a necessary and most appropriate message to employers across this nation that the work done by women is every bit as important and valuable as the labor of working men in America, and that we are resolving through this bill to end the overt as well as the subtle discrimination that still exists against women in the American workplace.

I strongly support this legislation, and I urge my colleagues to vote in favor of its passage.

Ms. ESHOO. Mr. Speaker, I rise today to express my strong support for H.R. 12, the Paycheck Fairness Act. I salute the extraordinary work of Chairman MILLER and Congresswoman DELAURIO to bring these important bills to the floor today.

Today we are considering the Paycheck Fairness Act to protect people like Lilly Ledbetter from pay discrimination.

Under current law, if an employer can name any factor that has determined an employee's pay other than gender, they can justify unequal pay and discriminate against female employees. The employer's reason does not have to be related to the job in question. Under H.R. 12 employers will have to give a satisfactory explanation for paying a man more than a woman for the same job and they will have to demonstrate that the disparity is not sex-based, but job-related.

Employers will also now be barred from punishing employees who discuss or disclose salary information to their co-workers.

The Paycheck Fairness Act will also put gender-based discrimination on the same level as other forms of wage discrimination by giving women the opportunity to sue for compensatory and punitive damages. Under current law women who have been discriminated against may only recover back pay, or in some cases double back pay.

The wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, but according to the U.S. Census Bureau, women still only make 77 cents for every dollar earned by a man. It's time to close the gap and pass this law.

H.R. 12 is a necessary tool to ensure that civil rights for all Americans are honored in the workplace. For our country and our economy to recover we will rely on every hardworking American and we cannot tolerate discrimination against anyone.

I'm very proud to support this bill and I urge a "yes" vote on the underlying legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in 1963, President Kennedy signed the Equal Pay Act in order to address the nation's wage gap. And yet, 46 years later women still make on average only 77 cents for every dollar earned by men for the same work.

But thanks to Lilly Ledbetter, we are going to right that wrong today on the House floor.

In 2007, I had the opportunity to meet Lilly. She told me how she had no proof of pay discrimination until someone anonymously

slipped payroll records into her mailbox. Anonymously because Goodyear's payroll records were secret.

This bill lifts the cloak of secrecy that allows these kinds of unfair pay practices to fester—which is exactly why the House proudly passed this bill last Congress.

I urge my colleagues today to once again support fair pay practices, and see that this important legislation becomes law. What you don't know, can hurt you.

I thank Chairman MILLER and Representative DELAURO for their leadership on this issue.

The Paycheck Fairness Act is a bold step forward in righting the wrong of pay discrimination.

Mr. STARK. Mr. Speaker, I rise in strong support of the Paycheck Fairness Act.

The Equal Pay Act of 1963 was a landmark piece of legislation. Along with other civil rights laws, it has helped to cut the gender-based wage gap in America nearly in half. But women are still paid less than 78 cents for every dollar a man is paid. African American and Latin American women face even greater income disparities. For the last seven years—after four decades of steady progress toward equality—the wage gap has remained stagnant.

The Paycheck Fairness Act will give workers the tools they need to get back on track to equality in the workplace. It modernizes the Equal Pay Act, bringing it in line with other civil rights laws by updating rules for class-action suits and permitting punitive damages. Further, it closes a major loophole relating to affirmative defenses, requiring employers to substantiate the rationale for pay disparities if they claim they aren't based on gender. If enacted, the Paycheck Fairness Act will also strengthen the Equal Employment Opportunity Commission's ability to detect illegal salary practices.

It's far past time to stand up for fair pay for women. I'm proud to cosponsor this important legislation, and I urge my colleagues to join me in voting for it.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act of 2009. As a member of the Education and Labor Committee and an original cosponsor, I am glad to have the opportunity to speak in support of this important bill today.

While women have made tremendous strides in the workplace since the passage of the Equal Pay Act 43 years ago, their earnings have not kept pace with that of their male coworkers. In the United States, the average full-time working woman earns just 77 cents to every dollar earned by her male colleagues. This discrepancy in earnings throughout a woman's career may cost her hundreds of thousands, if not millions of dollars in lost income and retirement savings.

I urge my colleagues to protect the rights of women against pay discrimination and ensure that women are treated fairly in the workplace. Please support equal pay for equal work and vote yes on the Paycheck Fairness Act.

Mr. TIAHRT. Mr. Speaker, today we debate a bill with a good title that fails to make one single step toward the purported goal. H.R. 12, the Paycheck Fairness Act, is being advanced as a bill to protect women from wage discrimination, but this bill is really about increasing lawsuits, not protecting women.

I join my colleagues in rejecting wage discrimination. The American Dream is not possible without wage fairness. This debate, however, is not about wage fairness; it is about this Democrat majority rewarding one of their most loyal special interest groups—trail lawyers.

For more than 40 years, the 1963 Equal Pay Act and Title VII of the 1964 Civil Rights Act have made it illegal for employers to determine an employee's pay-scale based on his or her gender. I whole-heartedly agree with and support these laws. Every American should be able to work hard, and make a living for his or her family. We cannot tolerate gender discrimination in the workplace.

Instead of strengthening these laws, H.R. 12 offers no additional protection from discrimination. It simply expands opportunities for trail lawyers to cash-in under existing non-discrimination laws. By opening discrimination claims to unlimited compensatory and punitive damages, H.R. 12 will give great incentives to trial lawyers to bring frivolous claims. Such claims will inevitably lead to higher costs to businesses at a time when so many are struggling to remain open. High business costs often lead to job cuts. In this time of economic downturn, it is wrong to increase the burden on employers and risk additional job losses for the benefit of wealthy trial lawyers.

Mr. Speaker, strong nondiscrimination laws are critical to the future of our nation; however, H.R. 12 has nothing to do with paycheck discrimination. Now is the time to find solutions to the challenges facing our economy, not endanger our businesses with frivolous lawsuits. I ask my colleagues to join me in opposing this bill.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 12 the Paycheck Fairness Act of 2009.

Since the passage of the Equal Pay Act in 1963, the wage gap in the United States between men and women has narrowed significantly, however, on average, women still earn 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. When women earn less for equal work, families are forced to do more with less. Affording all of life's expenses is challenging enough—it shouldn't be made harder as a result of women being shortchanged on payday.

Under current law, victims of gender-based wage discrimination recover less in damages than victims of discrimination based on their race or ethnicity. All forms of discrimination, whether they are based on gender, race, or ethnicity are equally repugnant, and the Paycheck Fairness Act ensures that the law views all forms of discrimination in the workplace on the same level.

In addition, the Paycheck Fairness Act would protect employees who discuss salary information punished in the workplace. Often times, wage discrimination is difficult to determine because salary levels are confidential. This bill would prevent employers from retaliating against employees who discuss openly, the most common way pay discrimination is uncovered.

Finally, this bill would hold employers accountable by mandating that employers demonstrate to the court that pay disparity between employees is not gender-based, is job-related and is consistent with the needs of the business.

As the country faces a challenging economic forecast, Congress must look after the best interests of working families. The Paycheck Fairness Act will make a difference for working families across the country, and I ask my colleagues to join me in supporting this bill.

Mr. EDWARDS of Texas. Mr. Speaker, the Paycheck Fairness Act is about far more than the size of a paycheck. It is about our commitment to the American values of hard work and equality of opportunity.

The story of America is our never-ending march toward the highest ideals of equal opportunity for all our citizens.

Today, we write a new chapter in that great American story. Today, we say to women and young girls all across our land, that if you work hard and play by the rules, you will be rewarded fairly. You will reap what you sow.

From our founding days, that promise has motivated parents to work hard to improve the lives of their families and the future for their children. It has inspired generations of immigrants to leave their homelands to make America their home.

Fulfilling the promise of equal opportunity for American women will lift millions of our families and children out of poverty. That's not just progress for their families; it is real progress for the American family. And, by fairly rewarding the hard work of America's women, we make our Nation more competitive in the world economy.

Some will say this step forward will be inconvenient. I say that knocking down barriers to equality of opportunity has never been the convenient thing to do, but it has always been the right thing to do.

My wife and I try to teach our two young sons every day that if they will work hard, they will do well in life—that their work will be rewarded fairly.

I am supporting this bill, because I want the parents of every little girl in America to be able to teach that value, to make that promise to their daughters. It is the promise of America.

Mr. LYNCH. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act. This legislation will put an end to pay disparities based merely on gender and ensure that employee rights enforced through the Equal Pay Act fulfill the act's original intent. Specifically, this legislation will require employers to prove that pay disparities between men and women have a business justification.

According to the most recent U.S. Census Bureau statistics, year-round full-time female workers make 77.8 percent to the dollar of their male counterparts. Specifically, the median income for year-round full-time male workers is \$45,113. In contrast, the median income for year-round full-time female workers is \$35,102. Based solely on statistics from the U.S. Census Bureau, the apparent wage disparities between men and women clearly indicate that the provisions contained within the Equal Pay Act need to be revised.

I believe that this legislation will strengthen current law to make certain that wage discrimination based on gender ceases to exist.

Before I close, I would like to thank Representative ROSA DELAURO for having introduced this legislation since 1997 and praise her for being a champion of this issue.

I urge all of my colleagues to join me in voting in support of this important measure to ensure its swift passage.

Mr. ANDREWS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(b) of House Resolution 5, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 12, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith the following amendments:

Page 10, line 17: strike "and" and after such line insert the following:

(B) by inserting "in an amount not to exceed \$2,000 per hour" after "reasonable attorney's fee"; and

Page 10, line 18, strike "(B)" and insert "(C)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. PRICE of Georgia. Mr. Speaker, it's a new Congress and, yes, it's a new day. But what we're debating isn't that new. It's, in fact, a recycled campaign promise to a favored special interest, and a sad reminder of the path this majority continues to take this country.

As most folks already know, equal pay for equal work is the law of the land and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender.

But the bill before the House today treats wage discrimination as if it were systematic. And in the midst of economic challenges, we're failing to address the real challenges affecting Americans' wages and the purchasing power of their paychecks.

If this measure becomes law, power will be turned over to bureaucrats and trial lawyers to interject, distort and oversee how wages are determined through lawsuits and through regulations.

It means less incentive, Mr. Speaker, less incentive for employers to offer a variety of working situations like flex time or more limited travel, because doing so may put an employer at risk of being sued; hardly a wise action on their part.

In turn, current and prospective workers will suffer through lower

wages, slower job creation or simply fewer opportunities to meet individual worker needs.

All of this leads, Mr. Speaker, to this motion to recommit. One of the distinctive changes being made today to the Equal Pay Act is the inclusion of unlimited compensatory and punitive damages in a lawsuit. As Members already know, compensatory damages redress wrongful conduct and punitive damages are to deter future wrongful conduct.

But under the Equal Pay Act, an employee does not need to show discriminatory intent in order to prevail. As some have correctly described this bill, it's a boondoggle for trial lawyers. They'll be able to collect unlimited damages, even, Mr. Speaker, even when a disparity is not intended. This serves no legitimate purpose and turns the Equal Pay Act into a lottery. That's why this motion is a simple, common-sense change that caps reasonable, reasonable attorney's fees at \$2,000 per hour. Now, surely we can agree on that.

By limiting attorney's fees, it is the intent that lawyers would take cases based on actual discrimination and merit and prevent lawsuit abuse. Today's litigation system, unfortunately does little to restrain the filing of lawsuits. It's why lawsuits can result in millions of dollars in lawyers' fees, yet plaintiffs get pennies on the dollar. It's why tort costs consume approximately 2 percent of our Gross Domestic Product, billions of dollars. It's why 10 percent of every dollar spent on health care is attributed to the cost of liability and defensive medicine, hundreds of billions of dollars.

This cap on attorneys' fees will ensure that victims of discrimination are protected with appropriate incentives. Without a cap, this bill will have a detrimental effect on labor markets. Increasing lawsuits and unlimited damages will discourage hiring and may further segregate employment preferences for one gender in favor of another.

On this side of the aisle Republicans understand that fair-minded business folks want to make an honest living without favoring political friends or bureaucrats impeding job creation or dictating how a business should be run.

Let's adopt this motion to recommit. It's a new Congress and a new day, but let's not make a first act an old, recycled campaign promise to political friends.

I urge adoption of the motion to recommit.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, this motion is a little bit unbel-

lievable in the sense that it suggests that we should be setting the attorneys' fees, even though the amount that the gentleman is asking us to set far exceeds what would be ordinary hourly wages fees in these kinds of cases across the Nation. At the same time, it makes no differentiation for geography, complication of cases, number of attorneys necessary in a case or even the number of firms that may be. We don't know if this applies to all of the attorneys in the case with multiple plaintiffs; whether this applies across the firm if multiple attorneys in a firm are on a single case if it's a complicated case and, in many cases, these are very complicated cases because they go in to business practices that are disguised in terms of trying to justify unequal pay in the name of equal pay.

I find it rather interesting that the supporters of this amendment across the aisle all stood up and talked about how they support the idea of equal pay, how they want their daughters and their granddaughters to be treated equally, how they want to make sure that they're treated fairly in the workplace and they really support the concept; they just don't support this bill which would make that the law.

But then what did they decide to do? They decided when those granddaughters aren't treated fairly in the workplace, they will discriminate against them in an ability to have an attorney. They will discriminate against them because they will say that their attorneys' fees are going to be capped according to this law, as opposed to letting the judge and the Court work out what are reasonable fees in that court case.

Why do they discriminate against them? The gentleman is jumping to his feet. Because there's no cap on the attorneys' fees of the people who discriminated against them, on the employer who made the conscious decision to pay this person less in the workplace, to treat them in a discriminatory fashion, to not recognize their inherent value and the comparability of their skills and their talent. They've decided that those employers can pay \$5,000 an hour, \$25,000 an hour, or \$250,000 and they can hire as many firms as they want, New York firms, Chicago firms, Los Angeles firms. They can do whatever they want. But your daughter, granddaughter, wife, they're limited. They're limited with the kind of legal talent they can get.

How about in a large case in this country today where regional vice presidents, there's 39 of them in the organization, 10 percent of them are women, the men were paid \$41,900. The women were paid \$27,900. The district managers, the men were paid \$23,900. The women were paid \$17,000. You think you ought to have the right to go to court and have a good attorney and

have the Court determine what are reasonable fees? You ought to be able to prosecute your case in the face of an employer that may have multiple law firms on permanent retainers to deal with this, as many of these defendants do?

Yes, I think you should, and so do the people of this country and I hope so do the Members of this Congress.

I would like to yield to Mr. ANDREWS, the subcommittee Chair.

Mr. ANDREWS. If the Securities and Exchange Commission filed a civil suit against one of the people accused in the Wall Street wrongdoing, and there was a proposal on this floor that said the SEC can spend as much money as it wants to on its side of the case, but the Wall Street defendants accused of the wrongdoing are capped on how much they can spend on their legal defenses, I think the Members in the minority would say that's unfair. It is. So is this.

To interfere in how much lawyers are paid is a matter the judges should take a look at under this law. It's not something this Congress should interfere with. And it frankly, I believe, is a diversionary tactic to take us away from the real purpose of this law, and that's a woman that is selling real estate or teaching school or sweeping floors should make, penny for penny, dollar for dollar, everything a man makes to do the same job. That is the issue before the House.

Let's defeat this diversionary amendment. Let's pass the underlying bill and bring long-awaited justice to American women.

Mr. GEORGE MILLER of California. I ask my colleagues to reject this amendment, to keep the purpose and the intent and the constitutionality of the underlying legislation, and that we should now pass, after many, many years of waiting, the Paycheck Fairness Act.

And I ask a "no" vote on this.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; passage of H.R. 11; and the motion to suspend on House Resolution 34.

The vote was taken by electronic device, and there were—yeas 178, nays 240, not voting 14, as follows:

[Roll No. 7]

YEAS—178

Aderholt	Foxx	Murphy, Tim
Akin	Franks (AZ)	Myrick
Alexander	Frelinghuysen	Neugebauer
Austria	Garrett (NJ)	Nunes
Bachmann	Gerlach	Olson
Bachus	Gingrey (GA)	Paul
Barrett (SC)	Gohmert	Paulsen
Bartlett	Goodlatte	Pence
Barton (TX)	Guthrie	Petri
Biggert	Hall (TX)	Pitts
Bilbray	Harper	Platts
Bilirakis	Hastings (WA)	Poe (TX)
Bishop (UT)	Heller	Posey
Blackburn	Hensarling	Price (GA)
Blunt	Herger	Putnam
Boehner	Hoekstra	Radanovich
Bonner	Hunter	Rehberg
Bono Mack	Inglis	Reichert
Boozman	Issa	Roe (TN)
Boustany	Jenkins	Rogers (AL)
Brady (TX)	Johnson, Sam	Rogers (KY)
Bright	Jordan (OH)	Rogers (MI)
Broun (GA)	King (IA)	Rohrabacher
Brown-Waite,	King (NY)	Rooney
Ginny	Kingston	Ros-Lehtinen
Buchanan	Kirk	Roskam
Burgess	Kline (MN)	Royce
Burton (IN)	Lamborn	Ryan (WI)
Buyer	Lance	Scalise
Calvert	Latham	Schmidt
Camp	LaTourette	Schock
Campbell	Latta	Sensenbrenner
Cantor	Lee (NY)	Sessions
Cao	Lewis (CA)	Shimkus
Capito	Linder	Shuler
Carney	LoBiondo	Shuster
Carter	Lucas	Simpson
Cassidy	Luetkemeyer	Smith (NE)
Castle	Lummis	Smith (NJ)
Chaffetz	Lungren, Daniel	Smith (TX)
Childers	E.	Souder
Coble	Mack	Stearns
Coffman (CO)	Manzullo	Sullivan
Cole	Marchant	Taylor
Conaway	Marshall	Terry
Crenshaw	Matheson	Thompson (PA)
Culberson	McCarthy (CA)	Thornberry
Davis (KY)	McCaul	Tiberi
Deal (GA)	McClintock	Turner
Dent	McCotter	Upton
Diaz-Balart, L.	McHenry	Walden
Diaz-Balart, M.	McHugh	Wamp
Dreier	McKeon	Westmoreland
Duncan	McMorris	Whitfield
Ehlers	Rodgers	Wilson (SC)
Emerson	Mica	Wittman
Fallin	Miller (FL)	Wolf
Flake	Miller (MI)	Young (AK)
Fleming	Minnick	Young (FL)
Forbes	Mitchell	
Fortenberry	Moran (KS)	

NAYS—240

Abercrombie	Castor (FL)	Doyle
Ackerman	Chandler	Driehaus
Adler (NJ)	Clarke	Edwards (MD)
Altmire	Clay	Edwards (TX)
Andrews	Cleaver	Ellison
Arcuri	Clyburn	Ellsworth
Baca	Cohen	Engel
Baldwin	Connolly (VA)	Eshoo
Barrow	Conyers	Etheridge
Bean	Cooper	Farr
Becerra	Costa	Fattah
Berkley	Costello	Filner
Berman	Courtney	Foster
Bishop (GA)	Crowley	Frank (MA)
Bishop (NY)	Cuellar	Fudge
Blumenauer	Cummings	Giffords
Bocciari	Dahlkemper	Gillibrand
Boren	Davis (AL)	Gonzalez
Boswell	Davis (CA)	Gordon (TN)
Boyd	Davis (IL)	Grayson
Brady (PA)	Davis (TN)	Green, Al
Braley (IA)	DeFazio	Green, Gene
Brown, Corrine	DeGette	Griffith
Butterfield	Delahunt	Grijalva
Capps	DeLauro	Gutierrez
Capuano	Dicks	Hall (NY)
Cardoza	Dingell	Halvorson
Carnahan	Doggett	Hare
Carson (IN)	Donnelly (IN)	Harman

Hastings (FL)	McCarthy (NY)	Sánchez, Linda
Heinrich	McCollum	T.
Higgins	McDermott	Sanchez, Loretta
Hill	McGovern	Sarbanes
Himes	McIntyre	Schakowsky
Hincheey	McMahon	Schauer
Hinojosa	McNerney	Schiff
Hirono	Meek (FL)	Schrader
Hodes	Meeks (NY)	Schwartz
Holden	Melancon	Scott (GA)
Holt	Michaud	Scott (VA)
Honda	Miller (NC)	Serrano
Hoyer	Miller, George	Sestak
Inslee	Mollohan	Shea-Porter
Israel	Moore (KS)	Sherman
Jackson (IL)	Moore (WI)	Sires
Jackson-Lee	Moran (VA)	Skelton
(TX)	Murphy (CT)	Slaughter
Johnson (GA)	Murphy, Patrick	Smith (WA)
Johnson (IL)	Murtha	Space
Johnson, E. B.	Nadler (NY)	Speier
Kanjorski	Napolitano	Spratt
Kaptur	Neal (MA)	Stark
Kennedy	Nye	Stupak
Kildee	Oberstar	Sutton
Kilpatrick (MI)	Obey	Tanner
Kilroy	Oliver	Tauscher
Kind	Ortiz	Teague
Kirkpatrick (AZ)	Pallone	Thompson (CA)
Kissell	Pascarell	Thompson (MS)
Klein (FL)	Pastor (AZ)	Tierney
Kosmas	Payne	Titus
Kratovil	Perlmutter	Tonko
Kucinich	Perriello	Towns
Langevin	Peters	Tsongas
Larsen (WA)	Peterson	Van Hollen
Larson (CT)	Pingree (ME)	Velázquez
Lee (CA)	Polis (CO)	Visclosky
Levin	Pomeroy	Walz
Lewis (GA)	Price (NC)	Wasserman
Lipinski	Rahall	Schultz
Loeb sack	Rangel	Waters
Lofgren, Zoe	Reyes	Watson
Lowey	Richardson	Watt
Lujan	Rodriguez	Waxman
Lynch	Ross	Weiner
Maffei	Rothman (NJ)	Welch
Maloney	Roybal-Allard	Wexler
Markey (CO)	Ruppersberger	Wilson (OH)
Markey (MA)	Rush	Woolsey
Massa	Ryan (OH)	Wu
Matsui	Salazar	Yarmuth

NOT VOTING—14

□ 1308

Mr. JACKSON of Illinois, Mrs. KIRKPATRICK of Arizona, Mrs. HALVORSON, Messrs. WEXLER, MILLER of North Carolina, LARSON of Connecticut, SIREN, McDERMOTT, MEEKS of New York, MURPHY of Connecticut, JOHNSON of Illinois, TOWNS, HINOJOSA, Ms. SPEIER, Messrs. FRANK of Massachusetts, CONYERS, and Ms. BEAN changed their vote from "yea" to "nay."

Messrs. GINGREY of Georgia, TAYLOR, BILIRAKIS, and BURGESS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 163, not voting 14, as follows:

[Roll No. 8]

AYES—256

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)

Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano

Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis (CA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch
Wexler

Wilson (OH)
Woolsey

Wu
Yarmuth

NOES—163

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Billbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)

Frelinghuysen
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Ingalls
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)

NOT VOTING—14

Baird
Berry
Boucher
Brown (SC)
Gallegly
Granger
Graves
Herseth Sandlin
Jones
Kagen

□ 1319

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NADLER of New York. Madam Speaker, on rollcall No. 8, a few minutes ago, I missed the vote. Had I been present, I would have voted "aye."

LILLY LEDBETTER FAIR PAY ACT OF 2009

The SPEAKER pro tempore (Ms. DeLauro). The unfinished business is the vote on passage of H.R. 11, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 171, not voting 15, as follows:

[Roll No. 9]

YEAS—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)

Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano

Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis (CA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—171

Aderholt
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake

Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers

Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—15

Bachus
Baird
Berry
Boucher
Brown (SC)

Gallegly
Granger
Graves
Herseth Sandlin
Jones

Kagen
Moore (WI)
Shadegg
Snyder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes on this vote for Members who have not yet voted.

□ 1328

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. DAVIS of California). Pursuant to section 5 of House Resolution 5, H.R. 12 is laid on the table.

Stated against:

Mr. BACHUS. Madam Speaker, I missed rollcall vote 9 on passage of the Lilly Ledbetter Fair Pay Act of 2009. Had I been present I would have voted “no.”

RECOGNIZING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 34, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 34.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 5, answered “present” 22, not voting 16, as follows:

[Roll No. 10]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)

Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)

Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil

Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha

Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sarbanes
Scallie
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—5

Kucinich
Moore (WI)

Paul
Rahall

Waters

ANSWERED “PRESENT”—22

Abercrombie
Blumenauer
DeFazio
Dingell
Edwards (MD)
Ellison
Farr
Grijalva

Hinchey
Johnson (GA)
Kilpatrick (MI)
Lee (CA)
McCollum
McDermott
Miller, George
Moran (VA)

Olver
Payne
Sanchez, Loretta
Stark
Watson
Woolsey

NOT VOTING—16

Baird
Berry
Boucher
Brown (SC)
Delahunt
Gallegly

Granger
Graves
Hensarling
Herseth Sandlin
Jones
Kagen

Shadegg
Snyder
Solis (CA)
Tiahrt

□ 1340

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in three votes on the floor of the House of Representatives today.

The first vote was H.R. 12, the Paycheck Fairness Act. Had I been present, I would have voted "aye" on that question.

The second vote was H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009. Had I been present, I would have voted "yea" on that question.

The third vote was H. Res. 34, recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process. Had I been present, I would have voted "yea" on that question.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 11 and H.R. 12.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN COMMITTEES

Mr. PENCE. Madam Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 38

Resolved, That the following Members are, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE—Mr. Goodlatte, Mr. Moran of Kansas, Mr. Johnson of Illinois, Mr. Graves, Mr. Rogers of Alabama, Mr. King of Iowa, Mr. Neugebauer, Ms. Foxx, Mr. Conaway, Mr. Fortenberry, Mrs. Schmidt, Mr. Smith of Nebraska, Mr. Latta, Mr. Roe of Tennessee, Mr. Luetkemeyer, and Mr. Thompson of Pennsylvania.

COMMITTEE ON APPROPRIATIONS—Mr. Young of Florida, Mr. Rogers of Kentucky, Mr. Wolf, Mr. Kingston, Mr. Frelinghuysen, Mr. Tiahrt, Mr. Wamp, Mr. Latham, Mr. Aderholt, Mrs. Emerson, Ms. Granger, Mr. Simpson, Mr. Culberson, Mr. Kirk, Mr. Crenshaw, Mr. Rehberg, Mr. Carter, Mr. Alexander, Mr. Calvert, Mr. Bonner, Mr. LaTourette, and Mr. Cole.

COMMITTEE ON ARMED SERVICES—Mr. Bartlett, Mr. McKeon, Mr. Thornberry, Mr. Jones, Mr. Akin, Mr. Forbes, Mr. Miller of Florida, Mr. Wilson of South Carolina, Mr.

LoBiondo, Mr. Bishop of Utah, Mr. Turner, Mr. Kline of Minnesota, Mr. Rogers of Alabama, Mr. Franks of Arizona, Mr. Shuster, Mrs. McMorris Rodgers, Mr. Conaway, Mr. Lamborn, Mr. Wittman, Ms. Fallin, Mr. Hunter, Mr. Fleming, Mr. Coffman of Colorado, and Mr. Rooney.

COMMITTEE ON THE BUDGET—Mr. Garrett of New Jersey, Mr. Mario Diaz-Balart of Florida, Mr. Hensarling, Mr. Daniel E. Lungren of California, Mr. Simpson, Mr. McHenry, Mr. Mack, Mr. Conaway, Mr. Campbell, Mr. Alexander, Mr. Jordan of Ohio, Mr. Nunes, Mrs. Lummis, and Mr. Austria.

COMMITTEE ON EDUCATION AND LABOR—Mr. Petri, Mr. Hoekstra, Mr. Castle, Mr. Souder, Mr. Ehlers, Mrs. Biggert, Mr. Platts, Mr. Wilson of South Carolina, Mr. Kline of Minnesota, Mrs. McMorris Rodgers, Mr. Price of Georgia, Ms. Foxx, Mr. Bishop of Utah, Mr. Guthrie, Mr. Cassidy, Mr. McClintock, Mr. Hunter, and Mr. Roe of Tennessee.

COMMITTEE ON ENERGY AND COMMERCE—Mr. Hall of Texas, Mr. Upton, Mr. Stearns, Mr. Deal of Georgia, Mr. Whitfield, Mr. Shimkus, Mr. Shadegg, Mr. Blunt, Mr. Buyer, Mr. Radanovich, Mr. Pitts, Mrs. Bono Mack, Mr. Walden, Mr. Terry, Mr. Rogers of Michigan, Mrs. Myrick, Mr. Sullivan, Mr. Tim Murphy of Pennsylvania, Mr. Burgess, Mrs. Blackburn, and Mr. Gingrey of Georgia.

COMMITTEE ON FINANCIAL SERVICES—Mr. Castle, Mr. King of New York, Mr. Royce, Mr. Lucas, Mr. Paul, Mr. Manzullo, Mr. Jones, Mrs. Biggert, Mr. Gary G. Miller of California, Mrs. Capito, Mr. Hensarling, Mr. Garrett of New Jersey, Mr. Barrett of South Carolina, Mr. Gerlach, Mr. Neugebauer, Mr. Price of Georgia, Mr. McHenry, Mr. Campbell, Mr. Putnam, Mrs. Bachmann, Mr. Marchant, Mr. McCotter, Mr. McCarthy of California, Mr. Posey, Ms. Jenkins, Mr. Lee of New York, Mr. Paulsen, and Mr. Lance.

COMMITTEE ON FOREIGN AFFAIRS—Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. Gallegly, Mr. Rohrabacher, Mr. Manzullo, Mr. Royce, Mr. Paul, Mr. Flake, Mr. Pence, Mr. Wilson of South Carolina, Mr. Boozman, Mr. Barrett of South Carolina, Mr. Mack, Mr. Fortenberry, Mr. McCaul, Mr. Poe of Texas, Mr. Inglis, and Mr. Bilirakis.

COMMITTEE ON HOMELAND SECURITY—Mr. Smith of Texas, Mr. Souder, Mr. Daniel E. Lungren of California, Mr. Rogers of Alabama, Mr. McCaul, Mr. Dent, Mr. Bilirakis, Mr. Broun of Georgia, Mrs. Miller of Michigan, Mr. Olson, Mr. Cao, and Mr. Austria.

COMMITTEE ON HOUSE ADMINISTRATION—Mr. Daniel E. Lungren of California, Mr. McCarthy of California, and Mr. Harper.

COMMITTEE ON THE JUDICIARY—Mr. Sensenbrenner, Mr. Coble, Mr. Gallegly, Mr. Goodlatte, Mr. Daniel E. Lungren of California, Mr. Issa, Mr. Forbes, Mr. King of Iowa, Mr. Franks of Arizona, Mr. Gohmert, Mr. Jordan of Ohio, Mr. Poe of Texas, Mr. Chaffetz, Mr. Rooney, and Mr. Harper.

COMMITTEE ON NATURAL RESOURCES—Mr. Young of Alaska, Mr. Gallegly, Mr. Duncan, Mr. Flake, Mr. Brown of South Carolina, Mrs. McMorris Rodgers, Mr. Gohmert, Mr. Bishop of Utah, Mr. Shuster, Mr. Lamborn, Mr. Smith of Nebraska, Mr. Wittman, Mr. Broun of Georgia, Mr. Fleming, Mr. Coffman of Colorado, Mr. Chaffetz, Ms. Lummis, Mr. McClintock, and Mr. Cassidy.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Burton of Indiana, Mr. McHugh, Mr. Mica, Mr. Souder, Mr.

Platts, Mr. Duncan, Mr. Turner, Mr. Westmoreland, Mr. McHenry, Ms. Foxx, Mr. Bilbray, Mr. Jordan of Ohio, Mr. Flake, Mr. Fortenberry, and Mr. Chaffetz.

COMMITTEE ON RULES—Mr. Lincoln Diaz-Balart of Florida and Mr. Sessions.

COMMITTEE ON SCIENCE AND TECHNOLOGY—Mr. Sensenbrenner, Mr. Smith of Texas, Mr. Rohrabacher, Mr. Bartlett, Mr. Ehlers, Mr. Lucas, Mrs. Biggert, Mr. Akin, Mr. Neugebauer, Mr. Inglis, Mr. McCaul, Mr. Mario Diaz-Balart of Florida, Mr. Bilbray, Mr. Broun of Georgia, and Mr. Olson.

COMMITTEE ON SMALL BUSINESS—Mr. Bartlett, Mr. Akin, Mr. King of Iowa, Mr. Westmoreland, Mr. Gohmert, Ms. Fallin, Mr. Buchanan, Mr. Luetkemeyer, Mr. Schock, and Mr. Thompson of Pennsylvania.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. Bonner, Mr. Barrett of South Carolina, Mr. Kline of Minnesota, Mr. Conaway, and Mr. Dent.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Young of Alaska, Mr. Petri, Mr. Coble, Mr. Duncan, Mr. Ehlers, Mr. LoBiondo, Mr. Moran of Kansas, Mr. Gary G. Miller of California, Mr. Brown of South Carolina, Mr. Johnson of Illinois, Mr. Platts, Mr. Graves, Mr. Shuster, Mr. Boozman, Mrs. Capito, Mr. Gerlach, Mr. Mario Diaz-Balart of Florida, Mr. Dent, Mr. Mack, Mr. Westmoreland, Mrs. Schmidt, Mrs. Miller of Michigan, Ms. Fallin, Mr. Buchanan, Mr. Latta, Mr. Scalise, Mr. Cao, Mr. Guthrie, and Mr. Schock.

COMMITTEE ON VETERANS' AFFAIRS—Mr. Stearns, Mr. Moran of Kansas, Mr. Brown of South Carolina, Mr. Miller of Florida, Mr. Boozman, Mr. Turner, Mr. Bilbray, Mr. Bilirakis, Mr. Buchanan, and Mr. Scalise.

COMMITTEE ON WAYS AND MEANS—Mr. Herger, Mr. Sam Johnson of Texas, Mr. Brady of Texas, Mr. Ryan of Wisconsin, Mr. Cantor, Mr. Linder, Mr. Nunes, Mr. Tiberi, Ms. Ginny Brown-Waite of Florida, Mr. Davis of Kentucky, Mr. Reichert, Mr. Boustany, Mr. Heller, and Mr. Roskam.

Mr. PENCE (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, before I yield to the gentleman from Maryland, I'd like to thank him for extending the gratitude he has this week to me. I'm very grateful for that, for his spirit of bipartisanship and his pledge to me to work with us on this side of the aisle. I look forward to building a constructive working relationship with the gentleman. This is our first colloquy together. I look forward to the successive colloquies. And at this time, I yield to my friend from Maryland, the majority leader, for purposes of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding, and before getting into the schedule let me follow up on his remarks.

As all of the Members of this House know, Mr. CANTOR's predecessor, Mr. BLUNT, and I are very good friends and worked closely together. We often disagree on policy, but we have had a long-term ability to work together closely on behalf of the institution, on behalf of the House. The relationship I think was one that was to the benefit of the House of Representatives and to our Members.

I want to thank Mr. CANTOR for visiting with me and talking about how we go forward working together on behalf of the American people and on behalf of this institution. We know that we'll disagree, perhaps more times than not, on major issues, but we also know that the objective that he has and the objective I have and the Members of this House on both sides of the aisle have is a stronger country, with greater opportunity for our people.

□ 1345

I want to congratulate him on his selection as the Republican whip and reiterate his comment that I look forward to working with him in a constructive and positive way.

Madam Speaker, on Monday the House is not in session. On Tuesday the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. The complete list of suspensions, as is the practice, will be announced by the close of business today.

We will also consider a bill to expand the State Children's Health Insurance Program. We will also consider a House resolution requiring committees to hold hearings upon receipt of certain reports from an inspector general or the Comptroller General of the United States. The President-elect has made it very clear he wants to look at programs and ensure that the money is being spent effectively and that the programs the money supports are effective.

In addition, we will consider the TARP Reform and Accountability Act, which we hope will set parameters, accountability, transparency and expectations for help with the mortgages for any legislation that might be submitted either by the Bush administration or the Obama administration as it relates to the second phase, the second \$350 billion previously authorized in the Troubled Asset Recovery Program.

I thank the gentleman for yielding.

Mr. CANTOR. I thank the gentleman. I will say to the gentleman that you

have announced a bill, again, limiting the uses of the TARP funds. I know the chairman of the Financial Services Committee, the gentleman from Massachusetts, has also announced a broad outline for his bill and scheduled a hearing. I would ask the gentleman from Maryland, the majority leader, will the bill be marked up prior to coming to the floor and what sort of rule can we expect?

Mr. HOYER. I believe we will have a rule that will certainly allow amendments. As you know, that's Mr. FRANK's practice. We believe, I believe, it's a good practice.

Whether or not he will have a markup will depend upon the timeframe. The problem is, as the gentleman probably knows, the American public and the Congress on both sides of the aisle are very concerned that if we have to consider within a constricted timeframe the request, either of the Bush administration during the latter days of its term, or the beginning of the Obama administration, we get to have a second request for the second phase of the TARP funding. We want to have in place conditions for the expenditure of that money similar to what we have imposed or the administration imposed, but we also legislatively imposed, it didn't pass, on the automobile companies for the receipt of money.

So the answer to your question is we may not have the time to do the markup, because we are not sure when that second request is coming down. I don't expect it to come down before we consider this legislation, but it may come down shortly thereafter.

Mr. CANTOR. I thank the gentleman. I would like to ask specifically, would anything in Chairman FRANK's bill prevent our Members from having a vote to stop the additional \$350 billion in bailout funds from being spent?

Mr. HOYER. No, it will not. Obviously the legislation provides for a resolution of disapproval, provides a tight timeframe in which that resolution should be considered, and nothing in this bill will impact on that.

Mr. CANTOR. I thank the gentleman for that.

I would ask the gentleman, Madam Speaker, regarding the SCHIP bill, does the Energy and Commerce Committee or the Ways and Means Committee plan on holding a hearing or markup on that bill?

Mr. HOYER. The answer to that is I think not. The bill, however, will be very, very much like, perhaps not exactly, because some of the costs have changed and some of the numbers may need to be adjusted, but very much like the bill that we passed, in a bipartisan way, with very substantial votes, I think somewhere in the neighborhood of 270 votes through this House, just some 6, 7 months ago. We believe the President-elect is very concerned that, particularly as the economic times

confront us, we saw another 525,000 jobs lost this past month. That's more than 1 million jobs lost over the last 60 days.

Obviously we all know that one of the aspects of losing a job is, in many instances, losing your health insurance as well. We are very concerned that we will have a lot of children vulnerable in America.

I think there is certainly a majority opinion. Indeed, President Bush expressed his own thoughts on that as to wanting to include children. So we think this is another matter that we need to move very quickly. But it will be almost exactly like, not exactly like, but very, very much like, very, from a substantive standpoint, very little different than the bill that we passed overwhelmingly in the House. And, of course, two-thirds of the Senate voted for it as well.

Mr. CANTOR. I would ask, Madam Speaker, along those lines, if nothing else, the budget window has changed, as the gentleman recognized, and the costs will likely be more substantial. We do have, obviously, 55 new Members of this Congress that have not had a chance to vote on this bill or even be a part of the discussion, may not have any experience on this issue.

While we have very little time to review a multibillion dollar authorization, I would ask the gentleman if the bill is coming to the floor in the form of a suspension. He noted, Madam Speaker, that it was a bipartisan vote. It was maybe 40 Members on our side.

I think the majority of those Members on our side support the extension of the existing SCHIP program. I was wondering, again, if the bill is coming to the floor as a suspension, or will we have an opportunity to offer our amendments and suggestions under a rule?

Mr. HOYER. The bill will come under a rule. That rule, I haven't talked to the committee Chair, I haven't talked to Mr. WAXMAN, nor have I talked to Ms. SLAUGHTER about the rule, so I don't want to represent what form the rule will be in. But it will not be a suspension bill.

Furthermore, I think the gentleman's observation is a valid observation. We have many new Members who did not consider it. We are hopeful and working towards having that bill online available on Monday for a full 48 hours before we would bring it forward on the floor for Members to see and the public to see and all the Members of the House to see.

Mr. CANTOR. I thank the gentleman for that.

The Republicans under the leadership of our leader, JOHN BOEHNER, will be sending a letter later today outlining our ideas for improving the SCHIP program. I am hopeful that under the rule that we will have the ability to have those ideas considered on the House floor, just as President-elect Obama

has advised us to proceed when the gentleman and I and several others met with him earlier this week.

Madam Speaker, I would now like just to make one additional inquiry to the gentleman that three suspensions were considered on Wednesday. I would say to the gentleman votes were over by 1 p.m.

Yesterday we counted electoral ballots for the historical election of Barack Obama. We were finished by 2 p.m.

Since no legislative business was conducted and no votes were taken after that, can we expect this to be the manner in which the floor will be scheduled each week?

Mr. HOYER. It's hard to predict what every week will look like, as the gentleman will soon find out. If you talk to your leaders and the majority, they will tell you it is more daunting than it first appears.

Having said that, obviously, the schedule has been submitted to all the Members, all the Members know what we have scheduled in terms of days to be in session. Hopefully they have notice of that, they are cognizant of that, particularly their schedulers are cognizant of that.

We have provided, we believe, sufficient days in which to do the work that the American public expects us to get done and that we expect that needs to be done. If there are more days, we will add days.

Having said that, we are in, obviously, the first weeks of the session. A lot has been going on, which is not on the floor, simply in getting organized, the committees getting organized, getting committee members appointed by both the Republican and the Democratic sides so that much has been going on, notwithstanding the fact there have been long days on the floor. But in the early days of the session, obviously, much is going on to get ready for future floor action.

Mr. CANTOR. I thank the gentleman. I would also like to just point out and make a comment and suggestion that we do promote the efficient operation of this House, because we have new Members who have inquired as to why we would be finishing up so early each day and not working more so that maybe we could return to our districts and be with our constituents on a day that perhaps we could save by working more on others.

There are 5 legislative weeks scheduled between now and President's Day. I would ask the gentleman if he could lay out the calendar, the legislative calendar for those 5 weeks.

Mr. HOYER. I thank the gentleman for his question. As you know, the President-elect was here this week to discuss and has discussed, gave a speech regarding the recovery package. Obviously that is an important item that we will be considering.

You have heard the agenda for next week. We also need to do the omnibus at some point in time in the near term. We will hopefully do that before the President's break.

We will have other legislation, but they will be the two major items that we will be focused on, the recovery package and the omnibus appropriation bill. Clearly, as you know, there are nine appropriation bills which were not completed last year that need to be completed so that agencies will have the funding they need to accomplish the objectives we have given them.

Mr. CANTOR. Madam Speaker, I thank the gentleman, the majority leader. I look forward to continuing this dialogue with him on a weekly basis, and I yield back my time.

ADJOURNMENT TO TUESDAY, JANUARY 13, 2009

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATION'S BEST UNDEFEATED TEAM

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Madam Speaker, last night was another BCS bowl game. I congratulate two fine educational institutions and football teams, Florida and Oklahoma. Florida won a hard-fought and deserved victory. However, there is still only one ranked undefeated team in the Nation, and, yes, I am an alumnus of the University of Utah, the two-time BCS buster.

The problem is clearly the BCS. According to the BCS, a system with one too many initials, having a tough competition and going undefeated is not good enough. Using the BCS system, Germany won World War II, HILLARY CLINTON is still the leading Presidential candidate and winning all your games is apparently not the same thing as—winning all your games.

With no intention of disparaging a wonderful Florida football team and program, I still have to commend the achievements of the University of Utah. They are commendable, and I wish to recognize the Nation's best undefeated team. Certainly with the BCS, this Nation can do a whole lot better.

FOOTBALL BOWL VICTORIES FOR RICE UNIVERSITY AND THE UNIVERSITY OF HOUSTON

(Ms. JACKSON-LEE of Texas asked and was given permission to address

the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, well, in talking about bowl games, I have certainly got to rise and salute the City of Houston, the fourth largest city in the Nation. We had two universities win their bowl games.

Rice University and the University of Houston proudly won their bowl games and showed the world that football is played in large cities. Let me congratulate Rice University, which has one of the highest academic standards and standings in the United States of America, along with the proudness of their football team, and, yes, the University of Houston that is now reaching to be a world-renowned research institution that the State of Texas truly needs. They won their bowl game, having not won one in a number of years.

It's exciting to see the manner of enthusiasm amongst the alumni and our schools. Obviously our schools are there to educate, but it really is grand for the City of Houston and all of its population to celebrate two great winners, Rice University and the University of Houston, who won their bowl games, 2008.

Go forever, Rice and the University of Houston.

HONORING LETTER CARRIER RICHARD LEAKE

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, I rise today to acknowledge an outstanding achievement of one of my constituents, Mr. Richard Leake of San Angelo, Texas.

Mr. Leake is a long-serving letter carrier with the United States Postal Service. He was recently inducted into the Million Mile Club of the National Safety Council in recognition of his impossibly good safety record.

As the name of the award states, Mr. Leake has traveled over 1 million miles on behalf of the Postal Service and done so without causing an accident. His dedication to getting the job done safely every time sets a standard for professionalism and conscientiousness that I believe we should all strive for.

I highlight his accomplishment today to remind us that as we take up the people's business in the 111th Congress, it is possible for us to do our jobs without running over one another.

It is a great pleasure to brag on Mr. Leake today, and I am proud to represent an outstanding constituent here in Washington D.C. On behalf of all the residents of District 11 in Texas, I would like to congratulate him on a career well done and thank him for making the streets of San Angelo a little bit safer.

□ 1400

COMMENTS ON THE SITUATION IN
THE GAZA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, today I wish to comment on the bloodbath occurring in the Gaza. No human being can watch this carnage and not be reminded of the festering hatred that grows with each successive unleashing of violence in Israel, the Gaza, in the Palestinian territories that sadly rescars that tragic region.

In voting for the resolution today, I want to be clear I did not do so because I believe more war or violence is the solution to stability. In fact, more war will breed more retribution, as history surely demonstrates. I voted for the resolution because its preamble clearly states our goal is supporting the Israeli-Palestinian peace process.

The proportionality of Israel's response to Hamas' incessant terrorist rocket launches is lamentable. Over 750 Palestinians have now died, one-third of them women and children; there have been four Israeli soldiers killed; and in the last 7 years three Israeli casualties from the rocket launches from the Gaza into Israel. Immediately, there is a lack of adequate humanitarian relief from the world community, and for the victims, that is appalling. Two wrongs do not make a right.

My view is, the current administration has left Israel more vulnerable and less stable as hatreds grow toward it regionally. Our Nation's reputation, too, has been badly damaged globally.

I would like to enter into the RECORD today an editorial written by President Jimmy Carter called "The Unnecessary War," the only President in the last 3 decades to achieve real, lasting peace in the Middle East. There is a road forward. His life is proof the future of that region can be better than the past as development replaces war as the common denominator. But that will take courage. It will take perseverance. It will take more than congressional resolutions. It is why our hopes ride high at this moment with the incoming administration of President-elect Barack Obama.

[From the Washington Post, Jan. 8, 2009]

AN UNNECESSARY WAR

(By Jimmy Carter)

I know from personal involvement that the devastating invasion of Gaza by Israel could easily have been avoided.

After visiting Sderot last April and seeing the serious psychological damage caused by the rockets that had fallen in that area, my wife, Rosalynn, and I declared their launching from Gaza to be inexcusable and an act of terrorism. Although casualties were rare (three deaths in seven years), the town was traumatized by the unpredictable explosions. About 3,000 residents had moved to other

communities, and the streets, playgrounds and shopping centers were almost empty. Mayor Eli Moyal assembled a group of citizens in his office to meet us and complained that the government of Israel was not stopping the rockets, either through diplomacy or military action.

Knowing that we would soon be seeing Hamas leaders from Gaza and also in Damascus, we promised to assess prospects for a cease-fire. From Egyptian intelligence chief Omar Suleiman, who was negotiating between the Israelis and Hamas, we learned that there was a fundamental difference between the two sides. Hamas wanted a comprehensive cease-fire in both the West Bank and Gaza, and the Israelis refused to discuss anything other than Gaza.

We knew that the 1.5 million inhabitants of Gaza were being starved, as the U.N. special rapporteur on the right to food had found that acute malnutrition in Gaza was on the same scale as in the poorest nations in the southern Sahara, with more than half of all Palestinian families eating only one meal a day.

Palestinian leaders from Gaza were non-committal on all issues, claiming that rockets were the only way to respond to their imprisonment and to dramatize their humanitarian plight. The top Hamas leaders in Damascus, however, agreed to consider a cease-fire in Gaza only, provided Israel would not attack Gaza and would permit normal humanitarian supplies to be delivered to Palestinian citizens.

After extended discussions with those from Gaza, these Hamas leaders also agreed to accept any peace agreement that might be negotiated between the Israelis and Palestinian Authority President Mahmoud Abbas, who also heads the PLO, provided it was approved by a majority vote of Palestinians in a referendum or by an elected unity government.

Since we were only observers, and not negotiators, we relayed this information to the Egyptians, and they pursued the cease-fire proposal. After about a month, the Egyptians and Hamas informed us that all military action by both sides and all rocket firing would stop on June 19, for a period of six months, and that humanitarian supplies would be restored to the normal level that had existed before Israel's withdrawal in 2005 (about 700 trucks daily).

We were unable to confirm this in Jerusalem because of Israel's unwillingness to admit to any negotiations with Hamas, but rocket firing was soon stopped and there was an increase in supplies of food, water, medicine and fuel. Yet the increase was to an average of about 20 percent of normal levels. And this fragile truce was partially broken on Nov. 4, when Israel launched an attack in Gaza to destroy a defensive tunnel being dug by Hamas inside the wall that encloses Gaza.

On another visit to Syria in mid-December, I made an effort for the impending six-month deadline to be extended. It was clear that the preeminent issue was opening the crossings into Gaza. Representatives from the Carter Center visited Jerusalem, met with Israeli officials and asked if this was possible in exchange for a cessation of rocket fire. The Israeli government informally proposed that 15 percent of normal supplies might be possible if Hamas first stopped all rocket fire for 48 hours. This was unacceptable to Hamas, and hostilities erupted.

After 12 days of "combat," the Israeli Defense Forces reported that more than 1,000 targets were shelled or bombed. During that time, Israel rejected international efforts to obtain a cease-fire, with full support from

Washington. Seventeen mosques, the American International School, many private homes and much of the basic infrastructure of the small but heavily populated area have been destroyed. This includes the systems that provide water, electricity and sanitation. Heavy civilian casualties are being reported by courageous medical volunteers from many nations, as the fortunate ones operate on the wounded by light from diesel-powered generators.

The hope is that when further hostilities are no longer productive, Israel, Hamas and the United States will accept another cease-fire, at which time the rockets will again stop and an adequate level of humanitarian supplies will be permitted to the surviving Palestinians, with the publicized agreement monitored by the international community. The next possible step: a permanent and comprehensive peace.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LET'S NOT FORGET IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, this week was the beginning of the 111th Congress, and it is absolutely clear we face enormous challenges. We must deal with an economic crisis that is robbing the American people of their savings, their jobs and their homes. We must tackle our problems in health care, energy, education and the environment. The domestic agenda is going to be long, it is going to be hard, and it is going to demand our time and our energy.

But I rise today to make this plea: Let us not forget Iraq. About 140,000 American servicemembers remain in harm's way in Iraq. Military families and veterans continue to struggle and to suffer, and the occupation continues to cost us over \$11 billion a month. That is money that is desperately needed to help the American people right here at home. Yet Iraq seems to have disappeared from our radar screens, from our newspapers, from our media. The three major television networks have decided to remove their full-time reporters. With Iraq off television screens, I am concerned that it will be out of sight and out of mind.

But forgetting Iraq would be wrong. It would be dangerous. The dying hasn't stopped. Nearly 100 civilians have been killed in the first few days of this month alone. In addition, over 300 died in December and over 300 died in November. Many, many more are sure to die in the days and months ahead, not to count those that are being injured and displaced. The number of Iraqis being killed today is about the

same as the number that were being killed in 2003 and 2004.

There are other issues that demand our attention as well; the new Status of Forces Agreement, which is bound to create confusion and new problems for our troops. And we must come up with a plan, a plan to meet the refugee crisis. Four million refugees must be resettled. The humanitarian crisis goes on and on.

But despite all these problems, there is reason for hope. The administration that decided to destroy Iraq in order to save it will be gone in 2 weeks, and I am confident that the new administration, with President Obama and Secretary of State Clinton leading the way, will put us on the right path. They are committed to ending the occupation within 16 months. I actually urge them to do it even sooner and to ignore the voices that will advise them to leave residual forces and permanent bases behind. I also urge them to engage the international community and Iraq's neighbors, including Iran, in a diplomatic effort to stabilize the Middle East, which is absolutely essential.

A full redeployment of our troops in a new diplomatic effort will send a signal to the world that a compassionate America is committed to peace; that it is committed to human rights instead of war and instead of torture.

Madam Speaker, the pundits and neocons who got us into the Iraq mess in the first place are calling it a victory. This is the second time they have called it a victory. They would like us to close the book on Iraq and to move on. But the occupation is still standing in the way of peace, it is still undermining our moral authority in the world and is draining our Treasury at the worst possible time.

We have more than enough domestic problems to deal with, but ending the occupation of Iraq must also be at the very top of this new administration's agenda. I am confident that it will be, because we will finally have the leadership in the White House and the State Department that will do the right thing.

Madam Speaker, let's not forget Iraq.

ENSURING FAIRNESS IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mrs. GILLIBRAND). Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, here we find ourselves at the end of the first week of this new session of the 111th Congress. There is a lot of talk and has been a lot of talk since the election about bipartisanship. There has been a lot of talk on both sides of the aisle about bipartisanship, and that is important. I am a strong supporter of bipartisanship, and everybody talks about it. Bipartisan discus-

sions, however, require bipartisan action. If action in a bipartisan way doesn't follow those discussions, then credibility is denied.

Now, I firmly understand and appreciate that elections have consequences, and the election of this past November resulted in a House, the United States House of Representatives, with a membership ratio of 59 percent on the Democrat side and 41 percent on the Republican side. So on the floor of this House, that is the ratio, and it is reflected in votes even this week.

Nobody would argue, I don't believe, Madam Speaker, that every single Member, every single Member of this House is important. We all represent virtually the same number of people, and it is pivotal that each and every Member be given the appropriate and equal opportunity to be involved in the process, because that is what gives credibility to representative government.

Now, as you and I both know, Madam Speaker, and as our colleagues know, the bulk of the congressional work is done in committees. That is where the critical issues are debated, that is where the hard work is done, that is where the issues are tossed back and forth and where solutions are hammered out.

Now, when voices are silenced, either by not being able to speak in committee for various problems with rules or when individuals are not even allowed to sit in committees, then it does a disservice to each and every American. We are better when we are tussling with those ideas, when we are working as hard as we can to come up with the appropriate solution for our Nation. We are not better when we are just talking about politics.

Again, in reviewing the ratios on the House floor, they are 59 percent Democrat, 41 percent Republican. Most Americans, if you asked them, would say that is what ought to be reflected in the committees, because that is where that hard work is done, that is where those issues are hammered out. I agree those ratios should be reflected in committee. If they aren't, then America is cheated and democracy is cheapened. The committee ratios are incredibly important because they determine the work product that occurs in this House. So, again, Madam Speaker, the House of Representatives, 59 percent Democrat, 41 percent Republican.

Now, when we look at committee ratios that have just come out this week, it appears that on some of the most pivotal committees where issues like taxes and financial services and health care are going to be decided, that ratio has not held. The ratio appears to be closer to 63 percent Democrat, 37 percent Republican. This is a significant decrease of a significant number of seats, and it disenfranchises many

Americans across this Nation. It is a matter of fairness, Madam Speaker. It is a matter of fairness. The American people may not care about the specific processes here, but they do care about fairness.

So I call on the Speaker, I call on the majority leader, I call on the majority party, to make certain that the committee numbers, the numbers, the ratios of Democrats to Republicans in our committees, reflect the appropriate ratio that is reflected on the floor of the House of Representatives. Madam Speaker, it is a matter of fairness.

THE \$700 BILLION GOVERNMENT BAILOUT IS NOT WORKING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, in 2008, Wall Street's biggest banks got Congress to hand over to them \$700 billion of your taxpayer money. Now they want more.

Yesterday, Neel Kashkari, the Interim Assistant Secretary for Financial Stability, gave a speech at the Brookings Institution. He gave fancy sounding bureaucratic names to the \$175 billion that he has already forked over. He called it Capital Purchase Program, Asset Grant Guarantee Program, Targeted Investment Program. Essentially he was talking about the \$20 billion that went to Citigroup.

He asked rhetorically, when will we see the new banks making loans? Well, that is part of his job, to get them to make the loans. But he said as long as confidence remains low, banks will remain cautious about extending credit.

Oh, Mr. Kashkari, we know that well. The reason the auto industry is in trouble is because credit has dried up. Car loans can't be made.

So let me get this straight: He wants more money, because he has only given \$175 billion from the taxpayers' money out there in the country to the biggest banks that did the wrongdoing to begin with, and they are still reluctant to lend.

Let me give Mr. Kashkari a dose of reality. Your program isn't working, and it is not working for Main Streets across this country.

PNC Bank of Pittsburgh, Pennsylvania, one of the Nation's largest banks, now the fifth largest bank, has received \$7.5 billion from Mr. Kashkari.

□ 1415

And instead of providing additional lending capacity and loan workouts for those mortgages to help resolve the problem, PNC took the money. And you know what they did? They came across the border to Ohio and they bought National City Bank in Cleveland.

I see my dear colleague from the city of Cleveland, Congressman KUCINICH here this evening. He understands this well.

National City has been a headquartered institution in Ohio, headquartered in Cleveland since 1845.

Now, Treasury's money, the taxpayers' money, went to PNC and they came to Ohio and bought National City Bank, putting all those people out of work. And PNC became bigger. So what Mr. Kashkari did was take our money and give it to PNC, that hasn't worked down any of those loans, but they came to Ohio and bought out National City Bank. So PNC gets bigger, our banking system gets more concentrated, and PNC becomes more powerful. Some say they actually have price control power on the western side of Pennsylvania.

So, PNC gets \$7.5 billion. Cleveland and Ohio lose a Fortune 500 company, and Ohio, where foreclosures are raging, gets nothing. We get nothing. We just get more foreclosures.

In 2008, Citigroup, one of the main culprits that caused the financial meltdown, was given \$25 billion. They got more than PNC. They got it from us, the taxpayer, and then they have foreclosed, just in my district, on another 235 families in Lucas County, Ohio.

Last November I found an advertisement in my local paper that said there was going to be an auction in my home county. I was surprised. I didn't know the company coming in, called Hudson and Marshall of Dallas, Texas. So I went.

Guess what? Citigroup was one of the banks selling properties. I attended and watched homes in my community sold for as little as \$7,900, a price so low that the original owners could have gone back into those homes. Not only was Citigroup auctioning homes that night, but so were TARP money recipients; those are the banks that got the money through the Treasury from us, Wells Fargo, US Bank, Deutsche Bank, ABN/Amro, Chase Home Finance, Fifth Third Bank, Standard Federal and LaSalle. They all got money.

It is clear that some of the recipients of the Treasury money are unwilling to craft real workouts. And so what happened in our region was people got kicked out of their homes. Wall Street hired the auction company from Dallas, Texas. They came to our region, they sold all those properties for very little money, and they're going to get big, huge tax losses written off on their IRS filings for the tax year of 2008.

But where are our families? Out on the street. Our people lost their homes.

I would like to invite Mr. Kashkari, Secretary Paulson and all the PNC executives to come to Ohio, and I want them to live in the neighborhoods that their actions have affected. We'll give them a little heater, Bunsen heater overnight so they don't get too cold in the houses; and we'd like them to expe-

rience the results of what they have done to the American people.

Last year, 4,100 homes in my region were foreclosed upon. In the last 2½ years, 10 percent of the properties in my home community have been foreclosed. 10 percent of the housing stock. And as foreclosure rates continue to rise in places like Ohio, it's pretty obvious that's what's happening here in Washington isn't connecting to Main Street.

Sadly, Hudson and Marshall, the auction house that Wall Street hired to sell all those homes in my community, are coming to your town too. This month alone they are slated to be in several cities in Michigan, Arizona, Connecticut, Massachusetts, Rhode Island and New Jersey, and they're going to auction another 1,455 properties. They've now sold over 70,000 homes in the last few years, and expect another 30,000 in the year 2009.

Mr. Kashkari, your program isn't working.

Madam Speaker, I would like to place the additional remarks that I have in the RECORD.

What is happening is an outrage to the American people, and they're being asked to pay for it. There shouldn't be any more TARP bills clearing this Congress until hearings are held in the communities that have been affected. We need to use our power in order to go out to the voters that sent us here.

Equity is bleeding profusely from our communities. The sheer volume of the properties sold at auction is disturbing. Financial institutions which have been capitalized through the TARP Program have failed to do mortgage workouts—FDIC and SEC should do their jobs, and they are not—and must be required to do mortgage workouts, rather than foreclosing on homes and participating in auctions. Hudson & Marshall stated in a press release that they have made \$1.2 billion doing auctions.

The intent of the TARP was to help stabilize our financial system, which includes in large measure our housing industry. Yet, we financial institutions enriching themselves, merging, and yet foreclosing on families rather than working to stabilize families in their homes. A stable home permits people to focus on obtaining and maintaining employment, purchasing food, and contributing to society in positive ways rather than relying on social services funded by State and Federal dollars. Furthermore, we see communities falling apart. Community members and local banks are effectively locked out of the opportunity to reinvest in themselves because monies from the Department of Housing and Urban Development which would allow community banks and members to purchase foreclosed homes have not yet arrived.

No second round of TARP money should emerge from this Congress unless regular hearings are held and the

victims of this crisis can have their voices heard in the deliberative process. The Committees should travel to the communities most affected. Why should we trust Wall Street Banks again as more families teeter on the edge.

IMPROVING HIGHER EDUCATION AFFORDABILITY

The SPEAKER pro tempore (Mrs. GILLIBRAND). Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Madam Speaker, in these tough economic times, our families need all the support that we can provide them. Whatever we can do to assist those who seek more education and training to better prepare themselves for this tougher, tighter job market and rising unemployment and under-employment rates, we need to do.

That's why today, Representative TOM PERRIELLO and I, joined by a number of our colleagues on the House Ways and Means Committee, are introducing the College Learning Access Simplicity and Savings Act. We want to put more students in class. It will make our ability to assist students to gain access to our institutions of higher education much easier. Students and their families can benefit from additional and more simplified tax credits for higher education expenses.

Last year, legislation that I offered simplified the student financial aid forms. Now, this legislation will take on the 1040. Today, higher education provisions are needlessly complex. It takes IRS an 86-page brochure to explain to families how to use the existing tax credits for higher education. The complex process is so challenging that 1 in 4 eligible taxpayers don't claim any of the benefits available. It shouldn't take a certified public accountant to become a CPA, or a teacher, or an engineer. This legislation would consolidate some of the existing provisions into a single, unified, easy-to-understand, higher education tax credit that is both more generous and easier to use.

Our bill joins the Hope Tax Credit (currently up to \$1,800 per year) with the above-the-line tax deduction for qualified tuition and expenses (currently tax deductible up to \$4,000). We replace all of this with a new \$3,000 tax credit that is usable for undergraduate education and the first 2 years of graduate school, up to a lifetime limit of \$12,000. Up to half of this new tax credit would, for the first time, be refundable. This ensures that working folks, families that are struggling to become part of the middle class, will no longer be excluded from this higher education tax credit.

This bill is, of course, no substitute for a substantial increase and an acceleration of those Pell Grant increases Congress has already enacted. But tax relief, done in a refundable form, can work hand-in-hand with Pell Grants to ensure more opportunity.

We are justifiably concerned with the federal deficit, but there's a real opportunity deficit we need to be concerned with also. When our students are not able to achieve their full, God-given potential, a deficit occurs, and it is that deficit, that opportunity deficit, that this legislation seeks to address.

I respectfully call on our new President-elect to consider inclusion of this legislation in the economic recovery legislation that this Congress must adopt as soon as possible. Investing in American students is an investment in America's future. Putting Americans to work means ensuring that they have access to all the education for which each is willing to work.

It was Thomas Jefferson who urged public support of higher education, wanting the youth of all our states to "drink from the cup of knowledge."

Today, there are students who are thirsty for that knowledge, but they confront a number of challenges. Mr. PERRIELLO and I, and our colleagues, hope to address those challenges, and we hope we will have the opportunity to see this legislation enacted into law in the next few weeks.

WE HAVE TO PUT AMERICA BACK TO WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. We've heard the economic reports, over 10 million Americans out of work, 7.2 percent unemployment. Some say that unemployment could go to 10 percent. We could be looking at 12 million Americans out of work.

The productive capacity of this Nation is not being used. It's withering. We have to put America back to work. Our program actually is pretty simple. Jobs, jobs, jobs. Put people back to work with good paying jobs.

How do you do that?

You go back to that old time religion of FDR reflected in the New Deal. He rebuilt America. There's over \$1.6 trillion in infrastructure needs that are unmet, that can't be met by local or State governments. The stimulus package that we hear discussion about does want to do something about addressing infrastructure. That's significant. We should support that.

But we also have to look at our experience, and we don't want to be TARPed again in this Congress; because this Congress voted for a \$350 billion bailout of banks. I didn't vote for it, but the House and the Senate voted

for it. And it resulted in the banks using the money, not to help people stay in their homes, but in using the money to buy other banks, take over other banks. They hoarded the money.

There is a credit freeze. We cannot—we must take notice of that. I know Chairman FRANK, BARNEY FRANK, is going to do that with the next tranche of TARP money, try to make sure money goes to keeping people in their homes. That's a positive step in the right direction. But Congress must take note of its experience in the bailout when we're fashioning a so-called stimulus package because we want to make sure that the money gets to the people who need it the most and it gets to people quickly.

Now, some say that you can do that through tax cuts. Well, actually, with people being afraid of the economy getting worse, they're holding on to their money. Look at the Christmas retail returns. Sales are down dramatically. People don't want to spend if they have it.

So how do you get the economy moving again?

Tax cuts, tax carry forwards, giving businesses that made bad choices a chance to get more money so they can hold on to it?

No, we have to prime the pump of the economy. And the way you prime the pump of the economy is that you create millions of jobs. Putting people back to work, rebuilding our roads, our bridges, our water systems, our sewer system, that's infrastructure. But there are some broader issues here we have to look at.

The banks have shown that they can't be trusted with the American economy. That's generally been the case, but now it's out in the open, \$350 billion later.

In 1913, the money power of the country was taken away from the people. By constitutional privilege it belongs with the Congress, but it was given up in the Federal Reserve Act. The Federal Reserve is no more Federal than Federal Express. But yet it has the power to determine the direction and use of money in our economy. If we could take that power back and put the Federal Reserve under Treasury, we start to be in a position of being able to control monetary policy on behalf of the United States people.

We also have to address the issue of the fractional reserve system, which is how banks create money out of thin air. And then, as they do that, they've created the conditions where we've had this kind of Ponzi scheme collapsing, banks and the hedge funds working together. So we have to halt the banks' privilege to create money by ending the fractional reserve system. Past monetized credit would be converted into U.S. government money, and banks would act as intermediaries, accepting deposits and loaning them out to borrowers. Fine.

But then, with the ability to control our fortunes, we then, once we control money again, we spend the money into circulation on infrastructure; not just the fiscal infrastructure, but also on health care. We not only can address housing needs, rebuilding America's infrastructure, but we can also get people the health care they need in this country. We can enable children to stay in school or to go back to school.

We really have the opportunity to take control of our own destiny again. But we can't go back to the same old same old. Trickle-down economics, the trickle never gets down. The invisible hand of the marketplace is in the pockets of the American taxpayers.

□ 1430

The invisible hand in the marketplace is in the pockets of the American taxpayers. Let's rebuild America. Let's reclaim our economic destiny, and let's do it as a Congress—united, working with the new administration.

THE AMERICAN ECONOMY AND HONORING BRIGADIER GENERAL RED BROWN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Madam Speaker, this weekend, a very important event will take place at Camp Mabry in Austin, Texas. My friend, fellow Texas Aggie, constituent, and citizen soldier Colonel James "Red" Brown will be promoted to the rank of Brigadier General. This American hero deserves to have tribute paid here today on the floor of the United States House of Representatives for his outstanding and devoted service to this country. Red's experiences and accomplishments are far too extensive to be able to cover during my limited time, but it is clear he is an example of true patriotism.

Newly promoted General Brown received his commission in the United States Army in May of 1980 from the ROTC program at Texas A&M University. He is a graduate of Armor Officer Basic and Advanced Courses, Combined Arms Staff Services School, the Command and General Staff College, and the Army War College.

He had served as a company battalion and brigade commander. Colonel Brown, soon to be General Brown, had also served as Assistant Chief of Staff for Civil Military Affairs in Bosnia-Herzegovina during Stabilization Force Seven, as well as Assistant Chief of Staff for Operations of the 49th Armored Division for 3 years.

Just a few of his awards include the Bronze Star for bravery and gallantry as well as the Combat Action Badge awarded in Iraq, three Army commendation medals, several Meritorious

Service medals, and the Legion of Merit.

During Operation Iraqi Freedom, he commanded the 56th Brigade Combat Team, which was comprised of six battalions with 31 companies and over 4,000 soldiers. When his 56th Brigade was sent to Iraq, it was the largest deployment of troops from the Texas reserve since World War II.

It was a great honor for me to be there at Baylor Stadium in December of 2005 to be part of the massive homecoming, welcoming these brave servicemembers when they returned home from Iraq.

During their commitment in Iraq, Colonel Brown and his men conducted convoy escort and route security missions throughout the country. As you will recall, that was quite an historic year for Iraqis and for those all over the world who value freedom, because thanks to the heroic efforts of then Colonel Brown and his 56th Brigade and so many others there in the United States military, the Iraqis elected their first true representatives to lead a democratic form of government. Though terrorists tried to instill fear among the locals with prevalent threats of persecution and death, the Iraqis were determined to venture to the polls and to participate in democracy because the hope they were given by the supportive American servicemembers, such as Red, was greater than any fear.

I have hanging in my office a photo, very dear to me, of Colonel Brown and of other members of his brigade, proudly holding an Aggie flag that I had taken over when I had visited there. It is framed and signed by all of those in the picture there in Iraq.

My friend General Brown has dedicated his life to and has risked it for the service of this great country. There are countless people across the world who will never know the benefits and inspiration they've experienced as a result of General Brown's sacrifice. His sacrifice did not stop while he was on active duty.

As a civilian, he is also heavily involved in service to our local area—serving on the board of directors of the Boys and Girls Club of East Texas, the Lindale Area Chamber of Commerce, and the Council of the Lindale First United Methodist Church. He was even elected to the Lindale School Board where he has served also honorably and as president of the board. I know he doesn't do it for recognition or for praise because I know his heart, but General Red Brown deserves to be honored and thanked for his unwavering example of patriotism and selflessness.

So congratulations are extended on the promotion to Brigadier General. No one is more deserving of such an honored promotion.

May God bless General Red Brown, his wonderful wife, Jane, and his de-

lightful, beautiful children Hannah and Crystal for being such a great blessing to this Nation.

Madam Speaker, I would like to yield at this time to the gentleman from New Jersey, who is a dear friend. It's hard to find anybody more insightful in this body.

Mr. SCOTT GARRETT from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman for that and for the insightful comments. Maybe I should just begin with the gentleman from Utah for his comments with regard to the economy and the stimulus.

The gentleman from Utah.

Mr. BISHOP of Utah. Thank you. I appreciate that pass-off very quickly here.

The comments of Congressman GOHMERT about General Brown, I think, are appropriate as a beginning for this entire discussion about the stimulus. As he has been sacrificing his all for this country, it is our job to try and make sure that there is a country that is worthy of that sacrifice and that commitment that he will have.

I just want to talk very briefly because we have some great experts here on the economy of this country who will say something.

Just on a personal approach, I am one of those who was a product of kind of a "yours and our" family. My father, who was a newlywed with a young son—my oldest brother—during the Depression, lost his job during the depths of that Depression, and my mother was a recent widow with two young sons under 5 with no job at the same time. My father went for 2 years during the depths of the Depression without a full-time job. I realize the difficulty in talking to him of what he went through and of what the family went through. Indeed, he was saved by the creation of a government job during that time period.

I came around about 20 years after this event, and my father always cautioned me at the time that the government job that saved him was a temporary job, that when the government decided to close the program, the job went away at the same time, and he was back to the same issue of finding a job that had been created on the economy, an economy created job.

So, as we deal with the stimulus issue, I recognize that this stimulus package that we have without any details—it's just a concept still floating around—that is taxpayer-funded can have a profound effect on individuals and can have a profound effect on the economy, but if it is to be successful in the long term, it must be successful in encouraging and in stimulating private-sector jobs in the economy. That's the long-term solution.

One of the former leaders of this body once said, "Between invention and innovation, you have to have investment, and investment only happens if there is

an expectation of return." If we do not include as part and parcel of our attempt to reinvigorate this economy an aggressive tax reduction policy, not only for individuals but for business, we do not promote that expectation of return. An aggressive tax reduction policy for the business sector will provide stability to the business and will encourage them to reinvest real money into real long-term jobs that will not be dependent on the taxpayer largess to take place.

I think, just from my personal experience and from the experience and insight my father told me, that is what we have to look at as we look into this overall package. I would add just one last comment as well.

You know, we talked a great deal about energy a while ago. I hope it was not one of those things that we mentioned in August so we can check it off the box because gas prices are down again, but the reality is OPEC has already voted to cut oil production. Chavez has said he needs the cost of a barrel of oil to double if he is going to continue on with his foreign involvement policies and practices. If this country wants to have a good economic future, we have to have energy security that is self-sufficient. If we cannot in all of our efforts to try and build a healthy economy secure our economic future, we will never secure long-term economic health.

With that, I appreciate the opportunity of being able to just interpose myself in this discussion of whatever this stimulus package may be since there are no details with it yet.

I would yield back to the gentleman from New Jersey, and I appreciate the words of the gentleman from Texas as an introduction to this, and I look forward to the rest of the discussion.

Mr. GOHMERT. If I may reclaim my time briefly, I want to thank the gentleman from Utah (Mr. BISHOP) for being a dear friend and colleague.

I heard your comments earlier about the University of Utah. What an extraordinary year they've had. I get the impression nobody has given Utah anything. They have gone through a season undefeated because they worked hard and they earned it. So what we've seen with football teams that get giveaways is that they don't tend to do as well, and they don't have the discipline. Utah certainly has that. Now, if we would just get to a 16-team playoff, then we could give everybody that same opportunity to claim the national championship.

I thank my friend from Utah, and I would yield back to my friend from New Jersey, Mr. GARRETT.

Mr. GARRETT of New Jersey. Again, I thank the gentleman from Utah for your comments. They are always insightful, and that's why I led off by referring over to your for those insightful comments. Now I will just make a couple of comments.

I appreciate the gentleman from Texas for leading this Special Order this afternoon, this Friday afternoon, as Congress goes back to their districts. As the gentleman from Georgia indicated earlier, this is an abbreviated session of Congress. I'm not sure why we spend 5 days in a week to do about 2 days' worth of work, but this gives us the opportunity to talk about an issue, of course, that is extremely important to the American public, something that they are looking to Washington to begin to address, albeit over an extended period of time and in discussion as opposed to legislation.

I am just going to make three points while I'm at the microphone. The first point is: Who pays? The second question is: For what? The third point really goes into what the gentleman from Utah was referring to a moment ago: For how long?

The first point of who pays: As for the gentleman from the other side of the aisle, who was just speaking previously, the gentleman from the great State of Ohio, I agreed with him on a number of his points that he was making with regard to the expansive powers of the Federal Reserve and the necessity for Congress to reexercise its authority in fiscal and in monetary matters and to address that issue.

I did have a question for him or a concern with one point that he made. He said, right now, when it comes to infrastructure projects across the country, there is a great need, and I concur with that, and he raised the question or the statement: But they cannot be paid for by the local or State or—and I assume he also means—county or municipal governments right now. So he's inferring that, if they can't pay for it, somehow or other, the Federal Government can.

You know, at the end of the day, when it comes to paying for any of our services, all of the money that we have comes out of our own pockets as taxpayers, whether you pay your local town tax or your county property tax or your State income tax and so on and so forth. It all comes out of our own taxpayer pockets. So it really doesn't matter whether you say the States or locals can't pay because, at the end of the day, come April 15, those same citizens will be paying the Federal Government for those very same projects.

So as to the question of who pays: It's the American taxpayer who is going to be on the hook for those very same infrastructure projects whether local, State or county pays for it or whether some miraculously comes out of the Federal Government's Treasury as well.

So the point is: Who pays? You do. The American taxpayer will pay for whatever this stimulus package may be whether it's \$100 billion, \$500 billion, \$1 trillion. We're looking at right now a \$1.2 trillion deficit as we speak, care of

Senator REID and NANCY PELOSI from the 110th Congress. Basically, that is what Senator Obama is inheriting, and it's on top of that that we'll be spending, maybe, another \$1 trillion. Who will pay for that? Well, it is the American taxpayer.

The second point is: For what? What will we be paying for—earmarks? Well, the other side of the aisle will say, no, there aren't going to be any earmarks in this, but mark my words; there will be things akin to earmarks, and I think that the American taxpayer is smart enough with this. It will be pork. Let me give you just an example. Again, the idea is, well, we'll pay for infrastructure, and that's all good when you talk about infrastructure being roads and bridges and water and sewer supplies and what have you. Well, let's see what some of the requests have already been to this new administration.

Down in Florida in the city of Miami, they're talking about some great infrastructure projects such as a water slide, BMX dirt bike or trail bike trails, a beach museum. That's the type of infrastructure they're talking about looking forward to going back to the States. How about in the great State of Rhode Island where they're talking about such things as a polar bear exhibit or better soccer fields up there as well?

□ 1445

That's the type of thing that your tax dollars will be going to.

How about over in Vermont? They're putting in a request to spend \$150,000 of your tax dollars to go to a more efficient street sweeping machine. Now, I'm sure they will be able to suck up a lot of the dirt and debris around the town a lot better with your tax dollars going into it. And isn't that really the problem, that this machine really will be sucking up more of our tax dollars as will this entire stimulus package?

So what is this money going for? It will be going for all of the same sorts of earmark pork projects that you have seen and been dismayed about out of the Congress in the past but be magnified to the extent of \$1 trillion.

And the third point is for how long—and this is what the gentleman from Utah was making—for how long.

We will go on for as long as the trillion dollars pork project will continue to be spent out of Washington. It will not really be making permanent jobs. The Obama administration talks about wanting to create 3 million new jobs, 80 percent of them they hope to be private sector jobs. That means, of course, 20 percent of them will therefore be public sector job. I can do the math in my head. That comes out to be around 600,000 new public sector jobs, which is around 50 some-odd percent if he threw the postal service out of the Federal Government as we exist right now.

Where will those jobs be in a year from now or so after this project is spent? They will be out. So if you have got one of those good paying jobs, those jobs will end, and so will this program.

So who pays? The American taxpayer pays. For what? For more pork. How long will it last? Only as long as this largesse out of the Federal Government lasts.

What we need in the end—and I can conclude on this and yield back to the gentleman from Texas—is a program that will create new jobs, that will create jobs that will be new careers for individuals in this country, jobs not on the public dole but in the private sector. How do you accomplish that? By creating a private sector jobs initiative to incentivize the private sectors to take their literally trillions of dollars that are on the sidelines right now and to invest them into the economy, to invest them into the creation of new jobs. And if you do that, that will move the economy forward. The banks will be more than willing to lend again because the individuals out there will have jobs to be able to pay back their loans, and we will be reestablishing the strong economy that this country was known for for decades and for centuries as well. That is the direction we should be going for.

And that's why I thank the gentleman from Texas for leading this talk in this special hour tonight on how to really stimulate the economy and how to really create jobs for this country.

Mr. GOHMERT. I thank my friend from New Jersey. Great insights, great points, three great points. Dear friend pastor from Tyler, Paul Powell, said when he was in seminary, he asked one of his preaching professors, How many points should you have in a perfect sermon? And the professor said, I think you ought to have at least one.

So I really appreciate the gentleman having three excellent points, and I appreciate the contribution.

At this time I would like to yield to someone who has an amazing mind that got him CPA certified, and here he is in Congress trying to help the laws become better and especially on financial matters. So I would like to yield to my friend, Mr. MIKE CONAWAY from Midland, Texas.

Mr. CONAWAY. I thank my colleague from Tyler and Longview and Marshall and Henderson and all points east of Fort Worth. I appreciate his hosting this hour today.

As we talk about President-elect Obama's stimulus package, I am very mindful that he currently has something north of a 65 to 70 percent approval rating. So you really don't want to pick a fight right off the bat with a fella who's in that high regard across the United States. But so I think as a minimum, we ought to give him a chance to begin to put some meat on

the bone of all of these great ideas that have been kind of at the—not even the 10,000-foot level but at the 50,000-foot level and looking forward to the actual legislative language as to how some of this stuff is going to work.

I applaud him for calling for no earmarks and for transparency and accountability. That's exactly what we want to do. I'm particularly encouraged that Vice President BIDEN has committed to oversee the spending of every single dollar personally. Given the growing size of this bill, he is going to be one very busy Vice President as he puts his green eyeshade on, his garters, and pulls his sleeves up, gets out his pen, and actually watches the writing of each one of those checks as he committed to doing the other day.

I am a bit discouraged, though, that the overall process that was announced yesterday that he believed—our new President believes that he can spend, or we can collectively spend our way out of this current economic recession, depression—whatever you want to call it, whatever title you want to give it—I'm concerned that that's not an accurate way to do this.

One way to look at this would be to say, all right. If government spending is a panacea for the economy, if it will build a great economy, then looking at the spending, the government spending for the last 2 years—which I believe this Federal Government has spent more money in the last 2 years than any other 2-year period in history—that certainly didn't drive a wonderful economy. We're in a bad economy right now. So if the premise is government spending builds economies, then we ought to be in a good economy right now. Quite frankly, we aren't in that economy.

The centerpiece, as both of our colleagues have talked about, is job creation. And at the end of the day, it really should be about jobs.

I participated in a needs assessment in Midland County back in the United Way days. It was a zillion years ago. It was a process where you went through and asked people what was going on in their homes, what was going on in the neighborhoods, in local communities, what were the problems, what were the issues. We culled that down through some science to the top 10 needs for the Midland community.

If you looked at those 10, nine of those 10 would have been favorably addressed by a job, by somebody having a job. And so it is—in an arena where hyperbole is the norm, it's difficult to overstate how important jobs are to an economy. And that's just the foundation, the base of those.

I would also argue, though, that government jobs—and my colleague and I from Texas have two really good government jobs. These government jobs that we have, we make money at it, and they are here forever. And some

government jobs will always be here forever.

But the jobs that would be created with the program that's been, you know, kind of highlighted at the 50,000-foot level, those jobs shouldn't be forever. And when you don't talk about forever with a job, then that job is, by nature, temporary; and since it's temporary, it's hard for families to make plans based on a temporary job. It's hard for communities to plan on those—the impact that those jobs have.

So that temporariness of those government jobs lends itself to continued uncertainty, to continued anxiety about what happens when this ends, what happens when this is over as opposed to a business that comes into or locates into a community, begins to put down roots and build jobs and build wealth, add to the local tax rolls. All of the kinds of things the private sector jobs do, those have a sense of permanency to them that is just right. That makes sense to us.

And I would argue that whatever we do on a go-forward basis, that we focus more on private sector jobs and do whatever we can to avoid creating government jobs because once you put people on the government payroll, it's hard to get them off and it does not build wealth.

I would also like to point out that while our current circumstances are dire and difficult and hard and there is a lot of pain in the country right now, it is temporary. As we've seen, expanding economies are temporary. We've enjoyed about a 7- or 8-year good run with the expanding economy. Everybody enjoys that. New jobs are created, new wealth is created, opportunities. Everybody likes that. But those are temporary as we've now seen with this contracting economy.

Well, the converse is true as well. Contracting economies are temporary. They may last a lot longer than we'd like, a lot longer than we'd enjoy, but at the end of the day, this world economy, this U.S. economy will turn the corner and will begin to expand.

So as we look at what we do to address this issue, let's be careful that we don't take money to be earned by future generations to fix a temporary issue that we're dealing with. I would argue that my colleagues' and my generation, the last 4 years we have elevated this idea of taking somebody else's money—in most instances it's our grandkids and great grandkids and great-great grandchildren's money—and let's fix today's problems. Which means that we have robbed our future generations of the money that they're going to earn that they should have available to them to address their problems. Because they will have problems. There is nothing we can do today that's going to fix everything permanently, and those future generations have a right to the money they earn by

the sweat of their brow. The problem is you and I are spending it. Collectively.

There's plenty of blame to go around. This isn't a partisan issue. Democrats, Republicans bear equal blame in this regard that we've constantly become addicted, in effect, to using borrowed money to address issues. And the issue we're going to address over the next several weeks is this economy, and everything I've heard so far is that we're going to use borrowed money.

I was in Fredericksburg, Texas, back in October doing a town hall meeting at an elementary school. If my colleagues have never done a town hall meeting in an elementary school, I would encourage it because you get some of the best questions ever from fifth graders.

I was doing my best Q&A kind of thing, and this little fella in the second row raised his hand, and I recognized him, and he said, Mr. Congressman, what is the plan to pay off the national debt?

And I said, Excuse me?

He said, Yes, sir. What's the plan to pay off the national debt?

And I said, Young man, that is the single best question I have been asked while I've been in Congress.

There is no plan to pay off the national debt. Every dollar that we borrow is, in effect, permanently borrowed forever. Let's just take an example. I'm a CPA so some of this comes a little bit easy to me. We've got \$11 trillion in hard debt. Debt we've got paper on, not counting the promises of Social Security, Medicare, and all of that. We've got \$11 trillion.

In order to pay that off, this government has to run an \$11 trillion surplus counting the interest. It's more than that if you've got interest. Given the history of the last 42 years, we've, I think, run surpluses 3 of those years. Thirty-nine of them or forty-one of them, whatever the number is, have been deficits.

So if anyone in their right mind thinks this Federal Government, given the propensity we have for spending other people's money, can run a \$12 or \$11 trillion surplus in order to pay off the national debt, they are delusional beyond all words.

Now, at a minimum, the first thing that we ought to do is quit doing what's gotten us to this point. Quit spending money we don't have. You know, it's—across the aisle we've got two seemingly desperate ways of doing things. On our side we want to cut taxes, and the other side spends money but doesn't raise taxes. It ought to be this way: If you're going to spend the money, then have the political backbone to raise the taxes; or if you're not going to raise the taxes, have the political backbone to not spend the money.

Well, we've had it on our side where we spent the money and borrowed it, and the other side wants to spend the

money and raise taxes. And all we've done is spend money that we don't have. It's not ours. No family gets to do that, no small business gets to do that, no other government entity I'm aware of, other than the Federal Government, gets to do that.

My preference, if we're going to have some sort of a stimulus work, would be to focus on tax policy, the money that's earned by good citizens, and that we, at the point of a badge, take away from them. That tax policy ought to be stable, it ought to be predictable, it ought to be put in place. It allows them to keep more of their money and create those private sector jobs.

Let's take the example of businesses. Section 179 allows businesses to deduct immediately in the year of purchase a certain amount of money that they spend on equipment that they use in their business. By being able to deduct that, the taxes they would otherwise have paid on that amount of money, they can recycle into their business by hiring new people, investing in new product, investing in new capacity. All those kinds of things.

So that, in my view, is a much more appropriate stimulus of the economy than to collect a bunch of money here in Washington D.C. and then begin to try to parcel it out across some of the projects that our colleague from New Jersey was talking about earlier in terms of how that money is going to be spent under the, quote-unquote, stimulus package and the conference of mayors, you know. The shopping list that they've gone through is, in my view, a much better way to try to stimulate this economy.

Truth be told, at the end of the day, the Federal Government has precious little to do with whether or not the economy expands or contracts. That's driven by the decisions of millions of Americans to decide whether or not they're going to buy something new, whether or not they're making enough money to be able to afford that, whether or not their business—prospects for their business is good enough that they'll go to the bank and borrow money and continue to begin to turn this corner.

□ 1500

Those decisions are made all over the United States, all over the world by good, honest folks and not governments. So we sometimes delude ourselves into thinking that—and most of us are of the kind of personality that we came here to fix stuff; we came here to make this country a better place; we came here to do all those kinds of things. Sometimes it's not our job.

Our propensity is that we want to fix stuff, we want to do things to help this country. And when we see a problem as staggering and difficult as this one, we think that there's something we in fact can do, and we feel almost inadequate

when we propose not doing something. But maybe in this instance, letting us absorb the pain and understand that in a deleveraging circumstance, when you're paying off debt as we are right now, that that does not grow an economy, but that does lay the foundation for that future economy that will begin to expand that we will all enjoy on a go forward basis.

So if anybody remembers one thing I've said today, it is, let's begin to look and lay a foundation for stopping fixing temporary problems with permanent debt that we're borrowing from future generations and are hamstringing them and are hobbling their ability to take care of their issues when they are grown and in our position.

So I appreciate my colleague for hosting this hour today.

Mr. GOHMERT. I thank my friend from Midland, Mr. CONAWAY. I guess it's that trained certified public accountant mind that sees with such clarity. You know, you've got your debits and your credits, and you come here to Congress and it should balance. And I appreciate the clarity that all your training and experience has given.

I ran across some quotes here that are right in line with what my friend from Midland has been saying. Here's a quote from Dr. Richard Wagner, Professor of Economics at George Mason University. He said, "The government can increase its spending only by reducing private spending equivalently. Whether government finances its added spending by increasing taxes, by borrowing, or by inflating the currency, the added spending will be offset by reduced private spending. Furthermore, private spending is generally more efficient than the government spending that would replace it because people act more carefully when they spend their own money than when they spend other people's money." What an insightful quote.

Another quote, "As Congress and President-elect Obama work together to help middle class families and get our economy back on track, the deficit estimate makes it clearer than ever that we cannot borrow and spend our way back to prosperity when we're already running an annual deficit of more than \$1 trillion. The reality is that the decisions we make today will impact future generations, and burying our children and grandchildren under a mountain of debt to pay for more wasteful government spending would be the height of irresponsibility."

I've come to know so many wonderful people on both sides of the aisle in my 4 years that I've been here. There may be somebody in this body that doesn't like children, but I don't know who it would be. I find a commonality of just a real love for children. You see children come onto the floor under 12 are allowed here. We saw the rostrum, the

dais just completely covered up with children as Speaker PELOSI was sworn in. And children just bring a smile when you see these wholesome, refreshing children, bright eyes, full of hope gathered around. But it breaks your heart when you realize the kind of debt we're loading these children up with. I mean, nobody in this body I know of would intentionally go about harming any child, but we're doing it unintentionally.

It has historically been the general nature of mankind, it's not true with all species, but with mankind generally—except for some exceptions of some really horrible people—mankind's nature is to protect our children; and in this body, while I've been here, we've continued to load them up. And President-elect Obama talked about change and hope. And frankly, the Democrats had been spending way too much money in the eighties and in the 1990s up to '95. There were a few years there where Republicans were doing the right thing, and then they couldn't help themselves, they started spending money like crazy, loading up the kids with more debt than they will ever be able to pay. And I was really—and am still—holding out hope that the change that we can get and we need the most from this administration coming in is quit killing our children with debt, just overloading them with debt.

And, you know, the change is not going to come by throwing money at the economy; we've been doing that for the last 4 months, it has accomplished nothing. There are some great insightful writings and thoughts from economists now that, although it was the most incredibly good of intentions through the thirties, the economy did not get help, despite all the massive spending and government programs, until World War II. So as people here have heard me say many times, I think the number one duty of the Federal Government is to provide for the common defense.

We need to have defense spending. And invariably every time an administration comes in and seeks their cuts by cutting the military, cutting spending with defense contractors, then our military gets at a low point. And as President Ronald Reagan had said, you know, no country ever gets attacked because people perceive it as being too strong, they perceive it as being vulnerable, so they attack it.

It is always a good thing, and preventative, when a nation is strong militarily. We don't need to be cutting the military, we don't need to be cutting defense spending. In fact, when the government is going to spend and help the economy, it ought to be on things that government has to do anyway.

So when we look at some of the proposed projects in which funding is being sought and maybe spent, some of the things that have been listed so far

as being ready to go, shovel ready, ready to have money, \$350,000 for an Albuquerque, New Mexico fitness center, we need to make our people more physically fit. I have been deeply troubled that with all the emphasis on No Child Left Behind, we've cut art programs, we've cut music programs, we've cut all kinds of programs that really can make people a more whole person, and that includes physical fitness.

You know, when I was a kid and President Kennedy proposed physical fitness for children, I really didn't like it. I thought he ought to mind his own business, actually. But I can tell you that the physical fitness programs that were instituted—and that wasn't a mandate, it wasn't a requirement, it was an encouragement, he led by encouraging. And schools started having physical fitness programs and the kids got better off physically which made them better off mentally. And to see the obesity that has resulted, we don't need, as a Federal Government, to start telling people you can't buy fast foods, you can't eat this, you can't eat that. Just everybody exercise, and then push that with the children; set those good patterns early and that will take care of itself. It teaches discipline, and that is something that far too many in this body have not been able to overcome.

Now, one of the things that you learn in law school is to rationalize almost anything. You get good at it. If you become a good lawyer, you get good at rationalizing basically any conduct—or you can. And I see people that have been here in Congress for many years, many that did not go to law school, and they have gotten so good at rationalizing they can rationalize almost anything. We don't need to be doing that. We need to be getting to what helps.

But I've heard people try to rationalize on this floor, in this Congress in the 4 years I've been here. And I never seek to impose my religious beliefs on anyone else, but I enjoy it when people quote Scripture. And I've heard Scripture quoted on this floor many times, but often it's during tax debate. And I've heard people ridiculing, you know, some of you Republicans say you're a Christian, but Jesus said take care of the widows and orphans; Jesus said, even as you've done to the least of these, my children, you've done to me; Jesus said do unto others as you would have them to do unto you; and here you guys are wanting to cut give away programs to all these different people. But I've searched Scripture, and for those who like to rely on it, you can look, Jesus never said, Go ye, therefore, use and abuse your taxing authority, take somebody else's money and give it away. He said you do it. "You" do it. You do it individually. You help. You reach out. You give with your money, you give with what you have.

Don't go abusing your power as a Member of Congress to take from somebody else to give; do it and you will be the beneficiary. That was the teaching, not for government to take other people's money. Because what is taxation? It's theft. Although we legalize it, therefore, it's legal theft. We take somebody else's money and we use it the way we want to use it.

So, that is a concern. Here's another quote from an assistant professor of economics, Justin Ross, from the School of Public and Environmental Affairs at Indiana University. He says, "The empirical evidence overwhelmingly rejects Federal Government deficit spending as the best method for stimulating the economy, and it is generally unsupportive of it having any stimulus effect at all." We saw that all through the thirties. No matter how much money the government gave away, no matter how many government programs, there was nothing permanent about what was done.

Now, we hear a lot of people say that this is the worst economy in 70 years and 80 years, going back to the thirties, it rivals those days. I was mentioning before, but I had a man over 90 years old approach me in my district say he was sick and tired of people saying that, that what we're going through right now has no comparison. For people that are out of work, it even has no comparison to the 1930s because there were times, he said, when we would go a couple of days without even eating, and now people get upset and think they're broke if they don't have two or three cars, computers, cell phones, and that kind of thing. They had none of that.

And you go back to the late seventies, early eighties before the big tax cut by President Reagan and we had double-digit inflation, we had double-digit unemployment. We're not even close to double-digit inflation. But if we keep throwing away money and printing money like crazy and borrowing and trying to tax more, then we're headed for major, major trouble.

But you go back to the late seventies, early eighties, and the research we've done indicates that key industries that experienced a big downturn as a result of the recession in the late seventies, early eighties were housing, steel manufacturing and automobile production. And these did not see a recovery until much later.

I might also say, for those who look for answers in Scripture I referred to earlier, when people have criticized me for not wanting to take other people's money to give it away to my charity of choice, that they would prefer to do it, I brought that up and someone said, oh, well, that's not being very Christian. And I point them to the example of Zacchaeus. Because if you look at Zacchaeus and his example, the first thing he did after he met Jesus was to

go cut taxes. And, in fact, not only did he cut taxes, he gave a four-for-one rebate, as I recall, to those who he had wronged. And I have no doubt that in cutting taxes after he met Jesus that he stimulated the economy all around because it meant the government wasn't getting that money, the tax collectors weren't getting that money, people were able to spend their own.

Now, I was really amazed when some of us, a bipartisan group of Members of Congress, went to China a few years ago, and talking to CEOs and since then talking to other CEOs, why was your industry moved to China? Because I figure the answer is going to be cheaper labor; we didn't have to deal with labor unions; easier environmental—the number one answer was not any of those things. They said our quality control was so good in the United States, Americans just really make good products.

□ 1515

But the number one answer was that the corporate tax rate in China was so much cheaper than it is here. And you look around the world at where economies are growing, and they have dropped corporate rates. They have dropped capital gains rates so people are able to keep more of their own money.

And what we see, we have seen over and over going back to President Kennedy, President Reagan and the early days of President Bush. When you drop the tax rate, the economy is encouraged, expands, and you get even more revenue back into the coffers of the government. So everybody comes out ahead.

Now, some of the other things we've heard about the Democratic stimulus package that is being worked on is that it could virtually triple the current year's deficit. What we've been hearing is that it will grow a deficit that's about a 50 percent increase over the post-World War II record of 6 percent.

Also, we've been told, as my friend from New Jersey alluded to, that 20 percent of the 3 million jobs that President-elect Obama wants to create are in government. We don't produce a whole lot in government. Some would say what we produce is not worth producing and is more harmful than good. Regardless, we don't need 600,000 new government jobs. That is overloading the economy with government. And as former Senator Gramm used to say, When we have more people in the wagon than pulling the wagon, the wagon's going to stop and the country will be economically dead at that point.

Spending, though, disguised as tax cuts is not a tax cut. As many writers have said, if we want to stimulate the economy, what we really need to do is have a tax cut. That's why I filed in December and have re-filed the first

day we were in session this week a 2-month tax holiday bill, H.R. 143. I'm hoping that I will get to talk with someone in the incoming administration because President-elect Obama said he wanted to provide a tax cut for every American who made less than \$250,000. My bill makes sure every wage earner, including self-employed businesses, get a two-twelfths tax cut for the year 2009. It's not just a stimulus package, but that is the result.

But the fact is, if we in this body allowed people who earned the money to choose winners and not give money to people and companies they think are losers, then they make the decisions. And I can guarantee you, they're going to make better decisions than we've seen out of the Treasury department over the last 4 months. It's like we were reading a moment ago, when people spend their own money, they do it more wisely than when they're spending someone else's money, especially when we have the problems with accountability that government always has. It doesn't matter which administration is in office. When there is money to be given away by the government, accountability is a nightmare. It's a huge problem, and despite all the promises, we have got a Republican administration that's been in office the last 4 months during this huge bailout, but we have had a Democratic majority in the House, a Democratic majority in the Senate, and no matter which party is in charge, accountability has been disastrous when it comes to holding people's feet to the fire with government money. So it is not the answer to go throwing money at all these different things.

Other proposed giveaways would be \$94 million for a parking garage at the Orange Bowl in Miami. What a great bowl, what a great venue for football, but there doesn't need to be a Federal giveaway. \$4.5 million for Greton, Florida, to bottle water with recycled bottles, well, that's a wonderful, noble goal. But what government should do is create incentives for other people to do good things. There's been too much of a problem with Congress that we decide we're just going to give away money, throw it at a problem, and think we have done a good thing.

The highest and best use of this body over and above making sure that we provide for the common defense is encouraging people to do the best that they can with what they have, use their talents, use their God-given potential.

One of the things that drove me off the bench as a district judge and made me want to run for this office to get to serve here was as a judge handling felonies, I kept seeing more and more women come into my court that I had to sentence for a couple of things. One was for welfare fraud and another was for their involvement in dealing drugs.

And you get a complete presentence investigation report on people's background, and I was amazed how similar so many of the stories were.

And this is not a racial issue because, when I dealt with it, there were women of all races having the same problem. They would have somebody encourage them, because they were bored with high school, to drop out and have a baby because the government will send you a check. So they would drop out, have a baby, and they'd get a government check. And then they'd find out, it's not really enough for a baby and a woman to live on. So they would have another child and another child, and they kept getting further and further behind.

And you go back to the 1960s and the great society and how well-intentioned that was, but what occurred was the government saw single women having to provide for children with some deadbeat dad out there not helping. So, with the best of intentions and wanting to help, they said let's give them a check. So they started giving a check for every child that a woman could have out of wedlock. And when they come 40 years later to my court to be sentenced, over and over I'm seeing women who are lured into this rut by the Federal Government well-intentioned giveaways, and they couldn't get out. We provided them no incentive to get out.

I hear from people in housing projects that said, you know, we were trying to save a nest egg so we could move out of Federal housing someday and buy our own home. So we're saving up a down payment. Then we were told by some authorities that we had too much money in savings, that we either had to buy stuff or give it away or spend it somehow, get rid of it, or we'd have to move out of Federal housing. I mean, what's wrong with this? The Federal Government ought to be about encouraging people to do what's good for them because ultimately that's good for the country, and instead, we lure people into a rut and we don't let them out.

And so some women would get desperate, and they'd realize I've got to get a job but I also need a handout from the government with the children. So they get a job, they wouldn't report that to the Federal welfare authorities, and they'd come before me as criminals for welfare fraud. Others would see how much money was being made in dealing drugs, and that's no way out of a rut. And it wasn't, because that's bad for everybody.

But you come back to the premise, the Federal Government luring people into a rut with giveaway programs that don't let them out.

Now, I am not sure exactly what the answer was in the 1960s specifically, but I know what the general answer is. The government should provide incen-

tives to do the right thing. So instead of, you know, giving people a check and luring them into this rut they can never get out of, maybe we give them incentives to finish their education, help with day care. If we had done that, we wouldn't see this boom over the last 40 years of children without enough parents that care about them. So that's what we encouraged, and seriously we've gotten what we've paid for.

We could drop the corporate tax. We could drop the cap gains tax. I get sick and tired of hearing people saying we'll never get manufacturing jobs back to the United States. Ridiculous. Of course we can. They've left because corporate taxes are a lot cheaper elsewhere, and people that come on to this floor and say, oh, let's don't tax the people, let's tax the corporations, that is so disingenuous because the fact is, corporations, if they don't pass that on and make their customers and clients pay, then they don't stay in business. The corporation doesn't pay that tax. It's a conduit, but it comes from the individuals getting their services. But it seems to be a good passing of the buck by Congress when we do that.

But The Detroit News itself, home of our automakers, say, Tax cuts work best to stimulate the economy. If Congress agrees to take on this enormous debt in the name of stimulating the economy, it better do everything possible to keep it from becoming history's biggest pork barrel.

The Pittsburgh PAPER said, As Club for Growth's Pat Toomey urges, the elimination of the capital gains rate would be the better solution.

That's what is really needed is what National Review's Larry Kudlow said. A fool bore, supply-side tax rate reduction that could even morph into full-fledged corporate tax reform.

That would be amazing. We'd get those jobs back overnight.

And then with energy, we've had this big energy debate the last 6 months, and now people have gone to sleep on the issue. We should not. We have still got to get energy independent.

And we heard from experts who said if we will simply open up ANWR, and it isn't a beautiful, pristine area that is often depicted on television. There's nothing there. It's flat. There's not a better place on earth to drill because there's nothing there. Animals can't live there. If the caribou come, they have to pass through immediately because there's nothing there to live on. Drill there. We'd have a tiny footprint, and we were told that immediately we'd have 250,000 new jobs, and by the time they were ready for production, there would be 1 million new jobs. There's a third of President-elect Obama's promise of 3 million new jobs, and we don't have to give money away. We don't have to increase taxes. The private sector will take care of it. All

we have to make sure is the environmental concerns are addressed so that we don't hurt the environment.

We could increase the jobs immediately by opening up more of the Outer Continental Shelf. What an incredible stimulus that would be.

A Boston Herald editorial said, a real stimulus bill—the expiring tax cuts are tax increases and history shows that tax increases in a recession, depression or recovery can be deadly. We should not go there.

I often look at the seal on the dollar bill. It has a pyramid with a triangular eye actually at the top, representing the all-seeing eye of God, and the Latin phrase “*annuit coeptis*”. That's Latin meaning He, God, has smiled on our undertaking.

When we saddle those dear, sweet children that are alive today and their children with debt because we would not do the right thing, I don't see how God or anybody else can smile on our undertaking. We need to get back to things that bring smiles.

MIDDLE EAST AND THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHERMAN. Madam Speaker, I plan to use the first two-thirds of my time to focus on events in the Middle East and then the final third to focus on our economy. I would invite my colleagues who wish to address these subjects to come to the floor. I can yield them a few minutes, but if I don't have any company, I'm capable of speaking for a full hour, as some of my more bored colleagues have already seen proven.

□ 1530

Now, even in an hour-long presentation, I am not going to be able to present all of the facts to support my position, and so I invite my colleagues to visit Brad.Sherman@mail.house.gov.

Now, focusing on the Middle East, we all want peace, we all want a sustainable cease-fire. But, instead, our television shows us blood and carnage. Who is to blame? What do we do to cause it to stop?

Now, as to the issue of who is to blame, the press has a remarkably silly approach. They take pictures of casualties, and they decide whatever side has suffered the most casualties must be in the right. I would point out that if this is the standard we use, America has been in the wrong in every war we have fought since 1812. It is absolutely preposterous to say that whichever side suffers the greater casualties has morality on their side.

Part of this is a misreading of the just war theory that so many modern

philosophers have put together, and one of its key elements is proportionality. The press, skimming rather than reading these philosophical texts, comes up with the idea that there must be proportionality of one side's casualties to the other side's casualties. A true reading of just war theory indicates that the proportionality doctrine is that there must be proportionality between the objective that the just side is seeking and the casualties which are unfortunately borne by both sides.

Well, what is the objective that Israel is seeking? First and foremost, the objective is to end a situation where 1 million Israelis every day and every night face daily attempts to kill and maim as many of them as possible. By this standard, this is a just effort by the Israeli Government to safeguard its people.

Now, Hamas has sent, since 2005, well over 6,000 rockets and mortars into southern Israel. Now, I want to clarify one issue as to the number, because often you will hear a figure roughly half of 6,000. That is the correct figure for the number of rockets or for the number of mortars. But if you add together the rockets and the mortars since the year 2005, the number stands well over 6,000.

Why do we pick 2005? That is because that is the time when Israel withdrew completely, unilaterally, without concession, without compensation, from the Gaza Strip, leaving behind valuable assets, which were trampled on rather than used by Hamas extremists.

So we see some 6,000 rockets and mortars from a territory that is hardly under Israeli occupation. We are told that, well, Hamas should be regarded as morally virtuous because so few of these rockets hit their target. It is true that the vast majority of these 6,000 projectiles have failed in their attempts to kill Israeli women and children and civilians, but that doesn't mean that Hamas has good morality. It simply indicates that Hamas has bad aim or, more specifically, that they are using ordnance, which is very difficult for them to aim.

Every one of those rockets and mortars had a single objective, kill as many Israeli civilians as possible. Not a single one of them was targeted at the Israeli military. So we are told, well, let us count only the casualties. Let us ignore the over 6,000 attempts at murder from Hamas. We cannot ignore those missiles. From a moral standpoint, it is just as wrong to fire a missile that fails to hit its civilian target as one that does hit its civilian target.

Now, earlier today, the House passed H. Res. 34. The vote was 95 percent in favor, 1 percent against, the remaining percent either voted present or wasn't present, 95 percent to 1 percent. Let us review some of the provisions of that resolution. I will read some, and then I will comment.

“Whereas Hamas was founded with the stated goal of destroying the State of Israel;

“Whereas Hamas has been designated by the United States as a Foreign Terrorist Organization;

“Whereas Hamas has refused to comply with the Quartet's,” and here we are referring to the United States, European Union, Russia and the United Nations, that Quartet's “requirements that Hamas recognize Israel's right to exist.”

Then it goes on to say that Hamas has launched thousands of rockets against Israel's population centers since 2001 and has launched more than 6,000 such rockets and mortars into Israel since Israel withdrew both its military and civilians from Gaza in 2005.

The resolution also states that in June, 2006, after that withdrawal, Hamas illegally crossed into Israel, attacked Israeli forces, and kidnapped Corporal Gilad Shalit, whom they continue to hold today. The resolution then points out that Hamas is getting some very substantial support from Iran, and I will address that later, and is using innocent civilians as human shields.

Let me give one illustration of that, and that is Nizar Rayyan, perhaps one of Hamas' top 5 leaders.

He stored weapons at his home, sophisticated communications designed to act as a communications center for Hamas. So what did Israel do? They called him at his home. They told him that in order to avoid civilian casualties, they were giving him 10 or 15 minutes notice, that's enough time for people to leave the area, but that it was important to Israel to destroy those weapons, to destroy that communications equipment.

What did Mr. Rayyan do? Having boasted that he wanted to die as a martyr, he not only stayed in the house, but he kept with him several of his wives and children. That is the use of innocent human shields at its worst, a man doing everything possible to lead to the death or cause the death of his four wives, of many of his children, all so he could claim that Israel was responsible for the deaths of those civilians.

Let us continue to look at key provisions of the resolution that passed the House.

“Whereas Israel has facilitated humanitarian aid to Gaza with hundreds of trucks carrying humanitarian assistance . . .”

Let me provide the specifics. Just today some 89 humanitarian shipments went from Israel to Gaza, including 2,227 tons of food, medicine, plus 315,000 liters of heavy-duty diesel so that Gaza can operate its power generation station and 143 tons of gas for domestic use. That is what Israel made sure, at risk to its own people, would reach Gaza just today.

Well, how does that compare with combatants in other wars? Look at World War I and World War II.

In each of those wars, the British Navy used its total mastery of the surface of the oceans to blockade Germany. Not a single ship of medicine was allowed to pass across the Atlantic to Germany, not a single ship of food, and, of course, prior to both World War I and World War II, Germany was a major food importer from the western hemisphere.

What did Germany do? They deployed their submarines with the stated purpose of starving the British in both World War I and World War II by sinking as many ships as possible, laden with food, purchased in the new world. So in World War I and in World War II, both combatants from the first day of the war did everything possible to stop a single ship of humanitarian assistance, to use modern nomenclature, to stop a single ship with food or medicine from reaching its destination. Compare Israel to both sides in World War II, risking its own soldiers and civilians in order to help those trucks get through.

The resolution continues with a quotation from Secretary Rice where she said, on January, 2009, January 6, hundreds of thousands of Israelis lived under daily threat of rocket attack and, frankly, no country would be willing to tolerate such a circumstance. Moreover, the people of Gaza watched as insecurity and lawlessness increased and their living conditions grew more dire because of Hamas' actions, which began with the illegal coup against the Palestinian Authority in Gaza. A cease-fire that returns to those circumstances is unacceptable and will not last, will not last.

The U.N. Security Council, passed a resolution last night calling for a sustainable cease-fire. But a cease-fire that returns Hamas to the situation that existed in December is, in the words of our own Secretary of State, unacceptable, because it will not last. The U.N. has called not for a temporary cease-fire, but for a sustainable cease-fire.

Now, the resolution goes on in its resolved clauses to make a number of points. For example, the resolution, in subparagraph 3, "encourages the Administration to work actively to support a durable and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding its terrorist infrastructure, including the capability to launch rockets and mortars against Israel."

Paragraph 5 "calls on all nations—
“(A) to condemn Hamas for deliberately embedding its fighters, leaders, and weapons in private homes, schools, mosques, hospitals, and otherwise using Palestinian civilians as human shields, while simultaneously targeting Israeli civilians.”

In paragraph 8, the resolution "calls for the immediate release of the kid-

napped Israeli soldier Gilad Shalit, who has been illegally held in Gaza since June 2006." I would point out that I, at least, believe that no cease-fire can be regarded as adequate unless it includes the return of Gilad Shalit.

So these are the provisions, and I haven't had a chance to quote them all, but these are what I think are the most important provisions of the resolution passed by this House by a vote of 95 percent to 1 percent. I want to commend Chairman BERMAN and Speaker PELOSI for introducing and writing this resolution, and I was proud to be one of its original cosponsors.

□ 1545

So let us try to review some of the elements that we see on the ground in the Middle East.

Hamas claims to be beleaguered, but it has rejected the U.N. Security Council cease-fire resolution passed last night. Hamas has done everything to increase civilian casualties, including the actions of Mr. Rayyan and including the use of human shields.

Yet in spite of all of Hamas' efforts to increase civilian casualties on both sides, U.N. estimates state that over two-thirds of the Palestinian casualties have been gun-toting militant terrorists, and other estimates put that number at well over three-quarters. It is a testament to everything Israel has done, risking the lives of its own soldiers in order to minimize Palestinian civilian casualties, that well over half, well over two-thirds of the Palestinian casualties, are indeed the militants, not the civilians.

When Hamas launches rockets from a neighborhood, an Israeli sergeant has seconds to decide whether to return fire. Now, there is always a comfortable pundit talking head on television in an air-conditioned studio ready to vilify that decision. But the decision has to be made in seconds by an Israeli sergeant under fire. The moral culpability for civilian casualties cannot be put at the feet of any sergeant. Moral culpability for the horrors of war lies with politicians who seek extreme and unjust ends through violent means.

While Israel seeks to live in peace alongside a Palestinian state, Hamas and its political leaders have as their clearly stated objective to kill or expel every Jew from the Middle East. Hamas proudly waives the banner of genocide and ethnic cleansing. So where do we lay the blame for the casualties that continue? I believe it is not at the feet of the sergeant who is under fire, but rather it is at the feet of the political leaders who insist upon continuing to seek such unjust and extreme ends through violent means.

Now, I have discussed this conflict as if it is a conflict between just Israel and Hamas. It is in fact a conflict of wider significance, a conflict between

the government of Iran and the people and allies of the United States.

The fighting in Gaza has demonstrated Iran's ability and desire to wage war on America and its allies. Hamas is a terrorist organization seeking the destruction of Israel in favor of an Islamic Palestinian state, but it is also a proxy for the Iranian Government. As such, what we see in the Middle East is part of a regional war being waged by the Iranian regime against the United States and its allies.

Many of Hamas' weapons are made in Iran. Many top Hamas military leaders and experts who launched the missiles into Israel were trained in Iran. Iran provides the lion's share of Hamas' funding. It is unlikely that Hamas would be able to achieve its status as the premier Palestinian terrorist organization without backing from Iran.

Iran backed Hamas like Iran backed Hezbollah. It shoots rockets at Israel's civilians from deep inside their own densely populated civilian areas, knowing that any Israeli attempt to defend itself will kill or at least endanger Palestinian civilians. Through Hamas and Hezbollah and through its operatives in Iraq, Iran and its government are able to stir up crises in the Middle East, thus injuring American prestige while helping to achieve Iran's own aims.

We know that Iran is working hard to possess a nuclear bomb. With all that Iran is doing now, with all that it has done as far from its own country as blowing up the Jewish center in the city of Buenos Aires, what will Iran be like if it has nuclear weapons? It will act with impunity. We will go from crisis to crisis between the U.S. and its allies and Iran, and each time we will be staring at a hostile nuclear power.

Now, it is true that the last time we went eyeball-to-eyeball with a hostile nuclear power, namely the Soviet Union, best exemplified by the Cuban missile crisis, we lived to tell about it. But imagine going eyeball-to-eyeball with a regime that is considerably less sane than Mr. Khrushchev, and not having one Cuban missile crisis, but a crisis every time Iran decides to test us, every time it engages in international terrorism? This is a risk Americans should not take.

Finally, what happens if, as so many of us pray, this regime in Tehran feels that it is going to be swept out of power? They may decide to nuke Tel Aviv in an effort to regain popularity among those on the street in Iran, or they may decide to smuggle a weapon into the United States, feeling that if they are going to go out, they would just as soon go out with a bang. So it is unacceptable for America to sleep while the centrifuges spin at Natanz.

Now, preventing an Iranian nuclear weapon is still possible if the new administration reorients our foreign policy to make that its chief objective. The good news is that the tools we

have available, the diplomatic tools, the economic tools to isolate the government in Tehran, have only been used to the extent of 1 or 2 percent. We still have a lot of tools in the tool box. The bad news is for this entire administration, even after 9/11, even after it was revealed by an Iranian dissident group all the details proving that Iran was making considerable progress to a nuclear bomb, even after all that, this administration has left most of the tools in the tool box.

I will detail some of those tools in the time that remains to me, and the rest, of course, are available for my colleagues to view at Bradsherman.house.gov.

First, we can begin the effort at economic isolation. I think incoming President-elect Obama has a strong record. He voted for the Lautenberg amendment in 2005, which unfortunately didn't pass because a majority of Senators voted against it. That amendment would simply have prevented U.S. oil companies from doing business with Iran through their foreign subsidiaries. Furthermore, then Senator Obama authored the bill in the last Congress which would have encouraged divestment from firms doing business with Iran. I hope very much that in its first days, the Obama administration comes to Congress and urges us to pass these two pieces of legislation that were so strongly supported by Senator Obama.

We then need to ask the administration, and it is an odd constitutional circumstance where we have to ask that laws be enforced, but we should ask the administration to begin enforcing the Iran Sanctions Act as the current administration and even the prior administration refused to do.

We need at the diplomatic level to demand that the World Bank stop disbursing funds to Iran in the form of concessionary loans. We basically acquiesced in the decisions of the World Bank to make those loans. Fortunately, only half the funds have been disbursed, and we must make it clear to the World Bank that our continued participation in that organization requires the immediate cessation of disbursements from the World Bank to the government of Iran.

We need to deny Nuclear Cooperation Agreements to countries that provide technologies to Iran, and by "technologies" I mean those technologies that help Iran develop nuclear weapons.

And we need to organize the world to hit one of Iran's Achilles heels, and that is the fact that it needs to import gasoline, because although Iran is oil rich, it does not have refinery capacity. Almost half of its gasoline needs to be imported.

As to this effort, I have the opportunity to report to the House that we have had some success. It has been re-

ported that a major Indian refinery, RIL, has agreed to stop sending refined petroleum products to Iran. This is a success for the U.S. Government, and particularly for the Congress of the United States. Why? Because this very refinery in India was seeking funding from the U.S. Export-Import Bank, one of our major funding institutions, to fund the construction of infrastructure around the world, and we do that chiefly because it is U.S. products being used in that infrastructure. So RIL was seeking a U.S. Export-Import Bank loan or loan guarantee, and several Members of Congress joined with me in sending a letter to that institution saying that Ex-Im Bank should not provide such financing unless the refinery stopped shipping gasoline to Iran.

So I look forward to using these and other tools to convince the Iranian people and Iranian elites that their policy, the policy of their government in supporting terrorism and building nuclear weapons, is going to lead to their economic and diplomatic isolation.

I think we also owe a special debt of gratitude to the mullahs who run the Iranian Government, because their incredible corruption and inefficiency has left the Iranian economy very susceptible to these pressures, very fragile. This economy in Iran was fragile even when oil was selling for roughly \$150 a barrel, and they are far more fragile now that oil is selling between \$40 and \$50 a barrel.

□ 1600

Let me review just a few of the other things that this government and this Congress can do in order to get the message across to Iranian elites and the Iranian people that they face economic and diplomatic isolation if they continue to support terrorism and develop nuclear weapons.

The first of these is to urge Americans to divest from ownership of stock in companies that are investing in the Iranian oil sector. How can we do this?

First, we need to make it clear, and this is legislation that passed the House, unfortunately, I believe it did not—I know it did not make it through the Senate, to simply tell pension plans and other trustees that they are free to divest without the risk of lawsuits from some crazy investor or beneficiary who somehow would claim that the fund could make more money if it did invest in companies doing business in Iran. We've got to make it plain that no one has a fiduciary duty to invest in terrorism.

Second, we would want to change our tax laws so that those selling stock in a company, usually a foreign oil company that is investing in the Iranian oil sector and investing in the stock of a different company, that those who engage in such a transaction are not immediately taxed. Rather, they should get to what tax professionals

call a carry-over basis, and then, when they divest, when they sell the stock of the new company, the company that's doing good things, that would be the time when they would recognize their capital gain, because divestiture of companies doing business with Iran in a way so as to bolster its energy sector, divestment should not result in lawsuits. It should not result in taxation. It should result in accolades and thanks from this Congress to see that American pension plans, both public and private, and American individuals, are willing to step forward and put some economic pressure on the Iranian government.

In addition, I think that we have to examine our relationship with Russia and China with a lens of looking at how Russia and China deal with Iran. Too often these two super powers or former super powers, or future super powers, whatever term you would use for Russia and China, these two powerful countries use their seat at the U.N. Security Council to defend Iran from any meaningful sanctions.

Why do they do this?

First and foremost, they do it because they can, knowing full well that our policy toward China or Russia on the issues they care about will not be affected by what they choose to do on Iran. This failure of linkage needs to end with the end of this administration. We need a State Department and a President and a foreign policy that makes it plain to Russia that when we look at Georgia, when we look at Trans-Dniester Moldova, when we look at disputes involving the pricing of natural gas, when we look at whether we're putting missile defense in Poland and the Czech Republic, when we're looking at any issue important to Moscow, our first question will be what has Russia done to hinder or help the Iranian nuclear program.

Nothing illustrates this better than our plan to put missile defense in the Czech Republic and Poland, justified by the current administration on the theory that we need that because Iran may have nuclear ICBMs.

Now, how crazy is this?

We anger Russia by putting the missile defense in the Czech Republic and Poland. What instead we should do is agree not to build that missile defense if Russia will help us prevent Iran from having nuclear weapons, which was the theoretical reason we needed the missile defense.

Keep in mind that missile defense is not going to safeguard Poland or the Czech Republic from Iranian nuclear weapons. First, it probably won't work. But even if it did, Iranian missiles are not aimed at Krakow or Prague. Iranian missiles would probably not be the mechanism that Iran would use to deliver nuclear weapons. You see, to develop an ICBM you have to be a damn good rocket scientist or actually

have a bunch of damn good rocket scientists. But you do not have to be a rocket scientist to get a nuclear weapon into an American city.

A nuclear weapon is about the size of a person, and of course those sizes vary, as do nuclear weapons. But it is not that hard to smuggle something the size of a person into the United States. In fact, our efforts along the U.S./Mexican border have raised the price that smugglers charge for that very activity from \$1,000 dollars up to \$1,500. That may deter some who would cross the border illegally for economic reasons. That may deter poor people from Latin America, but it obviously isn't going to deter any country with nuclear weapons.

Likewise, I could point out that we do not have a single border officer on the entire Alaska/Canadian border, not one. So if you think that oh, well, we're going to defend Los Angeles and Chicago because we have this incredible border effort, we have zero on that border. And so Iran could easily, could smuggle a weapon into Anchorage, even more easily than to smuggle one into Los Angeles or Washington or New York.

So why are we building missile defense in the Czech Republic and Poland and by doing so, angering Moscow and making it more difficult for us to pass appropriate resolutions sanctioning Iran through the United Nations Security Council?

First, myopia has marked so much of the foreign policy of the current administration.

And second, a peculiar belief that by building missile defense in the Czech Republic and Poland, we are somehow tying those two countries to us and continuing the Cold War against Russia.

We should be building missile defense only if we think it will work. It will not work against Iran.

And there's a second reason. Iran will choose to smuggle nuclear weapons, rather than use Intercontinental Ballistic Missiles because they will have more confidence in their ability to smuggle. Even if they have an ICBM, they're not sure it works. They're certainly not sure that it hits the target within 5 miles or within half a mile of what they're trying to achieve. They know they can smuggle a nuclear weapon to precisely the location they want right outside the security perimeter of this Capitol, right outside the front gate of the White House.

And, in addition, Iran would prefer to have plausible deniability. Why should they make it so clear that the bomb came from the Iranian government? If, instead, it is delivered by a terrorist they can always say, oh, you dare not retaliate; it wasn't our fault. So Iran would prefer plausible deniability, just as bin Ladin denied then admitted then denied responsibility for 9/11.

So we are building missile defense in the Czech Republic and Poland for no reason that enhances American security and at great cost to our effort to prevent Iran from developing nuclear weapons.

Likewise, we have made it all too clear to Beijing that our attitudes toward their currency manipulation will not be affected in the slightest by what they do with regard to Iran, particularly at the United Nations. Why would we take the Number 1 threat to our national security and tell the Chinese, we won't link it to anything you care about?

Again, this has been an ineffective foreign policy of the outgoing administration. So I look forward to a diplomatic policy that gives the highest priority to putting U.N. sanctions on Iran as long as it develops nuclear weapons and supports terror. I look forward to using all of the economic sanctions available to us. And I look forward to being able to use our broadcasting resources to inform the Iranian government and people that they face true isolation, economically and diplomatically, if they continue down the same path.

At this point, I want to move from foreign policy to our economic situation. Next week, this Congress will consider a bill amending the TARP program. TARP is the program that is known as the \$700 billion bailout bill. \$350 billion has been spent by this administration. The other \$350 billion remains available to the next administration.

Now, that second \$350 billion will not be available to the new administration until the administration makes a request and until we have a chance in a privileged resolution to vote on a resolution of disapproval. But I should point out that it would be virtually impossible for this Congress to prevent any administration making such a formal request from getting the second \$350 billion. That is because any resolution of disapproval would have to pass both Houses of Congress, then sustain a presidential veto, and both Houses would have to override that veto. So the second \$350 billion is likely to become available to the Executive Branch.

Before that we should strengthen the requirements for expenditure of the second \$350 billion. Now, there are a variety of ways to strengthen the requirements. There are three that I have focused on most directly. Chairman FRANK has focused on quite a number of other ways to strengthen the TARP program, and I agree with most of what he will be trying to do.

I should point out that I'm speaking on the basis of the outline posted on the Speaker's web page and I believe on the web page of the Financial Services Committee as well.

We do not yet have the bill's text. But from that outline, we see one

major improvement focusing on one of the three issues that I have focused on, and that is a requirement that when we invest in a financial institution, we receive at least a minimum number of warrants. Now, frankly, we should be getting a lot more warrants than the minimum that would be established by Chairman FRANK's legislation. But the current TARP bill has no minimum at all. So if we can raise that to a 15 percent minimum and make it plain to the Department of the Treasury that the minimum is a floor, not a ceiling, and that the taxpayers of this country deserve warrants commensurate with the risk that we are taking, then we will be in a much stronger position, because, let's face it, we're investing in the preferred stock of quite a number of these banks of different sizes, and some of those investments will fail. So if we don't make a profit on the good ones, our kids are going to be paying for an enormous increase in the Federal deficit as a result of the bad investments we have made.

The way to do this is to set 15 percent as the floor, but to expect that where substantial risks are taken, that we get warrants worth 20, 30, 40, 50, or 80 percent of the amount that the Federal Government is investing.

There is a second area that I have focused on in all of the TARP discussions, and that is my concern that we will be bailing out foreign entities, not just American entities; that this would take the form of buying bad bonds that were invested in and owned, not by U.S. entities, but by big banks in Shanghai and Riyadh and London.

Now, up until now, contrary to the plan that Secretary Paulson presented to this House, he has not spent a single penny buying bad bonds from anybody.

□ 1615

Of course, he told us that was the only thing he was going to use the money for. He changed his mind by the moment he passed the bill, but the new administration may, indeed, decide to buy troubled assets/bad bonds from those who invested in them. If this is the case, they should only buy such bonds if they were held by an American entity on September 20, 2008, which is the day that all of this bubbled up to the surface, the day of Secretary Paulson's original proposal.

When I say an "American investor," I include as American investors those entities incorporated in the United States, or doing business in the United States, even if they are owned by foreign entities. So, if Fireman's Fund happens to be owned by an entity outside the United States, they are still very much a part of the business activity here in the United States, and if the bond was actually owned by the U.S. entity, it should be eligible for purchase under TARP. But it is a very different thing to allow what I call the China two-step.

The China two-step works like this: The Bank of Shanghai made some bad investments. You know, everybody around the world bought our bad bonds or mortgage-backed securities, whatever you want to call them. They bought some really bad bonds. Shanghai transfers those to some U.S. entity on Monday, and then the Treasury buys them on Tuesday. The China two-step.

We need to put into the statute that, before any bond is purchased, before any troubled asset is purchased, we know that it was owned by a U.S. investor, including those entities that may have foreign parents, but was owned by a U.S. investor on September 20.

The third issue that I'm concerned about and that now, I think, all of my colleagues or our colleagues are concerned about is the issue of executive compensation and perks. Now, the outline—and I'm only working from the outline that's posted on the Web page—does say that those who receive bailout moneys cannot own or lease private jets, but it leaves it clear that they can charter the private jets. Better we should take the private jet provision out of the law entirely than we commit a fraud on the American people and say that the executives at companies which needed a bailout are not going to have private jets, and lo and behold, instead of owning jets, they charter them.

We should make it clear that chartered luxury aircraft cannot be used by those who receive bailouts, and we should provide an exception. We should provide an exception where the destination is a place very far from scheduled air service. We should focus not only on perks, but on the total compensation package.

Now, the automobile bailout bill that passed this House, but did not pass the Senate, did provide limits on bonuses paid to the executives of the bailed-out firm. What we need to make clear is that any grant of a stock option is covered whether or not called a "bonus," because the creativity of the corporate world is enormous.

AIG said, when they paid millions of dollars to executives just last month, those weren't bonuses; those were retention payments. So, given the ability of some in the corporate world to say it's not a bonus just because it quacks like a bonus or walks like a bonus, you can be sure that there are those in the corporate world who think that granting a stock option is not a bonus.

Why are stock options so important? Because the stock prices of the bailed-out entities are currently trading very low. That's why they need a bailout. So, if you give an executive the right to buy thousands and thousands of shares of his company and to buy each share for today's \$1 or \$2 price, you are, perhaps, providing that executive with tens of millions or with hundreds of

millions of dollars worth of options. It is, therefore, important that we not allow stock options to be granted or allow stock to be granted—either one—to executives at firms that receive a bailout.

Some will ask: What about those companies that took money from Paulson and didn't know that there would be tough restrictions? The answer is simple: Give us back the money. No firm should be required to live under these tough provisions if it no longer wants to hold taxpayers' money, but if they've got taxpayer money, they ought to either live under the restrictions or return it to us.

In addition to bonuses and stock options, in addition to chartered aircraft, I should point out that Goldman Sachs, one of the companies that is holding our bailout money, paid a quarter of a million dollars last year for a luxury limo for just one executive. So there are some other perks for us to limit. But in addition to perks and bonuses, we ought to look at salaries because some of these executives are getting \$1 million-a-month salaries.

I think, if a company is receiving TARP funds, they should limit the total compensation package of every executive to a mere \$1 million, and when I say total compensation package, that has got to count everything. That counts the salary, the bonus, the pension plan contributions, and the stock options.

Now, I'm not certain that everything I'm suggesting here will be in the bill we consider next week. My fear is that the bill will prohibit bonuses but will be a little unclear about stock options, that it will prohibit leasing the corporate jets, but will allow the companies to charter the corporate jets, and that it will put limits on bonuses but no limits on salaries.

The question then is a difficult one for those of us who were skeptical about the initial bill. Do we vote to put in some additional restrictions knowing that they are insufficient or do we vote against it? I will be analyzing that issue carefully, but I will say this:

If we pass a bill next week that imposes additional restrictions, I hope we do so to a bill that is considered under regular order. Let us mark up the bill in the Financial Services Committee, and if the amendments that I've alluded to here fail to pass the committee or the House, I'll be happy to vote for the bill knowing that these issues have at least been discussed, but if we are confronted with a bill that is a step forward but is not considered in regular order, as to which there is no markup in committee, and we are not allowed to consider amendments, substantive amendments on this floor, then it will be more difficult to support a bill even if that bill is a step forward.

If we pass a bill that strengthens the TARP program but insufficiently, I

will then introduce legislation to deal with the issues that I've brought up in this speech, and we will hopefully, one way or another, pass even stronger restrictions than those that are currently outlined on the Web page of the Financial Services Committee, hopefully as part of the one bill we will consider next week, possibly as part of other legislation that will be considered before the day when we authorize or when we vote on whether to disapprove the disbursement of the second \$350 billion. So I look forward to improving the TARP bill.

I think, of course, the greatest improvement is that I am far less skeptical of the incoming administration than I am of the outgoing administration, and that high skepticism of the current administration is justified by the fact that not one penny has been spent yet by Paulson to do anything that he told us that he would spend all of the money on. So a certain degree of skepticism of the current Treasury Secretary has been borne out by his remarkable departure from that which he was very clear was his promise to this House, right up until the minute when we passed the bill that he wanted.

Finally, let's take a look at the stimulus bill. I just want to comment on a few of the tax provisions. One of those that is being put forward by the administration that, I think, a number of those, including Senator KERRY, have some concerns with is the idea of providing employers with a \$3,000-per-hire tax credit for each new person they hire. Let me illustrate the concern I have with this proposal.

Imagine two restaurants. One has been there for years and is desperately trying to hold on, is desperately trying to keep its 25 staff members employed. Then somebody else opens a new restaurant right across the street. It's going to hire 25 new people. Well, under the provision as I understand it—and there is no legislative language yet available; although the bill will probably be voted on within a few weeks—the new restaurant gets a huge credit. It receives \$3,000 for every one of its 25 employees, thereby putting it in a position to put out of business the existing restaurant across the street.

Now, there are some tax provisions being suggested by the Transition Team that, I think, make a lot of sense. These involve giving businesses tax deductions in 2009 that they were otherwise going to reap in 2011 or in 2012 or in 2013 anyway.

The chief reason I support these provisions is they give us a lot of bang for the buck. They put a lot of money in the hands of businesses today, but when you look at the Federal deficit over the next 10 years, they increase that Federal deficit only a little bit. Why is that? Because the money we're giving these businesses today is money they're going to owe us in future years.

So we're not giving them new tax deductions. We're simply letting them take the tax deductions sooner. Two provisions particularly meet this standard.

One is allowing operating loss carry-backs for 5 years rather than for 2 years by allowing those with operating loss deductions to be used now. We give money to the companies now, but we deprive the companies of those deductions in future years.

Second, what is called "accelerated," sometimes called "bonus depreciation" where we allow small companies to write off up to \$250,000 of new investment immediately rather than taking depreciation deductions over a number of years.

Another element that ought to be part of the stimulus package is aid to States and localities. There is nothing worse to do in the middle of a deep recession than to fire a bunch of police officers and a bunch of teachers.

First, that means their work is not being done; our kids aren't being educated, and at the worst possible time, our neighborhoods are less safe. Second, it has an immediate negative effect on employment and on the cash available to consumers. So we ought to be providing enough aid to all of the States to make sure that they can, if anything, increase employment on those areas of public employment that are truly useful to their citizens.

What we may need to do also is provide some formula by which we can provide the money to local governments rather than just to the State governments. I would suggest payments to each school district based on the number of full-time students and payments to whichever entity of local government provides police protection based on the number of residents they are protecting.

I want to thank this House for giving me an hour of time to express these views. Even with all of this time, as I've said, I have not presented all of the evidence in support of these positions. That's why I hope my colleagues will visit Bradsherman.house.gov to look at the additional arguments in favor of these positions.

I yield back to the Chair.

ISRAEL

The SPEAKER *pro tempore* (Ms. HIRONO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes.

Mr. FRANKS of Arizona. Madam Speaker, the most fundamental purpose for any government is its national defense and the protection of its citizens. I stand here today in heartfelt support for Israel and for its right to defend its innocent citizens from the attacks of a relentless enemy that seeks its destruction. The conflict un-

folding in Israel's heartland today is not unfamiliar to the Israeli people.

□ 1630

Since its establishment in 1948, the tiny State of Israel—22 of which would fit into our State of California—has faced enemies on every side that openly oppose its right to exist and work actively to bring about its destruction.

Indeed, Israel has never known a reality where its very existence was not threatened by this insidious ideology called jihad; an ideology so sinister as to make men and women leap for joy at killing their own children in order to be able to kill the children of others, whether that means flying commercial airplanes into the World Trade Center or sending a Qassam rocket into the side of a bus carrying small school children in Israel.

Madam Speaker, in Imperial China, there was a terrible form of execution known as death by a thousand cuts. It was an unspeakably cruel demonstration meant to terrify observers into submissions. Israel is fighting to stop the "death by a thousand cuts" strategy used by Hamas to inflict constant, incessant destruction and terror on the Israeli citizens; and the nation of Israel has acted nobly for the sake of innocent Israelis, as well as innocent Palestinian civilians to justly refuse to allow the bloodletting to continue.

Hamas was designated as a foreign terrorist organization by the United States in 1995. And it is a known proxy of the Iranian regime which openly seeks to see Israel wiped from the face of the Earth. The governing charter of Hamas openly calls for the destruction of the State of Israel, with the goal of raising the banner of jihad over every square inch of the State of Israel.

And still, Madam Speaker, time after time, Israel has acted in good faith and has extended gestures of goodwill towards its Palestinian neighbors and Hamas, including its complete disengagement from the Gaza Strip in 2005 and its commitment to target only military installations of its enemies despite the routine attacks against its own women and children on almost a daily basis.

Madam Speaker, in all of its conflicts, Israel seeks to minimize civilian casualties; Hamas has sought to maximize them. Hamas has broken every cease-fire agreement and every honorable rule of war by deliberately embedding their terrorist militants and weapons caches in the homes of private citizens, and in schools, and in hospitals, and mosques; and Hamas has repeatedly used innocent Palestinian civilians as human shields while they deliberately target Israeli civilians.

There is no moral equivalence here, Madam Speaker. Hamas and Israel are guided by two completely opposite philosophies: One is committed to equality and human dignity under God, and

one is committed to a totalitarian ideology of hatred and intolerance; one is devoted to protecting innocent human life, and one commands its destruction.

When a cease-fire agreement was reached between Israel and Hamas last June, Hamas used that opportunity to build up its stockpiles of rockets and weapons that now threaten approximately one million Israelis. And now, Madam Speaker, in a struggle for peace and survival, Israel is once again forced to carry out defensive action against Hamas in order to stop the terrorizing of its innocent civilians.

And once again, once again, Madam Speaker, certain members of the international community are calling on Israel to "exercise restraint."

Madam Speaker, if 6,000 rockets had fallen on an American city over a space of four years, what would we say to anyone who called upon us to restrain ourselves in the effort to protect our own citizens? If those same members of the international community who so harshly criticize Israel for the defensive actions had to suffer for 1 week—just 1 week—under these indiscriminate incessant attacks against their families and their loved ones as Israel has done for decades, Madam Speaker, I would submit that the layers of Hamas would have been made ashes once and for all long ago.

Madam Speaker, Charles Krauthammer recently wrote in the Washington Post something I wish every world leader could understand. He said, "Some geopolitical conflicts are morally complicated. The Israeli-Gaza war is not. It possesses a moral clarity not only rare, but excruciating."

Madam Speaker, I could not agree with those words more.

If the beleaguered Jewish people have learned anything in their struggles for survival over the millennia against enemies who have sought their complete annihilation, it is, as one Holocaust survivor said, "When someone says they intend to kill you, believe them."

Madam Speaker, consider some of the things that terrorist enemies of Israel have said they intend to do to Israel.

Sheikh Hassan Nasrallah stated, "We have discovered how to hit the Jews where they are most vulnerable. The Jews love life, so that is what we shall take from them. We will win because the Jews love life, and we love death."

Wael al-Zarad, a Hamas Cleric, said, "As Muslims, our blood vengeance against them will only subside with their annihilation. . . ."

And Egyptian Cleric Safwat Higazi gave this mandate to jihadists on Hamas television. He said, "We say to you: Dispatch those sons of apes and pigs to the Hellfire on the wings of the Qassam rockets. Jihad is our path. . . . This is our strategic option, and not peace. . . . They [the Jews] deserve to

be killed. They deserve to die. You should not care if you hit a man, woman, or a child. . . . Destroy . . . everything . . ."

Madam Speaker, those are horrifying words even when we hear them here in the safe enclaves of our own homes and work places of America. But for the people of Israel, such words mean terror and death.

Madam Speaker, America's enemies and Israel's enemies in this war are the same. Both of us face the reality of radical Islamic jihadists who would see our nations wiped from the face of the Earth if they could. Both of our nations have been struck deeply, and Israel, in its case, has been repeatedly, by any stretch of imagination, has been struck by this same ideology time and time again; the same ideology that murdered Olympic athletes in 1972, that took American hostages in Iran, that murdered Marines in their barracks in 1993, that bombed the World Trade Center in 1993, that bombed Riyadh in 1995, the Khobar Towers in 1996, the embassy in 1998, the USS *Cole* in 2000. And then, Madam Speaker, this murderous, hellish ideology massacred nearly 3,000 Americans on September 11.

And this enemy makes little distinction between those who support Israel and Israel itself, and for that reason, Madam Speaker, we must realize that an attack on Israel is an attack on America and freedom itself.

Listen to the words of Sheikh Ahmad Bahr, acting speaker of the Palestinian Legislative Council. He said, "Allah willing, America and Israel will be annihilated . . . kill them all, down to the very last one."

Madam Speaker, any policy of the United Nations or the United States must articulate three concepts as prerequisites reached to any agreements reached between Israel and Hamas. First, it must reject any moral equivalence between the goals of Hamas and Israel. Secondly, it must place the blame for this current conflict squarely on the shoulders of Hamas, and third, it must clearly restate that America's commitment to the State of Israel remains unshakable.

We stand with Israel not as Republicans, Madam Speaker, not as Democrats, but as Americans and fellow members of the human family, equal heirs of those unalienable gifts of God we call life, liberty, and the pursuit of happiness; these basic human freedoms. We stand with the innocent people of Israel who have been terrorized on a daily basis, some for as long as they can remember. And we also, Madam Speaker, stand with those courageous Palestinian souls who also long for freedom and peace with their Israeli neighbors.

Madam Speaker, President Harry Truman, who formally recognized the State of Israel only 11 minutes after

Israel had declared its independence, said, "I had faith in Israel before it was established, I have faith in it now. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization."

Madam Speaker, we recognize those words to be true and believe that the cause of liberty will prevail in the land of Israel as it has so many times before and that Israel indeed does have a glorious future before it.

Throughout its history, the hand of God has been upon Israel, and today we join in the solidarity with the State of Israel, and its people, with the innocent Palestinians, and with all of who love peace, and we pray for the peace of Jerusalem.

Thank you, Madam Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. BOEHNER) for today on account of attending a friend's funeral.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. CORINE BROWN of Florida, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

ADJOURNMENT

Mr. FRANKS of Arizona. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 13, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

41. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

42. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

43. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998, to the Committee on Oversight and Government Reform.

44. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998, to the Committee on Oversight and Government Reform.

45. A letter from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting the Department's final "Major" rule—Medicare Program, Medicare Advantage and Prescription Drug Benefits Programs: Negotiated Pricing and Remaining Revisions [CMS-4131-FC] (RIN: 0938-AP24) received January 7, 2009 pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committee on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 3, 2009]

Mr. BERMAN: Committee on Foreign Affairs. Legislative Review Activities of the Committee on Foreign Affairs for the 110th Congress (Rept. 110-939). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRIGHT:

H.R. 361. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the increased expensing of certain depreciable business assets and the special depreciation allowance for certain business property; to the Committee on Ways and Means.

By Mr. BOSWELL (for himself, Mr. LOEBACK, Mr. BERRY, Mr. BRALEY of Iowa, and Mrs. EMERSON):

H.R. 362. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. ROYCE, and Mr. MCCOTTER):

H.R. 363. A bill to amend the United States International Broadcasting Act of 1994 to reorganize United States international broadcasting, and for other purposes; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. SHERMAN, Mr. MARKEY of Massachusetts, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. BOOZMAN, and Mr. WILSON of South Carolina):

H.R. 364. A bill to restrict nuclear cooperation with the United Arab Emirates, and for other purposes; to the Committee on Foreign Affairs.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FARR, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. PALLONE, Mr. INSLEE, Mrs. CHRISTENSEN, and Ms. SHEA-PORTER):

H.R. 365. A bill to direct the President to establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mrs. CAPPS, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. MCINTYRE, and Mr. EHLERS):

H.R. 366. A bill to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration, to direct the Administrator of the National Oceanic and Atmospheric Administration to establish and maintain an undersea research program, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. FARR, Ms. BORDALLO, Mr. INSLEE, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. PALLONE, Mr. DELAHUNT, and Ms. CASTOR of Florida):

H.R. 367. A bill to establish a national integrated system of ocean, coastal, and Great Lakes observing systems, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. FARR, and Ms. BORDALLO):

H.R. 368. A bill to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; to the Committee on Natural Resources.

By Mrs. BONO MACK:

H.R. 369. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river seg-

ments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey (for himself and Mr. PAYNE):

H.R. 370. A bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H.R. 371. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project; to the Committee on Natural Resources.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. MCNERNEY, and Mr. RADANOVICH):

H.R. 372. A bill to authorize implementation of the San Joaquin River Restoration Settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE:

H.R. 373. A bill to amend the Immigration and Nationality Act to render inadmissible and deportable certain aliens convicted of drunk driving, and for other purposes; to the Committee on the Judiciary.

By Ms. HARMAN (for herself, Mr. CONYERS, Ms. ESHOO, and Mr. NADLER of New York):

H.R. 374. A bill to require the closure of the detention facility at Guantanamo Bay, Cuba, to limit the use of certain interrogation techniques, to prohibit interrogation by contractors, to require notification of the International Committee of the Red Cross of detainees, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. MACK):

H.R. 375. A bill to enhance the security of the Western Hemisphere and bolster regional capacity and cooperation to counter current and emerging threats, to promote cooperation in the Western Hemisphere to prevent the proliferation of nuclear, chemical, and biological weapons, to secure universal adherence to agreements regarding nuclear nonproliferation, and for other purposes; to the Committee on Foreign Affairs.

By Ms. FALLIN (for herself and Mr. BOREN):

H.R. 376. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mrs. BLACKBURN (for herself, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. OLSON, Mr. SHIMKUS, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. FLAKE, Ms. FOXX, Mr. AKIN, Mr. PITTS, Ms. FALLIN, Mr. HENSARLING, Mr. BROWN of Georgia, Mr. HERGER, Mr. BRADY of Texas, Mr. LAMBORN, and Mr. GARRETT of New Jersey):

H.R. 377. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2009; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. OLSON, Mr. SHIMKUS, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. FLAKE, Mr. BURGESS, Ms. FOXX, Mr. AKIN, Mr. BARTLETT, Mr. PITTS, Ms. FALLIN, Mr. HENSARLING, Mr. BROWN of Georgia, Mr. BRADY of Texas, Mr. HERGER, Mr. LAMBORN, and Mr. GARRETT of New Jersey):

H.R. 378. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2009; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. WAMP, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. POSEY, Mr. BROWN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. GINGREY of Georgia, Mr. OLSON, Mr. CULBERSON, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. GOHMERT, Mr. PAUL, Mrs. BACHMANN, Mrs. SCHMIDT, Mr. NEUGEBAUER, and Mr. MCHUGH):

H.R. 379. A bill to amend the Internal Revenue Code of 1986 to ensure that all taxpayers have the ability to deduct State and local general sales taxes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 380. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. OLSON, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. FLAKE, Ms. FOXX, Mr. AKIN, Mr. HENSARLING, Mr. BROWN of Georgia, Mr. PITTS, Mr. HERGER, Mr. LAMBORN, Mr. BRADY of Texas, and Mr. GARRETT of New Jersey):

H.R. 381. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2009; to the Committee on Appropriations.

By Ms. JACKSON-LEE of Texas:

H.R. 382. A bill to create a separate DNA database for predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CALVERT, Mr. ROYCE, Mr. ROHRBACHER, and Mr. CAMPBELL):

H.R. 383. A bill to authorize the Secretary of the Interior to participate in additional phases of the project to reclaim and reuse water within the service area of the Orange County Water District in California; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 384. A bill to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama (for himself, Mr. PASCRELL, Mr. CANTOR, Mr. CAMPBELL, Mr. ADERHOLT, Mr. BACHUS, Mr. WESTMORELAND, Mr. TIBERI, Mr. BONNER, Mr. DAVIS of Alabama, and Mr. MCCOTTER):

H.R. 385. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to consumers and lenders for the purchase of a passenger vehicle during 2009; to the Committee on Ways and Means.

By Mr. DOGGETT:

H.R. 386. A bill to amend the Internal Revenue Code of 1986 to simplify and improve the current education tax incentives; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself and Mr. AL GREEN of Texas):

H.R. 387. A bill to amend the Federal Deposit Insurance Act to require each insured depository institution which receives an investment or other assistance under the Troubled Assets Relief Program to include in the quarterly call report the amount of any increase in new lending that is attributable to such investment or assistance, and for other purposes; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Ms. GINNY BROWN-WAITE of Florida, Mr. OBERSTAR, Mr. KIND, and Mr. GRIJALVA):

H.R. 388. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mrs. MALONEY, Mr. FRANK of Massachusetts, Mrs. CAPPS, Ms. MOORE of Wisconsin, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. KILDEE, and Mr. COHEN):

H.R. 389. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. RUSH, and Mr. MCCAUL):

H.R. 390. A bill to prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any post-season NCAA Division I football game as a national championship game unless such game is the culmination of a fair and equitable playoff system; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. SHIMKUS, Mr. TERRY, Mr. NUNES, Mr. GOHMERT, and Mr. GINGREY of Georgia):

H.R. 391. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BLUNT (for himself, Mr. KIRK, Mr. HENSARLING, Mr. MCHENRY, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. AKIN, Mr. UPTON, Mr. SENSENBRENNER, Mr. PETRI, Mr. JONES, Mr. MANZULLO, Mr. MARCHANT, Mr. WHITFIELD, Ms. FALLIN, Mr. KLINE of Minnesota, Mr. ROSKAM, Mr. LINDER, Mr. HERGER, Mr. COLE, and Mr. REHBERG):

H.R. 392. A bill to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BLUNT, Mr. BURTON of Indiana, Mr. COLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. EDWARDS of Texas, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. MARCHANT, Mr. MCHENRY, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. TERRY, and Mr. WESTMORELAND):

H.R. 393. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Oversight and Government Reform.

By Mr. BROWN of South Carolina:

H.R. 394. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to \$1,000; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 395. A bill to prevent Members of Congress from receiving any automatic pay adjustment in 2010; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. WEXLER, and Mr. GALLEGLY):

H.R. 396. A bill to amend the Internal Revenue Code of 1986 to provide that certain net capital gain of individuals who have attained age 65 shall not be subject to tax; to the Committee on Ways and Means.

By Mr. COURTNEY (for himself and Mr. NEAL of Massachusetts):

H.R. 397. A bill to extend the authorization of the Quinebaug and Shetucket Rivers Val-

ley National Heritage Corridor Act of 1994, and for other purposes; to the Committee on Natural Resources.

By Mr. CROWLEY (for himself, Mr. KIRK, Mr. RYAN of Ohio, Mr. DENT, and Mr. SCHIFF):

H.R. 398. A bill to amend title XIX of the Social Security Act to restore and protect access to Medicaid discount drug prices for university-based and safety-net clinics; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself and Mrs. MALONEY):

H.R. 399. A bill to direct the Secretary of Labor to make a grant to a public university to establish the Center for the Study of Women and Workplace Policy; to the Committee on Education and Labor.

By Mr. DINGELL (for himself, Mr. MARKEY of Massachusetts, Mr. BOUCHER, Ms. ESHOO, Mr. STUPAK, Ms. HARMAN, Mr. DOYLE, Mr. GORDON of Tennessee, and Mrs. CAPPS):

H.R. 400. A bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 401. A bill to provide for the designation of certain sites in Monroe County and Wayne County, Michigan, relating to the Battles of the River Raisin during the War of 1812 as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. DUNCAN (for himself, Mrs. BLACKBURN, Mr. WAMP, Mr. ROE of Tennessee, Mr. COOPER, Mr. COHEN, Mr. TANNER, Mr. GORDON of Tennessee, and Mr. DAVIS of Tennessee):

H.R. 402. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. AL GREEN of Texas (for himself and Mr. MICHAUD):

H.R. 403. A bill to provide housing assistance for very low-income veterans; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. MORAN of Virginia, Mrs. BONO MACK, Mr. HINCHEY, Mr. INSLEE, Mrs. MALONEY, Mr. PALLONE, Mrs. CAPPS, Mr. WAXMAN, Mr. BLUMENAUER, Mr. FARR, Ms. BALDWIN, Mr. GEORGE MILLER of California, Mr. PASTOR of Arizona, Ms. LEE of California, Ms. BORDALLO, Ms. SUTTON, Mr. HOLT, Mr. SCHIFF, Mr. SARBANES, Mr. REICHERT, Mr. BERMAN, Mr. PRICE of North Carolina, and Mr. GORDON of Tennessee):

H.R. 404. A bill to establish the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 405. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. BACA (for himself, Mr. MCDERMOTT, Mrs. MALONEY, Mr. GRIJALVA, Mr. BOSWELL, Mr. GUTIERREZ, Mr. GONZALEZ, Ms. BERKLEY, Ms.

BORDALLO, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. BLUMENAUER, Mr. WEXLER, Mrs. MCCARTHY of New York, Mr. SIRES, Ms. MCCOLLUM, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. OLVER, Mr. SCOTT of Georgia, Mr. DOYLE, Mr. HIGGINS, Mr. DINGELL, Mrs. GILLIBRAND, Mr. KLEIN of Florida, Mr. TOWNS, Mr. WATT, Mr. MARKEY of Massachusetts, Mr. CHANDLER, Mr. NUNES, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. COHEN, Ms. MATSUI, Mrs. BONO MACK, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. FARR, Mr. CARTER, Mrs. NAPOLITANO, Mr. JONES, Mr. HASTINGS of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WOLF, Mr. CARNAHAN, Mr. HOLT, Mr. SHERMAN, Mr. DELAHUNT, Mr. MCCOTTER, Mr. LEVIN, Ms. LEE of California, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Ms. EDWARDS of Maryland, Ms. WOOLSEY, Mr. PASTOR of Arizona, and Ms. ZOE LOFGREN of California):

H.R. 406. A bill to award a Congressional Gold Medal in recognition of Alice Paul's role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Financial Services.

By Mr. HELLER:

H.R. 407. A bill to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 408. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 409. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Natural Resources.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 410. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. TANNER, Mr. ROGERS of Kentucky, Mr. ROYCE, Ms. BORDALLO, and Mr. MCHUGH):

H.R. 411. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 412. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for property taxes in determining the amount of the alternative minimum taxable income of any taxpayer (other than a corporation); to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Mr. DUNCAN):

H.R. 413. A bill to provide collective bargaining rights for public safety officers em-

ployed by States or their political subdivisions; to the Committee on Education and Labor.

By Mr. KING of New York:

H.R. 414. A bill to require mobile phones containing digital cameras to make a sound when a photograph is taken; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 415. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

By Ms. LEE of California (for herself,

Mr. TOWNS, Mr. HONDA, Mr. RANGEL, Mr. ENGEL, Mr. LEWIS of Georgia, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. FATTAH, Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, and Ms. JACKSON-LEE of Texas):

H.R. 416. A bill to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM); to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself,

Mr. TOWNS, Mr. ENGEL, Mr. CONYERS, Mr. CROWLEY, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Ms. EDWARDS of Maryland, Mr. HASTINGS of Florida, Mr. RANGEL, and Mr. RUSH):

H.R. 417. A bill to provide for professional exchanges with Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LEE of California:

H.R. 418. A bill to confirm the jurisdiction of the Consumer Product Safety Commission with respect to releasing systems on residential window bars and to establish a consumer product safety standard ensuring that all such bars include a quick-release mechanism; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself and Mr. POLIS of Colorado):

H.R. 419. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Natural Resources.

By Mr. MCCAUL (for himself, Mrs.

BLACKBURN, Mr. KIRK, Mr. MACK, Mr. ALEXANDER, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. PITTS, Mr. FLAKE, Mr. CULBERSON, Mr. DENT, Mr. UPTON, Ms. FOX, Mr. MCCOTTER, Mr. ISSA, Mrs. BACHMANN, Mr. MATHESON, and Mr. SULLIVAN):

H.R. 420. A bill to prohibit the use of Federal funds for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida:

H.R. 421. A bill to amend the Emergency Economic Stabilization Act of 2008 to restrict which assets banks can write off as

loss for purposes of the Troubled Assets Relief Program, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida:

H.R. 422. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 423. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 424. A bill to amend the Internal Revenue Code of 1986 to extend the temporary waiver of the required minimum distribution rules for certain retirement plans and accounts for an additional year; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. RYAN of Wisconsin):

H.R. 425. A bill to amend the Internal Revenue Code of 1986 to prevent the alternative minimum tax from effectively repealing the Federal tax exemption for interest on State and local private activity bonds; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr.

HERGER, Ms. VELÁZQUEZ, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. CARNAHAN, Mr. PITTS, Mr. DAVIS of Alabama, and Mr. BRADY of Pennsylvania):

H.R. 426. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 427. A bill to prohibit the transfer of personal information to any person or business outside the United States, without notice; to the Committee on Financial Services.

By Mr. POE of Texas:

H.R. 428. A bill to amend title 18, United States Code, to prohibit certain disclosures of cell phone numbers; to the Committee on the Judiciary.

By Mr. POE of Texas:

H.R. 429. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. POE of Texas (for himself, Mr.

BROWN of South Carolina, Mr. BURTON of Indiana, Mr. HALL of Texas, Mr. EDWARDS of Texas, Mr. MCCOTTER, Mr. SENSENBRENNER, Mr. MCHENRY, Mr. LOBIONDO, Ms. FALLIN, Mr. CARTER, Mr. RYAN of Wisconsin, Mr. JONES, Mr. BRADY of Pennsylvania, Mr. PUTNAM, Mr. MARCHANT, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. PITTS, Mrs. MILLER of Michigan, and Mr. GALLEGLY):

H.R. 430. A bill to amend title 18, United States Code, to provide criminal penalties for the destruction of memorials, headstones, markers, and graves commemorating persons serving in the Armed Forces on private property; to the Committee on the Judiciary.

By Mr. POE of Texas:

H.R. 431. A bill to provide Federal assistance to assist an eligible State to purchase and install transfer switches and generators at designated emergency service stations in hurricane zones within such State; to the Committee on Transportation and Infrastructure.

By Mr. POE of Texas:

H.R. 432. A bill to amend the Internal Revenue Code of 1986 to allow parents of murdered children to continue to claim the deduction for the personal exemption with respect to such child; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Ms. BORDALLO, Mr. LAMBORN, Mrs. GILLIBRAND, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PITTS):

H.R. 433. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax equal to 50 percent of the compensation paid to employees while they are performing active duty service as members of the Ready Reserve or the National Guard and of the compensation paid to temporary replacement employees; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 434. A bill to amend title 5, United States Code, to permit access to databases maintained by the Federal Emergency Management Agency for purposes of complying with sex offender registry and notification laws, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 435. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 436. A bill to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 437. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Natural Resources.

By Mr. RADANOVICH:

H.R. 438. A bill to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; to the Committee on Natural Resources.

By Mr. REHBERG:

H.R. 439. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 440. A bill to provide small businesses certain protections from litigation excesses; to the Committee on the Judiciary.

By Mr. REHBERG:

H.R. 441. A bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes

reasonable action to mitigate such activity; to the Committee on the Judiciary.

By Mr. REHBERG:

H.R. 442. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.R. 443. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Oversight and Government Reform.

By Mr. RUSH (for himself, Mrs. EMERSON, and Mr. STUPAK):

H.R. 444. A bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. EHLERS, Mr. WU, Mr. REICHERT, and Mr. SMITH of Texas):

H.R. 445. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Science and Technology.

By Mr. SESSIONS (for himself, Mr. MARCHANT, Mr. DREIER, Mr. MCHUGH, Mr. CONAWAY, Mr. TIAHRT, Mr. MCCAUL, and Mr. SENSENBRENNER):

H.R. 446. A bill to amend the Internal Revenue Code of 1986 to repeal certain limitations on the expensing of section 179 property, to allow taxpayers to elect shorter recovery periods for purposes of determining the deduction for depreciation, and for other purposes; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 447. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

By Mr. SESTAK (for himself, Mr. CONYERS, Mr. SCOTT of Virginia, and Mr. KING of New York):

H.R. 448. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 449. A bill to amend title 38, United States Code, to expand the availability of health care provided by the Secretary of Veterans Affairs by adjusting the income level for certain priority veterans; to the Committee on Veterans' Affairs.

By Mr. SHADEGG:

H.R. 450. A bill to require Congress to specify the source of authority under the

United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE:

H.R. 451. A bill to amend the Internal Revenue Code of 1986 to provide a 2-year extension of the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. TEAGUE (for himself, Ms. FUDGE, Mr. HEINRICH, and Mr. LUJAN):

H.R. 452. A bill to amend the Internal Revenue Code of 1986 to make the child credit refundable for 5 years; to the Committee on Ways and Means.

By Mr. WAMP (for himself and Mr. LEWIS of Georgia):

H.R. 453. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. WAMP (for himself and Mr. SHULER):

H.R. 454. A bill to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. WELCH:

H.R. 455. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. WITTMAN:

H.R. 456. A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program; to the Committee on Small Business.

By Mr. WITTMAN:

H.R. 457. A bill to amend the Internal Revenue Code of 1986 to restore the obligation of the Secretary of the Treasury to invest the balance of the Highway Trust Fund in interest-bearing obligations of the United States; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.J. Res. 17. A joint resolution expressing support for designation of the month of October 2009 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. BURTON of Indiana, Mr. ROHRBACHER, Mr. MANZULLO, and Mr. SMITH of New Jersey):

H. Con. Res. 16. Concurrent resolution recognizing the threat that the spread of radical Islamist terrorism and Iranian adventurism in Africa poses to the United States, our allies, and interests; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. CHRISTENSEN, and Mr. RUSH):

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Gustav and Ike and Tropical Storms

Fay and Hanna; to the Committee on Foreign Affairs.

By Mr. LINDER:

H. Con. Res. 18. Concurrent resolution expressing the sense of Congress that the United States should resume normal diplomatic relations with Taiwan, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POE of Texas:

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that State and local governments should be supported for taking actions to discourage illegal immigration and that legislation should be enacted to ease the burden on State and local governments for taking such actions; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama (for himself and Mr. FRANKS of Arizona):

H. Res. 37. A resolution condemning Hamas for the recent attacks against Israel; to the Committee on Foreign Affairs.

By Mr. PENCE:

H. Res. 38. A resolution electing certain minority members to certain committees; considered and agreed to.

By Mr. LIPINSKI (for himself and Mr. SMITH of New Jersey):

H. Res. 39. A resolution honoring the contributions of Catholic schools; to the Committee on Education and Labor.

By Mr. TANNER (for himself and Mr. CARDOZA):

H. Res. 40. A resolution amending the Rules of the House of Representatives to require each standing committee to hold periodic hearings on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize, and for other purposes; to the Committee on Rules.

By Mrs. DAVIS of California (for herself, Mr. ROGERS of Michigan, Ms. MCCOLLUM, Mr. SHERMAN, Mr. GRIJALVA, Mr. KENNEDY, Ms. BORDALLO, Mr. EHLERS, Mr. HARE, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. HONDA, Ms. EDWARDS of Maryland, Mr. VAN HOLLEN, and Mrs. MCCARTHY of New York):

H. Res. 41. A resolution supporting the goals and ideals of National Mentoring Month 2009; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRBACHER, Mr. ROYCE, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. BILIRAKIS, and Mr. GARRETT of New Jersey):

H. Res. 42. A resolution calling on the President and the Secretary of State to withhold United States funding for and participation in the Durban Review Conference and its preparatory activities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PLATTS (for himself, Ms. MATSUI, and Mr. PRICE of North Carolina):

H. Res. 43. A resolution recognizing the efforts of those who serve their communities on Martin Luther King Day and promoting the holiday as a day of national service; to the Committee on Education and Labor.

By Mr. POE of Texas (for himself, Mr. ROHRBACHER, Mr. BURTON of Indi-

ana, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Mr. WOLF, Ms. FALLIN, and Mr. MCHENRY):

H. Res. 44. A resolution condemning the People's Republic of China for its socially unacceptable business practices, including the manufacturing and exportation of unsafe products, casual disregard for the environment, and exploitative employment practices; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself, Mr. COSTA, Mr. HOLDEN, Ms. MATSUI, and Mr. MARCHANT):

H. Res. 45. A resolution raising awareness and promoting education on the criminal justice system by establishing March as "National Criminal Justice Month"; to the Committee on the Judiciary.

By Mr. POE of Texas (for himself, Mr. COSTA, Ms. EDWARDS of Maryland, Mrs. MALONEY, Mr. MOORE of Kansas, Ms. ROYBAL-ALLARD, Ms. MATSUI, and Mr. MARCHANT):

H. Res. 46. A resolution raising awareness and encouraging prevention of stalking by establishing January 2009 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

By Mr. POE of Texas (for himself, Mr. COSTA, Mr. COURTNEY, Mr. REYES, Mr. BURTON of Indiana, Mr. HOLDEN, Mr. LOBIONDO, Mr. MCHENRY, Mr. LATTI, Mr. MACK, Ms. LORETTA SANCHEZ of California, Ms. BORDALLO, Mr. WALDEN, and Mr. GALLEGLY):

H. Res. 47. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H. Res. 48. A resolution amending the Rules of the House of Representatives to establish the Committee on Indian Affairs; to the Committee on Rules.

By Ms. WATSON (for herself, Mrs. DAVIS of California, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mr. FARR, Ms. MATSUI, Mrs. CAPPS, Mr. FILNER, Ms. SOLIS of California, Ms. ROYBAL-ALLARD, Mr. COSTA, Mr. SCHIFF, Mr. GEORGE MILLER of California, Ms. SPEIER, Ms. WATERS, and Mr. CARDOZA):

H. Res. 49. A resolution honoring Karen Bass for becoming the first African-American woman elected Speaker of the California State Assembly; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PASTOR of Arizona:

H.R. 458. A bill for the relief of Alejandro E. Gonzales; to the Committee on the Judiciary.

By Mr. PASTOR of Arizona:

H.R. 459. A bill for the relief of Alfredo Ramirez Vasquez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. BARROW and Mr. GUTIERREZ.

H.R. 12: Mr. BARROW and Mr. GUTIERREZ.

H.R. 13: Ms. ROS-LEHTINEN.

H.R. 16: Ms. GRANGER.

H.R. 20: Ms. EDWARDS of Maryland, Mr. CARNAHAN, and Mr. MURPHY of Connecticut.

H.R. 21: Ms. LEE of California, Mr. FALOMAVAEGA, Mr. HINCHEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. THOMPSON of California, Ms. HIRONO, Mrs. CAPPS, Mr. WEXLER, Mr. SIREN, Mr. MOORE of Kansas, Mr. WAXMAN, Mr. KENNEDY, Ms. ESHOO, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, and Mr. FILNER.

H.R. 25: Mr. ISSA and Mr. MICA.

H.R. 30: Mr. UPTON, Mr. PITTS, and Mr. KING of New York.

H.R. 31: Ms. MATSUI, Mr. ADERHOLT, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. KUCINICH, Ms. WATERS, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. WALZ, Mr. WILSON of Ohio, Ms. JACKSON-LEE of Texas, Mr. KANJORSKI, Mrs. BIGGERT, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, and Mr. BISHOP of Georgia.

H.R. 80: Mr. MORAN of Virginia, Mr. BROWN of South Carolina, and Mr. FARR.

H.R. 124: Mrs. MYRICK and Mrs. BLACKBURN.

H.R. 138: Mrs. MYRICK and Mrs. BLACKBURN.

H.R. 143: Mr. DUNCAN.

H.R. 144: Ms. MOORE of Wisconsin, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. TOWNS, Mr. BISHOP of Georgia, Ms. LEE of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, and Ms. CLARKE.

H.R. 156: Mr. TAYLOR, Mr. MARSHALL, Mr. GRAVES, Mr. TERRY, Mr. KILDEE, Mr. JOHNSON of Illinois, Mr. FORBES, and Mr. FLAKE.

H.R. 159: Mr. MOORE of Kansas, Mr. TIBERI, Mr. HOEKSTRA, and Mr. DOYLE.

H.R. 173: Mr. RODRIGUEZ, Mr. SIMPSON, Mr. DONNELLY of Indiana, and Mr. CHILDERS.

H.R. 174: Ms. JACKSON-LEE of Texas, Ms. DEGETTE, and Mr. HARE.

H.R. 176: Mr. HINCHEY.

H.R. 186: Mr. KING of New York and Ms. ROS-LEHTINEN.

H.R. 213: Mr. LAMBORN, Mr. PITTS, Mr. EHLERS, Mr. GERLACH, Mr. SHIMKUS, Ms. BORDALLO, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 225: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. CUMMINGS, and Ms. SUTTON.

H.R. 227: Mr. SCALISE, Mr. THOMPSON of Pennsylvania, Mr. MARCHANT, and Mr. GOHMERT.

H.R. 230: Ms. GIFFORDS, Mr. COSTA, Mr. HINCHEY, and Mr. FILNER.

H.R. 235: Ms. EDWARDS of Maryland, Mr. DELAHUNT, Mr. ALTMIRE, Mr. COURTNEY, Mr. KIRK, Mr. GOHMERT, and Mr. MCHUGH.

H.R. 240: Mr. GRAVES, Mr. SIMPSON, Mr. SESSIONS, Mr. MILLER of Florida, Mrs. BACHMANN, Mr. MCCLINTOCK, Mrs. CAPITO, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, and Mr. MANZULLO.

H.R. 286: Ms. SUTTON.

H.R. 331: Ms. NORTON.

H.R. 333: Mr. REYES, Mr. MASSA, and Ms. BORDALLO.

H.R. 347: Mr. PASTOR of Arizona, Mr. COSTA, and Mr. THOMPSON of California.

H.J. Res. 3: Mr. LINDER and Mr. LATHAM.

H. Res. 18: Ms. CORRINE BROWN of Florida, Mr. MASSA, and Mr. KUCINICH.

H. Res. 19: Mr. JOHNSON of Illinois.

H. Res. 20: Mr. BOOZMAN and Ms. ROS-LEHTINEN.

H. Res. 22: Ms. SLAUGHTER, Ms. MATSUI, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. GRIJALVA, Mr. ACKERMAN, Mrs. CAPPS, Ms. LORETTA SANCHEZ of California, Mr. MORAN of Virginia, Ms. MCCOLLUM, Mr. WEXLER, Ms. SUTTON, Mr. STARK, Mr. CROWLEY, Ms.

MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. MICHAUD, Ms. TSONGAS, Ms. DELAURO, Mr. HONDA, Mr. BISHOP of Georgia, and Ms. BALDWIN.

H. Res. 34: Mr. WEXLER, Mr. BLUNT, Mr. LOBIONDO, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. POE of Texas, Mr. ROHRABACHER, Mr. MACK, Ms. HARMAN, Mr. ROYCE, Mr. BILIRAKIS, Mr. KIRK, Mr. SCHOCK, Mr. RYAN of Wisconsin, Mr. ROGERS of Alabama, Mr. SHERMAN, Mr. CUELLAR, Mr. PATRICK MURPHY of Pennsylvania, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mr. WEINER, Mr. DAVIS of Alabama, Mr. HALL of New York, Mrs. MCCARTHY of New York, Ms. BERKLEY, Mr. CARNEY, Mr. CARNAHAN, Ms. SUTTON, Mr. COSTA, Mr. MAFFEI, Mr. MILLER of North Carolina, Mrs. MALONEY, Mr. HIGGINS, Mr. MARKEY of Massachusetts, Mr. ROTHMAN of New Jersey, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. ELLSWORTH, Mr. MCMAHON, Mr. PETERS, Mr. SKELTON, Mr. GALLEGLY, Mr. PRICE of Georgia, Mr. SES-

SIONS, Mr. JACKSON of Illinois, Mr. KLEIN of Florida, Ms. BEAN, Mr. SCHIFF, Mr. TURNER, Mr. ENGEL, Mrs. LOWEY, Mr. ADLER of New Jersey, Mr. ALEXANDER, Mrs. TAUSCHER, Mr. GARRETT of New Jersey, Mr. REICHERT, Mr. GRAYSON, Mr. LIPINSKI, Mr. SCALISE, Ms. JACKSON-LEE of Texas, Mr. HODES, Mr. FLAKE, Mr. SHADEGG, Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. POLIS of Colorado, Mr. SPACE, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Kentucky, Mr. CAO, Mr. SARBANES, Mr. ISRAEL, Mr. AL GREEN of Texas, Mr. MCCAUL, Mr. MITCHELL, Mr. BOCCIERI, Mr. TOWNS, Ms. SCHWARTZ, Mr. HIMES, Mr. WILSON of South Carolina, Mrs. KIRKPATRICK of Arizona, Mr. WILSON of Ohio, Mr. KRATOVIL, Mr. CAMPBELL, Mr. DRIEHAUS, Mr. GOODLATTE, Mr. KAGEN, Mr. SHUSTER, Ms. FOXX, Mrs. GILLIBRAND, Mr. MCCLINTOCK, Ms. HALVORSON, Ms. GIFFORDS, Mr. KING of Iowa, Mr. BROWN of South Carolina, Mr. LINDER, Mr. MCCOTTER, Mr. LAMBORN, Mr. SIRES, Mr. LATHAM, Mr. BOOZMAN, Mr. SMITH of New

Jersey, Mr. GRAVES, Mr. COSTELLO, and Mr. AUSTRIA.

H. Res. 36: Mr. BERMAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

3. The SPEAKER presented a petition of City Council of Brook Park, Ohio, relative to Resolution No. 35-2008, urging the Federal Government to provide assistance to the automobile industry; to the Committee on Financial Services.

4. Also, a petition of City of Atlanta, Office of Municipal Clerk, GA, relative to Resolution 08-R-2320, urging the Federal Government to establish an Urban Infrastructure Renewal and Development Initiative; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

IT'S A SOUTHERN THING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. POE of Texas. Madam Speaker, as we kick off 2009, people across the country are making their new year's resolutions and families are carrying on with their special traditions to start the year out on a good note. Of course by mid February you should be able to get a close parking spot at the gym since that's about the time motivation for the fitness resolution begins to wane. However, there are some traditions that endure year after year, particularly in the South where we seem to value our heritage and culture a little more than our friends to the north.

Since I grew up in Texas, black eyed peas and football were the norm for my family, and everyone I knew, on New Year's Day. Everyone had to have at least one bite for good luck, like it or not, it was the rule. It wasn't until I met my first northerner that I realized this was a southern thing unique only unto us.

There are stories that date the "good luck" tradition all the way back the pharaohs of Egypt, but for us it goes back to the War Between the States. During General Sherman's March to the Sea in late December 1864, he ordered the Union troops to "burn and destroy" everything they saw, and "leave a trail that will be recognized fifty years hence."

In the aftermath of the devastation of the South, the only fields that were spared were the crops of black eyed peas and corn. The Northern soldiers considered them food for the livestock and didn't waste time burning them, thereby leaving them as the only real source of food left for the starving southerners. As a result, black eyed peas were seen as the saving grace of the South and became a sentimental symbol of better days that lie ahead.

Now there are a lot of theories on why we must eat them on New Year's Day, but they all revolve around the principle that they bring good luck and prosperity in the coming year. Every family has a different way of cooking them, if you're from the South you can bet your family has a recipe.

In Texas, some just like to serve plain ole' "East Texas Caviar" (as black eyed peas are referred to in Texas). My friends over in Louisiana like to "kick it up a notch" and add tomatoes and Cajun spices, some folks make Hoppin' John with rice and hammocks, and most everyone serves them with cornbread and some type of greens such as collards, mustard or turnip greens, or just cabbage or cole slaw to symbolize money. But you can't just eat the greens and expect a prosperous year, you have to have the peas too. Just one bite, it's the rule. (Although some say you have to eat 365 peas, one for each day or eat "every bean and pea on your plate"—I leave that one up to you!)

I have even heard of people putting a penny in the pot and whoever gets the penny in their bowl gets the "best" luck of the year. Maybe this is like the baby in the King Cake? Whatever the case, it is a tradition that runs deep in the South and I am glad to see that it is still alive and well. Both my grandmothers had their special recipes, and every New Year's Day I still hound my kids and grandkids to make sure they eat their peas. So, I hope you all had your black eyed peas and for all you transplants living in the great State of Texas, I hope you get with the program and try some East Texas Caviar to start your year off right. It's a Southern thing.

And that's just the way it is.

CELEBRATING SAN YSIDRO'S
CENTENNIAL YEAR!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. FILNER. Madam Speaker and colleagues, I rise today to commemorate the Centennial of the great community of San Ysidro—the gateway to America. San Ysidro is not only home to the world's busiest land border crossing, but is also a multicultural tight-knit community with a rich history and culture like no other. As California's Border Congressman, I am very proud to represent San Ysidro and will continue to be a vocal advocate for our border community. Please join me in this year-long celebration. "¡Adelante San Ysidro!"

HONORING SPECIAL KIDS DAY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. ROSKAM. Madam Speaker, I rise today to recognize an important community service organization located in Elmhurst, Illinois in my congressional district called Special Kids Day.

Special Kids Day was created in 1990 as a holiday event for children with special needs and their families to visit Santa Claus without obstacles. This venture has evolved into a not-for-profit organization dedicated to providing celebratory events for children with disabilities and their families in an environment designed to accommodate their special needs.

On the first Wednesday each December, Special Kids Day holds their flagship event. Volunteers help children get their picture taken with Santa and distribute goodie bags with toys and candy. Other surprises from face painters to balloon animals help make these events a memorable time for special needs

children. All of this allows these children and their families to enjoy the magic of the Christmas season without some of the challenges of making a trip to the mall at the holidays.

Today, the Special Kids Day organization has grown to include dozens of volunteers who serve hundreds of families in the Chicagoland area. For the first time, Special Kids Day also began holding a Carnival Day at the Annual Elmfest in Elmhurst this year.

Madam Speaker and distinguished colleagues, please join me in honoring the time and effort of Special Kids Day volunteers. This organization's selfless, charitable spirit is what makes Illinois' Sixth District such a pleasure to represent.

THE TERMINATION OF RFE/RL
AND VOA RADIO BROADCASTS IN
AZERBAIJAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to express deep concern about Azerbaijan's cessation of local broadcasts of Radio Free Europe and Voice of America. After threatening for months to remove RFE/RL and VOA from the FM airwaves, Baku did precisely that on January 1.

The official justification for this unfortunate decision is that a 2002 Azerbaijani law restricts such frequencies to local broadcasters. The Helsinki Commission, which I chair, sent a letter on November 24, co-signed by Co-Chairman Senator BENJAMIN CARDIN and Ranking Minority Member CHRISTOPHER SMITH, to President Ilham Aliiev in which we urged him to reconsider. We pointed out that keeping Congressionally funded RFE/RL and VOA off the FM airwaves was an unwise and unfriendly move and that ending these programs was a poor way to start a relationship with incoming President Barack Obama. But Baku did not budge. Nor, might I add, have we even received the courtesy of a reply since November.

In fact, there are grounds for even graver concerns. Baku had pledged that only FM broadcasts would be ended. On January 6, however, Azerbaijani authorities tried to close down RFE/RL's Internet operation—which they had said would not be touched.

It is difficult to see these actions in any light other than a desire to restrict information available to the public. As the State Department said on December 30, "These media organizations play a crucial role in supporting democratic debate and the free exchange of ideas and information. This decision, if carried out, will represent a serious setback to freedom of speech, and retard democratic reform in Azerbaijan."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I concur completely. Azerbaijan's record on media freedom was poor before this, with heavy state influence on the airwaves, three journalists in jail and frequent criticism by the OSCE, Council of Europe and freedom of speech advocates. Now, Azerbaijanis without access to cable or the Internet—which means most of the listening audience—are cut off from objective, impartial sources of information.

Azerbaijani relations with the United States will surely be negatively affected by this decision. I regret that when President Ilham Aliyev eventually meets President Barack Obama, they will have to spend time discussing why Baku has shut down U.S.-funded radio stations, instead of exploring ways to deepen the relationship between our countries.

The Helsinki Commission intends to examine U.S. international broadcasting in a future hearing and discuss ways of ensuring the continuance of this vital service. Meanwhile, it is my hope that President Aliyev will find a way to keep RFE/RL and VOA on the air.

BCS/UNIVERSITY OF UTAH

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. CHAFFETZ. Madam Speaker, the University of Utah Football Team deserves to be National Champions. The Running Utes of Utah had a remarkably perfect 13-0 season, the only undefeated team out of the 119 in the NCAA's Football Bowl Subdivision. They started the season by defeating the perennial powerhouse Michigan Wolverines. They beat the Oregon State Beavers, who one week earlier had beaten the #1-ranked USC Trojans. They went on to beat the TCU Horned Frogs and the BYU Cougars, who were both ranked in the top 15 of the BCS at the time. Finally, in the Sugar Bowl, the University of Utah crushed the University of Alabama, who was ranked #1 in the BCS for much of the season. The Utes were able to turn back the Crimson Tide, but were still wiped out of consideration for the BCS National Championship.

Perhaps the Bowl Championship Series, the so-called BCS, would best be referred to as the Good 'Ol Boys Championship Series. The University of Utah bowled over 13 opponents this year without a single loss. It would be seemingly inappropriate for the Utes to be bowled over by the good 'ol boys off the field. The University of Utah Football Team deserves to be National Champions.

HONORING THE SERVICE OF ROBERT H. CHRISTY, JR., CLERK OF SUPERIOR COURT FOR BUNCOMBE COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. SHULER. Madam Speaker, I rise today to honor Mr. Robert H. Christy, Jr., on his im-

pending retirement. He has faithfully and effectively served as the Buncombe County Clerk of Superior Court for the past 18 years and will retire on December 31, 2008.

Since his initial swearing in on September 1, 1990, Bob Christy has overseen the court system during a time of tremendous growth. During that time, his office has grown from 47 employees to 65. Criminal and civil court filings have more than doubled during his tenure. Previously practicing law in the community, Christy's experience as an assistant clerk of court to J. Ray Ellingburg for 7 years prepared him well for the clerkship.

As Clerk of Court, Christy managed Buncombe County's District Court and Superior Court, an operation that entails approximately \$25 million in annual revenue. Beyond monetary responsibilities, Christy supervised record-keeping in the local courts for all civil actions, special proceedings, court minutes, liens and other actions.

Mr. Christy found opportunity in the clerkship to express his great compassion for the elderly, the bereaved, and the struggling of Buncombe County. Over the past 18 years, the Clerk of Court has handled such delicate matters as juvenile crime, adoption, domestic violence, and issues of wills and estates. Christy operated the clerk's office with an open door policy in which he counseled on legal matters but also strove to alleviate the emotional concerns of those in need.

As a public servant, Christy had a great passion and respect for the office that he held. During his tenure, he served as president of the North Carolina Clerks Association, overseeing the executive committee in decision-making that in turn affected 10,000 clerks in the 100 counties across the state. He served on the Governor's Crime Commission and the boards of the North Carolina Courts Commission and the North Carolina Credit Union. He worked closely with the bar association in the county and is known for having strong relationships with area attorneys.

In his private life as well, he is known for activism and involvement. The Democratic Party in Buncombe County has honored Christy with several awards. He is an active member of Central United Methodist Church. In retirement, Christy will be returning to private legal practice with his long-time friend, Asheville attorney Jack Stewart.

Madam Speaker, I am proud to honor Mr. Robert Christy today, to thank him for his tremendous service to the community, and to wish him well in his retirement.

ON THE OCCASION OF THE 50TH ANNIVERSARY OF SENATOR ROBERT C. BYRD'S SERVICE IN THE U.S. SENATE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. RAHALL. Madam Speaker, this week, in this Capitol, we are witnessing a convergence of a number of events that will long stand out in our Nation's collective memories. We are on the front edge of a new session of Congress,

preparing for a landmark moment in the history of America's presidency. And, at the same time, we are celebrating a major milestone for one of this Nation's most devoted and accomplished public servants—U.S. Senator ROBERT C. BYRD.

It was 50 years ago, that Senator BYRD, for the first time, took the oath of office to serve in the United States Senate—an oath he has now taken a record-setting nine times.

Yesterday, as numerous Members of the House and Senate raised their own hands and took their own very first oaths, I could not help but think about what it must have been like for our Senior Senator from West Virginia to watch these new ranks at the start of their own Congressional careers.

I was reminded of my first day of service in this body. I recall being humbled by the responsibility that had been placed in my hands and awed by the auspicious ceremony and the grandeur of this ornate Chamber.

On that first day, I was relieved at the knowledge that I was blessed with the wisdom, the support, and the mentorship of ROBERT C. BYRD. Throughout my career here, he has been a constant source of encouragement and sage advice.

Today, as we embark upon this new session cognizant of the tremendous challenges before us—a struggling economy, two wars, a strapped Federal budget, and growing public need—we can breathe easier knowing that we are all blessed to have the continuing service of ROBERT C. BYRD to steer us through the rocky shoals.

Congratulations to Senator BYRD—our trailblazer, our Leader, our Big Daddy. May he continue to serve the people of West Virginia and the entire Nation for many years to come.

ST. PETERSBURG MAYOR RICK BAKER NAMED ONE OF NATION'S OUTSTANDING PUBLIC OFFICIALS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. YOUNG of Florida. Madam Speaker, I rise to pay tribute to St. Petersburg Mayor Rick Baker who last November was named one of Governing magazine's eight public officials of the year.

Now beginning his 8th year as mayor, Rick has brought insurmountable energy and passion to serving the people of St. Petersburg and revitalizing the entire community. His catch phrase is, "Another great day in St. Petersburg," and under his leadership, every day has become another great day for our community.

As the only mayor honored this year, the magazine dubbed Mayor Baker as "Mr. Inclusive" for his work to revitalize the city's economy, improve its parks system, and improve the city's schools.

This is one of many honors Rick's hard work and commitment to public service have earned him and the city. Just last September, General Colin Powell's America's Promise Alliance named St. Petersburg one of our Nation's 100 Best Communities for Young People.

During ceremonies September 22 at Union Station, the organization cited St. Petersburg for its effort to improve its schools by forming corporate sponsorships. In particular, it said, "St. Petersburg has a strong backbone—the mayor—who, since 2003, has increased corporate partners for its schools from nine to nearly 80."

It was Rick Baker whose vision led to the establishment of the Mayor's Mentors & More program 6 years ago. With the support of the Pinellas Education Foundation, which funded a city staff position to lead mentor training, the city has trained more than 500 mentors over the past 2 years.

Madam Speaker, as Rick Baker embarks upon his final year as mayor, it is good that he receives recognition for a job well done for the people of St. Petersburg, Florida. He and his work stand as a symbol for all that is good about public service and those who choose to serve.

IN RECOGNITION OF JACK AND
DOLLIE HARVEY

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. BOOZMAN. Madam Speaker, I rise in recognition of the devotion and commitment Jack and Dollie Harvey have shown their community.

In their 40 years of marriage, they have worked together to help others. Their romance was born out of tragedy with each of them being widowed at a young age. Instead of dwelling on the hardships they faced in losing a loved one and, eventually, the challenges of merging their two families, they became more mindful of the needs of those around them. They helped rebuild after the 1976 Teton Dam collapse; "adopted" the homeless; taught at a juvenile detention center; ministered in migrant camps throughout the Southwest; volunteered at a community recreation center; counseled the terminally ill and their families; organized and managed summer camps for children from low-income families; entertained at nursing homes, state hospitals and city missions; and gave their time, money and energy to every opportunity for service that came their way.

Like many other Americans their age, the Harveys have to stretch their Social Security check to cover their monthly expenses. But they don't worry so much about paying the bills. Quite often, their biggest concern is just finding the energy to breathe. Jack, 78, who suffers from a chronic respiratory disease, and Dollie, 71, a cancer survivor tethered to oxygen, squeeze their numerous doctor's appointments and her frequent transfusions and injections into a hectic schedule devoted to ministering to others.

Sundays are busy days for the couple: teaching Sunday school, practicing for Christmas programs and guest preaching, their efforts continue to make a difference and inspire all of those who meet them. Their lessons have not been lost on their 8 children, 16 grandchildren and 3 great grandchildren, who

include ministers, educators, law enforcement personnel, healthcare professionals, a social worker, military members and Arkansas and U.S. Government officials.

Jack and Rollie long ago adopted the motto not to pass on peacefully but to charge ahead helping others until they drop—exhausted and totally spent—into the grave. Truly, it is this kind of commitment, this type of dedication, that makes America grow.

HONORING SAM AND DORIS
SHORTER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to offer my congratulations to Sam and Doris Shorter of Cataula, Georgia, upon the occasion of their golden wedding anniversary on January 17, 2009. In this day and age where family values are often discussed, I can think of no greater testament to life, love, honor, and family values than the commitment of a 50 year marriage.

Samuel Shorter and Doris Lawson, both native Georgians, were born, reared and educated in Terrell County. They met while attending Terrell County high school. Sam was the starting guard on the basketball team and Doris was a pretty girl who caught his eye and snared his heart. After courting for just a few months, they both realized they had found true love and were destined to be partners in life. Shortly thereafter, Sam and Doris were joined in holy matrimony on January 17, 1959.

Along the way, during these last 50 years, they built a loving home, had successful careers, created a business and raised a family. Although they settled in New Jersey in the early 1960s, they never forgot their Georgia roots, and retired to Georgia in 2003.

Their marriage has been blessed with three children—Malcom, Tonya and Courtney; a loving daughter-in-law Joan; and six granddaughters—Natalya, Olivia, Alazandra, Victoria, Ciara and Daijohna.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Shorters as they celebrate 50 years of marriage. It is refreshing to see two people who have devoted their lives to creating a successful marriage and happy family. They are an example of what a little dedication, a lot of love, and a belief in God can create.

DULLES CORRIDOR METRORAIL
PROJECT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. WOLF. Madam Speaker, on behalf of the entire Virginia Congressional delegation, the people of the 10th District of Virginia, and everyone who uses Washington Dulles International Airport, I want to thank Secretary of Transportation Mary Peters for her efforts in

giving final Federal approval to the Dulles Corridor Metrorail Project.

The Department of Transportation signed off on the project committing some \$900 million in Federal funds to this project, which has been discussed and in the planning stages for decades. It is gratifying to see this project become a reality and it would not have been possible without Secretary Peters's bold leadership, personal attention, and ability to recognize the critical need for congestion relief in the Dulles corridor.

TRIBUTE TO THE 150TH ANNIVERSARY
CELEBRATION OF WATER-
LOO UNITED METHODIST
CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to commemorate the 150th Anniversary Celebration marking the building of the Waterloo United Methodist Church in the Borough of Stanhope, County of Sussex, New Jersey, a vibrant community I am proud to represent.

Waterloo United Methodist Church was started in 1855 by a few families crowded into a general store. Devoted congregants constructed a church in 1859. The congregation continued to thrive until the Great Depression when church membership was reduced to all but five congregants. Through the dedication of Mrs. Melissa Dolan, an organist and Sunday school teacher for the church for 50 years, the church was saved from abandonment. Not until 1971 was the church's survival once again threatened, this time by the construction of a dam. Through the help of New Jersey State Senator Wayne Dumont the church was allowed to remain in use and the congregants unanimously voted to not sell the property to the State. In 1980, when membership dwindled to eight families, a conscious effort was made by the congregation to keep their beloved church alive and to this day the church continues to be successful.

The United Methodist Church remains the only operating building in the restored 19th century canal town of Waterloo Village. Today's inter-generational congregation is lead by three pastors, the only congregation in the State of New Jersey to be led by a pastoral team, and welcomes parishioners from all walks of life. Although few in numbers this progressive church takes great pride in accepting people from diverse backgrounds, following in the footsteps of Jesus Christ whom embraced those that society did not.

Madam Speaker, I urge you and my colleagues to join me in congratulating Waterloo United Methodist Church on the celebration of 150 years of serving its parishioners and all of Sussex County.

RECOGNIZING THE DEATH OF
CLAIBORNE PELL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to Claiborne Pell, Princeton Graduate, former senator from Rhode Island, creator of Pell Grants, and writer of legislation that created the National Endowment for the Arts and the National Endowment for the Humanities. He served six terms in the office, until 1997.

Words alone can not express my sincere admiration for Claiborne Pell and the legacy he has left behind: a program that has given grants to tens of millions of college students and will continue to give grants to generations of college students to come.

I truly admire Claiborne Pell for his commitment to aiding students in paying for college education. The Pell Grants began with the creation of a bill that created the Basic Education Opportunity Grant (BEOG) which provided financial aid to the needy to attend college. The Basic Education Opportunity Grant (BEOG) was renamed in honor of Pell and his work for these grants in 1980 as Pell Grants: Pell had sponsored the research of a two-volume report that had been the basis of the bill that created the BEOG. Pell's dedication to providing assistance to college students in meeting the high costs of a college education will be remembered for years to come.

Claiborne Pell was also very dedicated to the Arts and Humanities. He was the author of the National Foundation of the Arts and the Humanities Act of 1965. Both of these led to the creation of the National Endowment for the Arts and the National Endowment for the Humanities. The National Endowment for the Arts fostered many techniques and styles that are credited with making American artists distinguished worldwide.

Mr. Pell's outstanding leadership, patriotism and accomplishments will surely serve as an inspiration for many Americans.

CONGRATULATING THE SAINT
FRANCIS SPARTAN FOOTBALL
TEAM

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. ROSKAM. Madam Speaker, I rise today to congratulate the Saint Francis Spartans football team for their remarkable victory in the Class 5A Illinois State championship on November 29, 2008.

Saint Francis' road to the State championship is a great story of success through hard work and determination. In the previous two seasons, the Spartans struggled vigorously to overcome many obstacles. This year, all their hard work paid off. The steadfast Spartans pulled off a tremendous turnaround, ending the regular season with a record of 9-1.

In Saturday's championship game, the Spartans faced off against the top-ranked, 9-0

Metamora Redbirds. The Redbirds entered the game with a 27-game winning streak. Despite the steep challenge ahead, the Spartans stayed focused on the game. They tenaciously persevered, beating the Redbirds 49-35 and breaking the record for the most points scored in the 5A title game.

Madam Speaker and distinguished colleagues, please join me in commending the Saint Francis players and coaches for their intensity and dedication throughout the season. Their incredible performance in the State championship is a tribute to long hours of hard work, both on and off the field.

Spartans, your families, your school, and your community are extremely proud of what you've accomplished. I wish you all the best in the future. Go Spartans!

TRIBUTE ON THE DEPARTURE OF
CHIEF OF STAFF DAVID GOLD-
ENBERG

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor my departing Chief of Staff, David Goldenberg. With great reluctance but immense gratitude, I bid farewell to David after almost 9 years in my office, nearly 2 as my Chief of Staff.

Madam Speaker, David will be sorely missed. His policy knowledge, political acumen, generosity of heart, and dedication to his work leaves an indelible impression, not only on myself but on all those members of my staff who work closely with him. David has served as a colleague, leader, mentor and friend to much of my staff over the years, and it is on their behalf, as well as mine, that I honor him today.

David is reliable and good-natured, hard-working and humorous. His leadership in my office has been marked by charity and devotion, acceptance and affection. David has been an asset not only to Florida's 23rd District, and not only to the State of Florida, but also to the entire country, as an advocate of those policies that seek to uplift people and better their lives.

Madam Speaker, as David and his wife, Nami, move from Washington, D.C. to Chicago, I wish them much happiness and the best of luck in this new chapter in their lives. I only insist that they both return to Washington to visit me as soon as possible.

David, I thank you.

GAZA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. PASCRELL. Madam Speaker, nearly 9,000 rockets, missiles, and mortars have been fired into Israel since 2001, terrorizing the Israeli people. More than 6,000 of them have fallen since Israel withdrew entirely from

the Gaza Strip and Hamas took over its leadership in 2005. The range of these rockets continues to grow, putting more of Israel's population in danger.

The humanitarian situation in Gaza also worsens by the day, and scores of civilians have been hurt or killed in the fighting. Hamas terrorists embed themselves in private homes, schools, mosques, hospitals, and use innocent Palestinians as human shields.

I fully support Israel's right to defend itself against the constant barrage of attacks from Hamas. However, it is imperative that both the Hamas government in Gaza and the State of Israel stop this cycle of violence that has caused hundreds of casualties, before it gets worse. Israelis in Southern Israel and Palestinians in Gaza live in constant fear for their lives, and this is unacceptable.

The Bush Administration must immediately take all necessary measures, in conjunction with the world community, to broker a peaceful and sustainable resolution to this volatile situation. Should the President heed this call, it will bolster the incoming Obama Administration's efforts as it advocates for a lasting peace.

Military action will not result in an enduring resolution of these long simmering tensions. It is only through diplomacy and a strengthening of the Israeli Palestinian reconciliation process that a sustainable two state solution will be achieved. The violence must stop and the healing process begin, before more civilians are hurt and more lives are destroyed.

SECOND ANNUAL NATIONAL
HUMAN TRAFFICKING AWARE-
NESS DAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize the second annual National Human Trafficking Awareness Day on January 11, 2009. Human trafficking is a modern form of slavery, and the largest manifestation of slavery today. It continues to be a multi-dimensional threat that deprives people of their human rights and dignity.

According to the U.S. Department of Health and Human Services, human trafficking is now the fastest-growing criminal industry in the world. About 80 percent of transnational victims are women, girls and up to 50 percent are minors. It is vital that the United States continue to expand our efforts to combat trafficking both within and beyond our own borders.

I am very proud that in my district, a number of agencies, including law enforcement, victims service providers, and community organizations have joined together to form the Orange County Human Trafficking Task Force. I hope that more local communities will stand together to protect every person's right to be free from forced marriage, prostitution, and labor.

Each of us has a responsibility to fight human trafficking and slavery. I urge my colleagues and all Americans to join me in recognizing National Human Trafficking Awareness

Day, and working to stop human trafficking around the world.

TRIBUTE TO RUTH COLE-CHU

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor the life of one of eastern Connecticut's most dynamic leaders, Ruth Cole-Chu of Salem, who passed away on Wednesday, January 7, 2009.

Ruth was born in Hweli, China where her parents were serving as Baptist Missionaries. After returning to the United States, Ruth attended Wheaton College in Illinois where she received her bachelor of arts in speech communications. She later attended Golden Gate University School of Law in San Francisco where she received her law degree.

Ruth was a devoted wife, mother, and public servant. She was also an attorney and an education consultant. As an active member of her community, she participated in various local boards and commissions. She served 6 years as a member of the Board of Education, including a term as chairwoman, where she fought tirelessly to expand opportunities for the students of Salem. While she began her career as an attorney, it was as an advocate for children that Ruth truly made her mark.

Ruth believed that school communities should be a place where children from all walks of life could grow and learn. She was an unwavering advocate for multiculturalism and diversity, and it was with that in mind that she founded the Inter-district School for Arts and Communications, the ISAAC Charter School. Since 1997, the ISAAC school has offered a unique educational experience for students in southeastern Connecticut where they can learn about the importance of diversity and the value of community service.

Ruth's belief in compassion and open-mindedness is a message that she carried to all she met. It is a spirit that lives on in her own children, Emily, Hannah and Lily. While her compassion for all children marked her legacy, it was the love that she had for her own children that defined her life.

We in eastern Connecticut are blessed to have had such a dedicated public servant and those of us who knew her are blessed to have had such a friend. We will take solace in her memory and the example that she set for thousands of young people across our State. To Lee, her beloved husband, and the entire Cole-Chu family, please know that our thoughts and prayers are with you.

CITY OF BELLAIRE'S 100TH ANNIVERSARY

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. CULBERSON. Madam Speaker, I rise today to celebrate the City of Bellaire's 100th

Anniversary. The prosperous and tranquil neighborhoods of Bellaire, Texas exemplify why so many new people and businesses move to Texas every day. The people of Bellaire take pride in their thriving city, which was founded in 1908 alongside the City of Houston. I grew up in West University Place, right next door, and I experienced what every young person in Bellaire enjoys today—the comfort and joy of growing up in a small town, even though we were in the middle of one of the biggest cities in America.

One of Houston's greatest strengths is the small town feel of neighborhoods all over Harris County, and nowhere is that small town safety, security, and prosperity stronger than Bellaire. The people of Bellaire look after one another, and take pride in their city and their neighborhoods and fill up every parking spot for blocks around whenever there is a parent meeting at a local school.

When Hurricane Ike knocked down trees and damaged property and knocked out the power, the people of Bellaire showed once again why their beautiful city is so successful. They did not sit around and wait for the federal government to help them. Neighbors simply pulled out their chain saws, and their hammers and tools and walked door to door on their street to see who needed help. Elderly or infirm residents were helped by their next door neighbors in the very best spirit of America.

Bellaire's small town roots go back to its founding six miles outside of Houston in 1908 by William Wright Baldwin. In 1918, when Bellaire was incorporated as an independent city, its population was 200, and during World War II the city grew rapidly. By 1948, the City of Houston had completely surrounded Bellaire, yet Bellaire has always maintained its independence as a home rule city.

Bellaire's fire and police departments are among the best in Texas. Building on a strong foundation of neighbors helping neighbors, Bellaire's firemen and policemen have helped make Bellaire one of the safest cities in America. People from all over Texas and America continue to vote with their feet and their dollars by moving their homes and businesses to Bellaire at a time when other communities across the nation are shrinking.

Bellaire was a part of the Seventh Congressional District in 1966 when the District's first Congressman was future President George H. W. Bush, who was followed by the Chairman of the House Ways and Means Committee Bill Archer. Population growth in the greater Houston area caused District 7 to be drawn farther west until 2006, when Bellaire once again became part of this historic congressional district.

As someone who grew up next door in West University, with many fond memories of Bellaire, I am especially proud to represent the people of this great city as their Congressman in Washington, D.C. It gives me great pleasure to congratulate the people of Bellaire on building one of the safest, most prosperous, and most pleasant cities in America over the last 100 years, and I will always do everything I can to preserve, protect, and defend Bellaire's wonderful quality of life for the generations that will follow us in the next 100 years.

Congratulations Bellaire.

HONORING BERNIECE HUGHES

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. BRADY of Texas. Madam Speaker, I stand up today before my esteemed colleagues to honor a lifelong resident of my district who just flat-out loved politics. Nothing—short of time with her three children, five grandchildren, nine great-grandchildren and nine great-great-grandchildren—made Berniece Hughes of Conroe, Texas, happier than getting mad at what we all had to say on her favorite all-news channels. The daughter of the late W.V. and Lennie Galloway Holliday of Polk County, Berniece Hughes did her growing up during the Great Depression. She was a girls' basketball and track team member at Goodrich High in Polk County where she was in the 1934 graduating class. The oldest of six, Berniece is now reunited in heaven with her brothers and sisters and her sweetheart, B.F. "Bert" Hughes.

A master of the one-liners, Berniece, even at 92, was—as her daughter puts it—a "doodle mama just like Driving Miss Daisy." Likening her mother and father to screen giants Tracy and Hepburn, Lana says quick quips and laughter were just part of growing up a Hughes. Berniece thoroughly enjoyed being home with her children—B.F. "Mike" Hughes, Jr. of Livingston, and Wayne Hughes and Lana Hughes of Houston—as they were growing up. She was even more delighted to spend the second half of her days in Conroe enjoying watching her children bring her grandchildren and her grandchildren bring her great-grandchildren and so on. Everyone who met her described Berniece as "a pistol."

Once again, Madam Speaker, I thank my colleagues for allowing me to share the story of a life well lived and ask for their thoughts and prayers as Berniece's large, loving family will gather together at the Forest Park Lawndale Cemetery and Funeral Home to say their final goodbyes to their "doodle mama," this Saturday morning.

IN RECOGNITION OF MARSHALL BILLINGSLEA, DEPUTY UNDER SECRETARY OF THE NAVY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Marshall Billingslea, the outgoing Deputy Under Secretary of the U.S. Navy. I am proud to recognize his service to the Nation and thank him for his contributions to our national defense.

Marshall entered public service after receiving his master of arts in law and diplomacy from the Fletcher School of Law and Diplomacy in 1995. He served for over 6 years as the Senior Professional Staff Member for National Security Affairs on the Senate Foreign Relations Committee. During this period, he was the senior advisor to the chairman and

members of the committee on all proliferation, arms control, defense, intelligence, and counter-terrorism issues. These experiences provided an enormous breadth of knowledge and laid the foundation for a career of outstanding public service.

Mr. Billingslea later joined the Bush administration as the Deputy Assistant Secretary of Defense for Negotiations Policy and served as the chief negotiator for all major international agreements. In this capacity, he was the principal Department of Defense representative on numerous U.S. arms control delegations, and the U.S. Head of Delegation for Transparency and Verification negotiations with the Russian Federation in connection with the Moscow Treaty on Strategic Nuclear Reductions.

In recognition of his outstanding accomplishments, he was appointed the Acting Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict. As the principal civilian advisor to the U.S. Secretary of Defense on Special Operations Forces and counter-terrorism efforts against al Qaeda and other terrorist groups, he had enormous responsibility to safeguard the American people in supervising all special operations activities in the Department of Defense.

Prior to his current position, he served as NATO's assistant Secretary General for Defence Investment. He bolstered the national security of the United States by promoting NATO armaments cooperation policies and programs, and for military common funding. Additionally, he served as Chairman of NATO's Conference of National Armaments Directors (CNAD) and Chairman of the Board of Directors for NATO's Consultation, Command, and Control Organization.

As the first Deputy Under Secretary of the Navy in over 7 years, Marshall has been the senior advisor to the Secretary of the Navy on a wide range of policy and intelligence matters. His advice and counsel to the Secretary during a time of war, as well as his leadership in standing up the DUSN organization, has been invaluable to the Secretary and the Department of the Navy as a whole.

I am proud to recognize Marshall's achievements and wish him and his wife, Karen, along with their daughters, Morgan Alyssa and Elsa Breanne, well as they pursue new endeavors.

IRAQ'S STRUGGLING CHRISTIAN COMMUNITY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues a letter I sent yesterday to Secretary Rice regarding the plight of Iraq's struggling Christian community.

It is my hope that people of faith throughout the country contact both the incoming and outgoing administrations and urge immediate action to protect this ancient community, some of whom still speak Aramaic, the language of Jesus.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 2009.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR SECRETARY RICE: Millions around the world just celebrated Christmas. In churches and homes throughout our own country children learned of Mary, Joseph, a census, a stable—of Nazareth and Bethlehem and other far away places. These lands of old that are found throughout the Bible are still home to ancient Christian communities with deep spiritual and cultural roots. In fact, with the exception of Israel, the Bible contains more references to the cities, regions and nations of ancient Iraq than any other country.

The patriarch Abraham came from a city in Iraq called Ur. Isaac's bride, came from northwest Iraq. Jacob spent 20 years in Iraq and his sons (the 12 tribes of Israel) were born in northwest Iraq. A remarkable spiritual revival as told in the book of Jonah occurred in Nineveh. The events of the book of Esther took place in Iraq as did the account of Daniel in the Lion's Den.

Tragically Iraq's ancient Christian community is facing extinction on this administration's watch. According to the U.S. Commission on International Religious Freedom (USCIRF), Iraq's Christian population has fallen from as many as 1.4 million in 2003 to between 500,000 and 700,000 at present. USCIRF also reports that "while Christians and other religious minorities represented only approximately 3 percent of the pre-2003 Iraqi population, they constitute approximately 15 and 20 percent of registered Iraqi refugees in Jordan and Syria, respectively, and Christians account for 35 and 64 percent, respectively, of all registered Iraqi refugees in Lebanon and Turkey."

It is critical to note, as the figures above indicate, that the violence and intimidation that Iraq's Christians and other ethno-religious communities have faced is targeted. In July 2008, the U.S. Conference of Catholic Bishops Migration & Refugee Services said this about the minority religious communities: "These groups, whose home has been what is now Iraq for many centuries, are literally being obliterated—not because they are fleeing generalized violence but because they are being specifically and viciously victimized by Islamic extremists and, in some cases, common criminals."

We need a comprehensive policy or even a point person at the embassy in Baghdad to address the unique situation of these defenseless minorities. An article in Christianity Today by Philip Jenkins described what was happening this way: "What we are seeing then is the death of one of the world's greatest Christian enterprises."

I urge you, in your final days as Secretary of State, to take dramatic action on behalf of this hurting population and a good starting point is the recent recommendations put forward by USCIRF. I respectfully request a response from you, rather than the assistant secretary for Legislative Affairs.

Best wishes.
Sincerely,

FRANK R. WOLF,
Member of Congress.

IN MEMORY OF MARY JAMES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. SKELTON. Madam Speaker, it is with deep sorrow that I inform the House of the death of Mrs. Mary L. James.

Mary, who was born in West Plains, MO, was a graduate of Harrisonville, MO, High School and the University of Missouri, where she received a bachelor of science degree in education. Mary also earned a master's of public administration degree from the University of Kansas.

Through the years, Mary dedicated her life to education, health care, and to the betterment of her community and her state. She was a teacher, a volunteer, and lived her whole life surrounded by or working in the news business. In 1999, Missouri Governor Mel Carnahan appointed Mary as a member of the University of Missouri Board of Curators, and she became the board's president in 2005.

Mary also served organizations affiliated with the University of Missouri, which she so dearly loved, including the Chancellor's Fund for Excellence, the Advisory and Development Committee within the College of Education, and the Griffith's Leadership Society for Women. Mary was also a member of the Jefferson Club. In 2005, the Alumni Alliance recognized Mary for Outstanding Alumni Service to the University of Missouri System.

Mary also worked as the executive director of the Cass Medical Center Foundation, on the board of the Healthcare Foundation of Greater Kansas City, and on the board of the Cass Medical Foundation. In 2006, she was recognized by the University of Missouri as a Distinguished Friend to the School of Nursing because of her commitment to health care and to the University.

Mary also served as a member of the Harrisonville Park Board, including time as chairman. During her tenure on the park board, she advocated for a community sales tax that led to building a pool and maintenance facility for the city of Harrisonville, she wrote a grant and raised funds to build an outdoor theater, and she helped plan for a community center. Mary was a member of the Harrisonville Chamber of Commerce, the Harrisonville United Methodist Church, Chapter G.R. PEO, Delta Gamma, and the University of Missouri Alumni Association.

Mary's family had been prominent in the Missouri newspaper business. Her parents, the late J.W. Brown, Jr., and Wanda A. Brown, were publishers of the Cass County Democrat-Missourian in Harrisonville. Her father served as Missouri Press Association President. She worked for 26 years as the human resources manager for Cass County Publishing, volunteering extensively in her spare time.

In 1971, Mary married Bill James, who himself has been a prominent figure in the Missouri newspaper business and is a former president of the Missouri Press Association. Bill is now the publisher of the Daily Star-Journal in Warrensburg, Missouri.

Mary, who is survived by Bill, by her two sons and their wives, by one granddaughter, by her mother, and by her sister, will be remembered fondly by all who had the privilege of knowing her, including me. She has led an exemplary life, which ought to serve as a model for young people in Missouri and throughout our nation. I know members of the Congress will join me in paying tribute the life of Mary James and in extending condolences to her family and friends.

INTRODUCTION OF THE KALAUPAPA MEMORIAL ACT OF 2009

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce a bill to authorize establishment of a memorial at Kalaupapa National Historical Park on the island of Molokai, Hawaii, to honor the memory and sacrifices of the some 8,000 Hansen's disease patients who were forcibly relocated to the Kalaupapa peninsula between 1866 and 1969. I want to thank my friend and colleague Congressman NEIL ABERCROMBIE for cosponsoring this legislation.

I had hoped to see this bill become law last year. The 110th Congress version of the bill (H.R. 3332) passed the House in February 2008. It was approved by the Senate Energy and Natural Resources Committee in June 2008. Unfortunately, despite heroic efforts by Senators AKAKA, INOUE, and BINGAMAN, the bill did not come before the full Senate for a vote.

The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii. Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s.

While most of us know about the sacrifices of Father Damien, who dedicated his life to care for those exiled to Kalaupapa, fewer know of the courage and sacrifices of the patients who were torn from their families and left to make a life in this isolated area. It is important that their lives be remembered.

Of the some 8,000 former patients buried in Kalaupapa, only some 1,300 have marked graves. A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the primary purpose of the park, which is "to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations."

Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at

Kalaupapa National Historical Park and their family members and friends, was established in August 2003 to promote the value and dignity of the more than 8,000 persons—some 90 percent of whom were native Hawaiian—who were forcibly relocated to the Kalaupapa peninsula. A central goal of Ka 'Ohana O Kalaupapa is to make certain that the lives of these individuals are honored and remembered through the establishment of a memorial or memorials within the boundaries of the park at Kalawao or Kalaupapa.

Ka 'Ohana O Kalaupapa has made a commitment to raise the funds needed to design and build the memorial and will work with the National Park Service on design and location of the memorial.

I have met with the elderly residents of Kalaupapa; many have expressed a strong desire to know that the memorial will be built before they die. I also read the heartfelt and compelling testimony submitted by current patients and family members of former patients who want to make sure not only that the story of Kalaupapa is told but that the patients are recognized as individuals by having the names of each of those exiled to Kalaupapa and buried there recorded for posterity. Families that have visited Kalaupapa and Kalawao searching in vain for the graves of their family members will find comfort in seeing those names recorded on a memorial.

The National Park Service is supportive of this legislation. I am hopeful that the Senate will soon pass an omnibus bill including the text of this legislation and other public lands bills.

I urge my colleagues to join me in supporting this important legislation.

INTRODUCTION OF H.R. 374

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Ms. HARMAN. Madam Speaker, today we are introducing legislation that will begin a long-needed course correction in U.S. interrogation policies.

In the months and years after the September 11 terrorist attacks, I repeatedly urged the Bush administration to establish a legal framework that allowed the United States to identify, detain, and interrogate those who would harm us while protecting our fundamental values. Instead, the administration claimed for itself the right to ignore core provisions of U.S. law regarding the treatment of detainees. It brushed aside international agreements like the Geneva Convention, which have both protected our troops and set the bar for human rights.

The result is that United States has paid a steep price in eroded moral authority. We've flouted the very legal protections that we've tried to export to the rest of the world. We've undermined the international human rights standards that we helped create. And we've provided a huge recruiting tool to al Qaeda.

For many years, the sponsors of this legislation have fought to restore respect for the law and human rights to our detention and interrogation policies.

Now, with the election of a new President, we believe that goal is within reach. This legislation is an essential first step.

First, the bill requires the closure of the prison facility at Guantanamo Bay. The prison is so widely viewed as illegitimate, so plainly inconsistent with America's proud legal traditions, that it has become a stinging symbol of our tarnished standing abroad.

The Supreme Court has brought the curtain down on the legal fiction on which the prison was premised. It's time for Congress to take the next step and close it permanently.

Our bill would require the President to close the facility within 1 year of enactment and give him a range of choices for dealing with the detainees. These options include transfer to a detainee's country of origin, so long as that country provides certain assurances regarding treatment of the detainee; transfer to a facility in the United States to be tried before military or civilian authorities, like the first 1993 World Trade Center bombers, who are currently being held in Supermax prisons in the United States; transfer to a qualified international tribunal; or, if appropriate, outright release.

Second, the bill prohibits the interrogation of any individual held by a U.S. intelligence agency or its contractors using any technique or treatment not authorized by the United States Army Field Manual on Human Intelligence Collector Operations. Torture and abusive treatment is not only contrary to American values, the law, and international human rights agreements, there is no evidence that it yields reliable intelligence. This legislation will require that our intelligence agencies do not engage in such practices.

Third, the bill forbids the Central Intelligence Agency from using a contractor or subcontractor to carry out an interrogation, ending a practice that has been fraught with abuse.

Finally, the bill requires that the intelligence community provide the International Committee of the Red Cross with access to any individual in its custody, providing transparency and accountability that will restore the world's confidence in our detention and interrogation practices. The notion that our country essentially "disappeared" some detainees is abhorrent—we are not the Soviet Gulag or the Chilean military.

The portions of the legislation relating to the prison facility at Guantanamo Bay are identical to H.R. 2212, which I introduced in the 110th Congress, and the remaining provisions are identical to legislation introduced earlier this week by Senator DIANNE FEINSTEIN.

We urge swift passage in both Chambers.

HONORING THOMAS MAYFIELD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Thomas Mayfield for his dedication to his family, business and community. Mr. Mayfield lost his fight against lymphoma on December 9, 2008; three days shy of his seventy-eighth birthday.

Thomas Mayfield was born on December 12, 1930 in Holtville, California and was raised

in Imperial County, California. As an adolescent his family moved to Hughson, California where he attended and graduated from Hughson High School in 1948. As a young man, Mr. Mayfield worked in construction in Alaska for 1 year before joining the Air Force. He served in the Air Force from 1950 to 1951, and returned to work in Alaska until 1953. In 1954 he married his wife, Anita, and moved back to Hughson. They began a small farm growing walnuts, almonds and grapes. The business eventually grew to include a hulling division. Up until a few months ago Mr. Mayfield was still working out in the fields on the family farm.

Mr. Mayfield has a long history of involvement in the Hughson community. He was a member of the Stanislaus County Farm Bureau, the Hughson Chamber of Commerce and heavily involved with Saint Anthony's Church. He also served 10 years on the Hughson Elementary School Board. In 1992, he decided to run for an open seat on the Stanislaus County Board of Supervisors District 2, he was elected and began his 16-year run on the Board in 1993. Supervisor Mayfield was a strong voice for agriculture on the board and a proponent of family issues. He served on numerous committees and commissions; including serving as Vice President in 1996 and as the chairman of the board in 1997. He was the Board's representative to the Commission on Aging, Fish and Wildlife Committee, General Plan Update Committee, Joint Powers Authority Committee and member of the LAFCO Commission. He served as an alternate to the San Joaquin Valley Unified Air Pollution Control District Board of Directors, Safety Committee, Stanislaus Area Association of Governments Executive Committee and an alternate to the Emergency Medical Services Board of Directors and the Stanislaus-Ceres Redevelopment Committee. He was serving as chairman this year until he became too ill to attend meetings. Supervisor Mayfield was completing his fourth term on the board and did not run for re-election this year. He was an advocate, a dedicated public servant, a leader and a great friend to all that knew him.

Supervisor Mayfield is survived by his wife of over 50 years, Anita; a daughter, Lisa Mayfield-Rigg; a son, Tom Mayfield; and three grandsons. He was preceded in death by a daughter, Laurie Woodward.

Madam Speaker, I rise today to posthumously honor Supervisor Thomas Mayfield for his dedicated services to his family, his business and his community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

**OPENING OF NEW LEED GOLD
CERTIFIED CUB FOODS STORE IN
ST. PAUL, MN**

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Ms. McCOLLUM. Madam Speaker, I rise today to congratulate Minnesota-based grocery retail company Cub Foods for its planned

opening of one of the nation's first LEED (Leadership in Energy and Environmental Design) Gold Certified grocery stores in St. Paul, Minnesota.

The new store, located in the heart of St. Paul's Phalen neighborhood, will be the first LEED Gold Certified grocery store in Minnesota and the second in the United States. It received an award from the Environmental Protection Agency's GreenChill Partnership at Gold-Level Certification for outstanding use of environmentally friendly refrigeration technology. I want to congratulate Brian Huff, President of Cub Foods; Mark Halvorson, Phalen Cub Foods Store Manager; and Jeff Noddle, Chairman and CEO of Cub Food's parent company SUPERVALU for their outstanding environmental leadership in setting a new standard in the grocery retail industry.

As a member of the Congressional Green Buildings Caucus I firmly believe that energy efficiency in our nation's buildings must play an important part in a 21st century energy strategy for the United States. The innovations Cub Foods brings to the St. Paul Phalen community with its new LEED store are exceptional and should be replicated nationwide. The new 62,900 square-foot store has skylights to illuminate 75 percent of occupied spaces and has the first commercial parking lot in Minnesota illuminated using only LED lights. It incorporates a landscape irrigation system that uses 50 percent less water than typical systems. In addition, 75 percent of the building construction waste will be recycled. Such innovations must become the standard for America's buildings as we tackle the challenges of climate change and energy security.

In addition, the Phalen Cub Foods store was an integral part of St. Paul's East Side redevelopment project and has created approximately 135 new part-time and full-time jobs for the neighborhood. As we face a global recession, such green projects are a win-win for the environment and our economy.

As Cub Foods commemorated their 40th Anniversary in 2008, the commitment Cub is making to the long-term well-being of the environment, their customers and employees truly exemplifies Minnesota's strong tradition of community and responsible stewardship of our community and our planet. I congratulate Cub Foods on its efforts and look forward to continuing our shared fight for a greener building sector and stronger economy.

**RECOGNIZING THE 50TH WEDDING
ANNIVERSARY OF MR. AND MRS.
ENCARNACION AREVALO
GUERRA**

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. CUELLAR. Madam Speaker, I proudly rise today in recognition of the 50th Wedding Anniversary for Encarnacion 'Carny' Arevalo Guerra and Emma Flores Guerra. The lives of these individuals have been uniquely American, and this Golden Anniversary of theirs is a special moment for not only them, but for their family and friends.

Encarnacion Arevalo Arevalo was born May 15th, 1940 in McGregor, Michigan to Sacarias Bonilla Guerra and Ines Arevalo. Emma Flores Guerra was born December 13th, 1940 in San Antonio, TX to Alfredo Saucedo Flores and Ofelia Cavazos Flores. From San Antonio, Emma's family moved to Saginaw, Michigan that she met Encarnacion. Both fathers of the honored couple worked at General Motors during the 1940's, a crucial period when manufacturers were devoting all effort to preparing the military with proper equipment.

Music played an important role in both of their lives. As children they loved music and would attend weekly dances in Saginaw, Michigan as young adults. This later would inspire them to start a business. When both were in junior high, attending Central Junior High in Saginaw, Encarnacion played the saxophone, and Emma the French horn. This is where they met and began their relationship. Not all went as planned however as Emma's family was forced to move back to San Antonio. This would not stop their relationship however. The young couple stayed in touch by writing letters to each other at every chance they had.

It was January 10, 1959 that the two married in a large ceremony at St. Joseph's Catholic Church. After marriage, Encarnacion supported his growing family with his continued employment at General Motors in Saginaw for 10 years. It was during this time that the two welcomed 5 daughters into their family: Cynthia, Sylvia, Judith Ines, Belinda, and Elaine.

After leaving GM, the family moved to Laredo, Texas. It was here the couple purchased and converted the Bowl-A-Rama into what we now know as the "Casa Blanca Ballroom". The Ballroom has become a landmark and has held a prominent place in the lives for Laredoans for almost 40 years now.

From here the couple went on to purchase their first radio station in Nuevo Laredo and name it "Radio Canon". This proved to a wise investment, and the Guerra's later purchased share holdings in seven more radio stations. After a short try at retirement, the two returned to the business and acquired three new radio stations: Z-93, Energy 98, and K-Onda. In 1995, the couple moved to San Antonio, but remain active in the communities. Today, when Encarnacion is not tinkering in his garden, the two are fulfilling their dream of traveling the world. The Guerras are a vibrant example of living the American dream.

Madam Speaker, please join me in celebrating them on the 50th Wedding Anniversary not just as local icons in Texas, but model citizens of the United States of America. They are true stewards of the American dream, and I celebrate them and thank them for their contributions to the Great State of Texas.

TRIBUTE TO MRS. JOSEPHINE
ARNOLD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. UPTON. Madam Speaker, I rise today in recognition of Mrs. Josephine Arnold of Portage, Michigan, for her nearly 30 years of distinguished service to the Portage Senior Center and the greater Kalamazoo area.

Jo began working with the Portage Senior Center in 1979 and was named its charter director in 1992 when the Portage City Council created the Department of Senior Services to give the senior center a direct link to the council. Since its inception 30 years ago, the Portage Senior Center has gained 2,000 members and currently has a regular daily attendance of 200 senior citizens. Under Jo's leadership in 2000, the Portage Senior Center became Michigan's first nationally accredited senior center and one of an elite group of 127 centers that have been nationally accredited. Throughout the years, Jo's overriding goal at the center has been to promote personal growth, health, friendship, and independence for area seniors and all generation participants. In addition to her career with the city of Portage, Jo has been an active community member as an instructor at Kalamazoo Valley Community College and as the activities director of Friendship Village.

Jo has been an inspirational figure, exuding friendship, generosity, and leadership in her commitment to a population often neglected by society. Her dedication to community development will be remembered for years to come and her example followed to continue to aid senior citizens in Kalamazoo.

Once again, I would like to personally congratulate and thank Jo Arnold for her many years of public service to the citizens of this great country. Southwest Michigan is truly a better place because of her contributions.

125TH ANNIVERSARY OF MOUNT
FERN UMC

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise to recognize the one hundred twenty-fifth anniversary of the Mount Fern United Methodist Church, in Randolph, New Jersey.

The first service at Mount Fern Church was held on November 11, 1883. Mount Fern Church was an offshoot of the Millbrook Methodist Church established 50 years earlier in 1833. Mount Fern was built to serve the growing surrounding community and the workers at Mine Hill who did not have transportation to Millbrook.

John R. Spargo is the person most responsible for the church at Mount Fern. He donated the land, provided the financing, helped build the church, and he gave the church a new name, Mount Fern Church.

By 1880 Mount Fern was a hilltop community of about 25 homes, a dozen or so farms,

and the mining families. The successes of the local mines attracted still more miners to Randolph. After moving to an old stone farmhouse, John Spargo held Methodist class meetings in his home. The old stone house served as both an early church and Sunday school. Its two small rooms were soon filled to capacity. Eventually the community decided it was time to build a new church.

The Rev. Robert Jenkins served as the first pastor of Mount Fern Church from 1883–1884 and returned for a second year in 1894. Many of the Mount Fern early pastors were laymen, people who lived in the community, often with a farm of their own, and volunteered to lead the church for a year or two.

Mount Fern was well attended in its earliest years. However, membership declined when the local mines closed. By 1914 the church listed only 30 members.

The first Mount Fern Church Fair was held on July 4, 1914. Booths surrounding the church sold food, gifts, and souvenirs. A baked goods booth featured fresh-baked cookies and Anne Spargo's apple pies. Chicken suppers were served from a tent erected on the grounds. Fireworks at the first fair, by accident or mischievous design, ignited prematurely. Mount Fern never attempted fireworks again, but the church fair became a popular annual event for over 50 years.

By 1948 there were about 100 houses in the community. New families moved into the area and the church began to grow. In 1952 construction of a new fellowship hall began.

Growth continued and membership swelled to 350 after the arrival of Rev. Diane Gilbert in 1996.

Although over the years the building has changed, the church has not. Mount Fern Church remains a congregation of people united in their faith.

Madam Speaker, I ask that the House recognize this remarkable church and parishioners who have contributed so much toward the preservation and appreciation of American history through their place of worship at Mount Fern United Methodist Church in Randolph, New Jersey.

NATIONAL MENTORING MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution recognizing and honoring those who make a difference in the lives of our young people across the United States.

I am honored to be joined by Congressman MIKE ROGERS of Michigan and Congresswoman BETTY MCCOLLUM of Minnesota in introducing a resolution marking January of 2009 as National Mentoring Month as proclaimed by the President of the United States. National Mentoring Month celebrates and honors those who are mentors and draws attention to the great need for more mentors.

Mentors make a tremendous difference in the lives of our children. When a responsible and reliable adult becomes a mentor, the ben-

efits to the mentee can last a lifetime. Countless stories show the positive outcomes of a good role model.

Quality mentoring relationships between reliable adults and our young people are invaluable. Millions of adults nationwide are acting as excellent role models while providing guidance and advice to our young people—many of whom face problems at home or difficulties at school. Without a good, solid role model, our kids are more likely to drop out of high school or to become involved with drugs or alcohol.

Unfortunately, research shows that about 15 million children across the United States are in need of a mentor and a good role model. It is crucial that we begin to reach these children to give them a better future and hope. We are calling on more adults to rise to the occasion and to act as a role model to our children.

Madam Speaker, thank you very much for the opportunity to offer a resolution honoring America's mentors on the occasion of National Mentoring Month, 2009. I urge its quick passage.

IN HONOR OF DANIEL M. ORTEGA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. FARR. Madam Speaker, I rise today to honor the career of a great public servant on the occasion of his retirement. Daniel M. Ortega has served the City of Salinas as Chief of Police for nearly a decade, working hard to provide its citizens with a sense of peace, safety, and security. He retired this week after an exemplary 42-year public safety career.

Chief Ortega began his career in his hometown of Stockton, California, as a patrol officer. He then moved to San Jose, where he spent 28 years ascending the ranks of the San Jose Police Department. His assignments included 12 years as a hostage negotiator, 3 years as the Executive Director of the Police Activities League, and as the Captain of the Special Operations Division. In June 1999, Chief Ortega left the San Jose Police Department as a Deputy Chief of Police and Chief of Detectives.

In Salinas, Chief Ortega championed community-oriented policing. He created a police substation on Salinas' east side to ensure increased community access to the police. Moreover, he coordinated with business leaders to develop strategies to increase the safety of local businesses. Chief Ortega was also instrumental in creating a Community Services Coordinator position within City Hall. Additionally, he revitalized the School Resource Officer program to polish the image of police amongst the city's youth. Seeking to staff the department with "homegrown" police officers, Chief Ortega established a cadet program, which mentored youth from ages 16 to 21. Furthermore, in conjunction with the County of Monterey, he was integral in developing the highly successful Joint Gang Task Force.

In addition to his community-oriented approach, Chief Ortega improved the Salinas Police Department in other ways. He increased the force from a strength of 150 to

187 and expanded the Hostage Negotiation Team. He also established a horse-mounted unit, added a ballistic identification system, and acquired command and crime scene investigation vehicles.

Chief Ortega has served on the Board of Directors of various organizations, including the California Police Chiefs Association and the United Way of Monterey County. He is also a past president of the Monterey County Chief Law Enforcement Officers Association. His memberships include the International Association of Chiefs of Police and the National Latino Police Officers Association.

Madam Speaker, Chief Daniel M. Ortega leaves an indelible legacy and a shining example to his officers, peers, and successors. On behalf of the House, I wish Chief Ortega, his wife Donna, and their family continual happiness and prosperity as he progresses on to well-deserved retirement.

HONORING BOB PICKARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Bob Pickard upon his retirement as Mariposa County Supervisor, District V. Supervisor Pickard was honored by the Mariposa County Board of Supervisors on Tuesday, December 16, 2008.

Bob Pickard was originally appointed on September 4, 1996, by Governor Wilson to fill an unexpired term on the Mariposa County Board of Supervisors, District V. He was elected in 1996 and re-elected in 2000 and 2004. Over the past decade, Supervisor Pickard has been involved in numerous projects, committees, and organizations. He served as chair in 1999, 2003, and 2005. Under his role of supervisor he served on the Disaster Advisory Council, Fish Camp Community Planning Advisory Council, Wawona Appeals Board, Wawona Town Planning Advisory Committee, and Mariposa Solid Waste AB939 Local Task Force. Over the years, he also served on the board of directors for over 10 different agencies including: Area 12 Agency of Aging Joint Powers Authority Governing Board, California State Association of Counties Government Finance and Operations Committee, and California State Association of Resource Conservation and Development Council. Supervisor Pickard worked tirelessly on dozens of projects to revamp the county, community planning and development, recreation facilities, landfill, wastewater treatment facilities, airport improvement, road and fire station improvements. During his tenure, he was regularly involved in the resolving of natural disasters including the floods of 2005, the Ferguson rock slide disaster of 2006 and the recent wildfires of 2008.

Supervisor Pickard has worked with the State government for assistance in resolving issues that affect small rural counties. He was successful with legislation to bring \$400,000 to Mariposa County, \$80,000 per year for counties with no incorporated cities, for their fair share of the gasoline tax and vehicle license

fees; \$900,000 for local road rehabilitations; \$240,000 to provide equity funding for rural counties and their hazardous waste inspections on local businesses; \$120,000 and an additional \$64,000 for 1 year and ongoing funding for continuing noxious and invasive weed eradication; and \$180,000 were secured for the Mariposa Creek Parkway and other improvements. Supervisor Pickard has been an integral member of the Mariposa County Board of Supervisors, his impact on the county will be displayed for years to come.

Madam Speaker, I rise today to commend and congratulate Supervisor Bob Pickard upon his retirement from the Mariposa County Board of Supervisors. I invite my colleagues to join me in wishing Supervisor Pickard many years of continued success.

INTRODUCTION OF THE OCEAN AND COASTAL MAPPING INTEGRATION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Ms. BORDALLO. Madam Speaker, today I have reintroduced legislation to provide a framework for an integrated ocean and coastal mapping program within the Federal government. The bill, entitled the "Ocean and Coastal Mapping Integration Act," specifically requires the President to establish a program for the development of a coordinated and comprehensive federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States.

The program is meant to enhance ecosystem-based approaches in decision-making for conservation and management of marine resources and habitats, establish research and mapping priorities for federal-state-local government partnership, support the sound siting of research and other platforms off our coastlines, and advance ocean and coastal science. The President shall coordinate with affected coastal states and territories and an Inter-agency Committee on Ocean and Coastal Mapping to be convened by the Administrator of the National Oceanic and Atmospheric Administration, NOAA, in establishing this program. The program is also meant to facilitate the adoption of uniform mapping standards and the utilization of the latest technology for mapping activities. Such an approach will allow for the sharing of maps among stakeholders.

Today, at least 15 Federal agencies, most coastal states and territories, and numerous local agencies, academic institutions, and private companies conduct mapping and charting activities for U.S. waters. No central repository or coordinating authority, however, exists under U.S. law to oversee and track these various mapping efforts. The absence of coordination in mapping has resulted in redundancy of efforts in certain areas. While some areas are "over mapped," there is a lack of data for other regions. The program authorized by this bill is meant to reduce such re-

dundancy, and expand the availability of quality, up-to-date, accurate and comprehensive maps and charts for all U.S. waters.

I introduced this bill in the 110th Congress as H.R. 2400. The bill passed the House of Representatives on July 23, 2007, but did not receive the approval of the Senate despite it having been considered in the other body as part of omnibus legislation. I have, therefore, reintroduced this bill today given the ongoing necessity and importance of improving and streamlining our ocean and coastal mapping capabilities. Ultimately, this bill, if enacted, will improve the conservation and management of marine resources and marine transportation safety.

LETTER TO SPEAKER PELOSI

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. LANGEVIN. Madam Speaker, I submit the following:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Capitol, Washington, DC.

DEAR MADAM SPEAKER: This letter is to advise you that, effective today, I am taking a leave of absence from the Homeland Security Committee until my tenure on the House Permanent Select Committee on Intelligence is completed. I understand that I will retain my seniority on the Homeland Security Committee for the duration of my leave.

Thank you for your assistance with this matter.

Sincerely,

JAMES R. LANGEVIN,
Member of Congress.

CENTER FOR THE STUDY OF WOMEN AND WORKPLACE POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. DINGELL. Madam Speaker, today, Representative CAROLYN MALONEY and I are reintroducing our bill to establish a Center for the Study of Women and Workplace Policy. The Center would compile and analyze data on the differences between the earning of men and women and to identify factors which affect those differences. The Center would also publish their results in the form of a "Best Practices Guide" for businesses containing guidelines to promote workplace equity, retaining women in the workplace and promoting a family friendly workplace.

I'm sorry to say that my home state of Michigan has one of the largest earning gaps between college educated men and college educated women. College-educated women in Michigan earn just 70 percent of what college-educated men earn, making the state 47th in the Nation in terms of pay equity—that according to the American Association of University Women. I know that Michigan is home to

some of the most talented, skilled women on that planet. It is time that they get paid in a way that reflects those abilities. The establishment of such a center and the publication of its research findings will go a long way toward closing the pay gap in Michigan and throughout our Nation.

RECOGNIZING ISRAEL'S RIGHT TO SELF DEFENSE

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. CHANDLER. Madam Speaker, I rise today to recognize Israel's enduring friendship with the United States of America, as well as its right to self-defense in an appropriate and proportional manner from the threats posed to it by its neighbors who seek its demise.

As most Palestinians hunger for peace, the actions of Hamas, sponsored by Iran and often attempting to maximize Palestinian civilian casualties, make this road to peace much more difficult. Israel withdrew from Gaza in 2005, hoping that this withdrawal would usher in peace between the two rivals. However, since 2005 Hamas has fired thousands of rockets into Israel. Over the past 6 weeks alone, Hamas, outside the confines of the ceasefire agreement, fired hundreds of rockets and mortars into Israel without warning, killing men, women and children. These continuous acts of terror have left Israel with no other choice but to defend its citizens.

An important and reliable ally in an unstable region, Israel is fundamental to our foreign policy in the Middle East. I am disappointed to see an end to the 6-month ceasefire between Israel and Hamas, as this ultimately leads to more civilian casualties on both sides. However, I think it is important to recognize that Israel faces great threats along its border from which it has every right to defend itself.

During the 6-month ceasefire, Israel's support of the people of Gaza—such as supplying food, medical and other supplies—was commendable. This assistance highlights the potential for a peaceful resolution to this enduring conflict, which I hope to see in my lifetime.

IN HONOR OF LIEUTENANT COLONEL RICHARD W. SKOW

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. FARR. Madam Speaker, I rise today to recognize the distinguished military career of United States Army LTC Richard W. Skow. On behalf of the whole House, I am honored to extend to Lieutenant Colonel Skow and his family the gratitude of the Congress and the American people for his service on the occasion of his retirement after 24 years in uniform.

During his long and decorated career Lieutenant Colonel Skow made enormous con-

tributions to the success of the U.S. Army's worldwide mission. Most recently, he served for the last year and a half as the Defense Language Institute's, DLI's, Chief of Staff where he had previously studied Portuguese. He built a reputation for an outstanding work ethic, sound judgment, and proactive leadership—a true example for the junior officers under his command. As chief of staff, he played an instrumental role in helping his commander fulfill the DLI's complex mission. His duties included, but were not limited to, personnel and budget management, special projects, congressional inquiry review and response, and primary command briefing responsibilities.

Highlights of his service prior to DLI include: Defense and Army Attaché, Uganda, July 2005–July 2007. In this role, Lieutenant Colonel Skow advised the ambassador on Uganda's continually shifting security situation. He coordinated with the Ugandan Army in dealing with the Lord's Resistance Army and reported on the activities of this group in neighboring countries. Notably, he was instrumental in the recovery of five citizens from the UK, Australia and New Zealand after an attack by LRA insurgents.

Army Attaché, South Africa, January 2003–July 2005. Lieutenant Colonel Skow regularly reported on military issues in South Africa where he coordinated a joint training exercise between a U.S. Ranger company and the South African airborne regiment. Additionally he coordinated the procurement and transportation of South African mine resistant armored personnel vehicles, NYALA, and mine detection and IED detection vehicles, HUSKY, for deployment to Afghanistan and Iraq.

Defense and Army Attaché, Rwanda, October 1998–December 2001. Lieutenant Colonel Skow served as the primary military/political advisor to the ambassador during a violent insurgency in northwest Rwanda. He monitored the security situation in northwest Rwanda and advised the ambassador regarding travel restrictions for U.S. citizens. He was responsible for routine interface with Rwandan military personnel and interviewed insurgent prisoners of all ranks. In addition to providing current combat intelligence and information from the POWs, Lieutenant Colonel Skow also created a list of insurgents that were responsible for the murder of U.S. and UK tourists in Bwindi National Forest, Uganda. He then coordinated closely with the FBI to ensure they received all necessary support.

In closing, Madam Speaker, I want to extend the gratitude of the House to Lieutenant Colonel Skow and his wife, Janice, for their service to the Nation and to wish them the very best in the future.

HONORING DIANNE FRITZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Dianne Fritz upon her

retirement as Mariposa County Supervisor, District IV. Supervisor Fritz will be honored by the Mariposa County Board of Supervisors on Tuesday, December 16, 2008.

Dianne Fritz was elected to the Mariposa County Board of Supervisors, District IV in 2004 and officially took office in January 2005. In 2008 she served as Vice-Chair of the Board of Supervisors and also the Vice-Chair for the Mariposa County Local Transportation Commission. For the past four years, Supervisor Fritz has been involved in numerous projects, committees, and organizations. As supervisor she has served on the board of directors for numerous agencies and organizations including: Mountain Valley Emergency Medical Services Agency; National Association of Counties; San Joaquin Valley Regional Association of California Counties; Yosemite Area Regional Transportation System, YARTS, Joint Powers Authority; High Speed Rail Authority; San Joaquin Valley Rail Committee; and California State Association of Counties. She also served as board liaison member to the Fiscal and Educational Services and Justice System Services area, the Yosemite Gateway Socioeconomics Workshops, and for the California State Mining and Mineral Exhibit issues. Supervisor Fritz worked tirelessly on many projects benefiting the county that ranged from community planning and development, wastewater treatment facilities, recreation facilities, road and fire station maintenance, airport improvements, and restoration of the Mariposa Courthouse. During her tenure there were natural disasters that she worked diligently on, for example the floods of 2005, the Ferguson Rock Slide Disaster of 2006, and the recent wild fires of 2008.

Supervisor Fritz has worked on many issues pertaining to economic development. She was instrumental in the privatization of the Visitors' Bureau, with the formation of the Yosemite/Mariposa County Tourism Bureau and fought the closure of Mount Bullion Youth Conservation Camp. She also worked on the General Plan update for Mariposa County, improvements to community parks, health care, public safety and agri-nature tourism. Supervisor Fritz has always been active in the community; she performed with the Vagina Monologs and other fundraising activities in support of the Mountain Crisis Services programs for victims. She also coordinates the "Las Mariposas Civil War Days Re-enactment". She is an active member of Soroptimist International, Mariposa County Chamber of Commerce, the Order of the Eastern Star and the Republican Central Committee. Supervisor Fritz has been an integral member of the Mariposa County Board of Supervisors, and her impact on the county will be displayed for years to come.

Madam Speaker, Speaker, I rise today to commend and congratulate Supervisor Dianne Fritz upon her retirement from the Mariposa County Board of Supervisors. I invite my colleagues to join me in wishing Supervisor Fritz many years of continued success.

SENATE—Sunday, January 11, 2009*(Legislative day of Friday, January 9, 2009)*

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, in whose life we find life, give our Senators throughout this day a sense of Your nearness. As they wrestle with decisions, may they turn to You for wisdom, knowing that You are only a prayer away. When they feel discouragement, help them to find cheer in Your promise to always be with them, even until the end of time. May Your divine nearness purge them of all that blemishes, corrupts, or defies their common life. May Your divine companionship inspire them with wisdom and grace to build a better world.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 11, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if there be any, the Senate will resume consideration of the motion to proceed to S. 22, the lands bill. The time until 2 p.m. will be equally divided and controlled between the two leaders or their designees. At 2 p.m., the Senate will proceed to a roll-call vote on the motion to proceed to S. 22, the lands bill. I also remind all Democratic Senators there is a Democratic caucus at 2:45 p.m. in S. 207 of this building.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of the motion to proceed to S. 22, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. shall be equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand I now will be proceeding as though in morning business for 5 minutes; is that correct?

Mr. REID. Mr. President, he may use the time to be charged against the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OBAMA RECOVERY PLAN

Mr. LEVIN. Mr. President, President-elect Obama gave a powerful and visionary speech last Thursday on the Federal Government's role in creating short-term jobs and in making long-term investments for future jobs.

To be successful, that short- and long-term investment program must

include programs to revitalize the American manufacturing sector. Many of us have urged the implementation of a national manufacturing policy for years without success during the 8 Bush years—years of neglect of this vital sector of our economy that saw our Nation lose 3.7 million manufacturing jobs.

An American Manufacturing Initiative requires a true government partnership with the private sector—a partnership that recognizes that our companies are not competing with companies overseas but instead competing with countries whose governments support manufacturing.

A prime example of that support is in the area of advanced technology vehicles and advanced batteries. The President-elect said last Thursday that we must spark the “creation of a clean energy” economy. He said further that “we will put Americans to work in new jobs,” including “constructing fuel efficient cars.”

Investing in green energy technologies will provide a double benefit of job creation and reduction of CO₂. Wind and solar are repeatedly cited as the prime targets for such investment, and they should be. But there is another important technology that is not mentioned that should be at the top of the list, and that is batteries.

The production of future green vehicles in the United States will involve a significant number of green manufacturing jobs, and because transportation is one of the greatest sources of CO₂, a major shift to these vehicles will result in a significant reduction in greenhouse gas emissions. Such a shift from our current gasoline-powered light duty fleet of cars and SUVs to electric drive vehicles such as hybrid electric, plug-in hybrids, and all-electric vehicles would cut our liquid fuel consumption by 83 percent, significantly reducing greenhouse gas emissions.

But while descriptions of economic recovery programs so far talk of tax credits for purchase of such vehicles, what is missing to date is commitment to fund grants for development and production of the batteries that will likely determine whether these vehicles are ultimately made in the U.S.

Because the heart of these green cars will be their batteries. As the Nation makes a serious push toward greater use of hybrid electric, plug-in hybrid vehicles, and all-electric vehicles, there will be increasing demand for the advanced batteries that will power these vehicles. We must ensure that we

can meet the demand for production of these batteries here in the U.S.

The upcoming economic recovery package needs to devote a minimum of \$1 billion to grants to support advanced battery production in the United States. The lithium ion battery is at the heart of that effort. While most of the technology was first invented in the U.S., nearly all of those batteries currently produced come from Pacific Rim countries as a result of years of financial support from their governments.

One may ask why we need additional funds for grants for advanced battery development and manufacturing, when the Congress has already provided funding for loans for the retooling of facilities to produce advanced technology vehicles and has provided funding for loan guarantees for advanced energy technologies. The answer is that we need grant funding now to jump start development of a U.S. manufacturing base for advanced batteries before all of their production goes off shore. Loans and loan guarantees can be important provided they are not just authorized but funded, but they cannot match grants other countries offer.

We took a step in this direction in sections 641, 132, and 136 of the Energy Independence and Security Act of 2007, when Congress authorized grants for advanced battery development, grants for conversion of domestic manufacturing capability to produce advanced technology vehicle components and grants for retooling of facilities to produce advanced technology vehicles. But we faltered because we failed to appropriate funds for the programs we had authorized. It is these grant programs that we must now fund to spur and assure that the production of the advanced batteries that are the heart of green cars will be here in the U.S.

The country or region that controls and dominates the production of batteries will also ultimately control green vehicle production. An example of this is already occurring today in the U.S. where production of the American-made Ford Escape hybrid is limited because Toyota controls the production of batteries and, therefore, the number of batteries provided for the Ford Escape.

We are at a critical juncture in the commercialization of advanced battery technology. Even as we deliberate an economic recovery bill, vehicle manufacturers are moving toward decisions on where to purchase the next generation of batteries. Battery manufacturers are at this moment assessing the battery production options in the U.S. and other countries.

Hope for a robust economic recovery in the industrial sector requires us to develop advanced batteries here in the U.S. We cannot afford to lose their development and production to other

countries that are willing to offer greater financial incentives than we are. If we offer loans while other countries offer grants, we could lose the battle for green vehicle production to other countries, not because they produce more efficiently or cheaply or produce better quality but because they are willing to offer attractive incentives such as grants.

We have the technology and ingenuity and infrastructure to build a thriving green manufacturing sector that can create millions of jobs here in America. But it will require significant government support to match the support other countries offer.

If we fail to provide major grants for advanced battery development and production, we will not only fail in an area of immediate and significant job creation. We will also end up substituting dependency on a different form of imported energy—batteries—for our current dependency on foreign oil.

I cannot overstate the critical urgency of this matter and will continue to press this matter in the days ahead.

I thank Senator BINGAMAN and others for the time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I appreciate the cooperation and willingness to work with me of the Senator from New Mexico. He has been a gentleman throughout. We have always had conversations; we just haven't agreed on what we have done. It has been a pleasure to work with him.

Here is a 1,300-page bill. People are going to say a lot of this has been around for a long time, that it doesn't need any debate, that it certainly should not be amended, but it is 1,300 pages. The CBO has refused to score this one. The last one they scored was between \$6 and \$8 billion. This is somewhere between \$10 and \$12 billion, especially when we take the outyears beyond 10 years out of it. So here we sit with a 1,300-page bill that has 45 blatant earmarks in it with no ability to amend.

Since July 16, save one time in September, the minority has not been allowed to offer an amendment on any bill. In 180 days, we have had one amendment. No amendments could be offered. It was announced that cloture would be filed prior to even this vote so that we are going to cut off debate. We could have finished this bill last Friday with four or five amendments. We offered 12 amendments and the thought was that we shouldn't.

My concern is, is there reason to hope for change? A lot of my colleagues on my side of the aisle have things that are important to them in the bill. The question the American people ought to be asking is, with 165 bills, 1,300 pages, is now the time for us to set in motion to take an additional 2.2 million acres out of energy production and limit en-

ergy exposure to about 5 or 6 million more acres, and raise the total number of wilderness acres to 2 million greater than that we have in total development in the country? How long ago was it we had \$4-a-gallon gasoline? Do we not think that is going to come back?

So on process grounds, for the ability to amend or at least have a vote on an amendment to see whether we think we ought to be long range in our thinking, I have no doubt President-elect Obama wants to see change, he wants to see change here, he has given our country renewed hope, but the first thing out of the box will be our same old habits.

For a good portion of this bill, there is nothing wrong. The chairman knows there are a large number of bills in this bill to which I do not have any objection. But I certainly have some objection to us tying our hand behind our back on energy in the future, which we will do in tremendous ways. My colleagues from Wyoming, and their plans for protecting a very pristine wild area, want to do a good thing, but it can be done better and still preserve tremendous amounts of oil and natural gas in this country.

So we are here today for the first time in 40 years on a new weekend of a first session—the first time in 40 years—and we are going to use it to force through a 1,300-page, \$10 billion bill with \$915 million in mandatory spending—at a minimum because we did not score it past that; it is going to go about \$3 billion total above that—without a single amendment being allowed to debate and vote on.

As I said, it has been 120 days since the last amendment, 180 days since the last two amendments the minority has been allowed to offer as an amendment to a bill. When you count Republican and Democratic Senators throughout the country, you have 156 million people represented by Republicans. Yet they are shut off from having an amendment on the floor of the Senate—the greatest deliberative body in the world—from having the ability to amend. That is not change.

The other problem is our priorities are wrong. We presently have a \$9.6 billion backlog in our national parks. They are hurting. The backlog since this time last year has grown by \$400 million. With this bill, we are going to load down the National Park Service with spending, administrative fees, doing all sorts of important things. The Clinton birthplace, one which today is run through private funds, we are going to ask the American taxpayer to now pay for it. We are going to spend \$3.5 million to help St. Augustine, FL, have a birthday party 6 years from now. That cannot be our priority. It cannot be.

But what we have done is we have put together a bill so we can build a broad basis of consensus to pass it, with everybody holding their nose on

everything except on their own thing. Everybody would admit this is not a priority for this country at this time. As a matter of fact, if we were really doing what we should be doing, we should be working on getting out of the economic mess we are in rather than creating additional barriers and consequences from the actions we are going to take with this bill.

When you think about the national parks and you think about the visitor center in Hawaii with the USS *Arizona* that is sinking—and in a couple years we are not even going to be able to honor that tremendous site because we do not have and will not have put the funds there to take care of the problems—how is that a priority? Mr. President, 1,117 Americans died on the USS *Arizona*, and the Senate sits today to spend \$10 billion on a large number of things that are not a priority and do not have anything to do with the heritage of sacrifice that so proudly and visibly is demonstrated by that memorial.

The Grand Canyon National Park has a \$299 million backlog. Trails are closed because we cannot maintain them. The National Mall, in this very city, has a \$700 million backlog in maintenance. Without even considering those things and putting them in priority—one of the things I love about Barack Obama is he gets it that you have to do the long-term things and you have to have a priority and you have to be transparent as you go about that so the American people can make a judgement on us. Yet, without a single effort to prioritize spending or honor commitment to our national resources, we are about to add to the burden 10 new heritage areas; 4 new units to the National Park Service; 14 studies to create and expand more National Park Service; 80 wilderness designations, which are an additional 2.2 million acres of Federal land—the Federal Government owns 660 million acres right now; it is the largest expansion in wilderness areas in the last 25 years—92 wild and scenic river designations affecting 1,100 miles of shoreline, and every one of those designations will markedly impact our attempts at some sort of energy independence. You cannot deny that it will have an impact. It will have an impact. It will make it much more difficult, even with clean technology and even with alternative energy, to bring that energy to the American people.

Another significant component of this bill is it massively threatens property rights in this country. Over 100 different property rights organizations are in opposition to this bill, and for good reason. Because even though several of the bills in here prohibit the use of eminent domain, the vast majority of them do not, and several recommend that eminent domain be used to accomplish their purpose. The Government

owns 1 out of 3 acres in the U.S. and 1 out of 2 acres in the West. Eminent domain, whether it be from wilderness areas, heritage areas, national wild and scenic rivers, national trails, will have a major impact on anybody living close or in somewhat proximity to any of these new designations because, in fact, they are impacted, even outside of it. In testimony before the Energy Committee, it was stated by the Park Service and several others that, in fact, they will use that to lessen the effect and impact on these new designations.

Let me outline some of the other authorizations we are making in this bill. I know my colleagues disagree with me on authorizing versus what they mean on appropriations, but the fact is, if you read the press releases of Members of this body, when we authorize, they tell the people at home we are going to spend it.

We are going to estimate \$1 billion for a water project in California that is 84 years old that will never accomplish what it is supposed to and will have a major impact on 10,000 agricultural entities and impact over \$2 billion worth of commerce—\$2 billion in commerce—and that \$1 billion is just the start of annual mandatory expenditures in the future.

There is \$5 million—and I know the Acting President pro tempore is very interested in this, but we have to ask the question—to create a way to limit the impact of wolves on our cattle ranchers in Montana, Wyoming, and Idaho. We created it. Is that a priority for us right now, to compensate ranchers who lose cattle to wild wolves? Should that be where we are spending our money right now, especially when everybody will agree at the end of this next year, on full accounting, at the end of the next fiscal year, we are going to be close to a \$1.8 trillion deficit? Should we annually spend that money? Should we create another Federal program that is going to dole out money—not that maybe we should not do that, but is now the time to do it? Is now the time to put it in the row of saying: Here is where we are going to spend our money.

There is \$250,000 to study whether Alexander Hamilton's boyhood home in Saint Croix, U.S. Virgin Islands, should be designated as a new national park. Should we spend that money now? Once we authorize that, that is going to come through the National Park Service and they are going to expend the money. They are going to do what Congress tells them to do.

There is \$12 or \$14 million for a new garden for our arboretum to make sure we have taken care of orchids. We should probably do that at some point in time, but is now the time to do that?

We have 100 environmental groups that think we should not challenge this road through the wilderness in Alaska to one city when we already have an al-

ternate method of transportation. Yet we are going to do that in this bill because we have put it together. Everybody holds their nose and votes.

We are going to authorize the expenditure of money to discover old shipwrecks. We should be doing that now? That is a priority for the Congress and the country in the condition in which we find ourselves?

I believe many things in this bill, this 1,300 pages, we ought to do. But if you went through and polled the average American on everything in this bill, what they would say is: It is probably not worth it for me to get what my State wants and give on all these other things.

We are going to lose 300 million barrels of proven oil reserves. There is no question about that. The data used by the U.S. Geological Survey is old data. They admitted it is old data. We are going to lose energy, the access to it. We are going to lose the ability to access future energy reserves. But, most of all, what we are going to do is we are going to disappoint the American people because things have not changed. What is a priority for us here in terms of political benefit at home is going to trump doing what is in the best interest, in the long-term interest of the country.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, today I will vote to invoke cloture on the motion to proceed so that we can debate, amend, and consider the Omnibus Public Lands Management Act of 2009, S. 22. I hope that my colleagues and I will be given the chance to amend this bill as I have reservations about supporting its final passage in its current form.

While I appreciate the chairman's efforts to make improvements, I intend to cosponsor an amendment to strike a troublesome provision that would authorize the transfer of Federal land in the Izembek National Wildlife Refuge—a designated wilderness area and internationally recognized Ramsar site—so that a road could be built. The road is purportedly to allow travel between two Alaskan communities in cases of medical emergencies. However, Congress has already appropriated more than \$36 million to provide a hovercraft, which I am told crosses Cold Bay in about 20 minutes and to date has met every medical evacuation need in all weather conditions—over 30. The road, on the other hand, would need to avoid the numerous ponds and priority wetland areas—taking one to two hours to drive—and would not provide safer, faster, or more cost-effective transportation than the hovercraft.

I am also troubled by the addition of a provision that has been considered by neither the House nor the Senate Energy and Natural Resources Committee, a prerequisite for all the other public lands bills in the package. The Washington County provision was air-

dropped into this legislation. It is unfortunate that the wilderness designations in the provision fall well short of the wilderness-quality land in the county that should be protected. This public lands bill only proposes to designate 44 percent of what is included in the America's Red Rock Wilderness Act, which I have been pleased to join Senator DURBIN in supporting. Furthermore, this public lands package omits a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834.

This bill certainly has many good provisions, but I hope we can work to improve this important piece of legislation.

Mrs. BOXER. Mr. President, I would like to thank Senators BINGAMAN, Domenici, and MURKOWSKI for their excellent leadership in putting together this package, and Senator REID for his commitment to seeking its passage on the floor. I would just like to say a few words about my three wilderness bills in the package: the California Desert and Mountain Heritage Act, the Sequoia-Kings Canyon National Park Wilderness Act, and the Eastern Sierra and Northern San Gabriel Wild Heritage Act.

But first, since the economy is on all our minds right now, I just want to talk a little about the economic importance of these wilderness areas.

The Outdoor Industry Foundation estimates that outdoor recreation contributes \$730 billion per year to the United States' economy and supports nearly 6.5 million jobs. Recreation specifically in wilderness areas produces at least \$630 million annually, according to a report by Colorado State University resource economists.

The economic benefit of wilderness areas extends far beyond these types of direct uses. People are drawn to living in areas with scenic beauty, opportunities for recreation, and a high quality of life bringing new jobs and consumer spending to rural counties.

Articles in the journals "Population and Environment" and the "International Journal of Wilderness" have documented that population growth, increases in employment, and wage increases in rural counties of the western United States are all significantly correlated with the percent of wilderness land in these counties. And property values are almost 13 percent higher in locations adjacent to wilderness.

When you include indirect economic benefits and ecosystem services such as protecting watersheds or filtering waste, wilderness areas produce a staggering \$3 to \$4.5 billion per year. Colleagues, let me be clear—protecting wilderness does not hurt our economy—it is an investment into our future.

Now I want to tell you a little about each of my three wilderness bills and

why it is so important that we pass them as part of this package. These are bipartisan, bicameral bills that will preserve some of California's and the nation's most magnificent places for generations to come. I have worked with Senator FEINSTEIN and our colleagues in the House on each of these bills for over 2 years, finding the right balance for the conservation, development, and recreational needs in these areas.

The California Desert and Mountain Heritage Act, written with Representative MARY BONO MACK, protects some of the last wild places in Riverside County—one of the fastest-growing counties in California.

My bill creates four new wilderness areas and expands six existing wilderness areas, including the Joshua Tree National Park Wilderness with its unique Mohave Desert ecosystem.

It designates segments of four rivers as wild and scenic—including the North Fork of the San Jacinto Creek, and adds four parcels to the Santa Rosa and San Jacinto Mountains National Monument.

These areas exemplify the incredible diversity of desert and mountain habitats in southern California, ranging from the sandy, pristine deserts of the Palen-McCoy region, to the rugged, varied topography of the Orocopia Mountains, to aptly-named Beauty Mountain.

In total, the bill protects more than 220,000 acres of public lands and 31 miles of rivers in some of the most spectacular natural areas of California.

And according to estimates by the Wilderness Society based on data from the United States Forest Service, this legislation could generate an additional 120 to 157 jobs and \$3.6 to \$5.7 million in annual income in Riverside County.

The Sequoia-Kings Canyon National Park Wilderness Act, written with Representatives JIM COSTA and DEVIN NUNES, would protect spectacular high Sierra lands in the Sequoia and Kings Canyon National Parks, including the incomparable Mineral King Valley, majestic granite peaks, deep canyons, one of the largest cavern systems in the Western United States, and magnificent forests of ancient Sequoias.

The centerpiece of this bill is the 39,740-acre John Krebs Wilderness Area, which includes the Mineral King Valley. This wilderness area will be named after former Congressman Krebs, a man of extraordinary political courage, who wrote the 1978 law establishing a national park to protect this magnificent area from development as a ski resort.

The bill also designates 45,000 acres of public land within other areas of the Sequoia-Kings Canyon National Park as wilderness.

This area has some of California's most unique geological features, rang-

ing from the largest grove of Sequoias on Redwood Mountain, to Lilburn Cave—part of the most extensive network of caverns in the western United States.

This legislation will ensure that these beautiful areas will be sustained and preserved as part of America's identity and rich natural heritage.

Applying the economic model of Colorado State University economist John Loomis to this bill, this bill could generate at least 50 jobs and \$1.3 million per year in Tulare County.

And finally, the Eastern Sierra and Northern San Gabriel Wild Heritage Act, written with Representative BUCK McKEON, will preserve the magnificent mountains, rivers, and open spaces of California's Eastern Sierra and Northern San Gabriel Mountains.

The bill establishes approximately 470,000 acres of wilderness in Mono, Inyo, San Bernardino, and Los Angeles Counties through new designations and expansions.

These areas include the high desert mountain and alpine tundra of the majestic White Mountains, the classic high Sierra landscape of the Hoover Wilderness area, the dramatic eastern escarpment and trout-producing streams of the John Muir Wilderness, and the pristine Owens River Headwaters in the Ansel Adams Wilderness.

The bill also designates approximately 74 miles of wild and scenic rivers, including the Upper Owens River—one of the most important river systems in the Eastern Sierras, which supports one of America's finest and most economically valuable trout fisheries—and the Amargosa River—the only major river flowing into Death Valley National Park.

In addition to the Eastern Sierra, the bill also protects about 40,000 acres in the Magic Mountain and Pleasant View Ridge areas, and seven miles of Piru Creek—one of the few year-round trout fishing streams in southern California. These areas are all located within Los Angeles County, one of the most urban and densely populated areas of our country.

While preserving some open spaces near these urban areas, we have been careful to accommodate their current and future development needs. We have worked closely with the Los Angeles Department of Water and Power and other utilities to exclude their facilities from these wilderness areas, ensuring that the water and power needs of California residents will continue to be met now and in the future.

And this bill will provide substantial economic benefits. According to estimates by the Wilderness Society based on data from the United States Forest Service, National Park Service, and Bureau of Land Management, this legislation could generate an additional 2800 jobs and over \$700 million per year in Mono and Inyo Counties.

These three bills protect some of the most breathtaking places in California, areas that provide a refuge for bird-watchers, hikers, campers, equestrians, fishermen, and other visitors looking to escape our crowded, fast-paced cities to enjoy the tranquility of nature.

These areas also provide critically important habitat for a multitude of wildlife and plants, many of which are found nowhere else on Earth. Bighorn sheep, mule deer, mountain lions, bald eagles, and desert tortoises are all found in areas protected by these bills.

Moreover, by protecting important source waters for California's drinking water and areas of open space and fresh air, these bills will help protect water and air quality for our ever-expanding urban areas.

And just as importantly, these bills will have economic benefits, not only protecting California's recreation economy but stimulating jobs and increasing property values in the regions surrounding these wilderness areas.

All of these bills have bipartisan, bicameral, and diverse support. They have been developed in close consultation with local communities, elected officials, recreational organizations, businesses, federal and state agencies, and local property owners—and have received numerous endorsements from these groups.

These bills have broad support from local communities and would not impact the use of private lands in these counties. They would simply improve the protection of existing Forest Service, National Park Service, or Bureau of Land Management lands.

The areas in these bills are truly magnificent places representing California's incredible range of landscapes and habitats. I look forward to working with my colleagues on both sides of the aisle to enact this package into law and protect these treasures for future generations of Americans.

Ms. SNOWE. Mr. President, I rise today to support passage of S. 22, the Omnibus Public Land Management Act of 2009. In particular, I wish to express my thanks to the bill's managers for including title XII, consisting of five critical oceans bills: the Coastal and Ocean Observation System Act, the NOAA Ocean Exploration and Undersea Research Program Act, the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping Integration Act. Together, these will have a substantial positive impact on management of our Nation's ocean and coastal resources and will enhance the efficiency of maritime industries and our ocean conservation efforts.

For over a decade, I have served as ranking member of the Senate subcommittee with jurisdiction over our oceans. In the 110th Congress, all five of these bills passed unanimously out

of the Commerce Committee, but failed to pass the full Senate, despite the fact that their benefits will extend far beyond the coastal zone and accrue to the nation as a whole. From the enhanced weather and climate forecasting and efficiency of maritime transportation that will result from an improved ocean observing system to the discoveries waiting to be found in the depths of the world's seas, the programs authorized and enhanced by this legislation will deliver economic and scientific benefits for generations to come.

Oceans cover nearly three-quarters of the Earth's surface, and have great influence over our lives. They shape our weather and climate systems, provide highways for international and domestic commerce, sustain rich living and nonliving resources on which many of our livelihoods are based, and provide our nation over 95,000 miles of shoreline which is the backbone of tourist and recreational activities in many coastal states. Despite the constant, intricate interaction between our lives on land and the natural systems of the ocean, we know woefully little about the physical properties of the enormous liquid surface of our planet. We literally know more about the landscape of the moon than we do about the oceans' depths. What lies over the horizon and beneath the waves remains, by most accounts, a mystery.

And yet, the effects of those mysterious systems can be devastating. In recent years, hurricanes, tsunamis, and other natural disasters have devastated regions of our Nation, and other parts of the world. Today, we have the technology to monitor a wide range of ocean-based threats, from destructive storms to quieter dangers such as harmful algal blooms and man-made pollution. The purpose of the Coastal Ocean Observing System Act is to put that technology to work predicting these threats more accurately and, when possible, mitigating their effects.

This bipartisan, science-based bill, derived from legislation I first introduced in 2003, would authorize the National Oceanic and Atmospheric Administration, or NOAA, to coordinate an interagency network of ocean observing and communication systems around U.S. coastlines. This system would collect instantaneous data and information on ocean conditions—such as temperature, wave height, wind speed, currents, dissolved oxygen, salinity, contaminants, and other variables—that are essential to marine science and resource management and can be used to improve maritime safety, transportation, and commerce. Such data would improve both short-term forecasting that can mitigate the effects of major disasters, and prediction and scientific analysis of long-term ocean and climate trends. A 2004 study of the Gulf of Maine Ocean Ob-

serving System showed that six dollars returned to the regional economy for every dollar invested. Passage of this legislation would allow this system and the others like it around the country and the globe to continue to grow and provide vital services to the world's maritime community.

Of course, the need to access this type of information is not limited to the Gulf of Maine. In June 2006, the Joint Ocean Commission Initiative, made up of members from the Pew Ocean Commission and the U.S. Commission on Ocean Policy, presented to Congress a list of the "top 10" actions Congress should take to strengthen our ocean policy regime. One of those priorities was "enact legislation to authorize and fund the Integrated Ocean Observing System."

While my ocean observing legislation will greatly enhance our ability to analyze and disseminate oceanographic and meteorological data, we also face a shortfall in our Nation's ability to explore vast regions of our undersea territory. Nearly 3 years ago, the U.S. Commission on Ocean Policy released its longwaited report, which noted that approximately 95 percent of the ocean's floor remains uncharted territory. If past experience is any indication, fascinating discoveries await us in these vast unexplored areas. These regions are sure to include species of marine life that are currently unknown to science, archaeological and historical artifacts that can shed new light on our past, and marine resources that may support the ongoing quest for a sustainable future.

In 2004, the U.S. Ocean Policy Commissioners called for enhanced, comprehensive national programs in ocean exploration, undersea research, and ocean and coastal mapping. The vision of the Commissioners, one that I share, is for well-funded and interdisciplinary programs. Such programs are currently being led by NOAA, with significant input from partners in other agencies, academia, and industry, but currently they lack formal Congressional authorization. This legislation would establish those programs, and provide a strong foundation upon which we can continue to expand the quest for knowledge to areas of the planet that have literally never been seen by human eyes. I look forward to seeing these efforts enhanced under this legislation.

I would also like to acknowledge my support for three other oceans bills included in this package: the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping and Integration Act. All will be integral to enhancing our Nation's coasts and oceans. Once more, I would like to thank Senator BINGAMAN for agreeing to include these bills in this package, and Senate leadership for bringing this vital package

to the floor to give us the opportunity to pass these bills so critical to the future of our oceans.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. Nineteen minutes and 30 seconds.

Mr. BINGAMAN. Mr. President, I yield myself 9 minutes of that time. If the Acting President pro tempore would alert me when the 9 minutes is up, I would appreciate it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this afternoon the Senate will vote on whether to invoke cloture on the motion to proceed to S. 22, the Omnibus Public Lands Act. This is a package of over 160 bills that primarily consists of public land, national park, and water development bills that were reported last Congress by our Committee on Energy and Natural Resources.

Consideration of these bills has been delayed for a long period, and I strongly support moving forward expeditiously with this package, beginning this afternoon with this vote to invoke cloture on the motion to proceed to consideration of the bill.

The package has been developed on a bipartisan basis. First, it was developed in consultation with Senator Domenici, who at the time was the ranking member of the Energy Committee, and this year it has been developed in consultation with Senator MURKOWSKI, who is expected to have that same position once our committee assignments are finalized.

As developed last Congress, this package includes roughly an even number of bills sponsored by Democrats and Republicans or by a combination of both. Although the package of bills was introduced just a few days ago, for purposes of transparency the entire text of this legislation was put on the Web site for the Energy Committee, which is energy.senate.gov, for anyone to review. It has been there now for several days. However, the history of the 160 bills that are incorporated in this legislation goes back much further.

Last Congress, almost 500 bills were referred to the Energy Committee, about half of which dealt with public land and water resource issues. Over the course of the last Congress, the committee held over 40 public hearings on those bills. They were marked up over the course of five separate business meetings. Up until the past few years, once a committee had approved a group of bills of this type—especially when that approval was unanimous, as was the case in most all of the legislation being considered—the bills would be taken up and passed by the Senate by unanimous consent. As everyone is

aware, we are no longer able to move bills in that fashion in the Senate.

Some of my colleagues may remember that the Senate took up and passed a different package of public land bills last year in an effort to send as many bills to the President as possible and to do the work that needed doing out of our committee. That package included only the bills that had been passed already by the House of Representatives. It was my intent at that time—and I stated that it was—to bring to the Senate the Senate-introduced bills shortly thereafter—the ones that had passed our committee.

Unfortunately, the time demands in the Senate did not allow that to happen, so we are now trying to do the work of the last Congress in the first few days of this Congress. In my view, it is time to pass these bills and move on.

Some have suggested these bills are not a priority and not deserving of the Senate's time. I disagree strongly. Many of the bills in this package resolve major land and water policy issues that have been contested for many years and, in some cases, for decades. Ask any Senator who has spent years working through these issues. Ask Senator WYDEN about the Mount Hood wilderness bill or Senator CRAPO about the Owyhee Canyonlands bill or Senator BENNETT about his Washington County lands bills or the Navajo Indian Water Settlement Act, on which I worked hard and on which my colleague, Senator UDALL, has worked hard in his previous service in the House of Representatives.

While the individual bills in the package were initially developed at the local level, the combination of these 160 bills reflects possibly the most significant conservation legislation passed by the Senate in the past decade. This Omnibus Public Lands Management Act will result in the addition of over 2 million new acres to the National Wilderness Preservation System. It will establish three new units of the National Park System. It will enlarge more than a dozen existing areas, establish a new national monument, and three new national conservation areas could be administered by the BLM. It adds over 1,000 miles to the National Wild and Scenic Rivers System, one of the largest additions to that system ever achieved. It will add four new trails to the National Trails System, a combined addition of over 2,800 miles of new trails. In addition to addressing important public land issues, S. 22 also includes 30 provisions that will help address water resource issues across the country and particularly in the West.

A few minutes ago I referred to the importance of the Navajo Indian Water Rights Settlement in the State of New Mexico. There is no more important legislation to the Navajo people than

this legislation. The unfortunate reality is that nearly 40 percent of Navajo people today live below the poverty line and have no ready access to drinking water. We need to solve that problem. This legislation takes a major step in solving that problem. This is a high priority for my State of New Mexico, and for that reason I strongly support it.

Equally important, the bill includes numerous provisions to improve Federal land management and to help local communities throughout the West. The bill will establish a forest landscape restoration program to promote collaborative landscape restoration to reduce fire risks and fire costs.

Most of the newly designated wilderness areas are located in Western States. I understand and support the need to maintain a robust energy development program. The latest information we have from the Geological Survey is there are not 300 million barrels of oil per day being put at risk in this legislation; in fact, it is less than 5 million. So those figures are just erroneous from all that we have seen.

Action on this bill has been delayed for a very long time. In my view, it is time for the Senate to recognize the importance of the individual efforts Senators have made in trying to put forward legislation important to their States. The national significance of this bill is clear. For those reasons, I urge my colleagues to join me in voting to invoke cloture on the bill.

Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There remains 11 minutes 30 seconds.

Mr. BINGAMAN. Mr. President, I know Senator CRAPO had asked for 4 minutes. Let me yield the remaining 11 minutes to my colleague, Senator MURKOWSKI from Alaska, and she can divide that among the other Members as she chooses.

Ms. MURKOWSKI. Thank you, Mr. Chairman. My comments will be brief.

I, too, rise today to speak in favor of cloture on the motion to proceed to S. 22, the Omnibus Public Land Management Act of 2009.

The omnibus bill has been criticized as being large—and it is a large pile of paper. It is almost 1,300 pages. We acknowledge that. But this package of bills before us today also represents a huge commitment of time, a large commitment of resources by the Committee on Energy and Natural Resources, as well as the other four Senate committees. In the case of the Energy Committee, this package, along with a similar package that was passed by the Senate last spring, represents almost 2 years' worth of hearings, negotiations, and business meetings on all of these public lands issues.

This package contains over 160 public lands bills, the vast majority of which

went through the regular committee process, and then sat individually on the Senate calendar at the end of last session. There were 20 Members on my side of the aisle who were the primary sponsors of the bills in this package. Many more of them are cosponsors. Clearly, when you have this many individual pieces of legislation, this bill—this package—does a great many things. It covers the full range of the committee's public lands jurisdictions, whether it be from small boundary adjustments and land exchanges to large wilderness designations.

Some will argue that the number of bills contained in this package is bad and that somehow this is new and unprecedented. The Committee on Energy and Natural Resources has traditionally been the most prolific committee in the Senate with regard to substantive legislation. The President pro tempore knows that; he serves on this committee. There are some who may claim it is bad to be advancing so much legislation, but for those of us from the Western States that contain large amounts of public lands, we understand legislation such as is contained in this package is necessary for the day-to-day functioning of the western economy.

Here, in the eastern part of the country, a farmer or a businessman who wants to acquire or sell new property can sign a contract. They can go to the courthouse. But in the West, simple transactions often take literally an act of Congress. That is what we see in so many of these individual bills that are part of S. 22.

This bill also designates those parts of our natural landscape and historical structures that deserve protection. I believe we as a nation can maximize the development of our domestic energy resources while at the same time protect our Nation's other natural resources and wilderness. In fact, the Department of the Interior and U.S. Forest Service have testified that none of the wilderness designations proposed in this legislation will negatively impact on the availability of oil, gas, or national energy corridors.

Now, there is one section that does restrict oil and gas development in Wyoming, but it is fully supported by the Wyoming State delegation, as well as Governor Freudenthal, and as mentioned by the chairman, the amount of the potential oil is 5 million barrels, not 331 million as argued by some opponents.

Furthermore, every land designation in this package was considered at the request of the affected State's delegation. Almost all of the lands in this bill are already federally managed lands, and most to be designated as wilderness are either within Federal parks or have been managed with restrictions such as wilderness study areas or "roadless" areas. So, therefore, a designation as Federal wilderness does not

further restrict uses beyond what has been in place for quite some time.

This bill actually transfers 23,226 acres of Federal lands to private and State sectors through conveyance, exchange, or sale.

Finally, any provisions that received a negative score from CBO have been removed from the bill. Now, the bill does authorize the expenditure of significant amounts of funding, but each of those is dependent on future appropriations that depend on the oversight provided by the Appropriations Committee and Presidential budget requests.

While this process we have in front of us may not be the preferred method for passing legislation, I do believe overall this package will improve our Nation's management of its public lands and parks and will be a long-term benefit to our Nation. So I do respectfully request my fellow Members' support for passage of this important legislation.

With that, I know Senator CRAPO from Idaho and Senator BENNETT also wish to add a few comments. How much time do we have remaining?

The ACTING PRESIDENT pro tempore. There remains 6 minutes.

Ms. MURKOWSKI. I yield 3 minutes to the Senator from Idaho.

Mr. CRAPO. Mr. President, I am pleased to speak today on behalf of S. 22, the Omnibus Public Lands Management Act.

To call this legislation bipartisan is an understatement. This bill, as has been mentioned, contains over 150 individual provisions, sponsored by almost 50 different Members of this Chamber—nearly half. It represents every region of the country and has an almost equal number of bills from each side of the aisle. It will provide significant protection to existing public lands, improve recreation, cultural, and historic opportunities, and provide important economic benefits for rural economies such as in my home State of Idaho.

Every bill in the package has gone through regular order. Most have had multiple hearings and markups in the Energy Committee. All are fully supported by the committee chairman and the ranking member. In fact, many of the provisions, such as my top legislative priority—the Owyhee initiative—are the product of years of extensive collaboration at the Federal, State, county, and local levels, in conjunction with elected officials, tribes such as the Sho Pai, businesses, community leaders, outdoor enthusiasts, conservationists, ranchers, landowners, and other stakeholders.

Additionally, the package does not contain any bills that have a CBO score without an offset. This is not to say that the legislation is without controversy or that it is unanimously supported. Few pieces of legislation that pass through this Chamber are. However, while any omnibus package by

nature will contain elements that are troubling to some, the Energy Committee has carefully negotiated the inclusion of each bill in this package to successfully reach a compromise on which all sides could agree.

As with my Owyhee wilderness legislation, not everyone got exactly what they wanted, but the broad array of collaborators achieved enough of their objectives to support the whole package and get behind legislation that offers significant improvement to land management practices and a reduction in decades-old conflict.

Similarly, this omnibus lands bill has broad support in every region of the country. As a result, on balance, this omnibus lands bill is widely supported and represents a diverse group of interests from every region. Recognizing this, I strongly urge my colleagues to vote in favor of cloture so that we can pass this legislation and move forward.

Mr. President, I yield the floor.

Ms. MURKOWSKI. I yield 3 minutes to the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to voice my support for this legislation even though there are bills in the package that I do not support.

I oppose the National Landscape Conservation System. I might have preferred that it be separated out so we could have that particular vote. But that is not the way the committee has decided to do it, and this committee, in leadership of both parties, has adopted the pattern of packaging bills together at the end of a Congress, and that is what we are faced with today.

Given that history, I rise to support the bill because most of it is acceptable to me, and one bill in particular is one on which I have been working for close to, if not more than, a decade. The issue of wilderness in southern Utah has been the most contentious issue I have had to deal with in the time I have been in the Senate. It was an issue in my campaign in 1992. It has aroused emotion, and, indeed, something stronger than emotion throughout the State for many years. Working with Bill Meadows and members of the National Wilderness Society, working with the Washington County commissioners and those on the ground, I am honored to have been able to help craft a compromise with which no one is 100 percent satisfied but which both sides in good faith now say is the logical thing to do.

I would have preferred some other things in it. The chairman of the committee, Senator BINGAMAN, was rather firm in his opposition to those things. We will still debate those at a future time, but let's take what we have on the table before us. Let's consume it with gratitude and give thanks. It is time to see this issue put to bed and time to see resolution of it. People of

good will acting in good faith on different sides of the argument have come together with an agreement that makes sense.

For that reason, I stand here urging my colleagues to support the motion to invoke cloture, and once cloture is invoked, to support all of the subsequent procedural motions that will be necessary for this bill to become law.

I hope it can become law while President Bush is still the President to demonstrate that this issue of dealing with difficult land use challenges in the West is not a partisan one, and a Democratic Congress working with a Republican President can bring closure to these challenges in a way that will benefit the entire country.

I yield the floor.

Mr. COBURN. I yield 6 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, will you let me know when I am at 5 minutes?

The platform for the inauguration is almost complete. They are putting the finishing touches on it. I think America, with good reason, is excited with new hope, the idea of change. This is something we need in our country. We have obviously gotten bogged down in many areas. But I am afraid as I walked in the Senate Chamber today, I smelled the same stale air of good-ole'-boy, back-slapping, porkbarrel-lobbyist-driven politics.

We are here on a Sunday voting about something in the middle of a recession, very difficult economic times, many critical issues. But the majority has asked us to come back today to vote on a conglomeration of bills which no one has read. I know the chairman has said the committee has had it posted on the committee site for a few days, but as of Friday, if anyone in America wanted to go to the official Senate Web site or if the media wanted to find out what was in this bill, it was not available to them.

Most Members of the Senate—I suspect all except for maybe TOM COBURN and a few others—have not even read this bill. Last week, all of us came in here, and if we didn't take the oath of office ourselves, we listened to others take it many times. That oath didn't say that I was to be here to defend and protect what is right for South Carolina or get everything I could for Oklahoma or Utah or Alaska. It asks us to defend and protect the Constitution, which prescribes a very limited Government, very limited function for the Federal Government. All of our freedoms are dependent on that. Yet we are about the old business today of how can we put together a bill that will almost force a majority of the Senate to vote for it.

I know that different Members know a section of this bill, the part that is

for their State, and that is good. We need to look out for our States. But we need to look out for our country. We have never been in a time in our country when we have had so much debt and so much spending and so much uncertainty. How can we come here today and say: I got what I want. Do you have what you want? Let's everybody get what they want, and let's ball it up and vote for a bill on which we have had hardly any debate, no amendments are allowed, 1,300 pages that no one has read, 160 bills put together that none of us knows what is in here, and Americans don't know what is in here. We have all been asked to miss church, leave our families, and come here and vote on this bill.

As we think about change in our country, I hope we can all think about how we can change this place because the Senate seems to be that last obstacle for everything we need to change, because we cannot continue to pass bills by putting together a little bit of what everybody wants and forgetting what is good for our country.

We have been doing this for years, and that is how this country has gotten into so much debt and put such pressure on our economy, taken so much money in taxes out of the private sector that the private sector no longer works.

As Senator COBURN has said, I know there are many provisions in this bill that represent years of work and will do a lot of good. But in these times, when people are out of work and we are looking around to how can we find the money we need to fix the problems, if we actually took the time to read what is in this bill, the majority of Americans, I can say this with confidence, would say this is not right. We should not have to pass all of these things that are not needed in order to get those things that are.

We know we don't need \$5 million for botanical gardens in Hawaii and Florida. That may be a wonderful thing to do, but in these times, when we are asking Americans to sacrifice, when we are mortgaging the future of our children for what we are spending today, it doesn't make any sense to put that in a bill so we could get somebody's vote. We don't need \$14 million for tropical research in Panama. Senator COBURN has mentioned other items. We don't need \$12 million for the Orchid Museum in Maryland. These are all good things, but this bill is full of these things, and there is nobody who is going to be voting today who knows all the things that are in here.

If we continue to do business this way, the change we are hoping for, that we are going to be looking at a historical spectacle in a couple of weeks with the inauguration of a new President that I hope will represent a new generation of thought in America, I plead with my colleagues: I know this is

going to sail through today. Everybody has come back to vote because there have been press releases on so many different items in this bill. But if we continue to go through this year where anyone who asks for an amendment or a few moments of debate is made a spectacle of, saying we are going to be here this weekend to vote if you don't give me unanimous consent to vote when I want to, you can't have an amendment, if my colleagues on my side continue to accept this situation, there is going to be no such thing as a Republican Party, and the country we love will continue to deteriorate.

I encourage my colleagues to think twice. You may have something that works for you in this bill, but this bill does not work for America.

Mr. COBURN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. COBURN. Mr. President, I don't know where to begin. In the last few moments, we have heard the following quotes: fully supported by those who have bills in this Omnibus bill. President-elect Obama says we need to work hard on earmarks. There are 45 earmarks in this bill. I know, I don't want to embarrass anybody. The fact is that most of us don't like the earmarks that are in the bill but are willing to tolerate the earmarks that are in the bill to get something that is good for us at home.

I believe we are at the ultimate tipping point in this country. I believe if we don't make drastic changes over the next year and a half, that 2012 will see the default of the U.S. Government on its bills. I honestly believe that. There are a lot of economists who agree with me on that point.

How do we then, if, in fact, any aspect of that is true, begin to start changing our direction where we start working on the issues that are a priority for America?

I have no doubt that there are key, significant things that need to get done that are in this bill, and a lot of them I am not opposed to. But I will tell you, I am always going to be opposed to wasting money. Another man's waste is somebody else's gold. But you cannot defend the directed earmarks in this bill in any way, shape, or form when we are doing such things that are so foolish, and the American people laugh at us and say: Why would you spend \$3.5 million for a birthday party 6 years from now or why would you even authorize it in a time when nobody will disagree we are going to be close to a \$1.8 trillion deficit when we finish up in September 2009. Nobody is going to disagree with that point. We know the structural deficit is \$1.2 billion. We know we are going to spend \$400 billion of stimulus. And we know we are going to steal \$167 million from Social Security. Instead of us working

on Social Security and trying to straighten it out, we are sitting here passing a parochial-based bill that in the long run for the country as a whole does not solve the major problems it faces. That is what it comes down to.

I know I won't come anywhere close to winning this vote, but every time in the future, as long as I am a Senator, we are going to take the time to debate. It is going to be painful, but we are going to debate it because the American people deserve to know what we are doing. And if it continues that the minority party in the greatest deliberative body in the world gets no amendments, then we are probably not going to do anything. There has been one amendment since July 16 in this body for a member of the minority that represents over half of the population in this country. This is not the greatest deliberative body in the world. This is the greatest chokehold body in the world.

We ought to have the right to offer amendments. If they are defeated, fine. What are we afraid of? We could have had the amendments done. We could have voted this bill on Friday. We could have had a time agreement and we wouldn't be here today or we could have been here actually doing something that is of massive importance to our long-term future. But we chose the politically expedient route, the politically expedient direction to the detriment of the future of this country.

There is a difference in thinking about the short term and the long term. We cannot ignore the short term, but it cannot be a priority anymore. It cannot be a priority. The long term has to be the priority. Our survival has to be the priority, not a political survival, not a parochial survival, but the very survival of this country.

So when we talk about what we are going to spend and how we are going to do it and we ignore the big issues that are in front of us because we are going to spend the time on the small issues, the country is getting the Senate it deserves.

It is time for us to refocus on the important issues in this country, and that is not our next election.

I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. SANDERS). By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 22, the Omnibus Public Land Management Act of 2009.

Harry Reid, Jon Tester, Daniel K. Inouye, Robert Menendez, Ken Salazar,

Jeff Bingaman, Robert P. Casey Jr., Mark L. Pryor, John F. Kerry, Richard Durbin, Ron Wyden, Dianne Feinstein, Ben Nelson, Evan Bayh, Thomas R. Carper, Carl Levin, Patrick J. Leahy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 22, a bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. MARTINEZ), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mr. CORNYN), and the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The yeas and nays resulted—yeas 66, nays 12, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—66

Akaka	Dodd	Lieberman
Barrasso	Dorgan	Lincoln
Baucus	Durbin	Lugar
Bayh	Enzi	McCaskill
Begich	Feingold	Menendez
Bennett	Feinstein	Merkley
Bingaman	Hagan	Mikulski
Boxer	Harkin	Murkowski
Byrd	Hatch	Murray
Cantwell	Inouye	Nelson (FL)
Cardin	Johnson	Nelson (NE)
Carper	Kerry	Pryor
Casey	Klobuchar	Reed
Clinton	Kohl	Reid
Cochran	Landrieu	Risch
Collins	Lautenberg	Rockefeller
Conrad	Leahy	Salazar
Crapo	Levin	Sanders

Schumer	Tester	Webb
Shaheen	Udall (CO)	Whitehouse
Snowe	Udall (NM)	Wicker
Stabenow	Warner	Wyden

NAYS—12

Brownback	Grassley	McCain
Coburn	Inhofe	Sessions
Corker	Isakson	Shelby
DeMint	Johanns	Thune

NOT VOTING—20

Alexander	Cornyn	Martinez
Biden	Ensign	McConnell
Bond	Graham	Roberts
Brown	Gregg	Specter
Bunning	Hutchison	Vitter
Burr	Kennedy	Voinovich
Chambliss	Kyl	

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

PROGRAM

Mr. REID. Mr. President, there will be no votes today and likely not tomorrow. We are waiting for President Bush and/or President-elect Obama as to what, if anything, they are going to do on TARP, and that is occurring as we speak. We are going to have a Democratic caucus at 2:45. I ask Democratic Senators to attend. That will be in the LBJ Room, S-207.

We are going to work with Senator COBURN to see if we have to be in all night. He has indicated—to staff, at least—that may not be the case, so we will work out a convenient time tomorrow. If Senator COBURN or others demand a simple majority vote, we can do that. We will work out a convenient time for everyone. That likely will occur tomorrow, but we hope people will not require that vote to take place. We will keep everyone advised as we proceed through the next 24 hours. I appreciate everyone's cooperation.

I am sorry about the Sunday schedule. We have a lot to do. We already are looking to moving toward the next matter, which is Lilly Ledbetter. We have SCHIP, and then, of course, we move to the big one, and that is the economic recovery package. We look forward to having all the input the Democrats and Republicans have asked.

Senator INOUE has been working on the appropriations part. There will be input from the committee and others. Senator BAUCUS has been working, as have other committee chairs, with the committees.

I think we are in decent shape now to move forward on other things.

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO PROVISION OF ATOMIC INFORMATION TO BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA, AND SLOVENIA, AS RECEIVED DURING RECESS OF THE SENATE ON JANUARY 9, 2009—PM-1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, consistent with sections 123 and 144 b. of the Atomic Energy Act, as amended (42 U.S.C. 2153 and 2164(b)), the text of the Agreement between the Parties to the North Atlantic Treaty for Co-operation Regarding Atomic Information, including a technical annex and security annex (hereinafter collectively referred to as the ATOMAL Agreement), as a proposed agreement for cooperation within the context of the North Atlantic Treaty Organization (NATO) between the United States of America and each of the following seven new members of NATO: the Republic of Bulgaria, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, Romania, the Slovak Republic, and the Republic of Slovenia, hereinafter the "New Parties." I am also pleased to transmit my approval, authorization, and determination concerning the ATOMAL Agreement with respect to the New Parties, together with a copy of the memorandum of the Secretary of Defense with respect to the agreement. The ATOMAL Agreement entered into force on March 12, 1965, with respect to the United States and the other NATO members at that time. The Czech Republic, the Republic of Hungary, the Republic of Poland, and Spain subsequently became parties to the ATOMAL Agreement. The New Parties have signed this agreement and have indicated their willingness to be bound by it. The ATOMAL Agreement with respect to the New Parties meets the requirements of the Atomic Energy Act of 1954, as amended. While the ATOMAL Agreement continues in force with respect to the United States and the other current parties to it, it will not become effective as an agreement for cooperation authorizing the exchange of atomic information with respect to the New Parties until completion of procedures prescribed by sections 123 and 144 b. of the Atomic Energy Act of 1954, as amended.

For more than 40 years, the ATOMAL Agreement has served as the framework within which NATO and the other NATO members that have become parties to this agreement have received the information that is necessary to an understanding and knowledge of and

participation in the political and strategic consensus upon which the collective military capacity of the Alliance depends. This agreement permits only the transfer of atomic information, not weapons, nuclear material, or equipment. Participation in the ATOMAL Agreement will give Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia the same standing within the Alliance with regard to nuclear matters as that of the other current parties to the ATOMAL Agreement. This is important for the cohesiveness of the Alliance and will enhance its effectiveness.

I have considered the views and recommendations of the Department of Defense and other interested agencies in reviewing the ATOMAL Agreement and have determined that its performance, including the proposed cooperation and the proposed communication of Restricted Data thereunder, with respect to the New Parties will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the ATOMAL Agreement with respect to the New Parties and authorized the Department of Defense to cooperate with the New Parties in the context of NATO upon satisfaction of the requirements of section 123 of the Atomic Energy Act of 1954, as amended.

The 60-day continuous session period provided for in section 123 begins upon receipt of this submission.

GEORGE W. BUSH.

THE WHITE HOUSE, January 9, 2009.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 200. A bill to authorize a cost of living adjustment for the Federal judiciary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 200. A bill to authorize a cost of living adjustment for the Federal judiciary; to the Committee on the Judiciary.

Today I am again introducing legislation to authorize cost of living adjustments, COLA, to the salaries of United States justices and judges. I thank Senator SPECTER for joining me as a cosponsor of this long overdue bill. This legislation would provide judges the COLA needed to keep pace with inflation. In the last Congress, I supported a cost of living increase for Federal judges; it was not enacted. We are introducing this measure early in this new Congress because of all Federal employees, judges were the only ones who did not receive a COLA in the continuing resolution passed last year.

This bill responds in part to issues raised by Chief Justice Roberts in his "Year End Report on the Federal Judiciary." Chief Justice Roberts noted that "Judges knew what the pay was when they answered the call of public service. But they did not know that Congress would steadily erode that pay in real terms by repeatedly failing over the years to provide even cost-of-living increases." The issue relates to judicial independence, which is critical for preserving our system of government and protecting the rights of all Americans.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. With the end of the last Congress, however, the continuing resolution providing funding failed to suspend Section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless additional action is taken now. Two years ago, the last time Congress missed making a scheduled cost-of-living adjustment for the judiciary, I sponsored remedial legislation, and it was enacted. We should do so again.

This bipartisan legislation provides a COLA for Federal judges consistent with the law and with fairness. It is vital to the independence of the judiciary and the administration of justice that the Federal bench continues to attract, and keep, the most talented lawyers in the country. I have been dedicated as both Ranking Member and now Chairman of the Judiciary Committee to ensuring the independence of our judiciary.

Some of us have tried over the years to improve the compensation of judges, and I intend again to do what I can to have Congress fairly evaluate this issue to see what solutions may be possible. I hope Congress and the President will reconsider this measure early this year

and will do their duty when it comes to fair compensation for the independent judiciary. We can start now by taking up and passing this bill allowing for judicial COLAs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 14. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 14. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. **USE OF FIREARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.**

(a) CONGRESSIONAL FINDING.—Congress finds that the Second Amendment to the

Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—A person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area or national wildlife refuge area in accordance with the laws of the State in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Michael Gauthier, who is a National Park Service fellow working on the staff of the Energy and Natural Resources Committee, be granted floor privileges today and for the remainder of the Senate's consideration of S. 22.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, JANUARY 12, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, January 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed

expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for morning business for up to 1 hour designated for tributes to the Republican leader; that following that hour, the Senate resume the motion to proceed to S. 22, the lands bill, with the time during any adjournment or period of morning business counting postcloture.

If you wonder why we are doing this for the leader—of course, we do this oftentimes for the Republican leader. But on a serious note, tomorrow he will have served longer than any other Senator in the history of Kentucky. We will ask our colleagues to join in the celebration. We have time set aside for that so everyone can do that.

There is no objection; is that right, Mr. President?

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 2 P.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment pursuant to this order.

There being no objection, the Senate, at 2:24 p.m., adjourned until Monday, January 12, 2009, at 2 p.m.

SENATE—Monday, January 12, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, from whom, through whom, and to whom all things exist, shower Your blessings upon our Senators. Give them special wisdom, strength, and clarity to meet today's daunting challenges. Enable them to hear with objectivity and respond with integrity as they comprehend their individual and collective responsibility. Keep them uncluttered by selfish interests and parochial concerns as they strive to serve You and country. Lord, make them exemplary models of the highest and finest in faithful, loyal, and dedicated leadership.

We pray in the Name of Him who is Lord of history. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for up to 1 hour, with the time designated for tributes to the Republican leader.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 22. This is postcloture. A rollcall vote will not be necessary to adopt the motion to proceed. I appreciate Dr. COBURN allowing us to do that. There will be no votes during today's session of the Senate.

TRIBUTE TO SENATOR MITCH MCCONNELL

Mr. REID. Mr. President, for more than 25 years, the State of Kentucky was represented in the Senate of the United States by a terrific man and a great legislator, Wendell Ford.

Senator Ford was known by all as a moderate, deeply respected by both sides of the aisle for putting progress ahead of politics. Senator Ford, some said, was not flashy. He did not seek the limelight. He was quietly effective and calmly deliberative.

In 1991, Senator Ford was elected by his colleagues to serve as Democratic whip, the No. 2 position in the caucus. For 8 years, he struck the perfect balance as an advocate for Kentuckians and also a national Democratic leader.

When Senator Ford retired from the Senate in 1998, I had the honor of replacing him as the Democratic whip.

Wendell Ford is not only a genuine Kentucky legend, he is a wonderful man, and I continue to enjoy his visits back to Washington, DC.

Until this week, Senator Ford was the longest serving Senator in the history of the State of Kentucky. We have had some outstanding Senators from the State of Kentucky.

Now that honor belongs to my friend, the Republican leader, MITCH MCCONNELL.

Senator MCCONNELL came to the Senate 2 years after I came to Congress. In 1984, he was elected to the Senate in a historic election still famous for its advertising—the most memorable of the spots featuring some real bloodhounds, always in search of the opponent of MITCH MCCONNELL, the incumbent Senator from Kentucky. Today, if you go to a seminar on politics, almost always they will show that ad as being one of the classic political ads in the history of our country.

Senator MCCONNELL won that first race by a razor-thin margin, but he quickly became a leader among his Republican colleagues in the Senate in general.

Senator MCCONNELL chaired the Republican Senatorial Campaign Com-

mittee during the 1998 and 2000 election cycles, served as Republican whip following the 2002 midterm elections, and now has served as the Republican leader since 2006.

I became the Democratic whip in 1998 and have been the Democratic leader since 2004. Our careers in the Senate have been very similar. During this period of time I was majority whip; he was. Back and forth, there was a lot of changing going on. So I have had a lot of interaction with Senator MCCONNELL because of our respective jobs.

It is well known that in our positions as minority and majority leaders—both as whips and as the leaders—he and I have had disagreements at various times. Behind the scenes, though, it is a different situation. In places where the cameras do not record our discussions, in private conversations, as we have to have, we are not only friends but determined partners in the legislative process. We get a lot of work done very quickly.

We just completed a meeting that took about 20 minutes, where I think the record will ultimately reflect that 20 minutes was truly well spent working out some of the problems of this Senate.

So I say, we are not only friends but determined partners in the legislative process of the Senate. That does not mean we always see eye to eye. Everyone knows that is not the case. But in the words of President-elect Obama, we are able to disagree without being disagreeable.

We respect each other's commitment to making our country stronger, and I think we have a special understanding of the unique challenges of keeping our respective caucuses together and striving toward the same goals.

At the University of Louisville, MITCH MCCONNELL has worked with faculty to create a center for public service, to educate and prepare a new generation to answer the call of public service.

A little more than a year ago, Senator MCCONNELL invited me to be a guest at the McConnell Center at the University of Louisville. After a terrific program with young and aspiring academics, he presented me with a real Louisville Slugger baseball bat, with my name inscribed on the "sweet spot." That is where these great hitters have used these bats for generations to hit the ball as far as they can and as sharply as they can.

On that day at the McConnell Center, Senator MCCONNELL and I spoke frankly and openly about the joys and difficulties of our jobs to these faculty

members and these students. I, in fact, told the students an old story about President Lincoln that has been told many times, but it is always important because he sets the standard for what politics is all about as far as getting along with people, as finely written about in some detail in the "Team of Rivals," this best-selling book. What President Lincoln said, when he was being criticized for being solicitous of members of the Confederacy, was: "Am I not destroying my enemies by making friends of them?"

Well, Senator MCCONNELL and I both understand that through friendship and mutual respect we can find common ground to achieve common goals and to reach for the common good of the American people—common ground, common goals, common good.

My wife Landra and I are pleased to call him and his lovely wife—and that, certainly, is an understatement—Elaine Chao our friends. Elaine, of course, is a national leader in her own right, having served for 8 years as our Nation's Labor Secretary and also formerly as the Director of the Peace Corps. I have such great respect for Peace Corpsmen and especially someone who is able to lead that very elite group. So I have only high regard for MITCH and Elaine. They are a wonderful couple and do so many good things for our country.

So I congratulate the Republican leader, a Kentuckian whose love of his State and its university athletic programs is well known and who now adds the distinction of being the longest serving Senator from the State of Kentucky to his long and impressive career.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SERVICE TO KENTUCKY AND THE NATION

Mr. MCCONNELL. Mr. President, I thank my good friend, the majority leader, for his very kind remarks about what has now become a rather lengthy period of service in the Senate. He and I came here at roughly the same time, and, as he indicated, came to the Congress at roughly the same time. We have shared a few positions on each side of the aisle that are remarkably similar no matter which party you represent.

I noted with interest last week the photograph at the White House of the living former Presidents who had all had lunch together, and I was thinking, as the majority leader was speaking, we are in a rather limited fraternity, too—so far it is a fraternity; it will be a sorority at some point as well as a

fraternity; a brotherhood or sisterhood, if you will—of people who have held these jobs which have their own unique set of challenges that are quite similar whether you are leading the Republicans or leading the Democrats.

I wish to thank the majority leader for his very kind remarks not only about me but about my wife's public service as Secretary of Labor, which will be coming to an end at noon on January 20, along with the current administration. I also wish to express my gratitude to the majority leader for coming down to the University of Louisville back in 2007. The students enjoyed it immensely. In fact, their last magazine about the program of the center has a very large picture of the majority leader and a lengthy article including a Q and A session he had with the students.

So I am grateful for his friendship and look forward to working with him in this Congress to advance the interests of our Nation.

A few months prior to this body's convening last week, I was grateful to be chosen by my colleagues to serve once again as the Senate Republican leader.

I would also like to thank the people of Kentucky for giving me another term in the Senate. I am certainly privileged Kentucky has sent me to the Senate five times now to speak for them and for their interests, and I intend to work harder than I ever have over the next six years to justify their confidence.

At such a time as this, after the people of Kentucky have spoken, I cannot help but think of great Kentuckians in the past who the people of my State have selected to represent their interests.

Some we know from the history books, such as Henry Clay. Although he was Speaker of the House, Secretary of State, and a three-time Presidential candidate, we know him best as the Senator from Kentucky—the Great Compromiser who staved off civil war. Or take John Breckinridge. Elected to Congress from Virginia, he resigned that seat to move to Kentucky, which at the time was America's western frontier. A key architect of Kentucky's early State government, Breckinridge went on to serve as a Senator from Kentucky, and then as our young Nation's Attorney General under Thomas Jefferson.

Moving to modern times, I can think of other legendary Senators from Kentucky whose footsteps still echo in these halls.

Kentucky still fondly remembers the career of public service carved out by A.B. Chandler. He would be the first to tell you he made his mark not as a Senator but as a two-term Governor, or in the job he resigned the Senate to hold: commissioner of baseball. No matter what the job, with his winning

personality, he was better known throughout the State by his nickname "Happy."

I am sure he would be happy to see his grandson, Congressman BEN CHANDLER, continuing his family's tradition of service to the people of Kentucky.

I have also spoken on this floor before of my admiration and respect for John Sherman Cooper, the conscience of the Senate in his day. I will always remember the man who mentored me as an intern in my first job on Capitol Hill and helped me navigate these hallways decades later as a freshman Senator.

Of course, there is Alben Barkley, the first and, until recently, the only Kentuckian to be elected his party's leader. After 12 years leading Senate Democrats through the Great Depression and World War II, he became America's 35th Vice President.

Alben Barkley held the record as Kentucky's longest serving Senator for over 40 years—until it was broken by a man who, like him, rose from humble beginnings to become famous across the Commonwealth.

That Senator was Wendell Ford, a man many of my colleagues have had the honor to know and work alongside. Wendell was the senior Senator from my State when I was first elected, and I got to watch him up close for 14 years. Over those years, I learned why Wendell is the first and only Kentuckian to be elected successively Lieutenant Governor, Governor, and Senator. It is because even while he attained high office, he never forgot the lessons he learned working alongside his parents on their farm. Countless times he reminded voters he was "just a country boy from Yellow Creek." And Kentuckians respected him for proving that a country boy could walk the halls of power, dine with kings and Presidents and still come back to Yellow Creek and be right at home.

Wendell Hampton Ford was born in Daviess County, KY, and grew up on his family's 250-acre farm in the little town of Thruston. The Ford family raised cattle, hogs, and chickens and grew tobacco and corn. Young Wendell was no stranger to work. He did his part by milking 30 cows by hand twice a day every day. Decades later, whenever anyone told him he had a strong handshake, Wendell would tell them: "I milked at an early age."

I know Wendell would credit his parents with teaching him everything he needed to know to succeed in life. Ernest Ford was a farmer, an insurance company owner, and a chairman of the Daviess County Democratic Party. He served in both the Kentucky State House and Senate. His mother, Irene Ford, worked harder than anyone on the family farm. She picked strawberries, she snapped green beans, and she canned everything that you could can. She could cook a pork tenderloin

that was so good, Wendell recalls, "We'd say it'd make you swallow your tongue." She was devoted to her family, her friends, her neighbors, and her church.

Wendell remembers:

Mother never disliked anyone. She never would say anything unkind about anybody. And mother worked very, very hard. . . . if there's anyone that ever went to heaven, my mother is there.

Now, I am going to guess that maybe through his father's political connections, Wendell scored a plum prize as a young child: he became a page in the Kentucky State House. The way they inducted pages back then is a little different from how we do it in the U.S. Senate today. Wendell's sponsor, a representative from Taylorsville, had young Wendell come and stand on his desk on the House floor. He gave a speech about what a good little kid he was, and when he was done, the entire chamber applauded, making Wendell a page by acclamation. After an introduction to politics like that, is it any wonder Wendell decided he wanted more?

Wendell was also lucky enough to meet one of the great Kentuckians I mentioned earlier—Alben Barkley—back when, obviously, Senator Ford was young. At the Seelbach Hotel in my hometown of Louisville, he heard a speech from the Senator and future Vice President. Like Barkley, Wendell always wanted to be around people—a trait that would serve him well as a public servant.

Like most Kentuckians, Wendell Ford loves basketball. He played on the basketball team for Thruston Elementary School and he played on the team for Daviess County High School. But while in high school, Wendell broke his arm. That ended his basketball career, and that threatened to end his involvement with the team, the friendships he had made, and his seat on the bus to all the away games. So to stay involved, Wendell filled an open slot on the school's cheerleading team. He got to keep going to the games, he got to keep up his friendships, and he ended up being voted "most talkative" in the Daviess County High School senior class of 1942.

After high school graduation, Wendell attended the University of Kentucky. Then, in 1944, he was drafted into the U.S. Army, and SGT Wendell Ford reported for duty at Fort Hood, TX. But he was not the only Ford to trade in his bluegrass for a 10-gallon hat and make that trip. By his side was his lovely bride Jean, who met Wendell when they both worked at the J.C. Penney store in Owensboro the summer after Wendell's high school graduation. They married in September 1943 just after Wendell had turned 19. Jean hailed from the town of West Point in Hardin County. She could hardly have known then how her life would turn

out or how she and her husband would become respected across the Commonwealth.

Oftentimes, my colleagues and I will talk about our wives or our husbands and what we will be doing over the next recess. You will frequently hear spouses' first names tossed around, like my wife's name is Elaine. But after 50 years of marriage, Wendell only referred to his bride as "Mrs. Ford." It is a testament to the fact that the country boy from Yellow Creek remains forever a country gentleman.

After the end of World War II and an honorable discharge from the service, Wendell graduated from the Maryland School of Insurance. He and Jean returned to Owensboro, where his family had moved after selling the farm. Wendell entered the insurance business with his father and started to take an interest in what was happening in his community.

It all started with a razor. That is what Wendell was looking to buy on a lunchtime errand when he ran into a friend who invited him to a Jaycees luncheon.

In my travels across Kentucky, I have met many who know and remember Wendell from his days with the Jaycees. Devoted to fostering leadership and community service, the Jaycees have done a lot for Kentucky and for the Nation. Once again, the man who played a role that cannot be ignored is Wendell Ford.

A lot of beliefs that would come to characterize Wendell Ford's career came from the creed of the Jaycees. That creed states that only faith in God gives meaning and purpose to human life, that government should be of laws rather than of men, and that service to humanity is the best work of life.

Wendell would rise rapidly in his career, again and again, no matter what the arena, and his time in the Jaycees was no different. That first meeting at the request of a friend led to Wendell becoming a member. By 1954, he was the Kentucky Jaycees State president at 31. In 1956, he led the Kentucky Jaycees to their national convention in Kansas City with one goal: they wanted to return home with a Kentuckian as the organization's national president—a Kentuckian named Wendell Ford.

Kentucky has a rich history of colorful, memorable campaign ads, but it took Wendell Ford, as a candidate for the Jaycees' national president, to come up with a brilliant ad by piggybacking his name on perhaps the most famous rock-and-roll song of all time. By convention's end, every Jaycee delegate went home singing a familiar tune with the words "shake, rattle, and roll" replaced with "shake, rally with Ford." Wendell remembers:

We kept them up all night with that record. And I guess [we] made it even better, because we won.

To work the crowds at the convention, Wendell bought two new suits for \$35 apiece, one black and one gray. By rotating jackets with each pair of pants, he had four different outfits for the 4 days of the convention. Whether it was the song or the suits or both, Wendell went home the first Jaycees national President from Kentucky, and his network from that organization became the foundation for one of the Commonwealth's most successful political careers.

By the late 1950s, Wendell had caught the eye of Bert Combs, who had run for Governor of Kentucky but lost to "Happy" Chandler. Combs was planning to run again, and he wanted the impressive Jaycees president to be the youth chairman of his campaign. After winning that race, Bert Combs made Wendell his administrative assistant, a job he held from 1959 to 1961.

But soon the time came for Wendell to emerge from the ranks of political staffers and run for office himself. In 1965, he ran for a State senate seat representing Daviess and Hancock Counties, and clearly he was not afraid of a challenging race. The reason I say he was not afraid of a challenging race, the guy he ran against in the primary, a fellow named Cap Gardner, was not just any incumbent Senator, he was the State senate majority leader. I was in law school at the University of Kentucky at the time, and I remember reading about the primary in which the majority leader of the Kentucky State Senate was upset by an impressive young man named Wendell Ford. He won that race by 305 votes—after a recount.

In those days, Kentucky was very much a one-party State, so winning the Democratic primary for most any office was tantamount to winning the election. In most counties, you could hold Republican Party meetings in a phone booth. It is not that way anymore, which I think is for the better—I think a competitive, two-party system makes both parties better, and that, in turn, serves the people best—but the Democratic Party ruled Kentucky then, and after Wendell won the primary, he easily won the general. For the first time, but not the last, he became Senator Ford. As a freshman Senator, he sponsored 22 bills, all of which became law. That is a record of success few legislators would dare seek to duplicate.

But Wendell didn't plan on staying in the State senate too long. Just 2 years later, in 1967, he ran for Lieutenant Governor, and once again he ruffled some feathers amongst the more established politicians of the Commonwealth who didn't understand why this country boy from Yellow Creek couldn't settle down and wait his turn. In the primary, Wendell faced Robert Matthews, the incumbent State attorney general. I am sure the entrenched

political forces in Kentucky expected and perhaps even desired Matthews to win, but Wendell wasn't going along with their program. He defeated Matthews in the primary—barely—36.1 percent to 35.9 percent. Wendell went on to win a similarly close race in the general election, defeating Thomas Ratliff and becoming the Lieutenant Governor of Kentucky.

But at the same time, something unusual happened. You heard me say just a minute ago that in those days Kentucky was very much a one-party State, but in 1967, Kentuckians elected a guy named Louie Nunn to be Kentucky's first Republican Governor since World War II. At that time, candidates for Governor and Lieutenant Governor in my State ran separately. So while the Democratic candidate for Governor lost, Wendell Ford quite remarkably won, and he instantly became two things: the top-ranked Democrat in State government and, of course, a real thorn in the side of Governor Nunn.

Wendell had to beat a Republican tide—a rare tide in those days—to become Lieutenant Governor. He was clearly a man of great talent and ambition who was not yet done making his mark on Kentucky politics. So naturally he looked next to the top job in State government, the office of Governor.

In that era, Kentucky Governors were forbidden to succeed themselves by running for a second term. In fact, Kentucky retained that term limit for Governors right up until the 1990s—one of the last States to do so. So Wendell would not have to face Governor Nunn in the 1971 election. He would, however, have to face a different Governor, his friend and mentor, former Governor Bert Combs.

Everybody in Kentucky thought Governor Combs, who had subsequently had a distinguished career as a U.S. court of appeals judge after his term as Governor, was a lead pipe cinch to be the next Governor of Kentucky, or at the very least to win the Democratic primary for sure. But once again Wendell Ford beat everybody's expectations. Bert Combs resigned his judgeship to run for Governor and couldn't believe what a tough race his former administrative assistant gave him. When a mutual friend of the two candidates said to Combs that he had taught Wendell well, Combs replied, "Yes, I taught him too damn well." Wendell beat Bert Combs 53 percent to 44 percent in the primary and went on to easily win the general election. On December 7, 1971, he was sworn in as Governor of Kentucky.

Right from the start, Governor Ford's guiding belief as Kentucky's chief executive was that the only reason for the existence of government at any level was to serve people. Wherever he felt that wasn't happening, he believed there must be change.

Throughout his term, no bill that Governor Ford supported failed to pass. He commanded the forces of the State government below him the way a general commands his troops. But Governor Ford didn't ask anyone else to work harder than he did himself. His work ethic back then was legendary, and I think some of my colleagues can attest to the fact that he kept right at it after he joined us here in the Senate.

As Governor, a 14-hour workday was routine, a 16-hour day frequent, and an 18-hour day not uncommon.

When Governor Ford used to fly here to Washington for official matters, he was all business. Time in the car or the plane was spent reading memos or writing speeches. Dinner was a cheeseburger and fries in the hotel room.

As early as possible the next morning, Wendell was up and flying home to Kentucky where he would put in an extra-late night at the State capitol to make up for time missed.

Once he had successfully enacted the major points of his platform—including shrinking and streamlining State government, creating the State's first environmental protection agency, and enacting a severance tax on coal—Wendell Ford decided he was not finished serving the people of Kentucky just yet.

I have already said at that time, a Kentucky Governor could not run for a second term. So Wendell looked to the U.S. Senate election in 1974 where he would have to take on incumbent Republican Senator Marlow Cook.

The 1974 election came on the heels of the Watergate scandal and Richard Nixon's resignation. It goes without saying it was a very hard year for Republicans. But even if it had been an easy year for Republicans, Governor Ford would have been very hard to defeat.

So Wendell won over Marlow Cook pretty handily, and Governor Ford became Senator Ford. I should point out, I actually used to work for Senator Cook as a legislative director in the early part of his one term.

Senator Cook graciously agreed to step aside a little bit early for Senator Ford. So Wendell's tenure in this Chamber began on December 28, 1974. At this point, the Wendell Ford so many of my colleagues know and admire emerges, as he spent an incredibly successful and fruitful 24 years here.

After my election in 1984, I served alongside him for 14 of those years. Obviously, Wendell Ford and I did not stand on the same side of the aisle. But we always stood together for the people of Kentucky.

With Wendell, whether you agreed or disagreed, you always knew where you stood with him. Even if you disagreed—which we often did—Wendell knew how to disagree without being disagreeable.

I remember one joke he liked to tell about how seriously we Kentuckians

take our horseracing. He liked to say that one day on the running of the Kentucky Derby, a man walking in Churchill Downs noticed a box with an empty seat in it. He stopped and said to the little old lady sitting next to it: This is the first empty seat I have seen today. Bear in mind, this is at the Derby.

She replied: Well, it belonged to my husband, but he died.

The man said: It seems a shame to let such a good seat go to waste. Why didn't you give it to one of your relatives?

The lady said: I would have, but they are all at the funeral.

That is how important the Derby and the horse industry are to the Bluegrass State. Wendell Ford enjoyed telling that story.

With his sense of humor, a penchant for storytelling that rivaled his childhood hero Alben Barkley, and his ability to establish friendships and trust, Wendell quickly became a leader amongst his Senate colleagues. He served a stint running the Democratic Senatorial Campaign Committee.

By 1987, he had risen to become chairman of the Senate Rules Committee. That position put him in charge of the inaugural ceremonies at the Capitol for both Presidents George H.W. Bush in 1989 and Bill Clinton in 1993. Kentuckians were proud to see one of their own on the inaugural platform just footsteps away from the new President.

Wendell was chairman of the Joint Committee on Printing where he worked to trim the costs of Government printing and implemented the first ever program for the use of recycled printing paper. That may not be the type of issue that grabs the biggest headlines, but, obviously, official Washington uses a lot of paper. Wendell was ahead of his time in making these environmentally friendly efforts that are commonplace now, and he saved taxpayers millions of dollars.

Wendell could see the absurdity of some of what goes on in Washington and knew just when to break the tension with a little humor. One former colleague has spoken of one of the many times the Senate has continued in session until 3:30 or 4 o'clock in the morning, with debate still going on on the Senate floor. At one of these times, Wendell nudged the Senator next to him and said: You know, the people back home think that we are the ones who won.

Wendell even appeared once on the cable channel MTV on a program called "Rock the Vote" because of his sponsorship of the motor voter law. That MTV appearance made him very popular with his grandchildren. Surely the number of U.S. Senators who have appeared sandwiched in between videos for Whitney Houston and Billy Ray Cyrus is very small.

In 1990, Wendell's colleagues, as my friend the majority leader pointed out, elected him to be No. 2 in their party in the Senate, the Senate whip. He held that slot until his retirement in 1999. Wendell was elected by acclamation and without opposition. That is obviously a position of great responsibility and honor, and it speaks to the respect Wendell commanded from his fellow Senators.

After his election as whip, he said: In Kentucky, we are known for our horses. I plan on being a workhorse and not a show horse.

I think knowing Wendell's work ethic, no one doubted he would give his all to the job.

In March of 1998, Wendell became the longest serving Senator in Kentucky history, breaking the record of the man he had seen giving a speech more than 50 years earlier, Alben Barkley. That is just another accomplishment in a long list that he has amassed over his extraordinarily successful tenure in both State and Federal Government.

Wendell Ford served in this body for 8,772 days, a record that stood for nearly 11 years until January 10, this past Saturday. He never lost an election for public office. Kentucky sent him to the U.S. Senate four times, and he was the first statewide candidate to carry all 120 counties.

How does a country boy from Yellow Creek achieve such success at the highest levels of American politics? I think because no matter where he ended up, Wendell Ford never forgot from where he started from. Even in his final months in the Senate, he still got goose bumps every time he looked up at the Capitol dome on his way to work. He remained the same man, partial to a cigarette and a down-home tale.

When his duties didn't require him to be in Washington, he would return home to Kentucky, as he did most weekends throughout his Senate career. A 3-day weekend was a perfect chance to go to the house he and his family owned by Rough River Lake and do some reading and fishing. He once said his idea of a vacation was "not shaving and not wearing a suit."

Wendell Ford never forgot the truly important things in his life—his wife Jean, their children and grandchildren, and the simple pleasures of his native Kentucky.

Many of my colleagues will remember his trademark greeting when he walked into a room. He would say: How are all you lucky people doing? Sometimes that would be shortened to simply: Hey, Lucky!

But Wendell never lost sight that he was truly the lucky one for receiving the trust of the people of Kentucky many times over. He would be the first to tell you that, and Kentucky and our Nation are lucky as well for having had his many years of service.

Over the next 6 years, as I work my hardest to better the lives of everyone in Kentucky and the country, I am going to remember the lessons learned from Wendell Ford's long career. I will remember how his life is a testament to the success anybody in America can attain, even a country boy from Yellow Creek. I will remember what an honor it is to continue in the tradition of Wendell Ford and so many other fine public servants who have come from the Commonwealth of Kentucky. Their service will continue to remind me every day that with energy, determination, and principle, being the Senator from Kentucky is the best job I could ever hope to have.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business for 1 hour.

The Senator from Tennessee.

TRIBUTE TO MITCH MCCONNELL

Mr. ALEXANDER. Mr. President, those who have been listening and watching for the last few minutes got one good lesson on why Senator MCCONNELL has been here for over 24 years. This is a day to honor him, but he spent virtually all of his time honoring someone else.

It is a remarkable and rare event that Senator MCCONNELL could serve longer than Wendell Ford, the man he just honored, longer than Henry Clay, longer than John Sherman Cooper, and longer than Alben Barkley. But all of us know longevity by itself is not a transcending virtue, but it is an indication of one of the most transcending virtues; and that is, the people of Kentucky for the last 24 years have seen something special in MITCH MCCONNELL, something that is good for Kentucky, in the opinion of Kentuckians, and something that is good for our country. I have seen that, too, but for a longer period of time than 24 years; 40 years, to be exact.

I remember when MITCH MCCONNELL came to Washington, not the time he was an intern but as the legislative director for Senator Marlow Cook. Legislative director is a little bit of a puffed-up title for the job at that time, because in the office of Senator Baker of Tennessee, where I had been the year before, there was only one legislative assistant. So we were legislative directors of usually one or two people at a

time, which may seem pretty hard for staff members in this Senate to understand.

I remember that by 1969, I moved over to work for Bryce Harlow in the Nixon White House. Howard Baker, who had been a good friend of Marlow Cook, the new Senator from Kentucky, came to me and said: Marlow Cook has a bright young man working for him; you ought to get to know him.

So I did, 40 years ago.

We both stayed in Washington for a while. We both went home after a few years, and in 1978, 30 years ago, we both were elected to an executive position in our home States—I as Governor of Tennessee, and MITCH MCCONNELL as the county executive of Jefferson County, which is Louisville, the big county there.

Then, in 1984, as the record shows and we all know, he was elected to the U.S. Senate, the only Republican in the country that year, I believe, who was able to defeat an incumbent Democrat.

When Senator MCCONNELL and I were young staff assistants in the Senate, the leaders of the Senate were Senators Dirksen and Mansfield. There have been many great leaders of the Senate since that period of time. All of those leaders who were good—and most of them were—knew this body, knew the Senate. They knew human nature instinctively, but they had one other quality, and this is another quality Senator MCCONNELL has. They had great respect for our country.

Last July, I brought onto the Senate floor a group of teachers of U.S. history. They were selected, one from each State, under a program that is called Presidential Academies for Teachers of United States History. Since a Senator may bring onto the floor before it convenes anybody he chooses, there were 50 of us here. I showed them Daniel Webster's desk, which is right next to me. I talked with them about Henry Clay, and I showed them Jefferson Davis's desk in the back.

As you can imagine, these outstanding teachers were awestruck being on the floor of the Senate. They were the only ones here. After about a 30-minute visit, one of them—I think it was the teacher from Oregon—said to me: Senator ALEXANDER, what would you like for us to take back to our students about this visit?

I found myself saying: I hope you will tell them that I get up every morning—and I think most of us here do—and come to work hoping that by the end of the day, we can make this country a little better place. I am not sure what it looks like on television. I am not sure what it looks like on the front pages of the newspapers. But that is my motive, and that is the motive of most of us here.

That has been the motive of Senator MITCH MCCONNELL of Kentucky. Yes,

beginning his 25th year in the Senate is a rare distinction, especially because he is from a State that has produced so many outstanding Senators and a State that even today and through most of the last 24 years has been a very competitive State with Democrats and Republicans both having a chance to be elected. MITCH MCCONNELL gets up every day, comes into work—and it is usually very early—thinking about how to make this country a little better before the end of the day—and that is usually very late. That quality is even more important than his more than 24 years of service.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my dear friend from Tennessee for being on the Senate floor today and for his overly kind comments about my tenure. We have indeed been friends for 40 years.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it is a privilege today, and really a joy, to rise to join in the celebration of Senator MITCH MCCONNELL and his many terrific years of service to this country and to the people of the State of Kentucky. For those folks who watch from the gallery or watch at home, I will tell you what you see is what you get. He is kind, he is thoughtful, he is calm, he is patient, but I will also tell you he is persistent. You could not have a better friend in the Senate or in this life than MITCH MCCONNELL or his wonderful wife Elaine.

We have heard a bit about the history of Kentucky, we have heard a bit about Wendell Ford, but when you put this into historical perspective and you do the searches and you see who the top names are in Kentucky when it comes to politics, the names that come up are Henry Clay, Abraham Lincoln—because he was born in Kentucky—and MITCH MCCONNELL.

Now, Henry Clay was the greatest of the Old Senate Chamber. People who watched the swearing in of the Senators earlier this month saw Senators taking their oath in this Chamber but also going back for a reenactment in the Old Senate Chamber. In that Old Senate Chamber the names were Clay, Calhoun, and Webster. When one of them would rise to speak—and people would come from all around—they would say: Clay is up, Calhoun is up, Webster is up, and people would run. Well, today, the running occurs when people say: MITCH is on the phone; MITCH is calling. You want to know: How can I help? What are his ideas? You know they are good for the country. Henry Clay was called the great compromiser. He was called the great pacifier. Those names were given to him because of his ability to bring others

to agreement. The exact same thing can be said of MITCH MCCONNELL in this, the new Senate Chamber.

Now, Mr. President, we left that Old Senate Chamber in 1859 and moved to this beautiful Chamber, and this marks the 150th year of that move. There is actually a little booklet, the “United States Senate Chamber 1859–2009,” and it talks about when we left and made the procession. We have heard about some previous Kentucky Senators, but the Senator who gave the speech when we left that Senate Chamber in 1859 was also from Kentucky. It was Senator John Crittenden, and some of his comments are in this booklet.

Well, I will tell you, in the new Senate Chamber, since 1859—now 150 years—MITCH MCCONNELL truly and clearly is the man of the Senate. Just like Henry Clay, he came from humble beginnings. We talk about humble beginnings, but few people know that MITCH MCCONNELL, at the age of 2, had polio. He was nursed back to health by his mother, who helped teach him how to walk and then how to run. It is through her hard work and his dedication and his persistence that he has become the man we know today.

In early November of this past year, George Will wrote an article praising Senator MCCONNELL, but he quoted Abraham Lincoln, when he wrote:

I hope to have God on my side but I must have Kentucky.

I will tell you, Mr. President, for those of us on this side of the aisle, we must have MITCH MCCONNELL. The Senate would just not be the Senate. We have been blessed time after time after time that the people of Kentucky have seen fit to send MITCH MCCONNELL back to the Senate.

In his speech when the Senate moved from the Old Senate Chamber to the new Senate Chamber, Senator Crittenden said:

Senators are the representatives of the States of this mighty union. No matter under what sky we may sit; no matter what dome may cover us; the great patriotic spirit of the Senate of the United States will be there and I have an abiding confidence that it will never fail in the performance of its duty.

Well, Mr. President, this applies to Senator MCCONNELL because his great patriotic spirit will always be here, and those who know him have an abiding confidence that he will never fail in the performance of his duty.

Mr. President, Senator MCCONNELL is a champion. He is a champion for Kentucky and he is a champion for America; for a stronger America, a better America, a safer America, and an America where any boy or girl can, through hard work and persistence, grow up to be a leader of this great Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I would like to express my deep appreciation to the Senator from Wyoming for his overly kind and very generous comments about my work here, and also say, Mr. President, to the people of Wyoming, how fortunate they are to have Senator BARRASSO representing them.

I have seen a lot of new Senators come into this body over these 25 years. I have never seen one make a mark quicker. So I know the people of Wyoming deeply appreciate their junior Senator. They demonstrated that a couple of months ago in the election, and they really could not have made a wiser choice. I value my colleague from Wyoming, and I thank him so much for his very kind and generous remarks.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask I be recognized as in morning business for such time as I shall consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

TARP

Mr. INHOFE. Mr. President, I was somewhat shocked last October when the vote came up and actually 75 Senators in the Senate and about 75 percent of the House of Representatives voted to give an unelected bureaucrat \$700 billion to do with as he wanted with no accountability. I believe that 20 or 30 years from now, historians will look back and say that was the most outrageous vote, maybe in the history of these institutions. The administration has now requested the second \$350 billion sometime this week.

If you are a reasonable person and were to assume that a major event in the financial world has prompted the negotiations that led to the decision to release the second \$350 billion, you would be wrong. The true reason Congress may be asked to release the second \$350 billion—it is just politics. It is a hot potato; nobody wants it, but they all want the money, and that is what we are faced with now. Again, no event in the financial world has prompted the request for the second \$350 billion.

I was critical of the Bush administration, and particularly of Secretary Paulson, since the October 10 vote giving Paulson, an unelected bureaucrat,

\$700 billion to do with as he wished. It is hard for me and it is hard for most Americans to understand, when they talk about these huge numbers—billion dollars and trillion dollars, whatever it means. But I think the time has come to count the actual number of families who file tax returns in America and, if you do your math, with your \$700 billion it comes to \$5,000 a family. That is what we are talking about. This is not a little deal. It is huge. I think, if people look at some of the things that have happened since then, it is the fault of passing the \$700 billion bill; that precipitated all the problems we have.

Congress is asked as an institution to prepare to say yes to the next \$350 billion in deficit spending simply because we received a letter of assurances. I do not know what letters of assurance are, or what a letter of assurance is, but I suppose it is the same kind of assurance we got from Secretary Paulson when he said to us we have to have \$700 billion, and it has to be used to buy damaged assets.

The letters of assurances are a bunch of promises on paper and that is not sufficient justification for this institution to let go of the \$350 billion in taxpayers' money. Congress needs to put itself back in the process when we are talking about this kind of money. That is why I introduced legislation, S. 64, with a bipartisan group of Senators. That says the executive branch can only have access to the remaining \$350 billion if Congress approves the submitted plan and votes on that plan.

What is so bad about that? This is the way we have been doing business for years and years. The administration will make a request. That is what they do in the budget process. It comes to Congress. We evaluate that and determine whether we, who are elected representatives, believe it is something that should take place.

We have already seen the legislation we passed last fall is a blank check for one person to do whatever he wants with billions of dollars. Take, for instance, the auto bailout. The interesting thing about the auto bailout is everyone expressed all this outrage over the auto bailout. I said back in October, when 75 percent of the Members of the House and the Senate voted to give Secretary Paulson \$700 billion to do with as he wished: Who is going to be next in line to be bailed out? I suggested aviation, then the auto industry and farmers and everybody else. That is exactly what did happen. So those people who expressed such outrage with the auto bailout should stop and realize, if it had not been for that vote to turn loose and turn over \$700 billion, that could not have happened.

People talk about whatever it was, \$15 billion or whatever it was in the auto bailout. That only constituted 2 percent of the \$700 billion. That is what

we have to keep our minds on, as to what precipitated the problem we have now.

We were told what was going to be done with the money. Paulson came to us in September and said if we didn't immediately come through with \$700 billion—that is what he said it would take to buy bad assets—the total economy would collapse. It was a panic scenario.

Then the plans changed and Paulson began—and this happened right after he got his hands on the \$700 billion. He didn't use it to buy damaged assets. He used it to pass out to various financial institutions—banks. It is my belief the rationale for releasing any more of the \$700 billion no longer applies. As a matter of fact, a prominent economist from the Reagan administration last Wednesday said the first \$350 billion did absolutely no good, in terms of dealing with the recession we are currently in.

It was clear to me at the time it was a mistake to sign a blank check to one man for such a tremendous amount of money. Although there are still significant challenges in the financial markets, it appears the threat of the financial crisis spinning so out of control that we face another Great Depression—which was the original justification for the grant of such sweeping authority—has subsided. Has the need to allow one person, whether it is Secretary Paulson or Timothy Geithner, to give away hundreds of billions of taxpayers' dollars to banks subsided as well? That is a question that needs to be asked, and that answer is yes.

I fully understand the severity of the ongoing financial crisis that erupted in this past year. I am fully aware of the need to take extraordinary actions in such situations. From the rescue of Bear Stearns in March to the announcement of the bank equity purchase program in mid-October, to two bailouts for AIG, to hundreds of billions extended to Citigroup, the U.S. Government has, indeed, undertaken extraordinary efforts to calm financial markets. However, it is clear to me and many of my colleagues that the Treasury accessing the remaining \$350 billion would do little to fix the recession we are in now.

It is time for the U.S. Government to cease announcements of new programs or plans designed to inject confidence in markets. Moreover, I think confidence would be better instilled by halting the announcement of new billion dollar programs designed to fix markets. I understand the need to move in accordance with changing conditions. I simply think the time has come to stop having the Government trying to fix markets. The markets are going to have to fix themselves.

That is going to take some time. It is not going to be a pleasant process, but we are fooling ourselves if we think we

can come up with some easy shortcut to solving these problems.

One of the major causes of this crisis was the accumulation of far too much debt on the part of some financial institutions. The U.S. Government can make the same mistake. We are now anticipating an astounding \$1.2 trillion deficit this year alone, and that is before any accounting of the roughly \$800 billion stimulus proposal.

I can remember so many people in this body criticizing President Bush on his deficits. If you take the total deficits in the Bush administration and add them up and divide by 8, the years he has been in there, the average is \$247 billion. Now we are looking at \$1.1 trillion.

This massive debt accumulation poses a serious threat to future stability and economic growth. We are on track to have a budget deficit this year that exceeds the size of the entire Federal budget only a few years ago. However, we can immediately make progress on reducing that deficit amount by not releasing the \$350 billion. That is something that deserves sufficient debate.

Finally, as a fiscal conservative, the thing that concerns me about the \$700 billion bailout is it permanently changed the perception about what is "big" in big government from now on. What is another \$50 billion here or another \$100 billion there, after we give \$700 billion to banks? What is the big deal about a trillion dollar deficit or \$800 billion stimulus package or a multibillion health care proposal or whatever plan is dreamed up around here to spend the taxpayer money on, once we gave \$700 billion to an unelected bureaucrat with no oversight. We have simply lost our perspective. People now think that the amount has changed.

I will close by noting the cost of the following defining events in the 20th century, much our shared history, and compare them with the \$700 billion bailout, to hopefully bring a little perspective to the debate over the request for the second half of the \$700 billion bailout.

The Marshall Plan was a long time ago, but if you bring it up-to-date that would amount to \$115 billion. This is after inflation. The race to the Moon, \$237 billion; the entire Korean war, \$454 billion; the New Deal, \$500 billion; the Vietnam war, \$698 billion; and then 8 years in Iraq, in the liberation of Iraq—people were complaining about how much money it cost—it is less than the \$700 billion we are talking about here.

We cannot put on fast track the remaining \$350 billion in this package. Congress is going to have to actively debate any further funding.

What my legislation does, first of all, if we do not do anything at all, if we sit back and act like everything is fine and wait until the proposal comes to

us, then the only thing we can do under the law we passed in October of this past year is to have a resolution of disapproval.

If the leadership, if Senator REID and the leadership decide we should not have a vote on that, I am sure they will have procedural ways to have this kept from having a vote, but even if there is a vote, they would have that control. That doesn't do any good at all. The only way to do it is to pass this bill that says we cannot spend the last \$350 billion until they come forth with a program, we evaluate it, we take our prerogative as given to us in the Constitution and determine whether this is a wise expenditure of these funds.

I hope I will have several others wanting to join S. 64. Who can argue with accountability?

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF ERIC HOLDER

Mr. WHITEHOUSE. Mr. President, I rise to speak on President-elect Obama's nomination of Eric Holder to be the Attorney General of the United States. It is nothing new in Washington for it to be said of a nominee that he or she is the best person for a job. That happens all the time. We have all heard it. It will surprise no one in this room or elsewhere in Washington to know it is not always the case. But in this case, for this appointment at this time, I believe it is true. I believe Eric Holder is the best person to be Attorney General of the United States.

It is hard to overstate the significance of the work of the Department of Justice to the American people.

It is hard to overstate how vital it is that the American people have confidence in that Department, from the Attorney General down to the most junior line attorney. It is hard to overstate the importance of our trust that this great Department makes decisions on the merits, proceeds on the facts and the evidence and the law, and carefully protects itself from political interference.

The Bush administration has compromised the American peoples' faith in their Department of Justice by compromising the integrity of the Department at its highest levels. We need that back.

What we need now is an Attorney General who first, understands the inner workings of the Department so

he can set the ship right; second, will be fiercely independent and will make decisions based on the facts and the evidence and the law, not on politics or pressure from the White House; and third, has the temperament and experience to be strong and fair through all of the pressures that mount up on that office. Eric Holder is the best possible person for this difficult job at this difficult time.

We all know Mr. Holder's long and distinguished experience at the Justice Department and within the justice system. He has been a line attorney in the Public Integrity Section, prosecuting corrupt public officials of both parties; he has been a judge nominated by President Ronald Reagan; he has been the Deputy Attorney General, the No. 2 position in the Department; he has been the U.S. attorney for the District of Columbia; and he has been a highly regarded attorney in private practice. One would be hard pressed to find a more experienced candidate. It is no surprise, then, that so many organizations and individuals who work with the criminal justice system every day have endorsed Mr. Holder's nomination, including the National Fraternal Order of Police, the National District Attorneys Association, the National Association of Police Organizations, the International Association of Chiefs of Police, the National Association of Assistant United States Attorneys, the National Center for Victims of Crime, the National Organization for Victim Assistance, and Mothers Against Drunk Driving.

Mr. Holder's experience is unquestionable, but it is not only experience that makes him the right person for this uniquely challenging post. I know Eric Holder. When I was a U.S. attorney, he was my colleague, as the U.S. attorney for the District of Columbia, and then my boss when he became Deputy Attorney General. I have great personal confidence in him. In our work at the Department, the U.S. attorneys saw firsthand in Eric, over and over, the qualities of temperament, intelligence, judgment, and independence that are essential for an Attorney General and especially for an Attorney General who takes office during a time when the Department is in distress.

As I know Eric Holder, so also do I know the damage and destruction that was wrought by the Bush administration on our Department of Justice. In the Judiciary Committee, under the distinguished leadership of Chairman Patrick Leahy, we worked hard to find out what has been done there and to bring it to light. My colleagues, Senator SCHUMER of New York and Senator FEINSTEIN of California, deserve particular credit in that struggle.

Because I had worked in the Department, I was familiar with many of the institutions, the traditions and the practices of the Department that have

been cast aside or ignored. The result? The result was a damaged institution, its reputation compromised, its integrity challenged, and its morale sadly diminished. Now, more than anything else, someone needs to put that right. Eric Holder has the knowledge, the experience, and the character to do that.

I have listened with a great deal of interest to some of the things that have been said in this Chamber about Eric Holder and his character. Indeed, there has been a not-so-subtle effort to question whether Mr. Holder is sufficiently independent of political influence to serve this Nation as our Attorney General. I cannot speak to the motivations behind this effort, but I can say this: Eric Holder is a man who spent 12 years as a line prosecutor prosecuting corrupt politicians of both parties. He is a man who was sufficiently politically independent for President Ronald Reagan to nominate him as a judge. This is a man who, as U.S. attorney for the District of Columbia, indicted and convicted Dan Rostenkowski, the Democratic chairman of the Ways and Means Committee, one of the most powerful men in Washington. This is a man who recommended to Attorney General Janet Reno that she appoint an Independent Counsel to investigate President Clinton's Secretary of the Interior, Bruce Babbitt. This is a man who advised Attorney General Reno to expand the scope of the investigation by Kenneth Starr into the Monica Lewinsky affair investigation.

It is not just me with this confidence in Eric Holder and in his independence, his character, his judgment, and his temperament. Let me read what former Attorney General William Barr, former Deputy Attorney General James Comey, and former Federal Bureau of Investigation Director Louis Freeh have said about him.

In a letter to Chairman LEAHY and Ranking Member SPECTER, Mr. Comey wrote this:

From my professional and personal association with Mr. Holder, I believe him to be a man of strong character, and first-class ability. I think he has the institutional knowledge, humility, and integrity to be a fine Attorney General.

My colleagues will remember that James Comey was the Deputy Attorney General for Attorney General Ashcroft. He was the Acting Attorney General at the time of that sickening raid by the White House Chief of Staff and White House Counsel Alberto Gonzales at the hospital bedside of stricken Attorney General Ashcroft. He is the man who stood up against the warrantless wiretapping program and stopped it until it was brought right. He is the center, by all accounts, of what would have been essentially the resignation of the attorneys at the top of the Department of Justice if the White House had not blinked and backed down. This is a

man who knows something about independence and integrity, and he vouches for Eric Holder.

Louis Freeh, who was the Director of the Federal Bureau of Investigation, wrote this:

I am certain that Eric has the highest legal competence, total integrity, leadership, and, most importantly, the political independence to discharge faithfully the immense trust this Nation reposes in its Attorney General . . . In all of Eric's interactions with me as FBI Director, as well as in his close coordination with my Deputy and other Assistant Directors who also had extensive and sometimes daily contact with him, Eric always displayed total integrity, courageous leadership, complete fairness, and, once again and most importantly, political independence.

Former Attorney General Bill Barr, former Deputy Attorney General George Terwilliger, and others wrote that:

Mr. Holder's 30-year professional career has consistently been characterized by unfailing integrity and a commitment to political independence . . . Eric Holder is the right man at the right time to protect our citizens in the critical years ahead.

There is a powerful record behind Eric Holder of political independence. The measure of independence is not whether you decide against the President or your party on every question, every time; the measure is whether you decide against the President or your party when the facts and the law direct it. In my view, Eric Holder has met that standard. And in the view of Republican Attorney General and Deputy Attorney Generals and people who have served with distinction and know him well, they agree he has fully met that standard.

I take the Senate's role in the confirmation process very seriously. I believe the Judiciary Committee must and, under the leadership of Chairman LEAHY, will closely examine Mr. Holder's record and his qualifications. It is our duty. At the end of that process, I believe the majority of colleagues will agree with me and with so many others that Eric Holder is the right person at the right time to restore our Department of Justice to its rightful standing as the defender of what is good and what is honorable and what is true in our Nation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. We are.

NOMINATION OF ERIC HOLDER

Mr. DURBIN. Mr. President, last month, President-elect Obama designated Eric Holder to be the next Attorney General of the United States. When President-elect Obama made this choice, there was virtual universal praise from both sides of the aisle.

Republican ORRIN HATCH of Utah, the former chair of the Senate Judiciary Committee, said Eric Holder was "an excellent choice," in his words, and that "I intend to support him." My colleague, Senator JEFF SESSIONS of Alabama, said, "I think his instincts on law and order are good" and that he was "disposed to support" Eric Holder. Senator TOM COBURN of Oklahoma said: "I think it's a good choice."

It is not hard to see why the initial response to Eric Holder's selection was so positive. After all, Mr. Holder had been confirmed unanimously by the Senate in 1997 for the position of Deputy Attorney General.

As the No. 2 person at the Justice Department, Mr. Holder supported broadening the authority of independent counsel Ken Starr, a difficult decision that was criticized by many Democrats. Mr. Starr's investigation led to the impeachment of President Clinton. And Mr. Holder recommended the appointment of a special prosecutor to investigate Interior Secretary Bruce Babbitt, a member of President Clinton's Cabinet.

Earlier in his career, Eric Holder had been appointed by President Ronald Reagan to serve as a judge. He was later appointed by President Clinton to be the U.S. attorney in Washington, DC. In that position, he earned a reputation for independence. He prosecuted public officials of both political parties during the 12 years he served as a career prosecutor in the Justice Department's Public Integrity Section.

So it is no wonder Mr. Holder's nomination to serve as Attorney General was met initially with strong bipartisan praise.

Unfortunately, some Senators are now questioning the character of Eric Holder. What has happened? Why the change? Why the initial positive reaction of a man who has served as a prosecutor, as a judge, as the No. 2 man in the Department of Justice, someone who has faced thousands of decisions, a person who was first appointed under a Republican President, then a Democratic President? Why this change?

Well, it is attributable in part to someone who has surfaced again on the American political scene and has been very vocal in his criticism of Eric Holder. That person is Karl Rove. I am sure we all recall Karl Rove. He used to be President Bush's top political strategist. Today he works as a high-priced political consultant.

In a TV interview last month, Mr. Rove called Eric Holder "the one controversial nominee" among President-

elect Obama's Cabinet choices. A Washington Post reporter who had been covering the Holder nomination said in an interview:

Word on the street is that Karl Rove is going to be helping lead the fight against Eric Holder when his nomination for Attorney General heads up to the Senate.

That is unfortunate. I am confident, however, that at the end of the day, when Eric Holder comes before the Senate Judiciary Committee this week for his nomination hearing, he will answer the questions directly and show the Senate and the American people that he is an excellent choice to be our next Attorney General.

I met with Eric Holder in my office last month. I had similar meetings with President Bush's Attorney General nominees: Michael Mukasey, Alberto Gonzales, and John Ashcroft.

In my meetings with all four of these nominees, I asked each of them about their views on issues that were central to the mission of the Department of Justice. I asked them about a variety of different issues: human rights, civil rights, civil liberties, national security, and access to justice. I tried to take the measure of each man, and to gain a sense of whether they would have the independence and integrity for the job.

In my opinion, Eric Holder stood head and shoulders above the others. Let's take one example, but a critically important example, the issue of torture.

The late historian Arthur Schlesinger, Jr., said this about the torture policy of the Bush administration:

No position taken has done more damage to the American reputation in the world—ever.

Historian Schlesinger, of course, has written about the American history of the 19th and 20th centuries, and I think he understood as much if not more than others that some of the graphic scenes and details of torture under the Bush administration have created, unfortunately, sad memories among people across the world.

Sadly, that policy of torture was aided and abetted by the last two Attorneys General. Instead of defending the rule of law, the Bush administration's Justice Department set aside our treaty obligations and redefined torture with evasive words and with a wink and a nod.

During his confirmation hearings, Gonzales told me it was legally permissible for the United States of America to subject detainees to cruel, inhuman, and degrading treatment. But cruel, inhuman, and degrading treatment are clearly prohibited by the Torture Convention, a treaty we ratified and are bound to obey.

I drafted legislation to overturn this Bush administration policy and make it clear that cruel, inhuman, or degrading treatment is prohibited in all circumstances. I will tell my colleagues

that my bill did not pass, but a virtually identical bill introduced by Senator JOHN MCCAIN, which I was proud to cosponsor, did pass overwhelmingly. It was obvious that Senator MCCAIN was the right person to carry this issue. His experience as a detainee and prisoner of war during the Vietnam conflict gave him more credence on this issue than anybody else on the Senate floor. He stood and spoke not only for the American people but for a great tradition in American law. He was criticized and there were objections from Vice President CHENEY and others, but Senator MCCAIN's position prevailed in the Senate.

After Alberto Gonzales departed as Attorney General under a cloud of scandal, I had hoped that the Justice Department would be able to turn a new page with the nomination of Michael Mukasey. He had served as a Federal district court judge. He was an accomplished attorney. He was someone who I thought came to this job with the capacity to put perspective on some of the most contentious issues. During his confirmation hearing on the second day, I asked Mr. Mukasey a simple, straightforward question: Is the torture technique known as waterboarding legal?

Now, waterboarding is a torture technique that was used as long ago as the Spanish Inquisition in the 15th century. Following World War II, the United States prosecuted Japanese military personnel as war criminals when they were accused of waterboarding U.S. prisoners. The Judge Advocates General, the highest ranking lawyers in the U.S. military, told me and testified unequivocally that waterboarding was illegal. But Mr. Mukasey, at his confirmation hearing for Attorney General, refused to answer my question and to this day still refuses to acknowledge that waterboarding is torture.

President-elect Barack Obama has made it clear that he will reclaim America's role as champion and defender of fundamental human rights. He said—and I quote my former Senate colleague, President-elect Obama:

No administration should allow the use of torture, including so-called 'enhanced interrogation techniques' like water-boarding, head-slapping, and extreme temperatures. It's time that we had a Department of Justice that upholds the rule of law and American values, instead of finding ways to enable the President to subvert them. No more political parsing or legal loopholes.

I believe Eric Holder will fulfill the President-elect's commitment. When I met with Mr. Holder, I asked him the same simple question I had asked Michael Mukasey: Is waterboarding illegal? Without hesitation, Mr. Holder looked me straight in the eye and said—and I quote—"Senator, waterboarding is torture."

After hours of questioning Michael Mukasey on that simple, obvious fact

when he refused to answer straightforwardly, here we have a nominee for Attorney General who has made it clear that America is going to return to the values we have held dear for generations, and I think returning to those values will help restore our position and credence in the world.

Indeed, Mr. Holder has spoken out repeatedly about this issue—not just in meeting with me privately. For example, last June in a speech before the American Constitution Society he said:

Our needlessly abusive and unlawful practices in the "war on terror" have diminished our standing in the world community and made us less, rather than more, safe.

Alberto Gonzales, the former Attorney General, said the United States could engage in cruel, inhuman, and degrading treatment. Listen to what Eric Holder said during his speech to the American Constitution Society:

We must declare without qualification that it is the law, policy, and practice of the United States Government that we do not torture people and we do not subject people to cruel, inhuman, or degrading treatment.

What a stark contrast from the evasive words we heard from Alberto Gonzales and the refusal of Attorney General Michael Mukasey to address this issue directly.

I can assure my colleagues that Eric Holder will bring about a welcome change in the Department of Justice and a welcome change that our Nation is anxious to see. He possesses the experience, the wisdom, and the integrity to be an outstanding Attorney General. He is a leader who can rebuild the morale within the Justice Department and restore faith among the American people in this important agency. We all remember that chapter in the history of the Department of Justice when so many U.S. attorneys were unceremoniously dismissed from their positions, many of whom had never had any criticism leveled at them for their professional work. Questions have been raised over and over as to whether this was just a political move or what. The fact is, I am sure it took its toll on the morale of the department. We have a chance with Eric Holder to restore it. It is critical because without faith in our system of justice, our democracy is in danger.

I wish to address one final matter that some of my Republican colleagues have talked about: the pardon of Marc Rich in the closing days of the Clinton administration. In January of 2001 President Clinton issued a pardon for Marc Rich, who had been convicted of tax evasion and who had fled the country. Presidents have the power to issue pardons and commutations, and they seek the advice of the Justice Department on which requests to grant and which to reject. On January 19, 2001, the last full day of the Clinton Presidency, the White House called Eric Holder at the Justice Department to

ask him his opinion about Marc Rich. Without spending much time examining the pardon request, Eric Holder indicated he did not oppose it.

In retrospect, when I asked him directly in my office, Mr. Holder admitted that comment was a mistake. He acknowledged that the Rich pardon should not have been granted and that he should have sought the input of other Justice Department officials about this recommendation. It was a lapse in judgment, and Mr. Holder has openly acknowledged it.

Now, many of us who have spoken out on the Senate floor have occasionally said things we wish we hadn't said. We are, as a matter of course, given permission to revise and extend our remarks if we make a mistake, but it is rare in public life. Senators do it, Congressmen do it, and occasionally elected officials do it—to just say flat out, "I made a mistake." Eric Holder has been open and honest about that. I value that. In the thousands of decisions he faced as the No. 2 man in the Justice Department, there are only a handful that have even raised a question, and he has been open and honest in saying that this was not the right thing to do.

There is probably no one in America more disappointed by that pardon of Marc Rich than the man who prosecuted him, James Comey. You may remember Mr. Comey; I sure do. He is a Republican who served for a few years as the Deputy Attorney General at the Justice Department under John Ashcroft. He was the one who stood up to President Bush and refused to authorize the President's secret surveillance program during the critical period when John Ashcroft was hospitalized and Mr. Comey served briefly as the Acting Attorney General. Earlier in his career as an assistant U.S. attorney in New York, Mr. Comey was the prosecutor in charge of the Marc Rich case. He knows the case better than any of us. He strongly opposed the pardon of Marc Rich by President Bill Clinton, as did his colleagues in the U.S. Attorney's Office in New York. However, Mr. Comey sent a letter to the Senate Judiciary Committee a few weeks ago in support of the nomination of Eric Holder. I wish to read from it. He said:

I have come to believe that Mr. Holder's role in the Rich and [co-defendant Pincus] Green pardons was a huge misjudgment—

Mr. Comey wrote to the committee—one for which he has, appropriately, paid dearly in reputation.

Mr. Comey went on to say:

Yet I hope very much he is confirmed. I know a lot of good people who have made significant mistakes. I think Mr. Holder's may actually make him a better steward of the Department of Justice because he has learned a hard lesson about protecting the integrity of that great institution from political fixers. I'm not suggesting errors of

judgment are qualification for high office, but in this case, where the nominee is a smart, decent, humble man who knows and loves the department and has demonstrated his commitment to the rule of law across an entire career, the error should not disqualify him. Eric Holder should be confirmed as Attorney General.

That statement of support is from James Comey, a Republican, and the chief prosecutor of Marc Rich who was entrusted with major responsibilities in the Department of Justice under President Bush. He is a man who knows that Department very well.

Mr. Comey's opinion is also shared by Larry Thompson, another prominent Republican who served for several years as Deputy Attorney General under President Bush. Mr. THOMPSON had this to say about Eric Holder and the Rich pardon:

There's no way you can have a high-profile job in Washington like the deputy attorney general without attracting some kind of controversy. That matter has been fully investigated, and it should be put behind him.

Let me also read the statement of another high-profile Republican, Ed Rogers, who served in two Republican White Houses. Mr. Rogers said:

Under the Constitution, the President's authority to pardon is unlimited. There was no deceit or malfeasance by Holder. Everyone knows this was Bill Clinton's initiative. Eric Holder is innocent.

Then he added:

the Rich pardon is no bar to Eric Holder being an effective Attorney General—even though we Republicans and some in the media will enjoy rehashing it.

You can question Eric Holder's judgment in the Marc Rich case, but you can't question his integrity, his independence, and his character.

A few days ago the Senate Judiciary Committee received a letter of support for Eric Holder from 10 prominent Republican lawyers, including former Attorney General William Barr and former chief counsel to Senator ARLEN SPECTER of Pennsylvania, Michael O'Neill. This is what the letter said:

Due to his character and experience, Eric today enjoys the endorsement of literally thousands of law enforcement officials from across the country, including NAPO (the National Association of Police Organizations), NDAA (National District Attorneys Association), PERF (Police Executive Research Forum), NSA (National Sheriffs' Association), NAAUSA (National Association of Assistant U.S. Attorneys), and NOBLE (National Organization of Black Law Enforcement Executives). . . . As former federal prosecutors and senior officials of the Department of Justice we are profoundly aware of the challenges that the Department and the country are facing. Eric Holder is the right man at the right time to protect our citizens in the critical years ahead.

It is worth noting that Eric Holder also has the public support of former FBI Director Louie Freeh, as well as the National Fraternal Order of Police, which is the world's largest organization of sworn law enforcement officers.

One final point: Eric Holder is a historic selection. If confirmed, he would

be the first African-American Attorney General in our Nation's history. When I was growing up, there were laws in some States that prevented African Americans from drinking out of the same water fountains as Whites, attending the same schools, and using the same restrooms, restaurants, swimming pools, and other public accommodations. It is one more measure of how far America has come that we now have a chance to confirm a distinguished African American to be the top law enforcement officer in America.

After 8 years of the Justice Department trampling the Constitution and often putting politics over principle, we now have a chance to confirm a nominee with strong bipartisan support who can restore the Justice Department to its rightful role as the protector of our laws and renew America's faith in our system of justice.

This week, before the Senate Judiciary Committee, on which the Presiding Officer also serves—we will have an opportunity to ask questions of Mr. Holder. I will be asking him many of the same questions I have asked of former Senator Ashcroft, Mr. Gonzales, and Mr. Mukasey.

The answers, I am sure, will be significantly different, showing that we are about to launch a significant change in America, a change which the American people voted for overwhelmingly in November and a change that will be carried forward in a very positive way at the Department of Justice by Eric Holder as our next Attorney General.

I yield the floor.

TRIBUTE TO MITCH MCCONNELL

Mr. HATCH. Mr. President. I rise today to honor my good friend MITCH MCCONNELL, the Senate minority leader whose strong leadership, sterling example and wise counsel have earned him an honored position within the ranks of the extraordinary public servants who now serve or have served in the U.S. Senate.

Senator MCCONNELL is the second Kentuckian to lead his party in the U.S. Senate, the first being Senator Alben Barkley, who led Senate Democrats from 1937 to 1949. MITCH is now the longest-serving Republican Senator in Kentucky history, eclipsing the previous record held by the legendary Senator John Sherman Cooper.

Today, Senator MCCONNELL has been serving as a U.S. Senator for almost a quarter century. During that time, four U.S. Presidents, scores of colleagues, and several crises have come and gone, but MITCH has carried on with courage, boldness and steadfastness. He has weathered the most turbulent political seas and has always been a calming influence on his Senate colleagues while at the helm.

Few would have predicted that Senator MCCONNELL would have such stay-

ing power when he was first elected to the Senate in 1984 by a razor-thin margin—less than half a percentage point. But political pundits and prognosticators often only skim the surface or state the obvious and give short shrift to the characteristics that matter most in the making of an outstanding leader.

In other words, they didn't really know MITCH MCCONNELL. They didn't know about how he overcame polio at age 2, undergoing an intensive therapy regimen at the Roosevelt Warm Springs Institute for Rehabilitation and obeying doctors' orders not to walk or run for 2 years. That took determination, and MITCH showed that early on.

Senator MCCONNELL's service to his State and Nation is as varied as it is impressive. After serving as a student body president and graduating with honors at the University of Louisville College of Arts and Sciences in 1964, he went on to law school at the University of Kentucky, where he was elected president of the Student Bar Association and earned a law degree.

He followed that by working as an intern for Senator John Sherman Cooper and as a chief legislative assistant to Senator Marlow Cook, which provided him with invaluable experience in Washington, DC. Other stints followed: He was deputy attorney general under President Gerald R. Ford and a county judge-executive in Kentucky until he was sworn in as a U.S. Senator on Jan. 3, 1985.

In whatever position Senator MCCONNELL has served, he has unfailingly served with distinction. I have had the good fortune of working with MITCH for years, dating back to his election as a freshman Senator, when he became the first Republican to win a statewide race in Kentucky since 1968. In fact, MITCH was the only Republican in the Nation in 1984 to defeat a Democrat incumbent.

To his considerable credit, MITCH has been defying the odds ever since. For example, during his tenure as chairman of the National Republican Senatorial Committee during the late 1990s and early 2000s, the Republicans controlled the Senate—in large part due to his leadership.

MITCH MCCONNELL is a conservative's conservative who gets high marks from the American Conservative Union and all who know him. Moreover, he is a scholar and able defender of the Constitution and this great country. Knowing just how deadly terrorists can be, he is deadly serious about protecting America. He also is an outspoken advocate of the first amendment and a tremendous parliamentary tactician. When MITCH MCCONNELL talks, people listen and pay heed—almost always with excellent results.

As good a Senator as MITCH is, he is an even better man—one who places

principals above partisanship. His love for his State and our Nation is second to none. He also is loyal, honest and unflappable, which explains why he is held in such high esteem by his Senate colleagues on both sides of the aisle.

MITCH is a devoted family man. He is the proud father of three beautiful daughters and the loving husband of outgoing U.S. Secretary of Labor Elaine Chao. And he is utterly devoted to the people of Kentucky he so ably represents and honors with his stellar service.

At this time, I wish my colleague and dear friend success, health and happiness as he continues his leadership and service in the 111th Congress. I am grateful for the opportunity I have had to work with him over the years and look forward to continuing to serve together in tackling the tremendous challenges confronting our great Nation.

I honor him and his wife Elaine for their service and sacrifices and ask for God's blessings on them both.

Mr. BUNNING. Mr. President, this is a day for all Kentuckians and Americans to celebrate the man I proudly call my best friend in the Senate.

Today we mark an historic occasion for the Commonwealth of Kentucky and the Senate, as my colleague, my friend, and my party's leader, MITCH MCCONNELL, becomes the longest serving Senator in Kentucky history.

Back in 1984, when MITCH first won election to this Chamber by just over 5,000 out of over 1.2 million votes cast, some may have doubted that the Jefferson County judge executive and newly-elected Senator would go on to become the leader and statesman he is today. But some of us had little doubt.

It was easy to tell MITCH was special from the beginning. In 1984, he was the only Republican challenger in the country to defeat a Democratic incumbent in a Senate race. In Kentucky he was also the first Republican to win a statewide race since 1968.

MITCH went on to prove that his initial victory was not just luck. Some of my friends may not know what a prominent role MITCH has played in Kentucky's political history. He has helped to build the thriving two-party political system that Kentucky has today.

MITCH worked with the focused determination that is his trademark here in the Senate and aggressively recruited Republican candidates at every level throughout the State. He made his case to the people of Kentucky, explaining his philosophy and his mission.

As a Republican, he was certainly swimming upstream at first. But over time, the people responded.

Twenty-four years later, he remains as popular as ever back home. Last November, Kentuckians elected him to a record fifth term and awarded him nearly 1 million votes the most ever

won by a Kentuckian in a statewide race.

And why shouldn't Kentucky continue to send MITCH MCCONNELL to our Nation's Capital to fight for them? Look at all he has accomplished on their behalf.

No. 1 on the list is his effort to pass the tobacco buyout one of the most significant events in the agricultural history of Kentucky. I can't stress enough that the tobacco buyout, passed in 2004, has helped the livelihoods of tens of thousands of Kentucky tobacco farmers, their families, and the many towns and communities in which they lived. The tobacco buyout will inject \$2.5 billion into Kentucky over 10 years to tobacco quota holders and growers, allowing them to transition to other crops, continue the farming way of life, and provide for their families. After many obstacles and years of frustration, I was proud to work closely with MITCH on this effort to sign the buyout into law. Many thought it couldn't be done. But we knew it could.

Then there are the millions of Kentuckians who have benefited from MITCH's work to strengthen higher education. I know firsthand his dedication to Kentucky's universities. He understands that by improving them, we not only help students but entire communities by developing jobs and building a better workforce.

During his time in the Senate, he has secured over \$320 million for research and infrastructure in Kentucky's universities. And I know he is not finished yet, as that remains one of his highest priorities.

All of us on this side of the aisle recognized MITCH's ability, and we have unanimously chosen him to be the Republican leader.

Leading the Senate is like herding cats. Senators are not the kind of people who are easily led. We are all used to leading ourselves.

It takes a special kind of man to lead all these class-president types, to balance the different personalities and issues that can come out of our conference. It takes vision and clarity to be able to define our principles and our mission, to codify them in a way that every Member can get on board, and to communicate them to our colleagues and the country. And it takes considerable wisdom to maneuver past the many legislative obstacles and parliamentary land mines that lay in wait in the Senate. MITCH MCCONNELL is the right man for the job, and I am proud of him as he continues to lead our party in the Senate.

And Kentucky is proud of him, too, as only the second Kentuckian in history to become a Senate floor leader. In that role, he is able to do even more for Kentucky.

MITCH has graced this Senate with his leadership, commitment to prin-

ciple, and his trademark determination for 24 years now 8,775 days, to be exact. He is now Kentucky's longest serving Senator.

On a personal note, I want to say that I couldn't ask for a better partner in my work to improve our State. Mary and I will always be thankful for his friendship and that of his wife, our great Secretary of Labor, Elaine Chao.

Kentuckians could not have a better Senator fighting on their behalf. Our State is lucky to have him, and so is this Senate. I congratulate him on reaching this very significant milestone.

Mr. DODD. Mr. President, I rise to join my colleagues in celebrating this remarkable achievement of our dear friend, the senior Senator from Kentucky and the minority leader of the Senate, Senator MCCONNELL. And I apologize that I wasn't able to join the rest of my colleagues in their tribute earlier.

Twenty-four years is a long time in politics and in the case of my friend from Kentucky, it is historic.

But as someone who sits at the desk his father did before him—who treasures this institution—I know there is a difference between the length of our service and the quality of our service. And let there be no doubt that throughout his two-and-a-half decades here, Senator MCCONNELL has tirelessly dedicated himself to the latter.

My friend and I may not agree on everything. But we both realize the extraordinary privilege and opportunity this is.

When this institution works, it works because of people like MITCH MCCONNELL.

Having served with him for the past 24 years and during our time at the Rules Committee, I had the privilege of seeing my colleague's remarkable talent very closely.

Everyone in this Chamber knows how difficult the moment was after the Presidential election in 2000. The country was terribly divided along partisan lines and feelings in this institution were raw.

As chair and ranking member of Rules, the responsibility fell to Senator MCCONNELL and me to count the electoral votes—typically a ceremonial duty but one fraught with tension in the wake of the closest Presidential election in American history.

We would soon oversee together President Bush's first inaugural as well.

That we were able to get back to business in such short order was a tribute to MITCH MCCONNELL's temperament and commitment to this institution.

And there was some very important business to be done—not the least of which was reforming our nation's voting laws to ensure there wouldn't be a repeat of Florida ever again. Together,

and over a series of months, he and I wrote the Helping America Vote Act.

It was a difficult, delicate process—but the hard work paid off.

Civil rights hero JOHN LEWIS called HAVA the most important voting rights law since the Voting Rights Act passed in 1965. In part because of Senator MCCONNELL's commitment to working together—to working through difficult issues instead of setting them aside—today Americans have more confidence in their right to vote privately and independently.

We also managed the McCain-Feingold bill to reform our campaign finance laws on the floor of the Senate—another challenge that took considerable effort on the part of Democrats and Republicans to work together. To set aside those differences and focus on what was at stake.

Senator MCCONNELL did not support the McCain-Feingold bill in the end. But he was passionate about there being a fair process.

As another Kentucky son once said, Justice Louis Brandeis, "We are not won by arguments that we can analyze, but by tone and temper—by the manner, which is the man himself."

To me, that is MITCH MCCONNELL—a conservative to the marrow but someone who has never forgotten why we come here:

To make a difference.

So I congratulate my colleague and his family for reaching this remarkable milestone. May you continue to expand on it for many years to come. Thank you.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CARDIN). Morning business is closed.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motion to proceed to S. 22, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for up to 10 minutes. I have conferred with the Senator from Oklahoma, Mr. COBURN, who was scheduled to speak first. That is satisfactory with him. I further ask unanimous consent that Senator

COBURN be recognized at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about foreign travel which I undertook over the past recess, focusing principally on the Mideast and on Europe.

My group arrived in Jerusalem on December 26, late in the evening on Friday. The next day, the hostilities arose in Gaza. I had an occasion to discuss this matter with a number of officials in Israel and also with Prime Minister Fayyad of the Palestinian Authority.

As is well known from the news reports, the Israeli action was taken in response to shelling by Hamas on Israel over a protracted period of time. Israel's action was legal under international law, Article 51 of the United Nations charter which expressly recognizes the right of self-defense under circumstances where a nation is attacked. And that was the factual matter there. In speaking to Israeli President Peres and Israeli Prime Minister Olmert, the point was made that Israel was taking this action only as a last resort to protect Israeli citizens.

It is highly significant that the Palestinian Authority, which has had its differences with Hamas, has backed the Israeli position. We had a discussion with Palestinian Authority Prime Minister Fayyad, who said that the Palestinian Authority was convinced that Israel had acted properly and that the Palestinian Authority would do what it could to maintain quiet within the Palestinian Authority's jurisdiction in the face of any demonstrations which might occur.

It is worth noting that Egypt has backed the Israeli action, noting the aggressive stand taken by Hamas, and Saudi Arabia, too, has noted Hamas's inappropriate conduct.

We visited in Vienna with Ambassador Schulte and discussed at some length the International Atomic Energy Agency efforts to conduct inspections on what is going on in Iran with respect to any efforts by Iran to create a nuclear weapon.

A year ago, I had an opportunity to meet with IAEA Director Mohamed ElBaradei. He was out of town when we were there. I had a conversation with him by telephone on the issue of the efforts by the IAEA to conduct the inspections and that at the moment Iran is not cooperating and, further, international action needs to be taken to be sure Iran does meet its obligations under international agreements and that there are adequate safeguards to prevent Iran from developing a nuclear weapon.

When we were in Syria, Iran's activities on that subject were discussed

with Syrian President Bashar al-Asad. On the Iranian subject, President Asad urged that action be taken to try to get the inspections, and that would be a more productive line than challenging whatever rights Iran had asserted.

In our discussions with President Asad, the subject of a potential Israel-Syria peace treaty was discussed. The Syrians have made it plain that they are interested in a return of the Golan Heights. Only Israel can decide for itself whether it is willing to give up the Golan with respect to whatever strategic advantage the Golan may have. Obviously, it is a different world strategically today than it was in 1967 when Israel captured the Golan Heights.

It is my view that there could be substantial advantages for Israel in terms of Syrian concessions in a number of directions to leave Lebanon as a sovereign nation without efforts to destabilize Lebanon but withdrawing any Syrian support from Hezbollah and also from Hamas. When we discussed with President Asad the issue of Hezbollah and Hamas, he said if the Palestinian issue could be resolved, those other matters would fall into place.

There is also the potential advantage of trying to move Syria away from the influence of Iran. That is not an easy matter. But if there were to be an Israeli-Syrian peace treaty—and I think that can happen only with the participation of the United States—the prospect would be present of improving that situation of trying to separate Syria from Iran.

In Brussels, we had a meeting with General Craddock, who is the NATO commander there. We discussed a variety of subjects, as described in a more extensive report that I will ask to have printed in the RECORD.

With respect to our discussions with General Craddock, the key point was the issue of what is going on in Afghanistan. General Craddock made the point that there cannot be a military victory in Afghanistan but the military can be successful in securing the situation, that there will have to be improvements in the Afghanistan Government in dealing with the people of Afghanistan. General Craddock commented that he thought it would be a protracted period of time where we would have to have substantial NATO forces, in addition to those provided by the United States, to find a resolution of the issues in Afghanistan.

I was accompanied on my trip by my legislative director, Chris Bradish, my military escort, Phil Skuta, and by Dr. Ronald Smith, all of whom did an excellent job. A very comprehensive trip report has been prepared by Mr. Bradish. I ask unanimous consent to have printed in the RECORD, as if stated in full on the floor, the trip report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON FOREIGN TRAVEL

Mr. President, as is my custom, when I return from foreign travel, I file a report with the Senate.

From December 25, 2008 to January 5, 2009, I traveled to the United Kingdom, Israel, Syria, Austria, Belgium, Norway, and Iceland. I was accompanied by my wife, Joan, my Legislative Director, Chris Bradish, my military escort, Phil Skuta, Colonel, USMC, and Dr. Ronald Smith, Captain, USN.

ISRAEL

I departed the United States on December 25th and made a brief stop in London en route to Israel. We arrived in Israel on the evening of December 26th. This was my twenty-sixth visit to Israel since joining the Senate in 1981. Almost exactly a year after my previous visit to Israel, the domestic political landscape had changed significantly. Prime Minister Ehud Olmert tendered his resignation on September 21, 2008, and general elections are set for February 10, 2009. One of the major questions being posed to the major parties is how best to approach the peace process.

A 6-month truce between Israel and Hamas ended on December 19, 2008. United Nations data showed that fewer rockets were fired at Israeli towns in the initial few months following the onset of the truce on June 19, 2008. The New York Times reported on December 19 that, "more than 300 rockets were fired into Israel in May [2008], 10 to 20 were fired in July. . . . In August, 10 to 30 were fired, and in September, 5 to 10." However, as reported by The Washington Post on December 23, 2008, Israeli towns were faced with an increasing barrage of fire as the truce neared its end: "[H]undreds of rockets and mortar shells . . . have been fired at Israel in the past month."

The day after my arrival, Israel launched air strikes on Gaza in response to the rocket attacks by Hamas.

The rockets launched from Gaza as well as those from Hezbollah pose a major threat to Israel's security. To counter this threat, I have long supported full funding for the Arrow Anti-Missile System, the David's Sling Weapon System, and the Counter Terrorism Technical Support Working Group. During my tenure, I have worked to secure more than 80 billion for Israel, to include \$1.4 billion for the Arrow Anti-Missile System.

On December 28th, I had a working breakfast with the U.S. Ambassador to Israel, James Cunningham. It is worth noting that Ambassador Cunningham is a product of Allentown, Pennsylvania. Ambassador Cunningham's prior posts, notably at the United Nations, provided him a broad experience in dealing with many of the regional players. He briefed me on the situation in Gaza, the upcoming elections in Israel, Iran's influence in the region, and the prospects for peace agreements with Syria and the Palestinians.

Following our meeting we departed for Beit Hanassi to see President Shimon Peres. He updated me on the Gaza situation and stated, "We didn't do it with great pleasure. We didn't have any choice."

I asked if negotiations on a peace agreement could come to fruition with the Palestinian Authority with Hamas in the position it is in. Peres believed it was possible. We discussed the four outstanding issues that need to be addressed to achieve an agreement: security, borders, refugees and Jerusalem.

When asked about the prospect for an agreement with Syria, President Peres did not express enthusiasm, citing Syria's troubling alliance with Iran and the concern that Damascus may not be sufficiently interested in a peace agreement. He stated that Syria cannot have Lebanon and the Golan at the same time.

I asked the President about what can be done on the Iran front. His best advice was to keep the price of oil low as that will generate lower revenues for Tehran. Broader energy independence is critical. Peres stated, "Kill the oil, kill your enemies . . . Oil produces pollution and craziness . . . don't shoot at mosquitoes, dry the swamp." Peres advised us not to deal with Tehran until after Iran's May elections.

I have pushed for greater consideration of the Russian proposal to enrich Iran's uranium. President Peres indicated that there is a broader opportunity for the U.S. to engage Russia. He indicated Russia is concerned about American's missile defense activities in Europe and regional hegemony. He suggested using missile defense as an avenue to turn the U.S.-Russian problem into cooperation against Iran.

Peres shared with me his views on future economic issues and stated there will be five great industries: energy, water, stem cells, homeland security and education. I asked what Israel hoped for in the new U.S. President. Peres replied that he wanted him to be a great President for the United States.

On the afternoon of December 28th, I met with Prime Minister Ehud Olmert. I asked Olmert where Israel and Syria stood on their proximity talks. He said they chose the Turks as mediators because they are good liaisons who are trusted by both sides. Olmert said there had been four rounds in which the issues to be discussed in a potential dialogue were presented such as borders, terrorism and Iran. He said of Syrian President Asad, "I know what he wants from me and he knows what I want from him."

He expressed disappointment that Syria did not provide clear signals that they were willing to acknowledge what Israel wanted. It was his view that Syria was waiting for a new U.S. President to assume office before seriously engaging. Nonetheless, he said he was committed to carrying out the process.

I asked the Prime Minister if Iran knows how dangerous it is for them to obtain a military nuclear capability. He replied, "Iran feels the weakness of America." He suggested the U.S. apply more pressure on Iran by ending business and commerce exchanges, particularly from the European Union. Olmert believes that there are plenty of options between the extremes of doing nothing and utilizing military force. On the question of when to engage Tehran, Olmert's view differed from Peres': "The sooner the better."

Following my meeting with the Prime Minister, I traveled to our consul general's residence for a briefing on Israeli-Palestinian relations and an update on the Gaza situation. The recent reports indicated there were 280 dead and 600 injured—a figure that would climb. He stated there were demonstrations across the Arab world and clashes in Hebron and the West Bank.

We discussed concerns over the potential for a humanitarian crisis in Gaza. The consul general informed me that Israel had provided 40 truckloads of humanitarian aid but a cessation of attacks did not appear imminent. We discussed the financing of Gazans who rely on the UN, Palestinian Authority salaries and Hamas to survive.

The consul general told us that the economy in the West Bank has improved under the direction of Salam Fayyad 18 months ago. Payrolls are being met and tourism is getting better due to a spillover from increased tourism in Israel.

We were then joined by Prime Minister Fayyad. I asked about the prospects for peace with Israel. The PM indicated that the peace process should be pursued and while it has not happened as quickly as some would like, the Bush Administration deserves credit for some of their efforts.

He stated that U.S. support of the Palestinian Authority has had a good impact in terms of helping them govern and provide services and draw support away from Hamas. I pressed him on how the money was being spent and was told it was going toward economic development projects and infrastructure. As a result of the PA's success in controlling expenditures and obtaining more revenue, they anticipate lowering their dependence on foreign assistance by 35 percent. He cited some of the efforts: reducing their payroll from 190,000 to 150,000; improving revenue collections such as utility bills; and installing prepaid meters, of which he noted that the city of Janin is using 100 percent prepaid meters.

He indicated that the private sector needs to be enhanced, but that it would only be possible when more mobility is permitted in the West Bank. Fayyad stated that the Palestinian Authority must be seen as competent and able to provide for their people.

On Gaza, Fayyad indicated that the sentiment is against Hamas because they know this would happen if they continued to launch rockets into Israel. Fayyad said he was upbeat about the prospects for improving life and the situation for Palestinians.

The Prime Minister told me that it is very important to deal with Syria and that it cannot be ignored if one is looking for tranquility in the region. We discussed how Syria hosts terrorist entities and acts as a conduit for Hezbollah. He stated that this is a problem and that Iran was also a problem for the region. He believes that Israel will not allow Iran to obtain a nuclear weapons capability. He suggested engaging the Russians to make them a real partner in engaging Iran—something President Shimon Peres told me earlier in the day. He said it is not effective for the U.S. to yell at Iran. However, if others such as Russia started getting Iran's attention, it may change Tehran's calculus.

On December 29th I traveled to the Knesset to meet with Benjamin Netanyahu. Joining us in the meeting was Yurial Steinitz, a member of the defense and foreign affairs committee, and Silvan Shalom, a former foreign minister.

On Hamas, Netanyahu stated it would be very difficult to peacefully engage them as their goal is to see Israel destroyed. I asked what could be done to minimize civilian casualties in Gaza. He replied that Gaza should not host terrorists. He further stated that both Abu Mazen and President Mubarak said the Israeli action was the responsibility of Hamas.

On Syria, Netanyahu reminded me of when I carried a message from him to President Asad in 1996. There was a concern at the time about troop amassments on the border. I was able to carry the message and according to Netanyahu and Syrian Foreign Minister Muallem, may have helped to prevent a military conflict. He expressed doubt about a potential deal with Syria, citing the difficulty of engaging them while they play host to terrorist entities and do not make any effort

to halt transshipment of fighters and weapons through their territory.

With regard to the current situation with Iran, the group suggested a review of what happened with Libya. They stated it was not just sanctions or diplomacy, but rather the Libyan calculus that the U.S. and UK would attack. The threat of force, according to them, was the critical factor. Their conclusion was clear: Iran will only give up its nuclear weapons aspirations if the threat of military force is severe enough.

Following my meeting at the Knesset we departed for Tel Aviv for our flight to Syria.

SYRIA

We arrived in Damascus on the night of December 29th and were met by Charge d'Affaires Maura Connelly. This was my 18th visit to Syria.

On December 30th, I received a briefing from Charge Connelly prior to the day's meetings. Later that morning, we traveled to President Asad's palace.

President Asad began the meeting by expressing his concern with the situation in Gaza. I asked him if Hamas would ever change its policy or position towards Israel and Jews. Asad indicated that Khaled Mashaal, the head of Hamas who is located in Damascus, has said his group would accept the 1967 borders and that constituted recognition. Asad believes that Hamas has changed, that Mashaal is a moderate within Hamas and the best way to resolve border issues is for the Palestinians to have a referendum.

I told President Asad that Prime Minister Olmert had said he would like to see the time come when he could stay at the Four Seasons in Damascus. Asad responded that going back to the pre-1967 border is the key Olmert needs to access such a hotel room and that, "the Golan is everything for us . . . in every bargain, I put Golan first."

In May 2008, Israel and Syria announced indirect peace negotiations through Turkish mediators. According to a June 25, 2008 article by David Ignatius in *The Washington Post*, "The channel opened in the fall of 2006, just after the summer war in Lebanon that had made both Damascus and Tel Aviv nervous about the destabilizing role of Hezbollah, Iran's proxy in Lebanon." I was first told about the secret talks in 2007 by officials in the region.

He shared with me the Syrian view on the proximity talks with Israel that have been facilitated by Turkey. He said that they were still at the stage of trying to get a set of principles in place which would allow for discussions but that the violence in Gaza would place this effort on hold.

I expressed my concern about Syria's involvement in Lebanon, the prospect of a nuclear Iran, the statements made by President Ahmadinejad regarding his desire to wipe Israel off the map and the transshipment of weapons through Syria to terrorist entities. I told Asad that Damascus has a role in these issues and has the opportunity to act positively.

On Lebanon, Asad said they had a positive role in supporting the formation and functioning of a government. According to an October 15, 2008 PBS report, "In August [2008], Lebanese President Michel Suleiman made an official visit to Damascus, where he and Asad agreed to solidify ties and demarcate their contentious border." We discussed the October 15, 2008 agreement signed by Syrian Foreign Minister Walid al-Muallem and his Lebanese counterpart, Fawzi Salloukh, which formalized diplomatic ties between Syria and Lebanon for the first time since

the two nations gained independence, Lebanon in 1943 and Syria in 1946. Syria has pledged to provide an ambassador by the end of 2008, however one had not yet been sent. He stated that their mission in Lebanon had been established and staffed with diplomats and that they are deciding on whom to send to lead the embassy.

On Hamas and Hezbollah, Asad suggested that a comprehensive peace would resolve the issues associated with these organizations. Despite reports to the contrary, Asad stated that Syria is not being used to funnel weapons to these groups.

On Iran, the President said that Iran is an influential player in the region and one that has supported his efforts. This, combined with no support from the West, leaves him no option but to have positive relations with Tehran. However, he did indicate that Syria has told Iran that it does not support a military nuclear program in Iran should one be active.

On the nuclear question, I expressed my concern that the International Atomic Energy Agency, IAEA, has not had sufficient access to Iran and Syria. He responded by saying that Iran is ready for inspectors but that the approach taken to engage Iran is viewed a political game. He indicated Iran is open to inspections but the West must recognize Iran's right to enrich. Asad believed the way to resolve this issue is through some type of broad package. Nonetheless, you cannot discuss the right to enrich with Iran, but you can discuss monitoring.

After indicating that a nuclear Iran would not be tolerable and that I would like to see this matter resolved diplomatically, Foreign Minister Walid al-Muallem told President Asad of my work during the 1990s to prevent and resolve conflict between Israel and Syria.

I again brought up the fate of the missing Israeli soldiers: Gilad Shalit, Guy Hever and Ron Arad. I reiterated my interest in seeing President Asad work to help secure the release of Gilad Shalit, who has been held in Gaza since June 25, 2006, and in determining the fate of Guy Hever, the Israeli soldier who disappeared from the Golan Heights in August 1997, and Ron Arad, the Israeli Air Force weapons systems officer whose plane went down in 1986. In December 2007, I asked President Asad for his assistance in securing the release of Ehud Goldwasser and Eldad Regev, two Israeli soldiers who were captured by Hezbollah in July 2006. Regrettably, their bodies were returned to their families in July 2008.

As I told Gilad Shalit's father in a meeting in Washington this past summer, I remain committed to doing whatever I can to help secure the return of captured Israeli soldiers or, where they have perished, to obtain their remains. I have also requested the assistance of Egyptian President Hosni Mubarak.

I also followed up numerous letters I had written to Asad requesting he allow a prayer to be said over the grave of Eli Cohen. He rejected the idea, claiming it would not be possible given that Cohen was hanged as a spy and that Israel remained a Syrian enemy.

Following my meeting with the president, I was scheduled to meet with various social and civic leaders. In prior visits, and as recently as last year, I had the opportunity to meet with these leaders. However, I was not able to during this visit as it has become increasingly difficult for Syrians to meet with westerners for fear of retaliation. It is troubling that one year ago, I was able to have a dinner with Syrian citizens and have a meeting with Riad Seif, and twelve months later,

Seif is in jail and others did not feel comfortable meeting with me.

On the issue of political prisoners, it was apparent that there had been an even greater crackdown. In October, Syria sentenced 12 prominent 'dissidents' to 2½ years for calling for democratic reforms and an end to the Baath Party's monopoly on power. The so-called dissidents are part of the Damascus Declaration National Council and are among Syria's leading intellectuals and opposition figures.

According to the U.S. State Department's March 2008 report on Syria's human rights practices: "Although the number of political prisoners and detainees remained difficult to determine due to a continuing lack of official government information, various local human rights groups estimated during the year that a total of somewhere between approximately 1,500 and 3,000 current political prisoners, including accused Islamists, remained in detention. Authorities refused to divulge information regarding numbers or names of people in detention on political or security-related charges."

Since 2006 the government has tried some new political detainees in criminal court, and once convicted on political or security related charges, they are treated like common prisoners. The government did not permit regular access to political prisoners or detainees by local or international humanitarian organizations. Human rights groups reported that many political prisoners serving long-term sentences remained in prison after the expiration of their sentences.

Following my meeting with the President, Foreign Minister Walid al-Muallem hosted me for a working lunch. The Foreign Minister discussed the situation in Gaza as he was preparing to depart the following day for a meeting of Arab countries. He indicated that 44 children and 80 women had been killed in Gaza as a result of Israel's action.

I raised the issue of foreign fighters traversing through Syria. The Foreign Minister said that Syria used to cooperate with the United States but that after the Hariri assassination, and the souring of relations that resulted, cooperation ceased. Muallem asked why Syria should cooperate with the U.S. when the U.S. sanctions Syria. He indicated that Syria and Iraq have cooperated and claimed that Syria had stopped 1,200 fighters.

I pressed the Minister on the arrests of what are referred to as "dissidents." He indicated that they had contacts with Syria's enemies and provoking action against the regime.

Muallem indicated he had just met with Hamas leader Khaled Meshaal to discuss a possible ceasefire and if Hamas would stop rocket attacks should Israel agree to a cessation of bombing. He said he had also been in contact with EU foreign ministers on the matter. He indicated that Hamas' morale is high given the 2006 war with Hezbollah, but that Hamas and Islamic Jihad are willing to consider a ceasefire.

I pressed him on the possibility of a peace agreement with Israel. He expressed, as he has in the past, that the issues on both sides are understood. However, the bombing in Gaza has made it so Syria "cannot jump to peace with Israel." I asked what could be done to move the process forward. He replied that each side must respect the interests of one another and that dialogue is needed.

On Iran, Muallem stated that Iran has the right to enrich, and that the world needs to acknowledge that, but that Syria does not approve of Iran having a nuclear weapon. He

stated that the U.S. missed opportunities when Rafsanjani and Khatami were in power.

AUSTRIA

We departed Damascus on December 31st for Vienna, Austria. The United States has three missions in Vienna: the bilateral mission to the Republic of Austria, the mission to the Organization for Security and Cooperation in Europe (OSCE) and the mission to the United Nations. During my stop in Vienna, I called on all three U.S. Ambassadors stationed in Vienna.

After arriving in Vienna, Ambassador David Girard-diCarlo hosted me for dinner. He briefed me on the mission's dealings with the Austrian government and some of the views and issues of broader Europe. We discussed how the financial crises has impacted Europe as well as the United States. I shared with Ambassador Girard-diCarlo my recent trip to Damascus and Israel and efforts to have the United States more aggressively engage in the peace process in the region.

I have known Ambassador Girard-diCarlo for many years. David is a graduate of St. Joseph's University and Villanova University School of Law. He served at Blank Rome LLP for 16 years as managing partner and CEO prior to becoming chairman in 2000, and he also served as chairman and CEO of Blank Rome Government Relations LLC, headquartered in Washington, DC.

Ambassador Girard-diCarlo was Pennsylvania Governor Richard L. Thornburgh's appointee to the Board of Directors of the Southeastern Pennsylvania Transportation Authority, SEPTA, from 1979–1982 and served as its chairman of the board. In 1981, he was elected as chairman of the American Public Transit Association, APTA, for a 1-year term. Ambassador Girard-diCarlo was appointed by former President George Bush in 1990 to serve as a member of the board of the National Railroad Passenger Corporation, AMTRAK, a position he held until 1993.

In addition to Ambassador Girard-diCarlo's professional responsibilities, his experience over the past 3 decades involved his active participation in the business and cultural organizations within the communities in which he lived and worked. He served in leadership positions at the Greater Philadelphia Chamber of Commerce, the Philadelphia Orchestra and Academy of Music, the Walnut Street Theatre, The John F. Kennedy Center for the Performing Arts, and the Arizona Heart Foundation—to mention a few. In 1999, he received the Judge Learned Hand Human Relations Award from the American Jewish Committee. He served on the board of Villanova University School of Law, from which he received the Gerald Abraham Award for Distinguished Service in 2003. Also in 2003, Pope John Paul II conferred upon him the Pontifical Honor of Knight of the Order of St. Gregory the Great for his work with Business Leaders Organized for Catholic Schools.

Established as an independent organization under the United Nations in 1957, the International Atomic Energy Agency represents the realization of President Dwight Eisenhower's "Atoms for Peace" speech to the U.N. General Assembly in 1953. President Eisenhower proposed the creation of an international body to control and promote the use of atomic energy. Today, the IAEA is at the center of the ongoing standoff with Iran over its nuclear program.

On January 1, 2008, I met with Ambassador Schulte, the United States Permanent Representative to the United Nations Office in Vienna, the International Atomic Energy Agency, and other international organizations in Vienna.

Ambassador Schulte updated me on the IAEA's efforts on Iran and their reported pursuit of a military nuclear capability. He expressed the mission's desire to have Iran respond to directives provided by both the U.N. Security Council and the IAEA to suspend enrichment activities and allow inspections.

We discussed how Iran's failure to declare its facility at Natanz has created a significant trust deficit not only in the United States, but internationally. The facility, combined with the revelation that Iran had outside assistance from the A.Q. Khan network, which it previously denied, has compounded the problem. Ambassador Schulte stated that by violating the Non Proliferation Treaty, Iran has given up its rights under the treaty. He further stated that Iran's claims that their efforts are geared towards civilian purposes do not make sense from an economic or infrastructure capability perspective.

He was very interested in my recent stop in Damascus and my dialogue with Syrian officials during my tenure. Ambassador Schulte briefed me on the IAEA's response after the reported attack on Syrian infrastructure. He said Syria still denies the facility was of a nuclear nature, but that the IAEA inspectors believe it was. He expressed concern that the international community must ensure that Syria, and other actors, know that this type of behavior will not be tolerated and not forgotten. Ambassador Schulte revealed that Syria's tactics in responding to the IAEA have a stark resemblance to the response Iran has shown.

On the evening of January 1st, I spoke with IAEA Director General Mohammed El-Baradei, who I visited last year in Vienna. He updated me on his efforts on Iran and briefed me on the situation vis-à-vis Syria. We discussed how the U.S. and the International Community may better address Iran and resolve the nuclear issue.

While in Vienna, I hosted a meeting with Ambassador Julie Finley, the U.S. representative to the OSCE.

The OSCE is a major forum for issues of peace, security and human rights in Europe and Central Asia. A legacy of the historic 1975 Helsinki accords, it is the only fully inclusive trans-Atlantic/European/Eurasian political organization. Every state from Andorra to Kyrgyzstan is represented among its 56 participating States. Over more than 30 years, commitments to democracy, rule of law, human rights, tolerance, pluralism and media freedoms were hammered out at the OSCE and its predecessor mechanisms—and agreed to by all the participating states.

Ambassador Finley briefed me on her view of the Georgian-Russian conflict earlier this year. She indicated that the OSCE has had a mission in the region since 1992 to aid civil society, enhance education and address environmental issues.

Ambassador Finley and I discussed the bilateral relationship between the U.S. and Russia and how organizations like the OSCE can better be used to address regional and international matters. As relations between the U.S. and Russia are increasingly strained, Ambassador Finley pointed out that the OSCE could be a forum to positively engage Russia as this is the only regional security organization in which Russia is a full and equal member.

We discussed U.S. policy more broadly and how diplomacy could be enhanced to pursue positive outcomes. Ambassador Finley confirmed my belief that dialogue is critical to addressing the challenges we face.

We departed Austria the following morning for Belgium.

BELGIUM

We landed in Brussels, Belgium on January 2nd. I hosted a meeting with Charge Kate Byrnes and Defense Advisor Randy Hoag. They briefed me on the major issues we are working with NATO: Afghanistan, reinvigorating the alliance, dealing with Georgia and Ukraine, the Balkans and emerging security threats such as cyber attacks and piracy.

Burden-sharing remains a concern as it was when I began visiting NATO in the 1980s. During my first visit to NATO in 1981, 3 percent GDP spending on defense was the goal for all member countries. Today, only five nations spend more than 2 percent: the United States, the United Kingdom, France, Greece and Turkey. This is a concern not only from the standpoint of the Alliance's health and ability to address issues, but also from the perspective that some are carrying more weight than others.

The only time Article V has been invoked was following the September 11, 2001 attacks on the United States. NATO declared that this attack was indeed an attack on the alliance. Today, there are currently 70,000 troops in Afghanistan—51,000 are part of the NATO-led International Security Assistance Force, ISAF. The U.S. provides 20,000 to ISAF. There are concerns that some NATO members are only providing civil or peacekeeping support for Afghanistan and are limiting what their militaries are permitted to do.

We discussed the NATO-Russia relationship with a focus on how expansion and missile defense impact the relationship between NATO and Russia as well as the U.S. and Russia. I was told that some member countries view missile defense as provocative and as the alliance progresses that is something that will have to be considered. I was briefed on NATO missile defense as well as U.S. missile defense in Europe and the future of missile defense on the continent.

I was told that NATO still has an open door policy, codified in Article X of the charter, which states a nation may appeal for membership provided it meets the requirements and shares NATO values. I was briefed on the expansion opportunities with Albania and Croatia and the potential for nations such as Georgia, Serbia, Macedonia and Ukraine to join the alliance. There is considerable fatigue in Europe over expansion—both at the NATO and EU level. While NATO has 26 members and the EU has 27, only 18 members are party to both structures. There are some EU countries which, while not party to NATO, do support the alliance and its efforts—namely Sweden, Finland, Ireland and Austria.

We then had the opportunity to discuss the U.S.-Belgian bilateral relationship with Robert Kiene, our First Secretary to the mission. He said the relationship has improved since 2003 when the U.S. took military action against Iraq.

When we left Washington, D.C., Yves Leterme was the Prime Minister. When we landed in Belgium it was Herman Van Rompuy. On our day of arrival, Van Rompuy received backing from the parliament by a vote of 88 to 45. Belgium like so many other nations is facing an economic crisis to include recession and bank disintegration.

Mr. Kiene discussed the recent political changes that occurred in Belgium. He informed us that Belgium, while under the 2 percent GDP spending NATO goal, is very keen on enhancing their ability to contribute to the alliance. We discussed how

Section 1206 "Global Train and Equip" funds could be used to reward and encourage Belgium as well as enhance forces outside NATO.

Belgium played a key role in helping to obtain an EU-wide agreement on arrest warrants and in facilitating extradition of terrorist suspects. A Brussels trial of al-Qaeda-related defendants ended in September 2003 with sentences for 18 of the 23 accused, with another 2004 terrorist-related trial resulting in eight more guilty verdicts. Belgium operates within UN and EU frameworks concerning the freezing of terrorist assets, but has yet to develop a domestic legal framework to act independently. In support of Operation Enduring Freedom, Belgium contributed a navy frigate in the Mediterranean, Airborne Warning and Control (AWAC) crews for surveillance flights over the United States, as well as aircraft for humanitarian assistance to Afghanistan. Since 2002, Belgium has contributed ground troops to the International Security Assistance Force, ISAF, the UN Security Council sanctioned peacekeeping mission in Afghanistan. Belgium currently has 420 troops assigned to the ISAF.

Mr. Kiene discussed the efforts of the Belgian government to combat terrorism. On December 11, 2008, Belgian authorities arrested 14 people suspected of Al Qaeda links. The following day, six of the individuals were charged with membership in a terrorist group. The remaining eight were released due to insufficient evidence. As reported by the Christian Science Monitor, "According to Belgian federal officials, at least some of the detained suspects had traveled to the Pakistan-Afghanistan border for training and were said to have been affiliated with 'important people' in Al Qaeda." According to a December 12, 2008 Associated Press article, the six charged included one who may have been plotting a suicide attack. While Belgium faced with terrorism issues at home, it is also contributing to NATO efforts in Afghanistan.

On the afternoon of January 2nd, I hosted General Craddock, Commander of the United States European Command. We discussed Afghanistan, the NATO-Russian dynamic, NATO expansion, the EU-NATO relationship, Kosovo, AFRICOM, and missile defense, among other topics.

General Craddock reported that the government and civil society in Afghanistan have not come along fast enough to support and rule the people of Afghanistan. He briefed me on the challenges, from criminal to insurgency to corruption, faced in the various regions of Afghanistan. We discussed how the money from narcotics are fueling those opposed to the U.S. and coalition forces. General Craddock cited a UN report which indicates as much as \$500 million in revenue from the drug trade is supporting those opposed to our objectives.

General Craddock confirmed the reports that fighters are moving back and forth between Afghanistan and Pakistan and that the FATA region in Pakistan is hosting our enemies. General Craddock indicated that if tensions between India and Pakistan flare up, especially as a result of the recent bombing, Pakistan may pull resources from their Western border to engage India to the east. He estimates that Pakistan would need 50,000-100,000 additional troops on their western border to improve the ability to engage enemies in the FATA region. Further, he stated that whatever forces Pakistan uses in the west, they must remain there and hold the territory and prevent it from being receded to combatants.

We discussed the proposal of an additional 20,000 troops being deployed to support efforts in Afghanistan, but General Craddock indicated that these forces are contingent upon forces being drawn down in Iraq. This is also true for allies, such as the UK, who may be adding troops to Afghanistan.

General Craddock made it clear that the military cannot "win" Afghanistan. Rather, it can provide the right security conditions for a civil government to stand up. The government in Afghanistan needs to remove corruption, establish reliable police forces capable of providing public safety, create jobs and provide services such as clean drinking water. He predicted that a presence will be needed in Afghanistan for the next 30-40 years.

On Iran, General Craddock stated that Iran does not want to see the Taliban come back to power, but that they do desire the U.S. to remain tied down in the region. Iran's eastern border with Afghanistan remains a major transshipment point for drugs, weapons and oil.

General Craddock is dual hatted in Brussels, as he heads NATO and the U.S. European Command. On the latter, he presented three challenges moving forward: (1) Convincing allies to better assist and engage in regional and international problems; (2) define a national strategy vis-à-vis Russia; and (3) resolve European missile defense issues.

NORWAY

On January 3rd, we arrive in Oslo, Norway. The last time I visited Norway was in 1994 during a meeting of the North Atlantic Assembly. This time, I met with representatives from our mission, Deputy Chief of Mission Kevin Johnson and defense attaché Don Kepley.

I was briefed on the U.S.-Norwegian relationship and some of the difficulties we have had this decade over foreign policy disputes, such as Iraq and our approach to Afghanistan. I was briefed on the status of Norway's decision to buy Lockheed Martin F-35 Joint Strike Fighters and the current political situation in the country. Norway, like the U.S., has a significant global presence and has a history of being active on many foreign policy fronts from Middle East peace to Sri Lanka.

Norway is a member of NATO and is contributing to the mission in Afghanistan. They currently have 500 troops deployed which, while not large by number, is significant given their population. In addition to military support, Norway has contributed senior diplomats and significant aid to assist in the building of Afghanistan.

We discussed the Norwegian Government's plans to fight the global economic crisis. While its large sovereign wealth fund lost a significant amount of money in the stock market, especially after the fall of Lehman Brothers, Norway is expected to do better than other Nordic and European nations during the economic downturn. Norway, which the CIA estimates has the world's 21st largest oil reserves, will tap into some of its saved oil wealth to provide the country with an economic stimulus. Norwegian Prime Minister Jens Stoltenberg said on December 19, 2008 that the stimulus package, "will include an ever greater increase in funding for public works and construction, and maintenance."

On the day of my arrival, a protest of an estimated 1,000 Norwegians was occurring in front of Parliament and the Israeli embassy. The protestors, who had a similar gathering last week, were expressing their opposition to Israel's actions in Gaza. While Norway

was long a strong ally of Israel, the bilateral relationship has soured since the Oslo Accords.

The following morning I met with Benson Whitney, the U.S. Ambassador to Norway. We discussed our bilateral relationship, U.S. foreign policy, and our bilateral relationship with Russia and its impact globally.

Following the meeting we departed for Iceland.

ICELAND

On January 4, 2009, we arrived in Reykjavik, Iceland, where we were met by Neil Klopfenstein, our Deputy Chief of Mission.

The following morning I met with Prime Minister Geir Haarde. Prime Minister Haarde graduated from Brandeis University and earned two master's degrees from Johns Hopkins University. We discussed a broad range of topics: Energy; the recent financial crisis and its impacts on the U.S. and Iceland; the situation in Afghanistan; and our relations with Russia.

Following the collapse of Iceland's three main banks in October 2008, Iceland was cast into financial turmoil. A December 13, 2008 article in *The Economist* makes clear the magnitude of the problem: "[T]he scale of what confronts . . . Icelanders is only just becoming clear. According to the [International Monetary Fund], the failure of the banks may cost taxpayers more than 80 percent of GDP. Relative to the economy's size, that would be about 20 times what the Swedish Government paid to rescue its banks in the early 1990s. It would be several times the cost of Japan's banking crisis a decade ago." According to the IMF, Iceland's GDP is expected to contract by nearly 10 percent in calendar year 2009.

The Prime Minister was practical in terms of the outlook for 2009 but was optimistic that Iceland would see a turnaround in 2010. He indicated that Iceland has agreed to financing from the International Monetary Fund. The Prime Minister and I shared what each of our respective countries were looking to do in the form of economic stimulus.

Prime Minister Haarde thanked me for my work on the judiciary committee and our efforts to ensure businessmen have visas which permit them the freedom to work and meet in the United States. Citing his personal experience during his 6 years as a student in the United States, Prime Minister Haarde asked that we do more to ensure those who wish to study in the U.S. have the opportunity. I concurred and feel that it is in our interest to have foreigners, and potential future foreign leaders, spend time and be educated in the United States.

We returned to the United States on January 5, 2009.

Mr. SPECTER. Mr. President, I know Senator COBURN is near the floor and should be appearing shortly. But until he does, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized for what time I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we had an interesting day yesterday. We brought a lot of people to work, I believe unnecessarily, to adopt a motion to proceed that we could have voted on today.

I want to spend some time today outlining what our new, soon to be President, President-elect Obama, said during his campaign and what he said to me personally several times about how we fix what is wrong with our country. If you go to his Web site or what his transition team has said, what you will find are some very significant things that both he and I have worked on over the past 4 years.

He has a plan. It is called the Obama plan for restoring fiscal discipline. It is a good plan. What does it include? It includes conducting an exhaustive line-by-line review of Federal spending and eliminating Government programs that are not performing or are wasteful or are obsolete or are duplicative, paying for new spending commitments—new spending commitments—by cutting other programs—let me say that again—paying for new spending commitments by cutting other programs, slashing porkbarrel spending, rooting out redundancy, and requiring all Federal contracts over \$25,000, including earmarks, to be competitively bid, to truly measure program performance without ideologic slant, and enforcing goals and demanding that new initiatives be selected on the basis of merit, not a political process that rewards lobbyists and campaign donors and makes Members of Congress just look good at home.

That is President-elect Obama. I don't know anybody outside of Washington who would not embrace that message. That is a great message for our country. It is a message that our country needs to heed. It is one that we need to accomplish. Unfortunately, the first week we are back in session, we are doing exactly the opposite. Here we have President-elect Obama who next week will become President Obama, and one of his main goals we are working to undermine in the Senate today.

I am going to be an ally of the President-elect on these issues. Every opportunity when we are not doing what he suggested we be doing, I am going to be raising questions about it. We are going to work hard for the hope and change he promised the American people he would deliver.

We have before us a lands package. It is not really a lands package. It has all sorts of stuff in it—165 bills. Initially, it spends \$1 billion, but that is not even honest because after 10 years it spends \$2 billion to \$3 billion more on one program alone. CBO has not even scored this new package. The last package they scored, if appropriated, would be \$8 billion. So we have \$10 billion to \$12 billion in new spending.

The opportunity to offer amendments on that has been foreclosed.

So I thought, in light of what this bill is and in light of what President Obama said he would like to see us do, that I would highlight some of the amendments I would have offered had the minority, the Republican Party, the Republican Members of the Senate, been given an opportunity to amend this bill.

The best tradition of the Senate—the best tradition of the Senate—is where the best ideas get debated, the back and forth goes on, and then we settle on what is almost always a compromise but a compromise that is thoroughly debated and where an individual Senator has to put their stamp of yea or nay on ideas to either make it better or not. That is not available in this bill. As a matter of fact, it hasn't been available for 124 days. It has been available once to Republican Members of the Senate in 184 days.

So if we are to accomplish, or at least move in the direction that our soon-to-be President would like for us to, one of the things that is going to be required for that is taking tough votes. The idea we don't want our Members to have to take tough votes is the height of inside political baseball and it wreaks of a lack of courage. As a Senator from Oklahoma, if I can't go home and defend my votes in a cogent and reasonable manner, I shouldn't be sent back up here. That is all there is to it. If Oklahoma citizens believe I have not stood on the principles of which I told them I would try to represent them in this body, they should not send me back to the Senate. But to not have the votes in the first place, so we don't have to defend anything, goes against not just the culture of the Senate but it goes against the very courage that this whole country was based upon and that is the freedom to express and work and try to accomplish what you think is best for the country in the long run.

One of the great qualities of our country is this freedom to get out and express. Until recently, that freedom has been available in the Senate. But this didn't start with HARRY REID. It goes all the way back to George Mitchell and Trent Lott and Bill Frist. It has been perfected under our current majority leader. My thought would be that maybe we ought to take the hard votes rather than ruin the institution. Maybe we ought to do what the American people would expect us to do.

Now, my intent has never been, in all my proceedings on the floor, to extend debate. I mean, I think I could accomplish a filibuster if I wanted to do that. Having delivered 4,000 babies, I know how to stay up all night. My goal is to have the opportunity to do amendments and to have a vote on them. As most people know, agreements to time on amendments are easily obtained,

and limitation on amendments are most often very easily obtained.

So the fact is we find ourselves on a \$12 billion bill that has lots of good things in it and has lots of mediocre things that probably would be a priority if we didn't find ourselves with a \$1.8 trillion deficit this year and getting ready to pass an \$800 billion stimulus package that is about \$2,700 per man, woman, and child in this country, or about \$10,000 per family, none of which is going to be paid for—none of which is going to be paid for. It will ultimately be paid for, and here is how it will be paid for. When we look toward our grandchildren, what we are going to find is that not so many of them get to go to college because they will not be able to afford to. When we look toward them owning a home, regardless of the housing crisis we find ourselves in now, 30 years from now the ability to earn an income big enough to be able to afford a mortgage is going to be limited because we have been poor stewards with their taxpayer money. So we will have shackled our grandchildren.

So let me spend a minute talking about eliminating wasteful programs, or things that are not a priority, and go over a couple of the amendments we were going to offer simply to point out that we are doing the opposite of what I believe the intent of our new President is going to be. I might also add, it wasn't that long ago that all of us were paying \$4 for a gallon of gasoline. There is no question in my mind that a good portion of that price was because of speculation of the very rich in this country asking the very poor to pay out of their disposable income while they made millions upon billions of dollars manipulating the futures markets. But nevertheless, in this bill, we are putting a patch over our eye and limiting our ability in the future to increase our energy independence by taking millions of acres of land and forever closing them to any source of energy. It would not matter what any new technology might be, and it would not matter if we could do it totally without any environmental impact, we are closing that completely off.

That set aside, one of the amendments we were going to offer in this bill was to strike \$3.5 million to go to the city of St. Augustine, FL. Now, you might ask, what for? Well, they are going to have a birthday party in 6 years to recognize the 450th year of St. Augustine's existence, the longest Colonial outpost on this continent. I would say maybe that might be a St. Augustine, FL, responsibility or maybe the State of Florida, but when we are running a deficit in this country of \$20,000 per family per year, it seems ludicrous to me that we would send \$3.5 million for a party. How does that set with priorities? How does that set with eliminating wasteful spending? It

doesn't. Yet it is in here, and we don't have the opportunity to try to take it out.

There is \$12 million in the bill to build a new facility in Maryland for orchids for the Smithsonian. We may need to do that, but we certainly don't need to do that right now. That is a luxury item. Every family in this country today is making a reassessment because everybody is afraid, and they are going through their budgets and saying: What is necessary? What is excess? What can we do without? Should we be putting money away in case X happens? Everybody in the country is doing that except the Congress. So here we have a new orchid building, costing \$12 or \$14 million, I don't remember exactly which, that we are going to put in this bill, and we are going to say this is a priority.

Now, some will say: Well, we might not appropriate it. We appropriate \$300 billion a year for things that are not authorized anyway, and most of those things are not priority as well. But the fact is, it is a clue to the American public that we don't get it; that in this time of significant economic downturn, in this time of significant debt laying on to the next generations, we continue to want to do things the average person of common sense would say: How can that be a priority? Well, it can't.

There is \$5 million in here for new botanical gardens in Hawaii and Florida. I don't doubt that could be a great thing that we could do. No. 1, I would ask the question again: Why isn't that a State responsibility instead of a Federal responsibility? If the State of Florida and the State of Hawaii think that is a priority, they ought to fund it. No. 2, if it is our priority, if it is our responsibility, is that something we should be funding now; that we should be authorizing; we should be saying it is okay to do this?

We are in perilous times. Yet we act like nothing is going on out there; that the average family isn't getting hit hard, that people aren't worried about their jobs; that 573,000 people didn't lose their jobs last month. That is how we are behaving.

One of the other amendments we would have offered is to prohibit the use of eminent domain both in the national trails, the wilderness areas, the new heritage areas, and the new national parks area. It is one thing for the Government to have its land; it is totally different for it, through the force of law, to take your land away from you and tell you what they are going to do with it. There is minimal prohibition in this bill for the protection of property rights in this country—a fundamental freedom guaranteed to every American. This bill steps all over those property rights.

We offered a total of 13 amendments, and we would have probably accepted 5

or 6, with less than an hour debate on each one of them. We could have been finished with this bill. We could have accomplished it last Thursday or Friday. But because we don't want to have to take tough votes or we want to protect a Member from a vote on some piece of pork that was put in a bill, we have decided to have no votes, no debate on any amendment will be the standard for this body. It is not a good day for the Senate. More importantly, it is a terrible day for this country because we are saying that, even though we have great hope and promise of change by an incoming President, his own party is going to step on that—the careerists, the people who think politically only, the people who think short term only about political gain, instead of thinking about what is in the best long-term interests of our country.

It is interesting to know we have 108 million acres of wilderness in this country right now—more than anywhere else in the world. That number is actually greater than the amount of developed land we have in this country, which is 106 million acres. It is also interesting to know the Government already owns 653 million acres, and we are going to take, at a minimum, another 2.2 million acres and totally wall it off—can't ride a dirt bike through it, minimal access, can't hunt on it, can't do the things you have always done. If you happen to be unfortunate enough to have property next to it, you fall peril to having the National Park Service fund organizations that are going to take your property rights away, to limit your ability on the land you have that is abutting these areas.

As we come into next week, we approach the celebration of a very great milestone in our country, something that speaks volumes about the American system: the installment and swearing in of the first African-American President, one who leads on these issues while we in the Senate say we are going to keep doing it the way we have been doing it regardless of the tremendous hope that he brought to the American people, the hope for change, that we would operate differently. We hope he will lead a Government that operates differently—and I believe he will try. He is a very dear friend of mine. I believe he is going to try to do that as here we sit in the Senate, worrying about the political consequences of taking a few votes on amendments because we might not look good enough at home.

Talk about the lack of courage; talk about the decline that will be manifested in our country if we continue to have leadership that operates on the basis of fear instead of courage.

My challenge and my hope is that this is the last time we are going to see this tactic brought forward in the Senate. My pledge to the majority leader is I will not delay anything if I get an

opportunity to amend it. But if I get no opportunity to amend it, I will delay everything because the lack of an opportunity to amend says that over half of the people in this country, the 160 million who are represented by my side of the aisle, have no voice in the matter. It says, if we don't get it, our voice doesn't count.

I look forward with great hope to the leadership we are going to see at the other end of 1600 Pennsylvania Avenue. My prayer is that the leadership in this body can come up to the same level of character and courage that I believe we will see demonstrated at the other end of Pennsylvania Avenue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

TARP

Mr. SESSIONS. Mr. President, I appreciate the opportunity of sharing some thoughts this afternoon. We are going to be moving forward, presumably even this week, with the second tranche. That is the second portion of \$350 billion of the Wall Street bailout, the TARP money.

And we will have that coming up, and there will be an attempt to move that through. I have believed from the beginning that it was unwise for this Congress to allow one individual, the Secretary of Treasury, to disburse \$700 billion. The way this is set up, and even with the way the votes might occur in Congress, is very troubling. The whole \$700 billion will be spent by the two Secretaries of Treasury, without any real accountability, without any real responsibility.

I think Congress is beginning to see the lack of wisdom that we displayed, the lack of fidelity to the responsibilities of the Senate, when we passed that bill with so little control. We do not even know where the money is going, and whether Secretary Paulson, who is a Wall Street guru, is moving money around among friends for friendship reasons, or meritorious reasons, or even if he can tell in this rush-rush effort to put out money, who is deserving and who is not deserving. It is not being done in an open and transparent way.

It is an indication and further proof that we in the Senate and the Congress were not rigorous enough when we passed it. I would add one more thing about that. It is something we ought not to forget. I hoped not to bring it up, but Secretary Paulson announced that he was going to buy toxic mortgages, bad mortgages from banks, in

order to get those off their books. He said that most of them would be good and eventually they could be sold for a profit and the taxpayers would not lose any money, and that would be the way we would do this.

Well, within a week—and he was specifically asked at one hearing if he thought we should buy stock in private banks, and he said, no. Within a week or so, he had already changed his mind on that. Instead of buying toxic mortgages, he was now going to buy stock in private American companies. And, in fact, he has now spent over \$100 billion in one company, AIG, the insurance company.

AIG is competing with other American companies. How should they feel, I ask you, that the U.S. Government is now providing \$100 billion-plus to their competitors? What about the banks who did things right and were cautious and managed their money well? How should they feel about the Government injecting capital into their competitors by buying stock?

And what about those of us who are not of the socialist bend? What should we think about the idea of the U.S. Government buying stock in a multitude of banks, at tens of billions of dollars, and now buying and investing in automobile companies? Someone said the newspapers are next. Well, I guess they are in trouble. They are not doing well financially. They can write a lot of editorials. I mean, maybe we ought to make them happy and give them money. What I am saying is, where does it end?

Out of that background, I want to have a little discussion of the possibility of a stimulus bill that would add some \$800 billion to the current level of deficit spending we already have. \$800 billion.

There is no doubt that our economy is not performing well. We know that economies historically are cyclical; they go through good times and bad times. They normally respond. We are clearly going through a very difficult recessionary period. The unemployment rate is increasing, and businesses are struggling. We had a hearing before the Budget Committee last Thursday. The Director of the Congressional Budget Office testified, and he predicted that this would be a 2-year recession. Someone later asked him: Well, did that include the stimulus package? And he said, no.

Well, would the stimulus package help? Spending another \$800 billion, would that help? He said: Well, it might. That is a little less than a ringing endorsement. He did not say that if we did not pass this bill the economy would never recover and we would continue on a downward spiral forever. So I would say that.

But I do think the Government can play a positive role in helping to shorten the length of the recession that we are in.

There are some things I am prepared to discuss and see if we can agree on. I know President-elect Obama feels very strongly about this. He has been out campaigning, and he made promises to do all he could to recover this economy. He intends to do something, and he promised to do something. He is going to do something.

Now, President Bush has already done some things that I also did not approve of. Doing something can be good. But doing something may not be so good if you do the wrong things. So I am aware that the new administration wants our country to prosper, and so do I. If there are reasonable, commonsense steps we can take to do that, I say let us do so without delay.

But I want to share some thoughts with you about the fundamental truths that I think all of us in this country know, and especially the area where I come from. One of them is that there is no free lunch. Nobody can get a lunch and say someone did not have to work to put it on the table. There is nothing free. When something is given, somebody pays for it.

There is another thing that is a truism: one way or the other, debts have to be repaid.

You say: Well, you know, sometimes people go bankrupt, you do not get paid back. But the whole system is damaged when debts are not paid back. The next guy may have to pay higher interest rates because his neighbor did not pay his debts and the bank lost money and the bank has got to charge higher interest rates to account for that higher risk.

So there are costs out there, and nothing is free in this country. I wish to focus on this question first. What is the best thing we can do for America in the long run? What should we, the responsible Senate, where we're supposed to be the saucer that cools, what should we do and how should we approach this issue?

Let's be frank. The stimulus bill, the recovery bill as some are calling it now, may well provide some stimulus to the country. I am not sure. But I would say this: at its face, it is a spending bill. It spends money in order to create projects that might create jobs, and this is the theory behind the effort to stimulate the economy.

We spend the money to try to create jobs. So it relies on the theory that ramping up government spending will flood the country with money, \$800 billion worth, acting like a booster shot for a sick economy.

This is not a new theory. It has been tried before all over the world. Many economists say this type of spending-stimulus simply does not work. They have cited examples of it throughout history.

President Bush tried it in February last year, less than a year ago, when he began the process to send out a \$600

check. I think there is a general consensus now that the plan that was sold to Congress as a stimulus for the economy did not have the desired effect.

I wish it were not so. I wish it had. I would point out that I did not think at the time that it would work. I did not vote for it. There were not many of us who did not vote for it, but I was one of the few. But it did not work, in my opinion. It cost \$168 billion. Every penny of that \$168 billion, since we were in a deficit and it was new spending on top of what we planned to spend, and we knew we were there, is a deficit added to the deficit. As a result, it basically, in one piece of legislation, doubled the annual deficit last year.

Then we had some more spending that went on later on in the year. I will show this chart in a minute that sort of dramatizes where we are.

So I would say both parties have some fingerprints on some policies that have not been very helpful. We did not ask enough tough questions when President Bush proposed his agenda, and we also did not ask enough questions when they passed the \$700 billion bailout in October, in my opinion. I hope we do not make the mistake again of rushing to approve the second phase of that along with this \$800 billion stimulus package.

We need to ask the right questions. We should not be intimidated by it. We should not be panicked. The bill does not have to be passed in 1 day, or else the country is going to be permanently damaged. We need to try to improve the economy without wasting money or creating long-term problems for the Nation.

So there is this effort to continue what Secretary Paulson promoted, a rhetoric that says we have got to do something and we have got to do it in a hurry. We have got to do it now. We are still hearing that. Well, I think we don't need to be afraid to say, let's slow this down a little bit.

When something of such historic proportions is on the table, a bill of this magnitude, the Senate has a responsibility to carefully scrutinize it and to insist on accountability and responsibility of every single dime. That is why we exist. That is why taxpayers send us here. Someone has to ask the tough questions. I do not want to dampen anybody's spirits. We have a wonderful new President. He has a positive attitude. He is proposing a lot of things and nobody wants to ask a lot of grim questions.

I am going to ask a few, though, because it is my duty to do so. First, how big is this plan? How much will it cost? We have heard some general numbers. It has been stated, although we still haven't seen any details, that it might be between \$800 billion and \$1.3 trillion, which is one thousand three hundred billion dollars. That is a lot of money. It would be the single largest Government expenditure of all time. Consider

the enormity of a trillion dollars. It is the equivalent of paying for the Korean, Vietnam, and Persian Gulf wars at once.

Then, my next question is: Where will the \$800 billion to \$1.3 trillion come from? Where will we get it?

As I indicated, we are in a deficit now. So we are talking about spending another \$800-plus billion. Where does it come from? We will have to borrow every single penny of it from whomever will lend us the money, private investors or foreign countries. We have been depending, frankly, too much on foreign countries. We didn't budget for this \$800 billion. We don't have any money in the bank that we can get and pay for it. We don't have any savings we can draw on. All \$1 trillion will have to be borrowed. Since loans have to be repaid and you have to pay people to borrow their money—that is what borrowing money is, you borrow it from somebody or some country, and they are not going to give the money for nothing—you have to pay them interest. Every bit of it will have to be paid back. Every American over the years, for generations to come, will have to sacrifice to pay off the debt we incur today.

The United States is, indeed, deeply in debt already, about \$10.6 trillion. My generation probably will not be the one to pay most of that back, nor will even our children. It will probably be our grandchildren who will begin to feel the heavy burden of this debt. We should consider that.

Then I will ask this question: What impact will the Obama plan have on the Federal deficit and the national debt? This spending program, virtually all of it, will increase the deficit, which is the difference between the money the Government takes in each year and what we spend. We spend more than we take in, so we have a deficit right now. To fund that deficit, we borrow money. Each year we have been running a deficit, and each year the deficit gets added to the total national debt. One might ask: How do these deficits and debts affect me? Well, when politicians are responsible and deficits are kept small as a percentage of the gross domestic product, we probably don't notice the impact. Interest rates remain low, and debt payments are easier to make. But when we have a sustained and systemic habit of growing deficits, the United States becomes a riskier investment for people who might like to loan us money. Interest rates will go up, and more debt at higher interest rates means the taxpayers have to pay a larger percentage of GDP towards interest on the debt. The most likely way those high payments would be met is by a tax hike. I am not sure that is the most likely, but one way those higher interest payments and higher debt payments will have to be paid back might be a tax hike.

In 2004, President Bush was criticized because, under his tenure after 9/11, after the economic slowdown, he had a big stimulus package, and it led to a deficit of \$412 billion. He was savaged for a \$412 billion deficit. I thought he did deserve criticism for that. Although it is not well known to most Americans, some work was done in the next years to bring that deficit down. By 2007, it was down to \$160 billion, a lot better than \$412 billion. That amounted to 1.2 percent of the gross domestic product.

This chart reflects that. We had a \$413 billion deficit in 2004. This was the largest deficit since World War II. President Bush was roundly criticized for it. A lot of people felt strongly about it. The next year the deficit dropped to \$318 billion; the next year, it was 248. The year before last, 2007, it dropped to \$161 billion. We were heading in the right direction.

Then we had the economic slowdown. Those things have a number of different ramifications, one of which is, when the economy slows down, people don't make as much money, so they don't pay as much taxes. So we lost about \$200 billion; we expect to lose about \$166 billion in revenue this year, according to the CBO, as a result of the slowdown. But last year, including the \$160 billion stimulus package, sending out checks, the deficit jumped to \$455 billion, the highest we have had since World War II as a percentage of the gross domestic product. That is a huge number.

We had a hearing last Thursday with the Congressional Budget Office Acting Director. A longtime professional budgeteer by the name of Mr. Sunshine did a fabulous job, but his remarks weren't so bright and encouraging. The Congressional Budget Office projects that even without any stimulus package, under current law, the deficit this fiscal year, the one we are already in—we passed the first quarter of it, and it ends on September 30 of this year—will be \$1.2 trillion. Remember, last year it was \$455 billion, the highest ever. This year we are looking at \$1.2 trillion. Senator CONRAD, chairman of the Budget Committee and a Democratic leader in the Senate, a good American, called that number jaw dropping. What else can one say?

That does not even include the stimulus package. If we add the numbers as proposed in the stimulus package, according to Mr. Sunshine, that will reach almost \$1.8 trillion. So we are talking about a deficit more than three times the largest amount ever. It may sound fine as a businessman. I heard today a very prominent American businessman on Joe Scarborough's show. They asked him about spending and the deficit. He said: Well, we have to do it. They asked: Isn't this going to create financial problems in the future? And the only answer he could give was: Well, we will worry about that later.

I think it is a little late to worry about spending an extra \$800 billion. It is a little late to worry about it later. We need to worry about it when we, the entity responsible for appropriating money, are deciding how much to appropriate and for what purpose. We ought to be thinking about it now, before we vote. This includes some of the expenditures for the TARP that they project. That is the \$700 billion bailout and some other things, some of which are one-time expenditures. They project next year the deficit will be \$871 billion. It might look like we made progress, but \$871 billion is twice what this number is, almost. The next year, 2011, it will \$572 billion.

Those numbers still are not the full number because they do not include, for example, about \$40 billion a year for the alternative minimum tax fix and several other things. So these are numbers based on existing law, and each year we have not allowed the alternative minimum tax to go up. There are other things we extend each year. It does not include extensions of the current Bush tax cuts which would expire in 2010. He is not projecting they will be extended, but some of them, I am sure, will be. Those numbers are correct, technically, but in reality they are going to be larger, in all probability.

This deficit, almost \$1.8 trillion, amounts to 8.3 percent of the entire value of the American economy, the gross domestic product. That would be the highest in real dollar numbers maybe ever. As a percentage of the economy, it is the highest since we were in a life-and-death struggle in World War II, with millions of soldiers deployed all over the world putting their lives on the line for this country. We were building airplanes and ships and tanks with all the capacity this Nation had.

Today Mr. Sunshine told us the debt payment we are paying each year out of tax receipts is \$200 billion just to pay the interest on the money we already owe. Let me say a little bit about that. Interest rates are oddly at a very low rate today. It is inevitable, though, that people will stop loaning money to anybody, the U.S. Government or anybody else, for 1 or 2 percent. They are going to demand higher interest rates. That is what is going to happen.

The CBO predicts that interest rate amount will balloon in a few years to \$450 billion a year annually. So the Congressional Budget Office says, as a result of our profligate spending and huge deficits, we now are heading in a few years to a point where we will be spending \$450 billion a year only on interest. I ask, how big is \$450 billion?

I will give a couple examples to provide perspectives that are fair to consider. The 5 years of the Iraq war cost \$500 billion. We are creating a permanent interest rate payment every year

that will have to be paid by our children, by our constituents. Our constituents today will be paying \$450 billion every year, just on interest, because we had to spend so much today and last year for responses to crises I am not sure justified this kind of spending.

I certainly think many of our programs deserve to be reformed, eliminated, or increased in efficiency, and a lot of savings could occur. We have not been doing that. All we have been doing is spending more and more, adding to our debt.

Madam President, \$450 billion is the equivalent, as I said, of the Iraq war. It is about one-third of the discretionary spending for our country every year. My recollection is that our general fund discretionary spending, including the Department of Defense, is about \$1.5 trillion. I think that includes the \$200 billion or so for interest now. So that number goes up to \$450 billion. It would be about a third of that amount.

We spend more on Social Security and Medicare and entitlement programs. That is on a separate accountability factor. But just on the Defense Department, Homeland Security, our salaries, highways, everything we spend money on—our interest on the debt would be that high. It is not a little bitty matter. It is a big deal.

The Congressional Budget Office predicts that by 2019, the share of Federal expenditures allocated to debt payments will increase from 6 percent to 13 percent of the entire economy. That does not include the stimulus plan the President will be sending to us.

So the next question. A trillion dollars is a staggering sum of money to borrow and pay back with interest. How do we know it will be spent in the most efficient way to jump-start our economy and get the most productivity for the taxpayers?

Well, the truth is, we do not. We know this proposal will have two components. The so-called tax credits and direct spending. Now, I have to tell you, a good bit of this tax cut is temporary and a good bit of it is a sales job. Tax cuts, tax credit: What does that mean? Well, some say 40 percent of that will go to people who do not pay taxes. So how do you get a tax cut if you do not pay taxes? The Government sends you a check from the Treasury just as they did last spring. They got \$600. So you get a check from Uncle Sam that is supposed to stimulate things and somehow help the economy.

The Congressional Budget Office, really under the supervision of the Congress—and the Congress is under the control of our Democratic colleagues; they have the majority now—the CBO rightfully scores these provisions not as a tax cut but as direct spending. What else can it be? It is a direct spending of taxpayers' money to

send individuals a check to make them happier for the short term. What kind of long-term impact will there be on them, their children, and the economy in the years to come? What will this unwise prospect create?

The Wall Street Journal has pointed out many of these ideas are temporary and that temporary tax cuts do not result in positive economic behavior. But a more permanent change, when people know it is permanent, does have more of an impact in helping our economy.

Permanent tax relief, including—I have to say, please, do not think this is a way to pander to big business. But the corporate tax rate in America is one of the highest in the world: 35 percent. In Ireland, I think it is 11 percent. Most European nations—only one or two nations have as high a tax rate on the corporate community, which gets passed on as a cost of doing business and makes those corporations less competitive in the world marketplace.

We would be in a lot better shape if we could reduce that in a more permanent way. Then those companies could see, well, I am saving on my corporate tax rate. I will not have to lay off as many people. I can keep this company going. Maybe we can invest and be more competitive when we export because I do not have as much of a burden on me, and it would help this economy. So I want to say many economists truly believe the corporate tax is not that, if reduced, would actually encourage economic growth and create more jobs.

So we know that just rapid expenditures of huge amounts of money have never been a very effective way to grow the economy. Are these spending programs—this \$800 billion plus—is that going to end cold turkey in 2 years? I have doubts about it. I want to tell you, I have my doubts about the wisdom of our idea that we can jump-start the economy by pumping \$800 billion into it.

So they are talking about—you have heard these numbers—well, we are going to spend a good bit of money on the infrastructure. Everybody likes highways. Everybody knows they are there for generations to come. Highways and bridges have good things that can be said about them and can make our lives better. There is always a line formed whenever there is highway money with people wanting to build more highways and more bridges. Currently, the Federal Government, which spends a lot of money on highways, spends, according to Mr. Sunshine, around \$40 billion a year on highways. OK. States match it on a 20-percent basis; 80 percent Federal, States 20 percent. In some areas it is 90 percent Federal, 10 percent State. We use this matching mechanism to fund highway construction in this country, and it amounts to \$40 billion a year.

We are talking about \$300 billion in 2 years? You take the \$300 billion, and

cut it in two, that is \$150 billion each year. So now we go from \$40 billion a year for highways to \$150 billion? Well, let's say you only spend \$100 billion on it. With \$200 billion, that is \$100 billion more per year for highways, 2½ times what we are currently spending.

I would suggest those kinds of figures are unrealistic. When the chips are down, I doubt we are going to see anything like that much money being allocated to highways because it cannot be spent. There are not enough asphalt mixers, there are not enough concrete mixers, there are not enough dump trucks to actually spend that much money. That is a fact. You cannot triple the amount of work. And if you do, the bid per mile and the cost per mile is going to go way up. There is going to be a shortage dealing with everything in construction.

We simply cannot throw money at road construction and infrastructure. It has to be understood that since some of this is dropping off as a result of economic slowdowns, we can put that back on, and maybe a little on top, and keep this thing going at a more healthy rate. That may be possible, and I am willing to discuss that. But we ought not to sell the stimulus package that is being discussed that somehow the biggest chunk of it is going to get spent on highways. Right? So \$800 billion. Maybe \$30 billion a year extra; so \$60 billion out of \$800. So \$740 billion. Where is the rest of it going to be spent to stimulate the economy, I ask? "Shovel ready" they say. I do not know what that means. But I know you could not start off in the next few months and triple the number of highways built in America. There are not enough engineers. There is not enough heavy equipment. There is not enough material to do that. If you were to even try, it would drive up the cost, and so we would spend a lot of money, a lot more. We would make it much more expensive per mile to build highways in America. We have to be careful about that.

Well, they also talk about how there is going to be more money in this bill for the automobile companies, and maybe a bailout for State governments. They need more money too, don't they? So why doesn't the Federal Government—which sort of prints money—why don't we bail out our good friends at the State level? Unemployment insurance is going to need to be expanded. And some are talking about expanding broadband, and, of course, hiring an additional 600,000 Government employees. That is part of what is being discussed here.

As the Washington Post said, of course, many of these items were featured in President-elect Barack Obama's campaign pledges. There was a fine column by Mr. E. J. Dionne, who is openly a good, liberal columnist and has been a pro-Obama writer throughout. Mr. Dionne said it has been rather

fortunate for the Obama campaign that he can utilize—and I am paraphrasing now, but I think this is close to the heart of what he said—it is very fortunate for President-elect Obama that all the spending he promised can now be justified, and they can call it a bailout or a stimulus package and not just a big spending program.

So I think we have to ask questions about that. Can we justify this? Fundamentally, every dollar we spend as part of regular Government spending programs or this stimulus program should result in an effective return to the taxpayers. We have no money to waste. We are in a time of unprecedented, incredible deficits. We ought not to waste a single dollar. Cannot we all agree on that?

Finally, my question would be, how will we Americans pay the trillion dollars back? There are three ways: cutting spending in the future. I do not hear anybody saying we need to be cutting spending, not on the majority side here. We talk about education, health care, highways, expanding the number of military personnel. All these things cost money. I do not see any realistic prospect we will see any huge reduction in spending, I have to tell you.

You could raise taxes. But I do not like raising taxes. I have tried to oppose that throughout my career. President-elect Obama says he wants to give everybody a tax break. Who is going to raise taxes in any significant way? Oh, you can tax the rich and get a little out of them when the economy is doing pretty good. When the economy goes down and the rich income drops dramatically, the country's tax revenue also drops dramatically. So I do not think we are going to get a lot of money from that.

One way for it to happen and would be a result more pernicious than many have thought about would be where we would basically debase the currency. We would weaken the value of the dollar. So you borrow \$100 billion from somebody, and you pay them back \$100 billion, but you printed a lot more dollars, so the dollars they get paid back are less valuable than the ones they gave you when you borrowed it. That is a pretty slick deal, isn't it? That is what you call inflation. There are huge ramifications from that kind of policy that are very damaging to the long-term health of America. We do not need to debase our currency. That is why the price of gold jumped. People get scared the dollar is not going to be worth anything.

So I think the debate we are about to begin is really about individual responsibility and governmental responsibility. We do need to resist the cries of many who have self-interests in this stimulus package.

I heard one prominent businessman make a speech recently. He said: We are going after this money. Well, if we

put it out there, every business is going to go after it and be happy to get it. So we have to be responsible. We need to scrutinize it. We need to act in the long-term interests of America.

I believe Congress so far has not done well in responding to the economic crisis we are going through. I think everybody pretty well universally has agreed that the \$160 billion send-out-the-checks program did not benefit the economy. I heard a group of well-known economists recently agree that the first \$350 billion—remember, the entire Iraq war has cost us \$500 billion—that \$350 billion in the first tranche of money that has gone out has not helped the economy. So I think we have to be careful. I hope Congress will not fail our constituents again, by making sure that the fiscal illness we are living with now does not damage our children.

I know people are hurting. I know people are worried that their job might not exist in the months to come. If you are working at the clothing store, I am not sure some of these jobs are going to be that helpful to you. But at any rate, that is the kind of thing we are dealing with. People are worried. We are going through a serious downturn. As the CBO expert told us, we are going to come out of this in 2 years, in his opinion—and he was firm about it—whether we did anything or not. He said a stimulus package might help. Another member of the panel said, well, it should help, but neither one said it was critical to us coming out of the recession.

So whatever we do, whatever monies we spend—and I am not against every idea for stimulating the economy—let's just be sure it is productive. Approving \$1 trillion in deficit spending could do more harm than good if we don't do it right.

It is time that we as a Nation stop living beyond our means. We need to get our house in order. We need to know there is no free lunch; that debts will have to be repaid one way or the other—raising taxes, cutting spending in the future, debasing the currency. That is basically the way we can reduce the debt, and those are the only ways we can. We are putting a burden to the future. I know some money invested now might make a positive difference. Let's talk about that and let's see what we can do. But the numbers being floated out and the rapidity with which the program is being proposed creates in my mind a great danger that much of the money will not be stimulative, as it has failed to be in the past, and that much of it will not produce the kind of tangible benefit to which the taxpayers are entitled.

Madam President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

CONGRATULATING THE FLORIDA GATORS

Mr. NELSON of Florida. Madam President, the task happily falls to some of us Senators each year in which we can chronicle the success of the national champion in college football. Of course, there were tens of millions of Americans watching TV last Thursday night as the No. 1 and No. 2 teams ranked in the country in college football played for the BCS National Championship. Of course, in that game, with two high-powered offenses, the University of Florida Gators prevailed.

I will be offering a resolution for the Senate to pass to present to the University of Florida and to its coach and to the team. They will be coming here for the traditional visit to the White House to visit with the President later on this year. I am joined—although the Senate rules prohibit Albert the Alligator from appearing on the floor of the Senate, and as my colleague, the Senator from Alabama, over there is giving the Gator chomp, the University of Alabama rolling tide having been the victims of the Gator chomp in the SEC championship game—I make note that Albert the Alligator, the University of Florida's mascot, is safely ensconced back in the cloakroom since the alligator is not allowed onto the floor of the Senate. But all of us are celebrating this tremendous victory.

I also wish to mention that since the BCS National Championship rotates among the major bowls, this year it was the turn for the Orange Bowl to have not only the Orange Bowl on January 1 but then the national championship game. The entire Orange Bowl Committee, of which the two Senators from Florida are privileged to be ex-officio members, had conducted such a magnificent event, had done it with great aplomb and excellence, great hospitality to the two teams involved, to the university administrations, and it was all around a very positive experience.

For the national champion Gators, I wish to quote a couple of articles. From the columnist Greg Cote and the Miami Herald:

The Gators flat-out won this game and this title, and all the more impressively because it was less by quarterback Tim Tebow's magic (though he was voted game MVP) than by his defense defusing the other team's epic offense.

Then I quote from the columnist of the Gainesville Sun, Robbie Andreu:

The Florida Gators apparently were right after all. Oklahoma obviously had not seen a defense like Florida's this season. And Tim Tebow? There's no way he is the fourth-best quarterback in the Big 12. With the defense coming up with critical stops when it had to, and with Tebow, Percy Harvin and the offense generating points when the game was on the line, the Gators were clutch in the second half and beat the Sooners 24-14 Thursday night at Dolphin Stadium to give Florida its third national championship, and second in three years.

Coach Meyer is quoted:

This is one of the best teams in the history of college football.

So we celebrate that.

Now, since we are dealing with these weighty problems and here we are taking up a stimulus bill—we are taking up this TARP legislation this week—it is good to have a little levity. Indeed, before this game, I went to the Senator from Oklahoma, Mr. COBURN, and I said: Would you like to have a little friendly wager?

What we decided was that the losing team's Senator would sing a song in front of the winning Senator's constituents, and we agreed in advance that the songs would be that I would sing "Oklahoma" if the Sooners won, and Senator COBURN would sing "Rocket Man" by Elton John—a favorite of this Senator—if the Gators won.

So next Wednesday, 2 days from now, circa noontime, we are going to have a gathering of Florida constituents for Senator COBURN and me. I suggested to Senator COBURN that I would even graciously sing a few bars of "Oklahoma." Also, if he couldn't follow the words—and we are going to play "Rocket Man" for him—if he couldn't follow the words, clearly we could sing a few bars of the Florida alma mater, the Florida fight song, "We Are The Boys From Old Florida."

It is good to have this levity. It is good to have a wholesome sport that is uniquely American that we can get enthused about. It is good that we have athletics that add so much to a university setting, that bring out more of a university personality in addition to the studies, the academics, and the research we are so privileged to have in our American universities.

So, indeed, this Senator is here to say: All hail, Florida, which comes from the alma mater. All hail, Florida. This time, again, the Gators are the national champions.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

The Senator from Michigan.

ECONOMIC STIMULUS

Ms. STABENOW. Mr. President, I wish to take a few minutes this evening to respond to some of the comments that we have been hearing from colleagues on the other side of the aisle expressing great concern about the spending of a recovery package for America, as we are talking about today.

I find it quite extraordinary when I hear colleagues talking about objecting to spending Federal dollars right

now—Federal dollars that would add to the deficit—given where we have come from in the last 8 years. I find it quite extraordinary.

I remember back when I was in the House of Representatives, serving with the distinguished Presiding Officer, when in 1997 we took some very tough votes and did a lot of hard work under President Clinton. Actually, we balanced the budget for the first time in 30 years. That put us on a course to eliminate the deficit, to strengthen the country, to create the right kinds of priorities for the American people.

As a result of that action, in 2001, when I came into the Senate as a new member of the Budget Committee, we were debating what to do with the biggest surplus in American history, \$5.7 trillion. How should we address the largest surplus we had seen in the Federal budget. At the time, the Democrats on the committee proposed that we divide that surplus into three parts: one, for tax cuts geared to the middle class; two, for investments to create jobs, invest in education, and future opportunities; and three, to help strengthen Social Security. That was rejected. Instead, as we all know now, a very large supply-side tax cut, trickle-down economics, was passed. My constituents, in January 2009, are still waiting for it to trickle down to their pockets. But that was put in place, which began a process that has now led us to the highest deficits in the history of the country in just 8 years. That was coupled with a war that was not paid for, over \$10 billion a month, and certainly the most important thing has been the loss of life. Then we saw just at the end of the year an effort to provide \$700 billion in what has been dubbed the bailout of Wall Street—to date, I suggest, not very effective and at times outrageous in terms of what has happened with that money.

So it is not that the Federal Government has to spend money, it is not that colleagues on the other side of the aisle have not supported spending. They supported spending for 8 years. The question is, What are we going to spend it on and for whom? Many Americans have seen their standard of living go down, their jobs go away, their houses go away, their opportunities go away, while some have done very well under a particular kind of spending over the last 8 years. What I suggest is this is not about whether we spend or invest or use Federal dollars; it is about our values and priorities. In whom are we going to invest? Where are we going to spend the dollars? I have had so many people in Michigan say to me, with all the debates going on: Where is my bailout? I am sure you heard that, Mr. President: Where is my bailout? Small business owners: Where is my bailout? Individuals. I suggest what we are debating is the American people bailout, the investment in America.

The people of this country have resoundingly rejected the policies of the last 8 years that have gotten us to where we are today. That is what elections are about. People have said very loudly: We don't want the same policies; we don't want the same people espousing the same policies going forward as we have seen in the last 8 years.

Where have those policies over the last 8 years gotten us? Over the last 8 years, we have not seen a commitment to manufacturing in this country. Some people say that is only a narrow special interest for a certain number of States in the country. I suggest it is a foundation of the middle class in this country. The fact that we have lost 4.1 million manufacturing jobs due to the policies of the last 8 years—750,000 of those jobs just last year—that totally relates to where we are in terms of jobs in this country, what is happening in this country, and what is happening to middle-class people. The economic activity in the manufacturing sector has fallen to its lowest level in 60 years. That absolutely equates to the challenges we are currently having in this economy.

In 2008, 2.6 million jobs just in general were lost, the worst year since 1945—8 years of policies put forward by the current administration and supported by many people who have been on the floor since we came back into session arguing we should not do something different; we should not try a different kind of investment policy; we should not focus on jobs in America, the middle class, and so on; we should keep doing it the way we have been doing it. That is basically what we are hearing on the floor, the same kinds of things that have gotten us to these numbers—1 million jobs lost last month. Last month, 1 million Americans. As of December, 11.1 million people were unemployed. And we wonder why they cannot pay their mortgages and their homes are going into foreclosure. The jobless rate is the highest in 16 years, and we know it is not going to get better quickly. We know at least the first half of this year—possibly the entire year—is going to be very tough. We know that. But common sense would say that we do not embrace the same policies that have gotten us to this point if we want to get out of the hole.

It is exciting that next week we are going to swear in a wonderful new President who has policies, working with us, working with all of us together, that will stop digging the hole and begin to bring us out of the hole, even though we know it is a deep hole, and he has certainly stressed that, wisely, with the American people. We are going to begin to come out of this hole.

Over and over again in the last week, we have been hearing colleagues objecting to a change in economic policy

and proposing the same old thing. The same old thing has put us in a situation where the U.S. median home price fell 13 percent in the last year, which is the fastest pace since the 1930s. That is what the kinds of policies we are hearing on the other side of the aisle have achieved.

Mr. President, 3,100 foreclosures happen every day. Today, as we have been in session, 3,100 families have seen their homes foreclosed upon. Tomorrow, there will be another 3,100 families; the next day, 3,100 families. That is what the policies—action and inaction—of the last 8 years have done. One in ten homeowners with a mortgage is either in foreclosure or delinquent on payments.

Pension plans, if you are fortunate enough to have had a job, worked hard all your life, and put money into a pension—maybe you did not take a pay raise in order to make sure you had that pension—have suffered their steepest 1-year drop in 20 years. The average pension fund now is holding assets that would cover only about 75 percent of what had been promised to workers.

I could go on and on with the numbers, and you know them as well. The good news is the American people have looked around at what has happened, the trickle-down economic policies of the last 8 years—the idea that we can't afford to invest in education for the future or health care or focus on jobs for the future—they have looked at those policies and said, no more, no more. We have had enough.

So that brings us to this point, and we will have the opportunity in the next few weeks to bring forward an economic recovery plan that focuses in a very different way. If we are going to do tax cuts, we want tax cuts for middle-class families and those working hard to get into the middle class to benefit from those and that is the policy we will see coming forward.

We are going to see policies that will create jobs rebuilding America. I have heard colleagues on the other side of the aisle saying: Oh, my gosh, they want to not only talk about roads and bridges and water and sewer systems, but they want to talk about broadband—the idea of connecting rural communities and small businesses to the Internet so they can sell around the world, just like big business does. Oh, my goodness, you mean they want everybody to have access to the Internet, not just some people? Yes, that is true. We believe the new highway, the information highway, that power needs to be available to every child, to every small business, to every farmer at the end of the road. Just as we built the electricity systems, the telephone systems of the past, we need to make sure we are building for the future in America so everyone has access to these new technologies to have

opportunity for jobs and income and education.

I am also very involved in making sure we can computerize our health care system so we can cut costs from unnecessary paperwork; that we can also provide the very best quality of health care in every hospital, large and small, whether you live in a small rural area or an urban hospital is where you would go or a suburban hospital.

We need to focus on jobs rebuilding America and reinvesting not only in the upfront construction jobs but in what that will mean to the assets that will be there afterwards, which is very much a part of this recovery plan. We know we want to see alternative energy jobs, and certainly I am very involved in the whole effort to create green jobs. I am very proud that last year in the budget resolution we included my green-collar jobs initiative, which now our new President-elect and his team are working to fund as a part of what we need to do to create the new battery technology. This is not just the research but to build the batteries here in the United States; and not only to have wind energy but to build the wind turbines here and create the jobs; and not only to have the solar power but to build the solar units or the solar panels, to have the equipment, to have the storage from the batteries all done here. That is a part of our vision for a recovery package for the future.

Because I have been working so closely with advanced manufacturing in the auto industry, I know an interesting statistic is that if everyone had an electric car today—and we would certainly like that to happen from an environmental standpoint—we would blow up the electrical grid in this country, poof. We would be in deep trouble. So part of what we need to have happen is to upgrade so we have a better electric system to be able to handle those new vehicles. We need to create a new kind of infrastructure so that when you pull up in your vehicle, which would get 40 miles per—what shall I say? It is not 40 miles per gallon because it is not a gallon. It is 40 miles on the road to a charge. Wouldn't it be great to be able to pull up and charge it in a parking lot or at a parking meter as you went into the store?

There are so many ways we need to build and rebuild America for this new technological world we are in, this new green alternative energy world we are in. That is our hope: Jobs, rebuilding America, and building for the future. We not only can achieve very important goals of energy independence and tackling in a real and meaningful way the serious issue of global warming, but we can create jobs in America, good-paying jobs in America. That is what this recovery plan does, and I am very excited to work with the incoming administration and to see their vision

and their commitment to working with us.

There are so many pieces of this that will be addressed. I will mention one other, and that is when I talked earlier about the numbers regarding unemployment and housing and pensions and what is happening to people, we have seen now close to a decade—8 years—of neglect, of not paying attention to those who have been hurt by the policies that have been in place. So it is very important that we, in fact, recognize that we have more people out of work than there are currently available jobs—people who have worked all their lives, people who want to work, who recognize the dignity of work but in the short run need some help. Part of this package needs to address this as well, whether it is unemployment insurance, whether it is food assistance, whether it is help with health care during a transition or whether it is addressing those who have lost their jobs because of trade. Those priorities represent the best of America and who we are, our real values and priorities as Americans, understanding that we are in a global economy and that transition, at best, even if everything was going well, even if every policy was going well, has created pain and suffering for those caught in the middle.

Unfortunately, because of a series of policies, whether it is not enforcing our trade laws fairly, whether it is not addressing health care or seeing the cutbacks in education, and so on, too many people have been hurt and need some help. Too many people have been hurt in the last 8 years. So a very important part of this recovery plan as well is to make sure those families know we see them, we hear them; that, as Americans, we care about them and want to make sure they have the temporary assistance they need while we are creating these jobs in the new economy.

There is a lot of work to do, as we all know, and I would conclude by saying that while we may not know how long it will take for us to move out of this deep hole we have been placed in, in terms of job loss and deficits, and so on, here is what we do know: The same thing has been tried for 8 years and things have only gotten worse every year. So those who would argue that we should have more of the same I think find themselves in a difficult position because the American people want change. They have voted for change, and they expect us to change the values and the priorities of this country so that we are, in fact, investing in our people and in a strong America again.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time on the wilderness bill be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the motion to proceed is agreed to.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of Interior and the Department of Agriculture, and for other purposes.

AMENDMENT NO. 15

Mr. REID. Mr. President, I have an amendment at the desk. I now ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 15.

The amendment is as follows:

At the end insert the following:

The provisions of this bill shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 16 TO AMENDMENT NO. 15

Mr. REID. I now call up my second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 16 to amendment No. 15.

The amendment is as follows:

In the amendment strike "5" and insert "4".

Mr. REID. I now move to commit the bill with instructions and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 17

The PRESIDING OFFICER. The clerk will report the motion to commit.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Energy and Natural Resources Committee with instructions to report back forthwith with the following amendment numbered 17:

The amendment is as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

AMENDMENT NO. 18

Mr. REID. I have an amendment to the motion at the desk and I ask that it now be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. REID] proposes an amendment numbered 18 to the instructions of the motion to commit S. 22.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 19 TO AMENDMENT NO. 18

Mr. REID. I now call up my second-degree amendment which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 19 to amendment No. 18.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 22, the Omnibus Public Land Management Act of 2009:

Harry Reid, Jeff Bingaman, Richard Durbin, Dianne Feinstein, Bernard Sanders, Jon Tester, Tom Harkin, Kent Conrad, Byron L. Dorgan, Barbara Boxer, Debbie Stabenow, Daniel K. Akaka, Ken Salazar, Mary L. Landrieu, Ron Wyden, Patrick J. Leahy, Robert Menendez, Bill Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

25TH NATIONAL COWBOY POETRY GATHERING

Mr. REID. Mr. President, I rise today to recognize the 25th National Cowboy Poetry Gathering, which is held every January in Elko, NV.

For 25 years, the National Cowboy Poetry Gathering has been providing a

forum for the expression and celebration of the artistic spirit of those that live and work in the rural West. Through both traditional and contemporary forms, this gathering has showcased dancers, filmmakers, musicians, storytellers, and poets—each contributing their experience of the western lifestyle. From urban areas to rural ones, people from across the country gather in Elko every year to listen to and experience the artistic soul of the authentic cowboy.

The first cowboy poetry gathering was held one weekend in January in 1985. It drew a crowd that included frontier enthusiasts as well as skeptics who questioned whether cowboys could also be poets. After that first gathering, the poetic nature of the cowboy could no longer be doubted, and what started as a small weekend event eventually transformed into a weeklong cultural excursion that draws thousands of visitors and participants from across the globe. It has reinvigorated interest in preserving and spreading the cowboy narrative, inspiring other communities to hold similar events throughout the West.

The National Cowboy Poetry Gathering has created an environment that contributes a wealth of riches to our shared western heritage. In January of 2009 the Western Folklife Center in Elko will host its 25th gathering. I would like to congratulate them on this achievement.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. COCHRAN. Mr. President, I am pleased to join with my colleagues in congratulating Senator ROBERT BYRD on his 50 years of exemplary and distinctive service in the U.S. Senate.

Senator BYRD is a distinguished Member of the Senate and has served in many important positions of responsibility in this body during his tenure as Senator from West Virginia. He has served as minority and majority leader, as chairman and ranking member of the Appropriations Committee, and as President pro tempore of the Senate.

It has been a great privilege to serve with Senator BYRD on the Appropriations Committee. I have learned so much from him since joining this committee in 1981. Senator BYRD has been a good friend as well as a mentor. It has also been a great pleasure to serve with him on the Homeland Security Appropriations Subcommittee, which we have both chaired.

I look forward to continuing to serve with him in the coming years.

GAZA

Mr. BAYH. Mr. President, I rise today to commend Majority Leader

REID and Republican Leader MCCONNELL for introducing S. Res. 10, an important piece of legislation which reaffirms unwavering support of the United States for Israel and Israel's right to defend itself and protect its citizens. Hamas' unwillingness to renounce violence and recognize Israel's right to exist is the central impediment to achieving a lasting peace between the Israelis and Palestinians. I stand strongly with the people of Israel in their efforts to cope with the terrorist threat from Hamas. No nation can be asked to endlessly turn the other cheek when its people are subject to indiscriminate, unprovoked, and lethal missile strikes. Like all people, the citizens of Israel have the right to live safely within secure borders.

While the responsibility for the current violence rests with Hamas, both sides must take every possible step to avoid harming innocent civilians. Furthermore, both sides must work towards a durable and sustainable ceasefire that prevents Hamas from re-arming and improves the daily living conditions of the people in Gaza.

The current bloodshed in Gaza is also a grave reminder of Iran's role in arming, training, and assisting extremist groups like Hamas. The Iranian regime is the world's most active state sponsor of terrorism. The current violence further underscores the importance of using aggressive sanctions to deter the Iranian regime from taking future actions that destabilize the region and threaten our democratic allies.

We have learned as a nation that terrorism and the advocacy of extremism are not distant problems but those which we must confront vigilantly. Terrorism has no geographic boundaries. We must continue our efforts to confront Islamic extremism and to eliminate terrorists' ability to strike against the United States and our allies. Therefore, I wholeheartedly support S. Res. 10, which underscores our Nation's commitment to help provide for Israel's security and to encourage a lasting and secure peace in the Middle East.

NO OIL EXPORTING AND PRODUCING CARTELS ACT

Mr. SPECTER. Mr. President, as our economy sinks further into recession, OPEC, which controls about 40 percent of the world oil supplies, has announced its biggest single production cut ever. As a result, since December 17 when the cartel announced its record production cuts, oil prices have risen 40 percent.

For decades, the members of OPEC have conspired to manipulate oil prices by limiting the number of barrels sold. U.S. antitrust laws explicitly prohibit conspiracies in restraint of trade, which include agreements to cut production in an effort to cause prices to

rise. Cartel activity by OPEC members clearly violates U.S. antitrust laws.

Unfortunately, OPEC members have escaped liability for their antitrust violations. The Foreign Sovereign Immunities Act makes foreign states liable under U.S. law for their commercial activities but not their governmental activities. In *International Association of Machinists v. OPEC*, a California district court held that OPEC's cartel activity was governmental activity, not commercial activity, and was therefore immune from the antitrust laws. On appeal, the Ninth Circuit affirmed.

These court decisions were wrong. Government-owned companies engaged in purely business activities are subject to the antitrust laws.

That is why Senator KOHL and myself as well as nine other cosponsors are re-introducing the No Oil Producing and Exporting Cartels Act, or NOPEC. The legislation reverses these court decisions, making it clear that cartel activity OPEC is commercial activity that is subject to the antitrust laws. NOPEC also makes it clear that OPEC members are subject to the jurisdiction of U.S. courts.

Applying antitrust law to foreign conduct is consistent with current law. In *Hartford Fire Insurance Co. v. California*, the Supreme Court held that U.S. courts have jurisdiction over antitrust suits involving foreign conduct by foreign actors if the conduct has substantial effects in the United States. Clearly, OPEC's cartel activities have substantial effects in the United States.

The Justice Department has over the years prosecuted many foreign cartels in a myriad of industries, including vitamins, marine hose, liquid crystal display panels, textiles, construction, food, chemicals, graphite electrodes, ocean shipping and fine arts auctions. Indeed, over the past decade, around half of the corporate defendants in cartel cases brought by the Justice Department have been foreign-based. In the vitamins case, for example, the Justice Department successfully prosecuted a cartel of foreign vitamin manufacturers that held meetings abroad to allocate market share and set prices—just like OPEC. In many of the cases involving foreign cartels, foreign executives have been extradited to the U.S. to serve significant prison sentences.

Critics have argued that NOPEC would harm U.S. relations abroad or discourage foreign investment in the United States. However, NOPEC leaves the decision to prosecute OPEC members in the hands of the executive branch by giving the Justice Department sole authority to prosecute.

NOPEC enjoys strong bipartisan support and has since its first introduction back in 2000. The Senate Judiciary Committee has unanimously passed

NOPEC on four separate occasions, most recently on May 22, 2007. During the 109th Congress, the legislation passed the Senate by a vote of 70 to 23 as an amendment to the Clean Energy Act. It was stripped out in conference. NOPEC passed the House last year by an overwhelming vote of 345 to 72. The bill even has the support of the conservative Heritage Foundation, which has noted that NOPEC "would place much needed pressure on OPEC."

TRIBUTE TO EDYTHE SALZBERGER

Mr. GRASSLEY. Mr. President, I would like to pay tribute to Edythe Salzberger, who passed away at the age of 99 last month. Edythe devoted her life to the belief that the creative process is both healing and life enhancing. An interest in art created by psychiatric patients led her to the Hillcrest Children's Center, a home for emotionally disturbed children, where she began her years of service to the disabled and distressed. A pioneer in the field of art therapy, Mrs. Salzberger wrote numerous articles, trained clinicians and other mental health professionals, established an art therapy program at Chaim Sheba Medical Center in Israel, and helped found the Washington chapter of what later became the American Art Therapy Association. Art therapy is based on the belief that the creative process involved in artistic self-expression helps people solve problems, develop interpersonal and conflict resolution skills, manage behavior, reduce stress, increase self-esteem and self-awareness, and achieve insight. It is used to treat patients of all ages dealing with a host of problems related to emotional and mental disorders, substance abuse, trauma, loss, neurological injuries, and psychosocial difficulties resulting from medical illness. A life-long painter, Edythe Salzberger combined her desire to create with her desire to help. She will be missed not only by friends and family but by all the patients and practitioners of the field she helped pioneer and the respected professional association she helped create.

I ask unanimous consent to have the obituary of Edythe Salzberger from the December 15, 2008, edition of the Washington Post printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Dec. 15, 2008]

EDYTHE SALZBERGER, 99; PIONEER IN ART
THERAPY

Edythe Woolf Polsky Salzberger, 99, one of the first art therapists in the Washington area, died Dec. 5 of anemia at her home in Chevy Chase.

Mrs. Salzberger was a painter in her early years who received an associate's degree from the Rhode Island School of Design in 1931. She studied painting at the Museum of

Fine Arts in Boston and later with artists Robert Brackman and William Shulgold.

She developed an interest in art created by psychiatric patients and in 1950 began to study projective drawings under the direction of Fritz Wengraf in New York.

"I always struggled between painting as an end in itself and practicing art therapy," she once wrote.

Moving to Chevy Chase in 1950, she began working as an art therapist in 1957 at Hillcrest Children's Center, a residential treatment facility for emotionally disturbed children. The center, located on Nebraska Avenue NW on the site of what is now the National Presbyterian Church, later closed for lack of funding and was incorporated into the psychiatric services offered by the National Children's Medical Center. She also provided training to clinicians at D.C. General Hospital on the use of art therapy, and established an art therapy program at Chaim Sheba Medical Center at Tel Hashomer in Israel.

Art therapy was a relatively new discipline when Mrs. Salzberger began her career, and she became one of the founders of the Washington chapter of what later became the American Art Therapy Association. She published numerous articles in professional journals and produced one of the first films demonstrating the use of art therapy. Titled "Michael," the film was designed for use in university classes.

She was born Edythe Woolf in Providence, R.I. In 1931, she married her college sweetheart, Daniel Polsby II, and lived in New Haven and Norwich, Conn., where her husband was a businessman and farmer. She worked on the family farm during World War II, when agricultural workers were hard to find. The farm produced as many as a thousand eggs daily; they were sold under contract to an Army camp on Cape Cod.

Her husband died in 1946, and she moved to Chevy Chase with her three sons. She was one of the founders of Temple Sinai in the District and was active in a number of Jewish charitable organizations.

She completed requirements for her undergraduate degree at RISD in the late 1950s.

In 1966, she married Henry X. "Hy" Salzberger, a recently retired Texas department store executive, and moved to Dallas. She helped her husband in the two organizations he founded, Dallas Taping for the Blind and a local radio station for the blind. She also lectured on art therapy at hospitals and at the University of North Texas, and supervised therapists-in-training.

When Mrs. Salzberger's husband died in 1994, she returned to Chevy Chase to be closer to family and friends. She also resumed painting.

Her son, Nelson W. Polsby, died in 2007.

Survivors include two sons, Allen I. Polsby of Bethesda and Daniel D. Polsby of Fairfax County; eight grandchildren; and two great-grandchildren.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, In mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the

opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a forester and a close job for me is 100 miles round trip per day. Occasionally I can camp out near the job, but not always. I am required by the nature of forest roads and the nature of my business to drive a four-wheel drive pick-up. This is not energy-efficient, but there is nothing I can do to change the nature of my business.

I have been a practicing professional forester for over 40 years, and this crisis is not a surprise to me. I have seen it coming since the Wilderness Act was passed in the early 1960's.

The current energy crisis is merely one part of the larger problem and that being the misanthropic environmental movement that refuses to use and manage our natural resources for the benefit of mankind and particularly our great nation.

When I started my career in forestry, Region 6 of the U.S. Forest Service returned timber stumpage dollars to the U.S. Treasury in addition to the counties for roads and schools. The U.S. Congress, under pressure from an ignorant and dedicated misanthropic preservation movement, has relegated the U.S. Forest Service into a hopeless, ineffective agency that now draws money from the Treasury.

The U.S. Forest Service has managed to go from a win-win situation to a lose-lose situation in a little over forty years.

I have used the following analogy for years: you or me, Senator Crapo, are given a fully stocked grocery store and within a week have gone broke, have rotting produce, have burned down our storage room and are requesting funds from the bank.

The U.S. Forest Service burns millions of acres of forest annually. Insect epidemics are destroying millions of acres annually, and the logging industry has been emasculated to the point whereby firefighting is ineffectual i.e. no roads, no tractors, etc.

I may have appeared to go off-track with my discussion of forest management issues, but I assure you the issues confronting forestry are the same as those facing other natural resources, both renewable and non-renewable.

The oil industry has regulations forbidding drilling in the Arctic, offshore in continental U.S., no refineries, etc.

Energy is suffering, no nuclear, no coal-fired, breaching dams, and, in short, these "well-intentioned" environmental whackos are more intent on destroying our capitalist system than saving resources.

P.S I am working with folks who own the patent rights on a machine that converts forest slash into a powder that we think is the breakthrough for the cellulosic production of ethanol.

LEWIS, Eagle.

We are retired and on a fixed income. We can drive or not as we wish, unlike other folks who work. All of the things you mentioned in your e-mail should be accomplished. Becoming non-dependent on foreign sources for fuel should be a top priority. When our former President said we will start a program to put us on the moon before, the population and industry responded. If our leaders will take the same approach to developing our oil sources, wind power, nuclear power, and all other alternative energy, and encourage conservation, I believe the American people and industry will rise to the challenge. Why did we not learn the last time when we all parked in lines on our given day to get gas?

LAURA, Twin Falls.

I cannot understand why Congress cannot see the need to allow the United States to access more of our own energy sources. Yes, we need new alternative fuels, but we also need to become more realistic about our solutions to the energy crisis. We need to combine research and start making use of our own current oil discoveries. We need to start drilling in the places where oil has already been discovered. Why has Congress ridiculed President Bush when he asked the Saudis to produce more oil when Congress refused to do the same right in our own country? He did ask Congress first. I would like to see the Congress invite the scientists who do not agree with man-made global warming to testify and bring their facts forward. Forming an energy policy on an unproven crisis does not make much sense.

On another subject, why do the senators only take calls and emails from their home states when all of you represent the United States of America and your actions impact all of us?

GLORIA.

We have let the left with their environmental agenda hijack our country and many [conservatives] are allowing it to happen. If we do not start drilling in ANWR and offshore [and] using coal in place of petroleum, we are going to be in a world of hurt. Alternative energy sources are going to be great when they get here, but that is a generation away. As a country trying to stave off the jihadist and Latin dictators, we had better be self-dependent on our own energy. I hope Congress understands their culpability in this mess as well as the President. How about a reduction in fuel taxes? If the American people continue to be pressed, they will react; there are unintended consequences that may be very surprising to some. Thanks for your service to Idaho.

WADE.

We are a retired couple. When we were working, we socked lots of our money into various retirement funds and, therefore we are comfortable even with the high energy costs, at least at the present time. Due to our fixed incomes, we watch prices going sky high and this gives us concern.

ABC News, June 11, 2008 released the following and I am wondering if you could verify this.

"Congress decides how much oil companies are taxed, what forms of alternative energy development—such as solar and wind power—are subsidized, where oil companies can drill and how fuel efficient our cars need to be."

"For years, lawmakers have fought over proposals to expand offshore drilling in the Gulf of Mexico and to allow drilling in the

Arctic National Wildlife Refuge in Alaska. Republicans have pushed for such increased exploration, but Democrats killed the latest push, saying it would do little to ease gas prices in the short term and could have dire environmental consequences."

"There is oil in the Arctic but getting it would come at a cost."

"The Democrats came back with their own hodgepodge of ideas, including giving the president the authority to declare an 'energy emergency' and sue OPEC nations, prosecute price gougers and assess a 'windfall profit tax' on oil companies. Senate Republicans killed that measure."

"And for years Congress has ignored proposals to increase fuel-efficiency standards, or CAFE standards. The standards just got their first major overall in three decades with the new legislation calling for automakers to boost fleet wide gas mileage to 35 miles per gallon by 2020."

"Although the public has clearly moved to the acceptance stage, Congress has not. Congress is still stuck at this anger stage so they want to blame speculators. They are pandering. They want people to feel good about themselves. They want somebody to blame."

"There is also a lot of money at stake for the politicians. The oil and gas industry is one of the top donors to political campaigns year after year."

"In 2004, the industry donated more than \$25 million to politicians around the country, according to the Center of Responsive Politics."

"And the bulk of that money—more than \$20 million—went to Republicans. Bush's re-election campaign alone received \$2.7 million of that money. (Bush also got nearly \$2 million from the oil and gas industry in 2000.)"

"Washington politicians set the nation's energy policy but could they be doing more?"

"This year is also turning out to be a lucrative one for politicians, with more than \$14 million from the industry reported to the Federal Election Commission by the end of April, according to the Center for Responsive Politics."

"And again, that money is flowing mostly to Republicans—this time about 73 percent of contributions."

"But there is more money at stake. The oil and gas companies spend millions of additional dollars, hiring a mass of lobbyists to push legislation their way. In the last decade, the Center for Responsive Politics has tracked more than \$640 million spent by oil and gas companies on lobbying."

Not all the blame rests with politicians.

We Americans are addicted to our cars, driving more than necessary, thanks, at one time, to cheap gas. Instead of living close to our workplaces, we have chosen to live in large suburban developments or in faraway rural areas that require a car for even the simplest of errands. Americans spend more than 100 hours commuting to work each year, according to the U.S. Census Bureau. That is more time than most Americans spend on vacation. In 2003, the average daily commute was more than 24 minutes. And most of that time is spent alone in a car.

America has less than 5 percent of the world's population but we consume about 25 percent of the world's energy resources. China and India are rapidly increasing their share of the energy market—which is helping to drive up prices—but America still dominates.

Americans have abandoned cities to live in sprawling suburbs that require a car. Americans have also been buying large gas-guzzling cars for decades, most recently big SUVs. Consider this: The Ford F-Series pickup truck has been the best-selling vehicle in the United States for 26 years. (There were occasional months when it was beaten in sales—but always by another truck, usually the Chevrolet Silverado.) Some drivers are changing their habits now.

If the OPEC nations decided to increase production by, say, 1 million barrels, then there might be some relief in the markets. While such an increase might lead to lower prices at the pump now, it is not a long-term solution. There is only so much oil in the ground, and if more is pumped today there is less for the future. With explosive growth in China, India and elsewhere it is very likely that all the extra oil would quickly be consumed and prices would skyrocket again.

Oil prices are high because of worldwide demand. But part of the price spike comes from market moves. The first—and easiest to understand—is that oil is priced in U.S. dollars. So when the value of the dollar falls, as it has in the past year, the price of oil goes up for Americans.

But the market is much more complex than that. Many investors—some call them speculators—are pouring money into oil when they had previously ignored it. Basically, many investors are spooked by the subprime housing market and other problems with the financial sectors, and have fled from the stock market. Instead of investing in stocks and bonds, these investors have chosen to place their money in oil, driving up the price.

Bill O'Grady, chief investment strategist for energy at Wachovia Securities, said that part of the problem also has to do with the Federal Reserve setting interest rates so low. He said that when inflation is 4 percent but investors are only getting 1 percent for their cash in the bank, they look for other investment options. Normally, real estate would be one of those options. But with that market collapsed investors are turning toward commodities such as gold, corn and oil.

Plus, every time there is some geopolitical fear, prices rise. The latest such tension comes as Israel and Iran, the world's fourth largest oil exporter, are having a way of words. Israel has threatened to attack Iran's nuclear program, and Iran has threatened a strong reprisal.

This above came from the ABC News—June 11, 2008.

I understand there is a very large quantity of oil in North Dakota, Montana and Southern Saskatchewan. What's the problem with going after these? I would appreciate your response to the above. Thanks you for the opportunity to relate these issues to you.

HELEN, *Rupert*.

I would like to thank all the players in Washington DC for bringing the price of oil up to its current level to help save the environment. I never realized how green the administration and Congress actually were. Allowing jobs to be shipped over seas, borrowing money from China to fund a war that cannot be won, and allowing the housing crisis to occur are all some of the best policies one could think of to raise the cost of fuel for the little guy and at the same time reducing the emission of greenhouse gases. I would like to thank all the millionaires that we have representing us in DC; I am sure they all have fully funded re-election war chests. Thank you for using your time wisely by trying to save brain-dead people, preventing gays from getting married, and supporting the upper 1% of families instead of

using your time fixing problems like funding Social Security, making health care affordable and keeping manufacturing jobs in the USA. The last eight years have been a blessing to all of us. Please keep up the good work, before you know it there will be a horse and buggy in every two-car garage in this country.

ROBERT, *Boise*.

The high cost of fuel is affecting us by not being able to see some of our children who live far away and they are asking us to help them with unexpected bills. My husband drives 26 miles each way to work. It has really increased our expense. I work at the site and they are going to increase our bus rates double. If this happens, I will be forming a carpool and many others will as well. This will create much more traffic on the road and there will be more exhaust which will cause much more pollution. Also there will be more wrecks. There has got to be something more done. I feel that the U.S. will become weaker and it will threaten our national security. I believe there will be violence as people are unable to provide the necessities of life. It really is a threat to our nation.

LAREE.

Very simply, we are reducing the amount of money we spend on everything other than gasoline. We are having to pay more for natural gas, electricity, and food because all are being impacted by the increase in oil futures. We have not taken a vacation this year and will not be able to afford one anytime soon.

ROBERT.

Thank you so much for offering us an opportunity to share with you how gas prices are affecting our family. We are a family of four, and we purchased our home in Kuna because housing was more affordable in this rural town. We are 8 miles from I-84, and just about everything requires us to drive to the freeway and beyond. My husband works 8 miles from home; our adult daughter works 8 miles from home; our adult son works 12 miles from home; and I spend my time driving to doctor appointments in Meridian and downtown Boise (12-20 miles)—and back. As you mentioned, there is no public transportation.

During the summer, our children work almost fulltime, and they each earn approximately \$1,000 per month. They both drive high-mileage vehicles, but their gasoline bill is now approximately \$120 per month. When the school year begins, they will both cut back on their working hours and increase the number of miles they drive, as they both attend BSU. Their income will drop to approximately \$700 per month, and they will be adding approximately 70 miles per week to their mileage, at an estimated additional cost of \$70 per month. If their schedules permit, they can carpool to school, leaving a car in Meridian so they can each drive to work in the afternoon. Obviously, this does not leave much room in their budgets for car insurance and other expenses. Fortunately, they live at home with us.

My husband and I have greatly reduced the number of times we go out to dinner, and we select more fast-food restaurants lately. We try to run our errands while we are out in Meridian and combine trips. My husband recently had to fly to Florida on business. Normally, we would pay for me to join him; we did not do that this time, as airline tickets are prohibitive. We had already arranged to rent a cabin in California for a week, as our

summer vacation, and that trip begins next week. Since we are taking five adults and two cats, we will be driving a Chevy Suburban (ouch!). We have not even estimated what that is going to cost in gasoline, because calculating it would only ruin our vacation. It will be interesting to find out which was the higher cost, the rental of the cabin or the gasoline for the car. Needless to say, we will not be renting a cabin in California for our next vacation if gas prices continue to be this high. We are also seeing the prices of groceries inch up. The cereal boxes and ice cream cartons are smaller, but they run out faster. My husband and I do not have a lot of cushion in our budget to help our children with their budgets. I am unable to work because of health issues (but social security does not want to pay me the disability benefits I earned). My husband's employment at Western States Equipment (Caterpillar) is all that is keeping us afloat.

Thank you so much for all that you do for Idaho families, and we hope this information helps you in your endeavors. Any help would be great.

SONDRA, Kuna.

Energy prices affect all aspects of our lives. Food, home heating, all shipping charges, it goes on and on. Most of us are fearful of our heating costs for this winter coming. We had such a long cold winter, if it costs double it will hurt everyone. I really feel for the young families. There costs for housing, cars, food, energy and all that children need, it is almost impassable without help. We have to drill for oil and build refineries. We should not be paying other countries for energy that we can produce here. It does not make any sense. Please help make the [Congress] understand.

JULIE, Worley.

If I see or hear of fossil fuel one more time, my head will explode. It is not from fossils. How did they get that deep in the earth. Abiotic oil—do your research. Now on this stupid carbon credit [issue] related to so-called global warming—we all could stop breathing that cut CO₂ by 90% and the Earth could stabilize++. Thank you for doing what you can.

JEFF, Nampa.

The way the energy crisis have impacted my life is I have come to the realization that are politicians in Washington are more interested in protecting big business than their constituents. Nothing is done about illegal immigration because it might affect the economy but the only thing more important to the economic infrastructure of the USA then cheap fuel is oxygen. Drill for oil, build nuclear power plants, construct windmill farms and offer incentives for solar power and preserve what is left of our way of life for future generation.

DALE, USMC retired.

From where I am sitting, [too many in Congress] are directly responsible for the current high energy prices. The Bush energy policy was decided by Vice President Cheney and oil company executives. Even now you are protecting Big Oil profits at the expense of alternate energy support.

Your feigned attempt at feeling my pain falls on my deaf ears.

MARVIN.

ADDITIONAL STATEMENTS

TRIBUTE TO AMBASSADOR KENNETH QUINN

• Mr. HARKIN. Mr. President, during a long and distinguished career in many fields of public service, Ambassador Kenneth Quinn has received countless awards and honors. But I daresay that the award he will receive tomorrow from the Department of Defense is the longest delayed and hardest earned of his distinctions. Ambassador Quinn will become the first civilian ever to receive the Air Medal for Combat Service, an award created during World War II to honor courageous and meritorious service in aerial combat.

From November 1968 to June 1973, Kenneth Quinn served as a Foreign Service officer in Vietnam. For his first 2 years in that country, he was assigned to Advisory Team 65 in Sa Dec Province, replacing an Army major as senior adviser to the team. In that capacity, he took part in the same military activities and combat operations as his military predecessors. All totaled, he participated in some 250 hours of helicopter combat operations. He served in night helicopter patrols over Viet Cong-held sectors and took part in helicopter operations to insert and extract troops from the battlefield. On other occasions, he directed helicopter gunship operations from a command-and-control helicopter flying just several hundred feet above the battlefield, repeatedly coming under enemy fire. On still other occasions, he participated in ground combat operations, night ambushes, and brown water naval combat operations.

This is just one chapter in the remarkably accomplished career of this Dubuque, IA, native. He served for more than three decades in the Foreign Service, becoming one of the most decorated and respected American diplomats of his generation. Ambassador Quinn was one of the U.S. Government's top experts on Indochina, having written his doctoral dissertation on Pol Pot's regime in Cambodia. Indeed, he is widely acknowledged to have been the first westerner to discover and report on the holocaust being perpetrated by the Khmer Rouge. Later, while serving as Ambassador to Cambodia, he played a key role in the 1999 capture of the last remaining Khmer Rouge general. Upon his retirement as Ambassador to Cambodia, he was presented the Secretary of State's Award for Heroism and Valor for protecting Americans citizens exposed to danger in Cambodia and for his participation in four lifesaving rescues in Vietnam.

The common theme in Ambassador Quinn's career has been his commitment to serving causes higher than himself. He has undertaken humanitarian missions that have saved countless thousands of lives. In 1978, under a

special exchange program with the Foreign Service, he was allowed to return to Iowa to join the staff of Governor Robert Ray. He played a lead role in the Governor's program to resettle Indochinese refugees in Iowa, and he served as executive director of the 1979 Iowa SHARES Program, which sent Iowa medical personnel, supplies, and food to Cambodia during a period of mass starvation there.

Following his retirement from the State Department 8 years ago this month, Ambassador Quinn returned to Iowa to assume leadership of the World Food Prize Foundation, the Des Moines-based organization dedicated to ending hunger around the world by promoting the sustainable production and distribution of an adequate and nutritious food supply. The World Food Prize—created by Nobel Peace Prize-winner and Iowa native Dr. Norman Borlaug and supported for many years by Iowa business leader and philanthropist John Ruan—is the most prestigious international award recognizing exemplary work in improving the quality, quantity, or availability of food in the world.

Mr. President, Ambassador Quinn has served our Nation as a diplomat, a soldier, and a passionate humanitarian. At every stage of his brilliant career in public service, he has embodied America's highest ideals, and he has earned renown for his courage, initiative, and selfless dedication. I join with my colleagues in the Senate in congratulating Ambassador Quinn as he becomes, tomorrow in Washington, the first civilian ever to be awarded the Air Medal for Combat Service.●

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) (the "Act"), I hereby transmit a report detailing the plan of the Secretary of the Treasury to exercise the authority under the Act.

GEORGE W. BUSH.
THE WHITE HOUSE, January 12, 2009.

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 11. An act to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-326. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "novaluron; Pesticide Tolerances Technical Amendment" ((EPA-HQ-OPP-2007-0438)(FRL-8396-4)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-327. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls on certain persons in Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC-328. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-329. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-330. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(73 FR 76234)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-331. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-B-1023)

received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-332. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(73 FR 76230)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-333. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Modernization of Oil and Gas Reporting" (RIN3235-AK00) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-334. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report relative to the National Oceanographic Partnership Program; to the Committee on Commerce, Science, and Transportation.

EC-335. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (December 2008)"; to the Committee on Commerce, Science, and Transportation.

EC-336. A communication from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing activities during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-337. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-338. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XM18) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-339. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-XL11) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-340. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "List of Fisheries for 2009" (RIN0648-AW48) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-341. A communication from the Deputy Assistant Administrator for Regulatory Pro-

grams, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Fishing Gear Inspection Program" (RIN0648-AU98) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-342. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XL74) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-343. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction" (RIN0648-XL75) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-344. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction" (RIN0648-XM19) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-345. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Increase of the Landing Limit for Eastern Georges Bank Cod in the U.S./Canada Management Area" (RIN0648-XL94) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-346. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; In-season Adjustments" (RIN0648-AX46) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-347. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Chemical Weapons Convention Regulations: Additions to the List of States Parties; Updates to Contact Information for the Treaty Compliance Division; Editorial Corrections" (RIN0694-AE39) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-348. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 2007"; to the Committee on Energy and Natural Resources.

EC-349. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2007; to the Committee on Energy and Natural Resources.

EC-350. A communication from the Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Leasing of Solid Minerals Other Than Coal and Oil Shale" (RIN1004-AD91) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Energy and Natural Resources.

EC-351. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the 2005 and 2006 annual reports relative to identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies; to the Committee on Environment and Public Works.

EC-352. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Clean Air Act and Clean Water Act Exemptions" (RIN0750-AF97) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Environment and Public Works.

EC-353. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference" (FRL-8750-1) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-354. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Washington; Interstate Transport of Pollution" (FRL-8760-7) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-355. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment Rule" (RIN2020-AA46) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-356. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extract of *Chenopodium ambrosioides* near *ambrosioides*; Exemption from the Requirement of a Tolerance" (FRL-8396-2) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-357. A communication from the National Treasurer, American Ex-Prisoners of War, transmitting, pursuant to law, the or-

ganization's 990 Return of Organization Exempt From Income Tax; to the Committee on Finance.

EC-358. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending certain Memorandums of Understanding; to the Committee on Finance.

EC-359. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, a report relative to competitive sourcing efforts; to the Committee on Finance.

EC-360. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 482: Methods to Determine Taxable Income in Connection With a Cost Sharing Arrangement" (RIN1545-BI46) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-361. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer's Annual Federal Tax Return and Modifications to the Deposit Rules" (RIN1545-BI39) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-362. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Advisor Payments to Money Market Funds" (Rev. Proc. 2009-10) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-363. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of Economic Analysis" (RIN1545-BC93) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-364. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consolidated Returns; Intercompany Obligations" (RIN1545-BA11) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-365. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 529 Programs" (Notice 2009-1) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-366. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance regarding foreign base company sales income" (RIN1545-BI50) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-367. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Clarification of Evidentiary Standard for Determinations and Decisions" (RIN0960-AG75) re-

ceived in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-368. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in which rulings will not be issued; Associate Chief Counsel (International)" (Rev. Proc. 2009-7) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-369. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to temporary guidance regarding the application of Section 305 (Rev. Proc. 2009-15) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-370. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule "Calculation of Volume of Alcohol for Fuel Credits; Denaturants" (Notice 2009-06) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-371. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Creditor Continuity of Interest" (RIN1545-BC88) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-372. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs; Negotiated Pricing and Remaining Revisions" (RIN0938-AP24) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-373. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the waiver of reimbursement under the United Nations Participation Act to support the United Nations/African Union Mission in Darfur; to the Committee on Foreign Relations.

EC-374. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to training of consular officers to counter terrorist travel; to the Committee on Foreign Relations.

EC-375. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC-376. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-222—2008-227); to the Committee on Foreign Relations.

EC-377. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-228—2008-236); to the Committee on Foreign Relations.

EC-378. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the eighth annual report for the Temporary Assistance for Needy Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC-379. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Flame-Resistant Conveyor Belt, Fire Prevention and Detection, and Use of Air From the Belt Entry" (RIN1219-AB59) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-380. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-381. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-382. A communication from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties Under ERISA Section 502(c)(4)" (RIN1210-AB24) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-383. A communication from the Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-384. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Refuge Alternatives for Underground Coal Mines" (RIN1219-AB58) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-385. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, a report relative to competitions initiated or conducted in fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-386. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Organization's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-387. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, an annual report relative to the Institution's competitive sourcing activities during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-388. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-389. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-390. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the six-month period ending September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-391. A communication from the Chairman, National Capital Planning Commission, transmitting the Commission's 2009-2014 Strategic Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-392. A communication from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Chief Financial Officer, received in the Office of the President of the Senate on January 7, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-393. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report of relative to the designation of acting officer in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on November 13, 2008; to the Select Committee on Intelligence.

EC-394. A communication from the Acting Clerk of Court, U.S. Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2008; to the Committee on the Judiciary.

EC-395. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances" (RIN1125-AA59) received in the Office of the President of the Senate on January 7, 2009; to the Committee on the Judiciary.

EC-396. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Voluntary Departure: Effect of a Motion To Reopen or Reconsider or a Petition for Review" (RIN1125-AA60) received in the Office of the President of the Senate on January 7, 2009; to the Committee on the Judiciary.

EC-397. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information in the position of United States

Attorney, Western District of Virginia, received in the Office of the President of the Senate on January 8, 2009; to the Committee on the Judiciary.

EC-398. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information in the position of United States Attorney, Western District of Tennessee, received in the Office of the President of the Senate on January 8, 2009; to the Committee on the Judiciary.

EC-399. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Repeal of Increased Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-financed Candidates" (Notice 2008-14) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Rules and Administration.

EC-400. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expenditures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

EC-401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Cattle From Mexico; Addition of Port at San Luis, AZ" (RIN0579-AC63) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish" (RIN0579-AC74) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-403. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Section 610 Review" (Docket No. AMS-FV-08-0010)(FV08-984-610) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-404. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Lamb Promotion and Research Program: Procedures To Request Conduct of a Referendum" (Docket No. LS-08-0041) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-405. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2008 Amendments)" (Docket No. AMS-CN-08-0040)(CN-08-002) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-406. A communication from the Administrator, Agricultural Marketing Service,

Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0060)(FV08-993-1 FIR)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-407. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas; Final Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders and Termination of Proceeding" ((Docket No. AO-14-A76, et al.)(DA-07-01)(AMS-DA-07-0116)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-408. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements" ((Docket No. AMS-FV-08-0090)(FV09-966-1 IFR)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-409. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Section 610 Review" ((Docket No. AMS-FV-08-0009)(FV08-966-610)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-410. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pears Grown in Oregon and Washington; Section 610 Review" ((Docket No. AMS-FV-08-0008)(FV08-927-610)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-411. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct and Counter-Cyclical Program and Average Crop Revenue Election Program" (RIN0560-AH84) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-412. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Verification of Eligibility for Free and Reduced Price Meals in the National School Lunch and School Breakfast Programs" (RIN0584-AD61) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-413. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report of four violations of the Antideficiency Act; to the Committee on Appropriations.

EC-414. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to promoting environmental stewardship throughout the Depart-

ment of Defense and the Green Procurement Plan; to the Committee on Armed Services.

EC-415. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Advanced Extremely High Frequency program; to the Committee on Armed Services.

EC-416. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the result of a public-private competition for public works functions; to the Committee on Armed Services.

EC-417. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Senior DoD Officials Seeking Employment with Defense Contractors" (RIN0750-AG07) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-418. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Security-Guard Functions" (RIN0750-AF64) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-419. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Statutory Waiver for Commercially Available Off-the-Shelf Items" (RIN0750-AG12) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-420. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Steel for Military Construction Projects" (RIN0750-AG16) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-421. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Pilot Program for Transition to Follow-On Contracting After Use of Other Transaction Authority" (RIN0750-AG17) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-422. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contract Actions Supporting Contingency Operations or Facilitating Defense Against or Recovery from Nuclear, Biological, Chemical, or Radiological Attack" (RIN0750-AG19) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-423. A communication from the Director, Defense Procurement, Acquisition Pol-

icy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees" (RIN0750-AG09) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-424. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Delegation of Authority for Single Award Task or Delivery Order Contracts" (RIN0750-AG14) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-425. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Burma: Revision of Restrictions on Exports, Reexports and Transfers to Persons Whose Property and Interests in Property Area Blocked Pursuant to Executive Orders" (RIN0694-AE35) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-426. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability" (RIN1550-AC22) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-427. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" ((RIN1557-AD19)(RIN3064-AD39)(RIN1550-AC29))) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-428. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot and Rougheye Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XM30) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-429. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer" (RIN0648-XM22) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-430. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations;

Casper, Wyoming" (MB Docket No. 08-108) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-431. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Hayes Center, Nebraska" (MB Docket No. 08-193) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-432. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Huntsville, Alabama" (MB Docket No. 08-105) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-433. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Kansas City, Missouri" (MB Docket No. 08-111) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-434. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Sioux City, Iowa" (MB Docket No. 08-109) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A resolution adopted by the Senate of the State of New Jersey memorializing Congress to protect the automobile industry and expand national infrastructure projects and related industries; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 37

Whereas, a number of specialists have warned that the collapse of the national economy could occur if certain stop-gap and long-term actions are not implemented to overcome the problems facing the automotive and machine tool sectors of our economy; and

Whereas, the loss of the physical capabilities of the automotive industry, especially its tool sector, could mean the end of America's status as a leading world economic power; and

Whereas, while it is in the best interests of our national security to have a strong, vibrant manufacturing and industrial sector, capable of producing the necessary machinery and technology to defend the citizens of the United States and protect our interests abroad, our manufacturing and industrial sector has experienced a dramatic reduction in capacity and production over the last several decades; and

Whereas, government has an obligation to promote economic activity through the creation of new capital investment, which will result in the expansion of employment opportunities and help jump-start long-term capital investment by private investors; and

Whereas, as government leaders, we must ensure the continued viability of our automotive and machine tool industries, which is a vital element of the State and federal economy; and

Whereas, diversification of the productive potential of the automotive and machine tool industries into a broader sector of production, coupled with a shift into the domain of essential capital goods and economic infrastructure, such as the repair, expansion, and improvement of our national railway systems, and the development of other urgently needed infrastructure projects, will save existing manufacturing jobs and create large new areas of employment in infrastructure and manufacturing for our citizenry in a manner comparable to the best of the New Deal programs that rescued the nation and the world from the ravages of the Great Depression; and

Whereas, the impact of this intervention will be to provide thousands of productive jobs in the state of New Jersey, repair our infrastructure, and create at least ten million jobs nationally, thus restoring our tax base and increasing the standard of living: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. The Senate of the State of New Jersey respectfully memorializes the Congress of the United States to intervene on behalf of national economic interests to ensure that the productive potential of the automobile industry, with its featured technology and machine tool capability, be protected.

2. The Senate of the State of New Jersey respectfully memorializes the Congress of the United States to intervene to vastly expand the construction and maintenance of infrastructure projects and related industries.

3. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to each member of New Jersey's congressional delegation and to the Speaker and Clerk of the United States House of Representatives, Washington, D.C., and the President and Secretary of the United States Senate, Washington, D.C.

POM-2. A resolution adopted by the Commission of Wayne County of the State of Michigan relative to supporting the United States Congress rescue plan to offer low-interest loans to Ford Motor Co., General Motors Corp., and Chrysler LLC to insure the viability of the U.S. auto industry; to the Committee on Banking, Housing, and Urban Affairs.

POM-3. A report from a sportsmen club of Washington State relative to a Department of Agriculture, Forest Service report; to the Committee on Energy and Natural Resources.

POM-4. A report from the Florida Department of State, Commission of Office, relative to the Minority Appointment Reporting Form for 2007; to the Committee on Rules and Administration.

POM-5. A report from the Florida Department of State, Commission of Office, relative to the Minority Appointment Reporting Form for 2007; to the Committee on Rules and Administration.

POM-6. A report from a textile corporation relative to Senate material; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO:

S. 201. A bill to amend the Internal Revenue Code of 1986 to extend the additional standard deduction for real property taxes for nonitemizers for 2010; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. DORGAN, and Mr. CORKER):

S. 202. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 203. A bill to amend the Immigration and Nationality Act to modify the requirements for participation in the visa waiver program and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. BROWN, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mr. LAUTENBERG):

S. 204. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, and Mr. KYL):

S. 205. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 206. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health insurance premiums; to the Committee on Finance.

By Mrs. BOXER:

S. 208. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 209. A bill to amend the Internal Revenue Code of 1986 to modify and extend the credit for alternative motor vehicles, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 210. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. BURR, Mr. AKAKA, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. INOUE, Mr. KERRY, Ms. LANDRIEU,

Mr. LAUTENBERG, Mr. LEVIN, Mr. LUGAR, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 213. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. CARDIN):

S. 214. A bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. COBURN, and Mr. ALEXANDER):

S. Res. 12. A resolution to amend the Standing Rules of the Senate to prohibit filling the tree; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 61

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 64

At the request of Mr. INHOFE, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 64, a bill to

amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 85

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 166

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 166, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. RES. 4

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 4, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana*, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

AMENDMENT NO. 7

At the request of Mr. COBURN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 7 intended to be proposed to S. 22, a bill to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 203. A bill to amend the Immigration and Nationality Act to modify the

requirements for participation in the visa waiver program and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill on behalf of myself and Senator KYL to mitigate the immigration and security risks associated with the Visa Waiver Program and its expansion.

The Visa Waiver Program leaves open both a major gap in our domestic security and a way to exploit our immigration laws. The Strengthening the Visa Waiver Program to Secure America Act would give the Department of Homeland Security, DHS, new tools to secure the Visa Waiver Program, consistent with the recommendations made by the 9/11 Commission.

The bill would set a maximum low visa overstay rate for all visa waiver program countries; require a reevaluation of visa waiver program countries within 1 year; mandate that the administration will lose its authority to continue to expand the program if it does not track 97 percent of those exiting and departing at our airports—based on arrival data, not just departure data; require an audit of the electronic travel authorization system, ESTA; and require current visa waiver countries to report on lost or stolen visas in order to remain in the visa waiver program.

Senator KYL and I have held multiple hearings over the years and time and time again we have expressed concern and requested improvements, but no changes have been forthcoming in how the Department of Homeland Security intends to implement this program.

The hearings and the recent Government Accountability Office report found that the administration is not doing what it should to secure the program. Instead, the Visa Waiver Program has continued to expand without meeting the security needs of our country.

In fact, just today the administration has announced that it has met the deadline for the electronic travel authorization system, ESTA, to be fully operational. However, the GAO report found that ESTA—the one security check for visa waiver travelers prior to arrival at our Nation's airports—has not been implemented effectively by the administration to make it a workable system for the airlines and embassies.

The GAO report also found that the administration is still unable to track who comes in and out of this country. This is especially significant given that the program was recently expanded to countries with high visa overstay rates, bringing the number of participating countries to 35.

This means that for the citizens of 35 countries—including Australia, Singapore, Slovenia, and the United Kingdom—entering the United States is as simple as purchasing an airline ticket

and arriving at the airport with a valid passport in hand.

The result is that these travelers not only bypass the interview and individualized security screening process, but they are also lost once they arrive in the U.S. because DHS is only checking when individuals depart at our airports, not if they overstay their visit.

It is estimated that 40 percent of the current undocumented population are people who have overstayed their visas. That means that if there are 12 million undocumented people now in the U.S., 4.8 million people overstayed their visa. The Visa Waiver Program is the achilles heel of our immigration system.

The security risks associated with the Visa Waiver Program are even greater—Our Nation's security experts have stated repeatedly that the program provides an attractive option to terrorists looking to do Americans harm.

At a Senate Judiciary Committee hearing on September 27, 2007, DNI Director Mike McConnell testified that Al Qaeda is purposefully recruiting Europeans because they do not require a visa to come into this country.

As Director McConnell said, this tactic gives Al Qaeda “an extra edge in getting an operative or two or three into the country with the ability to carry out an attack that might be reminiscent of 9-11.”

Secretary Chertoff reiterated these concerns when he stated that “terrorists are increasingly looking to Europe as both a target and a platform for terrorist attacks” against the United States.

In an interview with BBC's “World News America,” Secretary Chertoff acknowledged, “the first time we encounter [visa waiver travelers] is when they arrive in the United States and that creates a very small window of opportunity to check them out.”

These security risks are particularly apparent when we look at the statistics on the number of fraudulent and stolen passports and other international documents.

Between January 2002 and June 2004, 28 foreign governments, including visa waiver countries, reported 56,943 stolen blank foreign passports to the State Department. And just this summer, a security van in London was hijacked, resulting in the loss of 3,000 blank British passports and visas that were destined for overseas embassies.

DHS's own Inspector General, Clark Ervin has testified that: “The lost and stolen passport problem is the greatest security problem associated with the Visa Waiver Program. Our country is vulnerable because gaps in our treatment of lost and stolen passports remain.”

The Strengthening the Visa Waiver Program to Secure America Act would put necessary security checks firmly in

place and provide greater program oversight.

We must act now to secure the Visa Waiver Program. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Visa Waiver Program to Secure America Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PROGRAM COUNTRY.**—The term “program country” means a country designated as a program country under section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)).

(2) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of Homeland Security.

(3) **VISA WAIVER PROGRAM.**—The term “visa waiver program” means the visa waiver program carried out under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

SEC. 3. ENFORCEMENT OF REQUIREMENT TO REPORT LOST OR STOLEN PASSPORTS.

(a) **ENFORCEMENT OF EXISTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, each program country shall have in effect an agreement with the United States as required by section 217(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(D)).

(b) **FAILURE TO AGREE TO REPORT.**—

(1) **SUSPENSION FROM THE PROGRAM.**—If a program country does not meet the requirements of subsection (a), the Secretary, in consultation with the Secretary of State, shall immediately suspend the program country's participation in the visa waiver program.

(2) **RESTORATION TO THE PROGRAM.**—With respect to a country that is suspended from participation in the visa waiver program under paragraph (1), the Secretary shall restore the country's participation on the date that the Secretary determines that the country meets the requirements of paragraph (1).

(c) **LIMITATION ON NEW PROGRAM COUNTRIES.**—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of subsection (a) have been met.

SEC. 4. ENFORCEMENT OF REQUIREMENT FOR PERIODIC EVALUATIONS OF PROGRAM COUNTRIES.

(a) **ENFORCEMENT OF EXISTING REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall evaluate under section 217(c)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(5)(A)) each program country that was designated as a program country prior to January 1, 2009. Such evaluation shall include the visa overstay rate for each program country for the 1-year period ending on the date of the enactment of this Act.

(b) **VISA OVERSTAY RATE DEFINED.**—In this section, the term “visa overstay rate” has

the meaning given that term in section 217(c)(8)(C) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)(C)), as amended by section 6.

(c) **FAILURE TO COMPLY WITH PROGRAM REQUIREMENTS.**—

(1) **SUSPENSION FROM THE PROGRAM.**—If the periodic evaluation prepared under subsection (a) shows that a program country has a visa overstay rate that exceeds 2 percent, the Secretary, in consultation with the Secretary of State, shall immediately suspend the program country's participation in the visa waiver program.

(2) **RESTORATION TO THE PROGRAM.**—With respect to a country that is suspended from participation in the visa waiver program under paragraph (1), the Secretary shall restore the country's participation on the date that the Secretary determines that the country's visa overstay rate does not exceed 2 percent.

(d) **LIMITATION ON NEW PROGRAM COUNTRIES.**—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of subsection (a) have been met.

SEC. 5. ARRIVAL AND DEPARTURE VERIFICATION.

(a) **REQUIREMENT FOR VERIFICATION.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 217(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)) is amended—

(A) in clause (i)—

(i) by striking “can verify” and inserting “verifies”;

(ii) by inserting “arrival and” before “departure”; and

(iii) by inserting “entry and” before “exit”; and

(B) in clause (ii) by inserting “entry and” before “exit”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (C) of such section 217(c)(8) is amended by inserting “entry and” before “exit”.

(b) **LIMITATION ON NEW PROGRAM COUNTRIES.**—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of clause (i) of subsection (c)(8)(A) of section 217 of the Immigration and Nationality Act, as amended by subsection (a)(1), are met.

(c) **AUDIT.**—

(1) **REQUIREMENT TO CONDUCT.**—Not later than 180 days after the date that the certification described in clause (i) of subsection (c)(8)(A) of section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by subsection (a)(1), is submitted to Congress, the Comptroller of the United States shall conduct an audit of the travel authorization system described in subsection (h)(3) of that section and submit a report on such audit to Congress.

(2) **ELEMENTS.**—The report by paragraph (1) shall include—

(A) a description of the data collected by such system;

(B) the number of individuals who were identified by such system as being in violation of the immigration laws, disaggregated by country; and

(C) an explanation of any problems in implementing such system encountered during the early stages of implementation to better identify high-risk travelers and countries of origin of such travelers.

SEC. 6. VISA OVERSTAY RATES.

Subparagraph (C) of section 217(c)(8) of the Immigration and Nationality Act (8 U.S.C.

1187(c)(8)), as amended by section 5(a)(2), is further amended—

(1) in clause (i), by striking the period at the end of the first sentence and inserting “, except that in no case may a maximum visa overstay rate exceed 2 percent.”;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following:

“(iii) DATA COMPILATION.—The Secretary of Homeland Security shall compile data from all appropriate databases to determine the visa overstay rate for each country. Such databases shall include—

“(I) the Advanced Passenger Information System (APIS);

“(II) the Automated Fingerprint Identification System (IDENT);

“(III) the Central Index System (CIS);

“(IV) the Computer Linked Application Information Management Systems (CLAIMS);

“(V) the Deportable Alien Control System (DACS);

“(VI) the Integrated Automated Fingerprint Identification System (IAFIS);

“(VII) the Nonimmigrant Information System (NIIS);

“(VIII) the Reengineered Naturalization Applications Casework Systems (RNACS); and

“(IX) the Refugees, Asylum, and Parole System (RAPS).”; and

(4) by adding at the end the following:

“(v) ANNUAL REPORT.—Not less frequently than once each fiscal year, the Secretary of Homeland Security shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives a report describing the visa overstay rate for the previous fiscal year of each country designated as a program country under paragraph (1).”.

By Mr. KOHL (for himself, Mr. BROWN, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mr. LAUTENBERG):

S. 204. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce, with ten of my colleagues, the No Oil Producing and Exporting Cartels Act, NOPEC. This legislation will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on efforts to fix the price of oil and hold OPEC accountable when it acts illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels

from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate by a vote of 70–23 in June 2007 as an amendment to the 2007 Energy Bill before being stripped from that bill in the conference committee. The identical House version of NOPEC passed the other body as stand alone legislation in May 2007 by an overwhelming 345–72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Throughout 2007 and 2008, crude oil and gasoline prices marched steadily upwards, peaking last summer at over \$140 per barrel for crude and well over \$4 per gallon for gasoline. In recent months, of course, these prices have plummeted as demand has dropped due to the serious global economic recession. But the recent declines in crude oil and gasoline prices should not fool us—the global oil cartel remains a major force conspiring to raise oil prices to the detriment of American consumers.

The recent actions of the OPEC cartel demonstrate the dangers it presents. OPEC is doing everything it can to raise oil prices. On October 24, 2008, OPEC agreed to cut production by 1.5 million barrels a day, and on December 17 OPEC agreed to a further 2.2 million barrels a day production cut. The OPEC cartel makes no secret of its motivation for these production cuts. OPEC President Chaib Khelil put it very simply in an interview published December 23, 2008, “Without these cuts, I don’t think we’d be seeing \$43 [per barrel] today, we’d have seen in the \$20s. . . . [H]opefully by the third quarter [of 2009] we will see prices rising.” In another interview in December, Khelil was quoted as saying “The stronger the decision [to cut production], the faster prices will pick up.”

And if the price of crude oil begins to rise again as a result of these actions by OPEC, there is no doubt that millions of American consumers will feel the pinch every time they visit the gas pump. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged such an international price fixing conspiracy, there would no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but,

sadly, no one in Government has yet tried to take any action. This NOPEC legislation will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law.

It is also important to point out that this legislation will not authorize private lawsuits. It only authorizes the Attorney General to file suit under the antitrust laws for redress. It will always be in the discretion of the Justice Department and the President as to whether to take action to enforce NOPEC. Our legislation will not require the Government to bring a legal action against OPEC member nations, and no private party will have the ability to bring such an action. This decision will entirely remain in the discretion of the executive branch. Our NOPEC legislation will give our law enforcement agencies a tool to employ against the oil cartel—but the decision on whether to use this tool will entirely be up to the Justice Department and, ultimately, the President. They can use this tool as they see fit—to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations warrant it.

NOPEC will also make plain that the nations of OPEC cannot hide behind the doctrines of “sovereign immunity” or “act of state” to escape the reach of American justice. In so doing, our amendment will overrule one 28 year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. We should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. Government has ever had to deter OPEC from its seemingly endless cycle of supply cutbacks designed to raise price. It will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct. It will also deter additional nations who may today be considering joining OPEC.

I urge my colleagues to support our NOPEC legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Oil Producing and Exporting Cartels Act of 2009” or “NOPEC”.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

“SEC. 7A. OIL PRODUCING CARTELS.

“(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product; when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws.”.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, and Mr. KYL):

S. 205. A bill to authorize additional resources to identify and eliminate il-

licit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Southwest Border Violence Reduction Act of 2009. This important legislation, which is cosponsored by Senators HUTCHISON, DURBIN, and FEINSTEIN, is aimed at addressing drug-related violence in Mexico by reducing the number of weapons that are illegally smuggled into the country.

The ongoing violence in Mexico is having a devastating impact on the country. In 2008, more than 5,300 people were killed in Mexico—this is double the number in the previous year. During this last year, there were over 1,600 deaths just in Ciudad Juarez. Drug traffickers are warring with each other, assassinations of police and government officials are commonplace, lawyers and journalists have been killed, and many innocent civilians have been caught up in the crossfire.

Border communities within the United States are also being directly impacted. Many of the people living in this region have strong family ties to Mexico and the violence makes it difficult to visit loved ones. U.S. border hospitals have had to provide medical care to the wounded under armed guard. And in New Mexico, we had to briefly shut down the Columbus Port of Entry due to gun battles in the Mexican border town of Palomas and provide police escorts to school buses passing through the area. At one point this last year, the entire police force in Palomas resigned due to threats by drug traffickers and the Chief of Police fled to the United States to seek asylum.

Besides the horrific human toll this violence is having on communities throughout Mexico, it also impacts the overall economy of the border region. Everyday thousands of people travel back and forth between the United States and Mexico for business and pleasure. This flow of people and goods is an essential aspect of maintaining healthy economic activity on both sides of the border. However, the current security situation is hampering bilateral trade, new business ventures, and tourism. In these tough economic times, the violence exacerbates an already bad economic environment.

The United States has taken some important steps to help Mexico fight drug traffickers, such as increasing bilateral cooperation and providing substantial financial assistance as part of the Merida initiative. However, there is much more that we can be doing to help quell this violence. One key area where more can and should be done is with regard to stopping the flow of weapons being smuggled into Mexico from the United States.

According to the ATF, about 90 percent of the weapons confiscated in Mexico come from sources within the United States because firearms are much more readily accessible in the United States than in Mexico. These weapons are the so-called “tools of the trade” for narco-traffickers. They are the means by which cartels maintain control over drug corridors and the instrument they use to execute their scheme of violence and intimidation.

In the four U.S. border States there are about 6,600 licensed gun dealers. The vast majority of these dealers act in accordance with the law, but drug gangs exploit the availability of weapons in the region to supply cartels on the Mexican side of the border with illegal high-powered weapons.

The ATF has a very successful initiative in place to combat southbound illicit weapons trafficking, known as Project Gunrunner, but they need more resources to adequately tackle the problem.

The Southwest Border Violence Reduction Act would provide these much needed resources. Specially, this legislation would authorize \$30 million over 2 years to expand Project Gunrunner teams in the border region and \$19 million to assign agents to U.S. consulates in Mexico to assist Mexican law enforcement with smuggling investigations.

I would also like to make it clear that nothing in this bill limits the sale of firearms or places any additional restrictions on licensed dealers. This effort is only focused on enhancing the investigative capabilities of the ATF with regard to arms trafficking in order to weed out the bad actors and to ensure that weapons aren't being illegally smuggled across the border.

The United States has traditionally focused on enhancing efforts to prevent illegal narcotics from being smuggled into the country. While we obviously need to dedicate resources toward this end, we also should be taking a comprehensive approach that recognizes that the northbound flow of narcotics is dependent on the southbound flow of weapons and currency. Denying traffickers the proceeds of drug sales and the ability to heavily arm their cartels is essential in reducing the drug flow into the United States.

It is insufficient to simply rely on Mexican authorities to stop the flow of guns going into their country. Drug trafficking is a transnational threat and the solution must involve sustained cooperation between the United States and Mexico. We must do more on our side of the border to disrupt weapons smuggling if we are going to be successful in combating drug cartels.

Instability and violence in Mexico is taking a toll on communities on both sides of the border. I strongly believe that this is an issue that deserves more

attention, and I hope my colleagues will support this bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southwest Border Violence Reduction Act of 2009".

SEC. 2. PROJECT GUNRUNNER.

(a) IN GENERAL.—The Attorney General shall dedicate and expand the resources provided for the Project Gunrunner initiative of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to identify, investigate, and prosecute individuals involved in the trafficking of firearms across the international border between the United States and Mexico.

(b) ACTIVITIES.—In carrying out this section, the Attorney General shall—

(1) assign additional agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the area of the United States adjacent to the international border between the United States and Mexico to support the expansion of Project Gunrunner teams;

(2) establish not fewer than 1 Project Gunrunner team in each State along the international border between the United States and Mexico; and

(3) coordinate with the heads of other relevant Federal law enforcement agencies and State and local law enforcement agencies to address firearms trafficking in a comprehensive manner.

(c) ADDITIONAL STAFF.—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources needed to adequately support, Project Gunrunner.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 3. ENHANCED INTERNATIONAL COOPERATION.

(a) IN GENERAL.—The Attorney General, in cooperation with the Secretary of State, shall—

(1) assign agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the United States mission in Mexico, to work with Mexican law enforcement agencies in conducting investigations relating to firearms trafficking and other criminal enterprises;

(2) provide the equipment and technological resources necessary to support investigations and to trace firearms recovered in Mexico; and

(3) support the training of Mexican law enforcement officers in serial number restoration techniques, canine explosive detection, and antitrafficking tactics.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$9,500,000 for each of fiscal years 2010 and 2011 to carry out this section.

By Mrs. BOXER:

S. 206. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to

include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to reintroduce the Early Education Act. Early education is critical to preparing children across our Nation with the initial skills and abilities to successfully begin their education. While the amount of support for early education has been increasing, great discrepancies remain between the quality of programs and the level of access from State to State.

This bill is a step forward in making a national commitment to giving all children access to high quality pre-kindergarten programs that have been proven to have a solid impact on a child's success later in school and in life.

Of the more than 8 million 3- and 4-year-olds that could be in early education, just over half are enrolled in an early education program. In my State of California alone, just fewer than 60 percent of 3- and 4-year-olds are in some kind of preschool.

The result is that too many children enter elementary school unprepared to learn.

Studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

Almost all experts now agree that an early education experience is one of the most effective strategies for improving later school performance. The National Research Council reported that pre-kindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

The future of our Nation's economy depends on the next generation of workers, and high-quality early childhood education is key to preparing them for their careers. In the long run, pre-kindergarten programs pay for themselves. Decades of research have proven that early education programs yield between \$7 to \$16 for every dollar invested.

My bill, the Early Education Act, would create a program in at least 10 States to provide 1 year of pre-kindergarten early education in public schools. The bill would require a dollar for dollar match by the States and would authorize no less than \$300 million annually for these programs. These funds would be used by States to supplement—not supplant—other Federal, State or local funds. This bill would serve almost 150,000 children across the country.

Our children need a solid foundation that builds on our current education

system by providing them with early learning skills. I urge my colleagues to support this legislation.

By Mrs. BOXER:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health insurance premiums; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am introducing the Health Insurance Tax Relief Act to help our Nation's workers and working families deal with dramatic increases in health care costs. The legislation would allow taxpayers to deduct their health insurance premiums up to \$2,000 for individuals and \$4,000 for families.

While this deduction will certainly not solve all of the problems in our health care system, it will provide help for working individuals and families who have seen health care premium costs drastically rise. Since 1999, the average health insurance premium for workers covering their families has more than doubled. A recent survey by the Kaiser Family Foundation found that 40 percent of employers that offer health benefits are likely to increase the amount their employees pay in premiums.

This is an issue of fairness. Current law provides a patchwork of tax deductions for health care costs depending upon an individual's employer, the type of health care plan provided by their employer, and/or percentage of income spent on health care, among other things.

Unfortunately this patchwork has left out many employees who face increasing premiums or are buying high cost health plans on their own. This legislation rectifies that unfairness and will help people meet rising health care costs. It would help those currently purchasing coverage to continue to do so, as well as helping people who are uninsured to purchase coverage.

This legislation is particularly important for employees in small businesses. Many small businesses across the country have been forced by the rising cost of health care to shift an increasing amount of health insurance costs to their employees. These are hard working Americans struggling to make ends meet in a weak economy.

Now more than ever we need legislation that provides targeted assistance to help families pay for health care. I urge my colleagues to support my legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary

Modification and Protection Act will protect one of the world's most biologically-diverse and productive marine regions. I am proud to be joined in this effort by Congresswoman LYNN WOOLSEY and Senator DIANNE FEINSTEIN.

Established in 1981 and 1989 respectively, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries have helped protect the special marine waters and coastline that are quintessentially Californian. My bill will protect an even greater part of my State's coast by expanding the sanctuaries' boundaries to include more of northern California's great coastal upwelling area, one of only four on the planet.

Upwelling areas are places where deeper water comes up to the surface, bringing the nutrients needed by marine algae to grow and support all higher forms of marine life. Though coastal upwelling areas comprise only 1 percent of the world's ocean they produce 20 percent of its fish. The area from Point Arena to Bodega Bay, currently outside the sanctuaries' boundaries, is particularly important since it consistently has the most intense upwelling in all of North America and an enormous capacity to support marine life. I am proud that my bill will expand the sanctuaries' boundaries to protect this upwelling area.

The unique productivity of this region is illustrated by the abundance and diversity of marine life it supports: 36 species of marine mammals, including the endangered blue and humpback whales; numerous coastal and migratory seabirds, including the black-footed albatross; endangered leatherback turtles; and Coho salmon. Expanding the existing sanctuaries to include this area is necessary to protect this remarkable ecosystem from pollution and habitat degradation.

My bill has broad, local support, including from the California Coastal Commission, the California State Lands Commission, the Counties of Sonoma, Marin, and Mendocino, and the cities in the expansion region. It is also supported by fishermen, including the Pacific Coast Federation of Fishermen's Associations, by far the largest and most active association of commercial fishermen on the West Coast. Fishermen recognize the urgency of passing this legislation to preserve the water quality and habitat essential for good fishing.

My bill will help preserve an incomparable gem of an ecosystem. I look forward to working with my colleagues to move this important legislation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 213. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier,

and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am pleased to re-introduce the Airline Passenger Bill of Rights Act, a critical piece of airline passenger safety legislation.

Anyone who has traveled recently recognizes that the delays travelers are encountering at airports are a national problem that needs our immediate attention.

Americans are all too familiar with the numerous horror stories of passengers trapped in airplanes sitting on runways for sometimes as much as 11 hours without adequate food or water, overflowing restrooms, and no opportunity to deplane.

The delays continue. On the Sunday before Christmas 2008, more than 250 passengers on a Continental Airlines flight from Houston to Boston were diverted to Bangor, ME, where they spent about 6 hours idling on the tarmac before they were told that they were going to deplane for the night and would have to find shelter and transportation on their own.

When these passengers returned the next day for their trip home, not only was their flight delayed 5 hours but they also spent another 2 hours idling on the tarmac before finally flying to Boston.

In 1999, the airlines had an opportunity to address the stranding of airline passengers on tarmacs across the country, but despite those efforts little has changed.

Last March a Federal appeals court ruling struck down New York State's Passenger Bill of Rights law, stating that it is up to the Congress to set a national Federal standard.

To meet this immediate need for Federal legislation, I am re-introducing the Airline Passenger Bill of Rights Act, along with Senator SNOWE, to give airline passengers basic protections when they are facing these delays and disruptions in their travel.

This legislation requires airlines to give passengers adequate food, water, facilities, and medical attention when planes are delayed on the tarmac.

In addition, the bill requires each air carrier to develop an emergency contingency plan, to be reviewed and approved by the Department of Transportation (DOT) that identifies a clear timeframe to allow passengers to deplane if they choose and if the pilot deems it safe.

Airlines will need to give passengers the option of deplaning every 3 hours, with exceptions to maintain passenger safety and airport efficiency.

Our legislation also includes a few additional provisions from the FAA Reauthorization bill passed by the House in the last Congress. Our bill requires airports to develop plans to handle stranded passenger aircraft and creates

a DOT hotline for consumer complaints. It would also permit the DOT to levy fines against air carriers or airports that do not submit or adhere to the contingency plans.

The European Union enacted a Passenger Bill of Rights in 2005 and Canada passed similar legislation last year. It is time for the United States to step up and make a serious commitment to the millions of Americans that rely on safe and effective air travel.

As the number of airline passengers is expected to increase to 1.3 billion by 2025, we can't afford a "business as usual" attitude when it comes to passenger safety and efficiency at our nation's busiest airports.

Consumers deserve access to food, water, and medical attention when stranded on an aircraft tarmac due to delays. Congress has the ability to ensure airline passengers' fundamental rights are protected by enacting our Passenger Bill of Rights legislation.

I look forward to working with my colleagues to pass this legislation in this Congress.

Ms. SNOWE. Mr. President, I come to the Senate floor today on behalf of the millions of travelers throughout this country. Before I begin, I would like to take this opportunity to thank Senator BOXER for being such a fantastic partner in this effort; an effort that sets aside partisanship to protect America's traveling public. Her aggressive, heartfelt leadership on this issue has been so essential in moving this legislation forward and keeping it at the forefront of the public consciousness.

To my regret, each one of us is far too familiar with horror stories of passengers stranded on airplanes for hours at a time with no access to food, water or even functional restrooms. Events like the unconscionable delays at JFK Airport in New York in February of 2007 are the most commonly referenced, but these sorts of events are occurring on a daily basis. Such dramatic incidents prompted calls for congressional action. That call was heard, and its answer is this Passenger Bill of Rights before us today. But as time went on, and this legislation before us today languished, the chorus for change grew quiet. The reasons why we first proposed the Passenger Bill of Rights have not dissipated; in fact, they have only increased.

The 2008 Air Quality Rating report, which quantifies the performances of the various airlines when it comes to customer service, indicated it was "the worst year for airlines Ever." Delays continue to escalate. In fact, despite nearly a 10 percent reduction in capacity last year, delays actually climbed to a record high; an average of nearly an hour per delay.

At a time when airlines are grounding flights without notice and passengers face interminable waits in aircraft and on tarmacs with little or no

idea as to when they might depart, there are no safeguards in place to protect the rights of America's travelers—the time is now for Congress to do the right thing and finally stand with America's passengers. The Federal court system agrees with us; in voiding New York State's own Passenger Bill of Rights, the Second United States Court of Appeals decision indicated that such a Bill of Rights required "a Federal standard." The airlines declared victory as the New York law was overturned; according to the airlines, it would herald a jumble of changing regulations among different states, making it too difficult to navigate. However, when presented with the option of having a national standard by Senator BOXER and myself, they opposed that proposal as well. It seems the airlines want *carte blanche* to treat passengers as they wish, with no recourse for that individual. It is clear, Congress must take this matter in hand.

Simply put, Congress has run out of excuses. The courts have definitively ruled that this is the Federal Government's responsibility. We have not just a right, but a responsibility to the American people to ensure that there is some level of accountability, some minimum standard. If a patron visits a restaurant that does not offer some modicum of working restrooms or provide adequate food and water, that customer can leave the restaurant and find another. For the airline passenger, that is not an option. They are trapped at the mercy of the airline; airlines whose only concern is the bottom line and getting that aircraft off the ground, however long that might take.

Waiting for the airlines to alter their customer service model isn't going to work. Thanks to Congressional prodding, the airlines put into place their voluntary Customer Service Agreement in 1999. They have had almost a decade to follow through with establishing some basic commitment to customer service and failed miserably. That is not my conclusion; the Inspector General of the Department of Transportation agreed with that assessment. It is clear that after years of refusing to adopt a commitment to provide customer service to the American people, the airline industry will not take action unless Congress requires them to do so. This time, Congress needs to show it is serious about protecting passengers.

By our actions, we can show the American people that we are on their side and are working to protect their interests. Never again, should a family be forced to sit on a tarmac for 10 hours, deprived of the most basic of necessities. Canada was able to pass their passenger bill of rights legislation, so if Canada can do it, then there is no reason that Congress cannot do the same. By acting swiftly, and with re-

solve, we can take up and pass an FAA Reauthorization that includes the Passenger Bill of Rights, we can restore America's trust in our airlines and guarantee them a standard of service we should all be entitled to.

Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. CARDIN):

S. 214. A bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise with co-sponsors Senators LEAHY, LIEBERMAN, and CARDIN to introduce and ask your support for the Children's Health Equity and Technical Amendment Act.

Since the passage of the Children's Health Insurance Program, or SCHIP, in 1997, a group of States that expanded coverage to children in Medicaid prior to the enactment of SCHIP has been unfairly penalized for that expansion. States are not allowed to use the enhanced matching rate available to other States for children at similar levels of poverty under the act. As a result, a child in the States of New York, Florida, and Pennsylvania, because they were grandfathered in the original act or in Iowa, Montana, or a number of other States at 134 percent of poverty is eligible for an enhanced matching rate in SCHIP but that has not been the case for States such as New Mexico, Vermont, Washington, Rhode Island, Hawaii, and a number of others, including Connecticut, Tennessee, Minnesota, New Hampshire, Wisconsin, and Maryland.

As the health policy statement by the National Governors' Association reads, "The Governors believe that it is critical that innovative states not be penalized for having expanded coverage to children before the enactment of SCHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage of the majority of uninsured children in their states."

For 6 years, our group of States has sought to have this inequity addressed. Early in 2003, I introduced the Children's Health Equity Act of 2003 with Senators Jeffords, MURRAY, LEAHY, and Ms. CANTWELL and we worked successfully to get a compromise worked out for inclusion in S. 312 by Senators ROCKEFELLER and Chafee. This compromise extended expiring SCHIP allotments only for fiscal years 1998 through 2001 in order to meet budgetary caps.

The compromise allowed States to be able to use up to 20 percent of our State's SCHIP allotments to pay for

Medicaid eligible children at 150 percent of poverty that were part of our State's expansions prior to the enactment of SCHIP. That language was maintained in conference and included in H.R. 2854 that was signed by the President as Public Law 108-74. Unfortunately, a slight change was made in the conference language that excluded New Mexico and Hawaii, Maryland, and Rhode Island and needed specific changes so an additional bill was passed, H.R. 3288, and signed into law as Public Law 108-107, on November 17, 2003. This second bill included language from legislation that I introduced with Senator Domenici, S. 1547, to address the problem caused to New Mexico by the conference committee's change. Unfortunately, one major problem with the compromise was that it must be periodically reauthorized. Most recently, this authority was renewed through fiscal year 2007 in Section 201(b) of the National Institutes of Health Reform Act of 2006, Pub. L. No. 109-482. Without future authority, the inequity would continue with SCHIP allotments.

This legislation would address that problem and ensure that all future allotments give these 11 States the flexibility to use our SCHIP allotments to pay for health care services of children. In order to bring these requirements in-line with those of other States, it would also lower the threshold at which New Mexico and other effected States could utilize the funds from 150 percent of the Federal poverty level to 125 percent.

There is strong bipartisan support for addressing this inequity. Legislation was introduced in the 110th Congress in both H.R. 3584 by Republican Representative BARTON, and 141 co-sponsors, and S. 2086 by Senator Trent Lott and other Republican leadership to expand the category of children eligible through this correction to 133 percent of the Federal poverty level.

This rather technical issue has real and negative consequences in States such as New Mexico. In fact, due to the SCHIP inequity, New Mexico has been allocated \$266 million from SCHIP between fiscal years 1998 and 2002, and yet, has only been able to spend slightly over \$26 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend less than 10 percent of its Federal SCHIP allocations.

This legislation would correct this problem.

The bill does not take money from other States' SCHIP allotments. It simply allows our States to spend our States' specific SCHIP allotments from the Federal Government on our uninsured children—just as other States across the country are doing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Children’s Health Equity Technical Amendments Act of 2009”.

SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE CHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

(a) ELIMINATION OF FISCAL YEAR AND PERCENTAGE LIMITATIONS.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b)(1) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by striking “not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, 2007, 2008, or 2009” and inserting “a fiscal year allotment under section 2104”.

(2) CONFORMING AMENDMENT.—Effective as if included in the enactment of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), paragraph (2) of that section is repealed.

(b) MODIFICATION OF ALLOWABLE EXPENDITURES.—Section 2105(g)(1)(B)(ii) of such Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) is amended by striking “150” and inserting “125”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to expenditures made on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 12—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT FILLING THE TREE

Mr. SPECTER (for himself, Mr. COBURN, and Mr. ALEXANDER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 12

Resolved, That (a) rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

“6. Notwithstanding action on a first degree amendment, it shall not be in order for a Senator to offer a second degree amendment to his or her own first degree amendment.”.

(b) The amendment made by subsection (a) shall take effect at the beginning of the 111th Congress.

Mr. SPECTER. Mr. President, I have sought recognition today in order to reintroduce a resolution I first put forward in the 110th Congress that would prohibit the use of the procedural tactic of filling the tree. I feel strongly that this practice contributed greatly to inefficiencies and ineffectiveness that the United State Senate experienced in the 110th Congress. Commonly known as the “world’s greatest deliberative body,” the Senate has prided

itself on free and fair debate on each and every issue that comes before it. Traditionally, members have had the right to offer virtually any amendment on any bill at any point in the legislative process. This all inclusive practice of legislating has earned the United States a unique place among modern democracies because of the open arena for ideas and sufficient debate.

However, in the past 15 years both sides of the aisle have increasingly seen the majority leaders use their authority to seek first recognition and fill the amendment tree. Republicans and Democrats alike have been equally as guilty of this practice for history has shown, when there is a problem with this institution, bipartisan blame is easily applicable. Beginning in 1993, “filling the tree” became increasingly prevalent as Senator George Mitchell used it 9 times in the 103rd Congress, Senator Trent Lott used it nine times in the 106th, and Senator Frist used it 9 times in the 109th. In the recently concluded 110th Congress, Majority Leader Senator REID filled the tree on 16 different occasions, bypassing the previous record amount by a significant margin.

Regular order in this chamber was sacrificed in this past Congress, and in its place was a procedural tactic that prevented passage of legislation that would have been extremely beneficial for this country. Bills such as FAA Reauthorization—H.R. 2881, Climate Change Legislation—S. 3036, and the Energy Speculation Bill—S. 3268 were all derailed by this practice. Cloture on each piece of legislation was not achieved and caused any further movement on them to be stymied. Blame was placed on Republicans for engaging in obstruction through the use of the filibuster to prevent movement to debate. The fact of the matter was our side was completely blocked from participating in the legislative process, forcing our hand to oppose moving to the bill.

My proposed resolution would disallow the majority leader or any other member from offering a first-degree amendment, followed by a second-degree amendment. It amends Rule 15, Standing Rules of the Senate and it is my hope the Senate can adopt this and operate under this rule in the 111th Congress and beyond. It is time for this chamber to conduct business in a logical, factual way; that is, for Senators to come to the floor and address the substance of the bill and offer amendments if they choose.

Congress currently has an approval rating at a level that is unacceptable. As we enter a new Congress, efforts must be made to allow regular procedure to return to the United States Senate. It is my hope that the grueling hours members and staff put into legislation will be honored by giving it due consideration on the Senate floor. With

a few changes in procedure, this Senate can ensure a more productive environment in the 111th Congress and beyond.

AMENDMENTS SUBMITTED AND PROPOSED

SA 15. Mr. REID proposed an amendment to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

SA 16. Mr. REID proposed an amendment to amendment SA 15 proposed by Mr. REID to the bill S. 22, supra.

SA 17. Mr. REID proposed an amendment to the bill S. 22, supra.

SA 18. Mr. REID proposed an amendment to amendment SA 17 proposed by Mr. REID to the bill S. 22, supra.

SA 19. Mr. REID proposed an amendment to amendment SA 18 proposed by Mr. REID to the amendment SA 17 proposed by Mr. REID to the bill S. 22, supra.

SA 20. Mr. VITTER (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 21. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 15. Mr. REID proposed an amendment to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

At the end, insert the following:

The provisions of this bill shall become effective 5 days after enactment.

SA 16. Mr. REID proposed an amendment to amendment SA 15 proposed by Mr. REID to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

In the amendment, strike “5” and insert “4”.

SA 17. Mr. REID proposed an amendment to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

At the end, insert the following:

This bill shall become effective 3 days after enactment of the bill.

SA 18. Mr. REID proposed an amendment to amendment SA 17 proposed by Mr. REID to the bill S. 22 to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and

activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

In the amendment, strike “3” and insert “2.”

SA 19. Mr. REID proposed an amendment to amendment SA 18 proposed by Mr. REID to the amendment SA 17 proposed by Mr. REID to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

In the amendment, strike “2” and insert “1”.

SA 20. Mr. VITTER (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (16 U.S.C. 431) is amended by striking “That

the” and inserting the following: “After obtaining congressional approval of the proposed national monument and certifying compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the proposed national monument, the”.

SA 21. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EFFECTIVE DATE.

This Act shall not go into effect until—

(1) the President certifies that the Act would not increase the Federal deficit; and

(2) the Secretary of Commerce and the Secretary of Energy certify that the Act would not limit access to energy resources.

ORDERS FOR TUESDAY, JANUARY 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, January 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour

deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 22, the wilderness bill.

I further ask that the filing deadline for first-degree amendments be 2:30 p.m. tomorrow and that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Tuesday, January 13, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 13, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 14

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Thomas J. Vilsack, to be Secretary of Agriculture.

SD-G50

Environment and Public Works

To hold hearings to examine the nominations of Lisa P. Jackson, to be Administrator of the Environmental Protection Agency, and Nancy Helen Sutley, to be Chairman of the Council on Environmental Quality.

SD-406

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

Veterans' Affairs

To hold hearings to examine the nomination of Eric Shinseki, to be Secretary of Veterans Affairs.

SD-106

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Peter R. Orszag, of Massachusetts, to be Director, and Robert L. Nabors II, of New Jersey, to be Deputy Director, both of the Office of Management and Budget.

SD-342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of Ray LaHood, to be Secretary of Transportation.

SR-253

JANUARY 15

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of William J. Lynn III, to be Deputy Secretary, Robert F. Hale, to be Under Secretary (Comptroller) and Chief Financial Officer, Michele Flournoy, to be Under Secretary for Policy, and Jeh Charles Johnson, to be General Counsel, all of the Department of Defense.

SD-106

Energy and Natural Resources

To hold hearings to examine the nomination of Ken Salazar, to be Secretary of the Interior.

SD-366

Foreign Relations

Business meeting to consider the nomination of Hillary R. Clinton, to be Secretary of State; to be followed by a hearing to examine the nomination of Susan E. Rice, to be Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be Representative to the Sessions of the General Assembly of the United Nations

during her tenure of service as Representative to the United Nations.

SH-216

Judiciary

To hold hearings to examine the nomination of Eric H. Holder, to be Attorney General of the United States.

SR-325

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Mary Schapiro, of New York, to be Chairman of the Securities and Exchange Commission, Christina Romer, of California, to be Chair of the Council of Economic Advisors, Austan Goolsbee, of Illinois, and Cecilia Rouse, of New Jersey, each to be a Member of the Council of Economic Advisors, and Daniel Tarullo, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System.

SD-538

Budget

To hold hearings to examine the debt outlook and its implications for policy.

SD-608

Health, Education, Labor, and Pensions

To hold hearings to examine investing in health information technology (IT), focusing on stimulus for a healthier America.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Janet A. Napolitano, to be Secretary of Homeland Security.

SD-342

2:30 p.m.

Indian Affairs

To hold hearings to examine job creation and economic stimulus in Indian country.

SD-628

JANUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine challenges facing the Department of Defense.

SD-106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—Tuesday, January 13, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 13, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes.

A NEW DIRECTION FOR AMERICA'S ECONOMIC FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Madam Speaker, I congratulate the President-elect on being in touch with the American people in understanding the pain on Wall Street, of job losses, of foreclosures, and of the sense of urgency. I share the sense of urgency he brings to this issue and the idea that we need a significant new investment—stimulus, whatever you want to call it—in America to turn things around. That's the good news.

The bad news is I don't believe he is well served by his economic advisers. These are your typical pointy-headed, academic economists who think that what we need is to return to a speculative, consumer-driven society, not a wealth-oriented, production-driven society with a strong foundation. They want instant gratification with five times as much in tax cuts as investment in infrastructure in this country, a country with a \$1.6 trillion infrastructure deficit—a crumbling water system, sewer systems, roads, bridges.

One hundred sixty thousand bridges in this country on the National High-

way System, let alone the local, are structurally deficient or are functionally obsolete. Our transit systems are operating with obsolescent or obsolete equipment. Now, the investments in these areas aren't all shovel-ready. They're going to drop this shovel-ready 60 days, going to be done in 18 months. We are in deep trouble in this country, and rebuilding the foundation and the underpinnings of this economy is going to be critical toward a long-term recovery effort. When you invest in these things, you put people to work. These are much better than tax cuts.

Now, you don't have to take it from me. Yes, he has his economic advisers—Mr. Summers and others—but I would rather take advice from Paul Krugman, who just got the Nobel Prize for Economics.

He says, "And bear in mind that even a project that delivers its main punch in, say, 2011 can provide significant economic support in earlier years. If Mr. Obama drops the 'jump-start' metaphor, if he accepts the reality that we need a multi-year program rather than a short burst of activity, he can create a lot more jobs through government investment even in the near term."

He goes on to say, "So my advice to the Obama team is to scrap the business tax cuts and, more important, to deal with the threat of doing too little by doing more, and the way to do more is to stop talking about jump-starts and look more broadly at the possibilities for government investment."

How about a national high-speed rail network? That would take decades. It would cost hundreds of billions of dollars, but it would build a future for America. The emergencies would be built here. The cars would be built here. The tracks would be built here. It's so much more fuel-efficient than our current modes of transportation. How about our existing transit system—the 12,000 obsolete buses or the need for new streetcar systems? These projects, yes, can't be going in 60 or in 90 days. Well, a few of them actually can. In fact, we have a list on the Transportation and Infrastructure Committee from both local and State and national groups that totals a couple hundred billion dollars. Yet Mr. Summers pooh-poohs the idea that there is an adequate amount of investment that can be begun and made in the short term, and he'd rather send it out in checks of about \$8 per pay period to Americans.

I don't think the people I represent believe that, if they get an extra \$8

take home that that's building a strong, new foundation, giving them confidence in the future of this economy, and I certainly don't believe that banks should be able to recapture taxes they paid in the past because they've speculated themselves to the verge of insolvency, taking money from the taxpayers that they won't tell us how they've billed. Now they want to get a look-back on their taxes. That's not going to put one single person to work. It might give some CEO yet another bonus, but it's not going to put anybody to work.

Let's have a much more realistic, concrete, if you will, investment in America's future rather than more of the same. The huge amount of tax cuts in this proposal sound a little bit too much like the George Bush trickle-down economy. It's time for a new direction to rebuild the foundations of this country, and I urge the President-elect to bring in his economic advisers for a little chat and, perhaps, to reorient their thinking.

THE HERITAGE FOUNDATION SUPPORTS COOPER-WOLF SAFE COMMISSION IN STIMULUS LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Madam Speaker, I come to the floor today to raise the issue of the dire financial situation facing our country.

We must come together to face the reality that America is living on borrowed dollars to the tune of \$11 trillion in debt and \$54 trillion, soon to go higher, in unfunded liabilities with entitlements. We must offer a bipartisan solution to these long-term financial challenges.

In recent days, there have been calls to consider the long-term budget controls in tandem with any economic stimulus package offered. The respected Heritage Foundation released a report last Friday, entitled "Stimulus Legislation Must Include Budget Reforms to Address Long-term Challenges."

The report offered support for budget control mechanisms that would be set up through the Cooper-Wolf SAFE Commission legislation in the House and the Bipartisan Task Force for Responsible Fiscal Action effort proposed by Budget Chairman KENT CONRAD and Ranking Member, Senator JUDD GREGG, in the Senate.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Heritage publication, which I submit for the record, notes that SAFE “would have the advantage of a two-step process. Its first phase would be a series of nationwide public hearings to talk frankly about the long-term fiscal problems and the tough options for fixing it and build public support for congressional action on a broad plan of action.”

As our colleagues may recall, the SAFE process would culminate in legislative recommendations to Congress, and like the BRAC process for closing bases, Congress would be required to vote up or down on the plan.

I know there have been questions raised about incorporating long-term budget controls in a short-term stimulus aimed primarily at job creation, but I would argue—and many would argue—that the time is now here to begin to confront the underlying problem of autopilot spending. I don’t know about other Members, but my constituents continue to share their frustration with Congress’ seeming to know only how to spend money with no regard for the future.

We need to listen to the American people and show them that we can lead and that we can make the difficult choices. The longer we wait and the more consuming entitlement program spending becomes, the more draconian our choices will be. We are mortgaging the future for our children and grandchildren. The bottom line is we cannot deal with the short-term financial problems without thinking about and dealing with the long-term solutions.

The SAFE Commission is not a new idea. Over 110 Members of Congress co-sponsored the legislation in the last year. The Heritage Foundation, the Brookings Institution and the Concord Coalition all helped draft the bill.

Jim Cooper and I joined bipartisan forces in the last Congress, and SAFE has continued to garner support from other leading voices, including the business community—the Virginia and Tennessee Chambers of Commerce, the Business Roundtable and the National Federation of Independent Business.

We all know that it will take all of the political courage that we can muster to reject the partisan and special interest demands and to do what is best for the country. If other Members have a better bipartisan idea that can pass the House, they should be introducing it, and it should be included in the stimulus package.

Not acting on this issue is effectively supporting either the “do nothing plan” or the “maybe this problem will fix itself plan” or the “let’s just bury our heads in the sand plan,” but the numbers don’t lie. The Nation’s future outlook is sobering. Just in the short term, CBO projects that the Federal budget deficit for this fiscal year alone, which started in October, will balloon to \$1.2 trillion and perhaps higher.

We offered this SAFE idea as an amendment to the FY09 Financial Services spending bill last June. Unfortunately, we came up one vote short of passage. Congressman ALLEN BOYD, the founding member of the Blue Dog Coalition, spoke eloquently from his heart in support of the amendment, asking us to envision ourselves 20 years from now, sitting on the front porch and telling our grandchildren about the days we served in Congress.

What will we tell our grandchildren—that we looked the other way, knowing that out-of-control entitlement spending would threaten the living standards of future generations?

The stakes for the country’s future may have never been so high. This is clearly an economic issue, but it is also a moral and a generational issue. Abraham Lincoln once said, “You cannot escape the responsibility of tomorrow by evading it today.” I believe the moral component of this issue goes to the heart of who we are as Americans.

This is not a Republican issue or a Democrat issue. It is an American issue. If we can’t find a way to come together on this fundamental issue, I will have serious questions about our ability to find bipartisan solutions that will work for the good of the country.

I am asking our colleagues today to come together, to know that while we served in Congress we did everything we could in our power to provide the kind of security and way of life for our children and for our grandchildren that our parents and grandparents worked so hard to provide for us.

This challenge, too, goes out to the leadership in Congress and to the soon-to-be Obama administration to make this a truly bipartisan effort. Put the SAFE Commission process in the stimulus package and on the fast track to enactment.

I have never been more committed to an issue and to helping to find bipartisan solutions to address our long-term financial sustainability of this country. The American people expect nothing less.

[From the Heritage Foundation, Jan. 9, 2009]
STIMULUS LEGISLATION MUST INCLUDE BUDGET REFORMS TO ADDRESS LONG-TERM CHALLENGES

(By Alison Acosta Fraser)

Congress and President-elect Barack Obama have set their sights on a massive economic stimulus bill crammed full of spending projects intended to “jolt” the economy into recovery. By some counts this package may reach \$1 trillion, or nearly 85 percent of the total of all budget bills passed last year.¹

This is not the way to spur economic recovery. But even if it were, Obama already recognizes he faces a difficult challenge: how to keep the stimulus focused on short-term deficit spending and avoid a huge, long-term expansion of the federal government—and with it a dramatic increase in the staggeringly large unfunded obligations due mainly to Social Security, Medicare, and Medicaid. To deal with that challenge, Obama should

work with fiscally responsible Members of Congress to include four key budget reforms in any stimulus legislation:

1. Put long-term obligations from Social Security, Medicare, and Medicaid front and center in the budget process;
2. Establish a bipartisan congressional commission to develop a package of long-term reforms for entitlements;
3. Establish equitable policies for assessing and enforcing spending and revenues changes in the budget; and
4. Create a long-term budget for entitlement spending.

Spending and Deficits Hit New Records. Federal spending is projected to top 25 percent of GDP in 2009, according to the Congressional Budget Office (CBO), the highest it has been since World War II, and that is before any stimulus legislation. The deficit is projected to reach \$1.2 trillion by the end of this year, and any stimulus would likely push the deficit to more than \$1.6 trillion.

Similar large deficits are projected to continue into the future.² Such deficits are a loud alarm to which policymakers must listen: Federal spending is out of control. But even they ignore the deeper fiscal problems of Social Security and Medicare. These programs together, not even counting Medicaid, have an unfunded obligation that is equivalent to a mortgage of \$43 trillion.³ Future generations will be forced to pay for those obligations through higher taxes unless the programs are modernized.

Budget Restraint. While making the case for his massive short-term stimulus proposal, President-elect Obama acknowledged the threat entitlements pose to the economy, noting, “If we do nothing, then we will continue to see red ink as far as the eye can see.” He called budget reform “an absolute necessity,” and he has pledged to confront the problems from Social Security and Medicare in his budget.

Budget writers in Congress are also alarmed. Senate Budget Committee Chairman Kent Conrad (D-ND), called the deficit “jaw dropping,” and House Budget Committee Chairman Jack Spratt (D-SC) was suffering “sticker shock.”⁴ They and their ranking member counterparts have encouraged lawmakers to tackle the long-term budget problems posed by these entitlement programs. Conrad and Senator Judd Gregg (R-NH) have urged Congress to link the stimulus with action to address the long-term budget crisis.⁵

If President-elect Obama is serious about fiscal responsibility, he and responsible Members of Congress must insist on budget reforms to prevent further deterioration of an already alarming long-term budget problem and require action to tackle these challenges directly. To that end, he and responsible lawmakers should insist on these four key budget reform measures being included in any stimulus package:

1. Put long-term obligations from Social Security, Medicare, and Medicaid front and center in the budget process, with an up-or-down vote on any budget that will increase debts on future generations. Such a measure could easily be incorporated into the annual budget resolution. This would provide a more accurate and transparent assessment of the federal government’s commitments and provide all Americans with a vivid picture of the problem. All major policy changes should be scored over the long term to indicate what impact they would have on the total unfunded obligations of the government. That would provide lawmakers and the public with a better understanding of the

true long-term costs of new legislation. And to put Members on record on their attitude to burdening our children and grandchildren, they should have to vote during the annual budget process if the proposed budget will increase long-term obligations.⁶

2. Enact a bipartisan congressional commission to develop a package of long-term reforms that will make these programs affordable. Bipartisan legislation to implement this type of commission was introduced in the previous Congress: the SAFE Act (H.R. 3654), co-sponsored by Representatives Jim Cooper (D-TN) and Frank Wolf (R-VA), and the Bipartisan Task Force for Responsible Fiscal Action Act (S. 2063), co-sponsored by Conrad and Gregg. Under both bills, a commission would craft detailed recommendations for a fast-track vote in Congress. The SAFE Act would have the added advantage of a two-step process. Its first phase would be a series of nationwide public hearings to talk frankly about the long-term fiscal problem and the tough options for fixing it and to build public support for congressional action on a broad plan of action.⁷

3. Establish equitable policies for assessing and enforcing spending and revenues changes in the budget. Any budget enforcement mechanism is based on changes in projected spending and revenues. The CBO projects a spending baseline by assuming that all the laws authorizing spending—such as the highway or farm programs, or even appropriations—will be extended year after year and spending levels will continue even if they expire regularly under existing law. But when it comes to taxes, the CBO's baseline is current statute, and any rates reductions, deductions, credits, etc., that are scheduled to expire are assumed to do so. The lopsided result is that spending is given a free ride under the baseline while any reduction in the growth of taxes is assumed to be temporary.

This skewed baseline means current "PAYGO" rules are biased toward tax increases. Thus, for any enforcement mechanism to be considered fair and to be effective, it must be based on the same baseline treatment for both spending and revenues. Indeed, Obama's own advisors have already criticized this lopsided policy treatment, which stacks the deck in favor of higher spending and higher taxes.⁸

4. Create a long-term budget for entitlement spending. Unlike "discretionary" programs such as defense and education, "mandatory" entitlement programs like Medicare and Social Security are not budgeted annually. Entitlement spending grows on autopilot, in conjunction with the programs' regulatory framework, so there is not an open or transparent consideration of priorities or budgetary trade-offs. And since spending levels are simply the product of individuals using their entitlement, there is in a sense no budget just a projection of likely total costs. And as they grow unchecked, these entitlements crowd out other programs and priorities.

This must change, by constraining entitlement programs with a real budget. To be sure, retirement programs require longer time horizons and planning than typical discretionary programs so that beneficiaries will not face unexpected annual changes in benefits. Therefore, Congress should create a long-term framework for a constrained entitlement budget that would be periodically evaluated to ensure that these programs are sustainable and affordable over the long term. This could be done by creating a long-term budget window—for example, 30 years.

All spending would be reviewed every five years, and the commission could recommend measures for Congress to ensure that the programs live within this budget framework.⁹

There are many reasons to be concerned over the unprecedented stimulus spending now being proposed, including the ineffectiveness of Keynesian pump priming, the perils of such an immense hike in government spending, and the creation of new permanent government programs. With the first baby boomers recently retiring, America is experiencing the first waves of the entitlement tsunami. The stimulus legislation could set the stage for a permanent sea of red ink and an even larger tsunami of debt. Substantive budget reforms are needed to prevent such a scenario from occurring.

Truly Serious? If President-elect Obama insists on a massive spending bill, he must ensure it does not result in huge permanent new government programs and thus potentially trillions of dollars in new burdens on our children and grandchildren. He must demonstrate his commitment to tackle the long-term entitlement challenges by working with Members of Congress to build sound budget process reform measures into the stimulus legislation. If he does not do so, the young Americans who voted for him should question how serious he is about protecting their financial future.

ENDNOTES

1. Estimated FY 2008 appropriations \$1.154 trillion, prior to all enacted supplementals. Office of Management and Budget, "Budget of the United States Government Fiscal Year 2009: Historical Tables," Table 5.4, at www.whitehouse.gov/omb/budget/fy2009/hist.html (January 9, 2009).

2. See Brian M. Riedl, "CBO Budget Baseline Shows Historic Surge in Spending and Debt," Heritage Foundation WebMemo No. 2193, January 7, 2009, at <http://www.heritage.org/research/budget/wm2193> (January 9, 2009).

3. Department of the Treasury, "2008 Financial Report of the United States Government," December 15, 2008, p. 41, at <http://fms.treas.gov/fr/index.html> (January 9, 2009).

4. Lori Montgomery, "Congress Urges Spending Restraint," The Washington Post, January 8, 2009, at <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/07/AR2009010701156.html?hpid=topnew> (January 9, 2009).

5. Senators Kent Conrad and Judd Gregg, "A Fiscal Battle on Two Fronts," The Washington Post, January 5, 2009, at http://www.washingtonpost.com/wp-dyn/content/article/2009/01/04/AR2009010401436_pf.html (January 9, 2009).

6. Alison Acosta Fraser, "Federal Budget Should Include Long-Term Obligations from Entitlement Programs," Heritage Foundation Executive Memorandum No. 1004, June 22, 2006, at <http://www.heritage.org/Research/Budget/em1004.cfm>.

7. Alison Acosta Fraser, "The SAFE Commission Act (H.R. 3654) and the Long-Term Fiscal Challenge," testimony before the Committee on the Budget, U.S. House of Representatives, June 25, 2008, at <http://www.heritage.org/Research/Budget/tst062508b.cfm>.

8. J.D. Foster, Ph.D., "Obama to CBO Revenue Baseline: Nuts—and He's Right!," Heritage Foundation WebMemo No. 2019, August 11, 2008, at <http://www.heritage.org/Research/Budget/wm2019.cfm>.

9. Stuart M. Butler, Ph.D., Alison Acosta Fraser and Other Authors, "Taking Back our Fiscal Future," Heritage Foundation White Paper, March 31, 2008, at <http://www.heritage.org/Research/Budget/wp0408.cfm>.

THE NEW FRONTIER OF THE 21ST CENTURY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Madam Speaker, last week, the 111th Congress was convened, and we started by electing our Speaker, the Honorable NANCY PELOSI, for a second term of Speaker of the House.

The 111th Congress has much potential, much of it because the 107th, 108th and 109th Congresses failed as a Republican majority, and a Republican President let the free market dictate how our economy responded to economic pressures, and as a result, we have had the greatest economic catastrophe since the Great Depression.

Those Congresses—the 107th, 108th and 109th—allowed the Republican President, on faith, to take us into a war that has cost us 4,000 American lives, over 30,000 casualties and over a half trillion dollars that has robbed our citizens and our cities, Madam Speaker, of monies needed for health care, education and infrastructure.

The 110th Congress saw a Democratic majority come here, and it had an opportunity to pass legislation, some of which was approved by the President, was signed by the President or his veto was overridden. However, the President did veto several of our bills, including a children's health care plan, which we'll work on this week. We were unable to stop the hemorrhaging of our economy and of our young people's lives in the Middle East.

In both the election of a new President and in the 111th Congress's opportunity to work with President-elect Obama, I believe this Congress will be viewed as one of the most historic Congresses in the history of our country. We have the opportunity to restore America's proper place in the world community as a nation that others see as a good and giving and intelligent country that shares the power of its ideas rather than the idea of its power, as President Clinton said, one that works in a multinational fashion to work with other countries to solve the problems around the globe.

I have great confidence that Secretary of State CLINTON will see to it that women's issues, children's issues and health care issues will be dealt with by the United States as a leader around the globe and that people will see us as a friend and not a foe, as someone to be respected and not feared.

Nevertheless, the military is always necessary for those who are incapable of seeing peace as the ultimate purpose in our time on Earth, and we will see to it that our military is effectively maintained.

Climate change threatens the very Earth we inhabit, and the Transportation and Infrastructure Committee, under the leadership of Representative

Chairman JAMES OBERSTAR, will see to it that we address issues of importance that maintain the Earth as we know it, the flora and fauna as God has given them to us, and see that future generations aren't impacted as greatly as they would be.

The past Congresses did not deal with global warming. They did not sign the Kyoto Accord—the President did not—and they leave us with a problem there. So we've got a problem with the world community, a problem with the economy, a problem with the environmental standards that we need to adopt. Much to be done. It has all begun, but most of it won't really get into full swing until after the inauguration of January 20.

Madam Speaker, I urge every school system and every citizen to watch the inauguration of our next President on January 20. Allow students to watch that inauguration. Hopefully, it will instill in them the same spirit about government and the same hope that I had on January 20, 1961 when I watched John Kennedy take the oath of office.

John Kennedy gave my generation the belief that politics could be an honorable profession and that government could be a useful tool in seeing our country and our world as a better place. To a goodly extent, I think we've lost that hope that the new frontier brought some 40-some-odd years ago.

With the election of Barack Obama, hope again exists to the American people's hearts and minds. I expect his oratory to embody the spirit of America—a spirit of working together and a spirit of change that is for the betterment of this country and for the world. I hope everybody watches.

Please encourage your children to watch and to allow them to be inspired, for if they are, we'll have a generation that will participate, that will vote and that will see to it that we have a better tomorrow.

Madam Speaker, I am proud to serve in this Congress. I am very proud to serve with Speaker PELOSI. I am blessed to have the opportunity to serve with the new frontier of the 21st century, Barack Obama.

Thank you very much.

HONORING THE MEMORY OF ZACHARY COOK

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. I ask unanimous consent that the Chair consider recognizing the gentleman from Texas first and then recognize me.

The SPEAKER pro tempore. The Chair will do that as a matter of recognition.

Mr. SHERMAN. Thank you.

The SPEAKER pro tempore. The gentleman from Texas may proceed for 5 minutes.

Mr. EDWARDS of Texas. Madam Speaker, today I rise to honor the memory of Zachary Cook, a 22-year-old Army officer and a 2008 graduate of Texas A&M University and its Corps of Cadets. Zachary died tragically yesterday in an Army helicopter crash on the A&M campus in College Station, Texas, in my district during Rudder's Rangers annual winter field training. His loss brings a great sadness to his family and friends, the extended Texas A&M family, the Army, and to all of us deprived of this patriotic citizen who was dedicated to serving our great Nation in uniform. Zachary dreamed of flying Army helicopters and was thrilled to have received his recent Army commission. He was revered as a true friend to others, someone who truly inspired and mentored his friends.

Madam Speaker, I believe the families and loved ones of our servicemen and women are truly the unsung heroes and heroines in our Nation's defense, and that is why I want to express my regret and respect to the family of Mr. Cook. A grateful Nation owes them a deep debt of gratitude, and our thoughts and prayers are with them during this difficult time. I hope they take comfort in knowing that the spirit of service demonstrated by their loved one will touch and inspire the lives of others long after we are all gone from this Earth.

Our thoughts and prayers are also with the four Texas National Guard members who were seriously injured in the crash. We pray for their speedy recovery.

We humbly recognize that we can never repay fully Zachary or his family for their loss, but I hope that his family will know our Nation will never forget their sacrifice.

May God bless the spirit of Zachary Cook and keep him lovingly in His arms.

BAILOUT BILL IS BACK

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Well, the \$700 billion bankers' bailout bill is back. Many of my colleagues didn't enjoy voting on it twice last year, but it is back. It is back with two votes—one vote this week, one vote next week. This week, we will vote on Chairman FRANK's bill (H.R. 384) to improve the TARP legislation, the \$700 billion bill. I believe that Chairman FRANK's bill is a step in the right direction but insufficient. Then on Friday, the Senate is expected to take up a resolution of disapproval. As you remember, the bill we passed last year, TARP, says that the executive branch gets the last \$350 billion as soon as they ask for it, or 15 days after they ask for it, unless both the House and Senate pass a resolution of disapproval,

and it provides for expedited consideration of such a resolution.

So next Friday, January 16th, the Senate is expected to vote on a resolution of disapproval. Then on the following Wednesday, January 21, we will vote on a resolution of disapproval. Such a resolution would be effective only in the unusual circumstance that it passes both Houses of Congress, and even then it is subject to a possible Presidential veto. Still, this House must carry out its responsibilities.

This week, hopefully the Rules Committee will allow us to consider amendments to strengthen Chairman FRANK's bill. And next week we have to vote on releasing the second \$350 billion. When we vote next week, we will at that point have before us just the existing statute passed last year, because even if Chairman FRANK's bill passes, even if it is made much stronger than it is now, it will be languishing in the Senate next week, and we in the House will have no idea whether it will ever become law. So when we vote to release the second \$350 billion, we're basically voting again for the TARP bill, except for three differences.

First, we know a lot more now than we knew then. Second, the unprecedented transfer of money and power to the administration will be to the new administration in which many of us have far greater faith. And, finally, we will hopefully have before us a letter from the incoming administration indicating how they will use the enormous power and discretion conveyed by the existing TARP statute.

It is my hope that such a letter be explicit, be unequivocal, and be comprehensive. Explicit, so that we know exactly what they're going to do and what rules they're going to live by. Unequivocal, hopefully signed by the President, and a clear statement of the rules the administration will live by, not just a statement of principles or present intentions. And, finally, comprehensive. It should deal with the concerns that we all have, or that so many of us have, about the existing TARP legislation.

Chairman FRANK's bill will deal with transparency and deal with home foreclosures. And my hope is that since Chairman FRANK's bill won't be law next week, that the President-elect's letter will address those issues explicitly and unequivocally. Chairman FRANK's bill calls for us to get 15 percent warrants when we make investments in banks. I am pleased to report that after discussions with the Chairman and his staff, he is going to make it clear in his bill, and I hope it is clear in any letter we get from the Obama administration, that 15 percent is a floor, not a ceiling, and that the Treasury should be obligated to work to get us all the warrants that we deserve as taxpayers for the risks that we are taking. The taxpayers should be fully compensated for the enormous risks we

take when we invest in troubled Wall Street firms.

Now I am going to offer an amendment to Chairman FRANK's bill to state that while a company is holding our TARP money, they should not pay a penny in dividends and they should not purchase any of their own stock back from their existing shareholders. If the company has extra money, give the taxpayers our money back. Don't give it to your shareholders.

We do have a letter from Larry Summers, who will be playing a key role in the White House, saying, and I don't know if this is intended to be binding on the incoming administration, that they would favor strict limits on dividends and modest limits on stock repurchases, but we need stronger protections for the taxpayers.

I hope very much that we are able to work on this issue and other taxpayer protections.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: The Earth may seem hardened, but this is the time for Congress to be planting. Lord, is it too early? Too cold with indifference? Still too dark due to the lack of sunlight?

Though "a term" speaks of ending, now we are just beginning. Lord, help Congress determine what is in most need of attention, the crusted Earth held by winter or the seedlings of promise?

Guide us and protect us, Lord, that the timing may be right and we know how to foster the new growth.

As the world looks on, more hungry than envious, the Nation needs a rich harvest. So, Lord, let Congress be about planting with crafty hands and heartfelt trust. You will give the increase.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. CONNOLLY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONNOLLY of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HUMANITARIAN CRISIS AT GAZA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Most Americans are unaware that 50 percent of the population of Gaza is under 14 years of age. According to the U.N., 292 Gazan children have been killed in the war, and 1,497 children have been injured.

In the past few days, many Gazan children's hospitals and clinics have been attacked, damaged by artillery fire from the Israeli defense forces. Fifty thousand children are expected to be displaced from their homes. According to the U.N., food for infants and malnourished children is not available, one-third of Gaza has no water, and most of Gaza has no electricity.

This is a humanitarian crisis of the highest magnitude. We cannot avert our eyes without staining our souls. It is time for Congress to recognize the humanitarian crisis at Gaza. Hamas' rocket fire is wrong. Israel's response has created a humanitarian disaster.

Israel is using U.S.-provided F-16 jets, Apache helicopters and white phosphorous against the people of Gaza. This imposes upon this Congress a moral obligation to speak out. We cannot be effective in promoting peace unless we recognize the scale of the suffering of the children of Gaza and take nonviolent steps to remedy the situation.

LONE STAR VOICE—DANIEL WOLF

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, I bring you news from the people. Boy Scout Daniel Wolf of Spring, Texas, wrote me the following about our economic crisis.

"I am concerned about my generation paying for the mistakes that the government is making. It's just not fair. It's kind of like you and a friend are doing a project together and he doesn't want to do his part, so you end up doing all the work. The government is bailing out Wall Street, banks, mortgages, the car industry, and also increasing spending and putting our

country into more debt and the next generation is going to have to pay for it.

"The government needs to lower taxes and quit spending so much. I think that people should spend the money they earn the way they want to and not have the government do it for them."

Mr. Speaker, those who say the government needs to take money from some citizens and give it to certain special interest groups to stimulate the economy are wrong.

As Boy Scout Daniel says, "that's not fair," and I agree. This massive government money grab and redistribution of somebody else's income is going to cause more problems during this economic crisis. But as it has been said, "if you think the problems government creates are bad, just wait until you see the government's solutions."

And that's just the way it is.

NATIONAL MENTORING MONTH

(Mr. DONNELLY of Indiana asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to join my colleagues in honoring the contributions of mentors as we celebrate National Mentoring Month.

I want to recognize mentoring programs across America that are dedicated to encouraging all aspects of student development. I believe mentoring is an essential tool in cultivating a child's emotional and behavior development, and I strongly support these programs.

I would also like to congratulate an exemplary program in my district that is celebrating its 10th anniversary, the Joy Elementary School in Michigan City, Indiana. This program is a school-based mentoring program, partnering Michigan City area schools with the Michigan City business community. It is with great pleasure that I stand before the House and the American people today and commend the work of mentors and programs like Safe Harbor.

Mr. Speaker, I urge all my colleagues to vote for the resolution honoring mentors.

HARVEST HOPE FOOD BANK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday I had the privilege of attending the opening of a new branch of the Harvest Hope Food Bank in Cayce, South Carolina, welcomed by Mayor Elise Partin. This expansion of Harvest Hope comes at a time when job losses in our community have increased the need for food banks, and

many individuals find it difficult to travel to other locations.

Last year alone, Harvest Hope distributed 2.4 million pounds of food in Lexington County, and they expect that number to grow to well over 3 million in the coming year. With growing demand, I am grateful that Harvest Hope has chosen to expand their operations.

I wish to commend Denise Holland, Executive Director of Harvest Hope, for her leadership. Additionally, Mitch Watson, the incoming chairman of the board, the volunteers and local churches, ministries, and nonprofit organizations that provide assistance to the food banks deserve our utmost gratitude for their service to our community.

In conclusion, God bless our troops, and we will never forget September the 11th.

RESTORING THE NATION'S ECONOMIC SECURITY

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, it is with great honor that I stand on the floor of this House to represent the people of Nevada's Third District. I am humbled by the trust and faith they have placed in me, and I pledge to live up to that trust.

This is a critical time in our Nation's history. We face an economic crisis that has shaken our very roots. In my district, we have seen rampant foreclosures, record unemployment, and rising prices; but despite these challenges we remain optimistic. Next week, the band from Green Valley High School in my district will be in Washington marching in the parade to welcome our next President with hope and dreams for a brighter future. It is for them and all Americans that this President and Congress must usher in a new era.

Working together in the spirit of bipartisanship, we can bring change to our community that restores our economic security and once again fulfills the potential that made our Nation great.

FISCAL DISCIPLINE

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, I rise to give voice to the need to cut the size and scope of government. While the rhetoric and calls for increased spending continue to escalate, let us also remember it is our duty and obligation to do more with less.

Over the past 12 years, annual Federal spending has more than doubled,

exceeding \$3.1 trillion. Since January 2007, our government has added an average of \$2.8 billion per day to our national debt. If deficit spending were the way to prosperity, our economy would be booming.

We are more than \$10 trillion in debt and there is no end in sight. Let us remember it is not the government's money we talk about and spend, it is the American people's money. And we cannot afford to continue to run this government on a credit card. We're going to have to do more with less, and that means finding ways to cut government spending.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 13, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit an envelope received from the White House on January 12, 2009, at 5:50 p.m. and said to contain a message from the President whereby he transmits the Troubled Assets Relief Program Section 115 Plan to Exercise Authority.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

REPORT DETAILING PLAN TO EXERCISE AUTHORITY UNDER EMERGENCY ECONOMIC STABILIZATION ACT OF 2008—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-5)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Financial Services and ordered to be printed:

To the Congress of the United States:

Consistent with section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) (the "Act"), I hereby transmit a report detailing the plan of the Secretary of the Treasury to exercise the authority under the Act.

GEORGE W. BUSH.
THE WHITE HOUSE, January 12, 2009.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 12, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 9, 2009, at 5:15 p.m. and said to contain a message from the President whereby he transmits an agreement between the United States and new NATO Parties on the provision of atomic information.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

AGREEMENT ON PROVISION OF ATOMIC INFORMATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-6)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, consistent with sections 123 and 144 b. of the Atomic Energy Act, as amended (42 U.S.C. 2153 and 2164(b)), the text of the Agreement between the Parties to the North Atlantic Treaty for Co-operation Regarding Atomic Information, including a technical annex and security annex (hereinafter collectively referred to as the ATOMAL Agreement), as a proposed agreement for cooperation within the context of the North Atlantic Treaty Organization (NATO) between the United States of America and each of the following seven new members of NATO: the Republic of Bulgaria, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, Romania, the Slovak Republic, and the Republic of Slovenia, hereinafter the "New Parties." I am also pleased to transmit my approval, authorization, and determination concerning the ATOMAL Agreement with respect to the New Parties, together with a copy of the memorandum of the Secretary of Defense with respect to the agreement. The ATOMAL Agreement entered into force on March 12, 1965, with respect to the United States and the other NATO members at that time. The Czech Republic, the Republic of Hungary, the Republic of Poland, and Spain subsequently became parties to the ATOMAL Agreement. The New Parties have signed this agreement and have indicated their willingness to be bound by it. The ATOMAL Agreement with

respect to the New Parties meets the requirements of the Atomic Energy Act of 1954, as amended. While the ATOMAL Agreement continues in force with respect to the United States and the other current parties to it, it will not become effective as an agreement for cooperation authorizing the exchange of atomic information with respect to the New Parties until completion of procedures prescribed by sections 123 and 144 b. of the Atomic Energy Act of 1954, as amended.

For more than 40 years, the ATOMAL Agreement has served as the framework within which NATO and the other NATO members that have become parties to this agreement have received the information that is necessary to an understanding and knowledge of and participation in the political and strategic consensus upon which the collective military capacity of the Alliance depends. This agreement permits only the transfer of atomic information, not weapons, nuclear material, or equipment. Participation in the ATOMAL Agreement will give Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia the same standing within the Alliance with regard to nuclear matters as that of the other current parties to the ATOMAL Agreement. This is important for the cohesiveness of the Alliance and will enhance its effectiveness.

I have considered the views and recommendations of the Department of Defense and other interested agencies in reviewing the ATOMAL Agreement and have determined that its performance, including the proposed cooperation and the proposed communication of Restricted Data thereunder, with respect to the New Parties will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the ATOMAL Agreement with respect to the New Parties and authorized the Department of Defense to cooperate with the New Parties in the context of NATO upon satisfaction of the requirements of section 123 of the Atomic Energy Act of 1954, as amended.

The 60-day continuous session period provided for in section 123 begins upon receipt of this submission.

GEORGE W. BUSH.

THE WHITE HOUSE, January 9, 2009.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH 2009

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 41) supporting the goals and ideals of National Mentoring Month 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 41

Whereas mentoring is a longstanding concept in which a dependable, caring adult provides guidance, support, and encouragement to facilitate a young person's social, emotional, and cognitive development;

Whereas research on mentoring shows that formal, high quality mentoring focused on developing the competence and character of the mentee, promotes positive outcomes such as improved academic achievement, self-esteem, social skills, and career development;

Whereas research on mentoring also indicates strong evidence of the success in reducing substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is also extremely rewarding for those serving as mentors;

Whereas more than 4,200 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas 3,000,000 young Americans are currently in solid mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the Nation;

Whereas in spite of the progress made to increase mentoring, our Nation has a serious "mentoring gap" with nearly 15,000,000 young people currently in need of mentors;

Whereas public-private mentoring partnerships bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and helping them make the most of limited resources to benefit the Nation's youth;

Whereas the designation of January 2009 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across our Nation;

Whereas National Mentoring Month will, most significantly, build awareness of mentoring and encourage more people to become mentors and help close the Nation's mentoring gap; and

Whereas the President issued a proclamation declaring January 2009 to be National Mentoring Month and calling on the people of the United States to recognize the importance of mentoring: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National Mentoring Month;

(2) recognizes with gratitude the contributions of millions of caring adults and students who are already volunteering as men-

tors and encourages more individuals to volunteer as mentors; and

(3) encourages the people of our Nation to promote the awareness of, and to volunteer involvement with, youth mentoring.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 41 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 41, which recognizes January as National Mentoring Month.

Today, we acknowledge and thank the millions of caring adults and students who are volunteering as mentors. I commend their generous efforts. National Mentoring Month also serves as a great opportunity to recruit additional mentor volunteers.

I would also like to recognize the tremendous leadership of the resolution's author, Congresswoman SUSAN DAVIS from California, on the issue of mentoring. She is a true champion and advocate for mentoring on the Education and Labor Committee. She reminds us that everyone can benefit from a mentoring relationship: young, old, students, teachers, and, yes, even Members of Congress and other public servants. Mentors can help us realize our full potential.

Mentors directly improve the lives of those who need a little extra guidance. Research consistently proves that mentors bolster academic achievement, self-esteem, social skills, and career development. In addition to these positive outcomes, mentoring reduces delinquency, substance abuse, and academic failure. Mentoring transcends the lives of our children. The importance of mentoring teaches young people that a better life is attainable through education.

Today, there are about 4,200 mentoring programs in communities all across this country. Some of these programs run out of national boys and girls clubs, YMCAs, Big Brother and Big Sister organizations, and hundreds of other nonprofit organizations. In my own congressional district, the VAMOS program and our local boys and girls clubs are exemplary programs which have provided thousands of youths with mentors. I am proud to celebrate their work during National Mentoring Month.

The mentoring programs throughout this Nation make a great difference in improving the lives of our youth. Through their efforts, 3 million young people report having quality mentor relationships. This country, however, still needs nearly 15 million more positive mentors.

As a Nation, we must continue to encourage volunteers to invest their human capital in our youth. Through nonprofit, government, and private sector partnerships, we can expand mentorship. National Mentoring Month is a reminder to reinvest our energy towards mentoring relationships. By building awareness on this issue, I encourage more people to serve as mentors in our Nation.

Mr. Speaker, once again, I express my support for House Resolution 41, and I urge my colleagues to support me with this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I rise in support of House Resolution 41, and I yield myself such time as I may consume.

Mr. Speaker, this resolution celebrates National Mentoring Month, commends mentors who are positively impacting the lives of young people, and highlights the need for additional mentors to make themselves available to America's youth.

Mentoring is a structured and trusting relationship that brings young people together with caring individuals who offer guidance, support, and encouragement aimed at developing the competence and character of the mentee. A mentor is an adult who, along with parents, provides a young person with support, counsel, friendship, and positive reinforcement.

By all estimates an astounding 17.6 million young people, nearly half the population of young people between the ages of 10 and 18, live in situations that put them at risk of not living up to their full potential. Without immediate intervention by caring adults, they could make choices that not only undermine their futures but ultimately the economic and social well-being of our great Nation.

With the help and guidance of an adult mentor, every child can discover how to unlock and achieve his or her full potential. Youth development experts agree that mentoring is a critical element in any child's social, emotional, and cognitive development. It builds a sense of industry and competency, boosts academic performance, and broadens the horizons of prospective students.

By honoring mentors and mentoring programs, we recognize the importance of mentoring programs implemented in our local schools and communities. We also draw attention to the components of a quality program, including appropriate screening of potential mentors

and careful matching of youth with adults who have a genuine interest in providing guidance and being exemplary role models.

Today, thanks to the commitment and dedication of mentoring advocates, 3 million young Americans are now enjoying mentoring's many benefits through school-based, faith-based, and community organizations. That's a six-fold increase in formal mentoring relationships since the national mentoring movement galvanized the Nation in the early 1990s. It's an impressive accomplishment. However, 15 million more young people who need mentors are waiting their turn. They make up our Nation's mentoring gap.

To be a mentor, you don't need any special skills, just an ability to listen and to offer friendship, guidance, and encouragement to a young person growing up today. Today, I'm asking all Americans to give a child hope by sharing their time and knowledge along with their experiences.

I urge all Members to support this resolution.

Mr. HONDA. Mr. Speaker, I rise today in support of H. Res. 41, supporting the goals and ideals of National Mentoring Month, observed each January. It is a time to celebrate and highlight the positive impact adult and student mentors have on the youth of the Nation. Young people from all walks of life have the potential and ability to succeed and contribute to society. Unfortunately, not all students receive the support necessary to realize their full potential. As many as 15 million young students in our country lack the vital guidance they need to support the emotional, social, cognitive, and academic development that will enable them to reach their maximum potential and become prosperous adults.

With limited resources and the considerably high teacher to student ratios in our schools, teachers in the classroom face the daunting task of providing students with emotional and personal support in addition to academic instruction. The work accomplished by our teachers is admirable, but teachers alone cannot prepare young students to become fruitful, mature adults. Mentors are critical to helping foster the personal growth of each individual child.

Together with parents, mentors provide youth with a wide array of guidance and support to enhance their social and character development. A good mentor is willing to sacrifice for his or her mentee and gives attention in all areas of life. Mentors provide encouragement in student endeavors, private counsel in delicate matters, leadership through difficult times, and advice. Such mentoring produces students who perform better in school academically, become more actively involved in their schools, have more self-confidence, and take responsibility for their own actions. As a mentor, I have seen and experienced the mutual benefits of mentorship both for the student and the mentor. Mentors are doing incredible work and I praise their commitment to our children and their future. However, more mentors than ever are needed, and our Nation faces a shortage of mentors.

As a Member of the House Appropriations Committee, I will continue to support funding for student-mentor programs and to greatly expand awareness of the benefits of mentoring. Together with my colleagues, I will encourage more adults to mentor young students as well as help train adults and students to support, guide, and lead young students. Students need more caring mentors and our children desperately need access to them. We cannot depend solely on our teachers to guide our children. It is my hope that each child in America will some day have access to his or her own mentor. Although we face a faltering economy and tight budgets, the choice to cut corners on our children's future is not an option. Our children deserve the opportunity to realize their full potential and the opportunity to succeed in every endeavor they pursue.

I would like to thank Representative SUSAN DAVIS for introducing this legislation and providing this opportunity to renew the commitment of Congress to expanding and enhancing mentoring relationships for our Nation's youth. In addition, I want to thank all the mentors across America for their dedication and generosity.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 41, "Supporting the goals and ideals of National Mentoring Month 2009." I would like to thank my colleague, Congresswoman SUSAN DAVIS, for introducing this important resolution, as well as the chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing the bill to the floor today.

Mr. Speaker, great numbers of Americans donate their time and their unique skills and gifts to our cities and communities, without any expectation of compensation or material reward.

As chair of the Congressional Children's Caucus, I understand how important mentors are for our youth. Mr. Speaker, today many youth face temptations that often lead them down destructive paths, and it is vitally important that we provide guidance that helps them make good decisions.

Mentors have been an integral part of society for many years, dating back to Ancient Greece. The Greek poet Homer wrote in the *Odyssey* that when Odysseus left to fight in the Trojan War, he charged Mentor, his wise old friend, with the task of caring for his son, Telemachus, and teaching him wisdom. Since then, the word mentor has come to mean a wise and responsible tutor or an experienced person who advises, guides, teaches, challenges, corrects, and serves as a model.

In our society today, mentors exist in many different environments. There are mentors in professional settings who guide apprentices by teaching them how to effectively perform in the workplace. There are mentors in academic settings who guide students, teaching them how to reach and maintain high scholastic achievement. There are mentors in community groups who guide their protégés through life issues, teaching them how to be productive citizens. There are even mentors in spiritual and church groups who advise others through their spiritual growth. In all cases, they are very important and essential to the success of the youth that they mentor.

Who needs mentors?

There are 35.2 million young people ages 10–18 in the U.S. today; of those young people: 1 out of 4 lives with only one parent; 1 out of 10 was born to teen parents; 1 out of 5 lives in poverty; 1 out of 10 will not finish high school.

About half of young Americans—17.6 million young people—want or need caring adult mentors to help them succeed in life. Of those 17.6 million young people, only 2.5 million are currently in formal mentoring relationships.

That leaves 15.1 million youth still in need of formal mentoring relationships. We call this our Nation's "mentoring gap." Mr. Speaker, imagine if every child had a mentor—just one person whom they could look up to and go to for advice and guidance. Imagine how many young lives could be positively impacted. We could create the avenues and encouragement to ensure that all of our children receive the proper education. Too many of our youth are not being properly advised and guided on the importance of getting an education.

Mentors can help give those youth living in poverty to strive towards a brighter future for themselves. Every child could benefit from having someone in his or her life to turn to for advice and help in the time of need.

The positive relationships and reinforcement that mentors provide are clearly effective. Young people today are confronted with many challenges in life. They can find the confidence to overcome many of these challenges through a mentor. The benefits of a mentor are immeasurable.

I am proud to cosponsor legislation that will add service before self to our leaders of tomorrow. I urge my colleagues to join me in supporting this legislation.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H. Res. 41, and to recognize all those who mentor youth on Guam. Often we talk about children in this chamber and we sometimes lose sight of a fundamental truth: It is beyond the Government alone to truly improve the quality of life for a child. Our ability to appropriate funds or authorize Government programs does not equal the impact a single dedicated mentor can have for a child. We cannot buy patience nor can we legislate understanding. The hard work of mentoring, of explaining right from wrong, of serving as a role model, and helping establish personal goals to work toward, falls to the mentor. A mentor's work may be confined to a single child and known but to a few, but we cannot deny their collective accomplishments throughout our Nation.

There is no question that we need more mentors. Today, more than 15,000,000 children are in need of a mentor. These children are growing up in challenging times. We must encourage mentoring and express our gratitude to those who perform this invaluable service. It is unfortunately, beyond our capability to find every mentor and thank them individually. We can, however, pass H. Res. 41 to recognize all of our Nation's mentors this month and to support the goals and ideals of National Mentoring Month. I urge support for H. Res. 41.

Mrs. DAVIS of California. Mr. Speaker, mentoring impacts the lives of so many in our country. Three million people currently partici-

pate in a healthy, caring mentoring relationship. A quality mentoring program offers a young person the strength, confidence, and stability they need to mature and grow. Witnessing this growth is the unique reward for a mentor's invested time and energy.

I believe the best part about mentoring, what makes it so successful, is its simplicity. There is a basic human need to have another's care, support, and trust. A mentor can provide that to a young person, and that gift often inspires a cycle of helping others.

Unfortunately, there still exists a gaping deficit of mentors. Approximately 15 million new mentors are needed, which stems from the demand for our Nation's youth to have positive role models in their lives.

I recently learned of a particularly touching mentoring relationship in my district in San Diego.

As an infant, Anthony was in a car accident, sadly leaving him without a mother. Since his father was in jail, Anthony was left to his grandmother's care. During his childhood, Anthony was diagnosed with Asperger's syndrome. His grandmother found him a mentor through Big Brothers Big Sisters of San Diego County and now, 11 years later, Anthony is one-half of a successful mentoring relationship. Before meeting his mentor, Anthony would never go outside and was frightened of loud noises. Spending time with his mentor every week has given Anthony the strength and self-confidence to experience things he might never have tried.

At the basis of a mentoring relationship like Anthony's is a firm and unwavering commitment. Successful mentoring relies on a commitment to show up, to open up, to be vulnerable, to learn, to laugh, to grow . . . So, this month and always, let us recognize these millions of important commitments made by young and old across our country and offer our own commitment to continue to promote the goals and ideals of National Mentoring Month.

Thank you very much, Mr. Speaker, and I urge my colleagues to join us in celebrating National Mentoring Month, 2009.

Ms. MCCOLLUM. Mr. Speaker, as a Co-chair of the Congressional Mentoring Caucus, I rise today in strong support of H. Res. 41, supporting the goals and ideals of National Mentoring Month.

A mentor by definition means a trusted friend or guide. Mentoring relationships between adults and youths are very important, especially because of the focus on the needs of our young people. Caring parents, teachers, counselors, and religious leaders are all mentors, and are in a position to positively influence a child's present and future.

We all have an important role to play in improving the lives of children in our communities—after all, it takes a village. Our youth are yearning for guidance and direction from caring adults and mentoring enables everyday Americans to make a difference and help children grow up to become responsible and productive citizens and meet their full potential. A study by Big Brothers Big Sisters showed mentored youth are 46 percent less likely to begin using illegal drugs, 53 percent less likely to skip school, and 33 percent less likely to get in fights.

National Mentoring Month was conceived as a means to recruit mentors and help close the mentoring gap. Last year, more than 375,000 individuals sought information about local mentoring programs that need more volunteers.

I am proud to announce Joellen Gonder-Spacek, executive director of the Mentoring Partnership of Minnesota, MPM, has been honored with the Manza Excellence in Leadership Award by MENTOR/National Mentoring Partnership. She was recognized for her leadership and commitment to service through MPM's community initiative to promote mentoring for at risk youth in Minnesota. This program has made significant improvements in the lives of children and, over the past 14 years, MPM has become a mentoring leader in the State and the Nation.

I encourage all of my colleagues to support this resolution and to look for opportunities to be mentors as well.

Mr. PLATTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I also do not have any further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 41.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE OF CLAIBORNE PELL

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 50) honoring the life of Claiborne Pell, distinguished former Senator from the State of Rhode Island.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 50

Whereas Claiborne deBorda Pell was born on November 22, 1918, in the State of New York;

Whereas after receiving a degree in history from Princeton University in 1940 and a Master of the Arts degree from Columbia University in 1946, and after serving in the United States Coast Guard during World War II, Claiborne Pell continued his career in public service as part of the Foreign Service, serving in Czechoslovakia, Italy, and the District of Columbia;

Whereas Claiborne Pell was elected to the Senate in 1960 by the people of the State of Rhode Island;

Whereas in 1972, as a member of the Senate, Claiborne Pell was instrumental in creating the Basic Education Opportunity Grants;

Whereas the Federal Pell Grants, renamed in honor of Claiborne Pell in 1980, have helped over 54,000,000 low- and middle-income students attend college and achieve their educational goals;

Whereas during his time in the Senate, Claiborne Pell was a supporter of education, human rights, workers, international law and diplomacy, and the arts, sponsoring the legislation that created the National Endowment for the Arts and the National Endowment for the Humanities;

Whereas the High Speed Ground Transportation Act of 1965, sponsored by Claiborne Pell, became the origin for the Amtrak system in the Northeast corridor;

Whereas Claiborne Pell became Chairman of the Senate Foreign Relations Committee in 1987, and an important voice in United States foreign policy and against international military conflict;

Whereas after serving 6 terms in the Senate, Claiborne Pell retired in 1996;

Whereas Claiborne Pell was appointed United States Delegate to the United Nations in 1997;

Whereas on January 1, 2009, at the age of 90, Claiborne Pell passed away in Newport, Rhode Island: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and distinguished career of Senator Claiborne Pell;

(2) emphasizes that, among his legislative accomplishments, Senator Claiborne Pell changed the face of higher education by enabling millions of low- and middle-income students to achieve the dream of a college education; and

(3) recognizes the Federal Pell grants, the educational grants that bear his name, as a significant part of the legacy of Senator Claiborne Pell.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 50 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I rise today to honor the life and numerous accomplishments of former Senator Claiborne Pell. As a six-term United States Senator from Rhode Island and the former chairman of the Senate Committee on Foreign Relations, he was a strong voice in educational policy, international policy, and the arts. Sadly, Senator Pell passed away on the first of this year at the age of 90.

Born in 1918, Senator Pell committed himself to public service throughout his life. He served in the United States

Coast Guard during World War II and later in the Coast Guard Reserves.

Returning to civilian life, Senator Pell worked in the Foreign Service in Czechoslovakia, in Italy, and right here in Washington, DC. Elected to the United States Senate from the State of Rhode Island in 1960, Claiborne Pell quickly became a leading spokesman in both international and domestic policy.

Senator Pell campaigned ardently for human rights, speaking out against genocide occurring around the world. As a supporter of the issue of diplomacy and law over military force, he advocated against the use of nuclear weapons.

While in the Senate, Claiborne Pell sponsored the High Speed Ground Transportation Act of 1965, which helped create the Amtrak system that more than 25 million people ride each year. Senator Pell also sponsored legislation creating the National Endowment For the Arts and the National Endowment For the Humanities, entities which play a vital role in developing and supporting the arts and historical preservation.

Perhaps the accomplishment for which Claiborne Pell is best known is the creation of the Pell Grant. He was the architect of the 1972 Basic Education Opportunity grants, which were later renamed in his honor by the U.S. Congress.

Senator Pell often remarked that he had been inspired to help students pay for college by the provisions in the GI bill, which had meant a great deal to him as a veteran whose comrades were propelled to succeed by its educational provisions.

Pell Grants, which have helped more than 54 million low and middle income students attend college, have changed the face of American education, opening doors for millions of Americans, including a great number of our colleagues and friends and families and community members. Among all that he had accomplished during his time on Capitol Hill, Senator Pell often called these grants his greatest achievement.

A consummate gentleman renowned for his integrity, Claiborne Pell was respected and loved by his colleagues in Congress as well as his constituents at home in Rhode Island. On this day I would like to commemorate Senator Pell's empowering work and recognize his numerous accomplishments. He is an inspiration to us all and an example of how one person can make a difference.

Senator Pell had a profound understanding of what truly makes this Nation great. In Senator Pell's words, and I quote, "The strength of the United States is not the gold at Fort Knox nor the weapons of mass destruction that we have, but the sum total of the education and the character of our people."

□ 1430

His legacy left the United States stronger. His life's work opened the doors of educational opportunity wider than they had ever been opened before. He is an example of the great character of our people.

I urge my colleagues to support this resolution honoring this great Senator who did so much to help Americans who might otherwise not be able to attend college, pursue higher education, and reach for new heights.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I rise in support of the resolution and yield myself such time as I may consume.

I rise in support of H. Res. 50, a resolution honoring the life of Claiborne Pell, the distinguished former Senator from Rhode Island. While I never had the privilege and pleasure of working with Senator Pell, I know the Senator was a force to be reckoned with and have seen the impact of his 37 years in the Senate in a number of areas I have worked on with the Education and Labor Committee. Senator Pell was a dedicated public servant who served our country during a time of war in the United States Coast Guard and had a career in the Foreign Service prior to being elected to serve the people of Rhode Island in the United States Senate in 1960.

Senator Pell was instrumental in creating the Basic Education Opportunity Grant program, later renamed the Pell Grant Program, in his honor.

This program was inspired by the GI Bill, which had helped World War II veterans pay for educational expenses after the war. The Federal Pell Grant has become the cornerstone of every financial aid package for America's neediest students.

Since the creation of the Pell Grant, the Federal Government has distributed approximately 108 million grants to help lower income students achieve their goals of a college education. During the past 8 years, Pell Grant funding has increased by 86 percent, supporting a 28 percent increase in the number of students who have benefited from this program. Additionally, Congress strengthened this vital program during the last Congress through the Higher Education Opportunity Act. These important reforms allow students who want to accelerate their studies to receive a Pell Grant year round, expanded eligibility for the Pell Grant to students whose mother or father made the ultimate sacrifice in defense of our Nation, and included a sensible limit on the number of Pell Grants one student could receive over their educational career.

While many of us know Senator Pell for his work on creating the Pell Grant, he also sponsored legislation to create the National Endowment for the Arts, the National Endowment for the

Humanities and the Amtrak rail system. Senator Pell's interests were not purely domestic. He made important contributions in foreign affairs as chairman of the Senate Foreign Relations Committee and later as a United States delegate to the United Nations.

I know that I speak for all of our colleagues in offering great praise to Senator Pell in honoring him and expressing condolences to his family as we remember his many contributions to our great Nation.

I urge my colleagues to vote "yes" on this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I am pleased to recognize a new Member of Congress who served on the staff of the chairman of the Senate Foreign Relations Committee where Claiborne Pell was Chair, and I wish to yield the gentleman from Virginia, Mr. GERRY CONNOLLY, up to 4 minutes.

Mr. CONNOLLY of Virginia. I thank my colleague from Texas, and I rise in support of the resolution today.

Mr. Speaker, I also rise to pay tribute to one of the most gifted and gracious legislators who has ever served in the United States Congress, a man whose life's work influenced education, culture and diplomacy for generations of Americans. He was also a man with whom I had the great pleasure of working during my 10 years serving on the staff of the Senate Foreign Relations Committee. Senator Claiborne de Borda Pell may best be known for his effort to create a national college tuition grant program, which now bears his name, but Senator Pell was also instrumental in establishing the National Endowment for the Arts and Humanities and pushing for critical new investments in our Nation's railroad system.

As my colleagues know, Senator Pell died early Friday, January 2, at his home in Newport, Rhode Island. He was first elected to the United States Senate in 1960 and served six terms, becoming the State's longest-serving Senator. Senator Pell came from a political family that had five members serve in the House or Senate, including his great-great-granduncle George M. Dallas, who was a Senator from Pennsylvania in the 1830s and Vice President under James K. Polk in the 1840s. Senator Pell's version of his family genealogy always insisted, when you visited his home, that Dallas, Texas, was named for this distinguished forebear.

Senator Pell's father, Herbert Claiborne Pell, served one term here in the House, representing a portion of New York. Ironically, he always opposed the Federal role in education, an idea with which Senator Claiborne Pell broke courageously when he came here to the United States Congress.

After being elected in 1960, Senator Pell sponsored the preparation of a sta-

tistical report that became the basis for the bill creating the Basic Educational Opportunity Grant that eventually produced financial aid for 54 million low- and middle-income Americans to have the opportunity to attend college. That grants program, of course, was renamed in honor of Senator Pell in 1980.

In the early 1960s, Senator Pell also had a role in the North American passenger railroad renaissance. He foresaw the potential for a resurgence in the railroad system, which inspired him to draft the High Speed Ground Transportation Act of 1965, recommending that the Federal Government pump a half a billion dollars into rail transportation in the busy Northeast corridor between Boston and Washington, DC. He further accelerated that construction, realizing how important the magnitude of this project was, and increased the overall investment to \$1 billion. It was from this initiative that the modern Amtrak system emerged.

Senator Pell also possessed a keen interest in the arts and was the author of the National Foundation of Arts and Humanities Act of 1965. That legislation paved the way for the National Endowment for the Arts, which makes Federal grants to artists and art organizations, and the National Endowment for the Humanities, which is federally funded and dedicated to supporting research, education, preservation, public programs in the humanities and projects exhibiting artistic excellence. Senator Pell's vision almost single-handedly revived the arts and humanities in myriad communities in the United States.

Finally, Mr. Speaker, on a personal note, I had the privilege of working with Senator Pell during his tenure as the chairman of the Senate Foreign Relations Committee, where I served on committee staff. Senator Pell was a gracious and thoughtful man. He met with any and all constituents who requested a meeting, and he did so always on time.

As a former Foreign Service Officer and Coast Guard serviceman, he was a strong and passionate voice for the men and women who serve our country abroad and in the Coast Guard all of his distinguished career. He had his eccentricities, but they did not characterize the man. What characterized Claiborne Pell, Mr. Speaker, was a sense of duty and his devotion to his country, his citizens, his high moral principles and, despite his wealth, his desire to spread opportunity to the average man and woman of this country.

His loss will be a source of grief for me personally and all who knew him.

Mr. HINOJOSA. I have no further speakers.

Mr. PLATTS. Mr. Speaker, I had a speaker arrive after I had already yielded my time back.

I would ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to the distinguished Member from California (Mr. DREIER).

Mr. DREIER. I thank my good friend from Pennsylvania and my friend from Texas.

Mr. Speaker, I wasn't planning to speak about Senator Pell until I heard the very thoughtful remarks of our new colleague on the other side of the aisle, and I was thinking when he mentioned the term "eccentricities" not defining Claiborne Pell, it immediately brought to mind one of my first opportunities to have an exposure to an elected leader. I was in the 1970s an undergraduate in college in California, and we had, as a speaker on our campus, Senator Claiborne Pell, who was flying in. I was charged with the task, Mr. Speaker, of actually picking him up at Los Angeles International Airport.

I will never forget when he arrived, and looking like the New England gentleman that he was, he came to Los Angeles wearing a hat, carrying a great big overcoat, and someone confronted him at the airport. I was reminded, when my friend was just speaking about the fact that he would meet and talk to everyone, I had a car waiting, and he stopped and spoke at length with this gentleman there.

Then, just a very few years later, Mr. Speaker, I was very privileged to be able to have the opportunity to be elected to serve here in the Congress, and I reminded Senator Pell of my first introduction to him just a few years before when I was an undergraduate, and he recounted very fondly his visit then. And I had a chance, during that period of time, to develop a friendship with him and work with him on a number of issues.

So I rise in strong support of this resolution. He was a great public servant and a fascinating human being, and I urge my colleagues to support this resolution.

Mr. HINOJOSA. Mr. Speaker, I want to say that I am so happy to hear Congressman DREIER make those kind remarks. As I listened to him, it reminded me of 2 years ago when I was chosen by members of the Democratic Caucus to be the chairman of the Higher Education Committee, and one of the first things that I did was to invite presidents and chancellors of different universities throughout our land to come into our office and tell us about what they consider to be the priorities that they had on higher education.

I am pleased to say that the chancellor from California, Cal State system, came by to visit me. He pointed out that through the association of presidents and chancellors that there

was no question that the highest priority that they had for the 110th Congress was that we do something about increasing the amount of Federal investment in Pell Grants.

I am pleased to say that we heard the message and we did something about it, and that we have, in this Congress, the 110th, and we pledge in the 111th Congress, to continue paying attention to the need for funding for Pell Grants. Because if we are to address the affordability and the accessibility of higher education for many of the children of working families, it requires that additional Federal investment as we now talk about the Pell Grants.

With that, I urge everyone to vote "yes" on this suspension bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to Claiborne Pell, the great former Senator from Rhode Island. Senator Pell's life was defined by service, from the Coast Guard, to the Foreign Service, to 36 years in the United States Senate. He was a model statesman, willing to listen and compromise but never straying from his commitment to fairness and equality.

Senator Pell has left a long list of achievements, but his greatest legacy is the Pell grant, which has opened the doors to college for over 50 million students. He also introduced legislation to create the National Endowment for the Arts and the National Endowment for the Humanities. He was an ardent environmentalist, working to protect oceans from nuclear testing.

Those are just a few of Senator Pell's many accomplishments. I would like to turn for a moment to some personal observations. I had the great privilege of working for Senator Pell when I was a member of the staff of the Senate Foreign Relations Committee from 1987 to 1989. He was a man of both grace and principle. He rarely spoke a word in anger, but he didn't retreat from tough issues. He was a gentle soul with a kind word for most. But it would be a grave mistake for anyone to interpret his gentle disposition as a sign of weakness. He was passionate about the issues he cared about and relentless in pursuing them.

He was insistent that the United States play a leading role in the world. He believed strongly in attempting to resolve international conflicts through negotiation and diplomacy before resorting to the use of force. His approach may have fallen out of political fashion for a time, but the passage of time has shown the wisdom of his counsel.

We have entered an age that is often dominated by 20-second sound bites and partisan political combat. Senator Pell would not have felt as comfortable in this new political environment, nor should he. Rather, we would do better to return to the more, deliberate and gentle ways he brought to the Senate. We have a lot to learn from his example. I will miss him, but our Nation is certainly stronger and better as a result of the life he lived and the legacy he left behind.

Mr. HINOJOSA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr.

HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 50.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE EFFORTS OF THOSE WHO SERVE THEIR COMMUNITIES ON MARTIN LUTHER KING DAY

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 43) recognizing the efforts of those who serve their communities on Martin Luther King Day and promoting the holiday as a day of national service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 43

Whereas the King Holiday and Service Act, a law designating Martin Luther King Day as a national day of volunteer service, was signed into law in 1994;

Whereas millions of Americans have been inspired by the life and work of Dr. Martin Luther King, Jr. to serve their neighbors and communities every third Monday of January;

Whereas serving one's community for the betterment of every individual speaks to the high character, transformative world view, and everyday practice of Dr. Martin Luther King, Jr.;

Whereas the efforts of national service volunteers have been a steadfast foundation of our Nation's infrastructure, supporting not only individuals and families in need, but acting in response to national catastrophes and natural disasters;

Whereas citizens have the opportunity to participate in thousands of already scheduled events all across the country, as well as create and implement a community service project where they identify the need;

Whereas the Corporation for National and Community Service, is working with the Martin Luther King, Jr. Center for Non-violent Social Change, and thousands of other nonprofit, community, national service, and education organizations across the country to encourage Americans to serve on this holiday and throughout the year; and

Whereas leaders at the Federal, State and local level are planning to use the Martin Luther King Day and Inauguration Day to rally our Nation to commit to serve and to make an ongoing commitment to service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all Americans to pay tribute to the life and works of Dr. Martin Luther King, Jr. through participation in community service projects on Martin Luther King Day;

(2) recognizes the inherent value of community service and volunteerism in the cre-

ation of civil society and as a means of non-violent community progress consistent with the works of Dr. Martin Luther King, Jr.;

(3) recognizes the benefits of the collaborative work by the many organizations that promote, facilitate, and carry out needed service projects nationwide;

(4) encourages its members and colleagues to urge their constituents, both in congressional districts and those visiting the District of Columbia on Inauguration Day, to participate in community service projects; and

(5) acknowledges that by serving one's country, one's community and one's neighbor our Nation makes progress in civility, equality, and unity consistent with the values and life's work of Dr. Martin Luther King, Jr.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 43 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, which recognizes the critical role of service and those who give of their time to give back to their communities.

□ 1445

This resolution also reminds us that Martin Luther King, Jr. Day is a national day of service and encourages everyone to take part.

It is fitting that the day named in honor of the Reverend Martin Luther King, Jr., is also a day for neighbors, for friends, young and old, to give back to their communities. Dr. King's leadership in the ministry and public service produced epic and societal change to this great nation. He set an example for all of us to follow.

His words offer us very simple directions. In his "drum major instinct" speech he said, "You don't have to have a college degree to serve. You don't have to make your subject and your verb agree to serve. You don't have to know about Plato and Aristotle to serve. You only need a heart full of grace, a soul generated by love."

Over the last few years, the United States has endured and survived the terrorist attacks of 9/11 and hurricanes and floods that devastated families and communities. Without hesitation, volunteers across the Nation rallied together to help stabilize and to rebuild our devastated communities. And just as critical, during times of peace and calm in communities across this country, people hear the call of service and

provide assistance in the classroom, in hospitals, in parks, and to children, the elderly, and to each other.

I want to thank the Service Caucus and my friend and colleague Representative TODD PLATTS of Pennsylvania for bringing this resolution forward and reminding us that our country was built on the idea of service. And while we set aside Martin Luther King, Jr. Day as a day of service, there are opportunities to give back each and every day.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I rise in support of H. Res. 43 and yield myself such time as I may consume.

Mr. Speaker, House Resolution 43 promotes the Martin Luther King holiday as a day of national service and recognizes the efforts of the countless Americans who will volunteer their services on behalf of many worthy causes. I am proud to have introduced this resolution with my fellow co-Chairs of the National Service Caucus, Representatives DORIS MATSUI and DAVID PRICE.

In 1994, President Bill Clinton signed into law the King Holiday and Service Act to officially establish Martin Luther King Day as a day of national service in recognition of Dr. King's selfless and courageous service to his fellow citizens. Since this time, millions of Americans have recognized this holiday as "a day on," not "a day off," by volunteering in soup kitchens, organizing charity drives, mentoring children or aiding in urban revitalization efforts.

This year, the Corporation for National & Community Service, America's Promise Alliance and AmeriCorps NCCC are hosting a food drive across Capitol Hill to restock the shelves at the Capital Area Food Bank. Washington, D.C. schools will be closed for a 5-day weekend with the Martin Luther King holiday and the Presidential inauguration this coming week, leaving over 50,000 students without nutritious meals they would have otherwise received through the school lunch and breakfast programs.

Non-perishable canned food items can be delivered through this Thursday, January 15, to either my office or the offices of Representatives DORIS MATSUI, DAVID PRICE and MIKE HONDA. On Thursday, AmeriCorps NCCC students will pick up the canned food items and ensure their delivery to the Capital Area Food Bank.

Finally, there are numerous opportunities for individuals to serve their communities on Martin Luther King Day. I urge my fellow Members of Congress and constituents to take time out of their daily lives and give back to their communities. A list of volunteer opportunities is available online at mlkday.gov.

I cannot think of a more appropriate way to honor the heroic life and ac-

complishments of Dr. Martin Luther King than by serving one's community, and encourage all Americans to do so. I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentlewoman from California (Ms. MATSUI), who serves on the Rules Committee and the Energy and Commerce Committee.

Ms. MATSUI. Mr. Speaker, I would like to thank the gentleman from Texas for yielding me this time.

I rise today to offer, along with my National Service Caucus co-Chairs, of which the gentleman from Pennsylvania is one, a resolution highlighting the men and women who inspire and actively pursue a better country, those who serve the communities on Dr. Martin Luther King, Jr. Day.

Since 1994, we have celebrated the King holiday by making it "a day on," not "a day off," observing every third Monday in January as a national day of service. Dr. King's legacy guides us to work for equality and social justice, towards common understanding and shared experiences. Serving one's neighbor, one's community and our country allow every individual in our Nation to walk down the road with Dr. King, looking forward, continually focused on reaching the promised land.

This coming Monday, millions of Americans will participate in thousands of already-planned events across this country. Thousands more will come to our Nation's capital to see history in the making and answer our President-elect's call to service. As we embark on a new era of optimism and hope for a better tomorrow, we should start our journey by not only observing change, but by honoring the legacy of Dr. King and actively creating it.

I commend and join with President-elect Obama and Vice President-elect BIDEN in calling for a new attitude toward service in our country. When we ask what we can do for our country, the call shouldn't be answered only one day a year.

It is my hope that this year's Martin Luther King, Jr. Day of National Service marks a starting point that will continue throughout the year and engage millions of Americans in a new commitment to service.

This year's national day of service promises to be larger than ever before. Efforts by the many service organizations, as well as the Presidential Inaugural Committee and the corporation for National and Community Service, have organized like never before. Right here on Capitol Hill, as has been previously mentioned, the organization America's Promise, along with the Corporation for National and Community Service, are sponsoring a food drive to support local food banks. These groups

have utilized technology and the Internet to make opportunities easy to find and easy to do.

The fact that this year's King Day of Service is one day before the inauguration of President-elect Obama provides a unique opportunity to reach millions of Americans with a message to serve. I ask my colleagues to join with me in promoting service on Martin Luther King, Jr. Day and encouraging all of those constituents, both at home and those traveling to Washington, D.C. for the inauguration, to serve.

Thank you once again.

Mr. HINOJOSA. Mr. Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from the State of Illinois (Mr. DAVIS), a gentleman who serves on the Ways and Means Committee and has served and distinguished himself on our Committee on Education and Labor.

Mr. DAVIS of Illinois. Thank you very much, Mr. Chairman. Let me first of all thank my good friend and chairman of our subcommittee. As a matter of fact, I am already beginning to feel disappointed and underprivileged because I will not have the opportunity to serve with him this year as a result of leaving the Education Committee. But I want to thank him for yielding time, and I want to thank him for his tremendous leadership.

Mr. Speaker, next Tuesday will usher in a new era of hope, a new chapter in the history of America, when President-elect Obama takes office. This historic moment brings renewed energy to Dr. King's mission and memory. We must not forget that we have reached this place in history partly because of Dr. King's remarkable life. Today I would like to honor his memory and those who work tirelessly for his cause.

Frederick Douglass once said, "A battle lost or won is easily described, understood, and appreciated, but the moral growth of a great nation requires reflection, as well as observation, to appreciate it." Today, we do just that. Today we reflect on one life that changed the course of so many others. We reflect on the commitment and integrity of a man who stood up to those who said he was nothing. We reflect on a man who had his priorities in line, who knew what was important and never forgot it. And we reflect so that we can learn what we must do as a nation to realize Dr. King's dream.

Born January 15, 1929, Dr. King grew up to be a man who would change American history by fighting for fairness, dignity and equality for all under the law and through the eyes of his fellow citizens. But his journey was never easy. Martin Luther King attended Georgia's segregated public schools. Like so many others, Dr. King was told by society that he was a lesser being and that he could never be as good, as human, as his peers.

But his journey was never easy. Despite the hardships, the bombings, the

fire hoses, the dogs, the relentless beatings and the death of those devoted to his cause, Dr. King was able to rally his followers to rise to the occasion by his purpose-driven actions and unforgettable rhetoric.

In the great example of Dr. King's influence, 250,000 men and women, white and black, gathered for the famous march on Washington. It was there that Dr. King delivered his "I have a Dream" speech to the Nation.

Dr. King's legacy reminds us that there are some things we must continue to fight for. And although the rocky road that Dr. King traveled is somewhat smoother today, this Nation must continue to promote equal opportunity and fairness for all Americans. As we face today's many challenges, we remember that Dr. King's hope for a better tomorrow is very much alive.

So I thank you, Mr. Speaker, for the opportunity to participate in this discussion, and again I want to thank my friend and colleague from the great State of Texas for giving me the opportunity.

Mr. HINOJOSA. Mr. Speaker, I yield 4 minutes to the honorable gentleman from California (Mr. DREIER) so that he can speak to this House resolution.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my good friend and colleague Mr. HINOJOSA for his leadership and his management of this, and to my friend Mr. PLATTS as well, and Ms. MATSUI and Mr. DAVIS for their very thoughtful remarks.

I, of course, rise in very strong support of the resolution. I was looking forward to voting for it, but I didn't intend to address it until I listened to the remarks of Mr. DAVIS in which I was reminded of a very thoughtful interview I heard this morning with the Reverend Joseph Lowery, who, as we know, next Tuesday at the age of 87 is going to be participating in the historic inauguration of Barack Obama.

He was talking about the Reverend Martin Luther King and the level of activism that he had in the civil rights movement, and he ended his interview by saying, Mr. Speaker, that he very much appreciated the fact that at age 87 he had lived long enough to be able to see the history that we will all witness next Tuesday.

This resolution is focused on ensuring that we encourage the level of volunteerism that is necessary to deal with what is a very, very serious societal challenge that we face at this moment, and that is the hunger problem; the fact that there are so many people who, because of the economic downturn through which we are going, are suffering.

So I want to join with my friends, encouraging my constituents in California, those here in the metropolitan area, and others around the country to support the effort that Mr. PLATTS

talked about, by contacting offices and doing what they can at food banks to provide assistance. It is being done in the names of Barack Obama, the Reverend Joseph Lowery, and, of course, Dr. Martin Luther King.

So I again thank my colleagues for their effort and the focus on this very, very important issue, and again urge all of us to support this resolution.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Res. 43, a resolution that promotes the Martin Luther King Holiday as a day of national service.

For me, one of the most powerful images of Washington is the image of Dr. King conveying his dream during his 1963 "March on Washington", on the steps of the Lincoln Memorial.

Dr. King understood government has a fundamental responsibility to meet the needs of all Americans regardless of race or economic class.

As our Nation prepares to celebrate Martin Luther King Day, and the inauguration of the next President, we remember Dr. King as a beacon of change.

He gave people the faith and courage to work peacefully for change to stop racial discrimination, and promote equality and opportunity across America.

So on the day of remembrance named in his honor, let us all truly recommit ourselves to changing and working to bring about opportunity for all Americans.

We call on our Nation to serve, and recognize the determination of those men and women who continue to work to make the world a better place for future generations.

I urge my colleagues to honor the legacy of Dr. King and those who continue to follow his example, and support H. Res. 43.

Mr. HONDA. Mr. Speaker, I rise today with the great pleasure of supporting of H. Res. 43, which recognizes the hard work of those who serve in their communities on Martin Luther King Day and promotes the holiday as a day of national service.

During Dr. Martin Luther King, Jr.'s lifetime, he worked tirelessly toward creating a more just America, seeking to not only heal this Nation's racial divides, but to empower all Americans to take responsibility for bettering their communities through service. Recognizing this legacy, Congress passed the King Holiday and Service Act in 1994, designating the King Holiday as a national day of volunteer service and asking Americans of all backgrounds and ages to honor Dr. King's legacy by engaging in service projects in their communities. Since Congress passed the act 14 years ago, millions of Americans have come together on the third Monday of January to engage in service projects ranging from mentoring children to building homes. By bringing together neighbors who might not normally meet, the King Day of Service strengthens our communities and country by breaking down barriers that have historically divided us and promoting civic engagement.

Although participation in the King Day of Service has increased each year, many Americans remain unaware of the service component of the holiday, making it essential for more organizations to promote this fitting trib-

ute to Dr. King's memory. As the Chair of the Congressional Asian Pacific American Caucus, I am proud to join the Congressional Black Caucus, Congressional Hispanic Caucus and the National Service Caucus in co-sponsoring a food drive to support the Capitol Area Food Bank, whose resources are running thin. In Washington, DC alone, 56,000 children are at risk of being hungry on any day of the year. But with the convergence of the Martin Luther King, Jr. Federal holiday and the Presidential Inauguration, these children face a long 5-day weekend when the school breakfasts and lunches upon which they depend will not be available.

I am proud to recognize the millions of Americans inspired by the life of Dr. Martin Luther King, Jr. to serve their communities and encourage all my colleagues in Congress and our fellow Americans to join their neighbors in community service projects on this important day and throughout the year.

Mr. SIRE. Mr. Speaker, today I rise in support of H. Res. 43, a resolution recognizing the efforts of those who serve their communities on Martin Luther King Day and promoting the holiday as a day of national service.

I am proud to have this opportunity to highlight the importance of national service as well as honor a national leader and hero, Martin Luther King, Jr.

Next Monday, we will celebrate this extraordinary man and the legacy of service he engrained on our Nation through our dedication to service.

This year, our celebration of Dr. King's life and his commitment to improving the lives of all Americans is more significant than ever as the country swears in our first African American president, Barack Obama, the very next day.

The extraordinary work of Dr. King and his enduring message of providing equal opportunities for all Americans—in conjunction with the inauguration of our new president—provide proof that our Nation is capable of great change and proof that through service, our Nation can accomplish whatever it dreams.

As our country swears in President Obama on January 20, I know that Martin Luther King, Jr. will be in my thoughts, as well as in the thoughts of many proud Americans. It is people like Dr. King that make our country great, that make me proud to be a citizen of this great Nation, and that inspire me to serve.

I am pleased to join my colleagues in recognizing the amazing service of this man that continues to inspire in our Nation year after year.

I urge my colleagues to not only join me in supporting today's resolution, but join me in continuing the call for service in our communities on this special day, and throughout the year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 43, and thank my colleague, Congressman TODD PLATTS, authoring this important resolution.

Mr. Speaker, yesterday the Nation observed for the 21st time the Martin Luther King, Jr., holiday. Each year this day is set aside for Americans to celebrate the life and legacy of a man who brought hope and healing to America. The Martin Luther King holiday reminds us that nothing is impossible when we are guided by the better angels of our nature.

Dr. King's inspiring words filled a great void in our Nation, and answered our collective longing to become a country that truly lived by its noblest principles. Yet, Dr. King knew that it wasn't enough just to talk the talk; he knew he had to walk the walk for his words to be credible. And so we commemorate on this holiday the man of action, who put his life on the line for freedom and justice every day.

We honor the courage of a man who endured harassment, threats and beatings, and even bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway.

Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

When Martin talked about the end of his mortal life in one of his last sermons, on February 4, 1968, in the pulpit of Ebenezer Baptist Church, even then he lifted up the value of service as the hallmark of a full life. "I'd like somebody to mention on that day Martin Luther King, Jr. tried to give his life serving others," he said. "I want you to say on that day, that I did try in my life . . . to love and serve humanity."

Mr. Speaker, during these difficult days when the United States is bogged down in a misguided and mismanaged war in Iraq; calamities on Wall Street—Main Street—and in the American automobile industry; we should also remember that the Rev. Dr. Martin Luther King, Jr., who was above all, a person who was always willing to serve to help his fellow man.

This year thousands of Americans across the country will celebrate the national holiday honoring the life and work of Martin Luther King, Jr. by making the holiday "a day on, not a day off."

The King Day of Service is a way to transform Dr. Martin Luther King, Jr.'s life and teachings into community service that helps solve social problems. That service may meet a tangible need, such as fixing up a school or senior center, or it may meet a need of the spirit, such as building a sense of community or mutual responsibility. On this day, Americans of every age and background celebrate Dr. King through service projects that:

Strengthen Communities—Dr. King recognized the power of service to strengthen communities and achieve common goals. Through his words and example, Dr. King challenged individuals to take action and lift up their neighbors and communities through service.

Empower Individuals—Dr. King believed each individual possessed the power to lift himself or herself up no matter what his or her circumstances—rich or poor, black or white, man or woman. Whether teaching literacy skills, helping an older adult surf the Web, or helping an individual build the skills they need to acquire a job, acts of service can help others improve their own lives while doing so much for those who serve, as well.

Bridge Barriers—In his fight for civil rights, Dr. King inspired Americans to think beyond

themselves, look past differences, and work toward equality. Serving side by side, community service bridges barriers between people and teaches us that in the end, we are more alike than we are different.

These ideas of unity, purpose, and the great things that can happen when we work together toward a common goal—are just some of the many reasons we honor Dr. King through service on this special holiday. I urge my colleagues to join me in supporting this legislation and the man who epitomized community service—Dr. Martin Luther King, Jr.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Dr. King's legacy and to commemorate this day of national service.

Dr. King once said, "Everybody can be great . . . because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love."

It is that idea, that together we can make a difference, in this Nation and in the lives of others, that has prompted this day of service. I believe that the message of change resonates greatly this particular Martin Luther King Day.

This past year, I have seen young people who have never before been involved in service working to change their communities. The ideals for which Dr. King gave his life have energized a new generation of peaceful activists. These young people may not have experienced the words and spirit of Dr. King during their lifetime, but his legacy drives their efforts and enthusiasm.

It is a testament to his greatness that Dr. King's message has transcended time and generations. Dr. King called on all of us to no longer stand alone in silence, but to stand up together as a voice against injustice. He inspired us to fight for change through non-violent means, and paved the road for us to continue that fight even after his death.

Dr. King left us with the challenge to courageously fight and secure the civil rights for all, from the impoverished and disenfranchised underclass to the politically and economically endowed. And while we have made great progress, there is still work to be done. We must remain diligent and engaged in defining how our Nation will achieve this equality.

Today's Martin Luther King Day is as much about the past as it is about the present and the future. Dr. King's dream is truly timeless, and I hope all will participate in this day of service to honor his faith and vision.

Mr. BARROW. Mr. Speaker, I rise in support of H. Res. 43 honoring the memory of Dr. Martin Luther King, Jr., and thanking those who continue to honor his memory by giving back to the communities in which they live.

Dr. King once said, "Life's most persistent and urgent question is, 'What are you doing for others?'" Enacted in 1994 by Congress, the Martin Luther King, Jr., Day of Service was started to honor Dr. King's legacy by giving folks the opportunity to answer that question. Its theme, "Make it a Day On, not a Day Off," urges Americans everywhere to spend their day off working to create a better society—as Dr. King did.

Despite all the hardships and discrimination he experienced in his lifetime, Dr. King never

lost his profound love for all mankind. I'd like to thank those Americans who spend their holiday volunteering in their communities, helping out their brothers and their sisters. Your selflessness and sense of civic duty move America one step closer to Dr. King's vision of the "Beloved Community." That is worth a day's work from any of us.

Ms. LEE of California. Mr. Speaker, I rise today to express my strong support for H. Res. 43, which recognizes the efforts of those who serve their communities on Martin Luther King Day and promotes the holiday as a day of national service.

Fifteen years ago, the enactment of the King Holiday and Service Act officially designated Martin Luther King Day as a national day of volunteer service. Each year since, millions of Americans across the country, and thousands in my congressional district, have been inspired to serve their neighbors and communities every third Monday of January.

This is an impressive achievement but it is a fitting tribute to one of the greatest figures in world history. Dr. King dedicated and, ultimately, sacrificed his life to serve others, especially "the least of these." As he famously observed, "Everybody can be great because everybody can serve."

Mr. Speaker, at this defining moment in history our country faces enormous challenges and given the enormity of unmet needs, every contribution—big and small—matters.

All across our land, there are children and adults to educate; seniors to care for; hungry persons to feed; jobless to train and employ; the environment to protect; and justice to pursue. In short, there is much unfinished work to be done.

Mr. Speaker, I applaud the Corporation for National and Community Service, the Martin Luther King, Jr. Center for Nonviolent Social Change, and thousands of other nonprofit, community, national service, and education organizations across the country for encouraging Americans to serve their communities this holiday and throughout the year.

I urge all Americans to honor Dr. King by making the holiday in his honor a "day on," not a day off. Dr. King could always be found serving others. So should we.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of H. Res. 43—Recognizing the efforts of those who serve their communities on Martin Luther King Day. Of the many legacies left behind by this great leader, Dr. Martin Luther King Jr.'s message of community building is one that resonates with us today.

Martin Luther King Jr. recognized that in striving toward equality, the true work begins in the neighborhoods and streets of our communities. King demonstrated power of service through his work spreading his message across the United States. We not only pause on January 19, 2009, Martin Luther King Day to remember his legacy, but we use this as a day to promote his message of service. Volunteers across this great Nation are working on service projects to commemorate his vision and teachings. In addition to asking Americans to serve, President-elect Obama, Vice President-elect BIDEN, and their families will participate in service activities. President-elect Barack Obama leads by example as a former Chicago community organizer, helping people

one at a time. When he calls for progress and change he asks the American people to participate in that change. Martin Luther King Day should inspire us all to participate in serving our communities throughout the year.

Mr. Speaker, I rise in commemoration and celebration of the life and legacy of Dr. Martin Luther King Jr. In addition, in the coming days and beyond, I encourage my fellow Americans to both celebrate great change that has come and strive to be the change that we need as we progress towards King's vision of the "beloved community."

Mr. RANGEL. Mr. Speaker, I rise today in support of National Service Day that is held on the third Monday of January each year, the same day that Rev. Dr. Martin Luther King, Jr.'s birthday is observed.

Rev. Dr. Martin Luther King, Jr. is well known for his peaceful march on Washington, DC where he delivered his famous "I Have a Dream" speech and other nonviolent protests. But as a minister and civil rights activist, his vision was to end discrimination and to improve the lives of all mankind. He focused on community organizing where he told others that they can make a change if they worked together.

In honor of Dr. Martin Luther King, Jr. it is important for people to get involved in their communities and give back to those in need. Volunteering at a food bank, helping to clean up a neighborhood, donating blood are simple ways that people can participate in National Service Day.

It is time for us to get involved to help others and to improve our Nation as a whole.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of H. Res. 43, which recognizes the efforts of those who serve their communities on Martin Luther King Day and promotes the holiday as a day of national service.

During his life, Dr. Martin Luther King, Jr. recognized the power of service to strengthen communities. In 1994, Congress made Martin Luther King Day a national day of community volunteerism to further commemorate Dr. King's commitment to others.

This King Day, as part of inauguration festivities, President-elect Barack Obama has encouraged all Americans to not only use this day to volunteer, but to also make a long-term commitment to community service.

At home in Minnesota, and across the Nation, many will volunteer to serve their communities by working at food banks, helping the homeless, and improving schools. Minnesotans have a proud tradition of civic engagement. In a study conducted by the Corporation for National and Community Service, Minneapolis-St. Paul was ranked number one for volunteer rates in a large city.

As we begin this new Congress and new White House Administration, I can think of no better way to strengthen our country than to help create change in our communities. I encourage everyone to get involved this Martin Luther King Day and to browse <http://www.usaservice.org> for volunteer opportunities. I also want to thank every American who will volunteer on Monday and those that continue to serve throughout the year.

Mr. PRICE of North Carolina. Mr. Speaker, as a co-chair of the National Service Caucus, I am pleased to be a cosponsor of H. Res. 43,

recognizing the importance of national service, supporting the efforts of those who serve their communities on Martin Luther King Day, and promoting the Martin Luther King Day holiday as a day of national service.

During the 1950s and '60s, civil rights leader Martin Luther King, Jr. recognized the power of service to strengthen communities and achieve common goals. King's ideas of unity and purpose highlighted the great things that can happen when we work together toward a common goal, and these ideas are as important today as they were 50 years ago.

In 1994, Congress passed the King Holiday and Service Act to transform the King Holiday into a national day of service to meet community needs. Since that time, millions of Americans have participated in community-building activities on King Day, treating the holiday as "a day on, not a day off."

The day before President-elect Obama's inauguration is the Martin Luther King holiday. With thousands of projects planned across the country, in addition to a call to serve from President-elect Obama, the 2009 King Day of Service on January 19 promises to be the most successful national service effort to date.

Both President-elect Obama and Vice-President-elect BIDEN, along with their families, will be participating in service events to honor Martin Luther King and commemorate the holiday. I encourage my colleagues and their staff to share in the spirit of volunteerism and unity by participating in a service opportunity here in Washington, DC, or back home with their constituents on January 19.

I am pleased that the President-elect has been part of the call to ensure that this day be a day devoted to service. However, I know, as President-elect Obama knows, that one day of good deeds is not enough. Throughout the presidential campaign, the President-elect spoke about a new era of civic engagement, and I hope that the passage of H. Res. 43 will build on Martin Luther King day and the Inauguration and reaffirm our ongoing commitment to service.

□ 1445

Mr. HINOJOSA. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 43.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IMPEACHMENT INQUIRY OF JUDGE G. THOMAS PORTEOUS

Ms. MATSUI. Mr. Speaker, I move to suspend the rules and agree to the reso-

lution (H. Res. 15) authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 15

Resolved, That in continuance of the authority conferred in House Resolution 1448 of the One Hundred Tenth Congress adopted by the House of Representatives on September 17, 2008, the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana.

SEC. 2. The Committee on the Judiciary or any subcommittee or task force designated by the Committee may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the Committee, pursuant to notice or subpoena.

SEC. 3. There shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary to assist the Committee in conducting the inquiry under this resolution until a primary expense resolution providing for the expenses of the Committee on the Judiciary for the first session of the One Hundred Eleventh Congress is adopted. Any of the amounts paid under the authority of this section may be used for the procurement of staff or consultant services.

SEC. 4. (a) For the purpose of the inquiry under this resolution, the Committee on the Judiciary is authorized to require by subpoena or otherwise—

(1) the attendance and testimony of any person (including at a taking of a deposition by counsel or consultant of the Committee); and

(2) the production of such things;

as it deems necessary to such inquiry.

(b) The Chairman of the Committee on the Judiciary, after consultation with the ranking minority member, may exercise the authority of the Committee under subsection (a).

(c) The Committee on the Judiciary may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee, including pursuant to subpoena.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from California (Mr. DREIER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 15 provides for a continuation of the authority provided in H. Res. 1448, as adopted by the House in the 110th Congress. H. Res. 15 states that in continuance of H. Res. 1448, the House directs the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as my good friend from Sacramento, my Rules Committee colleague, has just said, this resolution will allow the Judiciary Committee to continue its very important oversight work by reauthorizing an investigation of G. Thomas Porteous.

The committee's ongoing inquiry into his conduct and the question of whether to pursue impeachment by the House should continue in this 111th Congress. This is a bipartisan ongoing effort. In fact, Mr. Speaker, it is so utterly bipartisan and noncontroversial that our colleagues could very reasonably expect that this measure would have been considered by unanimous consent. Such widely supported procedural matters usually do not demand a formal debate.

I certainly do hope that today's consideration of this resolution under suspension of the rules is not an indication that the Democratic leadership needs filler time for the schedule. I mean, it would be a little disconcerting to think that they have nothing more important to do in the House, just 1 week before this very, very important inauguration. So whatever the motivation of today's procedure, I do strongly support this measure.

I will say, Mr. Speaker, that as we look at this debate on this resolution that we're considering under suspension of the rules that, as I said, could be considered by unanimous consent, we know that the pressing issue for the American people right now is our effort to get our economy back on track. That's what so much of the talk is going on right here in Washington, and we know that virtually everyone across this country and, frankly, around the world, as we deal with this global economic downturn, virtually everyone is talking about what steps can be taken for us to get our economy back on track.

And it would seem to me that, rather than taking time on a resolution such as this, which could have been considered by unanimous consent, that we should be moving ahead as expeditiously as possible with legislation that will, in fact, get our economy back on track.

That's why I, on opening day, just a week ago today, in fact, I was proud to introduce a trio of bills that I believe very strongly, Mr. Speaker, will play a

key role in getting our economy back on track.

The first bill is known as the Fair and Simple Tax Plan. We all know about the complexity of the Internal Revenue code, and we regularly hear from our constituents about the level of frustration. And we all know that it is very time consuming and costly to deal with this complex code.

The Fair and Simple Tax Plan is a package that I was privileged to work with the former Mayor of New York, Rudy Giuliani; former nominee for Governor in California, Bill Simon; former economic adviser to President George H.W. Bush, Michael Boskin at Stanford University, and several others. It is a plan, Mr. Speaker, that would take the six tax rates that we have today and compress them down to three rates. The top rate, Mr. Speaker, would be 10 percent on the first \$40,000 in income, 15 percent on income between \$40 and \$150,000, and a top rate of 30 percent on all income above \$150,000.

Now, I believe that that kind of rate reduction would increase compliance and stimulate very important economic growth that the American people know is desperately needed as we deal with these tough economic times.

This measure also has some other very important components that would take the complex Internal Revenue code and bring it down to a single page, one page. It does maintain, Mr. Speaker, some important provisions, like the ability for the American taxpayer to deduct the interest on their home mortgage; the ability, and we talked about the resolution earlier, encouraging volunteerism; the ability to continue to deduct the charitable contributions that people make as we encourage this level of volunteerism. Very important.

It also maintains the important child credit and the provisions that have existed. And it expands incentives for retirement, and it includes a \$15,000 exclusion to deal with the challenge that we have with health care. And that \$15,000 could be utilized for the purchase of health insurance or direct health care costs, because we know what a pressing need that is that exists today.

It also is important, if we're going to get our economy back on track, Mr. Speaker, and I wish that we were having a full debate on this issue right now, for us to, I believe, completely eliminate the inheritance tax, the so-called death tax.

When you see people having to sell businesses, to sell homes, simply to comply with the Internal Revenue code, and I know that with that death tax, I believe that completely repealing that, nailing the coffin on the death tax is something that is very important.

We also know, and today we got the news about the fact that we've seen an

actual narrowing of the trade imbalance, we also know that one of the important things for us to do is to deal with the challenge of jobs leaving the United States and going overseas. And so that's why the Fair and Simple Tax Plan also reduces the top tax rate on job creators from 35 percent to 25 percent, and economists across the board have recognized that that would go a long way towards creating good jobs right here in the United States of America.

We also know that the tax on capital has been very, very high and people are living with the threat of it possibly going up. And so the Fair and Simple Tax Plan brings about a reduction to 15 percent of that tax on capital gains. And not many people are witnessing capital gains at this point, but as we seek to get our economy back on track, I believe it's very important and that would be a key to helping us in our effort to do that.

So this is, again, a very simple plan that I believe could dramatically stimulate economic growth and get to the kind of permanence that we need.

I will say that I heard some remarks being made by our distinguished colleague, the chairman of the Senate Budget Committee, Mr. CONRAD, in which he was referring to some of the concerns that he's had with this massive economic stimulus bill that is about to come before us. And one of the concerns that he raised as he talked about it being timely and targeted, that we—and temporary, those three Ts—that we do everything we can to ensure that. And he pointed to the fact that the notion of dramatically extending and making permanent the unemployment insurance would not be temporary. Making permanent COBRA provisions would not be temporary. Those are two issues that our colleague, Mr. CONRAD, has raised as concerns.

So I think that there's a lot of controversy swirling around this so-called economic stimulus package, and I think that if we want it to be timely and temporary, these government spending programs, we need to spend time and effort focused on how we can permanently, permanently get our economy back on track.

I mentioned the first of the trio of bills that I introduced a week ago today, Mr. Speaker. The second one is dealing with an important sector of our economy which we all know has played a key role in the downturn through which we're now going, and that is the housing industry. And we've seen huge sums of money pushed toward the housing industry right now, and I believe that one of the things that we need to do is to reward responsible behavior.

Now, unfortunately, government policy has encouraged people to purchase homes with zero down, and have interest rates that are extraordinarily low;

basically turning the home ownership, something that we very much want to encourage, into little more than homes into little more than rental units, creating incentive for people to walk away from them.

So the second bill that I introduced, Mr. Speaker, is designed to incentivize people to responsibly have equity in their homes. One of the problems that we found is that as we see this credit crunch, it's been difficult for people to have what is now necessary for a down payment for those homes. And so the measure that I introduced, which, again, will encourage people not to walk away from their home and have equity in it, provides a \$2,000 credit if one provides a, establishes a 5 percent down payment, a \$5,000 credit if they have a 10 percent down payment, and a \$10,000 tax credit if they will put 15 percent down.

Now, let's think about that. I mean, if someone puts 10 percent down on a \$200,000 home, they automatically have \$20,000 in equity and would be much less inclined to abandon that home as we've dealt with the challenges that we face out there.

There is an inventory that needs to be addressed, of housing, that has yet to be purchased. We have neighborhoods that have been emptied, and I believe that this kind of incentive could again take this industry, which has played a role in the economic downturn, and actually, as has historically been the case, play a role in leading us back to economic strength.

And the third measure deals with the other industry, Mr. Speaker, that, as you know very well, we've spent a great deal of time talking about here; the administration has recently taken action on it, and it has to do with the automobile industry.

Now, I will say that I'm not personally one who believes that we should be using the Tax Code to encourage the selection of winners over losers, but we know that both the housing industry and the auto industry have historically been very critical when it comes to moving back to economic strength. And so, having worked with a number of automobile dealers who, frankly, were here in December when we were having the debate in the 110th Congress on this issue, one of the things that was said to me was that we need to make sure that people are encouraged to get off the couch and into the showrooms to look at the purchase of automobiles.

Now, we know, one dealer, a fellow called John Symes, about whom I've spoken here, a 60-year dealership in Southern California in the Pasadena area, a number of dealerships, has said that historically the ability to deduct the interest on automobile loans has been very, very helpful. Well, I don't know that we should go back to that. So, instead, the third bill that I intro-

duced on this, Mr. Speaker, would do the following:

We basically are saying that today we know that the sales tax, both State and local sales tax in States has been very high, and so we called for a credit that would allow an offset for the State and local sales tax to encourage people, again, to get into the showrooms to purchase automobiles, regardless of where those automobiles are from.

I regularly like to say when people say, well, what about American-made cars? And I ask the question somewhat rhetorically, what is an American-made car, Mr. Speaker? Is it a Ford manufactured in Canada with Mexican-made parts, or is it a BMW manufactured in South Carolina with American-made parts?

And so I believe it is important for us to ensure that any automobile, any automobile would, in fact, qualify for this provision. So if someone's buying a \$20,000 automobile and the sales tax is 8 percent, that would be \$1,600 right off the top. And we set that at the sales tax rate for January 1 of 2009.

Both the housing and the automobile provisions, Mr. Speaker, apply for a 2-year period of time during which I'm convinced we can, in fact, see our economy grow.

□ 1515

The reason that I have raised these issues, Mr. Speaker, is that I believe, as we deal with a resolution like this one that could be brought up under unanimous consent, we should, instead, be debating and voting on measures like these three bills that were introduced last week. I know there are a wide range of other creative ideas that have come from Democrats and Republicans as well as to how we can deal with this.

So I hope very much that we can take on this challenge and that we can ensure that whatever we provide in this economic stimulus package that it is, in fact, going to be a package that will get our economy back on track.

I am very concerned at the reports that we have gotten of massive, massive spending, and I, again, congratulate our colleague Senator CONRAD for pointing to the deficit as being an issue with which we are going to have to contend. If we want to have sustained and not temporary economic growth, I believe the best way that we can do that is to take steps to encourage greater and greater and greater private-sector growth in our economy.

So, Mr. Speaker, as I said, I am in support of this resolution. I hope very much that we can move ahead with it so that we will be able to deal with the pressing challenges that the American people have sent us here to address.

With that, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I urge the support of this resolution.

Mr. SMITH of Texas. Mr. Speaker, I am pleased to support H. Res. 15, which I co-sponsored with Chairman CONYERS. This resolution provides continued authorization for an inquiry into whether U.S. District Judge G. Thomas Porteous should be impeached.

The Constitution reserves the exclusive power of impeachment to the House of Representatives and the exclusive power to try all impeachments in the Senate. Any "civil officer" of the United States, including Federal judges, shall be removed from office if impeached and convicted of "treason, bribery, and other high crimes and misdemeanors."

Only 13 Federal judges have been impeached during the past 219 years of our constitutional history. The House has exercised this prerogative sparingly in deference to judicial independence, one of the cornerstones of our republic.

Chairman CONYERS and I concluded last year that there is sufficient reason to initiate an impeachment inquiry regarding Judge G. Thomas Porteous, Jr., who was appointed to the U.S. District Court for the Eastern District of Louisiana in 1994.

The basis for this resolution was largely developed by a Special Committee of the Judicial Council of the Fifth Circuit. The findings of the Fifth Circuit were endorsed by the U.S. Judicial Conference, which notified the House of Representatives on June 18, 2008, of its determination that impeachment proceedings may be warranted.

The materials submitted to the Judiciary Committee by the Judicial Conference are expansive and thorough. This led us to begin an impeachment inquiry last Congress pursuant to H. Res. 1448. However, our work is not yet complete. The resolution before us today is nearly identical to H. Res. 1448 and allows us to continue our investigation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 15, authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana. I encourage all of my colleagues to support this resolution authorizing and directing the Judiciary to inquire into the matters concerning Judge Porteous and let it be a signal that this Congress is interested in understanding what truly transpired regarding the Judge in a bipartisan and impartial manner.

Judge Porteous was a United States District Judge for Louisiana, and had been a judge of the Louisiana Judicial District Court from 1984 before being appointed to the U.S. District Court for the Eastern District of Louisiana in 1994 by President Bill Clinton.

Judge Porteous is well-known for his stance upholding the Constitution's separation of church and state and his judgments in defense of the first amendment right to free speech. He has controversially ruled in several landmark cases against the State, including one 2002 case in which he ruled that the State of Louisiana was illegally using Federal money to promote religion in its abstinence-only sex education programs. He ordered the State to stop giving money to individuals or organizations that "convey religious messages or otherwise advance religion" with tax dollars.

He said there was ample evidence that many of the groups participating in the Governor's Program on Abstinence were "furthering religious objectives."

Also, in 2002, Judge Porteous overturned a Federal ban on rave paraphernalia such as glowsticks, pacifiers, and dust masks, which are used at rave, electronic music concerts, where the use of Ecstasy is common.

In 2001, Judge Porteous filed for bankruptcy, which led to revelations in the press about his private life, specifically the fact that he was alleged to have had close ties with local bail bond magnate Louis Marcotte III, at the center of a corruption probe, which has more recently led to his being the subject of investigation himself by Federal investigators. In May 2006, Judge Porteous, beset by the recent loss of his wife and still under investigation by a Federal grand jury, was granted temporary medical leave and began a 6-month furlough from the Federal bench.

On June 18, 2008, the Judicial Conference of the United States transmitted a certificate to the Speaker of the U.S. House of Representatives expressing the Conference's determination that consideration of impeachment of Judge Porteous might be warranted. The certificate stated that there was substantial evidence that Judge Porteous "repeatedly committed perjury by signing false financial disclosure forms under oath which concealed cash and things of value that he solicited and received from lawyers appearing in litigation before him. The certificate listed a series of "abuses" that constituted an abuse of judicial office in violation of the Canons of the Code of Conduct for United States Judges.

Late last year, I was selected to be one of the members of the House Judiciary Taskforce that will investigate Judge Porteous. Representatives ADAM SCHIFF and BOB GOODLATTE were designated as chair and ranking member to lead the taskforce conducting the inquiry.

H. Res. 15 authorizes and directs the Committee on the Judiciary to inquire whether the House should impeach Judge Porteous. The resolution provides that the taskforce may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the committee, pursuant to notice or subpoena.

Moreover, the resolution provides that there shall be paid out of the applicable accounts of the House such sums as may be necessary to assist the committee on the Judiciary in conducting the inquiry under this resolution. The committee is authorized to require by subpoenas or otherwise, the (1) the attendance and testimony of any person and (2) the production of such things as it deems necessary for the inquiry. Lastly, the resolution provides that the Committee may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee.

By bringing this resolution to the floor, we as Members of Congress demonstrate that we are concerned about taking the moral high ground and are concerned enough to investigate wrongdoing and allegations thereof when it affects anyone in a bipartisan manner—be the accused a Democrat or Republican. This resolution is an important first step to the beginning days of an administration that

staked its campaign on change. Let us usher in change. I urge my colleagues to support this resolution.

Ms. MATSUI. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and agree to the resolution, H. Res. 15, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 17 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 41, by the yeas and nays;

House Resolution 50, by the yeas and nays;

House Resolution 43, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 41, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 41.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 11]

YEAS—411

Abercrombie	Davis (CA)	Johnson, Sam
Ackerman	Davis (IL)	Jones
Aderholt	Davis (KY)	Jordan (OH)
Adler (NJ)	Davis (TN)	Kagen
Akin	Deal (GA)	Kanjorski
Altmire	DeFazio	Kaptur
Andrews	DeGette	Kennedy
Arcuri	Delahunt	Kildee
Austria	DeLauro	Kilpatrick (MI)
Baca	Dent	Kilroy
Bachmann	Diaz-Balart, L.	Kind
Bachus	Diaz-Balart, M.	King (IA)
Baird	Dicks	King (NY)
Baldwin	Dingell	Kingston
Barrow	Doggett	Kirk
Bartlett	Donnelly (IN)	Kirkpatrick (AZ)
Barton (TX)	Doyle	Kissell
Bean	Dreier	Klein (FL)
Becerra	Driehaus	Kline (MN)
Berkley	Duncan	Kosmas
Berry	Edwards (MD)	Kratovil
Biggert	Edwards (TX)	Kucinich
Bilbray	Ehlers	Lamborn
Bilirakis	Ellison	Lance
Bishop (GA)	Ellsworth	Langevin
Bishop (NY)	Emerson	Larsen (WA)
Blackburn	Engel	Larson (CT)
Blunt	Eshoo	Latham
Bocchieri	Etheridge	LaTourette
Boehner	Fallin	Latta
Bonner	Farr	Lee (CA)
Bono Mack	Fattah	Lee (NY)
Boozman	Filner	Levin
Boren	Flake	Lewis (CA)
Boswell	Fleming	Lewis (GA)
Boucher	Forbes	Linder
Boustany	Portenberry	Lipinski
Boyd	Foster	LoBiondo
Brady (PA)	Fox	Loebach
Brady (TX)	Frank (MA)	Lofgren, Zoe
Braley (IA)	Franks (AZ)	Lowey
Bright	Frelinghuysen	Lucas
Broun (GA)	Fudge	Luetkemeyer
Brown (SC)	Garrett (NJ)	Lujan
Brown, Corrine	Gerlach	Lummis
Brown-Waite,	Giffords	Lungren, Daniel
Ginny	Gillibrand	E.
Buchanan	Gingrey (GA)	Lynch
Burgess	Gonzalez	Mack
Burton (IN)	Goodlatte	Maffei
Butterfield	Gordon (TN)	Maloney
Buyer	Granger	Manzullo
Calvert	Graves	Marchant
Camp	Grayson	Markey (CO)
Campbell	Green, Al	Markey (MA)
Cantor	Griffith	Marshall
Cao	Guthrie	Matheson
Capito	Gutierrez	Matsui
Capps	Hall (NY)	McCarthy (CA)
Capuano	Hall (TX)	McCarthy (NY)
Cardoza	Halvorson	McCaul
Carnahan	Hare	McClintock
Carney	Harman	McCollum
Carson (IN)	Harper	McCotter
Carter	Hastings (FL)	McDermott
Cassidy	Hastings (WA)	McGovern
Castle	Heinrich	McHenry
Castor (FL)	Heller	McHugh
Chaffetz	Hensarling	McIntyre
Chandler	Herger	McKeon
Childers	Higgins	McMahon
Clarke	Hill	McMorris
Clay	Himes	Rodgers
Cleaver	Hinchey	McNerney
Clyburn	Hinojosa	Meek (FL)
Coble	Hirono	Meeks (NY)
Coffman (CO)	Hodes	Melancon
Cohen	Hoekstra	Mica
Cole	Holden	Michaud
Conaway	Holt	Miller (FL)
Connolly (VA)	Hoyer	Miller (MI)
Conyers	Hunter	Miller (NC)
Cooper	Inglis	Miller, George
Costa	Inslee	Minnick
Costello	Israel	Mitchell
Courtney	Issa	Mollohan
Crenshaw	Jackson (IL)	Moore (KS)
Crowley	Jackson-Lee	Moore (WI)
Cuellar	(TX)	Moran (VA)
Culberson	Jenkins	Murphy (CT)
Cummings	Johnson (GA)	Murphy, Patrick
Dahlkemper	Johnson (IL)	Murphy, Tim
Davis (AL)	Johnson, E. B.	Murtha

Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sánchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier

Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Alexander
Barrett (SC)
Berman
Bishop (UT)
Blumenauer
Gallegly
Gohmert

Green, Gene
Grijalva
Herseth Sandlin
Honda
Massa
Moran (KS)
Rohrabacher

Snyder
Solis (CA)
Souder
Sullivan
Visclosky
Wamp
Watson

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SWEARING IN OF MEMBER

The SPEAKER. Will the Representative-elect who wishes to be sworn in please come to the well.

Representative-elect GARY G. MILLER of California appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentleman from California (Mr. GARY G. MILLER), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. LARSEN of Washington). Without objection, 5-minute voting will continue.

There was no objection.

HONORING THE LIFE OF
CLAIBORNE PELL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 50, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 50.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 12]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell

Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke

Clay
Cleave
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Ingalls
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell

Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBlundo
Loebbeck
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungrun, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Issa
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter

Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sánchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen

Velázquez
Walden
Walz
Wasserman
Schultz
Waters
Watt
Waxman

Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman

Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Bishop (UT)
Blumenauer
Gallegly
Green, Gene
Grijalva

Herseth Sandlin
Massa
Meeks (NY)
Moran (KS)
Rohrabacher
Snyder

Solis (CA)
Souder
Sullivan
Visclosky
Wamp
Watson

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE EFFORTS OF THOSE WHO SERVE THEIR COMMUNITIES ON MARTIN LUTHER KING DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 43, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 43.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 13]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Bocchieri
Boehner
Bonner
Bono Mack
Boozman

Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz

Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Henger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)

Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)

Paul
Paulsen
Payne
Pence
Perlmuter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko

Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman
Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)

Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Bishop (UT)
Blumenauer
Boucher
Gallegly
Green, Gene

Grijalva
Herseth Sandlin
Johnson, Sam
Massa
Moran (KS)
Rohrabacher

Snyder
Solis (CA)
Souder
Sullivan
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HALL of New York) (during the vote). There are 2 minutes remaining in this vote.

□ 1919

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 226

Mr. PENCE. Mr. Speaker, with apologies to the gentleman from California, I would ask unanimous consent that Mr. MIKE THOMPSON be removed as a cosponsor of H.R. 226. His name was errantly added to that bill, and I would like it removed and offer my apologies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that appropriate attire for gentlemen includes a necktie.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the resumption of further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

75TH ANNIVERSARY OF THE SUN BOWL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I rise today to recognize a special occasion in the American university athletics, the 75th anniversary of the Sun Bowl, a proud tradition in college football that has been hosted in my district of El Paso, Texas.

The Sun Bowl is the second oldest bowl game in the United States and a major national attraction that brings together thousands of loyal college football fans each year to watch teams from the Pac-10, Big 12 and Big East Conferences.

As we celebrate the 75th anniversary of the Sun Bowl, I want to recognize the Sun Bowl Association, the sponsors, and all of the fans from El Paso and throughout the Nation who have made this annual event a tremendous success. In particular, I would like to acknowledge Bernie Olivas, Executive Director of the Sun Bowl Association, and Gerald Rubin, CEO of Helen of Troy, for sponsoring this great event, as well as Joe Valenzuela, Frank Bates and Linda East, current, incoming and past presidents of the Sun Bowl Association Board of Directors.

At its humble beginnings, the Sun Bowl was put together as a fund-raiser by the Kiwanis Club in 1935. The event originated as a small high school matchup and grew into a major nationally televised bowl game in Division I football. As you can see by this first picture, this captured some of the flavor of the history in El Paso that was known then as "the Sun Bowl City."

The first game featured the El Paso High School All-Stars versus the Ranger High School Bulldogs and was played at the El Paso High School stadium, where the All-Star team came from behind to garner a 25-21 victory over the Bulldogs.

The Sun Bowl Association was formed immediately after that successful first game, and a coalition of local El Paso area service clubs, including the Rotary, Lions, Optimist, and the 20-30 Club, joined together to coordinate events around the bowl game every year.

After gathering input from the community, the event was named the Sun Bowl, and the first collegiate game was played in 1936. This game was a match between New Mexico A&M—which is now New Mexico State—and Hardin-Simmons College, and the Sun Bowl has grown from there. In its inception, it was played at the 15,000-seat Kidd Field in 1938 on the campus of what is now the University of Texas at El Paso. The game was moved again in 1963 to our new 30,000-seat Sun Bowl Stadium. And in 1982, the Sun Bowl game took place in the newly expanded Sun Bowl Stadium, with a seating capacity of over 50,000 people. This is a picture of our Sun Bowl Stadium.

Last month, over 49,000 fans attended the 75th Annual Brut Sun Bowl to watch the Oregon State Beavers defeat

the Pittsburgh Panthers to become this year's Sun Bowl champion.

The television network, CBS, has been broadcasting the Sun Bowl since 1968, making it the longest continuous broadcast of a post-season football game. The crowd itself of this year's Sun Bowl game also has made history, not so much by the attendance, but for being the largest crowd, according to the Guinness Book of Record, to dance to the Village People's 1978 disco anthem, "YMCA." Here you have a picture of part of the crowd that captures some of the energy and excitement of the 75th Sun Bowl on that day.

To commemorate the 75th anniversary, the Sun Bowl Association added two more names to its "Legends of the Sun Bowl" list. The "Legends of the Sun Bowl" include coaches, players, broadcasters, and longtime volunteers of the Sun Bowl. This year's recipients were Priest Holmes, a 1994 player for the University of Texas, and Craig Silver, a CBS sports commentator from 1983 to 2005. Among other notable "Legends of the Sun Bowl" are the late Pat Tillman, Thurman Thomas, Pat Summerall, and Tony Dorsett, seen here in this final picture showing Tony Dorsett in action in the Sun Bowl Stadium.

□ 1930

Along with my remarks, I would like to submit a copy of the names of the previous legends of the Sun Bowl for inclusion in the RECORD.

LEGENDS OF THE SUN BOWL

2008—Priest Holmes—Player, Texas (1994), Craig Silver—CBS Sports (1983-2005)

2007—Cornelius Bennett—Player, Alabama (1983 & 1986), Don James—Coach, Washington (1979 & 1986)

2006—Tony Franklin—Player, Texas A&M (1977), Grant Teaff—Coach, Baylor (1992)

2005—Terry Donahue—Coach, UCLA (1991); CBS Sports (1995), Verne Lundquist—CBS Sports (1988, 1992, 2000-05)

2004—Pat Tillman (Posthumously)—Player, Arizona State (1997), Alex Van Pelt—Player, Pittsburgh (1989)

2003—Ken Heineman—Player, El Paso All-Stars (1935),

2002—Thurman Thomas—Player, Oklahoma State (1987)

2001—John H. Folmer—Administrator, Barry Switzer—Coach, Oklahoma (1981)

2000—Vince Dooley—Coach, Georgia (1964, 1969 & 1985), Derrick Thomas (Posthumously)—Player, Alabama (1986 & 1988)

1999—Hayden Fry—Coach, SMU (1963) and Iowa (1995 & 1997), Jimmy Rogers, Jr.—Administrator

1998—Jesse Whittenton—UTEP (1954 & 1955)

1997—Tom Brookshier—CBS Sports (1973, 1977-1981), Pat Summerall—CBS Sports (1971, 1977-80)

1996—Tony Dorsett—Player, Pittsburgh (1975),

1995—Johnny Majors—Coach, Iowa State (1971), Pittsburgh (1975) and Tennessee (1984)

1994—Harrison Kohl—Administrator, Bill Stevens—Player, UTEP (1965 & 1967), Charley Johnson—Player, New Mexico State (1959 & 1960)

Mr. Speaker, I am proud to highlight this very special event in El Paso, one

that is very important and very much a part of the city's history and folklore. The Sun Bowl is a wonderful opportunity to showcase the natural geographic beauty and the friendly atmosphere that make our community very special. The success of the Sun Bowl is a testament to the hard work of the Sun Bowl Association as well as the numerous community partners and sponsors, and I look forward to many more successful years of this wonderful tradition.

I want to congratulate all the Sun Bowl Association members and our great community for putting on a great show every year.

NEW YEAR'S RESOLUTION FOR UNCLE SAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, this time of year, we all hear about New Year's resolutions. Some of us make them, some of us make them and break them, and some of us don't even make them. But maybe Uncle Sam needs to make a few New Year's resolutions as we go into 2009. I have six suggestions for Uncle Sam.

The first thing Uncle Sam needs to do is get on a diet and trim down the excess spending and government waste. The government, us, we spend money on everything. There's a philosophy here in Washington, D.C. that the government is the solution to every problem from the time a person's born to the time they die and the government should control all the money and decide how that money should be spent. There's another philosophy that I believe in that government may be the problem and that problems are best solved by individuals. But in any event, we cannot continue to spend and waste the taxpayer money on so many different programs. Uncle Sam needs to go on a diet.

The second thing we need to do is practice what we preach and not be so hypocritical. Recently we had the Big Three auto boys down here in Washington D.C., and we raked them over the coals because they make so much money. We criticized the UAW because they make about \$74 an hour. But yet we get our automatic pay increase and we can't even get a vote on the House floor to rescind that pay increase. Somewhat hypocritical, Mr. Speaker. Uncle Sam needs to practice what it preaches.

The third thing that we need to do is quit spending somebody else's money. You see, the money that we spend, Congress, it's not our money. It belongs to the good folks who sent us up here. We've all seen the big motor homes going down the freeways that have a bumper sticker on the back that

says "We are spending our children's inheritance." We kind of think that's funny, but that's what we're doing. And for the inauguration, Mr. Speaker, I suggest that we get a big sign and put it out here on the Capitol grounds that says "Uncle Sam is spending your children and grandchildren's inheritance" because that's what we're doing. We're spending money that we do not have. And it's the philosophy that government knows better how to spend the taxpayers' money than the taxpayer. And I think that's wrong. We ought to quit spending somebody else's money because we certainly don't have the money and our kids, our grandkids, and our great grandkids now are going to have to pay for the things that we do. Uncle Sam needs to quit spending somebody else's money.

We need to quit rewarding the fat cats and those who live on government handouts. And that covers a lot of folks that they are up here trying to get money from the Federal Government. All the different special interest groups, all the Wall Street fat cats, all those people who live off the government and want something from the government but don't give much to society. The people punished, those are most Americans, the middle class. The middle class always has to pay, and they continue to pay. And it's unfortunate because they pay all the bills while those special interest groups are up here, and they'll be up here next week and the week after with their hand out wanting somebody else's money, wanting Uncle Sam to redistribute the wealth that belongs to the middle class to someone else. And that's just basically wrong.

We talk about stimulating the economy. We need to stimulate the economy, but we cannot stimulate the economy by spending more money. That doesn't make sense. We need to spend less money. And one thing we can do, Congress has the power to do, is let those middle class people who pay taxes, who foot the bill for all of this that we do, give everybody that pays taxes a tax break and let them decide how to stimulate the economy instead of us and Uncle Sam trying to make that decision.

We need to reduce our debt. We hear about debt. It's a trillion dollars, give or take a few billion. How much is a trillion dollars? It's a one with twelve zeros behind it. That's how much a trillion is. I can't even write that down. It's a massive amount of money. But, you know, Uncle Sam, we live in a credit card government. We just borrow the money. That's the society that we live in, and the government does the same thing. We just borrow the money, probably from the Chinese, pay interest to the Chinese, let them own our country rather than the American taxpayer. We need to certainly reduce our debt. We cannot continue to spend,

borrow, tax our way into prosperity. It just won't work.

And lastly, number six, we need to do what most Americans do when they budget. We have to have a budget. Most Americans figure out, well, I'm going to get this amount of money, cutting out the taxes, and then I can spend it on this. We do just the opposite. We decide how to spend money, oh, and then we'll just get the money. We'll tax it or go into debt. Uncle Sam needs to budget like other Americans.

These are some considerations and some New Year's resolutions for Uncle Sam. I hope we impose a few of those. I think it's time we stop the credit card government.

And that's just the way it is.

IN RECOGNITION OF SENATOR MITCH MCCONNELL'S YEARS OF SERVICE IN SENATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. CHANDLER) is recognized for 5 minutes.

Mr. CHANDLER. Mr. Speaker, I rise today in recognition of the now longest-serving Kentucky Senator in the history of the United States Senate. This is truly a historic milestone for both the Commonwealth of Kentucky and Senator MITCH MCCONNELL.

Recently, Senator MCCONNELL celebrated 25 years in the United States Senate, surpassing the great Senator Wendell Ford's previous record. By no means is this a small accomplishment, as our State has been the home to such noted Members of the Senate as Henry Clay, John J. Crittenden, Alben Barkley, and John Sherman Cooper, just to name a few.

The Senator did not become the influential man that he is today without hard work, dedication, and determination. He started his career as an intern on Capitol Hill, moved to legislative assistant, eventually deputy assistant attorney general under President Ford, to County Judge-Executive in Jefferson County, the largest county in our State, all before being elected by the people of Kentucky to serve in the United States Senate in 1984.

He led his classmates as student body president in college and then went on to be the president of the Student Bar Association in law school. He has garnered the respect of his peers for years; so it comes as no surprise that he has risen to be the leader of his party in the Senate, an accomplishment only one other Kentuckian in history has ever achieved.

Parties aside, Senator MCCONNELL has fought for what he believes in with the same dedication and fervor as he did when fighting polio in his early childhood. He can point to a number of achievements, such as aiding struggling Kentucky tobacco farmers by orchestrating the tobacco buyout and

providing significant aid to Kentucky's colleges and universities. His influence also extends outside the Congress and the Commonwealth with his work on the Appropriations, Agriculture, and Rules Committees, opposing dictators in Myanmar and fighting for human rights in Egypt and Cambodia among others. Like Senator Wendell Ford, Senator MCCONNELL won his first statewide election by a small margin, but since that time he has become a mainstay in Kentucky.

Senator MCCONNELL and I are both students of history, and regardless of political differences, and we have a few of those, I believe it's important to recognize his truly outstanding achievements.

Mr. Speaker, today I ask the House to join me in recognizing the accomplishments of the distinguished gentleman from Kentucky, Senator MITCH MCCONNELL.

STATEMENT ON A PRESIDENTIAL COMMUTATION FOR FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, before President Bush leaves office next week, he has the power to correct a terrible injustice.

Over the past 2 years, Members of Congress have written to the President, as a group and individually, asking him to commute the sentences of imprisoned U.S. Border Patrol Agents Ramos and Compean.

It is well known that these border agents were convicted and sentenced to 11 and 12 years in prison for shooting and wounding a Mexican drug smuggler who brought \$1 million worth of marijuana across the U.S. border in 2005. This Saturday, January 17 of 2009, will mark the beginning of the agents' 3rd year in Federal prison.

On November 24, 2008, President Bush granted 14 pardons and two commutations. Clemency was granted to individuals convicted of crimes such as drug conspiracy, tax evasion, poisoning bald eagles, dumping hazardous waste, bank embezzlement, and theft of government property.

On December 22, 2008, the President issued 19 additional pardons and one commutation. Unfortunately, Mr. Speaker, Ramos and Compean have not made the list.

With the help of Lou Dobbs and countless other news outlets, Americans across this Nation have learned of the unjust prosecution of these two men who were doing their job to protect our border. Since the agents' convictions, the White House has received thousands of phone calls from outraged citizens and letters sent by Members of

Congress on both sides of the political aisle.

On November 20 of 2008, I joined Congressman BILL DELAHUNT, DANA ROHRABACHER, and others in a letter to pardon Attorney Ronald Rogers, which outlined the reasons for our request. And most recently on December 11, 2008, I wrote the President that he commute the agents' sentences before they have to spend another Christmas in Federal prison, and, Mr. Speaker, I submit the letter for the RECORD.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 11, 2008.

Hon. GEORGE W. BUSH,

The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my deep disappointment that the 14 pardons and two commutations you granted on November 24, 2008, did not include commutations for imprisoned U.S. Border Patrol agents Ignacio Ramos and Jose Alonso Compean. Instead, clemency was granted to those convicted of crimes such as drug conspiracy, tax evasion, poisoning bald eagles, dumping hazardous waste, bank embezzlement and theft of government property.

Mr. President, this week I opened a Christmas card which pictured two beautiful families with three children each. I was deeply saddened when I realized these were photos of the Ramos and Compean families—who will face another Christmas with husbands and fathers locked away in federal prison if you fail to intervene on their behalf. Knowing that it has become customary during the final days of a president's term to grant pardons and commutations in criminal cases, I urge you to take the time to personally review the prosecution of agents Ramos and Compean. I am confident the facts of their case will lead you to the same conclusion countless American citizens have already reached: there are no individuals more worthy of presidential commutations than agents Ramos and Compean. The facts of the case will show—as Judge E. Grady Jolly stated on December 3, 2007, during the agents' appeal—"the government overreacted here * * * for some reason, this one got out of hand." By attempting to apprehend an illegal alien drug smuggler, agents Ramos and Compean were enforcing our laws—not breaking them. Simply put, the indictments against these men were unjustified.

As countless Americans and many in Congress have brought to your attention over the past two years, agents Ramos and Compean were convicted and sentenced to 11 and 12 years respectively for shooting and wounding a Mexican drug smuggler who brought 743 pounds of marijuana across the U.S. border in 2005. Both men entered prison on January 17, 2007, and have served nearly two years of their sentences. Since the agents' convictions, your office has received thousands of phone calls from concerned citizens and numerous letters from members of Congress on both sides of the aisle. Most recently, on November 13, 2008, I wrote a letter urging you to commute the agents' sentences to time served. On November 20, 2008, I also joined Congressmen Bill Delahunt, Dana Rohrabacher and others in a letter to Pardon Attorney Ronald Rodgers which outlined the rationale for this request.

Many disturbing details of the Ramos and Compean case have garnered national atten-

tion and raised serious concerns over the lack of fairness in the proceedings against these two men—including the prosecution's efforts to seek out and offer immunity to a habitual Mexican drug smuggler, a sealed indictment of the smuggler's subsequent drug offenses and insufficient proof of whether or not the smuggler was unarmed, as he claimed at trial. All of these factors strongly call into question whether justice was served.

Among the most serious matters warranting your consideration is the U.S. Attorney's decision to charge Ramos and Compean with violations of 18 U.S.C. §924(c)—which pertains to the use of a firearm during and in relation to the commission of a crime of violence and carries a mandatory 10-year sentence. Any failure by the agents to report the shooting of the drug smuggler constitutes an administrative error that should have been addressed. However, the application of 18 U.S.C. §924(c) to two U.S. Border Patrol agents in lawful possession of their firearms appears grossly inappropriate. Because agents Ramos and Compean were required to carry firearms during the course of their duties, I urge you to consider commuting this 10-year mandatory minimum sentence enhancement.

Mr. President, the end of your term is quickly approaching and time is running out for you to heed the calls of the American people and reverse the grave injustice committed against agents Ramos and Compean. No useful purpose is served by the continued incarceration of these distinguished law enforcement officers. During this Christmas season, a time of peace and thanksgiving for the birth of our Savior Jesus Christ, I urge you to open your heart to the pleas of the American people and commute the sentences of these two Hispanic-American heroes.

Sincerely,

WALTER B. JONES,
Member of Congress.

A response from the White House said that the agents' requests for commutation "are receiving a careful and fair review." If the President takes the time to personally review the agents' case, I am confident the facts will lead him to the same conclusion that the majority of Americans have already reached: The indictments against these men were unjustified.

The President should carefully consider one of the most troubling aspects of this case: The agents were charged under a statute intended for violent criminals carrying guns, not for law enforcement officers acting in the line of duty. Because the border agents were required to carry firearms during the course of their duties, I urge the President to commute the 10-year mandatory sentence for these charges.

Mr. Speaker, time is running out for the President to reverse this grave injustice committed against Ramos and Compean. I pray that he will open his heart to the pleas of the American people and commute the sentences of these two deserving men.

IT'S TIME TO GIVE DIPLOMACY A CHANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. A breath of fresh air filled the Capitol this morning. It happened during the confirmation hearings for HILLARY CLINTON. The Secretary of State-designate in her testimony said that "diplomacy will be the vanguard of foreign policy" in the Obama administration.

□ 1945

This is exactly what the American people have been waiting 8 long years to hear. The current administration never used diplomacy, and the results have been devastating for us and for the world. The occupation of Iraq hasn't made us any safer. It has cost over \$1 trillion so far, helping to put our economy into a deep recession. It has devastated our reputation in the world. All of this is clear to just about everyone except our current leaders in the White House.

At his press conference yesterday, President Bush insisted that the occupation of Iraq hasn't damaged America's moral standing in the world. But his administration's policy of shooting first, asking questions later, has badly damaged our Nation's moral authority.

The use of torture has damaged it even more. Yesterday President Bush called the human rights abuses at Abu Ghraib a disappointment. But in recent weeks we have seen convincing evidence that Abu Ghraib was the result of deliberate administration policy. Talk about disappointment.

In February of 2002, the President signed an order stating that the Geneva Conventions did not apply to members of al Qaeda or the Taliban. Then high-ranking American officials took a series of actions that made torture a part of our interrogation practices in Iraq and elsewhere. Former Defense Secretary Donald Rumsfeld was one of the officials who gave his stamp of approval.

A bipartisan report issued by the Senate Armed Services Committee on December 11 documented this illegal action and how these actions came about. According to the committee, the authorization of aggressive interrogation techniques by senior officials conveyed the message that it was okay to retreat and degrade.

Then a week after the committee issued its report, Vice President CHENEY gave a shocking interview to the Washington Times. In the interview, he admitted that 33 prisoners were subjected to what he called "enhanced interrogation techniques." That's fancy bureaucratic language for torture. He even admitted that prisoners were subjected to waterboarding, which has been considered a form of torture ever since the Spanish Inquisition.

I know that conservatives like Vice President CHENEY have looked backwards for their policies, but the 15th

century, Mr. Speaker, is much too far back. Look at the consequences of these policies of war, occupation and torture. The Middle East continues to be in turmoil and flames. Iran's influence continues to spread. People all around the globe have a negative opinion of the United States, which makes it much harder for us to get their help.

When America loses its moral authority, Osama bin Laden and other terrorists find it a lot easier to recruit new members. But with the change in our Nation's leadership on January 20, America has new hope. We have new hope for the future.

In addition to her comments about diplomacy this morning, HILLARY CLINTON said that "We must build a world with more partners and fewer adversaries," and she promised to work with Congress and not to treat us with contempt, as the current administration has. She said, and I quote her, "For me, consultation is not a catchword—it's a commitment."

And she quoted Terence, the Roman playwright, who said, "In every endeavor, the seemly course for wise (people) is to try persuasion first."

The current administration tried war and occupation for 8 years, and it didn't work, so it's time to give diplomacy a chance.

YOUR HARD-EARNED MONEY BELONGS TO YOU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, this summer, spring, we sent Americans a stimulus check to help stimulate the economy. We actually gave them some money. We had already spent the money that they had given us for taxes, and so we went and borrowed some money and sent that money to the American people to let them try to stimulate our economy.

Evidently that didn't work as well as a lot of people thought it would, and so now there is a movement to spend much more, larger amount, triple, quadruple the amount of money that was spent this spring. Guess what? We don't have the money, and so we are going to go and borrow it.

So what we are on is this system of tax, spend, borrow. Tax, spend, borrow. It isn't working. The American people know that that's not the right prescription for getting us out of this economic slump. Yet that is the plan that will be brought before this body possibly this week.

This is going to be a big week for your children and grandchildren. We are going to have a \$350 billion second half of the stimulus or the bailout program, and now we are talking about nearly \$1 trillion in new spending for a stimulus package, \$1.3 trillion.

My friend from Texas spoke about the fact that Members from Congress are using their voting cards as credit cards. It's time, actually, for Members of Congress to start using their cards not as credit cards and mortgaging the future of our young people, but investing and beginning to spend money that we actually have, instead of spending money we do not have.

This unrestrained borrowing and spending has got to stop because it's not working. Now, one of the things that we need to do to actually begin to stimulate the economy is just leave the money in the economy. How do we leave the money in the economy?

Well, Mr. Speaker, what we do is we lower the taxes. We lower the taxes on individuals. We lower the taxes on corporations. We lower the taxes on small businesses.

Our small businesses, for example, are the number one job creators in America. By lowering the taxes for small businesses, we are able to create jobs and opportunity. Whether it's Joe the Plumber or Ray the Electrician, when they have the opportunity to keep more of the money that they are making, they go out and buy a new service truck.

Well, you know what happens when they buy a new service truck? They have got to go hire someone to run that truck, so they go out and hire an electrician or a plumber and maybe a helper. So that creates more and more jobs.

But every time we take more and more of the money of Joe the Plumber or Ray the Electrician or the American hardworking people, when we take that money into Congress or into the government, one, that dollar gets a lot smaller when it goes back out and, yet, so we are taking, the net effect is, we are taking money out of the economy.

I introduced a bill last week that would try to leave the money in the economy. What this bill would do would be lower each one of the tax brackets by—the tax rate on each one of the brackets by 5 percent.

Also, it would make the top brackets in this country, both corporate and individual, 25 percent. That means that we have a further reduction in the amount of money that we take out of the economy on a daily, weekly and annual basis.

Now, what could this do? Well, according to the Heritage Foundation, this could help create more jobs in our country. Possibly in 2009 it could create a half a million new jobs; by the year 2012, 3.6 million new jobs.

If Americans and the American people are going to enjoy the freedoms and liberties that this Nation offers, the best way to do that is to allow them to have the opportunity to work and to earn their money, but, more importantly, to keep more of their money.

One of the things that we have done in this country that concerns me, I

think it concerns the American people, is this country was founded on principles of empowerment. People came to America with dreams that they would work hard, apply themselves. And if they did that, they could reap the benefits of their hard work and enjoy their successes.

But, unfortunately, in our country today, they were running away from big government. Now the country that was founded on the principles of small business is moving more to big government. And how is the government getting bigger? It's taking a bigger and bigger chunk out of the American people's, American taxpayers' hard-earned money.

Mr. Speaker, these are difficult times, yet they are challenging times, but they are times where we must make good decisions. Going out and mortgaging another \$1.3 billion for future generations to pay back is not a good investment.

I ask my colleagues to join me in supporting this bill so that we can leave more money with the American taxpayers. The American taxpayers deserve a better plan from the Federal government than more spending on top of a deficit already projected to be more than \$1 trillion this year.

Congress should focus on solutions that empower individuals and businesses to succeed in the economy, rather than solutions that make them more dependent on the Federal government.

WALL STREET'S BANKSTERS ARE COMING BACK TO MAMA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the majority leader.

Ms. KAPTUR. Mr. Speaker, wake up, America. Get your telephone calls going to Congress. Set up your robodials in gear. Wall Street's banksters are coming back to mama. Here they come again, and shame on us if we let them do it to us again.

America, pay attention. Batten down the hatches. Let your Member of Congress know the banksters are coming back to mama.

We are about to be taken for a ride by the banksters again. These banksters bank on us making the taxpayers pay again.

Don't let them do it. Why? Because what they are doing is trampling our democracy. We are getting set to have another piece of legislation crammed through the Congress regarding the bailout. They call it TARP, the Troubled Assets Relief Program. It's the old bank bailout bill from last year.

Despite the fact that due deliberation is required of us as Members of Congress through regular order of this House, and, frankly, our Constitution,

this new cram down comes with a twist. Instead of not holding any hearings on the reform of the TARP, like happened last time, and only letting us see the bill 18 hours before \$700 billion of the taxpayers' money was to be put on the table, one hearing is being held, exactly one, tomorrow, and it happens to be being held at the same time that amendments to that bill are supposed to be filed upstairs in the Rules Committee.

So Members who spent over 20 years on that committee are unable to take what they hear at the hearing, and the information learned, to make recommendations for amendments to the Rules Committee. Any Member who might not be on the committee, and who wants to go to the hearing and listen, and then maybe propose amendments, well, you can't do that because it's being held at the same time.

The committee will be holding the hearing here in the Capitol where most Americans can no longer afford to travel. They are not bothering to go out to the country, to the communities that have been so badly devastated by the rising foreclosure crisis, that the TARP, the bank bailout bill is not solving.

No, the public won't be included, and the subpoena power of the committee will not be used. So here we go, the banksters are back. They want another \$350 billion of our taxpayers' money, and the deliberations inside this Chamber are throttled. Isn't that sad, particularly given what happened to the first 350 billion. Once again, we are being pushed and told we have to hurry this up. We are going to have a new President. So we are told to hurry up and be hasty and not be thoughtful, because, of course, something might happen. But you know what? It's already happening.

What we are doing isn't working. But we are going to have to be voting this week on a big unthinkable wad of our taxpayers' money, \$350 billion more. And if we learned anything from the release of the first half of the TARP funds, it's that hurried legislative action brings undesired and sloppy results.

Back in the fall we were told we didn't have the time to be deliberative, that if we didn't pass it, the economy was going to continue a downward spiral, that the economy would crash, and we would be to blame.

Well, some Members voted for it, and it passed, and guess what happened? What they said wouldn't. Never mind that Secretary Paulson's management of the economy and the bailout still has resulted in 1.2 million jobs lost in November and December. Believe me, people in my State know what those numbers really mean.

One in 10 homeowners are in arrears or in foreclosure, imagine that, 10 percent of the people who own homes in this country.

□ 2000

And \$4 trillion of wealth has been lost by our families. The American people were played, and \$350 billion later Secretary Paulson has given us no progress for the American people. We are in a deeper economic hole than when we began.

TARP isn't working. It hasn't stemmed the foreclosure crisis, which is at the heart of what is wrong with our economy. It didn't help unfreeze credit inside our financial system. The auto industry didn't go into a nose-dive because people didn't want to buy cars. They couldn't get the loans from the banks to buy the cars because the housing foreclosure crisis froze up the credit system. Instead, TARP has brought the auto industry and hundreds of thousands of businesses across our country to their knees.

A staggering 693,000 jobs were lost across this country in the last month, three-quarters of a million, following 533,000 jobs the month before, half a million more. There are now nearly four job seekers for every one job opening. And, again, one in ten homeowners nationwide are now in arrears or facing foreclosure. My advice to people in that position: Don't leave your property. You claim your own property, because chances are if you had a good lawyer and they went to court on your behalf, they couldn't find who really holds your mortgage. If they go to the Truth in Lending laws, you might be surprised. The law might be on your side. Don't leave your property.

So what have the banks done with all this money? Shouldn't we know that before we vote to give them more? I ask every Member of Congress, shouldn't we know where the money went and what they did with it? Have they reworked mortgages and started lending again? No. No, they have not. Instead, they have had a party buying one another up. The big banks, particularly the Wall Street banks, they are getting bigger. Community banks are under stress. Many State-Headquartered banks are being bought by the bigger banks.

PNC, already one of the Nation's largest banks, bought National City Bank in Ohio. They are throwing 4,000 people out of work in Cleveland, Ohio. But PNC became, hold on to your seats now, the fifth largest bank in the United States from the infusion of TARP funds it received. The fifth largest bank in our country, and their corporate expansion bought and paid for by you, our taxpayers.

Now, look at who else is getting bigger. Last night, CBS news reported on CBS.com that Bank of America received \$15 billion, and then they bought Merrill Lynch, that had gotten \$10 billion even as it was put up for sale. Total that up. That is \$25 billion. Now Morgan Stanley, the recipient of \$10 billion, is buying China Trust Bank.

Another half dozen banks, including M&T, Capital One Bank, US Bancorp, Hampton Roads Bankshares and PNC, got bailout money, and then they bought up other banks. They just keep getting bigger. And what is interesting about that, under the law, when they buy another bank, they can probably book losses on their 2008 tax returns.

It is very interesting how the financial system works on behalf of the big, and yet for those losing their homes, they have almost no one to represent them. They are having a royal time with our money, the banksters up there on Wall Street.

Money Morning reports the 116 banks that are receiving billions in taxpayer-provided bailout money this year actually paid out \$1.6 billion in compensation to their executives, plus benefits, even though the results at some of these institutions were so poor that they would soon have to turn to Washington for government-engineered rescues. The \$1.6 billion in compensation and benefits to the banksters was paid out to nearly 600 executives at the 116 banks that have so far accepted Federal money to bolster their financial situation.

The Associated Press concluded after a review of U.S. security filings that in addition to salary, the compensation included bonuses paid in both cash and stock. The benefits reaped by top executives included the use of company jets for personal purposes, personal chauffeurs, home security services, country club memberships and professional wealth management services, the news service said.

Now, let's give them credit. These banksters know how to walk our money around. They even know how to create money when there isn't any there. They create fancy names; derivatives, credit default swaps and collateralized debt obligations. But those instruments are not worth anything, because the underlying assets cannot pay back the money if someone tries to collect it. That is usually called fraud or money laundering.

But could it be a cruel twist of fate that the Secretary of the Treasury, Mr. Paulson, former chief executive officer of Goldman Sachs, oddly took care of Goldman, his firm, first during all of this, making it a bank holding company, so it could get its nose under the tent cover—I mean qualify for Federal insurance, like the well-run banks do, which had paid into the insurance system. He did that for his own institution, but then he shed crocodile tears and he pushed Lehman Brothers overboard with no mercy. I would really like to know the full truth behind that story.

But then Mr. Paulson, by coincidence surely, picked his top money man at Goldman Sachs and moved him too, lock stock and barrel, into the U.S. Treasury to hand out our cash. Now,

this surely must have been done accidentally. How can you have two men from the same Wall Street firm delegated all this power? Oh, you might have heard his name. It is Mr. Kashkari. Yes, Neel Kashkari. He came from Goldman.

It must surely be another coincidence that Goldman was also Wall Street's largest contributor to Federal campaigns last year. Check it out yourself at opensecrets.org. That is a Web site, opensecrets.org. In fact, Wall Street overall became the largest donor to Federal elections. And they are not showing any signs of slowing down. According to the Wall Street Journal, 90 percent of donations received so far for the Inaugural Committee have been raised by well-heeled fund-raisers, including Wall Street executives whose companies have received billions of dollars in Federal bailout money.

Well, think about that one. Of the 207 fund-raisers that have collected \$24.8 million of the \$27.3 million in contributions through Thursday for the coming inauguration, according to an analysis by the nonpartisan campaign finance group Public Citizen, Wall Street employees as a group have been the biggest single source of these donations. Much of their donations, in fact \$5.7 million total, has been channeled through financial services executives who each have bundled together donations worth hundreds of thousands of dollars.

Goldman Sachs has provided \$175,000 in donations primarily through the bundling efforts of Jennifer Scully, who has raised over \$100,000; Bruce Heyman who raised \$50,000, including \$10,000 of his own money; and another gentleman, David Heller, who donated another \$25,000. Think about what is going on here.

But, you know, a lot of people say they don't influence peddle. Banksters don't influence peddle. They just want good government. Sure they do. Of course, all this is accidental. Nobody planned it this way. Just like Bernie Madoff. Oh, he didn't plan anything either. Some might believe what these banksters do in their private affairs has absolutely no relationship to what happens here in Washington, and if you believe that, you were born yesterday. Fool me once, shame on you; fool me twice, shame on me.

There are problems with the bill drafted to address the administration's mishandling of the bailout. This is the bill that is going to come before us, we think, H.R. 384, the TARP Reform Accountability Act of 2009. TARP doesn't need reforming. We need to kill it. We need to put the attention at the Federal Deposit Insurance Corporation and the Securities and Exchange Commission in order to resolve the inter-bank lending problem and the foreclosure credit crisis. We don't need to

give this job to the Treasury. The wrong agency has the lead.

Let's look at title II, called "foreclosure relief." Number one, the legislation provides no new plan to stop foreclosures. That is what it was passed to do in the first place. This bill doesn't have it either. It continues to do more of the same, which simply hasn't worked. Servicers are not motivated through this bill to modify loans, because they are making money hand-over-fist servicing defaulted loans, foreclosing on loans and profiting from real estate that they have come to own. And they are awaiting booking huge tax losses on their 2008 income tax filings. The Tax Code favors them, not us, not the people who sent me here.

This legislation that is proposed does not help homeowners defend themselves against criminal acts of fraud being perpetrated against them in processing foreclosures. A majority of the loans originated between 2000 and 2008 have legal defenses against foreclosures, but because the scheme has drained consumers of financial resources and because there are so few consumer law attorneys who know how to raise these defenses in a court of law, consumers have no access to their rights, for example, under the Truth in Lending Act.

The legislation continues to shift both the risk and the cost of the program off corporations who perpetrated the scheme and on to homeowners, our American taxpayers. The legislation does not address the root of the problem and it will be just as ineffective as the first round of TARP funding in addressing the core problem, the home foreclosure crisis. The current loan modification restrictions are unsustainable and they will redefault.

Let's go to title V, and I can't go through every title tonight, called Hope For Homeowners Program Improvements. Hope for Homeowners consists of industry players who created the mortgage mess to begin with. They are milking the system and not providing any relief to homeowners now. New nonprofit companies and loan modification companies are cropping up all over, and most of these have been established by the very mortgage brokers who defrauded consumers and sold them into subprime slavery. They should not now be rewarded with a new business opportunity to revictimize the victims.

So let's look at some recommendations that make sense. The bill that will be sent to us will not correct the root of the problem and it will not achieve the goal of preventing foreclosures and keeping people in their homes. There are many effective foreclosure prevention strategies being deployed by attorneys and advocates, and we need to translate these into systemic solutions.

We need to investigate, and it is a sham that this Congress is not doing appropriate oversight; how the shadow banking sector created by the Wall Street investment banks after the repeal of Glass-Steagall, which was called Gramm-Leach-Bliley, constructed a private money creation system that in a short 10 years equals or exceeds the assets of all regulated banks nationwide.

In short there are solutions. We need a consumer-centric model. What we have now is a creditor-centric model. It will eventually lead to a complete collapse, because consumers and taxpayers cannot handle this burden.

Let's go back to Ohio and take the case of National City, which has been an institution headquartered in Ohio, in Cleveland, since 1845.

□ 2015

Now, Treasury's money, the taxpayers' money, our money, went to another out-of-state bank, PNC, of Pittsburgh, whose vice president, Mr. Demchuk, invented the derivative instrument. They came to Ohio, PNC, and they bought National City Bank, putting all the National City Bank employees on notice with pink slips, 4,000 of them, that they would be out of work on the tape. PNC became bigger.

So what Mr. Kashkari did was take our money and give it to PNC, that hasn't worked out any of its mortgage loans. They, then, came to Ohio and bought out National City Bank. So PNC got bigger, our banking system gets more concentrated, and PNC became more powerful. Some say they actually have price control power now over all of Western Pennsylvania.

So, PNC got \$7.5 billion from us. Cleveland and Ohio lose a Fortune 500 company. They lose 4,000 National City Bank workers, and in Ohio, foreclosures are raging. And Ohio, it gets nothing. We get nothing. We need \$20 billion just to fix what's wrong in Ohio. But all we get is more foreclosures.

Now, take another institution. In 2008, Citigroup, one of the main culprits that caused the financial meltdown, was bestowed \$25 billion. They got more than PNC. They got it from us, the taxpayer. And then they just kept foreclosing. In my district alone, another 235 families just were told, you're out of your house.

Last November I found an advertisement in my local paper that said there was going to be an auction in my home community, and I was surprised. I didn't know the company coming in. It was called Hudson and Marshall of Dallas, Texas. So I went to the auction.

And guess what? Citigroup was one of the banks selling the properties through Hudson Marshall. I attended. And I watched homes in my community sold for as little as \$7,900, a price so low that we could have put the original owners back in those homes.

Not only was Citigroup auctioning homes that night, but so were lots of other bailout recipients. Those are the banks that got the money from Treasury through us. Here they are: Wells Fargo, US Bank, Deutsche Bank, ABN/Amro, Chase Home Finance, Fifth Third Bank, Standard Federal, and LaSalle. They all got the money, and then they turned their backs on the very people that they were meant to help. That's what the people who passed the bailout bill last year said, that we would help those being foreclosed. But that hasn't happened.

It is clear that the recipients of the Treasury money are unwilling to craft real workouts. And so what happens in our region is people just keep getting kicked out of their homes.

Wall Street hired the auction company from Dallas, Texas. They didn't even hire an Ohio auctioneer. They came to our region. They sold all those properties for very little money. And they're going to get big, huge tax losses written off their IRS filings for the tax year of 2008.

But where are our families who lost their homes? Out on the street. Our people lost their homes and they lost their way of life.

I would like to invite Mr. Kashkari and Secretary Paulson and all the PNC executives to come to Ohio. I want you to live in one of the neighborhoods that your actions have affected. We're going to give you a little heater, a Bunsen burner heater overnight so you don't get too cold in those houses. And we'd like you to experience the results of what you are doing to the American people. You're holed up here in Washington with lots of security.

We need to get people back on Main Street. That's where we represent. Last year 4,100 homes, just in my home county, were foreclosed. And in the last 2½ years, 10 percent of the properties in my home community foreclosed. 10 percent of the entire housing stock. And as foreclosure rates continue to rise in places like Ohio, it's pretty obvious that what's happening here in Washington isn't connecting to Main Street.

Why don't people here see that? Why are people afraid to look at the details of what's being proposed to us and say, no, no, to the banksters?

Sadly, Hudson and Marshall, the auction house that Wall Street hired to sell all those homes in my community, they're coming to your town too. This month alone they're slated to be in several cities, in Michigan, Arizona, Connecticut, Massachusetts, Rhode Island, New Jersey. Think about this. Think how much money they are making. And they're going to auction at least 1,455 properties. They've now sold over 70,000 homes just in the last few years, and they are expecting, just this one company, to sell another, to auction another 30,000 properties in 2009.

Mr. Paulson and Mr. Kashkari, your program isn't working.

What is happening is an outrage to the American people, and they are being asked to pay for this. There shouldn't be any more TARP bills clearing this Congress. Full hearings must be held in the communities being affected, not some little hearing up here in one room in the Capitol on one afternoon or in a couple of hours. We need to use our power to get to the truth and represent the voters that sent us here.

Equity is bleeding profusely from our communities, and the sheer volume of the properties sold at auction is disturbing. Financial institutions which have been capitalized through the TARP program have failed to do mortgage workouts. FDIC and SEC are the institutions to take care of this mess, and they must be required to do mortgage workouts, rather than foreclosing on homes and participating in these auctions.

Hudson and Marshall stated in a press release today that they have made over \$1.2 billion recently doing auctions. \$1.2 billion. These are dollars that could have been turned to do mortgage workouts at the local level and put people back in their homes.

The intent of the TARP was to help stabilize our financial system, which includes, in large measure, our housing industry. Yet, what are the financial institutions doing? Enriching themselves, merging, creating mega-giant institutions and foreclosing on families, rather than working to stabilize families and neighborhoods across this country.

A stable home permits people to focus on obtaining and maintaining employment, purchasing food and contributing to society in positive ways, rather than relying on Social Services funded by State and Federal dollars.

We see communities falling apart. Community members and local banks are effectively locked out of the opportunity to reinvest in themselves because monies from the Department of Housing and Urban Development, which we were told would get to the communities so they could buy these homes, guess what? They're not there. They weren't there in October. They weren't there in November, they weren't there in December. They're not there in January. Now we're told maybe they'll be there by March. Nobody seems to know. So all of these programs that were supposed to work to help the American people who are paying the bill aren't working.

No second round of bailout money, under TARP, should emerge from this Congress unless real hearings are held under all the committees of jurisdiction, unless the subpoena powers of this Congress are used, and that the victims of this crisis can have their voices heard in the deliberative process,

not just here in Washington but where they live, where we live, in the real America. The committees should treat the American people with respect, and they should travel to the communities most impacted.

Why should we trust the banksters, those Wall Street banks that are going to be up here again this week, as we watch families in our regions pushed over the edge every day of every month, as the year proceeds?

Mr. Speaker, this is probably the worst financial crime I've ever seen committed against the American people. And yet, Congress seems almost somnambulant. It seems to be walking around in a daze, the institution largely shut down, all of this happening before the new President even assumes office.

Think about the politics of the timing of this. I think the new President should suspend foreclosures. He should make a statement on that, and he should ask that this action be suspended. What's going to happen in 7 days that hasn't happened already? And then assume office and appoint people at the FDIC and SEC who will use the normal means to resolve real estate problems across the banking system of this country.

To give \$350 billion more, 1/3 of a trillion dollars, to the banksters who have led America to this precipice, is absolutely backwards.

I ask my colleagues, wake up.

I ask the American people, get your calls coming in. Let's let the new President and the new Congress use the full powers they have been given to address this deeply, deeply rooted economic crisis. Until we fix the housing crisis, and we get those real estate loans worked out on the books of institutions locally, and we stand up to Wall Street, we are not going to fix this problem, and the American people are going to continue to bleed, and that is morally wrong. That is simply morally wrong.

I agree with the new President-elect who said he believes in a moratorium on foreclosures. That ought to happen until he puts people in place who can remedy this problem without \$350 billion more dollars walking out the door before he even assumes office. As a former community organizer, he must know the pain that exists across this country.

And just because Wall Street has more money and a lot of political power doesn't mean that it's right. We, as a Congress, must do what's right for the American people. We must say "no" to the second \$350 billion, and we must represent the people who depend on us to do what's right for them and right for the country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2050

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 8 o'clock and 50 minutes p.m.

RESIGNATION AS MEMBER OF COMMITTEE ON RULES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Rules:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 2009.

The Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: I am writing to notify you of my resignation from the Committee on Rules, effective January 14, 2009.

I appreciate the incredible opportunity you gave me to serve on this important committee two years ago. As a new Member of Congress, the Committee on Rules provided me with an invaluable introduction to the legislative process and a key opportunity to serve Vermonters. I look forward now to working on the pressing national issues as a new member of the Committee on Energy and Commerce.

Thank you for your attention to this matter.

Sincerely,

PETER WELCH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RULES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Rules:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Rules, effective January 14, 2009. I enjoyed serving on such a prestigious Committee and look forward to serving on the Committee on Energy and Commerce Committee.

Thank you for your attention to this matter.

Sincerely,

BETTY SUTTON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RULES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Rules:

JANUARY 12, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: I am writing to notify you of my resignation from the Rules Committee, effective January 14, 2009. It was an honor to serve you and Chairwoman Slaughter as a freshman member of this prestigious committee.

I look forward to continuing to serve you from the Energy and Commerce Committee in the 111th Congress.

Sincerely,

KATHY CASTOR,
United States Representative,
Florida District 11.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 13, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Capitol Building, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: I am writing to tender my resignation from the House Veterans' Affairs Committee for the 111th Congress effective today, January 13, 2009. It has been an honor to serve with Chairman Filner and Ranking Member Buyer, as well as the other members of the Committee, to ensure the needs of our veterans remain a national priority.

I remain committed to making certain that our veterans receive the best quality of care, benefits, and services that the United States is able to provide. Locally, the Dayton VA Medical Center, and all Miami Valley and Ohio veterans will remain a top priority.

Since my election to Congress I have been proud to support all of our nation's veterans through increases in VA funding and supporting the Wounded Warrior Assistance Act, which is aimed at improving the transition between DoD and VA medical care. Additionally, I was able to support final passage of the GI Bill modernization, which expanded veterans education benefits and allows them to transfer their unused benefits to their immediate family members.

Locally, I have been able to advocate for the 500-bed Dayton VA Medical Center, which is one of the three original VA "soldiers' homes" created by President Lincoln after the Civil War. This facility is the second largest federal installation in my Congressional District, and is an important community asset. I worked to ensure the Community Living Center, which was slated for closure, remained open and also received additional money for a state-of-the-art renovation.

I was also proud to help rural veterans in my community continue to have access to important screening services close to home.

I have recently been named the Ranking Republican on the Strategic Forces Subcommittee of the House Armed Services Committee. This leadership position requires a great deal of commitment and is a unique opportunity to continue my service to ensure our national security.

I appreciate the opportunity to have served on the House Veterans' Affairs Committee for the past four years. Because of the commitment of all members on this distinguished committee, we have made great strides in caring for our veterans, and I know that the trend will continue. Please have your staff contact Joseph Heaton (joseph.heaton@mail.house.gov) at 225-6465 if my office can be of assistance.

Sincerely,

MICHAEL R. TURNER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 51

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON HOUSE ADMINISTRATION.—Ms. Zoe Lofgren of California, Mr. Capuano, Mr. Gonzalez, Mrs. Davis of California, Mr. Davis of Alabama.

(2) COMMITTEE ON RULES.—Mr. Perlmutter, Ms. Pingree of Maine, Mr. Polis of Colorado. SEC. 2. Paragraph (5) of House Resolution 24, One Hundred Eleventh Congress, agreed to January 7, 2009, is amended by striking "Mr. Bishop of Utah," and inserting "Mr. Bishop of New York,".

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-1) on the resolution (H. Res. 52) providing for consideration of the bill (H.R. 2) to

amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 384, TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-2) on the resolution (H. Res. 53) providing for consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for today and the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CHANDLER) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. CHANDLER, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, January 14 and 15.

Mr. FRANKS of Arizona, for 5 minutes, January 14 and 15.

Mr. HUNTER, for 5 minutes, January 14.

Mr. NEUGEBAUER, for 5 minutes, today.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled Joint Resolution of the Senate of the following title:

S.J. Res. 3. Ensuring that the compensation and other emolument attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

ADJOURNMENT

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 14, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

46. A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule — Walnuts Grown in California; Section 610 Review [Docket No. AMS-FV-08-0010; FV08-984-610 Review] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

47. A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule — Tomatoes Grown in Florida; Section 610 Review [Docket No. AMS-FV-08-0009; FV08-966-610 Review] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

48. A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule — Pears Grown in Oregon and Washington; Section 610 Review [Docket No. AMS-FV-08-0008; FV08-927-610 Review] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

49. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revision of Hearing Procedures [Docket No. FR-5084-F-02] (RIN: 2501-AD24) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

50. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Matching Requirements in McKinney-Vento Act Programs [Docket No. FR-5247-F-01] (RIN: 2506-AC24) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

51. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Requirements After Certain Conversions; Definition of "Corporate Reorganization;" Optional Conversions ("Oakar Transactions"); Additional Grounds for Disapproval of Changes in Control; and Disclosure of Certain Supervisory Information (RIN: 3064-AD25) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

52. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessment Dividends (RIN: 3064-AD27) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

53. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Temporary Liquidity Guarantee Program (RIN: 3064-AD37) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

54. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance

Corporation, transmitting the Corporation's final rule — Financial Education Programs That Include the Provision of Bank Products and Services (RIN: 3064-AD28) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

55. A letter from the Deputy General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Incidental Powers (RIN: 3133-AD12) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

56. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance for Revocable Trust Accounts (RIN: 3133-AD54) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

57. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Display of Official Sign; Temporary Increase in Standard Maximum Share Insurance Amount; Coverage for Custodian Loan Accounts (RIN: 3133-AD55) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

58. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — MODERNIZATION OF OIL AND GAS REPORTING [Release Nos. 33-8995; 34-59192; FR-78; File No. S7-15-08] (RIN: 3235-AK00) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

59. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — INDEXED ANNUITIES AND CERTAIN OTHER INSURANCE CONTRACTS [Release Nos. 33-8996, 34-59221; File No. S7-14-08] (RIN: 3235-AK16) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

60. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-eighth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

61. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve covering calendar year 2007, in accordance with section 165 of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

62. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program for Commercial and Industrial Equipment: Energy Conservation Standards for Commercial Ice-Cream Freezers; Self-Contained Commercial Refrigerators, Commercial Freezers, and Commercial Refrigerator-Freezers Without Doors; and Remote Condensing Commercial Refrigerators, Commercial Freezers, and Commercial Refrigerator-Freezers [Docket Number EERE-2006-BT-STD-0126] (RIN: 1904-AB59) received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

63. A letter from the Principal Deputy Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license

agreement with India (Transmittal No. DDTC 134-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

64. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

65. A letter from the Deputy Secretary, Department of Defense, transmitting a report pursuant to Pub. L. 110-252, Sec. 9204; to the Committee on Foreign Affairs.

66. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training's annual inventory of U.S. Government-sponsored international exchange and training programs, pursuant to 22 U.S.C. 2460(f) and (g) Public Law 87-256, section Section 112(f) and (g); to the Committee on Foreign Affairs.

67. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on the status of consular training with respect to travel and identity documents, pursuant to Section 7201(d) of The Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Foreign Affairs.

68. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report pursuant to section 10(d)(1) of the United Nations Participation Act; to the Committee on Foreign Affairs.

69. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the Corporation's semiannual report on the activities of the Office of the Inspector General for the period from April 1, 2008 through September 30, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

70. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2008 through September 30, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

71. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, "The Federal Government: A Model Employer or a Work In Progress?," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

72. A letter from the Chairman, National Endowment for the Arts, transmitting a report regarding the agencies' competitive sourcing efforts, pursuant to Public Law 208-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

73. A letter from the Acting Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period April 1, 2008 through September 30, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

74. A letter from the Captain, U.S. Coast Guard Pacific Area Chief of Staff, Department of Homeland Security, United States Coast Guard, transmitting the Department's Draft Environmental Impact Statement for USCG Pacific Operations: Districts 11 and 13, in accordance with the provisions of Section

102[2](c) of the National Environmental Policy Act of 1969; to the Committee on Transportation and Infrastructure.

75. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, pursuant to Sections 402 and 409 of the 1974 Trade Act, as amended; to the Committee on Ways and Means.

76. A letter from the Under Secretary for Policy, Department of Defense, transmitting a joint report that describes activities related to the Proliferation Security Initiative, including associated funding, that are planned to be carried out by the United States over the next three fiscal years, pursuant to Public Law 110-53, section 1821(b); jointly to the Committees on Foreign Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 3, 2009]

Mr. THOMPSON of Mississippi: Committee on Homeland Security. Report on Legislative and Oversight Activities of the House Committee on Homeland Security for the 110th Congress (Rept. 110-940). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. Report on the Activities of the Committee on the Judiciary During the 110th Congress (Rept. 110-941). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKELTON: Committee on Armed Services. Report of the Activities of the Committee on Armed Services for the 110th Congress (Rept. 110-942). Referred to the Committee of the Whole House on the State of the Union.

[Filed on January 13, 2009]

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 52. Resolution providing for consideration of the bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes (Rept. 111-1). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 53. Resolution providing for the consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program (Rept. 111-2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PALLONE (for himself, Mr. WAXMAN, Mr. DINGELL, Mr. RANGEL, Mr. STARK, Mr. FOSTER, Mr. ABERCROMBIE, Mr. BARROW, Mr. BOUCHER, Mr. BRALEY of Iowa, Mrs. CAPPS, Ms. CASTOR of Florida, Mr. CONNOLLY of Virginia, Mr. CUELLAR, Ms. DAHLKEMPER, Ms. DEGETTE, Mr. EDWARDS of Texas, Mr. ENGEL, Ms. ESHOO, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. JOHNSON of Georgia, Ms. KILROY, Mr. LUJÁN, Mr. MAFFEI, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MCMAHON, Mr. MCNERNEY, Mr. MURPHY of Connecticut, Mr. PASCRELL, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, Mr. SPACE, Mr. STUPAK, Ms. SUTTON, Mr. TOWNS, Mr. WELCH, and Mr. WEINER):

H.R. 2. A bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER (for himself and Ms. SHEA-PORTER):

H.R. 460. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. WU (for himself, Mr. GORDON of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Mr. BILBRAY, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. MILLER of North Carolina, Mr. BOUCHER, Mr. BLUMENAUER, Mr. ROTHMAN of New Jersey, Mr. SENSENBRENNER, Mr. SMITH of Washington, and Mr. HALL of Texas):

H.R. 461. A bill to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs; to the Committee on Science and Technology.

By Mr. CUMMINGS:

H.R. 462. A bill to amend titles XIX and XXI of the Social Security Act to improve dental benefits under Medicaid and the State Children's Health Insurance Program (CHIP), and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Ms. DELAURO, Ms. HARMAN, Ms. LEE of California, Mrs. LOWEY, Mr. ROTHMAN of New Jersey, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADLER of New Jersey, Mr. ARCURI, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Mr. CHANDLER, Mr. CLAY, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DICKS, Mr. ELLISON, Mr. ENGEL, Mr. FARR, Mr. FATTAH,

Mr. FILNER, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Ms. KILROY, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEVIN, Mr. LOEBACK, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLIVER, Mr. PAYNE, Mr. PETERS, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. ROYBAL-AL-LARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SERRANO, Mr. SHERMAN, Mr. SIREN, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. TSONGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. YARMUTH, and Mr. VAN HOLLEN):

H.R. 463. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. BLUNT, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. SESSIONS, Mr. GOHMERT, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. CRENSHAW, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. SOUDER, Mr. CASSIDY, Mr. SHUSTER, Mrs. BACHMANN, Mr. GINGREY of Georgia, Mr. COBLE, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. ROSKAM, and Mr. FLEMING):

H.R. 464. A bill to provide for a 5-year SCHIP reauthorization for coverage of low-income children, an expansion of child health care insurance coverage through tax fairness, and a health care Federalism initiative, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WAXMAN):

H.R. 465. A bill to amend titles XIX and XXI of the Social Security Act to permit States to ensure coverage without a 5-year delay of certain children and pregnant women under the Medicaid program and SCHIP; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. BISHOP of New York, Mr. EDWARDS of Texas, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, and Mr. ORTIZ):

H.R. 466. A bill to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services; to the Committee on Veterans' Affairs.

By Ms. SPEIER (for herself and Ms. ESHOO):

H.R. 467. A bill to put State and local governments and other public entity or instrumentality established under State law in the same position they would have been in had the Secretary of the Treasury and the Board of Governors of the Federal Reserve System provided emergency financial assistance to Lehman Brothers Holdings Inc. by requiring the Secretary of the Treasury to purchase bonds issued by such financial institution, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY:

H.R. 468. A bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Texas:

H.R. 469. A bill to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; to the Committee on Science and Technology.

By Mr. GARRETT of New Jersey (for himself, Mr. PRICE of Georgia, and Mr. JORDAN of Ohio):

H.R. 470. A bill to amend the Internal Revenue Code of 1986 to provide for permanent tax incentives for economic growth; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALTMIRE (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 471. A bill to amend the Trade Act of 1974 to provide for a limitation on presidential discretion with respect to actions to address market disruption; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 472. A bill to reform the Troubled Assets Relief Program of the Secretary of the Treasury by establishing the Family Foreclosure Rescue Corporation modeled on the successful Home Owner's Loan Corporation, and to purchase and insure home mortgage loans for the purposes of providing relief to homeowners, restoring stability to the financial system, preventing further harm to the economy, and protecting taxpayers; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLON):

H.R. 473. A bill to amend the Internal Revenue Code of 1986 to extend eligibility under the new markets tax credit for community development entities created or organized in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands; to the Committee on Ways and Means.

By Mr. BOREN (for himself and Mr. SULLIVAN):

H.R. 474. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for poverty used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. WALZ, Mr. OBERSTAR, and Ms. MCCOLLUM):

H.R. 475. A bill to amend the Internal Revenue Code to qualify formerly homeless youth who are students for purposes of low income housing tax credit; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Ms. WATERS, Mr. ELLISON, Mr. CLAY, Mr. HINOJOSA, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. SIREN, Mr. SERRANO, Mr. PASTOR of Arizona, Mr. CLEAVER, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. MORAN of Virginia, Mr. CARNAHAN, Mr. GONZALEZ, and Ms. SCHAKOWSKY):

H.R. 476. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Financial Services.

By Mr. JORDAN of Ohio:

H.R. 477. A bill to require the submission by the President of recommendations and proposed legislation to modernize, consolidate, reprioritize, and where necessary, terminate Federal programs, agencies, and activities; to the Committee on Oversight and Government Reform.

By Mr. JORDAN of Ohio:

H.R. 478. A bill to amend the Inspector General Act of 1978 to require annual reviews by Inspectors General of the operations, efficiency, and effectiveness of Federal programs; to the Committee on Oversight and Government Reform.

By Mr. MATHESON (for himself, Mr. KING of New York, Mrs. CAPPS, Mr. REICHERT, and Ms. CASTOR of Florida):

H.R. 479. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Energy and Commerce.

By Mr. MICA (for himself, Mr. BILLRAKIS, Mr. BOYD, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GRAYSON, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MACK, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Mr. ROONEY, Ms. ROSELEHTINEN, Mr. STEARNS, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. YOUNG of Florida):

H.R. 480. A bill to establish the St. Augustine 450th Commemoration Commission, and

for other purposes; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR:

H.R. 481. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself, Mr. EHLERS, Mr. BROWN of South Carolina, Mr. MCCOTTER, Mr. MCHENRY, Ms. FALLIN, Mr. LINDER, Mr. SESTAK, Mr. LAMBORN, Mrs. MILLER of Michigan, Mrs. BACHMANN, and Mr. GALLEGLY):

H.R. 482. A bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself, Mr. COSTA, Mr. BRADY of Pennsylvania, Mr. CARNEY, Mr. COURTNEY, Mr. DAVIS of Tennessee, Mr. GRIJALVA, Ms. HIRONO, Mr. LOBIONDO, Mr. LOEBSACK, Mrs. MALONEY, Ms. MATSUI, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Ms. NORTON, Mr. PAUL, Mr. PAYNE, Mr. WALZ, Mr. WU, Mr. HOLDEN, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, Mr. MCCAUL, Ms. EDWARDS of Maryland, and Mr. JOHNSON of Georgia):

H.R. 483. A bill to safeguard the Crime Victims Fund; to the Committee on the Budget, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama (for himself, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. BACHUS, Mr. BARTLETT, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. LOBIONDO, and Mr. PAUL):

H.R. 484. A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services and benefits for certain new beneficiaries as part of the TRICARE program; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN:

H.R. 485. A bill to strengthen existing legislation sanctioning persons aiding and facilitating nonproliferation activities by the Governments of Iran, North Korea, and Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 486. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. SKELTON:

H.R. 487. A bill to waive the 35-mile requirement for designation of a critical access hospital under the Medicare program; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 488. A bill to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Natural Resources.

By Mr. THORNBERRY:

H.R. 489. A bill to improve the conduct of strategic communication by the Federal Government; to the Committee on Foreign Affairs.

By Mr. THORNBERRY:

H.R. 490. A bill to require a quadrennial review of the diplomatic strategy and structure of the Department of State and its related agencies to determine how the Department can best fulfill its mission in the 21st century and meet the challenges of a changing world; to the Committee on Foreign Affairs.

By Mr. WELCH:

H.R. 491. A bill to direct the Secretary of Transportation to waive non-Federal share requirements for certain transportation programs and activities through September 30, 2009; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of

Texas (for herself, Mr. HONDA, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. CAPUANO, Mr. HINCHEY, Ms. BORDALLO, and Mr. MURPHY of Connecticut):

H. Con. Res. 20. Concurrent resolution expressing the sense of Congress that the global use of child soldiers is unacceptable and that the international community should find remedies to end this practice; to the Committee on Foreign Affairs.

By Mr. GEORGE MILLER of California

(for himself, Mr. McKEON, Mr. HINOJOSA, Mr. ALTMIRE, Mr. BISHOP of New York, Mr. CASTLE, Ms. CLARKE, Mr. COURTNEY, Mrs. DAVIS of California, Mr. EHLERS, Mr. GRIJALVA, Mr. HOLT, Mr. KILDEE, Mr. KUCINICH, Mr. LOEBSACK, Mrs. MCCARTHY of New York, Mrs. McMORRIS RODGERS, Mr. PETRI, Mr. POLIS of Colorado, Mr. SARBANES, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Ms. WOOLSEY, Mr. WU, Ms. BORDALLO, Mr. FATTAH, Mr. LANGEVIN, Mr. MALONEY, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. HINCHEY, and Mr. SIREs):

H. Res. 50. A resolution honoring the life of Claiborne Pell, distinguished former Senator from the State of Rhode Island; to the Committee on Education and Labor; considered and agreed to.

By Mr. LARSON of Connecticut:

H. Res. 51. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. MCCLINTOCK:

H. Res. 54. A resolution celebrating the life of President Ronald Wilson Reagan on what would have been the anniversary of his 98th birthday; to the Committee on Oversight and Government Reform.

By Mr. ROYCE (for himself and Ms. HARMAN):

H. Res. 55. A resolution expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder; to the Committee on Energy and Commerce.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. EHLERS, Ms. BORDALLO, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MOORE of Kansas, Ms.

SUTTON, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. WU, Mr. CASTLE, and Mr. LOEBSACK):

H. Res. 56. A resolution expressing support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week"; to the Committee on Education and Labor.

By Mr. SIREs (for himself, Ms. WASSERMAN SCHULTZ, Mr. PAYNE, Mr. SERRANO, Mr. REYES, Mr. PALLONE, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. HINOJOSA, Mr. HINCHEY, Mr. GRIJALVA, and Ms. BORDALLO):

H. Res. 57. A resolution expressing the importance of swimming lessons and recognizing the danger of drowning in the United States, especially among minority children; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. CRENSHAW, Mr. ROONEY, Mr. MACK, Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BILIRAKIS, Mr. PUTNAM, Mr. HASTINGS of Florida, Ms. CASTOR of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. GRAYSON, Mr. WEXLER, Mr. MICA, Ms. WASSERMAN SCHULTZ, Ms. KOSMAS, Mr. KLEIN of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. POSEY, Mr. BOYD, Mr. MILLER of Florida, Mr. MEEK of Florida, and Mr. WHITFIELD):

H. Res. 58. A resolution commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII,

1. The SPEAKER presented a memorial of the Senate of Michigan, relative to Senate Concurrent Resolution No. 31, memorializing Congress to reduce the price of traditional passports, by directly lowering the cost to consumers or by offering fully refundable federal income tax deductions to citizens who live in border states; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MARKEY of Massachusetts introduced a bill (H.R. 492) for the relief of Esther Karinge; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CARNAHAN.

H.R. 14: Ms. BORDALLO.

H.R. 16: Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. YOUNG of Florida, and Mr. CRENSHAW.

H.R. 20: Mr. FILNER.

H.R. 21: Mr. SHERMAN, Mr. GRIJALVA, Mrs. MALONEY, and Mr. PAYNE.

H.R. 23: Mr. KING of New York.

H.R. 25: Mr. MORAN of Kansas.

H.R. 31: Mr. THOMPSON of Mississippi, Mr. VELÁZQUEZ, Mr. MEEKS of New York, Mr. CLAY, Mr. GONZALEZ, Mr. KILDEE, Ms. BALDWIN, Ms. DEGETTE, Mr. CLEAVER, Ms. RICHARDSON, Mr. LANGEVIN, and Mr. INSLEE.

H.R. 32: Mr. RODRIGUEZ.
 H.R. 81: Mr. MORAN of Virginia.
 H.R. 106: Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mr. HONDA, and Ms. ROS-LEHTINEN.
 H.R. 111: Mr. BURTON of Indiana, Mr. GALLEGLY, Ms. GRANGER, Mr. WELCH, Mr. KILDEE, Mr. BILBRAY, Mr. ALTMIRE, Mr. CARDOZA, Mr. FRELINGHUYSEN, Mr. PITTS, Mr. BRALEY of Iowa, and Mr. PATRICK J. MURPHY of Pennsylvania.
 H.R. 124: Mr. KINGSTON.
 H.R. 137: Mr. MCHENRY, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. ROHRBACHER, and Mr. LINDER.
 H.R. 138: Mr. KINGSTON.
 H.R. 143: Mr. COLE.
 H.R. 147: Mr. LOEBSACK, Mr. CARNEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ROS-LEHTINEN.
 H.R. 153: Mr. PAUL.
 H.R. 155: Mr. PAUL.
 H.R. 175: Mr. ISRAEL, Mr. ROHRBACHER, Mr. HINCHEY, and Ms. BORDALLO.
 H.R. 190: Mr. HODES.
 H.R. 205: Mr. BROUN of Georgia, Mr. ISSA, Mr. GOHMERT, Mr. KLINE of Minnesota, Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, Mr. NEUGEBAUER, Ms. FOXX, Mr. LATTA, Mr. GERLACH, Mr. BURTON of Indiana, Mr. BILBRAY, Mrs. MILLER of Michigan, Mr. CULBERSON, and Mr. FRANKS of Arizona.
 H.R. 226: Mr. YOUNG of Florida, Mr. THOMPSON of Pennsylvania, Mr. DUNCAN, Mr. BROWN of South Carolina, Mrs. BIGGERT, Mr. TURNER, Mr. LATHAM, Mrs. BACHMANN, and Mr. BARRETT of South Carolina.
 H.R. 235: Mr. LEWIS of California, Mr. PRICE of North Carolina, Mr. GONZALEZ, Mr. CALVERT, Mr. DUNCAN, Mr. ALEXANDER, Mr. WHITFIELD, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. SHIMKUS, Mr. THOMPSON of California, and Mr. HILL.
 H.R. 292: Ms. HERSETH SANDLIN and Mr. BILBRAY.
 H.R. 293: Mr. BILBRAY.
 H.R. 294: Mr. BILBRAY.
 H.R. 295: Mr. BILBRAY.
 H.R. 296: Mr. BILBRAY.
 H.R. 297: Mr. BILBRAY.
 H.R. 312: Mr. BOSWELL.
 H.R. 331: Ms. WATERS.
 H.R. 333: Mr. GORDON of Tennessee, Ms. HERSETH SANDLIN, Mr. BARTLETT, Mr. EDWARDS of Texas, and Mr. CARNEY.
 H.R. 365: Mr. FALEOMAVAEGA.
 H.R. 385: Mr. GRIFFITH.
 H.R. 386: Mr. PERRIELLO, Mr. VAN HOLLEN, Mr. STARK, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. CROWLEY, Ms. SCHWARTZ, and Mr. YARMUTH.
 H.R. 412: Mr. BISHOP of New York, Mr. WEINER, and Mr. HALL of New York.
 H.R. 416: Ms. CLARKE and Mr. MCDERMOTT.
 H.R. 417: Ms. CLARKE and Ms. WATERS.
 H.R. 420: Mr. BOOZMAN.
 H.R. 430: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. PLATTS, and Mr. CONAWAY.
 H.R. 433: Mr. PLATTS and Mr. SENSENBRENNER.

H.R. 444: Mr. COHEN, Mr. PAUL, Mr. LEWIS of Georgia, and Mr. KUCINICH.

H.J. Res. 3: Mr. GOHMERT, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. McKEON, Mr. NEUGEBAUER, Ms. GINNY BROWN-WAITE of Florida, Mr. POE of Texas, Mr. MANZULLO, Mr. BILBRAY, Mr. CONAWAY, Mr. YOUNG of Alaska, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. SENSENBRENNER, Mr. CARTER, Mr. CULBERSON, Mr. MCCLINTOCK, Mr. BURTON of Indiana, Mr. HELLER, and Mr. FORBES.

H. Con. Res. 17: Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. WATT, Mr. RANGEL, Ms. WATERS, Ms. CLARKE, and Mr. BISHOP of Georgia.

H. Res. 18: Mr. SIREs, Mr. SARBANES, Mr. LARSEN of Washington, Ms. MATSUI, Ms. BERKLEY, Ms. DELAURO, Mr. HIGGINS, Ms. PINGREE of Maine, Mr. SCHIFF, Mr. PAUL, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Mr. WALZ, Mr. ELLISON, Mr. HARE, Mrs. DAVIS of California, Ms. SUTTON, Mr. TANNER, Mr. MELANCON, Mr. WELCH, Mr. WEXLER, Mr. MITCHELL, Mr. HODES, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. DELAHUNT, Mr. BERMAN, Mrs. CAPPS, Ms. MCCOLLUM, Mrs. LOWEY, Ms. HIRONO, and Mr. ROTHMAN of New Jersey.

H. Res. 19: Mr. REICHERT.

H. Res. 31: Mr. HINCHEY, Ms. BORDALLO, Mr. ETHERIDGE, Mr. MCHENRY, Mr. DAVIS of Illinois, Mr. WHITFIELD, Mr. HOLT, Ms. SUTTON, and Mr. MORAN of Virginia.

H. Res. 36: Mr. GRIJALVA, Ms. VELÁZQUEZ, Ms. CASTOR of Florida, and Mrs. MALONEY.

H. Res. 39: Mr. AKIN, Ms. HIRONO, Mr. STUPAK, Mr. MCCAUL, Mr. TIBERI, Ms. BORDALLO, Mr. WILSON of South Carolina, Mr. MCHENRY, Mr. HOLDEN, Ms. SUTTON, Mr. HOLT, Mr. DENT, Ms. MCCOLLUM, Mr. SESSIONS, Mr. GINGREY of Georgia, Mr. FORTENBERRY, Mr. RYAN of Ohio, Mr. DOYLE, Mr. EHLERS, Mr. DONNELLY of Indiana, and Mr. TERRY.

H. Res. 40: Mr. HILL, Ms. BEAN, Mr. CHILDERS, Mr. SHULER, Ms. HERSETH SANDLIN, Mr. POMEROY, Mr. TAYLOR, Mr. ELLSWORTH, Mr. COOPER, Mr. MOORE of Kansas, Ms. GIFFORDS, Mr. BACA, Mr. BOYD, Mr. BARROW, Mr. MICHAUD, Mr. CHANDLER, Mr. ROSS, Mr. CUELLAR, Mr. CARNEY, Mr. MELANCON, Mr. BISHOP of Georgia, Mr. KAGEN, Mr. GRIFFITH, Mr. KIND, Mr. KRATOVL, Mr. DONNELLY of Indiana, Mr. MCINTYRE, Mr. WILSON of Ohio, Mr. MARSHALL, Ms. HARMAN, Ms. LORETTA SANCHEZ of California, Mr. SPACE, Mr. DAVIS of Tennessee, Mr. THOMPSON of California, Mr. COSTA, and Mr. BRIGHT.

H. Res. 41: Mr. WAXMAN, and Mr. PRICE of North Carolina.

H. Res. 43: Ms. KAPTUR, Mrs. MCCARTHY of New York, Ms. LEE of California, Mr. HONDA, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. SIREs, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. BACA, and Mr. GEORGE MILLER of California.

H. Res. 44: Mr. PLATTS.

H. Res. 45: Mr. MORAN of Virginia.

H. Res. 46: Mr. MORAN of Virginia, and Ms. LORETTA SANCHEZ of California.

H. Res. 47: Mr. SMITH of New Jersey, Mr. KENNEDY, and Ms. EDDIE BERNICE JOHNSON of Texas.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The provisions that warranted a referral to the Committee on Education and Labor in H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. WAXMAN

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. FRANK OF MASSACHUSETTS

The provisions that warranted a referral to the Committee on Financial Services, in H.R. 384, the TARP Reform and Accountability Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means, in H.R. 384, the TARP Reform and Accountability Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on the Judiciary, in H.R. 384, the TARP Reform and Accountability Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 226: Mr. THOMPSON of California.

SENATE—Tuesday, January 13, 2009

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, You have made all the people of the Earth for Your glory, to serve You in freedom and peace. Today, as our lawmakers seek to serve, give them a zeal for justice and the strength of forbearance, that they may accomplish Your purposes. Let them feel the constancy of Your presence, as You guide them with a higher wisdom. May each success prompt them to greater undertakings for human betterment. Lord, renew their commitment to pray not only for those with whom they agree but also for those with whom they disagree. Bring our Senators to the end of this day with their hearts at peace with You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of S. 22, the wilderness bill. Yesterday, I filed cloture on the bill. The cloture vote is expected to occur an hour after the Senate convenes tomorrow. We will be in recess today from 12:30 p.m. until 2:15 p.m. for our weekly caucus luncheons. The filing deadline for first-degree amendments is at 2:30 p.m. today.

Mr. President, I have had a discussion with Senator BINGAMAN this morning. He is going to see if there is something that can be worked out to have a limited number of amendments on the wilderness bill. He will proceed to work on that. If, in fact, he can work something out with those interested on the other side, then we will have a number of votes on that. If they cannot work that out, then, as has been indicated in the past, we will go to cloture tomorrow. If we can work something out there, we can have those votes today and final passage of the bill this afternoon.

We are going to move to the Ledbetter issue dealing with pay equity, the statute of limitations—call it whatever we wish. That is something we will move to this week. The Troubled Asset Relief Program, TARP, is now here with us, and there is a very strict deadline when we must finish that. We must have a vote on that by this Sunday. So we have our work cut out for us. We have a lot to do.

These are very exciting times, as we know, for our country. We have a new Congress. We have a new President. Senator MCCONNELL and I have done our utmost during these past many weeks to try to work together to get some things done here. We are now at a point where we have resolved, we believe, the issue relating to how committees are funded and what the ratios are going to be on the various committees, and it is easy for me to say that or Senator MCCONNELL to say that, but it has taken weeks of work to get that done. But we are moving forward. We hope the work of this next week will be in keeping with how we intend to maintain a degree of bipartisanship in the Senate during this Congress. We hope that, in fact, is the case. We will do our utmost to comply with that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WORK OF THE SENATE

Mr. MCCONNELL. Mr. President, a couple brief observations with reference to what the Democratic leader just indicated. I want to say I appreciate the way in which we are going forward here. When he and I first came to the Senate, the notion that you would pass bills without amendment was foreign to everyone. I think we are getting off to a good start here with a kind of reestablishment of the Senate as it used to operate with amendments being appropriate. As members of his party said when they were in the minority, the Senate is not the House. I think there is a growing appreciation on both sides of the aisle that we ought not to operate that way.

With regard to the organizing resolution, I agree with the majority leader that we are very close to being ready to move forward on that. It is a difficult process for the two of us, but I think we have gotten close to being at a point of completion, which is, of course, essential to beginning our business.

TARP

Now, on another matter, Mr. President, a few months ago some of our Nation's top economic minds came to the Capitol to tell us about an impending crisis. The crisis, of course, was the accumulation of toxic assets at banks here and around the world that threatened to paralyze America's economy, jeopardizing the livelihood of literally millions. Without action, we were told, the Nation faced certain calamity.

For many, the normal impulse would be to let the bad actors who caused this mess face up to their mistakes. But since millions of families and small business owners, who did nothing wrong, were caught up in the errors of the few, we decided, with some degree of reluctance, to approve funding for the Troubled Asset Relief Program, now commonly referred to as the TARP.

Fearful of waste and abuse, Republicans insisted on a number of taxpayer protections. We also insisted on releasing the money in two installments so we could review how the first one was spent before approving the second. Yesterday, a request for the second installment was made. I had an opportunity to talk to the incoming President about that matter yesterday.

Throughout this ordeal, I have not wavered on one basic principle: I voted for the first installment on the condition that it be used to prevent a systemic—a systemic—economic collapse affecting every single American. And I continue to believe this money should be used for the reason it was first approved. The current administration, regrettably, used these funds for the auto industry, a move I opposed. Now congressional Democrats are suggesting more of the same. The American people still do not have assurances that this money will not be wasted or misused to play favorites.

So far, the incoming administration has not said whether it plans to limit the funds to their original purpose or to expand their use to help specific industries. The taxpayers are eager to hear the new administration's plan, and so are Republicans in Congress. We will hear from the incoming administration soon. We will be happy to listen. They will have a receptive, albeit cautious, audience.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that all the remaining time on the Democratic side be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINNESOTA SENATE ELECTION

Mr. KYL. Mr. President, I wish to speak briefly about the contest in Minnesota involving the Senate seat currently held by Senator NORM COLEMAN. Obviously, the other new Members of

the Senate were sworn in last week, but this seat remains empty, a winner yet undeclared.

To be clear, under Minnesota law, that is the way it has to be right now because there is an election contest that has been filed in the courts, and under Minnesota law, therefore, neither the Secretary of State nor the Governor can declare the seat filled.

Senator COLEMAN had been declared the winner on election night and through the ensuing administrative canvassing process. But throughout the following State Canvassing Board stage of the proceedings, there were numerous inconsistencies and problems uncovered, and the board-certified totals were different. They are, obviously, at issue, and they are preliminary.

The Minnesota State Canvassing Board totals, for example, include more votes than voters in a significant number of the Minnesota precincts. So, clearly, there is something wrong, and it has to be resolved by the court.

The Coleman campaign has followed Minnesota election law in filing an election contest, and that comes before a three-judge panel in Minnesota before the end of this month.

The contest is based on significant errors. I wish to mention four of these categories so folks will understand what is at issue.

First is newly discovered ballots which appeared for the first time during the recount and are included in the State Canvassing Board totals.

Second is missing ballots supposedly tallied on election night but which could not be found during the recount process—obviously a problem.

Third is double-counting of duplicate and original ballots of the same voter during the recount process.

Fourth is wrongly rejected absentee ballots and inconsistent standards regarding what constitutes a wrongly rejected absentee ballot applied in different locations throughout the State.

Let me discuss each of these briefly in turn.

On the newly discovered ballots, there are 171 such ballots that appeared without explanation several days after the election in Ramsey County precinct Maplewood P6. Election officials were unable to reconcile the number of votes cast with the number of voters signed in, but the board, nevertheless, included the additional votes in Al Franken's favor in its totals. Furthermore, the board directed that this issue should properly be dealt with during the contest phase, and that, of course, is now occurring.

On the missing ballots, there were 133 ballots in Hennepin County that could not be found during the recount and were declared "missing," despite the fact that there are any number of possible reasons for the change, including the possibility that the ballots never existed in the first place. But instead

of following a consistent standard and including the new recount total, the board reverted to election night totals, again resulting in more votes for Al Franken.

On the double-counting, in at least 25 precincts in Minnesota, there are more votes than voters in the Canvassing Board's totals, and there are 150 separate incident logs prepared by local recount officials describing issues involving duplicate and original ballot counting. This is due to the counting of both the voter's original ballot and a duplicate ballot which was created to take the place of the original ballot, resulting in double-counting of some votes when both of those ballots are included in the total. That is, obviously a blatant error and one that threatens the sanctity of "one person, one vote." Obviously, most people get one vote. Those who got more than one vote have an advantage for whom they cast their ballot.

Both the Canvassing Board and the Minnesota Supreme Court directed the issue to be dealt with during the election contest. So that issue is now being dealt with.

Finally, on the category of wrongly rejected absentee ballots, during the recount process, a "fifth pile" was created for absentee ballots that were rejected but not because one of the four reasons stipulated by Minnesota election law. This fifth pile was requested by the Franken campaign at the time they were trailing in the count, and the Canvassing Board granted the request without issuing any direction to ensure consistency among the counties in their review. A vast number of these ballots, which happened to generate more votes for Franken, were included in the Canvassing Board total. However, the board also refused to review over 160 ballots requested by the Coleman campaign.

We can see there are obviously some issues to be resolved. The three-judge panel will be appointed. The campaigns will convene with the panel, set forth the ground rules for the election contest trial, and then that will occur.

There are no stipulations for when the proceedings must be completed, and estimations are, at least from folks in Minnesota, that it could take a month, if not more.

As a part of that context, the Coleman campaign has requested the review of hundreds more ballots that may have been wrongly rejected. Because of the size of the pool of ballots to be reviewed and the erroneous recount totals including questionable votes for Franken, Senator COLEMAN has expressed confidence that the numbers will revert back to where they were on election night and his lead will be restored and then he would be declared the winner.

Obviously, this is for the Canvassing Board and the court in Minnesota to

resolve. It is not for us to prejudge the result at this time. Unfortunately, the majority leader and his staff have publicly stated they would try to seat Al Franken while the contest is still proceeding, despite the fact there is not a signed certificate, which is required of every Senator. This dates back to 1884. This action, of course, was blocked, and we presume the process will continue in regular order to await the result of the proceedings.

It is true Al Franken attempted to declare himself the winner. Yesterday, the campaign requested the Governor and Secretary of State send him a certificate so he could be seated. But it was, of course, not granted because both officials indicated correctly that would directly violate State law.

So we are left with the matter of a vacancy in Minnesota, with the issue to be resolved by the people in Minnesota, properly under their law, the Canvassing Board, and the three-judge court. For my part, I certainly hope this phase will not fall prey to inconsistencies and problems that have led some experts and newspaper editorials to claim the election process needs to be fundamentally reformed. If it is done in the proper way and due care for the evidence that is presented, then hopefully everyone will be satisfied with the result and willing to abide by that result. It will then come to the Senate, and we will seat the appropriate candidate.

The Republicans ask for nothing more. We are certainly hopeful our former colleague and soon-to-be current colleague, Senator COLEMAN, will resume his seat. But that is for the process in Minnesota to determine, not for that to be determined in some arbitrary way in the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved for this side of the aisle?

The ACTING PRESIDENT pro tempore. There is 7 minutes 40 seconds.

Mr. LEAHY. I thank the distinguished Presiding Officer, my good friend from Montana.

JUSTICE DEPARTMENT REPORT

Mr. LEAHY. Mr. President, today we received a report from the Department of Justice's Office of the Inspector General and Office of Professional Responsibility about their investigation of allegations of politicized hiring and other improper personnel actions in the Civil Rights Division.

I held hearings on this situation. At the time, there was a Mr. Bradley Schlozman who testified. I stated, at the time, that I did not find his testimony credible.

Today's report confirms some of our worst fears about the Bush administration's political corruption of the Jus-

tice Department. Not only did senior Republican appointees violate Federal law by hiring based on politics in the Civil Rights Division, they also lied about it. Indeed, they lied about it under oath when they were called to explain themselves to Congress.

I am particularly disturbed about the findings that a senior Justice Department appointee, a very senior Justice Department appointee, Bradley Schlozman, made false statements under oath when appearing before the Senate Judiciary Committee. Lying to Congress undermines the very core of our constitutional principles and blunts the American people's right to open and transparent Government. It is one thing to have a witness come and say they disagree with the Members of Congress. That is fine. Everybody has a constitutional right to do that. Nobody has a right to lie under oath. Nobody has the right to break the law. And certainly a senior member of the Justice Department should not be able to consider himself above the law.

Not only did Mr. Schlozman lie to me and the Committee, but he then refused to cooperate with the Justice Department's own internal oversight offices' investigation into illegal hiring practices in the Department's Civil Rights Division. The clear determination that he broke the law corrodes our trust in our system of justice and in the Nation's top law enforcement agency. If somebody can break the law in our Nation's top law enforcement agency, the Department of Justice, what does that say to the rest of Americans? His actions, in fact, undermine the very mission of the Department's Civil Rights Division, which is charged with enforcing Federal law and prohibiting discrimination.

A strong and independent Civil Rights Division has long been crucial to the enforcement of our precious civil rights laws, and experienced and committed career attorneys have always been the heart and soul of that Division. In the past, the people who worked there, no matter how much time you spent with them, you wouldn't know if they were Republicans or Democrats. All you would know is that these folks, who are among the brightest and best lawyers in the country, are dedicated to serving the United States of America and upholding our laws.

Contrary to those traditions, however, which we have had in both Republican and Democratic administrations, this report details troubling revelations of political appointees who marginalize and force out career lawyers because of ideology, and, corrupt the hiring process for career positions. It should come as no surprise that the result, and of course the intent, of this political makeover of the Civil Rights Division has been a dismal—a dismal—civil rights enforcement record.

This report is just one of the final chapters in the regrettable legacy of the Bush administration at main Justice, and it reinforces the need for new leadership.

Now, more than ever, it is necessary to confirm new leadership at the Justice Department, starting with Attorney General-designee Eric Holder.

I compliment the Department's Office of Inspector General. They did not allow politics to stand in their way. They went and investigated this situation.

I do wish the current U.S. Attorney's Office, appointed by this administration, had decided to prosecute someone for these deplorable acts. I think the only way you stop such blatant criminal violations, especially by people who know better, people who are sworn to uphold the law, is that they know they will go to jail for breaking the law. That is what should have been done. They broke the law in the Bush administration, and the Bush administration decided not to prosecute, and I think that raises real questions. Prosecution should be done no matter who breaks the law.

I recall one of the people who testified in that same investigation who said: We swear an oath to President George Bush. I said: No, you swear an oath to uphold the Constitution. Mr. President, that Constitution is the Constitution you are sworn to uphold and I am sworn to uphold. It is a Constitution that reflects all Americans. The Government is not of a person; indeed, whether you support an individual or not, the Government is for all Americans. The Constitution is for all Americans. When somebody deliberately, purposely, sets out to subvert the Constitution of the United States and then lies about it—lies about it, Mr. President—I find that a heinous crime.

When we see some child who steals a car, they will be prosecuted, as probably they should. But when you have a key member of the Department of Justice who lies under oath, who subverts the Constitution of the United States, that is all the more reason to prosecute that person. What Mr. Schlozman did was reprehensible, it was disgusting, and it was wrong, but it also contradicts the very core of America's principles.

The distinguished Presiding Officer, like me, had the great opportunity to serve as a prosecutor, and I have every reason to believe he did not show fear or favor when he brought a prosecution, as I did not. I did not show fear or favor. Most prosecutors do not. Yet here we have somebody who is part of the Justice Department lie under oath and do it in a way to cover up and subvert the very laws that protect all of us. Our civil rights laws are on the books to protect all of us. It protects all of us—White, Black, brown—no

matter what our race, our creed. It protects all of us.

What has marked this country since the time I was a young lawyer in the 1960s has been our adherence to those civil rights laws. We can't go back to a time where they are enforced for some and not for others.

Mr. President, I hope people read—I will not put it in the RECORD because it is available—this investigation of allegations of politicized hirings and other improper political actions in the Civil Rights Division of the Department of Justice. It is chilling. I am going to suggest that every new person coming into the Department of Justice read this investigation. It is a handbook—not of what to do—but a handbook of what not to do.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARP

Mr. VITTER. Mr. President, yesterday, President Bush announced that he was sending to Congress formal notice regarding use of the second half of TARP, the Troubled Asset Relief Program. As you know, under that legislation, which Congress passed over my objection last year, once \$350 billion of the fund—half of the fund—is spent, and the administration wants to begin spending the second half of the fund—the second \$350 billion—the President has to formally notify Congress. Under the program, Congress has the opportunity to basically veto moving forward by affirmatively having to pass a resolution of disapproval.

Again, President Bush took that first step of formally notifying Congress yesterday and today.

I come to the Senate floor to announce that I am introducing a motion of disapproval, and I encourage my colleagues, Democrats and Republicans, to think very seriously about this matter and to join me in this motion of disapproval. In doing so, I am immediately joined by several colleagues, and I want to thank Senators BUNNING, SESSIONS, DEMINT, BARRASSO, and INHOFE for being original cosponsors with me of the resolution of disapproval.

When we debated this very important matter on this floor several months ago, I expressed serious concerns. I will not go through my comments then or my concerns, but unfortunately, sadly, many of them—virtually all—have been proven true. The history of this

program—the Troubled Asset Relief Program—has indeed been very troubled, very concerning, and it raises far more questions and hesitations than it provides answers for our ailing economy. So as we revisit this issue, I cannot support moving forward with this very troubled program, primarily for five reasons.

First among those reasons is the most fundamental test we should bring to the matter: Has the program worked? I think it is very clear it has not worked. The purpose of the program was to ease the credit crisis. The entire focus of the program was to get credit on the streets of the American economy, to provide reasonable credit to consumers and businesses. Yet our economy is still gripped by a real credit crunch. So that fundamental purpose of the program, that fundamental test of the program has simply not been met.

Now, Mr. President, in this new year, and under the new administration, we are going to debate and act on other measures, particularly the stimulus plan, a stimulus plan which will spend upwards of \$1 trillion that President-elect Obama has talked about and begun to outline. Certainly, we must act on the economy. Certainly, we are in a very serious recession. Almost certainly, it is the most serious, the worst since World War II, and, certainly, the Federal Government needs to help lead the way, to be a big part of the solution to get us out of this deep financial recession. But as we move to a \$1 trillion stimulus program, why are we going to simply continue with a program that hasn't worked, spending another \$350 billion? Again, as we mount trillions of dollars of new deficit spending, deficits upon deficits, debt upon debt, surely we should think long and hard about continuing another \$350 billion of spending in a very troubled program which has not begun to meet its fundamental goal.

The second reason I would suggest we should not continue down this path is that the entire program, as it was outlined to Congress, as it was explained to us by the Treasury Secretary and others, has never been implemented. It was thrown out the window even before it could begin to be implemented. As all of us remember, just a few months ago, when the Treasury Secretary proposed this idea before Congress, it was indeed supposed to be the Troubled Asset Relief Program under which the Government would buy troubled assets from a spectrum of financial institutions, get those assets off the books of the financial institutions, and make those institutions far healthier and far more able to extend credit to individuals and businesses across America.

That was the beginning, that was the middle, and that was the end of the program. That was what every explanation, every presentation was about

as the Treasury Secretary, the Chairman of the Federal Reserve, and others came to Capitol Hill to explain this program over several weeks. It wasn't part of the program, it was the entire program. Yet within a couple of weeks of Congress passing the Troubled Asset Relief Program—again, over my objection—that plan was completely thrown out the window. Congress acts to pass a \$700 billion spending program, forging completely new ground in terms of economic policy and the Government's intervention in the market, and within a few weeks of that action, plan A is completely out the window and the Treasury Secretary sets about forming plan B and doing something fundamentally different than was presented to Congress.

I have suggested over the last several weeks, along with my colleagues, that alone should make the administration come back to Congress and get reauthorization for what is a completely new program. That, again, is my second reason we should not continue the TARP and continue going down this path and spending the second \$350 billion of this program.

The third reason I would offer is closely related to the second. As I said, within 2 weeks of Congress passing this legislation, the whole program changed. The entire concept of buying troubled assets was out the window, and Treasury had a brandnew plan, which was never presented to Congress and never discussed in any level of detail. So what has happened is, the TARP has become a veritable slush fund for the administration to do whatever it wants with it, to use it in whatever way it wants. After throwing the TARP idea out the window, Treasury came up with a capital purchase program to purchase preferred stock and warrants of certain institutions. It also established a systematically significant failing institution program, allowing Treasury to invest in any financial instrument, including debt, equity, or warrants determined to be troubled assets. Now Treasury says it "continues to explore other programs, including those focused on insurance, foreclosure mitigation, consumer lending, and more."

This program has no definition, it has no limits, it is whatever Treasury and the administration want it to be. It is a wide open slush fund for whatever the perceived need or want is of the moment. Of course, the best example of that is use of funds from this program for the auto bailout. After explaining for weeks that this program was not designed to do anything like the auto bailout, and use of these funds in an auto bailout would be completely inappropriate, the Bush administration then proceeded to use some of this money on the auto bailout. It is wide open. It has no limits. It has become a

slush fund for whatever the administration believes it has to do at the moment. That is not a proper way to move forward in terms of remedying the economy.

Fourth, we should end this program, and we should pass my resolution of disapproval because there has been no accountability whatsoever on this program. Remember, we spent a lot of time debating accountability months ago when this matter was before the Senate and before the House. There were all sorts of promises about accountability. There were all sorts of protections put in the bill regarding accountability. Yet what has that produced? That has produced the biggest embarrassment in terms of a lack of accountability, at least since Hurricane Katrina, and that is saying a lot.

The GAO and other watchdog groups report that the Treasury Department—the Treasury Department in charge of this fund—cannot even tell us precisely how the first \$350 billion has been spent. Treasury doesn't know, much less the watchdogs of other protections Congress was supposed to have put in place.

Now, we hear all sorts of promises and commitments from congressional leaders and leaders of the Obama transition that this is all going to change: There is going to be real transparency, there is going to be real accountability, and we are going to know where every penny goes. I don't doubt for a minute the goodwill and the honesty of those pronouncements. I am sure the congressional leaders and folks in the Obama transition who say these things mean it and want it. The problem is, I think folks were equally as sincere a few months ago, and it produced absolutely nothing in terms of transparency and accountability and protection of taxpayers' hard-earned tax dollars.

Surely we should demand more than another round of promises. Surely at a minimum we need to see exactly what the plans for the second half of TARP are before we decide this matter. Surely we need to see the details of any new accountability program. Yet we have seen none of that. Yet we are scheduled, in the Senate, to vote on this resolution within days without having any ability to see those plans, to see those protections, to see those new accountability measures before the vote. We cannot accept that. We must pass a motion of disapproval and only consider continuing this type of program if it is represented to Congress with those protections, with those detailed plans.

Finally, my fifth and final reason for urging all of my colleagues to join me in this resolution of disapproval is that, at its very core, TARP is a dangerous, heightened intervention of the Government in the private sector.

Let me restate what I said a few minutes ago. We are in the midst of a hor-

rible recession, which is still getting worse. It is almost certainly the worst recession since World War II. Clearly, the Federal Government needs to play a leadership role in helping the country and the economy turn the corner. I do not doubt that for a minute. But the sort of intervention of TARP and actions in the Treasury Department over the last several months are fundamentally different from any other economic policy actions we take here at the Federal level. It is picking winners and losers. It is getting involved, not in the direction of the economy but in individual companies, in individual potential bankruptcies, in individual mergers and deals and acquisitions. That is a level and type of intervention that is fundamentally different from broad fiscal policy, from broad monetary policy. It really is moving the line significantly in terms of Government intervention in the private sector.

Going back to our original debate here in the Senate, that was one of my most fundamental reservations from the beginning with TARP, that type of detailed intervention—and, by the way, the invitation for malfeasance and corruption that it can bring when Government bureaucrats are making very important life-or-death economic decisions regarding individual firms and individual transactions. I do not think we should continue down that path. I think that path is riddled, littered with mistakes and troubling actions by the Federal Government picking winners and losers, getting involved in individual companies in a very direct way—individual transactions, putting the hand of the Government in the boardroom in that sort of really unprecedented way.

I urge all of our colleagues, Democrats and Republicans, to think carefully about this issue. We had a significant debate when this first came to Congress several months ago, and we had several votes on the matter. Obviously, eventually it passed without my support. But since then, we have seen a lot, we have learned a lot, and a lot has changed. Since then, virtually all of the arguments against the program have been borne out and new concerns and new questions have arisen. They go to my five points. The program has not eased credit on the street. The entire premise of the program was thrown out 2 weeks after Congress passed it. No. 3, it has become a catchall slush fund and the purpose and parameters of the program change week to week. No. 4, there has been no accountability; Treasury cannot even tell us today precisely how the first \$350 billion was spent. No. 5, at its core this program is about Government intervention in a way we have not seen before, picking winners and losers.

I urge my colleagues to join in this resolution of disapproval so we can start anew, so we can put new protec-

tions in place, so we can act on the economy but not simply continue down this path and spend another \$350 billion, adding deficit on deficit, debt on debt, without a clear, positive result for American families.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes, equally divided between the Republicans and Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I then seek recognition under morning business.

The PRESIDING OFFICER. The Chair is pleased to recognize the Senator from Maryland.

NOMINATION OF ERIC HOLDER

Mr. CARDIN. Mr. President, I am honored to serve on the Judiciary Committee in this body. The last couple of years have been very difficult years in how the Department of Justice has been managed. We have seen abuses of civil liberties in the name of trying to protect the rights of our citizens when we have abused the rights of our citizens; we found the Department of Justice tried to justify the use of torture in this country; the manner in which detainees were treated; the politicizing of the Department of Justice—I could go on and on.

I thank Eric Holder for being willing to serve the public once again as President-elect Obama's nominee for the office of Attorney General of the United States. I think Eric Holder is the right person at the right time for the Department of Justice, and I hope his confirmation process will move forward.

We need an independent Attorney General. During the Bush administration, we found that they politicized the Department of Justice in the firing of U.S. attorneys and in decisions as to whether to proceed with criminal investigations. The list goes on and on. Eric Holder has demonstrated throughout his entire career the type of independence we need in the next Attorney General of the United States.

Let me give you one example. When the Independent Counsel who was investigating the President of the United

States asked for additional authority, Eric Holder was the one who made that recommendation to proceed even though it was not popular at all with the President of the United States. It is that type of independence that we need in the next Attorney General of the United States. He brings broad experience as former judge, former U.S. attorney, and from the private sector.

We need to take politics out of the Department of Justice. During the Bush administration, we found that politics was very much interwoven into the personnel decisions made within the Department of Justice affecting career attorneys. That was not permitted, but it was done. We need the next Attorney General to be one who will make sure politics has no place in those types of personnel decisions.

Again, Eric Holder's career has shown his willingness to carry out his responsibilities in a nonpolitical way. He has handled major public corruption cases as a U.S. attorney against both Democrats and Republicans. He understands the responsibilities of the Department of Justice.

We need our next Attorney General to reestablish the premier role of the Department of Justice in the Civil Rights Division. The Civil Rights Division historically has been the key agency to protect the civil rights of the people of this Nation. We need the next Attorney General to reestablish that in the Department of Justice. Once again, Eric Holder has demonstrated that sensitivity that will restore the role of the Department of Justice in protecting the voting rights of all Americans.

The list goes on and on and on. Bottom line, the next Attorney General must restore the reputation of the Department of Justice. I believe he is the right person, but it is not only me. Let me read from some of the record that has been presented to the Judiciary Committee.

Both law enforcement and civil rights groups support Eric Holder. The Fraternal Order of Police writes that:

Our members reported that they found Judge Holder and U.S. Attorney Holder an able and aggressive prosecutor.

The Leadership Conference on Civil Rights, which is a group of our major civil rights advocates in this country said:

Mr. Holder's various experience as a trial attorney, judge, prosecutor and lawyer in private practice make him uniquely qualified to run the Department of Justice. It would be difficult to find a candidate more experienced in the Department or better suited to lead it. His background will render him ready to lead the Department from day one. His even-mindedness and sound judgment will ensure that justice is dispensed fairly and equitably. His professional accomplishments and ability to put partisan politics aside make him above reproach. His commitment to the rule of law makes him the ideal candidate for the nation's top prosecutor.

Now, that is the Leadership Conference on Civil Rights, which, again,

is comprised of the premier groups in this country that are out there fighting for the rights of the people of this country.

I would also draw my colleagues' attention to a January 7, 2009, letter received by the Judiciary Committee from several former high-level Department of Justice officials in the Republican administration. They write:

We are pleased to be able to write in support of Eric Holder, a man who stands with the most qualified who have been privileged to be nominated to be Attorney General of the United States. President-elect Obama's nomination of Eric as the historic appointment of the first African-American Attorney General should be hailed as a milestone. He is an extraordinary lawyer and an even better person.

We need to move forward immediately in the leadership in the Department of Justice. I would urge my colleagues, let us move forward on the confirmation process as quickly as possible. I look forward to Eric Holder being the next Attorney General of the United States. I hope we will do that very shortly.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend for one moment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 22, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to commit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith,

with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to commit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON pertaining to the introduction of S. 22 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

RECESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—Continued

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL AND GAZA

Mr. BINGAMAN. Mr. President, I am here today to speak about the growing violence in Gaza. I support the United Nations Security Council resolution calling for an immediate and durable cease-fire. In my view, both the Israeli airstrikes and the Palestinian rocket attacks must stop immediately, and Israeli ground forces should withdraw from Gaza. I regret that President Bush chose to have the United States be the only Security Council member not to support this U.N. resolution.

I ask unanimous consent that the full text of the U.N. resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Last week, the Senate responded to the hostilities by passing S. Res. 10, a resolution that I do not support. While I agree with some parts of the resolution, I believe it left out important provisions. The resolution called for Hamas to end the rocket and mortar attacks but it did not call on Israel to stop its airstrikes and ground assault. Nor did the resolution call on Israel to withdraw from Gaza. Moreover, I believe the resolution downplayed the humanitarian situation in Gaza. Thousands of people in Gaza do not have access to food, clean water, or medical care. The U.K. Foreign Minister, David Miliband, speaking about humanitarian conditions in Gaza said, "the word 'crisis', which is sometimes overused, is wholly appropriate" to describe how bad things are. He made that statement to describe how bad he saw that things are at this time.

I support Israel's right to defend itself. Israel has no stronger ally than the United States, and we have no better friend in the region than Israel. But friends can make mistakes.

The rocket attacks that Israel has suffered are unacceptable. But I believe Israel's use of force has been excessive and I do not believe it will help Israel achieve its long-term goals. Instead of weakening Hamas, the incursion is boosting support for Hamas both among Palestinians and the Arabic world and it is undermining support for moderates in the region. Instead of making Israel's enemies fear its military power, I believe this conflict shows its enemies that they can taunt Israel into reacting so strongly that it undermines its international support. Instead of rebutting the accusations that Israel has ignored the long-deepening humanitarian crisis in Gaza, the growing death toll and worsening living conditions will fuel similar accusations long into the future.

This violence is but another chapter of violence in the long history of the Middle East. What is needed is an international effort to broker an immediate truce and to build that into a lasting peace.

A lasting peace requires a two-state solution. It is hard to see how such an agreement can be achieved without the deep involvement and leadership of the United States. I have been disappointed that the Bush administration has failed to lead the peace process for the past 8 years. President Obama should not repeat that mistake after he takes office next week. He should appoint a special envoy to the region soon after his Secretary of State is confirmed by the Senate. President Obama should commit his administration to a steady and persistent effort to engage both Israelis and Palestinians in finding a political solution to the conflict that has long plagued this region.

EXHIBIT 1

RESOLUTION 1860 (2009)

Adopted by the Security Council at its 6063rd meeting, on 8 January 2009

The Security Council,

Recalling all of its relevant resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008),

Stressing that the Gaza Strip constitutes an integral part of the territory occupied in 1967 and will be a part of the Palestinian state,

Emphasizing the importance of the safety and well-being of all civilians,

Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm; and emphasizing that the Palestinian and Israeli civilian populations must be protected,

Expressing grave concern also at the deepening humanitarian crisis in Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people through the Gaza crossings,

Recognizing the vital role played by UNRWA in providing humanitarian and economic assistance within Gaza,

Recalling that a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means,

Reaffirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Stresses* the urgency of and *calls* for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;

2. *Calls* for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment;

3. *Welcomes* the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

4. *Calls* on Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, including through urgently needed additional contributions to UNRWA and through the Ad Hoc Liaison Committee;

5. *Condemns* all violence and hostilities directed against civilians and all acts of terrorism;

6. *Calls* upon Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained reopening of the crossing points on the basis of the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel; and in this regard, *welcomes* the Egyptian initiative, and other regional and international efforts that are under way;

7. *Encourages* tangible steps towards intra-Palestinian reconciliation including in support of mediation efforts of Egypt and the League of Arab States as expressed in the 26 November 2008 resolution, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions;

8. *Calls* for renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in Security Council resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative;

9. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

10. *Decides* to remain seized of the matter.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL.) Without objection, it is so ordered.

TRIBUTE TO NAVY SECRETARY DONALD C. WINTER

Mr. MARTINEZ. Madam President, today it gives me great pleasure to pay tribute to an outstanding leader and tremendous public servant, Navy Secretary Donald C. Winter.

When Donald Winter was sworn in as Secretary of the Navy on January 3, 2006, he was charged with training, equipping, and organizing our sailors and marines in a time of war. He assumed these responsibilities at a time when the U.S. Navy was in the midst of an ambitious modernization program across the board. A new class of destroyers, aircraft carriers, submarines, cruisers, and others was in the production pipeline. It would take an extraordinarily talented, knowledgeable, and energetic leader to navigate the Department of the Navy through these transitions. We were fortunate to find such a person in Donald Winter. He was that kind of a leader. He immediately outlined his priorities and then set to work on implementing them: Prosecute the global war on terror; build the future fleet; take care of our wounded and their families. Those were his priorities, and each day he drove the Department to focus on these areas.

With 25,000 marines and 36,000 sailors in Iraq, Afghanistan, and elsewhere in the Central Command's area of responsibility, the Navy and Marine Corps have been playing a critical role in fighting this war. From providing maritime security in the Northern Arabian Gulf, to turning around a seemingly hopeless situation in al-Anbar Province, to providing individual augmentees on the ground in Iraq, our sailors and marines have been on the front lines and have been performing superbly. These sailors and marines have always been foremost in Secretary Winter's mind, and they are the ones he has worked tirelessly to support in every way possible on Capitol Hill, within the Pentagon, and throughout the Department of the Navy.

While supporting our brave warriors in harm's way, Secretary Winter also focused on building the future fleet by instituting the most far-reaching acquisition reforms in decades.

I had the pleasure of traveling with Secretary Winter to Guantanamo Bay in Cuba in May 2007. It was my second

time returning to this island since my arrival here in 1962. What I saw was the tremendous leadership ability he possesses and his firm commitment to the men and women of the U.S. Navy.

I would also commend Secretary Winter for his tireless efforts to ensure that our Nation is doing everything in our power to take care of our wounded. Secretary Winter has been an outspoken and relentless advocate for our wounded warriors, insisting on the highest possible standards for every sailor and every marine.

So on behalf of the men and women serving under him in my home State of Florida, I salute Secretary Winter for his superior performance in leading the Navy and Marine Corps over the past 3 years. We wish him Godspeed in his future endeavors, and we thank him for his service to our Nation.

SITUATION IN ISRAEL

Mr. President, the first and most sacred duty of any government is providing for the safety and security of its citizens.

Hamas's repeated rocket attacks on the Israeli people created a situation that required an Israeli response.

I was pleased to join my colleagues in cosponsoring S. Res. 10, which recognizes Israel's right to defend itself against attacks from Gaza.

While diplomacy is always a preferable alternative, at some point any legitimate government must take the necessary actions to safeguard its people from acts of terrorism against an unarmed civilian population.

With more than 6,000 rocket attacks launched into Israel from Gaza, the Israeli government acted reasonably in an effort to end the attacks against civilian targets.

These attacks are Hamas' latest attempts to advance their cruel and murderous agenda.

Hamas first began as an offshoot of the Muslim Brotherhood, a terrorist group responsible for the assassination of Egypt's President Anwar Sadat.

As you might recall, Sadat was the first Arab President willing to make peace with Israel.

Hamas has since claimed the lives of countless others throughout the region.

In 2002, a Hamas suicide bomber killed five Americans and four Israelis who were eating lunch in the cafeteria at Hebrew University in Jerusalem. The bomb was smuggled in a backpack loaded with shrapnel, which maximized damage to the cafeteria and inflicted severe injuries on more than 80 students.

Since coming to power politically in 2006, the terrorist organization has hijacked the Palestinian people's agenda.

They have cynically used their own people as civilian shields and brought harm to those who do not share their radical views. During the June 2007 coup in Gaza, Hamas operatives killed

a cook of Palestinian National Authority President Mahmoud Abbas by throwing him from the roof of a 15-story building with his hands and feet tied. In the current conflict, they have fired rockets at their own people. On December 26, two Palestinian girls aged 5 and 13 were killed when a rocket fell short of reaching an Israeli target.

Hamas openly admits it uses women and children as human shields. One Hamas leader described this appalling practice by saying, "For the Palestinian people, death has become an industry. . . . This is why they have formed human shields of the women, the children, [and] the elderly."

Instead of investing in their own people's well-being, in roads, schools, and hospitals, they have instead invested in the cache of weapons they are using to cause death and destruction in Israel.

As a result, Palestinians are suffering. They have limited access to basic needs such as food and medicine. Their free speech has been suppressed through violence. And their right to freely practice religion has been replaced by a strong-armed enforcement of a radical brand of Islam.

The largest beneficiary of Hamas's weapons purchases has been Iran, which has aided Hamas by training terrorists and offering advice in making deadly explosives and long-range rockets. Throughout the conflict, Hamas has turned into a Hezbollah-like Iranian proxy by threatening Israel from the south. Iran's willingness to embolden terrorist organizations like Hamas poses a serious threat not only to Israel, but also the United States.

While Iran's influence has been plainly apparent across the Middle East, they have surreptitiously worked to advance their anti-American agenda in our own hemisphere. In recent years, Iran has aggressively increased its Latin American presence by working with the leaders who have found a commonality in the Iranian President's radical ways.

Iran and the regimes of nations like Venezuela and Cuba may not share a common border, but they share an anti-American agenda that poses a tremendous risk to our Nation's security.

Iranian President Mahmoud Ahmadinejad first visited Venezuela in 2006 and has since returned to visit the leaders of Cuba, Nicaragua, and Bolivia. He has also hosted Latin American leaders in Tehran.

As a result of these meetings, Iran has entered into several economic and political agreements, including plans to finance new progovernment television and radio stations in Bolivia and countries throughout the region. These agreements help to fan the flames of anti-Americanism, which persists throughout the region.

The government of Argentina recently revealed they received \$1 million from the Cuban regime to pay for

anti-American protests during President Bush's visit there in 2005. Cuban families could have used that money for food, but instead it was wasted on furthering the regime's anti-American agenda.

What has been lost on these Latin American leaders is the larger conflict at hand.

Iran is heavily invested in a conflict that has claimed the lives of countless innocent civilians, and they will stop at no cost, continuing to aid in the destruction of American allies.

For our Nation, the next few weeks will be historic, but critical.

I am anxious to hear about President-elect Obama's plan to address the Israeli-Palestinian conflict, and I am hopeful his administration will continue to reaffirm the U.S.'s historic commitment to the people of Israel.

I am also hopeful the administration will continue efforts to persuade Syria to stop yielding to Iran's devious demands. Syria must understand that Iran's interests do not serve the interests of the people of the Middle East.

Egypt has taken significant measures in trying to stop Hamas's smuggling of weapons and militants from Egypt into Gaza, but they must do more.

One proposal I support deploys an international force of military engineers to monitor and destroy the tunnels along the Egyptian border near Gaza.

I would also encourage the new administration to continue working vigorously with the European Union, Russia, and the United Nations on the U.N.-sanctioned "Annapolis Process" to achieve a final status agreement between Arabs and Israelis that includes a viable, democratic Palestinian state living in peace with Israel and its neighbors.

And finally, I hope to see further progress in our efforts to train the Palestinian Presidential Guard led by U.S. General Keith Dayton.

Although the recent outbreak of violence in Israel is troubling, I am hopeful a new cease-fire agreement can be reached very soon.

A true cease-fire with Hamas should include a guarantee for no more rockets and safeguards against rearming.

Both sides will soon realize that further loss of innocent life is too great a cost, and peace and security is the only viable way forward.

I look forward to working with my colleagues on the Armed Services Committee and the new administration to find a way forward in Israel and ensure a plan for peace in the future.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY DETAINEES

Mr. BROWNBACK. Madam President, I rise to speak today about a topic that is in the news, is important, and has to do with an area of Leavenworth, KS, very near the Presiding Officer's State, and in my home State, about the issue of the Guantanamo Bay detainees.

My simple point on this issue is, there is a very strong push—and I understand that push, and it is one that has been going on for some period of time—to close Guantanamo Bay. I would simply make the point we should not attempt to force-fit detainees where they do not belong and where it does not fit. I do not believe the new administration can look my constituents in the eye and say to them they are going to be safe with detainees at Fort Leavenworth as they are with military prisoners at Fort Leavenworth, and particularly not with what we are talking about from Guantanamo Bay.

I have invited President-elect Obama and his team to come to Leavenworth to look at this facility, to see if this is something that could fit and work. I do not believe it does at all. But I have invited them there to come and to look and to make their own assessment.

I further call on the incoming administration to conduct a thorough study—a thorough study—of all possible locations where detainees could be transferred. The study must seriously assess the legal and security requirements for detainees, as well as the impact on the areas surrounding a proposed detainee location.

In the end, I believe the detainees will probably need to go to one of three types of places: overseas, either in the custody of foreign nations or at U.S. military facilities abroad set up for these types of detainees we have at Guantanamo Bay or on military land or at facilities previously closed or scheduled to be closed under the BRAC process, the Base Realignment and Closure Commission, or into a new facility specifically designed for these detainees.

The administration is projecting they are going to sign an order right off when coming into office that is going to close Guantanamo Bay. I am asking them, in looking at my State, in looking at the Disciplinary Barracks at Leavenworth, that they consider the nature of the facility, the nature of the detainee, and make a careful assessment as to whether this fits in this situation.

Let me describe for you a little bit the situation of the Disciplinary Barracks at Fort Leavenworth, KS. Fort

Leavenworth is a small facility. It is roughly 8 miles by 8 miles. It is a primary mission facility for education in the military. It is the Command and General Staff College for the military, for the Army. They do an outstanding job of that. They do an outstanding job not only for the U.S. military—particularly for the Army—they have all branches of the services that come there to be trained, but they also have, at any one time, students from 90 different countries at this facility.

I recently spoke at a graduation exercise there with a number of students who were coming out of a program, and the President of Uganda was there because his son was graduating from this program. One of the key problems with relocating the detainees from Guantanamo Bay to Fort Leavenworth is that a number of Islamic countries will not send students now to Fort Leavenworth if detainees are being held there who they don't believe should be detained in the first place. Then you start to break these military-to-military ties that have been so important for us to be able to work in concert with—places such as Saudi Arabia or Kuwait or the good work we have been able to do in some cases back and forth in Pakistan, although not nearly enough. We need to do a lot more—and better. But if you break that tie, where you are training these military officers side by side and then building relationships that work back and forth and then you start moving toward: Well, the Saudis aren't going to send anybody to the Command and General Staff College in the United States because detainees who they believe in their countries shouldn't be held are being held in the same facility that is an 8-square-mile facility. Then the Kuwaitis don't do it and the Pakistanis don't do it and you start breaking these types of ties.

The major purpose of Fort Leavenworth is education, not discipline. Then there is the problem with the nature of the Disciplinary Barracks itself. It is primarily a medium disciplinary facility at Fort Leavenworth, not maximum. We do not have the space to be able to contain all the detainees from Guantanamo Bay. We don't even have enough space to contain what would be referred to as the worst of the worst from the Guantanamo Bay facility at the Disciplinary Barracks at Fort Leavenworth. Plus, it is against the law to mix a U.S. military population, where we have had people from the U.S. military who have committed a crime and they are being held at the Disciplinary Barracks—you cannot mix that population under law with a population of foreign detainees. That is against the law. It is against conventions we have entered into. So there is that legal hurdle that is there as well.

Now let me further describe the facility. It has a major railroad that runs

through it. It has a train coming through on a regular basis 10 to 15 times a day. The security concern that raises of moving detainees from Guantanamo Bay—very high visibility—to the middle of the country but a place where people could try to spring them, are they going to use the railroad track? Are they going to try to bomb or put bombs in the railroad coming through? It is a real problem. We don't have an exterior fence. We have the Missouri River, but that is fairly navigable to be able to move across for a terrorist population or somebody who is trying to get into the perimeter of the facility to make it through. So we are not set up that way. It is within a major urban area of Kansas City. Kansas City straddles both the Kansas and the Missouri side. Leavenworth is on the edge of that, on the northern edge of that Kansas City complex. So you are moving the detainees from Guantanamo Bay in a confined facility away from major urban areas and right into a major urban area in the United States. That doesn't make much sense. It is going to be very difficult to do. It is going to be impossible to do. And then to look my constituents in the eye and look the constituents of the Presiding Officer in the eye and say: You are going to be as safe as if you have military detainees.

We are used to handling the prison population at Leavenworth. We have a multiple set of facilities. We have a Federal penitentiary, we have a State penitentiary, we have a private penitentiary, and we have a military penitentiary. The community is very well adapted to be able to handle prison populations. It does it very well. But the community does not want this population because they say we are not set up to be able to handle this population. I think this is a community that does not say not in my back yard because they have been willing to take prisoners for some period of time. They are just saying they are not set up for this prison population in our back yard. We can't handle this.

For all these reasons, I would urge the administration—the incoming Obama administration—to take a very hard, serious scholarly view of what it is you can do with the Guantanamo Bay detainees. I would ask them to take a very serious look at the logistical problems of Leavenworth.

I know a number of the people who are involved at Fort Leavenworth are deeply concerned about the fact that they have a number of schoolchildren who are educated on the Fort Leavenworth military base, because at the Command and General Staff College, we get people assigned there for a year, 2 years, sometimes longer periods of time and families move there. We have schools we operate on the military base. We are deeply concerned about somebody coming in, wanting to make

a statement and going into one of those schools and taking the children hostage.

I have seen situations where a number of people are put in harm's way for no good reason whatsoever, and seeing that this facility is not set up to be able to do this is one of them.

I have visited with people locally. I have a call scheduled with Secretary Gates. We have been putting this forward in legislative form in prior legislative sessions, and I will be in this legislative session as well to make this point. If it had been easy to close Guantanamo Bay previously, I am certain the current administration would have done it. It is a difficult task. But that doesn't mean that because it is a difficult task, then you do it fast. It means because it is a difficult task, you take your time and you do it right or you are going to create a lot more problems down the road. This is one where I think the loss in this situation is far greater—far greater—than any gain we would get in closing the Guantanamo Bay facility, particularly in our relationship to Islamic countries.

I would plead with the new administration to look at this in a very serious and in a very clear and in a very analytical way, to make a wise decision that will stand for the future and not just create a huge set of problems for the future.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Mr. President, I have been interested for some long while about new technology and the Internet and all those related issues.

I recall reading a couple of years ago a statement by the former president of IBM in which he described the unbelievable leapfrog in technology and capability—most of it breathtaking. Most of us understand that because we use the Internet we can go anywhere in the world at our fingertips on the keyboard, but he described something breathtaking to me. He described the issue of storage density and the new capability of storage density. He said that we are on the cusp now of being able to reduce in storage density all of the works that exist in the Library of Congress—I think it is somewhere around 14 or 16 million volumes of work—which is the largest repository of human knowledge that exists anywhere on Earth; to be able to store that on a very small wafer the size of a penny.

Think of that: a wafer the size of a penny representing the storage device that contains the largest repository of human knowledge in history. Pretty remarkable.

Assume that you are able to walk around with a storage device the size of a penny in your jacket pocket which you can put into a computer and peruse all that human knowledge that has been gained since the start of human history. On that storage device would be a lot of information, but what wouldn't be on that storage device—of all the human knowledge accumulated since the beginning of time—would be how we get out of this financial mess that the country is now in. There is no formula, there is no rule, there is no experience that would give us a road-map of how we get from here to where we need to be to get out of this financial wreck.

We are indeed in a financial crisis. And the one thing that unites the smartest economists in the country or the deepest thinkers or the latest self-proclaimed greatest sage and all the rest of us, the thing that connects us all, is none of us has ever been here before. We are all walking in the woods for which there is no map and all we have is a guess as to how we are to try to put this economy back together.

Now, some people say: Well, what does all that mean, this financial crisis? How do we understand that there is this wreckage occurring in the economy? Well, you can look at it a number of ways. You can look at the people who have been saving for a long period of time, investing their 401(k) in a mutual fund or in the stock market. After 30 years of work, they had a nest egg for retirement, but they have lost 40 or 50 percent of it, just like that. Half a lifetime of savings gone, like that. That is one piece of evidence. It is pretty dramatic for every family in this country.

But there is other evidence as well. And that evidence especially, it seems to me, describes the crisis in our families in this country. If you look at last month's unemployment report, it says, in a kind of a sanitary way, that 524,000 people lost their jobs. Well, what if you just say 523,999 and then focus on the one, just one person who had to come home, in most cases, and tell a spouse: You know what, I have lost my job today. No, I am not a bad employee. I have worked hard for that company for 10 or 15 years, but they laid employees off today. To that one family, that is 100 percent unemployment, and that is a disaster for that family. Think of it. Last month, over half a million Americans had that discussion some night around the supper table: What are we going to do?

And it is not just the half million people who lost their jobs last month or 2.6 million people who have lost their jobs since this recession started,

and which has grown deeper; it is the hundreds of thousands and millions more who have not only had to say I have lost my job but who have had to say I have lost my house as well. It is pretty unbelievable.

This is an extraordinary country, with great strength, and an economic engine that has been the wonder of the world. No one in the world has done what we have done to expand the middle class and give everyone a feeling of opportunity. No one has done that. I have described before the unbelievable accomplishments of our country. We have survived the Civil War, survived a Great Depression, and we have been through two World Wars. We represent the beacon of freedom around the world. We have always been a country that represents hope.

I have been in so many parts of this world and asked people: What do you desire for your life? I remember being on a helicopter that ran out of gas between Nicaragua and Honduras in a mountainous area. We landed under power but we landed because we had no fuel, and campesinos from around the region came to see who had landed in this helicopter. We were stranded for about 4 hours until we were found. We had an interpreter, and so during a discussion, through an interpreter, I asked a young woman, who walked up with others—she had about three or four children with her, probably in her early 20s—what do you aspire to do for you and your family? Oh, I want to come to the United States, she said. Why? Because the United States is where there is opportunity and freedom, she said. So in a discussion up in the mountains between Honduras and Nicaragua someone who had never seen an American understood America as a place for her and her family, a place of opportunity and freedom.

It is unbelievable what this place has represented to the rest of the world. We split the atom, we have spliced genes. As I have said before, we have cloned animals. We invent things—the silicone chip, plastic, and the radar. We cured smallpox and polio. We built the telephone, the television, the Internet, and the computer. We built airplanes and learned to fly them; built rockets to fly to the Moon. It is unbelievable what we have done. Our country is just that resourceful.

But we have found ourselves in recent months in a very deep hole. We find ourselves right now perched on the edge of a cliff, and the question is: What do we do to try to restore economic health to this country so that next month the news is not another half million Americans have lost their jobs; so that perhaps next month, or some month in the future the news will be that more Americans are working, more Americans have found jobs, more Americans are owning homes. How do we do all that?

The fact is, there is not anything in recorded human history that replicates this and there is not anyone who knows what is the menu to use to restore economic health. This country is in some very severe difficulty.

I wish to talk about what all this means and what I think we have to do. President-elect Obama came to the Senate today and spent time with the Democratic caucus. He spent the lunch hour with us and spoke for nearly an hour. It was an extraordinary exchange of views. He is a very gifted person who I think has great promise and, I think, hope that we can restore economic health to this country. He is going to need a lot of help. He is going to need a lot of us, Republican and Democrat. He is going to need the American people to join in an effort to restore economic health to this country.

In the Thomas Wolfe book "You Can't Go Home Again," he describes the kind of unique character of the American people. He describes it as a quenchless hope, boundless optimism, indestructible belief. I think these qualities exist in this country and it has gotten us through many difficult periods and will again and will this time. But this will take some effort. This will not be easy.

I have described before what has caused much of this. It is not rocket science to describe it. We have seen what I think is an unbelievable carnival of greed, creating and trading exotic financial instruments that had dramatic risks, attaching that risk to some of America's biggest financial institutions and some of America's biggest banks. To go right to the origin of it—I have said it before and I will say it again and again, as long as I have an opportunity to speak about this because you have to close the gate. You cannot restore confidence in this country until you close the gate. Here is the house of cards that was built. We know what happens to house of cards in a high wind and all that, it has come down.

I described the other day, and I am going to once again, what is called a subprime mortgage scandal. They were advertising mortgages. We have all seen it. We have seen these advertisements. Here is the Countrywide ad. It was the biggest mortgage bank in the country. It now doesn't exist. It was subsumed into another company. By the way, the CEO of Countrywide, I am told—at least reading the newspaper—got away with a couple hundred million dollars for himself so he is not exactly shedding tears about all this. But here is what they were advertising for the American people: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. We would like to give you a loan.

Does that sound like sound business practices? It doesn't to me. What does

it mean? The broker was able to get \$10,000, \$20,000 in bonuses for the loan. The mortgage company took their cut. Then they securitized it. They sold the security and rolled it into others—like they used to in the old days pack sawdust in sausage and roll it all together—they rolled these loans into a securities instrument, sold it up to hedge funds, sold it to investment banks. And they put prepayment penalties into it so borrowers were locked in, 3 years from the teaser rate, to interest rates that the borrower couldn't possibly repay and everybody was fat and happy and everybody was making a fortune—millions of dollars. Everybody was making a fortune.

The problem is it was a lot of air. It was not just Countrywide. Zoom Credit Company—here is what they said in their advertisements:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan.

Even if your credit's in the tank, Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation.

And then they finished with this:

Bankruptcy, slow credit, no credit—who cares?

Does that look like a good business practice to you? It looks like a Ponzi scheme to me.

This morning the judge in New York said Mr. Madoff, who had a \$50 billion alleged Ponzi scheme, was not going to be incarcerated. He apparently bilked people out of \$50 billion, but he is spending today in a \$7 million penthouse apartment in New York City because the judge says: No, no, he should not be incarcerated. That was a Ponzi scheme, apparently. People thought they had money invested with him. They, in fact, did not. It turns out there was not the money they thought was in their accounts.

But it is not just Mr. Madoff who had a Ponzi scheme. Do you think this is not a Ponzi scheme, a company such as this says: If you are bankrupt, you cannot pay your bills, you have slow credit, you have no credit, come to us; do you think that is not a Ponzi scheme? Because what do you think they did with that when they roped this customer into coming to them for a mortgage? They said: Tell you what, we have a sweet little deal for you. We will give you a mortgage called no-doc, that means you don't even have to demonstrate your income to us that will demonstrate you can repay it—no-doc loans. By the way, we will give you a mortgage, no documentation of your income, and we will give you a mortgage in which you don't have to pay any principal at all, just interest. Or, if that is not good enough, you don't have to pay all the interest for the first year. If that is not good enough, we give you a mortgage where we make

the first 12 months' payments for you. But wait, we will give you a teaser rate. You can pay 2 percent interest rate. You can cut your home mortgage in half.

We don't tell you about the fine lines that say we are going to reset the interest rate to a much higher level in 3 years and you are not going to be able to repay it. And, by the way, we are going to put a prepayment penalty in so you can't get out of this because—do you know what we are going to do with this mortgage? We are going to package it up with others, called securitizing it, and we are going to sell it so we don't have any responsibility for it anymore and a hedge fund is going to buy it. Do you know why a hedge fund is going to buy it? We have a prepayment penalty in there with high interest rates and it will reset in 3 years and we are going to make a lot of money. They were all fat and happy when they built this huge bubble and the bubble burst and it helped cause a collapse in this economy.

I say all of that just to say it is not over. Go to the Internet right now, and see if you can find what I found—no documentation loans. We still have shysters out there advertising this kind of nonsense: We will give you a loan. You don't even have to document it.

What happened as a result of this? Some of the biggest financial names in our country, it turns out, were investing deeply in what we now understand is toxic assets. We all understand the word "toxic." It always used to be associated with a waste dump, toxic waste dump. Maybe toxic is an appropriate term. When the Treasury Secretary says toxic assets, it seems to me the bowels of some of the biggest financial institutions represent toxic waste dumps because that is where these bad assets exist.

So the Treasury Secretary came to us when it looked like everything was going to collapse and said I need \$700 billion from the American taxpayers and I need it in 3 days and I have a three-page bill I want you to pass. Why? What I am going to do, I am going to buy these assets from the biggest financial companies in the country and relieve them from this toxicity deep in the bowels of the banks. I did not vote for it, but sufficient numbers of my colleagues voted for it to authorize \$700 billion.

Now \$350 billion has either been spent or committed. The scandal is we cannot find out how the taxpayers' money has been used. To whom? For what purpose? Under what conditions?

We know in total there is about \$8.5 trillion that has so far been committed by the Federal Government. That means the taxpayer is on the hook for about \$8.5 trillion—the Federal Reserve programs, \$5.5 trillion; FDIC, \$1.5 trillion; Treasury Department, \$1.1. Do

you know what? The Bloomberg News Corporation had to sue the Federal Government to get information about this. Isn't that unbelievable? They should not have had to sue anybody.

Let me show you the statements that were made by the Treasury Secretary and others. Here is what the Treasury Secretary said on the 23rd of October:

We need oversight, we need protection. We need transparency. I want it, we all want it.

That is just words. It didn't mean a thing. There is no transparency. You cannot find out what is going on. The Treasury Secretary took \$125 billion and shoved it at nine banks and said: I am going to invest in capital. I changed my mind, I am not going to buy any assets. So the TARP program, which got its named for troubled assets—there are no troubled assets purchased by the Secretary. He said: I changed my mind, now I want to give capital to banks.

That is not necessarily a bad idea, except he took \$125 billion and plugged it into nine banks, some of which didn't want it, and there were no strings attached. He said: I am doing this because I want you to expand lending. There was no requirement they expand lending, no requirement they not use it for bonuses or dividends.

If you ask the Treasury Secretary: Did they expand lending with the \$125 billion of taxpayers' money you sunk into capital, his answer is: I don't know. Ask the banks. They tell you money is fungible, we are not going to tell you that answer. We know don't know. But ask people wanting to get money from the banks. They will tell you there is no additional lending or expansion of credit. It was just a commitment on behalf of the American taxpayers of \$125 billion in search of a solution that didn't exist because he didn't put strings on it or attach some conditions to it, so that is where we are.

Ben Bernanke, head of the Federal Reserve Board, said on the 24th of October, "Transparency is a big issue." I guess so. It is certainly a much bigger issue, given what he has done. He has moved massive quantities of money through the Fed—by the way the Fed opened its window to direct lending to investment banks for the first time in the history of this country. They used to only do direct lending to FDIC-insured banks. They opened the window to direct lending to investment banks. The question is, Who got the money? Under what conditions? How much? The answer is, We don't know. We are not telling you.

That is unbelievable to me. There is nothing in the Constitution about this. The Constitution is a short little document that talks about powers, the powers of the executive branch, the powers of the legislative branch, and judicial branch. You go read the Constitution and try to figure out whether you

think the opportunity exists for somebody, even in a crisis, to commit \$8.5 trillion, \$8.6 trillion on behalf of the American taxpayer and then tell us you will not to get information about this? Go to court. That is unbelievably arrogant, in my judgment.

Having said all that—which is, in some ways, therapeutic for me to go through what has caused so much of this and to talk about the folly of the pursuit of a solution. That we cannot possibly succeed unless you have conditions and attachments to those moneys that are being used—all of this, it seems to me, is wrapped in a circumstance where we now find ourselves with a new President. He will be sworn in on the west front of this building next Tuesday. He inherits the most significant set of economic problems I think of any President since Franklin Delano Roosevelt. I don't think there is much question about that.

The question is, Where does this go from here? You know the law of holes: When you are in a hole, stop digging. The question is, How do you stop digging? How do you find a way to put this back on track to some sort of growth? Where is the bottom? How do you stop this from falling off a cliff? There are all these folks, the so-called smartest people in the room, who share with me and with my colleague from Arkansas, who is the Presiding Officer—share the fact that none of us understand the answer. Nobody understands exactly what to do.

But I wish to say this: I think at the root of this is always, and will always be, with this economy of ours, the issue of confidence. Do people have confidence about the future? If they are living in a place, in a country and at a time when they can be confident about the future—confident for themselves and their kids, confident that they will have a job, retain their jobs, have job security, have a decent payroll, have benefits in the future—then they are confident and do things that manifest that confidence: buy clothes, take a trip, buy a car, buy a house; they do the things that expand this economy. But when they do not have confidence—and the American people at this point do not—they do exactly the opposite, which contracts this economy. They defer all those purchases and decide, you know what, we don't have confidence that we are going to keep this job, have this income, provide for our kids. We need to cut back, and that contracts the economy.

So the question is this: It is not, as I have said often, about how do you tune the engine on the ship of state. How do you go down to the engine room and take a look at every dial, gauge, lever, knob, and just adjust it just right?

In fiscal policy or in monetary policy, how do you adjust it? Tax credits? M1B? Fiscal stimulus? It is not that at all, in my judgment, because there is

not a perfect menu to provide confidence to the American people. And it does not matter how you adjust those issues if you do not find a way to instill confidence, the economy is going to contract. So I have introduced legislation with a number of pieces that I think are essential to try to provide that kind of confidence. Let me describe them.

First and foremost, I do not think you can do this and give the American people confidence unless you look back and look forward. That means accountability, and accountability means looking back and looking ahead, it seems to me. I described the absurdity of Mr. Madoff running a \$50 billion Ponzi scheme, living in his \$7 million apartment in New York City, and the judge saying: That is okay. It seems to me there is an equal absurdity here of having the equivalent type of Ponzi schemes in which you loaded some of the biggest American financial institutions with dramatic amounts of risk and debt and say: Well, now that is past, no one is accountable. It seems to me someone is accountable for that. Are they still around? Were they getting \$20 and \$30 million a year? Some of them were. There was a recent investigative piece by the Washington Post describing the person in charge of risk management and describing a trader at the same firm, both making somewhere in the neighborhood of \$20 million a year. Who is accountable for that, for the collapse as a result of the loading up of dramatic risk in an investment bank and then having the American taxpayers bail it out?

Here are some of the so-called biggest institutions that were deemed "too big to fail." Until this point, they have not only been "too big to fail," they have been "too small to regulate" apparently because we have a lot of folks in this town who do not want to regulate anything. They want to be willfully blind, including those we pay to regulate these entities. They are the ones who helped us decide long ago, as a country: We are not going to look at derivatives, we will not regulate derivatives, and we are not going to regulate hedge funds. We are willing to countenance a lot of dark money out there because we do not need to see it. You know, the high priest of that thought was, of course, Alan Greenspan, whose notion of how you handle all of this is self-regulation. Self-regulation will work just fine, he said. Well, it turns out that was a miscalculation to the tune of some trillions of dollars. It did not work fine.

Here is what we need to do—accountability going back. I have just described Alan Greenspan. He came and testified. He said: "I made a mistake in presuming the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their own equity in the firms."

You know the old saying that there is no education in the second kick of a mule. We know this. We knew this. We have been through this in the Great Depression. We were through the Gay Nineties and the Roaring Twenties. None of us lived then, but we learned the lessons and put in place the protections to make sure it never happened again.

About 10 years ago, the Congress took apart most of those protections. I voted against it. I thought it was a terrible decision. But here we are paying the price for that.

Those protections, it seems to me, at this point need to be reconnected. So what should we do? Well, first of all, I think, in addition to a rescue plan of some type, or a stimulus plan, as it is being called, it seems to me you need some type of taxpayer protection. Nobody is looking out for the taxpayer here, and the taxpayer is having to make the commitment through the Treasury Secretary, through the Federal Reserve, and through the Congress. Let's have a taxpayer protection plan or a Taxpayer Protection Act.

One, I think we ought to extend the oversight, accountability, audit, and all the reporting provisions that were imposed originally by the Treasury Department under the Emergency Economic Stabilization Act to cover any financial entity that provides emergency economic assistance to private firms. There ought to be complete transparency, no secrecy, nobody saying: We will not tell you, we will not show you, we will not disclose to you.

Second, all private firms receiving emergency financial assistance should be subject to the same set of rules and restrictions relating to executive compensation, golden parachutes, dividend payments, to name a few.

You know, we had the auto industry executives come down here, and they were widely pilloried for flying Gulfstream IVs wing tip to wing tip from Detroit to Washington, DC. It turns out that there were over 20 commercial flights that day from here to Detroit and back. One could have sat them in first class and provided them Dr. Pepper in a paper cup, or whatever it is they do in first class, between Detroit and Washington, DC, and they would have been fine. But they flew down wing tip to wing tip in Gulfstreams and, you know, making \$2 million, \$2.5 million a month, whatever it was. There was a lot of criticism about it—justifiable, in my judgment. I want the auto industry to succeed, but that was not a very smart thing that day.

But the question is, Why it is just the auto industry? Where are all of those folks who ran some of those big investment banks into the ditch? Where are the folks who caused that wreckage? How about the people who ran these big mortgage companies that were selling these unbelievable mortgages to

people with bad credit and getting big bonuses as a result? When are they going to be brought here under subpoena and asked the same questions and subject to the same requirements?

I think we ought to create a taxpayer protection prosecution task force. I believe there is a lot of illegal activity that has not been uncovered. And I do not think it ought to be laid at the feet of some attorney general someplace in some State. There ought to be a Federal prosecution task force empaneled, and that task force must make it a top priority to investigate and prosecute financial fraud cases and seek to recover any ill-gotten gains. The task force shall make recommendations to the Congress, within 60 days, about extending the statute of limitation in complicated financial crimes, if necessary.

There ought to be a reform commission on the financial system that determines the causes of this financial nightmare. And the commission would report its findings, conclusions and make recommendations for preventing a similar debacle in the future. I do not think it is just a matter of jump-starting the economic engine; I think you have to rewire the system here. You have to rewire the financial system. This does not work.

Securitizing instruments for which there was never any decent underwriting because you did not have to underwrite if you were going to send the risk upstairs—that does not work. And you cannot have dark money out there beyond the gaze of regulators.

You do have to regulate. It seems to me you have to completely reform the financial system, and I do think the people who caused this wreck are going to be the ones who are going to help us reform the system.

So those are four areas that I think we have to do on behalf of the American taxpayer.

You know, my sense is that everyone in this country wants this new Government to succeed. President-elect Barack Obama campaigned across this country on the subject of change. We all understand the need for that change. The fact is, there is plenty of blame to go around. Lots of folks, Republicans, Democrats, one administration, another—there is a lot of blame. But it seems to me there are special obligations laid at the feet of those who in the last 8 years have decided to be willfully blind and decided that self-regulation was more important than having people do their jobs who were supposed to be regulating. And the result was the creation of a house of cards or a Ponzi scheme sort of thing that has caused dramatic damage to this country.

Now, it is a mess, but I think this country can get out of it. I think it would be hard for anybody in this Chamber to decide to get up and go to

work if they did not have an abiding hope about the future of this country. And I do. But that hope is joined, it seems to me, by requirements to find out what happened, take action based on what happened, and make sure it never happens again. That is not rocket science; that is what we are obligated to do.

This is, as I said, a great country with a wonderful history of overcoming the odds. We have people who came to this country from different parts of the planet searching for opportunity. Most of us come from immigrants who came from one part of the planet or another, one part of this globe, and came to this country because they believed this is the place where opportunity existed.

There was a man named Stanley Newberg who died, and there was a tiny little piece written in the New York Times about him some years ago. It was a piece that intrigued me, so I looked into it to find out what was this about, Stanley Newberg. It said, in this one-paragraph piece, something that I discovered more about. A man came to this country with his parents to flee the persecution by the Nazis of the Jews, and they came here and landed in this country, with nothing, in New York City. His dad had a job peddling fish on the Lower East Side of New York, and Stanley Newberg trailed along, this little tyke with his dad every day peddling fish. Then he went to school, and his parents struggled because they had nothing, and he did well in school. They struggled to get him some loans and try to help him get to college. He went to college, graduated from college, and went to work for an aluminum company. He did very well with the company and rose up to management in the company and then purchased the company.

Later, he died. When they opened his will, Stanley Newberg, in his will, left \$5.7 million to the United States of America. In his will, he said: For the privilege of living in that great country. Is that not remarkable? Here is a man who came here with nothing, was enormously successful, then at the end of his life left his inheritance to the United States of America. I am not suggesting everyone do that. I am suggesting it inspires me when people—in this case, coming here as a boy with nothing—understand the magic of what this country of ours offers in terms of opportunity and freedom. And I think, with all of the hand-wringing that exists in our country about these very serious troubles we face, I am absolutely convinced, if we work together, with a new President, a new Government, if we call the American people to be part of something bigger than themselves, to say this is a moment to try to put this country back on track and build better opportunity and greater opportunity for all Americans, I have great hope then for this country.

Mr. MARTINEZ. Mr. President, I rise today in strong support of S. 22, the public lands omnibus bill. This legislation contains several important provisions for the State of Florida that will protect its natural treasures and expand understanding of our rich history. These bills are bipartisan, and I am proud to have worked with my colleague Senator BILL NELSON in support of the Everglades provisions and the commission for the 450th anniversary of St. Augustine's founding. Congressman JOHN MICA has introduced a companion version of this bill in the House of Representatives and I wanted to recognize his efforts as well. In addition, I thank the hard work of Senator JEFF BINGAMAN, the chairman of the Energy and Natural Resources Committee, and ranking member, Senator MURKOWSKI, and their staff, for including these bills in S. 22 and bringing it to expected floor passage.

The public lands package contains an authorization for the St. Augustine 450th Commemoration Commission, which is critical in assisting the National Park Service, the State of Florida, as well as all local stakeholders in organizing the historic celebration of the city's founding. St. Augustine's old and complex history mirrors much of the American experience. It was the birthplace of Christianity in the New World and it was truly the first blending-pot of cultures that included peoples of Spanish, English, French, Native American, and African descent. Many do not know that St. Augustine is the location of the first parish mass in the United States and it was the location of the first free black settlement in North America. Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed off the coast of St. Augustine looking for the fabled Fountain of Youth but instead founded a colony known as La Florida. He discovered very favorable currents that would later be known as the Gulf Stream, which would serve as trade routes for European explorers to discover other parts of the New World.

Because of St. Augustine's location along strategic trade routes, Spain constructed the Castillo de San Marcos in 1672 to protect the capital of La Florida from French and British interests. The Castillo de San Marcos is built on the ruins of the original fort that was burned to the ground by British sailor and explorer Sir Francis Drake. The fort still stands today and has had six different flags fly above its ramparts. It is the oldest surviving European fortification in the United States.

The St. Augustine Commemoration Commission is necessary to help organize the tremendous amount of historical and cultural events that will take place in the first coast area. The commission will encompass a broad array

of members from Federal, State, local, and academic backgrounds to ensure that it has a diverse make-up of professionals to assist the city of St. Augustine in celebrating its founding. The intent of the St. Augustine commission bill is to assist the NPS and local stakeholders in building upon the experiences of the Jamestown celebration in 2007. In addition, the commission would provide the necessary framework to navigate the significant logistical challenges facing the city of St. Augustine, the State of Florida, and the National Park Service.

Restoration of the Everglades, especially Everglades National Park, will be enhanced by enactment of the public lands bills package, S. 22. One such provision included is section 7107, which would expand the boundaries of Everglades National Park by nearly 600 acres and help protect a critical part of Florida's ecological heritage. I am proud to have cosponsored this legislation with my colleague BILL NELSON, and it is supported by a broad group of stakeholders including the Monroe County government in the Florida Keys, the Nature Conservancy, and the National Park Service. The passage of this bill would protect coastal wetlands and habitat for a myriad of endangered species including the American crocodile, the West Indian manatee, the wood stork, the roseate spoonbill, and other migrating birds.

The citizens of Florida have long treasured the Everglades, and the addition of this property within the park's boundaries will help preserve the unique beauty that makes the keys such a special place. The addition of the Tarpon Basin property will not place new management or administrative burdens on our park's staff, but instead would enhance and preserve a part of Old Florida for years to come.

Another provision included in S. 22, which Senator NELSON and I support would facilitate an important land exchange to allow the National Park Service to acquire the last significant private inholding in the Everglades and clear the way to finally implement the federally approved Modified Waters Delivery Project or "Mod Waters." Mod Waters will help restore natural water flows into Everglades National Park, and although authorized nearly 20 years ago in 1989, it has experienced substantial delays.

The land trade provided for in the pending, measure enables the Park Service to acquire Florida Power and Light's, FPL, 7-mile long, utility corridor that now bisects the expanded Everglades National Park. This corridor runs north-south through the heart of the East Everglades and Shark River Slough, which provides the primary water flows into the park. Under the exchange, FPL would give this 320 acre inholding to the park and would receive roughly 260 acres on the east-

ern boundary of the park adjacent to the existing L 31 canal and levee. FPL would also receive a vegetative management easement to help control non-native exotic plants. Public acquisition of the FPL inholding would eliminate the last significant private inholding delaying Mod Waters.

No funds will be needed for this inholding acquisition and appraisals indicate that the park receives more value than FPL. Since so much preliminary work has been put into identifying the precise lands and interests involved in the exchange, the Park Service should be able to promptly complete the appraisal approval process. Expedient review is critical to facilitate Mod Waters and ensure that the exchange is executed so taxpayers are spared the multimillion-dollar costs of purchasing the FPL corridor.

Substantial work has already been completed and all evaluations indicate that relocating the utility corridor away from the Everglades National Park will provide a wide array of environmental benefits to the park. The exchange and relocation ensures that there will be no electric transmission lines constructed on the existing private right-of-way. In addition, moving the utility corridor to the periphery of the park to developed property will lessen impacts on resources, endangered and threatened species, and other park-related values. The bill also provides the NPS with the authority to relocate the Everglades Park boundary to ensure that the lands conveyed to FPL are outside of the park. The intent is that the relocated utility corridor not be within Everglades Park.

Since an environmental assessment needs to focus only on those factors arising from the land exchange itself, it is expected that the Park Service will move quickly to complete the assessment. Any effects that may arise from future proposed development of the relocated corridor would be subject to full environmental review at that time by appropriate Federal and State agencies. Because of these protections and oversight, there should be no undue regulatory delay in the completion of this important land exchange, which could further delay Mod Waters. Accordingly, the NPS should act in a timely manner to render a suitability finding for lands adjacent to the park used for transmission to meet the power needs of south Florida.

I again thank Chairman BINGAMAN and Senator MURKOWSKI for including these bills in S. 22. I also want to thank our outgoing ranking member, Pete Domenici, for his hard work in helping move these bills through the Energy and Natural Resources Committee last year. We have a chance at the beginning of a new Congress to show the American people that Washington is not all about politics and gridlock. I urge my colleagues to vote for S. 22 to

help facilitate the completion of Mod Waters and enhance the protection of Florida's fragile ecosystem.

Mr. NELSON of Florida. Mr. President, restoration of America's Everglades is one of my top priorities in the Senate. Everglades National Park stands to be enhanced by enactment of the public lands bill package, S. 22.

Section 7107 contains a measure—similar to a bill introduced by Senator MEL MARTINEZ and me, to facilitate an important land exchange which will allow the National Park Service to acquire the last significant private inholding in the East Everglades and clear the way to finally implement the congressionally approved Modified Waters Delivery project or "Mod Waters." Mod Waters will help restore natural water flows into Everglades Park. This project provides a critical foundation for many future restoration projects and although it was authorized in 1989, has been delayed for a variety of reasons including the need to acquire private lands that will be returned to a natural state by increased water flows.

The Park Service has worked painstakingly since 1989 to acquire over 100,000 acres in the East Everglades at a cost of more than \$104 million to clear the way for Mod Waters. Over 8000 individual parcels of land have been purchased and added to Everglades National Park. The land trade provided for in the pending measure will enable the park to acquire Florida Power and Light's—FPL—7-mile long, 330-foot wide inholding that now bisects the expanded park. This corridor of private lands runs north-south through the heart of the East Everglades and Shark River Slough, which provides the primary water flows into the park—the area where more natural water flows will be restored by Mod Waters. Under the exchange, FPL would surrender this 320-acre inholding to the park and receive approximately 260 acres on the eastern periphery of the park immediately adjacent to the existing L 31 canal and levee as well as a vegetative management easement to help control nonnative exotic plants among others. Public acquisition of the FPL inholding would eliminate the last significant private inholding delaying Mod Waters. In return, FPL would receive lands that would be outside the park, providing it with the opportunity to develop such lands into a viable utility corridor, if approved. This is a win-win for the people of south Florida who depend upon both a healthy environment and the availability of power.

As I stated earlier, Mod Waters is the foundation for the broader Comprehensive Everglades Restoration Plan, CERP, approved by Congress in the Water Resources Development Act of 2000. The congressionally mandated September 2008 National Academy of Sciences report on Everglades restoration called progress on Mod Waters

"dismal." The report emphasized that Mod Waters is critical to restoration, especially for Everglades Park, and urged the Federal Government to take action to move the project along. This exchange does precisely that.

No funds will be needed for this inholding acquisition. Since so much work has already been done to identify the precise lands and interests in land to be exchanged and these lands have been subject to professional appraisals, we expect the park to be able to promptly complete the necessary administrative requirements to complete the exchange. Time is of the essence in order to facilitate Mod Waters and ensure that the exchange is executed so taxpayers are spared the multi-million dollar costs of purchasing the FPL corridor.

Prior to executing the land trade, the Park Service will prepare the appropriate National Environmental Policy Act document to fully understand the environmental impacts, if any. It is my hope that this exchange will provide a wide array of environmental benefits to the park. The exchange ensures that there will be no electric transmission lines constructed on the existing private right-of-way. The bill also provides the Service with the authority to relocate the Everglades Park boundary to ensure that the lands conveyed to FPL are outside of the park. It is intended that the utility corridor, if developed, not be within Everglades Park. Because many of the agreements have been worked out in advance between FPL and the park, I expect that the Park Service will move expeditiously to complete the land exchange authorized by this legislation.

In a similar vein, the Park Service must also make a determination that the lands and interests along the L 31 canal and levee on the edge of the park are "suitable" for exchange and conveyance to FPL. This "suitability" is already widely acknowledged and recognized by both the agency and the Congress as these peripheral lands are not in the heart of the park and not critical for Mod Waters and water flow restoration. Accordingly, I expect the Park Service to act in a timely manner to render the suitability finding.

I received a letter from Florida Department of Environmental Protection Secretary, Mike Sole, expressing his support for the land transfer. The exchange is also supported by the Department of the Interior and the Army Corps of Engineers.

I expect the Park Service and FPL to move promptly to complete the exchange. Again, the need for action on Mod Waters means that time is of the essence.

I wish to thank Chairman BINGAMAN and Ranking Member MURKOWSKI for their efforts to incorporate this important measure in the S. 22 package. We must move expeditiously to compete

Mod Waters and completion of this land exchange will help us achieve these objectives while ensuring that the taxpayers are spared the cost of purchasing a very expensive park inholding from FPL.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

80TH ANNIVERSARY OF LULAC

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 80th anniversary of the League of United Latin American Citizens, LULAC. As a pioneer of the Latino civil rights movement, LULAC has long fought to better the economic condition, educational attainment, political influence, housing, health and civil rights of Americans of Latino descent.

Eighty years ago, three organizations in south Texas united to combat the rampant discrimination faced by Mexican Americans. After decades of disenfranchisement, the Latino community in south Texas created a movement for equality that has contributed greatly to enhancing the livelihood of Latinos throughout the United States. LULAC's successes and achievements are many—ranging from the desegregation of schools throughout the American Southwest to improving access to jobs and government programs.

Today, as America's oldest national Latino organization, LULAC boasts continued service to America's Latino population through more than 48 employment training centers, 16 regional centers, and employs its great knowledge of the needs of the Latino community by advising private, nonprofit, and public institutions. Moreover, its unique charter structure allows this organization to disseminate important information and provide worthwhile services via more than 600 councils throughout the United States and Puerto Rico. The need for LULAC's services has not subsided through the years and a new generation of Latinos calls upon the institutional strength

that this organization can provide. The challenges we face as a nation can only be resolved by the inclusion of all American communities and I value the sage voice of LULAC on the strategies to empower Latino communities.

The organization's early efforts for political and social inclusion created a strong base which LULAC and other organizations now utilize to improve the quality of life for all American Latinos. I congratulate and commend the League of United Latin American Citizens for their long record of service to the Latino community and wish them continued success.

TRIBUTE TO BOURBON HEIGHTS NURSING HOME

Mr. McCONNELL. Mr. President, I rise today to honor the Bourbon Heights Nursing Home, which was recently recognized as the best nursing home in the State in 2008 by the Kentucky Association of Health Care Facilities, KAHCF.

Recently, the Bourbon County Citizen in Paris, KY, published a story about the Bourbon Heights Nursing Home receiving this top honor.

Mr. President, I ask my colleagues to join me in honoring the work of the dedicated staff and volunteers at Bourbon Heights, whose continued commitment to the community and to those they care for is extraordinary. I further ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bourbon County Citizen, Dec. 19, 2008]

BOURBON HEIGHTS RECEIVES STATE AWARD

(By Paul Gibson)

The Bourbon Heights Nursing Home was the recipient of the coveted award recognizing them as the best nursing home in the state by the Kentucky Association of Health Care Facilities (KAHCF). There are 247 nursing homes in the association and each one is awarded the large trophy that signifies the top honor.

"There is an extensive application procedure," said Glenda McKenzie, Activities Director. "And judges come at least twice during the year to personally see the facility."

"The judges' visit is very thorough," said Angie Forsythe, Administrator at Bourbon Heights. "They interview each department head and observe the services we provide residents."

According to Forsythe, the judges also interview staff members, residents, and volunteers to gain better understanding of how the facility operates.

"The judges really wanted to know what makes us unique," Forsythe said.

The judges discovered, McKenzie said, "that we are a very diverse facility offering a wide range of services to our residents."

Currently, Bourbon Heights provides independent living in apartments, personal care, nursing care, day care and out patient rehabilitation.

"I think the judges were impressed with the way we take pride in the care we provide our residents," Forsythe said. "We are like a

family here and the staff provides a loving care for each resident."

She added that Bourbon Heights has very little turnover in staff and that many staff members have 20 or more years of service. "It is like a family here, the staff cares for the residents and relationships are developed that are important to the residents."

One of the most unique attributes of Bourbon Heights is the support from the community and the volunteers who are in the floors every day providing support and help to the regular staff.

"As I travel around the state attending meetings," McKenzie said. "Other Activity Directors are amazed at the level of community support that we have at Bourbon Heights."

The giant trophy in the lobby is awarded for one year and will be passed on next year to a new recipient. A trophy cup will remain at Bourbon Heights as a reminder of this year's honor of being named the best nursing home in the state.

Bourbon Heights was chartered in 1965 when it opened as a senior care center. It is a non-profit organization. The land is owned by the county and the buildings and improvements are part of the Bourbon Heights Corporation and under the direction of the board of directors that oversee the non-profit organization.

CONGRATULATING THE SAN DIEGO CHARGERS

Mrs. BOXER. Mr. President, today I wish to send my congratulations to the San Diego Chargers for the remarkable way that they turned around their 2008 season in the National Football League.

During difficult economic times, as they face hardships and uncertainty, millions of sports fans across America turn to their hometown teams for solace and inspiration.

Few teams this year faced as many hardships as the Chargers, and few teams in any year have overcome adversity with such inspiring tenacity.

Hampered by injuries to star running back LaDainian Tomlinson and other key players and suffering through a series of heartbreaking losses, the Chargers began the 2008 season with just four wins in their first 12 games. With 3 weeks to go in the regular season, they trailed the division-leading Denver Broncos by three games. Though their fans remained loyal and the team remained confident, few outside observers gave them any chance reaching the NFL playoffs.

Over the next 5 weeks, though, the Chargers made an amazing run. Beginning on December 4th, three consecutive San Diego victories and two Denver losses left the Chargers just one game back entering a December 28 showdown with the Broncos.

In the decisive game, the Chargers staged an awe-inspiring offensive display to crush the Broncos 52-21 and win the AFC Western Division championship. They became the first team in NFL history to have been 4-8 and make the playoffs and the first team ever to

win their division after being three games behind the leaders with three games to play.

Six days later, on January 3, the Chargers faced a terrific Indianapolis Colts team in the playoffs. In perhaps the greatest NFL game ever played in San Diego, the Chargers beat the Colts in overtime, 23-17.

Every playoff tournament ends sadly for every team but one. Last Sunday, on a snowy day in Pittsburgh, the mighty Steelers ended the Chargers season.

But nothing can dim the luster of the Chargers' late-season run. Their dramatic turnaround is an inspiration to sports fans everywhere.

Mr. President, I grew up in Brooklyn, in the shadow of Ebbets Field, where baseball fans endured years of frustration with the annual cry of "Wait Till Next Year." When I was in high school, our dream finally came true, and "next year" became this year.

With a talented young team that has triumphed over adversity, the San Diego Chargers can look forward to next year with pride and confidence. I salute the Charger players, coaches, staff, and ownership along with their loyal fans—for a great 2008 season.

WHITE MOUNTAIN LAND MANAGEMENT

Mr. GREGG. Mr. President, I rise today to speak briefly about the White Mountain National Forest and the U.S. Forest Service's efforts to manage these lands for the benefit of all Granite Staters. In particular, I wanted to extend my appreciation and support for the agency's commitment to implementing its 2005 management plan for the forest, including the Mill Brook timber harvesting proposal.

It goes without saying that the White Mountain National Forest is a special place for all New Hampshire residents. Drawing millions of visitors each year, these lands have long appealed to those who enjoy the outdoors, while also providing natural resources that support communities across the State. Through balanced, multiple-use management policies, I remain confident that the White Mountain National Forest will remain one of the crown jewels of the National Forest System for generations to come.

As such, I was pleased when, in 2005, the U.S. Forest Service released its new management plan for the White Mountain National Forest. Striking a delicate compromise among stakeholders, it was overwhelmingly supported in New Hampshire and established a consensus-based blueprint for how this natural resource will be managed. I applauded all of the hard work and public outreach that the Forest Service put into this plan and was pleased to coauthor legislation that

implemented its wilderness recommendations. Signed into law in December 2006, the New England Wilderness Act designated nearly 35,000 acres of new wilderness in the Forest and strengthened our nation's commitment to land conservation.

The 2005 management plan also included timber harvesting, which is critical for both regional economic activity and wildlife diversity purposes. The timber industry is one of the largest manufacturing industries in New Hampshire, supporting well paying jobs and local communities, especially in the north country. Carefully managed timber harvesting can also play an important role in maintaining habitats that are critical for certain types of wildlife.

Fully consistent with the 2005 plan and its timber harvesting guidelines, the Forest Service has proposed logging projects which have been subject to environmental review, are limited in scope, and have the support of well respected groups across the spectrum such as the Society for Protection of New Hampshire Forests, Appalachian Mountain Club, the National Audubon Society, the New Hampshire Timberland Owners, and the North Country Council. Two of these proposals, the Batchelder Brook and Than Brook Resource Management Projects, have been unsuccessfully challenged by certain environmental groups such as the Sierra Club that do not represent the view of most Granite Staters. Even though they seemed fine with the 2005 management plan when it was released, these groups now want to undo it via lawsuits and other challenges that use up taxpayer resources and stymie economic activity in New Hampshire. Fortunately, the courts have so far ruled in favor of the Forest Service and have allowed these two timber harvesting projects to proceed. With each ruling against these challenges, it has been my hope, as well as the hope of many others in our State, that all parties would now act in good faith and respect the 2005 management plan's timber harvesting guidelines.

Unfortunately, this has not been the case, and it is why I am once more speaking on the Senate floor about the White Mountain National Forest. Once again, we now have the Sierra Club and its allies trying to tie up yet another important timber harvesting proposal, the Mill Brook project. This project, which consists of around 1,000 acres, is wholly consistent with the plan's timber harvesting guidelines. It is also supported by a large number of well respected environmental groups and the New Hampshire Fish and Game Department. But this is apparently not enough. Recycling some of the same legal arguments that have proven unsuccessful in the past, the Sierra Club and its friends are trying to thwart the good intentions and popular support of

the 2005 plan, choosing the path of antagonism over the spirit of compromise.

Now of course, I recognize that it is within these groups' rights to file an administrative appeal and try to hold things up. And I also recognize that such tactics may appeal to their partisan supporters. That being said, I also feel that these groups' actions are meant to undermine the longstanding consensus approach that New Hampshire has taken to environmental protection and the management of the White Mountain National Forest specifically. During these challenging times, I also find it hard to understand why some groups are trying to thwart the Mill Brook proposal when their previous attempts to block similar projects have not succeeded, especially when timber harvesting in this area will provide an economic boost for the Granite State.

As I have said in the past, the White Mountain National Forest can and should be accessible to a wide variety of uses, including timber harvesting. While I certainly agree that the Forest Service must follow the law and carry out certain environmental reviews, I also believe that this administrative appeal runs counter to New Hampshire's interests. I therefore hope that this appeal process is resolved as soon as possible and that we can all support the Forest Service's management of the White Mountain National Forest, including the Mill Brook project.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HONORABLE MIKE CRAPO: My name is Brian Gross and my wife Kelly and I have lived in Idaho since January as I graduated from the

University of Wisconsin-Madison and received a job at Idaho National Laboratory in Idaho Falls. We settled into a comfortable fifteen hundred square foot town home and own two cars that we both drive to work every day. Our extremely short commute of 4 miles and 3 miles respectively requires that we spend around \$160 per month on gasoline. Though both cars achieve no less than 20 miles per gallon in the city and upwards of 32 miles per gallon on the highway, we would use more than our entire month's budget for gasoline if we made a trip to visit our relatives in North Dakota 800 miles away, making a trip for the holidays a rather expensive venture.

One would think after seeing the Hubbert curve peak near the earlier part of this decade, you would want to begin the move towards other sources of fuel for our vehicles. If the OPEC embargo of 1973 was not enough, what will it take before we make the shift? The wonderful businessmen of Toyota and Honda appreciated the coming situation and conveniently developed a car that would contribute greatly in allowing the former to surpass all of the big three companies in sales of automobiles for the first time ever in April 2007. Even though GM and Ford have turned around with several hybrid and electric car projects, that still leaves the transportation industry vying for even more expensive diesel fuel. In my opinion, the first step for Congress would be to drastically subsidize the expansion of domestic biodiesel production. I mention only biodiesel, because of the issue with corn based ethanol cutting into our food supply. To counter that issue, why don't we revitalize methanol, which can be produced from garbage, as a fuel? Ford produced several vehicles subsequent to the oil embargo which ran on methanol, so the concept is proven, we just need to reestablish the fuel production industry.

As for electricity production, I as a nuclear engineer strenuously support the expansion of nuclear power. The loudening drum beat for action against anthropogenic climate change, though I am not an advocate of the theory, has drawn support for nuclear and public opinion is shifting in its favor. Assuming that you are an avid supporter of the INL and the nuclear industry, I would like to address my frustration with Senator Harry Reid's ignorance and stubbornness of the Yucca mountain repository. I hope you are asserting the fact to him and his supporters that it is a repository, not a dump as they keep calling it. I'm sure you've used the example of the French as the right thing to do considering 80% of their electricity is generated by nuclear, their waste is reprocessed, and most importantly, they are energy independent.

Lastly, I would like to thank you for addressing the issue of energy with the people of Idaho. I hope you will carry our message to the Senate with great fervor and it will not fall upon deaf ears.

BRIAN J. GROSS, *Idaho Falls.*

Our family is affected very little. You see, Senator Crapo, a year ago I was anticipating something like this and bought a 35mpg Kia Spectra, with which my wife and commute to our jobs 60 miles round-trip every day.

About a year ago, I noticed how the value of the dollar was on a steady decline due to Bush Administration policies (Chinese debt to fund the war, flooding the globe with USDs, unregulated futures commodities) and expected that since the value of a barrel of oil was based on the USD, and the value of the USD was on the rapid decline, I had better do something fast. So I bought the best

value in a high MPG automobile that I could find, a Korean car. I would have bought an American car, but again, I was looking for value, and no American manufacturers could offer the same value as South Korean made Kia. A shame.

So, to answer your question—It has not affected us that much at all. We were prepared because we could see the future based on our analysis of Republican policies.

BRUCE BACON.

DEAR SENATOR CRAPO: Thank you for wanting to know what the people think. Energy prices really haven't changed my life at all. I produce almost all the power and hot water I need with solar panels and have a solar charging electric car.

Producing more oil in the U.S. will solve nothing as any new supply will be bought by China and India. We need to change fuel sources. Electricity will be the future fuel source and it must be generated in Idaho by hydro/geothermal/wind/solar. Renewables are: Free fuel forever.

Nuclear will only make us more dependant on imports. We import 58 percent of our oil which is not a good thing. We import over 92 percent of the uranium used to fuel nuclear power plants. So, we should be talking about getting off our dependence of imported nuclear fuel with the goal of shutting down our nuclear power plants when the renewable generation is in place.

JOHN WEBER, *Boise*.

I'm not going to bore you with sad tales of my life today. I want all you folks in DC to tell the enviros they're killing a country whose life and economy are based on oil. If they want a perfect world in one national park from coast to coast, find another country to do it in.

Next, I want you to take crude oil off the commodities markets. All that is is people making all the money they possibly can and not having a care about what they are doing to people worldwide.

Is this asking too much of people elected to represent us instead of listening to a minority that makes a lot of noise. And if you're making money off of crude on the commodities market, then I guess you'll get rid of this E-mail.

MIKE ARNOLD.

I am lucky enough to work only 10 miles from my home. My husband got a job at the same place as I, so now we can carpool to work, saving on fuel. However, he is in the process of getting hired on with the police force. We have an SUV that we are in over our heads on in payments, as many Americans are. We also have a dodge diesel that gets 18.0 miles to the gallon. We leased this vehicle and have 2 more years left to go. The only reason we did this was because gasoline was \$3.00/gallon and diesel was \$1.99/gallon. Then, prices soared. We are no longer allowed to go camping, hunting, riding our ATVs, or even go fishing. It costs too much.

Not only are we feeling confined to our home, but businesses are suffering too. We are willing to pay a campground fee to have fun, but we cannot even afford to leave. We take our children to daycare, go to work, pick our children up from daycare, and go home. On Sunday, we go to church and come home. We do not have the luxury of going to the store for fun anymore with the spare change we have. Our stimulus check went into the bank to pay for future fuel costs. By the way, it's gone now.

I fully support the means of finding alternate energy not only for fuel, but for electrical power as well.

STEPHANIE L. ROVIG, *Middleton*.

I was around for the first "energy crisis" in 1973. A few years later, Americans were again reminded that our oil comes from "over there," is a finite resource, and should be conserved. But we did not listen. So here we are, thirty-five years later, with another opportunity to change our driving habits and our energy consumption. Switching to biofuels and electricity is not going to help much: the production of both consumes huge quantities of fossil fuels. Americans must conserve energy. We must learn to think differently about our energy consumption. We are like the dieter who loses fifty pounds, looks great, feels great, and then slowly gains all the weight back because he had not changed the way he thinks about food. Americans get into "feel good" mode. We walk conservation, talk conservation, and sometimes even drive conservatively. But when the newness of higher gas prices wears off, we go right back to overconsumption.

The government isn't going to help out long-term if they go after the gas and oil companies. Okay, maybe their profits seem a bit high in light of what everybody else is going through, but ultimately, conservation will affect the market and they'll have to turn down the prices. Government can subsidize mass transit and price it so that it's the economic choice. Government can reward conservation. Incentives for auto manufacturers to produce energy conscious vehicles will inspire research and could result in some little guy creating the next great automotive company, one whose main focus is energy conservation. We can change the ethos that drives our American reliance on petrochemicals. We must change the ethos, for the good of our planet and the social structures that it supports.

That is my story. Thanks for asking, Senator Crapo.

MIRIAM I. LYNGHOLM, *Moscow*.

Thank you for your proactive email on a critical issue. I am usually the one emailing you (along with Larry Craig, and Bill Sali) about whatever issue it is that I feel needs attention . . . line the still porous Southern border!! My husband and I have not done our usual weekly lunch out and our pizza night. I find, if I am lacking something for a recipe, I just do without it. Before the insanity of the current pump prices, I would just hop in the car and head to the store to get the missing item. That usually interpreted itself to a minimum \$20.00 purchase, because you always see something to just "pick up while I am there". But, no more. I find I incorporate as many errands in one trip as possible. I am definitely driving less, eating out less, and shopping less, even at the grocery.

Do I like this? Not one bit, especially when it is as unnecessary as it is. We have resources in this country that have not even been explored. Drill off the Atlantic. I have lived on the Florida Gulf coast. I know what a spill does, but the technology and safe guards are far superior to what they used to be! Move the limit out a bit, then explore. How about the shale available in Utah, Wyoming, and Colorado? I do not advocate destroying beautiful places at all. There are ways to return the earth to its previous state. We don't "scalp" the forest anymore with clear cutting. We have learned forest management. The same can be true of retrieving the oil from shale. Why then, does it

take 2 years just to get the air permit to start up in those states? We won a world war in just twice that time. Surely, we can push paper faster in this crisis. Our economy is being crippled . . . one family at a time.

I hope you will vote to start exploring/drilling at a sensible distance off our shores . . . but START! The other issue is the free reign of the futures/commodity speculators and their part in all of these inflated prices. This has not happened before on this type of scale. Wasn't there some regulation in place that was done away with in the late 1990s that opened the way for this pillaging that is happening today? I implore you to take measures to stop these people who are inflating these prices and lining their pockets at the pain of others.

Thank you for writing and for your vigilance on the border (even though nothing is happening), and the gas price issues.

VIRGINIA CARTER, *Boise*.

Should be an easy one for your office to track. Follow a bbl of oil from AK, MT, WY, ND, SD, PA, TX or CA from the wellhead to the service station. You may not be able to publish what you come up with. . .

RODGER COLGAN.

I read with sadness your email on the poor plight of us Americans being consumed by rising Energy prices. Your aim at getting more exploration for energy reserves misses the entire problem.

The problem is not that Gas prices, have gone up. Nor have housing prices or food prices increased.

You are looking at the symptom of a much bigger problem. What has changed is that the value of the dollar has decreased. As pegged by the price of gold, silver and the euro the dollar is worth less than it was in 2000. At that time gold was about \$250 per ounce, the Euro was \$.92 and Silver was somewhere around \$5.00. Today Gold is near \$900, Silver around \$17 and the euro is around \$1.55.

So Gas should be about \$5.76. Given that the price of gold has gone up over 3 times and so has silver.

The problem Senator is that the value of the Dollar or more accurately that Federal Reserve Token that most Americans refer to as the Dollar has declined.

It has declined because of the overprinting by the Federal Reserve who at Congresses request asks them to print more so they can borrow these fictitious dollars and pay back the private bankers called the Federal Reserve at an amazing profit.

When you measure gas prices and food prices against real money as defined by our constitution, i.e. Gold and Silver, gas in real terms is about a \$1.60 in 2000 terms.

One could argue that the price of Gold has also gone up in price but that is missing the point. Money as defined is a store of labor. A dollar as defined by our constitution is 25.8 grains of gold. You cannot inflate or deflate gold or silver. They are what they are. Sound. The Federal Reserve Tokens most Americans refer to as dollars, on the other hand is printed as fast or as slow as the government who borrows it. The Federal Reserve then charges interest on something that has been created out of thin air. What a business that has got to be. That is why the founders established a sound currency backed by gold. In 1913 Congress fell for a scheme to take the people's money. In 1929 Roosevelt created a banking holiday to convince the people that taking sound money from them would save the country. The people obviously confused by the recent events

and nearly 20 years of advertising by the Federal Reserve Banksters were convinced that they should give up good money for worthless paper currency.

Let me give you an analogy most Americans might understand. Let us assume you are playing monopoly. We will give you a special player's piece let us call it the pig. The pig is playing like all the other players, however you, as the pig get to the coveted piece of real estate called Boardwalk. On realizing that you don't have enough money to buy Boardwalk you simply take some from the bank (Federal Reserve) and buy it. Now the other players (THE People of the U.S.) that you are playing with do not see you do this. However, after many more rolls of dice you seem to never run short of money. You simply go to the Federal Reserve and grab some more monopoly money. Now other players cannot seem to keep up. Their money is worthless. IN fact you have so much you simply bid up the price of anything you want to buy. This of course creates a huge disadvantage but you don't care you are the Pig, er government. Now the bank is asking for you to begin making those huge interest payments so now rather than the other players getting \$200 when they pass go you pass a new rule and the other players get a bill for \$200. Doesn't seem fair does it? Well that is what you and the other congressmen have been doing for the last 90+ years.

So here we are today with Congress borrowing paper currency or debt instruments that the Federal Reserve gets to charge the people interest on. This Business by the banksters is something for nothing Banking Scam.

Real Money, Gold and Silver, does not change over time. It is sound, it is fair and when this country was founded some 230 years ago it changed an economy that was in the shambles to one of stability.

Today what does change is how many dollars Congress borrows to fund the occupation in Iraq, Afghanistan and the other 700 bases we have around the world.

The only real solution to this is to go back to a Gold Standard, and abolish the Federal Reserve, which is neither Federal nor are there any reserves. This private banking system, coupled with you and congresses overspending is what has put our economy in a tailspin that is much like the created disaster of 1929 and 1979.

Now the world no longer wants our debt and since we have no real money to pay it back with. The solution is to get back to a gold backed currency that the world can respect and trust.

It is nice that you congressmen and women point fingers as to the symptoms of the problem but you need to be pointing the fingers at yourselves who have allowed the problem. You have allowed President Bush and Dick Cheney, to run amuk with a blank check book spending money on a war that was never approved by the spineless Congress.

You can pass all the laws and resolutions you wish but they are just window dressing. Until we get sound money and Congress takes responsibility for allowing Dick Cheney to run the white house then we will continue to see our wealth erode.

My hope is that you pull all the troops home, shut down all the bases and put this country on a sound money system by eliminating the Federal Reserve. Until you stop printing and spending Federal Reserve Tokens on guns and butter the dollar will continue its free fall until the people's wealth has been confiscated by the over printing of the currency.

May God bless you Congressman if you stand up to this charade created so long ago. For our country to survive you must take a stand.

If you don't take a stand, if no one stands up for the values our founders instituted so long ago, then I fear that our country will become just like other 3rd world countries whose governments have stolen the people blind with fiat currencies like what we have here in the United States.

Good Luck.

DAVID DEHAAS.

Like you or any other politician in DC really cares about the common folk who sent them there. You all could have set forth changes to allow more exploration and development of our own oil/gas in such areas as off the coasts and in ANWR but you didn't. So I ask you again why bother acting like you care, you don't pay for gas in your car or try to buy fuel to run your farm or truck.

ALBERT MORRISON, *Ammon*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-435. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-436. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the imposition of foreign policy controls on reexports to Iran and exports and reexports to certain parties pursuant to Executive Order 13382; to the Committee on Banking, Housing, and Urban Affairs.

EC-437. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability" (RIN1550-AC22) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-438. A communication from the Associate General Counsel for Legislation and Regulations, Office of Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Consolidated Returns; Intercompany Obligations" (RIN1545-BA11) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-439. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Standards for Mortgage's Investment in Mortgaged Property: Compliance With Court Order Vacating Final Rule" (RIN2502-AI52) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-440. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability" (Docket No. R-1329) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-441. A communication from the Acting Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Reclamation Rural Water Supply Program" (RIN1006-AA54) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Energy and Natural Resources.

EC-442. A communication from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-443. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-444. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, an annual report relative to the Gallery's competitive sourcing activities during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-445. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-446. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the U.S. Southern Command, and has been assigned case number 08-05; to the Committee on Appropriations.

EC-447. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Commercial and Industrial Equipment: Energy Conservation Standards for Commercial Ice-Cream Freezers; Self-Contained Commercial Refrigerators, Commercial Freezers, and Commercial Refrigerator-Freezers Without Doors; and Remote Condensing Commercial Refrigerators, Commercial Freezers, and Commercial Refrigerator-Freezers" (RIN1904-AB59) received in the Office of the President of the Senate on January 12, 2009; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 215. A bill to authorize the Boy Scouts of America to exchange certain land in the

State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 216. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 217. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 218. A bill to require the Secretary of the Interior to convey certain Bureau of Land Management land to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 219. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 220. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 221. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 222. A bill to amend the Internal Revenue Code of 1986 to increase the national limitation on qualified energy conservation bonds and to clarify that certain programs constitute a qualified conservation purpose, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 223. A bill to amend the Farm Security and Rural Investment Act of 2002 to further the adoption of technologies developed by the Department of Agriculture, to encourage small business partnerships in the development of energy through biorefineries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW (for herself and Mr. BROWN):

S. 224. A bill to promote economic recovery through green jobs and infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself, Mr. HATCH, Mrs. LINCOLN, Mr. KERRY, Mr. LUGAR, Mr. KENNEDY, Ms. STABENOW, Mr. BENNETT, and Mr. VOINOVICH):

S. 225. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 226. A bill to designate the Department of Veterans Affairs outpatient clinic in Havre, Montana, as the Merrill Lundman Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER):

S. 227. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. AKAKA):

S. 228. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 229. A bill to empower women in Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER:

S. 230. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Mr. DEMINT, Mr. INHOFE, Mr. BARRASSO, Mr. SESSIONS, Mr. ENZI, and Mr. BROWNBACK):

S.J. Res. 5. A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; placed on the calendar, pursuant to P.L. 110-343, sec. 115(e)(2).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 13. A resolution congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 64

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 64, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 85

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 96

At the request of Mr. VITTER, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 174

At the request of Mr. INOUE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 174, a bill to establish a coordinated and comprehensive Federal ocean and coastal mapping program.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 221. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Florida. Mr. President, over the past half year, as the price of a barrel of oil has rocketed into the sky—all the way to \$147 a barrel and in 1 day the price escalating \$25—there have been a number of Senators on this floor and in committee meetings and in private discussions saying: Why won't people wake up and realize it is not the economic marketplace of supply and demand that is determining the price of oil? Who wants us to believe that? The oil companies, of course. In fact, the price of oil has escalated not because there is a tightness on the world marketplace of demand for oil. Indeed, at the very time of a 6-month period from the last quarter of last year until the first quarter of 2008—that 6-month period when the demand for oil was going down and the supply was going up, which would indicate the price should be going down if supply is greater than demand—exactly the reverse was true. The price kept rocketing to the Moon.

It defied the laws of supply and demand. Yet we had everybody running out saying, "Oh, it is the tight world marketplace," and it was difficult to get people to listen to a group of Senators who said it was because the commodities futures exchanges had been deregulated and, therefore, unregulated oil futures contracts speculation was running wild.

Then, once it got up to \$147 a barrel, what happened? The liquidity crisis hit, the economic crisis of confidence hit—not only in America but across the world. A lot of this was precipitated by the faulty mortgages, the subprime mortgages we are now not

paying off in the revenue stream because people weren't paying their mortgages. Those mortgages had been bundled into securities and then bought and sold, and a lot of financial institutions, hedge funds, mutual funds and, indeed, big investments for pension funds started dumping those because they needed cash, and they started dumping their positions on oil futures commodities that they had purchased in this speculative frenzy that ran the price up to \$147 a barrel. What happened? The exact reverse. The price of oil starts coming down. So what should we do about this? Well, we ought to do what a number of us have been saying: We ought to go back and reregulate what we have jurisdiction over, which is the Commodities Futures Trading Commission.

Now, why was it deregulated? It was deregulated in the dead of night before Christmas in the year 2000, and it was deregulated at the behest of the Enron Corporation. And once they deregulated that commodities futures trading market on energy, it allowed them to go out and speculate on energy contracts. What was the first result? In the early part of this decade we saw it happen in California. We saw the electricity contracts start a runup in speculative bidding, to which it went up—the cost of electricity—by as high as 300 percent in California. Once that started to unravel, then we know what happened: Enron started to unravel with all the shenanigans that had gone on there.

But here we are 7 and 8 years later, after the law was changed, and we haven't been able to get it changed back because people come out here and say: Oh, it is supply and demand in the world market for oil, and they come up with a simple slogan, as if that was going to handle the price of oil when it was hitting \$147 and translated into about \$4-gallon-gasoline. Their simple little slogan was “drill baby, drill,” as if that were going to solve the problem of the price of gasoline and the price of oil.

But now we hear—and people are starting to pay attention—we ought to reregulate this futures commodities trading. Now, what do we mean by regulate? I am talking about simple little things, such as you would have to use the oil that you are bidding on, such as an airline does. It locks in a future price for fuel by bidding on these future oil contracts. An airline, in fact, does use oil. By taking away the regulation, they have removed that ability. Or to give another example of regulation: A Commodities Futures Trading Commission could say you have to put a certain amount of money down if you are going to buy a future oil contract. Instead of getting it with nothing down, you have to put some skin in the game. But if you completely deregulate it, what you leave it to is the specu-

lator to go in and bid that price up and up and up.

Now, this is what we have been saying on the floor of this Senate for the last 6 or 8 months, a number of us—Senator DORGAN, Senator CANTWELL, this Senator, and several other Senators—but it has been hard to get an audience that would listen. Well, no less a respected institution than CBS News “60 Minutes” last Sunday night broke it open and put it about as clearly as I have ever heard in posing this question: Did speculation fuel oil price swings?

And what they concluded was that 6 months ago, when oil hit its alltime high of \$147, and gas was up around \$4 a gallon, it created a frenzy that fed into irrational and false claims that the problem was just supply and demand and that the solution was to drill for more oil.

Well, it looks a lot different now. That frenzy that got mixed up in Presidential politics as well, with those simplified mantras of “drill baby, drill,” fueled by a slick public relations campaign, that was funded by deep-pocket oil companies. Yet those same oil companies testified in the spring of 2008 that if supply and demand were the sole driver of oil prices, that oil should cost no more than \$55 a barrel. We had executives of two of the big major oil companies say the normal laws of supply and demand would say that oil ought to be in the range of \$55 to \$65 a barrel, and they testified, this Senator thinks, correctly.

So ask yourself: Could supply and demand justify the wild swings in prices? And in that one instance where oil jumped \$25 in 1 day for a barrel of oil, ask yourself: Could the new oil demands by China and India, that have needs for new oil products, could that have suddenly caused that price to jump so much in a single day? And the answer, clearly, is: No. It was speculation that caused that bubble to grow. Wall Street investors shifted billions of dollars out of the stock market and into the commodities futures market and ultimately into oil, and that is what was the biggest driver of running up the price of oil and gasoline.

What is even more powerful in demonstrating the influence of speculators on oil prices is examining what happened to those prices after we in the Senate, and down at the other end of the Capitol in the House, started threatening regulation again. Well, guess what happened. The prices went down. When Wall Street experienced a financial meltdown with the collapse of Lehman Brothers and the near collapse of AIG, prices fell even more as the Wall Street speculators got out of the oil futures markets to the tune of \$70 billion. The speculative bubble in commodities, which was not only energy but agricultural commodities, all of a sudden bubble popped.

Demand for oil in the United States is down by 5 percent, but the price of oil is down 75 percent. So we shouldn't be fooled by the drop in prices. Some financial analysts, fortunately, are not fooled by the drop in prices. They are advising investors that low oil prices are a temporary phenomenon and that oil prices will average above \$75 a barrel over the next 5 years.

Well, a number of us, months ago, filed a bill to stop the trading of oil and other energy commodities on the unregulated exchanges, and what the bill does is it turns the clock back to a change in law that was pushed by the Enron Corporation, known as the Enron loophole, which opened the way for a flood of speculative money in these commodity markets. I am introducing that bill again today, and I seek our colleagues' support.

We must be vigilant to ensure that Wall Street investors do not take advantage of the lax regulation to reap profits by driving up the price of oil and making driving a lot more expensive for the rest of us. Let us remember that we saw what happened with another form of unregulated financial instruments. That was those insurance policies that had a fancy name, called credit default swaps. They were unregulated. Look what happened: The collapse of AIG that had to come in to the tune of upward of a \$100 billion rescue from the Federal Government. I don't believe it is simple coincidence that the same legislation that let those credit default swaps escape regulation also allowed energy traders to conduct their business in the shadows. We need to bring that industry out of the darkness and into the full light of day.

Mr. President, I wish to quote a couple lines from this Sunday's interview on CBS News “60 Minutes.” A representative of the Petroleum Marketers Association is interviewed, a Mr. Gilligan, and he says:

Approximately 60 to 70 percent of the oil contracts in the futures markets are now held by speculative entities, not by the companies that need oil, not by the airlines, not by the oil companies, but by investors that are looking to make money from their speculative positions.

Now, that is a representative of the oil companies that said that. Furthermore, the investigative reporter, Steve Kroft, quotes a fellow named Michael Masters, and he states:

In a five-year period, Masters said the amount of money institutional investors, hedge funds and the big Wall Street banks had placed in the commodities markets went from \$13 billion to \$300 billion. Last year, 27 barrels of crude were being traded every day on the New York Mercantile Exchange for every 1 barrel of oil that was actually being consumed in the United States.

That is Mr. Kroft's analysis on “60 Minutes,” and he was referring to a former Wall Street trader named Michael Masters.

I wish to end by further quoting Mr. Kroft from 60 Minutes:

A recent report out of MIT analyzing world oil production and consumption also concluded that the basic fundamentals of supply and demand could not have been responsible for last year's runup in oil prices.

Another quote from an interviewee: "From quarter four of '07 until the second quarter of '08—that is a 6-month period—the Energy Information Administration said that supply went up, worldwide supply went up, and worldwide demand went down . . . This was the period of the spike" in oil prices "so you had the largest price increase in history during a time when actual demand was going down and actual supply was going up during that same period. The only thing that makes sense that lifted the price was investor demand"—in other words, the speculators making an artificial demand.

I think it is clear. That is why I am introducing this legislation. I look forward with great optimism to the passage of this kind of legislation.

Mr. President, I ask unanimous consent that the text of the bill and a "60 Minutes" transcript be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGULATION OF ENERGY COMMODITIES.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively;

(2) by inserting after paragraph (12) the following:

"(13) ENERGY COMMODITY.—The term 'energy commodity' includes—

- "(A) crude oil;
- "(B) natural gas;
- "(C) heating oil;
- "(D) gasoline;
- "(E) metals;
- "(F) construction materials;
- "(G) propane; and
- "(H) other fuel oils.";

(3) by striking paragraph (15) (as redesignated by paragraph (1)) and inserting the following:

"(15) EXEMPT COMMODITY.—The term 'exempt commodity' means a commodity that is not—

- "(A) an agricultural commodity;
- "(B) an energy commodity; or
- "(C) an excluded commodity."

(b) CURRENT AGRICULTURAL COMMODITIES.—Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking "agricultural commodity enumerated in section 1a(4)" and inserting "agricultural commodity or an energy commodity".

(c) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

- (A) in subitem (AA), by striking "section 1a(20)" and inserting "section 1a(21)"; and
- (B) in subitem (BB), by striking "section 1a(20)" and inserting "section 1a(21)".

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended

by striking "section 1a(32)" and inserting "section 1a".

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking "section 1a(20)" and inserting "section 1a"; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking "section 1a(33)" and inserting "section 1a"; and

(ii) in paragraph (2)(D), by striking "section 1a(13)" and inserting "section 1a".

THE PRICE OF OIL—HISTORIC OIL PRICES WERE RESULT OF FINANCIAL SPECULATION FROM WALL STREET AND NOT SUPPLY AND DEMAND

Steve Kroft: About the only economic break most Americans have gotten in the last six months has been the drastic drop in the price of oil, which has fallen even more precipitously than it rose. In a year's time, a commodity that was theoretically priced according to supply and demand, doubled from \$69 a barrel to nearly \$150. And then, in a period of just three months, crashed along with the stock market. So what happened? It's a complicated question, and there are lots of theories. But many people believe it was a speculative bubble, not unlike the one that caused the housing crisis, and that it had more to do with traders and speculators on Wall Street than with oil company executives or sheiks in Saudi Arabia.

(Oil refinery; workers at refinery; stock market traders on floor; New York Mercantile Exchange; trading screen; farmer working field; corn; airplane; trading screen; oil refinery)

(Voiceover) To understand what happened to the price of oil, you first have to understand the way it's traded. For years it's been bought and sold on something called the commodities futures market. Here at the New York Mercantile Exchange, it's traded alongside cotton and coffee, copper and steel by brokers who buy and sell contracts to deliver those goods at a certain price at some date in the future. It was created so that farmers could gauge what their unharvested crops would be worth months in advance so that factories could lock in the best price for raw materials, and airlines could manage their fuel costs. But more than a year ago, that market started to behave erratically. And when oil doubled to more than \$147 a barrel, no one was more suspicious than Dan Gilligan.

Mr. Dan Gilligan: We have to make sure that the futures market is an honest market.

(Dan Gilligan speaking; men listening to Gilligan; oil tanker; Gilligan; crowd talking to Gilligan; stock market traders)

Kroft: (Voiceover) As the president of the Petroleum Marketers Association, he represents more than 8,000 retail and wholesale suppliers, everyone from home heating oil companies to gas station owners. When we talked to him last summer, his members were getting blamed for gouging the public, even though their costs had also gone through the roof. He told us the problem was in the commodities markets, which had been invaded by a new breed of investor.

Mr. Gilligan: Approximately 60 to 70 percent of the oil contracts in the futures markets are now held by speculative entities, not by companies that need oil, not by the airlines, not by the oil companies, but by investors that are looking to make money from the speculative positions.

Kroft: They don't actually take delivery of the oil?

Mr. Gilligan: No, no.

Kroft: All they do is—

Mr. Gilligan: All they do is buy the paper and hope that they can sell it for more than they paid for it before they have to take delivery.

Kroft: They're trying to make money on the market for oil?

Mr. Gilligan: Absolutely, on the volatility that exists in the market. They make it going up and down.

(Sean Cota unhooking hose from truck; Cota filling tank; calculator)

Kroft: (Voiceover) He says his members in the home heating oil business, like Sean Cota of Bellows Falls, Vermont, were the first to notice the effects a few years ago, when prices seemed to disconnect from the basic fundamentals of supply and demand. Cota says there was plenty of product at the supply terminals, but the prices kept going up and down.

Mr. Sean Cota: We've had three price changes during the day where we pick up products, actually don't know what we paid for, and we'll go out and we'll sell that to the retail customer, guessing at what the price was. The volatility is being driven by the huge amounts of money and the huge amounts of leverage that is going into these markets.

(Michael Masters at desk; computer screen)

Kroft: (Voiceover) About the same time hedge fund manager Michael Masters reached the same conclusion. Masters' expertise is in tracking the flow of investments into and out of financial markets, and he noticed huge amounts of money leaving stocks for commodities and oil futures, most of it going into index funds, betting that the price of oil was going to go up.

Who was buying this paper oil, pension fund?

Mr. Michael Masters: California pension fund, Harvard endowment, lots of large institutional investors. And by the way, other investors, hedge funds, Wall Street trading desk, were following right behind them putting money, sovereign wealth funds were putting money in the futures markets, as well. So you had all these investors putting money in the futures markets, and that was driving the price up.

(New York Stock Exchange; stock traders; oil refinery)

Kroft: (Voiceover) In a five-year period, Masters said the amount of money institutional, investors, hedge funds and the big Wall Street banks had placed in the commodities markets went from \$13 billion to 300 billion. Last year, 27 barrels of crude were being traded every day on the New York Mercantile Exchange for every one barrel of oil that was actually being consumed in the United States.

Mr. Masters: We talked to the largest physical trader of crude oil, and they told us that, compared to the size of the investment inflows—and remember, this is the largest physical crude oil trader in the United States—they said that, "We are basically a flea on an elephant," that that's how big these flows were.

(Senate hearings; Lawrence Eagles)

Kroft: (Voiceover) Yet when Congress began holding hearings last summer and asked Wall Street banker Lawrence Eagles of JPMorgan what role excessive speculation played in rising oil prices, the answer was little to none.

Mr. Lawrence Eagles: We believe that high energy prices are fundamentally a result of supply and demand.

(JPMorgan building; e-mail; oil refinery; oil tank; oil register)

Kroft: (Voiceover) As it turns out, not even JPMorgan's chief global investment officer agreed with him. The same day that Eagles testified, this e-mail went out to clients, saying "an enormous amount of speculation" ran up the price, and "\$140 in July was ridiculous." If anyone had any doubts, they were dispelled a few days after that hearing, when the price of oil jumped \$25 in a single day.

September 22nd.

Mr. Michael Greenberger: September 22nd. (Michael Greenberger; CFTC building; oil pipelines)

Kroft: (Voiceover) Michael Greenberger, a former director of trading for the Commodity Futures Trading Commission, the federal agency that oversees oil futures, says there were no supply disruptions that could have justified such a big increase.

Mr. Greenberger: Did China and India suddenly have gigantic needs for new oil products in a single day? No. Everybody agrees supply-demand could not drive the price up \$25, which was a record increase in the price of oil. The price of oil went from somewhere in the 60s to \$147 in a—less than a year. And we were being told on that runup, it's supply-demand, supply-demand, supply-demand. (Oil refinery; Masters; woman talking; Masters)

Kroft: (Voiceover) A recent report out of MIT analyzing world oil production and consumption also concluded that the basic fundamentals of supply and demand could not have been responsible for last year's runup in oil prices. And Michael Masters says the US Department of Energy's own statistics showed that if the markets had been working properly the price of oil should have been going down, not up.

Mr. Masters: From quarter four of '07 until the second quarter of '08, the EIA, the Energy Information Administration said that supply went up, worldwide supply went up, and worldwide demand went down. So you have supply going up and demand going down, which generally means that price is going down.

Kroft: And this was the period of the spike?

Mr. Masters: This was the period of the spike. So you had the largest price increase in history during a time when actual demand was going down and actual supply was going up during the same period. However, the only thing that makes sense that lifted the price was investor demand.

(Oil refinery; buildings)

Kroft: (Voiceover) Masters believes the investor demand for commodities and oil futures in particular, was created on Wall Street by hedge funds and the big Wall Street investment banks like Morgan Stanley, Goldman Sachs, Barclays and JPMorgan, who made billions investing hundreds of billions of dollars of their clients' money.

Mr. Masters: The investment banks facilitated it. You know, they found folks to write papers espousing the benefits of investing in commodities. And then they promoted commodities as a, quote-unquote, "asset class." Like, you could invest in commodities just like you could in stocks or bonds or anything else, like they were suitable for long-term investment. (Gilligan)

Kroft: (Voiceover) Dan Gilligan of the Petroleum Marketers Association agreed.

Are you saying that companies like Goldman Sachs and Morgan Stanley and Barclays have as much to do with the price of oil going up as Exxon or Shell?

Mr. Gilligan: Oh, absolutely. Yes. I tease people sometimes that, you know, people

say, "Well, who's the largest oil company in America?" And they'll always say "Well, ExxonMobil or Chevron or BP." But I'll say, "no, Morgan Stanley."

(Morgan Stanley building; flow chart of Morgan Stanley ownerships)

Kroft: (Voiceover) Morgan Stanley isn't an oil company in the traditional sense of the word. It doesn't own or control oil wells or refineries or gas stations. But according to documents filed with the Securities and Exchange Commission, Morgan Stanley is a significant player in the wholesale market through various entities controlled by the corporation.

It not only buys and sells the physical product through subsidiaries and companies that it controls, Morgan Stanley has the capacity to store and hold 20 million barrels. These storage tanks behind me in New Haven, Connecticut, hold Morgan Stanley heating oil bound for homes in New England, where it controls nearly 15 percent of the market.

(Building; oil refinery; pipeline; storage terminals; men walking; buildings; barge; oil storage tank)

Kroft: (Voiceover) The Wall Street bank Goldman Sachs also has huge stakes in companies that own a refinery in Coffeyville, Kansas, and control 43,000 miles of pipeline and more than 150 storage terminals. And analysts at both investment banks contributed to the oil frenzy that drove prices to record highs. Goldman's top oil analyst predicted last March that the price of a barrel was going to \$200. Morgan Stanley predicted \$150 a barrel. Both companies declined our requests for an interview, but maintain that their oil businesses are completely separate from their trading activities, and that neither influence the independent opinions of their analysts. There is no evidence that either company has done anything illegal.

Is there price manipulation going on?

Mr. Gilligan: I can't say. And the reason I can't say is because nobody knows. Our federal regulators don't have access to the data. They don't know who holds what positions.

Kroft: Why don't they know?

Mr. Gilligan: Why don't they know?

Kroft: Yeah.

Mr. Gilligan: Because federal law doesn't give them the jurisdiction to find out.

(Oil storage; oil refinery; pipeline; Wall Street sign; American flags; Capitol building; stock exchange)

Kroft: (Voiceover) It's impossible to tell exactly who is buying and selling all those oil contracts because most of the trading is now conducted in secret, with no public scrutiny or government oversight. Over time, the big Wall Street banks were allowed to buy and sell as many oil contracts as they wanted for their clients, circumventing regulations intended to limit speculation. And in 2000, Congress effectively deregulated the futures market, granting exemptions for complicated derivative investments called oil swaps, as well as electronic trading on private exchanges.

Who is responsible for deregulating the oil future market?

Mr. Greenberger: You'd have to say Enron. This was something they desperately wanted and they got.

(Greenberger; CFTC building; Enron; people at desks)

Kroft: (Voiceover) Michael Greenberger, who wanted more regulation while he was at the Commodity Futures Trading Commission, not less, says it all happened when Enron was the seventh largest corporation in the United States.

Mr. Greenberger: (Voiceover) This was when Enron was riding high, and what Enron wanted, Enron got.

Kroft: Why did they want a deregulated market in oil futures?

(Traders at desks; spreadsheet; man at computer)

Mr. Greenberger: Because they wanted to establish their own little energy futures exchange through computerized trading.

(Voiceover) They knew that if they could get this trading engine established without the controls that had been placed on speculators, they would have the ability to drive the price of energy products in any way they wanted to take it.

When Enron failed, we learned that Enron and its conspirators who used their trading engine were able to drive the price of electricity up, some say by as much as 300 percent, on the West Coast.

Kroft: Is the same thing going on right now in the oil business?

Mr. Greenberger: Every Enron trader who knew how to do these manipulations became the most valuable employee on Wall Street.

(Oil rig; stock market ticker; oil rig in ocean)

Kroft: (Voiceover) But some of them may now be looking for work. The oil bubble began to deflate early last fall when Congress threatened new regulations and federal agencies announced they were beginning major investigations. It finally popped with the bankruptcy of Lehman Brothers and the near collapse of AIG, who were both heavily invested in the oil markets. With hedge funds and investment houses facing margin calls, the speculators headed for the exits.

Mr. MASTERS: From July 15th until the end of November, roughly \$70 billion came out of commodities futures from these index funds. In fact, gasoline demand went down by roughly 5 percent over that same period of time. Yet the price of crude oil dropped more than \$100 a barrel. It dropped 75 percent.

Kroft: How do you explain it?

Mr. Masters: By looking at investors. That's the only way you can explain it.

Kroft: The regulatory lapses in the commodities market that many believe fomented the rapid speculation in oil have still not been addressed, although the incoming Obama administration has promised to do so.

By Mr. FEINGOLD:

S. 222. A bill to amend the Internal Revenue Code of 1986 to increase the national limitation on qualified energy conservation bonds and to clarify that certain programs constitute a qualified conservation purpose, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, over the past few days I have introduced a series of bills that are part of my E4 Initiative, dubbed E4 because of its focus on economy, employment, education, and energy. Today I am introducing two bills that are part of this effort: the Community Revitalization Energy Conservation, CREC, Act of 2009 and the Energy and Technology Advancement, ETA, Act of 2009.

The newest among my E4 bills is the Community Revitalization Energy Conservation, CREC, Act of 2009. This

bill will increase the amount of funding available to State and local governments for the rehabilitation and revitalization of the fledgling green economy, and also expand the types of eligible projects to cover energy efficiency improvements to privately owned buildings. While our country is facing its greatest economic challenge since the Great Depression, we have a tremendous opportunity to create jobs critical to addressing the energy challenges we face. The CREC Act amends the recently authorized Qualified Energy Conservation Bond, QECB, program to increase funding for important public-private partnerships to significantly invest in energy efficiency and conservation, a key national priority. It also offers States and local governments the opportunity to create jobs and stimulate their local economies.

First, my bill will more than quadruple the amount of bonds that can be issued under the Qualified Energy Conservation Bond program—increasing the program from \$800 million to \$3.6 billion. This will provide the opportunity for private investors to partner with State and local governments to fund energy investments through State and locally issued tax credit bonds. As we give private investors the opportunity to participate in the green economy through Qualified Energy Conservation Bonds, we signal to the market that the Federal Government will continue to affirm the importance of investment in energy efficiency and conservation, as well as the development of new energy technologies. Helping these new energy technologies thrive is not only a promising way to develop the next generation of energy technology to reduce our energy consumption, it will also help to spur job creation as State and local governments embark on capital improvements.

Increasing the size of the program will support funding for eligible projects including energy efficiency improvements of publicly owned buildings; rural development of electricity from renewable sources; research facilities or grants for renewable technologies such as advanced automobile battery technology and nonfossil fuels; mass commuting facilities that reduce energy consumption; or financing qualified energy production projects such as wind, biomass, geothermal, landfill gas, and solar.

Secondly, my bill expands the types of eligible programs to ones that reduce energy consumption in privately owned buildings. It would allow States and local governments to help homeowners and businesses make improvements such as heating-fuel saving measures; electricity-saving measures; on-site renewable energy generating devices; or water-saving measures that reduce the energy use of the owner, renter or water provider. Gains in effi-

ciency savings between 20–30 percent are easily achievable through improving lighting, insulation, HVAC equipment and controls for these items. These measures are often one-time and low maintenance or maintenance free once they have been installed. In terms of costs, implementing efficiency measures only costs about 3 cents per kWh of energy saved while implementing wind and solar projects can cost at least two to three times more.

Importantly, my bill will increase the success of these energy efficiency and conservation programs by ensuring the Qualified Energy Conservation Bond program can be used to promote novel payment structures in order to reduce the prohibitive upfront costs that homeowners and businesses must pay for energy efficiency and conservation upgrades. By eliminating expensive up-front costs for homeowners and businesses, we can eliminate one of the main obstacles to making significant energy efficiency gains. Furthermore, we can virtually eliminate what homeowners and businesses have to pay for the efficiency and conservation upgrades by not increasing their out-of-pocket expenses. For example, States and local governments can work with electric and water utilities to bill individuals or businesses monthly for the cost of the efficiency improvements based on the savings they receive. The payment for the efficiency improvements each month will be no more than the monthly energy-savings realized by the improvements, thereby keeping their monthly payments the same as before the energy improvements.

The Center on Wisconsin Strategy states that buildings account for 40 percent of total U.S. energy consumption, 70 percent of U.S. electricity consumption, and 43 percent of U.S. carbon emissions, a larger share than either transportation or industry. It is possible that the U.S. could realize more than \$200 billion in annual savings from improved building efficiency alone. However, one of the challenges associated with implementing building efficiency measures is its prohibitive cost. Unfortunately, poor households devote a disproportionate share of income to home energy costs, often upwards of 10 percent, because they have less income and tend to live in less efficient buildings and use less efficient appliances. Through building retrofits we have the potential to generate about 10 person years of employment in direct installation of efficiency measures and another 3–4 person years in the production of relevant materials for every \$1 million spent on retrofits.

Large cities and counties with populations over 100,000 would be eligible for Wisconsin's share, \$65.7 million, that my bill would allow for. Eligible local governments in Wisconsin include: Milwaukee, Madison, Green Bay,

and the counties of Milwaukee, Dane, Waukesha, Brown, Racine, Outagamie, Kenosha, Winnebago, Rock, Marathon, Washington, Sheboygan, La Crosse, and Walworth.

I commend the city of Milwaukee and the Center on Wisconsin Strategy—they have already begun to develop a program to address retrofitting residential buildings with energy efficiency measures through Me2—Milwaukee Energy Efficiency. COWS' initial estimates suggest if you could retrofit nearly all of the existing housing stock in Milwaukee, an initial investment of just under \$250 million could result in annual energy savings of over \$80 million. Examples of other cities that are tackling the issue of energy efficiency in residential buildings include Berkeley, CA; Babylon, NY; and Brookhaven, NY.

All of these efforts to conserve energy require investments in time and money. By combining efforts on two of the challenges that we currently face—energy and employment—we can create great opportunities. Energy efficiency and conservation are in our national interest for our long term economic well-being, for the health and safety of our citizens and the world as we mitigate the effects of climate change, and for our independence and security.

I have urged the Treasury Department to quickly issue regulations for the Qualified Energy Conservation Bonds so the initial program can get up and running. Once regulations are finalized, States and local governments can begin applying to receive an allotment of the bonds to pursue projects that may have been shelved in our struggling economy.

The second energy bill I am introducing as part of my E4 Initiative is the Energy and Technology Advancement Act. This bill will increase partnerships between the Federal Government and businesses to help spur the commercialization of energy, forestry, and other technologies—in other words, to increase the ETA, or estimated time of arrival, for bringing new technologies to market.

Particularly in the area of energy, we must do more to make new energy solutions, like next generation biofuels, a reality. My bill will help make the Federal Government a better business partner for the many businesses that are researching and developing innovative technology solutions our country needs. We are squandering the Federal investment of billions into research and development by not doing enough to prevent new technologies from sitting on the shelf or being shipped to another country. Helping these new energy technologies get off the ground is not only a promising way to develop the next generation of energy technology that will help break our addiction to oil, it will also help to spur job creation and enhance rural development.

One obstacle identified by the Forest Service's Wisconsin-based Forest Products Lab which conducts forestry and energy technology research with businesses and others, is lack of Federal support for moving technologies from the research and development phase to commercialization. My bill will bridge this gap by authorizing the U.S. Department of Agriculture, USDA, which includes the Forest Service, to work with businesses and provide access to resources to assist with getting technologies to market.

By encouraging the USDA to act as a "business incubator," we can increase the rate of success and reduce the length of time for bringing technologies to the market. By providing a bridge to move new technologies beyond the research and development phase to commercialization, the Federal Government will accelerate the development of new technologies and create increased opportunities for small businesses, local and State government, and others.

All energy, forestry, and other technologies will benefit from my ETA Act because it will help new technologies come to the market. It does so by promoting the Federal Government as a better business incubator, encouraging the USDA to provide business support services, and authorizing USDA employees and private-sector employees to work together in Federal or private experimental or product facilities. My bill will also increase cooperation between the Federal Government and innovative businesses by encouraging the USDA to allow rental of Federal equipment and property for the development of new technology.

Lastly, a specific partnership encouraged by my Energy and Technology Advancement Act will spur the commercialization of biofuels. My bill requires the USDA to pursue a bio-refinery pilot plant that will allow businesses to partner with the Federal Government to test various biofuels technologies derived from a variety of feedstocks, including woody and agriculture waste.

Certainly one of today's greatest challenges—energy—is also one of tomorrow's greatest opportunities. Today, the transportation sector accounts for 70% of our oil consumption. However, there are promising efforts to significantly lessen our dependence on oil by reducing fuel consumption through increased efficiency and by aggressively pursuing renewable fuels, or biofuels. The commercialization of biofuels will also create job opportunities, support rural development and industries such as forestry, and develop the next generation of fuels that are sustainable and from diverse sources.

Given our current dire fiscal situation, it is more important than ever that we are careful stewards of taxpayer dollars. Not only are both of

these new bills fully offset, so as not to worsen our current Federal deficit; they actually provide over a billion dollars in deficit reduction. That's yet another reason to pass them, and I look forward to working with my colleagues to do just that.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 226. A bill to designate the Department of Veterans Affairs outpatient clinic in Havre, Montana, as the Merrill Lundman Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

Mr. TESTER. Mr. President, I rise today with my colleague Senator BAUCUS to introduce legislation honoring a Montana veteran named Merrill Lundman.

Merrill was not a general officer. He did not become famous in battle, or wealthy in his civilian life. After serving in the Army, he came home to north-central Montana to work on the family farm and, later, for 20 years for the BNSF railroad. Some people might say he was just an ordinary man who served his country in the Army for three years, and then came home to work to live most of his days on the Hi-Line, a strip of U.S. Highway 2 in Montana that cuts across the prairie near the northern border.

But because of Merrill Lundman, thousands of veterans in and around Havre, Montana, can expect to get their VA medical care a little bit closer to home. You see, for the last several years of his life, Merrill devoted his time and his energy to pushing the VA to open a new community based outpatient clinic in Havre. And today, his dream has become a reality.

I am sorry that Merrill Lundman is not with us today to celebrate this day. He died just over one year ago, on December 22, 2007. Less than a month later, the VA announced its intention to establish a clinic in Havre.

The data says that veterans who live in rural areas don't live as long—or as well—as their urban peers. That's because it's harder to get to the VA facility that may be hundreds of miles away—especially this time of year when snow and ice can make travel in Montana treacherous. I don't know if Merrill knew this, but he sensed that his fellow veterans were getting a raw deal, and he didn't hesitate to tell the VA and his congressional delegation.

The story of this clinic is a grassroots effort led by one man who stood up for his fellow band of brothers to make sure that they can get the care that they have earned. And to honor that effort, Senator BAUCUS and I are proud to introduce this legislation, and I look forward to working with Chairman AKAKA to move this bill quickly through the Veterans' Affairs Committee.

By Mr. CARDIN (for himself, Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER):

S. 227. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce The Harriet Tubman National Historical Park and The Harriet Tubman Underground Railroad National Historical Park Act. I am joined by Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER as original co-sponsors. We originally introduced nearly identical legislation last summer, but the press of legislative business did not allow for consideration of this important legislation. This year we will work for its prompt consideration and enactment.

The woman, who is known to us as Harriet Tubman, was born Araminta "Minty" Ross approximately 1822 in Dorchester County, Maryland. She spent nearly 30 years of her life as a slave on Maryland's Eastern Shore. As an adult she took the first name Harriet, and when she was 25 she married John Tubman.

Harriet Tubman escaped from slavery in 1849. She did so in the dead of night, navigating the maze of tidal streams and wetlands that are a hallmark of Maryland's Eastern Shore. She did so alone, demonstrating courage, strength and fortitude that became her hallmarks. Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline counties where, under the most adverse conditions, she led away many family members and other slaves to their freedom. Tubman became known as "Moses" by African-Americans and white abolitionists. She was perhaps the most famous and most important conductor in the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading hundreds of slaves from those slave States to freedom during those years.

Following the Civil War, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement, and she also established the one of the first incorporated homes for aged African-Americans. In 1903 she bequeathed the home to the African Methodist Episcopal Zion Church in Auburn. Harriet Tubman died in Auburn in 1913 and she is buried there in the Fort Hill Cemetery.

Slaves were forced to live in primitive buildings even though many were

skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand. The landscapes of the Eastern Shore of Maryland, however, remain evocative of the time that Tubman lived there. Farm fields and forests dot the landscape, which is also notable for its extensive network of tidal rivers and wetlands. In particular, a number of properties including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are today protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to their freedom.

In New York, on the other hand, many of the buildings associated with Tubman's life remain intact. Her personal home, as well as the Tubman Home for the Aged, the church and rectory of the Thompson Memorial AME Zion Episcopal Church, and the Fort Hill Cemetery are all extant.

In 1999, the Congress approved legislation authorizing a Special Resource Study to determine the appropriateness of establishing a unit of the National Park Service to honor Harriet Tubman. The Study has taken an exceptionally long time to complete, in part because of the lack of remaining structures on Maryland's Eastern Shore. There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, as been more difficult. Eventually, the Park Service came to realize that determined that a Park that would include two geographically separate units would be appropriate. The New York unit would include the tightly clustered Tubman buildings in Auburn. The Maryland portion would include large sections of landscapes that are evocative of Tubman's time and are historically relevant. The Harriet Tubman National Historical Park and The Harriet Tubman Underground Railroad National Historical Park Act, S. 3383, was first introduced on July 31, 2008. The Special Resource Study will be finalized and released in the near future.

The legislation I am introducing today establishes two parks. The Harriet Tubman National Historical Park includes important historical structures in Auburn, New York. They in-

clude Tubman's home, the Home for the Aged that she established, the African Methodist Episcopal AME Zion Church, and the Fort Hill Cemetery where she is buried.

The Harriet Tubman Underground Railroad National Historical Park includes historically important landscapes in Dorchester, Caroline, and Talbot counties, Maryland, that are evocative of the life of Harriet Tubman. The Maryland properties include about 2,200 acres in Caroline County that comprise the Poplar Neck plantation that Tubman escaped from in 1849. The 725 acres of viewshed across the Choptank River in Talbot County would also be included in the Park. In Dorchester County, the parcels would not be contiguous, but would include about 2,775 acres. All of them are included within the Blackwater National Wildlife Refuge boundaries or about that resource land. The National Park Service would not own any of these lands.

The bill authorizes \$11 million in grants for the New York properties for their preservation, rehabilitation, and restoration of those resources.

The bill authorizes an additional \$11 million in grants for the Maryland section. Funds can be used for the construction of the State Harriet Tubman Park Visitors Center and/or for easements or acquisition of properties inside or adjacent to the Historical Park boundaries.

Finally, the bill also authorizes a new grants program. Under the program, the National Park Service would award competitive grants to historically Black colleges and universities, predominately Black institutions, and minority serving institutions for research into the life of Harriet Tubman and the African-American experience during the years that coincide with the life of Harriet Tubman. The legislation authorizes \$200,000 annually for this scholarship program.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts. She lived those principles and shared that freedom with hundreds of others. In doing so, she has earned a nation's respect and honor. That is why I am so proud to introduce this legislation, establishing the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harriet Tubman National Historical Park and Harriet

Tubman Underground Railroad National Historical Park Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Harriet Tubman (born Araminta "Minty" Ross)—

(A) was born into slavery in Maryland around 1822;

(B) married John Tubman at age 25;

(C) endured through her youth and young adulthood the hardships of enslaved African-Americans; and

(D) boldly emancipated herself from bondage in 1849;

(2) not satisfied with attaining her own freedom, Harriet Tubman—

(A) returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline Counties, Maryland; and

(B) under the most adverse circumstances led away many family members and acquaintances to freedom in the northern region of the United States and Canada;

(3) Harriet Tubman was—

(A) called "Moses" by African-Americans and white abolitionists; and

(B) acknowledged as 1 of the most prominent "conductors" of the resistance that came to be known as the "Underground Railroad";

(4) in 1868, Frederick Douglass wrote that, with the exception of John Brown, Douglass knew of "no one who has willingly encountered more perils and hardships to serve our enslaved people" than Harriet Tubman;

(5) during the Civil War, Harriet Tubman—

(A) was recruited to assist Union troops as a nurse, a scout, and a spy; and

(B) served in Virginia, Florida, and South Carolina, where she is credited with facilitating the rescue of hundreds of enslaved people;

(6) Harriet Tubman established in Auburn, New York, 1 of the first incorporated homes for aged African-Americans in the United States, which, 10 years before her death, she bequeathed to the African Methodist Episcopal Zion Church;

(7) there are nationally significant resources comprised of relatively unchanged landscapes associated with the early life of Harriet Tubman in Caroline, Dorchester, and Talbot Counties, Maryland;

(8) there are nationally significant resources relating to Harriet Tubman in Auburn, New York, including—

(A) the residence of Harriet Tubman;

(B) the Tubman Home for the Aged;

(C) the Thompson Memorial AME Zion Church; and

(D) the final resting place of Harriet Tubman in Fort Hill Cemetery;

(9) in developing interpretive programs, the National Park Service would benefit from increased scholarship of the African-American experience during the decades preceding the Civil War and throughout the remainder of the 19th century;

(10) it is fitting and proper that the nationally significant resources relating to Harriet Tubman be preserved for future generations as units of the National Park System so that people may understand and appreciate the contributions of Harriet Tubman to the history and culture of the United States; and

(11) in addition to the properties and resources within the boundary of the Harriet Tubman Underground Railroad National Historical Park, other associated land within the Blackwater National Wildlife Refuge and proposed additions to the Refuge are—

(A) components of the nationally significant Harriet Tubman landscape; and

(B) essential to the visual, historical, and cultural experiences of the Historical Park.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and promote stewardship of the resources in Auburn, New York, and Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life and contributions of Harriet Tubman;

(2) to provide for partnerships with the African Methodist Episcopal Zion Church, the States of New York and Maryland, political subdivisions of the States, the Federal Government, local governments, nonprofit organizations, and private property owners for resource protection, research, interpretation, education, and public understanding and appreciation of the life and contributions of Harriet Tubman;

(3) to sustain agricultural and forestry land uses in Caroline, Dorchester, and Talbot Counties, Maryland, that remain evocative of the landscape during the life of Harriet Tubman; and

(4) to establish a competitive grants program for scholars of African-American history relating to Harriet Tubman, the Harriet Tubman historic landscape, and the Underground Railroad.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHURCH.—The term “Church” means the Harriet Tubman Home, Inc., of the AME Zion Church located in Auburn, New York, which owns and manages—

(A) the Thompson Memorial AME Zion Church;

(B) the Harriet Tubman home;

(C) the Tubman Home for the Aged; and

(D) the land on which those facilities are located.

(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) PREDOMINANTLY BLACK INSTITUTION.—The term “Predominantly Black Institution” has the meaning given the term in section 499A(c) of the Higher Education Act of 1965 (20 U.S.C. 1099e(c)).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) VISITOR CENTER.—The term “Visitor Center” means the Harriet Tubman Underground Railroad State Park Visitor Center to be constructed under section 5(d).

SEC. 4. ESTABLISHMENT OF HARRIET TUBMAN NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—On the execution of easements with the Church, the Secretary shall—

(1) establish the Harriet Tubman National Historical Park (referred to in this section as the “Historical Park”) in the City of Auburn, New York, as a unit of the National Park System; and

(2) publish notice of the establishment of the Historical Park in the Federal Register.

(b) BOUNDARY.—

(1) IN GENERAL.—The Historical Park shall be comprised of structures and properties associated with the Harriet Tubman home, the Tubman Home for the Aged, the Church, and the Rectory, as generally depicted on the map entitled “Harriet Tubman National Historical Park—Proposed Boundary”, numbered [____], and dated [____].

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the appropriate offices of the National Park Service.

(c) ACQUISITION OF LAND.—The Secretary may acquire from willing sellers, by dona-

tion, purchase with donated or appropriated funds, or exchange, land or interests in land within the boundary of the Historical Park.

(d) FINANCIAL ASSISTANCE AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, and enter into cooperative agreements with—

(1) the Church for—

(A) historic preservation of, rehabilitation of, research on, and maintenance of properties within the boundary of the Historical Park; and

(B) interpretation of the Historical Park;

(2) the Fort Hill Cemetery Association for maintenance and interpretation of the gravesite of Harriet Tubman; and

(3) the State of New York, any political subdivisions of the State, the City of Auburn, the Church, colleges and universities, and nonprofit organizations for—

(A) preservation and interpretation of resources relating to Harriet Tubman in the City of Auburn, New York;

(B) conducting research, including archaeological research; and

(C) providing for stewardship programs, education, public access, signage, and other interpretive devices at the Historical Park for interpretive purposes.

(e) INTERPRETATION.—The Secretary may provide interpretive tours to sites located outside the boundaries of the Historical Park in Auburn, New York, that include resources relating to Harriet Tubman.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, in cooperation with the Church, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the general management plan for the Harriet Tubman National Historical Park with—

(A) the Harriet Tubman Underground Railroad National Historical Park in Maryland; and

(B) the National Underground Railroad Network to Freedom.

SEC. 5. ESTABLISHMENT OF THE HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Harriet Tubman Underground Railroad National Historical Park (referred to in this section as the “Historical Park”) in Caroline, Dorchester, and Talbot Counties, Maryland.

(b) BOUNDARY.—

(1) IN GENERAL.—The boundary of the Historical Park shall consist of certain landscapes and associated resources relating to the early life and enslavement of Harriet Tubman and the Underground Railroad, as generally depicted on the map entitled “Harriet Tubman Underground Railroad National Historical Park—Proposed Boundary”, numbered [____], and dated [____].

(2) ADDITIONAL SITES.—The Secretary, after consultation with landowners, the State of Maryland, and units of local government, may modify the boundary of the Historical Park to include additional resources relating to Harriet Tubman that—

(A) are located within the vicinity of the Historical Park; and

(B) are identified in the general management plan prepared under subsection (g) as appropriate for interpreting the life of Harriet Tubman.

(3) AVAILABILITY OF MAP.—On modification of the boundary of the Historical Park under paragraph (2), the Secretary shall make available for public inspection in the appropriate offices of the National Park Service a revised map of the Historical Park.

(c) ACQUISITION OF LAND.—The Secretary may acquire from willing sellers, by donation, purchase with donated or appropriated funds, or exchange, land or an interest in land within the boundaries of the Historical Park.

(d) GRANTS.—In accordance with section 7(b)(2), the Secretary may provide grants—

(1) to the State of Maryland, political subdivisions of the State, and nonprofit organizations for the acquisition of less than fee title (including easements) or fee title to land in Caroline, Dorchester, and Talbot Counties, Maryland, within the boundary of the Historical Park; and

(2) on execution of a memorandum of understanding between the State of Maryland and the Director of the National Park Service, to the State of Maryland for the construction of the Harriet Tubman Underground Railroad State Park Visitor Center on land owned by the State of Maryland in Dorchester County, Maryland, subject to the condition that the State of Maryland provide the Director of the National Park Service, at no additional cost, sufficient office space and exhibition areas in the Visitor Center to carry out the purposes of the Historical Park.

(e) FINANCIAL ASSISTANCE AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the State of Maryland, political subdivisions of the State, nonprofit organizations, colleges and universities, and private property owners for—

(1) the restoration or rehabilitation, public use, and interpretation of sites and resources relating to Harriet Tubman;

(2) the conduct of research, including archaeological research;

(3) providing stewardship programs, education, signage, and other interpretive devices at the sites and resources for interpretive purposes; and

(4)(A) the design and construction of the Visitor Center; and

(B) the operation and maintenance of the Visitor Center.

(f) INTERPRETATION.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, in coordination with the State of Maryland, political subdivisions of the State, and the United States Fish and Wildlife Service, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the general management plan for the Historical Park with—

(A) the Harriet Tubman National Historical Park in Auburn, New York;

(B) the National Underground Railroad Network to Freedom;

(C) the Maryland Harriet Tubman Underground Railroad State Park; and

(D) the Harriet Tubman Underground Railroad Byway in Dorchester and Caroline Counties, Maryland.

(3) **PRIORITY TREATMENT.**—The general management plan for the Historical Park shall give priority to, with the concurrence of the owner of the property, the adequate protection of, interpretation of, public appreciation for, archaeological investigation of, and research on Stewart's Canal, the Jacob Jackson home site, the Brodess Farm, the Ben Ross and Anthony Thompson properties on Harrisville Road, and the James Cook site, all of which are privately owned and located in the area identified as the "Harriet Tubman Historic Area" on the map described in subsection (b)(1).

(h) **BLACKWATER NATIONAL WILDLIFE REFUGE.**—

(1) **INTERAGENCY AGREEMENT.**—The Secretary shall ensure that, not later than 1 year after the date of enactment of this Act, the National Park Service and the United States Fish and Wildlife Service enter into an interagency agreement that—

(A) promotes and mutually supports the compatible stewardship and interpretation of Harriet Tubman resources at the Blackwater National Wildlife Refuge; and

(B) provides for the maximum level of cooperation between those Federal agencies to further the purposes of this Act.

(2) **EFFECT OF ACT.**—Nothing in this Act modifies, alters, or amends the authorities of the United States Fish and Wildlife Service in the administration and management of the Blackwater National Wildlife Refuge.

(i) **DUTIES OF OTHER FEDERAL ENTITIES.**—Any Federal entity conducting, supporting, permitting, or licensing activities directly affecting nationally significant land within the area identified as the "Harriet Tubman Historic Area" on the map described in subsection (b)(1) shall—

(1) consult and cooperate with the Secretary with respect to the activities;

(2) identify any alternatives with regard to the proposed activity affecting the Harriet Tubman Historic Area; and

(3) to the maximum extent practicable, conduct, support, permit, or license the activities in a manner that the Secretary determines would not have an adverse effect on the Harriet Tubman Historic Area.

SEC. 6. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park in accordance with this Act and the laws generally applicable to units of the National Park System including—

(1) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **PARK REGULATIONS.**—Notwithstanding subsection (a), regulations and policies applicable to units of the National Park System shall apply only to Federal land administered by the National Park Service that is located within the boundary of the Harriet Tubman Underground Railroad National Historical Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this Act (other than subsection (b)), including the provision of National Park Service personnel and National Park Service management funds for the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park.

(b) **GRANTS.**—There are authorized to be appropriated not more than—

(1) \$11,000,000 to provide grants to the Church for—

(A) historic preservation, rehabilitation, and restoration of resources within the boundary of the Harriet Tubman National Historical Park; and

(B) the costs of design, construction, installation, and maintenance of exhibits and other interpretive devices authorized under section 4(d)(1)(B);

(2) \$11,000,000 for grants to the State of Maryland, political subdivisions of the State of Maryland, and nonprofit organizations for activities authorized under subsections (d)(1) and (e)(4)(A) of section 5; and

(3) \$200,000 for fiscal year 2010 and each fiscal year thereafter for competitive grants to historically Black colleges and universities, Predominately Black Institutions, and minority serving institutions for research into the life of Harriet Tubman and the African-American experience during the years that coincide with the life of Harriet Tubman.

(c) **COST-SHARING REQUIREMENT.**—

(1) **CHURCH AND VISITOR CENTER GRANTS.**—The Federal share of the cost of activities provided grants under paragraph (1) or (2) of subsection (b) and any maintenance, construction, or utility costs incurred pursuant to a cooperative agreement entered into under section 4(d)(1)(A) or section 5(e) shall not be more than 50 percent.

(2) **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**—The Federal share of the cost of activities provided assistance under subsection (b)(3) shall be not more than 75 percent.

(3) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under this subsection may be in the form of in-kind contributions of goods or services fairly valued.

By Mr. BINGAMAN (for himself and Mr. AKAKA):

S. 228. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President I rise today with my colleague Senator AKAKA to introduce legislation today designed to make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

Since July 1, 2006, most U.S. citizens and nationals applying for or renewing their Medicaid coverage face a new Federal requirement to provide documentation of their citizenship status. Recent reports indicate that tens-of-thousands of U.S. citizens, and in particular children, inappropriately are being denied Medicaid benefits simply because they don't have access to newly required documentation. The articles below and report by the Center on Budget and Policy Priorities highlight this very serious problem. Hospitals, physicians, and pharmacies may not be willing to treat these individuals until they have a source of payment, but they cannot qualify for Med-

icaid until they produce a birth certificate and ID.

This new Federal requirement was added to Medicaid by the Deficit Reduction Act of 2005, DRA, enacted February 8, 2006. The Tax Relief and Health Care Act of 2006, TRHCA, signed into law December 20, 2006, included some amendments to the DRA citizenship documentation requirement, primarily to exempt certain groups. Prior to enactment of the DRA, states were permitted to use their discretion in requiring such citizenship documentation.

Under Section 6036 of the DRA, citizens applying for or renewing their Medicaid coverage must provide "satisfactory documentary evidence of citizenship or nationality." The DRA specifies documents that are acceptable for this purpose and authorizes the HHS Secretary to designate additional acceptable documents. No Federal matching funds are available for services provided to individuals who declare they are citizens or nationals unless the state obtains satisfactory evidence of their citizenship or determines that they are subject to a statutory exemption.

According to a CRS Report for Congress updated April 15, 2008, "Based on a recent survey by the Government Accountability Office, GAO, 22 of 44 states report declines in enrollment due to the new citizenship documentation requirement. Based on another survey by the Kaiser Commission on Medicaid and the Uninsured, 13 states report a significant negative impact on enrollment and another 24 states report a modest impact. Among seven states detailed in an earlier report from the Center on Budget and Policy Priorities, only Wisconsin has a data system that can identify denials and terminations due to a lack of citizenship documentation, and it reports that about 19,000 people had their Medicaid eligibility denied or terminated for this reason between July 31, 2006, and March 1, 2007."

A second wave study conducted from September 2007–March 2008 by the Department of Health Policy at the George Washington University School of Public Health published October 2008, "Another distressing finding is the impact the citizenship documentation requirements appear to be having on SCHIP. Many states, for important reasons, use joint applications for both Medicaid and separate SCHIP programs. The effect, however, is to apply the citizenship documentation requirements to both programs, thereby delaying coverage for both groups of children."

"Even if most or all of the reported Medicaid enrollment declines are due to the citizenship documentation requirement, a key question is whether the people who are being denied, terminated, or deterred from applying are

U.S. citizens, rather than unauthorized aliens or other ineligible noncitizens. Of the 22 states reporting enrollment declines to GAO, a majority (16 states) attribute them to Medicaid coverage delays or losses for people who appear to be U.S. citizens."

It is important to note that citizenship documentation requirements do not affect Medicaid rules relating to immigrants—they apply to individuals claiming to be citizens. Most new legal immigrants are excluded from Medicaid during their first five years in the U.S. and undocumented immigrants remain eligible for Medicaid emergency services only.

The legislation I am introducing would make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

First, the legislation would restore citizenship verification to a state option. Specifically, states would be permitted to determine when and to what extent citizenship verification is required of U.S. Citizens. States would also be permitted to utilize the standards most appropriate to the their population as long as such standards were no more stringent than those currently used by the Social Security Administration and includes native American tribal documents when appropriate.

Second, the legislation would ensure that individuals are afforded a reasonable time period to provide citizenship documentation utilizing the same reasonable time period standard that is available to legal immigrants to provide satisfactory evidence of their immigration status.

Third, the legislation protects children who are U.S. citizens by virtue of being born in the United States from being denied coverage after birth because of citizenship verification requirements.

Fourth, the legislation also clarifies ambiguities in Federal law to ensure that these citizen children, regardless of the immigration status of their parents, are treated like all other low-income children born in the United States and are deemed eligible to receive Medicaid services for one year.

Finally, the legislation also ensures that the thousands of citizen children and adults, who were erroneously denied Medicaid coverage, may receive retroactive Medicaid eligibility for coverage they were inappropriately denied because of citizenship verification requirements.

I urge my colleagues in the Senate to support this critical legislation, which protects low-income U.S. citizens from being inappropriately denied Medicaid coverage because of lack of documentation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) IN GENERAL.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

- (1) by inserting "(A)" after "(46)";
- (2) by adding "and" after the semicolon; and
- (3) by adding at the end the following new subparagraph:

"(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or re-determining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph);"

(b) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary of Health and Human Services may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) CONFORMING AMENDMENTS.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

- (1) in subsection (i)—
 - (A) in paragraph (20), by adding "or" after the semicolon;
 - (B) in paragraph (21), by striking "or" and inserting a period; and
 - (C) by striking paragraph (22); and
- (2) in subsection (x)—
 - (A) by striking paragraphs (1) and (3);
 - (B) by redesignating paragraph (2) as paragraph (1);
 - (C) in paragraph (1), as so redesignated, by striking "paragraph (1)" and inserting "section 1902(a)(46)(B)"; and
 - (D) by adding at the end the following new paragraph:

"(2) In the case of an individual declaring to be a citizen or national of the United

States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status."

SEC. 2. CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.

Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by section 1(c)(2), is amended—

- (1) in paragraph (1)—
 - (A) in subparagraph (C), by striking "or" at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(2) by adding at the end the following new paragraph:

"(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life."

SEC. 3. EFFECTIVE DATE.

(a) RETROACTIVE APPLICATION.—The amendments made by this Act shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(b) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by sections 1 and 2, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

[From the New York Times, June 5, 2006]

MEDICAID RULES TOUGHENED ON PROOF OF CITIZENSHIP

(By Robert Pear)

WASHINGTON, June 4.—The Bush administration plans this week to issue strict standards requiring more than 50 million low-income people on Medicaid to prove they are

United States citizens by showing passports or birth certificates and a limited number of other documents.

The new standards follow a tussle with Congress. Federal health officials had considered giving states broad discretion to accept affidavits in place of official documents. But House Republicans complained, and the administration backed off, allowing affidavits "only in rare circumstances."

The requirements, which take effect July 1, carry out a law signed by President Bush on Feb. 8.

They vividly illustrate how concern about illegal immigration is affecting domestic social welfare policy. The purpose of the law was to conserve federal money for citizens, reducing the need for states to cut Medicaid benefits or limit eligibility.

Gov. Rick Perry of Texas won enthusiastic applause at a state Republican convention on Friday when he vowed to increase border security and said, "Texas will start requiring every Medicaid applicant to verify that they are in the country legally in order to receive benefits."

But officials in some other states and advocates for the poor said the new requirements could cause hardship for children, older Americans and poor people born at home in rural areas who never received birth certificates. Children account for about half of Medicaid recipients. People 65 and older account for about 10 percent.

Jennifer M. Ng'andu, a health policy specialist at the National Council of La Raza, a Hispanic rights group, said, "The documentation requirements will cause confusion about eligibility and will put up barriers to enrollment."

In general, Medicaid is available only to United States citizens and to certain "qualified aliens." Before the new standards, in many states, people who declared they were citizens did not have to support the claim.

But in a letter being sent this week to state officials, the Bush administration says, "Self-attestation of citizenship and identity is no longer an acceptable practice."

In the law, Congress listed examples of documents that could be used to show citizenship, and it said the secretary of health and human services could "by regulation" specify other acceptable documents.

The main proponents of the new requirements were two Republican House members from Georgia, Representatives Charlie Norwood and Nathan Deal.

John E. Stone, a spokesman for Mr. Norwood, said Sunday: "Charlie provided feedback to the administration in the last two weeks to make sure the regulations would not undermine the intent of the law. Obviously you need some flexibility so that a 92-year-old woman with Alzheimer's does not get kicked off Medicaid. What's unacceptable is for people to claim benefits or sign affidavits swearing they are citizens without any verification."

In an interview Sunday, Dr. Mark B. McClellan, administrator of the Centers for Medicare and Medicaid Services, said, "We want to provide an effective way to document citizenship without placing excessive burdens on states or beneficiaries."

In the letter to state Medicaid directors, the administration says, "An applicant or recipient who fails to cooperate with the state in presenting documentary evidence of citizenship may be denied or terminated" from the program.

The requirements will be enforced when a person applies for Medicaid or when eligibility is first recertified on or after July 1. In

general, applicants and recipients will have 45 days to provide documents. People with disabilities will have 90 days.

States typically redetermine eligibility every 3 to 12 months. "Once citizenship has been proved, it need not be documented again" because it does not normally change, the administration said.

But the guidelines include a significant ambiguity: "An individual who is already enrolled in Medicaid will remain eligible if he or she showed a good-faith effort to present satisfactory evidence of citizenship and identity, even if this effort takes longer than 45 days." The administration says that "beneficiaries will not lose benefits as long as they are undertaking a good-faith effort to provide documentation."

States have a strong incentive to enforce the requirements. If they fail to do so, they can lose federal Medicaid money.

The guidelines say states should help people document citizenship, especially if they are homeless, mentally impaired or physically incapacitated and have no one to act on their behalf.

The guidelines list four categories of documents that can be used as evidence of citizenship, from the most reliable to the least trustworthy. The best evidence, they say, is a United States passport or a certificate of naturalization. The next category includes state and local birth certificates and State Department documents issued to children born abroad to United States citizens.

The third category consists of nongovernment documents showing place of birth. These include medical records from doctors, hospitals and clinics; nursing home admission papers; and records from life and health insurance companies.

The fourth category includes affidavits, which can be used "only in rare circumstances when the state is unable to secure evidence of citizenship" from other sources.

"An affidavit must be supplied by at least two individuals, one of whom is not related to the applicant or recipient," the guidelines say. "Each must attest to having personal knowledge of the events establishing the applicant's or recipient's claim of citizenship. The individuals making the affidavit must be able to provide proof of their own citizenship and identity."

People signing affidavits may also be asked "why documentary evidence of citizenship does not exist or cannot be readily obtained."

[From the Birmingham News, Dec. 4, 2006]

MEDICAID RULES PUT PINCH ON POOR, LACK OF PROOF NEEDED FOR PLAN KEEPS MANY FROM HELP

(By Kim Chandler)

The four children in her office needed immunizations. But because their mother did not have their original birth certificates, and couldn't buy a copy, the family could not enroll in Medicaid, Dr. Marsha Raulerson said. The children did not get their shots.

During September and October, 1,600 low-income people, many of them children, were rejected by Alabama's Medicaid program because of tougher federal rules. They require applicants to show an original birth certificate or a copy purchased from the state Health Department with a raised seal, plus a driver's license or other proof of citizenship and identity when signing up for Medicaid benefits.

Many more people eventually could lose benefits if they can't produce the necessary documents.

The new rules took effect July 1 and are part of the 2005 Deficit Reduction Act. Congress approved the law because of concern that illegal immigrants were signing up for Medicaid en masse. Instead of curbing widespread fraud, advocates argue, the new rules deter poor U.S. citizens from getting health coverage.

"Under the best of circumstances, many people would be surprised to have to produce documentation of their citizenship," said Jim Carnes of Alabama Arise, an advocacy group for the poor.

Alabama Medicaid Commissioner Carol Herrmann-Steckel said the state is working hard to keep people on the Medicaid rolls. Unlike some other states, Alabama is not kicking current Medicaid recipients off the program if they do not possess the necessary documents. Under a provision called "reasonable assurance," current Medicaid recipients are allowed to temporarily re-enroll. Medicaid beneficiaries must re-enroll every year.

"We are doing everything we can to verify citizenship. We want to be fair to the Alabamians who are on Medicaid," Herrmann-Steckel said. However, federal government officials have not said how long the "reasonable assurance" period could last. The number of people who could lose Medicaid benefits would be "significant," Herrmann-Steckel said.

Medicaid is a joint federal-state health care program for the poor and disabled, and it is a major provider of medical care in Alabama. Medicaid pays for the health care of nearly 1 million Alabamians, about 20 percent of the state's population, Herrmann-Steckel said.

Advocates fear many poor people can no longer enroll in Medicaid because they cannot locate their birth certificate, or afford to buy a copy, and do not have the required proof of citizenship such as a photo ID.

The cost of obtaining a birth certificate is a challenge for many low-income people, Carnes said, as is transportation to present the documents. The state Department of Public Health charges \$12 to search for a birth certificate.

There is currently no way to tell if the 1,600 who were denied coverage were illegal immigrants or U.S. citizens without the proper documents. But anecdotal evidence from Medicaid workers suggests some were just poor American parents. Medicaid workers asked people who had been denied coverage why they didn't have the proper paperwork.

"By and large the reason was, 'I can't afford to buy four birth certificates,'" said Lee Rawlinson, deputy Medicaid commissioner for beneficiary services.

Herrmann-Steckel said the state is doing everything possible to help Medicaid-eligible people obtain the documents.

The Department of Public Health has agreed to begin faxing Medicaid officials copies of birth certificates as a last resort for applicants who can't obtain their own. The two agencies will split the cost.

Transportation also is a problem for some families, Carnes said. While people previously could renew their Medicaid status by mail, the new rules require a trip to see a Medicaid eligibility worker in person.

"There are all sorts of barriers, particularly for people without transportation and who may not have had a documented birth to begin with," Carnes said.

Raulerson said she cares for a family in Monroe County that once had Medicaid benefits but, without a car, has not been able to renew their coverage.

Medicaid officials say they don't know how many Alabamians have lost their Medicaid benefits because they couldn't, or didn't, visit an eligibility worker.

The Alabama Medicaid Agency is also working with other state agencies, such as the Department of Mental Health and Mental Retardation, to see if they've already verified a person's citizenship, she said.

People who also receive Medicare, the health care program for seniors, or Supplemental Security Income for a disability were exempted from the requirements after state Medicaid officials from across the country complained that would be too burdensome.

Other states are struggling to comply as well.

California has yet to implement the new federal rules. Vermont and other states are phasing in the regulations. While the law was designed to cut down on Medicaid fraud by illegal immigrants, Herrmann-Steckel said she does not believe Alabama has a widespread problem of illegal aliens receiving Medicaid.

NEW MEDICAID RULES COULD COST STATE MILLIONS

(By John Hanna)

The state could face millions of dollars in additional costs because of federal rules requiring Medicaid recipients to verify their citizenship, Gov. Kathleen Sebelius said Wednesday.

Sebelius said she's worried the state will have to pick up the full cost of caring for some poor, frail and elderly Kansans who are living in nursing homes, instead of sharing the cost with the federal government. Also, she said, she will propose adding state employees to verify the citizenship status of Medicaid recipients and applicants.

The governor told reporters she hopes Congress reviews the issue and other attempts to prevent illegal immigrants from obtaining social services or using driver's licenses as identification.

"There was no input from the states on how realistic these were or what the cost was," Sebelius said during a brief news conference following an unrelated meeting.

Under Medicaid requirements that took effect July 1, recipients must provide either a passport or two other documents, such as a birth certificate and a driver's license, to verify citizenship.

While the measure is targeted at illegal immigrants, some advocates for the needy have worried that citizens will either lose or be denied services because they have trouble finding the necessary documents.

State officials say the number of Kansans covered by Medicaid dropped almost 7 percent since July 1, down to 253,000 from 271,000. They believe much of the decline can be attributed to the new requirements.

Typically, every \$1 the state spends on Medicaid is matched by about \$1.50 from the federal government. If someone loses their coverage, then the state faces paying the entire bill for their services, Sebelius said.

"You're at 100 percent state dollars or push them out the door," she said.

Also, Sebelius said, the state needs to "ramp up" its staffing to handle the additional verification work. The governor is working on the budget proposal she'll submit to the 2007 Legislature, which convenes Jan. 8.

"We're certainly going to put some of them in place," she said. "We're trying to make a careful analysis of how many we need."

She said that if the state refuses to comply with the law, it could face the loss of all federal health care dollars.

"We don't have a lot of latitude to say we're not going to do this," she said. "There are literally hundreds of millions of dollars at stake."

Meanwhile, Sebelius expressed concern about a federal law on driver's licenses passed last year.

Starting in 2008, federal agencies won't treat a state's licenses as valid ID unless a state requires license applicants to document that they're living in the United States legally. Lack of ID could prevent someone from entering a federal building or boarding a plane.

Sebelius said the law will require local driver's licenses offices to certify that someone has the proper documentation and to store the information.

"Exactly how that's going to happen, we're not quite sure," Sebelius said. "We don't basically have any of the equipment that's required to do that in any of the rural areas."

THOUSANDS IN KANSAS OFF MEDICAID FOLLOWING CITIZENSHIP RULES

Thousands of low-income Kansans have lost or been denied state health care coverage because of new rules requiring them to prove they are American citizens, state officials say.

Since the federally mandated rules took effect July 1, the number of Medicaid recipients in Kansas has decreased by about 18,000, to 253,000. While officials can't determine exactly how much of the 7 percent drop can be attributed to the new rules, they believe much of it can.

"The impact to the consumer has been severe," said John Anzivino, a vice president for MAXIMUS, a Reston, Va., company that helps administer the joint federal-state Medicaid program in Kansas. "From our perspective, this has possibly been the most dramatic change and challenge to the Medicaid program since its inception."

The new rules were included in last year's federal deficit reduction law and were designed to prevent illegal immigrants from enrolling in the state programs providing health coverage.

But consumer advocates said many vulnerable people who legitimately were eligible for assistance would lose coverage because they couldn't produce the necessary documentation.

"We expect that many of these that have lost coverage will regain coverage once they have gathered and provided the necessary documentation," Marcia Nielsen, executive director of the Kansas Health Policy Authority, told the Lawrence Journal-World. "They will, however, experience a gap in coverage that could prove to be significant for some."

Medicaid applicants can prove their citizenship by providing a passport. Or they can provide other documents that verify both their citizenship, such as a birth certificate, and their identities, such as a driver's license.

Anzivino said most people seeking benefits don't have a passport and are left scrambling to find birth certificates and other documents.

The number of calls each month to a Kansas Medicaid clearinghouse has more than doubled to 49,000 from 23,000, official said.

Meanwhile, Rep. Dennis Moore, a Democrat whose district is centered on the state's portion of the Kansas City area, said federal officials were aware of states' problems with the new rules and probably would work on it when the new Congress takes office in January.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 13—CONGRATULATING THE UNIVERSITY OF FLORIDA FOOTBALL TEAM FOR WINNING THE 2008 BOWL CHAMPIONSHIP SERIES (BCS) NATIONAL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 13

Whereas on January 8, 2009, before a crowd of more than 78,000 fans in Miami, Florida, the University of Florida Gators won the 2008 Bowl Championship Series (BCS) national title with a stunning 24-14 triumph over the University of Oklahoma Sooners;

Whereas the University of Florida is one of the premier academic institutions in the State of Florida;

Whereas the University of Florida Gators captured the Southeastern Conference championship title on December 6, 2008;

Whereas University of Florida football Head Coach Urban Meyer has won 2 BCS national championship games in the past 3 years;

Whereas University of Florida quarterback Tim Tebow was named the Most Outstanding Player of the BCS national title;

Whereas Tim Tebow won the Maxwell Award for the second time in 2 years;

Whereas the University of Florida defense held the University of Oklahoma to only 363 yards of offense in the BCS championship game;

Whereas the Gators finished 2008 ranked first in the Associated Press Poll and first in the Coaches Poll;

Whereas the Gators finished the 2008 season with a record of 13-1;

Whereas the University of Florida student athletes are among the most talented in the Nation;

Whereas University of Florida fans worldwide supported and encouraged the Gators throughout the football season;

Whereas University of Florida President J. Bernard Machen and Athletic Director Jeremy N. Foley have shown great leadership in bringing success and glory to the University of Florida; and

Whereas the University of Florida students, faculty, alumni, and all Gator fans are deeply committed to bringing pride to the University of Florida and the entire State of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida Gators for winning the 2008 Bowl Championship Series (BCS) national championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Florida Gators win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display;

(B) President of the University of Florida, J. Bernard Machen;

(C) Athletic Director of the University of Florida, Jeremy N. Foley; and

(D) Head Coach of the University of Florida football team, Urban Meyer.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, January 15, 2009 at 2:30 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Job Creation and Economic Stimulus in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 13, 2009 at 10 a.m. to conduct a committee hearing on the nomination of Mr. Shaun Donovan to be Secretary of the U.S. Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, January 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building. At this hearing, the Committee will consider the nomination of Steven Chu, to be Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 13, 2009, at 9:30 a.m., to hold hearing a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on January 13th, to conduct a hearing on the nomination of Mr. Arne Duncan, of Illinois, to be Secretary of Education. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY LEDBETTER FAIR PAY ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. I now move to proceed to Calendar No. 14, S. 181, and send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 14, S. 181, the Lilly Ledbetter Fair Pay Act.

Jim Webb, Benjamin L. Cardin, Richard Durbin, Barbara Boxer, Dianne Feinstein, Jeff Bingaman, Mary L. Landrieu, Tom Harkin, Hillary Rodham Clinton, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Maria Cantwell, Debbie Stabenow, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

The Senator from New Jersey is recognized.

GAZA CONFLICT

Mr. LAUTENBERG. Mr. President, I rise to talk about the events that are in front of us and their significance. We are presently sharing in the excitement that surrounds this Capitol and our country at the prospect that President Obama will be taking office and leading this country in a positive fashion.

There is a lot of work to do and a lot of concerns have been brought to our attention. We are reminded by President-elect Obama that people are losing their jobs, and we cannot stand still and let it happen. Prospects are that maybe 500,000 new people a month will be out of work. The economy is fragile and there is not the capital around to get businesses started or to reverse the course we are on. And health care is of great concern to people who are uninsured and struggling.

At the same time that we are concerned about these things now in our own country, we have international responsibilities that we cannot ignore.

Even as excitement surrounds us here, inspired by the new President, we have to look away from our shores and see what is happening in the Middle East where there is fighting raging between Israel and Hamas. And even while we face domestic problems, we cannot step back from what is happening in the Middle East and the responsibility of America as the leading

Nation on our globe. Although I bring this up with some degree of reluctance, we must discuss the situation that we face.

We know that governing is about choices. When we look at the Middle East right now, the choice for Israel is whether Israel steps aside and ignores the attacks on her people that come daily, without provocation.

We have all heard the opinion around the world about how awful the situation in the Middle East is. It is awful. It is terrible. When I see children hurt, when I see them killed, when I see families distressed as their economy worsens, it is a terrible sight.

I was in the Gaza Strip some years ago, bringing good news and financial assistance to the people of the Gaza as they opened a new airport. It was during the time that Arafat was President. There was hope springing up all around that maybe they could get out of the misery that existed in the Gaza Strip and develop an orderly society.

Israel is a democracy in an area of many nations that are less than democratic. When these economies flourish the wealth falls into a few hands, who build their buildings, take their resources, and buy bigger yachts and bigger airplanes for themselves and not for their countries. But there was hope that maybe the Gaza Strip would become a place of opportunity for its people. That is why I was so pleased to be there and to bring the promise of aid upon which we had agreed.

There was no Hamas there at that time. Now, Hamas is there making determinations about its future and the future of the people of the Gaza. Apparently the choice of Hamas is to continue the assault on Israel and to not let discussions take place. I am one of those people who support a two-state commitment there, knowing full well that Israel is a place that could share its knowledge and experience with the people of Gaza. But Hamas refuses to do that. It is a terrorist organization.

I remember a trip I took with several colleagues when we went to Iraq and on the way we stopped in Jordan and Syria, and we spoke to the President of Syria and I asked him to try to curb the activities of Hamas by securing the borders. I said: Why are you encouraging Hamas to find refuge here, have their headquarters here along with Hezbollah? President Asad said: They are a social service organization.

Social service—Mr. President, that is no more a social service organization than the people who attacked us on 9/11; than the people who attacked the British train system; than those who attack innocent people in various countries and cities.

Terrorism is at our throat. We have to be wary. It has changed the way our society functions. Look at all the inspections you go through if you want to catch an airplane or go into public

buildings—always with an ID card. We know the results of terrorism. It is to destroy democratic society, take away the choices people have in their lives. It says women have to conduct themselves in a certain way satisfactory and not have rights to participate in financial opportunities for themselves and their families.

And so we look at Hamas and have to ask: Does it really care about the people of Gaza or is it simply dedicated to its terrorist ways? For the answer we can review how Hamas conducts itself.

Once again, I, as a human being, as a person who cares about life and family, I am distressed to see the loss of life that is taking place in Gaza and in Israel. People are injured and frightened to go out of their homes—and yet even their home can be a place where misery prevails.

But Hamas has attacked Israel, firing rockets, and even now, when it is perhaps possible to get a cease-fire, they insist on continuing rocket firing.

We have seen the opinions of countries around the world as they look at this situation. Instead of just criticizing Israel, why isn't it said that Hamas is a terrorist organization that wants to take away people's rights, that wants to permit their innocent citizens to be used as decoys—in schools and mosques and other places—to try to hide the militants who are firing rockets into Israel?

Hamas starts by saying they don't recognize the right of the State of Israel to exist, but Israel has that right and shall defend that right. She has built a society from the sands, a society that flourishes, not just on the economic side, but on the scientific and research side. They have figured out how to grow crops in areas that were arid, and how to develop the technology that Israel is known for.

The practice of medicine is another thing that Israel is known for. There is a facility in Israel that I helped fund, in memory of my father who died as a very young man—43 years old—from cancer. There is a scientist who lived in New Jersey and was a professor at our principal institution, Rutgers University.

And he asked if I would help fund a laboratory and a facility there that did cancer research. I said yes. That was some time ago. I know they have Arab students there and they have Arab professors there and they all cooperate in helping people maintain good health. We have all seen stories in the paper about the young Arab child who came to Israel, brought by her father, to have a heart transplant. In this way Israeli science reaches out to people of all nations and all religions.

Israel has a right to exist, and a right to exist in peace, and would be more than willing to bring in the countries surrounding Israel to participate in programs for peace as it has with medi-

cine. But there cannot be real peace without security. Israel is taking appropriate action to ensure the security of its people, and to ask them to do less is unfair.

It is impossible to say to them that if we had rockets falling on Boston, we would not respond or if we had rockets falling on Newark, NJ, we would not respond.

I can tell you, as a resident of New Jersey where we have a 2-mile strip that is said by the FBI to be the most dangerous 2-mile strip in the country for a terrorist attack, we are constantly on the alert. We have boats there, we have guards all over the place, and we make sure we are ready to defend ourselves.

Not only is Israel defending itself, as we would, against deadly aggression, it is also putting a stop to the psychological warfare that has become a daily part of life for the people in southern Israel. Innocent civilians live with constant fear that a rocket might kill them, their children, or destroy their home.

Israel, like the United States, is determined to protect and safeguard its people. After 9/11, America sought to eliminate threats to our country from Osama bin Laden and al-Qaida. Now Israel is seeking to eliminate threats from ongoing terrorist attacks.

We cannot kid ourselves about the strategy that Hamas used to gain power in Gaza. Hamas built up its image among the Palestinian people by painting itself as a social service provider. But if they really cared about the Palestinian people, they would not use them as human shields, and they would not use the rooftops of homes to launch rocket attacks.

The events of the past few weeks illustrate to the world that terrorist groups cannot be permitted to go on menacing the free world with terror attacks and there are no countries that are safe from this kind of assault.

Hamas has shown that it cares more about destruction than about improving the lives of the people of Gaza. Hamas leaders have chosen to ignore the fact that their people are suffering in poverty and instead have focused exclusively on hurting Israel.

So we ask Hamas: Stand up; show that you do care about your people and stop attacking Israel's citizens.

There will be tense days ahead in Israel and Gaza, and I am deeply concerned about the loss of innocent life, the pain of losing a family member, and injuries that may last for a lifetime.

To put a stop to the loss of innocent life, Hamas must come to its senses and pursue a cease-fire that is sustainable and durable.

Israel should be joined by nations around the world in pursuing a cease-fire because terror is ultimately possible in their own states and their own

communities, whether it is in India, whether it is in France, whether it is in Spain, whether it is in the UK, or whether it is in America as we saw on 9/11.

There is only one way to bring real peace and real security to the Middle East: stop the rockets and get the people to the bargaining table.

Negotiations are being attempted with Egypt's active participation. We have to encourage these negotiations.

And it has to be very clear to Hamas and other terrorist organizations that they are not going to win by killing people or by discouraging free thought and democratic values.

PROHIBITING THE SALE AND COUNTERFEITING OF PRESIDENTIAL INAUGURAL TICKETS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 60 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 60) to prohibit the sale and counterfeiting of Presidential inaugural tickets.

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 60) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON SALE AND COUNTERFEITING OF INAUGURAL TICKETS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

“§ 515. Prohibition on sale and counterfeiting of inaugural tickets

“(a) IN GENERAL.—It shall be unlawful for any person to—

“(1) except as provided in subsection (b), knowingly and willfully sell for money or property, or facilitate the sale for money or property of, a ticket to a Presidential inaugural ceremony;

“(2) with the intent to defraud, falsely make, forge, counterfeit, or falsely alter a ticket to a Presidential inaugural ceremony; or

“(3) with the intent to defraud, use, unlawfully possess, or exhibit a ticket to a Presidential inaugural ceremony, knowing the ticket to be falsely made, forged, counterfeited, or falsely altered.

“(b) EXCEPTION.—This section shall not apply to the sale for money or property, facilitation of such a sale, or attempt of such a sale, of a ticket to a Presidential inaugural ceremony—

“(1) that occurs after the date on which the Presidential inaugural ceremony for which the ticket was issued occurs; or

“(2) by an official presidential inaugural committee established on behalf of a President-elect of the United States.

“(c) PENALTY.—Whoever violates subsection (a) shall be fined under this title, imprisoned not more than 1 year, or both.

“(d) DEFINITION.—In this section, the term ‘Presidential inaugural ceremony’ means a public inaugural ceremony at which the President-elect or the Vice President-elect take the oath or affirmation of office for the office of President of the United States or the office of Vice President of the United States, respectively.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting at the end the following:

“515. Prohibition on sale and counterfeiting of inaugural tickets.”.

ORDERS FOR WEDNESDAY, JANUARY 14, 2009

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, January 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 22, the lands bill, with time until 10:30 a.m. divided equally and controlled between the two leaders or their designees; and that the cloture vote with respect to S. 22 occur at 10:30 a.m.

I further ask that the filing deadline for second-degree amendments be 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. LAUTENBERG. Mr. President, the manager of the bill was unable to reach an agreement to consider amendments today. As a result of this impasse, the Senate will proceed to a cloture vote on the bill at 10:30 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, January 14, 2009, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING JOHN MANIATAKIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate John Maniatakis upon his retirement as the vice president of NI Industries, Incorporated in Los Angeles, CA. Mr. Maniatakis is retiring at the beginning of 2009 after a 50-year career.

Mr. Maniatakis was born on April 4, 1936. He graduated from Babson College, in Massachusetts, with a bachelor of science degree in economics in 1958. Upon graduating from college, he went to work for Hesse-Eastern, a division of Flightex Fabric Industries, as a contract coordinator. One year later he was assigned to Lone Star Ordnance Plant where he was responsible for overseeing production of the LAW system at the load and assembly facility. In 1961, Mr. Maniatakis returned to Boston and was quickly transferred to New Jersey and assigned as the field product assurance representative, handling field problems relative to the production of LAW components.

Throughout his professional career Mr. Maniatakis furthered his education by obtaining various degrees. In addition to attending Babson College, he received his master's degree from Boston University in 1960. The company sponsored his education, and he was able to complete programs from Northwestern University (metallurgy), Newark College of Engineering, Division of Technology (math and metallurgy), William and Mary University (contract law) and University of Southern California, Graduate School of Business (Executive Management Policy Institute). Through his education he was able to advance his career.

In 1965, Hesse-Eastern was acquired by NI Industries, Incorporated. Mr. Maniatakis stayed with the company and worked with the U.S. Army as an ordnance sales engineer at Picatinny, Frankfurt and Edgewood Arsenal. He was responsible for all contract and sub-contract activity. In 1967 he was assigned to Washington, DC APSA and acted as a liaison between the customer and the Vernon Division of NI Industries, Inc. Just 2 years after this assignment, Mr. Maniatakis was transferred to Los Angeles, CA and became the marketing manager for sales and marketing. It is through this position that he became involved with contract administration for NI Industries. He remained in that position until 1977, when Mr. Maniatakis was promoted to the position of vice president, Sales and Marketing. One year later, he was given additional responsibility for contract administration and international sales. In 1984, he was appointed to the position of vice president of NI Foreign Military Sales Corporation.

Mr. Maniatakis is involved with many organizations. He is a longtime member of the

American Defense Preparedness Association, ADPA, and has held many positions including chairman of the Metal Parts Section of the Technical Division, board of directors past president for the Los Angeles Chapter and was a member of the advisory board of the Picatinny Chapter. He has been on the board of directors for the National Defense Industries Association, Munitions Industrial Base Task Force, Vernon Chamber of Commerce and the Advisory "LAW" Board. He was a vice president of the Association of the United States Army, AUSA, and the founder and past president of the Committees of American Ammunition Manufacturers.

Madam Speaker, I rise today to commend and congratulate John Maniatakis upon his retirement from NI Industries, Incorporated. I invite my colleagues to join me in wishing Mr. Maniatakis many years of continued success.

A TRIBUTE TO THE GREATER
SACRAMENTO URBAN LEAGUE**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. MATSUI. Madam Speaker, I rise today in recognition of the Greater Sacramento Urban League's 40 years of service to the people of Sacramento. The Greater Sacramento Urban League's employment assistance and educational programs have been extremely beneficial to our youth and our community as a whole. I ask all of my colleagues to join me in honoring one of Sacramento's finest non-profit organizations as they celebrate their 40th anniversary.

Founded in 1968 the Greater Sacramento Urban League is one of the 105 affiliates of the National Urban League which has locations in 36 States across our Nation. During this time the Greater Sacramento Urban League has continued to advocate to ensure that African-Americans, other minorities and the underserved become economically self-reliant and are ensured their civil rights. By cultivating relationships with communities, corporations and government agencies the Greater Sacramento Urban League has been able to provide training to thousands of youth and adults in Sacramento County.

The Greater Sacramento Urban League has been able to assist numerous Sacramentans find employment through their One Stop Career Center which provides application and resume assistance, as well as access to online resources to find employment. They also offer other employment assistance services, such as posting job openings, developing interview skills, and effective cover letter and dress-for-success tips. In addition to employment assistance, the Greater Sacramento Urban League offers emergency assistance to low income

Sacramento residents that need help paying the power, rent, or phone bills. They also offer free bus service to and from appointments and G.E.D. preparation classes. In recent months they have been helping families avert foreclosure by hosting foreclosure prevention workshops. In short, the Greater Sacramento Urban League is always there for those who need them.

The Greater Sacramento Urban League offers many programs that benefit Sacramento's youth as well. They offer after school tutoring to assist students with their homework and improve their math and reading skills. Their Sacramento Urban Youth Empowerment Program provides at-risk youths with tutoring, mentoring, job readiness training, youth employment placement, and basic computer skills to better prepare them for higher education and employment opportunities. For all of their efforts, the Greater Sacramento Urban League was awarded the national 2005 EPIC Award for Exemplary Public Interest Contribution by the United States Department of Commerce. The Greater Sacramento Urban League has prospered for the last 16 years under the excellent leadership of James Shelby who was instrumental in raising the funds needed to build its current home. With the leadership of Mr. Shelby and chairwoman Susan Irwin, I am confident the Greater Sacramento Urban League will continue to provide invaluable programs for our community.

Madam Speaker, I am honored to pay tribute to the Greater Sacramento Urban League's distinguished commitment to our community and Sacramento's residents. The Greater Sacramento Urban League's dedication to equality, civil rights and workforce development has helped thousands of Sacramentans when they most needed it. We all are thankful for their efforts. As the Greater Sacramento Urban League's employees and partners gather to celebrate 40 years of service to the Sacramento region, I ask all my colleagues to join me in wishing them continued success in the future.

CONGRATULATING GREGORIO
KILILI CAMACHO SABLAN ON HIS
ELECTION AS THE FIRST DELEGATE
TO CONGRESS FROM THE
COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to congratulate Mr. Gregorio Kilili Camacho Sablan on his historic election as the first Delegate to Congress from the Commonwealth of the Northern Mariana Islands (CNMI). His election comes twenty-two years

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

after the U.S. Government first granted the residents of the CNMI U.S. Citizenship and 12 years after my predecessor, Congressman Robert A. Underwood, introduced the first bill to provide for a CNMI Delegate in the 104th Congress. Born on the island of Saipan on January 19, 1955, Mr. Sablan graduated from Marianas High School and attended the University of Guam, the University of California, Berkeley, and the University of Hawaii at Manoa.

Mr. Sablan has a long record of public service to the people of the CNMI beginning with his election to the third Commonwealth Legislature in the CNMI House of Representatives. While in that office, he worked with the Assistant Secretary of the Interior to secure funding for the CNMI. Mr. Sablan returns to the halls of Congress as a Delegate after previously working as a Special Assistant to Senator Daniel Inouye of Hawaii. Mr. Sablan then returned to the CNMI to work as a Special Assistant for Management and Budget under Governor Froilan Tenorio and most recently, he worked as the Executive Director of the Election Commission.

This historic event for the people of the CNMI and the U.S. Congress marks the first time the CNMI will have representation in the U.S. House of Representatives. The 110th Congress passed legislation that was signed into law by the President on May 8, 2008, and that among its other provisions, authorized the election to Congress of a CNMI Delegate (Title VII of U.S. Public Law 110-229). The addition of the CNMI Delegate seat marks the first time membership in the House has expanded since Congress provided for the election of a Delegate to represent American Samoa in 1980. The addition of the CNMI Delegate seat brings the total number of Delegates representing the territories and the District of Columbia in the House of Representatives to six.

As a neighbor in the Western Pacific and a fellow territorial Delegate, I welcome my new colleague, Mr. Sablan, to Washington, D.C. as the first Delegate to represent the CNMI in Congress. The historically close ties between the people of Guam and the people of the CNMI will provide for a solid foundation on which to work together toward common goals in Washington, D.C. I look forward to strengthening these ties with Mr. Sablan and working together toward sensible and effective Federal government in the Mariana Islands. This momentous occasion renews the promise of the founding principles of American democracy, that of representative government by its citizens. As we move forward in the 111th Congress, I extend my warmest welcome and congratulations to the people of the CNMI.

**BAY PINES VA HEALTHCARE SYSTEM
RECOGNIZED NATIONALLY
FOR EXCELLENCE IN SERVICE**

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. YOUNG of Florida. Madam Speaker, the Bay Pines VA Healthcare System, which I

have the honor and privilege to represent, has been honored by the Department of Veterans Affairs with the very prestigious Robert W. Carey Performance Excellence Award.

This is the highest honor given to a medical facility by the Department of Veterans Affairs and recognizes organizational excellence which translates in the highest quality of care for our nation's veterans and in this case those who receive their medical care through Bay Pines.

This award confirms what I have always known—that the dedicated staff and volunteers at Bay Pines are the best in the VA system and provide our veterans with the quality of care we would expect and they so richly deserve.

The Bay Pines VA Healthcare System is the 4th busiest of the 153 VA Medical Centers and provides services to 94,000 veterans per year at the Bay Pines medical center and at nine linked clinics. Based on the VA's performance criteria, including customer satisfaction surveys, Bay Pines ranks first among like sized facilities nationwide, first among Florida VA facilities, and fourth best in the nation for quality of care, access to care and customer satisfaction.

Bay Pines is the only facility in Florida to receive the Carey Award, which is based on the Malcolm Baldrige National Quality Criteria used by thousands of government and private organizations worldwide to assess and improve performance.

Wallace M. Hopkins, the Director of the Bay Pines VA Healthcare System, leads a team of dedicated health care professionals and selfless volunteers who care for our veterans. They continually strive to improve the quality of care our veterans receive and are working on several projects which my colleagues and I on the Appropriations Subcommittee on Veterans Affairs have supported. These include the opening of a new and larger emergency room that will more than double the capacity for emergency care for veterans including emergency mental healthcare; a new radiation oncology center to provide veterans with state-of-the-art cancer treatment; a mental health center of excellence to include inpatient, outpatient and PTSD programs; a new and larger eye care clinic; and a new and larger ambulatory surgery center.

As the veterans population of Florida and the Tampa Bay area continues to grow, the staff at Bay Pines seeks to respond quickly to meet the increased demand for veterans medical care.

Madam Speaker, representing Bay Pines and the veterans its serves is a great honor but also a great responsibility. It is reassuring to know that with receipt of the Carey Award for Excellence that Bay Pines continues to provide the highest level of care and that they never rest on their laurels as the staff and volunteers continue to search for new ways to improve the services they provide to our nation's heroes and their families. It is my hope that my colleagues will join me today in expressing to the staff and volunteers at Bay Pines our thanks and appreciation for a job well done.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. CONYERS. Madam Speaker, on January 9, 2009, I inadvertently cast a "yea" vote for H. Res. 34. I intended to vote "present."

**INTRODUCTION OF WORKER
RELIEF LEGISLATION**

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. McHUGH. Madam Speaker, on January 6, 2009, I introduced three measures that are designed to provide relief to millions of unemployed American workers. These proposals are H.R. 155, the Suspension of Federal Income Tax on Unemployment Benefits Act of 2009; H.R. 154, the Workers Severance Tax Reduction Act of 2009; and H.R. 153, the Worker Savings Account Act of 2009.

From December 2007 to December 2008, the national unemployment rate has risen from 4.9 percent to 7.2 percent and 2.6 million jobs have been lost. In fact, from November 2007 to November 2008, the number of those seeking work has risen in 49 States and the District of Columbia, including New York, which has seen its rate increase from 4.6 percent to 6.1 percent during that time. As of November 2008, in New York's 23rd Congressional District, which I have the privilege of representing, 9 of my 11 constituent counties had unemployment rates that significantly exceed the national rate. With my support, the 110th Congress enacted legislation (P.L. 110-252 and P.L. 110-449) to provide up to an additional 20 weeks of unemployment benefits to workers who have exhausted their 26 weeks of regular benefits. However, there is more we can and should do to help those without a job.

In the first instance, we should enact H.R. 155, the Suspension of Federal Income Tax on Unemployment Benefits Act of 2009. Many Americans are unaware that they must pay Federal income taxes on any unemployment compensation benefits they might receive. This has not always been the case; between 1979 and 1986, those payments were excluded from Federal income taxes. It is time to once more provide this relief to unemployed Americans, which could provide up to \$117 in additional income to the average beneficiary. In this manner, Congress can both help those individuals who are most in need and inject billions of dollars into the economy through paid rents, mortgages, utilities, groceries, and other necessities.

We should also enact H.R. 154, the Workers Severance Tax Reduction Act of 2009, which would allow laid-off workers to exclude up to \$40,000 from any severance pay, provided that it is less than \$150,000 and is received between December 31, 2007, and December 31, 2010. Studies have indicated that roughly 60 percent of businesses offer their employees some kind of severance pay. While

these totals can vary from business to business, in many cases it is remitted as a lump sum. Unfortunately for many workers, the IRS takes a substantial bite out of these benefits. Specifically, under current law, severance pay is treated as regular income, thus often driving people into higher tax brackets at the very time they are losing their jobs.

From the start of the current economic slump in December 2007 through November 2008, there have been 20,712 mass layoffs involving nearly a quarter of a million Americans. While not all of them received severance pay, those who did needed all those monies to better support their families, go back to school, or otherwise find a new job or career. Congress can and should help these citizens during this difficult time by allowing them to retain more of these much-needed monies.

Finally, to help Americans enhance their personal safety nets, Congress should enact H.R. 153, the Worker Savings Account Act of 2009. This measure would allow people to establish Worker Savings Accounts (WSAs) to supplement the benefits they might otherwise receive while unemployed.

Like traditional Individual Retirement Accounts (IRAs), WSAs would have an annual contribution limit of \$5,000, indexed to inflation. However, employers would be able to provide matching contributions of up to \$5,000 annually. Contributions to WSAs would be permitted until the account owner actually elects to take Social Security retirement benefits. At that time, WSA account holders could choose to rollover their WSA funds into a 401(k) or IRA; alternatively, the WSA funds could be withdrawn without penalty but subject to taxation. Prior to a WSA account owner's decision to take Social Security payments, WSA funds could be withdrawn without penalty and tax-free as long as employment was lost through no fault of the worker or they had become disabled.

To encourage lower-income Americans to take advantage of the opportunity to contribute to this benefit, the Worker Savings Account Act would provide a refundable tax credit of up to \$1,000 for eligible individuals. This tax credit would be indexed to inflation and recipients could receive up to \$5,000 over the course of their career.

Madam Speaker, by enacting the three bills described above, the 111th Congress can help millions of unemployed Americans. Accordingly, I ask my colleagues to work with me to enact these important measures.

HONORING CADET COLONEL
ROBERT J. WILSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. WOLF. Madam Speaker, it is my privilege to honor my constituent, Cadet Colonel Robert Wilson of Chantilly, Virginia, for his remarkable achievements as a member of the Civil Air Patrol. At a Pentagon presentation and award ceremony on January 5, Cadet Wilson was presented with the General Carl A.

Spaatz Award. The Spaatz Award is the Civil Air Patrol's highest cadet honor, presented to cadets who demonstrate extraordinary leadership, character, fitness, and aerospace knowledge.

For every 1,000 cadets, only 2 achieve this distinct honor. Robert first joined the Civil Air Patrol in January 2004 where he served with distinction in the Fairfax Composite Squadron of the National Capital Wing. Upon graduation from high school, he chose to attend Embry-Riddle Aeronautical University in Prescott, Arizona, to obtain his bachelor's degree in aerospace engineering.

Robert joined the Air Force Reserve Officers' Training Corps and is a member of the Arnold Air Society. He plans to continue his education and training to be of service as a U.S. Air Force test pilot. On December 18, 2008, Robert successfully completed the Carl A. Spaatz Exam, the final stage of a long and grueling journey through 16 rigorous skill tests. Having overcome this final obstacle, he now joins the ranks of the Civil Air Patrol's best and brightest as a recipient of the General Carl A. Spaatz Award for outstanding cadets.

HONORING MARK THORNTON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mark Thornton upon his retirement as Tuolumne County Supervisor, District IV. Supervisor Thornton was honored by the Tuolumne County Board of Supervisors during a regularly scheduled board of supervisors meeting held on December 16, 2008.

Mark Thornton moved to Tuolumne County in 1976 after earning his bachelor's of arts degree in sociology from California State University, Fullerton. He spent many years as a historian and consultant, working with local, State and Federal agencies on various projects. He was an active participant in the public arena and served in several leadership positions including the Groveland Community Service District Board of Directors from 1979 through November 1983; Tuolumne County Historic Preservation Review Commission from September 1990 through January 1997; Tuolumne County Blue Ribbon Growth Management Committee from 1993 through 1995; Oak Grove Cemetery District from May 1995 through January 1997. In 1996 Mr. Thornton decided to run for a seat on the Tuolumne County Board of Supervisors to represent District IV. His election was a close one; he beat the incumbent by less than 10 votes.

Over the last 12 years as a supervisor, Mr. Thornton has worked tirelessly to protect the rural quality of life in his district while allowing for cautious expansion. His passion has been the protection of the county's historic and cultural resources. Some of his biggest impacts have been in the areas of transportation, health care and airport and land use planning. He has supported economic growth by gaining an improved coach ordinance, providing an open forum for discussing the building permit process and encouraging reasonable changes

to the county's long standing agricultural guidelines. In Supervisor Thornton's most recent term he was a strong advocate for the expansion of the telecommunication infrastructure in Tuolumne County.

Madam Speaker, I rise today to commend and congratulate Supervisor Mark Thornton upon his retirement from the Tuolumne County Board of Supervisors. I invite my colleagues to join me in wishing Supervisor Thornton many years of continued success.

TRIBUTE TO KAREN RICE, ASSISTANT IDAHO FALLS DISTRICT MANAGER, BLM

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. SIMPSON. Madam Speaker, I rise today to honor an exceptional public land manager in my district, Karen Rice, the Assistant Idaho Falls District Manager of the Bureau of Land Management, who is being recognized this week as the Public Lands Foundation's Outstanding Public Lands Professional Technician for 2008.

Now in its 20th year, the Public Lands Foundation award is an important recognition for special achievement by professional public land technicians and managers. The Public Lands Foundation is the only national membership organization dedicated solely to the protection and perpetuation of the National System of Public Lands under the administration of the BLM. It is a national nonprofit conservation organization whose members are primarily active and retired BLM employees.

As a member of that organization, Ms. Rice has worked hard for over 10 years on projects that protect wildlife habitat and promote responsible recreational activities along the South Fork of the Snake River and in the Henry's Lake Area of Critical Environmental Concern.

I am honored to take part in recognizing Ms. Rice today. I commend her for her tremendous efforts and dedication to such a crucial and worthwhile effort. Her efforts are paving the way for a more beautiful state and a more conservation-minded world.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 8 and 9 I was absent from the House on official district business. Had I been present, I would have voted "no."

REPORT ON THE IMPERIAL
PRESIDENCY OF GEORGE W. BUSH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. CONYERS. Madam Speaker, today I have received a report prepared by the majority staff of the House Judiciary Committee, Committee, detailing numerous abuses by the Bush administration over the past 8 years, and recommending a number of steps to restore an appropriate Constitutional balance of power between the executive and legislative branches.

The report, based largely on oversight activities of the Judiciary Committee, and other committees, over the course of the 110th Congress, is titled "Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush."

Issues examined include: The politicization of the Department of Justice; assaults on individual liberty, including extreme interrogation, extraordinary rendition, and warrantless wiretapping of U.S. citizens; the misuse of executive branch regulatory authority and Presidential signing statements; misleading manipulation of pre-Iraq War intelligence; improper retaliation against Administration critics; and excessive secrecy, including non-compliance with congressional oversight.

The report examines how the Bush Administration's legal approach to presidential power has eroded the Constitutional system of checks and balances designed by the Framers to preserve our liberty. It also recommends specific steps that this Congress and the incoming Obama administration should take to restore those checks and balances.

I am having the report posted to the Judiciary Committee Web site, in order to make it available to other members of the committee, to the full House, and to the American public.

I believe this report will be of tremendous benefit helping inform the changes we must make going forward—to repair the damage to our democracy, and to prevent similar abuses from occurring in the future.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. BAIRD. Madam Speaker, unfortunately, due to record flooding in my congressional district and across Washington State, I was unable to be present on January 9, 2009 for votes. I take my voting responsibility very seriously. Had I been present, I would have voted "yea" on final passage of H.R. 11, the Lilly Ledbetter Fair Pay Act. I would also have voted "aye" on final passage of H.R. 12, the Paycheck Fairness Act. I am an original co-sponsor of both bills, voted for their passage in the 110th Congress, and have been a strong and consistent supporter of legislation to end gender-based wage discrimination. I strongly oppose all forms of discrimination and

believe that we must act to restore the right for women to challenge wage discrimination.

I was also not able to cast a vote on H. Res. 34, Recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States strong support for Israel, and supporting the Israeli-Palestinian peace process. I have traveled to the region and met the families and individuals who are affected by the cycle of violence that continues to claim lives and wreak havoc on all sides of this conflict. As we continue to witness the humanitarian crisis spiral out of control in Gaza, and while rocket attacks persist against Israel, we are reminded that it is imperative for the United States to play a constructive role in pursuing a legitimate peace process that provides security and stability to the many innocent people trapped in the midst of this untenable status quo. Therefore, I would have voted present on this resolution.

CONGRATULATING SISTER ADRIAN
BARRETT FOR A LIFETIME OF
SERVICE TO THOSE IN NEED
AND EXTENDING TO HER BEST
WISHES FOR A WELL DESERVED
RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Sister Adrian Barrett, IHM, an extraordinary woman whose capacity for caring for the poor is exceeded only by her selflessness and humility.

Sister Adrian's remarkable career of service began in 1949 when she became a sister of the Congregation of the Immaculate Heart of Mary.

After her early years teaching at schools in Pennsylvania, Maryland, and New York and working summers in Scranton ministering to poor children, Sister Adrian and an old acquaintance, Monsignor Joseph P. Kelly, created Project Hope, a summer camp for underprivileged youths, first at Pius X Seminary at Dalton and later at Camp St. Andrew in Tunkhannock.

Sister Adrian returned to Scranton permanently in 1976 to work full time with low income families at United Neighborhood Center's Progressive Center. She developed an annual Thanksgiving Dinner for the needy of the community, at first with 24 guests, now with more than 2,000.

In 1985, she established Friends of the Poor with the stated objective of bringing together "those who can give with those who have a need to receive."

Over the years, Sister Adrian has become a hero in the Scranton area, providing food, clothing, furniture and healthcare education and assistance to those in need and sponsoring an annual educational trip to Washington, DC, for underprivileged children.

Mrs. Mary Lou Burne, one who has worked with and knows Sister Adrian well, observed recently that "She's the heart of the poor in

Scranton. She feels what they feel. She cries when they cry."

Retired local banking executive David Tressler, who has done volunteer work with Sister Adrian for more than 25 years, said she inspires with her unflagging, round-the-clock commitment to the poor and is not bashful about asking those with means to assist those without.

"She is a unique individual," Mr. Tressler said. "She has time for anybody and everybody."

Now, as she approaches the age of 80, she has decided it is time to retire and hand her incredible work to a successor, Sister Maryalice Jacquinet, IHM.

Sister Adrian once observed that the highest compliment anyone could pay her is to acknowledge that she tried to love and serve the poor and, in so doing, loved and served God.

Madam Speaker, please join me in congratulating Sister Adrian Barrett who truly has loved and served the poor and, in so doing, has improved the quality of life for countless souls and has inspired all of us to a heightened awareness of our calling to help our fellow man.

IN HONOR OF THE SOUTH COBB
HIGH SCHOOL BLUE EAGLE
MARCHING BAND

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. SCOTT of Georgia. Madam Speaker, I rise today to congratulate and honor members of the South Cobb High School Blue Eagle Marching Band. Under the direction of Band Director Zachary Cogdill and with the support of Principal Dr. Grant Rivera, the faculty and students at South Cobb High School, these students were chosen to represent the great State of Georgia during the 56th Presidential Inaugural Parade next Tuesday. I am immensely proud of their dedication and diligent preparation for this occasion, as President-Elect Barack Obama is sworn in as the 44th President. Madam Speaker, I would like to submit for the record a copy of the official letter I submitted to the Armed Forces Inaugural Committee recommending South Cobb High School for participation in the parade:

To Members of the Committee:

I would like to recommend the South Cobb High School Blue Eagle Marching Band for participation in the 2009 Presidential Inaugural Parade.

South Cobb's marching band continues a long tradition of exemplary musical groups at the school. Under the outstanding leadership of Mr. Zachary Cogdill, the marching band program has increased to 60 students. This year, the Blue Eagle Marching Band has won 11 trophies at two competitions, including Best in Class and Grand Champion in Class.

This band also features a young man who suffers from leukodystrophy—a rare, progressive genetic disorder that affects the nervous system. Although he cannot march, he walks in front of the band and plays a single drumbeat throughout the band's entire performance. His special role is the basis for the band's theme—"Heartbeat."

Lastly, most students have never been to Washington, DC and this would be an excellent for them to visit our Nation's Capital. I look forward to meeting members of the marching band should they be selected for your events. I know they certainly have earned the opportunity to perform, and hope you will feel the same.

Again, I encourage you to grant the South Cobb High School Blue Eagle Marching Band the opportunity to perform in January. Thank you for your consideration.

Sincerely,
DAVID SCOTT
Member of Congress

This fall, the Blue Eagle Marching Band won 11 trophies at two competitions, including Best in Class and Grand Champion in Class. They also performed at the Georgia Dome in Downtown Atlanta. With the support of the Atlanta community, the high school was able to raise \$70,000 in five days for their trip. I am thankful for the generosity of my hometown and each individual who supported our students, financially and otherwise.

On Friday night, the Blue Eagle Marching Band will depart Austell, Georgia for Washington, DC. For many, this will be a first visit to our Nation's Capital. I wish them a safe journey and congratulations on this outstanding achievement. I am honored to represent such talented constituents.

TRANS-ATLANTIC LEGISLATORS'
DIALOGUE HOLDS 65TH MEETING
UNDER LEADERSHIP OF THE
HON. SHELLEY BERKLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. BERMAN. Madam Speaker, I would like to call the attention of my colleagues in the Congress to a successful meeting of the Transatlantic Legislators' Dialogue, TLD, that was held in Miami, FL from December 6–8, 2008. Chairwoman SHELLEY BERKLEY, the gentlelady from Nevada, has consistently provided dynamic and capable guidance to this important interparliamentary exchange. The TLD vice-chairmen, Representative JIM COSTA from California and Representative CLIFF STEARNS from Florida, should be commended for their leadership in helping to strengthen American relationships with our European colleagues. I also wish to thank the ranking member of the Foreign Affairs Committee, Representative ILEANA ROS-LEHTINEN, for being a gracious hostess of this meeting in her sunny district and ably assisting the delegation.

Representatives BERKLEY, COSTA and STEARNS were joined by six other members at the Miami session. This bipartisan delegation—which also included Representative SHEILA JACKSON-LEE (D–TX), Representative LORETTA SANCHEZ (D–CA), Representative SUSAN DAVIS (D–CA), Representative PHIL GINGREY (R–GA), Representative VIRGINIA FOXX (R–NC), and Representative RON KLEIN (D–FL)—ensured an informed and productive exchange of views with members of the European Parliament.

The TLD serves as the formal response of the European Parliament and the U.S. Congress to the commitment in the New Transatlantic Agenda, NTA, of 1995 to enhance legislative ties between the European Union and the United States. Building on the existing interparliamentary relationship, the TLD involves bi-annual meetings between American and European legislators in order to discuss topics of mutual interest and foster transatlantic discourse.

During this time of transition in the United States Government, it is particularly important that legislators continue to collaborate on the many important issues facing citizens on both sides of the Atlantic. The TLD discussions in Miami addressed a wide range of foreign policy challenges, focusing on the recent terrorist attacks in Mumbai as well as international efforts to address the ongoing challenges in Afghanistan and Pakistan. Members also discussed the current status of diplomatic initiatives regarding the Iranian nuclear threat and the repercussions of the Georgia-Russia conflict. American members responded to European concerns about data protection and the complexity of application procedures as part of the visa waiver program. During the discussion of regulatory initiatives being undertaken by the Transatlantic Economic Council, TEC, American members encouraged their European counterparts to address the EU ban on the import of American poultry as well as discriminatory regulations on chemicals used to manufacture cosmetics—both of which have detrimental effects on American farmers and producers. In addition, the delegates discussed the challenge of climate change, the importance of energy security, and joint efforts needed to address the global financial crisis.

Madam Speaker, I would like to enter into the CONGRESSIONAL RECORD the joint statement that was agreed upon by American and European legislators at the 65th TLD meeting in Miami. This document demonstrates the depth and breadth of the interparliamentary discussions while also highlighting the scope of excellent transatlantic cooperation.

JOINT STATEMENT OF JONATHAN EVANS, MEP, CHAIRMAN, EUROPEAN PARLIAMENT DELEGATION; SHELLEY BERKLEY, CHAIRWOMAN, UNITED STATES CONGRESS DELEGATION; CLIFF STEARNS, VICE CHAIRMAN (RANKING REPUBLICAN), UNITED STATES CONGRESS DELEGATION; AND JIM COSTA, VICE CHAIRMAN, UNITED STATES CONGRESS DELEGATION AT THE 65TH MEETING OF DELEGATIONS FROM THE EUROPEAN PARLIAMENT AND THE UNITED STATES CONGRESS, DECEMBER 2008

We, Members of the European Parliament and the United States House of Representatives, held our 65th Interparliamentary meeting (Transatlantic Legislators' Dialogue) in Miami, Florida on 6–8 December 2008.

Building on the joint statement issued after our last meeting in Ljubljana, Slovenia, on 24–26 May 2008, we reiterated the importance of regular dialogue on a range of political, social and economic issues that affect all of our citizens. We welcomed the new U.S. administration and look forward to the election of a new European Parliament and European Commission next summer. We discussed ways in which to utilize this time of political change on both sides of the Atlantic to further enhance our transatlantic relations and deepen our cooperation. We con-

firmed that legislators on both sides of the Atlantic should increase dialogue and consultation amongst themselves in order to prevent possible conflicts in the legislative and regulatory regimes. In particular, direct and timely contacts between specialist committees within our legislatures have been valuable means of reinforcing cooperation and should be continued. We agreed to report back to the European Parliament and U.S. Congress on the content and outcome of our discussions, particularly in the areas where joint efforts are likely to result in positive outcomes.

We examined a wide array of foreign policy issues, agreeing that joint action by the European Union and the United States is the most effective way to approach many pressing international challenges. We welcomed the results of the EU-U.S. summit in Brdo, Slovenia in June 2008 and stressed the importance of the principles contained in the final declaration. In particular, we agreed that both sides should continue to demonstrate global leadership and effective transatlantic cooperation in the face of challenges such as:

Promoting international peace, stability, democracy, human rights, international criminal justice, sustainable development, the rule of law and good governance; and

Fighting terrorism while protecting the fundamental freedoms on which our democratic societies are built.

We discussed the recent terrorist attack in Mumbai, India, expressing our condolences to the families of those who lost their lives and condemning the attacks. We called on the governments of India and Pakistan to cooperate in reducing tensions in the region, called on the government of Pakistan to participate fully in the investigation, and asked the U.S. and EU to assist in these efforts.

On Afghanistan, we recognized the need for a joint long-term strategy aimed at stabilizing the internal situation and reducing risks for regional security. We welcomed the EU's decision to expand its EUPOL police training mission from 250 to 400 personnel.

On Iran, we assessed the continuing nuclear threat. We pledged to continue our cooperative efforts to confront this challenge with a unified voice, using the dual track of diplomacy and strong sanctions. We called on transatlantic partners to continue to press Iran to comply with its UN Security Council obligations and, if needed, to move forward with additional sanctions to complement UN measures.

We assessed the August conflict between Russia and Georgia. While recognizing the importance of continuing to engage in dialogue with Russia about shared concerns, we emphasized that we cannot return to 'business as usual' while Russia continues to violate the ceasefire agreement. We stressed that Russia must implement its commitments on withdrawal of its military to pre-conflict positions and allow access by international civilian monitors to all areas in South Ossetia. We reaffirmed our continuing support for the Georgian people and our commitment to aid the country's post-conflict reconstruction. We also expressed concern about the ongoing developments in Russia's domestic and foreign policies, including provocative statements regarding missile deployment to Kaliningrad as well as about the reliability of energy deliveries to Russia's European neighbors and partners.

The TLD welcomed the recent admission of the Czech Republic, Estonia, Hungary, Latvia, Lithuania and Slovakia to the U.S. Visa Waiver Program. We expressed our hope that

the remaining EU Member States will be eligible to join soon and that the U.S. State Department will review its administrative procedures to determine whether the visa application process can be simplified. We also discussed the importance of ensuring safe trade as well as joint efforts to combat terrorism and transnational crime. We called for the timely sharing of information among our law enforcement and intelligence agencies, emphasizing the importance of protecting individual privacy and personal data.

We stressed the positive impact and symbolic importance that would result from an early visit and address to the European Parliament by U.S. President-elect Barack Obama.

We agreed on the need for continued discussion of possible joint actions to address the effects of climate change. We also called for increasing attention to the need for energy security through the diversification of energy sources. We discussed the United Nations Climate Change Conference in Copenhagen, scheduled for the end of 2009, and expressed hope that a viable and effective global agreement will be reached.

Our dialogue focused on the financial crisis, particularly the ways in which it has affected the housing market, banking sector, employment and industries in Europe and the United States. We expressed support for continued cooperation between our governments in seeking to find collaborative solutions to these problems, including through the recent G-20 gathering and follow-up meetings. We took stock of the initiatives dealing with global financial instability, such as the European Economic Recovery Plan and the U.S.'s Emergency Stabilization Act of 2008.

With regard to the Transatlantic Economic Council (TEC), we noted with satisfaction the engagement of the TLD on 13 May 2008 with TEC Co-Chairs Gunther Verheugen and Dan Price in the framework of the advisory groups. We welcome the TEC as a permanent feature of the EU/U.S. relations. We look forward to engaging with the TEC at the next meeting on December 12, which will have particular importance as the last session before the change in administrations. We called on the incoming Obama Administration to take careful note of the TEC outcomes and to pledge its commitment to continuing to engage with the European Union through this important mechanism.

We welcomed the progress that has been achieved since the TEC's last meeting. We strongly supported the agreement to recognize each others' accounting standards (U.S. GAAP and EU IFRS), which will save multinational companies on both sides of the Atlantic billions of dollars in compliance costs. We applauded the joint statement committing to openness in foreign investment, greater cooperation on the enforcement of intellectual property rights (IPR), and efforts to harmonize biofuels standards. We advocated stronger involvement of legislators in contributing to and overseeing these initiatives since many of these issues involve important interests for stakeholders, such as securities regulatory regimes and the creation of a level playing field for insurance/reinsurance. A wide range of issues are also under consideration in the High Level Regulatory Forum (HLRF) and legislators should be informed in a timely manner about the results of their activities.

Several items have been identified within the TEC agenda that still require legislative consideration:

While achieving reciprocity and mutual recognition of security standards remains

critically important, we continued to raise concerns about the U.S. Safe Ports Act and its 100 percent cargo scanning requirement;

We reiterated the need to facilitate a solution to the ban on imports into the EU of U.S. poultry which has undergone pathogen reduction treatment, consistent with international commitments; and

Regarding the EU's regulation on the registration of chemicals (REACH), we continued to call on the European Commission to bring forward legislation ensuring that European and U.S. producers of cosmetics are treated equitably in their requirement to register substances used in their products with the EU's chemical agency.

As we have done throughout the establishment and initial meetings of the TEC, we continued to assert that the TEC initiative should be characterized by transparency and consultation of stakeholders and we called on both Administrations to reinforce the flow of information to the TLD in advance of the TEC meetings. The relevant legislative and regulatory bodies should be aware of the transatlantic impact of proposed legislation and regulations, and understand the benefits of rapid advancements towards a barrier-free regulatory environment. A more formal role should be envisaged within TEC for the U.S. Congress and the European Parliament, in particular via TLD, so as to allow for detailed and accountable reporting of TEC results to legislators.

In conclusion, both sides renewed their commitment to make the TLD's work more relevant to the European Parliament and to the U.S. House of Representatives. Amidst a climate of transition on both sides of the Atlantic, we reaffirmed the importance of continuing to strengthen and improve our dialogue in order to realize the full potential of our interparliamentary relationship.

INTRODUCTION OF THE WAKEFIELD ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. MATHESON. Madam Speaker, I rise to introduce the Wakefield Act, which reauthorizes the Emergency Medical Services for Children Program.

It is the only Federal program that focuses on saving the lives and health of children needing emergency medical treatment.

This year is the program's 25th anniversary and I am proud to be the lead sponsor along with Representative PETER KING.

Unfortunately, millions of kids find themselves in our Nation's emergency rooms every year. Thanks to the Wakefield Act, doctors, nurses, and first-responders now have much greater knowledge about what works and what doesn't work, when these small patients come through the emergency room door.

Since the program began, child injury death rates have dropped 40 percent. The research that resulted from this legislation helped establish pediatric emergency medicine as its own specialty. Data collection and training seminars—including from the Emergency Medical Services for Children Data Analysis Center based in my district at the University of Utah—have been provided to thousands of medical personnel.

The program's authorization expired in September 2005. In the summer of 2006, the Institutes of Medicine released a report which documented the value of the program. It also noted the gaps that remain in providing quality emergency care for children. There is a serious gap between the percentage of kids who end up in the ER and the percentage of emergency rooms that are staffed, trained, and equipped to respond appropriately. The report's bottom line—this program is "well positioned to assume a leadership role" in closing the gap.

It's endorsed by over 50 organizations, including the American Academy of Pediatrics and the American College of Emergency Physicians.

Madam Speaker, this legislation enhances the program by authorizing the funding needed to ensure that progress continues in this specialty. I look forward to working with my colleagues toward its adoption.

A TRIBUTE TO HOWARD WEAVER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. MATSUI. Madam Speaker, I rise today in recognition of Howard Weaver's 40 years of service and journalistic integrity in the newspaper business. Mr. Weaver is retiring from the McClatchy Company leaving a lasting legacy in Sacramento where his leadership and expertise will be deeply missed. I ask all my colleagues to join me in honoring one of our Nation's finest journalists.

After earning his bachelor's degree in social and behavioral sciences from Johns Hopkins University and his masters in philosophy from Cambridge, Mr. Weaver has spent more than three decades in the newspaper industry. He began his career in 1972 as a reporter for the Anchorage Daily News. In 1977 he founded the Alaska Advocate, a statewide weekly newspaper. After the closure of the Alaska Advocate in 1979, Mr. Weaver returned to the Daily News as an editorial writer. He was named managing editor in 1981 and assumed full editorial responsibility in May 1983.

During his tenure at the Anchorage Daily News, the newspaper won numerous awards including being named one of the world's 25 best designed newspapers, best sports section, and best feature writing. Mr. Weaver twice led the Anchorage Daily News to win Pulitzer Prizes. He was one of three reporters whose coverage of the Alaska Teamsters Union during construction of the trans-Alaska pipeline, "Empire: The Alaska Teamsters Story," won the Pulitzer Prize Gold Medal for Public Service in 1976. In 1989 he again was awarded prize for his work as editor and a lead writer on the Daily News' "A People in Peril," coverage of alcoholism and suicide among Alaska Natives and has served as a Pulitzer Prize juror at the invitation of the Pulitzer Board four times. Mr. Weaver is the past president of the Alaska Newspaper Association and the Upper Yukon River Press Club and was a Distinguished Lecturer in Journalism at the University of Alaska, Fairbanks.

In 1995 Mr. Weaver moved to Sacramento to assume the position of assistant to the president for new media strategies at McClatchy Newspapers and was named editor of the editorial pages for the Sacramento Bee in 1997. Most recently he served as vice president of news and is senior editorial executive for the McClatchy Company. In addition, his writings have been published in the New York Times, the Washington Post, and Time Magazine. While at McClatchy Newspapers, which publishes 31 daily and more than 50 community newspapers and related Web sites, the editorial pages in the Sacramento Bee were named best in California by the California Newspaper Publishers Association and individual editorials won the Best of the West competition. Mr. Weaver was primarily responsible for the opinion content at the Sacramento Bee and for many years he chaired the editorial board meetings at which the paper's editorial positions were decided. His excellent writing and years of expertise has ensured that Sacramento's residents continue to receive up-to-date accurate information about pressing issues in our communities and across the Nation.

Madam Speaker, I am honored to pay tribute to Howard Weaver's distinguished commitment to the newspaper industry and keeping Sacramento's residents informed. Mr. Weaver's outstanding leadership and dedication to journalism has allowed the McClatchy Company and the Sacramento Bee to embrace new venues of media and the Internet. As Mr. Weaver's wife, Barbara, colleagues, family, and friends gather to honor his career, I ask all my colleagues to join me in wishing him continued good fortune in his future endeavors.

RECOGNIZING WALTER DIAS FOR
HIS COMMUNITY SERVICE ON
GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to recognize Walter Dias for his civic involvement and community service on Guam. Walter Dias, known to his family, friends, neighbors and coworkers, as "Wally," has resided on Guam over the past 15 years and been active in our non-profit community. Wally was recently promoted by his employer, Continental Airlines, and is relocating to Hong Kong to assume the position of Managing Director of Greater China and Southeast Asia.

Wally is the eldest of five sons and two daughters of Walter Sr., and Virginia Dias. He grew up in a small town in the resort area of the Pocono Mountains in Pennsylvania and earned a Bachelors of Science degree in Accounting from Pennsylvania State University before beginning his career at Price Waterhouse and later at Geo Source Inc. In 1987, Wally started his airline career in the finance division of Continental Airlines, and in 1993, he moved from its corporate headquarters in Houston to Guam to serve as the Director of Marketing for Continental Micro-

nesia. Wally was later promoted to Vice President of Sales and Marketing, a position through which his involvement with our non-profit community on Guam grew.

Wally promoted travel to the Pacific islands of Micronesia through a "Warmth of Paradise" campaign that he developed while at Continental Micronesia. Through this campaign, the cultures of the Pacific islands, including of the Chamorro people of the Marianas, is showcased. Wally also sought to foster greater relations between the civilian and military community on Guam, and to support education initiatives focusing on Guam's military history. When Guam celebrated its 50th Annual Liberation Day in honor of the island's liberation from Imperial Japanese Forces in 1944, Wally helped coordinate the travel of more than 2,000 liberators to Guam for this special event. Wally also worked with the Military Historical Tours to fly veterans from the Battle of Iwo Jima for the battle's 50th anniversary commemorative program.

His work in our community extended beyond those of us who call Guam home. Wally helped coordinate the transportation of 2,000 Kurdish refugees from Iraq to Guam, and later from Guam into the mainland of the United States for settlement, in 1996. He was instrumental in the founding of the Ayuda Foundation, a humanitarian organization that has helped thousands of people from the Micronesian islands access medical supplies and health care. Wally also helped establish the Wings for Life One Pass medical account program. To this day, the program has helped transport more than a hundred patients to receive proper medical treatment. These are lasting examples of Wally's efforts on behalf of our community on Guam and the greater Micronesia region.

It is on the occasion of his promotion and relocation to Hong Kong, that the people of Guam recognize him for his community service and his leadership in helping to develop our visitor industry.

HONORING MACE MCINTOSH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mace McIntosh upon his retirement as the Sonora Chief of Police. Chief McIntosh will officially retire on December 30, 2008 and will be honored on January 3 at a retirement dinner.

Mr. McIntosh was born and raised in Tehama County, California to John and Donnalee McIntosh. He was raised on his family's cattle ranch. In 1978, he was hired by Red Bluff Police Department in Tehama County. He worked patrol, investigations and all traffic related issues. He was promoted to Sergeant in 1992 and promoted to Commander in 1995. He served as the interim Chief for the Red Bluff Police Department from September 2000 to October 2001. From there he served at the rank of Captain until his appointment as Chief of Police with the city of Sonora in June 2004.

The Sonora Police Department is a full-service, community policing organization that includes 25 sworn and non-sworn staff. They also have 5 reserve police officers, a 12 member senior volunteer program and 14 active explorers. Chief McIntosh has implemented a new program that has helped his team cover the city more efficiently. He developed the Community Oriented Policing and Problem Solving program; the city is divided into two "Areas of Responsibility" with a Patrol Sergeant for each of the two areas. The Sergeants are responsible for any problems that might occur within their Area of Responsibility.

Outside of the police department, Chief McIntosh has always been involved with the community. He has been a member of the Elks Club of Red Bluff for over 30 years. He also served on the Plum Valley School District Board for 12 years and the Tehama County Board of Education for 14 years; he served as Board President for each organization twice. He is the Past President of Tehama County Peace Officers Association and the Tehama County Police Activities League. He was also a member of the Tehama County Mentoring Committee.

Madam Speaker, I rise today to commend and congratulate Chief Mace McIntosh upon his retirement from the Sonora Police Department. I invite my colleagues to join me in wishing Chief McIntosh many years of continued success.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. GRANGER. Madam Speaker, on rollcall No.'s 7 and 10 I was absent from the House on official District business.

Had I been present, I would have voted "yea."

CONGRATULATING JOE MADDON
FOR HIS ACHIEVEMENTS IN PRO-
FESSIONAL BASEBALL AND FOR
HIS SUPPORT IN HELPING RE-
STORE THE HAZLETON "CAS-
TLE" AUDITORIUM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to pay tribute to Joe Maddon, from Hazleton, Pennsylvania, the manager of the Tampa Bay Rays baseball team and a leader of a citizen effort to restore the auditorium of the former Hazleton High School, now an elementary and middle school that has, for more than 80 years, been a landmark in the Hazleton area that is fondly referred to as "The Castle."

Born in Hazleton in 1954, Mr. Maddon graduated from "The Castle" where he was a star athlete before moving on to graduate from Lafayette College in 1976 where he played baseball and football.

Mr. Maddon then went on to distinguish himself in the world of professional baseball for more than three decades, first with the California/Anaheim Angels and, since 2006, with the Tampa Bay Rays, a team which he led to the 2008 World Series that was won by the Philadelphia Phillies.

After the 2008 season, Mr. Maddon was named the American League Manager of the Year.

During his remarkable career, Mr. Maddon has won accolades from Sports Illustrated, which described him as a "Renaissance man from down-to-earth roots." The New York Times described him as "one of baseball's more purely intelligent men in uniform." And the Boston Globe called Maddon "the genuine article . . . universally respected, intelligent, wordily, eloquent and well-read."

Mr. Maddon has been a leader in the Tampa Bay area in raising awareness to the plight faced by those who are homeless and has actively worked to feed and shelter the victims of homelessness.

Frequently praised as a man who has never forgotten his roots, Mr. Maddon has been committed to helping raise the funds necessary to renovate the auditorium of his former high school so that it can serve as a Community Arts Center.

Madam Speaker, please join me in congratulating Joe Maddon for his personal and charitable achievements and also for the positive attention he has brought to his hometown of Hazleton and all of northeastern Pennsylvania. Mr. Maddon's example is an inspiration for others to emulate especially our young people who can look to him as a true role model.

IN RECOGNITION OF THE RETIREMENT OF DR. JIMMY CHEEK

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. MILLER of Florida. Madam Speaker, along with my friend Congressman ADAM PUTNAM, it is a great honor for me to rise today to recognize the retirement of Dr. Jimmy Cheek from the University of Florida's Institute of Food and Agricultural Sciences, IFAS. Since 1975, Dr. Cheek has been instrumental in agricultural education at the University of Florida, where he was a mentor of mine.

Jimmy Cheek's career with the University of Florida began as an assistant professor in the Department of Agricultural and Extension Education, and now, over 30 years later, he is retiring as a senior vice president for agriculture and natural resources. Through the course of his career, he served in a number of positions, but all of them were dedicated toward instilling an understanding of the importance of agriculture in his students. Dr. Cheek also received numerous awards and recognition not only for his dedication to teaching but also his vast knowledge of agriculture.

His leadership in the College of Agricultural and Life Sciences, CALS, as well as IFAS, helped expand the programs offered and the student enrollment, making CALS the fourth-

largest college at UF. Dr. Cheek took an outstanding program and improved upon it even further as he oversaw the addition of new programs and research opportunities, and he has been recognized for his efforts to this end. Some of the numerous awards bestowed upon him include the University of Florida Faculty Superior Accomplishment Award and the CALS Teacher of the Year. He has also been recognized by Who's Who in America, Who's Who in American Education, Who's Who Among American Teachers, and has received an honorary membership in Alpha Gamma Rho, of which I am a proud member.

Madam Speaker, there is no doubt in my mind that Dr. Cheek's legacy will be remembered for generations to come, not just by students at the University of Florida but also throughout the Nation where his work has been recognized. He dedicated his career to educating students not just about agriculture, but also character, and he will be fondly remembered by all who know him. Jimmy Cheek will be missed in the classrooms in Gainesville and around the State, but he leaves behind an institution that will continue to flourish because of his hard work. He and his family are in my thoughts as they move into the next chapter of his life.

HONORING NORTHERN STATE UNIVERSITY COACH DON MEYER

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. HERSETH SANDLIN. Madam Speaker, recently, Don Meyer, head men's basketball coach at Northern State University in Aberdeen, from my State of South Dakota, coached his 903rd career victory. This accomplishment sets the national record for wins by a men's collegiate basketball coach.

Mr. Meyer started his coaching career in 1972 at Hamline University in Minnesota, turning an unsuccessful program into a championship contender. Moving to Lipscomb University in Tennessee, Mr. Meyer created a national powerhouse during his 24 years there—winning an NAIA national title in 1986 and averaging more than 32 wins per season over his final 10 years at the school.

Coming to Northern State in 1999, Mr. Meyer built another highly-successful program. His teams have won over 20 games each of the past 7 seasons, and reached the postseason 4 of the past 5 years.

Over this long career, Mr. Meyer has become nationally known as a teacher of both young men and other coaches. Thousands of coaches from all over the Nation have honed their craft at the Don Meyer Coaches Academy. His instructional books and DVDs have been used by college programs such as Duke and NBA teams such as the Utah Jazz. Of Mr. Meyer, Pat Summitt, the legendary University of Tennessee women's basketball coach, recently told Sports Illustrated, "(Meyer) is one of the most respected clinicians in the country. You can't sit there and not learn and be inspired."

Another inspiration that Mr. Meyer provides stems from the journey he finds himself on

today. On September 5, 2008, while leading his team to a preseason retreat, Mr. Meyer was involved in a life-threatening auto accident. At the accident site, his players' quick thinking and poise saved Mr. Meyer's life. Team captain Kyle Schwan told Sports Illustrated about the accident, "It's a testament to Coach. In essence, he saved his own life because of the way he taught us."

His recovery has included eight surgeries, the amputation of part of his left leg, and intense pain. Adding to the medical challenge was the discovery of liver and intestine cancer during his emergency surgeries. But through it all, Mr. Meyer has maintained his drive and character, coaching games from the sidelines in a wheelchair. This season, he again has Northern State in championship contention, and remains a sought-after motivational speaker on basketball, coaching, and life itself.

Madam Speaker, it is with enduring pride and respect that I rise today in recognition of Don Meyer and his record-breaking achievement. This achievement is not only measured in the many victories achieved, but in the lives touched. Don Meyer has proven himself worthy to be counted among the best coaches our Nation has produced.

HONORING THE MEMORY OF LANCE CORPORAL JESSIE CASSADA OF HENDERSONVILLE, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. SHULER. Madam Speaker, I rise today with a heavy heart to honor the memory of LCpl Jessie Adam Cassada of Hendersonville, NC. Cassada, only 19 years of age, was killed in combat during Operation Enduring Freedom in Afghanistan on the sixth of January, 2009. Lance Corporal Cassada gave the ultimate sacrifice to protect our country. He demonstrated patriotism and true courage beyond his years.

Since childhood, Jessie Cassada wanted to follow the example set by his stepfather and stepbrother to become a Marine. He joined the United States Marine Corps after graduating from East Henderson High School in 2007. He was deployed to Afghanistan from Camp Lejeune for a 6- to 7-month tour of duty in November 2008 with the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division. Official accounts said he was supporting combat operations in the Helmand province prior to his death.

Cassada's awards include the Global War on Terrorism Service Medal, the Afghanistan Campaign Medal and the National Defense Service Medal.

He leaves behind his mother, Patricia Cassada, and stepfather, Carroll London, as well as two sisters. I offer my sincere condolences to them and the rest of his family and friends. They are in my thoughts and prayers.

Madam Speaker, I ask my colleagues to join me in expressing remorse at to the passing of LCpl Jessie Cassada, as well as never-ending gratitude for the servicemen and women who

sacrifice so much to protect our Nation and ensure our freedom. The short life of LCpl Jessie Cassada serves as an inspiration for us all of true patriotism, dedication and courage.

HONORING MARY ANN RIOJAS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. COSTA. Madam Speaker, I rise today along with my colleague from California Mr. NUNES to commend and congratulate Mary Ann Riojas upon being honored by ABC's reality show "Extreme Makeover: Home Edition." Ms. Riojas and family were surprised by Ty Pennington and crew on January 8, 2009 at their home in central Fresno located on East Robinson, Fresno, CA, at the heart of the Central Valley.

Ms. Riojas was born without legs and only one fully developed arm. As a child, Mary Ann was placed in foster care and grew up in an unstable household and poverty. Even though Mary Ann was no stranger to adversity her challenges continued after expanding her family with four children. In financial distress she turned to public assistance to keep her family afloat.

Regardless of Mary Ann's disabilities and financial struggles she continued to live life to the fullest. Her vibrant determination led her to become the first in her family to earn a college degree when she graduated in 2002 from San Joaquin Valley College with an associate degree in Business Administration. She also obtained a drivers license in 2002 which gave her the ability to drive a special hand-controlled vehicle.

Determined to excel, Mary Ann not only became an employee of Easter Seals but also served as a State and national Ambassador. She has traveled all over the country with the Easter Seals program, spreading her joy and enthusiasm for life. Mary Ann eventually switched jobs and decided to help others in her community and that is when she began working for the Fresno Housing Authority as a counselor to other families who are struggling with life's adversities.

Mary Ann does not see herself as a person with disabilities. Mary Ann is a strong woman who has raised four children, Nichole 18, Victoria 17, Angel 15, and Jessie 14, and she continues to inspire others on a daily basis. The Extreme Makeover: Home Edition will forever change her life and make her home a better and more user friendly place for her to enjoy with her children.

Madam Speaker, I rise today to commend and congratulate Mary Ann Riojas. I invite my colleagues to join me in wishing Ms. Riojas and her family many years of continued success.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am writing to notify that I was absent for votes on January 9, 2009. Had I been present, I would have voted:

Rollcall Vote No. 7: On Motion to Recommit with Instructions the Paycheck Fairness Act—"yea."

Rollcall Vote No. 8: On Passage of the Paycheck Fairness Act—"nay."

Rollcall Vote No. 9: On Passage of the Lilly Ledbetter Fair Pay Act of 2009—"nay."

Rollcall Vote No. 10: On Motion to Suspend the Rules and Agree to Recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process—"yea."

HAL ELLIS, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life and accomplishments of Mr. Hal Ellis, Jr. Mr. Ellis contributed immeasurably to the development and economic growth of the 9th Congressional District. He was a devoted community leader, creative and innovative entrepreneur, and a great source of support and encouragement to those who knew him. Our community said goodbye to Hal on January 6, 2009, after a courageous five-year battle with metastatic melanoma.

Hal Ellis was born on August 4, 1931 to Harold and Bertha Ellis in Portland, Oregon. However, his family moved to Oakland, California just two years later in 1933. For this reason, and as a result of the endless dedication and compassion Mr. Ellis exhibited for the Oakland community throughout his life, everyone considered Hal a native "Oaklander."

Hal graduated from Piedmont High School in 1949 and received a Bachelors Degree from the prestigious University of California, Berkeley in 1953. He was a member of the legendary 1951 and 1952 Cal Bears football teams under the leadership of Coach Pappy Waldorf, affectionately known as "Pappy's Boys." While at Cal, Mr. Ellis also served as President of the Phi Delta Theta fraternity. In 1955, Mr. Ellis graduated from the Stanford Graduate School of Business and then went on to serve his country for two years in the United States Air Force as an intelligence officer stationed in Morocco.

Mr. Ellis was ambitious and driven from a very young age. In 1958, at the age of 27, Mr. Ellis co-founded Grubb & Ellis Co. along with his business partners Don and John Grubb. Mr. Ellis guided the company as its Chairman and CEO, bringing others up with him as he led the company through countless successful ventures. In the following decades, Mr. Ellis

would become one of the most prolific and iconic real estate developers in the Greater Bay Area.

Mr. Ellis directly oversaw the growth of his company from a small Oakland development firm into a national diversified real estate company. Most influential to the lives of residents in my district, the work that Mr. Ellis' company performed and the vision Mr. Ellis had for the architectural and urban integrity of our area dramatically reshaped downtown Oakland, California. Nationally, his company would grow to such influence that it was listed on the New York Stock Exchange. Mr. Ellis' keen business sense and tireless dedication elevated his company to the prominent position as the largest independently owned, publicly traded real estate firm in the United States. Today, the company boasts 130 offices world-wide.

Sixteen years ago, Mr. Ellis co-founded Ellis Partners LLC with his daughter, Melinda and his son, James. Ellis Partners LLC has, in its own right, become one of California's largest commercial developers and investors. Hal also formed Catalist Homes, which reflected his vision for the future of the residential real estate industry by creating a model of technical intelligence and efficiency.

Although Mr. Ellis' influence and impact was truly phenomenal in scope, his true contribution was the indelible imprint he left on the landscape of Oakland, California. His efforts led to the development of the Oakland City Center and Oakland's Jack London Square. Both of these developments have been and are critical to the vibrancy of a diverse and complex urban area whose residents deserve the opportunity afforded by a healthy local economy where small businesses can thrive.

Mr. Ellis was extremely involved in his community and professional organizations. He was an excited and inspiring individual, always ready to share his vision for the future and work on creative collaborations to bring innovation and growth to the development industry. Hal was a member of the Pacific Union Club, the Claremont Country Club, the World Presidents Organization and several additional real estate industry organizations.

A gentleman with endless optimism and strength, even Mr. Ellis' illness produced in him a sense of urgency to make a difference and advocate on behalf of others suffering from this devastating form of cancer. With the support and partnership of his family members, the University of California, San Francisco and Bain & Company, Mr. Ellis led the efforts to form the Melanoma Therapeutics Foundation. In the hopes of expediting the discovery of a cure for this disease, his family continues to remain involved and encourage support of this important organization in memory of Mr. Ellis.

On behalf of the residents of California's 9th Congressional District, I would like to thank Hal Ellis' family for sharing this wonderful spirit with us, especially his loving wife of 22 years, Marian Ellis, his sister, Jackie Ellis Leisz, his sons Stephen and James Ellis, his daughters Melinda Ellis Evers, Chantal Lamberto, and Jackie Lamberto, his daughters-in-law Karen and Melissa, sons-in-law Will and Eli, and of course his beloved grandchildren, Katherine, Audrey, Elizabeth, Ryan, Tyler, Gracie, Morgan, and Braydon. Mr. Ellis' legacy will live on

through his devoted family and a host of loving friends. May his soul rest in peace.

EXTENDING THE NEW MARKETS TAX CREDIT TO THE TERRITORIES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. BORDALLO. Madam Speaker, today I have reintroduced a bill to amend the Internal Revenue Code of 1986 to extend eligibility of the New Markets Tax Credit (NMTC) to Community Development Entities (CDEs) created or organized in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands. This bill would make a technical correction to existing law governing the New Markets Tax Credit (NMTC) Program and specifically authorize the Secretary of the Treasury to certify corporations or partnerships organized in one of the four U.S. territories as entities qualified to participate in the competitive application process for the New Markets Tax Credit.

The Community Renewal Tax Relief Act of 2000 (Public Law 106-554) authorizes the NMTC Program for the purpose of increasing incentives for investment in low-income communities across the country. Under the NMTC Program, certified Community Development Entities (CDEs) are eligible to apply for a New Markets Tax Credit from the Community Development Financial Institutions Fund at the Department of the Treasury. Taxpayers who then invest in the CDE are allocated some of those credits in return for their investment. The CDE must invest those funds in low-income communities, and the taxpayers are able to claim, over a seven-year period, credits equal to 39 percent of their investment. CDEs act as intermediaries for the provision of loans, investment funding, or financial counseling in low-income communities and are able to legally operate anywhere in the United States, including in the territories.

Despite the ability of a CDE under current law to legally and practically operate in a U.S. territory, a corporation or partnership that is created or organized in a U.S. territory applying for CDE certification cannot qualify for such certification under current law. This ineligibility stems from such organizations being deemed "foreign" and not "domestic" under other relevant provisions of the Internal Revenue Code of 1986. This nuance in law effectively prevents local CDEs in the territories, that is, entities who would otherwise be recognized as such by the Department of the Treasury, from investing in their own communities.

The bill I have reintroduced today would rectify this situation, which I recognize to be an oversight of Congress in the enactment of the Community Renewal Tax Relief Act of 2000. The bill would allow for the certification of CDEs created or organized in a U.S. territory thereby enabling them to operate and invest in their own communities. CDEs organized and operating in any one of the several States or the District of Columbia could continue to invest in low-income communities in the territories under this arrangement.

I am joined by Mr. FALEOMAVAEGA of American Samoa, Mrs. CHRISTENSEN of the U.S. Virgin Islands, Mr. PIERLUISI of Puerto Rico, and Mr. SABLAN of the Commonwealth of the Northern Mariana Islands in introducing this bill. We look forward to working with the Chairman and Ranking Member of the Committee on Ways and Means to advance this bill and to support increased investment opportunities for our own communities. Ultimately, this bill is about making the New Markets Tax Credit Program work for the territories and ensuring Congressional intent behind the New Markets Tax Credit is fully realized and fulfilled in our communities.

TRIBUTE TO U.S. SENATOR MITCH MCCONNELL OF KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to U.S. Senator MITCH MCCONNELL, a true statesman, who now holds the prestigious record as Kentucky's longest serving U.S. Senator. It is truly an honor for the Commonwealth of Kentucky to be served by such an accomplished and determined leader.

I remember the early days when MITCH first arrived in Washington, D.C., wandering the halls of Congress, but leaning on his experience as a local Judge-Executive in Jefferson County seeking compromise and working to solve problems. Today he is the Republican Leader in the United States Senate and is known for his mastery of parliamentary procedure, his ability to unite the Senate Republicans—which is no small feat—and standing firm on his conservative principles.

An advocate for Eastern Kentucky families, MITCH is a great friend of mine who understands the needs of the Bluegrass State and does everything he can to help those who need it most. MITCH is rightly credited for being an integral part of one of the greatest legislative achievements in Kentucky history, which were his efforts to pass the tobacco buyout. Many observers said the buyout would be impossible to arrange; however, MITCH dived in head first and with great focus was able to successfully push forward legislation that has allowed Kentucky farmers to transition to other crops and properly reimbursed quota holders. He should be proud of his efforts as he saved thousands of farmers and their families.

Always wanting to move Kentucky forward, MITCH has worked tirelessly to strengthen higher education which has benefitted millions in the Bluegrass State. By improving our universities, MITCH has not only helped our students succeed but has helped to bolster communities, create new jobs and build a strong workforce for the Commonwealth. Kentucky's future leaders have been awarded many new opportunities thanks to MITCH.

In addition to all he has done for the Commonwealth, MITCH is known as a fierce campaigner who did the seemingly impossible when he first defeated an incumbent Senator

in 1984, and then went on to lay the foundation for the resurgence of the Kentucky Republican Party. Republican success within Kentucky is due in large part to MITCH's vision and hard work.

Madam Speaker, I ask my colleagues to join me in honoring Senator MITCH MCCONNELL and his accomplishment as Kentucky's longest serving Senator. He is truly a legend in the Commonwealth and I look forward to his continued successes.

A CELEBRATION OF THE LIFE OF WAYNE C. THOMPSON

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. WATSON. Madam Speaker, it is with profound sorrow that I learned of the passing of my associate and colleague, Wayne Thompson, in December. Over the past two years, Wayne had become a trusted advisor to me on the Freedmen's efforts to secure full citizenship in the Cherokee Nation of Oklahoma. I will deeply miss Wayne's knowledge, wisdom, and sage advice. I have prepared the following resolution in honor of a man who defined the meaning of a purpose-driven life.

RESOLUTION

Whereas Wayne C. Thompson was born January 15, 1946, in Spencer, Oklahoma, the fourth of nine children of Tasso and Daisy Lee Thompson;

Whereas Wayne Thompson completed his secondary education in Spencer, Oklahoma and received a BSC in Social Psychology from Makerere University in Kampala, Uganda;

Whereas Wayne C. Thompson served in the United States Army with tours of duty in Vietnam and Germany;

Whereas Wayne C. Thompson dedicated his life to the promotion of human and civil rights around the world, including his participation in numerous marches and sit-ins during the Civil Rights Movement and service to the international wing of the Black Panther Party;

Whereas Wayne C. Thompson was the longstanding Executive Director of the Oklahoma Health Care Project through which he was involved with the Community Health Centers movement, Responsive Intervention Prevention Program for Community Organizations, the Young Black Men's and Women's Forums, Agent Orange Class Assistance Program, Developmental Outreach Program for Minority Communities, the Seminole and Cherokee Freedmen, World Health Organization, numerous delinquency prevention and youth violence intervention programs, All of Us or None, and the defense of political prisoners and the San Francisco 8;

Whereas Wayne C. Thompson was a founding member of the Institute of the Black World 21st Century and a coordinator of the Haiti Support Project and had an abiding and profound interest and commitment to eradicating social and economic injustice in Central America, Mozambique, Haiti, and the developing world;

Resolved,

(1) That Wayne Thompson led an exemplary and selfless life in service of those less fortunate;

(2) That Wayne Thompson was a fighter for justice who sought no notoriety for his efforts to help oppressed people around the world; and

(3) That Wayne Thompson was a warrior with the biggest heart, one of the greatest civil rights soldiers the world has known, whose good deeds and works have left the world a better place, and whose memory will be carried forward by the legions of people he touched with his remarkable human spirit.

RETIREMENT OF SENATOR
GEORGE VOINOVICH

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mrs. SCHMIDT. Madam Speaker, this past Monday, Senator GEORGE VOINOVICH announced that he will not be seeking re-election to the United States Senate in 2010. Senator VOINOVICH has dedicated the last 40 years of his life to public service. I look forward to continuing to work with him over the next 2 years, but would be remiss if I did not acknowledge that he will be sorely missed when he leaves.

Since 1967, GEORGE VOINOVICH has been a fixture in Ohio politics. Ohio has been blessed to have such a tireless advocate so dedicated to serving others. Although Washington, DC will be losing a respected voice on so many pressing issues, I congratulate him on his 40 years of distinguished and outstanding service to the citizens of the State of Ohio and wish him, his wife, Janet, and his entire family the best in the coming years.

CONGRESSIONAL TRIBUTE HONORING
LINDA CHAVEZ-THOMPSON

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. GONZALEZ. Madam Speaker, we rise today to honor the life and accomplishments of Linda Chavez-Thompson, a San Antonio resident who will be honored this Friday by the San Antonio AFL-CIO for her achievements and contributions to our community.

A native of Lubbock, Ms. Chavez-Thompson has been an integral part of the American labor movement for 40 years. In 1995, she made history when she was elected Executive Vice-President of the AFL-CIO, the first Hispanic to hold one of the organization's three highest offices. She currently serves as executive vice-president emerita and remains committed to delivering economic and social justice to all Americans.

Over the course of her life she has partnered with many organizations on behalf of civil and human rights, including those of women, immigrant Americans, and the LGBT community. And as she continues to work to better the world around her, her current projects include starting a scholarship fund for children of union members and developing a future leadership initiative.

The city of San Antonio, the State of Texas, and our entire country have reaped the benefits of her hard work and lifelong commitment to justice and equality, and we could not be more grateful for her contributions. Congressman CIRO RODRIGUEZ and I are honored to know her as a friend, and we congratulate Ms. Chavez-Thompson for all of her achievements and this well deserved recognition.

HONORING THE LIFE AND SERVICE
OF CANDELARIA TAITANO RIOS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of Candelaria Taitano Rios, a community leader on Guam. Known to her friends and family as "Candy" or "Lala," she passed away on January 5, 2009. I commend her for her lifetime of achievements and her service to our community.

Candy was born on February 22, 1932, to John and Rosario Taitano in the village of Hagåtña, Guam. Candy was married to the late Joseph Leon Guerrero Rios and they had five children, the late Joleen Rios, Joseph Rios Jr., Rose Rios, John Rios, and Helen Rios. She attended George Washington High School in Mangilao, Guam and graduated in 1951. She continued her education by earning an Associate's and Bachelor's Degree from the College of Guam before earning her Master's degree in Elementary Administration and Supervision from the University of Guam in 1971.

While Candy pursued her college degrees, she taught in Guam's public schools from 1951 to 1976. She was appointed as Assistant Principal at Piti Elementary School and as Principal at C.L. Taitano Elementary School in Sinajana. In 1986, Candy retired from Government of Guam service as the Deputy Director of the Government of Guam Retirement Fund.

After her retirement, Candy remained involved in many community projects and the non-profit sector. As a charter member of the Retired Educators Association, she advocated for issues important to retirees on Guam and promoted the advancement of quality education for Guam's students. She was also a member of the Retirement Employee's Association, the Vocational Education Advisory Council, and the Guam Elementary Administrators Association, for which she also served as Vice President.

Candy Rios was active in community affairs and was a leader in the Democratic Party of Guam. She served in many positions in the party and was an effective grass roots activist and organizer. Many sought her advice and endorsement, and through her volunteer work, she had a significant impact in the electoral successes of the Democratic Party.

Candy Rios was a lifelong educator and community leader. I extend my heartfelt condolences to her children, Joseph, Rose, John, Helen, her family, and her friends as we mourn her loss and celebrate her lifetime of achievements.

COMMEMORATING NATIONAL
FOLIC ACID AWARENESS WEEK

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the observance of America's annual National Folic Acid Awareness Week, which began on January 5, 2009.

It is my hope that this awareness week gives the Food and Drug Administration (FDA) further awareness to reduce the prevalence of preventable serious birth defects in women of childbearing age across all segments of our population. Enriched cereals and grain products are fortified with the B-vitamin folic acid, but only one-third of U.S. women of childbearing age consume the scientifically recommended daily amount. Folic acid, a B-vitamin, is particularly critical for proper cell growth and has been scientifically proven to prevent birth defects of the brain and spine, called Neural Tube Defects (NTD).

Women especially need folic acid, even if not planning to become pregnant since 50 percent of all pregnancies are unplanned. Consuming the recommended amount of folic acid each day before pregnancy can reduce the risk of a birth defect of the brain and spine by seventy percent. The prevalence rates of NTDs has declined by 27 percent since the U.S. Food and Drug Administration's mandatory addition of folic acid to enriched grain products in 1998. Even with this improvement in the reduction in the Neural Tube Disorders of Spina Bifida and Anencephaly birth defect births, there still are 3,000 babies born each year with serious birth defects, and an estimated 5,000 that die from a serious birth defect.

Since 1998, over 100 peer-reviewed scientific studies have been published and been reviewed by a distinguished group of leading birth defect scientists and researchers. These individuals concluded that more folic acid to already fortified enriched grain products, and folic acid to corn-based products, is important to our country's public health and should be examined by the DFA. In 2006, the Congressional Spina Bifida Caucus petitioned the FDA for review and the FDA refused the request, saying there was not enough science to merit the agency's review.

A recent Center for Disease Control (CDC) study, published in December of 2008, the agency found that only 21 percent of Hispanic women of childbearing age are consuming the recommended amount of folic acid to effectively prevent serious birth defect births, compared with 40 percent of Caucasian women. Hispanic babies are 1.5 to 2 times more likely than other children in the U.S. to be born with a neural tube defect (NTD). The CDC reports that Hispanics across the United States consume the least amount of folic acid, and have the least knowledge about the role that folic acid plays in preventing a serious birth defect birth among all racial or ethnic groups in our country. This leads to an important goal of National Folic Acid Awareness Week, education. Birth defect prevention education is alarmingly low, so public education is essential. Surveys

since 1998 have found that only 24 percent of women know that folic acid helps prevent birth defects. Of those who do know, only 40 percent know how much should be taken every day. Over ten years, public education efforts on the parts of the CDC, various birth defect prevention groups, and State and federal prevention awareness programs have been a great start in informing women of the necessity of folic acid during childbearing years, but we still have our work cut out for us.

I would like to recognize the National Folic Acid Awareness Week and increase public awareness of the need for all women of childbearing age to get the recommended amount of folic acid each day. A continued effort on all fronts is necessary, I encourage the FDA to look at the research and consider adding more folic acid to enriched grain products and corn-based products.

I will be reintroducing a resolution calling for this action and I ask my colleagues to join me in this education effort.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to personal reasons.

On Wednesday, January 7, 2009, and Friday, January 9, 2009, I missed rollcall votes 5, 6, 7, 8, 9 and 10. Had I been present, I would have voted "aye" on rollcall votes 5, 6, 7 and 10 and "nay" on rollcall votes 8 and 9.

IN MEMORY OF FATHER RICHARD JOHN NEUHAUS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Mr. WOLF. Madam Speaker, I rise today in memory of Father Richard John Neuhaus who passed away on January 7, 2009. Father Neuhaus was a man of great intellect and a prolific writer who defined the terms of the modern debate regarding the role of religion in public life. His work inspired a countless number of individuals and his legacy which is grounded in his deep faith in God will live on for years to come. The following piece which appeared in the January 19 edition of Newsweek is a fitting tribute to the life and work of Father Neuhaus.

[From Newsweek, Jan. 19, 2009]

RICHARD JOHN NEUHAUS, 1936–2009—AN
HONORABLE CHRISTIAN SOLDIER

(By George Weigel)

Father Richard John Neuhaus's work will be remembered and debated for decades. As a Lutheran pastor, he was one of the first civil-rights activists to identify the pro-life cause with the moral truths for which he and others had marched in Selma; he set the terms of the contemporary American

church-state debate and added a new phrase to our public vocabulary with his 1984 best-seller, "The Naked Public Square." As a Catholic priest, he helped define new patterns of theological dialogue between Catholics and evangelicals, and between Christians and Jews. The journal he launched in the early 1990s, *First Things*, quickly became, under his leadership and inspiration, the most important vehicle for exploring the tangled web of religion and society in the English-speaking world. All of this suggests that Richard Neuhaus was, arguably, the most consequential public theologian in America since the days of Reinhold Niebuhr and John Courtney Murray, S.J.

He was also a marvelous human being, with the convictions of a true Christian disciple and the heart of a spiritually insightful pastor. In the retrospect of the death of my closest professional friend on Jan. 8, his living room—in which we prayed, argued, laughed and planned for more than 30 years—strikes me as a concise summary of the man.

Over the fireplace hung an old etching of Jerusalem, identical to that which once adorned the office of Teddy Kollek, the city's longtime mayor: for Neuhaus lived, thought and wrote within a thoroughly biblical cast of mind, in which the earthly Jerusalem represents the New Jerusalem of the Book of Revelation—the fulfillment of humanity's deepest spiritual longings. On one wall was an abstract, modernistic print of a boy riding a Chagall-like bird: "That's little Dickie Neuhaus," he once told me, "riding the Holy Spirit." A Byzantine icon of his patron, the apostle John, marked another wall, with a vigil light burning before it; Richard used to joke that his Lutheran pastorate, the church of St. John the Evangelist in the then desperately poor Bedford-Stuyvesant section of Brooklyn, was "St. John the Mundane," as distinguished from the Episcopal Cathedral of St. John the Divine in Morningside Heights. There was a colossal sound system, for he loved music, especially Bach; there were bookcases containing the Lutheran Book of Worship, from which he and the ecumenical Community of Christ in the City, with whom he lived, prayed verses every evening, before and after his reception into the Catholic Church; and there were ample supplies of bourbon and cigars, both of which Richard regarded as essential complements to the ongoing, boisterous conversation that was his intellectual and spiritual lifeblood.

For a man of sharply expressed opinions, he was also a skilled listener and a gentle counselor, with a particular care for helping young men and women figure out what God had in mind for their lives. In the Catholic phase of his ministry, which began after his ordination by Cardinal John O'Connor in 1991, an act which he regarded as completing his commitment to Lutheranism as a reform movement within the one Church of Christ, he served a working-class parish, as he had done as a Lutheran; in both cases, he declined to preach "down" to his congregations, such that his challenging sermons deepened many people's faith. He was generous in supporting the poor throughout the world, giving away a significant portion of his lecture fees and book royalties.

Richard Neuhaus was also an American patriot with a critical love for the country to which he moved, permanently, at age 15, after a rambunctious childhood and adolescence in Pembroke, Ontario, where his father was a Lutheran pastor. As a teenager, he ran a filling station in Cisco, Texas—likely the only counselor of two popes and several

presidents who ever joined the Texas Chamber of Commerce at age 16. His distinguished career as a public intellectual led some to think that he was embroidering things a bit when he claimed he had never graduated from high school; but he hadn't.

He had the remarkable, and mathematically counterintuitive, ability to multiply his enthusiasm and energy while dividing it with others. That was a grace. And that is one of the many reasons why so many of us will miss him as we shall miss few others.

A TRIBUTE TO REV. WALTER E. FAUNTROY, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, ON THE OCCASION OF HIS 50TH ANNIVERSARY AT AND RETIREMENT FROM NEW BETHEL BAPTIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. NORTON. Madam Speaker, I rise for the uniquely important occasion of honoring a man I am pleased to call a personal friend, but more important, a distinguished former member of the House of Representatives, and my predecessor, Walter E. Fauntroy, on the occasion of his 50th anniversary and simultaneous retirement as pastor from the New Bethel Baptist Church, one of the great churches in our Nation's capital. Many of you remember Rev. Fauntroy as your distinguished colleague. You already know that Walter has lived the lives of several men—a distinguished minister, a Member of this Congress, a civil rights leader, a scholar, a devoted husband and a father. Consequently, when America hears the name Walter Fauntroy, we think of more than one man, because he has done the work of several energetic men, often at the same time. It is difficult to find an American who has played so many important leadership roles and who has been so deeply a part of actually weaving a new fabric of equality and justice for our country.

Rev. Fauntroy was sworn in as a Member of the House of Representatives, the District of Columbia's first delegate in the 20th century, on March 23, 1971. For 10 terms, he helped shape national policy, serving on important committees and subcommittees, including the House, Banking, Finance and Urban Affairs Committee, the Subcommittee on Domestic Monetary Policy, which he chaired for 6 years, and the Subcommittee on International Development, Finance, Trade, and Monetary Policy, which he chaired, for 4 years. As a Member, Congressman Fauntroy also chaired the Bipartisan/Bicameral Task Force on Haiti for 15 years. Before I was elected, I was pleased to join Congressman Fauntroy and two others at a sit-in at the South African Embassy to launch the "Free South Africa" movement, which ultimately led to the end of apartheid. Congressman Fauntroy is very fondly remembered here as a founding member of the Congressional Black Caucus and was its chair from 1981 to 1983.

Before the District of Columbia achieved home rule, President Lyndon B. Johnson appointed Rev. Fauntroy to the DC city council,

where he served from 1967 to 1969. For his leadership in the home rule struggle, the people of the District of Columbia showed their confidence in Rev. Fauntroy by electing him to the House of Representatives. In Congress, Fauntroy was a father of home rule for the District of Columbia, which allowed the District to elect its own Mayor and city council.

Even before his election, Fauntroy was a national figure in the civil rights movement and

a key advisor to Dr. Martin Luther King Jr. Rev. King named him director of his Washington bureau of the Southern Christian Leadership Conference and national coordinator of the Poor People's Campaign. He later was chair of the board of directors of the Martin Luther King Jr. Center for Social Change in Atlanta, Georgia.

I am pleased to join the congregation of New Bethel Baptist Church and I ask my col-

leagues to join me in honoring Rev. Walter Fauntroy for his unusually successful and dedicated life of service to the people of the United States of America, the residents of the District of Columbia, and the congregation of the New Bethel Baptist Church.

SENATE—Wednesday, January 14, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord of the storm and the calm, the troubled sea and the quiet brook, give the Members of this body the perseverance to meet today's challenges. Help them as they find common ground and adapt themselves to the surprises each day can bring. Remind them that life is real and often difficult and that they need You in every season of their sojourn. Save them from being so preoccupied with the difficulties that they cannot see all the opportunities about them. Lord, help them to not run ahead of You or to lag behind. Instead, may they walk with You, at Your pace, in Your timing, and toward Your goals.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of the wilderness bill, S. 22, with the time until 10:30 a.m. equally divided between the leaders or their designees. The Democratic time is given to Senator BINGAMAN of New Mexico. At 10:30 a.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on S. 22. The filing deadline for second-degree amendments is 10 a.m. this morning.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ECONOMIC RESCUE PLAN

Mr. MCCONNELL. Mr. President, many of us originally supported the economic rescue plan because we recognized we needed to act immediately to prevent an economic disaster.

I heard from a lot of Kentuckians last fall who were hurting and wanted the Government to help, and I am still hearing from many small business owners and others across Kentucky who still need help. But those same Kentuckians are quick to call for assurances that whatever the Federal Government does should be undertaken with the assurance that taxpayer money will be spent wisely and will actually stimulate economic growth.

The American people have questions and so does Congress. We want assurances that if we decide to release additional funding, this money will not be wasted, that it will not be used for industry-specific bailouts that some House Democrats are already requesting.

We will be receiving briefings from the new President's team later today, and we look forward to hearing from them; that is, my Republican team. I know the new President was up here yesterday talking to the Democrats.

While I feel strongly we must continue to stabilize the economy, I would find it exceedingly difficult to support use of additional taxpayer funds without serious assurances from the incoming administration that the taxpayers will be protected.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DESIGNATING CERTAIN LAND COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 22, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to commit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to commit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. shall be equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the quorum call time be charged equally between the two sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, at 10:30, I believe, this morning, we are going to vote on cloture on this lands package. I wish to take a few minutes—and my colleague has been more than gracious to me in terms of allowing time—to discuss this.

Our country is at a very difficult time in terms of our economic growth but, more importantly, in terms of the number of people who are suffering. We have before us a 1,300-page bill that we

will hear has been looked at for a year and a half—the proponents of which, I am sure, have—that is nonamendable and that we will spend somewhere between \$10 billion and \$12 billion, when we think about the long-term consequences of the bill.

The questions I have before the body on this bill are, No. 1, is this truly a priority for us at the times we are in, considering the nature of the great difficulties that face this country; and No. 2, is it a priority for us in terms of the things that are out there that we can really be making a difference on today that we refuse to make a difference on.

Mr. President, let me highlight that for you for a minute.

This last year we put out a report on the Justice Department that showed very clearly \$10 billion a year in waste. I gave a speech on the floor this last summer outlining \$380 billion in waste. We know we have at least \$50 billion a year in waste at the Pentagon. We know we have at least \$80 billion worth of fraud a year in Medicare. The first thing we do in this Congress is create \$10 billion more of spending. So we are not attacking the structural problems that actually face our Government, but, more importantly, we are not attacking the biggest problem. The biggest problem is the American people do not have confidence in us as an institution to do what they do every day, and that is to set priorities.

Every family out there today is going through a process, much like I did at the end of the year, seeing how much is going to come in, what they are absolutely obligated to spend, and if there is any left over, where is the priority at which they do that. We are in reverse of that process. We are saying we are not even going to look at that process, we are not going to look at the \$380 billion worth of waste, we are not going to look at the programs.

I had a visit with Mr. DUNCAN, who is the new nominee for the Education Department. To his surprise, he was blown over by the fact that there are more educational programs outside the Department of Education than there are inside. Yet we refuse to work on those very hard things that will actually make a large difference in the outcome.

We are going to be voting yet this week on putting another \$350 billion in the hands of the Treasury Department to enhance liquidity. But with that, we hear from Larry Summers that we are going to direct the money to whoever needs to borrow rather than whoever needs to try to be liquid in terms of loaning money. We have it exactly backwards.

Before us is a bill that will markedly undermine attempts at energy independence, will add to the 107 million acres of land that presently are wilderness areas which will make them truly,

in all respects, significantly difficult to ever tap any natural resources, regardless of whether we can do that without any impact on the environment.

It is interesting to note that the actual number of acres of land that are in wilderness areas is greater than the total developed land in this country, which is 106 million acres.

We are going to take another 2.2 million acres and move them away from any possibility. Yet nowhere in our thought was—whether we were manipulated by supply-demand constraints or we were manipulated by futures markets—the fact that oil reached an all-time high and we were paying \$4 for a gallon of gasoline. Completely outside the scope of this bill was any consideration that we might want to preserve our ability to have access to future oil reserves—even the disputed debate on the Wyoming Range on whether we are going to have access to, the lowest estimate, 5 million barrels of oil and maybe 3 trillion cubic feet of natural gas, all the way up to 300 million barrels of oil and 15 trillion cubic feet of natural gas.

My complaint and my reason for voting no on cloture is really fourfold. No. 1 is it is not a priority what we are doing. No. 2 is our problems with demand that we would be doing something different than what we do in this bill. No. 3 is the process which has not allowed for significant amendments of our choice on this bill is flawed. And, finally, No. 4, it does not go towards building back the trust in the Congress to actually do things in order of priority that are going to make a difference for this country.

I recognize that I am in the minority opinion of that view in this body. What I don't recognize and what I know is true is that I am not in the minority opinion of the people in this country.

We are about to vote on a 1,300-page bill that will not be amended, that very few have read, that very few have studied hard as to the consequences it will have on our energy dependency, and we are going to pass it. It is probably going to be sent to the new President, and he is probably going to sign it, which gives me great cause for worry because my friend, the President-elect, ran on hope and a promise of change. I don't see any change in the Senate.

My hope is somewhat diminished because I don't see us as a body collectively addressing the big problems that face us as a nation. There is no question that many of the States that have programs in this bill have wanted them for a long time, and they are going to be happy with them, the fact that we do all these things for these various organizations to create four new extensions to national parks at a time when there is a \$9 billion backlog on the national parks we have today.

But I wonder if getting something parochially is worth putting the country

at risk, and not just at risk with this bill but the risk of process, the risk that we will continue to plow ahead on that which will not make an ultimate difference in the security, the long-term financial outlook of this country.

Anybody who reads this bill will say: Why are you doing certain things now? Why would you authorize the spending of \$3.5 million for a birthday party in Florida? Why would you enhance botanical gardens now when we are going to run a \$1.8 trillion deficit this year? Why would you build a new orchid garden for the Smithsonian now when we have so many other issues that are so far more important that we should be doing? Why in light of the greatest drought California has ever seen would we disrupt the water supply to 10,000 farmers, creating more than \$2 billion worth of GDP? Why would we do that? Why would we do that now? I don't understand why we are doing it now.

I understand the politics of it. I understand the way the Senate works. I understand the reason Members want to get things done for their States. But right now in our Nation, we ought to be thinking about the good of the Nation as a whole, the long-term good of the Nation as a whole.

Confidence—confidence—is what Americans don't have today. They are not confident in their future. They are not confident in the economics of maintaining their family, their lifestyle. As a matter of fact, the confidence is so low that we are going to have a savings rate that we have not seen in 40 years in this country because people are saving for a rainy day, and they think the rainy day is here. What we are doing is destroying what confidence is left.

Our President-elect's job over the next year, more than anything, is to restore hope and confidence in the future of this country. I believe we fall far short by bringing this bill to the Senate at this time in this way without an ability to amend it in significant ways that preserve chances for energy exploration, that take the silliness out of it—as I mentioned earlier, the 45 earmarks that are in this bill—and do not address the priorities of which we should be authorizing the spending of money in this bill. It is wasteful. It does not meet common sense. It destroys what little credibility we have left, and in the long run it diminishes the promise of change and hope for which our new President-elect stands.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, how much time remains on both sides?

The ACTING PRESIDENT pro tempore. There is 18½ minutes remaining: 15 minutes on the Democratic side, 3½ minutes on the Republican side.

Mr. BINGAMAN. Mr. President, shortly, the Senate will vote on cloture on S. 22, the Omnibus Public Lands Act. I obviously support going ahead with cloture on that legislation. Let me explain briefly why and then respond to a few of the points that my colleague from Oklahoma made.

Yesterday, we did spend several hours trying to determine if it was possible to develop a unanimous consent agreement so that we could have a couple of votes today on amendments that the Senator from Oklahoma has proposed. Despite good-faith efforts on both sides, we were unable to reach that agreement. I appreciate Senator COBURN's willingness to work with us. Also, I appreciate Senator MURKOWSKI's involvement in those discussions.

I have spoken at some length earlier this week about this package of bills, so I will not repeat the details that I talked about before, but I would like to briefly summarize the bill.

This legislation contains over 160 separate public land and related bills, with roughly an equal number of provisions sponsored by Democratic and Republican Senators. Apart from the bipartisan makeup of the package, almost all of these bills were considered in the Energy Committee and were reported in our committee after amendment. I should emphasize that there was an extensive process of amending these bills in our committee. They were reported after amendments by unanimous vote. We have made some further modifications to some of these bills in an effort to address any remaining concerns.

S. 22 incorporates 15 new wilderness bills, which combined will result in over 2 million acres of new additions to the National Wilderness Preservation System in nine different States. It will add over 1,000 miles of new rivers to the National Wild and Scenic Rivers System. It will add over 2,800 miles to the National Trails System. It will add three new units to the National Park System and enlarge the boundary of over a dozen existing parks. It will designate a new national monument, three new national conservation areas, and legislatively establish the Bureau of Land Management's National Landscape Conservation System.

The bill will protect over 1 million acres of the Wyoming Range for hunting, fishing, and other recreational uses. And to help reduce the catastrophic fire problems of recent years, it authorizes a new forest landscape restoration program.

In addition to the public land components of the package, the bill will ratify three extremely important water rights settlements. Those are located in California, in Nevada, and in my home State of New Mexico. The legislation related to those settlements will end literally decades of litigation. And

it includes many other land and water authorizations to help local communities throughout the country but especially in Western States.

Despite the scope of the conservation measures included in the package, it is not, as some have suggested, inconsistent with our national energy policy. I heard my colleague indicate that in his view this legislation in total would—I believe the phrase he used was—markedly undermine energy independence in our country. I strongly disagree with that characterization of what we are doing. Almost none of the wilderness areas designated by the bill are in areas with significant energy development potential.

As to the one area which does contain energy potential—that is the Wyoming Range Legacy Act legislation—let me give some details as to that legislation. The legislation seeks to protect from future oil and gas activity lands in the Wyoming Range not currently under lease. As of November 6, 2007, there were 18 oil and gas leases within the proposed withdrawal area. Those leases cover a total of 70,600 acres. These leases represent valid existing rights and will not in any way be canceled by this legislation. The leases are primarily located in the area that has some of the most significant mineral development potential.

In addition to those oil and gas leases, there are 35 oil and gas leases covering 44,977 acres that have either been issued and are under protest or have been sold but not yet issued. This bill, again, does not in any way cancel or impede development of those leases.

Under the estimated U.S. Geological Survey's estimates, they believe the natural gas potential for the area is 1.5 trillion cubic feet, and the mean oil potential is 5 million barrels. Relative to other known gas reserves in the area, the numbers are smaller in both size and scope.

There are approximately 4,300 producing oil and gas wells in the three counties that are touched by this legislation. There is a proposal being considered for up to 4,339 additional wells that would not be affected by the legislation. There is production currently taking place nearby that will not be stopped by the provisions here.

We had the Congressional Budget Office look at this, and they have issued a statement which I will quote for information of Senators. When they refer to S. 2229, that is the legislation that is incorporated in this bill. They say:

Based on information from the U.S. Forest Service and the Bureau of Land Management, CBO estimates that enacting S. 2229 would have no significant effect on the Federal budget. Under the current law, CBO anticipates that neither agency will offer to sell mineral leases or other interests in land that would be withdrawn by the bill within the next 10 years; hence, we anticipate no foregone receipts from sales of such interests over the period of 2009 through 2018.

So as I was saying, the legislation, in my view, does not markedly undermine energy independence, it does very little to impede our ability to develop oil and gas resources, and this is a piece of legislation that is strongly supported by the Senators from Wyoming, it is strongly supported by the Governor of Wyoming, and it is legislation that I myself support as well.

Several Senators have previously spoken about the many years they have spent working on some of the provisions in this package. Especially in the West, there are few issues as complex and difficult to resolve as land and water use issues. Given the years of work invested by interested citizens and communities, by State and local governments and by individual Senate delegations to address and resolve the many competing issues, it is time to bring these issues to closure. There has been an extensive public process for the individual bills contained in this package, both locally and in the Congress, with almost all receiving the unanimous approval of our committee, the Energy and Natural Resources Committee, which has jurisdiction over these matters.

For all these reasons, I urge my colleagues to vote to invoke cloture this morning on S. 22, the Omnibus Public Lands Act, so we can advance this long overdue legislation forward for Senate approval.

Mr. President, how much time remains for the majority?

The ACTING PRESIDENT pro tempore. The majority has a little over 4 minutes and the minority has 3½ minutes remaining.

Mr. BINGAMAN. Mr. President, at this time, I yield the remainder of my time to my colleague, the Senator from Alaska, Ms. MURKOWSKI.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise this morning to support the statement of my colleague, the chairman of the Committee on Energy and Natural Resources, as it relates to this legislation, the Omnibus Public Lands Act of 2009.

There has been a great deal of discussion in these past several days about priorities and whether the bills in this package actually reflect my particular priorities. Well, in fact, there are some priorities I do have. But are all these bills, all 160 of them, my priorities? No.

There has been a great deal of discussion about process. The fact that we have 160 bills packaged into an omnibus bill is cumbersome. Is this a process I would have chosen? Probably not.

Am I concerned about the ability of the minority to offer amendments? Absolutely. Absolutely. My colleague from Oklahoma has made a very strong case for why, in this deliberative process, in this deliberative body we should not be allowed to move forward and advance amendments. As I understand it,

there were discussions yesterday that, hopefully, would have allowed a time agreement for consideration of amendments, but that didn't work out and that is unfortunate. But I do not believe the bills we see in this package result from an absence of careful consideration and process.

As the chairman has noted, the Committee on Energy and Natural Resources has had almost 2 years' worth of hearings, negotiations, and business meetings on these very bills we have in front of us. There has been that thoughtful committee process, there has been that review, there has been the input from the local level all the way to the top. The public lands bills in this package were considered and they were amended with the very concerns in mind that my fellow Senators are expressing today.

The concerns are most appropriate: How do we get a fair deal for the American taxpayer? How do we ensure we are not locking up land that could help improve our Nation's energy security? Are the lands we are protecting deserving of this? We can find that balance and we can maximize the development of our domestic energy resources while protecting our Nation's other natural resources.

So why so many bills in here? Well, for those of us in the West, so much of our land is federally owned that simple transactions often take literally an act of Congress. This bill transfers 23,226 acres of Federal lands to private and State sectors through conveyance, exchange or sale, and does so in a way that provides full value for the American taxpayer. The bill does authorize the expenditure of funds, but each of those is dependent on future appropriations that depend on the oversight of the Appropriations Committee and the Presidential budget request.

This process is not my preferred method for passing legislation. I wish to work with my colleague from Oklahoma and with others who have expressed their concerns about how we move public lands bills. I think working with the chairman we can improve this process, and we should. But I believe that overall what we have before us today is a package that will improve our Nation's management of its public lands and parks and will be a long-term benefit to our Nation. Therefore, I respectfully request my fellow Members' support for passage of this legislation and on this cloture motion we have before us this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Let me clear up the data on the Wyoming Range. It is said there is only 1.5 trillion cubic feet, according to the U.S. Geologic Survey. But you have not read the complete report. The letter is new. The data used

by them is older than the data used by the Bureau of Land Management. It wasn't based on the latest topographic and geological studies. That is the first problem.

The second thing they say in their report is they lacked an official map. So it is their best guess, not based on science, not based on known data.

Finally, they only approximated for the following reasons: They only had a general outline of the area and they assumed a homogenous distribution of oil and gas resources across the entire area.

Well, that is no report. The latest report to come from the National Petroleum Council, which is subcontracted to BLM, estimates, at a minimum, 12 trillion cubic feet of natural gas. So where you get your information and what it says and what it is based on is very important.

So we have had all this defense that this is not going to impact energy based on an erroneous report based on erroneous assumptions by the National Geologic Survey, when all you have to do is read their own survey and that is the footnote to it, which says we didn't have the information, we didn't have the map, so we used an average, not what was there. Having known that the first three gas wells drilled there had to be capped because we didn't have the technology to take the flow, it was so great, the estimates by the USGS are so far out of range it is laughable. As far as 10 years counting whether it is going to have any impact on our energy, I hope we are thinking longer than 10 years. But that is what the CBO says they are going to use—10 years.

Don't forget there is another big issue with this bill in that we step all over property rights in this country. Even though several of the bills in here say they would not use eminent domain, every one of them still has the right to use eminent domain outside the areas we have created in this bill. So we have taken one of the basic rights of Americans in this country, and the Senate, in passing this bill, by saying: Sorry, our parochial interests for what we want to do for the State trumps your property rights.

If you believe in property rights, if you believe people who own land ought to have the right to develop that land, if you don't think the Federal Government ought to be funding those people who will take away your rights—which is what they will do with the heritage areas; they actually change the zoning laws as funded by the U.S. Park Service—I have a bridge I want to sell you.

We ought to be about doing what is in the best interest of the country, not what is in the best interest of our States right now. Our problems are severe. We ought to be doing things that develop confidence in this body, not undermining the confidence in this

body. As far as the land exchanges, almost none of those was objected to. They could have come through here on unanimous consent, and everybody knows that. To use that as a reason for why we are at this point is not only insincere, it is inaccurate.

So it is time for us to start behaving and acting in ways that restore confidence in this body and setting priorities that are very similar to the priorities every family has to set. I will say, again, we should have spent the last 2 weeks working on waste and fraud and duplication in the Federal Government because we are getting ready to approve a bill that will spend \$800 billion at the same time we know we are going to waste \$300 billion in this Government. For us to spend time on this bill rather than the important things that are going to make a difference in the lives of families in this country in the long run, I believe it undermines the best values of the Senate.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has half a minute remaining.

Mr. BINGAMAN. Mr. President, the time of 10:30 is about to arrive. I yield my time. The yeas and nays have already been ordered or are they mandatory?

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. All the time has expired. Under rule XXII, the Chair lays before the Senate the pending motion to invoke cloture, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 22, the Omnibus Public Land Management Act of 2009.

Harry Reid, Jeff Bingaman, Richard Durbin, Dianne Feinstein, Bernard Sanders, Jon Tester, Tom Harkin, Kent Conrad, Byron L. Dorgan, Barbara Boxer, Debbie Stabenow, Daniel K. Akaka, Ken Salazar, Mary L. Landrieu, Ron Wyden, Patrick J. Leahy, Robert Menendez, Bill Nelson.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on S. 22, a bill to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of Interior and the Department of Agriculture, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), the Senator from North Dakota (Mr.

CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The yeas and nays resulted—yeas 68, nays 24, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—68

Akaka	Gregg	Nelson (FL)
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Begich	Inouye	Reid
Bennett	Johnson	Risch
Bingaman	Kerry	Roberts
Bond	Klobuchar	Rockefeller
Boxer	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Snowe
Casey	Lieberman	Tester
Clinton	Lincoln	Udall (CO)
Cochran	Lugar	Udall (NM)
Collins	Martinez	Voinovich
Crapo	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Feinstein	Murkowski	Wyden
Graham	Murray	

NAYS—24

Alexander	Ensign	Kyl
Brownback	Enzi	McCain
Burr	Feingold	McConnell
Chambliss	Grassley	Sessions
Coburn	Hutchison	Shelby
Corker	Inhofe	Specter
Cornyn	Isakson	Thune
DeMint	Johanns	Vitter

NOT VOTING—6

Biden	Bunning	Kennedy
Brown	Conrad	Stabenow

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) On this vote, the yeas are 68, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. LEVIN assumed the chair.)

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LILLY LEDBETTER

Ms. MIKULSKI. Mr. President, I am the leadoff speaker today in what will be a substantial conversation on the Fair Pay Restoration Act. It has been

otherwise known in the community and in the media as the Lilly Ledbetter bill, which we hope to bring up for a vote tomorrow to advance this bill. What this legislation will do is to overturn the Supreme Court decision that essentially mitigated the ability to file lawsuits for equal pay for equal work.

Mr. President, I am not new to this bill, and neither are you. We counted you as one of our strong advocates when we had our vote last year on April 23.

The person who has been one of the leads in the Senate has been our very good colleague, Senator HILLARY RODHAM CLINTON. As we know, Senator CLINTON is about to assume other responsibilities. I have taken up this bill as the lead sponsor, along with many of the women in the Senate and the very good men. I thank Senator CLINTON for her leadership and her advocacy on behalf of women and on behalf of civil rights and on behalf of fairness and justice. She has been a great advocate, and we are going to miss her.

I also thank Senator KENNEDY and his staff, Senator KENNEDY for his leadership in trying to right the wrong the Supreme Court decision created. Senator KENNEDY has been a stalwart on this bill and is also one of the original sponsors of the remedy we are bringing before our colleagues today.

You might recall that in April we had our vote on the Lilly Ledbetter bill. You might recall it was a very intense and emotional debate. Most of the women of the Senate came on the floor. We were dressed in red because that was the color of the women's movement and Mrs. Ledbetter herself wore red. We lost that vote by essentially two votes. As everybody left the floor, they thought it was over. But I knew it was not over because we were not going to let it be over. We were going to continue the fight. I said to my colleagues then, when we lost the vote, we would come back and fight another day, and that day is here. We said very loudly, clearly, firmly, and resolutely that we wanted to be sure women receive equal pay for equal work, equal or comparable work. We wanted to change the law books so women would feel it in their checkbooks.

I reminded our colleagues, because there had been a fantastic miniseries about John Adams, that Abigail, one of our heroes, had written John when he was busy writing the Constitution—she was busy running the farm and keeping life going—and she said: John Adams, when you write that Constitution, remember the ladies because if you forget us, we will foment another rebellion.

I said on the floor on April 23 that we, in the spirit of Abigail Adams, were ready to foment another revolution if we were going to be denied the opportunity to pursue equal pay. I then said

we were going to fight, and I asked the women of the Senate—I asked the women of the Senate and women all over the country—to suit up, get ready to fight. Put your lipstick on, and let's foment another revolution.

Wow, the revolution came, and it is more than I anticipated. The revolution came in one of the most dynamic primaries our country has ever seen. The revolution came when people said loudly and clearly, at every primary and every caucus across this country, that they wanted change. They chose a new standard-bearer in President-elect Barack Obama. In that, with Mr. Obama and Mr. BIDEN, we have the leadership the American people want. In their leadership, working on a bipartisan basis in the Congress, we want to bring about change, and therefore one of the first bills we bring to the floor of the Senate is one that makes sure women have equal pay for equal or comparable work and they have access to the courts and appropriate legal process to be able to pursue their concerns and their complaints.

The revolution is here, and the votes are coming. We are going to vote tomorrow on cloture on the motion to proceed. Later on, we are going to have complete debate on the bill itself. We know there are colleagues who offer alternatives, but that is part of the revolution—to have great ideas, engage where there are differences of opinion, and then, at the end of the day, have the votes. We are looking forward to this. It is a day long in coming.

This year, this new Congress and this new President bring us not only a new year, but it also has created a new economic reality. The economy is tanking, with no end in sight, retirement accounts are plummeting, home values are sinking, and unemployment is surging.

This is not news to women. Women who are in the workplace today know how hard it is to get and keep a job. What we also know is that in good times or bad times, women are discriminated against in terms of the pay they receive. Right now, today, in the 21st century America, women still earn only 76 cents an hour when men receive a dollar an hour. There are women who pursued remedies.

In May 2007, the Supreme Court made an outrageous decision. They said women cannot get equal pay for equal work unless they file a complaint 180 days from when the discrimination began. Women do not always know when discrimination began. They meant from the very first day that you get a paycheck that discriminates against you, within 180 days, within 6 months, you are supposed to know that and file a complaint. We would love to be able to do that. But this decision does not reflect the reality of the workplace.

What is it that we know about the workplace? You can talk about anything in the workplace. Often, politics are discussed in the lunchroom; religion is talked about at the computer; sex is often discussed at the water cooler; but salary is never discussed. How many people really know the salary of their coworkers? Women do not go around asking men: How much are you paid, and pull out a little pad. They presume that if they are doing the job side by side with male coworkers, they are getting equal pay. They don't know that. Then what happens if the male counterpart gets a raise? The guys have been out at a ball game. They say: Don't worry, we will take care of you. But the women don't know that. You have to know it the day you get the paycheck and he gets the bigger one. How are you going to know that? Snooping? Men get raises and promotions, but women are often overlooked and undervalued.

What we saw in the Supreme Court decision was that it was a backward step for women and it violates the very concept of fairness and justice. The Supreme Court decision was so outrageous that our beloved and esteemed Justice Ginsburg took the unusual position of reading her dissent from the bench. Usually, Justices do not do that. She said in her dissenting opinion that the Court did not get it, that they do not understand the realities of the workplace that would prohibit women from knowing exactly when the discrimination started. She called upon Congress to fix it, and that is what this bill does. Our bill restores the original language that existed before Ledbetter.

Along the way, President Bush heard about our legislation. He threatened to veto it. On January 20, we will have a new President, and he will not only sign it, he campaigned with Lilly Ledbetter and made a promise to the American people. When President-elect Obama, who by then will have taken his oath of office and will be President Obama—this will probably be the very first piece of legislation he will sign. What a sweet day for women all over America. But we have a legislative road to go on.

A lot has been said about Lilly Ledbetter, but people are busy and they might not remember her whole story. What a gallant and courageous woman. She fought the system, and on her own time and with great risk, she took on the challenges of the workplace. She turned to the courts and began her fight. She fought two different times, once against sexual harassment and the other time against unequal pay. What you need to understand is when she began her fight to get equal pay, she was then sexually harassed because she followed her legal opportunities and rights. So she was doubly punished. She was punished in the workplace in her paycheck and she

was punished in the workplace because she dared speak out.

Lilly Ledbetter did not work at some microbusiness. Lilly Ledbetter worked at Goodyear Tire & Rubber Company. She worked there for 19 years and by all accounts was an outstanding employee. She did not know when the disparity developed, whether it was on the first day she was hired or over the many years she was there. But she found out and took it to court. A jury found that Goodyear had discriminated against her and awarded her \$400,000 in backpay. When they did, Goodyear then took this all the way up to the appellate court. Each time, this woman pursued her remedies, often at great risk and great financial and personal hardship. Finally, because Goodyear, every time she won, took it to a higher court—that is their prerogative. But you had little Lilly Ledbetter against this giant corporation, with tons of lawyers and tons of legal resources. Finally, they had the Supreme Court on their side, and the Supreme Court said someone cannot sue their employer over unequal pay if that person doesn't file the suit 180 days from the day the discrimination began.

As we said earlier, the Supreme Court just didn't get it. How many people know the salary of their coworkers, especially in the first 6 months on the job? What if you are hired at an equal rate with your male counterpart but he gets a raise every few months and you don't? The decision was terrible. As I said, Justice Ginsburg said, "In our view, the Court does not comprehend or is indifferent to the insidious way in which women can become victims of pay discrimination." She encouraged us to fix it.

As I said, women continue to earn 77 cents for every dollar. Women of color get paid even less. So Lilly Ledbetter is not an isolated incident.

Now, there is opposition to this bill because people make profits off of discrimination; if you pay women less, you make more. I mean, we are providing a subsidy to these businesses that discriminate.

Over a lifetime, it not only affects your current paycheck, but it affects your Social Security and your retirement in terms of lower lifetime earnings. The Supreme Court now even makes it harder for women workers to close this work gap.

I am going to have more to say about this, but I want to say that we now know the situation in the workplace, women are paid less generally. We want to be sure that if you are paid less specifically, you have an open courthouse door that will have an open mind to the fact that discrimination might exist. We want to have a fair playing field for you to file this complaint.

This bill will amend title VII of the Civil Rights Act of 1964, so that the time for an employee to file a wage dis-

crimination suit runs from the date of the actual payment of a discriminatory wage, not from the time of hiring. That means that employees can sue employers based on discriminating paychecks. It does not limit the time a worker can seek the remedy.

I want to be clear, though, it does not change the statute of limitations. What it does is, under the Supreme Court decision you would have to file your complaint within 180 days of when you were hired. Here, you can file it within 180 days of your last paycheck when you found that discrimination, you believed discrimination existed. We are going to be debating this bill. I have many colleagues who want to speak on it. There are many in this Congress who have been very strong advocates, but our leading advocates are the two wonderful women from the State of Washington who I know are eager to speak. Both are on the floor, and the lead on this working with us in the Health and Education Committee is, of course, the senior Senator from the State of Washington, a part of our leadership team, the dynamic and intrepid PATTY MURRAY. I yield the floor for her.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I first thank Senator ENZI for his accommodation to allow me to follow Senator MIKULSKI.

I thank the Senator from Maryland. She has been tireless on this issue and a champion for women and their families for many years. I am very proud to be with her today as she leads the Senate and the country in restoring the credibility and confidence of women across this country to be able to get what they should be getting when they go to work every day. So I thank her for that.

This Senate has a very proud history of working across the aisle to pass civil rights laws. Those historic laws ensure that all people in our Nation have equal rights regardless of their race, their religion, gender, or national origin. I am very proud that because of those laws, my daughter now has the right to work in the same job and achieve the same success as my son.

But despite all of the years of progress, we have not eliminated unfairness in the workplace. I believe we should all fight long and hard whenever Americans are denied the ability to fight for their rights, and that is why I have come to the floor today to speak.

With its May 2007 decision, *Ledbetter v. Goodyear*, the Supreme Court reversed years of progress in the fight for fairness in the workplace. Their decision made it almost impossible for workers who suffer discrimination to seek justice. It went against congressional intent, and it set us back 40 years in the fight for equal opportunity

in the workplace. The decision was wrong, and we here in this body need to take action before it weakens our civil rights even further.

So today as we begin this new Congress and a new administration, I am urging all of our colleagues to support the Lilly Ledbetter Fair Pay Act to reverse Ledbetter v. Goodyear and ensure that our workers again have a fair shot at fighting discrimination.

Before I describe the bill that is before us today, I want to say a few words about Lilly Ledbetter and her Supreme Court case. As the Senator from Maryland talked about, Lilly Ledbetter worked for Goodyear Tire for 19 years before she found out that her male counterparts were being paid more for doing the exact same work. So she sued, charging her employers with pay discrimination.

But, as you know now, the Court sided with Goodyear. It was not because the Court thought she was wrong. They, in fact, agreed she had been discriminated against. But the Court said she did not have the right to sue. That is right, that is what the Court said. They said she should have sued within 180 days of her very first unfair paycheck, even though she did not know about it until many years later.

It made that ruling despite the fact that courts around this country had for years assumed the opposite, that the clock starts ticking after any discriminatory act, including every time a worker is paid unfairly. Now, I think that sounds an awful lot like our Supreme Court is asking workers everywhere to be mind readers. It is unfair and it is not what Congress intended when we created that law in the first place.

Lilly Ledbetter has, to her credit, not let that decision go without a fight. She has been a tireless champion for her rights, and I truly want to thank her for everything she has done to raise awareness about her case.

The Lilly Ledbetter Fair Pay Act before us today would reverse the Court's unfair decision. It will allow workers to file a claim within 180 days of any discriminatory paycheck, and it would again allow workers to discover the facts and to challenge ongoing discrimination as Congress always intended. Purely and simply, it restores a worker's right to fight for her rights.

I also want to take a little bit of time to talk about why it is so important that we ensure our workers have all of the tools necessary to fight for their rights. As I said earlier, what we are talking about today is not just a philosophical issue of rights and discrimination. The truth is that although we have made tremendous progress in civil rights, there is a lot of work to be done yet. The pay gap is only one example. Women still make less than men even though they are

doing the exact same work. On average today, women earn only 77 cents for every dollar that is paid to their male coworkers. That pay gap, by the way, is even wider for African-American and Latino women. African-American women earn 67 cents on a dollar, and Latino women earn only 56 cents for every dollar a white man makes.

Pay discrimination like that has real and harmful impacts on our families and for our Nation as a whole. It hurts an individual's ability to earn a living or to care for their children or to contribute fully to society. Yet it is so deeply ingrained in our society today that many jobs dominated by women pay less than jobs dominated by men even when the work they do is almost the same. That disparity hurts millions of families. In almost 10 million households today, mothers are the breadwinners. In many of those cases, those women are also supporting their parents and other extended family members and, in far too many of those households, women have to struggle to pay for rent or heat or food or gas, much less send those kids to college.

Think of how much better off our families and our country would be if women were paid a wage equal to men, especially, of course, as we face this deepening economic crisis and all of our expenses are rising every day. If women and men made an equal wage, single working women would have 17 percent more income every year. Ensuring that they have a fair paycheck would cut their poverty rate in half. That is to the benefit of this entire country.

There is one other issue I want to raise. Although the Ledbetter case involves gender discrimination, the decision applies to all discrimination: religion, race, age, disability, national origin. I think it is only fitting that in the days before we honor the life and the legacy of Dr. Martin Luther King, Jr. we are considering this issue today. The truth is, all the laws we pass guaranteeing rights have little meaning if Americans do not have the ability to challenge the discrimination in court.

This case could set a terrible precedent. We run the risk that anti-discrimination laws will grow weaker, not stronger, if we do not act here in the Senate. So I urge our colleagues to support this bill to reverse this unfair decision and restore congressional intent and to ensure the Senate's history of protecting civil rights will not be eroded.

I again thank my colleague from Maryland, Senator MIKULSKI, for her tremendous fight over so many years to make sure that women have equal access in the workplace.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I congratulate Senator MIKULSKI and Senator

MURRAY, and all of the people who have worked on the bill for their dedication to women's rights and their dedication to civil rights.

I have been referred to several times as a reasonable voice on this floor and in committee. I work across the aisle. And I have got to say, I went through an election where that was the toughest issue against me, the fact that I had worked across the aisle. People particularly wanted to know how I could work with Senator KENNEDY to get stuff done. I always concentrated on the last part of that: "getting stuff done." America expects us to get stuff done.

The way that really works is, we work across the aisle and we listen to everybody, and we work across the building, and we listen to 435 people down there as well, providing a process where people can have their views heard.

One of the reasons we go through a process—and we are talking about an appropriate legal process that people who are discriminated against need—is to make sure the voice of the people of the United States is heard.

The Health, Education, Labor and Pensions Committee was once the most contentious committee in this body. It is now the most productive committee in this body. We pass a lot of legislation. You do not hear much debate on the floor on it because it goes through the committee process.

How does that committee process work? Well, when a bill goes to committee, you usually have hearings. We have not had a hearing on this. You get a markup. That is when everybody can turn in every imaginable amendment they can think of for that bill, which is where you bring into account the perspectives of all of those people on the committee, 20, 22, 23 people, who concentrate on a subject, who know that subject.

From there, the chairman and the ranking member kind of divide things up and see what the relative amendments are trying to do, and the ramifications of those amendments. If you have 25 amendments, but all deal with one subject, you know that is a hot-button issue. But if you look through them, you usually find out there is kind of a common theme; not a common solution but a common theme. And because of the way a committee works, you have a chance to sit down with those people who have those opinions and see if there is a solution that fits in the bill. Usually there is.

That is why we have done some very difficult issues through committee. We passed the first change in mine safety law in 28 years, and we did it in 6 weeks, not 6 weeks of floor time. The floor time was about an hour. We did a pensions bill. That has always been a difficult process. We wanted to make sure people received the pensions they

were promised and that companies were not put out of business so they could not pay those pensions. That was a 1,000-page bill. We had an agreement before it came to the floor, because of committee work, that we would have 1 hour of debate, two amendments that we could not agree on, and then a final vote. In less than an hour and a half, we passed one of the most critical bills for this Nation, and it was because of committee work. It is because of the knowledge the committee has and shares in committee and the negotiation that goes on.

When we are presented a bill on the floor that has not been to committee, we have no voice, and it is take-it-or-leave-it. If we look at the history of the Senate, it is usually leave it. Why? Because there isn't that flexibility of amendments when it comes directly to the floor. There isn't that ability to see what the intensity of the amendments is, let alone the direction of the amendments, let alone the opportunity to find an alternate solution, one on which both sides agree. When you don't follow committee process it takes a lot more time. How much time does it take? I guess we will be talking about this today and tomorrow we will have a cloture vote on it. If that cloture vote succeeds, then there is 30 more hours of debate before we get to amendments.

One of the concerns on this side is whether the process will break down at that point as well so that if there is the approval to proceed, then there would not be any amendments allowed. That was a concern on the public lands bill, no opportunity for anybody to offer any amendments. That was a \$3.5 billion bill. But that doesn't mean much when one is talking about \$700 billion stimulus bill and when we haven't even done the appropriations process for last year. Where are the appropriations? Should that not be a part of the solution to the crisis we are in? Yet we are jumping right to this bill that has not been to committee.

I express my strong opposition to the process or, more accurately, the total lack of process which brings us to the consideration of S. 181. The manner in which this bill is being handled by the majority sets a disappointing tone for the new Congress and lays the groundwork for a legislative term that will surely be more partisan than productive. The majority has brought this legislation directly to the floor of the Senate and, in doing so, has completely circumvented the regular order of the Senate and its committee process.

This legislation has not been brought before the committee of jurisdiction and, as a consequence, has not been subject to scrutiny, open debate, and amendment which is an integral part of the Senate's deliberative process. This is not the legislative process our Founding Fathers created. It is an af-

front to Members and a disservice to the American people. We cannot have good legislation with a bad process. People may have wanted change when they voted last November, but the change they wanted was not the imposition of one party rule or 30 hours of debate followed by a vote, followed by 30 more hours of debate, followed by no amendment process, followed by a final vote. I don't think anybody thought that was the solution to what we were doing.

In the committee process, things can be done in a much more prudent and sometimes rapid manner, with less floor debate, and this is where the 80-percent rule can be applied. I have found that we can agree with 80 percent of the issues. Pick an issue that is in that agreement category, and we can agree on 80 percent of that issue. What we get to see on the floor of the Senate is the 20 percent debate on what we don't agree on, not the 80 percent that we could get done quickly.

In addition to slick procedural maneuvering and empty platitudes, there are other ploys in the political playbook at work. First and foremost, and guaranteed to be used to distract the public's attention, is to demagogue the issue and attempt to demonize anybody who dares to suggest there may be another way to achieve a particular goal. The Ledbetter bill is the perfect example of this divisive tactic. Anyone who suggests the bill is an overreach or the problem it seeks to address can be addressed in a better way is immediately painted as opposed to equal pay for women or is some kind of a sexist Neanderthal. What a nonsensical claim.

Let's not forget that the alternative to this bill, which has been introduced in this Congress and which the majority leadership will not let us consider, was authored by Senator HUTCHISON. I do not believe there is a single Member of the Senate who can credibly claim to be more sensitive to women's legitimate concerns over pay equity or more instrumental in assuring equal rights for women in the workplace than Senator HUTCHISON. Is there so little respect for the intelligence of the American public that despite this fact the proponents of the legislation will nonetheless foster this myth?

People may have wanted change when they voted last November, but the change they wanted was not a further coarsening of public discourse and the substitution of name calling for meaningful debate or the avoidance of following the process in a prudent and rapid way.

I intend to speak further with respect to the substance of the legislation, but I do not wish to dilute my concerns about the way this legislation is being handled with my concerns about the bill.

Accordingly, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we will be turning to the Senator from Washington in a moment. I can't let the remarks that have been said not be clarified in terms of facts.

First, when this bill moves forward, there is an agreement between both leaders, the majority and the minority, that there will be amendments. In fact, one of the premier amendments will be offered by the Senator from Texas, who has an alternative view. She will have the opportunity to offer her amendment. As I understand, there is no restriction on amendments. Speaking for the Democratic leader, there is no intent on our side to fill the tree.

The debate is being led by the women in the Senate. Among ourselves, we have dinner once a month. We get together on a bipartisan basis. We have pledged among ourselves—and it is unofficial, not an oath—that we are going to be a zone of civility in this institution. The way we will debate will, first of all, always try to allow amendments. We will proceed with intellectual rigor, have our discussions based on fact. Yes, philosophy will enter in, but it will not be ideological. Nor do we intend in any way to be tart or demonize.

We have listened to two speakers on this issue, myself and Senator MURRAY. There has been no demagoguing. We spoke with passion because we know Lilly Ledbetter. We mourned for her when her husband passed away. We listened to stories of sexual harassment because she stood up for herself. But we are not in the demonizing business. I can assure my colleagues, this discussion will be debated by men as well as women. But the women of the Senate intend to have this be a model of civility. That is one thing.

The second thing is hearings. This is January 14. There have been no hearings on this bill in this session. But it is exactly the same bill voted on in the last Congress on which there were two hearings held: one in the HELP Committee on January 24, 2008, and the Judiciary Committee on September 23, 2008. It is the same hearings. We would have the same witnesses. We would bring in Lilly, et cetera. The differences of opinion on how to achieve the goal of ending discrimination, for example, between the Hutchison approach and the approach here will afford her ample time. We know our colleague, Senator SPECTER, has some flashing yellow lights about the bill. He, too, will offer his amendment. We know the lawyerly way in which he proceeds, and so on.

We are ready for debate and discussion. I don't think we have been inappropriate in the process. We held our hearings last year. We are going to offer wide latitude in the offering of amendments here. The whole mood is one that is upbeat and looking forward to spirited debate.

Having said that, I didn't know if my very civil colleague from Wyoming wanted to comment. I just wanted to have those particular facts on the record.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I still suggest on bills that we are going to do, if they go through the committee process, the committee markup process, we have a better idea of the intensity from each of the members on the committee. We have a better idea of alternate solutions or sometimes just alternate wording: a comma, a word here or there. Change sometimes makes a tremendous difference. That is not possible to do from the floor of the Senate. The publicity isn't very good from the committee. Those issues that we passed nearly unanimously every time have not risen to much of a level of publicity, but they have gotten the job done. That is what I am suggesting we ought to do on bills this year. I am worried about the way this came up so early and, without that process, what we are facing for the rest of the year.

Will we just short-circuit committees? I also believe committees were very important, and I have enjoyed working on this committee. It used to be the most contentious, and now it is the most productive. I want to keep it that way. The way to keep it that way is to make sure things go through committee so committee members are not left out.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to join in the discussion about this important legislation and to thank the dean of our women Senate delegation, the Senator from Maryland, for her steadfast support of this legislation and continuing to make sure that people are aware of the urgency of passing this legislation. I also thank my colleague, Senator MURRAY, also on the HELP Committee, who has been working on this legislation, along with Senator CLINTON who was an original sponsor.

Last year I had the opportunity to attend a rally where I met these three young Americans: Gussie, Sofia, and Leo. I thought their story was compelling because they made their own signs and talked about how they will work for justice. Their plan to talk about discrimination and the difference in pay equity on this particular day was to walk around the street corners begging for 23 cents. They were doing that to show that this was the difference between what women get paid and what men get paid for doing the exact same job. This young generation of Americans wants to grow up in a world where they know there is going to be equal pay for equal work.

I would like to tell them that the Senate has acted on this legislation

and moved forward. Unfortunately, the Supreme Court didn't share that view. I took delight in our hometown newspaper actually saying the Supreme Court kicked female workers in the teeth with their 2007 ruling and that what was important was restoring average Americans' right to justice as a good place to start undoing the damage that has already been done.

This issue is so important to women because the legacy of this injustice means not just on average we make 77 cents for every dollar our male counterpart can make in a job, but we stand to lose up to \$250,000 in income over our lifetime because of this injustice. Those are real dollars.

At a time of great economic uncertainty, when every penny counts, it is more important that we close the gap between what women and men earn in the workplace.

Last year we saw more jobs lost than in any other year since World War II, and the unemployment rate has climbed to 7.2 percent. In contrast to previous recessions, we are seeing early signs that women are being especially hard hit because of the economic downturn. So we want to make sure, that as unemployment numbers rapidly rise, those women who are still in the workforce are going to get the same pay as their male counterparts.

In 2007, women's median wage fell by 3 percent. But during that same time period, the average decline for men was only about .5 percent. So we can see that our economy and how women are being impacted is impacting individual families. So I am here to urge my colleagues to support the Lilly Ledbetter Fair Pay Act—a piece of legislation that will help us close this gap of injustice and help these young people understand they are going to grow up in a society where there is faith and justice and fairness.

As my colleague from Washington said, this bill is about gender discrimination, but it also extends to claims of pay discrimination based on race, national origin, religion, disability, and age. That is why I think it should be a top priority for us, and I am sure it is a top priority for many civil rights groups across our country.

But this bill, as my colleagues have already discussed, will allow workers to file pay discrimination claims as long as the discrimination continues. A worker's ability to challenge unequal pay should continue as long as the discrimination is there. So it is their most recent discriminatory paycheck that will be the trigger for allowing them to file a case.

Now, I ask my colleagues on the other side of the aisle who have not supported this legislation in the past to now come to the aid of helping this legislation get to the President's desk.

A few years ago, we had a similar case with the Supreme Court dealing

with identity theft. The Supreme Court had interpreted a case to say that the statute of limitation for a consumer harmed by identity theft to file a lawsuit to recover from financial harm is 24 months from when it first occurred rather than when the consumer discovered it. Many of us came and made the case, through the legislative process, that sometimes you do not know when your identity has been stolen, and the consequence of that is sometimes by the time the statute of limitations had run out, you did not have a chance to bring your case.

Well, we did something about that. We passed the Fair and Accurate Credit Transactions Act that helped create a framework that said that at the time of discovery of the act of your identity being stolen was the time the statute of limitations started to run—very similar to what we are trying to do here. In fact, it was in response to a Supreme Court case in which the U.S. Congress said: We do not like the Supreme Court's decision. It might be based on the law, but let's change the law and make sure there is justice for those who have had their identity stolen. That legislation passed 95 to 2.

It is a similar principle here. We are saying some individuals do not know that discrimination has happened. We want to change the law to say that the most recent paycheck that established discrimination gives you the ability to bring up the case.

So I would ask my colleagues, if you were willing to support the previous legislation, the same kind of scenario dealing with identity theft, why are you not willing to give the same kind of justice to women who are trying to get equal pay for the equal work that they are doing?

I hope my colleagues will take the opportunity, now that the Supreme Court has put this ball in our court, to create a fair and equitable process and pass this legislation as soon as possible.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, we would now like to turn to another strong advocate for ending discrimination, someone who has completed her first 2 years in the Senate and is part of that zone of civility to get the job done. We would like to hear from Senator KLOBUCHAR.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Thank you very much, Mr. President.

I thank the Senator from Maryland for her great leadership and her tenacity with this bill from the very beginning. She is wearing red for a reason: That is the color to get this done. I will always remember this bill by Senator MIKULSKI taking to the floor the last

time we came so close to passing it, when she said to the women of America: Suit up, square your shoulders, put your lipstick on. We are ready for a revolution.

I also enjoyed hearing the comments from my colleague from Washington. I thought the analogy to the identity theft case was on point, where sometimes people have a wrong done to them—whether it is discrimination or whether it is identity theft—and it is literally impossible for them to know what happened until sometimes years later. That is what happened to Lilly Ledbetter.

I am proud to join Senator MIKULSKI and my fellow women Senators and fellow Democrats and others who are here today to call for the Senate to take up and pass the Lilly Ledbetter Fair Pay Restoration Act.

The timing of the vote on this legislation, which is tomorrow, could not be more appropriate. We all know our Nation is in the midst of a financial and economic crisis of historic proportions, with Americans facing record job losses and the largest loss of wealth since the Great Depression.

We know working families and women are bearing the brunt of this crisis. Since 2000—these figures are actually before we had, literally, this meltdown in the last few months—but since 2000—even without those figures—the average family income in America has gone down \$1,175 per year when adjusted for inflation. At the same time, the average family's expenses have gone up \$4,500 per year.

This includes higher mortgage payments, higher phone costs, higher gas prices, higher heating costs, and higher health insurance costs. So the bottom line is the average middle-class family has suffered a net annual income loss of something like \$5,500 a year, and that is not even including all the losses to the 401(k) funds and the pension funds, all the losses because of the expenses of childcare, and everything that has been going on in the last few months.

These are not just statistics. I saw this when I was home over December. I saw it in the eyes of a woman at a cafe near Litchfield, MN, who called me over to her table and said she was taking a break at her job being a waitress and she was now doing three jobs. She had just had her hours cut back at the third job, and that was the extra money she was going to use to buy her grandkids Christmas presents.

We have received letters in our office, such as the one we received from parents who said they would put their three daughters to bed and then just go sit at the kitchen table and put their heads in their hands and think: How are we going to make it? There is the woman who wrote to us and said she had received a small amount of inheritance from her father, and she planned

to use it for her daughter's wedding, but she was now using it to pay for her own retirement because her 401(k) and her retirement funds had decreased so dramatically.

These are stories of women, real women, in Minnesota. No one has felt the impact of this economic downturn—the loss in income and the rising costs—more than the working women in America. It is often said that things have changed a lot for women in this country, and they have. It was not too long ago that we did not have the right to vote. It was not too long ago that my colleague from Maryland, Senator MIKULSKI, was the only woman in this Chamber. Now we have 17 of us. And it was not too long ago that I was kicked out of public fourth grade for wearing bellbottom pants to school by Mrs. Quady. I went home and changed and returned without missing much of my classes—a true story.

It is a sad reality that—88 years after the 19th amendment gave women equal voting power, and 45 years after the passage of the Equal Pay Act—it still takes women 16 months to earn what men can earn in 12 months.

When I travel around my State and talk to the women in my State, I find these women are not simply looking for a handout or preferential treatment. All they are asking for is a fair and equal chance to make a fair and decent living. That is why it is so important the Senate take up the Lilly Ledbetter Fair Pay Act on the Senate floor this week.

This important legislation will reverse a 2007 Supreme Court ruling—*Ledbetter v. Goodyear*—that significantly limited the rights of individuals to sue for gender-based discrimination. The facts that gave rise to Lilly Ledbetter's case have been told, but I think they should be told again. She was a hard worker. People can picture her right now. I have met her many times. She is a delightful person. She worked at Goodyear Tire as a manager for 20 years.

When she started, all the employees at the manager level started at the same pay. She knew she was getting the same pay as the men doing the same job. But early in her tenure as manager, the company went to a "merit-based" pay system.

Payment records were kept confidential, as they are in many companies, and Lilly did not think to ask what her male colleagues were making. She was happy to be a manager. She did not think to look at her pay raise and to ask if the men in the department were getting the same pay the day the paychecks came out. I do not think many people think about running around and asking their colleagues if they are getting the same amount of money for the same work.

As the years passed by, the pay differential between what she made and

what the male managers were making just kept getting bigger. It was only after getting an anonymous note from a coworker telling her she was not paid as much as the male managers that she finally realized what was happening. Soon after getting that note, she filed a legal complaint. But that was many years after the discrimination began.

At trial, Lilly Ledbetter was easily able to prove discrimination. She could show what she did, she could show what the men did, and she could show the difference in pay. In fact, the jury found that sex discrimination accounted for a pay differential of as great as 25 percent between Lilly and her male counterparts. You can think about how that adds up over 20 years of working.

However, Goodyear appealed the jury's ruling, and the Supreme Court, in a 5-to-4 decision, decided that Lilly filed her case too late. Essentially, they ruled she would have had to have filed within 180 days of Goodyear making its first discriminatory act.

Now, you ask, how would she have known this unless she was nosey and going around trying to look at people's paychecks? But this, as absurd as it sounds, is what the Court said.

Although the Court's decision completely ignores the realities of the workplace—that employee records are confidential and there is no reasonable way to know when discrimination starts—we now have an opportunity to bring the realities to light.

We should pass the Lilly Ledbetter Fair Pay Act and allow a claim to be filed as long as the paychecks reflecting discrimination continue to be issued. In doing so, we will restore the original intent of the Civil Rights Act and the Equal Pay Act.

Women cannot be expected to challenge practices they do not know are happening. By passing this law, women will be able to take those 4 months back, those extra months it takes them to catch up with their male counterparts.

This legislation is critical in the fight for equality for women in the workplace, but there is still a long way to go.

I am honored to be the first woman elected to the Senate from the State of Minnesota. Today, I am humbled to work with my women colleagues in the Senate in this effort to advance equality for women across the country.

Last week, we welcomed two new women to the Senate, and I see one of them in the Chamber—my colleague from New Hampshire, Senator SHAHEEN—bringing our current total to 17, although our dear friend and champion on these issues, Senator CLINTON, will soon be leaving us.

Passing the Lilly Ledbetter Fair Pay Act would be a fitting sendoff to Senator CLINTON who has dedicated her life to working toward equality for women.

It would also be a fitting tribute to Senator MIKULSKI in her cry to square up your shoulders, suit up, put your lipstick on, and get this bill passed. And it would be a great tribute to Senator KENNEDY. If he were on the Senate floor with us at this moment, I know he, too, would be saying: Get this done, pass this legislation—in his booming voice.

So I implore my colleagues—for Senator CLINTON, for Senator KENNEDY, for Senator MIKULSKI, but, most importantly, for the working women of America—that we pass the Lilly Ledbetter Fair Pay Act.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we also want to be able to call upon one of our newest colleagues, Senator JEANNE SHAHEEN, from the State of New Hampshire. Though new to the Senate, she is certainly not new to the issue. She has been a strong advocate for fairness and justice and an advocate for ending discrimination her whole life and her whole career. She recently, of course, was Governor of New Hampshire, and now brings all that wealth of experience, know-how, and commitment to the Senate. This is not her first speech. It is her second speech. We are eagerly awaiting her words on this issue.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I wish to thank Senator MIKULSKI for those very nice words.

I am proud to join Senator MIKULSKI and so many of the women in this body in support of the Lilly Ledbetter Fair Pay Act of 2009. Early in the 1980s, I served on New Hampshire's Commission on the Status of Women. At that time, I chaired a committee that investigated and then reported on the status of women's employment in New Hampshire. At that time, women made 59 cents for every dollar a man earned. That report, which I was proud to co-author, pointed out that, ultimately, pay disparity affects not just women, it affects their families and it affects the entire ability of working families to earn a good living. Over the course of a woman's lifetime, that pay discrimination is estimated to cost women between \$700,000 and \$1 million.

As has been pointed out by the women who have spoken on this bill today, we have made some progress. Today, women make 77 cents for every dollar a man earns, but the conclusions our report made about the impact of this pay disparity for women are even truer today than they were in 1981, at the time of the report.

As Senator KLOBUCHAR and Senator MIKULSKI have so eloquently pointed out, the inability of women to be treated with pay equity in the workplace has a huge impact today, as families

are facing this recession and are looking at how to be able to make ends meet. I think the Lilly Ledbetter Fair Pay Act is a very important step toward addressing the inequality that not just women but working families face in our country.

I wish to congratulate Senator MIKULSKI. As has been pointed out, she was the first woman elected to this body in her own right. We have made significant progress, much of it as a result of her leadership. I am delighted to be able to join as a cosponsor of this bill and look forward to voting with the majority of the Senate for final passage of this act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Senator very much. We look forward to her hard work and advocacy for people who have been left out, pushed out, redlined and sidelined.

This concludes for today the number of women who wished to speak on this legislation. Senator BOXER is chairing a hearing, and I could go through others. I believe Senator CLINTON just finished her confirmation. No, just kidding, but it seems like that. So we are going to conclude this part of it. We will be on the floor tomorrow, when we have a vote on cloture on the motion to proceed, at which time we hope to be able to do that, so we can actually get down to the business next week of debating the amendments, as has been promised, and moving to final passage next week. We will be doing that after the inauguration of Barack Obama. I look forward to further discussion on this bill.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAVY RECORD OF DECISION

Mr. NELSON of Florida. Mr. President, the U.S. Navy just released today, at 1:30 p.m., a record of decision which follows a 2½ year analysis and final environmental impact statement of 13 alternatives for homeporting additional ships at the naval station in Mayport, FL, which is at the mouth of the St. Johns River near Jacksonville. The Navy's decision will establish a homeport for a nuclear-powered aircraft carrier which disperses the fleet

instead of it all being in one place in Norfolk, VA, a fleet of five nuclear aircraft carriers, the most recent of which was just commissioned last weekend—the one that was named after the 41st President of the United States—and those five assigned to the Atlantic fleet. It will disperse that fleet by having a homeport for a nuclear aircraft carrier, which will reduce the risk to the Atlantic fleet of carriers from a natural or a manmade disaster.

I wish to give a direct quote from the Assistant Secretary of the Navy for Installations from his press release today:

Neither the [Navy], nor the nation, nor its citizens can wait for a catastrophic event to occur before recognizing . . . its responsibility to develop a hedge against such an event.

A catastrophic event.

The decision is a continuation of what the Secretary of the Navy has said is the principle of strategic dispersal. According to the Secretary of the Navy, "Strategic dispersal of our fleet is both a protective measure and a passive deterrence measure, and it is one important factor in [the Navy's] homeporting decisions and [its] maintenance of transient piers."

Going back to 2005, the Chief of Naval Operations, ADM Vernon Clark, asserted that "over-centralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable homeports on each coast.

The fact is, there is only one carrier-capable port on the east coast. There are three nuclear carrier-capable ports on the west coast. This wasn't the case before. Before, when we had nuclear carriers and conventional carriers in the Atlantic fleet back in the mid-eighties, there were four carriers in Norfolk, in this photograph from 1985, and there were two aircraft carriers stationed in Florida at Mayport Naval Station. That was the case all the way up to 1987. There were still two-carrier ports all the way up to last year when the *John F. Kennedy*, a conventionally powered aircraft carrier, was decommissioned and mothballed. And now with five carriers, there is only one port.

The Navy has been wrestling with this problem, and they have come to the conclusion in the final administrative process of the record of decision announced this afternoon that in the interest of national security, they need these two-carrier ports, which we have always had up until last year.

If the naval station in Norfolk were to become disabled, the Atlantic fleet carriers would be either stuck in port and prevented from getting to their area of operations or they would be prevented from reaching a port of maintenance. And mind you, the naval station in Norfolk, VA, is 8 miles up the river in a single-land channel that could easily be stopped up.

Back in 2007, in our Defense authorization bill, we reaffirmed Admiral Clark's judgment that he had made 2 years previously in 2005. We reaffirmed that judgment that the Navy's fleet should disperse its Atlantic coast carriers in two homeports, just as it has always been.

The considered judgment and decisions of our military leaders make sense because there are numerous risks that face our Nation's capital ships. Those risks are compounded when you put all your eggs in one basket, on one place on the east coast. Remember, on the west coast, the Pacific coast, we have not two but three nuclear homeports and, indeed, you can put in an additional two ports in the Pacific Theater.

We simply must not delay in implementing this decision. The Secretary of Defense, Robert Gates, has come to the same strategic conclusion when he reminds us—and this is from his letter of a few weeks ago:

Having a single [nuclear carrier] homeport has not been considered acceptable on the west coast and should not be considered acceptable on the east coast.

It is clear that the strategic necessity is to have two homeports for our five capital ships, our five nuclear aircraft carriers.

The lessons of December 7, 1941, are a reminder of the danger to our national security if we do not disperse our capital ships. Remember what happened on that day: eight battleships were in port in the surprise attack on Pearl Harbor. It was just lucky that the three aircraft carriers were out. Two of them were sailing out to the west to islands, such as Wake, to deliver marine aircraft, and the third one was 5 hours out of Honolulu doing training exercises. Because there were eight battleships all bunched together, the four-star Navy admiral was fired. He was stripped of two of his four stars, and he was forced to retire. That is a lesson in Navy history that still stands. Clearly, that has been part of the lesson that has led the CNO, the Secretary of the Navy, and the Secretary of Defense to come to this decision which they announced several weeks ago and which has been officially reiterated today in the record of decision by the U.S. Navy.

Some people are going to say: They won't bunch up the ships. Why did they bunch up five aircraft carriers in Norfolk in 1997? Count them—one, two, three, four, five in 1997. The U.S. Navy did not learn the lesson of Pearl Harbor then.

And you say: That was 11 years ago. What about 2001? One, two, three, four, five. Oh, by the way, you see this is the main bridge, this is the special channel, and the commercial channel comes right by all these ships: one, two, three, four, five, all docked together.

That was 2001. You say that was 7 years ago. We have information that in

2003 the same thing happened again. I just don't have a photograph of it, but I will.

Where are the lessons of Pearl Harbor and the firing and stripping of two stars of four-star Admiral Kimmel because of the attack on Pearl Harbor? Where are those lessons being learned by the U.S. Navy?

I submit to the Senate that is a main part of the reason the U.S. Navy has today announced the official record of decision that it will disperse the Atlantic fleet of nuclear carriers by having one of those in the port of Mayport, which was the second port until last year.

This was studied for 2½ years. There were 13 alternatives to the risk that exists. The Secretary of the Navy made the decision, with the advice of the Chief of Naval Operations, and accepted by the Secretary of Defense.

It is my hope that parochial politics does not get in the way. There is going to have to be an appropriation of some \$500 million in military construction that will make Mayport station nuclear capable. Of course, that is a lot of money, but for the national security of protecting the fleet of our main ships, that is a cost we are going to have to bear. It is this Senator's hope that we will get the Senate and the House of Representatives to understand the good common sense of this strategic defense policy when it comes around to the Defense authorization bill and the Defense appropriations bill.

Mr. MARTINEZ. Mr. President, I am pleased to know the Navy has finalized its decision to make Naval Station Mayport a homeport for a nuclear carrier a key element in furthering the Navy's longstanding strategy of strategic dispersal.

Strategic dispersal has guided our Navy in protecting our fleet for more than 150 years. Creating greater flexibility and additional safeguards for these capital ships is necessary in ensuring continuity in our Navy's efforts to tactically position our naval assets.

Currently, the Pacific fleet has three nuclear carrier homeports and maintenance facilities at San Diego, Pearl Harbor, and Bremerton; while the Atlantic Fleet has only one at Norfolk. As you might imagine, this not only places a tremendous burden on Norfolk, but it also creates a tremendous liability.

Last year, all five of the East Coast's nuclear aircraft carriers were in port simultaneously for 35 days. Two or more carriers were in port or undergoing routine maintenance in the sole east coast facility 81 percent of the time.

If, Heaven forbid, tragedy should strike or Norfolk were to become inoperative, the impact on the Atlantic fleet's ability to meet our national security needs would decrease immensely.

Sixty-seven years ago, more than 2,400 brave men and women in uniform were tragically killed while another 1,200 were wounded in the Japanese attack at Pearl Harbor. The attack taught our Nation an important lesson: assets and resources should not be concentrated in one place.

Mayport has been the home to conventional aircraft carriers for more than 50 years and is proud to be playing a role as the Navy continues transitioning to an all-nuclear powered fleet.

The Navy's decision to make Mayport nuclear-ready has been given careful consideration. The former Chief of Naval Operations, ADM Vernon Clark, told the Armed Services Committee in February 2005 that in his view, "over-centralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable homeports on each coast." Admiral Clark went on to say, ". . . it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port."

In another Armed Services Committee hearing, I had the opportunity to ask the Chairman of the Joint Chiefs of Staffs ADM Mike Mullen his thoughts on the viability of Mayport as a nuclear-ready port. In response, Admiral Mullen said, "I also consider the King's Bay, Mayport, Jacksonville hub a vital part of our both strategic interests—strategic interests and key for not just capability but for our people for the future. . . ."

In addition to the Navy, the decision is preferred by the Department of Defense, Department of Commerce, the National Marine Fisheries Service, and the Environmental Protection Agency.

In November, the Navy released an Environmental Impact Study identifying why expanding Mayport is critical to our Navy's future. In the report, the Navy expressed concern over Norfolk's current physical capacity, which is at its peak. In order to ensure capacity for future ships, the report recommended utilizing the space available at Mayport.

Another concern is the risk posed by hurricanes. In the Navy's report, it was determined that, historically, the hurricane risk at Norfolk is statistically identical to Jacksonville. Given the statistical similarities between these two ports and reality of hurricanes to any city on the east coast, having the flexibility of a second nuclear-ready homeport on the Eastern Seaboard is essential in mitigating the risk these storms pose to our naval assets.

The report also addressed the impact an expansion at Mayport would have on the local habitat. The report found that an expansion at Mayport would not pose a risk to the marine mammals or the local essential fish habitat.

Perhaps most importantly, the report determined that expanding

Mayport serves our national security interests. The report's findings indicated, "the most compelling strategic rationale to homeport a nuclear carrier in Mayport is as a hedge against a catastrophic event at Norfolk."

So I want to commend the Navy's leadership for making this important decision—a decision they admit is long overdue. I also want to recognize Navy Secretary Donald Winter and Chief of Naval Operations, ADM Gary Roughead for working tirelessly toward making a nuclear-ready Mayport a reality. The decision is a tremendous step forward for our Navy and a critical component to our future national security efforts.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, are we on the Ledbetter Fair Pay Act or is this morning business?

THE PRESIDING OFFICER. We are postcloture on S. 22, the lands bill.

FAIR PAY ACT

Mrs. HUTCHISON. Mr. President, tomorrow, it is my understanding we will be—or sometime in the next period of a day or so, I think—we will be on the Ledbetter Fair Pay Act. A number of my colleagues have spoken on the floor today about it, and I wish to talk about that bill because I want there to be a full record before we go forward to vote on a cloture motion on that act.

I am a woman who has experienced gender discrimination. I have experienced it firsthand. I know how hard it can be to deal with for a woman, or any person who has been discriminated against for any reason in the workplace. I am pleased we are going to address this issue. I think it is very important that we have all of the considerations around this bill as we go forward so that we do not have unintended consequences.

I have been a small business owner. I know the importance of clarity, of knowing if you have made a mistake or a potential mistake, or if you are accused of making a mistake and the liability that might go along with that. I think it is important that we recognize this is not just a woman's issue, it is an issue for every person, whether it is age discrimination or some other kind of discrimination that might be used against a person in the workplace.

We want to have fair pay in our country. That is something I think all of us can agree is very important for America, but this bill should be fully vetted. One of the problems I have with it is the process. We have not ever gone to committee with this bill. In our committees, as they have functioned in the past, we have been able to have numerous amendments, we have been able to hear from all sides of an issue, and generally, in committees, when a bill is coming out, there has been much work done on it and it is a much better bill before it hits the floor. I think everyone with any experience in this body

can see the difference between a bill that has not gone through committee, not had the proper input, not had the hearings, not had the debate in the markup, versus a bill we try to write on the floor with 100 people who may or may not know all of the businesses or women or ethnic groups that might have a say that is important to hear on an issue such as this.

We had a cloture vote on this bill last Congress, and in the intervening months we could have had a committee hearing, we could have had witnesses come forward on both sides, but we didn't. Senator ENZI has made a very strong point—because he is the ranking member on the relevant committee—that their committee has acted in a very bipartisan way, when he was chairman or when he has been ranking member. There has been cooperation. This could be a bill that would get 100 votes in this body. But that is not the bill that is going to come before us.

I have introduced a substitute—I introduced it last year and I have introduced it again this year—with cosponsors ENZI, VOINOVICH, ALEXANDER, CORNYN, BURR, and MURKOWSKI, because we want a responsible approach to address employment discrimination. I hope we will be able to have amendments on this bill. I am told the majority leader has agreed that we will, and our Republican leader has said he wants to work with the majority leader to assure that we do have some reasonable number of amendments that might make this a better bill that we could all support and know that it will make fairness in the workplace better.

The bill that will be before us is a bill that I think has not been fully explained. The supporters say the legislation will restore the state of employment discrimination law to the place where it rested before the Supreme Court's decision in Ledbetter. In fact, it was said on the floor here earlier that we should overturn the Supreme Court ruling. This statement has largely gone unchallenged, but in truth this bill does more than what the supporters are suggesting. The practical effect is to eliminate any meaningful statute of limitations on the validity of claims, meaning that employees could sue on alleged discrimination that occurred years ago, even decades ago.

The bill accomplishes this by treating every paycheck as a new trigger to start a new filing period. The result of this would basically do two things: One is if a discriminatory act occurs, the employer would be liable for that action indefinitely. They could be sued for it any time as long as the employee continues to receive the paychecks. It wouldn't matter that the passage of a significant amount of time, perhaps decades, could make it virtually impossible for the business to expect this legal expense and prepare for it and im-

possible to offer a defense or to learn what happened. In Lilly Ledbetter's own case so much time had passed between the actual act of discrimination that was alleged and the filing of the claim that the supervisor who was accused of the past discrimination was deceased. There was no one there who could have testified that there had been some motivation or no motivation. There was no ability because the person had long since left the company and was deceased.

In addition, I think for fairness to all sides, there has to be a time in which a claim is brought or lapses. In almost every area of the law—I cannot remember that there is any other area—claims become invalid after a period of time. That provides certainty. That is essential to our justice system. Witnesses have to be available with a reasonable amount of recordkeeping or records or some way to ask questions of a person who is accused of some wrongdoing. I think it is so important that in our justice system we have the ability for a fair trial—for the person who is claiming a discrimination and the person who is defending against that discrimination to have the right to make a case. That is what our justice system has protected through statutes of limitations or having a time period in which you must make a claim or that right lapses.

Another problem with the bill is the addition of three words, which sound kind of innocuous, I guess. According to the bill, it is not only the person who is discriminated against who has the right for a claim, but a third party who claims to be affected by that discrimination. With such broad language, you are opening the field to innumerable lawsuits. Wouldn't it be irrational to have a law in which an heir of a deceased person could potentially have the ability to file a suit, saying that, as a third party, they are affected by a discrimination?

I think we are going down a very treacherous road here. I think if we had a committee hearing and the ability to go to markup, this could be a good bill, because I definitely want to make sure that we have fair pay for all of the people in our country. I have heard from many small and mid-sized businesses around the country, saying they are not opposed to giving workers a fair shake, but they oppose this bill because they are concerned about the catastrophic increase in legal costs resulting from an undisciplined system that allows liability to continue indefinitely.

The explosion of litigation from allegations possibly many years old could be an enormous strain on a small or mid-sized business, and could actually result in reduced employment. Certainly at this particular time, when we know we should be creating jobs in America, we should not be creating

more burdens on the businesses that are providing jobs.

The bill I have introduced goes beyond simply providing additional time for workers to file claims. It would have the consequence of allowing a person to file if they knew or should have known of the act of discrimination, and they would have the 180 days to do that. It would make it a uniform codified law that everyone in America would be treated the same. Some districts in America do say that you have a burden to show you didn't know if there was a discrimination and that is why you are bringing the case beyond the 180 days. But if you knew or should have known, then you can say, I couldn't possibly have known, and the judge can make the determination if your claim is reasonable. That is what we would codify, that an employee would have the opportunity to say they were not aware, nor could they have been aware, that there was a discrimination.

Now, if you are fired or demoted, that is clearly a triggering action in which you should know that there might be discrimination. If you believe you have been unjustly demoted or fired, as an employee, you are then on notice that a discriminatory act has been taken against you. Then it is a harder case for the employee to say they needed more than 180 days. But the area where we want them to conserve the employee's ability to file a lawsuit is in pay discrimination, because often it is difficult for the employee to know that maybe they were not getting what their coworker was getting. So I think my bill, which I hope to be able to offer as a substitute amendment, would be a fair way to say to the employee, if they feel they have been discriminated against because of their gender or their age, they will have the ability to come forward and say, it is within the 6 months that I have learned of my discrimination. Or here is why I couldn't know of that discrimination, and either way, they would have the ability to have that decided by the judge or the EEOC.

I think that is a reasonable approach so that the business will know what their range of liability potentially is, which every small or mid-sized business needs to know. We want to make sure there is a fairness for the defense and fairness for the plaintiff in these cases. We want to make sure we have a reasonable standard, and I think my bill provides that. It provides more leeway and a standard which everyone would know is the same across our country.

I think the underlying bill is flawed in that it gives third parties who are not the person who is discriminated against a right of action. I think that opens the door much too wide and offers the potential for abuse if the person who actually had the discrimina-

tion might not have wanted to bring a case or felt discriminated against—but to give a third party the right to sue and claim they are affected I think is going way beyond our concept of discrimination. Second, I do think it is very important that we have a standard here that is the standard throughout our justice system and that is you need to bring a case in a timely way, for the rights of everyone—for defendants as well as the memories of people who would want to be making the case that there is a discriminatory act.

I want fair pay. I want to eliminate discrimination in our workplace. I want people to have the right to sue. I want there to be a reasonable time in which they can do this, and I think that is what the bill that I hope to be able to offer as a substitute will do. Mine is the Title VII Fairness Act, which has been introduced with cosponsors. I think we can write this bill in a way that can bring fairness to all sides. It would not overburden businesses with undefendable lawsuits and would give more leeway to the people who have discovered that they were discriminated against and need more time to bring a case, that, in fact, would be the best result for our country.

I appreciate this opportunity to speak. I certainly will have the opportunity to speak, I hope, again when I am able to offer my amendment. I hope the Senate will function going into the future, where we have committee hearings, committee markups on bills so we can have the maximum input to go forward and have good legislation and not legislation that has unintended consequences that would hurt the workplace and the rights of people in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. I thank the Chair.

(The remarks of Mrs. SHAHEEN pertaining to the introduction of S. 239 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. SHAHEEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC BAILOUT

Mr. INHOFE. Madam President, I have been pretty outspoken in the last

several weeks on the \$700 billion bailout. I still believe historians will look back someday and say it was the most outrageous vote ever taken. It is the largest single expenditure in the history of the country.

To make matters worse, it was giving an unelected bureaucrat total power, usurping our powers, to make all decisions over the \$700 billion with no oversight whatsoever. It had never been done before. It was unprecedented in American history. Nobody seems to care. It is mind-boggling to me to know that it happened, and now it looks as though we will be voting in the other body as well as here on a motion that would be hostile to the whole idea, but it will not pass. The money is going to be there anyway. The reason is, if the legislation that will be coming before the House and the Senate is passed, it still can be vetoed by the President, and it would be vetoed by the President. So all of a sudden he is going to have the second half of the \$700 billion, the \$350 billion laid at his doorstep to do with as he wishes.

I wouldn't want that for a Republican President or a Democratic President, for any President. It is not the way we are supposed to function. I believe it is a fait accompli. I don't see any way a resolution of disapproval is going to be effective, because I think it is going to pass the House and very likely could pass here. I am inclined to think it will not. Whatever the case is, it will become a reality.

That is bad for many reasons. It establishes a precedent. People look at large numbers, and it is difficult for the American people and for me to appreciate how much money is \$700 billion. What I normally do when we deal with large numbers is, I take the total number of families in America who file tax returns and do the math. This turns out to be \$5,000 a family. When I say it in those terms, which I have done quite a bit on talk radio as a wake-up call to the American people, then people do understand.

I have been a little critical of my own President, President Bush, because he has let this happen. This wasn't a Democratic idea or a Republican idea. It was the President's idea, in concert with the Democrats, making this happen. This vote took place on October 10. Ever since October 10, I have had legislation I have tried to get through saying that it is not going to be automatic. Accessing the second \$350 billion should not be automatic, and we had legislation to keep it from being so until 2 nights ago when President Bush agreed to a wish list by our new President when he comes into power. It is going to happen. Again, this is unprecedented in American history. It has never happened before.

I have been critical of the Secretary of the Treasury, Mr. Paulson, for telling us what he was going to do with the

money and then turning around and not doing it. He did not tell us the truth. It is disingenuous. Nonetheless, it is something that looks as though it will be happening and it looks as though it will happen this week.

In defense of President Bush, if we take the total amount of deficits of the 8 years of his presidency from his own budget, add them up and divide by 8, it averages \$247 billion a year. Compare that with what we are faced with right now with the new administration which has said it is going to be somewhere between \$1.2 and \$1.8 trillion. I think people will look at this and say that the Bush legacy is not going to be one of deficits, because it is nothing compared to the deficits we are projecting for the coming year, as proposed by the incoming President.

The reason I mention that is because I have somewhat accused President Bush of looking for a legacy. It occurs to me that George W. Bush has a legacy that may be unlike any other President in history. I call this the invisible legacy of President George W. Bush. I will explain in detail how I have come to this conclusion.

President Bush inherited a weaker America militarily. All of a sudden, after he came in, 9/11 occurred. So let's go back in history. When George W. Bush was inaugurated in 2001, he was already behind the power curve when it came to the war on terror. As the 9/11 Commission confirmed, the United States was not on a wartime footing with al-Qaida, even though they were at war with us. While our country took its peace dividend, our enemies continued to train, plot, and test. It was a peace dividend, a euphoric attitude that the Cold War is over, and we don't need a military anymore. That is what we were living with at the time.

International terrorism took the forefront as bin Laden began his war against freedom and specifically against the United States. Afghanistan was used as a training ground for terrorists, and the Taliban regime allowed al-Qaida unfettered mobility. They took advantage of this in major attacks.

Look at what happened back in the 1990s. This was a predicate leading to 9/11, the worst tragedy in the history of America. On February 26, 1993, a car bomb was planted in an underground parking garage below the World Trade Center. This was the first World Trade Center attack. On June 25, 1996, the Khobar Towers were bombed by Hezbollah, with intelligence pointing to support by al-Qaida. That was 1996. We knew al-Qaida was on the run at that time. We knew of their abilities, the increasing sophistication in their terrorist attacks. On August 7, 1998, we recall what happened in Tanzania and Kenya and Nairobi and Dar es Salaam. Our embassies were bombed. Links were at that time established with al-

Qaida. In October 2000, suicide bombers used a boat to attack the USS *Cole* while it was moored in Yemen. It was one we all remember well, and we remember how it happened. We know the terrorist links that took place at that time. The response of the United States was at best inconsistent.

Operation Infinite Reach included cruise missile strikes against Afghanistan and Sudan, but there was no real change. This inadequate response has been cited as a factor in emboldening al-Qaida's will to undertake more ambitious plans. That was simply kind of small. They had bigger plans. We know that now.

In Operation Restore Hope, we became entangled in Somalia. We remember that very well, with the naked bodies being dragged through the streets of Mogadishu, and America finally woke up, but we did not do anything. We kind of let it happen. We directed our forces to stop all actions against Addis except for those required for self-defense. Well, that is not a very good message, not a consistent message with our behavior in the past. So we withdrew from the country shortly thereafter.

We also failed to remain vigilant of the Chinese.

Security at our national labs was deliberately destroyed. We did away with—and this happened actually in the first few weeks of the Clinton-Gore administration. They went through the energy labs and they stopped the wiretapping, they stopped the background checks they were conducting at the time. They stopped color-coded badges saying it was demeaning to have a color of a badge that was on a lower scale than somebody else's. So that is what happened. Of course, we know the results of that.

In 1995, we discovered that China had stolen our W-88 warhead plans. That was the crown jewel of our nuclear program, capable of attaching 10 nuclear missiles to a single warhead. But they had it. They got it. They got it because of a lack of security that was the policy of that administration at the time, and I was critical at that time.

I remember Bernard Schwartz of Loral Space and Communications. They were given a green light to improve the precision and reliability of China's satellites and nuclear missiles. To refresh our memories—I remember it very well—it required the President to sign a waiver, a special waiver, so the Chinese missile program would have greater accuracy. That happened during the 1990s.

China also gained the capability of accurately reaching the continental United States with missiles and targeted between 13 and 18 United States cities. I was critical of President Clinton for claiming, at that time—he said: Not one missile is pointed at American children, when in fact missiles were

pointed at American children. That was happening during the 1990s.

Simultaneously, weapons of mass destruction proliferation throughout the world reached an unprecedented level. The Chinese Government learned that it could rely on our acquiescence. They transferred prohibited weapons technology to North Korea, Pakistan, Iran, Iraq, Syria, and other countries, threatened to absorb Taiwan, and intimidated our regional treaty allies, South Korea and Japan.

The vast Soviet Union nuclear stockpile became fair game for entrepreneurs, with over 40 kilograms of Russian-origin uranium and plutonium being seized since 1991.

Then remember Abdul Qadeer Khan, the father of Pakistan's nuclear program, who began an international network of clandestine nuclear proliferation to Libya, Iran, and North Korea. North Korea withdrew from the Nuclear Non-Proliferation Treaty on March 12, 1993, and refused to allow inspectors access to its nuclear sites. And Libya further continued weapons of mass destruction research as a priority.

Now, despite the increase in terrorist activities around the world and the growing signs of a direct threat to this country, we essentially broke our intelligence community through the lack of funding, an inadequate number of linguists, and no interagency cooperation.

I have to say this. My predecessor to this job was former Senator David Boren. David Boren's young son DAN is a very talented young man now serving in the House of Representatives. I was in the House and came to the Senate in 1994. I took his seat.

He at that time was chairman of the Intelligence Committee of the Senate, and he made the statement to me—he called me up, and he said: INHOPE, I want you to try to do something I failed to do during the time I was chairman of the Intelligence Committee in the Senate. He said: We have all these agencies—the FBI, the NSA, all the defense intelligence agencies—and none of them talks to each other. Then I found out later on that was so true. He said: You have to get this done. That has to be a high priority. I told him it would be. We were not able to do anything until George W. Bush came in.

If this was not enough, with the demise of the Soviet Union, our military was essentially neutered to counter a "perceived" diminished world threat. I remember so well this euphoric attitude that everybody had: The Cold War is over. We don't need a military anymore.

The Clinton-Gore administration cut the defense budget by 40 percent, reducing it to its lowest percentage of the GNP since prior to World War II. As a result, President Bush inherited a

force half the size of the military in 1990.

Now, as our forces decreased in size and capability, deployments and deployment times increased. We have all seen the results. We now have 15-month deployments. They used to be 9-month deployments. We have these because he inherited this military that was undersized for the threat we are facing.

I have a chart in the Chamber I will show as documentation of this fact. During the Clinton years—and I do not say this to denigrate the administration; I am saying we have to understand how we got in the position we are in today and that we have been in since 9/11. If you take the black line on the chart—this is during the Clinton administration—if he had taken the military budget as it was at that time and had the increase for inflation, it would have been this black line going up, shown on the chart. Instead, the red line shows what his budget request was. If you take the difference between the red line and the black line, that is \$412 billion reduced from when he took office.

That is how we got into this position. We downgraded our military, and a lot of people believed the threat was not there anymore because the Cold War was over, not looking at the new asymmetric threats, which are much greater.

I sometimes look back wistfully at the Cold War. Things were predictable back then. We knew what the Soviets were going to do—the Soviets, not the Russians—and we knew what their capabilities were. These were known things, known behavioral patterns. It was totally different than what we have today.

So the programs, the modernization efforts, and the equipment replacement costs were literally kicked down the road and left waiting in the wings. This happened to our modernization program. It happened in many areas. This has been very demoralizing to most of us who believe we have to keep America's national defense strong.

We saw countries coming up with better systems than we have. We have, for example, the artillery piece, the best one we have today now that we are modernizing. But we did not have that at that time. We had one called the Paladin. That was World War II technology. You have to get out and swab the breach after every shot.

There were five countries at that time, including South Africa, that made a better piece than we had, and we are still using this today. It was not until a very courageous general, GEN John Jumper, came up and admitted, in 1998, that the best strike vehicles we had—the F-15 and the F-16—were not as good as some of the SU series being developed in Russia and actually were being sold to the Chinese—we know of one sale where they bought 240 SU-30

type of vehicles—again, better than anything we had.

So, again, that is where we were before George W. Bush was elected.

Now enter President George W. Bush. Starting with his first budget submission after inauguration, he proposed increases in defense spending and focused his Pentagon team on reform. He started with recognizing and revitalizing the military for the post-Cold War world it now faced. He provided the military with the funding required to develop force structure and modernize its aging force. So he was getting in there and starting to do something about the modernization program.

Then, of course, 9/11 happened. Well, 9/11, we all know about that. We know what a tragedy it was, with the most significant attack in America in our history. It came at a time when we had a downsized military, downsized by about 40 percent. So he was saddled with trying to respond to this situation, and he did.

He asked Congress for new authorities and began to implement sweeping changes in our national security policy. In this new policy he declared a war on terror. This is what he said—I want to read the quote from back at that time:

We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network.

That is what he said at that time. Then he outlined the country's strategy. He said:

First, we're determined to prevent the attacks of terrorist networks before they occur. . . .

Unlike it was on 9/11.

Second, we're determined to deny weapons of mass destruction to outlaw regimes and to their terrorist allies who would use them. . . .

Third, we're determined to deny radical groups the support and sanctuary of outlaw regimes. . . .

Fourth, we're determined to deny militants control of any nation.

And he did. He asked Congress for the PATRIOT Act—listen to the things he did—the PATRIOT Act to break down walls between Government agencies. That is getting back to what David Boren observed many years ago back in 1994 that had to be done.

In October of 2001, he initiated Operation Enduring Freedom to dismantle the Taliban regime in Afghanistan, which is harboring al-Qaida. Bombing runs and Tomahawk missile strikes were launched.

In October of 2001, President Bush established the Office of Homeland Security. This was a coordinating effort that corrects the problem that was called to my attention in 1994, so everything would be coordinated and ev-

eryone would know what everyone is supposed to be doing.

The 9/11 Commission was formed and he began implementing its recommendations, including intelligence reform, which included establishing the Director of National Intelligence. There you have it. That is the key. One Director over all intelligence: military intelligence, domestic intelligence—and it worked.

On March of 2003, President Bush launched Operation Iraqi Freedom, preemptive attacks against Saddam Hussein, a gathering threat to the United States, who was reportedly developing ties with our enemies and who openly praised the 9/11 attacks.

I remember that very well because in the first gulf war—which we should have gone ahead and taken care of Saddam Hussein at that time; we did not do it, and there are some reasons it could not be done—I happened to be privileged to be with nine other people on the first freedom flight that went into Kuwait after the war was over. Now, it was so close to the time the first Persian Gulf war was over that there was still burning off the fields, and there were a lot of them. The Iraqis did not know the war was over, the ones who were in there.

I remember so well one of the parties who was going over was the Ambassador from Kuwait to the United States and his daughter. I think she was around 7 years old. What they wanted to do was go back and see what was left in Kuwait of their mansion on the Persian Gulf. We got back there, and I remember going back to see their mansion, only to find out Saddam Hussein had used this for one of his headquarters. They took the little girl up to her bedroom—she wanted to see her little animals and all that—to find out it had been used as a torture chamber, with body parts stuck to the walls around there. This is what we were looking at at that time.

Well, President Bush established the National Counterterrorism Center to assist in analyzing and integrating foreign and domestic intelligence acquired from all U.S. Government Departments and agencies—so, again, putting this all together.

He established the Domestic Nuclear Detection Office, in the Department of Homeland Security, to provide a single Federal organization to develop and deploy a nuclear detection system to thwart the importation of illegal nuclear or radiological materials.

In order to consolidate terrorist watch lists and provide around-the-clock operational support for Federal and other governmental law enforcement personnel across the country and around the world, President Bush created the Terrorist Screening Center to ensure that Government investigators, screeners, and agents are working with the same unified, comprehensive set of information about terrorists.

He transformed the FBI to focus on preventing terrorism.

He strengthened the Transportation Security Administration through screening and prevention. He improved border screening.

All of these things he did in a very short period of time that had to be done and had never been done before.

He expanded shipping security through container security initiatives. He developed Project Bioshield to increase preparedness against chemical, biological, and radiological, or nuclear attack, potential attack against this country. Finally, he aggressively cracked down on terrorist financing with many international partners. Over 400 individuals and entities have been designated pursuant to Executive order, resulting in nearly \$150 million in frozen assets and millions more blocked in transit or seized at the borders.

President Bush also rallied international support to fight terrorism with a coalition of more than 90 countries. We didn't do this alone. He brought in neighboring countries, other countries with the same problems that we had, and the same exposure. This coalition of nations has actively worked to synchronize diplomatic intelligence, law enforcement, economic and financial and military power to attack terrorism globally. One man did this. This is George W. Bush.

The result of all of these efforts is what I refer to as the Bush invisible legacy. Now, why is this an invisible legacy? I am going to show my colleagues things that were out there that could very well have happened to the United States of America—and some would have happened—but since they didn't happen, that legacy is invisible because they never happened. That, to me, is going to go down as one of the great legacies of any President in the history of the United States.

There has not been another attack on this country since 9/11, and do not think this was due to a lack of effort on the part of terrorists. In fact, there have been many attempts. I am going to give my colleagues a partial list of the attacks that were stopped as a result of all of these policies and programs I just outlined that our President—current President George W. Bush—was responsible for.

First, December of 2001: This is the first post-9/11 plot that was thwarted. It was the capture of an al-Qaida operative named Ali Salih Mari in the United States who was targeting water reservoirs and the New York Stock Exchange at that time. Also, he was targeting—he had his programs outlined in documents that we found through all of these efforts to attack our various military academies. He offered himself as a martyr to Khalid Sheikh Mohammad. Of course, we know he was

the mastermind of 9/11. Anyway, all of this was planned, but I believe Bush policies stopped the attacks.

I have to say at this point that I have served on the Intelligence Committee. I served for a number of years—ever since 1994—on the Senate Armed Services Committee. So I have been involved in these issues. We know this had a lot to do with stopping some of these potential attacks.

Remember Jose Padilla. He is the guy who had the dirty bomb plot, an American citizen accused of seeking radioactive-laced dirty bombs to use in attacks against America. Again, this was a Bush program that brought him down.

The 2002 aviation plots: An al-Qaida leader in Southeast Asia known as Humbali recruited several other operatives of Asian origin. The plot was derailed in early 2002 with international cooperation. The Library Tower is the tallest building west of the Mississippi. It was among the 25 tallest buildings in the world. There was a written program about how to bring this building down, and our policies—the Bush policies, primarily—stopped that from taking place.

In September of 2002, Lackawanna Six: We all remember that. The FBI thwarted the locally recruited terrorist cell, the Lackawanna Six, by the capturing of Juma all-Dosari in Afghanistan and a subsequent interrogation while in prison in Guantanamo Bay. By the way, I disagree with the current attitude toward what is going to happen at Guantanamo Bay. I have had occasion to be there, probably more than any other Member. I can remember so well early on, those who were in prison, incarcerated in Guantanamo Bay actually had better treatment, better living quarters, and better health attention than our own troops did at that time. I think it is going to be imperative that whoever wants to close that down ask: Where are all of these people going to go?

Six American citizens of Yemeni origin were convicted of supporting al-Qaida after attending a Jihadist camp in Pakistan. Five of the six were from Lackawanna, NY. The six were arrested and convicted. They are out now. They performed terrorist attacks. They were very specific. They are gone. I think the new Bush programs at that time were primarily responsible for that.

In May of 2003, we had the Brooklyn Bridge plot: An American citizen was charged with plotting to use blow torches to collapse the Brooklyn Bridge. After being introduced to al-Qaida operatives, New York and Federal authorities intercepted a plan to collapse the Brooklyn Bridge by cutting suspension cables, as well as potentially derailing a train en route to Washington, DC. Iyman Faris was arrested, brought to justice, and was successfully stopped.

In June of 2003 in Virginia, a Jihad network that was taking place, 11 men from Alexandria, VA—just south of here—trained for Jihad against American soldiers and were convicted of violating the Neutrality Act, a conspiracy. Eleven Muslim men were charged in the U.S. district court in Alexandria with training with and fighting with a group that was associated with al-Qaida. Several members of the group were found to have trained for future attacks by using paint ball facilities in the Northern Virginia area. It was stopped. The Bush policies were primarily responsible for giving us the resources to stop attacks such as those I am outlining.

In 2004, August of 2004, the financial centers plot: This was the Indian-born leader of a terror cell who plotted the bombing on the financial centers. His name was Barot. He plotted a “memorable black day of terror” via a dirty bomb that targeted financial institutions in New York, Washington, DC, and in Newark. Barot was arrested at his home in Pakistan with the cooperation of others, but again, these were the Bush policies and resources that we used to make this happen.

In August of 2004—the same month—a Penn Station plot: This was James Elshafay and two accomplices who sought to plant a bomb at New York's Penn Station near Madison Square Garden during the Republican National Convention. The New York City Police Department's intelligence division helped to conduct an investigation leading to their arrest, again, using the policies that President Bush had put in place.

The same month, the Pakistani diplomat assassination plot: We all remember that. Two leaders of an Albany, NY, mosque, Yassin and Mohammed Hossain, were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate a Pakistani diplomat. An investigation took place by the FBI, and all of these other agencies coordinating under the single leadership of the new system put in place, they stopped it. With the help of an informant, the perpetrators of that plot have been brought to justice. Again, that was stopped.

August of 2005, Orange County, CA, a terror plot: Seven people were involved and were arrested in Los Angeles and charged with conspiracy to attack Los Angeles National Guard facilities and synagogues, several synagogues. The plan was there; it is in writing. We know it was going to happen. Kevin James allegedly founded a radical Islamic prison group and converted Levar Washington and others to the group which was known as the JIS. After Washington and Patterson were arrested for robberies, police and Federal agents began a terrorist investigation where the search of Washington's apartment revealed a suspicious target list.

We had a list of targets in Orange County that were going to be brought down. Again, these policies weren't available to us before the Bush administration, and we were able to stop that.

December of 2005, the gas lines plot: Michael Reynolds was arrested by the FBI in December of 2005 and charged with being involved in a plot to blow up a Wyoming natural gas refinery, the Transcontinental Pipeline. That is a national gas pipeline that goes from the gulf coast to the east coast and into New Jersey. I believe it is owned by the New Jersey Standard Oil refinery. Reynolds was convicted for providing materials for supporting terrorists and soliciting a crime of violence. Again, we used the new resources that were available because of our President, George W. Bush.

In April of 2006, the U.S. Capitol and World Bank plot: Syed Haris Ahmed and another one whose name is Ehsanul Islam Sadequee from Atlanta, GA, were accused of conspiracy, having discussed terrorist targets with alleged terrorist organizations. They met with Islam extremists and received training and instruction on how to gather videotape surveillance of potential targets in the Washington area. Their targets happened to be the U.S. Capitol—right here where we are standing today—and the World Bank headquarters. They were the targets and, again, we were able to intercept this and to bring them to justice under these new policies that were put in place by our current President.

We had Narseal Batiste, and he had six others who were involved in a Sears Tower plot. They were arrested in Miami and in Atlanta in June of 2006 for being in the early stages of a plot to blow up the Sears Tower in Chicago as well as FBI offices and several other buildings. Arrests resulted from an investigation involving an FBI informant and all of the rest of them working together with the new resources they had, and they were brought to justice. Again, this was the new system we had in place.

July of 2006, New York City, the train tunnel plot: It is frightening to think this could have happened. There were eight suspects, including Assem Hammoud, an al-Qaida loyalist living in Lebanon. They were arrested for plotting to bomb the New York City train tunnels. He was a self-proclaimed operative for al-Qaida. He admitted that he was with al-Qaida when we brought him to justice, and he admitted to the plot. He is currently in custody in Lebanon and his case is pending. Two other suspects are in custody in other locations. The bottom line is it didn't happen. It was precluded from happening as a result of the new resources that were put in place and the coordination of all of our intelligence committees.

In March of 2007, a skyscraper plot: This was Khalid Sheikh Mohammed. He was the mastermind of 9/11 and the author of numerous other plots confessed in court. People think of him as only 9/11. He also had plans in writing to destroy skyscrapers in New York, Los Angeles, and Chicago, as well as a plot of an assassination of Bill Clinton and Pope John Paul II. Again, that was stopped.

In May of 2007, the Fort Dix plot: This was another one. I will not go into detail, but this was one where the Fort Dix six were thought to be leaderless. We found that they were a homegrown cell of immigrants from Jordan, Turkey, and Yugoslavia and they had ties to al-Qaida. They were stopped, the plot was stopped, and they were brought to justice. I believe this was due to the new programs that were put together by the Bush administration.

June of 2007, the JFK plot: Suspects planned to hit fuel farms and a 40-mile aviation field supply pipeline. Specifically, they targeted the symbolism of JFK, seeking to invoke an emotional reaction, saying it is like killing the man twice. We all know and remember that, and we were able to stop it.

I think the bottom line has been that there hasn't been another successful attack on this country since 9/11. It didn't just happen. What this administration has accomplished in the last 5 years is phenomenal. In the aftermath of 9/11, he brought us together as a nation, prevented our enemies from striking again, and captured many who would have tried. President Bush woke the Nation so we could begin to deal aggressively with the threats that were facing us.

Because of President Bush, we no longer treat terrorists like common criminals but as enemy combatants. We no longer turn a blind eye to nuclear proliferation by negotiating without the real threat of military action. We fully funded a readiness-challenged, cold-war-equipped, and organized military that had suffered from a decade of no modernization. We have removed threatening regimes in Iraq and Afghanistan, freeing 50 million people. We have weakened the al-Qaida network and its affiliates. We have disrupted terrorist plots and built a coalition of more than 90 nations to fight terrorism. We have transformed our approach to combating terrorism after the 9/11 attacks.

So we ask the question: Would all of these terrorist attacks have been successful? Obviously, no, but I honestly believe—it is my judgment from having the background of years of serving on the Armed Services Committee and the Intelligence Committee, that some of these—to me, it is not conceivable that none of these would have occurred. I believe this invisible legacy—keep in mind, it is an invisible legacy of George W. Bush because they didn't

happen. If they didn't happen, they are invisible, but nonetheless they were stopped.

The bottom line is this: The New York Stock Exchange was not bombed, the military academies were not bombed, the Brooklyn Bridge was not bombed, New York and DC financial centers were not bombed, Penn Station was not bombed, Los Angeles synagogues were not bombed, and New Jersey Standard Oil refineries were not bombed.

The transcontinental pipeline was not bombed. The World Bank was not bombed. The Chicago Sears Tower was not bombed. New York City train tunnels were not bombed. JFK Airport was not bombed. And our Nation's Capitol Building was not bombed. Clearly, the Bush invisible legacy may go down in history as perhaps the greatest legacy in history. I know people don't want to give credit where credit is due. This is something that took almost all of his energies at a time when otherwise something could very well have happened. It is my honest judgment that had it not been for his changes in our intelligence process, that one or more of these terrorist attacks would have been successful. I believe that in my heart. I think history will treat that as the case. Clearly, the Bush invisible legacy may go down as the greatest legacy in history.

I ask unanimous consent to have printed in the RECORD an Oklahoman editorial dated January 13, 2009, and a Heritage Foundation Backgrounder No. 2085.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Oklahoman, Jan. 13, 2009]

HISTORY WILL CREDIT BUSH WITH KEEPING
COUNTRY SAFE

George W. Bush surely is right when he insists the fairest histories of his presidency will be written years from now—contrasting with the quick assessments and snapshot rankings that are being done even before he hands the Oval Office keys to Barack Obama.

The president asserted that and more in his last official news conference Monday, parrying with reporters over the accomplishments, mistakes and disappointments of eight years in the White House.

The Bush years have been difficult, which he acknowledged. Bush is a war president, and thus has been challenged to make momentous decisions that involve sacrifice, trial and loss.

In Bush's case, a war against the forces of terror that lacked the usual metrics—territory to be gained, discernible armies to be defeated—made it difficult for Americans to see progress, much less victory. This very much tints contemporary views of the 43rd president.

It will take years to create perspective and permit credible historic assessment of Bush's response to 9/11 and his forward-leaning strategy against terrorists and their allies, exemplified in the decision to topple Saddam Hussein's regime in Iraq.

If democracy or something like it thrives in Iraq, creating a democratic bulwark in the

Middle East, Bush ultimately will be awarded praise. If free government fails and Iraq descends into ethnic chaos—or worse, becomes a new base for terrorists—then the expenditures in blood and treasure under Bush no doubt will be seen as a waste, to his historic detriment. Same for Afghanistan.

Economically, the Bush years were mixed. His stewardship is marked by the recession he inherited and the one he bequeaths to Obama. While there were 52 months of uninterrupted job growth in between, Bush likely is to be remembered for failing to control government spending and not more forcefully monitoring various institutions and certain sectors of the economy that collapsed last year, triggering the current downturn.

Even so, our early assessment of President Bush invariably returns to his performance as commander in chief. Bottom line: Since 9/11, the United States hasn't suffered another terrorist attack.

That alone is remarkable. While critics would attribute that to blind luck, we think history will credit Bush for strengthening U.S. intelligence-gathering capabilities and for refusing to run away from Iraq when conditions there were most grave.

Instead of delegating American security to allies or international organizations, he accepted the obligation knowing it probably would consume his presidency.

Certainly, President Bush made mistakes, and he conceded a few Monday. But in the supreme test of his watch he was steadfast, and the country is safe for it—which most likely will be history's focus.

[From the Heritage Foundation

Backgrounder No. 2085, Nov. 13, 2007]

THWARTED TERROR PLOTS AGAINST THE U.S.

SINCE SEPTEMBER 11, 2001

Sept. 11, 2001. Nineteen terrorists hijack four commercial jetliners and aim them at targets in New York and Washington, DC. Two airplanes strike the twin towers at the World Trade Center and one strikes the Pentagon. Passengers in the fourth airplane fight back, and the plane crashes in rural Pennsylvania. More than 3,000 people die in the attacks.

Dec. 2001, Richard Reid. Attempts to blow up an airplane heading to Miami from Paris using explosives hidden in his shoes.

May 2002, Jose Padilla. Charged with conspiring with Islamic terrorist groups, planning to set off a "dirty bomb" in the U.S.

Sept. 2002, Lackawanna Six. Six men from the Buffalo, NY, area are arrested and charged with conspiring with terrorist groups.

May 2003, Lyman Faris. A naturalized U.S. citizen from Columbus, Ohio, Faris is charged with plotting to collapse the Brooklyn Bridge using blowtorches.

June 2003, Virginia "jihad" Network. Eleven men from Alexandria, VA, are charged with conspiracy to support terrorists.

Aug. 2004, Dihren Barot. Members of a terrorist cell led by Barot are accused of plotting to attack financial institutions in the United States and at other sites in England.

Aug. 2004, James Elshafay and Shahawar Matin Siraj. Charged with plotting to bomb a subway station near Madison Square Garden in New York.

Aug. 2004, Yassin Aref and Mohammed Hossain. Albany, NY, mosque leaders are charged with plotting to purchase a grenade launcher to assassinate a Pakistani diplomat in New York.

June 2005, Umer Hayat and Hamid Hayat. California father-son team is charged with supporting terrorism.

Aug. 2005, Kevin James et al. Four men in Los Angeles are accused of conspiring to attack National Guard facilities in Los Angeles and other targets in the area.

Dec. 2005, Michael C. Reynolds. Arrested and charged with planning to blow up refineries in Wyoming and New Jersey and a natural-gas pipeline.

Feb. 2006, Mohammed Zaki Amawi et al. Three men from Toledo, Ohio, are arrested and charged with providing material support to terrorist organizations.

April 2006, Syed Haris Ahmed and Ehsanul Islam Sadequee. Atlanta natives are accused of conspiring with terrorist organizations to attack targets in Washington, DC.

June 2006, Narsearl Batiste et al. Seven men are arrested in Miami and Atlanta and charged with plotting to blow up the Sears Tower in Chicago.

July 2006, Assem Hammoud. Arrested and charged with plotting to bomb train tunnels in New York City.

Aug. 2006, Liquid Explosives Plot. British authorities stop a plot to load 10 commercial airliners with liquid explosives and attack sites in New York, Washington, DC, and California. Fifteen men have been charged.

March 2007, Khalid Sheikh Mohammed. Senior operative for Osama bin Laden, already in custody, confesses to planning Sept. 11 attacks; he said he had also planned attacks in Los Angeles, Chicago, New York, and other sites.

May 2007, Fort Dix Plot. Six men are arrested and charged with plotting to attack soldiers at Fort Dix, NJ.

June 2007, JFK Airport Plot. Four men charged with plotting to blow up jet fuel in residential neighborhoods near John F. Kennedy International Airport in New York City.

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 248 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

THE BUSH PRESIDENCY

Mr. HATCH. Mr. President, I rise to offer some thoughts and observations about the Presidency of George W. Bush as his time in office comes to a close. This is truly a time to thank God for our country, for our system of government, and for our liberty—unparalleled in the history of the world.

President Bush served at a time of great challenge and even crisis for our country and I wish to focus on him both as a President and a person.

When America's Founders gathered in Philadelphia in 1787, it is said someone asked Benjamin Franklin, the Constitutional Convention's oldest delegate, what form of government was under construction. He famously answered: A republic, if you can keep it. James Madison defined a republic as a government which derives its powers from the people, a principle enshrined in the Declaration of Independence.

One way we work to keep our Republic is by the people choosing those who will govern them. In his farewell address in 1837, President Andrew Jackson said:

But you must remember, my fellow citizens, that eternal vigilance by the people is the price of liberty, and that you must pay the price if you wish to secure the blessing.

Elections and transitions of power are part of that vigilance; part of keeping our Republic in order that we might, in the words of the Constitution's preamble, secure the blessings of liberty to ourselves and our posterity. Every transition goes from something to something and is an occasion to look at what is concluded as well as what is beginning. With the inauguration of President-elect Obama around the corner and the flurry of confirmation activity in the Senate regarding his nominees and the intense focus on economic and other challenges, much of our attention is rightfully focused on the future. But we look to the future from a present shaped by the past. Only by understanding where we have been can we have the ability, perspective, and confidence to act today and plan for tomorrow.

Although a Presidency has a beginning and an end, it is simply part of the flow of events. Presidents inherit situations they did not create and create situations that they then leave to their successors. They may get credit for successes they did not produce and escape blame for failures that do not materialize until after they leave office. That is the nature of political life in America. While we focus on the individual—the President—I think it is more appropriate to speak of an administration—the Presidency.

There are hundreds and hundreds of people who serve at the pleasure of the President to develop and implement his agenda. All this makes very difficult even describing, let alone evaluating, something as multifaceted as the Bush Presidency. Some of President Bush's critics almost reflexively look at opinion polls, noting his approval rating has sunk. I do not have to tell anyone serving in public office about the allure as well as the danger of this particular reflex. Polls are snapshots, they are not motion pictures. The pollster is the photographer. He chooses the subject, the lighting, and the angle. He frames the shot and determines how the final picture turns out.

The Bush Presidency was book-ended by national crises—the terrorist attacks of September 11, 2001, and the financial crisis before us today. Not surprisingly, as the Washington Post pointed out a few days ago, President Bush enjoyed the highest approval rating in late 2001 and nearly the lowest in late 2008 in the history of the Post's reporting. Once again, that is the nature of political life in America and comes with the Presidential territory.

While President Bush's approval rating has many ups and downs, one thing has remained absolutely constant: His approval rating has been consistently higher than ours in the Congress. The Web site pollingreport.com shows that dozens of national polls in the last couple years have given Congress an approval rating in the tens, down to a measly 12 percent, while President Bush has never had one that low. We in the Congress have the advantage of getting lost in the crowd when we want to, blaming such dismal public sentiment on the institution, while insisting that as individual Members we are certainly much more popular. The President never has that luxury.

The polls do not ask whether Americans approve of his administration but whether they approve of him. President Bush knows it is tough to lead if you follow the polls. As he said in an interview last month, he did not compromise his soul to be a popular guy. George W. Bush is not leaving the Presidency with chapped fingers from holding them up to the political wind. His critics spin that as stubbornness, saying he wants to go it alone. I fully expect many of those same Bush critics will praise the next President for the very same thing.

One man's principle, I suppose, is another man's inflexibility.

But as President Bush said at Texas A&M University, popularity is fleeting but character and conscience are sturdy.

The only test that matters, he said, is going home at night, looking in the mirror and being satisfied that you have done what is right.

Politics, of course, is about disagreement and competing ideas, priorities, and policies. Conservative leader and thinker Paul Weyrich, who passed away last month, has written about what he called constructive polarization.

That is the idea that clearly defined, and clearly different, choices and alternatives can be constructive for the electoral and political process.

Disagreement and competition help us to focus and refine ideas, to work harder at finding the best solution.

But I regret to say that there is often today more effort at enraging than engaging, and that along with disagreement has come disrespect.

Too often an opponent is treated not simply as wrong but as rotten, and that

is when the distinction between an office and the individual who holds it breaks down and political objectives take precedence over institutional principles.

I have seen that destructive trend over the last 8 years and I hope, for the sake of the next president and for our country, it does not continue.

I join President Bush who has said that the tone in Washington got worse rather than better during his presidency and I urge my colleagues, and all others who participate in so many ways in our political process, to do some real soul-searching about this.

In addition to looking at the polls, it is easy when looking back at a presidency to look no further than the most recent events.

The financial and economic situation has deteriorated so fast in the last several months, and the difficulties have spread so quickly and loom so large, that it is difficult to see anything that came before.

The truth is, however, that we experienced a record economic expansion before that downturn occurred, 52 months of uninterrupted job creation.

Another mistake in evaluating a Presidency is a simple one.

We act as if we know everything that can be known, that the jury could possibly have already come back with the verdict.

The jury is still out, and will remain there for a long time, which is why we more properly talk about history judging a President.

As President Bush put it in one interview, folks are still writing books analyzing President George Washington.

President George Bush is not going to worry about it.

President Harry Truman's own party discouraged him from running for reelection and he left office with an approval rating even lower than President Bush will, yet today is mentioned among the twentieth century's best presidents, and one of my personal favorite Presidents of all time.

The facts of what President Bush has done, not to mention their effects, will not be fully understood or even known by most Americans for many years to come.

In evaluating a Presidency, we should also look not only at individual programs or neatly numerical accomplishments but also at the challenges than cannot be reduced to charts, graphs, or bullet points.

President Bush certainly came into office with goals to achieve, problems to solve, and situations to handle.

He had offered concrete proposals and made campaign promises.

There is a long list of bills he signed, programs he initiated, appointments he made, and other concrete achievements that can be measured and listed.

I will mention some of those in a minute.

But the President-elect has already shown us how quickly those promises get tossed on the cutting-room floor.

The Washington Post just reported that, before Mr. Obama has even taken the oath of office, his proposal for a tax credit for job creation, which he had touted on the campaign trail, has been dumped from the economic stimulus package now under construction.

But in addition to specific programs or proposals, President Bush has worked hard to get us to think differently, to shift paradigms, to re-order our understanding of America, the world, and our relationship to it.

That is more qualitative than quantitative, and perhaps it is harder to measure with numbers or notches on a board somewhere, but it is as much a part of leadership and vigilance that is necessary to keep this Republic as anything else.

We are in the eighth year since the terrorist attacks of September 11, 2001.

What a way for a President to begin his first term.

The world changed, and American changed with it.

Previous generations saw the struggle against global communism define much of what America did and how we did it.

Today, it is the struggle against global terrorism.

It may have begun in earnest with President Bush in office, but it will continue long afterward.

And so national security has defined the Bush Presidency.

Not simply the subject of national security, but the reality of national security. From retooling the Department of Justice and FBI, creating the Department of Homeland Security, revamping the intelligence community, to engaging dozens of other nations, and liberating millions in the Middle East, President Bush took bold steps to confront this new international menace.

In short, he led.

President Bush has sought to lead us to think differently about war and terrorism, and to understand both that terrorism is a global threat and that freedom is terrorism's worst enemy.

He has said throughout his Presidency that freedom comes from God and is a universal human right.

Freedom is better than tyranny, liberty is better than oppression.

I am so grateful that President Bush refused to accept this moral-equivalency nonsense that one way of life is just as good or bad as the next.

Not only does that view make no sense on its face, but with it no one would ever see liberation from disease, hunger, slavery, or deprivation.

That is a philosophical perspective, to be sure, and perhaps it is difficult to communicate in the 21st century, perhaps it does not lend itself to a text message or a posting on Facebook.

But where you start determines the road on which you travel and where

you eventually arrive, both for individuals and nations.

President Bush told the American Enterprise Institute last month that a President's job is not only to tackle problems but to look over the horizon. That is real leadership.

Let me move to some of those concrete accomplishments.

Though some may wish to forget it, I remember when so many dismissed President Bush's strategy in Iraq that we have come to call "the surge."

Once again, he was thinking outside the box, changing the way we think about dealing with challenges and problems.

The surge was more than simply sending more troops to Iraq, but implemented a comprehensive counterinsurgency strategy.

It provided for one of the most dramatic comebacks in the history of modern warfare.

In less than 2 years, what some had said was a hopeless situation saw an 80 percent reduction in violence.

Cities and provinces whose names were literal synonyms for violence—Ramadi, Fallujah, Baghdad, and others—are now largely free of al-Qaida's operatives.

And let me say at this point that President Bush has reaffirmed our sacred commitment to our veterans.

His administration has more than doubled funding for veterans' medical care, cutting the time to process disability claims almost in half and reducing homelessness among veterans by 40 percent.

It is, of course, much easier, much more natural, to think about what has happened rather than what has not happened.

This is true for many reasons, not the least of which is that we often simply do not know what has not happened. But think about this. We do know that America has not been attacked since September 11, 2001. That is 88 months.

I know that no one listening to me speak is foolish enough to think this is because the terrorists, the terrorist networks, the terrorist movement at work today have simply lost interest.

No one is foolish enough to think the terrorists have just moved on to other things.

No, they want more than ever to attack and destroy this country, if only because their first attack failed to bring us down.

It has not happened in more than 7 years.

President Bush's leadership has helped prevent another attack.

His leadership in creating an international coalition, in working with other individual nations, in transforming and redirecting intelligence and law enforcement agencies, has helped prevent another attack.

We have fought over these issues here in Congress, and I for one agree with

President Bush that we must, for example, monitor international communication involving suspected terrorists if we are to protect ourselves.

Doing so is both necessary and constitutional, and I am glad President Bush stood firm on those principles.

President Bush has also helped protect us here at home by reducing the threat of rogue nations or groups launching a missile attack against the United States.

President Bush fielded an operational missile defense system, which will require additional investment and development.

But because of his leadership, we have already developed significant anti-ballistic missile capability both on the ground and at sea.

Also looking abroad, President Bush has led us to rethink how we approach foreign aid with a new model of assistance to other countries.

He signed millennium challenge account agreements with nearly a dozen African nations and put more emphasis on holding governments that receive our aid accountable for how they treat their people and whether they promote economic growth.

This approach actually invites competition, utilizes criteria, and requires progress, and it requires a strong link between our security objectives, accountability, and foreign-assistance funding.

Linking these together serves both American and foreign interests better and it took bold leadership to shift into this new way of approaching foreign assistance.

In his 2003 State of the Union Address, President Bush introduced the President's Emergency Plan for AIDS Relief, or PEPFAR. I happened to have been very interested in that and worked hard to get that done, too, because—along with Senator KENNEDY—we are the authors of these three anti-AIDS bills, so I take a great interest in what he has done and he is the first to have really done it.

This program focuses on both prevention and treatment of HIV/AIDS and care.

Billions of dollars have already gone to prevent the spread of HIV/AIDS and opportunistic diseases such as malaria and tuberculosis that often kill people with AIDS.

This program has prevented HIV transmission from mother to child during more than 12 million pregnancies and provided antiretroviral drugs for nearly 2 million people, up from only 50,000 receiving such drugs when the program began.

PEPFAR has helped support care for nearly 7 million children and more than 33 million counseling and testing sessions for men, women, and children.

This program launched by President Bush, which was reauthorized last year with increased funding, is the largest

international health initiative in history dedicated to a single disease.

Shifting the focus to right here at home, even though the downturn of the last year has been severe, it was preceded by a record 52 months of job creation.

Productivity in his first term grew at the fastest rate in more than half a century.

Before the recent spike, the average seasonally adjusted unemployment rate during President Bush's tenure was the lowest in 60 years.

President Bush cut taxes for every American who pays taxes, doubled the child tax credit to help American families, provided marriage penalty relief, and began phasing out the estate tax.

The roots of the current financial crisis extend before President Bush took office and his warnings went unheeded.

In April 2001, just 3 months in office, he warned that financial trouble at Fannie Mae and Freddie Mac could have strong repercussions in financial markets.

In May 2002, he called for disclosure and corporate governance principles to be applied to those agencies.

In February 2003, the Bush administration warned that unexpected problems at Fannie and Freddie could immediately spread beyond the housing market.

Seven months later, the Treasury Secretary called for prudent minimum capital adequacy requirements for Fannie and Freddie.

In February 2004, President Bush called for stronger regulation of Fannie and Freddie because of their low levels of required capital, that is, subprime mortgages.

Warnings continued month after month, year after year.

The notion that the Bush administration sat by while the problem developed or, worse yet, fought increased regulation is simply a lie.

President Bush campaigned on education reform, having the courage to speak of what he called the bigotry of low expectations.

He delivered education reform with the No Child Left Behind Act, and I can tell you what a difference it has made.

One example is Dee Elementary School in Ogden, UT.

Nearly every student in that school is economically disadvantaged, more than 80 percent are minorities, more than 44 percent are learning the English language, and 10 percent are homeless.

Those are challenging demographics no matter where they are found.

At the beginning of the 2003-04 school year, only 13 percent of Dee Elementary third-graders were reading at grade level.

In just 5 years, after Dee Elementary was chosen to participate in the Reading First program, that figure quadrupled to 52 percent.

The school jumped from only the 9th percentile in fifth grade reading to the 43rd percentile.

And I am so proud to say that Dee Elementary has now met Adequate Yearly Progress standards for 3 consecutive years.

Lives are changed, hopes are kindled, and futures are brighter as a result.

Empowering teachers to help students meet higher expectations works, and that has become Federal educational policy under President Bush.

The educational achievement gap between White and minority students narrowed and both fourth and eighth graders achieved their highest reading and math scores on record.

I am hopeful that the new President's Secretary of Education will recognize and build on the reform-oriented approach of the Bush administration through supporting policies such as charter schools and school choice.

President Bush campaigned on Medicare reform, and he delivered with the Medicare Modernization Act, the most significant reform of the Medicare Program since it was created in 1965.

As a result of this law, 40 million Americans have better access to prescriptions and have choices in their health coverage.

It also provided for health savings accounts, which President Bush insisted not be limited solely to Medicare beneficiaries.

These accounts are portable and give people more choices and more ways to improve their lives.

I served on the House-Senate conference committee on this legislation and attribute its success to President Bush's leadership.

President Bush has challenged all Americans, and his own party, to change the way we address real human needs in this country.

This includes increasing the impact of nonprofit organizations, ending discrimination against faith-based groups that can provide services, and promoting volunteerism.

As a result, chronic homelessness has dropped by nearly 30 percent in just the last few years.

President Bush also advanced a culture of life.

Our Declaration of Independence recognizes that we are endowed by our Creator with an inalienable right to life.

That is a foundational principle.

In an interview a year ago, President Bush said that his belief that every human life has dignity has informed his policies and programs.

I do not understand where the compassion and commitment comes from for hundreds of programs and billions of dollars to help millions of people without believing that those people's very lives are worth protecting.

The conviction that life itself is sacred is the best foundation for liberty

and prosperity, for human and civil rights.

President Bush shares that conviction and signed into law the ban on the horrific practice of partial birth abortion, which the Supreme Court has upheld.

He also signed the Born Alive Infant Protection Act and the Unborn Victims of Violence Act.

President Bush also appointed judges who know their proper place in our system of government.

Our liberty depends on limited government, and that means government limited by a written Constitution that actually means something.

The Constitution cannot limit government if government defines the Constitution. President Bush appointed judges who know that this principle applies to them. This is one of the most important, and most long-lasting, results of President Bush's leadership.

Others believe that judges not only apply the law, but make the law they apply.

Others believe that judges should decide cases based on where their personal empathy lies, based on the political interests that can be served.

Others believe that judges should take sides in a case before those sides even appear in court.

That activist, politicized view of judging will destroy our liberty and I am glad that President Bush sided with America's Founders and appointed judges who will interpret and apply the law and leave politics to the people.

President Bush charted a new course for energy security.

This is another area which the recent financial crisis can easily obscure, but President Bush's first order of business was producing a major energy plan and task force.

That plan became the Energy Policy Act of 2005.

It included a proposal I authored called the CLEAR Act, which provided incentives for hybrid and alternative fuel vehicles.

President Bush's advocacy of plug-in hybrid vehicle technology resulted in passage of the FREEDOM Act, which I drafted along with Senators Barack Obama and MARIA CANTWELL.

And President Bush called for developing our Nation's unconventional fuel resources, including oil shale and tar sand.

Only the most willful denial or ideological distortion will buy the spin from environmental extremists that President Bush has done nothing to protect the environment or to move us away from our dependence on oil.

At the same time, knowing that our current transportation needs depend on oil, President Bush has led the way to doubling domestic oil and gas production on public lands.

I could go on about issue after issue, listing one accomplishment after an-

other, but my remarks today are intended to be more than just a factual recitation.

Many others are writing and analyzing the Bush presidency and record from many different perspectives.

Mr. President, I ask unanimous consent to have an editorial titled "Bush's Achievements" from the January 19 issue of the Weekly Standard printed in the RECORD following my remarks.

The PRESIDING OFFICER. (Mr. PRYOR). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HATCH. Before I close, I have to say a word about our wonderful and gracious First Lady, Laura Bush.

Her strength, dignity, and grace will leave a lasting mark on the role of First Lady.

She was a kind, steady presence, advocating for causes in her own right as the President led the Nation in his.

And in times of great tragedy, she was the voice and personification of comfort and kindness.

She confidently balanced the public and private aspects of life and family. Like her husband, Laura Bush was just what our country needed.

President Bush has been our leader, our chosen leader, for the past 8 years.

He has been a man of principle, conviction, and action.

He has had to tackle challenges, both here and abroad, that are difficult even to describe, let alone comprehend.

There have been many successes, and this has been a time of transition, adjustment, and change.

President Bush, as is his way, takes a very practical view of his contribution to America.

He says he will be remembered as someone who dealt with tough issues head on, helping our country protect itself, and who was unashamed about spreading certain fundamental values such as liberty.

At home, he says, he trusts individual Americans to make the best decisions for themselves and their families.

In his last State of the Union Address, President Bush said that our Nation will prosper, our liberty will be secure, and our union will remain strong if we trust in the ability of free people to make decisions.

Protecting America from outside enemies and strengthening America from within.

That is a legacy to be proud of, and I am so thankful for President Bush's leadership and courage and I pray for God's richest blessings for him, for First Lady Laura Bush, and their family in whatever lies ahead for them.

Let me close with a quote from President Theodore Roosevelt, whom I know President Bush admires.

President Roosevelt said this in Paris in 1910 and it expresses my sentiments about President Bush as his time in office ends.

It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause; who, at the best, knows, in the end, the triumph of high achievement, and who, at the worst, if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory nor defeat.

EXHIBIT 1

[From the weekly Standard, Jan. 19, 2009]

BUSH'S ACHIEVEMENTS—TEN THINGS THE PRESIDENT GOT RIGHT.

(By Fred Barnes)

The postmortems on the presidency of George W. Bush are all wrong. The liberal line is that Bush dangerously weakened America's position in the world and rushed to the aid of the rich and powerful as income inequality worsened. That is twaddle. Conservatives—okay, not all of them—have only been a little bit kinder. They give Bush credit for the surge that saved Iraq, but not for much else.

He deserves better. His presidency was far more successful than not. And there's an aspect of his decision-making that merits special recognition: his courage. Time and time again, Bush did what other presidents, even Ronald Reagan, would not have done and for which he was vilified and abused. That—defiantly doing the right thing—is what distinguished his presidency.

Bush had ten great achievements (and maybe more) in his eight years in the White House, starting with his decision in 2001 to jettison the Kyoto global warming treaty so loved by Al Gore, the environmental lobby, elite opinion, and Europeans. The treaty was a disaster, with India and China exempted and economic decline the certain result. Everyone knew it. But only Bush said so and acted accordingly.

He stood athwart mounting global warming hysteria and yelled, "Stop!" He slowed the movement toward a policy blunder of worldwide impact, providing time for facts to catch up with the dubious claims of alarmists. Thanks in part to Bush, the supposed consensus of scientists on global warming has now collapsed. The skeptics, who point to global cooling over the past decade, are now heard loud and clear. And a rational approach to the theory of manmade global warming is possible.

Second, enhanced interrogation of terrorists. Along with use of secret prisons and wireless eavesdropping, this saved American lives. How many thousands of lives? We'll never know. But, as Charles Krauthammer said recently, "Those are precisely the elements which kept us safe and which have prevented a second attack."

Crucial intelligence was obtained from captured al Qaeda leaders, including 9/11 mastermind Khalid Sheikh Mohammed, with the help of waterboarding. Whether this tactic—it creates a drowning sensation—is torture is a matter of debate. John McCain and many Democrats say it is. Bush and Vice President Cheney insist it isn't. In any case, it was necessary. Lincoln once made a similar point in defending his suspension of habeas corpus in direct defiance of Chief Justice Roger Taney. "Are all the laws but one

to go unexecuted, and the government itself go to pieces, lest that one be violated?" Lincoln asked. Bush understood the answer in wartime had to be no.

Bush's third achievement was the rebuilding of presidential authority, badly degraded in the era of Vietnam, Watergate, and Bill Clinton. He didn't hesitate to conduct wireless surveillance of terrorists without getting a federal judge's okay. He decided on his own how to treat terrorists and where they should be imprisoned. Those were legitimate decisions for which the president, as commander in chief, should feel no need to apologize.

Defending, all the way to the Supreme Court, Cheney's refusal to disclose to Congress the names of people he'd consulted on energy policy was also enormously important. Democratic congressman Henry Waxman demanded the names, but the Court upheld Cheney, 7-2. Last week, Cheney defended his refusal, waspishly noting that Waxman "doesn't call me up and tell me who he's meeting with."

Achievement number four was Bush's unswerving support for Israel. Reagan was once deemed Israel's best friend in the White House. Now Bush can claim the title. He ostracized Yasser Arafat as an impediment to peace in the Middle East. This infuriated the anti-Israel forces in Europe, the Third World, and the United Nations, and was criticized by champions of the "peace process" here at home. Bush was right.

He was clever in his support. Bush announced that Ariel Sharon should withdraw the tanks he'd sent into the West Bank in 2002, then exerted zero pressure on Sharon to do so. And he backed the wall along Israel's eastern border without endorsing it as an official boundary, while knowing full well that it might eventually become exactly that. He was a loyal friend.

His fifth success was No Child Left Behind (NCLB), the education reform bill cosponsored by America's most prominent liberal Democratic senator Edward Kennedy. The teachers' unions, school boards, the education establishment, conservatives adamant about local control of schools—they all loathed the measure and still do. It requires two things they ardently oppose, mandatory testing and accountability.

Kennedy later turned against NCLB, saying Bush is shortchanging the program. In truth, federal education spending is at record levels. Another complaint is that it forces teachers to "teach to the test." The tests are on math and reading. They are tests worth teaching to.

Sixth, Bush declared in his second inaugural address in 2005 that American foreign policy (at least his) would henceforth focus on promoting democracy around the world. This put him squarely in the Reagan camp, but he was lambasted as unrealistic, impractical, and a tool of wily neoconservatives. The new policy gave Bush credibility in pressing for democracy in the former Soviet republics and Middle East and in zinging various dictators and kleptocrats. It will do the same for President Obama, if he's wise enough to hang onto it.

The seventh achievement is the Medicare prescription drug benefit, enacted in 2003. It's not only wildly popular; it has cost less than expected by triggering competition among drug companies. Conservatives have deep reservations about the program. But they shouldn't have been surprised. Bush advocated the drug benefit in the 2000 campaign. And if he hadn't acted, Democrats would have, with a much less attractive result.

Then there were John Roberts and Sam Alito. In putting them on the Supreme Court and naming Roberts chief justice, Bush achieved what had eluded Richard Nixon, Reagan, and his own father. Roberts and Alito made the Court indisputably more conservative. And the good news is Roberts, 53, and Alito, 58, should be justices for decades to come.

Bush's ninth achievement has been widely ignored. He strengthened relations with east Asian democracies (Japan, South Korea, Australia) without causing a rift with China. On top of that, he forged strong ties with India. An important factor was their common enemy, Islamic jihadists. After 9/11, Bush made the most of this, and Indian leaders were receptive. His state dinner for Indian prime minister Manmohan Singh in 2006 was a lovefest.

Finally, a no-brainer: the surge. Bush prompted nearly unanimous disapproval in January 2007 when he announced he was sending more troops to Iraq and adopting a new counterinsurgency strategy. His opponents initially included the State Department, the Pentagon, most of Congress, the media, the foreign policy establishment, indeed the whole world. This makes his decision a profile in courage. Best of all, the surge worked. Iraq is now a fragile but functioning democracy.

How does Bush rank as a president? We won't know until he's judged from the perspective of two or three decades. Hindsight forced a sharp upgrading of the presidencies of Harry Truman and Dwight Eisenhower. Given his achievements, it may have the same effect for Bush.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

TRIBUTE TO DON MEYER

Mr. THUNE. Mr. President, today I recognize Don Meyer, men's basketball coach at Northern State University, in Aberdeen, SD, for his 903rd career coaching victory. The historic win occurred January 10, 2009, as his NSU Wolves defeated the University of Mary by a score of 82-62. That victory placed Coach Meyer atop the NCAA men's all-time wins list, one victory ahead of legendary coach Bob Knight.

Since their arrival in 1999, Coach Meyer and his wife Carmen have been incredible assets to the Aberdeen community and Northern State University. The Meyers participate in countless civic events, displaying great community pride. As his players, assistants, coaching colleagues, participants, and fans can attest, Coach Meyer is a world-class basketball instructor. More importantly, however, he is a world-class teacher and mentor on the fundamentals of everyday life. He is able to not only mold his athletes into great basketball players, but also into outstanding young adults equipped to

have positive impacts on the world around them.

Coach Meyer's courageous journey is made even more remarkable due to the fact he was involved in a near fatal automobile accident in September of 2008 on the way to an annual team retreat. Coach Meyer credits his team with saving his life, as players and assistant coaches rushed to his aid while waiting for help to arrive. Throughout his hospitalization, Coach Meyer maintained his selfless nature and admirable character by always looking for the positive and keeping his faith steadily intact. His strong spirit, optimistic attitude, and unprecedented determination remained constant even amidst the amputation of his lower left leg and the pronouncement of an unexpected cancer diagnosis. This amazing man was at his team's 5 a.m. practice immediately following his hospital dismissal, ready to use his life experiences as a tool to enrich the lives of others. Those who know him appreciate his wealth of knowledge, distinctive outlook on life and his unique sense of humor.

Coach Meyer began his college basketball career as a standout player at the University of Northern Colorado, earning NCAA All-American status. Upon graduation, he served as an assistant coach at Western State College of Colorado and the University of Utah. He landed his first head coaching position at Hamline University in St. Paul, MN, in 1972. After 3 years with Hamline, which included a 1975 trip to the NCAA Division III Elite Eight, Coach Meyer traveled to Nashville, TN, to become the head coach for Lipscomb University.

During his tenure at Lipscomb, Coach Meyer amassed 665 wins. His teams qualified for 13 national tournaments and won the 1986 NAIA National Championship. He was named NAIA Coach of Year in both 1989 and 1990. He coached 22 All-Americans and 3 National Players of the Year while in Nashville. In 1993, Coach Meyer was elected to the NAIA Hall of Fame. After 24 successful seasons, he left Lipscomb to become head coach for Northern State University in Aberdeen, SD.

Under Coach Meyer's tutelage, Northern State has reached the NCAA postseason-play four of the past five seasons. Included in this postseason run are two appearances in the North Central Region Championship game in 2006 and 2008. His NSU teams have surpassed the 20-win mark in seven consecutive seasons and captured four Northern Sun Intercollegiate Conference regular season and conference tournament championships. Currently, his Wolves squad holds a 12-2 record and is ranked 11th in the Nation in NCAA Division II.

It is my great privilege to congratulate one of the most amazing, admi-

nable, well-respected coaches of all time, Coach Don Meyer. He is a humble man of great integrity—a true inspiration and moral icon. It has been a true pleasure to have the opportunity to know him personally and an honor to call him my friend. On behalf of the city of Aberdeen, the State of South Dakota, and our great Nation, I am pleased to say congratulations, Coach Meyer. You have made us all incredibly proud. Your legacy will flourish throughout the lives that you have so profoundly touched. Congratulations and best wishes, Coach, and may God bless you.

LILLY LEDBETTER FAIR PAY ACT

Mrs. CLINTON. Mr. President, I am so pleased to join my fellow Senators to press for passage of the Lilly Ledbetter Fair Pay Act. In particular, I would like to salute Chairman KENNEDY, a champion of equality for decades in this body, and Senator MIKULSKI, who has been a tireless leader in the effort to achieve equal pay for equal work and who is heading the effort to pass this legislation on the floor of the Senate.

This legislation would help us deliver on the promise of equality and fairness in the workplace—not just for women but for all workers, men and women, subject to discrimination on the basis of gender, race, ethnic background, age, and disability. That is why I have supported the Lilly Ledbetter Fair Pay Act so strongly—and will continue to support it until the Senate passes it and our new President can sign it into law.

In America today, women earn only 78 cents on the dollar for doing the same jobs as men—far less if they are women of color. And we still don't value or recognize some of the hardest and most productive work done in our society: caring for children, elderly parents, and the seriously ill—work that is largely done by women.

The disparities in income, just one important example, are not only harmful to women. It is not just a mother who suffers when she is denied equal pay for equal work; her children and family suffer too. Families earn an average of \$4,000 less each year because of pay disparities. It is not just a wife who loses out when she is not valued for the hours she spends caring for a sick relative or a child in need; her husband and family lose out too.

The failure to defend the civil rights of women and men facing discrimination affects real lives. That is why this act is named for one such person—someone who didn't have a lot of money or a lot of options but believed, and still believes, that we all deserve a fair chance to defend our civil rights in the courts.

Lilly Ledbetter was one of only a few female supervisors at a Goodyear Tire plant. She endured insults from her male bosses and shifts that ran to 18

hours. She kept her head down, worked hard in a traditionally male job.

Near the end of her 20 years at the factory, she discovered she was being paid less than all of her 15 male counterparts—a lot less. The male supervisors earned 25 to 40 percent more than she did. And so she took her case to court, and a jury of her peers concluded that she had been paid less because of her gender in violation of the law, awarding full damages. But in a 5-to-4 decision, the Supreme Court reversed the jury, overturned decades of bipartisan rules and judicial precedent, and told Lilly that she was entitled to nothing. The Court ruled that if you are discriminated in your salary, you only have 180 days to seek action even if that discrimination is ongoing—and even if you didn't know about it.

The legislation we will vote on tomorrow morning is simple: it will reverse the Supreme Court's decision in Ledbetter and take us back to the rule that prevailed for years, when women had a reasonable opportunity to sue if they were being denied equal pay. That is all this legislation does—restore us to the rule before 2007.

In fact, this legislation should just be a down payment on much-needed reform to close the wage gap. The House earlier this year passed the Paycheck Fairness Act, legislation that I introduced in the Senate to close the pay gap. The bill takes critical steps to empower women to negotiate for equal pay, to close loopholes that courts have created in the law, to create strong incentives for employers to obey the laws that are in place, and to strengthen Federal outreach and enforcement efforts.

Our pay equity laws are replete with holes and lax enforcement that has prevented them from serving as a real check on pay discrimination. As a result, there has not been enough meaningful progress to close the wage gap. We need not only the Lilly Ledbetter Fair Pay Act but also the Paycheck Fairness Act, and I urge my colleagues to take up the Paycheck Fairness Act as soon as possible.

Throughout my lifetime of public service, I have been proud to join many in the fight to change laws to ensure fairness and equality for all of our citizens. We have achieved great progress, but great progress, especially for women, remains to be made.

This is part of the unfinished business of America, unfinished business that holds back all people, weakens our prosperity, and jeopardizes our progress as a nation. Now is the time to help end pay disparity and ensure that women earn equal pay for equal work.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Omnibus Public Land Management Act of 2009.

I commend my colleagues who support this comprehensive public lands

bill, and I thank Chairman BINGAMAN for his leadership. He and his staff should be congratulated for their perseverance and patience in shepherding this important bill through the legislative process.

I would like to speak first about one of the bill's provisions, which has major implications for California; and that is, the legislation to implement the historic San Joaquin River Restoration Settlement, which I have sponsored with my colleague from California, Senator BOXER.

This measure would restore California's second longest river, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world.

Once enacted, this bill would bring to a close 19 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority, and the U.S. Department of the Interior. And it does so within a framework that the affected interests can accept—and have all agreed to.

The Settlement has two goals: to restore and maintain fish populations in the San Joaquin River in good condition, including a self-sustaining salmon fishery; and to avoid or reduce adverse water supply impacts to long-term Friant water contractors.

Consistent with the terms of the settlement, I expect that both of these goals will be pursued with equal diligence by the Federal agencies.

This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders, and legislators, including: the Department of the Interior; the State of California; the Friant Water Users Authority; the Natural Resources Defense Council on behalf of 13 other environmental organizations; and countless other stakeholders who came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support. Without this consensus, the parties would no doubt continue the fight, resulting in a court-imposed judgment—one which would likely be worse for all parties.

I spoke at greater length about the purposes and benefits of this legislation during my statements upon introduction of the omnibus lands bill and when introducing the San Joaquin River Settlement legislation in December 2006 and January 2007 in previous Congresses.

I would like to take a moment to highlight several important changes that were made to this version of the legislation—which improved upon the initial bill, first introduced in December 2006.

First, the legislation reflects an agreement reached in November 2008 to ensure that the implementing legisla-

tion is pay-go neutral, which means that the restoration program allocates no more in direct spending than it brings in.

The agreement also protects the rights of third parties. These protections are accomplished while ensuring a timely and robust restoration of the river and without creating any new precedents for implementing the Endangered Species Act.

Similarly, there is no preemption of State law and nothing in the bill changes any existing obligations of the United States to operate the Central Valley Project in conformity with State law.

Second, the bill incorporates amendments made by the Energy and Natural Resources Committee in May 2008 to enhance implementation of the settlement's "Water Management Goal" to reduce or avoid adverse water supply impacts to Friant Division long-term water contractors.

It also includes provisions approved by the committee that will increase the amount of upfront funding available for the settlement by allowing most Friant Division contractors to accelerate repayment of their construction cost obligation to the Treasury. In exchange for early repayment, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts.

Now, I would like to speak at greater length about the legislation's substantial protections for other water districts and private landowners in California that were not party to the original settlement negotiations.

I think it is important to note that these protections have been agreed to by all of the settling parties as well as the third-party water agencies in the San Joaquin Valley who requested them, and that they will be accomplished while ensuring a timely and robust restoration of the river.

Section 10004(d) requires that the Secretary of the Interior identify; first, the impacts associated with the proposed action or actions; and second, the measures that will be implemented to mitigate those impacts.

Sections 10004(f), 10004(g) and 10004(j) protect third party water users by clarifying that implementation of the settlement will cause no involuntary reductions in contract water allocations to long-term CVP contractors—other than Friant contractors—by making it clear that the bill does not, except as actually provided in the settlement and this bill, modify the rights and obligations of parties to existing water service, repayment, purchase, or exchange contracts, and by specifying that the rights and obligations under what is known as the Exchange Contract—with downstream districts—are not modified.

Further, section 10006(b) makes it clear that the bill does not preempt

State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

Some third parties had expressed concerns about potential conflicts between the provision of flows under the restoration program, and the rights of the exchange contractors to water from the San Joaquin River.

The Bureau of Reclamation has provided a letter that complements the language in the legislation and explains that such a conflict is extremely unlikely, but should such a conflict arise the Bureau will continue to make water available to the San Joaquin River exchange contractors consistent with its contractual requirements.

I will ask to have the letter, dated November 6, 2008, from Mr. Donald Glaser, regional Director of the Bureau of Reclamation for the Mid-Pacific Region of California, to Mr. Steve Chedester, executive director of the San Joaquin River Exchange Contractors Water Authority, be printed in the RECORD.

Concerns about potential damage to downstream farmers and landowners from water seepage resulting from interim restoration flows under the settlement are addressed by section 10004(h).

That section directs the Secretary, before releasing interim flows, to prepare an analysis of channel conveyance capacities and the potential for seepage, describe an associated seepage monitoring program, and evaluate possible seepage impacts and mitigation measures for impacts that are significant.

The section also directs that interim flows may only be released to the extent they will not impede completion of the channel restoration work or exceed downstream channel capacities.

And finally the section directs the Secretary to reduce interim flows if necessary to address material adverse impacts from groundwater seepage that the Secretary identifies through the Secretary's monitoring program.

Some of the third-party agencies have expressed concerns about the effectiveness of a fish barrier in the San Joaquin River near the confluence of the Merced River in preventing the upstream migration of anadromous fish prior to reintroduction of salmon and implementation of the restoration flow program.

This concern has been addressed in part with the addition of section 10004(i)(4), which calls for an evaluation of the temporary fish barrier, and the funding of fish screens and facilities under certain circumstances.

To further address the concerns regarding the effectiveness of the fish barrier, the Bureau of Reclamation and the California Department of Fish and Game have exchanged letters confirming their willingness to cooperate

in the operation and evaluation of the Hills Ferry Fish Barrier during the interim flows period.

More specifically, these letters discuss future efforts by these agencies to achieve a barrier program that effectively prevents unintended upstream passage of salmonids during the interim flow period.

I applaud these efforts and look forward to their successful implementation.

I will ask to have the agencies' letters, dated December 22, 2008, from Mr. Jason Phillips, Program Manager, Bureau of Reclamation; and January 5, 2009, from Jeffery Single, Ph.D., Regional Manager, California Department of Fish and Game, printed in the RECORD.

Third parties had also requested that actions to increase the channel capacity in Reach 2B of the river be prioritized. The legislation directs the Secretary to implement the channel improvements that are listed in paragraph 11 of the settlement necessary to achieve the restoration goal.

Among the highest priority restoration improvements identified in the settlement are modifications to increase the channel capacity of Reach 2B of the river. I am pleased that work in that reach will be a priority for the restoration program and as a result will also address the third party concerns.

Finally, Section 10011 of the bill provides that the Central Valley Spring Run Chinook Salmon reintroduced into the San Joaquin River will be classified as an "experimental population" under the Endangered Species Act.

This section also makes clear that it establishes no precedent with respect to any other application of the Endangered Species Act, ESA.

It also provides that the Secretary of Commerce shall issue a rule under section 4(d) of the ESA which shall provide that the reintroduction of the spring run salmon under this section shall not impose more than de minimis water supply reductions, additional storage releases or bypass flows on unwilling third parties.

In closing, in addition to the protections listed above, I wish to highlight one further provision of the settlement that reflects some of the significant themes of this historic agreement.

In paragraph 13(h) of the settlement agreement, the settling parties agreed that the Secretary of the Interior should apply to the State of California to protect the restoration flows from Friant Dam to the Delta, subject to existing downstream diversion rights.

In my view, this underscores that this settlement is intended to conform to State law and that the Interior Department will seek appropriate actions by the State Water Resources Control Board to ensure that the water released for the settlement is controlled

and managed from Friant Dam to the Delta to accomplish the restoration goal and water management goal purposes.

The Bureau of Reclamation has made significant progress on environmental and engineering studies necessary to implement the settlement.

Passage of the legislation will allow the agency to undertake specific programs and projects to implement the settlement's restoration and water management goals.

For example, with approval of the legislation, interim flows can begin this fall as scheduled, once a required environmental study is completed.

These limited water releases will provide essential information on channel capacity, fishery needs and water recovery opportunities as well as potential third-party impacts, such as seepage, and measures that may be needed to mitigate them.

The information will be used to shape other important aspects of the restoration goal program, such as the release of full restoration flows, scheduled to begin in 2014.

Passage of the legislation also will allow the Bureau to take immediate steps toward achieving the water management goal, including undertaking a project to restore the water-carry capacity of the Friant-Kern and Madera Canals and the installation of pump-back systems on the canals to help recapture water losses resulting from the settlement.

In addition, the agency is charged with implementing a cost-sharing program for local groundwater recharge and recovery projects that will help mitigate water losses.

Before I conclude, I would like to also briefly discuss the other 19 California bills in the omnibus legislation approved today.

First, wilderness provisions: The three wilderness bills in this package would together protect a wilderness about 735,000 acres of land in Mono, Riverside, Inyo, and Los Angeles Counties, and within Sequoia-Kings Canyon National Park.

The bills include three additions to National Wilderness Preservation System: Eastern Sierra and Northern San Gabriel Wilderness, Riverside County Wilderness, and Sequoia and Kings Canyon National Parks Wilderness.

This package of wilderness bills would help expand lasting Federal protection for some of California's important natural resources.

Second: water project authorizations. In the West, drought, population growth, increasing climate variability, and ecosystem needs make managing water supplies especially challenging.

The nine California water recycling projects included in the omnibus bill offer a proven means to develop cost effective alternative water supply projects.

The water projects in the bill would fall under the auspices of the Bureau of Reclamation, and include San Diego Intertie feasibility study, Madera Water Supply Enhancement Project authorization, Rancho California Water District project authorization, Santa Margarita River project authorization, Elsinore Valley Municipal Water District project authorization, North Bay Water Reuse Authority project authorization, Prado Basin Natural Treatment System Project authorization, Bunker Hill Groundwater Basin project authorization, GREAT Project authorization, Yucaipa Valley Water District project authorization, Goleta Water District Water Distribution System title transfer, San Gabriel Basin Restoration Fund, and Lower Colorado River Multi-Species Conservation Program.

Together they will help our State reduce its dependence on imported water from both the Lower Colorado River and Sacramento/San Joaquin Delta.

Third: other public lands bills to help preserve California's historic legacy. These include: Bureau of Land Management: Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria land exchange; Forest Service: Mammoth Community Water District land conveyance; National Park Service: Tule Lake Segregation Center Resource Study

There is an old saying when it comes to water: Whiskey's for drinking, water's for fighting over." There is no area where this has been more the case than the future of the San Joaquin River.

The passage of this omnibus legislation means we are one step closer toward resolving the longstanding conflict over the future of the San Joaquin River.

This is a bill whose time is long overdue, and I strongly urge my colleagues in the House of Representatives to promptly join us in approving this critical piece of legislation.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Sacramento, CA, November 6, 2008.

Subject: San Joaquin River Restoration Settlement Legislation—Exchange Contractors Water Deliveries.

MR. STEVE CHEDESTER,
Executive Director, San Joaquin River Exchange Contractors Water Authority, Los Banos, CA

DEAR MR. CHEDESTER: This is in response to concerns that you raised during our meeting in Los Banos on October 21, 2008. At that meeting, you expressed concern that the Settlement in NRDC v. Rodgers, which was approved by the Court on October 23, 2006, and the San Joaquin River Restoration Act that is currently pending in Congress could be interpreted as modifying the contract between

the Exchange Contractors and the United States (Contract # Ilr-1144, as amended February 14, 1968).

As I said at the meeting in Los Banos, and I reiterate again. Reclamation does not interpret the Settlement or the proposed legislation as modifying the obligations of the United States under the Exchange Contract. Instead, Reclamation's obligations under the Contract remain unchanged. As a result, if a situation were to occur where Settlement flows conflicted with Reclamation making necessary deliveries under the Contract with the Exchange Contractors, which as we discuss below is highly unlikely, Reclamation would make water available to meet the contractual requirements, consistent with the Contract.

My understanding is that the reason you are elevating this issue now is because of a recent Federal District Court decision affecting the operations of the Central Valley Project (CVP) operations in the Delta. At the meeting in Los Banos, a chart was handed out that was said to represent the likely future CVP water supply south of the Delta given pumping restrictions that result from the Federal District Court's decision. The Exchange Contractors interpreted this chart to show that in two out of every ten years, Reclamation would not be able to fully meet the Exchange Contractor demands from the Delta, thus requiring Reclamation to make deliveries to Mendota Pool via the San Joaquin River from Friant Dam. You expressed a specific concern that the flows required by the Settlement for restoration could cause interference with your water deliveries, in that available channel capacity will be used to deliver the flows required by the Settlement at times when the Exchange Contractors need to receive water from Friant Dam.

After further review of the chart that was distributed in Los Banos, Reclamation does not concur with the findings presented on the chart. Since receiving your chart, Reclamation completed some preliminary analysis based on information developed for our on-going consultation on the continued long-term operations of the CVP and State Water Project. Our assessment is that, even with the current Interim Federal District Court order in place, we are able to fully meet the Exchange Contractor demands from the Delta in all years. I would also point out that you provided no credit at the meeting as to who completed the analysis, nor could anyone describe the assumptions that were used to generate the chart.

As a way to move forward with addressing your concerns, I suggest representatives of the Exchange Contractors meet with Reclamation to discuss the long-term CVP delivery projections, as well as various operational scenarios for the Settlement flows. Such discussions should alleviate your concerns with regard to the risk to your water deliveries.

I look forward to working with you as we implement the restoration program. Please contact Jason Phillips if you have any questions.

Sincerely,

DONALD R. GLASER,
Regional Director.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Sacramento, CA, December 22, 2008.

Subject: San Joaquin River Restoration Settlement Act (S 27/H.R. 4074; H.R. 151)—Hills Ferry Barrier Effectiveness Evaluation.

Mr. JEFFREY R. SINGLE,
Regional Manager, California Department of Fish and Game, Fresno, CA.

DEAR MR. SINGLE: Third Parties have expressed new concerns related to the operation of the Hills Ferry Barrier (Barrier) in response to recent amendments to the proposed San Joaquin River Restoration Settlement Act. In addition, during discussions among the Settling Parties and Third Parties, Reclamation agreed to exchange letters with the California Department of Fish and Game (DFG) regarding the evaluation of the effectiveness of the Barrier in preventing the upstream migration of anadromous fish, such as adult Chinook salmon, steelhead, and sturgeon. This letter explains Reclamation's commitment to assist DFG in its operation of the Barrier program as needed during the Interim Flows program.

As you are aware, the relationship of the Barrier operation and the San Joaquin River Restoration Program (Program) have already been discussed by the Program's Fisheries Management Work Group (FMWG). I propose that the issue regarding evaluation of the effectiveness of the Barrier, as well as all other actions associated with the relationship of the Barrier operations to the Program, continue to be addressed by the FMWG. The FMWG, in cooperation with DFG, will assess whether alternative designs to maximize the Barrier effectiveness are needed in an effort to reduce unintended anadromous fish migrations upstream of the Barrier on the San Joaquin River. If it is determined that any such migration past the Barrier is caused by the introduction of Interim Flows, and that the presence of such fish will result in the imposition of additional regulatory actions against Third Parties, the Secretary would be authorized under the proposed legislation to assist DFG in making improvements to the Barrier as necessary, or to take other equivalent actions, such as assisting with the salvage of fish that get past the Barrier, if DFG requests such assistance.

I look forward to working with you as we implement the restoration program. Please contact me if you have any questions.

Sincerely,

JASON PHILLIPS,
Program Manager.

DEPARTMENT OF FISH AND GAME,
Fresno, CA, January 5, 2009.

Subject: San Joaquin River Restoration Settlement Act (S 27/H.R. 4074; H.R. 151)—Hills Ferry Barrier Effectiveness Evaluation.

Mr. JASON PHILLIPS,
Program Manager, San Joaquin River Restoration Program, U.S. Bureau of Reclamation, Sacramento, CA.

DEAR MR. PHILLIPS: Per your recent letter dated December 22, 2008, the California Department of Fish and Game (Department) thanks you for communicating the U.S. Bureau of Reclamation's (Reclamation) commitment to assist the Department with the operation of the Hills Ferry Barrier (Barrier) during implementation of the San Joaquin River Restoration Program's (SJRRP) Interim Flows.

We concur with your proposal that issue regarding evaluation of the effectiveness of

the Barrier, as well as all other actions associated with the relationship of the Barrier operations to the Program, continue to be addressed by the Fisheries Management Working Group (FMWG). Such actions could include assessing more effective designs for the barrier, assisting the Department in making improvements to the Barrier as necessary, or taking other equivalent actions, such as assisting with the salvage of fish that get past the Barrier, if the Department requests such assistance.

The Department looks forward to the continued cooperation and assistance provided by Reclamation and the SJRRP's Program Fisheries Management Work Group to preclude and/or resolve issues.

Sincerely,

JEFFREY R. SINGLE, Ph.D.,
Regional Manager.

Mr. SALAZAR. Mr. President, I rise today to briefly discuss the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act, which is included in the omnibus public lands package, S. 22, that we are currently considering on the floor.

The Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act would designate approximately 210,000 acres of federally-owned land on the Uncompahgre plateau as the Dominguez-Escalante National Conservation Area, NCA, of which approximately 65,000 acres would be designated as the Dominguez Canyon Wilderness Area.

The legislation is the product of several years of work in local communities to find a way of better protecting these Federal lands in Montrose, Delta, and Mesa Counties in Colorado. I was proud to introduce this legislation and to work with Senator Wayne Allard on it in the 110th Congress. Senator UDALL has been a great champion as well, and he is the cosponsor of the Senate legislation this year. Congressman JOHN SALAZAR has been the leader of this effort in the House and again this year introduced a companion bill in the House of Representatives. The legislation has broad support in local communities and I am hopeful we will pass it in the coming days.

I briefly want to make a few points about the bill.

First, the water rights language of the bill was carefully crafted to strike a balance between Federal interests and State law. The area boundaries in the bill are crafted to specifically exclude the Gunnison River from the wilderness area. The bill disclaims any new Federal reserved water rights, instead relying principally on the State of Colorado's instream flow program to provide and protect the stream flows necessary to maintain the purposes of the wilderness within the conservation area in perpetuity. However, the Secretary of the Department of the Interior is directed to appropriate and file for a non-reserved Federal instream water right to ensure protection of

such stream flows in the circumstance that the State's program proves unsuccessful or insufficient. Such filing must be made in Colorado's water court and will follow the procedural requirements of Colorado law. Additionally, water users' water quality concerns were addressed by clarifying that no higher water quality standard than would otherwise be appropriate is attached to the designating of the National Conservation Area.

The water language in the bill will help ensure that we are able to protect the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities in the conservation area and in the wilderness area.

Second, I am pleased that this bill protects the life estate of Mr. Billyie Rambo. Mr. Rambo lives within the boundaries of the proposed national conservation area so we worked to make sure that the legislation would have no effect on valid existing rights.

Third, I want to enter into the record a narrative description of the boundary of the wilderness area that this legislation would create. This description is consistent with the map referred to in the legislation.

Beginning at the northernmost point of the wilderness where the wilderness boundary adjoins private property, at Dad's Flat, and reading counterclockwise around the wilderness, the wilderness boundary:

Follows the private property line westward to a point 30 feet off the centerline of the road leading to the private property from the southwest; follows the road, at a set-back 30 feet from the centerline of the road or 30 feet from select existing stockponds along that road, to the point at which the road and the original wilderness study area—WSA—boundary diverge; from that point, the boundary follows the WSA boundary—with select set-backs for existing stockponds and roads, and following select drainages, rims, elevation contours, and national forest boundaries around Wagon Park—to the point at which the WSA boundary reaches Delta county road; follows the WSA boundary, immediately adjacent to Division of Wildlife land—no set-back—and at a set-back 100 feet from the centerline of the county road, to the point at which the WSA boundary reaches private land; generally follows WSA boundary, at a set-back of 100 feet from private land, adjacent to Division of Wildlife Land—no set-back, and 100 feet from the centerline of the county road, as applicable, but with three variations on the reference noted immediately above: from the point approximately 38 degrees 41'35.05" N 108 degrees 18'28.91" W to the point approximately 38 degrees 41'38.87" N 108 degrees 18'28.98" W, the boundary follows the base of the first visible rim; near an ex-

isting structure, the boundary is moved to a point 50 feet set back from existing water development; near the "stack yard" north of the county road, from the point approximately 38 degrees 42'04.32" N 108 degrees 18'01.71" W to the point approximately 38 degrees 42'04.29" N 108 degrees 17'55.26" W, the boundary follows an arc with apex 200 feet north of the county road; beginning at the northeast corner of the wilderness—southwest of Escalante townsite, and continuing to the point at which private and Federal land adjoin at the edge of the Gunnison River south of Bridgeport townsite, the boundary follows a line variously 100 feet set-back from private land or 100 feet set-back from the centerline of access road, except: beginning at a point approximately 38 degrees 45'40.11" N 108 degrees 17'00.95" W and continuing approximately 1,500 feet northwest, follows the road at a set-back 200 feet from the centerline of the road; beginning at a point approximately 38 degrees 45'48.58" N 108 degrees 17'20.32" W and continuing approximately 2,000 feet northwest, follows the road at a set-back 200 feet from the centerline of the road; beginning at a point near existing cultivated land south of the Gunnison River—southeast of Dominguez townsite and continuing approximately 2,000 feet northwest, follows the trail at the base of the rise, beginning at approximately 38 degrees 47'07.75" N; 108 degrees 18'50.25" W with a southern apex at approximately 38 degrees 47'38.09" N; 108 degrees 19'21.49" W and meeting the 100 foot setback of the road at approximately 38 degrees 47'38.9" N; 108 degrees 19'39.23" W beginning at a point near large side canyon that drains from the southwest (southwest of Peeples townsite), and continuing approximately 5,000 feet northwest, the boundary follows the road at a set-back of 100 feet south from private land; beginning at the western end of the east-west private land line, where that line touches the Gunnison River south of Bridgeport townsite, and following the southern edge of the river to the mouth of Dominguez Canyon, the boundary follows the edge of the Gunnison River—the boundary changes with the river level—the river is out of wilderness, land immediately adjacent is in wilderness; at the mouth of Dominguez Canyon, the boundary circles around an existing water diversion at a set-back 100 feet; follows the ditch at a set-back 100 feet from the ditch to private land, then 100 feet set-back from private land; beginning at the western end of the east-west private land line, where that line touches the Gunnison River, and following the southern edge of the river to the next private land line—beginning point for full boundary description, the boundary follows the edge of the Gunnison River—changes with river level—river is out of wilderness, adjacent land is in

wilderness; thus returning to the beginning point.

I want to thank all the stakeholders in Colorado who worked so hard on this legislation. I want to thank Chairman BINGAMAN and his staff, along with Ranking Member Domenici, Ranking Member MURKOWSKI, Senator Allard, Senator UDALL, Congressman SALAZAR and their staffs, for helping move this bill through the legislative process. This is a strong, sensible bill that has broad support. I am proud of all the progress we have made and hope that it will pass both houses of Congress in the coming weeks.

Mr. SPECTER. Mr. President, I have sought recognition to give you the reasons why I voted against the motion to invoke cloture on S. 22, the Omnibus Public Land Management Act of 2009.

I support this legislation on its merit. The bill is a collection of priorities for many of my Senate colleagues, most of which concern public land matters specific to their home States. Indeed, I have actively supported two provisions in S. 22 that concern my home State of Pennsylvania: reauthorization of the Delaware and Lehigh National Heritage Corridor and the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act. Moreover, I believe this legislation will go a long way to help preserve and protect some of our country's most pristine land for future generations without seriously compromising our national capacity to develop domestic energy.

It is for these reasons and others that it is particularly unfortunate that the majority leader has decided to fill the amendment tree and thus demonstrate his intention to utilize in this Congress, procedural roadblocks to deny the rights of the minority to offer amendments. For more than 200 years this body has prided itself on careful deliberation of legislation. Free and fair debate is the hallmark of the U.S. Senate, and I am not prepared to accept the abdication of these traditions for the purpose of political expediency for the majority party.

In the 110th Congress, the majority leader used this tactic to block Republican amendments on 16 different occasions. Important legislation such as FAA reauthorization, climate change legislation, an energy speculation legislation and energy speculation legislation were all derailed because the majority leader's decision to deviate from regular order and deny minority participation in the debate.

Mr. President, as my colleagues have mentioned, it has been over 120 days since a Republican amendment has received consideration on the floor. It is my hope that the Senate will return to fair procedures for debate, which have well served this proud institution since its inception.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 22 AND S. 181

Mr. REID. Mr. President, I ask unanimous consent that at 12 noon tomorrow, Thursday, January 15, all postcloture time be considered yielded back except for 10 minutes to be equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of that time, the pending amendments be withdrawn, that the managers' amendments which have been cleared by the leaders and managers be in order, and that if cleared, the amendments be considered and agreed to; that the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the motions to reconsider be laid upon the table; and the Senate then vote on the motion to invoke cloture on the motion to proceed to S. 181.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, we are trying to work out a time agreement as to how much debate is necessary on the consideration of the Emergency Economic Stabilization Act.

We understand statutorily there is 10 hours. We will finish this tomorrow. We will have a vote on this tomorrow. If the people want to use all the 10 hours, we will vote when the 10 hours is up.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TOM WATSON

Mr. MCCONNELL. Mr. President, I rise today to honor a well-respected Kentuckian, Mr. Tom Watson. Throughout his life, Mr. Watson has contributed immensely to Owensboro and to the Commonwealth.

Recently the Messenger-Inquirer in Owensboro, KY., published a story about Tom and his work as mayor of Owensboro. Throughout his career as a

public servant, Tom has worked hard to give back to the community that he loves so dearly. I have worked closely with Tom over my career and have seen firsthand his dedication to the people of Owensboro.

I ask my colleagues to join me in honoring Mayor Watson and wish him the very best as he embarks on new challenges. I further ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Owensboro Messenger-Inquirer, Dec. 19, 2008]

WATSON BIDS FAREWELL (By Owen Covington)

Owensboro Mayor Tom Watson closed out his term Thursday night in the lobby of the RiverPark Center, just yards away from where work has begun on a \$37 million river wall for which he helped secure funding.

The farewell reception attended by dozens of friends, families and colleagues was just two blocks away from The Commerce Center, a "one-stop-shop" for business and economic development that became a reality at Watson's urging.

"I, for one, look forward to what he'll do next," City Commissioner David Johnson told the crowd. "Everything he does is special, and he does it well and he does it with a passion."

This week, Watson talked with the Messenger-Inquirer about his four years in office and said he had no regrets about his decision to leave city government.

"I'm just happy I had a chance to serve, and I'm humbled that I made it through four years," Watson said.

UNIFIED GOVERNMENT

Watson jumped in the mayoral race in 2004 as a former chairman of the Greater Owensboro Chamber of Commerce who had built a successful prosthetics and orthotics business with offices in Owensboro and Evansville.

Central to Watson's campaign was a drive for unified government, a push to bring city and county government under one entity to "speak with one voice."

That push took Watson to Frankfort in 2006 when he helped lobby support for a bill that would put cities and county on a more even footing as they looked at unified government.

That bill became law, and Watson and the commission adopted an ordinance in early 2007 to create a commission to study merger, but inaction by Daviess Fiscal Court meant Watson's merger push went no further.

"I feel good we tried, but it didn't work out," Watson said. "It was something you've got to try to do."

Greater Owensboro Chamber of Commerce President Jody Wassmer said Watson's election in 2004 is evidence that the issue is one that will not go away.

"I think we've been able to move some things to the forefront that will pay off in future administrations," Wassmer said. "I think Tom will probably be known as the man that brought government merger back to the forefront."

At Thursday night's reception, Watson was made an honorary judge-executive by Daviess County Judge-Executive Reid Haire, with Haire noting with a smile that the title was probably something the mayor had "lusted for" in the past.

"We have worked well together," Haire told Watson.

STATE, FEDERAL ATTENTION

As mayor, Watson was able to use his connections with state and federal elected officials to help bring the community notice when in the past it had been overlooked.

"I think one of his greatest strengths was the relationships that he developed with state and federal officials, and those efforts brought Owensboro an unprecedented amount of state and federal funding," said former City Manager Bob Whitmer, who served for three of Watson's four years.

U.S. Sen. Mitch McConnell said during a phone interview Thursday that Watson is responsible for making him realize how important riverfront development was to the community.

"He had a lot to do in getting me even more interested and enthusiastic about the future of the Owensboro riverfront," McConnell said. "Tom deserves a lot of credit for pushing that project, believing it was important and believing it would transform the city."

ECONOMIC DEVELOPMENT

Just months after taking office, Watson along with Haire unveiled a "white paper" that presented a plan with a broader look at economic development efforts and resulted in a more coordinated effort by the community.

The paper also led to the creation of the separate Greater Owensboro Economic Development Corp. and The Commerce Center, which is now home to EDC, the chamber, the office of Downtown Development Director Fred Reeves and the Owensboro Metropolitan Planning Commission.

"I certainly think he and the judge presented and articulated a vision about how they wanted economic development to be a little more streamlined," said Nick Brake, EDC president and CEO. "He had some real strong ideas about doing some things much differently than what we've done in the past."

Thursday night, EDC board chairman Darrell Higginbotham presented Watson with a framed copy of the cover of the "white paper" and said a duplicate will be hung in the EDC's offices.

"Your vision for The Commerce Center is a reality today," Higginbotham told the mayor.

"MAN OF GREAT ENERGY"

Commissioner Al Mattingly Jr. noted Thursday night that he got to know Watson as the two squared off in the mayoral election in 2004 and has seen the sacrifices that Watson has made as mayor.

"I know of no other man in the city of Owensboro that is as compassionate, is as caring or has as much empathy for others as Tom Watson," Mattingly said. "I think those are real traits in a leader."

Watson's term wasn't without its controversies, and his effort to seek state approval and funding for a joint partnership between the city and development firm Gulfstream Enterprises Inc. opened up a rift in the community.

The city was hoping its partnership with Gulfstream for the proposed Gateway Commons development on Kentucky 54 would allow it to receive millions of dollars in tax increment financing.

Some viewed the push as an abandonment of efforts to develop downtown, while others saw the project as the only way to get state funding for a new mixed-use events center.

The proposal prompted a lawsuit against the city and failed to pass muster with the

state, but it was followed by the community backing the creation of a downtown master plan.

"You always knew where he stood," said City Manager Bill Parrish. "I've seen him as a man of great energy where you know where he comes from and he wants to get things moving. He is a man of unbounded enthusiasm."

Though not able to attend Thursday night, Commissioner Cathy Armour sent her thoughts about the mayor in a letter read by Mattingly, and wished him luck and now more time to enjoy his grandchildren.

Commissioner Candance Castlen Brake announced Thursday night that the city staff and the commission would be making a donation in Watson's name to the Daniel Pitino Shelter, an organization that he has personally supported in the past and urged the city to commit money to.

Watson counts the proclamations he has announced and the recognitions he has handed out as some of his fondest moments, which also include visits to classrooms to talk about city government and work to help open the Department of Veterans Affairs clinic in the city.

"Really it hasn't been a job," Watson said Thursday night. "It's been another opportunity in my life to participate in my community."

When asked if he had any second thoughts about not seeking a second term, Watson explained that he is a "front windshield" kind of man.

"I don't like to look out the rearview mirror too much," Watson said. "But you still have that piece of you that wants to see things completed that you started. . . . It's almost like a blur, really, it went by so fast."

TRIBUTE TO DAVID STEVENS

Mr. MCCONNELL. Mr. President, I rise today to honor a well-respected Kentuckian, Mr. David Stevens. Mr. Stevens's outstanding dedication to public service is truly immeasurable, as is his devotion to our Commonwealth.

Recently the Lexington Herald-Leader in Lexington, KY, published a story about Mr. Stevens. The story highlights not only the major initiatives he took as a Lexington-Fayette urban county councilman, but the keen sense of humor that contributed to his significant presence in Kentucky. Mr. Stevens's noteworthy pursuit as a public servant is a true testament of his devotion to not only Kentucky, but his loyalty to our great Nation.

Mr. President, I ask my colleagues to join me in honoring Mr. David Stevens as a true patriot and Kentuckian whose dedication to his city will be long remembered. I further ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, Dec. 15, 2008]

MODEST STEVENS' IMPACT SEEN IN SMOKING BAN, SUNDAY DRINKING (By Michelle Ku)

David Stevens isn't exactly a household name in Lexington, but the modest man's work has had a huge impact on the city.

Thanks largely to Stevens, Lexingtonians can drink a little longer on Sundays but can't light up a cigarette inside a workplace.

Stevens, 79, leaves the Urban County Council this month after 15 years.

He has served three terms as an at-large councilman and one term as the District 5 representative. He chose not to seek re-election for his district seat.

He has been involved in many of the major initiatives in Lexington over the last 15 years.

Stevens pushed to extend the hours of Sunday alcohol sales and expanded who was eligible to sell. He helped develop the city's farmland preservation program, the Town & Gown Commission and ethics code.

But what he will be most remembered for is the passage and implementation of Kentucky's first smoke-free law. Since Lexington's was passed in 2003, 20 other Kentucky communities have enacted some type of a smoke-free law or regulation.

Stevens is probably the most significant Lexington figure, said former Vice Mayor Mike Scanlon.

"If you look at any councilman who has ever served, or any mayor who's ever served, I don't think that there's anybody who's going to leave a bigger footprint on Lexington than David Stevens."

Stevens' departure will leave very large shoes to fill because of his institutional knowledge of Lexington dating back to the writing of the city-county charter, Scanlon said. "The council changes all the damn time, but the government is going to be changing because David's leaving."

Last month, the council approved the first revision to Lexington's smoking ban.

Stevens engineered the revision, which extended the ban to all workplaces, not just those open to the public, and closed a loophole that had allowed smoking in bingo halls.

"Americans for Nonsmokers' Rights calls Lexington's law the shot heard round the world," said Ellen Hahn, director of the Kentucky Center for Smoke-Free Policy. "It was so landmark because this region, including the other tobacco states, really lagged behind the rest of the country."

Many people think the smoking ban was his biggest accomplishment while on council, Stevens said. While it certainly got the most attention, "the other things are of equal importance."

The parks master plan he worked on with former Councilwoman Sandy Shafer was important even though the city has never been able to give parks enough funding, Stevens said.

Much of his work on council was done with a vision for Lexington that's 50 years out, said Councilwoman Linda Gorton. "That was obvious when he helped write the charter and helped with merger. It will take that long for much of his beautification efforts on the city's corridors to grow."

In addition to the legislation he sponsored, Stevens will be remembered for his dry wit. He has a penchant for delivering a well-timed one-liner.

For example, during Stevens' final budget and finance committee meeting last Tues-

day, the council discussed the city's projected budget shortfall in the next fiscal year.

"I will be happy to forgo any salary for next year," Stevens said to a round of chuckles.

Stevens plans to remain active in the community and city government despite his retirement from the council.

He wants to continue his work on the corridors committee, including a project to add sidewalks to Tates Creek Road from Lake-wood Drive to New Circle Road. Neighbors are opposed to the idea.

"I'm determined to get those sidewalks down Tates Creek," he said.

Also, he wants to complete a project he began several years ago to document discussions that took place on the commission that drafted the city's charter. He had the audio tapes from those meetings transcribed, but still has to review the tapes to identify the speakers, he said.

Outside of city government, Stevens will continue on as the president of the Blue Grass Council of the Boy Scouts of America and board chairman of the Kentucky Blood Center. He also wants to finish fund-raising for a children's garden at the Arboretum on Alumni Drive.

His one regret while on the council was not pushing as hard as he could have for a dedicated tax for the parks department. When parks explored the idea six years ago, Stevens was running for his third term as an at-large councilman.

"I thought if I spent all my time working on the parks referendum, I might not get re-elected," Stevens said. "I feel kind of bad about that. I let the people in the parks down."

Being on the council is a lot like playing a game of golf, Stevens said.

"When you play a game of golf, you're only going to hit three or four perfect shots out of the 70 in every round," he said. "It's the same on the council, you know, you're not going to hit every one just right."

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING DR. SHUKRI KHURI

• Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the life of Dr. Shukri F. Khuri who, until he passed away last September 26 from a brain tumor, was one of Massachusetts' foremost physicians and a true public servant, contributing especially to the health care of our veterans.

Dr. Khuri was born in Jerusalem in 1943, and fled with his parents in 1948 to Syria, later settling in Lebanon. He graduated from American University of Beirut, where he met his wife Randa, and also completed medical school at the university. He then completed his surgical training at Johns Hopkins in Baltimore and the Mayo Clinic in Rochester, MN.

Dr. Khuri was remembered for the extraordinary way he answered the call to public service. He refused lucrative offers to join private surgical practices, and chose instead to combine his passion for research with his commitment to patient care. He joined the

Surgical Service of the Veteran's Affairs Boston Healthcare System in 1976, where he spent the rest of his career. He rose to become Chief of Surgery at the West Roxbury VA Medical Center in 1984, Vice Chairman of the Department of Surgery at Brigham and Women's Hospital in 1992, and Professor of Surgery at Harvard Medical School in 1987.

Early in his tenure at the VA, Dr. Khuri realized the need for a methodology to assist surgeons in managing the health of the heart during cardiothoracic surgery. In his quest to identify a metabolic indicator of intraoperative myocardial ischemia, Dr. Khuri invented and patented a probe that would measure the pH of the heart muscle, a device currently in the final stages of research and development.

In addition to his work in surgical heart protection, Dr. Khuri was deeply interested in improving the quality of care for all surgical patients. In 1978, at West Roxbury VA Medical Center, he established the first automated data management system in a surgical intensive care unit in the Northeast. Today, the electronic patient record in the VA is by far the most advanced and comprehensive electronic medical records system in the world.

Dr. Khuri also led a unique national effort within the VA which established the National Surgical Quality Improvement Program in 1994. The program is now recognized by the surgical community as the standard for the comparative assessment of quality of surgical care and for continuous improvement in surgery. This program has now become the model for a joint effort between the VA and the American College of Surgeons to incorporate data in the private sector to see that all patients receive the best care possible.

In the course of his outstanding career, Dr. Khuri achieved national and international prominence. His research laboratory at West Roxbury has been continuously funded for 24 years and has trained more than 60 residents and postgraduate students in applied research. He was a member of numerous professional organizations, including the prestigious American Surgical Association, and he served on and chaired many regional and national committees, including a 3-year term as president of the Massachusetts Affiliate of the American Heart Association.

Dr. Khuri was the author of more than 200 peer-reviewed publications. He was also a regular reviewer for more than ten scientific journals, and served on the editorial board of the *Journal of Thoracic and Cardiovascular Surgery*. He was the recipient of many prestigious awards, including the 1998 Frank Brown Berry Prize, which honors an outstanding physician in the federal health care system each year. Just days after his death, Dr. Khuri was named the recipient of the 2008 Er-

nest Amory Codman Award for improvements in the safety of care to the public.

As a Palestinian American, he felt the pain of the conflict in the Middle East firsthand, and he devoted much of his life to seeking peace in the region. He worked with groups in the Boston area to create and sustain dialogue between Israelis, Palestinians, and Jewish and Arab Americans.

Dr. Khuri embodied the American story of hope, opportunity and service. He built a remarkably successful professional life as a public servant, and he also built a beautiful and loving home. His hobbies ranged from carpentry to photography to actively serving in his church. His love of life, his profound humility, his steadfast faith, and his eternally optimistic outlook will continue to inspire all those whose lives he touched. He is deeply missed by his wife and three children, his four grandchildren, his mother and brother, his many loving family members, his friends and patients, and the community he loved to serve and served so well.●

TRIBUTE TO RICH ARENBERG

Mr. LEVIN. Mr. President, as the Nation celebrates a new beginning by welcoming a new administration to town next week, my office will be saying goodbye to a longtime trusted adviser and friend. Today, I pay tribute to my legislative director, Rich Arenberg, who will retire from Congress after 34 years to take a teaching position at Brown University.

In the nearly 15 years that Rich has led the legislative team in my office, he has provided invaluable guidance on innumerable issues that have arisen. No doubt, he has a detailed record—likely in chart form—of the legislative back-and-forth behind each bill, if not each vote, we have confronted together. And when Rich announced his retirement to the legislative staff last month, the number of long faces around the table spoke volumes about his skills.

Rich has an encyclopedic knowledge of Senate history, procedure, and protocol. He has been a mentor to countless Hill staffers, as well as a thoughtful, reasonable, skilled adviser to the Members he has served. He is a gifted storyteller who enlightens and entertains my office with anecdotes of his decades on the Hill. And above all, he is an incredibly decent human being, devoted to his work, loyal to the people around him, with a passion for life.

Rich takes a distinct interest not only in understanding the policy implications of the bills that came before the Senate but also in appreciating the subtleties of each vote the significance of procedural votes and the connotations of each Senator's stance. Rich revels in the obscure though sometimes

critical anomaly: for example, he often tracked which Senators reversed their positions between or during votes.

With his competence, focus, and passion, Rich has endeared himself to those who had the pleasure of working with or near him. Beyond his personal qualities, he has distinguished himself with a remarkable record of legislative contributions. Rich and I arrived in the Senate at the same time following the election of 1978. As a staffer for Senator Paul Tsongas, whom he had previously worked for in the House of Representatives, Rich was initiated in the Senate in a pursuit that also dominated my first year: securing loan guarantees for Chrysler that helped save the company and had an enormous positive impact on the vibrancy of our domestic auto industry. He contributed significantly to the Alaska Lands Act, enacted in 1980, which remains of the most significant pieces of environmental legislation of the last several decades.

Beginning in 1984, he served as chief of staff to Senator George Mitchell. His work to investigate the Iran-Contra affair could fill a book—and, in fact, Rich helped Senator William Cohen and then-Majority Leader Mitchell write "Men of Zeal," a book detailing the 1987 Iran-Contra hearings in which Rich played a critical role. As a special assistant for national security affairs for Senator Mitchell in the early 1990s, Rich handled a variety of intelligence matters, and his work required extensive travel around the world.

Since joining my staff in 1994, Rich has contributed to legislation protecting the Great Lakes, improving treatment for drug abuse, and preserving American jobs. Rich has been on the front lines of legislative efforts that have sometimes spanned years. He has been at my side at the crack of dawn each Wednesday morning for weekly radio interviews, at the ready to answer questions. His performance reflects a deep respect for the Senate and an understanding that the root of senatorial accomplishment is cooperation and collaboration.

He has worked long hours with a zeal for legislative maneuvering matched only by his passion for the Red Sox and exceeded only by his love for his family. I was honored that he and his wonderful wife Linda chose my Capitol hideaway as the site to celebrate their wedding, a joyful day that included a spirited procession through the Senate building and Capitol subway. And when his Red Sox won the World Series or when his beloved cocker spaniel had a new litter of puppies or when his sons or daughter were in the midst of an adventure, there was a glint in his eye and a smile would break across his face.

But there is no doubt that Rich's engaging stories, insightful observations, and flair for humor will be a treasure

trove for the students who are fortunate enough to be in his classroom. They will learn the ins and outs of the Senate from the best. They'll learn about Rich's "tilted deck" theory, which predicts that the Senate will take until the eve of adjournment or weekend recess to act, and then, if it fails to do so, will inevitably take until the eve of the next deadline to try again. And I am willing to predict that after a semester with Rich, his students will know well that a gorilla in an idiom should always weigh 800 pounds and that they will pay close attention to the President's appraisal of the State of our Union.

For one more glimpse of Rich's great accrued wisdom, look at his office. Inside Rich's office, he has posted a quote from Confucius. It reads: "When you know a thing, to hold that you know it; and when you do not know a thing, to allow that you do not know it—this is knowledge."

That is the brand of excellence that Rich brought to all his work in the Senate, and that approach is why he has been such a trusted and important adviser to me, as well as to other Senators. And when he does not know a thing, he figures it out. Rich, thank you for your work on behalf of the people of the State of Michigan, mastering their issues, applying your legislative skills to their benefit. Thank you for your service to the Nation in the Senate, advancing the spirit of thoughtful bipartisanship that makes this body work. Thank you for helping me navigate the murky waters of Senate procedure and precedent for all these years. And thank you for your friendship and for being—day-in and day-out—the kind of staff member that a Senator can be proud of.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a college student in Pocatello at ISU in the Physician Assistant Program. My husband is a real estate agent and we own a few rentals in town. I wanted to comment on the effect that rising energy prices have had on the real estate market. Generally spring and summer are boom time in Idaho's real estate market. But we have noticed a sharp downturn in the market in Pocatello this spring. There are a glut of homes on the market and nothing is moving. It is as if everyone is holding their breath, glad to have a home, and not ready to move. I am sure things will move, but prices have dropped significantly.

I am glad to hear you are concerned about this. Both my husband and I agree. Drill here, drill now. If we have untapped energy reserves in the United States . . . we are fools! We need to be accessing our own resources, creating jobs, growing our economy, and saving ourselves money. I am sure we can do it in a responsible way with minimal effect on the environment. I do not want to damage our environment, but if it costs us our economic liberty to do it . . . I say Drill.

ANNIE and JASON DIXON.

Thank you for your email. Most citizens do not feel that Washington is aware of our concerns or listening . . . and here you are asking . . . thank you.

To Whom It May Concern:

Our family is a 5th generation Idaho family. We have worked hard for 40 years to teach our family to accept responsibility for themselves and their success. There are no free-loaders in our family. Now, because of the current economic trend, we are all very concerned about our future in spite of our hard work and sacrifices. Higher energy prices have caused concern in every corner of our lives and every time we go to the pump or pay our utility bills our concerns are heightened and reaffirmed. Fear is a great motivator . . . unfortunately it is a negative motivator and we are seeing the results dramatically.

We have seen the negative impact in every household in our family. Our son-in-law is a very successful Realtor and his business is off 50% from last year. Another son-in-law has his own construction company. His business is off 40% from last year. My son and I have a very successful commercial real estate business and typically earn over \$400,000 a year. We have only had one closing this year. Buyers are hesitant to move forward because of the current economic concerns. Our youngest son was planning on starting his own business using the degree he obtained from college but now he feels he must find employment elsewhere. Another son began building his own home this winter and is now questioning whether he should move into his dream home or sell it and find something much smaller.

These are not minor inconveniences. These are life changing concerns and we can do nothing to change or control them.

The economic status of our country is critically out of control because of poor judgment and planning on the part of the policy makers in Washington. Because of years of doing nothing to plan and prepare for the future the security and success of our entire family is now being threatened. We are fearful, we are disappointed and we are angry.

It is alarming to think that the policies of our government leaders have caused such a life altering situation. Wouldn't you think

that the country who championed capitalism would understand the law of supply and demand? Wouldn't you think that the brightest and best that have been sent to Washington would have seen this crisis coming?

We do not blame the oil companies. The government has kept their hands tied for years. We blame you . . . the policy makers and leaders of this nation. Now the light of truth is shining brightly and we can all see the results of listening to the special interest groups who only care about their own selfish interests. Washington has put this country and its citizens in a perilous and fearful situation. Fear leads to anger. Anger leads to anarchy.

It is time for Washington to stop "looking" at the situation like spectators and start "fixing" the problems with real solutions that work. It is time for Washington to wake up to the reality of where we are at and the impact of their neglect. Washington has neglected reason and ignored the writing on the wall. At what price?

Americans can make this country strong and independent again if the bureaucrats and the special interest groups will just get out of our way.

We are very grateful that we have our faith and our family. We will weather this unnecessary storm but what about the rest of the people who call this nation home? I guess if Washington fails to stop the insanity we can always feed our children spotted owls and polar bears.

Please Senator Crapo. Do not let us down. This is just the tip of the iceberg. If we do not do something now who knows what the next crisis will be and how far this country will fall into chaos.

DENNIS and JANETTE STEVENS, Idaho Falls.

I am 22 years old and when I first started driving only a short 7 years ago, at that time it cost me 35-40 dollars to fill my truck, today it cost just over 100 dollars. Do the math that is a huge increase and most of which has been in the past few years. I am currently spending 400+ dollars a month on gas. This new cost is taking a big hit on me and my savings account which I am relying on since I will never see all that money I pay into social security. You guys in Congress just don't seem to get how angry the American people are at your lack of caring on how we feel. Remember we are the ones who elected you to represent us not your own interests or lobbyists. Please start doing your jobs and look out for the interests of the greatest country in the world. Drill for our own oil now. I know it will not be an immediate help but imagine if we do nothing, we apparently never learned from the 70s. Thanks for at least asking our opinion and please relay the messages to the rest of Congress.

ANDREW.

I'm a bit disappointed in the way you have phrased your plea. You are only asking for horror stories and looking for support to find ways to decrease fuel costs and increase fuel supplies. I am affected by fuel costs as much as the next person, but I try to look at the larger picture and I wish you would to. Easily available and cheap fossil fuels has been a major problem for our country and for humanity in general. It got us through the industrial revolution and was responsible, in no small way, for much that is good in our society. Unfortunately, it also causes much harm. Some examples:

- (1) Global warming
- (2) International policy driven by a need to ensure a continuing oil supply

(3) The loss of great public transportation systems, such as the light rail system that served the treasure valley for decades

(4) The loss of our freight rail system in favor of an enormously powerful trucking industry that is much more costly to the environment and dangerous to the public.

I am sure the list could go on.

So, I propose that we look at the opportunities created by high oil prices—the opportunity to develop alternative energy sources, the opportunity to emphasize public transportation, the opportunity to begin weaning ourselves from dependence on foreign sources of fuel. I know that my opinion is not popular, but I believe we have not yet got to the point where fuel costs are painful enough to effect the changes we need. I would be happier if you put your considerable weight behind legislation for real change rather than patching a bad system.

Thank you for your concern, Senator. I just wish you shared mine.

DAVE.

As a full time student working two jobs, paying outrageous prices that continue to rise makes it difficult to manage. College education is extremely important to my future and my success in life, yet with the increases of gas prices and school tuition work is a priority over education. Many, including myself, are feeling the pressures of paying bills, working, and going to school forces us to choose work over our education. Some ideas to decrease the prices of gas (oil) would be to drill off the coast line, provide better public transportation in and around Boise (trains, metros, etc), better access to roads for bicycles, or use some of our oil reserve. I also think that we need to hold oil/gas industry accountable. I also think that banning plastic bags would help with energy and the environment. Promoting closer vacations or trips within Idaho would be a good idea. Through a mass transit system (trains, etc) that would link our cities together would help increase tourism and would help encourage our own to venture out without the worry of high costs.

REBEKAH WEST.

Sometimes it appears that the United States Congress, charged with taking care of the needs of the People of the country, is instead preoccupied with representing the few and the extreme—the special interests and the so-called environmentalists. I cannot believe that we would prohibit our own country from drilling for oil off of our own shores, but other countries are doing so. Where is the logic behind barring oil exploration in Alaska while our nation is bleeding economically due to buying oil from our avowed social and political foes abroad? Other, equally destructive policies arise from the hoax of global warming and the thought that, even if it is real, that we can combat it unilaterally. Considering that China, for instance, is ramping up its energy demands with no concern for its unbridled pollution. We are frittering away our competitive edge on the economic and political theaters. Our irrational fear of nuclear power and the thought that hydrogen powered cars will cure our need for fossil fuels (where do we believe the electrical power to accomplish this inefficient process comes from?) will continue to bankrupt us.

Now, for the direct, personal impact of our irresponsible energy policies: We are a middle class family with six children. Our standard of living is being constantly driven downward by the rising costs that energy

imposes on food, heating, travel, and just the cost of doing business. While the buying power of my dollar continues to fall, and many necessities have recently risen in cost by double digit percentage points, my salary has remained stagnant. Even such an important event as visiting my elderly parents in an adjacent state has been curtailed due to outrageous gas prices. We live in Idaho and my parents moved from California to northern Utah to be closer to us. While in the past, our visits to look in on and help them were typically monthly, now we visit them only a couple of times a year. We feel that we are not meeting our obligations and this situation is prone only to further deterioration. We are struggling with keeping our oldest son in college and the prospects for higher education for his siblings are dwindling, although this is a priority for our family.

Everywhere we look, we observe negative trends. Where can we look to for help aside from our government, which appears not to hear our pleas? In fact, our understanding of the energy and trade intentions of Congress convinces us that things will get far worse. We are striving to live responsibly and within our means. We do not note the same disciplined approach from our national and local governments.

ERIC and MELANIE KUNS.

I am contacting you with a story I thought would be of significant value to the people of the Treasure Valley. The outrageous gas prices are killin' everyone—us included (Boy Howdy). Remember a few months ago, a story hit the news about a guy in Weiser trying to develop a "green technology" device to place inside your engine? He's hoping to have his research done in one year, then begin the developing process. Boy, do I have some news for you.

Living Green Hybrid Kits (that's us) is proud to offer a Complete, Ready-To Install Water-Burning Hybrid Unit. Now. Today. We are running a unit right now, in my husbands' POJ (piece of junk) work truck . . . all I can say is wow. We are so excited about what this will mean to countless others . . . Just imagine increasing your Miles Per Gallon 37 percent to 150 percent while preventing pollution and the resulting global warming.

Want more, how about a \$2,000.00 Tax Refund for using "Green Technology" in your vehicle. Please visit our website: buyhybridkits.com for more info. Feel free to call me at 549-8083. I look forward to speaking with you.

Have a Green Day.

DONNA DRUMHELLER.

I think we all know that our government has done nothing for long enough. My son is a finish-carpenter and has to spend the night in his truck at jobs he has not completed because he cannot afford the gas to go back and forth. If we had a government concerned about us, we wouldn't need to send emails to tell you how much poor people are suffering.

And another thing—My house and barber shop were reappraised this year, so my taxes could be increased.

Don't you think it is about time the government cut some jobs and programs like the rest of us are having to?

Thanks for listening.

TOM SMITH, *Parma*.

The Country's present economic condition mandates immediate action. The oil companies have had consecutive years of record breaking earnings. It is time for the industry

to reinvest some of those earnings in the country and the people that have "Demanded the Supply". The United States needs to show that we are capable not only of producing but producing a quality product that will aid the environment and provide jobs for the population at the same time. I grew up in the Southern California area where the undulating pumps helped to produce the oil that was refined into the end product. Again we are hearing we must maintain a global economy. It is very hard to think global when local (friends, family, and neighbors) are working twice as hard and ending up with half as much.

PAT, *Middleton*.

As an Idaho public educator, the increases in energy and food costs have made life increasingly difficult. I may have to give up my career in public education and seek employment in the private sector to be able to meet my financial obligations (such as student loan payments).

I have not seen any benefit from the government's expenditures on alternative fuel sources (such as bio-diesel). I believe that we should work to end our dependence on foreign oil by taking advantage of our domestic resources. I believe we should increase domestic drilling (using environmentally responsible practices). I appreciate you seeking the opinion of your constituents. I hope that our opinions will be taken into account on a national level and that action will be taken soon.

ERICA HARDY.

I would love for you to have Congress and those who are opposing drilling for our own resources what a low income family faces. My family has struggled to make ends meet and when we finally figure it out gas prices go up, or someone needs to go to the doctor. My husband drives 150 miles a week for work, we are now looking at \$200 plus, a month on gas just for work forget running to the store to get things we need. We have received help from our church but they can only help so far. We just barely make too much to get food stamps or health care help. Our level pay on our power and gas keep going up whenever we get behind and finally get it caught up again. I do not understand why Obama and other Democrats will not drill for oil because "it takes too long" as I have been told they were saying the same thing about ten years ago and if they didn't have their heads up a certain body part then we probably wouldn't be in this position. Senator you have asked us for our opinion please don't let those who have voted for you and have taken some faith in your interest down. My family lives in the South Eastern part of the state and when we traveled down the first of March we were paying \$2.97 in gas and now that we are looking at another trip down we are looking at paying over \$4.00 a gallon for gas. My mom is paying our way. Not to mention that where she lives gas is the first to go up and the last to go down because the closest town for gas is 30 miles away. You asked us now please try to make a difference I want someone in Congress to please show me how I am supposed to make ends meet with DAILY rising fuel prices. If they refuse to do what is needed to help because it will take too long then by all means please come to my house and live on my income for a few months and show me how I am supposed to make ends meet.

KIM, *Meridian*.

This was an email sent to me by my father, a former Idaho resident who now lives in Nebraska. You may even be familiar with his

name. He was quite an advocate for you. I have an Expedition that we purchased only this past December. It cost us \$60 to fill it then, now it costs me over \$100. I know that the answer to high fuel costs will not come immediately, but we must act now. Or we will not have a future. We must start drilling. The ANWR in Alaska must be opened to us. This country is filled with oil rich deposits. We must increase our refining capacity, we must create new oil fields. The level of environmental awareness is so far beyond that of 30 years ago that the concerns of big business doesn't exist the way it did then. The oil spills of the 70's aren't our future. Times have changed and the environmentalists have to be made to see that and that they are destroying our freedom and way of life. I have five grown sons and I fear for their future. I am grateful that I am not raising children in this day and age, but I am sorry for my children that they have to face such a future. The liberals and environmentalists of Washington D.C. are destroying our future, you must be counted and stand up and fight for us. I no longer vote for the lesser of the evils, I now vote for the person who I believe is the best leader for our future. That means I'm voting for Ron Paul. Will he win? Not a chance, but will I vote for someone that will continue the selling of this country down the river? Not a chance! Please help be a part of changing our future.

SONJA STRONG, *Payette*.

ADDITIONAL STATEMENTS

FASHION WEEK CLEVELAND

• Mr. BROWN. Mr. President, I would like to take the opportunity to recognize the importance of an upcoming event in my State—Fashion Week Cleveland—and its unique contributions to Ohio.

Fashion Week Cleveland is an annual convention and conference that will be held May 1-9, 2009, at cultural institutions throughout northeast Ohio, including Cleveland, Akron, Canton, Elyria, and Lorain.

The event, known as an educational fashion week, incorporates traditional runway shows, as well as exhibits, lectures, films, and seminars, to inform consumers and industry leaders about the history, cultural importance, and economic contributions of the fashion industry. Its educational events will be held at area galleries, libraries, museums, theaters, and universities, bringing positive attention to many northeast Ohio locations.

This year, Fashion Week Cleveland will highlight "green-sustainability" in a special show that coincides with the United Nations' Year of the Natural Fibre. This event will feature garments made of natural fibers produced in Ohio.

The Cleveland Fashion Show, the central event of Fashion Week Cleveland, is recognized across the country as a distinctive showcase for American designers. Fashion Week Cleveland is also nationally recognized as the third largest fashion industry event in the United States, after events held in New York and Los Angeles.

I am proud that Fashion Week Cleveland will contribute significantly to the economic growth of Ohio. Restaurants, hotels, stores, and other retail establishments will benefit tremendously from the patronage of Fashion Week Cleveland attendees. This event will serve a positive catalyst for achievement in fashion design, manufacture, education, and retail growth, as well as an important occasion to showcase northeast Ohio as a center of vibrant innovation and creativity.●

TRIBUTE TO COLONEL ROBIN E. SQUELLATI

• Mr. INOUE. Mr. President, I would like to recognize a great American and a dedicated Air Force officer who has diligently served in my office for the past year.

Colonel Squellati was born in San Rafael, CA, and entered the Air Force in 1986 after earning her bachelor of science in nursing from New York State University. She earned her master of science in nursing from California State University, Dominguez Hills. Her assignments include commander, 47th Medical Operations Squadron, 47th Medical Group, Laughlin Air Force Base, Texas; commander, 321st Expeditionary Medical Group, Masirah, Oman; commander, 72nd Medical Operations Squadron, 72nd Medical Group, Tinker AFB, Oklahoma; and deputy group commander, 72nd Medical Group, Tinker AFB, Oklahoma.

Colonel Squellati served as a principal legislative adviser to myself and the congressional committee staff on health, nursing and defense health. She drafted health related authorization and appropriations language for introduction to the Senate. She collaborated with committee staffers, constituents, and Tri-Service military personnel, attended committee hearings, prepared background information and questions for witnesses, and coordinated the development of Senate bills and amendments through Senate committees and conference committees. In addition, she made recommendations to the Senator on floor proceedings, funding requests, report language, and cosponsorship legislation.

Colonel Squellati served with valor and profoundly impacted Federal nursing issues within the 110th Congress. Her performance reflects exceptionally on herself, the Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation to Colonel Squellati on behalf of a grateful Nation for her year of dedicated service in the 110th Congress.●

TRIBUTE TO CALDWELL AUTO PARTS & TOWING

• Ms. SNOWE. Mr. President, there are many ways in which businesses can and

do give back to their local communities. From companies whose employees volunteer at food pantries to firms that sponsor teams in their town's Little League program, America's small enterprises are magnanimous forces in the cities and towns where they operate. I rise today to highlight the tremendous gift of one business, Caldwell Auto Parts & Towing, to the town of Limestone, a small town of roughly 2,400 in far northern Maine.

Caldwell Auto Parts & Towing has been in Limestone for the last 10 years, under the ownership of brothers Scott and Robbie Caldwell. Prior to that, the company was located in Caswell, one town north of Limestone, on the U.S. border with New Brunswick, Canada. A family-owned small business, the company is dedicated to providing quality auto parts to its clientele, as well as responsive and safe towing.

Caldwell's has long been known for its generosity within town, but its latest act of kindness was a true surprise. Robbie and Scott Caldwell, wanting to celebrate the tenth year of their business' operation in town, decided to give back to the community in a unique and lasting manner. They determined that donating one of their vehicles—a 2006 Ford Explorer—to the Limestone Police Department would represent an unparalleled gift. After contacting the town manager and police chief to make the gift a reality, the Caldwells fitted the vehicle with a full police package, making it ready to use without any investments by the town.

What makes the vehicle even more special is that it is replacing one of Limestone's police cruisers that suffered significant damage during whiteout conditions last winter. The new vehicle has four wheel drive and studded tires, making it more effective to drive during the long and snowy winter months in Aroostook County.

People in Limestone have long known the Caldwells for their kindness and charity. Active members of their community and the local chamber of commerce, Caldwell's has been critical in assisting the town's recreation department, including sponsoring T-shirts for youth basketball teams. Additionally, Caldwell's has made significant donations to Project Graduation, a Maine-wide program that promotes safe, drug-free graduation parties, including contributing one of their vehicles for the group's use in the Limestone Fourth of July parade.

Caldwell Auto Parts & Towing understands the meaning of being a good neighbor. Over the years, they have sought new and distinctive ways to make a difference in their community, and have garnered much good will. As Donna Bernier, Limestone's town manager, noted, "The Caldwells have made significant impacts on the community and they continue to do so." I wish Scott and Robbie Caldwell and everyone at Caldwell Auto Parts & Towing

the very best, and thank them for their contributions to a safer and stronger Limestone.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 3. Joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, January 14, 2009, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 3. Joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-448. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emamectin; Pesticide Tolerances" (FRL-8397-9) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-449. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report entitled "Annual Report on Extensions of a Contract Period to a Total of More than Ten Years"; to the Committee on Armed Services.

EC-450. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-451. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13396 with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-452. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "License Requirements Policy for Iran and for Certain Weapons of Mass Destruction Proliferators" (RIN0694-AE50) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-453. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Indexed Annuities and Certain Other Insurance Contracts" (RIN3235-AK16) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-454. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels" (RIN0648-XM40) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-455. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648-AT48) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-456. A communication from the Deputy Assistant Administrator for Regulatory Pro-

grams, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revised Management Authority for Dark Rockfish in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska" (RIN0648-AU20) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-457. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishing U.S. Ports of Entry in the Commonwealth of the Northern Mariana Islands (CNMI) and Implementing the Guam-CNMI Visa Waiver Program" (RIN1651-AA77) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Energy and Natural Resources.

EC-458. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Approval of the Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for El Paso County" (FRL-8761-4) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Environment and Public Works.

EC-459. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Emissions Inventory for the Crittenden County Ozone Non-attainment Area; Emissions Statements" (FRL-8762-4) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Environment and Public Works.

EC-460. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah's Emission Inventory Reporting Requirements" (FRL-8754-7) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Environment and Public Works.

EC-461. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit State Implementation Plans Required by the 1999 Regional Haze Rule" (FRL-8762-7) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Environment and Public Works.

EC-462. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Aggregation and Project Netting" (FRL-8762-8) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Environment and Public Works.

EC-463. A communication from the Assistant Secretary for Import Administration, Foreign-Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an annual report relative to the Board's activities for fiscal year 2007; to the Committee on Finance.

EC-464. A communication from the Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4044) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-465. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's Semi-annual Report to Congress on Audit Follow-Up for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-466. A communication from the Acting Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Buffalo, NY, and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AL71) received in the Office of the President of the Senate on January 13, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-467. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of action on nominations for the positions of Deputy Director for Supply Reduction and Deputy Director for State, Local and Tribal Affairs, received in the Office of the President of the Senate on January 13, 2009; to the Committee on the Judiciary.

EC-468. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease" (Docket No. APHIS-2007-0124) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-469. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Flood Insurance" (RIN2590-AA09) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-470. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "The Low-Income Definition" (RIN3133-AC98) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-471. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act" (RIN2590-AA05) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-472. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Safe Routes to School (SRTS) program; to the Committee on Environment and Public Works.

EC-473. A communication from the General Counsel, Department of the Treasury, trans-

mitting a draft bill intended to propose several reforms to the International Monetary Fund; to the Committee on Foreign Relations.

EC-474. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Final Report to Congress on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration, Phases I and II; September 5, 2008"; to the Committee on Health, Education, Labor, and Pensions.

EC-475. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Final Report to Congress on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration, Phases I and II; June 18, 2008"; to the Committee on Health, Education, Labor, and Pensions.

EC-476. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-477. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Inspector General's Audit Recommendations and the Management Decisions for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-478. A communication from the Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: Federal Acquisition Circular 2005-30" (FAC 2005-30) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-479. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B" (RIN0648-XM38) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-480. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Bering Sea Pollock Total Allowable Catch Amount" (RIN0648-XM47) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-481. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2009 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2009 Quota Adjustments; 2009 Summer Flounder Quota for Delaware" (RIN0648-XJ96) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-482. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Limited Access Privilege Programs; Individual Fishing Quota Referenda Guidelines and Procedures for the New England Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the National Marine Fisheries Service" (RIN0648-AW05) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-483. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials" (RIN2130-AB69) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-484. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Highway Safety Improvement Program" (RIN2125-AF25) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-485. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fair Market Value and Design-Build Amendments" (RIN2125-AF29) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-486. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Grand Island, Nebraska" (MB Docket No. 08-213) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-487. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Houston, TX" ((Docket No. FAA-2008-1046) (Airspace Docket No. 08-ASW-21)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Branson, MO" ((Docket No. FAA-2008-0873) (Airspace Docket No. 08-AGL-7)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation of T-254; Houston, TX"

((Docket No. FAA-2008-0716)(Airspace Docket No. 08-ASW-9)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30643) (Amendment No. 3301)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30642) (Amendment No. 3300)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" ((Docket No. 30644) (Amendment No. 478)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace; Brunswick, ME" ((Docket No. FAA-2008-0203)(Airspace Docket No. 08-ANE-99)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56-5B Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1353)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Washington, DC Metropolitan Area Special Flight Rules Area; Correction" ((RIN2120-A117)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Clarification for Submitting Petitions for Rulemaking or Exemption" ((RIN2120-AG95)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-497. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials

Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" ((RIN2137-AE31)) received in the Office of the President of the Senate on January 14, 2009; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. WHITEHOUSE, Mr. LEAHY, Mr. CARDIN, Mr. SCHUMER, Mr. KOHL, Mr. FEINGOLD, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mrs. BOXER, Ms. CANTWELL, Mr. WYDEN, Mr. REED, Mrs. FEINSTEIN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. HARKIN, Mr. LAUTENBERG, Mr. KERRY, Ms. KLOBUCHAR, and Mr. MENENDEZ):

S. 231. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. ALEXANDER:

S. 232. A bill to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Environment and Public Works.

By Mr. ALEXANDER:

S. 233. A bill to amend the Internal Revenue Code of 1986 to make the allowance of bonus depreciation and the increased expensing limitations permanent; to the Committee on Finance.

By Mr. DURBIN:

S. 234. A bill to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mr. UDALL of Colorado):

S. 235. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ISAKSON:

S. 236. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BROWN, Mr. CASEY, and Ms. STABENOW):

S. 237. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. THUNE, Ms. KLOBUCHAR, and Ms. COLLINS):

S. 238. A bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and

local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Mr. GREGG):

S. 239. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service hospital of the Veterans Health Administration in the State or receive comparable services provided by contract in the State; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Mrs. CLINTON, and Mr. BOND):

S. 240. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 241. A bill to amend the Truth in Lending Act to permit deferrals on certain home mortgage foreclosures for a limited period to allow homeowners to take remedial action, to require home mortgage servicers to provide advance notice of any upcoming reset of the mortgage interest rate, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 242. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I of that Act may be used; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. ENSIGN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEXANDER, Mr. BURR, Mr. DODD, Ms. CANTWELL, and Mr. SANDERS):

S. 243. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income; to the Committee on Finance.

By Mr. BOND (for himself, Mrs. MURRAY, and Mrs. CLINTON):

S. 244. A bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mrs. LINCOLN, and Mr. CASEY):

S. 245. A bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 246. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Mr. SCHUMER):

S. 247. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 248. A bill to prohibit the use of certain interrogation techniques and for other purposes; to the Select Committee on Intelligence.

By Ms. STABENOW (for herself, Mr. SCHUMER, and Mrs. MURRAY):

S. 249. A bill to amend the Internal Revenue Code of 1986 to qualify formerly homeless youth who are students for purposes of low income tax credit; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. BAYH, Mrs. BOXER, Mrs. MURRAY, Mr. BROWN, Mr. CASEY, Mr. LIEBERMAN, Mr. MERKLEY, and Mrs. MCCASKILL):

S. 250. A bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 43, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 74

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 74, a bill to provide permanent tax relief from the marriage penalty.

S. 96

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 98

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 98, a bill to impose admitting privilege requirements with respect to physicians who perform abortions.

S. 144

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S.J. RES. 5

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky

(Mr. BUNNING) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S.J. Res. 5, a joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

S. RES. 10

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 10, a resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. WHITEHOUSE, Mr. LEAHY, Mr. CARDIN, Mr. SCHUMER, Mr. KOHL, Mr. FEINGOLD, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mrs. BOXER, Ms. CANTWELL, Mr. WYDEN, Mr. REED, Mrs. FEINSTEIN, Mr. SANDERS, Mr. UDALL, of New Mexico, Mr. UDALL, of Colorado, Mr. HARKIN, Mr. LAUTENBERG, Mr. KERRY, Ms. KLOBUCHAR, and Mr. MENENDEZ):

S. 231. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, this morning we introduced legislation to protect the coastal plains region of the Arctic National Wildlife Refuge from the threat of oil and gas exploration. S. 231 designates 1.5 million acres of the Refuge as Wilderness to be included in the National Wilderness Preservation System. Bestowing Wilderness designation on this precious piece of national heritage will reaffirm the original intent of the Refuge: to provide habitat for Alaska's wildlife.

As designated Wilderness, that land will become subject to specific management restrictions. Human activities will be restricted to non-motorized recreation, scientific research, and other non-invasive activities. Logging, mining, road building, mechanized vehicles, and other forms of development are generally prohibited in designated Wilderness areas. However, since these particular lands are in Alaska, some public motorized uses will be permitted for subsistence and traditional use. For example, subsistence hunting as well as limited backpacking and hiking will be allowed.

The Arctic Refuge is home to 250 species of wildlife. Drilling there would severely harm its abundant populations of polar bears, caribou, musk oxen, and snow geese, and the amount of commercially recoverable oil in the Refuge would satisfy only a very small percentage of our nation's need at any given time.

The Arctic National Wildlife Refuge is a pristine natural treasure that must be preserved for future generations. We do not have to choose between conservation and exploration when it comes to our energy future; we can do both simultaneously while moving toward a sustainable and diverse national energy policy.

I look forward to working with my colleagues to pass this important legislation.

By Mr. DURBIN:

S. 234. A bill to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the United States Post Office at 2105 East Cook Street in Springfield, IL, as the "Colonel John H. Wilson, Jr. Post Office Building," honoring the first African-American to achieve the rank of Colonel in the Illinois Reserves.

Colonel John H. Wilson, Jr., was born on December 28, 1918, in Springfield, IL. In 1942, he enlisted in World War II and served in five battle campaigns in Europe, including in General Patton's advance in France, for which he was awarded the Silver Star Medal.

In addition to his 14 years of active duty service, he served for 17 years in the Illinois Reserves. He served as group commander in Springfield from 1967-1973 and was promoted to Colonel in 1965, making him the first African-American to achieve that rank in the Illinois Reserves at that time. Upon his retirement in 1973, he was awarded the Legion of Merit from the Army.

In his civilian life, Col. Wilson worked for the United States Postal Service for 57 years. From time to time, he would stop by my office in Springfield to share news about our local post office and make sure our mail was being delivered on time. Whenever he could, he would stop by to see me in Washington.

Anyone who knew Col. Wilson also knew of his love for the Reserves. He was a life member of the U.S. Reserve Officers Association, President of the ROA Springfield Chapter from 1960-61 and President of the ROA Illinois Department from 1971-72.

He was also a commercial photographer, member of the Military Officers of America, and lifelong member of Holy Trinity Lutheran Church.

He died on August 30, 2008, in the same home of his birth. He is survived by his wife of 62 years, Lydie, and their two daughters, Shirley Wilson and Chantal Sneed.

Col. Wilson was a distinguished man of service. My hometown of Springfield, IL and our Nation is a better

place because of his lifelong commitment to his country.

I am grateful to Springfield Mayor Timothy Davlin, former Illinois National Guard Adjutant General Lou Myers, and the local branch of the American Postal Workers Union for their support of this legislation. I hope my colleagues will join me in enacting this tribute to Col. Wilson.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, shall be known and designated as the “Colonel John H. Wilson, Jr. Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Colonel John H. Wilson, Jr. Post Office Building”.

By Mr. SCHUMER (for himself and Mr. UDALL of Colorado):

S. 235. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of Colorado. Mr. President, I am proud to introduce the Credit Cardholders’ Bill of Rights today with my friend and colleague, Senator CHARLES SCHUMER. We are introducing this bill today as a way to add some commonsense rules to the laws governing the issuance of credit cards.

Commonsense rules are important at a time when many Americans are hurting and taking on more debt, even as credit card companies are making record profits. I hear often from hard-working, honest Coloradans who are asking only to be treated fairly by the credit card industry, whose deceptive practices have plagued consumers for years.

We need to act to bring greater fairness to the millions of Americans who need and use credit cards every day. I have heard from constituents across Colorado, asking me to help even the playing field on this issue.

They benefit from the widespread availability of consumer credit, and their use of that credit has been important to our economy. In fact, for many Americans, consumer credit is more than a convenience. It is something that many people need to use to pay for their everyday needs. For them, it is a necessity.

Of course, another word for credit is debt, and credit card debt has increased considerably in recent years. Overall, during the last decade, total credit card debt rose by about 70 percent, and this clearly has an effect on consumers.

Some polls have reported that about 70 percent of surveyed families said the quality of their lives is adversely affected by the extent of their debts, and young people are more worried about going deeply into debt than about a terrorist attack.

Some have argued that much of this debt was caused by recklessness and an erosion of financial responsibility. That was one of the main arguments advanced in support of the recent changes in the bankruptcy laws.

But while there was something to that argument, it was not the whole story and it put too much emphasis on borrowers alone. Instead of just focusing on borrowers, Congress should also do more to promote responsibility by those who provide the credit, and one place to start is with credit card companies.

That is the reason I have been working to make some commonsense changes in the rules for credit card companies.

I first introduced a bill to do that back in 2006, and reintroduced it again the following year. I am proud it won the support of an array of consumer groups as well as cosponsors from congressional districts across the country.

Last year, the House passed H.R. 5244, the Credit Cardholders’ Bill of Rights, a bill I introduced with Representative CAROLYN MALONEY, that includes many provisions based on my legislation.

The bill I am introducing today with Senator SCHUMER is almost identical to the House-passed bill. It includes protection against arbitrary interest rate increases. It will prevent cardholders who pay on time from being unfairly penalized. It will bar excessive fees and will require more fairness in the way payments are handled. And it will prohibit the use of “universal default” clauses—provisions that allow card issuers to impose a new, higher interest rate on a credit card account if there has been any change for the worse in the cardholder’s credit score—even if the change is unrelated to the credit card account.

The passage of this legislation is made more urgent by our Nation’s worsening financial crisis. I will work with Members of both parties to make these commonsense reforms and even the playing field for credit card consumers in Colorado and throughout the country.

By Mr. WYDEN (for himself, Mr. THUNE, Ms. KLOBUCHAR, and Ms. COLLINS):

S. 238. A bill to provide \$50 billion in new transportation infrastructure

funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, despite the record transportation funding that Congress provided in the 2005 Transportation Reauthorization bill—SAFETEA-LU—our Nation’s infrastructure is being stressed to the breaking point. Our ports and rail lines are at or near capacity. Our highways are clogged.

Congress is working with President-Elect Obama on an economic stimulus package that will probably include funding for “shovel-ready” transportation projects. But even that won’t come close to rehabilitating our Nation’s transportation infrastructure.

The American Society of Civil Engineers has noted that over the next 5 years \$1.6 trillion in investment is needed from all levels of government to keep our Nation’s current transportation system up to date. To put that into perspective, our Nation’s infrastructure needs roughly 1 times as much funding as was included in SAFETEA-LU.

The question is “Where do we find the transportation funding that our country needs to meet our transportation and our economic needs?”

Senator THUNE’s and my answer is to invest in America.

Everyone agrees that our country’s infrastructure needs are tremendous. Everyone agrees that our country needs to invest more in transportation. What Congress hasn’t been able to agree on is where to find the money. Gas taxes just don’t generate enough revenues to even begin to satisfy highway and transit needs.

In this budget climate, pots of extra Federal money are not just sitting around waiting to be used, and States surely don’t have any extra money either. Most have budget deficits. All the conventional funding sources are coming up short, so Senator THUNE and I think it’s time to think outside the box—and outside the trust funds. The Federal Government is about the only entity in the country that does not borrow money for capital projects, but in this climate it should and it must.

Senator THUNE and I have come up with a creative approach to provide \$50 billion of additional new funding for transportation projects our country desperately needs by issuing Build America Bonds. Our country’s needs are so great that we think funding should be made available that is in addition to SAFETEA-LU.

Our legislation is not a substitute for fixing the transportation trust fund. We still must address that problem, and later this year we must start on a

new Transportation bill. Our legislation is meant to provide extra money on top of regular transportation funding.

This money could not be earmarked by Congress. This will not fund any Senator's pet project. This money will be controlled by the States, and used for the projects they think are most critical.

An annual amount of approximately \$500 million from trade fees will be placed in an Infrastructure Finance Account and invested for the life of the bonds, which will generate more than enough to repay the entire \$50 billion principal amount.

That means the only cost to the Government is the "interest portion" on the bonds, which is in the form of tax credits. With this funding mechanism, as little as \$2 billion a year could generate the \$50 billion in funding for transportation infrastructure. I call that a very smart investment in our country's infrastructure.

This investment is badly needed.

Citizens stuck in traffic choking on exhaust need relief. Truckers who need to detour miles out of their way to avoid weight-limited bridges need relief. As our economy struggles with millions of workers losing their jobs, stagnating wages, the loss of even basic health benefits for many, and a mortgage market that is spiraling downward, the American economy desperately needs a shot in the arm.

The U.S. Department of Transportation estimates that each \$1 billion of funding for transportation directly produces nearly 50,000 jobs. So under the Wyden/Thune proposal the \$50 billion of new transportation funding will provide critical economic stimulus that will create up to 2.5 million family wage jobs.

This is an economic stimulus idea that will generate more funding for the economy now. It will create jobs. It's a chance for the Federal Government to hold up its end of the bargain with our States.

By Mrs. SHAHEEN (for herself and Mr. GREGG):

S. 239. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service hospital of the Veterans Health Administration in the State or receive comparable services provided by contract in the State; to the Committee on Veterans' Affairs.

Mrs. SHAHEEN. Mr. President, I rise to announce that I am introducing the Veterans Health Equity Act of 2009. This legislation requires the Department of Veterans Affairs to ensure that every State has either a full-service veterans hospital or, in the alternative, that veterans in every State have access to in-state hospital care and medical services comparable to the services provided in full-service hospitals.

New Hampshire is currently the only State that does not have a full-service veterans hospital or a military hospital that provides comparable care to veterans. This imposes a great burden on too many New Hampshire veterans who are forced to travel out of State for routine medical services. New Hampshire has over 130,000 veterans and this number is projected to grow over the next 10 years. It is unconscionable that New Hampshire veterans must board buses in order to be transported to Massachusetts to get necessary medical care. New Hampshire's entire congressional delegation, Senate and House, Republican and Democratic, is united in our commitment to end this unfair treatment of veterans. I am pleased the senior Senator from New Hampshire, JUDD GREGG, has agreed to cosponsor this legislation with me.

Our bill is companion legislation to that introduced last week in the House by Representative CAROL SHEA-PORTER and cosponsored by Representative PAUL HODES. I wish to take this opportunity to salute Representative SHEA-PORTER for the leadership she has shown on this issue.

Our goal is to ensure that New Hampshire veterans can get the care they need and deserve in-state. Our legislation provides the Veterans' Administration with flexibility to achieve this end. If it is not feasible for the VA to construct a new full-service hospital in New Hampshire or to restore full services at the VA hospital in Manchester, this legislation simply requires the Veterans' Administration to contract for comparable in-state care.

My father served in Europe during World War II, my husband is a Vietnam era vet from the Army, and my son-in-law Ryan recently served in the Air Force. I am proud of my family's service and the service of all the veterans of New Hampshire and across this country. Every freedom and right we enjoy today was paid for with the sacrifices of the men and women who have served in our Nation's Armed Forces.

Our veterans deserve first-rate medical care, regardless of where they live. There are full-service veterans hospitals in 47 States and veterans in Alaska and Hawaii are able to receive care at military hospitals. New Hampshire alone has neither. I am hopeful our colleagues will recognize this inequity and support our efforts to provide New Hampshire veterans with the same access to health care that veterans in every other State receive.

I look forward to working with New Hampshire's congressional delegation, with my Senate colleagues and with the new Obama administration to end this injustice.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Equity Act of 2009".

SEC. 2. AVAILABILITY OF FULL-SERVICE HOSPITAL OF THE VETERANS HEALTH ADMINISTRATION IN CERTAIN STATES OR PROVISION OF COMPARABLE SERVICES THROUGH CONTRACT WITH OTHER HEALTH CARE PROVIDERS IN THE STATE.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1716 the following new section:

"§ 1716A. Access to full-service hospitals in certain States or comparable services through contract

"(a) REQUIREMENT.—With respect to each of the 48 contiguous States, the Secretary shall ensure that veterans in the State eligible for hospital care and medical services under section 1710 of this title have access—

"(1) to at least one full-service hospital of the Veterans Health Administration in the State; or

"(2) to hospital care and medical services comparable to the services provided in full-service hospitals through contract with other health care providers in the State.

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to restrict the ability of the Secretary to provide enhanced care to an eligible veteran who resides in one State in a hospital of the Veterans Health Administration in another State."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1716 the following new item:

"1716A. Access to full-service hospitals in certain States or comparable services through contract."

(c) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report describing the extent to which the Secretary has complied with the requirement imposed by section 1716A of title 38, United States Code, as added by subsection (a), including the effect of such requirement on improving the quality and standards of care provided to veterans.

Mr. GREGG. Mr. President, I wish to discuss the Veteran's Health Equity Act, a bill that has been introduced by my friend from the other side of the aisle, Senator JEANNE SHAHEEN. I am pleased to start the 111th Congress in a bipartisan fashion and to support legislation that addresses an issue that is extremely important to our Nation's heroic military veterans, especially in my home State of New Hampshire.

This important piece of legislation, which I hope will have the Senate's full support, would require the Department of Veterans Affairs to guarantee that veterans in every State have access to in-state hospital care. More specifically, the Veteran's Health Equity Act would require the VA to either provide a full-service VA hospital in every State or contract with one or a number of full-service hospitals to provide veterans with a comparable level of care.

At this time, New Hampshire, like Alaska and Hawaii, is without a full-service VA hospital and veterans are being forced to travel to Maine, Massachusetts, and Vermont in order to receive necessary medical treatment. Oftentimes, especially during the winter months, interstate travel can be extremely dangerous in New England, and our veterans should not be forced to travel long distances in order to receive the medical care they have earned and deserve.

I will continue to press the VA until veterans have access to local, full-service medical care. Our Nation's veterans, who have selflessly served our country, are owed high-quality medical care in exchange for their courageous service. The Veteran's Health Equity Act will guarantee that they receive that care in a local health care facility.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 242. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I of that Act may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator ENSIGN to introduce legislation to ensure that Federal Title I education funds are targeted to help our Nation's neediest students learn.

Title I provides assistance to virtually every school district in the country, serving over 12.5 million children in low-income schools, including about 3 million California school children.

Although it has always been the intent of Congress for Title I funds to be used for academic instruction and instructional services, the Federal Government has never provided clear guidelines for how these important dollars should be used.

This lack of Federal guidance has become especially clear now, as States are struggling to comply with the Title I accountability standards established under "No Child Left Behind".

While State administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear as possible to States and school districts.

This legislation would define Title I direct and indirect instructional services.

It would set a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program.

It would ensure that the majority, 90 percent, of Title I funds are used to im-

prove academic achievement by stipulating that a school district may not use more than 10 percent of these funds for administrative or indirect instructional services.

By setting a standard for the amount of funds that school districts can spend on administrative or indirect services, we ensure that the majority of Title I dollars are used by districts to help improve student academic achievement.

Furthermore, by defining direct and indirect services, all States can apply the same standards for how Title I funds are used nationwide.

Examples of permissible Direct Services are: employing teachers and other instructional personnel, including employee benefits; intervening and taking corrective actions to improve student achievement; purchasing instructional resources such as books, materials, computers, and other instructional equipment; developing and administering curriculum, educational materials and assessments.

Examples of Indirect Services limited to no more than 10 percent of Title I expenditures are: business services relating to administering the program; purchasing or providing facilities maintenance or janitorial, gardening, or landscaping services or the payment of utility costs; buying food and paying for travel to and attendance at conferences or meetings, except if necessary for professional development.

Current law on Title I is much too vague.

It says, "a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds."

Basically, it says that Title I funds are to be used for the "education of pupils." This is too ambiguous.

The U.S. Department of Education has given States a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: construction or acquisition of real property; and payment to parents to attend a meeting or training session or to reimburse a parent for a salary lost due to attendance at a "parental involvement" meeting.

We should give the Department, States, and school districts clearer guidance in law.

During consideration of "No Child Left Behind," I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, that language was stripped out and in its place language was inserted directing the General Ac-

counting Office to report on how States use their Title I funds.

In April 2003, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent no more than 13 percent of Title I funds on administrative services, these findings were based on their own definition "because there is no common definition on what constitutes administrative expenditures."

Therefore, the accounting office could not precisely measure how much of schools' Title I funds were used for administration.

Because uses of Title I funds are not defined consistently throughout the States, the accounting office created its own definition by compiling aspects of State priorities to complete the report.

The very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions to their report.

The report highlights two concerns that I have with the lack of universal definitions in the Title I program: the lack of Federal guidance on effective uses of Title I funds; and the government's inability to accurately measure whether the academic needs of low-income students are being met.

This bill takes some strong steps by balancing the needs for States to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

My reasons for introducing this bill are two-fold: First, I believe that States must use their limited Federal Title I dollars for the fundamental purpose of providing academic instruction to help students learn.

Second, I believe that it is nearly impossible to achieve this fundamental purpose without providing a clear definition of what is considered an instructional service.

Federal funding is only about 8 percent of the total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why it is imperative to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve.

It is critical that Federal guidance be provided to ensure that Title I funds go where they are needed most—improving the academic performance of low-income children.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title I Education Funding Integrity Act of 2009".

SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

"(a) IN GENERAL.—

"(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this part only for direct instructional services and indirect instructional services.

"(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may use not more than 10 percent of funds received under this part for indirect instructional services.

"(b) INSTRUCTIONAL SERVICES.—

"(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'direct instructional services' means—

"(A) the implementation of instructional interventions and corrective actions to improve student achievement;

"(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

"(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

"(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

"(F) the development and administration of curricula, educational materials, and assessments;

"(G) the transportation of students to assist the students in improving academic achievement;

"(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

"(I) the provision of professional development for teachers and other instructional personnel.

"(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'indirect instructional services' includes—

"(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(B) the payment of travel and attendance costs at conferences or other meetings;

"(C) the payment of legal services;

"(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

"(E) any other services determined appropriate by the Secretary that indirectly improve student achievement."

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. ENSIGN, Ms. FEINGOLD, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEX-

ANDER, Mr. BURR, Mr. DODD, Ms. CANTWELL, and Mr. SANDERS):

S. 243. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to reintroduce a bill, the Giving Incentives to Volunteers Everywhere Act. In today's economic climate, Americans need relief—especially people who volunteer to help the less fortunate in their communities. We can't let an out-of-date mileage rate for volunteers who use their vehicles for charitable purposes exacerbate the pinch at the pump they are experiencing. Now, while it is true that gas prices have retreated from their historic highs since last summer, the principle still stands: the Internal Revenue Service, IRS, should have discretion in setting the mileage rate for charitable organizations. This legislation will provide immediate relief for volunteers serving our elderly, poor, frail, and at-risk Americans. I'm pleased that the senior Senator from Maine, Senator SNOWE, and my other colleagues, the senior Senator from New York, Senator SCHUMER, and the junior Senator from Nevada, Senator ENSIGN, have joined me in introducing this legislation. They have worked extremely hard on this issue. I would also like to thank Senators GRASSLEY, FEINGOLD, LEAHY, ALEXANDER, SANDERS, BURR, DODD, and CANTWELL for being original co-sponsors of this bill.

The Internal Revenue Code does not fix a rate for individuals who are required to use their own vehicle for work, or for individuals taking a mileage deduction for moving purposes. The IRS is able to increase the deduction amount for these purposes to reflect the current economic climate and dramatically higher fuel prices. This is exactly what the IRS recently did.

Last July, the IRS modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. The revised standard mileage rate for business purposes increased from 50.5 cents per mile to 58.5 cents. For medical and moving expenses, the IRS increased the rate from 19 cents per mile to 27 cents per mile. I think the Nation's volunteers who travel on behalf of charitable organizations deserve an increase in their mileage rate, too.

Just recently, the IRS again modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. As of January 1, the revised standard mileage rate for

business purposes was decreased from 58.5 cents to 55 cents. For medical and moving expenses, the IRS decreased the rate from 27 cents per mile to 24 cents per mile. This ability to change the rate due to the cost of gasoline or the economic climate is crucial and should be permitted for the Nation's charitable organizations.

My bill gives the IRS flexibility in setting the rate so that volunteers for charitable organizations could be given the same tax benefit accruing for moving, medical, and business expenses. It also provides a floor for volunteers, not allowing their rate to be set lower than the moving and medical rate. In today's climate of increasing food and fuel prices, this bill will help relieve some of the pressure on charitable organizations and their volunteers. Additionally, this bill will allow the organization to reimburse the volunteer up to the business rate without any tax impact to volunteers.

Take Meals on Wheels, for example. This organization delivers nutritious meals and other nutrition services to men and women who are elderly, homebound, disabled, frail, or otherwise at-risk. The services Meals on Wheels provides significantly improve the recipients' quality of life and health, and often help to postpone institutionalization.

Over the past year, there has been nearly a 20 percent increase in fuel and food prices, coupled with reduced government funding and fewer donations across the country. Nearly 60 percent of the estimated 5,000 programs that operate under the auspices of the Meals on Wheels Association of America have lost volunteers, in large part because it became too expensive for the volunteers to drive back and forth. Nearly half the programs have eliminated routes or consolidated meal services. About 38 percent of the programs have switched to delivering frozen meals, and about 30 percent are cutting personal visits from 5 days a week to one.

In Maryland, the Central Maryland Meals on Wheels has experienced an increase of 7 percent in food costs and suppliers are charging higher delivery fees. The cost to fill up the vans with gas has increased. Fuel costs averaged \$72,538.70 in fiscal year 2007; this year, the costs have jumped to \$86,790.63. This is an organization with volunteers serving over 3,100 elderly, disabled, frail, and at-risk Marylanders. Its volunteers deserve relief from high gas prices just as much as people who use their car for work or for medical purposes or for moving.

Throughout the United States, Meals on Wheels served over 3 million people and more than 250 million meals in fiscal year 2006. This is just one of thousands of charitable organizations. We need to encourage and support the Meals on Wheels volunteers and all other volunteers who need their cars to

help their neighbors and communities. The Giving Incentives to Volunteers Everywhere bill will do just that, and I hope my colleagues will support it.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Giving Incentives to Volunteers Everywhere Act of 2009" or the "GIVE Act of 2009".

SEC. 2. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

"(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

SEC. 3. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by adding at the end the following new section:

"SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.

"(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

"(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

"(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

"(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

"(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

"(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d)."

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chap-

ter 1 of such Code is amended by adding at the end the following new item:

"Sec. 139C. Charitable mileage reimbursement."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to miles traveled after the date of the enactment of this Act.

By Mr. KOHL (for himself, Mrs. LINCOLN, and Mr. CASEY):

S. 245. A bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, I rise today to introduce the Retooling the Health Care Workforce for an aging America Act, a bill that will address the impending and severe shortage of health care workers who are adequately trained and prepared to care for older Americans. The unfortunate fact of the matter is that while our country is aging rapidly, the number of health care workers devoted to caring for older Americans is experiencing a shortage—one that will only grow more desperate as the need for these caregivers skyrockets.

We face many challenges. We know that few nursing programs require coursework in geriatrics and that in medical schools, comprehensive geriatric training is a rarity. Currently, only one percent of all physicians are certified geriatricians, even as the population of older people is on track to double by 2030, and less than one percent of all nurses are certified gerontological nurses. Absent any change, by 2020, the supply of nurses in the United States will fall 29 percent below projected requirements, resulting in a severe shortage of nursing expertise relative to the demand for care of frail older adults.

Ensuring that health care workers are properly trained in the provision of care to our seniors is vital. For the direct care workforce, which includes home care aides and personal care attendants, we know that state training requirements vary enormously, despite the fact that studies show that more training is correlated with better staff recruitment and retention. We also know that family caregivers want enhanced education and training to develop the necessary skills to provide the best possible care for an ailing family member. There are more than 44 million people providing care for a family member or friend nationwide. These caregivers frequently do the same work as a professional caregiver, but they do so voluntarily and with little or no training. To their loved one, they are the doctor, the nurse, the assistant, the therapist, and oftentimes the sole source of emotional and financial support.

Fortunately, knowing what we need to change is half the battle. The bill I

introduce today will expand, train, and support the workforce that is dedicated to providing care for the older members of our population, incorporating the major recommendations for improving the skills and preparedness of the health care workforce put forth in the Institute of Medicine report, "Retooling for an Aging America: Building the Healthcare Workforce." It has the support of many national organizations, such as AARP, the American Health Care Association, the American Association of Homes and Services for the Aging, Consumers Union, Family Caregiver Alliance, the National Alliance for Caregiving, the National Association of Area Agencies on Aging, Alzheimer's Association, the American Geriatrics Society, the National Association for Home Care and Hospice, Paraprofessional HealthCare Institute, the American Association of Geriatric Psychiatry, Alliance for Aging Research, and The Catholic Health Association.

By the year 2020, it is estimated that the number of older adults in need of care will increase by one-third. The United States will not be able to meet the approaching demand for health care and long-term care without a workforce that is prepared for the job. Bolstering the health care workforce will be an integral part of national health care reform, and I look forward to working with Finance and HELP Committee leaders on incorporating this legislation into their policy proposals.

By Mr. DURBIN:

S. 246. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, in the fall of 2007, at least nine veterans died at the Marion VA Medical Center as a result of the poor medical care they received. We immediately learned that a VA surgeon, who had operated on some of these veterans, was not qualified to work at the VA but slipped through the hiring process. Later, VA investigations revealed much larger problems in the management of the facility—problems that employees kept secret out of fear for losing their jobs. Today, I am reintroducing legislation to help ensure that incidents like these never take place again at Marion or another VA medical center.

I asked the VA to investigate the circumstances surrounding these unfortunate deaths as soon as they came to light. The VA investigation revealed that Marion hospital management knew that doctors, including the surgeon at issue, were not properly

credentialed but failed to act. The surgeon remained employed at the Marion hospital and practiced there for more than a year. Had he not been hired to work at Marion, many of his patients may have survived their surgeries.

The VA investigation revealed additional quality of care issues at the Marion hospital. Management disregarded VA quality care directives in the face of serious patient incident reports and surgical data collected to ensure quality of care. They ignored or failed to recognize warning signs that there were problems in the surgical program.

The investigation also showed many Marion Medical Center employees feared reporting quality of care issues. They worried that quality of care might be suffering at the facility but hesitated to report those concerns for fear of losing their jobs. A primary reason is that such reports were funneled through management at the facility, rather than being handled by an independent and confidential outlet focused solely on quality of care.

The legislation I am introducing would improve quality of care across the VA medical care system.

First, it would improve the process of vetting doctors who apply to or work for the VA and restore accountability to physician hiring and retention practices.

Second, the legislation would expand the quality control programs in the VA health care system. The bill creates new quality assurance officer positions, gives VA employees new forums to raise concerns about the quality of care at a VA facility, without fear of retribution, and establishes strong peer review mechanisms for physicians.

Third, the legislation would create incentives to encourage high-quality doctors to practice at VA hospitals. In return for agreeing to practice in hard-to-serve areas, doctors and medical students could participate in student loan forgiveness and tuition reimbursement programs. Doctors would also be eligible to participate in the federal employee health insurance program.

Fourth, where practical, VA medical facilities would be required to establish affiliations with nearby medical schools. These partnerships would expose medical students to careers with the VA. In return, the VA would benefit from the energy and innovative ideas brought by students working in their facilities. In addition, VA hospitals would benefit from access to experienced medical school faculty members.

Finally, the bill would encourage the VA to increase its recruitment of experienced doctors who are willing to practice for our veterans. The VA must hire and retain only highly qualified doctors as it takes on these tremendous responsibilities.

Every one of the tragic deaths at the Marion VA hospital violated the obli-

gation our Nation owes to its veterans. Each of their lives can never be replaced. The Veterans Health Care Quality Improvement Act is a strong step toward avoiding such tragedies in the future and reestablishing trust in the veterans health care system.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Mr. SCHUMER):

S. 247. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the "Accelerated Retirement of Inefficient Vehicles Act." This legislation is cosponsored by Senators SUSAN COLLINS and CHARLES SCHUMER. A companion bill is also being introduced today in the House of Representatives by Mr. ISRAEL and Mr. INSLEE.

Let me first acknowledge the important role of one of my colleagues, Senator SALAZAR, who initiated much of the thought and drafting for this legislation at the end of the last Congress. I thank him for his leadership, and I thank him for letting us take up the work needed to move this bill forward as he begins to transition into his new role with the incoming Obama administration.

Last Congress, we successfully enacted legislation—which I authored with Senator SNOWE and others—to improve the fuel efficiency of America's fleet of new cars, trucks and SUVs by 10 miles per gallon over 10 years, or from 25 miles per gallon to at least 35 miles per gallon by 2020.

But the fact is that we face real challenges with trying to encourage drivers to trade in their older, less fuel efficient vehicles for a cleaner and more fuel efficient vehicle—particularly in this tough economic climate.

This bill is designed to address that problem.

First, let me explain this legislation.

This bill would establish an incentive program at the Department of Energy to provide a voucher, or coupon, of between \$2,500 to \$4,500 to a consumer who trades in an inefficient, used vehicle for a much more efficient car, truck, or SUV.

The traded-in vehicles—which must be then dismantled or scrapped—must meet the following requirements; have a fuel economy of no more than 18 miles per gallons, be in drivable condition, and have been registered for at least the past 120 days.

To receive the benefit of the coupon, purchased vehicles must exceed Corporate Average Fuel Economy, CAFE, Standards for that class of vehicle by at least 25 percent and have a suggested retail price below \$45,000.

The size of the coupon varies based upon the expected oil savings created by trading in the vehicle.

The voucher program will be set up to provide larger credits to new, more recent vehicles that would otherwise be on the road for many more years, while older "clunker" models would be eligible for smaller credits.

The bill specifies that during the first year of the program, vouchers will be issued for the following amounts: For model year 2002 and later: new vehicle: \$4,500, used vehicle: \$3,000, transit fare credit: \$3,000. For model year 1999–2001: new vehicle: \$3,000, used vehicle: \$2,000, transit fare credit: \$2,000. For model year 1998 and earlier: new vehicle: \$2,500, used vehicle: \$1,500, transit fare credit: \$1,500. In each subsequent year, 2010, 2011, and 2012, the model years would be advanced by 1 year.

Vouchers would be eligible for redemption for up to 2 years after the date of issuance, and no individual would be eligible to obtain more than one voucher in any 3-year period.

Dealers, dismantlers and scrap recycling facilities would also be eligible for a payment of \$50 per vehicle, or an alternative amount to be specified by the Secretary of Energy.

Simply put, this legislation offers a unique opportunity to both stimulate automobile industry sales and reduce vehicular oil use, creating a win-win policy for all involved.

As we know, our Nation's automobile industry is in serious trouble.

Chrysler, General Motors, and Ford have all asserted in their recent viability plans that their dire financial situation is a direct result of the collapse in automobile sales.

The new car sales rate has dropped to less than 11 million vehicles sold annually, compared to the 16.2 million vehicles sold in the United States in 2007.

The major Detroit and Japanese carmakers all reported double digit sales drops for December. General Motors reported sales dropped 31 percent; Ford Motor Co. reported a drop of 32 percent; Chrysler LLC reported sales plummeted 53 percent; Honda Motor Co. said its sales fell 34 percent; Nissan North America said its sales fell 30 percent and Toyota Motor Co. said its U.S. sales fell 37 percent.

Bottom line: The automobile companies are all in trouble because far fewer people are buying automobiles.

According to J.D. Power and Associates, this has produced dealer lots full of vehicles that can't be sold. Over the past year the number of days that a vehicle sits on a lot has almost doubled.

The problem is most severe for Chrysler, GM and Ford. Their vehicles all sat on dealer lots for in excess of 100 days last year.

By encouraging automobile sales, this legislation would go a long way to addressing the significant troubles that

America's once mighty car industry now faces.

While emergency bridge loans help auto companies make payroll, only stimulating automobile sales will cure the disease that confronts the automobile sector.

By creating a voucher system for the purchase of a vehicle with certain attributes, this legislation would stimulate sales at precisely the right moment.

Perhaps that is why General Motors went out of its way to endorse this kind of program in its recent Viability Plan, recommended "tax credits for scrapping older, higher-carbon emitting vehicles."

This legislation would also assist owners of the least efficient vehicles who are least likely to trade their cars in for something more efficient.

The trade-in value of inefficient vehicles has plummeted, making a trade-in financially difficult.

In a November 2008 analysis, Kelley Blue Book concluded: "[T]his year's vehicles with the lowest retained value include vehicles that are not fuel friendly with large V-8 engines. . . . These gas misers . . . will only maintain 20 percent of their original value after five years of ownership."

Bottom line: The legislation is stimulus of the most important kind. It would provide incentives for new vehicle sales, incentivize the trade-in of inefficient vehicles, and reward consumers who want to reduce their oil use and carbon footprint.

This proposal also provides important benefits for the environment—and addressing the challenges of climate change.

I have been a long time champion of increasing fuel economy standards, and I was extremely proud to have authored the new fuel economy law with Senator SNOWE, which was enacted by Congress and signed into law in December 2007.

But new CAFE standards will not take effect until model year 2011. They cannot make up for our failure to increase standards for the past 3 decades.

The bill we are introducing today would target the very vehicles that CAFE standards are unable to reach: older fuel-inefficient cars, trucks and SUVs

It will provide incentives to consumers who wish to buy the most efficient vehicles available during the 2 years before the new CAFE standards will require improvement.

It will provide incentives to remove the most inefficient vehicles that would have never been part of the fleet had Congress acted to increase CAFE standards 5 years ago.

The result is considerable oil savings and significant reductions of greenhouse gas emissions.

According to analysis by the non-partisan American Council for an Energy

Efficient Economy, ACEEE, by 2013 this legislation would prompt the trade in of between 500,000 and 1 million of the dirtiest, least efficient vehicles on the road today.

As a result, by 2013 between 40,000 and 80,000 fewer barrels of oil per day will be burned; between 6.6 million metric tons and 13.3 million metric tons of carbon dioxide per year will not be emitted.

This is the equivalent of removing between 1.1 million and 2.2 million cars from the road.

In our current economic and environmental circumstance, there are few opportunities to both help the automobile industry evolve and improve the fuel economy of the fleet.

This idea—providing consumers with an incentive to trade in their inefficient vehicle for something far better—will stimulate the economy and save oil, and I encourage my colleagues to support it.

I strongly encourage the Obama administration and the Appropriations Committee to authorize and fund this proposal in the stimulus.

I am committed to advancing the goals of stimulus and fuel savings, and have put what I believe to be the best proposal to meet these goals.

I understand that within the details of this idea, there may be different views. I am open to suggestions that improve the structure of the program proposed by this legislation, and ask my colleagues to communicate their thoughts soon.

Finally, I hope non-related matters—such as trade policy—will not prevent my colleagues from supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accelerated Retirement of Inefficient Vehicles Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) **AUTOMOBILE; MANUFACTURER; MODEL; MODEL YEAR.**—The terms "automobile", "manufacturer", "model", and "model year" have the meanings given such terms in section 32901(a) of title 49, United States Code.

(2) **CERTIFICATE OF TITLE.**—The term "certificate of title" means a State-issued document showing ownership of an automobile.

(3) **DEALER.**—The term "dealer" means a person residing in a State that engages in the sale, lease, or distribution of new automobiles to the first person (except a dealer buying as a dealer) that is an ultimate purchaser.

(4) **DISMANTLER.**—The term "dismantler" means a person residing in a State who is licensed to operate a business employing 3 or

more persons to take automobiles apart for the purpose of reclaiming usable parts and recyclable materials.

(5) **ELIGIBLE FLEET OPERATOR.**—The term "eligible fleet operator" means—

(A) the operator of a fleet of automobiles that is owned by a State, Indian tribe, or local government; or

(B) the owner of 2 or more automobiles authorized to carry passengers for hire under State, tribal, or local regulations governing the operation of taxi cabs.

(6) **ELIGIBLE HIGH FUEL CONSUMPTION AUTOMOBILE.**—The term "eligible high fuel consumption automobile" means a high fuel consumption automobile that, at the time it is presented for participation in the program established under section 3—

(A) is in drivable condition; and

(B) has been continuously registered and licensed to operate in any State for a period of not fewer than 120 consecutive days for operation on public roads.

(7) **FUEL EFFICIENT AUTOMOBILE.**—The term "fuel efficient automobile" means an automobile manufactured for any model year after 2003 that, at the time of the original sale to a consumer—

(A) carries a manufacturer's suggested retail price of \$45,000 or less;

(B) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(C) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803-01 of title 40, Code of Federal Regulations); and

(D)(i) for automobiles manufactured in any of the model years 2004 through 2010, achieves a measured fuel economy level that exceeds by 25 percent the fuel economy standard prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, for the model year and compliance category of such automobile; or

(ii) for automobiles manufactured for any model year after 2010, achieves a measured fuel economy level that exceeds by 25 percent the fuel economy target prescribed by the Secretary of Transportation under such section 32902 for the model year and automobile attribute group into which such automobile is classified.

(8) **HIGH FUEL CONSUMPTION AUTOMOBILE.**—The term "high fuel consumption automobile" means an automobile manufactured for any model year before 2008 for which the originally certified measured fuel economy level is less than 18 miles per gallon.

(9) **MEASURED FUEL ECONOMY LEVEL.**—The term "measured fuel economy level" means the fuel economy level of a new automobile model measured in accordance with section 32904 of title 49, United States Code, and regulations prescribed thereunder.

(10) **NEW AUTOMOBILE.**—The term "new automobile" means an automobile for which a manufacturer, distributor, or dealer has never transferred the equitable or legal title to such automobile to an ultimate purchaser.

(11) **NONPASSENGER AUTOMOBILE.**—The term "nonpassenger automobile" means an automobile classified as a light truck under part 523 of title 49, Code of Federal Regulations.

(12) **PERSON.**—The term "person" has the meaning given such term in section 551 of title 5, United States Code.

(13) **PROGRAM.**—The term "Program" means the Accelerated Retirement of Inefficient Vehicles Program established under section 3.

(14) **REGISTERED OWNER.**—The term "registered owner" means, with respect to an

automobile, the person whose name appears on the current State certificate of registration for such automobile.

(15) **SCRAP RECYCLING FACILITY.**—The term “scrap recycling facility” means a business—

(A) employing 3 or more individuals at a fixed location in a State, where machinery and equipment are utilized for processing and manufacturing scrap metal into prepared grades; and

(B) whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

(16) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(17) **STATE.**—The term “State” has the meaning given such term in section 32101 of title 49, United States Code.

(18) **ULTIMATE PURCHASER.**—The term “ultimate purchaser” means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(19) **VOUCHER.**—The term “voucher” means a voucher issued to the registered owner of an eligible high fuel consumption automobile under section 3(a).

SEC. 3. ACCELERATED RETIREMENT OF INEFFICIENT VEHICLES PROGRAM.

(a) **ESTABLISHMENT.**—There is established in the Department of Energy a program to be known as the “Accelerated Retirement of Inefficient Vehicles Program”, through which the Secretary shall—

(1) authorize the issuance of a voucher, subject to the limitations described in subsection (e)(1), to any person or eligible fleet operator who is a registered owner of an eligible high fuel consumption automobile, which voucher may be used solely by such person or eligible fleet operator for the purchase of a new or used fuel efficient automobile upon the transfer of the certificate of title to such high fuel consumption automobile to a dealer, dismantler, or scrap recycling facility participating in the Program;

(2) allow any dealer, dismantler, or scrap recycling facility to participate in the Program if the dealer, dismantler, or scrap recycling facility agrees to—

(A) scrap any eligible high fuel consumption automobile upon receiving the certificate of title to such automobile pursuant to the Program;

(B) issue a voucher to the registered owner of such automobile;

(C) certify to the Secretary that such automobile has been crushed or shredded in accordance with subsection (e)(4); and

(D) comply with all applicable requirements under this Act and any regulations promulgated by the Secretary to carry out this Act;

(3) require that all dealers accept vouchers presented by a person or eligible fleet operator described in paragraph (1) as partial payment for the purchase of a new or used fuel efficient automobile; and

(4) make payments to dealers for vouchers accepted by such dealers under paragraph (3) between January 1, 2009 and December 31, 2014, in accordance with the provisions of this section.

(b) **AMOUNT OF VOUCHER.**—

(1) **VOUCHER REDEMPTION VALUE IF USED TOWARD PURCHASE OF NEW FUEL EFFICIENT AUTOMOBILE.**—A voucher issued under the Program during the 4-year period beginning on January 1, 2009, may be applied to offset the purchase price of a new fuel efficient automobile by—

(A) \$4,500 if the eligible high fuel consumption automobile was manufactured for a model year that is 7 or fewer years less than

the calendar year in which the voucher was issued;

(B) \$3,000 if the eligible high fuel consumption automobile was manufactured for a model year that is 8 to 10 years less than the calendar year in which the voucher was issued; and

(C) \$2,500 if the eligible high fuel consumption automobile was manufactured for a model year that is 11 or more years less than the calendar year in which the voucher was issued.

(2) **VOUCHER REDEMPTION VALUE IF USED TOWARD PURCHASE OF USED FUEL EFFICIENT AUTOMOBILE.**—A voucher issued under the Program during the 4-year period beginning on January 1, 2009, may be applied to offset the purchase price of a used fuel efficient automobile by—

(A) \$3,000 if the eligible high fuel consumption automobile was manufactured for a model year that is 7 or fewer years less than the calendar year in which the voucher was issued;

(B) \$2,000 if the eligible high fuel consumption automobile was manufactured for a model year that is 8 to 10 years less than the calendar year in which the voucher was issued; and

(C) \$1,500 if the eligible high fuel consumption automobile was manufactured for a model year that is 11 or more years less than the calendar year in which the voucher was issued.

(3) **VOUCHER REDEMPTION VALUE IF USED TOWARD PURCHASE OF A HIGHLY FUEL EFFICIENT AUTOMOBILE.**—The values determined under paragraphs (1) or (2) shall be increased by \$1,000 if the voucher issued under the Program is applied to offset the purchase price of a fuel efficient automobile that achieves a measured fuel economy level that exceeds by 50 percent the fuel economy standard prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, for the model year and compliance category of such automobile.

(4) **VOUCHER REDEMPTION VALUE IF USED FOR TRANSIT FARE CREDITS.**—A voucher issued under the program during the 4-year period beginning on January 1, 2009, may be applied to acquire single-passenger transit fare credits from participating transit operators in an amount equal to the amounts provided under paragraph (2).

(c) **ADMINISTRATIVE PAYMENTS TO PARTICIPATING DEALERS, DISMANTLERS, AND SCRAP RECYCLING FACILITIES.**—The Secretary shall provide for a payment of \$50, or another amount determined reasonable by the Secretary, to participating dealers, dismantlers, and scrap recycling facilities for each voucher issued under the Program in consideration of the administrative costs related to such issuance.

(d) **LISTS OF ELIGIBLE AUTOMOBILES TO BE MAINTAINED.**—The Secretary, in cooperation with the Secretary of Transportation, shall prepare, maintain, publicize, and make available through the Internet, lists of automobiles, classified by make and model, which are classified under this section as—

(1) eligible high fuel consumption automobiles;

(2) new fuel efficient automobiles; or

(3) used fuel efficient automobiles.

(e) **PROGRAM SPECIFICATIONS.**—

(1) **LIMITATIONS.**—

(A) **VOUCHERS PER PERSON.**—Not more than 1 voucher may be issued to a person in any period of 3 successive calendar years. A person may be issued a voucher if the person demonstrates, in a manner prescribed by rule by the Secretary, that such person—

(i) is the registered owner of an eligible high fuel consumption automobile; and

(ii) attests that such high fuel consumption automobile has not been imported into the United States during the previous 4-month period.

(B) **VOUCHERS FOR ELIGIBLE FLEETS.**—A voucher for the purchase of a new or used fuel efficient automobile from a dealer may be issued to an eligible fleet operator for each eligible high fuel consumption automobile for which such eligible fleet operator is the registered owner, as demonstrated in a manner prescribed by rule by the Secretary.

(C) **OFFSET.**—A dealer—

(i) shall credit the amount of the voucher being applied toward the purchase of a fuel efficient automobile; and

(ii) may not offset the amount of the voucher against any other rebate or discount otherwise being offered by the dealer or manufacturer.

(D) **JOINT OWNERSHIP.**—Not more than 1 voucher may be issued to the joint owners of an eligible high fuel consumption automobile, unless such automobile is operated by an eligible fleet operator.

(E) **NO COMBINATION OF VOUCHERS.**—A person may not apply 2 or more vouchers issued under the Program toward the purchase of a single fuel efficient automobile.

(F) **COMBINATION WITH OTHER INCENTIVES PERMITTED.**—Notwithstanding any other provision of law, the availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase of a fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person or eligible fleet operator otherwise eligible to receive such a voucher.

(G) **DURATION.**—Each voucher shall expire 2 years after the date on which the voucher is issued and may not be renewed.

(H) **PROMPT FULFILLMENT OF REDEMPTION REQUESTS REQUIRED.**—The Secretary shall provide for the payment of all vouchers submitted to the Secretary for redemption in accordance with the provisions of this Act not later than 60 days after such submission, or within such lesser period as the Secretary determines to be practicable.

(I) **NUMBER AND AMOUNT.**—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) **CONSUMER EDUCATION PROGRAM.**—The Secretary shall carry out a consumer education program aimed at informing persons about the Program, its fuel economy purposes, and the availability of vouchers under the Program.

(3) **TRANSIT FARE CREDITS.**—The Secretary shall promulgate regulations that allow operators of bus and rail public transit systems to redeem vouchers properly issued to any person under this Act to offset the purchase price of annual transit passes or any other form of individual transit fare credit designated by the transit system operator. Participating transit system operators shall establish the terms and conditions for the ownership, use, and expiration of any transit fare credits acquired through the use of a voucher issued under this Act.

(4) **DISPOSITION OF ELIGIBLE HIGH FUEL CONSUMPTION AUTOMOBILES.**—

(A) **IN GENERAL.**—Any automobile dealer, dismantler, or scrap recycling facility who receives a certificate of title to any eligible high fuel consumption automobile in exchange for a voucher under the Program shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such automobile and engine—

(i) have been crushed or shredded within such period as the Secretary prescribes;

(ii) have been processed prior to crushing or shredding to ensure the removal and appropriate disposition of refrigerants, anti-freeze, lead products, mercury switches, and such other toxic or hazardous vehicle components as the Secretary may specify by rule; and

(iii) have not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a dismantler from—

(i) selling any parts of such scrapped automobile other than the engine block and drive train for use as replacement parts; or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System is appropriately updated to reflect the crushing or shredding of high fuel consumption automobiles under this section.

(f) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the Program, including—

(1) the removal and disposition of toxic or hazardous materials from eligible high fuel consumption vehicles presented for participation in the program; and

(2) the enforcement of the penalties described in section 4.

(g) DISCLAIMER.—Nothing in this Act or any other provision of law limits the authority of Congress or the Secretary to terminate or limit the Program or the issuance of vouchers under the Program.

SEC. 4. PENALTIES.

(a) VIOLATION.—It shall be unlawful for any person to violate any provision under this Act or any regulations issued pursuant to section 3(f).

(b) PENALTIES.—Any person who commits a violation described in subsection (a) shall be liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation shall be deemed to have occurred for each day the person continues to be in violation of any provision under this Act.

SEC. 5. REPORT.

The Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives every 6 months that specifies, for the most recent 6-month period—

(1) the number of vouchers which have been used under the Program; and

(2) the make, model, model year, location of sale, and manufacturing location of each vehicle traded in or purchased under the Program.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, for each of the fiscal years 2009 through 2014, such sums as may be necessary to carry out this Act, which sums shall remain available until expended.

By Mr. BOND:

S. 248. A bill to prohibit the use of certain interrogation techniques and for other purposes; to the Select Committee on Intelligence.

Mr. BOND. Mr. President, I rise to introduce the Limitations on Interrogation Techniques Act of 2009. This bill is

identical to one I introduced last summer, along with Senators HATCH, CHAMBLISS, BURR, and WARNER. Last week, my colleague and good friend on the Intelligence Committee, Senator FEINSTEIN, introduced a bill that, among other things, requires all intelligence interrogations to be conducted only in accordance with the Army Field Manual. The Army Field Manual was designed to monitor and to describe the techniques which could be used by the many thousands and tens of thousands of Army personnel who might be engaged in interrogating people caught in field operations. Unfortunately, I believe this is the wrong approach.

First, the Army Field Manual is a document that can be changed by the Secretary of the Army without ever coming back to Congress. It was meant to deal with Army personnel—the fine men and women of the Army. The next problem is that by setting legislative standards according to a departmental policy manual, Congress, in effect, would be ceding our legislative function to the Secretary of the Army. Even more importantly, I don't believe we should have a one-size-fits-all approach when we are talking about interrogations that would be conducted by the military or the FBI over here or the CIA over here and a host of other different agencies, all with different missions and priorities.

Mr. President, if you have followed the history of intelligence from the post-9/11 system, you know there are certain high-value detainees—who are captured on infrequent occasions—who are questioned at length by skilled interrogators to find out the details of potential plans of which they know—attacks on allies or in our country. It is different from capturing somebody in the field who might be able to yield tactical intelligence but certainly has no strategic intelligence. We are much safer today because we have been able to garner intelligence from high-value detainees who have known about a broad range of people involved and those potential operations they may undertake.

The final, and perhaps the most important reason not to limit interrogation techniques for other agencies beyond the Army—to limit them to that published in the field manual—is because broadcasting to al-Qaida and other terrorists exactly what techniques will be used in interrogating them is a recipe for failure. We know these high-value targets, the people who are leaders of these organizations, will train for whatever techniques we tell them we are using. It is not too hard to figure out that if we tell them with certainty only 19 techniques listed in the field manual will be used, they will train to resist them, and the net result will be we will not get any more intelligence.

The bill I am introducing does not have that flaw. Rather than authorizing intelligence agencies to use only those techniques that are allowed in the Army Field Manual—the AFM—I believe the better approach, if any change needs to be made to current law, is to preclude the use of specific techniques that are prohibited under the AFM. Specifically, the bill says you cannot use interrogation techniques; No. 1, forcing the individual to be naked, to perform sexual acts or pose in a sexual manner; No. 2, placing hoods or sacks over the heads of individuals or using duct tape over the individual's eyes; No. 3, applying beatings, electric shock, burns or similar forms of physical pain; No. 4, using the technique known as waterboarding; No. 5, using military working dogs; No. 6, inducing hypothermia or heat injury; No. 7, conducting mock executions; or, No. 8, depriving the individuals of adequate food, water, or medical care.

Now, these list the kinds of techniques that are generally described as torture. Let me assure you there are many techniques which are similar in degree of duress to those permitted in the Army Field Manual. The reason to be able to use others is because the most important part of any interrogation technique is the unknown. When the detainee does not know what techniques are permitted, then the detainee does not know what to expect. Under those circumstances, even though the techniques are no more harsh, no more painful than Army Field Manual techniques, there is a much greater chance a skilled interrogator will get that information.

I believe in this way Congress can state clearly that harsh interrogation techniques will not be permissible without advertising the techniques that are permissible. The Intelligence Committee will be briefed on any techniques that are considered for use and have the opportunity to object to anything we believe should not be permissible. This new approach allows for the possibility that new techniques that are not explicitly authorized in the Army Field Manual but which comply with law may be developed in the future.

I invite my colleagues to join me in supporting this legislation. This legislation establishes an important principle, and I hope we can adopt this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 22. Mr. REID (for Mr. NELSON, of Florida) proposed an amendment to the resolution S. Res. 13, congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship.

TEXT OF AMENDMENTS

SA 22. Mr. REID (for Mr. NELSON, OF FLORIDA) proposed an amendment to the resolution S. Res. 13, congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship; as follows:

On page 3, strike lines 11 through 18 and insert the following:

(A) President of the University of Florida, J. Bernard Machen;

(B) Athletic Director of the University of Florida, Jeremy N. Foley; and

(C) Head Coach of the University of Florida football team, Urban Meyer.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 10 a.m. in room G50 of the Dirksen Senate Office Building to consider the nomination of Gov. Thomas J. Vilsack, of Iowa, to be Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, January 14, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing on the nominations of Lisa P. Jackson to be Administrator of the U.S. Environmental Protection Agency and Nancy Helen Sutley to be Chairman of the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 2 p.m. to consider the nomination of Peter R. Orszag to be Director, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, January 14, 2009, at 10 a.m. to conduct a hearing on the nomination of General Eric Shinseki to be Secretary of the Department of Veterans Affairs. The committee will meet in room 106 of the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. I ask unanimous consent that Ryan Levesque be granted the privileges of the floor for the duration of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE UNIVERSITY OF FLORIDA FOOTBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 13 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that a Nelson of Florida amendment, which is at the desk, be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 22) was agreed to, as follows:

On page 3, strike lines 11 through 18 and insert the following:

(A) President of the University of Florida, J. Bernard Machen;

(B) Athletic Director of the University of Florida, Jeremy N. Foley; and

(C) Head Coach of the University of Florida football team, Urban Meyer.

The resolution (S. Res. 13), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 13

Whereas on January 8, 2009, before a crowd of more than 78,000 fans in Miami, Florida, the University of Florida Gators won the 2008 Bowl Championship Series (BCS) national

title with a stunning 24-14 triumph over the University of Oklahoma Sooners;

Whereas the University of Florida is one of the premier academic institutions in the State of Florida;

Whereas the University of Florida Gators captured the Southeastern Conference championship title on December 6, 2008;

Whereas University of Florida football Head Coach Urban Meyer has won two BCS national championship games in the past 3 years;

Whereas University of Florida quarterback Tim Tebow was named the Most Outstanding Player of the BCS national title;

Whereas Tim Tebow won the Maxwell Award for the second time in 2 years;

Whereas the University of Florida defense held the University of Oklahoma to only 363 yards of offense in the BCS championship game;

Whereas the Gators finished 2008 ranked first in the Associated Press Poll and first in the Coaches Poll;

Whereas the Gators finished the 2008 season with a record of 13-1;

Whereas the University of Florida student athletes are among the most talented in the Nation;

Whereas University of Florida fans worldwide supported and encouraged the Gators throughout the football season;

Whereas University of Florida President J. Bernard Machen and Athletic Director Jeremy N. Foley have shown great leadership in bringing success and glory to the University of Florida; and

Whereas the University of Florida students, faculty, alumni, and all Gator fans are deeply committed to bringing pride to the University of Florida and the entire State of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida Gators for winning the 2008 Bowl Championship Series (BCS) national championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Florida Gators win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) President of the University of Florida, J. Bernard Machen;

(B) Athletic Director of the University of Florida, Jeremy N. Foley; and

(C) Head Coach of the University of Florida football team, Urban Meyer.

ORDERS FOR THURSDAY, JANUARY 15, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Thursday, January 15, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then be in a period for the transaction of morning business until 12 noon; that following morning business, the Senate resume consideration of S. 22, the lands bill; and that any time during any adjournment or morning business count against cloture. During the time we are in morning business tomorrow, I ask

unanimous consent that Senator Biden, the new Vice President, be permitted to speak at 10 o'clock in the morning and that at 11 o'clock, the new Secretary of State be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator SALAZAR is also going to be a member of the new Cabinet, and we will work out a time for him tomorrow to speak. Under the agreement, we have a vote at noon, so we will see how long the other speeches are. Maybe he can do his before noon; otherwise, we will work out a time tomorrow when he can speak.

Also, tomorrow Roland Burris is going to take the oath of office and become a U.S. Senator. That will be at 2 o'clock.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:35 p.m., adjourned until Thursday, January 15, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL W. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES J. CARROLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BART O. IDDINS

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL PETER M. AYLWARD

BRIGADIER GENERAL GRANT L. HAYDEN
BRIGADIER GENERAL DAVID L. JENNETTE, JR.
BRIGADIER GENERAL ROBERT E. LIVINGSTON, JR.
BRIGADIER GENERAL WILLIAM M. MALOAN
BRIGADIER GENERAL RANDY E. MANNER
BRIGADIER GENERAL RANDALL R. MARCHI
BRIGADIER GENERAL STUART C. PIKE
BRIGADIER GENERAL EDDY M. SPURGIN
BRIGADIER GENERAL CHARLES L. YRIARTE

To be brigadier general

COLONEL DENNIS J. ADAMS
COLONEL ROBBIE L. ASHER
COLONEL CHRISTOPHER D. BISHOP
COLONEL GLENN A. BRAMHALL
COLONEL DOMINIC A. CARIELLO
COLONEL ROBERT C. CLOUSE, JR.
COLONEL ROBERT W. ENZENAUER
COLONEL PETER J. FAGAN
COLONEL JACK R. FOX
COLONEL WILTON S. GORSKE
COLONEL LOUIS H. GUERNSEY, JR.
COLONEL STEPHEN L. HUXTABLE
COLONEL TIMOTHY J. KADAVY
COLONEL JAMES E. KEIGHLEY
COLONEL GERALD W. KETCHUM
COLONEL LEONARD H. KISER
COLONEL TIMOTHY L. LAKE
COLONEL GREGORY A. LUSK
COLONEL DAVID V. MATAKAS
COLONEL OWEN W. MONCONDUIT
COLONEL TIMOTHY E. ORR
COLONEL WILLIAM R. PHILLIPS II
COLONEL RENALDO RIVERA
COLONEL KENNETH C. ROBERTS
COLONEL STEPHEN G. SANDERS
COLONEL WILLIAM L. SMITH
COLONEL MICHAEL A. STONE
COLONEL SCOTT L. THOELE
COLONEL ROBERT L. TUCKER, JR.
COLONEL CHARLES R. VEIT
COLONEL ROY S. WEBB
COLONEL MICHAEL T. WHITE

HOUSE OF REPRESENTATIVES—Wednesday, January 14, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 14, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Silvester S. Beaman, Bethel African Methodist Episcopal Church, Wilmington, Delaware, offered the following prayer:

Almighty God, the focus of our adoration, the hope of our salvation and the source of our strength.

In this immense Hall for which the reverberating echoes of great men and women have raised their voices for the cause of justice, liberty and equality, we pause to surrender to Your sovereign authority.

We invoke Your presence. We petition You for wisdom. We await Your effectual power.

A Nation and world look to this deliberative body to be a voice for the voiceless, help for the hurting, and inspiration for the weary. Give us courage for our times. In the season of celebration, help us to see the transformative light of faith that inspired Mahatma Gandhi, Malcolm X, and Martin Luther King, that transcends the things that divide and help us to hold fast to those universal principles that unite.

God, may our motives, words, actions, and love define us in these, our defining moments, by Your grace and according to Your will.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come

forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 60. An act to prohibit the sale and counterfeiting of Presidential inaugural tickets.

WELCOMING REV. DR. SILVESTER S. BEAMAN

The SPEAKER pro tempore. Without objection, the gentleman from Delaware, Congressman CASTLE, is recognized for 1 minute.

There was no objection.

Mr. CASTLE. Madam Speaker, it gives me great pleasure to recognize and to thank Rev. Silvester Beaman, pastor of the Bethel African Methodist Episcopal Church in my hometown of Wilmington, Delaware, for leading the House in prayer this morning.

Pastor Beaman's prayer, asking this body to be a voice for the voiceless, to help the hurting and to inspire the weary is a message for all of us which we should carry forward each and every day.

Pastor Beaman is widely known for his passionate and uplifting sermons. When I visit his congregation, I am welcomed with open arms by an enthusiastic group of individuals. He has worked to grow his church to more than 2,000 members, and he oversees a youth mentoring program, a senior citizens ministry and an AIDS task force. His compassion has no limits, and his enthusiasm cannot be contained. It is for these reasons that I have asked him to come before us today and to lead us in prayer.

I would be remiss if I did not recognize Pastor Beaman's wife and childhood sweetheart, Renee, and daughter, Asaiah, who are also with us today.

Pastor Beaman, thank you for being here and for sharing your blessing with the U.S. House of Representatives.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 5, 111th Congress, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Energy Independence and Global Warming:

Mr. MARKEY, Massachusetts, Chairman.

Mr. SENSENBRENNER, Wisconsin.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HONORING THE SOUTH COBB HIGH SCHOOL MARCHING BAND

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. SCOTT of Georgia. Madam Speaker, I rise today to speak to the Nation and to honor the South Cobb High School marching band—the Blue Eagle Band—for being selected to march for Barack Obama, the first African American to be elected President, in this extraordinary and historic inaugural parade.

This is an extraordinary story, Madam Speaker, but it is not just a Georgia story; it is an American story. For, when these young people were recognized and were selected for marching in this parade, they didn't have the money to come and no means, but people all across this country, from as far away as Arizona and California—over 16,000 donations and over 85 corporations—provided a way for these young people to come, young people who happen to come from the lower end of the economic stream. So you see, Madam Speaker, I am so proud to represent this extraordinary school from Austell, Georgia, from Cobb County, my district.

Next Tuesday, when we're watching this parade and when we see this Georgia high school band go by, it will not just be a Georgia story; it will be an American story. It will not be just a story of small achievement; it will be a story of America. People will say, "There goes America's band," because they got here and made it, because

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they practiced the values that made this country great with the spirit of the American people behind them.

THE TWIN TRIBES OF TERROR: HAMAS & HEZBOLLAH

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the U.N. Human Rights Council, a bastion of hypocritical countries, such as Saudi Arabia, that publicly whip women who have been raped, claiming rape is the woman's fault, has now self-righteously condemned Israel for defending itself from the terror group Hamas.

The U.N. Council condemns Israel and ignores that Hamas has been murdering Israelis for years by firing rockets into civilian areas. Israel has been hit by more than 8,000 missiles, mortars and rockets since 2000 by the group Hamas.

The resolution also failed to condemn Hamas for using Palestinian people as human shields for its war operations against Israel.

Since the Council was established, most of its unfounded resolutions have been related to Israel. However, it disregards major human rights violators, such as the twin tribes of terror—Hamas and Hezbollah. This shows the incompetence of this anti-Israeli council.

By the way, Madam Speaker, Hamas has just reinstituted crucifixion in Palestine. Most humans would agree this is somewhat antisocial conduct. The Human Rights Council is neither concerned about humans nor rights.

And that's just the way it is.

GAINING CONTROL OF AMERICA'S MONETARY SYSTEM

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Instead of using bailout money to help people save their homes, the banks have thwarted \$350 billion in TARP funds, have used the money to buy other banks and have created a credit freeze. The banks have been permitted to pyramid debt out of sight. If we bail them out, the government and the corporate state become one and the same.

The wealth of the Nation is being accelerated upwards. We're moving from industrial capitalism to feudal capitalism where the rich get richer while 10 million Americans are out of work, while 10 million Americans face the loss of their homes and while American manufacturing jobs are endangered.

We have to take control of our money system. Put the Federal Reserve under Treasury and the fractional reserve system. We don't have to

borrow money from banks, putting ourselves deeper in debt. We can create the money, spend it into circulation for jobs, health care, education, and infrastructure.

Throughout history, those nations have prospered which have had control of their monetary system. I am going to be introducing legislation to help effect exactly that.

SCHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today, the House is again going to consider the Democrat SCHIP Expansion Act.

This polarizing expansion of the welfare state was stopped by the veto pen last year, and that's where it ought to stay. Once again, the bill fails to ensure that all low-income children will be covered; but, instead, it is going to increase the number of adults on SCHIP. Once again, the bill will grant health care benefits to illegal aliens. The bill will force the taxpayer to pay the health care premiums for children who already have quality, private health insurance. Even though President-elect Obama promised we wouldn't tax anyone making less than \$250,000 a year, this bill will impose the most regressive tax on the poor in history with the tobacco tax increase.

It is shameful that the Democrats are playing politics with America's needy children. I urge all of my colleagues to vote against this bill.

SCHIP

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Madam Speaker, I rise today because signing a robust SCHIP authorization bill into law will truly make this a happy new year for more than 170,000 kids in my home State of Arizona.

The coverage that they receive through Arizona's SCHIP program, known as KidsCare, will change their lives, will change their futures and will change the future of the country.

At the end of 2008, more than one out of every seven or over 16 percent of kids in Arizona were uninsured. That makes Arizona the fourth nationally for the percentage of children in each State that goes without health insurance.

I am deeply concerned about the worsening economic crisis, and what the growing unemployment means for health insurance in our future.

As we work to stabilize our economy, Democrats and Republicans have to stay united for our children. We are

their representatives. We are their voices. We have to speak out for the kids of our Nation. In this economic climate, we must not fail to recognize that health care continues to be incredibly expensive, the most costly economic challenge confronting our families and businesses.

I urge my colleagues to vote "yes" on the SCHIP reauthorization.

OBJECTIVE MEDIA REPORTING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, after an election, it's useful to take a brief look back before moving forward. According to the Nonpartisan Project for Excellence in Journalism, during the Presidential campaign, media coverage of Senator McCain was three times more negative than the coverage of Senator Obama. President-elect Obama won by about 7 percent. That means, if the media's one-sided coverage changed the minds of just 4 voters out of 100, the media, because of their bias, determined the outcome of the election.

Now that the election is over, will President-elect Obama get a free ride from his media allies?

One cable news host already is on record as saying it's his job as a journalist to ensure that this presidency is successful. The media can provide a valuable service, but we need to hold them accountable and need to insist on objective reporting.

SCHIP

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, today is a great day.

This morning, I woke up with great optimism, knowing that, today, the House will once again take up the Children's Health Insurance Program that will cover 11 million children.

Providing health insurance to children whose families simply cannot afford it has been a top priority for the people I represent in Missouri. With rising unemployment, covering children is even more important than ever, and the need grows each day. No longer will children be forced to visit an emergency room to receive basic medical care. This is commonsense legislation at its best. Now children will be better prepared for learning and for success in today's world economy.

The broad coalition of supporters behind this bill will soon have a friend in the White House. President-elect Barack Obama is committed to making health care readily available to every American, starting with America's children.

This bill will not be voted on today without the leadership of Chairman WAXMAN, Chairman Emeritus DINGELL and Congressman PALLONE. I thank them for their continued leadership. America's children are on the threshold of a healthier future.

□ 1015

WEYERHAEUSER OF ELKIN MARKS ONE MILLION ACCIDENT-FREE HOURS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, bad economic news dominates the headlines every day. But back in the Fifth District of North Carolina, there are still success stories.

Last month, the Weyerhaeuser manufacturing facility in Elkin, North Carolina, was recognized for more than 1 million work hours with no accidents resulting in lost time. This is an impressive feat resulting in Weyerhaeuser executives giving the Elkin plant the Senior Management Gold Award—an honor bestowed only 20 times in the company's 108-year history.

I am pleased to recognize the hardworking Elkin employees at Weyerhaeuser for their impressive accident-free safety record. This accomplishment is more than a milestone. It is a reflection of a commitment to putting employees and their safety first.

That's why, in a time of constant bad news, it's my pleasure to highlight a story of success. Congratulations to everyone at Weyerhaeuser of Elkin, North Carolina, and I hope to be back here soon marking your celebration of 200 million accident-free hours.

SCHIP IS MORE IMPORTANT NOW THAN EVER

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I rise today in strong support of the State Children's Health Insurance Program, a program also known as SCHIP.

With both Ohio and our Nation's unemployment level above 7 percent—with job losses expected to continue to rise—it's more important than ever that American families have access to affordable health care. Reauthorizing SCHIP will serve as the first step toward providing hardworking Americans with the help they need to take care of their families during these difficult times.

Children in rural areas, like my district, Ohio's Sixth District, depend on Medicaid or SCHIP for health insurance. Reauthorizing this vital program will ensure that more than 230,000 children in my home State of Ohio can

continue to receive quality health care coverage.

At a time when our Nation is facing unprecedented job losses and increased economic strain, it's critical that Congress work together to pass this legislation.

EXPAND SCHIP SENSIBLY

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Madam Speaker, the State Children's Health Insurance Program is important to the people of Montana. In fact, in November, we voted to expand eligibility within our State. SCHIP was created by a Republican Congress and a Democrat President in 1997. It was one of those rare government programs that really works like its supposed to, and I am proud to support it.

Unfortunately, as is often the case, when a Federal Government program works, the temptation is to add to it until pretty soon, the original program, the one that worked so well, is overwhelmed by well-intentioned changes. Eventually the good parts of the program are smothered.

So let's expand SCHIP sensibly. Let's do it in a responsible way that does not undermine an effective program. Let's keep the Children's Health Insurance Program about children.

COMPREHENSIVE IMMIGRATION REFORM IS NEEDED

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, I rise today to speak on behalf of the 14 million undocumented immigrants who otherwise would not have a voice.

Our country is in desperate need of comprehensive immigration reform to ensure the security of America and to bring vulnerable families out of the shadows. We all believe in strong enforcement of our borders and the rule of the law, but we are a Nation rooted in family, faith, in core values.

What should be done about the 12 to 14 million undocumented immigrants in this country? Immigrants are part of American fabric. In fact, the work ethic of immigrants is what built this Nation and still continues to do so.

Immigrant families are facing more than just a failing economy; they live in constant fear of being torn apart. We must work together towards comprehensive immigration reform that respects families and includes family unification.

I urge my colleagues to help these working families by passing comprehensive immigration reform. Let's make America great; let's not divide it.

KEEP THE F-22 PRODUCTION LINE OPEN

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, the future of the F-22 will be decided in the coming weeks by the Obama administration. Congress has spoken. The National Defense Authorization Act of fiscal year 2009 passed by Congress and signed by the President contained the funds necessary to continue with F-22 production. However, only a small portion of those funds have been obligated, and thus far, a go/no-go decision on the rest of the funds must be made immediately or the production line will begin shutting down.

For the sake of our Nation's air superiority, we must not let this happen. The Air Force is still nearly 200 F-22s short of its stated requirement, a fact that we must not overlook as Russia and China develop Raptor-like technology. Moreover, over 100,000 jobs in our Nation are directly or indirectly tied to this program.

For these reasons, nearly 100 of our colleagues have joined Representatives KAY GRANGER, NORMAN DICKS, DAVID SCOTT, and myself in a bipartisan letter to President-elect Obama encouraging continued F-22 production. I encourage all Members to show their support for the continued United States air dominance and keeping the F-22 production line open.

REAL CHANGE FOR AMERICA

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Madam Speaker, today it begins: the process of turning the rhetoric of hope into the reality of change. Today we will enfranchise 4 million children with health insurance, many of whose working-poor parents have had to watch their children suffering in bed from an accident or an illness not knowing how serious it is or what to do, only knowing that they couldn't afford to find out.

Now, we have passed this legislation before—twice—only to have it vetoed by President Bush. Why? Because we paid for it with a tobacco tax, which, in itself over the years, will save the lives of millions of people.

But this bill that we pass today will be signed into legislation because that's exactly what President Barack Obama meant when he promised real change for all Americans.

CONGRATULATIONS GATOR NATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Madam Speaker, once again I come to the House floor to honor the accomplishment of the University of Florida Gators. On Thursday night, the Gators won their second BCS national football championship in the past 3 years by beating a very good Oklahoma team 24-14. Add to this the back-to-back basketball championships in 2006 and 2007, Gainesville is quickly becoming known as the "City of Champions."

In their hard-fought victory, the Gators' defense was able to hold Oklahoma—the highest scoring team in modern football history—to 14 points and 363 total yards. On offense, Tim Tebow showed why he is perhaps the best quarterback in the history of college football by finishing with 231 yards passing and 109 yards rushing. Tebow becomes just the fifth player since 1950 to win two national titles and the Heisman Trophy.

I congratulate Coach Urban Meyer and all of the Gator football players for their incredible accomplishments.

Go Gators.

TODAY IS A GOOD DAY FOR AMERICAN FAMILIES

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Madam Speaker, today is a good day for American families. Today, we reauthorize the State Children's Health Insurance Program for nearly 7 million children currently covered and to expand coverage to an additional 4 million uninsured children.

My commitment to ensuring health coverage for every child in our great Nation is just as strong today as it was in 1992 when I successfully worked for the early creation of CHIP in Pennsylvania. Yet today, 9 million children are still uninsured—almost 140,000 children in Pennsylvania alone—and the number grows daily.

As the economy continues to suffer and unemployment grows, more and more American families are losing their insurance coverage. Parents without coverage worry that their children will get sick or need to visit the doctor, and they simply do not have the money to pay. So as we work to reverse the economic downturn, we can and we should ensure that our children's health will be protected now and into the future.

Strengthening CHIP for 111 million children is the right thing to do, and in just 6 days, we will have a President who—unlike our outgoing President—will sign this bill and achieve this goal for America's children.

Change is here. It is a good day in America.

SUPPORT AMERICA'S FUTURE BY PASSING SCHIP LEGISLATION

(Mr. WALZ asked and was given permission to address the House for 1 minute.)

Mr. WALZ. Madam Speaker, I, too, rise in support of SCHIP legislation. At a time when million of Americans are losing their jobs and companies are doing everything possible to cut costs, more and more families face the horrible prospect of going without health insurance.

During these uncertain economic times, this Congress should invest in those most vulnerable and hardest hit. For the past 11 years, the Children's Health Insurance Program has done exactly that by reducing the number of uninsured children by providing them access to private health insurance. Without this coverage, many of these children would go without critical health care attention that allows them to live productive and prosperous lives.

Over the last 2 years, this Congress has worked to expand the program by 4 million children. Twice we passed bipartisan legislation that was vetoed by President Bush. But now we have another opportunity to ensure those 11 million children. President-elect Obama has promised to sign this legislation.

Today, this Congress should once again do what's right and help support America's children and our future.

MONEY SPENT ON SCHIP IS MONEY WELL SPENT

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, today the House will debate and pass legislation to extend health care to 4 million more American children.

In the richest country in the world, it simply defies our national conscience to allow any child to go to sleep in his bed at night sick just because his parents can't afford to bring him to a doctor. These kids don't deserve this fate and frankly, neither do their parents because three-fourths of the uninsured come from families with a full-time worker who just happens to work for a company that doesn't or can't provide health care.

The Children's Health Insurance Program Reauthorization Act will give States the confidence they need to improve their health care systems and increase outreach to ensure that all eligible kids have coverage.

This is money well spent. Insuring kids is the right thing to do from both a moral and financial standpoint. It is time for the House to do what it's done twice before and pass legislation that will get 4 million more kids the health care they deserve.

SCHIP LEGISLATION IS VITAL LEGISLATION

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker and Members, it is a remarkable day today because we will vote to insure 11 million American children. But the real question is, do we want to continue to be a third world country because we are the only industrialized Nation in the world that does not provide health care to its children.

Twice our outgoing President has vetoed similar bills. But what is the cost of not providing medical coverage to our children? What is the cost of routine medical conditions clogging our emergency rooms? What is the cost of healthy children sharing classrooms and playgrounds with classmates afflicted with undiagnosed and untreated contagious diseases?

Nearly three-quarters of the uninsured children qualify for Medicaid or SCHIP but are not enrolled. And with job losses, multiplying at a record pace, these numbers will only increase.

I urge my colleagues to support this measure because simply put, we cannot afford not to.

CONGRESS NEEDS TO EXPAND HEALTH CARE COVERAGE TO CHILDREN

(Mr. McMAHON asked and was given permission to address the House for 1 minute.)

Mr. McMAHON. Madam Speaker and my colleagues, as my eloquent colleague from California just pointed out, the United States is the only developed Nation in the world that does not provide health care for all of our children.

Today, millions of children from modest-income families are not regularly seeing a doctor because they are not enrolled in the Children's Health Insurance Program even though they are eligible. Today, this Congress has an opportunity to change that by passing legislation that will expand the program to 4 million additional kids.

At a time of rising unemployment, passing this legislation is more important than ever. In this economic recession, more and more parents are having difficulty finding affordable health insurance for their children. The need for this legislation grows every day. And this legislation is fully paid for so it will not increase the Federal deficit.

It is especially important for my home State of New York which has 402,000 uninsured kids. Imagine that. Nearly 10 percent of the national total. And I therefore thank the sponsor, Congressman FRANK PALLONE, and the Chairmen WAXMAN and MILLER for their work on this bill.

Madam Speaker, this legislation has received strong bipartisan support in

the past for a reason, and I urge my colleagues to vote for it today.

□ 1030

DATA AMENDMENT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, taxpayers want to know where the first \$350 billion of the bailout TARP money has gone; so does Congress. The independent General Accounting Office concluded that Treasury has not set up any policies and procedures to ensure that TARP funds are being used as intended. I am therefore putting in legislation to require Treasury to collect, analyze and report to the TARP oversight entities data on what recipients of the TARP money are receiving, and to let them analyze exactly where this money is going. I am proposing this in the form of an amendment to H.R. 384, which may be on the floor this week.

This amendment subjects TARP recipients to additional, but appropriate, scrutiny of their activities. It provides the entities charged with overseeing the TARP, including Congress, the tools they need to analyze exactly where our taxpayer money is going. I urge my colleagues to support it.

SCHIP

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Madam Speaker, today the House will consider legislation to expand the State Children's Health Insurance Program and provide health insurance coverage for more than 11 million children nationwide.

The current recession makes this legislation particularly important. Children living in low-income families in Michigan rose a staggering 40 percent between 2000 and 2007. Parents are losing their jobs and their health insurance. And kids who do not have health coverage forgo regular checkups and preventive treatments. They miss more school days, and are less likely to finish high school. And untreated health problems can severely impact a young child's development. SCHIP provides a lifeline for children so that they can be healthy kids who have the opportunity to grow into healthy productive adults.

The SCHIP bill we will consider today is fiscally responsible. It is more cost-effective for taxpayers to provide proper care for our kids rather than footing the bill for unnecessary emergency room visits. Passing this legislation is the right thing to do for our Nation's kids.

INVESTING IN AMERICA'S COMPETITIVE ADVANTAGE

(Mr. PERRIELLO asked and was given permission to address the House for 1 minute.)

Mr. PERRIELLO. Madam Speaker, I rise today to support an economic recovery based on investing in America's competitive advantage.

Voters in Virginia's Fifth District sent me here because they recognize two things: First, we need fundamental change to revitalize this country's economy; and second, there are no shortcuts to getting there.

Somewhere along the way the world economy changed, but government responses stayed the same. The result in my district has been years of declining jobs, declining wages, and rising health care costs. These economic woes are now confronting the Nation as a whole, and we face an urgent moment as we lose half a million jobs every month.

We need a recovery strategy immediately, but this plan must be based on investment, not just throwing money at the problem. This crisis reflects a failure of confidence and will only be solved by its restoration. You restore confidence by fixing problems, not by pretending they aren't there.

The distinction between stimulus and recovery means more to economists than to our actual economy. I believe our Nation's economy will recover only through a visionary strategy for rebuilding America's competitive advantage. That means real commitment to investing in our workforce, our infrastructure, our innovation, and the new energy economy, and that must include investment in our small towns and rural communities.

This investment will be the guidance that our constituents need to create American jobs and turn this economy around.

PROVIDING FOR CONSIDERATION OF H.R. 2, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 52 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and

controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas, my friend, Mr. SESSIONS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent, Madam Speaker, that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, H. Res. 52 provides a closed rule for consideration of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

I really am honored and privileged to have the opportunity to present this rule to the body. The rule provides 1 hour of debate, equally divided among and controlled by the chairperson and ranking minority member of the Committee on Energy and Commerce and the chairperson and ranking minority member of the Committee on Ways and Means.

Madam Speaker, the SCHIP reauthorization bill of 2009 is a fiscally responsible way to revive our commitment to providing America's low-income children with the quality health care they need and deserve. The bill authorizes \$32.3 billion over 4½ years to cover the seven million children who currently rely on SCHIP, and extends coverage to more than four million low-income children who are currently living without health care. The bill offers comprehensive and wide-ranging care that includes mental, dental, prenatal, and maternal health services.

The underlying bill also supports a multifaceted approach to increasing health insurance enrollment. It provides States with incentives to lower the number of uninsured children and authorizes \$100 million in grants for new outreach programs in schools and community-based organizations.

Additionally, the bill fights geographical health disparities by offering additional support to underfunded States that meet these enrollment goals, and improves reporting on State health conditions.

Lastly, this bill has provisions that ensure that SCHIP prioritizes children who legally reside in the United States. The bill prohibits new waivers that

would cover parents, phases out SCHIP coverage for parents and childless adults, and includes measures that prevent payments to unlawful immigrants.

Madam Speaker, when all 50 States, the District of Columbia and five territories—and perhaps the sixth, the Northern Marianas, now that they're included—gave children health care under SCHIP, our government exemplified our Nation's commitment to equal opportunity. SCHIP has prevented millions of low-income children from suffering under our country's flawed health care system for over 10 years. And adequately supporting and expanding this valuable program is even more imperative during these hard economic times.

Madam Speaker, the '08 financial crisis exacerbated our longstanding health care crisis. Last year, skyrocketing gas and food prices and the plummeting job market made it difficult for lower and middle income—indeed, for all Americans—to finance their everyday needs, importantly, including health care.

In a country where a large portion of people receive health care insurance through their employer, it comes as no surprise that when the economy and job markets plunge, the number of uninsured Americans soars, and children frequently pay the highest price. Even prior to last year's economic crisis, the number of children who depended on SCHIP and Medicaid was increasing.

Madam Speaker, the facts are clear: One in nine American children are uninsured. And this issue hits close to home. Florida was ranked 45th in the Nation in terms of overall health. Like other low-ranking States, Florida has a large uninsured population and a high rate of child poverty. In fact, Florida has the second largest number of uninsured children in the country.

Although these statistics are inexcusable, our current President's failure to address the alarming number of uninsured children in this country was and is an outrage. The President committed an egregious action, in my opinion, against our children when he repeatedly vetoed the bipartisan SCHIP Reauthorization Act of 2007. For many States, the annual funds allotted to State SCHIP programs were on the verge of depletion, and the welfare of millions of children depended on whether Congress and the President would agree to adequately finance SCHIP. President Bush's action sent a devastating message. The leader of the free world was willing to put the lives and welfare of millions of American children at risk.

Now, in this new Congress, and with a new administration, we have the power, the political will, and the opportunity to make a different choice. Like-minded Democrats and Republicans and independents understand

that fighting the epidemic of uninsured people in this country is a fundamental component of restoring our economy. We know that SCHIP and other health care programs decrease costly emergency room visits and invasive medical procedures. We know that extending health care insurance helps to combat the social, economic and health disparities that continue to divide our Nation and hinder our progress. And we know that healthy children are better equipped to compete in school and help America compete in the global market.

Simply put, we cannot have a healthy economy without healthy people. And this must begin with our children. I urge adoption of this rule and passage of the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank the gentleman from Florida as we begin a new year and a new Congress with an opportunity to work not only with the gentleman, but also my colleagues from the Rules Committee, and you, Madam Speaker, during this new Congress. And I thank the gentleman for yielding me the time that he has done.

Madam Speaker, I rise today in strong opposition to this rule and to the ill-conceived underlying legislation. I think the premise that I have heard my friends on the other side of the aisle talk about today of making sure that we just expand this program to meet every single need of every single child is not what this program was designed for, and a \$35 billion expansion of the program will help bankrupt this country and the States that try and provide the services also.

I do not support this bill or the way it has been brought to the floor either. My Democrat colleagues on the other side of the aisle who promised to be the most open and honest ethical Congress have once again given Republicans absolutely no say in the process, and they are completely disregarding President-elect Obama's promises to work together to solve the problems of this country.

Today, House Democrats have once again chosen to force their own legislation through a biased rule that we are here debating on the floor of the House right now. This bill has been brought to the floor today without one committee hearing or markup. The current SCHIP program expires on March 31, and so I would ask my colleagues, why aren't we having hearings? Why aren't we having input from House Members? Why aren't we consulting Republicans in this process? In fact, Republicans only received the text yesterday morning. And today's rule once again limits the Republican opportunities for any chance of reform or ideas, confirming the Democrats' plans to govern this House without any input from Republicans.

□ 1045

Democrats over the past few years have demonized me and my Republican colleagues for not expanding the current State Children's Health Insurance Program to unprecedented levels, and they continue to cry out that Republicans are anti-children. I would like to remind them that it was a Republican Congress that initiated this program over a decade ago. It was begun to make sure that children that had no health coverage could gain that coverage.

However, my colleagues and I recognized the need for SCHIP, and we see that we need to help low-income, uninsured children whose families earn too much to qualify for Medicaid but not enough to buy private coverage. For that reason SCHIP was created and today covers about 6.7 million children in our country.

However, today we find that the Democrats' proposed \$35 billion expansion of a program that has not yet accomplished its original intent is now being taken to unprecedented levels by my friends on the other side of the aisle. My Democrat friends want to continue to push their government-run health care agenda even though this legislation moves some 2.4 million children who are currently on private health insurance to an inferior public program with less access.

I'll repeat that. The numbers that my friends have been talking about of expanding this to children across this country, 2.4 million of them already have private insurance.

That's a mistake. It's a mistake. So now what we're looking at is that Medicaid programs facing extreme shortfalls and physicians who are scaling back on Medicaid and SCHIP patients due to extremely low reimbursement rates will now take on these additional children.

Why would we want to subject 4 to 6 million more children to this kind of care? Madam Speaker, it seems like my Democrat colleagues are putting their agenda first, not our American children.

This legislation turns an innovative idea on its head by increasing government spending exponentially, leaving taxpayers to foot the bill when their budget gimmicks fail to create the necessary ability to fund properly these programs. This bill has no income limits for eligibility. None. And it allows coverage for families making up to \$83,000 a year and has no annual authorization limit and allows States to decide who qualifies, leaving adults and illegal immigrants to compete against low-income American children.

Madam Speaker, it should be important that we should meet the current goals of the program and expectations before we expand that program. For that reason some of my Republican colleagues and I sent a letter to our new

President-elect, President Obama, and Speaker PELOSI outlining what we think Republicans would like our Democrat colleagues to understand and consider before expanding the current SCHIP program. I would like to include this as part of our deliberations today.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 12, 2009.

President-elect BARACK OBAMA,
Presidential Transition Office,
Washington, DC.
Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR PRESIDENT-ELECT OBAMA AND SPEAKER PELOSI: Thank you for expressing your desire to work with us to address the needs of the American people. We recognize that reauthorizing the State Children's Health Insurance Program (SCHIP) is an early legislative priority, and we hope that you will consider this legislation to be one of the first opportunities for bipartisan cooperation.

During the last Congress, significant efforts were made in an attempt to address concerns raised by House Republicans about how the underlying bills would impact uninsured children. Despite the progress that was made, there are still a few outstanding issues that we hope you agree should be addressed when we work to reauthorize the program this year:

SERVING ELIGIBLE LOW-INCOME CHILDREN FIRST

SCHIP is intended to serve those that are neediest first. As low-income families continue to face more economic insecurity, providing access to affordable health care coverage, regardless of any job change or displacement, should be our first priority. The legislation should demand success from the states in enrolling poor and low-income children below 200 percent of the federal poverty level, especially those who are currently eligible for Medicaid and/or SCHIP, but are not yet enrolled. Demanding success from the states could be as simple as requiring that states meet a threshold of enrollment before further expansions. Nearly all the states have demonstrated over the past year to the Centers for Medicare and Medicaid Services that meeting this standard is indeed possible.

Furthermore, in the current economic environment, several states have indicated that they will be experiencing shortfalls that could impact their ability to provide Medicaid benefits and services. Asking states to expand their SCHIP program before they are able to finance their existing Medicaid program would be a mistake. Expanding SCHIP to higher income families will only exacerbate the real access to care problem in the Medicaid program.

CITIZENSHIP STATUS

We believe that only U.S. citizens and certain legal residents should be permitted to benefit from a program like SCHIP. We also think it is fair to say that both parties believe that our immigration system is broken. That is why it is so important that the legislation include stronger provisions to prevent fraud by including citizenship verification standards to ensure that only eligible U.S. citizens and certain legal residents are enrolled in the program.

PROTECTING PRIVATE INSURANCE OPTIONS

We agree that those with private coverage should not be forced into a government-run plan. SCHIP legislation should focus expansion efforts on children who are currently uninsured instead of moving children who

have private health insurance options into government-run health insurance. Moving a child from private health insurance to government-run health insurance should not be part of your stated goal of providing SCHIP for 10 million children, a number we assume to be targeted towards low-income uninsured children.

STABLE FUNDING SOURCE

In order to guarantee access to the program and long term stability, SCHIP should be funded through a stable funding source, not budget gimmicks. Further, the legislation should not include extraneous provisions unrelated to SCHIP that limit patient choice or prohibit access to quality medical care. Our nation's Governors need a stable SCHIP program so they may properly budget. Every American faces the crushing burden of a declining economy. This should not be a time Congress raises taxes, especially on the poorest Americans, to finance program expansions as part of the SCHIP reauthorization bill.

We believe these to be critical elements to improve this vital program that if fully incorporated would dramatically increase bipartisan support for the legislation. Thank you for the consideration of this request. We look forward hearing from you and working with you towards a bipartisan agreement.

Sincerely,

Robert Aderholt, Steve Austria, Michele Bachmann, Spencer Bachus, Gresham Barrett, Roscoe Bartlett, Joe Barton, Judy Biggert, Gus Bilirakis, Rob Bishop, Marsha Blackburn, Roy Blunt, John Boehner, Mary Bono Mack, John Boozman, Charles Boustany, Kevin Brady, Paul Broun, Henry Brown, Ginny Brown-Waite, Michael Burgess, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Eric Cantor, John Carter, Bill Cassidy, Jason Chaffetz, Howard Coble, Mike Coffman, Tom Cole, Michael Conaway, Ander Crenshaw, John Culberson, Geoff Davis, Nathan Deal, David Dreier, Mary Fallin, Jeff Flake, John Fleming, Randy Forbes, Jeff Fortenberry, Virginia Foxx, Trent Franks, Rodney Frelinghuysen, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Kay Granger, Sam Graves, Ralph Hall, Doc Hastings, Dean Heller, Jeb Hensarling, Wally Herger, Peter Hoekstra, Duncan Hunter, Bob Inglis, Darrell Issa, Lynn Jenkins, Sam Johnson, Walter Jones, Jim Jordan, Steve King, Jack Kingston, Mark Kirk, John Kline, Doug Lamborn, Christopher Lee, Jerry Lewis, Blaine Luetkemeyer, Cynthia Lummis, Daniel Lungren, Don Manzullo, Kevin McCarthy, Thaddeus McCotter, Patrick McHenry, John McHugh, Cathy McMorris Rodgers, Jeff Miller, Sue Myrick, Devin Nunes, Pete Olson, Erik Paulsen, Mike Pence, Joe Pitts, Todd Platts, Ted Poe, Bill Posey, Tom Price, Adam Putnam, George Radanovich, Hal Rogers, Mike Rogers, Thomas Rooney, Peter Roskam, Paul Ryan, Steve Scalise, Jean Schmidt, Aaron Schock, James Sensenbrenner, Pete Sessions, John Shadegg, John Shimkus, Bill Shuster, Michael Simpson, Adrian Smith, Lamar Smith, Cliff Stearns, John Sullivan, Lee Terry, Glenn Thompson, Patrick Tiberi, Fred Upton, Greg Walden, Zach Wamp, Lynn Westmoreland, Ed Whitfield, Joe Wilson, Robert Wittman

The first priority should be to make our Nation's poorest, uninsured child-

dren covered. This is the intent of the program, and we should fulfill that program and that goal. Currently, at least two-thirds of children who do not have health insurance are already eligible for Federal help through either SCHIP or Medicaid. We should enroll these children first before expanding to higher income brackets.

The second priority is to ensure that SCHIP does not replace or significantly impact those who already have private health insurance with a government-run program. Last year Hawaii created a new government-financed program to fill the gap between private and public insurance in an effort to provide universal coverage for children. But State officials soon found that families were dropping private coverage to enroll their children in the government plan. The Governor of Hawaii terminated the plan when she realized Hawaii could not and should not subsidize the cost for children already receiving private health insurance.

Madam Speaker, should this legislation pass, we know that 2.4 million more children will be "crowded out" from their private insurance plan and moved to SCHIP. In days where Congress is faced with a second \$350 billion bailout plan and a possible \$1.3 trillion stimulus package, is the Federal Government in any financial shape to be financing health care costs for children who are already receiving private health insurance?

Lastly, a citizenship verification standard is critical to ensuring that only U.S. citizens and certain legal immigrants are allowed to access the taxpayer-funded benefits, not illegal immigrants. The underlying legislation offers no safeguards to ensure American children come before illegal immigrants.

Republicans understand how important and personal health care decisions are for individuals and families. We believe in freedom of choice, and allowing patients and doctors to make health care decisions, not government bureaucrats, is the direction we should go. Allowing for a tax credit or tax deduction for the purchase of health care insurance would give an individual or a family the choice of an affordable health care plan that fits their needs.

Said another way, a family and their children should be able to choose their own doctor and go to that doctor day in and day out, not simply to have to shop to find what is then available through a government-run program. This would bring the ownership and control back to the individual and the family.

Madam Speaker, additionally, if we allow individuals to purchase health insurance across State lines and let businesses and associations band together to purchase insurance, we guarantee choice, portability, and flexibility for families and employees.

Rather than limiting choice like my Democrat colleagues, Republicans strive for quality, affordable health care for every single American.

Madam Speaker, another fatal flaw with this huge government expansion is how our Democrat colleagues are going to pay for this plan. The proposed budget uses gimmicks to comply with PAYGO rules, masking the true cost of the expansion. Democrats will increase taxes on cigarette packs by 61 cents to \$1 and included taxes on cigars of up to \$3 to come up with the majority of the \$35 billion expansion. The problem is that this tobacco tax disproportionately burdens low-income Americans because the majority of smokers are young adults and individuals and families making less than 300 percent of the Federal poverty level. To produce the revenues that Congress needs to fund the \$35 billion SCHIP expansion would require a tax for 22.4 million new smokers by 2017 or 80 percent of the beneficiaries would lose coverage in 5 years. That means that we are going to tax these users and rely on that stream of revenue that will be diminishing very quickly. That is not a responsible way to fund the program.

Eliminating physician ownership and health care practices is another way that the Democrats plan to pay for expansion. The current state of our community hospitals is in disarray. Community hospitals are overcrowded and understaffed. Physician-owned hospitals run more efficiently, have higher patient satisfaction and higher quality outcomes than their community counterparts. Yet my friends on the other side of the aisle want to eliminate that option for individuals. So while dumping children in a government-run health care plan, they also want to limit health care choices for everyone by eliminating physician-owned facilities.

Rather than limiting choices, Congress should be in the business of creating more avenues and opportunities for individuals and families to find affordable insurance for their choices that provides them and leads them to quality care. This legislation does the opposite.

I encourage my colleagues to oppose this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from California, my colleague and good friend on the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from Florida for yielding me this time.

Madam Speaker, I want to commend Chairman WAXMAN, Chairman DINGELL, and Chairman PALLONE for their efforts in crafting this bill.

Madam Speaker, these are uncertain times. Families are struggling to make ends meet. Medical bankruptcy is on the rise.

While the future may be cloudy, our responsibility to our Nation's children is clear. We are charged with ensuring that every child in America has affordable health care. Democrats in Congress take this responsibility seriously, Madam Speaker. So does President-elect Obama. And so do I.

We take it seriously because of stories like the one told to me by a constituent of mine named Suzy. When Suzy's nephew was 1 year old, his mother no longer qualified for Medicaid. As a result, her little boy could not see a doctor for 6 months. Imagine 6 months of anxiety and worry around high fevers, coughs, unexplained rashes, wondering if there was a serious illness involved. But once he was enrolled in SCHIP, Suzy's nephew got the care that he needed. Suzy put it best herself when she said, "Children should never suffer because their parent or guardian cannot afford medical insurance."

That is why today's legislation is so critical, Madam Speaker. During one of the most uncertain periods in our country's history, it says to 11 million of America's children that health care for you is guaranteed. It expands coverage for pregnant women and reverses arbitrary rules that keep needy children from health care they deserve. The Children's Health Insurance Program Reauthorization Act is a victory for millions of children and their families. It's also a victory for us as a Nation. For when more of our children grow up healthy, our country is strengthened and the American Dream is preserved.

I urge each of my colleagues to support this legislation.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 2 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I will say that I don't know of a Democrat or a Republican who has not been inspired by President-elect Barack Obama's statement that he wants to reach out and work in a bipartisan way. I am convinced that he is very sincere in his quest to bring us together to deal with very important challenges that our Nation faces.

What we're dealing with here today is a reversal, frankly, even before he takes the oath of office in 6 days, of exactly what he's trying to do. As my friend from Dallas has pointed out, this is a completely closed process, denying us, Democrat or Republican alike, an opportunity to participate. Let's look at the history of this program.

The State Children's Health Insurance Program was put into place as we

proudly in a bipartisan way worked to reform the welfare system in the mid 1990s. And what happened? We wanted to ensure that those who were on Medicaid as they go onto the first rung of the economic ladder that they would have an opportunity to keep their children with the kind of health care that was needed. Our goal has been to ensure that the children of the working poor have access to quality health care.

And yet this program, unfortunately, as Mr. SESSIONS has just said, takes 2.4 million children who are presently receiving private health care and it incentivizes them to go into a government program. It also takes the adults, people up to the age of 25, and allows them to be part of this program. It imposes a massive tax increase on hospitals, which I think is just plain wrong. And it's a program which creates the potential for people who are in this country illegally to benefit. Now, I know that there are statements that it won't, but many reports have indicated that that is a threat that is there. And it also creates an opportunity for the children of wealthy families, families earning in excess of \$80,000 a year, to benefit from this program.

□ 1100

We need to have a good State Children's Health Insurance Program. This is not it.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Florida, my colleague on the Rules Committee, who is also going to be on the committee of jurisdiction real soon, and we are going to miss her on the Rules Committee, Ms. CASTOR.

Ms. CASTOR of Florida. I thank my good friend and colleague from Florida.

Madam Speaker, I rise in support of H.R. 2 and this rule that will provide millions of children across America with affordable health care at a time when families have been particularly hard hit by the economy. What good news for all Americans that one of the first bills President Obama will sign will be one that improves access to quality, affordable health care and reduces the cost of health care for families.

More affordable health care is central to our economic recovery and it is fundamental for families. A healthy child is more likely to succeed in life. A healthy child is a healthy student. Healthy students become productive adults. A healthy child means more productive parents who do not miss work.

Here we ensure that newborn babies receive the medical checkups and immunizations they need, ensure that toddlers and children are taken care of as they grow, ensure that we all save money through preventive care, particularly diabetes and asthma. Yet, despite all that we understand about the

importance of healthy kids, millions of children and their families cannot afford—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional 15 seconds.

Ms. CASTOR of Florida. Families are working hard to make ends meet, but they are coming up short when it comes to health care.

I would especially like to thank Speaker NANCY PELOSI, who never gave up and kept her promise that in the first few days of a new Congress with a new President the health of America's kids and the pocketbooks of hard-working American families would be paramount.

Suffering through President Bush's opposition over the past years has been very costly and we have lost ground. In Florida alone, over 800,000 children lack health insurance, and that's the second highest rate in the U.S. It's more than the population of some States and it is growing. The lack of affordable health care for these working families is making it more expensive for everyone.

Families are working hard to make ends meet, but they are coming up short when it comes to health care. This bill makes it easier for parents by eliminating costly bureaucratic red tape. When more kids visit a doctor's office for medical care, we also reduce the strain on crowded local emergency rooms and cost of health care for everyone.

Mr. SESSIONS. Madam Speaker, you know, it's pretty incredible. A number of speakers that we've had here today sat through the hearing yesterday and understood that this bill is not going to become law anytime soon. Yet we are down on the floor of the House of Representatives touting how this will be the first bill that our new President, President Barack Obama, will sign; and yet, testimony in the Rules Committee yesterday, a full admittance that we don't know whether this is all going to make it or not. It will be interesting to see.

Madam Speaker, at this time I would like to yield 2 minutes to the gentlewoman from Energy and Commerce, Mrs. BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, I do rise to oppose the rule and also to oppose H.R. 2 that is covered in this rule.

One of the reasons is, indeed, the process. We have heard mention of it being a closed process and a closed rule, as indeed it is, and that doesn't speak to any type of bipartisanship. I had what I thought was a very germane amendment which was not allowed.

Madam Speaker, what this would have done was to phase out coverage, phase out coverage for nonpregnant adults. Now, this bill is SCHIP, the State Children's Health Insurance Pro-

gram. It is to cover low-income children. But we have a majority in charge in this House that is not taking this bill to the health subcommittee. It is not taking it to the Energy and Commerce Committee. It is bringing it straight to the floor.

In this bill that you will vote on is coverage, expanded coverage for adults. That, indeed, is unfortunate.

As we have heard, there also are tax increases. There is a \$70.8 billion tax increase over the next 10 years in this bill. It is tobacco taxes. The Congressional Research Service, which is non-partisan, calls tobacco taxes the most regressive of the Federal taxes. That is included as a pay-for in this bill for expanded coverage and changing of a block grant program that has worked successfully for low-income children, changing it to an entitlement program.

There are a list of reasons to oppose this bill. Weakening of eligibility requirements, weakening of section 211, weakening of your proof of citizenship, proof of who you are, weakening those requirements. All of that dilutes the purpose of the SCHIP program. It dilutes the coverage of health care for low-income children.

Oppose this rule. Let's do this right.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to my good friend from Ohio, the distinguished gentlewoman, Ms. SUTTON, a member of the Rules Committee, also soon to be a member of the Commerce Committee and will be sorely missed on our Rules Committee.

Ms. SUTTON. I thank the gentleman for the time and for his leadership on this critical issue.

Madam Speaker, I rise in strong support of the Children's Health Insurance Reauthorization Act. This legislation is long overdue for our Nation's children.

I want to share a story about a girl from my district that puts this issue all into perspective. I met Rose and her mother at an event one weekend back in my district in Ohio, and I will never forget the moment her mom introduced her to me. She looked up at me full of hope and she, in a moment, reached out and she hugged me.

After Rose walked away, her mom explained to me that her daughter had cancer and was preparing for a bone marrow transplant. Before I could even digest what her mom was saying that their family was going through, Dawn, her mother, said, when are you guys going to pass SCHIP, because Rose has insurance, but there are a lot of kids in this country who don't, and they deserve the same opportunity for a future.

Dawn was right, nearly 9 million children in this country do not have health insurance. Those kids need the same opportunity to have the health care that they need. In the midst of fighting cancer with her daughter,

Dawn found the courage and compassion to look beyond her struggle to stand up for kids across this Nation without health insurance.

I share this story with my colleagues because today we have the opportunity to look beyond all differences to finally pass this legislation. This bill will allow an additional 4 million children across this country, which includes 200,000 children in Ohio, to obtain health insurance.

The urgency could not be more clear. With an ailing economy the population of uninsured is growing, and we know that a 1-percent increase in employment is projected to increase the number of uninsured by 1.1 million kids. In these difficult economic times, the least we can do is make sure that our children have access to the health care they need and deserve.

I am pleased to report that Rose has received her bone marrow transplant and her eyes and her future are bright. Let's do the same for the rest of America's kids.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from the Energy and Commerce Committee, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to the closed rule, as well as the present form of the underlying legislation, H.R. 2, the Children's Health Insurance Reauthorization Act of 2009.

It goes without saying that I am a strong advocate of the original SCHIP. In my nearly 30 years of being an OB/GYN doctor, I delivered over 5,000 children, and I know how important it is that the Federal Government play a role in providing health care to low-income kids.

At the same time, we must pass legislation that first reaches those who are the most in need of assistance, those whose family incomes are between 100 and 200 percent of the Federal poverty level, the original intent of the bill.

But, unfortunately, Madam Speaker, despite the spirit of bipartisanship that both President-elect Obama and Speaker PELOSI have espoused, this bill merely represents business as usual for the Democratic majority. Due to this highly restrictive closed rule, my Republican colleagues and I will not have the opportunity to improve the bill that will affect millions of children across the country and in our districts.

I had such an amendment that was not made in order by the Rules Committee. My amendment would have addressed a very important problem with current law that H.R. 2 overlooks, the practice of States, 13 of them, using loopholes to allow people to disregard significant portions of their income to make them eligible for SCHIP and Medicaid as well. At the same time,

some of these very States have been ignoring the children who demonstrate the most need for these programs, those between 100 and 200 percent of the Federal poverty level.

Madam Speaker, my commonsense amendment would do this, it would institute a gross-income cap of 250 percent of the Federal poverty level for SCHIP and Medicaid eligibility, and it would limit any income disregards to a maximum of \$250 a month or \$3,000 a year. This amendment would grandfather in those individuals already receiving SCHIP and Medicaid funds so that we do not deprive current beneficiaries of health care.

However, we are not going to get the chance, unfortunately, or any other thoughtful amendments that were offered by my Republican and Democratic colleagues, because the Democratic majority leaders wish to contradict the bipartisan spirit that they touted only a week ago.

Therefore, Madam Speaker, I urge all of my colleagues to oppose this closed rule and the underlying legislation. We could have made it better with amendments from both Republicans and Democrats.

Mr. HASTINGS of Florida. Madam Speaker, would you be so kind as to inform both sides as to the remaining amount of time.

The SPEAKER pro tempore. The gentleman from Florida has 18½ minutes remaining and the gentleman from Texas has 11½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield for his first floor speech to a gentleman that is going to be on the Rules Committee real soon, the distinguished gentleman from Colorado (Mr. POLIS), for 1 minute.

Mr. POLIS of Colorado. Madam Speaker, I can think of no more important issue to make my first floor speech on.

I rise in support of the Children's Health Insurance Program Reauthorization Act, and I want to thank Speaker PELOSI, who has been an unrelenting champion of this issue. I also want to thank Chairman RANGEL and Chairman DINGELL for sponsoring the legislation in the 110th Congress, and Chairman WAXMAN for his leadership on this important issue.

I have already received numerous letters and contacts from constituents who are worried about loss of health care coverage. We have heard from those who have lost their health care coverage or fear they could lose it because they can't afford it. The lack of affordable health care in this country for families is a problem we cannot afford to ignore.

We must ensure that this legislation passes the House and Senate and reaches the new President's desk as soon as possible. This legislation would provide health care coverage for more

than 11 million children. In Colorado, there are over 100,000 uninsured children who are eligible for SCHIP and Medicaid but are not yet enrolled. This is critical for our State and for our country.

Children can't help what family they are born into. To ensure that every American has the opportunity to succeed, we need to make sure that children have access to health care insurance regardless of their family background. This is an opportunity to protect millions of children who do not have a voice and safeguard their future, and that's why I urge you to support this legislation.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 1½ minutes to the gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman, Mr. SESSIONS, for yielding me this time, and I rise in opposition to the rule.

Madam Speaker, as many of my colleagues know, I am a strong supporter of SCHIP and worked for many months during the previous Congress to bring Republicans and Democrats, both House and Senate Members, together to work out a compromise, bipartisan bill that would expand the program of SCHIP responsibly while ensuring that poor American children remain a top priority in all States.

I know that I am not alone in supporting a renewal and expansion of this important program to serve more low-income children, and I know that Members on both sides of the aisle believe that SCHIP should cover our most vulnerable children first. These children are in families 200 percent or lower of the poverty level.

So last night I went to the Rules Committee with an amendment that would do just that, put poor children first, cosponsored by a number of my colleagues, and would do three things.

First, it would require States to collect data on their success in covering these low-income children.

Second, it requires that all States draft and implement a plan that works towards reducing the uninsured rate among low-income children. I would ask the Secretary of Health and Human Services to approve these plans if they are reasonable.

Finally, I would ask States to reduce to 10 percent or less the uninsured rate among children and families, 200 percent and below the poverty level.

Until States have met this 90 percent coverage goal, they would be prohibited from using SCHIP funds to provide benefits to newer populations at higher level incomes. This is a commonsense way that we can ensure that States are using taxpayer dollars wisely and getting health care to the kids that need it most.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2

minutes to my good friend, the distinguished gentleman from Texas (Mr. EDWARDS) who, when this program had its inception in 1997, was an original cosponsor of this legislation.

Mr. EDWARDS of Texas. Madam Speaker, on Monday, 2 days ago, I was visiting in a rural newspaper office in Glen Rose, Texas, in my district. I was discussing the Children's Health Insurance Program when one of the employees there, Lindsey Brewer, heard of our conversation and asked if she could say something.

In deeply heartfelt words, Lindsey told me that her 9-year-old daughter, Amalie, has had leukemia for the past 2 years. You see, Lindsey and her husband both work, but like millions of hard working Americans, they don't have health insurance because their employers can't afford it.

□ 1115

Despite their modest combined annual income, with both parents working, their income of under \$50,000, the Brewers were devastated to find out they were told they were ineligible for the CHIP program. The Brewers are two hardworking, loving parents, who through no fault of theirs or their daughter's are facing medical bills totaling \$100,233 and growing every single day.

The Brewers don't want welfare. They want to work and be good role models for Amalie and her two brothers. That is why I consider CHIP to be pro-family and pro-work. I met Amalie this week after hearing her story. This is her photograph. She is a beautiful little third grader, making straight A's and working in karate class.

This bill isn't about all the various rules and procedures that have been discussed. This bill is about Amalie Brewer and her future. It is about her family and their future. It is about honoring the values, the pro-work values of Mr. and Mrs. Brewer and millions of other parents like them.

Madam Speaker, I would ask every Member one question before they vote on this bill today: If Amalie Brewer were your child or your granddaughter, how would you vote? I hope the answer is "yes," because the Brewer family and millions of others like them are waiting to see how we vote.

Vote "yes" on expanding the Children's Health Insurance Program. These families deserve no less.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 1½ minutes to the distinguished gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend.

It is unfortunate the rule is closed. It is such an important issue we are discussing. For example, a new member of the majority party came before us in the Rules Committee, Mr. KISSELL, 2

with a very thoughtful amendment. It was rejected, not permitted for debate. That is unfortunate and unnecessary.

Now, I had said last year, Madam Speaker, that I wasn't going to support a major expansion of SCHIP until legal immigrant children were included, because we should not discriminate against legal immigrants. I represent South Florida. I represent hundreds of thousands of immigrants. So I made clear, I am not going to support an expansion of SCHIP until they are included.

Well, they are in the legislation that we are going to vote on today and so I am going to vote for it. I commend the leadership for having included it, and I think the Senate has to do the same. As I said before, it was a *sine qua non* for me. Until legal immigrant children were included, I wasn't going to support an expansion of SCHIP.

So, it is a good day. We are going to have a vote on this program that is going to include thousands of children and their moms who unfairly have been excluded. And, by the way, that affects kids in school and the other children in school. When the children who are sick have to go to the emergency room or when they are sick in the classroom, they affect all the kids in the classroom. It just doesn't make sense. And they are legal in this country.

Anyway, I am going to be supporting the legislation today.

Mr. HASTINGS of Florida. Madam Speaker, I am pleased to yield 2 minutes to my classmate and good friend, the distinguished gentleman from Michigan (Mr. STUPAK), a member of the Energy and Commerce Committee.

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time.

I rise today in support of the rule on H.R. 2, the Children's Health Insurance Program Reauthorization Act, the CHIP program. The CHIP program was enacted under President Clinton with bipartisan support to help reduce the number of low-income uninsured children by expanding eligibility levels and simplifying the application process.

In 2006, CHIP provided insurance to 6.7 million children. In Michigan, roughly 31,000 children are enrolled in MICHild, making Michigan one of the States with the fewest number of uninsured children in the country. Eighty-six percent of the children enrolled in MICHild are from working families that are unable to afford private health insurance for their children.

Meanwhile, health care through the CHIP program is cost-effective. According to the Congressional Budget Office, it costs a mere \$3.34 a day or \$100 a month to cover a child under the CHIP program. Furthermore, CHIP is vitally important to children living in our country's rural regions. Of the 50 counties with the highest rates of uninsured children, 44 are rural counties,

with many located in the most remote parts of our country.

Today's legislation would reauthorize and approve the CHIP program to protect and continue coverage for 6.7 million children, plus an additional 4 million children that are eligible but are currently uninsured.

During these difficult economic times, this legislation does not raise income levels for families whose children would be eligible for health care coverage. It is time to cover and support all of our Nation's children.

Again, I support this legislation and urge all my colleagues to support the rule and the underlying legislation.

Mr. SESSIONS. Madam Speaker, we believe we are in agreement with the gentleman from Florida (Mr. HASTINGS) that we will allow their side to catch up at this time.

Mr. HASTINGS of Florida. Madam Speaker, can you tell me again how much time each of us has?

The SPEAKER pro tempore. The gentleman from Florida has 13¼ minutes remaining and the gentleman from Texas has 8½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, I am pleased to yield 1 minute to a new Member, the distinguished gentleman from the State of Ohio (Ms. KILROY).

Ms. KILROY. Madam Speaker, I thank the gentleman from Florida for this opportunity to rise today in support of the rule and H.R. 2, the reauthorization and expansion of the Children's Health Insurance Program, a program which has brought health care coverage to over 6 million children.

But there are also millions of children today whose parents do not have the financial ability to purchase health insurance. The parents of 4 million children must worry each time a child is sick if they can afford to take that child to a doctor, if they can afford to treat that child's cancer or leukemia.

My colleagues, many of you have children and know the anguish a parent feels when her or his child is sick. Imagine if you were also unable to obtain health insurance coverage to cover that illness.

Our great country, which despite its economic problems is still a country of great wealth and resources, of compassion and community, can certainly come together in a bipartisan fashion to add 4 million more children to the Child Health Insurance Program.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to yet another of our new Members on the Democratic side, the distinguished gentleman from North Carolina (Mr. KISSELL).

Mr. KISSELL. Madam Speaker, I rise today to offer my full support of SCHIP, but I also rise to question the funding of SCHIP as per the amendment I put forth to the Rules Committee last night.

Having spent the last several years as a high school teacher in a rural poor county, I don't need to be told or to be reminded about the need of taking care of our children in terms of their health care. I am not here today as a spokesman for big tobacco or advocate of the cigarette industry. Indeed, I am here because I was elected to be a spokesman for working families.

The funding that has been chosen to finance this bill with full implementation immediately will cost jobs and will cost revenues. At a time when our working families are struggling, at a time when we are going to be asked to consider measures how to create jobs and create funding, I would propose in my amendment instead of going to full implementation of this tax immediately, that we phase it in over 4 years at 16 cents the first year, then 15 cents each of the following years.

It is important to know that the children that are going to be affected by this bill positively is great, but there are also families that are going to be negatively impacted at a time when we should not be doing that.

I worked in an industry where government actions in textiles cost thousands of jobs. Let's look for a way to soften this blow to our people.

Mr. SESSIONS. We continue to reserve.

Mr. HASTINGS of Florida. Madam Speaker, at this time I am very pleased to yield 1 minute to my classmate and good friend, the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. What progress, when this Congress and our new President accord such a high priority to the health of our children. A healthy body, like an educated mind, is an opportunity that all children should share—an opportunity denied to over 1 million Texas children because of the failures of Governor Bush and culminating in the ignominious vetoes of President Bush.

Good health care also means prevention, preventing the scourge of tobacco-related diseases. By hiking tobacco taxes today, we will reduce childhood nicotine addiction tomorrow. And this bill takes modest steps to reduce tobacco smuggling, while adding a new provision that I authored directing the Treasury Department to move forward promptly on more effective ways to reduce this serious public health and law enforcement problem.

It is ironic that today, once again, the Republican leadership has one complaint: That we Democrats move too fast, to do too much, for too many young children across our country when it comes to health care. We plead guilty. And we will keep pushing to give these children the care they deserve.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT), my good friend who along with his fellows in the area of Georgia have been champions for children's health insurance.

Mr. SCOTT of Georgia. Madam Speaker, what a great day this is, to be able to finally, finally, pass this much-needed bill.

Madam Speaker, we have over 300,000 Georgia young people and children who desperately need this legislation. We worked hard in the past sessions to be able to get this bill passed, but to no avail. But now we will be able to get this passed, and hopefully it just might be the very first bill that our new President, President Barack Obama, will sign.

But let me just tell you the improvements on this bill and what we have so the American people will know. It will eliminate the 5-year waiting period for low-income people insured to be part of the program. It will add 4 million new additional uninsured low-income children, to bring that total up to 11 million. There will be a 4½-year reauthorization period that extends all the way through 2013. It will add dental and mental health parity, which is so greatly needed, because so many of our health needs and diseases and challenges come when the teeth are not there.

Madam Speaker, it is a great day. I thank the gentleman from Florida (Mr. HASTINGS) for his leadership on this and urge passage.

Mr. SESSIONS. Madam Speaker, I yield 1 minute to the gentleman from Lewisville, Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

Let me say at the start, I support the reauthorization of the State Children's Health Insurance Program. I supported it when I was a physician in private practice in 1997. I supported it in December of 2007 when we provided the current 18-month extension. But what I don't support is the approach we are taking today of a closed rule.

Ironically, the speaker prior to the previous speaker talked about how Republicans are concerned that the House is now moving too fast. I am not concerned that we are moving too fast. I am concerned that we didn't move when we had the opportunity, that is, the last 18 months, to try to improve the product and try to work through some of the problems that clearly some of us on this side have with the current bill.

I am opposed to a closed rule. I think there are good ideas that come from the Republican side. I think our new administration that is going to be sworn in in less than a week's time has already said he welcomes ideas from both sides of the aisle. What a shame it is that our Rules Committee then can-

not see fit to allow good amendments to come from either side of the aisle.

I am also concerned about the stability of the funding in the underlying bill. I am concerned very much about looking to the physician-owned hospital as a source for the funding. Why do we impugn the motives of people who are inherently altruistic? What would we have done if Will and Charlie Mayo had come to us and said they wanted to start an enterprise, and we said no, you cannot do it; the Secretary will not authorize it because it is prohibited under the SCHIP bill?

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 1 minute to the distinguished gentlewoman from the District of Columbia (Ms. NORTON) who knows this issue extremely well.

Ms. NORTON. Madam Speaker, I thank the gentleman for his kindness in yielding.

However Members voted before, there has been a light year of change since. The world has been turned on its axis by a worldwide recession, leaving virtually no one untouched. Most Americans supported this bill even in a good economy. Imagine today, mortgage delinquencies, job losses, wholesale economic misery. We simply can't say "no" today.

□ 1130

America will help any child if he becomes sick enough. The only question is when. Prevent illness and catch it early, or wait until a child needs high cost hospital care.

This bill covers only financially eligible children. Please vote for this rule.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Lincoln, Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Speaker, at the outset, let me say I believe that SCHIP is a very important program that provides quality health care coverage for millions of America's children. I support the program. I support its renewal, and I support its appropriate expansion. However, I do believe that this must be done responsibly, for instance, prioritizing America's most vulnerable children first.

We must also guard against expanding the program to those who may not need it, or risk creating a program that encourages some families to unnecessarily drop their existing insurance coverage for the government program, a move that could jeopardize the program's intent for our neediest children.

As we have learned, the State of Hawaii recently halted its universal child health care program, just 7 months after its inception, because high-income families were dropping private insurance so their children would be eligible for the government program.

The amendment that I offered to the Rules Committee would give vulner-

able families the same opportunities as others to purchase health insurance. It would offer eligible families the choice of retaining SCHIP coverage for their children or using SCHIP funds to obtain a health insurance plan for the entire family through premium assistance for their child.

I believe families are in the best position to make health care choices for their children. They should be able to remain together under the same health care coverage if they so choose, and see the family doctor together.

I am disappointed that I am hindered from offering this plan as an amendment, as I believe it would strengthen the current program by empowering family choices, simplifying the process of accessing quality care, making family plans more affordable, and saving taxpayer dollars.

So, Madam Speaker, I will have to oppose this rule.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to one of the original sponsors of the original SCHIP legislation, the distinguished gentlewoman from Connecticut, my good friend, ROSA DELAURO.

Ms. DELAURO. I rise in strong support of the Children's Health Insurance Program. In this transformational moment, we stand poised to reauthorize this bipartisan program which provides critical health care coverage to more than 6 million children who would otherwise go without care, including more than 13,000 in my home State of Connecticut.

With an economy shedding jobs like never before, we have an economic and a moral responsibility to cover the most vulnerable among us. In this country, where 9 million children are uninsured, we cannot let another day go by without passing this legislation, a smart investment in children, in their health and in their success at school and in life. Dental, mental health care for children, coverage for pregnant women, more efficient administration, higher quality care for children, reducing childhood obesity, meeting our commitment to fiscal responsibility.

The choice before us today is a simple one. It is about fulfilling America's promise as a place of hope, possibility and opportunity for our Nation's children.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Madam Speaker, I rise in opposition to the rule that we're discussing right now which prevents any amendments from being brought forward on this legislation. The reason that I've got some real concerns is that, Number 1, there's a big change in current policy that allows for verification of identity and of citizenship that's in current SCHIP law.

What this bill does, H.R. 2 actually deviates very dramatically from that current law. It changes the legislation and takes away any ability for us to verify the citizenship of people that would be eligible for SCHIP.

What that means to the average American people out there is that the taxpayers who will be footing this bill will be having to pay for illegal aliens that will now be able to get benefits under this bill that, under current law, they're not able to get because there is a verification process. Why would the leadership want to take away that verification process, opening the door for fraud and abuse?

We know there will be fraud and abuse if this bill becomes law without the amendment that I brought forward last night that would change and revert back to current law. The current law allows for the verification and identification of citizenship. This bill takes that away.

The Congressional Budget Office actually estimates that this change, the change in H.R. 2 that we'll be voting on later on, will cost the taxpayers up to \$5 billion in illegal aliens being able to get SCHIP benefits that, under current law, are not able to get it because there is a verification process. We need to put that verification process back in place to make sure that the hard-working taxpayers out there, especially during these tough economic times, as people are paying those taxes to fund this program, what kind of message does it send to them, many of whom have no insurance of their own, that they're going to have to pay \$5 billion of their hard-earned money, so that illegal aliens can now be eligible; not eligible necessarily under the law, because the law at least acknowledges that illegals shouldn't be able to get the money. But the verification has been taken away in this bill.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 1 minute to the distinguished majority leader of the Democratic Caucus, Mr. HOYER, my good friend.

Mr. HOYER. I must say, following the last speaker, I think the last speaker is absolutely wrong. I think he misrepresented very substantially the facts of this bill, which strengthens verification.

This administration, the Bush administration, will tell you that, and the governors will tell you that the current verification system is not working, and that, in fact, we strengthen, in this bill, the verification. And of course, although he made it clear that illegal immigrants are not included and are very specifically not included, this bill will make it easier and more facilitate ensuring that objective than the present law.

Mr. SCALISE. Would the gentleman yield?

Mr. HOYER. Very briefly.

Mr. SCALISE. The elimination of section 211 is what I was referring to, and that's the section that even the Congressional Budget Office estimates, by removing that verification process, would open the door to about \$5 billion of people who are illegal aliens now being eligible because that verification is taken away.

Mr. HOYER. If, in fact, in other sections the verification process has not been strengthened, that may be accurate. I haven't seen the CBO report to which you refer. However, the strengthening will preclude that objective from happening, in my opinion.

Madam Speaker, I want you to hear the story of Deamonte Driver. This is from the Washington Post from February 28, 2007.

"12-year-old Deamonte Driver died today of a toothache." 12 years of age. "A routine \$80 tooth extraction might have saved him. But by the time Deamonte's own aching tooth got any attention, the bacteria from the abscess had spread to his brain, doctors said. After two operations and more than 6 weeks of hospital care, the Prince George's County 12-year-old died."

If you want a picture of American health care, in all its excellence and in its failures, there it is: The best doctors, the latest technology, 6 weeks of hospital care for a sick boy, at the cost of \$250,000, in a country that can't find \$80 to fix a toothache.

To paraphrase Adlai Stevenson, American health care swallows tigers whole, but it can choke to death on a gnat. We couldn't find \$80, and in the end it cost us a quarter of a million dollars. More importantly, it cost us the life of a young man. A system that makes such errors on a regular basis is both financially foolhardy and morally insupportable.

Yes, on a regular basis, Deamonte Driver's case may be extreme, but it was hardly unique. Every day, uninsured parents are foregoing much cheaper preventive care and using the emergency room as the first line of defense for their children's health. Ironically, the President of the United States, when he vetoed this bill, said that's exactly what they could do, intervene in the most expensive, last ditch intervention in health care. We're all paying for that. We are subsidizing those ER visits, we are dealing with the overburdened hospitals, and we are creating a sicker, less productive work force.

Fixing American health care will take much longer than an afternoon, but if I could pass just one bill today, if I could find the most efficient use of our health care dollars, I'd ensure more children. I think 80 percent of Americans agree with us on that.

One of the previous speakers, a physician on the other side of the aisle, was recognized to speak. I spent, Mr. DIN-

GELL spent, Mr. BACHUS spent, Mr. ROCKEFELLER spent, Mr. GRASSLEY spent some 30 hours in meetings with that doctor trying to reach a compromise. There were a number of other people in that room. Ultimately, there was no, notwithstanding the changes we made in the bill, there was no willingness to compromise to ensure the children.

There's no more medically pivotal time in life than that of a child. Make it through childhood without checkups, without a doctor's care, and you're still facing a lifetime of endangered health. Every other developed nation in the world seems to get that. Every other developed nation in the world provides its children with health care. Every developed nation makes sure all of its children are covered, with the exception of the United States of America.

This bill brings into the State Children's Health Insurance Program 4 million children not covered today because the President vetoed the CHIP bill, and we could not get 15 additional people in this body to override the veto. We got 45 on the Republican side of the aisle, and all the Democrats, but we couldn't get those extra 15. This bill brings in those 4 million children. It does what President Bush promised to do when he ran for re-election in 2004.

Accepting the Republican nomination in 2004, President Bush said this: "In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs." That's what he promised.

That's what the House and Senate have been pushing to do, what we passed legislation to do, and what the overwhelming majority of Americans have wanted to do for years.

Madam Speaker, we've tried. President Bush vetoed similar bills twice. But we are confident that President-elect Obama sees the issue differently. The American people saw the issue differently. They wanted change. This bill is going to reflect their desire for and vote for change.

This bill gives States permission to waive an arbitrary waiting period of 5 years to enroll immigrant children who are here legally.

Is there anyone here who wants to check on a sick child and say, we know you're here legally, but you've got to wait 5 years? A 1-year-old or a 2-year-old, that's two or three times their lifetime. It doesn't make moral sense to deny those children health services when their parents already pay payroll taxes. It doesn't make public health sense to keep those kids from getting the basic care they need.

As a parent, as a grandfather, and as a great grandfather, very frankly, I want my child in school with healthy children, from wherever they come. And it doesn't make economic sense to

subsidize unnecessary emergency room visits.

Madam Speaker, we all know that we're in a severe recession, and it makes this bill more vital than ever, because when we considered this bill last year, we hadn't lost millions of jobs. Millions of parents had not yet lost their health insurance. This legislation is more necessary than ever. More and more Americans are out of work.

More and more family budgets are strained to the breaking point. Today, health coverage for kids could make the difference between a family's economic ruin and economic stability.

As Yale University's Jacob S. Hacker writes, "access to affordable health care could be an immediate lifeline for working families."

It is in our power to throw that lifeline today. It's the right thing to do. It's the right thing to do for our children. It's the right thing to do for our families. It's the right thing to do for our economy, and it is the morally correct thing to do.

Pass this rule, pass this bill, let us send it to President Obama, and he will add the 4 million children, with our help, to health care in the richest land on the face of the Earth.

□ 1145

Mr. SESSIONS. Madam Speaker, the gentleman, the majority leader, indi-

cated he had not had an opportunity to see the Congressional Budget Office report to the gentleman Mr. WAXMAN, dated January 13. I would like to insert this into the transcript of today's debate.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2—Children's Health Insurance Program Reauthorization Act of 2009

Summary: The legislation would authorize the Children's Health Insurance Program (CHIP) through fiscal year 2013 and increase federal funding for the program above current levels. The bill would provide performance bonus payments to states for enrollment costs resulting from specified enrollment and retention efforts. H.R. 2 would establish a child enrollment contingency fund to cover state CHIP expenditures beyond the amount allotted in statute for the 2009–2013 reauthorization period. The bill also would add an additional state option to use CHIP funding to provide a premium assistance subsidy for children enrolled in a qualified health insurance plan, provide additional funding for outreach grants, and improve access to dental benefits and mental health parity in CHIP plans.

H.R. 2 includes other provisions related to the Medicaid program and CHIP. These provisions include ones that would allow states the authority to waive the restriction on providing Medicaid and CHIP coverage to certain legal immigrants before five years of residency, provide an alternative citizenship verification process for states when determining Medicaid eligibility, and provide grants for increased outreach and enrollment

activities. Finally, the bill would increase the federal excise tax on tobacco products.

The effects on direct spending and revenues over the 2009–2013 and 2009–2018 periods are relevant for enforcing pay-as-you-go rules under the current budget resolution. CBO estimates that enacting H.R. 2 would increase direct spending by approximately \$32.3 billion over the 2009–2013 period, and by \$65.4 billion over the 2009–2018 period. In addition, the Joint Committee on Taxation (JCT) estimates that certain provisions of the bill would increase federal revenues by \$31.3 billion over the 2009–2013 period and \$64.7 billion over the 2009–2018 period. Accounting for those effects and other revenue effects stemming from provisions in H.R. 2, CBO estimates that enacting the legislation would reduce deficits by \$1.1 billion over the 2009–2013 period and by \$1.7 billion over the 2009–2018 period.

CBO has reviewed the nontax provisions of the bill (Title I through Title VI, excluding section 311(a)) and determined that they contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO has determined that those provisions contain private-sector mandates on group health plans and issuers of group health insurance. In aggregate, the costs of the mandates on private entities in the nontax provisions of the bill would not exceed the annual threshold established by UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).

Estimated cost to the Federal Government: CBO's estimate of the impact of H.R. 2 on direct spending and revenues is shown in the following table. The costs of this legislation fall within budget function 550 (health).

By fiscal year in billions of dollars—														
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2009–2014	2009–2019	
CHANGES IN DIRECT SPENDING														
Estimated CHIP Allotments	5.6	7.5	8.5	10.0	12.4	1.0	1.0	1.0	1.0	1.0	1.0	44.9	49.9	
Estimated Outlays	2.4	4.5	7.3	8.5	9.7	7.1	5.9	6.3	6.7	7.1	7.8	39.4	73.3	
CHANGES IN REVENUES														
Estimated On-budget Revenues	3.7	7.2	7.0	7.0	7.6	6.3	6.8	6.7	6.7	6.6	6.4	38.8	72.0	
Estimated Off-budget Revenues	*	0.1	0.2	0.3	0.3	0.3	0.1	0.1	0.1	0.1	0.1	1.3	1.6	
Total Changes in Revenues	3.8	7.4	7.2	7.2	7.9	6.6	6.9	6.8	6.7	6.7	6.5	40.1	73.6	
NET DEFICIT IMPACT¹														
Net On-Budget Effects	–1.3	–2.8	0.3	1.6	2.1	0.7	–0.9	–0.4	*	0.5	1.4	0.6	1.2	
Net On- and Off-Budget Effects	–1.4	–2.9	0.1	1.3	1.8	0.4	–1.0	–0.5	*	0.4	1.3	–0.7	–0.4	

¹ Negative numbers denote a reduction in projected deficit; positive numbers denote an increase in projected deficits.

Notes: Components may not sum to totals because of rounding. * = between –\$50 million and \$50 million.

Basis of estimate: H.R. 2 contains provisions that would both increase and decrease direct spending, as well as increase federal revenues. CBO estimates the net budgetary impact of the legislation will be to reduce deficits by \$1.1 billion over the 2009–2013 period, by \$1.7 billion over the 2009–2018 period, and by \$0.4 billion over the 2009–2019 period.

Direct Spending

Provisions Affecting CHIP Benefits and Administrative Costs. CBO estimates that H.R. 2 would increase CHIP outlays on benefits and administrative costs by about \$31.7 billion over the 2009–2014 period and by \$36.3 billion over the 2009–2019 period. The increase in CHIP outlays would be associated primarily with increased funding to maintain current program levels and allow states the option to expand their existing CHIP programs. Under CBO's current baseline, funding for CHIP allotments is assumed to continue at approximately \$5 billion each year after the program's scheduled expiration on March 31, 2009. H.R. 2 would increase CHIP

allotments above that level by a total of \$43.9 billion over the 2009–2013 period. In fiscal year 2013, the bill would provide two semi-annual allotments of \$3 billion, which are lower than the allotment levels in the four previous years. The first semi-annual allotment in 2013 would be accompanied by onetime funding for the program of approximately \$11.4 billion. (The 2013 funding would total \$17.4 billion, an increase of \$12.4 billion over the current baseline projection.)

Because H.R. 2 would authorize CHIP through 2013, baseline rules established by the Balanced Budget and Emergency Deficit Control Act of 1985 call for extrapolating an annualized level of program funding at the end of authorization for the 2014–2019 period. Consequently, this estimate assumes that funding for CHIP would continue at the extrapolated annual amount of \$6 billion (\$1 billion per year more than the current baseline amount).

Performance Bonus Payments to States. H.R. 2 would provide funding for performance bonus payments using a two-tiered struc-

ture. Those bonus payments are designed to offset additional enrollment costs resulting from specified enrollment and retention efforts. To be eligible for those bonus payments, a state must meet at least four enrollment and retention criteria specified in the bill. The legislation would establish a benchmark level above which states can receive bonus payments for children enrolled in Medicaid. A threshold separating the two payment tiers is set at 10 percent above the benchmark level. States that enroll children who are in the first tier (above the benchmark level and below the 10 percent threshold) would receive bonus payments that are 15 percent of projected per capita state Medicaid expenditures. States that enroll children in the second tier (at or above the 10 percent threshold) would receive bonus payments totaling 62.5 percent of projected per capita state Medicaid expenditures. CBO estimates that performance bonus payments would increase direct spending by \$4.4 billion over the 2009–2019 period.

Child Enrollment Contingency Fund. H.R. 2 would provide additional funding, to states to maintain their current program levels over the 2009–2013 period. Such funding would be available to states whose spending exceeds their allotments in any fiscal year of the reauthorization period. CBO estimates that the contingency fund would increase direct spending by \$0.8 billion over the 2009–2013 period (with no impact after 2013).

Medicaid Spending Due to Interactions with CHIP. CBO expects an interaction between CHIP and the Medicaid program under H.R. 2. There are three key components to that interaction. CBO estimates that Medicaid spending would decrease as additional funding is provided to CHIP. When available CHIP funding is insufficient to maintain program coverage levels, states may continue to receive federal matching funds for some children at the lower Medicaid matching rate. Therefore, additional funding for CHIP would reduce the number of children shifted to Medicaid. Medicaid spending also would increase as adults move from CHIP to Medicaid coverage. Finally, the bill's bonus payments would lead to increased enrollment of children in Medicaid, further increasing Medicaid spending. CBO estimates that Medicaid spending associated with these interactions would increase by \$22.1 billion over the 2009–2019 period.

Verification of Declaration of Citizenship or Nationality for Purposes of Eligibility for Medicaid and CHIP. The bill would provide an alternative citizenship verification process for states when determining Medicaid eligibility. Instead of presenting satisfactory documentary evidence as required under the Deficit Reduction Act of 2005, states could submit the name and Social Security number of the individual to the Commissioner of Social Security. The Commissioner would then determine whether the name and Social Security number provided by the state is consistent with information in the records maintained by the Commissioner. If the information is not consistent, the state would make a reasonable effort to address the causes of the inconsistency. If the inconsistency cannot be resolved, the individual would be disenrolled from the program. The bill also would apply the verification process to the Children's Health Insurance Program.

Because this provision would enable more people to prove eligibility for Medicaid, or enroll in Medicaid sooner, CBO estimates that federal spending for Medicaid would increase by \$5.1 billion over the 2009–2019 period. CBO estimates no changes in direct spending for CHIP resulting from this provision. The bill also would provide an appropriation of \$5 million to the Commissioner of Social Security to carry out the Commissioner's responsibilities under the bill.

Permitting States to Ensure Coverage without a Five-Year Delay of Certain Children and Pregnant Women under the Medicaid Program and CHIP. The bill would allow states to waive the restriction on providing Medicaid and CHIP coverage to legal immigrants before five years of lawful residency in the United States. The bill would apply only to pregnant women and children. CBO estimates that this provision would increase direct spending under Medicaid by \$3.9 billion over the 2009–2019 period.

Medicaid Savings from Increasing the Tobacco Excise Tax. CBO estimates that the increase in the tobacco excise tax would reduce the number of smokers. A decline in smoking among pregnant women would result in fewer low-birth-weight deliveries. CBO estimates that as a result, federal

spending for Medicaid would decrease by approximately \$0.2 billion over the 2009–2019 period.

Revenues

Tobacco Excise Tax. The legislation contains provisions that would raise several types of excise taxes on tobacco. Those provisions include language that would raise the federal excise tax on cigarettes from 39 cents a pack to \$1.00 a pack, and would also increase taxes on other tobacco products. JCT estimates that those provisions would increase revenues by \$31.3 billion over the 2009–2013 period, by \$64.7 billion over the 2009–2018 period, and by \$71.1 billion over the 2009–2019 period.

Estimated impact on State, local, and tribal governments: CBO has reviewed the nontax provisions (Title I through Title VI, excluding section 311(a)) of the bill and determined that they contain no intergovernmental mandates as defined in UMRA.

An existing provision in the Public Health Service Act would allow state, local, and tribal governments, as employers that provide health benefits to their employees, to opt out of provisions of the bill that amend that act. Consequently, the bill's requirements on employers to comply with provisions associated with premium assistance under the Medicaid and CHIP programs would not be intergovernmental mandates as defined in UMRA. The bill would affect the budgets of those governments only if they choose to comply with the requirements imposed on group health plans.

CBO estimates that enactment of this bill would result in additional net spending by states of about \$9.7 billion over the 2009–2013 period for the SCHIP program. In general, state, local, and tribal governments would benefit from the continuation of existing SCHIP grants, the creation of new grants, and broader flexibility and options in the program.

Estimated impact on the private sector: CBO has reviewed the nontax provisions of the bill and determined that they would impose mandates on the private sector as defined in UMRA. CBO estimates that the direct cost of complying with those mandates would not exceed the threshold established by UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).

The bill would require group health plans and issuers of group health insurance in connection with a group health plan to permit employees to enroll in the group health plan if they lose Medicaid or CHIP eligibility or become eligible for premium assistance through Medicaid or CHIP. The bill would also require employers to inform employees of potential premium assistance opportunities, if available.

Estimate prepared by: Federal Costs: Sean Dunbar, Robert Stewart, Kirstin Nelson, Ellen Werble, and Grant Driessen. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Keisuke Nakagawa, Patrick Bernhardt, and Stuart Hagen.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

Also, I would like to just retort to the gentleman that probably every other industrialized nation in the world does have children's health care coverage. It's socialized medicine, and they rank near the bottom of health care coverage. That's why America is the top, because we have a health care system that works, that includes pri-

vate insurance that today we are trying to raid which we should not raid. We don't want to be at the bottom. We want to be at the top.

Madam Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, we all commend the President-elect for his vision of hope and of bipartisanship. It was with that same spirit of bipartisanship that the original SCHIP bill was adopted in the mid-1990s when Republicans and Democrats recognized together the need for assisting children in low-income families by providing access to health insurance. Remember? Probably not, because it was done quietly and proudly together. That's in stark contrast to now. With overbearing partisanship from the majority's cramming this highly charged bill through today and by ignoring vital problems, this bill will throw 2.4 million kids off private, personal health insurance into government-run bureaucratic medicine.

You talk about immoral. This bill requires over 20 million new smokers, Madam Speaker—new smokers—in order to pay for it. How very cynical. That's a problem, because there were so many positive alternatives.

I introduced with over 20 of my colleagues More Children, More Choices that would have provided up to \$42,000 of coverage for the original children, premium assistance of up to \$64,000 and then State flexibility beyond that.

Bipartisan rhetoric is hollow if it is not followed with bipartisan action. This bill does not do that. It betrays the spirit of the President-elect, and it betrays all Americans.

I call on the Speaker to begin an open and positive process, respecting all Members and respecting all Americans.

Mr. HASTINGS of Florida. Madam Speaker, may I indulge you again to give us the remaining amount of time.

The SPEAKER pro tempore. The gentleman from Florida has 5¼ minutes. The gentleman from Texas has 1½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, at this time, I am very pleased to yield 1 minute to the distinguished gentlewoman from Pennsylvania, yet another of our new Members, providing new dynamics and new direction, Mrs. DAHLKEMPER.

Mrs. DAHLKEMPER. Madam Speaker, I rise in support of the rule and of the underlying bill, the SCHIP reauthorization bill, before us today.

One of my priorities in running for Congress is to ensure that all eligible children have health care. I am pleased that this legislation will cover an additional 4 million children and will build on the current children's health program to provide care for expectant mothers, allowing our children to begin their lives with the best health outlook possible.

Myself, I gave birth to one of my children without health care. It was due to my having a preexisting condition at the change of a job and with a new health care policy, and that preexisting condition was pregnancy. Certainly, this needs to end in our country. We need to start our children off on the best possible health outlook.

This bill will also give incentive to States to increase enrollment so we can benefit more children and so we can provide them with the health care necessary for their growth and well-being.

Madam Speaker, I encourage my colleagues to support this rule. It is certainly necessary for our children of this country and for the health of this Nation.

Mr. SESSIONS. Madam Speaker, we reserve our time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 1 minute to my good friend, the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Allow me to thank the distinguished gentleman as well as the subcommittee Chair, Mr. STARK, and Mr. PALLONE and also the committees of jurisdiction—Ways and Means and, of course, the Energy and Commerce Committee—for their thoughtful way of approaching this calamity in this country.

Madam Speaker, let me quickly speak and suggest to you that the diversity of children that is uninsured is unbelievable: black, 1.7 million; white, 3.4 million; Hispanic, 1.6 million; American Indian, 132,000; Asian Pacific, 390,000. This is a crisis—a calamity—in America, and I support the underlying legislation.

However, I work with my good friend from Oklahoma, Mr. BOREN, to help us protect physician-owned hospitals. Here in my own community, St. Joseph's Hospital was on the verge of closing. I worked with them to keep them open. Interestingly enough, Harris County has 4.5 million people and only 16,000 beds. These hospitals are in the crux of serving the poor and the underserved.

I only hope that, as we move forward, we can work closely with our good friends who have done the right thing, who are going to move this bill to be signed by our President to ensure that those hospitals remain open.

Mr. BOREN and I have an amendment of extension to 2010. I hope we do that. I will submit a letter from the Governor of Texas into the RECORD on this issue.

OFFICE OF THE GOVERNOR,
STATE OF TEXAS,
Austin, TX, January 13, 2009.

Hon. JOE L. BARTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BARTON: In the next few days, the U.S. Congress will address the pressing issue of funding the State Children's

Health Insurance Program (SCHIP). I urge you to fight to protect the vital funding that has been allocated to the state for its SCHIP program.

SCHIP was developed by Congress as a program administered by states to serve low-income and uninsured children. In 2000, Texas began enrolling children in a separate SCHIP program that is fiscally responsible and focuses on serving the targeted clients Congress originally authorized. Texas maintains reasonable eligibility requirements, such as only enrolling children whose families make less than 200 percent of the federal poverty level (FPL). Some states experiencing shortfalls cover families whose incomes are as high as 350 percent of FPL and non-pregnant adults. As you consider impending SCHIP reauthorization legislation, it is imperative that Texas is not penalized for not taking these liberties with its program.

In addition, recent reports have indicated that restrictions on physician-owned hospitals may be used to offset SCHIP budget costs. Congress should not foreclose a health service delivery access point in order to pay for SCHIP state expansions. Texas has approximately 50 physician-owned hospitals, which provide critical services to thousands of patients each year, employ more than 22,000 Texans and have a reported net economic effect of nearly \$2.3 billion on the Texas economy. These hospitals play a vital role in health care delivery in the state, a role that is rightfully determined by the needs of Texas communities, not governmental financing maneuvers.

I ask you to consider the consequences of limiting physician-owned hospitals in Texas as you seek to protect Texas' SCHIP current and future allocations. Texas should not be penalized for administering a fiscally responsible program that serves a vital need for the low-income children in our state.

Please let me know how I can be of assistance. I look forward to a positive outcome for the children of Texas.

Sincerely,

RICK PERRY,
Governor.

Madam Speaker, I rise today in strong support for the "Children's Health Insurance Program Reauthorization Act of 2009." We stand today, closer to helping 4 million children without health insurance. No longer will these children be forced to live with fear of getting sick.

Today is a great day. Today we can bring 4 million children into the fold. Today we can tell those 4 million children that are begging for help that "Yes we can."

NATIONALLY AND IN TEXAS

There are an estimated 8.9 million uninsured children in America. Overall, about 11.3 percent of children in the United States are uninsured, but the percentage of uninsured children in each State varies widely. Based on a 3-year average, there was an estimated 20.9 percent of uninsured children, under 19 years of age in Texas, representing 1,454,000 of the State's children.

According to the Institute of Medicine, uninsured people are less likely to use preventive services and receive regular care. They are also more likely to delay care resulting in poorer health and outcomes. Texas has the highest uninsured rates of all 50 States and the District of Columbia, 2005–2007. Almost one-quarter, 24.4 percent, of Texans are uninsured compared to 15.3 percent of the general U.S. population.

Data show that virtually all the net reduction in SCHIP enrollment has been among children in families with incomes below 150 percent FPL. The number of below-poverty children has dropped by more than 68 percent and the number of children between 101–150 percent FPL has dropped by more than one-third since September 2003. I want to share with you just some of the scary health statistics that are affecting children: 74 percent of uninsured children eligible for SCHIP or Medicaid but not enrolled; 11 percent of uninsured children in families not eligible for Medicaid or SCHIP with incomes below; 15 percent of uninsured children in families with incomes over 300 percent of the federal poverty-level who are ineligible for Medicaid and SCHIP; 90 percent of uninsured children that come from families where at least one parent works; 50 percent of two-parent families of uninsured children in which both parents work; 3.4 million uninsured children who are white, non-Hispanic; 1.6 million uninsured children who are African American; 3.3 million uninsured children who are Hispanic; and 670,000 uninsured children of other racial and ethnic backgrounds.

In the great State of Texas there is a young man named Jason who had SCHIP health insurance for years, and the coverage was life saving. When he was in a car accident over a year ago, SCHIP covered his treatment and all the medical bills. His family needs SCHIP because they cannot afford private health coverage. The parents work hard, but the father's employment in pest control is seasonal and provides only about \$35,000 annually. Jason's mother is wheelchair-bound with multiple sclerosis and has significant health care expenses.

When Jason lost SCHIP a year ago, his mother suspected they had been denied because of the 2003 Ford truck the family purchased so that she could transport her wheelchair. Prior to last year, she had never had problems renewing coverage and the family's income had not changed. But the income guidelines had changed.

New SCHIP guidelines that took effect in December 2005 do not count children over 18 years of age as family members. Although their full-time student daughter lives at home, she is not counted as part of the family, and, as a result, they are about \$50 a month above the income limit for a family of three. So now the entire family is uninsured. This lack of coverage means that when Jason gets sick or hurt, they have to delay paying other bills to pay for medical care.

Lack of coverage also has affected Jason's performance in school. He has been sick quite a bit in the past few years with allergies and has missed many days of school, because his eyes become swollen and he is unable to breathe. School officials had reprimanded the mother about his absences but now realize that Jason has some serious health issues.

Finally we will be able to help people like Jason and assuage his mothers concerns. We are able to insure those who need it most.

PHYSICIAN-OWNED HOSPITALS

Sadly, there is one portion of this bill I did have some trouble with, the restrictions on physician-owned hospitals. Yesterday, my dear friend from Oklahoma, Congressman BOREN and I were able to voice a very real

concern that we had with the prohibition on physician-owned hospitals.

As the bill was originally written there was a provision in the bill that would have drastically affected the quality of care available to Houston residents and people in urban communities across the entire country.

The exceptions that exist to grandfather in certain physician-owned hospitals is inadequate and will affect more than 85 hospitals that are currently in development and under construction. It will also restrict sales and transfers of many responsible physician-owned hospitals.

In my district of Houston, Texas the population has grown close to 4.5 million people and there are only approximately 16,000 beds available in the city. Eliminating physician ownership in general acute care hospitals would only contribute to this ever growing problem.

While many specialty hospitals are accused of turning away uninsured and Medicaid patients and practicing only profitable health care, responsible physician-owned hospitals do just the opposite.

Physician-owned hospitals like St. Joseph Medical Center in my district provide essential emergency, maternity, and psychiatric care for their patients. They delivered over 6,000 babies in 2008, of which 3,700 were insured by Medicaid. Currently they provide \$14 million in uninsured care in the Houston Market. A Houston Institution for 120 years, St. Joseph Medical Center is also a major provider of psychiatric beds as it currently operates 102 of the 800 licensed beds in Houston.

While Members of the Texas delegation have continued to support general acute-care hospitals and their future development; we still believe that general acute-care hospitals still need to be able to:

Maintain a minimum number of physicians available at all times to provide service;

Provide a significant amount of charity care;

Treat at least one-sixth of its outpatient visits for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment;

Maintain at least 10 full time interns or residents-in-training in a teaching program;

Advertise or present themselves to the public as a place which provides emergency care;

Serve as a disproportionate share provider, serving a low income community with a disproportionate share of low income patients; and

Have at least 90 hospital beds available to patients.

This issue is of the utmost importance to me because I, like others in the Democratic Caucus, have hospitals and hospital systems such as University Hospital Systems of Houston in my district that would have been greatly affected by this provision.

ST. JOSEPH MEDICAL CENTER

In 2006, St. Joseph Medical Center, downtown Houston's first and only teaching hospital was on the verge of closing its doors. When I learned that they were going to shut down this hospital and turn it into high-end condominiums, I personally worked with the hospital board, community leaders, and local government to ensure this did not take place. Eventually, after I was assured that it would

be responsibly managed and its doors would remain open, I was able to help a hospital corporation, in partnership with physicians, purchase the hospital and it has made the hospital the premier hospital in the region. St. Joseph's doors remain open and its qualified emergency room is responsive to a heavily populated downtown Houston.

This formerly troubled medical center is now in the process of reopening Houston Heights Hospital, the fourth oldest acute care hospital in Houston. Without language that specifically addresses this distinction, this project too will come to an end.

Sadly, it remains unclear if CHIP provides for physician-owned hospitals to still be considered grandfathered if they have a sale or transfer at the same ownership rate or at a different physician-ownership rate.

Between December 2007 and December 2008, the U.S. economy shed about 2.6 million jobs, while Texas made significant gains. Texas' nonfarm employment registered a stable 2.1 percent growth rate over the year, even as the Nation's job losses reached their worst level since 2003. CBO forecasts the following: a marked contraction in the U.S. economy in calendar year 2009, with real, inflation adjusted, gross domestic product, GDP, falling by 2.2 percent; a slow recovery in 2010, with real GDP growing by only 1.5 percent; an unemployment rate that will exceed 9 percent early in 2010.

The U.S. Bureau of Labor Statistics announced on November 21, 2009, that October's unemployment rate was 6.5 percent, a jump of 0.4 percent, which was double what most economists expected, and its highest level in 14 years. The economy has now lost 1.2 million jobs since the beginning of the year, with nearly half of those losses occurring in the last 3 months alone, pointing to acceleration in the pace of erosion in labor markets. It is more important than ever in this economy that children's healthcare is not sacrificed.

Madam Speaker, my faith is renewed in the process that is so often maligned in the media. Thoughtful and deliberate actions were taken to improve this legislation that would not only help the children of my district and many others across the Nation, but also it was able to address concerns that many of us, myself included have on these specialty hospitals.

I look forward to a day when every child is covered and can play on football fields and jungle gyms without their parents fearing a bankrupting injury to their child. This legislation is piece of mind to 4 million families and I will joyfully cast my vote for passage of this important legislation.

There are currently 85 hospitals under development. An estimated \$1,830,909,350 has been expended with \$574,358,090 in outstanding financing. The addition of 85 more hospitals would also equate to an estimated 23,000 more jobs. In addition, of the 199 existing physician-owned hospitals, 34 are undergoing major construction with an estimated \$357,500,000 in outstanding expenditures that could be affected by legislation.

The following States reported hospitals under development:

Arkansas—4 hospitals, all in District 3.

Arizona—3 hospitals, District 3 (2 hospitals) and District 8.

California—8 hospitals, Districts 2, 16, 18, 19, 45, 48, with 2 Districts unknown.

Colorado—3 hospitals, Districts 1, 3, 7.

Florida—2 hospitals, District 20, with 1 District unknown.

Iowa—1 hospital, District 4.

Idaho—2 hospitals, District 1, with 1 District unknown.

Illinois—1 hospital, District 14.

Indiana—5 hospitals, District 2 (3 hospitals), District 9 (2 hospitals).

Kansas—4 hospitals, District 2, District 4 (2 hospitals), with 1 District unknown.

Louisiana—6 hospitals, Districts 1 (2 hospitals), District 5 (2 hospitals), District 7, with 1 District unknown.

Massachusetts—1 hospital, District 8.

Michigan—2 hospitals, Districts 9, 12.

North Dakota—1 hospital, District 1.

Nebraska—2 hospitals, Districts 1, 2.

Ohio—8 hospitals, Districts 1, 3, 7, District 9 (2 hospitals), 11, 12, 13.

Oklahoma—3 hospitals, Districts 1, 2, 5.

Pennsylvania—3 hospitals, District 15, 19 with 1 District unknown.

South Dakota—3 hospitals, all in District 1.

Texas—51 hospitals, Districts 2 (3 hospitals), 3, 4, 5 (3 hospitals), 6, 7, 8, 9, 10 (2 hospitals), 11, District 12 (4 hospitals), 14, 15, 19, 20 (2 hospitals), 21, 24 (4 hospitals), 25 (3 hospitals), 26 (3 hospitals), 27 (2 hospitals), 29, 30 (9 hospitals), 31, 32 (2 hospitals), with 2 Districts unknown.

Virginia—1 hospital, District 3.

Wisconsin—2 hospitals, both District 5.

Wyoming—1 hospital, District 1.

Mr. SESSIONS. Madam Speaker, we continue to reserve our time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield at this time 1 minute to a distinguished new Member who represents those 10 miles from my home, Orlando, Florida (Mr. GRAYSON).

Mr. GRAYSON. Madam Speaker, there is a power that we have as legislators that we don't often discuss, but it's there nonetheless. It is the power of life and death. The power is most apparent when we vote on wars, but it is apparent here today as well.

Today, we vote on life versus death. There are 50,000 American children who died last year. More children in America die every month than the number of Americans who were lost on 9/11. Half of those children never reached their first birthdays. Thousands of them died from cancer. We need to do everything that we can to save them.

I was a very sick child. I had to go to the hospital four times a week for treatment. If it weren't for my parents' union health benefits, I would not be here today for this vote.

Study after study shows that, for life-threatening conditions, uninsured people are three times more likely to die than those who are insured. At this time, there are many, many parents in our country who cannot afford health care for their children, but we cannot let the problems of the parents descend on the children.

By voting "yes" today, we save thousands of innocent lives. We won't know

who they are. In fact, they won't know who they are, but they will owe their lives to our conscience. Please vote for SCHIP today. Vote for life.

Mr. SESSIONS. Madam Speaker, we will continue to reserve our time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 1 minute to the distinguished gentleman, my friend from Oregon, a member of the Ways and Means Committee, Mr. BLUMENAUER.

Mr. BLUMENAUER. Madam Speaker, I am pleased to rise in support of the rule and of the underlying bill.

This is the first step in this Congress that sends a signal of hope to people around the country. It is not just going to make a difference for 70,000 children in my State of Oregon and for 11 million children across America who will get health insurance. It was important in the last Congress that we had passed this bipartisan legislation, but unfortunately, the roadblocks in the White House and Republican Congress made that impossible to be enacted into law. If it were important in the last session, it is critical in this session with the economy in a free-fall, with families in desperate conditions and with health care fraying at the edges.

This action today is showing the difference of the new leadership in the House, in the Senate and in the White House. Beyond the 70,000 children in Oregon and 11 million children across the country, this is a signal to America about where our Nation is going. This signal of hope can come none too soon.

Mr. SESSIONS. Madam Speaker, we will continue to reserve our time.

Mr. HASTINGS of Florida. Madam Speaker, at this time, I inquire of the gentleman whether or not he is their last speaker. I am prepared to close, and I will be our last speaker.

Mr. SESSIONS. I thank the gentleman. I have no further speakers and would yield myself the balance of my time to close.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1½ minutes.

Mr. SESSIONS. Madam Speaker, I will be asking for a recorded vote on this closed rule.

With the current program not expiring until March 31 of this year, we have seen enough Members question the underlying legislation, and I think we deserve an open and honest debate in the committees of jurisdiction before we take a vote on such a large expansion—\$35 billion more of government programs.

This legislation spends billions of dollars to substitute private health insurance with government-run coverage. It enables illegal aliens to fraudulently enroll in Medicaid and in SCHIP. The bill creates the most regressive tax increase in American history, using funding gained from taxing the poor to pay for expanding SCHIP eligibility to

higher income families. This legislation increases the number of adults on SCHIP, allowing even more resources to be taken away from the low-income, uninsured children who need it the most.

Madam Speaker, this legislation moves us closer and closer to a government-run program and further and further away to access for quality health care of our choice.

I encourage all of my colleagues to vote "no" on the rule and to vote "no" on the underlying legislation. We should ensure that SCHIP meets its original intent and that it covers the poorest children first.

We have been very clear about saying that the Republicans in this body have asked for the opportunity to have regular order to discuss this issue in committee and have asked for the opportunity to have Republicans and Democrats present their ideas and hear them accepted for amendments before the Rules Committee. We object to the way that this Rules Committee has handled this issue.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, when I hear my good friend from Texas speak of regular order on this particular measure, it would presume, among other things, I guess, that no one in this body knows that there is a significant number of children who are uninsured and that this measure, once offered in 1997, did begin the process that today we wish to continue and that still does not complete the task that most of us feel is necessary in order to insure all of the children in this country.

Madam Speaker, this is a good rule for a critically important bill. Although this bill cannot repair all of the flaws that are intrinsic in America's health care system, it undoubtedly serves as a strong and honorable prelude to facilitating comprehensive health care reform.

Mahatma Gandhi, among many things, said that you can learn about a country's condition by looking at its most weak and vulnerable people. The alarming rate of uninsured and poverty-stricken children in this country tells us that the richest country on Earth is in poor condition.

I urge my colleagues to vote in favor of this rule so that we may support a bill that will give millions of children the basic right to health so that they can become leaders and productive citizens.

I urge a "yes" vote on the previous question and on the rule.

Mr. COLE. Madam Speaker, I rise today to speak to H.R. 2 and the State Children's Health Insurance Program in general. Like many of my colleagues, I have been supportive of the underlying legislation. However, the way in which the underlying legislation has been brought forward under a closed rule is unforgivable. This is simply just one more ex-

ample of the majority taking away the right of the minority to offer any type of substantive amendment or change to the legislation.

Let's review what has occurred this year with the Rules process. First, the majority has seen fit to remove the minority's ability to offer a motion to recommit a bill promptly, taking away a right that even Speaker Joe Cannon sought to guarantee to the minority. Additionally, as the first order of business, the majority decided to include two closed rules for H.R. 11—Lilly Ledbetter Fair Pay Act, and H.R. 12—Paycheck Fairness Act. Now, as their third order of business, the House Rules Committee and the Democratic Majority has decided to once again close off debate and reject the minority's request to be able to offer even one amendment.

Madam Speaker, the fact is that this legislation was debated in the last Congress and the majority knows the minority has substantive and strong concerns regarding the way in which the underlying legislation will be implemented. This is a process that should be bipartisan. It is a program that has received bipartisan support in the past. It is a program that should be able to be genuinely debated. Why, in this time of dramatic political change, where the American people have demanded bipartisanship, is the majority closing off any and all debate?

Madam Speaker, the underlying legislation represents an expansion of the SCHIP program that undermines its original purpose. By expanding the level of coverage to 300 percent of the Federal Poverty Level, FPL, this legislation goes far beyond the objective of covering low income families and now will cover some families who can even be subject to the Alternative minimum tax. This will eventually cause middle class families to be competing with the poor for coverage for their children, functionally turning it into another middle class entitlement program.

Furthermore, while this bill expands coverage for children, it does much more. It now begins to cover childless adults, it contains provisions to expand coverage to low-income parents, and creates an Express Lane Enrollment Option for states. The Express Lane Enrollment Option is, perhaps, one of the most egregious provisions in the bill. It will functionally allow states to insure children who come from families making 330 percent of the Federal poverty level.

Also, let's take a look at how the majority derives the money to pay for this radical expansion of health insurance. First, they increase the tobacco tax. However, the majority ignores the fact that increasing this tax almost always lowers the level of smoking, thus causing a delta between estimated and actual revenues to be derived from this tax increase. Additionally, the majority has seen fit to cut SCHIP funding in the final budget year, using this as a workaround so that it complies with the PAYGO budget requirements.

Madam Speaker, while the original SCHIP has been supported on a bipartisan basis, this legislation is neither bipartisan, nor fair. It certainly cannot be seen to be in accord with our new President-Elect's position that we should work in a bipartisan manner.

Madam Speaker, with this in mind, I would encourage all members to vote against the

rule, and the underlying legislation. There is no way that this Rule can be considered anything but an exercise in raw, crass one-sided partisanship. Vote against the return of an imperial Congress, and vote against this rule.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 178, not voting 11, as follows:

[Roll No. 14]

AYES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle

Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)

Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Pingree (ME)
Polls (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko

NOES—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Billray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (ND)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick

Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Boehner
Boucher
Herseth Sandlin
Maloney

Sherman
Snyder
Solis (CA)
Sullivan

NOT VOTING—11

□ 1225

Messrs. GINGREY of Georgia, BURTON of Indiana and REICHERT changed their vote from “aye” to “no.” So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. SESSIONS. Madam Speaker, by the direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 59

Resolved, That the following Member is, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON RULES—Ms. FOXX.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

Mr. PALLONE. Madam Speaker, pursuant to House Resolution 52, I call up the bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Children's Health Insurance Program Reauthorization Act of 2009”.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO CHIP; MEDICAID; SECRETARY.—In this Act:

(1) CHIP.—The term “CHIP” means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term “Medicaid” means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.

Sec. 2. Purpose.

Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

TITLE I—FINANCING

Subtitle A—Funding

- Sec. 101. Extension of CHIP.
 Sec. 102. Allotments for States and territories for fiscal years 2009 through 2013.
 Sec. 103. Child Enrollment Contingency Fund.
 Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
 Sec. 105. Two-year initial availability of CHIP allotments.
 Sec. 106. Redistribution of unused allotments.
 Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.
 Sec. 108. One-time appropriation.
 Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

- Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.
 Sec. 112. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
 Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.
 Sec. 114. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
 Sec. 115. State authority under Medicaid.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

- Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.
 Sec. 202. Increased outreach and enrollment of Indians.
 Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

- Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
 Sec. 212. Reducing administrative barriers to enrollment.
 Sec. 213. Model of Interstate coordinated enrollment and coverage process.
 Sec. 214. Permitting States to ensure coverage without a 5-year delay of certain children and pregnant women under the Medicaid program and CHIP.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

- Sec. 301. Additional State option for providing premium assistance.
 Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

- Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

- Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
 Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
 Sec. 403. Application of certain managed care quality safeguards to CHIP.

TITLE V—IMPROVING ACCESS TO BENEFITS

- Sec. 501. Dental benefits.
 Sec. 502. Mental health parity in CHIP plans.
 Sec. 503. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
 Sec. 504. Premium grace period.
 Sec. 505. Clarification of coverage of services provided through school-based health centers.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

- Sec. 601. Payment error rate measurement (“PERM”).
 Sec. 602. Improving data collection.
 Sec. 603. Updated Federal evaluation of CHIP.
 Sec. 604. Access to records for IG and GAO audits and evaluations.
 Sec. 605. No Federal funding for illegal aliens.

Subtitle B—Miscellaneous Health Provisions

- Sec. 611. Deficit Reduction Act technical corrections.
 Sec. 612. References to title XXI.
 Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.
 Sec. 614. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.
 Sec. 615. Clarification treatment of regional medical center.
 Sec. 616. Extension of Medicaid DSH allotments for Tennessee and Hawaii.

Subtitle C—Other Provisions

- Sec. 621. Outreach regarding health insurance options available to children.
 Sec. 622. Sense of the Senate regarding access to affordable and meaningful health insurance coverage.
 Sec. 623. Limitation on Medicare exception to the prohibition on certain physician referrals for hospitals.

TITLE VII—REVENUE PROVISIONS

- Sec. 701. Increase in excise tax rate on tobacco products.
 Sec. 702. Administrative improvements.
 Sec. 703. Treasury study concerning magnitude of tobacco smuggling in the United States.

- Sec. 704. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) through (d), this Act (and the amendments made by this Act) shall take effect on April 1, 2009, and shall apply to child health assistance and medical assistance provided on or after that date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) COORDINATION OF CHIP FUNDING FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11), 2104(k), or 2104(l) of the Social Security Act, as amended by section 201 of Public Law 110-173, to provide allotments to States under CHIP for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before April 1, 2009, are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

TITLE I—FINANCING

Subtitle A—Funding

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) by amending paragraph (11), by striking “each of fiscal years 2008 and 2009” and inserting “fiscal year 2008”; and

(3) by adding at the end the following new paragraphs:

“(12) for fiscal year 2009, \$10,562,000,000;

“(13) for fiscal year 2010, \$12,520,000,000;

“(14) for fiscal year 2011, \$13,459,000,000;

“(15) for fiscal year 2012, \$14,982,000,000; and

“(16) for fiscal year 2013, for purposes of making 2 semi-annual allotments—

“(A) \$3,000,000,000 for the period beginning on October 1, 2012, and ending on March 31, 2013, and

“(B) \$3,000,000,000 for the period beginning on April 1, 2013, and ending on September 30, 2013.”.

SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2009 THROUGH 2013.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking “subsection (d)” and inserting “subsections (d) and (m)”;

(2) in subsection (c)(1), by striking “subsection (d)” and inserting “subsections (d) and (m)(4)”;

(3) by adding at the end the following new subsection:

“(m) ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2013.—

“(1) FOR FISCAL YEAR 2009.—

“(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2009 from the amount made available under subsection (a)(12), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

“(i) The total Federal payments to the State under this title for fiscal year 2008, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009.

“(ii) The amount allotted to the State for fiscal year 2008 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009.

“(iii) The projected total Federal payments to the State under this title for fiscal year 2009, as determined on the basis of the February 2009 projections certified by the State to the Secretary by not later than March 31, 2009.

“(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2009 from the amount made available under subsection (a)(12) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1999 through 2008, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009, except that subparagraph (B) thereof shall be applied by substituting ‘the United States’ for ‘the State’.

“(C) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit a revised projection described in subparagraph (A)(iii) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

“(2) FOR FISCAL YEARS 2010 THROUGH 2012.—

“(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (13) through (15) of subsection (a) for each of fiscal years 2010 through 2012, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

“(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2010.—For fiscal year 2010, the allotment of the State is equal to the sum of—

“(I) the amount of the State allotment under paragraph (1) for fiscal year 2009; and

“(II) the amount of any payments made to the State under subsection (k), (l), or (n) for fiscal year 2009,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

“(ii) REBASING IN FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2010 (including payments made to the State under subsection (n) for fiscal year 2010 as well as amounts redistributed to the State in fiscal year 2010), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

“(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2012.—For fiscal year 2012, the allotment of the State is equal to the sum of—

“(I) the amount of the State allotment under clause (ii) for fiscal year 2011; and

“(II) the amount of any payments made to the State under subsection (n) for fiscal year 2011,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

“(3) FOR FISCAL YEAR 2013.—

“(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (16) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children’s Health Insurance Program Reauthorization Act of 2009, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

“(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (16) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

“(i) the amount of the allotment to such State under subparagraph (A); to

“(ii) the total of the amount of all of the allotments made available under such subparagraph.

“(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2012 (including payments made to the State under subsection (n) for fiscal year 2012 as well as amounts redistributed to the State in fiscal year 2012),

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2013.

“(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

“(i) the sum of—

“(I) the amount made available under subsection (a)(16)(A); and

“(II) the amount of the appropriation for such period under section 108 of the Children’s Health Insurance Program Reauthorization Act of 2009; to

“(ii) the sum of the—

“(I) amount described in clause (i); and

“(II) the amount made available under subsection (a)(16)(B).

“(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2013, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

“(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

“(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

“(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

“(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

“(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2010 and ending with fiscal year 2013); and

“(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

“(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

“(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year, subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2010 or fiscal year 2012.

“(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2013.—Each

semi-annual allotment made under paragraph (3) for a period in fiscal year 2013 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.”.

SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

“(n) CHILD ENROLLMENT CONTINGENCY FUND.—

“(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the ‘Child Enrollment Contingency Fund’ (in this subsection referred to as the ‘Fund’). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

“(2) DEPOSITS INTO FUND.—

“(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

“(i) for fiscal year 2009, an amount equal to 20 percent of the amount made available under paragraph (12) of subsection (a) for the fiscal year; and

“(ii) for each of fiscal years 2010 through 2012 (and for each of the semi-annual allotment periods for fiscal year 2013), such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

“(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2010 through 2012 (and for each of the semi-annual allotment periods for fiscal year 2013), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

“(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

“(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

“(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

“(A) IN GENERAL.—If a State’s expenditures under this title in fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, or a semi-annual allotment period for fiscal year 2013, exceed the total amount of allotments available under this section to the State in the fiscal year or period (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average

number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

“(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

“(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

“(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

“(i) for fiscal year 2009 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2008 increased by the population growth for children in that State for the year ending on June 30, 2007 (as estimated by the Bureau of the Census) plus 1 percentage point; or

“(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (m)(5)(B) for the State for the prior fiscal year.

“(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

“(i) for fiscal year 2009 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2008, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2009; or

“(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

“(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionately.

“(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section.

“(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the State shall submit to the Secretary the State’s projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

“(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth’s or territory’s eligibility for, and amount of payment, under this paragraph.”.

SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

“(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

“(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2013), the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year.

“(B) AMOUNT FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

“(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year, multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

“(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year, multiplied by 62.5 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

“(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

“(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

“(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State plan under title XIX, respectively; exceeds

“(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under title XIX, respectively; but not to exceed 10 percent of the baseline number of enrollees described in subclause (II).

“(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above

baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

“(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under title XIX as described in clause (i)(I); exceeds

“(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

“(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under title XIX—

“(I) for fiscal year 2009 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX during fiscal year 2007 increased by the population growth for children in that State from 2007 to 2008 (as estimated by the Bureau of the Census) plus 4 percentage points, and further increased by the population growth for children in that State from 2008 to 2009 (as estimated by the Bureau of the Census) plus 4 percentage points;

“(II) for each of fiscal years 2010, 2011, and 2012, is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the respective fiscal year begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 3.5 percentage points;

“(III) for each of fiscal years 2013, 2014, and 2015, is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the respective fiscal year begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 3 percentage points; and

“(IV) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the fiscal year involved begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 2 percentage points.

“(D) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (B), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

“(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

“(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated \$3,225,000,000 for fiscal year 2009 for making payments under this paragraph, to be available until expended.

“(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts shall also be available, without fiscal year limitation, for making payments under this paragraph:

“(I) UNOBLIGATED NATIONAL ALLOTMENT.—

“(aa) FISCAL YEARS 2009 THROUGH 2012.—As of December 31 of fiscal year 2009, and as of December 31 of each succeeding fiscal year through fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

“(bb) FIRST HALF OF FISCAL YEAR 2013.—As of December 31 of fiscal year 2013, the portion, if any, of the sum of the amounts appropriated under subsection (a)(16)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2009 for the period beginning on October 1, 2012, and ending on March 31, 2013, that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

“(cc) SECOND HALF OF FISCAL YEAR 2013.—As of June 30 of fiscal year 2013, the portion, if any, of the amount appropriated under subsection (a)(16)(B) for the period beginning on April 1, 2013, and ending on September 30, 2013, that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

“(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2010 through 2013, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006, 2007, and 2008 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

“(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2010 through 2013, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(n).

“(IV) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—As of October 1, 2011, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2011.

“(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

“(F) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term ‘qualifying children’ means children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2008, for enrollment under title XIX, taking into account criteria applied as of such date under title XIX pursuant to a waiver under section 1115. Such term does not include any children for whom the State has made an election to provide medical assistance under section 1903(v)(4).

“(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (G) of section 2104(n)(3) shall apply with respect to payment under this paragraph in the same manner as such provisions apply to payment under such section.

“(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER FISCAL YEAR 2008.—In the case of a State that provides coverage under section 115 of the Children's Health Insurance Program Reauthorization Act of 2009 for any fiscal year after fiscal year 2008—

“(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

“(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX for such third fiscal year.

“(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 4 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

“(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

“(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

“(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

“(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

“(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

“(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

“(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

“(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for

children for medical assistance under title XIX and child health assistance under this title.

“(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

“(i) IN GENERAL.—The State provides, in the case of renewal of a child’s eligibility for medical assistance under title XIX or child health assistance under this title, a pre-printed form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

“(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State’s possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant’s parent or caretaker relative.

“(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

“(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.”

SEC. 105. TWO-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

“(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

“(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

“(A) for each of fiscal years 1998 through 2008, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

“(B) for fiscal year 2009 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

“(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.”

SEC. 106. REDISTRIBUTION OF UNUSED ALLOTMENTS.

(a) BEGINNING WITH FISCAL YEAR 2007.—

(1) IN GENERAL.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(B) by striking “States that have fully expended the amount of their allotments under this section.” and inserting “States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).”; and

(C) by adding at the end the following new paragraph:

“(2) SHORTFALL STATES DESCRIBED.—

“(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

“(i) the amount of the State’s allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

“(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (n); and

“(iii) the amount of the State’s allotment for the fiscal year.

“(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

“(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to redistribution of allotments made for fiscal year 2007 and subsequent fiscal years.

(b) REDISTRIBUTION OF UNUSED ALLOTMENTS FOR FISCAL YEAR 2006.—Section 2104(k) (42 U.S.C. 1397dd(k)) is amended—

(1) in the subsection heading, by striking “THE FIRST 2 QUARTERS OF”;

(2) in paragraph (1), by striking “the first 2 quarters of”; and

(3) in paragraph (6)—

(A) by striking “the first 2 quarters of”; and

(B) by striking “March 31” and inserting “September 30”.

SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

(a) IN GENERAL.—Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), as amended by section 201(b)(1) of Public Law 110-173—

(A) by inserting “subject to paragraph (4),” after “Notwithstanding any other provision of law,”; and

(B) by striking “2008, or 2009” and inserting “or 2008”; and

(2) by adding at the end the following new paragraph:

“(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2013.—

“(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State’s allotment made under section 2104 for any of fiscal years 2009 through 2013 (insofar as the allotment is available to the State under subsections (e) and (m) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been

substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

“(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.”

(b) REPEAL OF LIMITATION ON AVAILABILITY OF FISCAL YEAR 2009 ALLOTMENTS.—Paragraph (2) of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is repealed.

SEC. 108. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, \$11,406,000,000 to accompany the allotment made for the period beginning on October 1, 2012, and ending on March 31, 2013, under section 2104(a)(16)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(16)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2013 in the same manner as allotments are provided under subsection (a)(16)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(16)(A).

SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

“(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2009, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.”

(b) GAO STUDY AND REPORT.—Not later than September 30, 2010, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and

the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations regarding methods for the collection and reporting of reliable data regarding the enrollment under Medicaid and CHIP of children in such commonwealths and territories.

(3) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

Subtitle B—Focus on Low-Income Children and Pregnant Women

SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

“SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

“(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

“(1) MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.—The State has established an income eligibility level—

“(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (1)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2008; and

“(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

“(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (1)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

“(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

“(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related

assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

“(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

“(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

“(7) NO WAITING LIST FOR CHILDREN.—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

“(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

“(d) DEFINITIONS.—For purposes of this section:

“(1) PREGNANCY-RELATED ASSISTANCE.—The term ‘pregnancy-related assistance’ has the meaning given the term ‘child health assistance’ in section 2110(a) with respect to an individual during the period described in paragraph (2)(A).

“(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term ‘targeted low-income pregnant woman’ means an individual—

“(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

“(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

“(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

“(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and

to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

“(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

“(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

“(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956-61974 (October 2, 2002)), or

“(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2008).

“(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

“(3) NO INFERENCE.—Nothing in this subsection shall be construed—

“(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

“(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).”.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting “or pregnancy-related assistance” after “preventive services”; and

(B) by inserting before the period at the end the following: “or for pregnancy-related assistance”.

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking “, and” at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.”.

SEC. 112. PHASE-OUT OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

“SEC. 2111. PHASE-OUT OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

“(a) TERMINATION OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS.—

“(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2010.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

“(A) the Secretary shall not on or after the date of the enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

“(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any period beginning on or after October 1, 2010, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

“(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2010.—

“(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2010.

“(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2010, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2011.

“(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2010.

“(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2010 with such assistance or coverage during fiscal year 2011, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

“(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State’s projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2010 (as certified by the State and submitted to the Secretary by not later than August 31, 2010, and without regard to whether any such individual lost coverage during fiscal year 2010 and was later provided child health assistance or other health benefits coverage

under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2011 determined under section 2104(m)(5)(A). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2010 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2010, but in no case shall the Secretary adjust such amount after December 31, 2010.

“(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2010.—

“(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2011, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2010 (without regard to whether the individual lost coverage during fiscal year 2010 and was reenrolled in that fiscal year or in fiscal year 2011).

“(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2011 has been paid to the State.

“(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

“(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2011, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a ‘Medicaid nonpregnant childless adults waiver’).

“(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2011, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2011, the application shall be deemed approved.

“(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

“(i) in the case of fiscal year 2012, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2011, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2012 over 2011, as most recently published by the Secretary; and

“(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of Na-

tional Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

“(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

“(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2011.—

“(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

“(i) the Secretary shall not on or after the date of the enactment of the Children’s Health Insurance Program Reauthorization Act of 2009 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

“(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2011, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

“(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2011, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2011.

“(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during the third and fourth quarters of fiscal year 2009 and during fiscal years 2010 and 2011.

“(2) RULES FOR FISCAL YEARS 2012 THROUGH 2013.—

“(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2012 or 2013, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

“(B) TERMS AND CONDITIONS.—

“(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State’s projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2013, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(16) and any reduction in the allotment for either such period under section 2104(m)(4) shall be allocated on a pro rata basis to such set aside.

“(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

“(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2012 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2012 is equal to—

“(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraph (A), (B), or (C) of paragraph (3) for fiscal year 2011; or

“(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

“(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2013.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2013 is equal to—

“(I) the REMAP percentage if—

“(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2012; and

“(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for 2012; or

“(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply. For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

“(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

“(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009.

“(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

“(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

“(i) was awarded a grant under section 2113 for fiscal year 2011;

“(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

“(iii) has submitted a specific plan for outreach for such fiscal year.

“(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

“(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

“(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

“(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘applicable existing waiver’ means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

“(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

“(i) a parent of a targeted low-income child;

“(ii) a nonpregnant childless adult; or

“(iii) individuals described in both clauses (i) and (ii); and

“(B) was in effect during fiscal year 2009.

“(2) DEFINITIONS.—

“(A) PARENT.—The term ‘parent’ includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

“(B) NONPREGNANT CHILDLESS ADULT.—The term ‘nonpregnant childless adult’ has the meaning given such term by section 2107(f).”

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking “, the Secretary” and inserting “:

“(1) The Secretary”; and

(ii) in the first sentence, by inserting “or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child” before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

“(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009 that would waive or modify the requirements of section 2111.”

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 131) is amended by striking “Nothing” and inserting “Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2009, nothing”.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))”; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) [reserved]”.

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking “so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance”.

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r-1(b)) is amended by adding after paragraph (2) the following flush sentence:

“The term ‘qualified provider’ also includes a qualified entity, as defined in section 1920A(b)(3).”

SEC. 114. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

“(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2009, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.”

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the

methodologies used by the State to determine income or assets under such plan.

SEC. 115. STATE AUTHORITY UNDER MEDICAID.

Notwithstanding any other provision of law, including the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section, at State option, the Secretary shall provide the State with the Federal medical assistance percentage determined for the State for Medicaid with respect to expenditures described in section 1905(u)(2)(A) of such Act or otherwise made to provide medical assistance under Medicaid to a child who could be covered by the State under CHIP.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 111, is amended by adding at the end the following:

“SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

“(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

“(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2009 through 2013 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

“(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

“(b) PRIORITY FOR AWARD OF GRANTS.—

“(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

“(A) propose to target geographic areas with high rates of—

“(i) eligible but unenrolled children, including such children who reside in rural areas; or

“(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

“(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

“(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

“(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

“(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

“(2) evidence demonstrating that the entity has the ability to address barriers to en-

rollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

“(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

“(4) an assurance that the eligible entity shall—

“(A) conduct an assessment of the effectiveness of such activities against the performance measures;

“(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

“(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

“(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

“(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

“(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

“(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

“(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

“(2) no State matching funds shall be required for the State to receive a grant under this section.

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) A State with an approved child health plan under this title.

“(B) A local government.

“(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

“(D) A Federal health safety net organization.

“(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

“(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to nongovernmental entities.

“(G) An elementary or secondary school.

“(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term ‘Federal health safety net organization’ means—

“(A) a Federally-qualified health center (as defined in section 1905(1)(2)(B));

“(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

“(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

“(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

“(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, ‘tribal organization’, and ‘urban Indian organization’ have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(4) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$100,000,000 for the period of fiscal years 2009 through 2013, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

“(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

“(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

“(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

“(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

“(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

“(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

“(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.

“(1) GRANTS FOR OUTREACH AND ENROLLMENT OF NATIVE AMERICAN BENEFICIARIES.—

“(1) IN GENERAL.—To overcome language and cultural barriers to program access by Native Americans, the Secretary shall establish grant programs to conduct outreach and enrollment efforts to increase the enrollment and participation of eligible individuals in programs of the Social Security Act (42 U.S.C. 1397aa et seq.) and other Federal health and social service programs.

“(2) USE OF TRIBAL BENEFITS-COUNSELORS MODEL.—The grant program under this subsection shall incorporate expansion and stabilization of the tribal benefits-counselors model developed in the State of Washington to overcome language and cultural barriers to Federal programs.

“(3) RECIPIENTS.—In order to qualify for a grant under this subsection, an applicant shall be a national, nonprofit organization with successful and verifiable experience in assisting Native Americans access Federal programs.

“(4) REPORT.—At the end of the period of funding provided under subsection (f), the Secretary shall submit to Congress a report on the grants made under this subsection, including the efficacy of outreach efforts and the cost effectiveness of projects funded by such grants in improving access to Federal programs by Native Americans.”

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting “(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)” after “enhanced FMAP”; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking “and” at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

“(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and”.

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

“(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus”.

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(1) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by in-

serting “(through community health workers and others)” after “Outreach”.

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting “(such as through community health workers and others)” after “including practices”.

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b-9) is amended to read as follows:

“SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

“(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

“(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children’s health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

“(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

“(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

“(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms ‘Indian’, ‘Indian Tribe’, ‘Indian Health Program’, ‘Tribal Organization’, and ‘Urban Indian Organization’ have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.”.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

“(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

“(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).”.

SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

“(13) EXPRESS LANE OPTION.—

“(A) IN GENERAL.—

“(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (F)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

“(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

“(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency’s finding of such child’s income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

“(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

“(IV) VERIFICATION OF CITIZENSHIP, NATIONALITY STATUS, OR QUALIFIED ALIEN STATUS.—The State shall satisfy the requirements of sections 1137(d) and 1902(a)(46)(B) for verifications of citizenship, nationality status, or qualified alien status.

“(V) CODING.—The State meets the requirements of subparagraph (E).

“(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

“(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to relieve a State of the obligation to determine components of eligibility that are not the subject of an Express Lane agency’s finding, as described in subparagraph (A);

“(ii) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

“(iii) to modify the limitations in section 1902(a)(5) concerning the agencies that may

make a determination of eligibility for medical assistance under this title.

“(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

“(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

“(ii) ESTABLISHING A SCREENING THRESHOLD.—

“(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

“(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

“(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

“(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State’s regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child’s eligibility for medical assistance under this title using such regular procedures.

“(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

“(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

“(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

“(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child’s eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

“(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title

XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

“(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child’s parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

“(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

“(D) OPTION FOR AUTOMATIC ENROLLMENT.—

“(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child’s family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application, if the requirement of clause (ii) is met.

“(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

“(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

“(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State’s election under this paragraph;

“(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

“(III) submit the error rate determined under subclause (II) to the Secretary;

“(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

“(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

“(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State’s regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

“(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

“(iv) ERROR RATE DEFINED.—In this subparagraph, the term ‘error rate’ means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

“(F) EXPRESS LANE AGENCY.—

“(i) IN GENERAL.—In this paragraph, the term ‘Express Lane agency’ means a public agency that—

“(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

“(II) is identified in the State Medicaid plan or the State CHIP plan; and

“(III) notifies the child’s family—

“(aa) of the information which shall be disclosed in accordance with this paragraph;

“(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

“(cc) that the family may elect to not have the information disclosed for such purposes; and

“(IV) enters into, or is subject to, an inter-agency agreement to limit the disclosure and use of the information disclosed.

“(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

“(I) A public agency that determines eligibility for assistance under any of the following:

“(aa) The temporary assistance for needy families program funded under part A of title IV.

“(bb) A State program funded under part D of title IV.

“(cc) The State Medicaid plan.

“(dd) The State CHIP plan.

“(ee) The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

“(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

“(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

“(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

“(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

“(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

“(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

“(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

“(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

“(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest; or

“(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

“(v) ADDITIONAL DEFINITIONS.—In this paragraph:

“(I) STATE.—The term ‘State’ means 1 of the 50 States or the District of Columbia.

“(II) STATE CHIP AGENCY.—The term ‘State CHIP agency’ means the State agency responsible for administering the State CHIP plan.

“(III) STATE CHIP PLAN.—The term ‘State CHIP plan’ means the State child health plan established under title XXI and includes any waiver of such plan.

“(IV) STATE MEDICAID AGENCY.—The term ‘State Medicaid agency’ means the State agency responsible for administering the State Medicaid plan.

“(V) STATE MEDICAID PLAN.—The term ‘State Medicaid plan’ means the State plan established under title XIX and includes any waiver of such plan.

“(G) CHILD DEFINED.—For purposes of this paragraph, the term ‘child’ means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

“(H) APPLICATION.—This paragraph shall not apply to with respect to eligibility determinations made after September 30, 2013.”

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child’s eligibility for medical assistance).”

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection \$5,000,000 for the period of fiscal years 2009 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant’s signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.”

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX is amended by adding at the end the following new section: “SEC. 1942. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.

“(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligi-

bility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F)), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

“(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

“(1) The individual whose circumstances are described in the data or information (or such individual’s parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

“(2) Such data or information are used solely for the purposes of—

“(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

“(B) verifying the eligibility of individuals for medical assistance under the State plan.

“(3) An interagency or other agreement, consistent with standards developed by the Secretary—

“(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

“(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

“(c) PENALTIES FOR IMPROPER DISCLOSURE.—

“(1) CIVIL MONEY PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to \$10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(2) CRIMINAL PENALTY.—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than \$10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

“(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).”

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

“(F) Section 1942 (relating to authorization to receive data directly relevant to eligibility determinations).”

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting “(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))” after “with respect to individuals who are eligible”; and

(B) by inserting “under this title (and, at State option, child health assistance under title XXI)” after “the State plan”.

(e) AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) EFFECTIVE DATE.—The amendments made by this section are effective on the date of the enactment of this Act.

Subtitle B—Reducing Barriers to Enrollment

SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) ALTERNATIVE STATE PROCESS FOR VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting “(A)” after “(46)”; and

(II) by adding “and” after the semicolon; and

(III) by adding at the end the following new subparagraph:

“(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

“(i) section 1903(x); or

“(ii) subsection (ee);”;

(ii) by adding at the end the following new subsection:

“(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

“(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the program established under paragraph (2).

“(B) If the State receives notice from the Commissioner of Social Security that the

name or social security number, or the declaration of citizenship or nationality, of the individual is inconsistent with information in the records maintained by the Commissioner—

“(i) the State makes a reasonable effort to identify and address the causes of such inconsistency, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number submitted or declaration of citizenship or nationality and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and

“(ii) in the case such inconsistency is not resolved under clause (i), the State—

“(I) notifies the individual of such fact;

“(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or resolve the inconsistency with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and

“(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such inconsistency is not resolved.

“(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits at least monthly to the Commissioner of Social Security for comparison of the name and social security number, of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2) and who declares to be a United States citizen or national, with information in records maintained by the Commissioner.

“(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—

“(i) to provide, through an on-line system or otherwise, for the electronic submission of, and response to, the information submitted under subparagraph (A) for an individual enrolled in the State plan under this title who declares to be citizen or national on at least a monthly basis; or

“(ii) to provide for a determination of the consistency of the information submitted with the information maintained in the records of the Commissioner through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i).

“(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submission to the State of evidence indicating a satisfactory immigration status.

“(3)(A) The State agency implementing the plan approved under this title shall, at such

times and in such form as the Secretary may specify, provide information on the percentage each month that the inconsistent submissions bears to the total submissions made for comparison for such month. For purposes of this subparagraph, a name, social security number, or declaration of citizenship or nationality of an individual shall be treated as inconsistent and included in the determination of such percentage only if—

“(i) the information submitted by the individual is not consistent with information in records maintained by the Commissioner of Social Security;

“(ii) the inconsistency is not resolved by the State;

“(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Commissioner of Social Security or provide satisfactory documentation of citizenship status and did not successfully resolve such inconsistency; and

“(iv) payment has been made for an item or service furnished to the individual under this title.

“(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

“(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

“(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided inconsistent information as the number of individuals with inconsistent information in excess of 3 percent of such total submitted bears to the total number of individuals with inconsistent information.

“(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

“(D) Subparagraphs (A) and (B) shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year that provides for the submission on a real-time basis of the information described in such paragraph.

“(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.”.

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking “plus” at the end of subparagraph (E) and inserting “and”, and

(ii) by adding at the end the following new subparagraph:

“(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

“(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus”.

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary

may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking “subsection (x)” and inserting “section 1902(a)(46)(B)”;

(B) in subsection (x)(1), by striking “subsection (i)(22)” and inserting “section 1902(a)(46)(B)(i)”.

(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Commissioner of Social Security \$5,000,000 to remain available until expended to carry out the Commissioner's responsibilities under section 1902(ee) of the Social Security Act, as added by subsection (a).

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

“(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

“(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.”

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

“(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.”

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking “or” at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

“(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on

such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or”;

(ii) by adding at the end the following new paragraph:

“(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.”

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.”

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new paragraph:

“(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

“(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

“(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.”

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

“(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2009.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2009, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

“(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this

title, and such process does not require an application to be made in person or a face-to-face interview.”.

SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) **IN GENERAL.**—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children’s Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) **REPORT TO CONGRESS.**—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

SEC. 214. PERMITTING STATES TO ENSURE COVERAGE WITHOUT A 5-YEAR DELAY OF CERTAIN CHILDREN AND PREGNANT WOMEN UNDER THE MEDICAID PROGRAM AND CHIP.

(a) **PURPOSE.**—In order to promote the health of needy children and pregnant women residing lawfully in the United States, States should be permitted to waive certain restrictions which result in a 5-year delay for coverage of necessary health services for such children and women under the Medicaid program and CHIP.

(b) **MEDICAID PROGRAM.**—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (4)”; and

(2) by adding at the end the following new paragraph:

“(4)(A) A State may elect (in a plan amendment under this title) to provide, notwithstanding sections 401(a), 402(b), 403, and 421 of Public Law 104–193, medical assistance under a State plan under this title to children and pregnant women who are lawfully residing in the United States (including battered individuals described in section 431(c) of such Act) and are otherwise eligible for such assistance.

“(B) Such election may be made only with respect to either or both of the following categories of individuals:

“(i) Children.

“(ii) Pregnant women.

“(C) In this paragraph:

“(i) The term ‘pregnant women’ means women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

“(ii) The term ‘children’ means individuals under age 19 (or such higher age as the State has elected under section 1902(1)(D)), including optional targeted low-income children described in section 1905(u)(2)(B).”.

(c) **CHIP.**—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 203(a)(2) and 203(d)(2), is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively and by inserting after subparagraph (D) the following new subparagraph:

“(E) Paragraph (4) of section 1903(v), insofar as it relates to the category of children or pregnant women (as such terms are defined in such paragraph), but only if the State has elected to apply such paragraph with respect to such category of children or pregnant women under title XIX and only if, in the case of pregnant women, the State has elected the option under section 2111 to provide assistance for pregnant women under this title.”.

(d) **CONFORMING AMENDMENT.**—Section 423(d)(1) of Public Law 104–193 is amended by inserting before the period the following: “and medical or child health assistance furnished under section 1903(v)(4) or 2107(e)(1)(E), respectively, of the Social Security Act”.

(e) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date of the enactment of this Act.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) **CHIP.**—

(1) **IN GENERAL.**—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 211(c), is amended by adding at the end the following:

“(10) **STATE OPTION TO OFFER PREMIUM ASSISTANCE.**—

“(A) **IN GENERAL.**—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child’s parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

“(B) **QUALIFIED EMPLOYER-SPONSORED COVERAGE.**—

“(i) **IN GENERAL.**—Subject to clause (ii), in this paragraph, the term ‘qualified employer-sponsored coverage’ means a group health plan or health insurance coverage offered through an employer—

“(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

“(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

“(III) that is offered to all individuals in a manner that would be considered a non-discriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

“(ii) **EXCEPTION.**—Such term does not include coverage consisting of—

“(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

“(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

“(C) **PREMIUM ASSISTANCE SUBSIDY.**—

“(i) **IN GENERAL.**—In this paragraph, the term ‘premium assistance subsidy’ means, with respect to a targeted low-income child,

the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

“(ii) **STATE PAYMENT OPTION.**—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee’s employer.

“(iii) **EMPLOYER OPT-OUT.**—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

“(iv) **TREATMENT AS CHILD HEALTH ASSISTANCE.**—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

“(D) **APPLICATION OF SECONDARY PAYOR RULES.**—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

“(E) **REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.**—

“(i) **IN GENERAL.**—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

“(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

“(II) cost-sharing protection consistent with section 2103(e).

“(ii) **RECORD KEEPING REQUIREMENTS.**—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

“(F) **APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.**—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

“(G) **OPT-OUT PERMITTED FOR ANY MONTH.**—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective

on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

“(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

“(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child’s family in such coverage; and

“(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

“(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

“(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

“(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

“(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

“(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009.

“(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

“(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

“(ii) provide, as part of the application and enrollment process under the State child

health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

“(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

“(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

“(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).”.

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking “relative to” and all that follows through the comma and inserting “relative to

“(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

“(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.”.

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

“PREMIUM ASSISTANCE OPTION FOR CHILDREN

“SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

“(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

“(1) IN GENERAL.—Subject to paragraph (2), in this paragraph, the term ‘qualified employer-sponsored coverage’ means a group health plan or health insurance coverage offered through an employer—

“(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

“(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

“(C) that is offered to all individuals in a manner that would be considered a non-discriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

“(2) EXCEPTION.—Such term does not include coverage consisting of—

“(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

“(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

“(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

“(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term ‘premium assistance subsidy’ means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual’s family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

“(d) VOLUNTARY PARTICIPATION.—

“(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

“(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual’s parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual’s parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

“(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to disenroll the individual from the qualified employer-sponsored coverage.

“(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual’s parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual’s (or parent’s) eligibility for medical assistance under the State plan, except insofar as section 1902(a)(25) provides that

payments for such assistance shall first be made under such coverage.”.

(c) GAO STUDY AND REPORT.—Not later than January 1, 2010, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

“(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraph (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.”.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 211(c)(2), is amended by adding at the end the following new clause:

“(iii) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraph (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).”.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

“(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee

if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

“(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

“(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

“(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

“(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

“(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

“(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

“(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's

Health Insurance Program Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.”.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

“(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

“(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

“(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

“(B) COORDINATION WITH MEDICAID AND CHIP.—

“(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

“(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

“(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary and the Secretary

of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

“(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b).

“(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children’s Health Insurance Program Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.”.

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking “and the remedies” and inserting “, the remedies”; and

(ii) by inserting before the period the following: “, and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside”.

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the “Working Group”). The purpose of the Working Group shall be to develop the model coverage

coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children’s Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate

measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer’s employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking “or (8)” and inserting “(8), or (9)”; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

“(9)(A) The Secretary may assess a civil penalty against any employer of up to \$100 a day from the date of the employer’s failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

“(B) The Secretary may assess a civil penalty against any plan administrator of up to \$100 a day from the date of the plan administrator’s failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.”.

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

“(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

“(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act

and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

“(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

“(B) COORDINATION WITH MEDICAID AND CHIP.—

“(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

“(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

“(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

“(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or

child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.”.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

“SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

“(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

“(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

“(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

“(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

“(A) The duration of children's health insurance coverage over a 12-month time period.

“(B) The availability and effectiveness of a full range of—

“(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and

“(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

“(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

“(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

“(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the

quality of pediatric health care under titles XIX and XXI.

“(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

“(6) REPORTS TO CONGRESS.—Not later than January 1, 2011, and every 3 years thereafter, the Secretary shall report to Congress on—

“(A) the status of the Secretary's efforts to improve—

“(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

“(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

“(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

“(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

“(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

“(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

“(8) DEFINITION OF CORE SET.—In this section, the term ‘core set’ means a group of valid, reliable, and evidence-based quality measures that, taken together—

“(A) provide information regarding the quality of health coverage and health care for children;

“(B) address the needs of children throughout the developmental age span; and

“(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

“(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

“(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2011, the Secretary shall establish a pediatric quality measures program to—

“(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

“(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

“(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

“(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

“(A) evidence-based and, where appropriate, risk adjusted;

“(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

“(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

“(D) periodically updated; and

“(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

“(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

“(A) States;

“(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

“(C) dental professionals, including pediatric dental professionals;

“(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

“(E) national organizations representing children, including children with disabilities and children with chronic conditions;

“(F) national organizations representing consumers and purchasers of children's health care;

“(G) national organizations and individuals with expertise in pediatric health quality measurement; and

“(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

“(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

“(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

“(B) award grants and contracts for—

“(i) the development of consensus on evidence-based measures for children's health care services;

“(ii) the dissemination of such measures to public and private purchasers of health care for children; and

“(iii) the updating of such measures as necessary.

“(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2013, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

“(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term ‘pediatric quality measure’ means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

“(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

“(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

“(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

“(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

“(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u-4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u-7, 1397cc).

“(2) PUBLICATION.—Not later than September 30, 2010, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

“(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

“(1) IN GENERAL.—During the period of fiscal years 2009 through 2013, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

“(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

“(B) promote the use of health information technology in care delivery for children under such titles;

“(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based ap-

proaches to improve the effectiveness, safety, and efficiency of health care services for children; or

“(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

“(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

“(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

“(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

“(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

“(4) FUNDING.—\$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

“(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

“(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

“(A) identify, through self-assessment, behavioral risk factors for obesity among children;

“(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

“(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

“(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

“(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

“(A) A city, county, or Indian tribe.

“(B) A local or tribal educational agency.

“(C) An accredited university, college, or community college.

“(D) A Federally-qualified health center.

“(E) A local health department.

“(F) A health care provider.

“(G) A community-based organization.

“(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

“(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

“(A) carry out community-based activities related to reducing childhood obesity, including by—

“(i) forming partnerships with entities, including schools and other facilities providing

recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

“(i) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

“(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

“(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

“(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

“(I) after hours physical activity programs; and

“(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decision-making skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

“(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

“(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

“(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

“(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

“(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

“(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

“(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

“(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

“(D) provide, through qualified health professionals, training and supervision for community health workers to—

“(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

“(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

“(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

“(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

“(A) that demonstrate that they have previously applied successfully for funds to

carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

“(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

“(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

“(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

“(E) located in communities that are medically underserved, as determined by the Secretary;

“(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

“(G) that submit plans that exhibit multi-sectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

“(i) community-based organizations;

“(ii) local governments;

“(iii) local educational agencies;

“(iv) the private sector;

“(v) State or local departments of health;

“(vi) accredited colleges, universities, and community colleges;

“(vii) health care providers;

“(viii) State and local departments of transportation and city planning; and

“(ix) other entities determined appropriate by the Secretary.

“(5) PROGRAM DESIGN.—

“(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

“(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

“(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

“(7) DEFINITIONS.—In this subsection:

“(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ‘Federally-qualified health center’ has the meaning given that term in section 1905(1)(2)(B).

“(B) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(C) SELF-ASSESSMENT.—The term ‘self-assessment’ means a form that—

“(i) includes questions regarding—

“(I) behavioral risk factors;

“(II) needed preventive and screening services; and

“(III) target individuals’ preferences for receiving follow-up information;

“(ii) is assessed using such computer generated assessment programs; and

“(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

“(D) ONGOING SUPPORT.—The term ‘ongoing support’ means—

“(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

“(I) the results of a self-assessment given to the individual;

“(II) behavior modification based on the self-assessment; and

“(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

“(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

“(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$25,000,000 for the period of fiscal years 2009 through 2013.

“(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

“(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

“(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

“(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

“(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

“(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

“(2) FUNDING.—\$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

“(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

“(1) IN GENERAL.—Not later than July 1, 2010, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to

preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

“(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

“(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

“(C) identify gaps in knowledge related to children’s health status, health disparities among subgroups of children, the effects of social conditions on children’s health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children’s school readiness and educational achievement and attainment; and

“(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

“(2) FUNDING.—Up to \$1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

“(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI.

“(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2009 through 2013, \$45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.”

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking “and” at the end of clause (i); and

(2) by adding at the end the following new clause:

“(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and”.

SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397th) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “The State” and inserting “Subject to subsection (e), the State”; and

(2) by adding at the end the following new subsection:

“(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

“(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

“(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

“(3) Data regarding denials of eligibility and redeterminations of eligibility.

“(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

“(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

“(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.”

(b) STANDARDIZED REPORTING FORMAT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) TRANSITION PERIOD FOR STATES.—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA RE-

PORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to the Secretary for fiscal year 2009 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2009, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALTY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children’s access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children’s access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children’s care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children’s care under Medicaid and CHIP that may exist.

SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

“(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2009.

TITLE V—IMPROVING ACCESS TO BENEFITS

SEC. 501. DENTAL BENEFITS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking “subsection (c)(5)” and inserting “paragraphs (5) and (7) of subsection (c)”; and

(ii) in paragraph (1), by inserting “at least” after “that is”; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

“(5) DENTAL BENEFITS.—

“(A) IN GENERAL.—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

“(B) PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

“(C) BENCHMARK DENTAL BENEFIT PACKAGES.—The benchmark dental benefit packages are as follows:

“(i) FEHBP CHILDREN’S DENTAL COVERAGE.—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

“(ii) STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

“(iii) COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.—A dental benefits plan that has the largest insured commercial, non-Medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.”.

(2) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting “and services described in section 2103(c)(5)” after “emergency services”.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to coverage of items and services furnished on or after October 1, 2009.

(b) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn’s first year of life.

(c) PROVISION OF DENTAL SERVICES THROUGH FQHCs.—

(1) MEDICAID.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking “and” at the end of paragraph (70);

(B) by striking the period at the end of paragraph (71) and inserting “; and”; and

(C) by inserting after paragraph (71) the following new paragraph:

“(72) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.”.

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2) and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

“(C) Section 1902(a)(72) (relating to limiting FQHC contracting for provision of dental services).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2009.

(d) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting “and other information relating to the provision of dental services to such children described in section 2108(e)” after “receiving dental services.”.

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

“(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

“(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

“(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

“(B) For children within each such age grouping, information of the type contained in questions 12(a)–(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

“(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

“(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(e) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (<http://www.insurekidsnow.gov/>) and hotline (1-877-KIDS-NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental serv-

ices to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(f) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN’S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting “and, with respect to dental care, conditions requiring the restoration of teeth, relief of pain and infection, and maintenance of dental health” after “chronic conditions”; and

(2) in paragraph (6)(A)(ii), by inserting “dental care,” after “preventive health services.”.

(g) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children’s access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children’s access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

“(6) MENTAL HEALTH SERVICES PARITY.—

“(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance use disorder benefits comply with the requirements of section 2705(a) of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

“(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the

services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A)."

(b) **CONFORMING AMENDMENTS.**—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting “, (6),” after “(5)”; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) **APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.**—

(1) **IN GENERAL.**—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

“(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2009.

(b) **TRANSITION GRANTS.**—

(1) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2009, \$5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) **MONITORING AND REPORT.**—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2011, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 504. PREMIUM GRACE PERIOD.

(a) **IN GENERAL.**—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

“(C) **PREMIUM GRACE PERIOD.**—The State child health plan—

“(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual’s coverage under the plan may be terminated; and

“(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

“(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

“(II) of the individual’s right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term ‘new coverage period’ means the month immediately following the last month for which the premium has been paid.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after the date of the enactment of this Act.

SEC. 505. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

“(8) **AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.**—Nothing in this title shall be construed as limiting a State’s ability to provide child health assistance for covered items and services that are furnished through school-based health centers.”

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

SEC. 601. PAYMENT ERROR RATE MEASUREMENT (“PERM”).

(a) **EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.**—

(1) **ENHANCED PAYMENTS.**—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

“(11) **ENHANCED PAYMENTS.**—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.”

(2) **EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.**—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 302(b), is amended by adding at the end the following:

“(iv) **PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.**—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).”

(b) **FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.**—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as “PERM”) requirements to CHIP until after the date that is 6 months after the date on which a new final rule (in this section referred to as the “new final rule”) promulgated after the date of the enactment of this Act and implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such new final rule in effect for all States

may only be inclusive of errors, as defined in such new final rule or in guidance issued within a reasonable time frame after the effective date for such new final rule that includes detailed guidance for the specific methodology for error determinations.

(c) **REQUIREMENTS FOR NEW FINAL RULE.**—For purposes of subsection (b), the requirements of this subsection are that the new final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State’s verification of an applicant’s self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant’s self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) **OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.**—After the new final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 or under a final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 or fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) **HARMONIZATION OF MEQC AND PERM.**—

(1) **REDUCTION OF REDUNDANCIES.**—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the “MEQC”) requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) **STATE OPTION TO APPLY PERM DATA.**—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the new final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) **STATE OPTION TO APPLY MEQC DATA.**—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews

conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) **IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.**—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

- (1) minimize the administrative cost burden on States under Medicaid and CHIP; and
- (2) maintain State flexibility to manage such programs.

SEC. 602. IMPROVING DATA COLLECTION.

(a) **INCREASED APPROPRIATION.**—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking “\$10,000,000 for fiscal year 2000” and inserting “\$20,000,000 for fiscal year 2009”.

(b) **USE OF ADDITIONAL FUNDS.**—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

- (1) by redesignating paragraph (2) as paragraph (4); and

- (2) by inserting after paragraph (1), the following new paragraphs:

“(2) **ADDITIONAL REQUIREMENTS.**—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2009, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

“(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

“(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(m)(5)(B) and any other data necessary for carrying out this title.

“(C) Include health insurance survey information in the American Community Survey related to children.

“(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

“(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

“(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

“(3) **AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.**—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce rec-

ommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.”.

SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

“(5) **SUBSEQUENT EVALUATION USING UPDATED INFORMATION.**—

“(A) **IN GENERAL.**—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

“(B) **SELECTION OF STATES AND MATTERS INCLUDED.**—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

“(C) **SUBMISSION TO CONGRESS.**—Not later than December 31, 2011, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

“(D) **FUNDING.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$10,000,000 for fiscal year 2010 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2012.”.

SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

“(d) **ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.**—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.”.

SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS.

Nothing in this Act allows Federal payment for individuals who are not lawfully residing in the United States. Titles XI, XIX, and XXI of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under CHIP, respectively.

Subtitle B—Miscellaneous Health Provisions

SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) **CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.**—Section 1937(a)(1) (42 U.S.C. 1396u-

7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109-171, 120 Stat. 88), is amended—

- (1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking “Notwithstanding any other provision of this title” and inserting “Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)”; and

(ii) by striking “enrollment in coverage that provides” and inserting “coverage that”;

(B) in clause (i), by inserting “provides” after “(i)”; and

(C) by striking clause (ii) and inserting the following:

“(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).”;

- (2) in subparagraph (C)—

(A) in the heading, by striking “wrap-around” and inserting “additional”; and

(B) by striking “wrap-around or”; and

(3) by adding at the end the following new subparagraph:

“(E) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as—

“(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

“(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

“(iii) affecting a child’s entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.”.

(b) **CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.**—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u-7(a)(2)(B)(viii)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking “aid or assistance is made available under part B of title IV to children in foster care and individuals” and inserting “child welfare services are made available under part B of title IV on the basis of being a child in foster care or”.

(c) **TRANSPARENCY.**—Section 1937 (42 U.S.C. 1396u-7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

“(c) **PUBLICATION OF PROVISIONS AFFECTED.**—With respect to a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in

the Federal Register and not later than 30 days after such date of approval.”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 612. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106-113 (113 Stat. 1501A-402) is repealed.

SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u-8).

SEC. 614. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) **IN GENERAL.**—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) **SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.**—

(1) **IN GENERAL.**—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) **DATA TO BE USED.**—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) **SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.**—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) **HOLD HARMLESS.**—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) **REPORT.**—Not later than May 15, 2009, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) **FMAP DEFINED.**—For purposes of this section, the term “FMAP” means the Federal medical assistance percentage, as de-

fined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

SEC. 615. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) **IN GENERAL.**—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) **CENTER DESCRIBED.**—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r-4) in at least one State other than the State in which the center is located.

SEC. 616. EXTENSION OF MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

Section 1923(f)(6) (42 U.S.C. 1396r-4(f)(6)), as amended by section 202 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended—

(1) in the paragraph heading, by striking “2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010” and inserting “2011 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2012”;

(2) in subparagraph (A)—

(A) in clause (i)—

(i) in the second sentence—

(I) by striking “and 2009” and inserting “, 2009, 2010, and 2011”; and

(II) by striking “such portion of”; and

(ii) in the third sentence, by striking “2010 for the period ending on December 31, 2009” and inserting “2012 for the period ending on December 31, 2011”;

(B) in clause (ii), by striking “or for a period in fiscal year 2010” and inserting “2010, 2011, or for period in fiscal year 2012”; and

(C) in clause (iv)—

(i) in the clause heading, by striking “2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010” and inserting “2011 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2012”; and

(ii) in each of subclauses (I) and (II), by striking “or for a period in fiscal year 2010” and inserting “2010, 2011, or for a period in fiscal year 2012”; and

(3) in subparagraph (B)—

(A) in clause (i)—

(i) in the first sentence, by striking “2009” and inserting “2011”; and

(ii) in the second sentence, by striking “2010 for the period ending on December 31, 2009” and inserting “2012 for the period ending on December 31, 2011”.

Subtitle C—Other Provisions

SEC. 621. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) **DEFINITIONS.**—In this section—

(1) the terms “Administration” and “Administrator” means the Small Business Ad-

ministration and the Administrator thereof, respectively;

(2) the term “certified development company” means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term “Medicaid program” means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term “Service Corps of Retired Executives” means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term “small business development center” means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term “State” has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term “State Children's Health Insurance Program” means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term “task force” means the task force established under subsection (b)(1); and

(10) the term “women's business center” means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) **ESTABLISHMENT OF TASK FORCE.**—

(1) **ESTABLISHMENT.**—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) **MEMBERSHIP.**—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) **RESPONSIBILITIES.**—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) **IMPLEMENTATION.**—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) **WEBSITE.**—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) **REPORT.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) **CONTENTS.**—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

SEC. 622. SENSE OF THE SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) **FINDINGS.**—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) **SENSE OF THE SENATE.**—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

SEC. 623. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) **IN GENERAL.**—Section 1877 (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).”;

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) the hospital meets the requirements described in subsection (i)(1).”;

(3) by adding at the end the following new subsection:

“(i) **REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR RURAL PROVIDER AND HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.**—

“(1) **REQUIREMENTS DESCRIBED.**—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

“(A) **PROVIDER AGREEMENT.**—The hospital had—

“(i) physician ownership or investment on January 1, 2009; and

“(ii) a provider agreement under section 1866 in effect on such date.

“(B) **PROHIBITION ON PHYSICIAN OWNERSHIP OR INVESTMENT.**—The percentage of the total value of the ownership or investment interests held in the hospital, or in an entity whose assets include the hospital, by physician owners or investors in the aggregate does not exceed such percentage as of the date of enactment of this subsection.

“(C) **PROHIBITION ON EXPANSION OF FACILITY CAPACITY.**—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

“(D) **PREVENTING CONFLICTS OF INTEREST.**—

“(i) The hospital submits to the Secretary an annual report containing a detailed description of—

“(I) the identity of each physician owner and physician investor and any other owners or investors of the hospital; and

“(II) the nature and extent of all ownership and investment interests in the hospital.

“(ii) The hospital has procedures in place to require that any referring physician owner or investor discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

“(I) the ownership or investment interest, as applicable, of such referring physician in the hospital; and

“(II) if applicable, any such ownership or investment interest of the treating physician.

“(iii) The hospital does not condition any physician ownership or investment interests either directly or indirectly on the physician owner or investor making or influencing referrals to the hospital or otherwise generating business for the hospital.

“(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

“(I) on any public website for the hospital; and

“(II) in any public advertising for the hospital.

“(E) **ENSURING BONA FIDE OWNERSHIP AND INVESTMENT.**—

“(i) Any ownership or investment interests that the hospital offers to a physician owner

or investor are not offered on more favorable terms than the terms offered to a person who is not a physician owner or investor.

“(ii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner or investor in the hospital.

“(iii) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or investor or group of physician owners or investors that is related to acquiring any ownership or investment interest in the hospital.

“(iv) Ownership or investment returns are distributed to each owner or investor in the hospital in an amount that is directly proportional to the ownership or investment interest of such owner or investor in the hospital.

“(v) Physician owners and investors do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other owners or investors in the hospital or located near the premises of the hospital.

“(vi) The hospital does not offer a physician owner or investor the opportunity to purchase or lease any property under the control of the hospital or any other owner or investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner or investor.

“(F) **PATIENT SAFETY.**—The hospital has the capacity to—

“(i) provide assessment and initial treatment for patients; and

“(ii) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

“(G) **LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.**—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

“(2) **PUBLICATION OF INFORMATION REPORTED.**—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(D)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

“(3) **EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.**—

“(A) **PROCESS.**—

“(i) **ESTABLISHMENT.**—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(C).

“(ii) **OPPORTUNITY FOR COMMUNITY INPUT.**—The process under clause (i) shall provide individuals and entities in the community in which the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

“(iii) **TIMING FOR IMPLEMENTATION.**—The Secretary shall implement the process under clause (i) on July 1, 2010.

“(iv) **REGULATIONS.**—Not later than June 1, 2010, the Secretary shall promulgate regulations to carry out the process under clause (i).

“(B) **FREQUENCY.**—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

“(C) **PERMITTED INCREASE.**—

“(i) **IN GENERAL.**—Subject to clause (ii) and subparagraph (D), an applicable hospital

granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

“(ii) 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

“(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term ‘baseline number of operating rooms, procedure rooms, and beds’ means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

“(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

“(E) APPLICABLE HOSPITAL.—In this paragraph, the term ‘applicable hospital’ means a hospital—

“(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census and available to the Secretary;

“(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

“(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

“(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

“(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

“(F) PROCEDURE ROOMS.—In this subsection, the term ‘procedure rooms’ includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

“(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

“(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

“(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (B) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

“(5) PHYSICIAN OWNER OR INVESTOR DEFINED.—For purposes of this subsection, the term ‘physician owner or investor’ means a physician (or an immediate family member of such physician) with a direct or an indirect ownership or investment interest in the hospital.

“(6) PATIENT SAFETY REQUIREMENT.—In the case of a hospital to which the requirements of paragraph (1) apply, insofar as the hospital described in this subsection admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

“(A) the hospital shall disclose such fact to a patient; and

“(B) following such disclosure, the hospital shall receive from the patient a signed acknowledgment that the patient understands such fact.

“(7) CLARIFICATION.—Nothing in this subsection shall be construed as preventing the Secretary from revoking a hospital’s provider agreement if not in compliance with regulations implementing section 1866.”.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsections (i)(1) and (i)(7) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than July 1, 2011, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—

(1) SMALL CIGARS.—Paragraph (1) of section 5701(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, the amount determined in accordance with the following table:

“Cigars Removed During Calendar Year—	Tax Rate Per Thousand—
2009 or 2010	\$12.50
2011 or 2012	\$25.00
2013 or 2014	\$37.50
2015 or thereafter	\$50.00.”.

(2) LARGE CIGARS.—Paragraph (2) of section 5701(a) of such Code is amended—

(A) by striking “20.719 percent (18.063 percent on cigars removed during 2000 or 2001)” and inserting “52.4 percent”; and

(B) by striking “\$48.75 per thousand (\$42.50 per thousand on cigars removed during 2000 or 2001)” and inserting “40 cents per cigar”.

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking “\$19.50 per thousand (\$17 per thousand on cigarettes removed during 2000 or 2001)” in paragraph (1) and inserting “\$50.00 per thousand”; and

(2) by striking “\$40.95 per thousand (\$35.70 per thousand on cigarettes removed during 2000 or 2001)” in paragraph (2) and inserting “\$105.00 per thousand”.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking “1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)” and inserting “3.13 cents”.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking “2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)” and inserting “6.26 cents”.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking “58.5 cents (51 cents on snuff removed during 2000 or 2001)” in paragraph (1) and inserting “\$1.50”; and

(2) by striking “19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)” in paragraph (2) and inserting “50 cents”.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking “\$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)” and inserting “\$2.8126”.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking “\$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)” and inserting “\$24.62”.

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before any tax increase date and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to \$500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on such date, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on any tax increase date, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—

(i) IN GENERAL.—The tax imposed by paragraph (1) shall be paid on or before August 1, 2009.

(ii) SPECIAL RULE FOR SMALL CIGARS.—In the case of small cigars, the tax imposed by paragraph (1) on or after January 1, 2011, shall be paid on or before April 1 following any tax increase date.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on any tax increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) TAX INCREASE DATE.—The term “tax increase date” means April 1, 2009, January 1, 2011, January 1, 2013, and January 1, 2015.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after March 31, 2009.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, INVENTORIES, REPORTS, AND RECORDS REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMIT.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting “or processed tobacco” after “tobacco products”.

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting “or processed tobacco” after “tobacco products”.

(2) INVENTORIES, REPORTS, AND PACKAGES.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting “, processed tobacco,” after “tobacco products”.

(B) REPORTS.—Section 5722 of such Code is amended by inserting “, processed tobacco,” after “tobacco products”.

(C) PACKAGES, MARKS, LABELS, AND NOTICES.—Section 5723 of such Code is amended by inserting “, processed tobacco,” after “tobacco products” each place it appears.

(3) RECORDS.—Section 5741 of such Code is amended by inserting “, processed tobacco,” after “tobacco products”.

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

“(p) MANUFACTURER OF PROCESSED TOBACCO.—

“(1) IN GENERAL.—The term ‘manufacturer of processed tobacco’ means any person who processes any tobacco other than tobacco products.

“(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery

to a manufacturer of tobacco products or processed tobacco.”.

(5) CONFORMING AMENDMENT.—Sections 5702(j), 5702(k), and 5704(h) of such Code is amended by inserting “, or any processed tobacco,” after “nontaxpaid tobacco products or cigarette papers or tubes”.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

“(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

“(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

“(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, or

“(C) has failed to disclose any material information required or made any material false statement in the application therefor.”.

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

“(b) SUSPENSION OR REVOCATION.—

“(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

“(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

“(B) has violated the conditions of such permit,

“(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

“(D) has failed to maintain his premises in such manner as to protect the revenue,

“(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

“(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

“(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking “and section 520 (relating to re-

funds)” and inserting “section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting “or cigars, or for use as wrappers thereof” before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after March 31, 2009.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes manufactured in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(f) DISCLOSURE.—

(1) IN GENERAL.—Paragraph (1) of section 6103(o) of such Code is amended by designating the text as subparagraph (A), moving such text 2 ems to the right, striking “Returns” and inserting “(A) IN GENERAL.—Returns”, and by inserting after subparagraph (A) (as so redesignated) the following new subparagraph:

“(B) USE IN CERTAIN PROCEEDINGS.—Returns and return information disclosed to a Federal agency under subparagraph (A) may be used in an action or proceeding (or in preparation for such action or proceeding) brought under section 625 of the American Jobs Creation Act of 2004 for the collection of any unpaid assessment or penalty arising under such Act.”.

(2) CONFORMING AMENDMENT.—Section 6103(p)(4) of such Code is amended by striking “(o)(1)” both places it appears and inserting “(o)(1)(A)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on or after the date of the enactment of this Act.

(g) TRANSITIONAL RULE.—Any person who—

(1) on April 1 is engaged in business as a manufacturer of processed tobacco or as an importer of processed tobacco, and

(2) before the end of the 90-day period beginning on such date, submits an application under subchapter B of chapter 52 of such Code to engage in such business, may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

SEC. 703. TREASURY STUDY CONCERNING MAGNITUDE OF TOBACCO SMUGGLING IN THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Secretary of

the Treasury shall conduct a study concerning the magnitude of tobacco smuggling in the United States and submit to Congress recommendations for the most effective steps to reduce tobacco smuggling. Such study shall also include a review of the loss of Federal tax receipts due to illicit tobacco trade in the United States and the role of imported tobacco products in the illicit tobacco trade in the United States.

SEC. 704. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 1 percentage point.

The SPEAKER pro tempore. Pursuant to House Resolution 52, the gentleman from New Jersey (Mr. PALLONE), the gentleman from Missouri (Mr. BLUNT), the gentleman from New York (Mr. RANGEL), and the gentleman from California (Mr. HERGER) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that every Member have 5 legislative days in which to revise and extend their remarks and include extraneous material on the legislation now before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself 1 minute.

Madam Speaker, we have been working to reauthorize the Children's Health Insurance Program for the past 2 years. In the last Congress, we passed legislation that enjoyed bipartisan support in both the House and Senate as well as the support of the American people. Unfortunately, it did not enjoy the support of the President, who vetoed our bill not once, but twice, and went on to proclaim that uninsured children can simply go to the emergency room to have their medical needs met.

But this is a new day in Washington. Soon we will have a new President who has committed himself to reforming our Nation's health care system so every American can access affordable and quality health care. The bill we are considering today makes a down payment on that promise by putting the health and well-being of our children first.

Madam Speaker, this bill will make critical improvements to CHIP. There will be more resources for States to enroll eligible children. There will be better benefits. As a result, there will be 11 million children who will have access to the quality health coverage they need and deserve.

□ 1230

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. Madam Speaker, I yield myself another 15 seconds.

After 2 years of trying to get this bill enacted, we are now nearing the finish line and with not a moment to spare. As the Nation moves deeper into a recession and unemployment rates continue to rise, millions of Americans are joining the ranks of the uninsured, many of whom are children. We can't delay. We must enact this legislation now.

Madam Speaker, I reserve the balance of my time.

Mr. BLUNT. Madam Speaker, I yield myself 2 minutes.

As I have returned to a more active role in the Energy and Commerce Committee, Madam Speaker, in this Congress, I will say I was surprised not to have a markup of this bill.

We don't have to reauthorize this program until April. Certainly I'm for, as almost all the Members are for, a reauthorization of the current program and even for discussing how we can make that program better. But we didn't have a markup. We didn't see the bill, at least I haven't seen it, until today. And I have concerns about this bill. Certainly there are several reasons to look at this bill and think we could have improved it, bring it to the floor.

Poor kids first, poor children first being served was the reason to have SCHIP, for children whose families couldn't afford insurance. This bill doesn't require the States to meet any kind of threshold standard that would ensure that States were doing everything they could to find kids who needed insurance before they begin to spend money to find kids who may not have the same need.

Under the bill several thousands of American families would be poor enough to qualify for SCHIP and have the government pay for their health care, but they'd be rich enough to still be required to pay the alternative minimum tax. The bill changes welfare participation laws by eliminating the 5-year waiting period for legal immigrants to lawfully reside in the country before they can participate in this program. The bill significantly weakens provisions in current law requiring citizenship verification standards before an individual can be enrolled in this particular program. The bill will ship 2.4 million privately insured children to a government-run program.

We think we have a better response. While there will be debate about how this bill is paid for, the biggest problem in the paid-for is in the 10th year, the final year, we assume that 65 percent of the people who are receiving the benefit—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUNT. Madam Speaker, I yield myself 30 more seconds.

In the final bill, we assume that 65 percent of the children receiving the benefit wouldn't get the benefit anymore.

It seems to me this bill needs more work, would have benefited from a committee hearing. It doesn't prioritize poor kids to ensure that they get health care first.

I look forward to the debate today.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume, and that won't be long.

This is a great opportunity for Members who have returned to this Congress, but it's a better opportunity for the new Members.

I won't be speaking on this bill because so many people want to be associated with this on our side. And I'm convinced it's not a Republican/Democratic issue. It's an issue of whether the families of 11 million kids are going to get health care. You cannot say in dollars and cents what it's worth. We had overwhelming support in the other Congress. Now we don't have the threat of a veto.

So I hope that you consider the children and not technical things that you're seeking in perfection.

Madam Speaker, I yield the balance of my time over to PETE STARK, who for over a year has attempted to perfect this bill to reach the popularity and support it's gained on both sides of the aisle. I thank Chairman WAXMAN for the work that his committee and Mr. DINGELL have made to make certain that we all read from the same page. And I look forward to this being the beginning where one day this Congress can say that no child will be able to say they're not covered by a decent health care program. So by unanimous consent I do hope that you will allow me to turn the balance of my time and my thanks to Chairman STARK, who brought us to this point once again.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. BLUNT. Madam Speaker, I yield 1 minute to a member of the Health Subcommittee of the full committee, Mr. SHADEGG from Arizona.

Mr. SHADEGG. Madam Speaker, this is a sad day. It's a sad day because we are about to adopt a radically different bill than the bills that were before with no hearings and no amendments. I would suggest democracy deserves better.

About an hour ago, the Democratic majority leader told the tragic story of Deamonte Driver, a 12-year-old Maryland boy who died in 2007 from complications resulting from what started as a simple toothache. The majority leader used Deamonte's story to argue that we need to expand SCHIP.

Stunningly, however, Deamonte Driver's story is a story of a government health care program that failed. This was a child that went into a government health care program. It failed him so miserably, he died.

Several colleagues on the opposite side of the aisle argue that Republicans don't care about health care. That's dead wrong. We care about health care for America's poor and America's children. What we are against and adamantly against is promising Americans health care but failing to live up to that promise. That is what this bill will do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUNT. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. SHADEGG. The Republican alternative is to give every single American family, every single one, the ability to buy a health care plan of their choice, not just the rich, not just the poor, but even those who don't respond to a government request that they enroll. We want to put them in a position to buy the health care they need by their choice from the doctor they choose.

That's not good enough for the other side. They want to expand government programs that in the tragic story of Deamonte Driver resulted in the death of a 12-year-old boy from a problem that started as a toothache.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from California, the chairman of the Energy and Commerce Committee (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, I want to thank the gentleman from New Jersey, a very able chairman of the subcommittee of the Energy and Commerce Committee, for his authorship and managing this bill today.

This is an important bill, and I want to commend Chairman Emeritus JOHN DINGELL for all the work he has done on this legislation.

This bill and everything that's in it has already passed the House in the last 2 years; so we're not talking about anything new. What we are talking about is legislation that President Bush vetoed twice even though there was a strong bipartisan majority in the House and the Senate to try to get this legislation into law. The original program was a bipartisan program adopted in 1998, and it's going to be expiring; so we need to reauthorize it.

This bill is a down payment, a down payment on health care for all Americans. But at least we will start covering millions of low-income children, children who are right above the poverty line.

I urge support for the legislation.

Ten years ago, a Democratic President and Republican Congress worked together to pass a landmark program to provide health care to children who had fallen through the cracks of our health care system.

That program—CHIP—expires in less than 3 months. This bill extends and improves that program and makes the largest investment in children's health since the original CHIP law was enacted.

It provides new outreach tools and bonus payments to States that find and enroll these children.

The bill provides a new option to cover pregnant women in CHIP. It provides states the ability to ensure that children don't have to wait 5 years for health care just because they are legal immigrants residing in this country.

This bill is not the end but the beginning of a health reform effort that will ensure all children and all Americans will have health care coverage.

I urge my colleagues to support this bill. Let's send to incoming President Obama legislation that will make all the difference in the lives of millions of children across this Nation.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Texas, Dr. BURGESS, who is on our committee and on the subcommittee.

Mr. BURGESS. I thank the gentleman for yielding.

Madam Speaker, the bill before us today is going to harm access to high-quality hospital care by prohibiting physician ownership of hospitals.

In past Congresses there have been attempts to prohibit physician ownership, and they have been struck down due in large part by the recognition of many Members of Congress across the aisle and on this side that these few physician-owned hospitals are doing a great job. Patients like going there. Physicians and nurses like working there. And I will just tell you as someone who has worked in a physician-owned facility, there's nothing like the pride of ownership in helping you deliver first class care.

The bill before us today will put rural Americans at risk. Physician-owned hospitals also provide care in many rural areas of this country where patients have few health care options.

The attack on physician-owned hospitals will hurt the economy in a number of States. It's estimated up to \$4 billion is generated in activity in these facilities in eight States in the country including my own home State of Texas.

During this time of economic downturn, it is simply irresponsible to shut down a strong stream of economic activity in these States while shutting down patient access to care.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the distinguished gentleman from Washington, Dr. McDERMOTT.

Mr. McDERMOTT. Madam Speaker, I rise in strong support for SCHIP reauthorization legislation, and I want to thank Speaker PELOSI for her leadership in bringing this bill to the floor as the first bill.

H.R. 2 clearly says that change has arrived for our country and our children. Instead of a veto pen that was used last year by the outgoing President to deny health care to children, our new President will sign this legislation and in so doing to begin a new chapter in America's commitment to its children and our future.

H.R. 2 is a real down payment on our efforts to get universal access to affordable health care for all Americans. It builds on a successful model that has expanded access to millions of children nationwide.

Health care should be a right, not a privilege for the rich in America. This legislation affirms the commitment of the new Congress to serve all the people, not merely those with means who can pay any price for health care while the Nation pays a steep price for not covering its children. H.R. 2 represents an additional 4 million children who will get health care.

It's time to act, now.

H.R. 2 means an additional 4 million children will have access to health care. It will provide access to preventive health care and this alone means America will raise healthier children who will grow to become healthier and more productive adults.

The American people have spoken. They want a more compassionate response to our Nation's problems. Today, we are voting with our heads and hearts to do just that. This is not about ideology or party. It is about providing health care to children. H.R. 2 represents real change.

I am proud to represent a State that took the lead on expanded access for children. In 1994, 3 years before the enactment of the original SCHIP, Washington State expanded access to children up to 200 percent of the Federal poverty level.

This was a huge commitment and clearly my State took the lead. As a result we have fewer children uninsured. We have a healthier population and more integrated primary care. It's a commitment that worked for all of us in the State.

H.R. 2 recognizes Washington State's efforts and includes language that will allow the State to access a more than \$30 million to maintain this commitment. H.R. 2 rewards States like Washington who knew early on that providing quality affordable health care to children was a sound and humane investment.

H.R. 2 will also allow Washington State to expand our successful program to cover more uninsured children in working families. The bill provides greater flexibility and will allow the State to meet the needs of our low income working families.

I am also grateful that this legislation includes important access for legal immigrant children who are currently denied coverage—children who are born in the U.S. and are legal U.S. citizens. In Washington State we have provided coverage for these children. But the State is doing this alone without the full partnership of the Federal Government. H.R. 2 corrects this error and will allow Washington State to maintain coverage for more than 3,000 children.

Madam Speaker, we need to do the right thing. Providing universal coverage for children is an objective that we should all support. This legislation takes us one step closer to meeting this goal. I urge my colleagues to support this bill.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Texas, a member of the Ways and Means Committee (Mr. CULBERSON).

Mr. CULBERSON. Madam Speaker, the most open, allegedly transparent Congress in the history of America has begun this session by throwing out a bill that may cost upwards of \$100 billion over 10 years that was written in secret. This bill has never had a committee hearing, not allowed amendments. There are no amendments allowed on the floor of the House.

No one would consider buying a house, buying a car without reading the contract; yet you're asking the American people to spend borrowed money, up to \$100 billion of borrowed money—every dollar we spend from this day forward is borrowed money—asking us to spend up to \$100 billion over 10 years and not knowing what's in the bill. This is a blind "yes" vote for all of you.

We all support health insurance for children, but we must remember the \$62 trillion of unfunded liability that our children and grandchildren are facing today. The money we spend today is going to be passed on to future generations, and it's essential that the public be given the right to read these bills. This bill was not even posted up on the Web site publicly until about 24 hours ago. What are you afraid of?

Let the sunshine in and let the public read your legislation.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Michigan, the chairman emeritus of the Energy and Commerce Committee (Mr. DINGELL).

Mr. DINGELL. I thank the gentleman for yielding.

Madam Speaker, I stand in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. This bill was passed twice last year by overwhelming votes, with the support of large numbers of my Republican colleagues.

Since its inception CHIP has covered more than 7 million children who otherwise would not have had health care. H.R. 2 would extend coverage to 4 million more children identically situated.

Since last year when this bill passed, more than 1 million children have lost their health coverage because parents were laid off and lost employer-based coverage. My own State is particularly hard hit with over 150,000 uninsured children. These children are our treasure and we must see to it that they are protected, educated, nurtured, and properly fed.

The bill is only a beginning. I look forward to working with the new administration towards reforming our health care system. We must not stop until all Americans qualify for quality, affordable health care.

I urge my colleagues to vote again for the CHIP Reauthorization Act of 2009. This bill will be signed into law, and it will help 4 million kids that without this bill would have no health care.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Michigan, a member of the Health Subcommittee, Mr. ROGERS.

□ 1245

Mr. ROGERS of Michigan. Madam Speaker, we have seen pictures of children on the floor, certainly touched our hearts. We have heard stories, I think from the new gentleman, the new Member from Colorado, who talked about the 100,000 kids who are eligible and not enrolled.

But what we haven't heard today, or we haven't seen, are the faces of hundreds of thousands of senior citizens who will be told, when this is signed into law, you cannot go get your cancer care. You cannot go get your pain care at the hospital of your choice that your doctor has referred you to.

We found one hospital in Washington where 90,000 Medicare seniors will not be able to get the care that they have and the relationship that they have with their doctors. We can do better.

We should not pit kids against seniors. We don't have to do that. And what you say to that family in Colorado is, you may be a family of four making \$21,000, and we haven't found you yet to get connected to the services you deserve, but we think we are going to go out and find that family in New Jersey making \$80,000. Apparently that \$80,000 family is more important than that Colorado \$21,000 family.

Let's get our priorities right. Let's not pit kids against seniors.

I would urge a strong "no" vote against the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to heed the gavel and conclude their remarks within the time yielded.

Mr. STARK. Madam Speaker, I am pleased to recognize the distinguished gentleman from Georgia (Mr. LEWIS) for 1 minute, and Mr. LEWIS understands that the AARP has endorsed this bill.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the chairman for yielding.

Madam Speaker, at long last we will do what is right for our Nation's poorest children. Today we will expand SCHIP to 4 million more children. We have a mission, an obligation and a mandate to provide health insurance for all Americans and now we have a Congress and a President who will meet that obligation for our children.

It has taken too long. This Nation has been wrong to choose war and greed over children and health. Children need our help. They have a right to health care.

Today we will do what is right and pass this expansion of SCHIP.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the newest member of our committee, who is going to add a lot on

health care issues, Dr. GINGREY from Georgia.

Mr. GINGREY of Georgia. Madam Speaker, I rise in opposition to H.R. 2, not because of the 4 million children expansion, as my colleague from Georgia on the other side of the aisle, the distinguished Representative JOHN LEWIS just said. It's not that; it's that we are expanding beyond the original intent of the bill. And the chairman, Mr. WAXMAN, said in his remarks, right above the poverty line.

Indeed, 200 percent of the Federal poverty level is the intent of the bill, and yet there are States, 13 of them, who are using a gimmick called "income disregard" to lower the income of a family so that they become eligible, not only for this program but for Medicaid. That's wrong. That's gaming the system.

If you had allowed a modified open rule so that we could have brought amendments to correct that and other things, then I would certainly be very comfortable and enthusiastic in supporting this bill and supporting the expansion. But, no, you wouldn't allow that, so I am going to have to regretfully oppose the bill.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Colorado, the vice chair of our committee, Ms. DEGETTE.

Ms. DEGETTE. Madam Speaker, 6 million children in this country who are currently eligible for SCHIP and Medicaid do not have health insurance. These children's parents work, but they cannot afford to ensure that their children have well-child care, and they have to resort to the emergency room for even the most basic services, like treatment for an ear infection. This is wrong.

Today's bill will help these families, but with a number of changes that vastly improve the legislation. It allows States to give coverage to pregnant women and people who are here legally. It preserves simplified outreach and enrollment procedures.

Madam Speaker, in the face of the current economic downturn, it is even more vital that we enact this bill. Sharp increases in unemployment are adding to the ranks of the uninsured, while at the same time State budgets are shrinking, and the safety net is struggling to meet this increased demand.

Because, Madam Speaker, we need to provide this care for our kids because in the most civilized country in the world, no child should go without health care.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, you know, it is so interesting as we have this debate, SCHIP, as it was originally put in place, is something that we are all for. That program as a block grant program worked well.

But, Madam Speaker, here is a 285-page bill that the Democrat majority laid on the table yesterday about 1:00.

In that bill, it allows for expansion of coverage to adults. We know that there were over 700,000 adults on this program at some point in 2006. We also know I had an amendment that would have removed, phased out all non-pregnant adults from this program and that amendment was not allowed.

This bill, this bill, will actually crowd out a lot of the low-income children who have benefited from being on the SCHIP program, and I find that very unfortunate that we will reduce the amount of health care available to the children of the working poor and allow the expansion of adults and middle-income children.

Mr. STARK. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL) who understands that many of the adults on the program last year were pregnant women.

Mr. PASCRELL. Madam Speaker, you can't have it both ways. You can't be for it and then you are going to vote against it.

I am listening to the many people on the other side. Substance is more important than process. You don't get it. You don't understand it.

So I am in strong support as a proud cosponsor of the Children's Health Insurance Program which does reauthorize and is fiscally responsible, reasonable. This is long overdue.

Ensuring health coverage for our Nation's children is a critical first step in any health reform effort. In fact, it's the least we can do. If we can't have universal care automatically right now, then we need to at least take care of the children of our country. You say you agree with it, then you ought to vote for it.

Taking swift and decisive action on this legislation has become critically important. As unemployment climbs, the ranks of the uninsured swell, and the roles of our safety-net programs grow. I am particularly proud that this bill provides flexibility in determining eligibility criteria that makes sense for individual States.

Higher income eligibilities, for example, are common sense in States like New Jersey where a dollar simply doesn't go as far.

In New Jersey, we have set out on an ambitious endeavor to cover every child by July of this year, including the 267,000 currently uninsured children in our State.

It is estimated that as many as 130,000 of these children are eligible for FamilyCare, New Jersey's CHIP plan, but are not currently enrolled.

Passing the important legislation that is before us will help States like mine to take the steps necessary to ensure that every child has access to affordable, quality health care.

The stakes are bigger now than ever, so it is time to cast aside political games and pass this bill.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Nebraska, a member of our committee, Mr. TERRY.

Mr. TERRY. Madam Speaker, under this legislation, physician-owned hospitals would be banned in the future. This includes the Bellevue Medical Center currently under construction in my congressional district.

This first photo is a view of the finished—this is 48 hours old, this photo here, showing a nice steel structure and a half-completed building. If this bill would pass today, construction on this facility has to stop because it's 40 percent owned by physicians. The other partner in here is a hospital. We have two facilities like this in my district.

Now, not only is it appalling that we are going to have to shut down construction on it or else not accept Medicare patients, but the fact is the community that this is being built in is a town, it's incorporated within the Omaha area, about 50, 60,000 people and also has a base, an Air Force base on it. There are no other medical facilities in this general area. This will be it, and we will be shutting this down.

Madam Speaker, I rise today in opposition to this SCHIP bill.

Under this legislation, physician-owned hospitals would be banned in the future. This includes the Bellevue Medical Center currently under construction in my congressional district. Also, the Midwest Neuroscience Center and Nebraska Orthopedic Hospital, which are both specialty hospitals that would not be allowed to expand under this legislation. The Bellevue Medical Center, to be located at Highway 370 and 25th Street in Bellevue, will have 60 inpatient and observation beds which will all be private rooms. Potential future expansion can allow for additional 60 beds. In addition to general medical services, the hospital will provide labor and delivery care, emergency care, inpatient and outpatient surgery and intensive care. Facilities will feature state-of-the-art diagnostic services and equipment, including a cardiac catheterization lab, radiology, lab testing and pharmacy on premises. There will be a medical office building adjacent to hospital which will house patient clinics.

Construction of the Bellevue Medical Center is ongoing. It started late in 2007 and is expected to be completed later this year with a total cost of \$135 million. Sixty percent of this hospital will be owned by the Nebraska Medical Center, which is a community hospital, and up to 40 percent of this hospital will be owned by community physicians and faculty of the University of Nebraska College of Medicine. Unfortunately, under Sec. 623, Bellevue Medical Center would have had to have their Medicare Agreement signed by January 1, 2009, in order to be compliant. This is very unfortunate for a number of reasons, but none larger than the community in which this hospital will serve.

The location in which the hospital is being built is an ideal location for a new hospital since there is a population of almost 100,000 people who can take advantage of it. This

would include the city of Bellevue, Offutt Air Force Base and Plattsmouth. In particular, the Bellevue Medical Center would have a strong focus on serving the healthcare needs of the following military related personnel in the Bellevue area: 10,000 active duty personnel, 20,000 dependents of active duty personnel and 11,000 military retirees.

Bellevue's other medical facility, Ehrling Bergquist Clinic, located at Offutt Air Force Base, no longer has inpatient services and has limited outpatient services. Operations at this clinic include same-day surgery, and urgent care. As a result, the Bellevue Medical Center is needed to meet the hospital needs of the Offutt community. The Bellevue Medical Center will also serve as a training area for Air Force physicians, including approximately one-third of the Air Forces' complement of family practice physicians.

This hospital is also needed to serve the fast-growing population of Sarpy county, which according to the U.S. Census Bureau, is the fastest growing county by population in Nebraska and western Iowa. Nebraska Governor Dave Heineman and the Bellevue Chamber of Commerce support the Bellevue Medical Center.

Madam Speaker, this is one of the major reasons that I cannot support this legislation and will be voting against it today.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank the chairman of our subcommittee, Mr. PALLONE, also Mr. DINGELL, Mr. WAXMAN, and everyone that's been involved in shaping this legislation.

Senator Hubert Humphrey was very fond of saying that a society is measured on how it treats those in the autumn of their lives and how it treats those in the spring of their lives.

Today we rise to honor the young in our country with legislation that will provide for them what is one of the great necessities of life, and that is health care. We will not have healthy adults in our country unless we have healthy children.

Today we put down a magnificent down payment to ensure health care for 11 million children in our country. This is a smartly drafted bill. Why? Because it is responsible, because it is paid for.

Over 90 percent of the providers are private sector. So I think today is not only a profound moment in the Congress, but a sacred one. I look forward to its passage and what it will do to strengthen our country and strengthening our country's children.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding.

Madam Speaker, a lot of my colleagues, some of whom were here in 1997, voted against the Balanced Budget Act of 1997, actually voted against the SCHIP program.

So you are coming here to the floor now accusing Republicans saying if you

are going to go vote against this you are voting against children.

When we passed this on a bipartisan basis, please don't do that. I am not going to come here to the floor and say, oh, you were against children because you voted against the Balanced Budget Act. So let's be really accurate with regard to our language.

One thing that does concern me right now is when you look at the number of adults that are on the SCHIP program, every time an adult is in that program, over 700,000 of them, it costs more money.

So what we should be doing is saying in agreement here SCHIP is a good program. Republicans created the SCHIP program. When we worked with Bill Clinton in doing welfare reform, we said we are going to put people to work. We are going to take care of those children.

The States then got all overeager and excited in a good economy and expanded the eligibility.

Now, as the economy turns down, now we have President-elect Obama—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUNT. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. BUYER. He is now proposing in the stimulus plan to say well, gee, let's go to the Federal Government. We don't want to change our program. Let's go to the Federal Government and ask for 200 billion-plus to bail out those judgments of the past.

So what, we are going to stimulate the past as now we are going to add to exacerbate the problem here on the House floor? Let's stop and pause and think about what we are doing here, folks. Let's look at this program to actually cover children. You are about to say of the 700,000 adults that are on the program, by 2013 we could have over 1.4 million in the program.

For every adult that is in this program, we are taking away more money that actually could cover children.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the distinguished Congresswoman from Florida (Ms. KOSMAS).

Ms. KOSMAS. Thank you, Mr. Chairman.

Madam Speaker, I am pleased today to rise, my first time on the floor of the House, to speak in favor of the State Children's Health Insurance Program Reauthorization Act.

This bill, for me, is an opportunity for working families in my district to provide health care to their children. Let me say it again, it's an opportunity for parents to provide health care, working families to provide health care for their children. In these tough economic times, we have more and more families which are unemployed or underemployed, and this gives them an opportunity to give their

children the health care that they need and deserve.

With many of them providing health care to their children through emergency rooms, as opposed to having this access to quality care, we are losing both an efficiency factor and an economic factor.

So I rise again, as I say, to speak in favor of this bill. Providing health care to children is not just the right thing to do, but this is an economic investment that we are making in the future of those who will carry us forward into the next generation.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I don't want to discuss things that have already been discussed, but the things that concern me are things like this will be a magnet for more illegal aliens coming into this country because it's going to provide a mechanism for illegals to get coverage under this bill.

It's going to cost \$44 billion more than the baseline. It's going to involve a tax increase.

You know, one of the things that really concerns me about what we are doing is we passed a bailout bill for \$700 billion. We are going to pass another bill here, a supplemental, it's going to be \$1.2 trillion. We spent \$14 billion for the auto industry.

This is going to cost \$44 billion over the baseline. Where do you think all this money is coming from? And I wish my colleagues would start thinking about the kids in the future as well as what we are talking about today. Because the inflation problem they are going to face is going to be huge.

You have got to print this money. It has got to come from someplace. And the kids of kids of today and tomorrow are going to have to pay through the nose for the things we are doing today. We don't have all the money to do these things, and yet we are spending. That will lead to hyperinflation down the road and severe economic problems.

□ 1300

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I thank our Chair of our subcommittee.

I rise in strong support and as a cosponsor of H.R. 2, the Children's Health Insurance Program Reauthorization Act, or CHIPRA. During the 110th Congress, we made two attempts to reauthorize the SCHIP program. Unfortunately, both these bills were vetoed by the President.

With 6 million American children currently eligible yet unenrolled, the passage of this bill is overdue. CHIPRA reauthorizes SCHIP through 2013 and extends SCHIP coverage to 7 million

children already enrolled, but the SCHIP program covers 4 million more children. Eleven million children will be covered under SCHIP when we pass this bill.

The bill includes a provision that I am proud is in there, H.R. 465, the Immigrant Children's Health Improvement Act, which gives the States the option to cover children and pregnant women of lawfully residing children in our country. These are not illegal immigrants. They are children who go to school and go to daycare with our children and our grandchildren. Those children ought to have health care to protect our own children.

CHIPRA also includes language from another bill of mine, H.R. 1238, which provides one year of emergency Medicaid coverage for children born in the U.S. and their mothers, which is crucial in protecting the health and wellness of newborns born in this country.

I do have to express my disappointment that the bill did not include the provision that was included in the first SCHIP bill we passed which would guarantee that children in families earning less than 200 percent of the poverty level will have 12 months of continuous eligibility under SCHIP.

The outreach and enrollment package includes an incentive for States to provide this eligibility guarantee.

But for a State like mine, we need to ensure that the State of Texas does right by Texas children and doesn't use the flexibility inherent in the program to kick them off the rolls on a budgetary whim.

The 175,000 Texas children who were kicked off the rolls in 2003 know all too well of the State's willingness to balance the State budget on their backs, and I hoped that this bill would take away the State's ability to do that in the future.

However, the need to reauthorize SCHIP before the program expires on March 31st is more important than political battles.

I hope my colleagues will join me in supporting this legislation and sending a strong message to the President that we must abandon partisan politics and reauthorize SCHIP for America's low-income children.

Mr. BLUNT. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman.

Madam Speaker, there is no question the State Children's Health Insurance Program needs to be reauthorized to provide the funds necessary to maintain current coverage and enroll currently eligible low-income children.

In the past I have supported bipartisan legislation that represented the input of both parties to reauthorize the SCHIP program, H.R. 976 and H.R. 3963, including legislation that was vetoed by President Bush. However, I cannot support this partisan legislation before us today because Democrats have radically departed from the bipartisan agreement that had been reached.

First, they have removed the provision that would have capped eligibility

for SCHIP for families making over 300 percent of the Federal poverty line, or roughly \$63,000 per family of four, allowing unlimited expansion of the program in the future. Furthermore, there are no requirements that a certain level of coverage for low-income children be met before expanding eligibility to higher income groups.

Second, they have rescinded a requirement in current law that noncitizens who are here must legally wait 5 years to become eligible for the SCHIP program.

The bill also reduces citizenship verification requirements for the Medicaid program, potentially allowing illegal aliens to game the system to obtain taxpayer-funded welfare benefits.

At a time when nearly 70 percent of uninsured American children are already eligible for Medicaid or SCHIP, our economy is weak and the budget deficit is soaring, it makes no sense to put non-citizens or wealthier children ahead of poor American children from hard-working, tax paying families who desperately need access to these programs."

Mr. STARK. Madam Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Madam Speaker, this is a moment of important substance and important symbolism. The substance and merits of this bill are clear. We are going to preserve health coverage for 7 million American children and expand it to another 4 million children from working families who earn too much to qualify for Medicaid, but do not earn enough to be able to afford the very high costs of private health insurance.

Taking this bill up right now also sends a very important signal that change has come to Washington, DC as a result of the last election. President Bush twice vetoed this legislation on children's health. We will soon have a new President, President Barack Obama, who as one of his first acts as President will sign this legislation, a President who understands the hardships American families are struggling under at a time when more than 2 million Americans have lost their jobs in just 2 months.

The difference could not be clearer. The current President used his mighty veto pen to say "no," to veto and protect the status quo. The new President will use that pen to say "yes," to change the status quo and provide health care to 4 million new American children as we continue to protect 7 million American children. That is change we can believe in.

Mr. BLUNT. Can I ask how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BLUNT) has 90 seconds remaining; the gentleman from California (Mr. HERGER) has 15 minutes remaining; the gentleman from New Jersey (Mr. PALLONE) has 8½

minutes remaining; and the gentleman from California (Mr. STARK) has 9 minutes remaining.

Mr. BLUNT. I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of SCHIP and believe its reauthorization is critical to millions of children, but I am opposed to the bill before us today. This legislation does nothing to make private health coverage more affordable. By expanding a program that severely underpays doctors in my State of California, it may result in higher costs for private coverage. And assuming that the increased tobacco tax achieves the goal of discouraging smoking, it commits an irrational policy of financing a growing program through a declining revenue source.

In addition, this new version would effectively shut down physician-owned hospitals currently under construction, including a \$40 million project in my district in Yuba City, California, scheduled to open in a couple of months. This will be a severe blow to a small county that has long had one of the highest unemployment rates in California.

Madam Speaker, in the middle of the worst economic downturn in decades, this provision would destroy jobs in Yuba City and in dozens of other cities across America.

I would urge all of my colleagues to ask themselves, do you believe that a corporate board halfway across the country would do a better job of holding down costs and ensuring high quality care than a team of local doctors, and, if so, are you certain enough that you are willing to deny your constituents the opportunity to make that choice?

I urge rejection of this misguided provision and a "no" vote.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) for the purpose of a unanimous consent request.

Mrs. MALONEY. Madam Speaker, I rise in strong support of this bill.

Madam Speaker, if history is any guide, the current recession will lead to a substantial increase in the demand for children's health care coverage under SCHIP and Medicaid.

Rising unemployment and staggering job losses have left many families without health insurance. The high cost of private coverage means more and more Americans are turning to state programs for assistance.

But state budgets are already strained by the recession, and many have already enacted budget cuts that would reduce funding for these programs.

My home state of New York has been forced to propose such cuts.

Unprecedented need combined with a shortage of funding is creating a perfect storm—a storm that can only be avoided if Congress

votes to reauthorize the Children's Health Insurance Program.

Over the next 4½ years, our bill, H.R. 2, would preserve coverage for the more than 7 million children currently covered by SCHIP, and extend coverage to nearly 4 million children who are currently uninsured.

Passing SCHIP reauthorization would guarantee sufficient funding levels for the Children's Health Insurance Program to serve future enrollment needs. It would bring much needed stability to the program, giving states fiscal security to plan for expansions and make improvements in advance of broader health care reform.

This legislation will make covering children the top priority for SCHIP, while also giving states the option to enroll mothers during pregnancy. And under the bill all children enrolled in SCHIP will have dental coverage and access to mental health services.

We are in an economic crisis as serious as any this nation has ever faced. As families struggle to make ends meet, and states are forced to make difficult budget cuts, we cannot afford to leave millions of children without the health insurance they so critically need.

We have the opportunity now to make good on our commitment to helping America's families in these tough economic times.

I urge my colleagues to vote "yes" on H.R. 2.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Madam Speaker, I thank the gentleman.

Madam Speaker, I am proud to be up here today to support H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. It has been a long time coming. I am glad we are considering this bill on the floor so early in this Congress, when we spent most of the last 2 years trying to enact it. I think it says something very positive about the commitment of this new Congress and of our new President to improving health care for all Americans.

H.R. 2 will allow us to enroll 4 million more kids in programs like Georgia's PeachCare who are just as eligible as the 7 million kids already enrolled. It is not a free lunch. Parents will still have to pay what they can afford to pay, but the kids will be able to go to the doctor, where they get good preventive care at the lowest cost, and keep them out of the emergency room, where they get the least effective care at the greatest possible cost to the taxpayer. That is more health care, better outcomes, at less cost. It is not only the right thing to do, it is the smart thing to do, and that is why I am proud to be a cosponsor of this legislation and urge all of my colleagues to support it.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a member of the Health Subcommittee.

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today in strong opposition to a provision in this bill that

would have drastic consequences for hospitals in my district and hospitals around the Nation. Everyone in this Chamber can agree that health care in this country needs transformation. America has always been a leader when it comes to medical research, training the best, the brightest, and providing superior care. We need to make sure that tradition continues.

Physicians across the country have decided they can provide better health care to more people by engaging in the process. Some doctors have decided to play a role in the care delivered in the hospitals in their community, and studies show that this has resulted in higher quality care and higher patient satisfaction.

Physician-owned hospitals employ highly skilled workers. They are an engine in the local economy, and language in this bill will devastate most of them. I say most, because a handful of hospitals located in special congressional districts will have rights that hospitals in my district and the majority of others will not. Why do only a handful of Members of Congress receive the privilege of a carve-out for their hospitals?

Many facilities have poured millions of dollars into constructing hospitals that will be forced to shut down because of this bill. Baylor Hospital in particular in my district is in the process of adding additional operating rooms and hospital beds to serve the community needs. This local hospital won't be able to complete the project because of this bill.

I ask my colleagues on both sides of the aisle to work with me to see that all existing hospitals and those under development are treated the same in this legislation. No carve-outs, no special privileges. It has to be all fair and all the same. Physician-owned hospitals have proven over and over again they spur greater choice and offer higher quality care to patients. These hospitals all deserve the right to be able to continue to serve their community. That is the American way.

Mr. STARK. Madam Speaker, at this time I am pleased to yield 1 minute to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding.

I rise in support of this long-overdue legislation. Coming from a State with one of the highest percentages of uninsured children, it is essential to reauthorize SCHIP to extend the program to cover more low-income uninsured children.

In 2007, more than 40,000 youngsters benefited from the Nevada Check Up program. This bill will enable Nevada to continue coverage for these children and to reach out to a portion of the 70,000 children currently eligible who remain uninsured. This bill also includes funding to improve outreach to

eligible populations. Increased funding and the focus on outreach and enrollment will help extend coverage to thousands of additional Nevada children and an additional 4 million kids nationwide.

I urge my colleagues to support this bill. I look forward to having a President in the White House that is anxious to sign it.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Health Subcommittee.

Mr. RYAN of Wisconsin. Madam Speaker, today is the beginning of a new Congress. Our new President hasn't even taken the oath of office and we are throwing fiscal discipline out the door. This whole idea of PAYGO is gone. It doesn't exist. It is a charade.

Let's take a look at what this bill actually does. This bill proposes to add all these new kids on the SCHIP program, and then in the out-years it shoves them off a cliff, taking 7 million children off of the SCHIP program. They do this only to carve and jam this bill into compliance with PAYGO.

I received a letter from the CBO just this morning that if this bill was actually carried through, if you didn't kick all of these children off of this program, it would cost \$42 billion more. This bill has a \$42 billion deficit hole in it. The spending increase in SCHIP in this bill increases on average 23 percent a year. Madam Speaker, Medicare is going bankrupt according to the trustees, and that increases at 6.5 percent a year.

We are being deprived of a bipartisan opportunity to extend the current SCHIP program, which would have an enormous vote here if you brought a bipartisan bill to the table. That is not what is happening. Budget gimmicks, fiscal irresponsibility, a \$42 billion deficit, and the creation of a brand new entitlement program. And what is worse, we are committing our taxpayer dollars, which are so precious in this difficult economic time, to pay for insurance that people already have. 2.4 million people who already have private health insurance are going to get kicked off of their private health insurance and the taxpayers are going to pick up the tab. That is not fiscal responsibility.

Let's solve the uninsured problem. Let's come together and fix the health care problems in America. Let's not bankrupt the country. Let's not play budget gimmicks. Let's not throw PAYGO out the window. And let's not take away the health insurance that people already have and make them have government-sponsored health insurance. We should reject this bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 14, 2009.

Hon. PAUL RYAN,
Ranking Member, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: As you requested, the Congressional Budget Office (CBO) has estimated the budgetary effects of modifying H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009, to extend the program's authorization through 2019 in a manner that would provide sufficient funding to allow states to meet demand for increasing enrollment within the program's parameters. If H.R. 2 were changed to authorize the Children's Health Insurance Program (CHIP) through 2019 and to provide sufficient funding for such increasing enrollment throughout that period, CBO estimates that enacting that alternative version of the bill would increase deficits by \$41.6 billion over the 2009–2019 period. In contrast, CBO estimates that the version of H.R. 2 introduced in the House of Representatives on January 13, 2009, would result in a net reduction in deficits of \$0.4 billion over that 11-year period.

The introduced version of H.R. 2 would authorize CHIP through 2013 and would provide significant funding increases over the next few years, leading up to a total funding level of \$17.4 billion in 2013. The program's funding for the second half of fiscal year 2013 would be \$3 billion. Under baseline rules, that amount annualized—\$6 billion—would be projected for each subsequent year. The estimated cost of the bill assumes that funding level for CHIP for fiscal years 2014 through 2019. On that basis, CBO estimates that the introduced version of H.R. 2 would increase federal direct spending by \$73.3 billion through 2019, including the costs of other provisions in the bill. (That spending would be offset by increases in federal tax revenues totaling \$73.6 billion over the same period, primarily from increases in the excise taxes levied on tobacco products.)

As an alternative to the introduced version of H.R. 2, you requested that CBO assume the CHIP rules and structure as currently delineated in H.R. 2 would remain unchanged through 2019 and that sufficient funding would be made available after 2013 to accommodate projected enrollment growth. The projected enrollment growth is based on expected growth in the total population, as well as changes in the health insurance market and the economy as a whole. Under those assumptions, CBO estimates that average monthly enrollment in CHIP would rise from about 9 million in 2013 to about 12 million in 2019.

Based on the assumptions you specified, CBO estimates total changes in direct spending of \$115.2 billion, as compared with the \$73.3 billion increase we estimate for the introduced version of H.R. 2. (Revenue increases would remain unchanged.) Thus, the net budget impact of a modified version of H.R. 2, as you specified, would be an increase in deficits totaling \$41.6 billion over the 2009–2019 period.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Robert Stewart and Sean Dunbar.

Sincerely,

ROBERT A. SUNSHINE,
Acting Director.

Mr. PALLONE. Madam Speaker, I yield 30 seconds to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I have 30 seconds to explain why H.R. 2, the

State Children's Health Insurance Program, means everything to a school nurse.

□ 1315

And I'll just tell you, I can see the faces of the children I cared for as best as I could who would have benefited so dramatically from this program. And I'll tell you what this feels like now, as so many moms and dads are losing their jobs and need this program even more. And my State, California, is cutting even the children who presently are served so dramatically.

And give States the option of covering pregnant women. That is the greatest thing we can do for the health of a child is to cover the mom.

Mr. HERGER. Madam Speaker, I yield 3 minutes to the ranking member of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Madam Speaker, I believe every child in America should have access to quality health care. The Children's Health Insurance Program has done just that for those in families without the means to provide or buy insurance on their own.

SCHIP was created as a bipartisan program, and it was one I was proud to support. The bill before us today, however, not only threatens the core mission of the program, which is providing health care to low-income children, but creates a new entitlement that will demand higher taxes on all Americans in just a few short years.

Let me first state the obvious problem with this bill. A children's health program should not be used to cover adults, noncitizens, potentially illegal immigrants and those making \$80,000 a year.

There's another problem with the bill, one the majority hopes you ignore. This bill blatantly attempts to hide the true cost of the bill to the American taxpayer. It's irresponsible and untenable to fund a children's health program with the revenue stream that's fast drying up. Increasing the cigarette tax, regardless of your support for such an idea, does not, will not, and cannot cover the cost of this program.

The Democrats are blowing a giant cloud of smoke into the face of the American taxpayers, and I believe the impending tax increases that must come to cover this program will have us all in a severe coughing fit.

The Democrats want you to ignore the fact that the percentage of Americans who smoke has been dropping for decades. But research and logic both show that raising the prices of cigarettes will lead to less smoking and fewer tax dollars coming into the Federal Treasury. Yet, the only way for this funding scheme to work is if the majority finds 22.4 million new smokers. I can't wait to see the look on Senator Daschle's face when the Speaker tells the soon to be Health and Human Services Secretary that little tidbit.

But in all seriousness, with its funding base declining, SCHIP costs will increase exponentially. CBO predicts that SCHIP spending will more than double under the Democrats proposal. The resulting gap between program spending and revenue becomes staggering, a gap the Democrats will soon ask the American taxpayers to fill.

In closing, I'd like to add one final note. This bill represents a broken promise to lower- and middle-income Americans. President-elect Obama promised that no one making less than \$250,000 per year would see their taxes go up; yet, under this proposal, a working-class family with two adult smokers would face hundreds of dollars in additional Federal tobacco taxes each year.

We haven't made it to Inauguration Day, and House leaders are already breaking this campaign promise. That might be a record, even here in Washington, D.C.

Let's keep SCHIP focused on low-income children. Let's not ask 22.4 million Americans to start smoking, and let's demand a better bipartisan bill.

I ask my colleagues to vote "no" on this bill.

Mr. STARK. Madam Speaker, I am pleased to recognize Mr. SCHAUER from Michigan for 1 minute.

Mr. SCHAUER. Madam Speaker, I came to Washington to be a voice for those in my State who are hurting.

H.R. 2 will help children and families who are victims of our economic crisis; 100,000 children in Michigan lack health insurance. That is immoral and weakens our economy. This bill ensures comprehensive health care coverage for children, and is an investment in prevention and approved overall health status for America.

With Michigan's economy in crisis, with our Nation's economy struggling, with our families losing health insurance due to this recession and unfair trade, now is exactly the right time, colleagues, to act, to cover 11 million children with the health care coverage they deserve and need.

Mr. HERGER. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY), who is a physician.

Mr. BOUSTANY. Madam Speaker, as a physician, we all recognize the importance of high quality health care for all children in this country. In addition to the declining source of revenue as a means to pay for this, which I believe is an irresponsible way to legislate on health care, there's a serious other problem that needs to be discussed and that is, does this bill provide real access to quality health care?

Too often children on Medicaid and SCHIP receive fewer visits from primary care providers than those with private coverage. That's clear. And they are much more likely to seek care in the emergency room when it's late.

They don't get the necessary screenings and vaccinations.

GAO criticized government-run programs like SCHIP for disregarding patients' access problems.

It's disappointing to me, as a physician, that the majority rushed this flawed bill to the floor without permitting any opportunity for improvements. I offered an amendment that went to Rules which was not allowed, which would have encouraged States to measure and report provider access problems for SCHIP programs. It would also require States to report their plans to limit "crowd out" of private coverage.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOUSTANY. I would like to include the rest of my statement in the RECORD.

In section 402 of their bill, Majority leaders failed to address the access problems I brought to their attention last year.

Their vague language does not require states to uniformly report primary care visits.

It does not mention surveying parents on whether sick children received needed care quickly.

It also fails to require states to describe their plans to avoid displacing children's private coverage.

We need to help poor children first.

A plastic government coverage card that delays access to needed care is an insult to low-income families.

Congress has a duty to help enrolled children who—despite being covered—still can't find a doctor to treat them when they're sick.

Mr. PALLONE. Madam Speaker, I would yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise in strong support of the bill. I am so proud that under our new administration we'll finally enact a comprehensive, robust reauthorization of the SCHIP program which will provide health care to over 11 million low-income children. No more playing politics with our children, no more Presidential vetoes of this bill. We are finally going to do what is right for our Nation.

It simply makes economic sense to cover the uninsured. When we fail to provide our citizens with primary and preventive care, routine health problems compound into emergency conditions.

New York, my home State, operates a separate stand-alone program under SCHIP called Child Health Plus. As of December 2006, nearly 400,000 children were enrolled and receiving comprehensive health care coverage in the program. As the third largest SCHIP program in the Nation, New York reduced the number of uninsured children in the State by 40 percent. We are only one of seven States to do that. And New York's program has increased enrollment by over a quarter of a million children since the start of SCHIP.

SCHIP also contributed to a nearly 30 percent increase in children enrolled in Medicaid.

This is necessary. It is good. We should all support this bill.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) has 5 minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 6¼ minutes remaining. The gentleman from California (Mr. STARK) has 7 minutes remaining.

Mr. HERGER. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Madam Speaker, when SCHIP first passed about a dozen years ago, Georgia's program was called Peach Care. It was open to large numbers of people, and millions signed up, many of whom came off private health insurance to do so. A friend of mine, who made \$150,000 a year, signed up too. She never used it. But you could sign up by the Internet.

Some of that's been tightened up, but this bill opens that back up again. You're eligible by just stating your Social Security Number, no need to prove who you are.

The 5-year waiting period that's always been in place for legal immigrants who come here sponsored, is erased. And we all know that sooner or later we're going to have an amnesty for those 20 million illegals, and that will dwarf this system.

I was in dental school in 1966 when Lyndon Johnson delivered the Great Society speech; and he said, using easily quantifiable user statistics, we know that by 1990, Medicare will cost \$9 billion, and Medicaid will cost \$1 billion. He was wrong. And this will be abused also.

Mr. STARK. Madam Speaker, at this time I am delighted to yield 1 minute to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, I rise in strong support of this bill because investing in children's health care is one of the wisest choices we can make. Children have to be healthy to get an education and to achieve their full potential as adults. When kids see the doctor more regularly, they receive the preventive services that keep them healthier longer, and they are less likely to end up in the emergency room, which saves everyone money.

Almost a quarter of a million children in my State of California are uninsured. That's simply not acceptable. In contrast to President Bush's multiple vetoes of similar bills, today, with President-elect Obama's enthusiastic support, the House will vote to provide coverage for 4 million, 4 million additional children.

Madam Speaker, that truly is change we can believe in.

Mr. HERGER. How much time do we have, Madam Speaker?

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) has 4 minutes remaining; the gentleman from New Jersey has 6¼ minutes; the gentleman from California (Mr. STARK) has 6 minutes; and the gentleman from Missouri has 90 seconds.

Mr. PALLONE. Madam Speaker, I yield 30 seconds to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Madam Speaker, I am proud today to rise for the 11 million children who will have health coverage when we pass H.R. 2 for the first time and it's finally signed into law by the incoming President.

CHIPRA will make a significant downpayment on President-elect Obama's and our promise to insure all of our children. And it rightfully refuses to leave out children and pregnant woman legally admitted into our country.

It includes dental and mental health care, and will help eliminate health disparities because many of those covered children will be children of color. Healthy children have a better chance to also become healthy adults.

It's the right thing to do. It should not have taken this long, and I urge my colleagues to pass it for the good of our children and the good of our country.

Mr. HERGER. Madam Speaker, I continue to reserve my time.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the distinguished gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Madam Speaker, I rise today in support of H.R. 2, the reauthorization of SCHIP.

When our Nation faces tough economic times, we must look beyond the grim statistics to see the true cost of our struggles. Seven percent of this Nation is unemployed, which leaves too many families without health insurance. 170,000 children in Colorado alone have no health coverage. That's more than one in eight.

How we as a Nation approach health care for our children speaks not just to our economic priorities but to our moral priorities.

Colorado ranks seventh worst nationally in the rate of uninsured children. As the mother of three kids who knows the worry and heartache that comes with caring late into the night for a sick child, that is one statistic I hope I have a hand in changing.

I urge all of my colleagues on both sides of the aisle to pledge their support for our children and vote for this bill.

Mr. STARK. Madam Speaker, at this time I am delighted to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, I represent Georgia, which

has 300,000 children who badly need coverage in this legislation. Let me take a part of my moment here, if I may, to respond to what I think are some misstatements from the other side because this is, indeed, a children's health program, and they've mentioned about adults being on this program.

One category of adults, Madam Speaker, is pregnant women. Of all adults, a pregnant woman with child in her womb, they need care. They should be and are covered in this.

As far as the other category, here's what the bill says as far as parents. No new waivers to cover parents in the CHIP program will be allowed. That's in this bill.

What about childless adults who don't have? The bill says the current law, that prohibition on waivers to cover coverage of childless adults is retained. Childless adults are prohibited in this law.

Issue of illegal immigration; only legal immigrant children and their pregnant immigrant legal immigrant women are covered under this bill.

□ 1330

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Madam Speaker, I rise in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

This historic legislation renews and improves SCHIP. It extends coverage to 4 million uninsured children who are currently eligible for but who are not enrolled in SCHIP and in Medicaid.

As a fiscal conservative, I am also proud that even in today's financial storm and even under scoring rules that do not fully reflect the long-term fiscal benefits of providing adequate health care to children that the bill is fully paid for. With a modest increase in tobacco sales tax providing a bulk of the funding, we are able to provide coverage to millions of children and not add to the deficit.

This bill honors our moral commitment to help our youngest children in their health while ensuring that this legislation does not hinder their future by saddling them with huge debts.

The bill could not come at a better time. Our economy continues to worsen, and more and more people are at risk of losing their health care. This program will help give millions of parents the peace of mind that their children at least will have access to health care.

Mr. HERGER. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, first of all, let me state that I support health insurance for children. As a matter of fact, it was my bill on the floor of the Senate where we created KidCare.

Where did the money come from? It was from a historic vote that I cast to be able to go after the tobacco companies for settlement. That's where the money came from originally for the SCHIP program, but the bill we have before us today is not a bill that taxpayers can support.

First of all, there is no prohibition against crowd-out. In other words, it pushes children off of private insurance onto the government program, and it does allow States to continue for at least 2 years the enrollment of adults. It actually does nothing to prohibit illegal aliens from being on the program, and that's something that taxpayers are very concerned about. Additionally, Madam Speaker, there is no incentive here, really, to go after and to have low-income children covered by this bill.

For those reasons, I oppose it.

Mr. STARK. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I would yield 30 seconds to the gentleman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Speaker, I support H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

We have children in New Hampshire and in America who need us to fight for them. Unemployment is rising. Even working families are losing their health insurance. Providing more money now will give 4 million more children health insurance. This is a moral issue. We are the only nation in the world that does not provide health care to all of its children. This is simply unconscionable.

I am proud to support this legislation to help New Hampshire's children and America's children.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Madam Speaker, I rise today to underscore that all of us, Republicans and Democrats alike, desire to ensure that all children of low-income working families have access to high-quality, affordable health care. But at this time in our economy when deficits threaten to climb to \$1.6 trillion, without Republican input or without any debate, the majority has rushed a bill to the floor that substantially expands the reach of this program beyond its original intended purpose. All the while, a substantial portion of the existing target population has never been reached.

It is with much disappointment that I stand in opposition to this bill today, because it could have had significant bipartisan support had the majority opened the process to our substantive ideas.

Before our ideas and solutions were shut out at the Rules Committee, we

sent President-elect Obama and Speaker PELOSI a letter which outlined four central issues that we had hoped would be addressed.

First: We believe that the SCHIP bill should follow the original intent of the law. That is to cover children in low-income working families.

Second: We Republicans believe that expanding SCHIP should not shift children away from private health insurance options into government-run programs that are funded exclusively by the taxpayers. Instead, we should be providing families who are currently uninsured with more affordable options to better meet their needs, not a one-size-fits-all government solution.

Third: We Republicans believe that the legislation should include meaningful provisions to prevent fraudulent activity by those who seek to illegally gain access to this program.

Finally, Madam Speaker, when Congress reauthorizes the program, we must do so responsibly. The budget gimmicks included in this bill suggest that the majority is not seriously trying to comply with PAYGO. This bill will only put the States and the Federal Government into further debt. I don't think there is any question that many in this House want to do the right thing. Unfortunately, Madam Speaker, I feel this bill doesn't quite reach this mark.

Mr. PALLONE. Madam Speaker, we inquire of the time that is remaining.

The SPEAKER pro tempore. The gentleman from New Jersey has 4¼ minutes remaining. The gentleman from California (Mr. STARK) has 4 minutes remaining. The gentleman from California (Mr. HERGER) has 1 minute remaining. The gentleman from Missouri has 90 seconds remaining.

Mr. PALLONE. Madam Speaker, at this time, I would yield 30 seconds to the gentleman from New York (Mr. MASSA).

Mr. MASSA. Madam Speaker, I am compelled to observe that, while Rome burns, my friends and colleagues across the aisle argue process.

We were elected to come here and make a difference in the lives of the people who we represent. Today, I will proudly cast a vote in the affirmative for the expanded State Children's Health Insurance Program Reauthorization Act of 2009 to do exactly that.

We are in a time of financial and economic crisis, and we cannot ignore the individuals who have sent us here to help them. It is a plain and clear call to action. It is wrong to say that you support children's health care and, at the same time, vote against it. This is not about process. It is about standing with America's children, and I am proud to do so today.

The SPEAKER pro tempore. The Chair will recognize in reverse order the managers for closing comments. That would be Mr. HERGER, followed by

Mr. STARK, followed by Mr. BLUNT, followed by Mr. PALLONE.

Mr. PALLONE. Madam Speaker, I have some additional speakers, though.

I yield 30 seconds to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Madam Speaker, this vote is about values. If you are an uninsured kid in America and you have appendicitis, the chance of death is five times that of a kid who is insured. This is about values. We are the only developed country in the world that does not extend full health insurance to its children. History has shown no nation can truly consider itself great without providing for the well-being of its most vulnerable.

I urge my colleagues to support this legislation.

Madam Speaker, I rise in support of the bill. It is clear that the Congress sees value in this critical investment in our Nation's children, having passed a similar measure not once but twice in its last session. Thankfully, we will now have a President who shares that same compassion and commitment to our low- and middle-income working families.

Given the ongoing economic crisis, the number of at-risk children will only continue to increase. The number of Americans who are now unemployed, and ostensibly now without health care, has increased by more than half in the past year, from 4.7 percent to 7.2 percent nationally. When you factor in the skyrocketing costs of health care, coupled with the economic pinch being placed on people's pocketbooks, today's American families are being bled dry and countless children are being left without health care. In that context, we are making a critical investment in the health of our Nation by adding these 4 million children to the 7 million already covered by SCHIP.

The long-term risk of not making this investment now will surely cost us more. Let me cite just one example: It is my understanding that an uninsured child diagnosed with appendicitis is 5 times more likely to die as a result of lack of access to medical attention than a child who is has been insured. By expanding access to more working families, we begin to lay the foundation for the principles by which we hope to overhaul our Nation's health care system.

As my colleagues may be aware, the United States is the only developed nation in the world that does not provide health care for all of its children. That is unconscionable. As history has proven, no nation can truly consider itself great without providing for the well-being of its most vulnerable.

Mr. PALLONE. Madam Speaker, I would yield 30 seconds to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Madam Speaker, we have voted for similar SCHIP measures in the past, but those efforts were thwarted time and time again. I believe today is a new day.

Today, we will send a clear message to those who need our help the most—our children. This Congress and the new administration will tell the 38,000 uninsured children in Iowa and the millions more across the country that we

care and that we will no longer leave them without the health care they need.

I look forward to casting my vote in strong support of this legislation. I urge my colleagues to do the same.

Mr. STARK. Madam Speaker, at this time, I am delighted to recognize for 1 minute the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I am pleased to rise in strong support of the Children's Health Insurance Program Reauthorization Act of 2009.

I am pleased to note that my State, the State of Illinois, has made it possible for every child to receive access to health care and to see that this action takes place across the country so that every child, no matter who he or she might be, has an opportunity to grow and develop to become the kind of person that his or her potential provides.

It is a great day for the United States of America. It is a great day for this Congress. It is a great day for all of the children in America.

Mr. STARK. Madam Speaker, if I may, I will yield myself 2 minutes.

I just want to rise and ask my colleagues to support H.R. 2. It has done a lot of things. It expands insurance coverage to another 4 million children. You can argue one way or the other that they may have insurance someplace else, but this will guarantee that those 4 million additional children will get the medical care or the insurance and, without which, they will not get first-class medical care in this country.

We've passed this bill in several different forms in the past, and I want to thank the 40 or 50 Members from across the aisle who have supported it in the past. We've made some changes, and we've acknowledged the legitimacy of all legal residents in our Nation by giving States the option to cover them if they choose.

I am glad to report that the bill is fully financed. We can argue about what happens 4 or 5 years out, but I am sure we'll have more of an argument on whether the very rich should enjoy escaping the capital gains tax or whether we should do away with the inheritance tax, which will bother many of the opponents much more than the idea of the tobacco tax or, indeed, the prohibition on the unethical kickbacks that physicians receive from ownership hospitals, most of which are of questionable safety and quality. This legislation expands health coverage to our Nation's children, and it is worthy of our support.

I would like to take just a moment to thank the staff members who have worked so hard over the past almost 2 years. From the staff on the Committee on Energy and Commerce: Bridgett Taylor, Karen Nelson, Andy Schneider, Amy Hall, Purvee Kempf, Tim Groninger, Hasan Sansour, and Bobby Clark.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STARK. Madam Speaker, I yield myself an additional 10 seconds.

From our own staff on the Committee on Ways and Means Health Subcommittee: our staff director—Cybele Bjorklund—Jennifer Friedman, Debbie Curtis, Karen McAfee, Chiquita Brooks-LaSure, and Drew Dawson.

I urge the passage of H.R. 2.

I reserve the balance of my time.

Mr. BLUNT. Inquiring, does the gentleman have any additional speakers besides his closing comments?

Mr. PALLONE. I do not, but I was going to ask how much time remains.

The SPEAKER pro tempore. The gentleman from Missouri has 90 seconds remaining. The gentleman from California (Mr. HERGER) has 1 minute remaining. The gentleman from California (Mr. STARK) has 1 minute remaining. The gentleman from New Jersey has 2¾ minutes remaining.

Mr. PALLONE. Madam Speaker, I would yield myself a minute and a half.

I just want to stress how important this bill is and also that it is, essentially, the same bill that we passed in the last Congress. It was bipartisan. It was passed in both houses with a fairly large margin. The only thing that stood in the way was President Bush's veto.

Now we do have a new President. We know that he has supported the legislation. It is so crucial for the children of this country, for the 4 million or so now who are eligible but for whom there is no funding, who will be covered by this legislation. It is fully paid for.

Particularly now, when we have a recession and when we know that so many people are losing their jobs and, as a consequence, their health insurance for themselves and for their families, what could be more important than making sure that those families' children are covered by this legislation?

□ 1345

I must say I'm very proud of the fact that we are here in the first week, essentially, of this new Congress passing this bill. I know the other body is about to pass it as well and that we will be able to send it to the President and have it be one of the first accomplishments of his Presidency and of this Congress.

I know Mr. STARK already thanked the various staff members, so I won't thank them again. But I do want to pay particular attention to Bridgett Taylor because I know that she worked on this legislation for 2 years or more and was even there when we first passed the SCHIP bill 10 years before that. And it has always been one of the things that she cares so much about. But I want to thank all of the staff people and all of my colleagues for all of the work that they've done on this legislation.

Mr. HERGER. Madam Speaker, I reserve the 1 minute I have to close, but I would yield to the gentleman from Missouri (Mr. BLUNT) for the time that he has that he controls.

Mr. BLUNT. Madam Speaker, I yield my minute-and-a-half to the ranking member of the Health Subcommittee on Energy and Commerce, the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I appreciate the gentleman yielding.

Madam Speaker, very few bills come to the floor of this House with so much rhetoric disassociated from facts as we have heard in this bill.

Now, let's talk about a few of the real facts.

First of all, the program was designed, at its outset, to insure children that were above the Medicaid level of poverty but below 200 percent of poverty. All of the stories that we have heard today—from both sides of the aisle, quite frankly—as to examples of children who are uninsured, in almost every one of those instances are children that should have been insured under the current law under either SCHIP or Medicaid but are unenrolled.

One of the amendments that I offered that was not allowed was an amendment that said before you can go up the poverty scale, you should have a 90-percent saturation of those children that are below 200 percent of poverty. Many States that are well above the 300 percent of poverty still have not covered a quarter of their children that are below the 200 percent of poverty level.

So "poor children first" is not in this bill.

Secondly, with regard to the issue of illegal immigration. Now, you can say that illegal immigrants will not be allowed, but you are removing the requirements of certification of eligibility. And by the way, pregnant women, regardless of their immigration status, are considered "children" under the SCHIP bill in everybody's version of the law.

Now, if you're not acknowledging that illegals are going to be enrolled in this program by virtue of the change you're making in this bill, then you ought to talk to CBO because CBO says in the next 10 years that the Federal Government will spend \$5.1 billion and States will spend \$3.85 billion on people who are illegally in this country.

Mr. STARK. Madam Speaker, I'm delighted to recognize the Speaker of the House, the distinguished gentlelady from California (Ms. PELOSI).

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Madam Speaker, I thank the gentleman from California for yielding.

My colleagues, this is a day of triumph for America's children. With what I expect to be a strong bipartisan

vote, the House will bring us one step closer to providing health care for 11 million children in America.

With this action and with the legislation last week to ensure equal pay for equal work for women, Congress makes clear that we put women and children first. It is important that we have this legislation up so soon in this new Congress because children are our top priority. We like to be considered a Congress for the children, a Congress for the future.

At a time of economic crisis, nothing could be more essential than ensuring that children of hardworking families receive the quality health care they deserve. Many of these children are from families of hardworking Americans who have lost their jobs through no fault of their own. It's sad to say that America lost 2.6 million jobs last year. Over half a million jobs were lost in the month of December—500,000 jobs in the month of December alone. It was actually 526,000 jobs. Each month, until we have an economic recovery initiative, we will continue to lose at least 500,000 jobs per month.

With such job loss, America sees the health care coverage that we all need for our children disappear. For every 1 percent increase in the unemployment rate, it is estimated that as many as 1.5 million Americans will lose their health care coverage. A record 47 million Americans, including nearly 9 million children, are without health insurance now.

Ensuring that children have access to affordable health care just makes sense. It's not just about addressing their health needs when they are sick. It's about keeping them healthy in advance. It's about prevention. It's about diet, not diabetes; it's about prevention, not amputation. It's about a healthier America.

Contrary to the views of some, an emergency room is not good health care on a regular basis. An emergency room is, as it describes, for emergencies—not for ongoing health care. So for those who say that all people in our country have access to health care, that they can go to an emergency room, I don't know what they could be thinking.

By ensuring health care coverage for 11 million children, families will have regular doctor visits and preventative care. We will ensure that children get the care they need and the health care costs are not inflated due to expensive emergency room care.

That is why more than 80 percent of the American people support this legislation. It's bipartisan. It is fully paid for by a 61-cent tax on a pack of cigarettes as the major part of its funding, and it represents a new direction because, again, it is good health care for America's children. It is paid for.

We have fought in the last Congress together, Democrats and Republicans,

in the House and in the Senate to pass this legislation—which we did—but it was vetoed. At the time, President Bush said that we could not afford this legislation, that we could not afford to insure America's children. Forty days in Iraq equals over 10 million children in America insured for 1 year. Forty days in Iraq, 1 year insuring over 10 million children. We certainly can afford to do that.

We look forward to bringing this legislation to President Obama's desk as one of the first bills that he will sign. And when we do, we owe a great deal of gratitude to Chairman HENRY WAXMAN of the Energy and Commerce Committee, Chairman RANGEL of the Ways and Means Committee, Chairman Emeritus JOHN DINGELL, who's worked on this issue for a very long time and engineered it through the last Congress. Thank you, Mr. DINGELL. Congressman PALLONE, the Chair of the subcommittee; Congressman STARK, the Chair of the appropriate Committee on Ways and Means; the Congressional Hispanic Caucus, which led the fight to make sure that legal immigrant children are covered under this legislation, and our Congressional Black Caucus. All elements of our Congress, a coalition, and on the outside, because we could not succeed with just our inside maneuvering on legislation so important and so pervasive in its impact.

Without the support of more than 300 organizations, from AARP to the YMCA and everything in between, the March of Dimes, Easter Seals, almost every organization you can name supports this SCHIP; and they support providing quality, affordable health care to America's children, and they support doing it by the passage of the State Children's Health Insurance Program legislation that we have before us today.

So I thank all of those in the Congress for their leadership in making this important day possible for America's children. It's important to children because of their health. It's important because it's paid for. We do something great for children without adding to our deficit and delivering mountains of debt to future generations.

So this, all in all, is great for kids. Let's keep our reputation going as a Congress for children and give a strong bipartisan vote to this important legislation.

Mr. HERGER. Madam Speaker, I yield the remainder of our time to the minority leader, the gentleman from Ohio (Mr. BOEHNER).

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1 minute.

Mr. BOEHNER. Madam Speaker, let me thank my colleague from California for yielding.

I rise today in opposition to this bill, frankly because of my strong support for the SCHIP program.

In 1997, Republicans here in Congress worked with our Democrat colleagues to create the State Children's Health Insurance Program. I was there, and many of you were here as well. And throughout that process it was bipartisan, it was fair, and open discussion and open debate. And unfortunately today, the voices of millions of Americans who want to provide input into this proposal have been silenced in the process.

Earlier this week, I wrote to Speaker PELOSI and President-elect Obama expressing our willingness to work together on this critical issue. We outlined our principles for this program's reauthorization. The principles are nothing new. In fact, they're the same principles that led to the creation of SCHIP in 1997.

And they are this: This program ought to cover poor children first. Unfortunately in many States, more than two-thirds of those enrolled in the SCHIP program are adults. And there is nothing in this bill that really does ensure that poor children will be brought into the program first.

Secondly, taxpayer funds for this program should not be used to fund benefits for illegal immigrants. And there's been this big debate about whether it does or it doesn't, but the fact is that while the bill says we will not cover illegal immigrants in this bill, the whole verification process that should be in here to ensure that only American citizens and legal residents are entitled to these benefits, no verification to speak of is contained in the bill.

And we also believe that SCHIP should not force children with private insurance into a State-run health insurance program. Last year in this proposal, there was language that made it clear that children with a private health insurance program, that they should stay in that private program and not be pushed into the State-run program. Unfortunately, the bill before us does not reflect these principles, the same ones that have guided this program since its creation.

I believe that the bill before us would undermine the original intent of the SCHIP program by expanding the program to adults, illegal immigrants, and upper-income families who already have access to private health insurance.

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I think taxpayers deserve better, and, more importantly, our Nation's children deserve better. That's why today Republicans will offer a better way.

I said on the opening day, when I gave the gavel to Ms. PELOSI, that Republicans would not just be the party of "no," that we would come to this

floor with better solutions. And the better solution that we will offer here soon is a program that would reauthorize SCHIP for 7 years, not the 4½ years that we see in the majority's bill; it will reflect our principles, and make it clear that poor children should be covered first; and it will fully fund the SCHIP program without raising taxes on American families across our country.

Madam Speaker, Federal funds targeted for low-income children should benefit low-income children, period. Only one measure on the floor today will serve those children's interests, and that's what the motion to recommit will contain. So I would urge my colleagues to vote "yes" on the motion to recommit and "no" on the underlying bill.

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today in strong support of the Children's Health Insurance Program Reauthorization Act of 2009.

I am proud to be an original cosponsor of this important legislation to expand the highly successful State Children's Health Insurance Program (SCHIP). This bill will allow the program to provide health insurance to an additional 4 million low-income children on top of the nearly 7 million who already benefit from the program.

In my home State, SCHIP enrollment is part of the reason why Massachusetts has the lowest rate of uninsured children in the country. More than 180,000 Massachusetts children receive health coverage through SCHIP, and this reauthorization will allow the state to cover even more children who currently do not have health insurance.

It is unfortunate that the previous two attempts to reauthorize SCHIP were vetoed by President Bush, who chose to side with big corporations over children. With the current economic crisis causing significant job losses, millions of Americans also are losing their health coverage, making today's vote even more urgent.

While President Bush twice dashed the hopes of millions of low-income families in need of health care for their children, the incoming Obama administration recognizes the value of ensuring that all low-income children get the health care they need.

I urge my colleagues to stand with the hard working families who want to provide their children with the health care they need. Vote yes on this critical legislation.

Mrs. BACHMANN. Madam Speaker, today I rise in opposition to H.R. 2, the Children's Health Insurance Reauthorization Act of 2009. While I support the State Children's Health Insurance Program, SCHIP, and its continued reauthorization, the proposal before the House today reauthorizes this program in an irresponsible manner, at a time when the American people need responsible government more than ever.

As you know, I recently joined many of my Republican colleagues in a letter to you, Madam Speaker, and to President-elect Obama asking that any reauthorization of SCHIP contain commonsense provisions to ensure that the program's mission is fulfilled.

For instance, SCHIP is meant to ensure that children without means can gain access to health care. The program is designed to cover them first, before extending coverage to children whose families may be able to afford coverage. Unfortunately, the bill with which we have been presented includes no requirement that states focus the funds in this bill on low-income children. There is a likelihood that the failure to include such a provision will lead to funds being diverted from the children who need them most, particularly in the states that have expanded their SCHIP programs most dramatically.

Another concern that I have is the impact of this legislation on the private insurance market and the families who depend upon it. In scoring this legislation, the Congressional Budget Office (CBO) estimated that 2.4 million people will drop their existing private insurance, opting instead for the public program. This "crowding out" will constrict the health insurance pool and further increase the cost of private insurance for millions more. Given the ranks of Americans who already cannot afford health insurance, this is the last thing the American people need.

There are other concerns that I have with this bill and with the way it is being pushed through with so little debate and no opportunity for amendment. While the House leadership has again promised that it will work in a bipartisan fashion, bringing both sides of the aisle together to build consensus legislation, this promise has turned out to be nothing more than empty to the American public. I urge my colleagues to join me in opposing this legislation.

Mr. POMEROY. Madam Speaker, I rise today in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

We were all deeply disappointed that President Bush vetoed bipartisan legislation that would have reauthorized the popular State Children's Health Insurance Program, SCHIP, not once, but twice during the 110th Congress. However, under a new Congress and a new incoming President, I am pleased that we can finally move forward with bringing health care to 11 million needy low-income children.

In my own State of North Dakota, there are roughly 14,000 children who lack health care coverage. Under this legislation, the nearly 3,600 children who are already covered under the Healthy Steps program will continue to obtain the care they need and there is the potential to cover many more given the \$100 million in outreach and enrollment grants as well as the \$3.2 billion in performance grants to states to help enroll needy children who are eligible but currently enrolled in SCHIP.

Our Nation's current economic crisis illustrates just how urgent the need is to reauthorize SCHIP. With 2 million jobs lost in 2008, more and more needy children are finding themselves without health care coverage this year. That is why I urge my colleagues to join me in standing up for 11 million children and pass this important bipartisan piece of legislation.

Ms. EDDIE-BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

Texas ranks last in the Nation in terms of taking care of its children. A report released in 2009 by the organization called, "Texans Care for Children" contains dismal statistics.

For example:

Texas continues to rank 50th out of 50 among the States in health coverage for children.

Infant mortality rates have steadily climbed in Texas this decade, while remaining unchanged in the Nation as a whole.

Texas still ranks near the bottom in child hunger, child poverty, and child deaths from abuse or neglect.

The State of Texas continues to be ineffective at resolving the problem of uninsured children in our State.

I am sympathetic to States' needs to avoid revenue shortfalls regarding SCHIP, and so I support Congress allocating the funds needed to cover children in need.

Today's legislation is similar to a bill passed by Congress in 2007 and vetoed by the President.

It would provide health care coverage to 11 million children in this country who currently have none.

I support a generous expansion of this program.

Children with health insurance are more likely to be up to date on immunizations and to receive treatment for sore throats, ear aches and other illnesses.

Good health means fewer sick days and better school performance—and less burden on our emergency rooms.

As a nurse, I can not over-emphasize how important it is for young people to have a medical home.

Having a family physician can prevent so many minor illnesses from developing into serious, expensive illnesses.

Health care coverage of children just makes good sense.

I urge my colleagues to avoid delay in passing this bill, as it is critical for the health of so many children.

Mr. MORAN of Virginia. Madam Speaker, I rise today in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. Truly, we face a health care crisis in this country—in the richest country on Earth; 47 million Americans do not have health insurance, including 9 million children. The need is even greater in these sad economic times. With rising unemployment, more families are losing their health insurance. This bill will go a long way to provide health care for uninsured children and fulfilling our moral obligation to them.

In my home State of Virginia, the CHIP program currently provides coverage to 144,163 low-income children each year. The CHIP Reauthorization Act will help us cover an additional 75,000 children. It will ensure that these children have access to high quality health care, including the preventative services that children need to be healthy and successful in school and later in life. This bill will provide dental and mental health benefits on par with medical and surgical services—truly ensuring that the whole child's health is provided for.

The CHIP Reauthorization Act does this without increasing the deficit, primarily by increasing the Federal excise tax on cigarettes.

In my view as Chairman of the Congressional Prevention Caucus, an increase in the Federal tobacco tax is sound public health policy. It provides a reliable revenue source to offset the costs of expanding coverage to low-income children and it will reduce health care costs in this country by reducing the prevalence of chronic disease.

In the past, there has been misleading and false information regarding the bill's treatment of illegal aliens. Critics of the legislation seem to ignore existing Federal law and provisions in the CHIP Reauthorization Act that prevent federal funds from being spent to provide benefits for illegal immigrants. What H.R. 2 does do is offer an opportunity for States to waive a five year waiting period on legal non citizens. Current law requires a five-year waiting period before legal immigrants are eligible for CHIP. Allowing State flexibility in this regard is sound public health policy that would enable thousands of American children access to vital health services to help them live better, healthier, and more productive lives. The bill does not mandate the change, but leaves it to the states to make their own decisions.

Reauthorizing SCHIP is sound public health policy—research shows that children who have access to health insurance are substantially more likely to access key preventative services, miss fewer days of school due to illness, get better grades, and grow to become healthy and productive adults. Moreover, the financial benefits of covering children vastly outweigh the costs—one need only compare the cost of a visit to a primary care provider to the cost of a night spent in the emergency room. Ultimately, covering all our children is a moral imperative—it is the only possible humane, responsible course of action. I urge a yes vote on H.R. 2.

Mr. CARSON of Indiana. Madam Speaker, I rise today on behalf of the thousands of uninsured children in Indianapolis, Indiana.

In this recession, many of my constituents can no longer afford the skyrocketing cost of health care. Without checkups or medication for their children, they sit powerless.

So, I implore those who oppose this bill to think of the uninsured children in their congressional districts. Should they be made to suffer from rising health care costs and an unstable job market? And should your constituents suffer because their children hang between Medicaid and private insurance? The answer to both of these questions should be an unwavering no.

There are few opportunities in this body where the right decision is so obvious. Support our children by voting yes on SCHIP.

Mr. SMITH of Texas. Madam Speaker, I oppose this bill for many reasons. In my role as the ranking member of the Judiciary Committee I want to point out a few immigration provisions that undermine personal responsibility and burden American taxpayers.

In the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Congress, with the overwhelming support of the American people, required that legal immigrants wait 5 years after coming to the United States before receiving welfare benefits.

It's only fair that American taxpayers not foot the medical bills of foreign nationals who arrive with a sponsor's pledge not to become a "public charge."

H.R. 2, changes current law and allows immigrants to get medical benefits at the expense of U.S. taxpayers.

Immigrants, both legal and illegal, already have a federally mandated right to emergency medical care. That mandate has helped bankrupt hospitals all over the United States.

Federal law requires that the American sponsor of new immigrants sign an affidavit of support stating that they will be responsible for any public costs incurred by the immigrant. Unfortunately, those affidavits have never been enforced and immigrant sponsors know they will not be held accountable if the immigrants receive welfare and become public charges.

The 5-year waiting period for immigrants to receive government benefits is the last line of defense for the U.S. taxpayer. It should not be repealed or altered in any way.

Prior to laws enacted in 1996, the cost of welfare for immigrants had jumped to \$8 billion a year. The number of noncitizens on Supplemental Security Income increased more than 600 percent between 1982 and 1995. Both of those numbers will be much higher if H.R. 2 is enacted.

At a time when government spending is out of control, and when States, cities and American citizens are struggling to make ends meet, the last thing we need is to change good policy and further burden U.S. taxpayers.

This legislation should be opposed.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of the Children's Health Insurance Program Reauthorization Act of 2009. This critical legislation will take care of unfinished business from the 110th Congress by providing health insurance coverage to 11 million children along with enacting needed reforms to the CHIP program.

I applaud Speaker PELOSI for bringing this bill to the floor so quickly and President-Elect Obama for calling on Congress to have this legislation ready when he takes office. To be frank, this bill can't come fast enough for the millions of children without basic healthcare coverage and for the low-income families struggling to make ends meet.

Never in my life has our country been in such a precarious state. Our once soaring economy is teetering, with unemployment at 7.2 percent, and the traditional pillars of our economy are struggling to stay in business. Now more than ever, the government must fill its role by helping the most vulnerable in our society meet their basic needs like healthcare.

Madam Speaker, we're not asking my colleagues to take a leap of faith on some untested program. Created a decade ago, the State Children's Health Insurance Program is a product of true bipartisanship. A Republican Congress passed it, and a Democratic President signed it into law. And it is not an entitlement program; it is an empowerment program that encourages enrollment into private health insurance programs and a sliding scale for premiums based on a working family's ability to pay.

In my home State of Florida, CHIP is administered through the Healthy Kids Program. During my tenure in the Florida State Senate, I helped oversee its implementation while serving on various committees. While we ran into some roadblocks with enrollment, I can

say that people from both parties as well as the business community felt it was an innovative way to provide health care coverage to hundreds of thousands of low income children in Florida.

Madam Speaker, passing CHIP legislation today is our first test of leadership in the 111th Congress. If we fail—if we fail our children—then we must ask ourselves what leadership means in a time of crisis and whether we deserve the trust of the American people.

Mrs. CHRISTENSEN. Madam Speaker, I rise today for 11 million reasons—the 7 million children whose insurance will continue and the more than 4 million other children who will be insured for the first time—many of whom are children of color—with the passage of H.R. 2.

I must commend Chairmen PALLONE, WAXMAN and DINGELL—whose steadfast efforts to expand health coverage to millions of American Children and whose unwillingness to accept mediocrity is why we are here today.

If we are all having *dějāvu*, it is because we have done this twice before. And we are here today not just because of the charm on the third try, but because this year we will have a new president who will finally sign it into law.

H.R. 2 will not only make a significant down payment on President elect Obama's and our promise to insure all of our country's children, it rightfully refuses to leave out children and pregnant women who have been legally admitted into our country. Doing this is not only the right thing to do it is the least we can do to insure the health of all of our children.

This bill also includes important expansions to the program for screening and prevention as well as dental and mental health care, addressing child health in a more holistic way.

Because more than half of all uninsured children are racial and ethnic minorities, this bill will help to eliminate health disparities in this most vulnerable group and improve the outlook for their health later in adulthood.

Today we have the opportunity to reach across the political aisle to do the right thing—to make the health and health care needs of our nation's children the priority they must be—to make sure that every child has the opportunity to reach their fullest potential, so that our Nation can too.

I urge all of my colleagues to vote for H.R. 2—to vote for America's children. It is nothing less than a vote for the future of our country.

Mr. CUELLAR. Madam Speaker, I rise today in strong support of the Children's Health Insurance Program.

Growing up as the son of migrant parents, I was among the millions of American children who had no health insurance. When someone in our family got sick, seeing a doctor simply wasn't an option.

I got lucky. Even without health insurance, I grew up into a healthy adult. But I could just as easily have ended up going untreated for a chronic disease or serious injury, and a lifetime of opportunities would have evaporated. It is unacceptable that 1.4 million Texas kids continue to bear that risk today.

When I served in the Texas State House, I had the honor of launching the first CHIP program in Texas at Farias Elementary School in Laredo. The program later expanded statewide, and today, it has helped millions of Texas families—families like the one I grew up with—afford to see a doctor.

In these difficult economic times, as millions of Texas families struggle with job losses and pay cuts, CHIP is more important than ever. For families living on the financial edge, CHIP is a critical source of care, support, and peace of mind.

Mr. HONDA. Madam Speaker, I rise today in support of H.R. 2, the State Children's Health Insurance Program Reauthorization Act of 2009. Over the last 2 years, it has become necessary to fund the Children's Health Insurance Program in some States through supplemental appropriations as program wait-lists grew and children waited for care. Now, with the country in the midst of the severest financial crisis in decades, parents are more concerned than ever about the health and well-being of their children. The bill before us today represents an investment in our Nation's safety net; by preserving and expanding the program to provide coverage for 11 million children over the next 4½ years, the bill alleviates some of the stress placed on men and women faced with unemployment.

My home county of Santa Clara was the first in the Nation to ensure that every child with parents at or below 300 percent of the federal poverty level has real access to regular health care as a result of being insured. The county's Children's Health Initiative raises its own money to add to State and Federal funding in order to keep all the children of my district healthy—last year, the program enrolled over 144,000 children and serves as a model for 17 other California counties.

This innovation is threatened by the county's \$220 million projected budget deficit for fiscal year 2009; and we in Santa Clara County face the possibility of deep cuts in our healthcare system totaling nearly \$100 million. The budget woes of the State of California limit the assistance it can provide, and so without this reauthorization of SCHIP, the financial burden on the county would be significantly heavier. I'm proud to vote today for legislation that will provide our program and our county's children with much needed stability for the next 4½ years.

As the chairman of the Congressional Asian Pacific American Caucus, it is particularly gratifying to see the inclusion of a provision in this bill that will allow States to waive the 5-year waiting period for Medicaid and SCHIP imposed on pregnant women and children who are legally present in the United States. It is morally unconscionable that pregnant women and innocent children have been made victims of a raucous and frequently misleading immigration debate. Hundreds of thousands of people from Asian countries immigrated legally to the United States in 2007 and 2008; at the very least the children in those families deserve to have health insurance and access to care. CAPAC has consistently joined with the Congressional Black Caucus and Congressional Hispanic Caucus in advocating for protection of this vulnerable population and I thank Speaker PELOSI and our other House leadership for redressing this injustice.

The passage of this bill protects the health of millions of American children. It is the first step in a long journey toward repairing our healthcare system and providing universal coverage, care, and access to the people of

our Nation, and I look forward to working with my colleagues to complete that journey. I urge the Senate to act in as swift and responsible manner as we do today and pass this bill.

Mr. BARTON of Texas. Madam Speaker, as we debate this new SCHIP bill, I think it is important to figure out what we know about the bill and the undemocratic methods that produced it.

First, we know that few, if any, Members of Congress actually have read the bill. Despite the promises made by Majority Leader HOYER on Friday that we would get at least 48 hours to review the bill, the new, 285 page SCHIP bill only turned up yesterday at 11:20. The 48 hours that Majority Leader HOYER promised somehow shrank to less than 24 hours. The Rules Committee met without an official score from the Congressional Budget Office. I will stipulate that Members may not always read the legislation they vote on, but most of us at least read the summaries and analyses that our staff members prepare. And every one of us has a right to the time required to know what these bills contain.

That's what the regular legislative process is all about—listening, thinking, proposing, thinking some more, amending and debating. Implicit in normal process is the notion that all useful ideas may not reside exclusively in the minds of the Speaker's assistants.

And all this careful listening and critical thinking by House Members is supposed to happen before we vote. Democrats seem to think that's got it backwards. They want to vote first and think later. It's all about bills written in private, delivered at night, and ramrodded through here with the blink of an eye. Now, I recognize that a strong majority can do things that way, and Republicans aren't without sin. But when secrecy and arrogance are combined with perfect efficiency, the country always seems to pay a heavy price.

On this bill especially, I've been treated better by used car salesmen. They didn't want me looking too closely at their products, but they didn't dump a wreck on my front lawn after sundown and tell me I had to buy it or else. The Democrats don't want anyone to inspect their product, either, and maybe that's because it has the qualities of a used Edsel.

There has been no process, much less any fair process. Evidently changes have been made to the bill from 2 years ago, but what are they? There have still been no committee markups on any SCHIP legislation and no legislative hearings. And I can't find evidence that a single one of the numerous suggested improvements to past SCHIP bills has been incorporated into this one. The majority is interested in what it wants and nothing else.

We also know, Madam Speaker, that today is largely a political exercise. The Senate is actually going to have a real markup in the Senate Finance Committee. I'll say that again to make sure my friends on the other side of the aisle heard what I said: The Senate is actually going to put their SCHIP bill through the full committee process, including considering ideas from people not on the Democrat leadership staff.

It's possible to legislate the right way, and it's pitiful that the people's House is reduced to taking lessons in democracy from our friends in the Senate.

Over here, the tricks don't stop with tactics. Every Member of this body understands that they will be vilified if they don't fall in line and support this bill. If you don't vote for the Democrats' SCHIP bill, your constituents will be told that you hate kids. Your people will be told that the only way to ensure that kids get health care is by supporting the bill produced by the Democrat leadership without a whisper of a complaint. They want the people to believe that there are no other ideas and no other options.

Well, Madam Speaker, I want to make clear to the American people that my Republican colleagues and I do want to reauthorize the SCHIP program. We have repeatedly reached out to the Democrats and have asked for a chance to sit down with them and work on a compromise that can become law. Last year, we heard many impassioned speeches about how important it was to override the President's veto of the Democrats' bills, but after these votes those same people were literally applauding when the veto was not overridden. That's right, Madam Speaker, there were Democrats applauding on the floor of the House when the bill they supported was rejected. That's more than partisan politics, that is cynicism and deception at their ugliest.

Madam Speaker, when the Democrats stop making this about political advantage at the expense of low-income children, and decide to actually produce a serious, passable SCHIP program, I am still ready to work with them.

As it stands now, I urge all Members to reject this cynical ploy and vote "no" on this deeply flawed and highly partisan bill.

Mr. KUCINICH. Madam Speaker, I rise in strong support of H.R. 2, which will provide health care for 4 million previously uninsured children. In Ohio, it will make the difference for up to 50,000 kids.

Ohio has had to suspend its efforts to expand eligibility to children because of tight State budgets. At the same time, the number of eligible children is growing rapidly as more parents lose their jobs or simply watch the premiums of private health insurance companies skyrocket beyond their means. This bill is needed more than ever.

The bill also includes mental health parity as well as dental coverage. Dental coverage is a topic I explored in the Domestic Policy Subcommittee of the Oversight and Government Reform Committee in a 7-month investigation into the death of 12-year-old Deamonte Driver. He died of a brain infection caused by tooth decay.

Finally, the bill allows states the option to cover children born outside the U.S. but now here legally. This provision will not only give these children the health care they deserve but will also save States money by allowing them to move routine care from the emergency room to the doctors office where it belongs. I fought for this provision in a previous version of this bill when it was excluded. I am glad to see that it has been retained this time and look forward to its passage.

Every child has a right to health care. This bill is a step in the right direction.

I urge my colleagues to pass the SCHIP reauthorization.

Mrs. CAPPS. Madam Speaker, I rise in strong support of this legislation to strengthen

SCHIP and in strong support of America's children.

As a former school nurse, I consider it a crime that there are children in America who cannot access all of the healthcare services they need.

And today we have an opportunity to fix this injustice.

The excellent bill we have before us will ensure that millions of children in working families can get the proper preventive and primary care they need to ensure a healthy childhood.

I am also pleased to see that this bill preserves State options to cover pregnant women.

After all, the health of a mother is the greatest contributor to a child's health.

The current economic climate only adds to the urgency of this legislation.

States are experiencing budget shortfalls which threaten the status of children already enrolled in SCHIP.

And as parents lose their jobs; their health coverage is lost, too.

So I hope every one of my colleagues will join me in voting "yes" on this bill today and secure a better future for the health of our children and grandchildren.

Ms. HIRONO. Madam Speaker, I rise today in strong support of H.R. 2, the Children's Health Insurance Program (CHIP) Reauthorization Act of 2009.

I believe our Nation must show true compassion for the most vulnerable among us, and CHIP is a program that helps millions of low-income American children to receive health care so they can grow up in good health.

Since its creation in 1997, CHIP has been successful in providing vital health care coverage for children in families who cannot afford private insurance yet earn too much to qualify for Medicaid. There are now 6.6 million children enrolled in the program, which includes 20,000 keiki (children) from my home State of Hawaii.

Regrettably twice in 110th Congress, President George W. Bush vetoed bipartisan bills that would have reauthorized and improved CHIP in order to provide secure health coverage for millions of uninsured children in working families. These vetoes were made despite the fact that the bills had passed in both the House and Senate with strong bipartisan majorities. As a result of these vetoes, Congress was only able to provide a short-term extension of CHIP, through March of 2009, but was not able to enact program improvements to help States reach additional uninsured children.

The bill before us today is based on the two previously vetoed bipartisan bills. It also offers the 111th Congress the opportunity to right the wrongs of the out-going administration. President-elect Obama has previously expressed strong support for CHIP because it provides a much-needed down-payment on children's health. By extending health coverage to millions more children, this legislation is an important first step in stemming the rising tide of the uninsured.

I urge my colleagues to join me and vote in support of this bill and of the health and well-being of children most in need of our help.

Ms. TSONGAS. Madam Speaker, today, I rise in support of legislation we will be consid-

ering today to expand the Children's Health Insurance Program.

This bill provides coverage to children whose families cannot afford private insurance, and would expand access to health insurance for millions of children nationally—over 200,000 living in Massachusetts.

I first voted to override the President Bush's veto of similar legislation on the day I was sworn into office. It was my first vote and one of which I am enormously proud. Tens of thousands of people from my District, and millions more across the country, both Republicans and Democrats, have made their support for this program resoundingly clear.

This program is also important to my State of Massachusetts, where the program was first developed, because it is a critical component of the groundbreaking universal Massachusetts Health Care Plan.

Today, I stand with a strong bipartisan majority ready to give our Nation's children a chance at a healthy childhood and I urge my colleagues to do the same.

Mr. SIRE. Madam Speaker, I rise today to speak about the State Children's Health Insurance Program or SCHIP. This is a successful, popular, bipartisan program that currently provides private health care coverage for more than 6 million children who would otherwise go without care. I am very proud to stand here today and say I will vote for a bill that provides health care to children in need, and that President-elect Obama said he would sign into law.

Our action could not come at a better time. With rising unemployment, many families can no longer afford their health insurance. This bill brings them needed relief. Now parents can find comfort knowing their children will have access to health care while they look for a new job. This is particularly important in my home State of New Jersey. FamilyCare in New Jersey serves 122,000 children every year, a small percentage of which come from families with incomes up to 350 percent of the poverty line. It is expensive to live in my State, and even these families need help getting by. I am happy that this bill maintains the State's right to serve these families.

Today we get to make a real impact on the lives of many struggling families. I am proud to support H.R. 2, the SCHIP Reauthorization Act of 2009.

Mr. BARTON of Texas. Madam Speaker, I rise today to discuss an unrelated issue that has been neatly tucked into this bill. The issue is timely access to quality hospital care in our Nation's communities.

The Majority says we don't need any regular legislative process with this bill because everyone knows what's in it. Well, my staff received this 285-page bill at 11:20 a.m. yesterday. Even with full knowledge of what went into previous versions of this legislation, it isn't reasonable to expect that people will be able to gain a good understanding of the new bill with that sort of time constraint. I would also note that since the last time the House voted on an SCHIP bill, we've added more than 60 new Members.

This is politics as usual, and it should give every new Member great pause before voting for this bill, or any bill. I don't believe that any of our new Members comes from a background where they were expected to approve

a major policy on the basis of the idea that, well, it's been here before, so we don't need to read it or understand it. In fact, didn't most of us run against that sort of deceptive politics in Washington?

I want to point out to the new Members that your vote today could also cause hospitals in your district to close. Hospitals that are under construction now and intended to serve your constituents soon may never see a patient. And why will that happen? Because a few Members of your conference with clout believe physicians in your communities shouldn't own hospitals. They say that the people who care for and about their communities, who have a personal stake in the care that is delivered, those people should not be trusted.

We have had no hearings on the issue of physician ownership of hospitals in the last two Congresses. The Health Subcommittee did have one hearing last year to discuss health disparities and we heard from a physician from Louisiana. His story illustrates what can happen when physicians are able to help their communities. After Katrina, hospitals were closing and residents couldn't get care. The doctors in these communities made a difference by coming together to make sure people could continue to receive health care. Why on earth would we want to eliminate people's ability to serve their community?

Why are the opponents of physician-owned hospitals so antagonistic? I'm not sure, because these hospitals provide higher quality care at lower costs than other hospitals. They have higher patient satisfaction rates and don't experience workforce shortages like other hospitals do.

I offered an amendment along with Congressman JOHNSON and Dr. BURGESS to strike the section that was written to eliminate physician-owned hospitals. Unfortunately, the Rules Committee rejected that idea. Congressman BOREN and Congresswoman JACKSON-LEE proposed a very fair amendment that would have delayed the implementation of Section 623 to July 1, 2010, so hospitals that are currently under construction could finish being completed and serve patients. That amendment also was rejected.

Last week, the House changed the rules on motions to recommit stating we could continue to have the committee and amendment process to voice our concerns. Madam Speaker, this has had neither, and it is a shame because the provision of quality hospital care is too important to be eliminated due to some philosophical bent of a couple of your senior Members.

New Members, this is an early to important test: do you vote your district or do you vote your leadership? Do you vote your hospitals or do you vote for a policy that was concocted in private in Washington?

Madam Speaker, in 1997, the Republican Congress enacted the State Children's Health Insurance Program to help children's families near poverty. But now, true to their big government agenda, the Democrat Congress wants to send the President-elect a massive increase in the SCHIP Program that will usher in a new era of socialized medicine in America.

This bill will take a program designed to help children near the poverty level and expand it to include families with incomes of up to \$84,000 a year.

And Democrats will pay for this middle class entitlement with a 61 cent—\$1 per pack tax increase on cigarettes.

Let's provide health insurance for children of the poor, but let's reject a liberal Democratic Congress attempt to create middle class entitlements on the backs of American smokers.

Since Congress has already reauthorized and fully funded SCHIP through March 31, 2009, we should work in a bipartisan manner to thoughtfully develop a longer-term reauthorization of the State Children's Health Insurance Program.

While I have been pleased to support SCHIP in the past, and continue to support its original intention to cover needy children who do not qualify for Medicaid, the bill being considered today hardly resembles the bipartisan compromise reached in 1997.

My Republican colleagues and I are eager to work with Democrats—as we did more than 10 years ago—to ensure that needy children receive health care coverage. As the program expands, health care for needy children is jeopardized. Republicans will work tirelessly to see that every currently eligible child is covered first and that taxes are not raised on the poorest among us.

The Democrats' SCHIP bill spends billions of dollars to substitute private health insurance coverage with government-run healthcare coverage. The Democrats' SCHIP bill taxes the poor to benefit the middle class. The bill uses the funding gained from taxing the poor to pay for expanding SCHIP eligibility to higher-income families. The Democrats' SCHIP bill focuses on enrolling higher-income kids instead of low-income, uninsured kids. The Democrats' SCHIP bill enables illegal aliens to fraudulently enroll in Medicaid and SCHIP.

Short of finding at least 22.4 million new smokers (the number required to adequately fund SCHIP) Democrats will be forced to either kick millions of children off of health insurance or raise taxes on all of us by tens of billions of dollars.

It is irresponsible to fund a children's health program, particularly one targeted at vulnerable children, with a declining revenue stream.

The revenue to fund this expansion will soon disappear, causing all of us to pay more in taxes.

The percentage of Americans who smoke has been dropping for decades. And research and logic both show that raising the prices of cigarettes will lead to less smoking, and therefore less revenue.

The Democrat expansion of SCHIP takes money from taxpayers in States like Indiana to pay for middle class children in wealthier States.

I oppose this legislation and urge my colleagues to do the same.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of the reauthorization of SCHIP, an important piece of legislation that has become even more necessary now than it was when we started working on it 2 years ago. I commend my colleagues, Congressman PALLONE, Congressman WAXMAN, the dean of the House, Con-

gressman JOHN DINGELL, Congressman RANGEL, Congressman STARK, and many others for their tireless efforts on this bill.

Madam Speaker, by passing this bill today we will provide health care for 11 million children. This is not just a bipartisan achievement, it is the right thing to do.

With the economic downturn and some of the worst unemployment numbers we've seen in decades, rising health insurance costs are making it increasingly difficult for families to afford health care for their children. States faced with the constitutional responsibility of balancing their budgets have been cutting programs that provide children with access to health care. Some states have already cut thousands of children from their CHIP programs and more States are considering drastic action. By reauthorizing SCHIP, we will enable States to prevent the loss in health coverage for many of these children and allow more uninsured families to participate in the program. In Connecticut alone this legislation will mean thousands of our 43,000 uninsured children will now be covered.

One story that has been brought to my attention is the story of the Farr family in Manchester, CT. Joseph and Danielle Farr are in their early thirties. They are hardworking citizens who have a young child soon to turn 1. They have a household income that is just \$15 above Medicaid. But they qualify for SCHIP, which they call a "godsend" for their family.

The Farris just learned that Joe is likely to be laid off from his job in March—a story familiar to many Americans. But, thanks to SCHIP, their son will continue to get the health care he needs. By reauthorizing SCHIP we will make sure that families like the Farris will continue to have health care for their child even if they do fall victim to the economic downturn.

This bill will increase outreach efforts targeted at children currently eligible but not enrolled in the program and also give pregnant women access to health care through SCHIP. While we still have many more miles to travel on the road to fulfilling the promise of health care reform, this, Madam Speaker, is a downpayment on that effort. I am proud to support this legislation and urge my colleagues to stand with us, to stand with our children, and pass this bill.

Ms. LEE of California. Madam Speaker, I rise in strong support of H.R. 2, the State Children's Health Insurance Program (SCHIP) Reauthorization bill.

I want to thank Chairman WAXMAN and Chairman PALLONE and all the staff for their work in ensuring that this bill moves forward as one of our highest priorities in the 111th Congress.

Today we will take the long overdue step to expand health insurance coverage to over 11 million children throughout the country.

As our Nation remains mired in the depths of the worst economic crisis since the Great Depression, the action we take now could not be more important or more necessary.

The fact is that the economic policies of the outgoing administration have left our Nation in worse shape than we were 8 years ago.

Today, more people are living in poverty, more people are living without health insur-

ance, and more people are unemployed than they were 8 years ago.

As always, it is the most vulnerable, the children, who suffer the greatest during tough economic times like these.

Passage of the SCHIP legislation today will at least help to make life a little easier for 4 million more children who will receive health coverage under this expanded program.

Although I strongly support this legislation, I believe it can still be improved, most immediately by removing the citizenship verification requirements that remain in this bill.

Ultimately we must move our Nation towards a universal health care system to cover all children and all Americans. Nonetheless this bill is an important step forward.

Madam Speaker, the Nation's children have waited far too long for this moment. I urge my colleagues to pass this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support for the "Children's Health Insurance Program Reauthorization Act of 2009." We stand today, closer to helping 4 million children without health insurance. No longer will these children be forced to live with fear of getting sick.

Today is a great day. Today we can bring 4 million children into the fold. Today we can tell those 4 million children that are begging for help that Yes We Can!

NATIONALLY AND IN TEXAS

There are an estimated 8.9 million uninsured children in America. Overall, about 11.3 percent of children in the United States are uninsured, but the percentage of uninsured children in each State varies widely. Based on a 3-year average, there were an estimated 20.9 percent of uninsured children (under 19 years of age) in the Texas, representing 1,454,000 of the State's children.

According to the Institute of Medicine, uninsured people are less likely to use preventive services and receive regular care. They are also more likely to delay care, resulting in poorer health and outcomes. Texas has the highest uninsured rates of all 50 States and the District of Columbia (2005–2007). Almost one-quarter, 24.4 percent, of Texans are uninsured compared to 15.3 percent of the general U.S. population.

Data show that virtually all the net reduction in SCHIP enrollment has been among children in families with incomes below 150 percent FPL. The number of below-poverty children has dropped by more than 68 percent, and the number of children between 101–150 percent FPL has dropped by more than one-third since September 2003. I want to share with you just some of the scary health statistics that are affecting children:

74 percent of uninsured children eligible for SCHIP or Medicaid but not enrolled.

11 percent of uninsured children in families not eligible for Medicaid or SCHIP with incomes below.

15 percent of uninsured children in families with incomes over 300 percent of the Federal poverty level who are ineligible for Medicaid and SCHIP.

90 percent of uninsured children that come from families where at least one parent works.

50 percent of two-parent families of uninsured children in which both parents work.

3.4 million uninsured children who are white, non-Hispanic.

1.6 million uninsured children who are African American.

3.3 million uninsured children who are Hispanic.

670,000 uninsured children of other racial and ethnic backgrounds.

In the great State of Texas, there is a young man named Jason who had SCHIP health insurance for years, and the coverage was life saving.

When he was in a car accident over a year ago, SCHIP covered his treatment and all the medical bills. His family needs SCHIP because they cannot afford private health coverage. The parents work hard, but the father's employment in pest control is seasonal and provides only about \$35,000 annually. Jason's mother is wheelchair-bound with multiple sclerosis and has significant health care expenses.

When Jason lost SCHIP a year ago, his mother suspected they had been denied because of the 2003 Ford truck the family purchased so that she could transport her wheelchair. Prior to last year, she had never had problems renewing coverage, and the family's income had not change. But the income guidelines had changed.

New SCHIP guidelines that took effect in December 2005 do not count children over 18 years of age as family members. Although their full-time student daughter lives at home, she is not counted as part of the family, and, as a result, they are about \$50 a month above the income limit for a family of three. So now the entire family is uninsured. This lack of coverage means that when Jason gets sick or hurt, they have to delay paying other bills to pay for medical care.

Lack of coverage also has affected Jason's performance in school. He has been sick quite a bit in the past few years with allergies and has missed many days of school because his eyes become swollen and he is unable to breathe. School officials had reprimanded the mother about his absences but now realize that Jason has some serious health issues. Finally we will be able to help people like Jason and assuage his mothers concerns. We are able to insure those who need it most.

PHYSICIAN-OWNED HOSPITALS

Sadly, there is one portion of this bill I did have some trouble with, the restrictions on physician-owned hospitals. Yesterday, my dear friend from Oklahoma, Congressman BOREN, and I were able to voice a very real concern that we had with the prohibition on physician-owned hospitals.

As the bill was originally written there was a provision in the bill that would have drastically affected the quality of care available to Houston residents and people in urban communities across the entire country.

JACKSON-LEE AMENDMENT

Yesterday, I put forth an amendment that would have exempted General Acute Care Full Service Physician-Owned Hospitals from section 1877 of the Social Security Act, as added by section 623 in SCHIP. There is no direct evidence that demonstrates that overutilization of services and improper self-referrals are in any more excess at General Acute Care Full Service Physician-Owned Hospitals.

My amendment would have exempted responsible and efficient physician-owned hos-

pitals to develop, purchase, sell, and/or transfer their interests.

BOREN/JACKSON-LEE AMENDMENT

My amendment with Congressman BOREN would have provided an extension for the January 1, 2009 grandfather clause for physician-owned hospitals to allow physician-owned hospitals currently under construction to be completed.

At least 85 hospitals across the Nation have been affected. Boren/Jackson-Lee does not differentiate between General Acute Care, Full Service, and Specialty Hospitals.

The exceptions that exist to grandfather in certain physician owned hospitals are inadequate and will affect more than 85 hospitals that are currently in development and under construction. It will also restrict sales and transfers of many responsible physician-owned hospitals.

In my district of Houston, TX the population has grown close to 4.5 million people, and there are only approximately 16,000 beds available in the city. Eliminating physician ownership in general acute care hospitals would only contribute to this ever growing problem.

While many specialty hospitals are accused of turning away uninsured and Medicaid patients and practicing only profitable healthcare, responsible physician-owned hospitals do just the opposite.

Physician-owned hospitals like St. Joseph Medical Center in my district provide essential emergency, maternity, and psychiatric care for their patients. They delivered over 6,000 babies in 2008, of which 3,700 were insured by Medicaid. Currently they provide \$14M in uninsured care in the Houston market. A Houston institution for 120 years, St. Joseph Medical Center is also a major provider of psychiatric beds as it currently operates 102 of the 800 licensed beds in Houston.

While Members of the Texas delegation have continued to support general acute-care hospitals and their future development; we still believe that general acute-care hospitals still need to be able to:

Maintain a minimum number of physicians available at all times to provide service;

Provide a significant amount of charity care;

Treat at least 1/6 of its outpatient visits for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment;

Maintain at least ten full time interns or residents-in-training in a teaching program;

Advertise or present themselves to the public as a place which provides emergency care;

Serve as a disproportionate share provider, serving a low income community with a disproportionate share of low income patients; and

Have at least 90 hospital beds available to patients.

This issue is of the utmost importance to me because I, like others in the Democratic Caucus, have hospitals and hospital systems such as University Hospital Systems of Houston in my district that would have been greatly affected by this provision.

ST. JOSEPH MEDICAL CENTER

In 2006, St. Joseph Medical Center, downtown Houston's first and only teaching hospital, was on the verge of closing its doors.

When I learned that they were going to shut down this hospital and turn it into high-end condominiums, I personally worked with the hospital board, community leaders, and local government to ensure this did not take place. Eventually, after I was assured that it would be responsibly managed and its doors would remain open, I was able to help a hospital corporation, in partnership with physicians, which has purchased the hospital and has made it the premier hospital in the region to keep open St. Joseph's doors including its qualified emergency room responsive to a heavily populated downtown Houston.

This formerly troubled medical center is now in the process of reopening Houston Heights Hospital, the fourth oldest acute care hospital in Houston. Without language that specifically addresses this distinction, this project too will come to an end.

Sadly, it remains unclear if CHIP provides for physician-owned hospitals to still be considered grandfathered if have a sale or transfer at the same ownership rate or at a different physician-ownership rate.

Between December 2007 and December 2008, the U.S. economy shed about 2.6 million jobs, while Texas made significant gains. Texas' nonfarm employment registered a stable 2.1 percent growth rate over the year, even as the Nation's job losses reached their worst level since 2003. CBO forecasts the following:

A marked contraction in the U.S. economy in calendar year 2009, with real (inflation adjusted) gross domestic product (GDP) falling by 2.2 percent;

A slow recovery in 2010, with real GDP growing by only 1.5 percent;

An unemployment rate that will exceed 9 percent early in 2010.

The U.S. Bureau of Labor Statistics announced on November 21, 2009, that October's unemployment rate was 6.5 percent, a jump of 0.4 percent, which was double what most economists expected and its highest level in 14 years. The economy has now lost 1.2 million jobs since the beginning of the year, with nearly half of those losses occurring in the last 3 months alone, pointing to acceleration in the pace of erosion in labor markets. It is more important than ever in this economy that children's health care is not sacrificed.

Madam Speaker, my faith is renewed in the process that is so often maligned in the media. Thoughtful and deliberate actions were taken to improve this legislation that would not only help the children of my district and many others across the nation, but also it was able to address concerns that many of us, myself included have on these specialty hospitals.

I look forward to a day when every child is covered and can play on football fields and jungle gyms without their parents fearing a bankrupting injury to their child. This legislation is piece of mind to 4 million families, and I will joyfully cast my vote for passage of this important legislation.

Mr. LEVIN. Madam Speaker, some of the issues we debate in Congress are complicated. This one is quite simple. Americans want the children of this country covered by health insurance.

The State Children's Health Insurance Program currently covers about 7 million children,

including 114,000 kids in my home State of Michigan. However, there are still about 9 million children in our country who are uninsured. This is unconscionable. No mother should have to worry about whether she can pay for the health care her child needs. No father should have to take his son to the emergency room because he does not have insurance to visit a primary care doctor. No society should allow a child to go without the security health insurance provides.

Congress passed two SCHIP bills last session. Both pieces of legislation were bipartisan, and both cleared the House and Senate with large majorities. Unfortunately, President Bush vetoed these bills.

As economic conditions have worsened over the course of the last year and more and more children have lost health insurance, this bill has become even more vital to ensuring that children do not fall through the cracks of our current health care system. The legislation under consideration today would extend coverage to another 4 million low-income children. It is an important step toward the goal of ensuring that all Americans, especially children, have the quality and affordable health care they need.

President-elect Obama strongly supports this SCHIP legislation. I can think of no better beginning to the next 4 years than to send the new President this critical investment in children's health. I urge my colleagues to vote for passage of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

Mr. POSEY. Mr. Speaker, I rise to express both my support for the State Children's Health Insurance Program, SCHIP, and my reservations about the particular SCHIP bill, H.R. 2, that is before us today. I would also add that I am pleased to support an alternative version that will be offered as a substitute today. This alternative focuses SCHIP on low income children and addresses the problems with the underlying bill.

Our nation faces very serious financial challenges. The Congressional Budget Office, CBO, projects that this year's Federal budget deficit will be nearly \$1.2 trillion dollars. In other words one out of every three dollars that the Federal Government will spend this year will be borrowed from future generations. Given that our children and grandchildren will have to pay back everything that this generation borrows, we must give the greatest scrutiny to each and every dollar that is spent.

I am committed to working to assist lower-income children who lack insurance. SCHIP was established as a bipartisan program to insure children in families too poor to pay for insurance but not poor enough to qualify for Medicaid. If that was what the bill before us did, I would be voting for it. Unfortunately, H.R. 2 goes well beyond focusing specifically on these children.

H.R. 2 expands SCHIP to extend taxpayer subsidies to the children of those living in, for example, New Jersey and making more than \$80,000 per year, 400 percent of the poverty level.

The CBO estimates that 2.4 million of the new enrollees in SCHIP will be children who simply dropped private coverage to enroll in SCHIP. Given our massive Federal deficit, does it make sense to borrow money from our

children and grandchildren in order to enroll in SCHIP children who currently have other private insurance?

H.R. 2 continues to allow states to enroll single adults in SCHIP. Over 600,000 are enrolled in the SCHIP program and three states have more adults enrolled in SCHIP than children. This is particularly troubling given that in many states with large numbers of adults enrolled in SCHIP, many qualified children remain uninsured. This is a misappropriation of limited resources and children should not have to sit on the sidelines while able-bodied adults take their benefits.

H.R. 2 also repeals safeguards that were put in place to ensure that illegal immigrants were not enrolled in taxpayer subsidized SCHIP. Removing these safeguards will actually encourage illegal immigration by offering taxpayer funded benefits to people who bypass our laws and enter the U.S. illegally. In a sense, it gives foreign nationals an incentive to break our immigration laws.

Finally, in an admission by the sponsors of H.R. 2 that the bill is unaffordable, the bill assumes that millions of children will be dropped from the SCHIP program in 2013 in order to meet the technical requirements of Federal budget rules. Does anyone really believe that the Congress would kick millions of people out of SCHIP in 2013? It's time for this Congress to be honest with the American people and this bill does not meet that test. By employing this budget gimmick, the sponsors of H.R. 2 are admitting that the bill is unaffordable.

I am fully supportive of legislation that would focus on ensuring that lower income children are able to enroll in SCHIP. This bill falls far short of that goal.

In conclusion let me say that we have until March 31 to reauthorize SCHIP. Congress should use that time wisely to further examine the effectiveness of this program to date and address these shortcomings. I am disappointed that this 286-page bill is being rushed to the House floor under a closed process that denies Members of the House the opportunity to have an up or down vote on amendments that would address these concerns. I believe that America's children deserve better.

Mr. ABERCROMBIE. Madam Speaker, I rise today to address an issue raised by my colleagues regarding Hawaii's Keiki Care program as a reason not to expand SCHIP. It was suggested earlier today that the Keiki (meaning "child") Care program was cancelled due to perceived crowd-out, a situation where parents drop their children's private insurance in order to enroll into a free government program.

I have supported the State Legislature's efforts to expand health care coverage for children and followed the implementation of Keiki Care closely. The statements made about a crowd-out problem leading to the program's demise were baseless. The Keiki Care program had no problems with crowd-out. First of all, it was intentionally designed to prevent such behavior in requiring that children who wish to enroll must be uninsured continuously for 6 months. Secondly, if parents were indeed hoping to drop their insurance and wait 6 months to enroll, then Keiki Care would have seen a spike in enrollment. Blue Cross Blue

Shield Hawaii, the health insurance provider for Keiki Care, did not see any spikes in enrollment and have no evidence to believe crowd-out occurred.

Furthermore, there was little incentive for parents to switch to the Keiki Care program from any private health plan. The health insurance plan offered under Keiki Care was basic preventative care. This means that parents would have had to pay for expanded care costs out of pocket. In looking closer at the Keiki Care program, it is evident that a parent with a full coverage plan for their child would have no incentive to drop a private insurance for this basic, prevention-centered plan.

The State Administration has given various explanations regarding the decision to end Keiki Care, including a growing budget deficit. However, the facts about the program are clear. There was never a problem regarding crowd-out and if continued, the program would have helped to cover more of Hawaii's uninsured children. Therefore, Madam Speaker, it is my hope that by clarifying the details regarding Keiki Care, it will no longer be used as a rationale that has no basis in fact against SCHIP or other efforts to expand health insurance to children and the uninsured.

Mr. BACA. Madam Speaker, I rise today in strong support of H.R. 2, to extend and improve the Children's Health Insurance Program.

Families in my district in San Bernardino, California, are struggling to make ends meet and bring food to the table.

Congress must answer to these and other families across America.

SCHIP is a vital component of our country's health system, allowing for individual states to take care of our most vulnerable, America's children.

A facility in my district, the Community Hospital of San Bernardino is about to rip apart at the seams.

Without SCHIP, they will either have to turn away or eat the cost of 4,000 families enrolled in Healthy Families, California's version of SCHIP.

If SCHIP is not reauthorized, these alarming figures will jump even higher, further jeopardizing their ability to provide care for our community.

This problem is even worse when you consider the impact of the recession, and the growing number of unemployed and without health insurance.

I urge my colleagues to help these families, do the responsible thing and vote for SCHIP.

Mr. DINGELL. Madam Speaker, I stand in strong support of H.R. 2, the Children's Health Insurance Program, CHIP, Reauthorization Act of 2009.

In 1997, a Republican Congress and Democratic President passed a landmark program to reach children who had fallen through the cracks of our healthcare system. These kids weren't poor enough to qualify for Medicaid, and their parents—most of whom worked—couldn't afford health insurance. The CHIP program has proven to be a major success—covering more than 7 million children who otherwise would not have health coverage.

Last year, my colleagues and I tried, on two occasions, to reauthorize this program and expand it to provide care for many more kids in

need of its services. Unfortunately, President Bush stood in our way—not once, but twice. I am confident President-elect Obama has his priorities straight and will do what President Bush refused to do—provide much needed health care for our nation's children.

The current economic crisis increases the importance of the CHIP program. More than 1 million children have lost their health coverage because their parents were laid off and lost their employer-based coverage over the past year.

This is especially true in Michigan, which has over 150,000 children uninsured. While Michigan has one of the lowest rates of uninsured children in the country, I fear that the number of uninsured will worsen as Michigan's unemployment rate continues to increase. Recent reports suggest that Michigan's unemployment rate will reach 11.3 percent by the end of the year.

H.R. 2 is critical in this regard because it not only will continue to provide coverage for the 7 million kids already participating in the CHIP program, but will extend health care to 4 million more.

H.R. 2 is for every child out there who needs a vaccination, a cavity filled, chemotherapy, insulin, antidepressants and more life sustaining health care.

This bill is a great first step as we begin our work to reform the nation's health care system and provide health coverage for 47 million uninsured Americans. I look forward to working with my colleagues, Senator Daschle, and President-elect Obama to continue the work. We will not stop until all Americans have access to quality, affordable healthcare.

I encourage all of my colleagues to vote for the children in your district, and for all of America's children. Vote for H.R. 2, the Children's Health Insurance Program, CHIP, Reauthorization Act of 2009.

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act. This legislation represents a crucial and long overdue investment in the health and wellbeing of our nation's most valuable assets—our children.

Since 1997, the State Children's Health Insurance Program (SCHIP) has successfully provided health coverage to millions of low income children across the country who would not otherwise be able to access these services. I have been especially proud of the Rite Care program in my home state of Rhode Island, which covered approximately 24,000 children last year under both the SCHIP and Medicaid programs. However, too many children and their families remain without access to proper health services. We must reaffirm our commitment at the federal level to ensure states have the means to address the health care needs of our constituents, particularly in the midst of an economic crisis that has resulted in dramatic increases in unemployment levels.

H.R. 2 will ensure health coverage for a total of 11 million American children by reauthorizing SCHIP for four and a half years and extending coverage to an additional 4 million uninsured children who are currently eligible for, but not enrolled in, SCHIP and Medicaid. Two-thirds of uninsured children are eligible

for coverage through SCHIP and Medicaid, but better outreach and adequate funding are needed to identify and enroll them. This bill provides \$100 million in grants for new outreach activities to states, local governments, schools, community-based organizations and other safety-net providers. It also improves SCHIP by ensuring dental coverage for children, mental health services on par with medical and surgical benefits, as well as improved access to private coverage options through premium assistance subsidies.

Finally, H.R. 2 reauthorizes and improves SCHIP without adding to our ballooning federal deficit. Since the cost of the bill is completely offset, it will allow us to make a much-needed investment in the health of our children without requiring them to pay for it in the future.

As many of my colleagues know, universal access to health care has been a top priority of mine throughout my tenure in Congress. I can think of no better place to start than by guaranteeing that children across the country receive the health care services they both require and deserve. I, therefore, urge all of my colleagues to support passage of this measure.

Ms. MCCOLLUM. Madam Speaker, I rise today to express my strong support for the Children's Health Insurance Program Reauthorization Act of 2009 which will provide health care coverage for an additional 4.1 million children. Every child in America should have the right to health care, and this bill will bring us one step closer to that goal.

It is unacceptable that more than 47 million Americans, including 11 percent of American children, are without health insurance. Many hard-working families in Minnesota and across the nation have lost their jobs, 2.6 million jobs in the last year. For every 1 percent increase in the unemployment rate, it is estimated that as many as 1.5 million Americans will lose their health care coverage. Expanding SCHIP will expand health care access for children at a time when too many American families are losing employer-sponsored health care. In these tough economic times, by helping families gain access to health care, we can give families the resources they need to give their children a better future.

The bill provides access to health care for 4 million children in America who are currently uninsured and preserves the coverage for all 7.1 million children currently covered by SCHIP. It is supported by 80 percent of the American people and over 300 organizations—including large majorities of Democrats, Independents and Republicans. The bill will extend coverage to 4.1 million additional low-income, uninsured children, covering a total of 11 million, and is likely to be one of the first signed into law by President Barack Obama. Last year, President Bush vetoed this vital health legislation that was passed by both chambers of Congress.

The State Children's Health Insurance Program (SCHIP) was created in 1997 to provide health care coverage for children in families that earn too little to afford health insurance for their children themselves but too much to qualify for Medicaid. This bill will give states the resources and incentives necessary to reach and cover millions of uninsured children

who are currently eligible, but not enrolled. It will also improve SCHIP benefits—ensuring dental coverage and mental health parity. This bill is largely paid for by increasing the tobacco tax by 61 cents, and will help keep kids and families healthy while saving taxpayers money in the long-run.

Expanding SCHIP is an important step forward, but we still must keep fight to make healthcare available and affordable for all Americans. As we reform our health care system, we need to focus on accessible, patient-centered care that focuses on wellness and prevention, while improving the quality of patient care. will continue to fight to expand SCHIP and make health care available and affordable for Minnesota children and their parents.

As we start the new Congress and the new administration I can think of no better way to bring about change than by investing in our children's health care. It is morally right, and crucial for the future of our Nation. I urge my colleagues to join me in voting for this important bill.

Ms. WOOLSEY. Madam Speaker, I rise in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. In 2007, more than 8 million children were uninsured, and with the growing recession, this number will only grow. Passing this bill will ensure that 4 million of those children will receive CHIP, bringing the total number of children covered by CHIP to 11 million.

Expanding health care coverage for our most vulnerable populations, including legal immigrant children and some pregnant women, is an obligation we cannot afford to ignore. Nearly 400,000 legal immigrant children come from families with incomes below 200 percent of the Federal poverty level and are ineligible for CHIP solely because they are recent immigrants. These families, uninsured and unable to purchase private health insurance on their own, are left to fend for themselves when they desperately need health care for their children. This is unacceptable, and with this legislation, we will reverse this shameful practice by providing States with the option of covering these deserving low-income families.

The passage of this bill is a great start, but we must do better. While this bill extends coverage to an additional 4 million children, including legal immigrants, over 4 million children will still suffer without health care coverage. In addition, nearly 90 million people went without health coverage for all or part of 2006 and 2007, most of them in working families. These numbers are disgraceful. This Congress, I look forward to working with my colleagues to ensure that our children and their families have access to high quality, affordable healthcare as a basic human right, not as a luxury.

Mr. SCHIFF. Madam Speaker, today I rise in support of the Children's Health Insurance Program Reauthorization Act. This is a landmark measure which will extend the life-changing benefit of health insurance to an additional 4 million American children. That means millions of parents won't have to bring their child to the emergency room because they're running a fever and have nowhere else to go. Millions of parents who can take their

child to a dentist if their teeth hurt. Millions of parents who can take care of their children in a way most families take for granted—that when they're sick, they can go to the doctor.

SCHIP has been an incredible success story, extending the benefits of health care to 7 million children, and more than 750,000 in California alone. These are children whose families have incomes that are too high to qualify for Medicaid but who do not receive health insurance through their employment and can't afford it on their own. SCHIP is based on a simple premise—that insuring kids' health care is the right thing to do. It's much cheaper to insure children, and this investment will yield healthier generations of adults, improved quality of life, and long-term health care savings. The experience of the 11 years since SCHIP was originally created proves the wisdom and prudence of providing care for prevention and wellness in our children.

In addition to reauthorizing the program, this bill improves SCHIP by creating new incentives to seek out millions of children around the nation who are eligible but not enrolled. Two-thirds of uninsured children are currently eligible for coverage through SCHIP or Medicaid—this bill provides greater funding in grants for new outreach activities to States, local governments, schools, community-based organizations, and others. With this bill, more kids who are eligible will get enrolled and stay enrolled for a benefit that they are entitled.

The legislation is fully paid for by an increase in the tax on cigarettes—a provision that I hope will also help discourage youth smoking.

During these trying economic times, and with rising unemployment, the need for this SCHIP bill has become more critical now than ever before. This recession has forced more and more American parents to face difficult choices—finding affordable health insurance for their children shouldn't be one of them.

A vote for this bill is a vote for an America that takes care of its children. In the richest nation in the history of the world, it is simply wrong that millions of children, our most vulnerable citizens, go without basic access to health care. With a yes vote, 4 million more children will enjoy the benefits of a healthy future and a real chance in life. I urge a "yes" vote.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to congratulate my colleagues on the passage of H.R. 2.

H.R. 2 is a critical piece of legislation that renews and improves the State Children's Health Insurance Program (SCHIP) that ensures health care coverage for over 11 million American children—including the addition of 4 million, previously uninsured.

This legislation also improves SCHIP benefits by ensuring coverage for dental and mental health services.

H.R. 2 will reauthorize SCHIP through FY 2013 and will be fully paid for through an increase in the tobacco tax.

Raising the tobacco tax discourages children from smoking. According to the Campaign for Tobacco-Free Kids, the tobacco tax increase will prevent nearly 2 million children from starting to smoke.

I am hopeful that the Senate will also pass H.R. 2 and I look forward to this important leg-

islation becoming law under the new administration of President Obama.

Mr. ETHERIDGE. Madam Speaker, I rise today in support of H.R. 2, Children's Health Insurance Program Reauthorization Act of 2009. This bill will ensure that health coverage continues for the 7 million children currently covered under the Children's Health Insurance Program, and will extend coverage to an additional 4 million children who are currently uninsured. Without the legislation, the CHIP would end on March 31, 2009.

CHIP provides health care coverage for children in families that earn too much to qualify for Medicaid, but not enough to afford private insurance. In 2007, more than 240,000 children in North Carolina received health coverage through North Carolina's CHIP, NC Health Choice for Children. Under the legislation, North Carolina's allotment would increase by 81 percent over the current level from \$136 million to \$245 million. North Carolina has 296,000 uninsured children, the sixth-largest number in the country. Two-thirds of uninsured children in North Carolina live in a home where at least one parent works full time.

As North Carolina's former Superintendent of Public Instruction, I have seen first hand that healthy children are better prepared for learning and success. The Children's Health Insurance Program ensures that America's children are as healthy and productive as possible and that they can grow up to fulfill their potential. Untreated illnesses can have long-term consequences, and access to health care can head off expensive treatments down the road. As a Nation, we must protect our most vulnerable citizens.

I still regret that the bill will be funded by a tobacco-tax increase. The tax in H.R. 2 falls disproportionately on North Carolina, and on the Second District in particular. I understand the burden this will place on farmers who work hard to build a better life for their own children, and I will continue to work to support these families as they adjust to transformations in the global economy. However, with one out of eight children in North Carolina lacking health insurance I will vote for this legislation.

Madam Speaker, I urge my colleagues to join me in voting for the children of America's working families.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in strong, unwavering, and steadfast support of the reauthorization of SCHIP to provide healthcare for millions of uninsured children. SCHIP is a critical safety net for children. As Chief Justice Thurgood Marshall once said, "The measure of a country's greatness is its ability to retain compassion in times of crisis." Providing healthcare for low-income children, especially during this economic crisis, reflects a commitment to the least among us as well as sound economic policy. A healthy child is prepared for school and life. A healthy child does not require costly emergency room visits. I applaud House leaders for including mental health parity and dental coverage for children.

In Fiscal Year 2007, SCHIP provided health care to over 345,000 children in Illinois. Unfortunately, due to overwhelming need, Illinois faced a shortfall in federal spending last year. This bill does much to address this gap. Spe-

cifically, in addition to preserving coverage for the 7 million children currently in the program, this bill expands coverage to another 4 million children in need.

I want to briefly mention the efforts of Chicago Public Schools in helping low income families overcome many of the barriers that often prevent them from enrolling in SCHIP. The Children and Family Benefits Unit assisted approximately 60 schools in a recent 12 month period, helping over 4,200 families' complete applications to enroll into the Illinois CHIP, including Medicaid. I am proud of this effort in Chicago, and I am pleased that this bill will continue to support such programs.

In closing, this bill will provide much-needed health care for low-income children in Chicago, Illinois, and the nation, and I look forward to this bill being signed into law in the near future.

Mr. HOLT. Madam Speaker, I voted in support of our Nation's children and for passage of the Children's Health Insurance Program Reauthorization Act of 2009, H.R. 2.

More than 7.1 million children have health insurance because of the creation, a decade ago, of the State Children's Health Insurance Program, SCHIP. However, these children will lose access to good, affordable health insurance if Congress does not act to reauthorize the SCHIP program by March 31, 2009.

The House approved the Children's Health Insurance Program Reauthorization Act of 2009, which would expand the SCHIP program to ensure even more children have access to the health care their parents cannot afford or who work in jobs that do not provide health care benefits. The House of Representatives has passed similar legislation twice before to extend and expand SCHIP, only to have those bills vetoed by President Bush. I hope that on the third consideration of this legislation to improve children's health that this bill will be signed into law.

The expansion of this program is even more important today as many workers are losing their health insurance and face great economic hardships during the recent recession. The Kaiser Family Foundation projects that the current unemployment level of 7 percent would increase Medicaid and SCHIP enrollment by 2.4 million people and an additional 2.6 million people would become uninsured. The number of uninsured will rise higher should the unemployment rates climb even further. This legislation would reduce the size of this uninsured population by expanding SCHIP to include an additional 4 million children who currently have no health insurance. Sending a child to the emergency room is not an alternative to having comprehensive health insurance. Especially at a time when millions of families are facing economic hardships, we must ensure that children have the care they need.

This bill would provide parity for mental health for children. I long have fought for mental health parity, and was pleased that last year we could improve mental health coverage for private insurance plans and Medicare. I am encouraged that we have now extended this to the SCHIP program.

According to the Henry J. Kaiser Family Foundation, more than 45 million Americans lack health care coverage, including more than

16 percent of New Jersey's residents. Many of these Americans are children, the vast majority of whom come from working families. It is simply unconscionable that here in the United States of America millions of children are uninsured. The reauthorization and expansion of the SCHIP program presents an historic opportunity to put an end to the morally unacceptable fact that 8.6 million American children live every day without insurance. It is time for Congress to preserve and expand this program that has proven successful at insuring our nation's most vulnerable children.

The SCHIP program is strongly supported by our nation's governors who have managed the State-run programs over the past decade and understand that SCHIP allows States to cover low-income children who lack health insurance in families of the working poor. This bill also would provide the tools needed and create incentives for States to reach the millions of children who are eligible but not currently enrolled in the SCHIP program.

New Jersey uses its SCHIP funds to run a program called FamilyCare. Our State is a leader in extending FamilyCare eligibility. Currently, 150,000 children and approximately 100,000 low income-parents are enrolled in New Jersey's program. Without SCHIP, all of these residents of New Jersey would again be uninsured.

This legislation would allow States like New Jersey to continue to set income eligibility for SCHIP. Because the cost of living is so high in New Jersey, it is important that our State has the flexibility needed to establish realistic eligibility guidelines.

Additionally, this bill would allow New Jersey to continue to enroll parents along with their children. According to research by the Institute of Medicine of the National Academies of Sciences, one highly effective way of boosting coverage among low-income children is to broaden health insurance to their parents. Currently, New Jersey is one of 11 States to cover low-income parents.

Because we are committed to balanced budgets and opposed to deficit spending, this bill pays for this historic commitment to our children with an appropriate increase in the Federal tobacco tax and by imposing restrictions on self-referral to physician-owned hospitals. According to the Campaign for Tobacco-free Kids, the 61 cent-per-pack increase in the cigarette tax that is included in this bill would result in substantially fewer youth smokers, as every 10 percent increase in the price of cigarettes would reduce youth smoking by approximately 7 percent. This would improve their health and result in longterm healthcare savings.

There are 11 million reasons to vote for this bill, each one a child who will move out of the ranks of the uninsured with the health care provided in the Children's Health Insurance Program Reauthorization Act. A measure of a nation's greatness is how it treats its most vulnerable citizens. By making health insurance available for 11 million children, we live up to our moral obligation to keep children healthy and we make our society stronger.

Mr. MCHUGH. Madam Speaker, I rise today in support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. Given the importance of the State Children's

Health Insurance Program (SCHIP) to my constituents, I am pleased that the House is working to extend SCHIP through Fiscal Year 2013.

Every bill that works its way through Congress has provisions that are less than ideal and this bill is no exception. Clearly, if given the opportunity, I would write much of this bill in a different way. That opportunity, of course, will not materialize.

However, accessibility to quality health care is one of the great challenges we face as a Nation. It is a particularly acute problem in Northern and Central New York, which I have the privilege of representing. According to one source, there are currently over 400,000 children without health insurance in New York State.

The importance of the SCHIP program to my district is hard to overstate. In fact, nearly 20,000 children in the 11 counties I represent are currently enrolled in the Child Health Plus as the SCHIP program is known in New York State.

The bill before the House today would strengthen and expand the SCHIP program by providing an additional \$35 billion over the next four and a half years. As a result of this increase in funding, an additional 4 million children—267,000 in New York State—are projected to be enrolled in the program, thereby ensuring that a total of 11 million children nationwide have access to health care. Thus, I will support this measure.

Mr. YARMUTH. Madam Speaker, Modern medicine can prevent an inconvenient infection from ballooning into a debilitating illness with a relatively simple physician's visit and subsequent treatment. And here in America, with the best medical practices and practitioners in the history of the world, we have the capabilities to keep our Nation's children healthy and their futures bright.

But we aren't doing it.

Up to now, we've chosen not to guarantee the health of our children, instead forcing upon millions of parents the difficult choice of seeking treatment for an ailing child or buying food. Making that potentially life-saving doctor's visit or keeping the lights on.

Today, we have the opportunity to erase that awful dilemma for the working mothers and fathers of more than 4 million children, including tens of thousands in my home State of Kentucky, by extending the State Children's Health Insurance Program. By supporting the SCHIP expansion we help guarantee the inalienable rights of America's children to survive, thrive, and grow up to become healthy adults.

By expanding SCHIP we can prevent the future health problems of our youngest generation so that they never grow up to be burdens on the system. It makes economic sense, but more importantly, it is our moral obligation. I urge my colleagues to join me in supporting this important legislation, as we fight to ensure that a sick child in this great Nation never has to go without care.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. This bill represents a strong bipartisan first step to reform our broken health care system by guaranteeing that millions of uninsured

children will have the health care that they need. Its passage will bring a symbolic end to the broken promises of the Bush Administration, which twice chose to deny coverage to 4 million children in desperate need of health care.

Over the past decade the State Children's Health Insurance Program (SCHIP) has helped reduce the number of uninsured children by one-third and has made significant progress in improving the health of low-income children. H.R. 2 will reauthorize this critical program until 2013, ensuring that 7 million children currently covered by SCHIP continue to receive health coverage. Equally as important, this bill will extend health coverage to an additional 4 million low-income children who are currently uninsured.

The Children's Health Insurance Program Reauthorization Act of 2009 strengthens SCHIP by including incentives for states to develop effective outreach and enroll more eligible children. In addition, the bill improves access to both mental health services and dental health care, and offers states the option to cover targeted low-income pregnant women as a way to provide the essential prenatal care that can help reduce birth defects.

I am particularly grateful that our leadership has chosen to include the provisions of the Immigrant Children's Health Improvement Act in this SCHIP reauthorization. This provision will restore the states' option to provide coverage to legal immigrant children who meet all other eligibility criteria, thereby seizing the opportunity to address health disparities in communities of color that historically have had very poor access to health care.

Madam Speaker, I believe this bill takes a giant step forward in honoring our moral imperative to ensure that age, race and income do not determine the health status of our children. I am proud to vote for its passage today, to protect our commitment to our children, and to offer them the promise of a healthier tomorrow.

Mr. PALLONE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 52, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DEAL of Georgia. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEAL of Georgia. I am in its current form.

Mr. WAXMAN. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Deal of Georgia moves to recommit the bill, H.R. 2, to the Committee on Energy and Commerce with instructions to report the

same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SCHIP Full Funding Extension Act of 2009”.

SEC. 2. EXTENDING SCHIP FUNDING THROUGH FISCAL YEAR 2015.

(a) THROUGH FISCAL YEAR 2015.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd), as amended by section 201 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(A) in subsection (a)(11), by striking “and 2009” and inserting “, 2009, 2010, 2011, 2012, 2013, 2014, and 2015”; and

(B) in subsection (c)(4)(B), by striking “through 2009” and inserting “through 2015”.

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2009, 2010, 2011, 2012, 2013, 2014, or 2015 shall not be available for child health assistance for items and services furnished after September 30, 2015.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by striking “or 2009” and inserting “2009, 2010, 2011, 2012, 2013, 2014, or 2015”.

(2) CONFORMING AMENDMENT.—Section 201(b) of such Public Law is amended by striking paragraph (2).

(c) ADDITIONAL ALLOTMENTS TO MAINTAIN SCHIP PROGRAMS THROUGH FISCAL YEAR 2015.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by striking subsection (1) and inserting the following new subsections:

“(1) ADDITIONAL ALLOTMENTS TO MAINTAIN SCHIP PROGRAMS FOR FISCAL YEAR 2009.—

“(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed \$3,000,000,000 for fiscal year 2009.

“(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2009 will exceed the sum of—

“(A) the amount of the State’s allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

“(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (i); and

“(C) the amount of the State’s allotment for fiscal year 2009.

“(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2009, the Secretary shall allot—

“(A) to each shortfall State described in paragraph (2) not described in subparagraph

(B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

“(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

“(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

“(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

“(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

“(m) ADDITIONAL ALLOTMENTS TO MAINTAIN SCHIP PROGRAMS FOR FISCAL YEAR 2010.—

“(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed \$4,000,000,000 for fiscal year 2010.

“(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2010 will exceed the sum of—

“(A) the amount of the State’s allotments for each of fiscal years 2008 and 2009 that will not be expended by the end of fiscal year 2009;

“(B) the amount, if any, that is to be redistributed to the State during fiscal year 2010 in accordance with subsection (f); and

“(C) the amount of the State’s allotment for fiscal year 2010.

“(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2010, the Secretary shall allot—

“(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

“(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

“(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

“(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2010, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

“(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2010, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2010. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

“(n) APPLICATION TO FISCAL YEARS 2011, 2012, 2013, 2014, OR 2015.—

“(1) IN GENERAL.—Subject to paragraph (2), subsection (m) shall apply to each of fiscal years 2011, 2012, 2013, 2014, or 2015 in the same manner such subsection applies to fiscal year 2010.

“(2) APPLICATION.—In applying subsection (m) under paragraph (1) with respect to—

“(A) fiscal year 2011—

“(i) each reference to a year or date in such subsection shall be deemed a reference to the following year or to one year after such date, respectively; and

“(ii) the reference to ‘\$4,000,000,000’ in paragraph (1) of such subsection shall be deemed a reference to ‘\$5,000,000,000’;

“(B) fiscal year 2012—

“(i) each reference to a year or date in such subsection shall be deemed a reference to the second following year or to two years after such date, respectively; and

“(ii) the reference to ‘\$4,000,000,000’ in paragraph (1) of such subsection shall be deemed a reference to ‘\$6,000,000,000’;

“(C) fiscal year 2013—

“(i) each reference to a year or date in such subsection shall be deemed a reference to the third following year or to three years after such date, respectively; and

“(ii) the reference to ‘\$4,000,000,000’ in paragraph (1) of such subsection shall be deemed a reference to ‘\$6,000,000,000’;

“(D) fiscal year 2014—

“(i) each reference to a year or date in such subsection shall be deemed a reference to the fourth following year or to four years after such date, respectively; and

“(ii) the reference to ‘\$4,000,000,000’ in paragraph (1) of such subsection shall be deemed a reference to ‘\$7,000,000,000’; and

“(E) fiscal year 2015—

“(i) each reference to a year or date in such subsection shall be deemed a reference to the fifth following year or to five years after such date, respectively; and

“(ii) the reference to ‘\$4,000,000,000’ in paragraph (1) of such subsection shall be deemed a reference to ‘\$7,000,000,000’.”.

SEC. 3. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE SCHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) of the Social Security Act (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting “subject to paragraph (4),” after “Notwithstanding any other provision of law,”; and

(2) by adding at the end the following new paragraph:

“(4) OPTION FOR CERTAIN ALLOTMENTS.—

“(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State’s allotment made under section 2104 for any fiscal year (beginning with fiscal year 2009) (insofar as the allotment is available to the State under subsection (e) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

“(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19, and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.”.

SEC. 4. REQUIRING OUTREACH AND COVERAGE BEFORE EXPANSION OF ELIGIBILITY.

(a) STATE PLAN REQUIRED TO SPECIFY HOW IT WILL ACHIEVE HEALTH BENEFITS COVERAGE FOR 90 PERCENT OF LOW-INCOME CHILDREN.—

(1) IN GENERAL.—Section 2102(a) of the Social Security Act (42 U.S.C. 1397bb(a)) is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(8) how the State for each fiscal year (beginning with fiscal year 2010) will achieve, through eligibility and benefits provided for under the plan and otherwise, a rate of health benefits coverage (whether private or public) for low-income children in the State that is at least 90 percent.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to State child health plans for fiscal years beginning with fiscal year 2010.

(b) LIMITATION ON PROGRAM EXPANSIONS UNTIL LOWEST INCOME ELIGIBLE INDIVIDUALS ENROLLED.—Section 2105(c) (42 U.S.C. 1397dd(c)) is amended by adding at the end the following new paragraph:

“(8) LIMITATION ON INCREASED COVERAGE OF HIGHER INCOME CHILDREN.—For child health assistance furnished in a fiscal year beginning with fiscal year 2010:

“(A) SPECIAL RULES FOR PAYMENT FOR CHILDREN WITH FAMILY INCOME ABOVE 200 PERCENT OF POVERTY LINE.—In the case of child health assistance for a targeted low-income child in a family the income of which exceeds 200 percent (but does not exceed 300 percent) of the poverty line applicable to a family of the size involved no payment shall be made under this section for such assistance unless the State demonstrates to the satisfaction of the Secretary (in accordance with any methodology established by the Secretary) that the State has met the 90 percent retrospective coverage test specified in subparagraph (B) for the previous fiscal year.

“(B) 90 PERCENT COVERAGE TEST.—The 90 percent retrospective coverage test specified in this subparagraph is, for a State for a fiscal year, that on average for any 3-consecutive month period during the fiscal year, at least 90 percent of low-income children residing in the State have health benefits coverage (whether private or public).

“(C) GRANDFATHER.—Subparagraphs (A) and (B) shall not apply to the provision of child health assistance—

“(i) to a targeted low-income child who is enrolled for child health assistance under this title as of September 30, 2009;

“(ii) to a pregnant woman who is enrolled for assistance under this title as of September 30, 2009, through the completion of the post-partum period following completion of her pregnancy; and

“(iii) for items and services furnished before October 1, 2009, to an individual who is not a targeted low-income child and who is enrolled for assistance under this title as of September 30, 2009.

“(D) PROMULGATION OF METHODOLOGY.—Not later than July 1, 2009, the Secretary shall issue regulations that establish a methodology by which States meet the requirements of subparagraph (A).

“(E) DETERMINATION OF INCOME BASED ON GROSS FAMILY INCOME WITHOUT DISREGARDS OR EXCLUSIONS.—

“(i) IN GENERAL.—For purposes of this paragraph, the family income shall be determined under subparagraph (A) (and under subparagraph (B) for purposes of determining who is a low-income child, as defined in section 2110(c)(4)) based on gross family income.

“(ii) GROSS FAMILY INCOME DEFINED.—

“(I) IN GENERAL.—Subject to subclause (II), in this subparagraph, the term ‘gross family income’ means, with respect to an individual, gross income (as defined by the Secretary in regulations) for the members of the individual’s family. For purposes of the previous sentence, in defining ‘gross income’ the Secretary shall, to the maximum extent practicable, include income from whatever source, other than amounts deducted under section 62(a)(1) of the Internal Revenue Code of 1986.

“(II) INCOME DISREGARDS AUTHORIZED.—A State may provide, through a State plan amendment and with the approval of the Secretary, for the disregard from gross family income of one or more amounts so long as the total amount of such disregards for a family does not exceed \$250 per month, or \$3,000 per year.”.

SEC. 5. SCHIP GROSS INCOME ELIGIBILITY CEILING.

(a) APPLICATION OF SCHIP ELIGIBILITY CEILING.—

(1) IN GENERAL.—Section 2110 of the Social Security Act (42 U.S.C. 1397jj) is amended—

(A) in subsection (b)(1)—

(i) by striking “and” at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(D) whose gross family income (as defined in subsection (c)(9)) does not exceed 300 percent of the poverty line.”; and

(B) in subsection (c), by adding at the end the following new paragraph:

“(9) GROSS FAMILY INCOME.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘gross family income’ means, with respect to an individual, gross income (as defined by the Secretary in regulations) for the members of the individual’s family. For purposes of the previous sentence, in de-

fining ‘gross income’ the Secretary shall, to the maximum extent practicable, include income from whatever source, other than amounts deducted under section 62(a)(1) of the Internal Revenue Code of 1986.

“(B) INCOME DISREGARDS AUTHORIZED.—A State may provide, through a State plan amendment and with the approval of the Secretary, for the disregard from gross family income of one or more amounts so long as the total amount of such disregards for a family does not exceed \$250 per month, or \$3,000 per year.”.

(2) DENIAL OF FEDERAL MATCHING PAYMENTS FOR STATE SCHIP EXPENDITURES FOR INDIVIDUALS WITH GROSS FAMILY INCOME ABOVE 300 PERCENT OF THE POVERTY LINE.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)), as amended by section 4(b), is amended by adding at the end the following new paragraph:

“(9) DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR INDIVIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—No payment may be made under this section, for any expenditures for providing child health assistance or health benefits coverage under a State child health plan under this title, including under a waiver under section 1115, with respect to an individual whose gross family income (as defined in section 2110(c)(9)) exceeds 300 percent of the poverty line.”.

(b) EFFECTIVE DATE; TRANSITION.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply to payments made for items and services furnished on or after the first day of the first calendar quarter beginning more than 90 days after the date of the enactment of this Act.

(2) TRANSITION.—The amendments made by—

(A) subsection (a)(1) shall not apply to an individual who was receiving, or was determined eligible to receive, child health assistance or health benefits coverage under a State child health plan under title XXI of the Social Security Act, including under a waiver under section 1115 of such Act, as of the day before the date of the enactment of this Act, until such date as the individual is determined ineligible using income standards or methodologies in place as of the day before the date of the enactment of this Act; and

(B) subsection (a)(2) shall not apply to payment for items and services furnished to an individual described in clause (i);

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) 5-YEAR PERIOD.—The percentage under subparagraph (C) of section 401(l) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 19 percentage points.

(b) 10-YEAR PERIOD.—Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2018 shall be 130 percent of such amount, and

(2) the amount of the next required installment after the installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of paragraph (1).

Mr. WAXMAN (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be

considered read, and I also withdraw my point of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Reservation of the point of order is withdrawn.

The gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. DEAL of Georgia. Madam Speaker, the Republican motion to recommit replaces what I consider to be a deeply flawed bill that has been offered and also has improvements to the SCHIP proposal that we are considering.

Unlike H.R. 2, the Republican motion to recommit fully funds SCHIP program for the next 7 years, not 4½ years as the underlying bill would do, and thereby ensures that needy families and those with low incomes will be covered and eligible under SCHIP through fiscal year 2015. According to the Congressional Budget Office, the motion to recommit will not cause a single SCHIP enrolled child to lose his or her health care coverage.

Unlike the bill that is under consideration, H.R. 2, the motion to recommit puts poor children first by holding States accountable for not finding and enrolling their low-income, uninsured children. Each year, States would be required to report to the Secretary of HHS how they intend to ensure that at least 90 percent of their children with family incomes under \$40,000 per year have quality health care coverage in either a public or private health care plan. States would also be required to demonstrate that they have met this 90 percent coverage target before they are able to shift their enrollment activities to higher income families.

Unlike H.R. 2, the motion to recommit maintains the requirement in current law that States verify the identity and citizenship status of Medicaid and SCHIP applicants and prevents illegal aliens and other unqualified individuals from fraudulently gaining access to these taxpayer-funded programs.

Unlike H.R. 2, the Republican motion to recommit preserves limited SCHIP dollars for low-income, uninsured children by preventing States from abusing the income-disregard loophole that is in the current law and would be continued under the underlying bill.

Unlike H.R. 2, the Republican motion to recommit Federal funds will be reserved for families with incomes under 300 percent of the Federal poverty level, which is currently \$63,600 for a family of four.

This motion to recommit is compliant with the majority's PAYGO rules by asking corporations with assets in excess of \$1 billion to shift some estimated tax payments due in fiscal year 2009 to fiscal year 2018.

The majority has repeatedly used this short-term shifting of funding to

meet the 5-year PAYGO requirements, and we're using it today to comply with the majority's PAYGO requirements without raising taxes.

Fully paid for without increasing taxes on the American people is what this motion to recommit would provide. And unlike the underlying bill, H.R. 2, the Republican recommit motion will actually allow President-elect Obama to keep his promise to the American people of not increasing their taxes.

We believe that these fundamental changes from the underlying bill not only improve it, but extend the life of it for a full 7-year period and is altogether appropriate, and does not include increasing taxes on the American people.

We believe in the SCHIP program. We think that it should be properly applied in States and applied primarily to those who are low-income, poor families first rather than going up the economic scale of eligibility.

For these reasons, I would urge this body to adopt the motion to recommit and to pass a bill for a 7-year period that fully funds and assures States and families that their children will be covered.

Madam Speaker, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, it wasn't enough that President Bush vetoed two children's health bills that would have made great advances in children's health. Now my Republican colleagues are trying to undermine the coverage gains that would be made in this bill.

This proposal being put forward by my Republican colleagues isn't a way to put poor kids first. It's a way to stop States from moving forward to help additional uninsured children.

The CHIP bill already puts poor kids first by targeting enrollment bonuses only to the poorest kids, those in Medicaid. Eight in ten newly insured children under CHIP have incomes below current eligibility levels. The Republican proposal is simply a way to stop States from moving forward.

Unfortunately, the reality of today is that these moderate income families who would be excluded under this motion are struggling to make ends meet, too. Health costs have been rising much faster than income over the past decade. A family at 300 percent of poverty, for example, earning \$52,800 a year—these so-called rich folks, according to Republicans—now spend an average of 19 percent of their income on premiums for employer-sponsored coverage if they even have access to it. Ten years ago, that same family was

only spending 11 percent of income on premiums for their employer plan.

The CHIP bill moves us forward. It's the largest investment in children's health since the original CHIP law was passed in '97. And this Congress will do more for children, and it's an excellent step forward.

Now I want to mention that research shows that no means tested program reaches 90 percent of the individuals or families eligible for it. Moreover, there is not reliable State-by-State data to even measure participation rates accurately among the States.

While the Bush administration initially attempted to establish measures like Mr. DEAL is talking about, leading independent academic and research institutions discredited the Bush administration's target rate, such as CBO and the Urban Institute, and the Bush administration has moved away from its initial administrative directive of enforcing such limits on States the way this motion would do.

So again, the point is we need to move forward. This is simply a ruse essentially to gut the bill for those moderate-income families that would benefit for it.

I would urge my colleagues to oppose this motion to recommit. Let's move the bill as originally proposed. It will do great things for America's children.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DEAL of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 179, nays 247, not voting 7, as follows:

[Roll No. 15]

YEAS—179

Aderholt	Blackburn	Burgess
Akin	Blunt	Burton (IN)
Alexander	Boehner	Buyer
Austria	Bonner	Calvert
Bachmann	Bono Mack	Camp
Bachus	Boozman	Campbell
Barrett (SC)	Boustany	Cantor
Bartlett	Brady (TX)	Cao
Barton (TX)	Bright	Capito
Biggart	Brown (GA)	Carter
Bilbray	Brown (SC)	Cassidy
Bilirakis	Brown-Waite,	Castle
Bishop (UT)	Ginny	Chaffetz

Coble	King (NY)	Poe (TX)	Lowey	Pascarell	Skelton	Cardoza	Jackson (IL)	Peterson
Coffman (CO)	Kingston	Posey	Luján	Pastor (AZ)	Slaughter	Carnahan	Jackson-Lee	Petri
Cole	Kirk	Price (GA)	Lynch	Payne	Smith (NJ)	Carney	(TX)	Pingree (ME)
Conaway	Kline (MN)	Putnam	Maffei	Perlmutter	Smith (WA)	Carson (IN)	Johnson (GA)	Platts
Crenshaw	Lamborn	Radanovich	Maloney	Perriello	Space	Castle	Johnson, E. B.	Polis (CO)
Culberson	Lance	Rehberg	Markey (CO)	Peters	Speier	Castor (FL)	Kagen	Pomeroy
Davis (KY)	Laatham	Reichert	Markey (MA)	Peterson	Spratt	Chandler	Kanjorski	Price (NC)
Deal (GA)	LaTourette	Roe (TN)	Massa	Pingree (ME)	Stark	Childers	Kaptur	Rahall
Dent	Latta	Rogers (AL)	Matheson	Polis (CO)	Stupak	Clarke	Kennedy	Rangel
Diaz-Balart, L.	Lee (NY)	Rogers (KY)	Matsui	Pomeroy	Sutton	Clay	Kildee	Rehberg
Diaz-Balart, M.	Lewis (CA)	Rogers (MI)	McCarthy (NY)	Price (NC)	Tanner	Cleaver	Kilpatrick (MI)	Reichert
Dreier	Linder	Rohrabacher	McCollum	Rahall	Tauscher	Clyburn	Kilroy	Reyes
Duncan	Lucas	Rooney	McDermott	Rangel	Teague	Cohen	Kind	Richardson
Ehlers	Luetkemeyer	Ros-Lehtinen	McGovern	Reyes	Thompson (CA)	Connolly (VA)	King (NY)	Rodriguez
Emerson	Lummis	Roskam	McMahon	Richardson	Thompson (MS)	Conyers	Kirk	Rogers (AL)
Fallin	Lungren, Daniel	Royce	McNerney	Rodriguez	Tierney	Cooper	Kirkpatrick (AZ)	Ros-Lehtinen
Flake	E.	Ryan (WI)	Meek (FL)	Ross	Titus	Costa	Kissell	Ross
Fleming	Mack	Scalise	Meeks (NY)	Rothman (NJ)	Tonko	Costello	Klein (FL)	Rothman (NJ)
Forbes	Manzullo	Schmidt	Melancon	Roybal-Allard	Towns	Courtney	Kosmas	Roybal-Allard
Fortenberry	Marchant	Schock	Michaud	Ruppersberger	Tsongas	Crowley	Kratovil	Ruppersberger
Fox	Marshall	Sensenbrenner	Miller (NC)	Rush	Ryan (OH)	Cuellar	Kucinich	Rush
Franks (AZ)	McCarthy (CA)	Sessions	Miller, George	Ryan (OH)	Salazar	Cummings	Lance	Ryan (OH)
Frelinghuysen	McCaul	Shadegg	Mitchell	Salazar	Sánchez, Linda	Dahlkemper	Langevin	Salazar
Gallegly	McClintock	Shimkus	Mollohan	Sánchez, Linda	T.	Visclosky	Larsen (WA)	Sánchez, Linda
Garrett (NJ)	McCotter	Shuster	Moore (KS)	T.	Sanchez, Loretta	Walz	Larsen (CT)	T.
Gerlach	McHenry	Simpson	Moore (WI)	Sanchez, Loretta	Sarbanes	Wasserman	Davis (CA)	Sanchez, Loretta
Gingrey (GA)	McHugh	Smith (NE)	Moran (VA)	Sarbanes	Schultz	Davis (IL)	Davis (TN)	Sarbanes
Gohmert	McIntyre	Smith (TX)	Murphy (CT)	Schakowsky	Schulz	Davis (TN)	Lee (CA)	Schakowsky
Goodlatte	McKeon	Souder	Murphy, Patrick	Schauer	Waters	DeFazio	Lee (NY)	Schauer
Granger	McMorris	Stearns	Murtha	Schiff	Watson	DeGette	Levin	Schiff
Graves	Rodgers	Taylor	Napoliitano	Schrader	Watt	Delahunt	Lewis (GA)	Schiff
Guthrie	Mica	Terry	Neal (MA)	Schwartz	Waxman	DeLauro	Lipinski	Schrader
Hall (TX)	Miller (FL)	Thompson (PA)	Nye	Scott (GA)	Weiner	Dent	LoBiondo	Schwartz
Harper	Miller (MI)	Thornberry	Oberstar	Scott (VA)	Welch	Diaz-Balart, L.	Loebsack	Scott (GA)
Hastings (WA)	Miller, Gary	Tiahrt	Obey	Serrano	Wexler	Diaz-Balart, M.	Lofgren, Zoe	Scott (VA)
Heller	Minnick	Tiberi	Olver	Sestak	Wilson (OH)	Dicks	Lowey	Serrano
Hensarling	Moran (KS)	Turner	Ortiz	Shea-Porter	Woolsey	Dingell	Luján	Sestak
Herger	Murphy, Tim	Upton	Pallone	Shuler	Wu	Doggett	Lynch	Shea-Porter
Hoekstra	Myrick	Walden		Sires	Yarmuth	Donnelly (IN)	Maffei	Shuler
Hunter	Neugebauer	Wamp				Doyle	Maloney	Simpson
Inglis	Nunes	Westmoreland	Boucher	Sherman	Sullivan	Driehaus	Markey (CO)	Sires
Issa	Olson	Whitfield	Conyers	Snyder		Edwards (MD)	Markey (MA)	Skelton
Jenkins	Paul	Wilson (SC)	Herseth Sandlin	Solis (CA)		Edwards (TX)	Massa	Slaughter
Johnson (IL)	Paulsen	Wittman				Ehlers	Matheson	Smith (NJ)
Johnson, Sam	Pence	Wolf				Ellison	Matsui	Smith (WA)
Jones	Petri	Young (AK)				Ellsworth	McCarthy (NY)	Space
Jordan (OH)	Pitts	Young (FL)				Emerson	McCotter	Speier
King (IA)	Platts					Engel	McDermott	Spratt

NAYS—247

Abercrombie	Courtney	Harman	Lowey	Pascarell	Skelton	Cardoza	Jackson (IL)	Peterson
Ackerman	Crowley	Hastings (FL)	Luján	Pastor (AZ)	Slaughter	Carnahan	Jackson-Lee	Petri
Adler (NJ)	Cuellar	Heinrich	Lynch	Payne	Smith (NJ)	Carney	(TX)	Pingree (ME)
Altmire	Cummings	Higgins	Maffei	Perlmutter	Smith (WA)	Carson (IN)	Johnson (GA)	Platts
Andrews	Dahlkemper	Hill	Maloney	Perriello	Space	Castle	Johnson, E. B.	Polis (CO)
Arcuri	Davis (AL)	Himes	Markey (CO)	Peters	Speier	Castor (FL)	Kagen	Pomeroy
Baca	Davis (CA)	Hinchey	Markey (MA)	Peterson	Spratt	Chandler	Kanjorski	Price (NC)
Baird	Davis (IL)	Hinojosa	Massa	Pingree (ME)	Stark	Childers	Kaptur	Rahall
Baldwin	Davis (TN)	Hirono	Matheson	Polis (CO)	Stupak	Clarke	Kennedy	Rangel
Barrow	DeFazio	Hodes	Matsui	Pomeroy	Sutton	Clay	Kildee	Rehberg
Bean	DeGette	Holden	McCarthy (NY)	Price (NC)	Tanner	Cleaver	Kilpatrick (MI)	Reichert
Becerra	Delahunt	Holt	McCollum	Rahall	Tauscher	Clyburn	Kilroy	Reyes
Berkley	DeLauro	Honda	McDermott	Rangel	Teague	Cohen	Kind	Richardson
Berman	Dicks	Hoyer	McGovern	Reyes	Thompson (CA)	Connolly (VA)	King (NY)	Rodriguez
Berry	Dingell	Insee	McHugh	Rodriguez	Thompson (MS)	Conyers	Kirk	Rogers (AL)
Bishop (GA)	Doggett	Israel	McIntyre	Ross	Tierney	Cooper	Kirkpatrick (AZ)	Ros-Lehtinen
Bishop (NY)	Donnelly (IN)	Jackson (IL)	McMahon	Rothman (NJ)	Titus	Costa	Kissell	Ross
Blumenauer	Doyle	Jackson-Lee	McNerney	Roybal-Allard	Tonko	Costello	Klein (FL)	Rothman (NJ)
Boccieri	Driehaus	(TX)	Meek (FL)	Ruppersberger	Towns	Courtney	Kosmas	Roybal-Allard
Boren	Edwards (MD)	Johnson (GA)	Melancon	Rush	Tsongas	Crowley	Kratovil	Ruppersberger
Boswell	Edwards (TX)	Johnson, E. B.	Michaud	Ryan (OH)	Ryan (OH)	Cuellar	Kucinich	Rush
Boyd	Ellison	Kagen	Miller (NC)	Salazar	Salazar	Cummings	Lance	Ryan (OH)
Brady (PA)	Ellsworth	Kanjorski	Miller, George	Sánchez, Linda	Sánchez, Linda	Dahlkemper	Langevin	Salazar
Braley (IA)	Engel	Kaptur	Minnick	T.	T.	Visclosky	Larsen (WA)	Sánchez, Linda
Brown, Corrine	Eshoo	Kennedy	Mitchell	Sanchez, Loretta	Sanchez, Loretta	Walz	Larsen (CT)	T.
Buchanan	Etheridge	Kildee	Grayson	Sarbanes	Sarbanes	Wasserman	Davis (CA)	Sanchez, Loretta
Butterfield	Farr	Kilpatrick (MI)	Green, Al	Schakowsky	Schakowsky	Schultz	Davis (IL)	Davis (TN)
Capps	Fattah	Kilroy	Green, Gene	Schauer	Schauer	Waters	Davis (TN)	Lee (CA)
Capuano	Filner	Kind	Griffith	Schiff	Schiff	DeGette	Lee (NY)	Levin
Cardoza	Foster	Kirkpatrick (AZ)	Grijalva	Schrader	Schrader	Delahunt	Lewis (GA)	Lipinski
Carnahan	Frank (MA)	Kissell	Gutierrez	Schwartz	Schwartz	DeLauro	Lipinski	LoBiondo
Carney	Fudge	Klein (FL)	Hall (NY)	Scott (GA)	Scott (GA)	Dent	LoBiondo	Loebsack
Carson (IN)	Giffords	Kosmas	Halvorson	Scott (VA)	Scott (VA)	Diaz-Balart, L.	Loebsack	Lofgren, Zoe
Castor (FL)	Gillibrand	Kratovil	Hare	Serrano	Serrano	Diaz-Balart, M.	Lowey	Serrano
Chandler	Gonzalez	Kucinich	Harman	Sestak	Sestak	Dicks	Lowey	Serrano
Childers	Gordon (TN)	Langevin	Hastings (FL)	Shea-Porter	Shea-Porter	Dingell	Luján	Sestak
Clarke	Grayson	Larsen (WA)	Heinrich	Shuler	Shuler	Doggett	Lynch	Shea-Porter
Clay	Green, Al	Larson (CT)	Herseth Sandlin	Sires	Sires	Donnelly (IN)	Maffei	Shuler
Cleaver	Green, Gene	Lee (CA)	Higgins			Doyle	Maloney	Simpson
Clyburn	Griffith	Levin	Hill			Driehaus	Markey (CO)	Simpson
Cohen	Grijalva	Lewis (GA)	Himes			Edwards (MD)	Markey (MA)	Sires
Connolly (VA)	Gutierrez	Lipinski	Hinchey			Edwards (TX)	Massa	Skelton
Cooper	Hall (NY)	LoBiondo	Hinojosa			Ehlers	Matheson	Slaughter
Costa	Halvorson	Loebsack	Hirono			Ellison	Matsui	Smith (NJ)
Costello	Hare	Lofgren, Zoe	Hodes			Ellsworth	McCarthy (NY)	Smith (WA)
			Holden			Emerson	McCotter	Space
			Holt			Engel	McCotter	Speier
			Honda			Eshoo	McDermott	Spratt
			Hoyer			Etheridge	McGovern	Stark
			Insee			Farr	McHugh	Stupak
			Israel			Fattah	McIntyre	Sutton
						Filner	McMahon	Tanner
						Foster	McNerney	Tauscher
						Frank (MA)	Meek (FL)	Taylor
						Frelinghuysen	Melancon	Teague
						Fudge	Michael	Thompson (CA)
						Gerlach	Miller (MI)	Thompson (MS)
						Giffords	Miller (NC)	Thompson (PA)
						Gillibrand	Miller, George	Tiberi
						Gonzalez	Minnick	Tierney
						Gordon (TN)	Mitchell	Titus
						Grayson	Mollohan	Tonko
						Green, Al	Moore (KS)	Towns
						Green, Gene	Moore (WI)	Tsongas
						Griffith	Moran (KS)	Turner
						Grijalva	Moran (VA)	Turner
						Gutierrez	Murphy (CT)	Upton
						Hall (NY)	Murphy, Patrick	Van Hollen
						Halvorson	Murphy, Tim	Velázquez
						Hare	Murtha	Visclosky
						Harman	Nadler (NY)	Walz
						Hastings (FL)	Napoliitano	Wasserman
						Heinrich	Neal (MA)	Schultz
						Herseth Sandlin	Nye	Waters
						Higgins	Oberstar	Watson
						Hill	Obey	Watt
						Himes	Olver	Waxman
						Hinchey	Ortiz	Weiner
						Hinojosa	Pallone	Welch
						Hirono	Pallone	Wexler
						Hodes	Pascarell	Wilson (OH)
						Holden	Pastor (AZ)	Wolf
						Holt	Paulsen	Woolsey
						Honda	Payne	Wu
						Hoyer	Pelosi	Yarmuth
						Insee	Perlmutter	Young (AK)
						Israel	Perriello	Young (FL)
							Peters	

NOT VOTING—7

□ 1435

Mr. HALL of New York, Ms. FUDGE, Ms. LORETTA SANCHEZ of California, Messrs. CARNEY, SIRE, FARR, Ms. SPEIER, and Mr. RAHALL changed their vote from “yea” to “nay.”

Messrs. ROSKAM, NUNES, CANTOR, LATOURETTE, ROGERS of Kentucky, and GERLACH changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDOZA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 139, not voting 6, as follows:

[Roll No. 16]

AYES—289

Abercrombie	Bean	Boswell
Ackerman	Becerra	Boyd
Adler (NJ)	Berkley	Brady (PA)
Altmire	Berman	Braley (IA)
Andrews	Berry	Brown, Corrine
Arcuri	Bishop (GA)	Buchanan
Austria	Bishop (NY)	Butterfield
Baca	Blumenauer	Cao
Baird	Boccieri	Capito
Baldwin	Bono Mack	Capps
Barrow	Boren	Capuano

NOES—139

Aderholt	Bartlett	Blackburn
Akin	Barton (TX)	Blunt
Alexander	Biggart	Boehner
Bachmann	Billbray	Bonner
Bachus	Bilirakis	Boozman
Barrett (SC)	Bishop (UT)	Boustany

Brady (TX)	Harper	Neugebauer
Bright	Hastings (WA)	Nunes
Broun (GA)	Heller	Olson
Brown (SC)	Hensarling	Paul
Brown-Waite,	Herger	Pence
Ginny	Hoekstra	Pitts
Burgess	Hunter	Poe (TX)
Burton (IN)	Inglis	Posey
Buyer	Issa	Price (GA)
Calvert	Jenkins	Putnam
Camp	Johnson (IL)	Radanovich
Campbell	Johnson, Sam	Roe (TN)
Cantor	Jones	Rogers (KY)
Carter	Jordan (OH)	Rogers (MI)
Cassidy	King (IA)	Rohrabacher
Chaffetz	Kingston	Rooney
Coble	Kline (MN)	Roskam
Coffman (CO)	Lamborn	Royce
Cole	Latham	Ryan (WI)
Conaway	Latta	Scalise
Crenshaw	Lewis (CA)	Schmidt
Culberson	Linder	Schock
Davis (KY)	Lucas	Sensenbrenner
Deal (GA)	Luetkemeyer	Sessions
Dreier	Lummis	Shadegg
Duncan	Lungren, Daniel	Shimkus
Fallin	E.	Shuster
Flake	Mack	Smith (NE)
Fleming	Manzullo	Smith (TX)
Forbes	Marchant	Souder
Fortenberry	Marshall	Stearns
Fox	McCarthy (CA)	Terry
Franks (AZ)	McCaul	Thornberry
Gallely	McClintock	Tiahrt
Garrett (NJ)	McHenry	Walden
Gingrey (GA)	McKeon	Wamp
Gohmert	McMorris	Westmoreland
Goodlatte	Rodgers	Whitfield
Granger	Mica	Wilson (SC)
Graves	Miller (FL)	Wittman
Guthrie	Miller, Gary	
Hall (TX)	Myrick	

NOT VOTING—6

Boucher	Sherman	Solis (CA)
Meeks (NY)	Snyder	Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1445

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MEEKS of New York. Madam Speaker, on Rollcall No. 16, I was avoidably delayed and just missed the vote. Had I been present, I would have voted "aye."

□ 1445

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on a motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

REQUIRING COMMITTEES TO INVESTIGATE REPORTS OF WASTE, FRAUD, ABUSE, OR MISMANAGEMENT

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 40) amending the Rules of the House of Representatives to require each standing committee to hold periodic hearings on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 40

Resolved, That clause 2 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraphs:

"(n)(1) Each standing committee, or a subcommittee thereof, shall hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize.

"(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

"(o) Each committee, or a subcommittee thereof, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

"(p) Each standing committee, or a subcommittee thereof, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the 'high-risk list' or the 'high-risk series'."

SEC. 2. Clause 1(d)(3) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "That section shall also delineate any hearings held pursuant to clauses 2(n), (o), or (p) of this rule."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentleman from California (Mr. DREIER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CARDOZA).

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 40.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, make no mistake about it, these are tough times for our country. The United States is facing an economic disaster unlike anything we have seen since the Great Depression.

In the coming weeks, there will surely be differences of opinion as to how to best address the ailments of our Nation. But one thing is certain: Now, more than ever, it is time to ensure that government spends the taxpayers' money wisely.

For the first 6 years of the Bush administration, there was virtually no oversight by the Republican-led Congress. This led to rampant fraud and abuse, and billions of dollars of taxpayer dollars that were squandered by the administration, particularly regarding Iraq reconstruction and the response to Katrina.

Beginning in January of 2007, the Democratic Congress turned a new page and took numerous steps to begin changing the way we do business by restoring accountability and oversight. House Resolution 40, introduced by my very good friend and fellow Blue Dog colleague, the gentleman from Tennessee (Mr. TANNER), and myself, simply adds another layer to the rigorous oversight measures that we have already established.

This resolution amends the House rules to require each standing committee to hold at least three hearings per year on waste, fraud and abuse under each respective committee's jurisdiction. It requires a hearing in the event that an agency's auditor issues a disclaimer that the agency's financial statements are not in order. It also requires a hearing if an agency under that respective committee's jurisdiction has a program deemed by the GAO to be at high risk for waste, fraud and abuse.

Mr. Speaker, at the request of my friends on the other side of the aisle, there are two other stipulations. First, that the resolution shall be considered in light of existing House rules governing the conduct of committee hearings, including hearings held in executive session and the treatment of executive session materials; and, second, to require that committee activities reports identify the hearings held under the resolution.

Friends, plain and simple, it is now time to audit America's books. This resolution will add another level of accountability by shining light on the most egregious cases of government waste.

I would add, Mr. Speaker, that I am very encouraged by President-elect Obama's statements regarding his intent to pore through the budget line-by-line to eliminate wasteful spending. However, while I take the President-elect at his word, this resolution demonstrates that this Democratic Congress will not turn a blind eye to government waste simply because there is now a Democratic administration. Free passes are over, and we must build upon increased oversight and accountability efforts.

We have an opportunity to reinvent government and adhere to the fiscal accountability measures that Blue Dogs have long advocated. This will require tough decisions. But given these challenging economic times, cutting out waste, fraud and abuse must be among our top priorities in this Congress. All this requires is some bureaucratic soul-searching.

I ask my colleagues on both sides of the aisle to join the Blue Dogs in this quest.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I very gladly rise in strong support of this resolution, and, more importantly, in the bipartisan spirit in which it has been shaped.

The basic idea behind this resolution, as my friend has said, is to ensure that committees are fulfilling their oversight duties and fully addressing the need to eliminate waste, fraud and abuse from our Federal budget. While we always have a duty to spend taxpayer dollars wisely, as we all know, this obligation has never, ever been more critical than it is today because of our economic environment. We cannot afford to waste a penny of the taxpayers' hard-earned dollars.

But the best of intentions must be implemented wisely or the effort will be wasted. Republicans had a number of suggestions for strengthening this resolution and to make it more effective. While we would have preferred to have this resolution go through regular order, we were very pleased, nonetheless, to find the process to be both consultative and collaborative. Ultimately, our modifications were incorporated into the final product.

Our primary concern was one of transparency. Requiring committees to hold hearings on egregious reports of waste, fraud and abuse is important. But without transparency, there can be no accountability. We simply asked that hearings on the reports of inspectors general or the Comptroller General be included in each committee's survey of activity. These surveys are a matter of public record.

By including this information, the taxpayers will be able to directly follow the oversight activities of committees. They will have the opportunity to judge for themselves the level of scrutiny that is given to serious allegations of wasted taxpayer dollars. Our request for greater transparency is reflected in the resolution that is before us today.

We also asked for further clarification on the protections put in place to safeguard classified material. Again, the majority was receptive to our request and provided the necessary clarifications.

We have one final area of concern which I would pose as a question to the majority manager: As we work to

eliminate waste, fraud and abuse, it is essential that we do not neglect to turn the microscope inward and examine our own operations right here in this institution. The legislative branch must also be fully accountable to the taxpayer.

I would hope that legislative branch inspectors general, such as those in the Offices of the Architect of the Capitol, the Library of Congress and the Smithsonian, be subjected to the same scrutiny as other inspectors general are imposing on their parts of government.

I would ask the gentleman for a clarification in this matter. Do these legislative inspectors general fall under the definition of the Federal Office of the Inspector General pursuant to the proposed subparagraph (n)(2)?

I yield to the gentleman for his response.

Mr. CARDOZA. I thank my colleague and friend for yielding and for his thoughtful suggestions.

In fact, yes, the Committee on House Administration is covered under this resolution, and the other measures, as you have indicated, have already been incorporated as well.

Mr. DREIER. Good.

Mr. Speaker, I thank my friend for his response, and I would also like to thank the majority staff, particularly majority council Sampak Garg, for their consultative approach to this resolution. I believe that this measure puts forth a workable and effective means of improving committee oversight and I believe that the quality of the end product is a direct result of the bipartisan collaboration that took place throughout the process.

It is my sincere hope, Mr. Speaker, that future efforts of the Rules Committee can be similarly driven by consultation and collaboration.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Tennessee (Mr. TANNER), the author of the measure.

Mr. TANNER. Mr. Speaker, I thank the gentleman, and Mr. DREIER, I appreciate your comments. What we are attempting to do is to reestablish congressional oversight.

Congress authorizes and appropriates money, but we don't actually spend it. So when we are asking the administration, whoever it may be, Democrat, Republican, whoever, to come up here and explain some of the things that we have seen in the paper by this instrument we are talking about here, I think all of us benefit.

What basically H.R. 40 does is it puts in place a systematic mechanism for regular oversight, not only just waste, fraud and abuse, but, as Mr. CARDOZA said in his opening remarks, whenever there is an auditor's disclaimer, that will trigger a hearing to hopefully ask them why they had to file a disclaimer;

what is the information they didn't receive, why didn't they receive it, who is withholding it, so we can actually fix something around here for a change.

□ 1500

And then, of course, the third thing, those two look backwards sort of at what already may have happened. The third provision looks ahead.

Every year, as you know, the GAO identifies, or every Congress, high risk programs. That basically is government talk for programs that don't work as they were intended when they were passed by Congress. And so, when that happens, there is a hearing to identify those high risk programs into the future so that we can either fix them or abolish them.

Without getting into it, there were some 13,000 IG recommendations, Inspector General recommendations that went unattended in recent years. That is not only our fault, but it is, in my view, a dereliction of the duty of the Congress as a separate and independent branch from this or any other administration. And so what we are attempting to do, again, is to put in place a systematic, structural oversight mechanism where the House will look at not only what we are going to do, but what we've already done.

And so, again, I appreciate your comments.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to our hardworking new ranking member of the Committee on Oversight and Government Reform, my friend from San Diego (Mr. ISSA).

Mr. ISSA. Mr. Speaker, almost every day the Government Accountability Office and Inspector Generals issue a report identifying waste, fraud, abuse and mismanagement. The Federal Government is large, and we can use all the help we can get. Unfortunately, these important reports often go unread. They fall, without testimony, on deaf ears, and Congress does little or nothing about it.

I welcome the fact, Mr. Speaker, today that we are setting a baseline, a starting point for oversight by the authorization committees. I'm pleased to serve on the committee that has broad jurisdiction, and by agreement with the Rules Committee, and with the leadership of Chairman TOWNS, we have secured the fact that nothing in this rules change would limit the unlimited jurisdiction of the Committee on Oversight and Reform to, in fact, look at these same reports and to hold hearings on any one or any 13,000 of these various remaining claims as the Bush administration leaves.

Mr. Speaker, I want to speak particularly to Mr. TANNER's statement which, I think, was appropriate, and should be dealt with. During the Bush administration, 98,000 such findings came out of the GAO and the IGs. 13,000 were not

dealt with during that administration, roughly a 14 percent leftover.

I look forward to the fact that the Government Oversight and Reform Committee will have the help of all the authorization committees to look into those, and I look forward to working on a bipartisan basis, both within the committee of primary oversight and with each the committees of jurisdiction, because I think it's important that as we allow a new administration to set goals, we deal with all of the leftovers, the 13,000 that perhaps would have been taken care of in the ordinary course, but now need to be quickly looked at so the new administration can get on to its agendas. And of course, as time goes on, I suspect that we will be looking at failures that occur on the new President's watch.

I look forward to working with the gentleman from California on a bipartisan basis, to deal with the remaining roughly 14 percent of those that occurred on President Bush's watch.

I look forward to this legislation. I once again commend Chairman TOWNS for his work to make sure that the committee of primary oversight is not limited by this resolution. We've been assured that it isn't.

Mr. CARDOZA. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) has 13 minutes remaining. The gentleman from California (Mr. DREIER) has 14 minutes remaining.

Mr. CARDOZA. Mr. Speaker, I would like to now yield such time as he may consume to Mr. TANNER to insert an item into the RECORD.

Mr. TANNER. I thank the gentleman for yielding.

PROJECT ON GOVERNMENT OVERSIGHT,
Washington, DC, January 13, 2009.
Representative JOHN TANNER,
1226 Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE TANNER: Thank you for the opportunity to present the views of the Project On Government Oversight (POGO) regarding H.Res. 40, which requires each standing committee of the House of Representatives to hold periodic hearings on the topics of waste, fraud, abuse, and mismanagement. We believe that having such a systematic approach to oversight enshrined in the Rules of the House would greatly enhance Congressional oversight of executive agencies' programs and functions.

As you may know, POGO is a non-partisan nonprofit that for more than 27 years has investigated and exposed corruption and other misconduct in an effort to make federal agencies more effective, accountable, open, and honest.

For the past 18 months we have been engaged in an in-depth study of the Inspector General system, examining both the law and how the system works. We issued one report last February on issues affecting IGs' independence (www.pogo.org/pogo-files/reports/government-oversight/inspectors-general-many-lack-essential-tools-for-independence/go-ig-20080226.html), and are pleased to note

that several of our suggestions were incorporated into last year's Inspector General Reform Act (H.R. 928, P.L. 110-409). We are planning to issue a second report in the coming months regarding IGs' performance and accountability.

One of our conclusions is that Congress needs to pay much more attention to the work of both IGs and the GAO. Too often reports on important issues are left languishing, unread, on the desks and shelves of Congressional staffers. It has been 30 years since Congress created the IG system, and we believe it was a brilliant and unique concept—to place internal watchdogs in most federal agencies where they would both prevent and root out waste, fraud, and abuse, and encourage federal programs to be more effective and efficient.

However, this wonderful system can only work if Congress pays attention to the resulting reports. Inspectors General have no enforcement powers. They cannot force an agency to do anything. If an agency will not fix a broken program, then it is up to Congress to force them to do so.

Frankly, there are two problems with Congress's ignoring IG reports—one is the more common, when the IG has done good work and makes important recommendations that need to be but are not implemented. The other problem is the flip side to this—some IGs produce only mediocre work and do not challenge their agencies aggressively enough. Congress needs to pay attention in both cases.

For all of these reasons, we support the passage of H. Res. 40 to require each House committee to conduct at least one hearing during each 120-day period regarding waste, fraud, abuse, and mismanagement of the agencies under its jurisdiction; at least one additional hearing if there are disclaimers in any agency's financial report; and at least one additional hearing if a program is listed as "high risk."

Again, we appreciate your asking us for our views and look forward to working with you to make Congressional oversight more aggressive and effective.

Sincerely,

DANIELLE BRIAN,
Executive Director.

Mr. CARDOZA. Mr. Speaker, I would like to now yield 2 minutes to the gentleman from Wisconsin, my very good friend, Mr. KIND.

Mr. KIND. Mr. Speaker, I rise as one of the leaders of the new Democratic Coalition in strong support of this resolution. And I commend my two good friends from Tennessee and California for bringing this resolution before us and for the leadership that they have consistently shown on all matters pertaining to fiscal responsibility in this place.

This legislation is the proverbial disinfectant that we are in desperate need of. By systematically requiring the committees of jurisdiction to periodically hold hearings in order to identify and root out waste, fraud and abuse and mismanagement in the Federal agencies and with the Federal programs, it's an important step for us to get our fiscal house in order.

This is a bipartisan problem, and it's going to require a bipartisan solution for it. So I'm encouraged that our friends across the aisle also see the

need and the necessity to move forward in this systematic fashion to deal with it. This, coupled with President-elect Obama's decision to create and to appoint a chief performance officer in the White House, I feel, is a good, 1, 2 punch in order to root out some of the redundancy and excess waste and abuse that takes place with Federal programs.

But we should also be clear that this is a first step of many steps that we will have to take to get our fiscal house in order.

Unfortunately, the economy's tanking and in the short-term, we're going to be dealing with a stimulus package which will all be deficit financing; and there's great consensus that we have to do it. But in the long term, the picture looks very bleak.

In fact, the Treasury Department last month issued their annual audit report that shows that over the next 75 years, we have a \$57 trillion unfunded liability facing our Nation; clearly, a glide path to unsustainability. That's more the net worth of all of us in this Country. And at some point we have to put a formal process in place, whether it's the creation of a fiscal commission or some form of bipartisan budget summit to deal with a long term strategy to get this fiscal house back in order. A \$57 trillion unfunded liability sets the next generation up for failure. This, along with more efforts on fiscal responsibility, is something we're going to have to come to grips with very shortly. I encourage my colleagues to support the resolution.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to respond to some of the remarks made by my friend from Wisconsin. I have to say that this notion of our working together to put in place what I believe should be a bipartisan, bicameral effort to deal with this overall question of budget process reform is something that I've been privileged to champion for a long period of time. And I think that it is now way, way, way, overdue.

I personally am a strong proponent of our moving towards a biennial budget process. I think that if you look at the potential benefits to having the Federal Government contract on a 2-year basis for something like energy, think of what the savings for the U.S. taxpayer would be.

And if you look at a wide range of other areas, as many States have done, the notion of having a 2-year cycle would enhance our ability to do exactly what this resolution is encouraging, and that is, greater oversight. So I think that that is something that is important, and I hope that we will be able to put that into place.

And with that, Mr. Speaker, I am very happy to yield 2 minutes to our hardworking second-term Member, the gentleman from Urbana, Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Mr. Speaker, I rise today in support of the resolution.

Look, we all know the facts. We've got a \$10 trillion national debt. I believe last November the Treasury Department reported that we ran the largest single monthly deficit in American history. From 1789 to 1987 we accumulated \$2 trillion in national debt. This fiscal year, and last fiscal year we will add \$2 trillion. So what it took us 200 years to do, we've done in 2 years.

This is a good first step, something we need to do. And we need to look at every single line item in the Federal budget, every single agency. And so I want to applaud both parties and the President-elect for bringing this forward.

I gave a speech the other night back home in Ohio and I said to the group, I said, who's going to bail out the bailout? And everyone kind of looked at me because they get it. They understand it's going to be the American taxpayer. Worse yet, it's going to be future American taxpayers, our kids and our grandkids. And so it's important that we do everything we can to look at where there's waste, where there's redundancy, where there's fraud, where there's crazy things in the Federal Government that we need to get a handle on and reduce spending so we can help families in the future and continue this great country that we call America.

Mr. CARDOZA. Mr. Speaker, I would like to thank the thoughtful words of both our previous two speakers. I think their suggestions are very well-taken.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from New York, the chairman of the Government Oversight Committee, Mr. TOWNS.

Mr. TOWNS. Mr. Speaker, I rise in support of this amendment to the House rules that emphasizes the importance of congressional oversight.

As Chair of the Committee on Oversight and Government Reform, I am pleased that this resolution requires all standing committees to include reviews of waste, fraud and abuse in their regular schedule of hearings. We need to attack waste, fraud and abuse every way that we possibly can.

This rule, in no way diminishes the jurisdiction of the Oversight Committee. Instead, it complements the Oversight Committee by ensuring that our committee's focus on government accountability carries through to the authorizing committees for each agency.

The ranking member, Mr. ISSA, and I agree that the Oversight Committee will continue to review all of the GAO and Inspector General reports that our committee receives, and consider whether a hearing in our committee would be appropriate. I look forward to working with him and with all of the Members of the House towards our shared goal of making government

work more efficiently for Americans, and also to make it much more transparent and this is what this amendment does, and that's the reason why I'm supporting it.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois, a leader in the effort to bring fiscal responsibility back to this institution, Ms. BEAN.

Ms. BEAN. Mr. Speaker, I rise today as a proud cosponsor of this legislation that encourages adoption in the House rules. I'd like to thank Mr. CARDOZA and Mr. TANNER for their leadership since we first introduced it in the 109th Congress.

Mr. Speaker, I came to Washington from the private sector, where accountability and performance measurements are naturally part of best practices. As a Member of Congress I've long advocated for increased transparency and oversight of government spending and performance. As the people's representatives, we have a responsibility to hold Federal Government agencies accountable for the tax dollars that they receive and the services they provide.

And, like my colleague from Wisconsin, I applaud the President-elect's appointment of a chief performance officer. So we have Executive Branch measurement of government results as well.

Although the last Congress improved agency and program oversight, this resolution takes accountability to the next level. House Resolution 40 mandates committee hearings every 4 months when reports suspect agency level waste, fraud or abuse of taxpayer dollars.

Furthermore, whenever an agency or program fails its annual audit, additional hearings are required to ensure changes are enacted to prevent the continuation of business as usual.

Finally, Congress, working with the GAO, will hold hearings to investigate those programs, departments or entitlements deemed high risk for abuse, such as the 2010 census.

Particularly in a time of economic uncertainty, Americans rightfully expect Congress to create higher standards and practices to eliminate waste, fraud and abuse. Unfortunately, for the last 12 years the GAO has been unable to analyze the financial balance sheet of the U.S. government due to numerous agencies failing their audits. As we work to stabilize our financial markets and stimulate this economy, we must also attend to long-term fiscal restraint and responsibility.

With this resolution and resulting hearings, Congress will have the information necessary to make the tough choices needed to bring our fiscal house in order. These practices will ensure greater return on taxpayer outlays.

Again, I thank Mr. TANNER and Mr. CARDOZA for their leadership, and en-

courage bipartisan support of this legislation.

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Mr. DREIER. Mr. Speaker, I am going to continue to reserve the balance of our time.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to a member of the Blue Dog Coalition, the gentleman from Mississippi (Mr. CHILDERS).

Mr. CHILDERS. Mr. Speaker, I rise today in support of House Resolution 40, authored by my good friend from Tennessee, Congressman JOHN TANNER.

Waste, fraud, abuse, and mismanagement are four adjectives the American people should not associate with government spending. I applaud Mr. TANNER's efforts over the years to bring accountability back to Federal spending.

As a longtime businessman from north Mississippi, I can certainly tell you that waste, fraud, abuse, and mismanagement are not common practices in the business community throughout the First Congressional District of Mississippi or in the Eighth Congressional District of Tennessee as far as that goes.

The current economic situation now, more than ever, demands that this Congress spend every taxpayer dollar with the utmost responsibility and care. In the event hardworking taxpayer dollars are being squandered, we, Congress, have an inherent task to put an end to poor financial decisions by government officials who do not understand the daily grind that the vast majority of the American people face.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman an additional 30 seconds.

Mr. CHILDERS. House Resolution 40 is an effective step towards ensuring this country gets back to fiscal responsibility, the same responsibility American families face routinely.

Again, I applaud Congressman TANNER's leadership in bringing this good piece of legislation to the floor, and I look forward to its swift and immediate passage.

Mr. DREIER. Mr. Speaker, in light of the bipartisan nature of this resolution that we're considering here on the floor, I would like to inquire of my friend if he would want me to yield him any additional time that he might need on his side.

Mr. CARDOZA. I very much appreciate the gentleman's request. I think we have enough time for the concluding speakers.

Mr. DREIER. Just in case you need any additional time, please don't hesitate. I would be happy to yield it to you.

With that, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I rise today to join my fellow Blue Dog Democrats in strong support of House Resolution 40. I want to thank Mr. TANNER, Mr. CARDOZA and Chairman TOWNS for the leadership that they have provided on this subject matter.

When you look at taxpayers, taxpayers want a government that is efficient, effective and accountable. This is what this legislation does. It does provide an efficient, effective and accountable government.

It is always difficult for Congress to agree on exactly where America's tax dollars should go, but we all agree on where they should not go. In these difficult economic times, America can scarcely afford to throw tax dollars into the waste bin of fraud, abuse and mismanagement.

Unfortunately, in the battle against waste, Congress does not have enough information, and we do not have any formal mechanism to investigate allegations of wasteful spending. This legislation sets up a mechanism. This is why today's legislation is a major step towards strengthening government accountability.

Mr. Speaker, I strongly support H.R. 40. I thank Mr. TANNER, Mr. CARDOZA and Mr. TOWNS for their leadership.

Mr. DREIER. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I am also prepared to close, so I will allow the gentleman to close.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time to simply say that I hope very much that this spirit of bipartisanship that has been exhibited here today in our quest to ensure that we responsibly ferret out waste, fraud and abuse and empower those inspector generals across the spectrum, including right here in this institution, will be an example and a model for the days, weeks, months, and years ahead.

We have all been inspired by the words of President-elect Obama in which he has said that he wants to work in a bipartisan way. As I've said here on several occasions in the past week, I was pleased to receive a call from him, as I know many of my colleagues on this side of the aisle have received telephone calls from him, saying that he wants to work with us and that he wants our input.

I will say, up until this moment, Mr. Speaker, I have been somewhat troubled over the issues that we have addressed that have completely shut out any opportunity for the minority to participate. The evidence of that took place on the last vote that we just went through on the very important State children's health insurance plan.

At this moment, we have the Rules Committee hearing the amendment process for the troubled asset rescue package. TARP 2, it's called. Unfortu-

nately, there has been no opportunity for minority input on this issue. If you look at the votes that we held last week, we had two closed rules that came right out of the chute, and they prevented the minority from having any opportunity to participate. Then if we go to a week ago yesterday, unfortunately, the opening day rules package, from my perspective, did shred this Obama vision that has been put forward of trying to work in a bipartisan way.

At this moment, we are dealing with an issue, that being our quest to ferret out waste, fraud and abuse and to talk about how we can responsibly deal with ensuring that we do not waste taxpayer dollars.

I commend my colleagues on the other side of the aisle who have joined in that effort. This measure is being considered under suspension of the rules. We know that everyone is going to be voting in favor of it.

While the Framers of our Constitution wanted there to be a clash of ideas, at the end of the day, it is imperative that we come to a resolution in a bipartisan way, I believe, if we're going to responsibly govern. Let's hope that this resolution designed to deal with responsibly ensuring that we do not waste taxpayer dollars is, in fact, a model for the future.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I would also like to conclude my remarks by simply saying this:

As we know all too well, despite the Blue Dog Coalition's best efforts and the efforts of many other efforts on both sides of the aisle in this Chamber, cutting spending is never easy, but ladies and gentlemen, enough is enough. It is high time that we audit America's books. It is a moral imperative that we stop spending taxpayer dollars with reckless abandon and start making tough decisions, because the choices we make today will impact what we will be able to do to provide for our children and for our grandchildren tomorrow.

I ask my colleagues on both sides of the aisle to support this commonsense legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support Res. 40, "Amending the Rules of the House of Representatives to require each standing committee to hold periodic hearings on the topic of waste, fraud, abuse or mismanagement in Government programs." This resolution was introduced in the 111th Congress by Congressman JOHN TANNER of Tennessee. This resolution provides for greater oversight concerning taxpayers' money. It allows for the congressional standing committees to evaluate Government program spending. I urge my colleagues to support this resolution. Support of this resolution would signal a definite and progressive change in the new Congress and would be an important building block for President-elect Barack Obama's administration.

This legislation is important because under the Bush administration there has been much waste, fraud, abuse and certainly mismanagement, such as Iraqi contract abuses with Halliburton, the mismanagement of Katrina, and the overuse of "cost-plus" contracting.

It is of the utmost importance to keep our Government running as efficiently and cost effectively as possible. This resolution would require each standing committee, or subcommittee thereof, to hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in Government programs. Inclusion of a systematic approach to oversight in the rules of the House, through this resolution, is a key step forward in ensuring that tax dollars are spent wisely.

The 111th Congress will continue to focus on restoring accountability and strengthening oversight and has the duty to stop Government waste and to become resourceful. During this present time of economic and environmental distress, it is imperative that we evaluate our current practices and improve upon them.

As the former Governor of Wisconsin Mr. Gaylord Nelson once said, "The ultimate test of man's conscience may be his willingness to sacrifice something today for future generations whose words of thanks will not be heard." Let us take the first step in eliminating waste and do our part for future generations.

Our constituents have faith in us as Members of Congress to use their tax dollars prudently and for programs which are practical and relevant. We have a duty to oversee those programs which our committees authorize and make sure that all funds and resources distributed are used in a wise and frugal manner.

Unfortunately, over the last several years, we have seen massive cases of waste, fraud and abuse. A report prepared by the Special Inspector General for Iraq Reconstruction reportedly labels the Iraq reconstruction effort "a \$100 billion failure"—marked by poor planning, waste, and deception.

Congress can no longer turn a blind eye while taxpayer money is abused and wasted. We must support H. Res. 40 and continue to implement measures which increase oversight if we are to be accountable to the people. Again, I urge my colleagues to support this much needed and thoughtful legislation. By our support, let us signal to the American people that we are a new Congress that has a renewed spirit and interest in increasing accountability. Indeed, we are accountable to our constituents and to the American people.

Mr. ROYCE. Mr. Speaker, for years I have introduced government waste legislation that would set up a commission to identify waste, fraud and abuse in the Federal Government. It's similar to the Grace Commission of the 1980s. I believe strongly, as does Mr. TANNER, the sponsor of the resolution we're debating today, that we have a responsibility to oversee the spending of taxpayer money. And clearly, the American people feel that we have all abdicated that responsibility, both Republicans and Democrats. It is an indisputable fact that Washington is excellent at spending money on new programs. It almost never ends programs.

Today we are on the eve of passing a second stimulus bill that may cost \$1 trillion. These are dollars we don't have. If it does pass, with this one bill, Congress will double the already \$1 trillion deficit. I can remember when we were concerned about the total national debt being that large—and now the national debt is \$10.6 trillion. This debt level is an economic and national security calamity.

So what are we doing about this? We are debating this bill, which changes the House rules to require the committees to hold hearings on waste, fraud and abuse. That's good, as far as it goes. The Washington Post recently editorialized, "It's easy to find the fat in the federal budget. What's hard is getting rid of it." One of my committees is Foreign Affairs. President-elect Obama has committed to ramping up foreign aid spending. With today's resolution, I'm looking forward to my committee finding the waste in what we already are spending on foreign aid. Then we'll see if Congress does anything about it.

In selling the trillion dollar stimulus to the American people, the President-elect has said, "We will go through our Federal budget—page by page, line by line—eliminating those programs we don't need, and insisting that those we do operate in a sensible cost-effective way." Despite the strong Washington bias towards spending, despite years of failed efforts to end wasteful Government programs, I take our incoming President at his word, and wish him well. But it is important to realize, even if the President and Congress are successful far beyond any level of cutting that has ever been seen, total cutting would pale in comparison to the deficit and debt we are wildly running-up. This bill, which is the right thing to do, is no offset to the trillion dollars this Congress appears set to approve.

Mr. KRATOVIL. Mr. Speaker, I rise in full support of H. Res. 40 because I believe that not only is it a good idea for Congress to investigate waste, fraud and abuse, but I believe it is our Constitutional responsibility to do so.

The American people have lost faith in this institution. They no longer trust Congress to spend their money wisely and have grown increasingly cynical about our ability to provide needed oversight.

They expect us to safeguard their money the same way we would our own children's college funds or our retirement accounts—we must meet this expectation.

The current economic environment demands financial responsibility. We can no longer allow our Nation's finite resources to be squandered while families in our districts are struggling to make ends meet.

What this resolution does is ensure that Congress is fulfilling one of our most basic functions. It calls for at least three hearings a year, one every 120 days, on the topic of waste, fraud, abuse and mismanagement.

This is an opportunity to show our constituents that we are serious about changing Washington and putting an end to the reckless and dangerous spending that in part helped create the unfortunate economic environment in which we find ourselves.

Many of us campaigned that we would come here to do our best to change Washington; taking steps to eliminate waste, fraud and abuse is a good start.

This is a good resolution that protects taxpayer dollars. I urge my colleagues to support H. Res. 40.

Mr. DRIEHAUS. Mr. Speaker, the American people sent the 111th Congress to Washington based on the promise that we would make government work again for every single person in this country. We cannot work to fulfill that promise if the government programs that we control are riddled with abuse and mismanagement. The reports of waste, fraud and abuse that have permeated the Federal Government are staggering. If we are going to change the way things are done in Washington, our first step must be to clean our own house. We need to put in place real oversight so that we can root out the problems where they exist. We need increased transparency so that government is held accountable by the people it serves. We need to change the business-as-usual attitude that has led to a culture of corruption and complacency in Washington. House Resolution 40 is an important part of our commitment to do right by the people who sent us here, and I applaud my friends from Tennessee and California for their leadership on this issue.

Mr. CARDOZA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 40, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARDOZA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 384, TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 53 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 53

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 53.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 53 provides for the initial consideration of H.R. 384, the TARP Reform and Accountability Act of 2009.

The rule provides for 2 hours of general debate to be controlled by the Chair and ranking minority member of the Committee on Financial Services. After the general debate, there will be no further consideration of the bill except pursuant to a subsequent rule.

Let me be clear: this rule provides for general debate only. The Rules Committee is meeting right now to consider amendments. Tomorrow, I expect the House will vote on several amendments, Democratic and Republican, to the bill.

Mr. Speaker, I rise today in support of H.R. 384, the TARP Reform and Accountability Act. I commend Chairman BARNEY FRANK and the Financial Services Committee for their steadfast commitment to reviving our Nation's economy.

Last September, the Bush administration sounded the alarm that our financial system was dangerously close to collapse. Treasury Secretary Paulson came to Congress with an astronomical funding request that he said would free up the credit markets and would prevent a bad situation from getting worse. The Bush administration asked for a \$700 billion blank check with no strings attached.

Over the following weeks, Speaker PELOSI and Chairman FRANK and the House Democratic leadership, along with Senate leaders and then-Senator Obama, worked with the Bush administration on a compromise that became the Troubled Asset Relief Program, or TARP. The TARP provided \$700 billion in two stages—\$350 billion up front and another \$350 billion when requested by the administration.

Now, I opposed the administration's original request for a blank check, but I voted for the compromise because I took Secretary Paulson at his word

that this money would be spent where it was needed. Specifically, funding would go to homeowners and to banks that were feeling the pressures of a tightening credit market. Unfortunately, the Bush administration gave most of this money to the big banks that continue to sit on too much of the money instead of lending it out to other institutions and individuals.

The stunning fact is that, of the \$250 billion provided in direct assistance to banks, only \$62.5 billion has been spent. That means that the banks are still sitting on \$187.5 billion. In my opinion, that is simply not good enough.

This economic crisis is real. This housing crisis is real, and it's not getting better. One in ten American homeowners with a mortgage was either behind in payments or was in foreclosure at the end of September. Predictions in December were that more than 8 million foreclosures, 16 percent of all U.S. mortgages, would occur over the next 4 years if nothing is done. That is quite a record for the outgoing administration.

Now, Chairman FRANK will be the first to say that we don't know how bad the economy would be if the first \$350 billion of TARP would not have been spent by the Bush administration, but we do know that it could have been spent more wisely.

The American public simply does not trust the current administration to do the right thing, and rightfully so, I should add. Through the bill we will consider later today and tomorrow, this new Congress will attempt to right the many wrongs surrounding the TARP.

We not only need better oversight on the second set of TARP funds; we also need to provide a real blueprint for how these funds are to be spent. The Bush administration clearly failed on this point, but H.R. 384 is a step in the right direction.

The bill before us today not only modifies the TARP and the TARP oversight, but it requires that between \$40 billion and \$100 billion be used for foreclosure mitigation. By March 15, 2009, the Treasury Secretary must establish a TARP Financial Stability Oversight Board approved plan to be implemented no later than April 1, 2009.

Our priority is keeping American families in their homes. While I hope the Senate will pass this bill and that President-elect Obama will sign it after he takes office, it is important that we, in the House at least, signal our intent on how this funding should be spent.

□ 1530

President-elect Obama has said that he will actually listen to and consult with Congress on important issues. And won't that be a welcome change from the current administration? I strongly disagree with those who say

President-elect Obama simply requested the funds but doesn't have a plan on how to spend these funds wisely.

The incoming National Economic Adviser, Larry Summers, recently sent a letter outlining President-elect Obama's priorities and expectations for the second set of TARP funds. Those priorities are reflected in the bill we will consider today and tomorrow.

I will insert Secretary Summers' letter into the RECORD following my remarks.

While we should take President Obama and his adviser at their word, we should not do so blindly. Trust but verify, and that is what we will do.

Mr. Speaker, my constituents are frustrated and frightened. Many are afraid that they will lose their homes and that their lives will be turned upside down. These are good, honest, hardworking people who have fallen on hard times. Some tell me that they have been to their lenders, many times, in an effort to prevent foreclosure, only to be told, "There is no help available. Simply wait to default." That's not right, and with this bill, we will address this problem.

Our economy won't get better overnight, but it can get worse. This funding is needed, but we cannot release it without a plan on how it will be spent. The economy is not just about banks and investment houses. It's not just about Wall Street. It's about the small businesses and community lenders on Main Street. It's about the families and individuals trying to make a living and improve their lives on the side streets. Allowing banks to hoard taxpayer money, as the Bush administration has done, doesn't help the people in Worcester and Attleboro and Fall River. But dedicating funds to help the mortgage crisis and move money through the credit markets is exactly what is needed, and this bill will do that.

I strongly support Chairman FRANK's bill, and I support the incoming administration's stated goals, and I urge my colleagues to vote for this bill.

THE OFFICE OF THE PRESIDENT-ELECT,
Washington, DC, January 12, 2009.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.
Hon. JOHN BOEHNER,
Republican Leader,
House of Representatives.
Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. MITCH MCCONNELL,
Republican Leader,
U.S. Senate.

DEAR MADAM SPEAKER, LEADER BOEHNER, LEADER REID, AND LEADER MCCONNELL: As the President-elect recently stated, "we start 2009 in the midst of a crisis unlike any other we have seen in our lifetime." He strongly believes that while the American Recovery and Reinvestment plan is critical, it alone will not solve all the problems that

led us into this crisis. We must work with the same sense of urgency to stabilize and repair the financial system to address his primary concern: that we maintain the flow of credit that families and businesses depend on to keep our economy strong. It was that concern that led the President-elect to support the financial rescue plan back in September. If we had not all acted together—Democrats and Republicans—this economic crisis would have already become an economic catastrophe, with even more jobs lost and more businesses closed.

But the President-elect also shares the frustration of the American people that we have seen too little effect from this rescue plan on jobs, incomes, and the ability of responsible homeowners to stay in their homes. He believes the American people are right to be angry with the way this plan has been implemented. President-elect Obama believes there has been too little transparency and accountability; too much upside for financial institutions and executives who acted irresponsibly without providing enough help for small business owners, families who are struggling to keep their jobs and make ends meet, and innocent homeowners.

That will change when President-elect Obama takes office. Today, he is asking for the authority to implement the rest of the financial rescue plan because the American people need to know that going forward our government has the resources to do whatever is necessary to stabilize our financial system and protect our economy from a potential catastrophe. With the first half of the rescue package now committed, President-elect Obama believes the need is imminent and urgent. We cannot afford to wait.

It is important that we act both quickly and wisely. The President-elect is committed to using the full arsenal of tools available to us to get credit flowing again to families and businesses. He will ask his Department of Treasury to put in place strict and sensible conditions on CEO compensation and dividend payments until taxpayers get their money back. He will also direct them to ensure that assistance goes not just to large financial institutions, but that we put forward a comprehensive effort to get funds flowing again to community banks; the small business owner who has perfect credit but can't get a loan to make payroll; the student who can't get financial assistance for college; and the consumer who wants to buy a car. He will also do more to help Americans who are seeing their home values plummet as a result of this foreclosure crisis. And he will make sure that the American people can see how and where this money is spent so they can hold us accountable for the results. Those are the changes the American people are demanding, and those are the changes that President-elect Obama is committed to making happen. In particular, he will call for:

1. Use Our Full Arsenal of Tools to Get Credit Flowing Again to Families and Business: The President-elect believes we must take all necessary steps to protect the integrity of our financial system and prevent the failure of financial institutions that would have catastrophic effects of our economy. We must also do everything in our power to ensure our efforts are more directly reaching Main Street. It is neither right nor sound economic policy to allow the small businesses that are responsible for more than two-thirds of job creation and entrepreneurs and who have worked hard and played by the rules to be victims of this credit crisis that they were not responsible for creating. We

will work in close cooperation with the Congress, the Federal Reserve and other agencies to strengthen financial institutions and restart lending for small businesses, auto purchases, and municipalities.

2. Reform Our System of Oversight, Regulation and Management of Financial Crises: President-elect Obama is committed to ensuring a full and accurate accounting of how the Treasury Department has allocated the funds spent to date and going forward. And we will report on a continuous basis the earnings and repayments the federal government receives from financial institutions who have been recipients of financial rescue assistance. We will work with Congress to strengthen oversight and move quickly to reform a weak and outdated regulatory system to better protect consumers, investors and businesses. And we will operate as one government with strong coordination among all major financial regulators. He has asked his Treasury Department and economic team to analyze the recommendations of the Congressional Oversight Panel and other oversight bodies and implement those we believe will make the program more effective. And since this is a global crisis, we will work with the G-8 and within the G-20 to ensure international coordination on recovery, financial and regulatory policies.

3. Launch a Sweeping Effort to Address the Foreclosure Crisis: The President-elect has directed his White House and Cabinet to work with Congress immediately to implement smart, aggressive policies to reduce the number of preventable foreclosures by helping to reduce mortgage payments for economically stressed but responsible homeowners while also reforming our bankruptcy laws and strengthening existing housing initiatives like Hope for Homeowners. Confronting this challenge is an absolute imperative if we are to restore the health of our housing sector and the financial system as a whole.

4. Impose Tough and Transparent Conditions on Firms Receiving Taxpayer Assistance: The President-elect has directed his Treasury Department to monitor, measure and track what is happening to lending by recipients of our financial rescue assistance. We will ensure that resources are directed to increasing lending and preventing new financial crises and not to enriching shareholders or executives. Those receiving exceptional assistance will be subject to tough but sensible conditions that limit executive compensation until taxpayer money is paid back, ban dividend payments beyond de minimis amounts, and put limits on stock buybacks and the acquisition of already financially strong companies. Finally, our actions must always support rather than impede the orderly restructuring of our financial system.

5. Maximize the Role of Private Capital and Plan for Exit of Government Intervention: We will invest taxpayer money only when sufficient private capital cannot be attracted. We will seek to replace investments made by the U.S. Government with private investment as quickly as possible.

President-elect Obama believes it is not too late to change course, but it will be if we don't take dramatic action as soon as possible. We cannot allow the failures of the past to prevent us from doing what we must to secure America's future. The President-elect is committed to working closely together with the Congress on all aspects of our financial recovery plan—both for financial stability and for jobs and economic

growth—until we, together, help our nation pass through this economic storm.

Sincerely,

LAWRENCE SUMMERS,
Director-designate,
National Economic Council.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by expressing my appreciation to my friend from Worcester, the distinguished vice chairman of the Committee on Rules, Mr. MCGOVERN, for yielding me the customary 30 minutes.

Mr. Speaker, when Congress passed the financial rescue bill, we only released half the funds. We put in place a mechanism requiring the President to come back to Congress to ask for the second half of taxpayers' dollars. This was necessary to ensure accountability to the process, and I strongly supported the notion of not providing a \$700 billion blank check. The actions of the Treasury would have to be justified under this new structure that we have. If Congress wasn't convinced that the initial money was wisely and appropriately spent, we would have the opportunity to block the release of the remaining funds.

Mr. Speaker, I, for one, am one who is not yet convinced. Very serious questions have been raised regarding the handling of this program. Where has the money gone? How have the recipients of assistance used these taxpayer dollars? What protections and safeguards have been put into place? What mistakes have been made, and what are the lessons learned? Has this program been effective? Should it be modified? Are the remaining funds necessary?

These are all critically important questions that must be investigated and must be answered. It would be downright reckless to release another \$350 billion without a thorough vetting of these very tough issues.

Unfortunately, the Democratic majority is not interested in that thorough vetting about which I've just spoken. The underlying bill, we're told, is intended to restructure the financial rescue program to bring more accountability and transparency to the process, yet not one single hearing has been held on this bill. No markup was held, no opportunity to hear expert testimony or receive input from our constituents.

Mr. Speaker, the Financial Services Committee is just in the process of organizing. I think they may have done so today. But they've not gone so far as actually putting all of their subcommittees into place. Yet somehow, they are ready to magically fix the Troubled Assets Relief Program and adequately address all of the questions that I just outlined here.

Again, Mr. Speaker, I am not convinced. With all of the talk of bailouts and trillion dollar stimulus bills, some

of my colleagues may have grown accustomed to the idea of very, very extravagant spending. I know this may be perverse, but I still consider \$350 billion to be an enormous amount of taxpayer dollars. We can't be so cavalier with the American people's hard-earned money that we would ignore very serious questions about how such a large sum would be spent.

While the underlying bill does not release this money, it does set the stage for it to be released. Today's bill is meant to assuage concerns about the financial program and give the veneer—and it is nothing more than a veneer—of transparency and accountability. It's meant to provide, with all due respect, political cover.

When we do vote on releasing the new funds, the Democratic majority wants to be able to say that it's not writing a blank check. They want to be able to say that they fixed the process and responded to the concerns that have been raised. I would say to my colleagues, don't be fooled.

This is a hastily written bill, and we saw a very, very contentious exchange in the Rules Committee last night that underscored that. It's been hastily written, and it has never been subjected to scrutiny, as our colleagues on the Financial Services Committee made very clear last night.

Congress was right to reserve the ability to block funding for this program until proper oversight could be conducted. We should not shirk our obligation to exercise that authority. We should not be so gullible as to believe that transparency and accountability can be enhanced by a completely closed and irresponsible process.

Mr. Speaker, as we've all been saying, the economic crisis that we face today is clearly our biggest challenge, and we all feel—Democrat and Republican alike—a sense of urgency in addressing it.

Mr. Speaker, urgency does not preclude responsibility. We are not asking for a needlessly lengthy process. We're simply asking for some semblance, some semblance of due process at all. Those who argue that we must act immediately on this bill should consider the statement of our colleague (Mr. FRANK) when he said to the press yesterday as the author of this legislation, he indicated that it would likely never become law. He last night said the same to our Rules Committee.

Rather than rushing to dispense with an exercise in futility, we should be conducting true oversight and developing a real solution.

The only way to responsibly and effectively address the concerns that have been raised is to have a full, open, and accountable process. We need a bill that is developed through public hearings and a committee markup, through bipartisan collaboration—something that we just saw with the resolution

that is going to pass and passed on voice vote here, the last measure we just went through—this can be done. But we need to do this very, very important issue of addressing this \$350 billion through a process that is bipartisan with collaboration and real debate.

Mr. Speaker, it saddens me to say that this bill fails on all counts. I urge my colleagues to vote against the rule. This rule is simply going to allow for general debate. Right now the Rules Committee is hearing proposed amendments to this measure, and I know that in excess of 70 amendments have been submitted to the committee. But I will say that regardless of how those turn out, the fact that we have ignored completely the committee structure, the deliberative process that should be used for this, leads me to urge my colleagues to oppose this measure.

Mr. MCGOVERN. Mr. Speaker, I just would like to make the record clear for my colleagues who are listening to this debate.

Chairman FRANK has held numerous hearings on this issue before the TARP legislation became law, during the implementation process, during our break. I mean, he and his incredible staff have been working nonstop monitoring this issue, letting colleagues know what is happening on this issue. So I don't want anybody to come away from this debate thinking that nothing has been going on, that no monitoring has been going on.

The bill that is before us today is a product of the concern and the frustration and the disappointment with the way this administration has been implementing this.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. Let me finish my statement.

That is what the product before us today is.

And I should further state, Mr. Speaker, that we do have an urgent situation. I hear numerous people say that we have time to delay, delay, and delay. As we speak there are people in my district—and I would say, Mr. DREIER, there are probably people in your district who are about to lose their homes.

People are looking for help, and we need to respond immediately. We do need to do so responsibly. So the days of delay and indifference are gone with a Democratic majority and a new Democratic President.

We believe that President-elect Obama will do the things that we all think are important to do. The point of this legislation is to make it clear to him that we expect him to do that. And we would like the Senate to act. But as the gentleman from California has said many times to me over the years when I have raised the issue about action we have taken on the House floor when I

believed the Senate would not take action, I would always be reminded that we should not be precluded from taking action on something just because what the other body may or may not do.

I want the House of Representatives to lead on this issue. I want us to make it clear that we care about those people on Main Street who are losing their homes, we care about those small businesses that can't get credit. This is an urgent situation.

I yield the gentleman 30 seconds.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me quickly say that I recognize that action in the 110th Congress was taken, and I herald that. We have many new Members on both sides of the aisle. This is a new Congress, and the notion of completely throwing regular order out the window when it comes to the question of dealing with \$350 billion is wrong.

Yes, I have constituents who are losing their homes, just as all of our colleagues do, and that's why I believe we need to responsibly come forward and ensure that the taxpayer dollars that are involved will go directly to eliminate this problem. And that's what my concern is, that we, in fact, are not allowing that to take place with the kind of deliberation that regular order in this institution calls for.

Mr. MCGOVERN. Mr. Speaker, these are extraordinary times. This bill directs the next President of the United States on how to spend the money. And this bill specifically says that a minimum of \$40 billion has to go to dealing with the mortgage foreclosure crisis in this country.

So if we want to take action and make sure that the next President takes the right action, we need to support this bill. The days of delay, the days of indifference, the days of putting off our problems are gone. We have a new President and a new Congress that is going to respond to these problems and fix these problems.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H.R. 384, the Troubled Assets Recovery Program Reform Act of 2008 and thank Chairman FRANK for drafting this bill.

In response to the minority leader, we're all very disappointed with this administration. We actually asked for accountability and oversight on this bill, but it didn't happen.

The taxpayers want to know what happens to the \$350-some billion, and we are all very much concerned how that money is used. That's why this bill has been redrafted—to make sure that we have the kind of accountability and oversight that needs to be in place. If we don't act, more and more people are going to suffer.

That's why I wanted to thank Chairman FRANK for supporting the amend-

ments, especially on the intended protection credit union parity and then the original public/private partnership, which I offered in this legislation.

I also want to submit a longer statement on record for these amendments.

□ 1545

Families in my district—and of course the minority leader also has family in his district—are suffering while the Nation's unemployment is at 7 percent and it's 10 percent in my district, and it's expected to climb up to 12 percent by the year 2010. The largest credit union in my district, Arrowhead, just closed 12 branches and reduced its operating budget by 10 percent. And the San Bernardino and Riverside area has the fifth highest foreclosure in the Nation.

Congress created TARP to restore our economy and provide foreclosure assistance to families in need, not to subsidize banks. H.R. 384 corrects this lack of accountability and ensures that the second round of TARP funding maximizes the assistance to homeowners, where it should be going.

I urge my colleagues to support H.R. 384 so that we may improve the health of our housing sector and local economy. And I ask them to support this rule as well.

Mr. Speaker, I rise in support of H.R. 384 because this legislation sets necessary requirements for how Treasury should draw down the remaining half of the TARP funds with new oversight and accountability provisions. It also includes important measures to ensure the TARP program maximizes assistance to homeowners, minimizes foreclosures, and targets resources for underserved communities as Congress originally intended. My bill, H.R. 472, the Family Foreclosure Rescue Corporation also gives Treasury the authority to carry out these functions, so I am pleased they are included in this Act.

In addition to these important provisions, I want to thank Chairman FRANK for including the following three amendments which I offered in the manager's amendment. I believe they will go far in further addressing the health of our housing sector and local economies.

The first of these is an amendment I worked on with Representative KEITH ELLISON that would require tenants in good standing to get adequate notice to vacate properties in foreclosure as well as to assure continued Federal housing assistance for Section 8 voucher holders who lose their homes due to foreclosure. This is especially important in light of the fact that foreclosures are resulting in evictions of homeowners as well as renters whose landlords/property owners can no longer make mortgage payments. Further, the majority of the households who are facing eviction due to foreclosure, homeowners and renters alike, are low income. As the number of people in poverty grows, the number of homeless people could rise by approximately 800,000 people per year. In my district, there are more than 7,000 people in San Bernardino County who are homeless. We must do all that we can to help those who are suffering the

so I am pleased that this bill includes these important protections.

I am also pleased H.R. 384 includes an amendment that I sponsored to enable credit unions to participate in TARP. When Congress enacted the Emergency Economic Stabilization Act, EESA, in October, credit unions were included among the institutions eligible to participate in the TARP Program. However, when Treasury decided to inject capital into financial institutions, instead of purchasing troubled assets, credit unions were effectively shut out of the program. Credit unions in my district are telling me they can't access TARP funds and that they need assistance. The largest credit union in my district, Arrowhead credit union just closed four branches and reduced its operating budget by 10 percent. The problem is that credit unions are generally not permitted by law to accept outside forms of capital. That is why I am appreciative of Chairman FRANK's willingness to include my amendment which would permit credit unions to count assistance that they receive from the Federal Government and State Governments as capital for the purposes of prompt corrective action. This amendment to the Federal Credit Union Act would permit those credit unions that need to participate in TARP to have access to the funds, just as other depository institutions do.

The third amendment I offered would help to stabilize the local economy of areas like the Inland Empire and I want to thank Representative JERRY LEWIS and KEN CALVERT for their support. The California Inland Empire where my district resides has some of the Nation's highest foreclosure rates and steepest decline in housing prices. In response, the counties of San Bernardino and Riverside, along with more than 15 cities within their borders, and over 30 businesses have come together to create the Inland Empire Economic Recovery Corporation, a public-private partnership to keep families in their homes and to restore neighborhoods and communities. This partnership works by leveraging local investment money to purchase and manage local assets. Once purchased, regional partners with the housing market expertise and the financial flexibility will be able to work closely with homeowners to keep them in their homes where outside investors cannot. A regional approach allows partnerships to manage local mortgage assets, thereby stabilizing local economies and maximizing taxpayer's investments. That is why I proposed language that will allow Treasury to consider these regional public-private partnerships when creating their loan purchase program. Giving public-private partnerships the opportunity to partner with Treasury when purchasing, refinancing, and disposing of these loans will keep families in their homes, stabilize communities, and help us achieve the greatest return on our taxpayer dollars.

I thank the chairman once again for his assistance on these amendments which I believe will further address the health of our housing sector and local economies. I urge my colleagues to support H.R. 384.

Mr. DREIER. Mr. Speaker, at this time, I am very happy to yield 3 minutes to our hardworking colleague from Humble, Texas, Judge POE.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, we are a bailout Nation, the Nation of handouts, the Nation of gimmicks. The entitlement mentality has swept this country, especially last year, and it has done so, more importantly, with the elites, like the banks who think they are entitled to somebody else's money, taxpayer money. The banks have been given \$350 billion and they're back for more, yet they refuse to tell us what they did with the first \$350 billion, even though we wanted them to.

All of us have gone to a bank to get a loan. First we fill out all that paperwork and sign our life away, but they ask us one question, what are you going to spend the money on? And then they may or may not give us a loan. But no such deal when we're dealing with banks and the people are loaning banks money. They just show up with their hand out, want the money, and refuse to tell us what they're going to do with the money or what they did with the money.

In this decade alone, Federal Government spending has grown 57 percent, \$1.2 trillion, and the American taxpayers, of course, pay the bill. According to the book "Bailout Nation," the bailouts of 2008, last year, cost Americans more than the Marshall Plan, the Louisiana Purchase, the Korean war, the Vietnam war, the Iraq war, the Afghanistan war, NASA, the race to the moon, the New Deal, and the savings and loan crisis combined; the largest example of government spending in American history and we still have no positive results from these bailouts. The economy is not significantly better, and the stock markets continue to drop.

So rather than say "bailouts aren't working, so maybe we ought to do something else," it seems our mentality is, "well, let's give them more bailout money and maybe that will work." I think that's irrational. And of course we don't have the money, we can't afford these bailouts. We're spending somebody else's money, the American taxpayer money, the middle class especially.

We have all seen these big motor homes lumbering down the freeways that have a little bumper sticker on the back that says, "We're spending our children's inheritance." Oh, we think that's kind of cute and funny, but we ought to put a sign right out here on the Capitol grounds that says, "Uncle Sam is spending your children's and grandchildren's inheritance." It seems like that is more appropo than what's taking place here; it's the philosophy that government knows better how to spend the taxpayers' money than the taxpayer. I think that's fundamentally wrong.

It's time for maybe us to rethink this idea of taking taxpayer money and giving it to certain special interest groups—the banking industry—because

government bailouts have not solved our problems, it creates them.

The best thing we can do with this bailout money is not spend it—not spend it yet, for sure—maybe even send the money back where it belongs, and that's to the American people; it's our money to manage, but it belongs to the American people.

Mr. MCGOVERN. Mr. Speaker, I just want to repeat a fact that I had mentioned during my opening speech. One in 10 American homeowners with a mortgage were either a month or more behind on payments or in foreclosure at the end of September. Predictions in December were that more than eight million foreclosures would occur over the next 4 years if nothing is done, which is 16 percent of all U.S. mortgages.

National foreclosure rates in November of 2008 were 28 percent higher than in November of 2007, with California suffering the highest foreclosure increase, up by 51 percent from the year before.

This bill provides necessary provisions to perform oversight, impose restrictions, and require reports from financial institutions receiving funding, all of which was initially intended, but the Treasury failed to do. This bill also requires that a minimum amount be spent on mortgage foreclosure to help with mortgage foreclosure relief.

The notion that we can do nothing in the face of this crisis is stunning. So I would urge my colleagues to read the bill that Chairman FRANK has put forward. And whether or not you want to support the release of the additional TARP money or not, at least vote for this bill so you can guarantee that there are strings attached to it.

Mr. Speaker, at this time, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. There is a term that many of us use in our respective communities—maybe sometimes even parents use the terminology when they've given their child a chance and that child then reneges on any commitment that they've made, we feel we've been burned. And my colleague's words from the other side of the aisle speaks from that perspective, that the American people and this Congress were burned. We yielded to the cry of this last administration that they were desperate, that the calamity of the economic crisis was going to overtake us. We did what we thought was best for the American people. So I understand those feelings and those sentiments. But we have a new day and a new President.

In a few days, we will swear into the Presidency Barack Obama. In doing so, we have to work as a team. And this President-elect has asked this Congress to work with him to restore the faith and confidence and integrity in the economic system, and to restore the

city of hope to this Nation. And that is what we're attempting to do today.

And we appreciate the work that has been done, and there should be more work. But in this bill there are limitations on executive compensation. In this bill there is an allotment that is set aside for mortgage workout. And I look forward to joining with my colleague, Congresswoman KAPTUR, in the request for more monies for the mortgage workout because of the millions and millions of people who are losing their homes. And frankly, I think the banks should be restrained in some of their predatory lending; more work needs to be done on that.

But in this bill we have the Office of Minority and Women Inclusion so that small businesses and minorities and women can be included not only in the workouts and business aspects, but they can also be in line for loans. I worked with the committee to ensure that privately owned banks could receive this funding because in the last giveaway big banks received the money not knowing where the money went, and our community banks and private banks, where people go and get credit to help them in their community, were left holding the bag, the empty bag.

And so we have legislation that there are restrictions to it. There are restrictions, as I said, to the compensation. There is the idea of investing in the community. There is a requirement that there must be a certification as to why monies can't be spent on mortgage workout.

I hope that as this bill makes its way to the White House, the reporting feature that indicates that the Treasury Department should report to Congress in 6 months should be lessened to 90 days. We don't need to let them sit on the money for that period of time and not tell us what's going on. But there is a reporting feature, and that is more than what happened when we were burned.

And so today, Mr. Speaker, I think it is important to note that we come forward with a bill that gives instruction, that it gives requirements on behalf of the American people. It is not a giveaway where we don't know where the money is being spent.

And finally, I hope an amendment will be passed that will require the Treasury to tell us how that money is being spent, and I hope that amendment will be accepted. We need to move forward to help the American people.

Thank you, Mr. Speaker, for affording me this opportunity to address the Rules Committee in support of the Manager's amendment to H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act of 2009. This amendment is an important addition to this critical legislation, which I believe can be supported by every member of this committee.

Mr. Speaker, I was pleased to work with Chairman FRANK and his staff on significant

portions of this Manager's Amendment to ensure that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds. Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation. We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that this Manager's Amendment does just this.

In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants. Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This Office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses. This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

I urge you to support this amendment.

Mr. Speaker, I rise today in strong support of H.R. 384, the Troubled Assets Relief Program (TARP) Reform and Accountability Act of 2009. This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation.

Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It's been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks, however smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

This Manager's amendment requires that the Treasury Department act promptly to permit smaller community financial institutions and specifically private banks that have been shut out so far in participating on the same terms as the large financial institutions that have already received funds.

This is a major change for millions of Americans who bank in private banks and who deserve the same access to needed capital. Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation. We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the Manager's amendment will effect this change.

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This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending (or reduction in decrease of lending) and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the Act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

Mr. Speaker, I am pleased that this legislation has strong requirements regarding executive compensation. For any new receipt of TARP funds (except those by small financial institutions), this legislation applies the most stringent non-tax executive compensation restrictions from EESA across the board including:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate statements; and
3. Prohibits all golden parachute payment for the duration of the investment.

Included in this legislation is a requirement of government board representation by authorizing Treasury to have an observer at board or board committee meetings of recipient institu-

tions. This legislation changes the structure and authority of TARP board—the Financial Stability Oversight Board is expanded to include the chairman of the FDIC and two additional members who are not currently Federal employees, who shall be appointed by the President and subject to Senate confirmation. The board will have the authority to overturn policy decisions of the Treasury Secretary by a 2/3 vote.

Mr. Speaker, the Act provides that the second \$350 billion is conditioned on the use of up to \$100 billion, but no less than \$40 billion, for foreclosure mitigation, with plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than the required minimum \$40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

1. Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor
2. Bringing costs of Hope for Homeowner loans down (beyond mandatory changes in Title V below), either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both
3. Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any writedown by existing lender Treasury may require
4. Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications
5. Purchase of whole loans for the purpose of modifying or refinancing the loans (with authorization to delegate to FDIC)

In consultation with the FDIC and HUD and with the approval of the board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in the Homeowner Emergency Relief Act, maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the Act to pay the servicers' court costs and legal fees. It also re-

quires Servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope and results of the servicer's modification activities.

In addition to the above requirements, an Oversight Panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans.

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve.

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities.

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions require Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgage rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with the highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA Deposit Insurance Limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to \$250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard

work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

Mr. Speaker, I strongly urge my colleagues to join me in support of this important legislation.

Mr. DREIER. Mr. Speaker, at this time, I'm happy to yield 3 minutes to my friend from the Harrison Township of Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise today to oppose this rule, but to reluctantly support the underlying legislation because it provides very important steps forward to providing a helping hand to our Nation's automotive industry.

And I certainly want to thank Chairman FRANK for his advocacy over the last few months on behalf of the auto industry. I also want to thank him for codifying in the legislation that the domestic auto industry is vital to our economy and national security. And providing the assistance that allows the industry to thrive in the future is in the national interest.

This bill says clearly that the auto companies and their financing arms are eligible for support under the TARP. And one only needs to look at the support already given to GMAC, whose immediate move was to free up credit. This provision is absolutely vital.

It also puts all of the stakeholders in the auto companies—workers, suppliers, dealers, bond holders, and others—on equal footing in making concessions to ensure the future prosperity of these companies.

It does not single out workers or any other group. And this is important to bring everyone to the table equally. And on that basis, I would support this legislation, although I wish it had gone further to place similar mandates on the financial industry to those being asked of the automotive industry. Mr. Speaker, we have seen the CEOs of the auto companies dragged here to Capitol Hill and ridiculed by Members of Congress. We have not seen the same treatment of Wall Street executives receiving these funds.

We have seen leaders of the auto companies asking for help being asked to work for \$1 a year. We have not seen one leader on Wall Street asked to do the same. In fact, we have seen many of those executives at companies who have already received large sums under the TARP be given huge bonuses.

We have seen autoworkers vilified and told they make too much money, and we have not seen the same treatment of workers in the financial industry. And we have seen car companies forced to submit to Congress viability plans as a condition of support. Financial companies have not been held to the same standard. It's been a double

standard. And it is long past time that those who caused our financial problems be treated at least in an equal way by this Congress as the auto companies who are, in large measure, victims of the failure of Wall Street.

Mr. MCGOVERN. Mr. Speaker, first I want to thank the gentlelady from Michigan, my Republican colleague, for making a very eloquent case as to why the bill that Chairman FRANK has put together is a bill worth supporting.

At this time, I would like to yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding to me and rise in reluctant opposition to the rule and in strong opposition to the bill.

Now, let us get this straight: Hank Paulson, the former Goldman Sachs boss, now Secretary of Treasury, wants \$350 billion more to burn after the first \$350 billion of our taxpayers' money was already wasted on the Wall Street bailout. Congress is being asked to do this a few days before a new President takes office. Hmmm, the timing of that even is suspicious just on the face of it. Why not wait until the new President takes office so he can really fix this right by using the FDIC and the SEC, as their past practices well demonstrate?

Why give all this power to Treasury? This would make sense to any reasoning person, unless of course you're one of the bankster beneficiaries who have been planning this heist for a long time. It's almost a perfect crime, too; complicated enough on the surface to intimidate the public and many in Congress by using fear of the future to mask what is being perpetrated.

The architects of this financial crime aim to cement the deal now—a perfect time—when the country is distracted, the Congress hoodwinked with no real oversight, at a moment of transition between two Presidents. The banksters aim to secure their last overdose from the U.S. Treasury with little oversight. The question is, will Congress be hoodwinked again, losing all reason?

We can't even account for what was done with the first \$350 billion, so now we're supposed to double that and give more? What we do know is that the home foreclosure crisis wasn't helped by the first Wall Street bailout. Home foreclosures are escalating, getting worse. Why trust Treasury again? Meanwhile, Wall Street mega-banks have cleaned up as Main Streets across our country have lost 10 percent of their homes to foreclosure.

The first TARP was adopted without hearings, real debate or amendments, without proper justification, safeguards or oversight. And then the Secretary of Treasury didn't do anything to help the housing crisis, instead using the money for banks to buy other banks through capital infusions, which should have been done by the FDIC anyway.

Now it appears that Congress is gearing up to give the Secretary another \$350 billion to spend on—well, it's not exactly clear on what. The legislation states that \$40 to \$100 billion is intended for some kind of foreclosure relief without specifying how it is to be accomplished. Is a \$60 billion swing between these numbers the best we can do in estimating the cost of the program? That's more than we spend on several agencies of our government combined. What is the remaining \$250 billion to \$310 billion to be used for? Who decides? Just Treasury again? Is this lunacy or collusion?

If we are going to continue putting capital into financial institutions, shouldn't we at least order the SEC to stop destroying capital through outdated real estate accounting? Shouldn't we allow the President a bit of time to see if the Fed's very aggressive monetary policy activities, coupled with enormous deficit spending we've already done, are having any effect? Why this rush? It's overtime for justice to reign down. It's time for this Congress to assume its constitutional responsibilities and not cede our power to the executive branch.

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May truth and justice will out. This bill won't get either.

I thank the gentleman very much for yielding.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply congratulate my friend from Ohio for her very thoughtful remarks and to associate myself with the remarks that she offered.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a very challenging time for our Nation and continues to be. I guess the stock market closed 1 minute ago, and when I last saw it before coming down here on the floor, the DOW was down an additional 250 points. We are going through what obviously have been difficult times all the way across the board.

My friends have pointed to the fact that we have had an unprecedented level of foreclosures on families who are in homes across the country, and my friend from Worcester correctly said that California has seen a 51 percent increase in the number of foreclosures. And it seems to me that we need to do everything that we possibly can to ensure, to ensure that the difficult economic times through which we're now going come to an end just as quickly as possible. And when I think of action that needs to be taken, I believe that we need to do what we can to ensure that the American people are

encouraged, through good public policy emanating from the United States Congress, to engage in behavior that will help us reemerge.

Now, as we look at this issue of the Troubled Asset Relief Program, the notion of without any hearing, without any deliberation, without any discussion of trying to resolve those pressing questions that have been put before us that we would just go ahead with a bill that everyone acknowledges is not going to become law as cover for us to then release the \$350 billion is just plain wrong. I personally think that we should be incentivizing the American people with private market-oriented solutions to this problem.

Now, as I said in the Rules Committee last night, what I'm about to say I know will not eliminate foreclosures, but I think it will help to get at a very important problem that has been diminishing the value of homes across this country, and that is the number of foreclosures, by encouraging people to actually have a vested interest in their home.

Unfortunately, right now homes across this country are treated like rental units. Now, what do I mean by that? What I mean is that we know that many people have put absolutely nothing down on their homes, zero down, and have paid interest rates that have been dramatically below market, meaning they have no vested interest, no equity in that home. So what has happened? People have naturally walked away from those homes because they haven't had equity in it.

And then, of course, we have the problem where, because of the diminishing value and the size of mortgages that have existed, people's value, the asset, the equity that they have in that home is substantially less than what they owe; so they've been led to walk away from it for those reasons. And it's very tragic. And we all know from having spoken with families, as I have, I've had friends who've tragically lost their homes, and it's not easy.

So a week ago yesterday, I introduced legislation that would call prospectively for us to do the following over the next 2 years: What we would do is we would say that an individual who agrees to put 5 percent down on their home, a 5 percent down payment, that they would have a \$2,000 Federal tax credit. If they were to put 10 percent down, they would have a tax credit of \$5,000. And if they put 15 percent down on that home, they would have a \$10,000 tax credit.

Now, why is it that I believe that that would play a role in solving this challenge that we have, Mr. Speaker? Because people would then have a vested interest. Remember I said that many people have put nothing down on their homes and have paid below-market interest; so they have been treated like rental units. If we will encourage

people to develop equity in their homes, I believe that that would go a long way over many of these proposed massive multi-billion dollar expenditure packages, it would go a long way towards dealing with that huge surplus, the inventory of housing that we have. So these are the kinds of creative proposals that we need to address.

Unfortunately, the package that is before us has not allowed for a single hearing, a single discussion, a single debate in the 111th Congress on it. I will acknowledge, as I said, in the 110th Congress, sure, there were some hearings that were held. But we have so many new Members of this institution, both Democrat and Republican, and they have come here and are expected to be part of this process, and they have been completely shut out when it comes to the issue of deliberation on this measure that is going to be before us tomorrow as we move through this general debate period later this afternoon.

So, Mr. Speaker, I'm going to urge my colleagues to vote "no" on this rule and "no" on the underlying legislation that is before us because it is not, it is not, unfortunately, going to create the kind of positive solution that I believe the American people deserve and expect from us.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Let me be clear that the rule that we're talking about right now and the bill that we're talking about is not whether or not we should release the second \$350 billion. That's not what this is about. There is no funding attached to this bill. The final vote will be on how the money, if released, should be spent.

There are some who want to use this as a political football, but I think that would be a mistake. We know that there is an immediate crisis, and we need to deal with that. And we also know that banks are not releasing the funding that they received from the original \$350 billion. We know that homeowners aren't getting the help that they need.

Now, I'm all for recapitalizing banks, but funds used to recapitalize banks should be used to help homeowners and to get the credit market moving again, not to raise stock prices or increase dividend payments for investors. Chairman FRANK believes that \$40 billion, a minimum of \$40 billion, of the remaining funds should be used to address the foreclosure crisis, and I agree with him. It is critical that we provide a real roadmap on how this funding should be spent.

The Congress will not be a rubber stamp of the executive branch, unlike the first 6 years of the Bush administration. We will work with the Obama administration. And I should say that

the statement by the Obama administration, the statement by Larry Summers, is all very encouraging. It demonstrates a real appreciation of what average people are going through. But having said that, we will also express ourselves on important issues like the TARP.

Mr. Speaker, people do not want to hear our words. They don't want us to feel their pain. They want us to take action. There is a real crisis in this country. People are losing their homes. And in the bill that Chairman FRANK and his committee have crafted, there are substantial efforts in this bill that will reduce mortgage foreclosures. That is a big deal in my district. It is a big deal in the districts of every single Member in this Chamber. If somebody doesn't think that mortgage foreclosures are a problem, then I would suggest they go back to their districts because there's not a district in this country where this isn't a problem.

And while we argue about, well, let's delay this some more, well, we'll do even more hearings than the hundred hearings that have already been done on this issue, well, let's attach some roadblocks so that nothing can ever happen, while we talk about all those things, people are losing there are homes.

We were elected to help solve problems and fix things and make things better for people, for average people. And that is what this bill that Chairman FRANK has crafted attempts to do. This is a good bill. This complements what President-elect Obama has said he wants to do. This will help fix things. And I will remind my colleagues that President Obama's view of the economic crisis is vastly different, thank God, from the view of President George Bush.

So this is an important piece of legislation. It is important that Members of the House of Representatives have a say in how this money will be spent if it is approved. And I would urge people to vote "yes" on the previous question on the rule, and when the bill comes up, I will urge people to vote "yes" on the underlying bill.

Mr. HARE. Mr. Speaker, I rise in strong support of this rule and the underlying legislation, H.R. 384, the TARP Reform and Accountability Act of 2009.

Let's review some of the headlines we've heard recently.

ABC News: "After Bailout, AIG Execs Head to California Resort"

NY Daily News: "Bailout will let Wall Street CEOs Keep Golden Parachutes"

Washington Post: "Limits on Executive Pay May Prove Toothless"

Enough is Enough!

We are currently facing the worst economic crisis since the Great Depression. People are losing their jobs, homes, health care, and pensions.

I joined the majority of my colleagues last Congress to give the current Administration

the authority to help restore the flow of credit in this country. In doing so, we authorized the Treasury to loan up to \$700 billion to institutions that were in danger of shutting their doors and called it the Troubled Assets Relief Program (TARP). Not passing the TARP would have led to a financial meltdown with unthinkable consequences for all Americans, including the loss of even more jobs.

While I stand by my decision, I am angered by the way the Bush Administration has carried out this program and how certain financial institutions have abused taxpayer dollars.

I also believe the financial rescue package did not go far enough in helping working Americans stay in their homes. That is why I strongly support the legislation before us today. It includes provisions that will require the Treasury to take significant steps to prevent home foreclosures.

Additionally, the bill provides necessary conditions for the release of the second \$350 billion, such as: increasing transparency and strengthening accountability; closing loopholes for executive compensation; and allowing small financial institutions to be on the same playing field for receiving funds.

This legislation must pass if we are to release the second half of the TARP funds to President-elect Obama. This is the bottom line: Either the banks spend this money to free up credit or they don't get it all. The days of CEO's enriching themselves with taxpayer money while average Americans struggle to make ends meet are over. Our country deserves better.

I urge my colleagues to vote "yes" on the rule and the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 53 will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 40.

The vote was taken by electronic device, and there were—yeas 235, nays 191, not voting 7, as follows:

[Roll No. 17]

YEAS—235

Abercrombie	Bishop (NY)	Carson (IN)
Ackerman	Blumenauer	Castor (FL)
Adler (NJ)	Boccieri	Chandler
Andrews	Boren	Clarke
Arcuri	Boswell	Clay
Baca	Boyd	Cleaver
Baird	Brady (PA)	Clyburn
Baldwin	Braley (IA)	Cohen
Barrow	Brown, Corrine	Connolly (VA)
Bean	Butterfield	Conyers
Becerra	Capps	Cooper
Berkley	Capuano	Costa
Berman	Cardoza	Costello
Berry	Carnahan	Courtney
Bishop (GA)	Carney	Crowley

Cuellar	Kildee	Price (NC)
Cummings	Kilpatrick (MI)	Rahall
Dahlkemper	Kilroy	Rangel
Davis (AL)	Kind	Reyes
Davis (CA)	Kirkpatrick (AZ)	Richardson
Davis (IL)	Kissell	Rodriguez
Davis (TN)	Klein (FL)	Ross
DeFazio	Kosmas	Rothman (NJ)
DeGette	Langevin	Roybal-Allard
Delahunt	Larsen (WA)	Ruppersberger
DeLauro	Larson (CT)	Rush
Dicks	Lee (CA)	Ryan (OH)
Dingell	Levin	Salazar
Doggett	Lewis (GA)	Sánchez, Linda T.
Donnelly (IN)	Lipinski	Sarbanes
Doyle	Loebuck	Schakowsky
Driehaus	Lofgren, Zoe	Schauer
Edwards (MD)	Lowey	Schiff
Edwards (TX)	Lujan	Schrader
Ellison	Lynch	Schwartz
Ellsworth	Maffei	Scott (GA)
Engel	Maloney	Scott (VA)
Eshoo	Markey (CO)	Serrano
Etheridge	Markey (MA)	Sestak
Farr	Marshall	Shea-Porter
Fattah	Matheson	Sires
Filner	Matsui	Skelton
Foster	McCarthy (NY)	Slaughter
Frank (MA)	McCollum	Smith (WA)
Fudge	McDermott	Space
Gillibrand	McGovern	Speier
Gonzalez	McIntyre	Spratt
Gordon (TN)	McMahon	Stark
Grayson	McNerney	Stupak
Green, Al	Meek (FL)	Sutton
Green, Gene	Meeks (NY)	Tanner
Griffith	Melancon	Tauscher
Grijalva	Michaud	Teague
Gutierrez	Miller (NC)	Thompson (CA)
Hall (NY)	Miller, George	Thompson (MS)
Halvorson	Mitchell	Tierney
Hare	Mollohan	Titus
Harman	Moore (KS)	Tonko
Hastings (FL)	Moore (WI)	Towns
Heinrich	Moran (VA)	Tsongas
Higgins	Murphy (CT)	Van Hollen
Himes	Murphy, Patrick	Velázquez
Hinche	Murtha	Visclosky
Hinojosa	Nadler (NY)	Walz
Hirono	Napolitano	Wasserman
Hodes	Neal (MA)	Schultz
Holden	Oberstar	Watson
Holt	Obey	Watt
Honda	Oliver	Waxman
Hoyer	Ortiz	Weiner
Inslee	Pallone	Welch
Israel	Pascrell	Wexler
Jackson (IL)	Pastor (AZ)	Wilson (OH)
Jackson-Lee	Payne	Woolsey
(TX)	Perlmutter	Wu
Johnson (GA)	Peters	Yarmuth
Johnson, E. B.	Peterson	
Kagen	Pingree (ME)	
Kanjorski	Polis (CO)	
Kennedy	Pomeroy	

NAYS—191

Aderholt	Burgess	Emerson
Akin	Burton (IN)	Fallin
Alexander	Buyer	Flake
Altmire	Calvert	Fleming
Austria	Camp	Forbes
Bachmann	Campbell	Fortenberry
Bachus	Cantor	Fox
Barrett (SC)	Cao	Franks (AZ)
Bartlett	Capito	Frelinghuysen
Barton (TX)	Carter	Galleghy
Biggert	Cassidy	Garrett (NJ)
Bilbray	Castle	Gerlach
Billirakis	Chaffetz	Giffords
Bishop (UT)	Childers	Gingrey (GA)
Blackburn	Coble	Gohmert
Blunt	Coffman (CO)	Goodlatte
Boehner	Cole	Granger
Bonner	Conaway	Graves
Bono Mack	Crenshaw	Guthrie
Boozman	Culberson	Hall (TX)
Boustany	Davis (KY)	Harper
Brady (TX)	Deal (GA)	Hastings (WA)
Bright	Dent	Heller
Brown (GA)	Diaz-Balart, L.	Hensarling
Brown (SC)	Diaz-Balart, M.	Herger
Brown-Waite,	Dreier	Hill
Ginny	Duncan	Hoekstra
Buchanan	Ehlers	Hunter

Inglis	McHugh	Roskam
Issa	McKeon	Royce
Jenkins	McMorris	Ryan (WI)
Johnson (IL)	Rodgers	Sanchez, Loretta
Johnson, Sam	Mica	Scalise
Jones	Miller (FL)	Schmidt
Jordan (OH)	Miller (MI)	Schock
Kaptur	Miller, Gary	Sensenbrenner
King (IA)	Minnick	Sessions
King (NY)	Moran (KS)	Shadegg
Kingston	Murphy, Tim	Shimkus
Kirk	Myrick	Shuler
Kline (MN)	Neugebauer	Shuster
Kratovil	Nunes	Simpson
Kucinich	Nye	Smith (NE)
Lamborn	Olson	Smith (NJ)
Lance	Paul	Smith (TX)
Latham	Paulsen	Souder
LaTourette	Pence	Stearns
Latta	Perriello	Taylor
Lee (NY)	Petri	Terry
Lewis (CA)	Pitts	Thompson (PA)
Linder	Platts	Thornberry
LoBiondo	Poe (TX)	Tiahrt
Lucas	Posey	Tiberi
Luetkemeyer	Price (GA)	Turner
Lummis	Putnam	Upton
Lungren, Daniel E.	Radanovich	Walden
Mack	Rehberg	Wamp
Marchant	Reichert	Westmoreland
Massa	Roe (TN)	Whitfield
McCarthy (CA)	Rogers (AL)	Wilson (SC)
McCaul	Rogers (KY)	Wittman
McClintock	Rogers (MI)	Wolf
McCotter	Rohrabacher	Young (AK)
McHenry	Rooney	Young (FL)
	Ros-Lehtinen	

NOT VOTING—7

Boucher	Sherman	Sullivan
Herseth Sandlin	Snyder	
Manzullo	Solis (CA)	

□ 1638

Messrs. FLAKE and BACHUS changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUIRING COMMITTEES TO INVESTIGATE REPORTS OF WASTE, FRAUD, ABUSE, OR MISMANAGEMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 40, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 40, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 18]

YEAS—423

Abercrombie	Altmire	Bachus
Ackerman	Andrews	Baird
Aderholt	Arcuri	Baldwin
Adler (NJ)	Austria	Barrett (SC)
Akin	Baca	Barrow
Alexander	Bachmann	Bartlett

Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boccieri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Clarke
 Clay
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier

Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Fallin
 Farr
 Fattah
 Filner
 Flake
 Fleming
 Forbes
 Fortenberry
 Foster
 Foy
 Fox
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gillibrand
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Hoekstra
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)

Kline (MN)
 Kosmas
 Kratochvil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loebach
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Luján
 Lummis
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maffei
 Maloney
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Moran (CT)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Oliver
 Ortiz
 Pallone
 Pascarella
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pelosi

Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar

Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiffr
 Schmidt
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Souder
 Space
 Speler
 Spratt
 Stark
 Stearns
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor

Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultze
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOT VOTING—11

Boucher
 Buyer
 Ellison
 Herseeth Sandlin

Johnson, E. B.
 Manzullo
 Schock
 Sherman

Snyder
 Solis (CA)
 Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1647

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ELLISON. Mr. Speaker, on rollcall No. 18, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, a family emergency required me to miss the last series of votes held today. Had I been present, I would have voted "no" on rollcall No. 17 (H. Res. 53) and "yea" on rollcall No. 18 (H. Res. 40).

GENERAL LEAVE

Mr. FRANK of Massachusetts. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 384 and insert extraneous material thereon.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TARP REFORM AND
ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 53 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 384.

□ 1649

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 1 hour.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the parliamentary situation must be understood. Last year, when we responded to the urgent pleas of the Bush administration to authorize the \$700 billion deployment of Federal funds to unstuck the credit markets, we resisted their insistence that all the money be made available rapidly, and at least said that they would have the right to spend the first half, but after having spent the first half, would have to notify Congress of any intent to spend the second half, and that we would have 15 days in which to consider, under expedited procedures, resolutions to disapprove that.

As the Bush administration began to administer this program, many of us became very unhappy, in particular, we felt that they had repudiated commitments they had given to us to use a significant part of the fund to diminish foreclosures.

We also thought it was a mistake to provide infusions of capital to banks without any requirements as to what was done with that capital. The infusion of capital was not, in itself, a bad idea, but doing it in a way without conditions was in error.

Because of the dissatisfaction with that and some other aspects, we made it clear, many of us, to the Secretary of the Treasury that any requests to free up the second 350 would be voted down by the Congress, possibly by a sufficient majority to override a veto. The Secretary of the Treasury, therefore, withheld using any of those funds.

We now have a new administration coming in, and many of us believe that

the new administration should have the opportunity to spend, lend, deploy the 350. The main argument against it is very simple; because the Bush administration messed this up, we must not allow the Obama administration to do it.

People talk about this program, the TARP, it is called, the Troubled Asset Relief Program, and they impute to it a personality. It becomes, in some of the rhetoric, a living organism. We can't trust the TARP. The TARP was bad.

Well, the TARP is not an organism. It has no mind; it has no spirit. It is a set of policy tools. And at the outset, the argument that because the Bush administration used those tools in ways that we disagree with, we should deny them to the Obama administration goes much too far.

If I were to follow the principle that where the Bush administration did things badly, I would deny the Obama administration the chance to do them, we would not have a State Department because I don't like the Bush administration's foreign policy on the whole. But I do not think we should therefore deprive the new President of the chance to do it.

Instead, what we do, and here's where the parliamentary situation comes in. We have a vote coming under the bill that we passed last year on resolutions of disapproval in the Senate and the House, and they cannot be stopped, thanks to the way we wrote this, by the Rules Committee, by a filibuster or by anything else. Prior to that vote, many of us believe we, in the House, should make clear what conditions we would want to impose on this if it does go forward.

Now, I believe the Obama administration will do this better than the Bush administration, but I want to go more than simply believing that. I think it is important that we pass this bill that makes clear what we believe should be in it, and hope that it passes the Senate, but even if it does not get taken up there for a while, and we've had long delays, have the administration commit to it.

Now, I'm somewhat bemused by my colleagues on the other side of the aisle. Trying to follow their path on this whole program has made me dizzy. Last year they were, at various points, ardently for it, then against it, then for it again. They were for it in the end only with a condition that had to be added to it involving insurance, which the Secretary of the Treasury of their administration said he did not think made any sense and he did not plan to include it.

The leadership, I sympathize on the other side. They've got a membership that they have found hard sometimes to work with, and that has led the leadership to go, in my judgment, in the last year, from obstruction to irrele-

vance to self-delusion. First they said, let's not do anything. Then they absented themselves from negotiations involving the White House and the Treasury, the Senate Republicans and Democrats and ourselves. They just weren't there, and they wouldn't tell us what they thought. Then finally they felt they had to do something, so they said they would support the bill on condition that it include this insurance plan which the Secretary of the Treasury has made very clear to people he intended to ignore. That gave enough of them enough comfort to vote for the bill.

Now, we found that leaders on the other side who supported this when it was for the Bush administration, now want to deny it to the Obama administration because they correctly realized that the Bush administration did not do it well.

I know that quoting the Bible is in vogue in some circles. I'm not the best exegete, but I will say there is an analogy, you were told, I think, not to visit the sins of the father on the son, or maybe you're told that you should. I'll be honest and say I don't quite remember.

But I certainly do know that when you are dealing with important matters of public policy and tools that you give a President, visiting the sins of one administration on that administration which is not only coming after it, but repudiated it politically would be a great mistake.

Now, the last point I would make is again to emphasize. This vote that we will take on this bill does not free up the money. It does not free up the money. It does not mean the money should be spent. It will mean, after we have dealt with the amendment process, that if the money is spent, we want it spent in this way. There will be a separate vote on whether or not it should be spent.

Now as I understand, I realize that my Republican colleagues in the leadership, on the whole, intend now to repudiate their support for this retroactively, but it comes too late. Punishing the Obama administration, denying the incoming administration the opportunity to deploy these resources, particularly after they have agreed, as I believe they will, very explicitly with what the House thinks should be included, would be a great mistake.

And the last point I would make is this. If we do not pass this bill today, and I believe that, in a subsequent and independent decision, agree to release the \$350 billion, we will make no progress in what is the single biggest economic problem we've been facing, namely, the foreclosure crisis, which has been the cause of so much else.

There has been very little done in the foreclosure crisis. We have tried. We passed a bill. It didn't work very well. The one chance we have to bring relief

to a substantial number of people facing foreclosure and, importantly, undo the economic harm that does for the country, because foreclosures don't just hurt the person who's losing the property. They have been a central cause of our economic problem, widely agreed upon by a wide range of economists.

Passing this bill, and then in a subsequent vote, unrelated, but independent, but as part of a package, freeing up the second \$350 billion, subject to the conditions we put today, is the only way Members will have to see that foreclosure diminution becomes a reality.

So I hope this bill is passed. More importantly, next week, I hope that if it is passed, we will then defeat the motion of disapproval.

I reserve the balance of my time.

□ 1700

Mr. BACHUS. I yield 4 minutes to the gentleman from Texas.

Mr. PAUL. Although I recognize the chairman of the committee's points that this literally is not the appropriation, I rise in opposition to the bill, but I do want to speak out against this whole process of what we are trying to do with the bailout, not only this time but the time before. It is a system that has brought this country to its knees, and I think we haven't recognized what the cause has been, and therefore, we're not looking at this problem in the proper manner in order to solve the problem.

There has been a lot of money involved and a lot of money spent. There have been appropriations that we've made here in the Congress as well as the trillions of dollars the Federal Reserve has used to try to bail out the financial industry, and nothing seems to be working.

I think it's mainly because we haven't recognized nor have we admitted that excessive spending can cause financial problems. Excessive debt can cause some problems. Inflation—that is, the creation of new money and credit out of thin air—can cause a lot of problems, and we've been doing it for decades. It was predictable. It was not a surprise that we got ourselves into a financial mess because of a system that is deeply flawed.

So what do we have? What have we been doing now for the last 6 months to a year?

We have been spending more. We have been running up debt like we've never run up debt before, and we're printing money like we never have before. We think that is going to solve the problem. That literally has been the cause: too much spending, too much borrowing and too much inflation.

I do want to address the subject more specifically about moral hazard and why the system was so deeply flawed. That is, when a Federal Reserve system and a central bank create easy

money and easy credit and they have interest rates lower than they should be, businesspeople do the wrong things. They make mistakes. It's called malinvestments, and we've been doing it for a long time. It causes financial bubbles, and they have to be corrected.

Actually, the recession is therapy for all of the mistakes, but the mistakes come, basically, from a Federal Reserve system that's causing too many people to make mistakes. It causes savers to make mistakes. Interest rates are lower than they should be, so they don't save. In capitalism, capital comes from savings, but for decades now, capital has come from the printing press, and nobody has saved.

That contributes to what we call "moral hazard" as well as the system of the Fannie Mae and Freddie Mac system. It always had a line of credit. It never had to use it, but the assumption was, if we ever got into any trouble, the Treasury would be there, and the Federal Reserve would back them up. That existed for a long time, causing specifically the housing bubble to develop.

Then we subsidized the insurance. The government-subsidized insurance program further promoted the principle of moral hazard—people doing things, spending money and investing in the incorrect way.

Then with the assumption that we're all going to be bailed out, which we're endorsing by bailing everybody out, people say, "Well, no sweat because, if there is a mistake, the government will come to our rescue." That's part of the system of the FDIC. Now, nobody can conceive of the notion that we could live without an FDIC, but the truth is that a private FDIC would never permit this massive malinvestment. There would be regulations done in the marketplace, and there would not be this distortion that we've ended up with.

So this bill actually makes it permanent that the insurance will be \$250,000 per depositor. Now you say, on the short run, that's pretty good because that conveys confidence to the system because at least we know that our deposits are secure. This is true. It helps in the short run, and generally, this is the way we work here. We always say, On the short run, this is going to be a benefit. On the short run, the bailout will help. On the short run, we will do "this." Actually, on the short run, there is a great deal of harm that's done. As a matter of fact, today, the long run is here.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE), a member of the committee.

Ms. MOORE of Wisconsin. Mr. Chairman, I rise to enter into a colloquy with Chairman FRANK.

Mr. Chairman, as you know, our State housing finance agencies are frequently the only source of credit for

first-time low- and moderate-income home buyers. However, the frozen credit markets have cut off their ability to sell their mortgage revenue bonds that fund their activities, forcing many of them to severely cut back their programs and forcing others to just stop completely.

Additionally, unlike many of the depository institutions that have already accessed the TARP funds from the first tranche but have not passed those funds on to consumers, we know that housing finance agencies will immediately lend any money they receive through the TARP directly on to potential home buyers.

My question, Mr. Chairman, is: Recognizing the vital role that FHAs can play in alleviating the financial credit crisis, I want to first encourage the Treasury Department to use those TARP funds to purchase FHA mortgage revenue bonds, and I want to know if there is any authorization in this legislation to do so.

Mr. FRANK of Massachusetts. If the gentlewoman would yield, in title IV of the bill, we list some high-priority items where we expect these funds to be deployed, and we say that, if they are not deployed, we have to get an explanation in writing as to why that wasn't possible. In general, aid to municipal finance and housing, as part of that, is clearly included.

Ms. MOORE of Wisconsin. Well, thank you, Mr. Chairman.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, not long ago, the Secretary of the Treasury came into our conference, and he was visibly shaken. He said, if we didn't pony up \$700 billion in a short period of time, the entire economy of the United States was going to dissolve, and we would have a major depression. There was no plan. It was just "give us \$700 billion."

Instead of talking about long-term solutions, such as tax cuts, for the people across the board or instead of stopping capital gains and doing away with capital gains taxes for a couple of years to stimulate investment, they said, Throw \$700 billion at us, and we'll solve the problem.

Well, here we are a short time later. \$350 billion has been spent, and nobody knows where. I mean, we come down to this floor. We start talking about the things that have been accomplished. We still have people losing their homes. The financial system in this country is in really bad shape, and companies are going bankrupt. \$350 billion has been spent, and nobody knows where. I know part of it went to buy a bank in China. I'm sure the American taxpayers really appreciate that.

Now they're saying we've got to give another \$350 billion very quickly or, once again, the sky is going to fall.

Well, the sky has been falling, and it seems to me that we ought to have a plan that deals with the long-term financial problems facing this country. The long-term financial problems facing this country involve investment, jobs, and economic growth. The only way you're going to get economic growth is to stimulate the economy by creating an incentive for people to invest. Tax cuts. We need to cut capital gains. I don't think anybody is really listening, but we need to cut capital gains. We need to have tax cuts across the board. If we do that, I think you'll start to see signs of recovery in the not-too-distant future.

In the meantime, we may have to pony up a few more hundred billion dollars to keep things going while this takes place, but we need an overall plan, not just another \$350 billion thrown at the Federal Reserve.

The Acting CHAIR (Mr. MURPHY of Connecticut). The gentleman's time has expired.

Mr. BACHUS. I yield an additional 30 seconds to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me just summarize by saying that we need a plan, a comprehensive plan, that involves not only spending this \$350 billion but also a plan that will involve tax cuts across the board and incentives for business to invest, such as a cut in the capital gains tax rate and cuts in business taxes across the board. If we do that and come up with a comprehensive plan, maybe we could work our way out of this, but we certainly cannot do it by just throwing more money at the problem.

Mr. FRANK of Massachusetts. Mr. Chairman, California has been one of the epicenters of this foreclosure crisis, and the delegation has worked very closely together. One of those leading that effort is the gentlewoman from California (Mrs. TAUSCHER). I yield her 2½ minutes.

Mrs. TAUSCHER. Mr. Chairman, I rise to engage in a colloquy with Chairman FRANK. I want to thank Chairman FRANK for his leadership and for crafting this very, very important bill.

I've been very proud to work on this issue with my colleagues—subcommittee Chairwoman WATERS, the head of our congressional delegation; Ms. LOFGREN and Mr. CARDOZA from a neighboring district of mine in California.

In California, we have among the highest rates of foreclosure in the country. Sixty-eight percent of the home sales in my district of Solano County are foreclosed properties. Home values in the Bay Area have fallen 40 percent since their peak in 2007. Further, thousands of my constituents owe more than their homes' values and have little incentive to stay in their homes.

I appreciate the efforts of the chairman and of the committee to work to

direct a portion of the TARP funds to foreclosure mitigation. I thank you, Mr. Chairman, for including language in this bill that will address areas with high foreclosure rates.

For too long we have not addressed the root causes of this crisis. As we move forward with this legislation, I would like to continue to work with Chairman FRANK and with the committee to help address the areas hardest hit by high foreclosure rates, declining home values, and rising unemployment. I believe it is important we address the crisis in these disaster areas.

I ask the chairman to help me provide relief to these victims. I yield to the chairman.

Mr. FRANK of Massachusetts. If the gentlewoman would yield, I completely agree with that statement.

As she knows, because she was a major part of this, there is an amendment included in the manager's amendment that was authored by herself and by her colleague from California, Mr. CARDOZA, whose eloquence on behalf of the people facing foreclosure cannot fail to move anyone who listens to him. That says it beyond the current foreclosure relief that will be in this bill, and it will be the only foreclosure relief we will get if this money isn't made available. We are mandating that a further study be made to help people who might be facing foreclosure in the future and to deal with the broader aspects of the problem.

So I thank the united efforts of the people of California, the Members from California, for helping improve this bill. I give them my commitment that, as chairman of the committee, I will be working with them to go further.

Mrs. TAUSCHER. I want to thank Chairman FRANK for recognizing that California has been particularly hard hit, and I look forward to working with him and with my other colleagues to ensure that Federal foreclosure mitigation efforts effectively address these areas that have been most affected by the economic crisis.

I urge everyone's support for the bill.

Mr. BACHUS. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I think I heard the distinguished chairman voicing some frustration with this current administration on how the TARP program was put together. I think a lot of Members who voted for this program, including the chairman, have had second thoughts because we hastily gave the authority to the administration with no plan and, more importantly, with no exit strategy.

I would remind the chairman that the incoming new Secretary, should he be confirmed and move through some issues that he may have, was at that table when designing the TARP program. So, if we're passing out blame,

there may be a lot of places to pass out blame, but here is the most important thing:

Everybody who voted for that has been having second thoughts because, quite honestly, the money didn't get spent like it was represented it was going to get spent. There have been some intended consequences, but there have also been some unintended consequences of the money we passed out, because we started picking winners and losers. Any time the government starts picking winners and losers we're going to get in trouble.

The issue is what to do with this next \$350 billion. Everybody kind of thought we were going to have some say-so over this next \$350 billion, but in fact, we're not. This bill may pass in this House. It will never become law. The Senate has already said they will not take this bill up. So what should we be doing?

Well, on both sides of the aisle, what we should be doing here is coming back and doing an autopsy on how we spent the first \$350 billion, what the results of that have been, and should we even look at or consider the additional \$350 billion.

The American people are not very happy about this. We are passing out money carte blanche. We have relegated the constitutional responsibility of this House by just giving the administration, whether it's this current administration or the new administration, \$700 billion and saying, Do the best you can. I don't think anybody thinks that's a very good plan.

In fact, the chairman has, in most cases, been very open and has had markups and has had a vetting of legislation. Quite honestly, I'm very disappointed. Quite honestly, in this case, this is one person's bill. Although this bill will not become law, one person is going to determine where the next \$350 billion is going to go.

What we ought to be doing is having hearings. In the past, the chairman has had hearings—bringing people in here and asking them to account for the money that has been given them. Also, talk about what is the best way to do that.

Now, I did not vote for it, and I want to be clear about this. I voted against it twice. Some people voted for and against it. The chairman said we weren't clear. I'm very clear as to how I voted on it. I voted against it because I have a real problem of, *carte blanche*, giving people \$700 billion of the American taxpayers' money with no plan.

□ 1715

More particularly, no accountability. We have not seen any particular reports. We have a gentleman from Texas who sits on an oversight board. He's openly said he's not sure exactly what's going on because the amount of information he's receiving is in question. That bothers me. It should bother

the American people. It should bother Members on both sides of the aisle that we are not doing the people's business.

The way we do this right, if we're serious about doing this right, is we stop this process. We put it on hold, we ask the new administration to step forward with a plan, we get Members on both sides of the aisle to look at that plan, we vote, we offer amendments, we open that process so that when we go back home, we can say, "You know what? We think we did what was in the best interest of the American people."

But when you close the process, when you try to change the original intent of TARP, which was to use American taxpayers' resources to loan to or to guarantee and with the hopes of getting back—in fact, even people were talking about we may even make money on this. But many of the provisions, unfortunately, of this bill aren't intended to get any return on the taxpayers' money, particularly then we're moving away from an asset program to an entitlement program, and it deserves better consideration.

I urge Members not to vote for this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, time is limited so I want to give myself 30 seconds to rebut the inaccuracies we've just heard.

First of all, the gentleman said we've closed the process. I have no idea what he is talking about. I suspect he does not either. This is a very open process. We solicited amendments. A number of amendments were offered, a number of amendments from both parties will be made in order, a number of amendments from both parties have already been accepted in the manager's amendment.

The accusation that this is closed is just wildly off base. It has been a very open process, and I would say a majority of the amendments that have been offered made sense, and we've agreed to them. And to say it is a one-person bill, in fact we have opened it up.

Now, Members who did not offer amendments—I will acknowledge. If you didn't offer an amendment, Mr. Chairman, it wasn't put in the bill. But this bill has been open, and the rule tomorrow will make that clear.

I now yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL) who's had a lot of input in this bill, which I guess makes it still a one-man bill.

Mr. PASCRELL. Mr. Chairman, I want to thank the chairman for all that he's done to make this an accountable piece of legislation. You would think this is a movie out of the 1950s, TARP 2. You know, I can see what's happening.

No. This is realistic. We're going to know what's going to be in the bill, in this legislation.

But Chairman FRANK, sales are down 30 to 50 percent in the automobile industry. States are losing revenue

throughout the United States of America, and we know that confidence of the consumer is certainly not where we would want it.

So I request and engage in a brief colloquy regarding H.R. 384 with your permission.

As you know, Mr. Chairman, the legislation we have before us is not a debate focused on the interest of big business. This legislation is, instead, unmistakably intended to serve Americans across the Nation. I want to commend you personally for your leadership and commitment to providing unambiguous directives on how the TARP funds must be used for ensuring that the funds will provide relief to Main Street. This is the difference between now and a few months ago. I want to commend you for this. It is a fact that the first TARP failed to meet the intent of the Congress. Today is our opportunity to make sure that funds flow directly to Americans.

Wouldn't you agree with me, Mr. Chairman?

Mr. FRANK of Massachusetts. If the gentleman would yield, absolutely.

I believe that the difference in the way the TARP will be administered in the new administration and the last administration will be very glaring, and frankly, I think that one of the motivations on some of my Republican colleagues to kill this now is that they fear the contrasts that will be presented between the very responsible and effective administration of this by the new administration and the inappropriate way of the last administration.

Mr. PASCRELL. I would agree this is night and day. I testified last month, as you remember, before the Financial Services Committee on the need to open up the credit markets for consumers. That's what we are all about. Title III of TARP will help to open the credit markets for auto loans. Specifically, it clarifies and confirms the Treasury's authorization to provide assistance to automobile manufacturers.

We can provide lots of money to the Big Three. If we don't sell cars, if we don't have traffic in those dealers, they not only close, we have an extended recession in the economy.

Most importantly, this bill will help those borrowers that have good credit access the necessary financing for auto loans. Wouldn't you agree, Mr. Chairman, that's a major problem: those who can't get credit aren't getting it?

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the gentleman 30 additional seconds, and ask him to yield to me.

Mr. PASCRELL. I yield to the gentleman.

Mr. FRANK of Massachusetts. Absolutely. This is a necessary component of our efforts to keep the American

automobile manufacturers from going under. We give this authority—we reassert this authority to Treasury, and we intend to be very, very insistent that they use it.

Mr. PASCRELL. Mr. Chairman, TARP 2 also clarifies Treasury's authority to provide support to the financing arms of automakers for financing activities to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business autos and other vehicle loans.

This is 20 percent of our retail economy.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the gentleman 10 additional seconds.

He is absolutely right, and once again, we underlined this authority and we intend to be very insistent that it be used.

Mr. PASCRELL. Mr. Chairman, it must be clear to everyone in this body, Democrats and Republicans, that the best way to get out of this recession is to encourage consumer spending, and this bill does that. Retail, rational consumption.

Mr. BACHUS. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. Mr. Chairman, I must admit that I find it somewhat ironic that the biggest critics of the bailout legislation are the very people who wrote the bailout legislation. Many are shocked at the lack of transparency and what they would view as the apparent lack of effectiveness. Again, these are the people who wrote the bill.

I think the bill that is before us is a tacit admission that they didn't get it right in the first place. You know, Mr. Chairman, I don't say that in trying to assess blame. There were Members on both sides of the aisle who supported that legislation in good faith. I was not among them. I supported an alternative piece.

But I do say this to make the point that here is another piece of legislation being rushed to the floor. Haste makes waste. The first TARP bill was fraught with unintended consequences, and now we are here, perhaps with Son of TARP—I believe the previous speaker said—maybe it's fraught with unintended consequences as well.

Mr. Chairman, I would also ask a few questions and make a few observations.

You know, if government spending money could solve the problem, we're up to about \$7 or \$8 trillion of potential taxpayer exposure already. Now, I don't believe the taxpayers will have to pay the entirety of the bill, but if they did, we're looking at almost \$100,000 per American family. And here is another \$350 billion on top of that, Mr. Chairman.

And I have the question, where is the plan? Where is the incoming administration's plan for the \$350 billion?

And last I looked, Mr. Chairman, Congress doesn't have any extended recess scheduled until April, and certainly the majority has proven their ability to ram through legislation in 24-, 48-hour's notice. Why do we have to hand over an additional \$350 billion of hard-earned taxpayer money to an administration that hasn't taken office, who hasn't even presented us a plan? Why is Congress yielding, yielding their spending prerogatives at this time? I simply don't understand it.

Now, Mr. Chairman, it appears that we are given three different choices here: number one, we can vote to disallow the second \$350 billion without receiving a plan. That's simply what I advocate. Some may, once again, want to give the \$350 billion check to the administration.

And then there's Chairman FRANK's plan. We will give them the \$350 billion, but we will attach certain strings to it. Now, I agree with the chairman when it comes to accountability. There are certain strings of his that I would agree with. I don't understand why you would hand over money and not at least set up some provision for knowing how it's spent or be able to measure whether or not the plan is succeeding. And I compliment the chairman for that.

Outside of that, Mr. Chairman, I do not believe that I agree with his other extremes.

Number one, I believe that he has a string that has the Federal Government picking winners and losers. Now, he and the previous speaker had a colloquy regarding the auto industry. Mr. Chairman, I don't know what industry isn't suffering in this economy. If it's the auto industry today, is it the airline industry tomorrow? Is it the tourist industry on Thursday? And when does Starbucks get in line? We're not helping the entire economy.

This TARP legislation I believe implicitly picks winners and losers.

Second of all, we start going down this road of putting government observers in the boardrooms. I mean, the government agent who observes today will suggest tomorrow, and he, I assure you, will mandate on Thursday. I've seen this before. I don't want to go down this road, Mr. Chairman.

And then last but not least, taking money away from people who are current on their mortgage and giving it to people who aren't current on their mortgage is no way to work our way out of the economic peril that we find ourselves in.

We need tax relief for families. We need tax relief for small businesses. We need to grow our way out of this economic crisis.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to one of

our freshman Members, a man with great experience in municipal government, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank the distinguished chairman.

I rise for the purpose of a colloquy with the distinguished chairman. I know that he shares my concern with respect to the current state of the municipal bond market in the United States. Following the meltdown of last fall, investors fled from bond markets to U.S. Treasury notes. As a result, our State and local governments are experiencing limited access to the capital markets due to the liquidity crisis.

The double-whammy has effectively denied many of the municipal taxes and bond issuers across the country any ability with which to finance capital projects. As we already know, our partners in State and local governments are already facing tough financial choices, but if this particular issue is not addressed, it could lead to a contraction of the national economy to the tune of hundreds of billions of dollars at precisely the time we are trying to stimulate it.

I would ask the distinguished chairman of the Financial Services Committee, is his understanding about the current state of the municipal bond market similar to that I just described?

Mr. FRANK of Massachusetts. If the gentleman would yield, yes, I very much agree.

I think one of the most sympathetic victims of this financial crisis has been the municipalities. The capacity to finance what's necessary for the quality of the life of their constituents has been impaired by factors well beyond their control. And the gentleman is absolutely right that we have an obligation to try to come to their aid which this bill would mandate be done.

Mr. CONNOLLY of Virginia. I thank the chairman.

And I would ask for his consideration of a proposal to direct the Secretary of Treasury to establish a program to provide direct credit enhancements or insurance from municipal bonds to help State and local governments to move forward on their civil-ready projects now on hold.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. CONNOLLY of Virginia. Yes, sir.

Mr. FRANK of Massachusetts. I am in complete agreement, and while that would be beyond the scope of this, as the gentleman knows—I know he's not suggesting we do it here—I guarantee we will be having hearings later this year on the proposal.

My own view is that some form of insurance would be there.

The most unjustified risk premium being paid in America is by those municipalities that issue particularly full faith and credit general obligation bonds.

I welcome the gentleman as someone with the municipal government experience that he's most recently had, and I look forward to drawing on that experience as we help correct this situation.

Mr. CONNOLLY of Virginia. I look forward to cooperating with the distinguished chairman, and I thank him for his consideration and time.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, before coming to Congress, I owned a small furniture store, the best and only store in Westminster, South Carolina. We sold only furniture. We did one thing, and we did it pretty good.

And before that, I was a captain in the United States Army. I had a pretty clear job title.

In both organizations, I was taught to keep operations focused and not expand our mission beyond its initial goals.

So what does this have to do with the legislation that we're talking about today? Well, unfortunately, this bill is a perfect example of Congress' bad habits of expanding its initial missions, a habit that brought us Fannie Mae and Freddie Mac, the Community Reinvestment Act, and guess what, the alternative minimum tax.

□ 1730

I voted for the Emergency Economic Stabilization Act to restore liquidity and stability into America's financial system, allowing American businesses to access credit so they could obtain inventory, buy supplies, and make payroll. I supported this act to prevent what many experts called an "economic tsunami," and I'm glad that we haven't seen the widespread financial mayhem that I think was certain.

We had to take extraordinary measures during those extraordinary times, but don't you think it's common sense to examine how we spent the first \$350 billion before we even discuss how we're going to spend the second \$350 billion? I agree with my colleagues that the first \$350 billion was spent too hastily and haphazardly, and I believe there was not enough oversight or planning by the Treasury Department for how this money was to be used. However, I fully support the efforts of this bill to improve transparency, oversight and disclose exactly how the taxpayer money is being used, but I'm extremely concerned that this legislation expands the goals of the Troubled Assets Relief Program and brings us even further from its original mission, which did not include providing a fund to prop up failing corporations or putting politically-motivated mandates on private businesses in exchange for government funds.

This legislation will expand government interference in the private mar-

kets even more, Mr. Chairman, and I urge my colleagues to oppose H.R. 384.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to one of the most energetic and informed members of the committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. First let me address a couple of points that the other side has mentioned. The first erroneous statement is that this is a one-person bill, the chairman's. Nothing could be further from the truth. This has been an open process. Many of the amendments and concerns of the other side have been added to this bill.

Tomorrow we are going to have amendments that the chairman has made allowable for the other side to be debated on this bill. Many of the concerns that I had raised in the early part of the first expenditure of the first \$350 billion are incorporated in this. Many of the ideas that Congresswoman MAXINE WATERS and I, in our concern about the housing and the home foreclosures, are a part of this bill, any number. We've had hearings. So I think it is very important for that statement to be shot down as erroneous and unfair to our distinguished chairman, for he has certainly had a very open process.

Now, I've listened to the other side, and you talk about putting a plan together. You talk about not making the mistakes that we've made before. The mistakes we made before were in the hands of this administration, with this Treasury Department that came in and said he wanted the \$350 billion for one thing, which was to take the spoiled assets off the books, he didn't use it for that. Before we could get on an airplane and get out of Dodge he had changed the whole plan, gave the banks \$290 million just like that, before we could even put the Inspector General in place, before we could put the oversight in place.

What this bill does is correct that mistake, puts a plan in place that will bring the reporting, bring the monitoring, the accountability and the transparency to this and will have up-front agreements on how these funds will be used.

And let me just state for the record that in this morning's Politico there is an interesting poll that drives home the basic need and the substance for this bill. In that poll it says that 5 percent of the American people—only 5 percent of the American people—believe and have a great deal of trust that the Federal Government will handle its financial responsibilities responsibly. This measure goes right to the heart of that and makes sure that we put in place a way in which we guarantee that we will make sure that this \$350 billion is handled responsibly.

Mr. BACHUS. Mr. Chairman, can I inquire into the time left on both sides.

The CHAIR. The gentleman from Alabama has 43½ minutes remaining;

the gentleman from Massachusetts has 40 minutes remaining.

Mr. BACHUS. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I want to thank the gentleman from Alabama for his stellar leadership on this issue.

Well, Mr. Chairman, here we are, another \$350 billion, \$350 billion. Now, I don't want to overstate the obvious, but Mr. Chairman, that's money that we don't have.

In addition to that, the process points that have been made I think are incredibly important. We haven't had any appropriate committee work. We've had a discussion, but there hasn't been the hearings devoted specifically to this bill. There hasn't been a markup. We haven't had the opportunity in committee to amend this bill, to have Member input. Members haven't had the opportunity to provide input into the development of the legislation. The mere fact that there are 70 amendments filed with the Rules Committee, 50 of them from Democrats, clearly demonstrates that Members on both sides of the aisle have concerns about this legislation and ideas that they would like to share.

We've seen bailout after bailout after bailout, yet our constituents have felt no relief. We cannot, in good conscience, allow the government to dig deeper into their pockets and spend their money without giving their elected Representatives the opportunity to be heard.

Fundamentally, Mr. Chairman, we're talking about examining a vital role. What's the vital issue that says a lot about what we believe our government role ought to be? We're being asked to entrust Treasury with the authority to spend an additional \$350 billion, a huge sum of money, and allowing them to take on additional risk to the taxpayers by pursuing modifications that have not yet proven to be a wise investment.

Now, we can all agree that the oversight of the initial TARP program has been wanting, there's no doubt about that; that's evidenced by the fact that Treasury completely shifted the original purpose of the program without consultation or consequence. Treasury has failed to answer basic questions, they have struggled to track the billions of taxpayer dollars, and they seem to have no way to measure the success of this program.

When Secretary Paulson initially approached Congress with an urgent request for funding and broad authority to stabilize the economy, a representative from the Treasury admitted that they were arbitrarily picking a number. In fact, when we asked a senior member at the Treasury Department how did they arrive at \$700 billion, do you know what they said, Mr. Chairman? They said, "We needed a really

big number." Well, that's not terribly encouraging as to how to arrive at the amount of taxpayer money that they are putting at risk.

There have been no indications that the last tranche of funding is needed, indeed, to further stabilize the economy. There have been no emergency meetings to explain why this money is necessary and how it would be used effectively to justify this release. In fact, just a few days ago Mr. Kashkari described our financial system as "fundamentally more stable" than when we began.

Ultimately we have seen, through the failures of the TARP program and the Hope for Homeowners Program, that the government isn't the solution to all of our problems. Again, we've seen bailout after bailout, but there doesn't yet seem to be any relief for constituents and taxpayers. It's because of the hasty passage of the TARP program in the first place that we're now in the position to consider sweeping changes to the program.

The regular democratic process in order would ensure that all Members of Congress can make their voice heard on this very important issue. To say that there isn't time to have a markup is not only disingenuous, Mr. Chairman, it simply is not true. We should take the time necessary to ensure that we are truly acting in the best interests of the American people. Perhaps if we had taken the time to allow for markup and evaluation initially, we would not be in the situation that we find ourselves now.

Rather than entrenching our government with \$350 billion of additional debt, I think it's time that we start considering positive solutions that embrace American values, American principles, and American solutions, none of which appear in the underlying bill.

Mr. FRANK of Massachusetts. Well, Mr. Chairman, I am tempted to defend George Bush against the charge that he is un-American at this point because this was his program, but I'll defer that until later.

I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairman for yielding, and I wanted to engage in a colloquy with the chairman.

There is a provision in your amendment that helps the automobile rental industry finance debt secured by their fleets. This does not help the one company which is located in my district that uses unsecured commercial paper to fund the acquisition of their automobile fleet. Therefore, this omission puts them at a competitive disadvantage. And I understand that this was an unintended consequence, and I am asking for a minor correction.

Mr. FRANK of Massachusetts. If the gentleman would yield, obviously we aren't doing anything for any one company—the gentleman wasn't suggesting

that we were—there are other companies. And yes, unsecured paper should be covered. Obviously we don't expect any investment by Treasury to be made irresponsibly; they have to check to make sure that it's a good investment. But ruling out the unsecured, no, that was not our intention. In fact, under the underlying bill, which we do not change, the Secretary has the authority fully to respond to that sort of situation.

Mr. CLAY. I thank the chairman for the explanation and appreciate your cooperation.

Mr. BACHUS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I guess part of my concern here is philosophical, but I think that ideas have consequences, and bad ideas have bad consequences in policy. And specifically what I worry about here are two challenges that the U.S. faces; one is a budget deficit right now which, when we look forward, it's going to be about 7 percent of GDP. And with the Fed's balance sheet continuing to expand, I think it's now at about \$2 trillion.

With the promise of another stimulus package coming, which will be somewhere between \$800 billion and \$1 trillion, we are becoming increasingly dependent upon our rescuers. Now, in this case our rescuers are the American taxpayers and U.S. debt purchasers, most of them overseas. Why worry about this? Well, I think one of the reasons we have to be concerned is that eventually bond investors might begin to reconsider purchasing that U.S. debt, they might begin to second guess that. And that consequence would really be catastrophic. Avoiding such a scenario would require us, then, to take a step back from where we are and require us to begin to eliminate unnecessary spending and not go forward with compounding the problem with the deficits.

But beyond the impact of the budget, there is a second concern that I have, and that's the ill effect of this bailout trend in terms of the rapidly increasing role that government is playing inside financial firms, that it's playing in the board rooms. And I will just cite this December 17 article in the Wall Street Journal entitled, "U.S. Ratchets Up City Oversight." And in that story they describe the active role that regulators are playing in the day-to-day operations of the financial institution.

Earlier this week, headlines focused on an effort by U.S. banking regulators to encourage Citigroup to shake up its board and to replace its chairman, Win Bischoff. And they said this would be an effort to restore confidence in the beleaguered financial giant. But then as the argument is put forward, one of the leading candidates is Richard Parsons, who is Time Warner's chairman, and he is a member of Citigroup's

board, but he also happens to be a member of President-elect Barack Obama's transition economic advisory board.

Additionally, it should come as no surprise, I think, that earlier this week Citigroup announced it would support legislative efforts to allow bankruptcy judges now to rewrite mortgage contracts. Now, that's a provision that would restrict the flow of capital into the mortgage market, it would increase the cost certainly going forward of obtaining a mortgage for anybody. And traditionally the financial press has called this a "cram down" provision that's been adamantly opposed by the financial institution. Now we have \$45 billion of taxpayers' cash, we have a \$249 billion taxpayer guarantee for bad assets on the balance sheets of the institution. And the institution, which now has seen this bureaucratic control within the firm reverse itself on a position, and I begin to wonder if political pull is going to replace market forces, if government bullying is going to determine the actions that firms are going to take. And this is my second concern. Because, to me, a major reason we're in dire financial straits is the market distortions caused by bureaucratic and regulatory manipulation of the quasi public entities. We've had 16 hearings where we've heard the Federal Reserve Board, we've heard the Treasury warn over the last few years about Fannie Mae and Freddie Mac. And these institutions took on that excessive risk. It was Congress that encouraged it and prevented the regulation that the Treasury wanted in order to prevent it.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another freshman member of the committee, the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Chairman, I rise today in support of H.R. 384, a bill to reform the TARP program.

Let us be absolutely clear, had our markets functioned, had our regulators done their job, had our leaders been sufficiently vigilant, neither the TARP program nor its reform would be necessary. But extraordinary times demand extraordinary measures.

Four months ago, the TARP was deemed necessary. Yesterday, in committee, we heard from a long line of experts who urged us to grant the new President authority to use the remainder of the TARP funds. On this question, perhaps people of good faith may disagree, but there can be no disagreement that if those funds are to be authorized, this House has an obligation to oversee their use.

□ 1745

We owe it to the American taxpayer to closely watch how their money is used and to assure that it is neither wasted nor used for private benefit.

This bill, at great long last, offers that assurance.

As importantly, there can be no disagreement that after providing relief to industry after industry, it is time to get to the heart of the matter: American moms, dads, and children, and the homes that they live in. This bill, none too soon, mandates and funds a national comprehensive foreclosure relief plan that will finally address the root cause of this crisis, the housing problem. As the saying goes, better late than never.

When the sun goes down today, another 7,000 American families will have lost their home. The same will be true tomorrow. We cannot delay. We must act to save the very core of the American Dream.

I commend Chairman FRANK for his leadership on this bill, and I urge my colleagues to stand for smart oversight and for the beleaguered American homeowner.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I would like to have a colloquy with the chairman of the committee.

Mr. Chairman, the Emergency Economic Stabilization Act was intended to apply to financial institutions, I believe, without regard to their form of ownership: public, private, mutual associations. Is that your understanding? Is that correct?

Mr. FRANK of Massachusetts. If the gentleman will yield, Mr. Chairman, he's absolutely correct. The form of ownership should have no relevance to the decision here.

Mr. CAMPBELL. But yet many mutual, bank, and insurance holding companies have been unable to even apply for TARP funds because of the Treasury's not coming out with a term sheet that would enable them to apply, even those that can issue nonpublic preferred stock. Would you agree that the Treasury should be encouraged to come out with those term sheets?

Mr. FRANK of Massachusetts. If the gentleman would yield, he understates my view when he says they should be encouraged. I believe I will be glad to join with him in insisting that they do that. And, frankly, we don't want any form to be disfavored and certainly not the mutual form, which has a great deal in terms of our history to commend it. So the gentleman is absolutely right, and I think on this one we can be pretty certain that, particularly if the House gives the kind of endorsement to it that I suspect that it will, we'll be able to accomplish that.

Mr. CAMPBELL. Thank you, Mr. Chairman.

On one other point, there are people who say that a financial collapse didn't happen, and, in fact, it didn't. You don't get credit for bad things that don't happen. I would argue that the fi-

nancial collapse was imminent were it not for this bill and also for the extraordinary monetary actions of the Fed. But as we go forward with the additional \$350 billion, I would think that we should be leveraging. My concern is not that it's too much, that it's too little, and leveraging private funds by—

Mr. FRANK of Massachusetts. If the gentleman would yield, that's right. And I would say some of my colleagues understandably wanted to put very severe restrictions on the recipient institutions, and we put restrictions on them. But we don't want to be so restrictive that we drive out private capital. This will only work if the public capital leverages and unlocks and reassembles private capital.

Mr. CAMPBELL. Thank you, Mr. Chairman. We'll get a lot more benefit for this if it's more like matching funds and we encourage private capital to go in and the public capital comes with it.

With that, Mr. Chairman, I stand in support of this bill and its provisions.

Mr. FRANK of Massachusetts. Mr. Chairman, not being a person who holds grudges, I yield 2 minutes to someone who left our committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I think I thank the chairman for yielding.

Mr. Chairman, I wish to enter into a colloquy with the chairman.

Mr. Chairman, I seek to clarify language in the underlying TARP legislation. As you know, New York has been battered by the financial crisis, and unemployment, like in most States, has been drastically increasing.

It is my understanding that TARP recipients can use TARP funds to provide funds to local small businesses to free up capital, preserve jobs, and support wages of their employees during these difficult times. Is that correct?

Mr. FRANK of Massachusetts. If the gentleman would yield, he is absolutely correct. We think that it is a very important use of it. It's one of those things that was not done sufficiently previously, and we are convinced it will be done with this House's taking the lead in the future.

Mr. CROWLEY. I thank the chairman.

Just one additional statement, and you can correct me if I'm wrong.

Am I correct in saying there is nothing in the TARP that prevents banks, such as Amalgamated Bank in New York, from applying for TARP and using these funds to support wages of workers as well as create jobs through the lending of funds to people and small businesses in the communities as well as providing some safety net during these difficult times?

Mr. FRANK of Massachusetts. If the gentleman will yield, yes, he's correct. What we, in fact, say here is that nothing should be advanced to a bank without an agreement in advance as to how

it should be used. Now, we would expect a great bulk of the funds, the agreement would say, be re-lent, but that's not the exclusive purpose. There are other valid purposes. What this bill says, however, is that that would have to be clear up front as one of the permitted purposes, and we do believe that this Treasury Department, given that, yes, they would accept that as a very valid use.

Mr. CROWLEY. I thank the chairman for the colloquy.

Mr. BACHUS. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Alabama has 33½ minutes remaining. The gentleman from Massachusetts has 35 minutes remaining.

Mr. BACHUS. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I will now yield 3 minutes to one of the leaders in this House on the important issue of foreclosure, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of H.R. 384, the TARP Reform and Accountability Act of 2009, and I would like to thank our chairman, Chairman FRANK, for his hard work and his leadership on drafting this most important piece of legislation.

As a Congress, we have experienced numerous disappointments with the TARP program's implementation, most notably the Treasury's refusal to use TARP funds for loan modifications and homeowner relief. The need to address the foreclosure crisis head on is why I lend my support to H.R. 384 and its requirements for foreclosure mitigation.

When we passed the first TARP bill last year, we intended for the Treasury to use its unprecedented authority to remove toxic assets and nonperforming loans from the marketplace, modify mortgages, and increase the availability of credit. To date, no TARP funds have been used or directed to systematic loan modification or increased lending.

Foreclosures are affecting homeowners, renters, and communities. Homelessness levels are rising as a result of renters who have dutifully paid rent on time being evicted from their homes because the owner is in foreclosure. Stopping foreclosures is key to reducing homelessness, helping the economy to recover, and rebuilding communities.

H.R. 384 has the components homeowners, mortgage servicers, and lenders need to effectively confront the foreclosure crisis. The bill provides from \$40 to \$100 billion for funding foreclosure mitigation. We may need a larger funding level for foreclosure mitigation, perhaps up to \$70 billion; however, I appreciate the chairman's efforts to direct resources to this crisis.

The bill also provides several alternatives for foreclosure mitigation, such as a systematic mortgage modification program, whole loan purchasing, buy-down of second mortgages, reduction of costs in the Hope for Homeowners Program, and incentives and assistance to servicers to modify loans.

But most importantly, in the manager's amendment, the bill will now require implementation of the systematic foreclosure prevention and mortgage modification program that I've been calling for since last year. On the first day of the 111th Congress, I introduced H.R. 37, the Systematic Foreclosure Prevention and Mortgage Modification Act of 2009, to give the power of law to the successful systematic mortgage modification program developed by the Federal Deposit Insurance Corporation and currently in use at the IndyMac Federal Bank, where it has resulted in over 5,000 IndyMac borrowers avoiding foreclosures. I applaud Chairman FRANK for including this legislation in H.R. 384.

The housing crisis must be corrected through our efforts with TARP. I believe that H.R. 384 will finally put us on track to addressing the foreclosure crisis. I support H.R. 384, the TARP Reform and Accountability Act of 2009, and I urge my colleagues to vote "yes."

Mr. BACHUS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Chairman, I would like to thank the gentleman from Alabama for yielding a few minutes to me.

It's a tremendous honor to be able to sit on the Financial Services Committee. It's been the center of the universe the last 2 years dealing with this crisis that's very real that is impacting not only individuals but businesses, people who are looking at the loss of their life savings, loss of their greatest capital asset: their home. We know that this is a strong reality. But we also realize the magnitude of the tremendous amount of taxpayer resources that have been devoted to this effort.

Initially we were told by the Treasury Secretary that in effect a financial Armageddon would ensue if this body did not, in fact, pass a bailout of gargantuan proportions. We were told \$700 billion is what the Treasury Secretary would need to have in order to offer an effective front to stave off, in essence, the four horsemen of the apocalypse for our financial markets.

We've seen a tremendous roller coaster occur in 2008 regarding our financial markets. For the first \$350 billion, the first tranche going forward, what have we seen? This week in the Financial Services Committee, we had testimony before our committee from the administration. Questions were asked: Where has the first \$350 billion gone? Who are the recipients of the first \$350 billion? What did the money get spent on?

What were the answers that we received? What is the effectiveness of that money? Did the American taxpayer receive value for \$350 billion that's already been expended?

Mr. Chairman, not only did we not receive answers to those questions, we didn't receive answers to the very basic question of what will the next administration do with this next request for \$350 billion? We don't have a full accounting of that either. And what is the reason? Again, Mr. Chairman, we're told to do just exactly what we were told with the last \$350 billion: Trust me. Trust me. That didn't work so well for us last time. We were rushed into this. There wasn't oversight. There weren't strings attached. Once again with the next \$350 billion, this Congress is being told that we will have to go out and borrow \$350 billion because the American people need to know we don't have \$350 billion in the bank right now, or like my father-in-law says to my mother-in-law, "Elma, I have to go to the backyard and shake the money tree to get the money out." There isn't money there in the bank. We have to go and borrow money that we don't have. And who pays that back? It's the American taxpayer. I think, Mr. Chairman, we need to have some very basic answers to our questions before we go forward with this extraordinary request.

We are being forced to vote without details on how this \$350 billion will be spent, but the trouble is we haven't held even a single hearing on the merits or the necessity of releasing the second tranche because the House is proceeding as though the decision has already been made to release the second \$350 billion without holding any substantial debate on whether or not such a release is the appropriate step for stabilizing the financial markets and getting these markets moving again.

Congress handed the Treasury Secretary a \$700 billion blank check. Let's just be clear about that. The original bailout was passed, and we were told that the \$700 billion was essentially a big number. It was picked out of thin air, but it was needed to calm the markets. Now, I think most Americans would be appalled to learn that that was the truth. But we also need to recognize the United States Treasury doesn't even have to spend every penny of that money. Many experts, even Secretary Paulson himself, stated that was the case.

But here we are again and the House is moving forward with a preemptive decision that jumps ahead of this very fundamental question, and it's this: Is it even necessary to release the second tranche for the state of our financial markets?

□ 1800

We remain unconvinced, many of us, that the case hasn't even been made

that it is. This bill is attempting to make sweeping changes to the way that TARP must operate. I would agree with my colleagues on both sides of the aisle that TARP has very serious flaws, many of which were predicted by many of us on both sides of the aisle, and we should look at ways to address the flaws.

But Congress should not be forced to rush to vote on this bill the way that we are being forced to rush on it today. Congress was rushed into this gargantuan decision, and we need to take the time to be deliberative.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. MURPHY of Connecticut, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 384, TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-3) on the resolution (H. Res. 62) providing for further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR ATTENDANCE AT INAUGURAL CEREMONIES ON JANUARY 20, 2009

Mr. PERLMUTTER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 61

Resolved, that House Resolution 23 is amended by striking "10 a.m." and inserting "noon".

The resolution was agreed to.

A motion to reconsider was laid on the table.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 53 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 384.

□ 1803

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. SIREs (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, 60½ minutes remained in general debate. The gentleman from Massachusetts (Mr. FRANK) has 32 minutes, and the gentleman from Alabama (Mr. BACHUS) has 28½ minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, just as in baseball, sometimes a player who made a great defensive play is first up. After his stellar role in the chair, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. My colleague is easily impressed, but thank you very much.

Mr. Chairman, we have to back up a little bit and remind ourselves what we are debating here. We are debating a bill that amends the TARP provisions. It doesn't grant \$350 billion to anyone.

There is no money attached to this bill, and I actually agree with many of the comments that have been made about the past 350 and the potential soon to be \$350 billion. I have the same concerns they do. I may fall on the different side of the issue because, for me, I voted for it, not because I loved it, but because to me it was the only way to save the economy.

I think some of it's working. I agree that I have the same concerns about the lack of reporting that has been done to us, that this administration has not told us how effective it has been. I agree with those concerns, but that's not what we are debating. The bill before us is an improvement on the bill that we passed, and those other concerns should be directed when we get that other bill, hopefully within the next few days, and I may actually join you when the time comes, don't know yet.

It depends on whether this bill gets passed. It depends on what the new incoming administration says about this bill that's currently before us.

But let's not forget how we had the last one. Many of us tried to add some of these provisions the last time. We were told by the current President that if those things were added he would not sign the bill. He would veto it and let the economy go down the tubes. We

were told by some of our colleagues in the other body that they would not go along with it.

So we were stuck with the situation. You either save the economy or do nothing.

I actually respect those of us who did nothing. I wasn't sure that my vote was right. I am still not sure, as I stand here today. And anyone who is so certain that they know exactly how to fix this economy, well, good luck to you and God bless you, because you are much more certain than most Americans.

Most of us are doing the best we can with the knowledge that we have. I wish I could sit here today and say to you that the hearing we had a few weeks ago in Financial Services provided me all the information I needed to make a thoughtful judgment on whether the next 350 should go forward.

Instead, I was told we are not going to look at the individual institutions. We don't care what they do. That is an insane statement. No one can agree with that, yet that's what we were told.

I have some belief and some faith that the new administration will feel differently. I believe this bill sets forth clear or at least clearer definitions of what must be in the report, clearer definitions of how the money should be used.

I haven't heard one reason to vote against the bill that's before us. I have heard reasons to vote against potentially the next 350.

But let's focus on the bill that's in front of us. I would like to hear one reason why we shouldn't specify better reporting, that we shouldn't strengthen oversight, that we shouldn't clearly state that this Congress wants something to be done directly about mortgage foreclosures. I haven't heard that.

Mr. BACHUS. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the ranking member.

You know, Mr. Chairman, this debate and maybe this vote is an exercise in futility. Our distinguished chairman has already noted in various media outlets that he doesn't believe that this bill is ever going to become law. The Senate Banking Committee chairman has declared that he is not even going to bother drafting similar legislation, much less voting on it.

So, you might ask yourselves, why is it that we are here today? As an aside, the chairman said interestingly enough the other day, just yesterday in committee meeting, he said, to quote Harry Truman, the job of the President of the United States is to get people to do things that they should do that they would do if they had half a brain.

Well, the Bush administration will be out of office in a week. I would be curious to know from the chairman who he

thinks in the next administration lacks that ability to do the right thing.

Furthermore, Mr. Chairman, it's been reported that the chairman and the House Democrat leadership are really here today to try to provide political cover, in that sense, for their Members that they know this TARP Program is extremely unpopular with the American public and has wasted millions upon millions of dollars, and so this is a political cover to vote on this bill today.

President-elect Obama said on Sunday on This Week with George Stephanopoulos, "I, like many, are disappointed with how the whole TARP process has unfolded. There hasn't been enough oversight. We found out this week in a report that we are not tracking where this money is going."

I agree with President-elect Obama. He is exactly right. There is a lack of congressional oversight, and that's been a concern of mine and many on this side from day one and even before the first TARP bill passed.

I have taken the time to carefully review this legislation. But, unfortunately, when you think about the process that we have gone through here, as a whole, we have not done what is right. We call it regular order here, but for the folks at home, it just means spending the time that you should spend on a bill when you are spending hundreds of billions of dollars. That means careful review, hold hearings, hold a markup on the TARP.

Perhaps if we had done that, perhaps we could have foreseen some of the problems that we are talking about here tonight on the first bill. However, the first piece of legislation was cobbled together, and this piece of legislation was cobbled together as well and rushed.

Chairman FRANK released this draft that we have here before us just this past Friday. And now so it's less than a week that we are considering that exact same bill here on the floor.

I agree with the ranking member when he said that he has not seen a compelling case to release the second \$350 billion. In fact, I haven't seen any case presented as to why we should be releasing the second \$350 billion or any plan to deal with spending that \$350 billion. I have not seen any evidence that the original \$350 billion ever achieved its stated purpose of stabilizing our Nation's financial system.

And, if it did, as some have suggested, then why are we here today going forward with this legislation? You know, the young lady who spoke before me from Minnesota said, rightfully so, that the Department of Treasury willingly admits that they pulled that original \$700 billion, that number, out of thin air, not based on any scientific or mathematical analysis.

I have already indicated I did not support the original passage of TARP

because I believe there were alternatives at that time to spending \$700 billion of American taxpayer dollars. Now, after what we have seen with TARP and how it was handled, I certainly don't believe that we should waste an additional \$350 billion as well.

I will say this, while the chairman is making an effort to provide some oversight with this legislation, such as requiring banks that received the funds to disclose how they are spending it, you know, if you dig into this bill I believe that there are provisions in it that will have more harm than good at the end of the day.

They will do more harm to the economic recovery that we are all looking for. I will give you a couple of examples.

I have concerns with the retroactivity provisions that apply to institutions that have already received funds. What about contract law, what about the constitutional law?

The Acting CHAIR. The time of the gentleman has expired.

Mr. BACHUS. I yield the gentleman 1 additional minute.

Mr. GARRETT of New Jersey. What about the constitutional provisions as regards to that?

Secondly, forcing companies that receive TARP funds to receive a government overseer on their boards. Amazing, a Congress that can't manage its own affairs is now going to have an overseer on corporate boards around this country. You know, an overseer today will become a suggestor tomorrow and eventually a dictator the next day.

Thirdly, requiring \$100 billion of the remaining TARP funds to be spent on the foreclosure mitigation program. This was not the initial reason that we did TARP. It was to get the credit markets moving again in this country.

In closing, regardless of whether this measure passes or fails, it is almost certain that President-elect Obama will receive this request for the additional \$350 billion with absolutely no strings attached or mechanism in place to ensure that the money is spent reliably. The House Democrat leadership failed when they passed the first bill of TARP, and they will fail when they give the authority to the President the second time.

Mr. SCOTT of Georgia. Mr. Chairman, I yield 2 minutes to a very talented and energetic member of the committee, the gentlelady from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Chairman, I rise in support of H.R. 384, the TARP Reform and Accountability Act.

Thank you for yielding, and I want to thank the chairman for his leadership on this issue.

Last fall this Congress faced a difficult decision. We were asked to provide the Treasury with \$700 billion to stabilize the financial markets. Fed-

eral Reserve Chairman Ben Bernanke warned that the U.S. economy was on the verge of collapse if Congress did not act.

Fortunately, Congress wisely put stipulations in place to protect taxpayer dollars. We also instructed the Treasury to provide foreclosure avoidance resources. Most importantly, we withheld half of the TARP money to allow congressional review of the first half.

It was vitally necessary to stave off a collapse of our Nation's financial system and remains so today. However, this administration did not follow congressional instructions to utilize a portion of funds to address rising foreclosures. Today we have the opportunity to refine the use of the remaining TARP funds with this bill to make sure that we both stabilize our financial system and reduce rising foreclosures, which continue to undermine it.

H.R. 384 requires the incoming administration to act with greater transparency and accountability on how funds are being used to stabilize markets and provide multitiered options to foreclosure avoidance for creditworthy families.

In 2008, 1 in 10 homeowners were either delinquent on their mortgage or in foreclosure. One in six homeowners are currently upside down, meaning that their mortgage debt exceeds current home value.

□ 1815

Economists expect 4 million to 5 million additional residential foreclosures in the next 2 years. To compound the challenges facing our financial industry, slumping consumer spending is driving many retailers and small businesses under, and as they vacate their properties, commercial mortgage foreclosures will increase. That means even more toxic assets on the books of our financial institutions, further limiting credit.

Credit affects every American, anyone who uses a credit card, needs a car or college loan, runs a business or is employed by one.

The Acting CHAIR. The time of the gentlelady has expired.

Mr. SCOTT of Georgia. I yield the gentlelady an additional 30 seconds.

Ms. BEAN. When the Treasury came to Congress last fall, our financial system was at the precipice of collapse. The economic challenges we face today would be worse if Congress had not supported the provision of TARP funds. But we are not out of the woods.

I urge my colleagues to support H.R. 384 to make these necessary changes to TARP and vote to release the second portion of the TARP money so our financial system and the American businesses and families who rely on it can weather the existing and coming storms.

Mr. BACHUS. May I inquire as to how much time is left on each side?

The Acting CHAIR. The gentleman from Alabama has 23½ minutes. The gentleman from Massachusetts has 26½ minutes.

Mr. BACHUS. I temporarily reserve my time.

Mr. FRANK of Massachusetts. In a spirit of cooperation, if the gentleman is short of speakers, I have a surfeit over here. I notice there seems to be a lack of interest over there. We can send you some.

Mr. BACHUS. Mr. Chairman, I don't think that we need that kind of speaker.

Mr. FRANK of Massachusetts. Okay. I was trying to fill the gap over there.

I will yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Thank you very much.

Mr. Chairman, I rise to express my support of H.R. 384, the TARP Reform and Accountability Act, a tough piece of legislation that brings overdue reforms to the management of the TARP program.

I have consistently advocated for greater accountability from institutions receiving aid through TARP, while stressing that expanded relief for struggling homeowners be included in the legislation. This bill achieves both.

When the Bush administration came to us last fall seeking our assistance to soften the blow of the worst financial crisis since the Great Depression, we heeded their call. We actually passed the \$700 billion financial rescue package to save Wall Street from itself, but we did so under the expectation that the Bush administration would make good faith efforts to adhere to and enforce the accountability measures Congress included in the bill. We further expected that the Bush administration would make good on its promise to steer TARP funds to troubled homeowners attempting to deal with foreclosure problems.

In its use of the first \$350 billion installment of the program, the Bush administration has failed on both fronts. As has been aptly reported by the Congressional Oversight Panel created to oversee TARP, the Treasury Department has systematically failed to ensure that taxpayer dollars spent through TARP are being used as effectively and efficiently as possible. In fact, we have no clear idea about how the funds are being used.

We have seen the results of this lack of oversight with one example, and that is AIG, whose president I will be meeting with tomorrow morning. AIG has been the beneficiary of more than \$150 billion in taxpayer dollars, including funding from TARP, and continues to hold luxury junkets for its top executives and award bonuses to "retain its staff." As if this was not bad enough, the Bush administration has

failed to meet its commitment to use TARP to stem the tide of foreclosures and has refused to impose any lending obligations on institutions.

I have every reason to believe that President-elect Obama will better manage these funds, as he says he will. H.R. 384 gives him the roadmap to do that.

Mr. BACHUS. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman.

I want to reiterate one point that was made earlier, and I think is maybe one of the most important points that has been made here today, and that is that we don't have another \$350 billion. In fact, we didn't have the first \$350 billion, and we had to go out and borrow that money from our children and our grandchildren in order to do something that nobody has really articulated what we were trying to do. We didn't have a plan. There was no accountability. But we went ahead and charged on the credit cards of our children and our grandchildren \$350 billion, with the assumption we would do another \$350 billion.

The issue here, and the reason it is so important, and I am frustrated and I do not understand, this isn't the only money that we have committed. The Treasury, the Federal Reserve, the FDIC, have guaranteed billions and billions of dollars, and we are getting into the trillions. A recent Wall Street Journal article said that we could possibly be already in this at \$6 trillion. Now, even in Texas that is a lot of money.

But the question here is that it is not just this \$350 billion that we are talking about. The other side is putting together a proposal right now. It is a stimulus package. The new administration is going to bring that any day. We don't know what that number is, but it has been reported anywhere from \$800 billion to \$1.3 trillion. Again, we don't have that \$800 billion or \$1.3 trillion.

So when you add all this together, we are talking about in the next few weeks here committing \$1.5 trillion of the American taxpayers' money with no plan, with no measure of what has happened to all of these unprecedented things we have done.

Then the last point I want to make here is it is unprecedented, the amount of interference and injection that we have put the Federal Government into companies all across America, and the markets are trying to figure out what to do with this new player in the marketplace. And the question is, there was no exit strategy, so at some point at time somebody is going to blow the whistle and say okay, it is time to quit doing all of this government interference, hopefully sooner rather than later, and then the question is what is going to happen to the markets as the government begins to exit this? What

is going to happen when all of these guarantees begin to expire, when all of these loans that we have made begin to come due, all of these investments that we have made in these companies start to have to be paid off? And the problem is that we are doing that all on a rapid fire basis with no clear direction.

Now, the American people deserve for the United States Congress that they just recently elected and we were sworn in, they deserve for us to look and deliberate and make sure that if we are going to mortgage our children's and our grandchildren's future, that we at least do it in a way that we can look them in the eye and say we believe it is in their best interests that we do that; that we are looking at the effectiveness of the program, we are looking at how people are spending that money, and we have a plan on how we are going to end this at some point in time. Unfortunately, none of those exist today.

Mr. Chairman, I encourage Members of Congress to stop and reflect. Let's vote this bill down and let's look and be accountable to the American people. They deserve it.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY) who has been a very informed advocate for many of the industries that operate in his district.

Mr. DONNELLY of Indiana. Mr. Chairman, I rise for purposes of engaging in a colloquy with the chairman, Mr. FRANK.

Mr. Chairman, title IV of the bill regarding consumer loans urges the Secretary to establish or support facilities to support the availability of consumer loans for autos and other vehicles. Is it the chairman's intent that consumer loans for recreational vehicles could qualify under such a facility?

Mr. FRANK of Massachusetts. If the gentleman would yield, yes, it is. Let me say that the language is better now because of the gentleman from Indiana and the gentleman from Oregon (Mr. DEFazio) and some others who called our attention to an inadvertently narrow definition.

Yes, recreational vehicles play an important role in the economy and in the people's quality of life, and they should be included.

Mr. DONNELLY of Indiana. The manager's amendment included language urging the Secretary to establish a support facility to support the availability of small business loans, including dealer floor plan financing. On December 23, the Fed announced that the TALF program would include new car dealer floor plan loans.

Is it the chairman's view that the Fed should generally consider expanding the TALF program to support other kinds of floor plan financing?

Mr. FRANK of Massachusetts. Absolutely. If the gentleman would yield, I

think that this is an important part of what the average American wants and needs and that this is part of the chain of employment, so I will be urging them to do exactly that.

Mr. DONNELLY of Indiana. Thank you, Mr. Chairman. I urge all my colleagues to support this legislation.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

I think the ranking member said it best yesterday when there were hearings on this that there was a time in this country when the people would go to the bank and borrow money from the bank. My grandfather was a banker for a good number of years, even back in the thirties, and when a person went to the bank, the bank would require sometimes that the bank would want to know what the money was going to be spent on, of all things, and then forms would be filled out and money would be loaned.

Times have changed. Now the people loan money to the bank, to many banks, to the very special interest banks, and we know not what they are doing with that money, and certainly no background checks or forms were filled out by those banks before we gave them the money. Now we are being asked to do it again. We certainly don't learn our lessons.

The cost of bailouts by this Congress last year exceeds the amount of the total cost of all the wars this country has been in; the American Revolution, the War of 1812, the Civil War, World War I, World War II, the Korean War, the Vietnam War, the Iraqi War, the Afghanistan War. These bailouts that this Congress is spending the taxpayer money on costs more than all of the wars put together.

Maybe we ought to decide to do something else than continue to spend money that doesn't belong to us, but belongs to the American public.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to one of the most informed members of our committee, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. Chairman.

Mr. Chairman, Dr. King, whose birthday we are about to celebrate this month, reminds us that the truest measure of the person is not where you stand in times of comfort and convenience, but rather where do you stand in times of challenge and controversy. Not where do you stand when there is no housing crisis and no unemployment problem, but where do you stand when unemployment is 7.2 percent, when you have lost 1 million jobs in the last 2 months, when you have lost 2 million jobs in the last year. Where do you stand in times of challenge and controversy.

In this time of challenge and controversy, I stand with the American homeowner, who is in crisis, who needs our help, who but for this piece of legislation will not get our help. I stand with the American homeowner, because this legislation provides \$40 billion to \$100 billion to help homes that may go into foreclosure. In times of challenge and controversy, I stand with the homeowner.

And I also stand for something else. I stand for having the TARP money be made accountable for. This piece of legislation deals with accountability. People want to know how their money has been spent.

This legislation helps us to better understand how the TARP money has impacted new lending. The LaTourette amendment that passed this House overwhelmingly in the last session, the last time we met and had this bill before the House, that amendment is something that has been incorporated in this bill.

So, Mr. Chairman, I thank you for a stellar job, a job well done, and in times of challenge and controversy, I stand with you, Mr. Chairman.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, it is a pleasure to follow my dear friend from Texas, from Houston, the former judge in Houston. And I appreciate him saying he wants to stand with the homeowners. I don't think when we passed this bailout bill back in September we were standing with the homeowners, because we weren't.

□ 1830

That money got given to banks, all kind of places. We're still trying to find out where all of it went, and we don't know because the bill didn't have enough restrictions. So I appreciate the chairman trying to add restrictions.

But in looking at all of this money, \$350 billion still to be spent, with all our efforts to try to pin down the Secretary of the Treasury, try to keep him from giving it to his buddies and hurting his enemies and personal things that may or may not have happened so far in the last 4 months, you really want to stand with the homeowners.

What I've been hearing from people, homeowners who got a little behind on payments, they got behind last summer when gas prices went up, many of them did, and they couldn't pay all the bills.

So instead of having this money routed through the Secretary of the Treasury, as much as we might try to bind his hands, and then on around to maybe through banks and require them to lend, that kind of thing, if we provided a 2-month tax holiday where no withholding is taken out of the work-

ers' check for 2 months, and then you don't take out FICA for 2 months, then it's still more than paid for by the \$350 billion. It's a 2-month tax holiday.

Now, President-elect Obama had said he would do exactly what this proposal does, except he'd have a \$250,000 cap on income. I have a bill that doesn't propose the \$250,000 cap, and it still comes in around \$334 billion. That's what will help the homeowners. It's instantaneous. We don't have to put restrictions on it. We don't have to do anything other than let the homeowners have it.

I've had some people tell me they want to get out from under their gas-guzzling car. But last summer when prices went up, the value of their car went down and they can't come out from under it. A 2-month tax holiday will do it.

Mr. FRANK of Massachusetts. I yield 2 minutes to one of our very thoughtful Members, the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. I rise in reluctant support of the TARP program as executed to date, in optimistic support of the TARP program as it will be executed by the Obama administration, and in full-throated support of H.R. 384, the TARP Reform and Accountability Act of 2009.

While the actions we took last fall have done much to stabilize our system, our credit markets are still not functioning properly. Significant programs to reduce preventable foreclosures have not started, and more needs to be done.

More than anything else, our economy runs on confidence. Confidence is an ephemeral thing that's easily squandered and extremely difficult to get back. Our financial system has been shaken to the core in ways that we have not seen since the Great Depression, and while I am certain that the actions that we took last fall helped us avert the abyss, we have to do more before we recover.

And the most important elements for restoring that confidence are a clear and workable plan for the future, the resources necessary to execute that plan, and an assurance that we are all in this together, that the blood, sweat and tears, as well as the economic gain, will be equitably shared as we work out of this crisis. That is what this bill is about. And this second infusion of TARP money, well-spent, is absolutely vital to helping us restore that confidence.

I would also like to associate myself with the colloquy regarding municipal bond markets. The loss of infrastructure spending due to the lock-up of the \$2.3 trillion muni bond market is one of the most frustrating and tragic consequences of this financial crisis. Despite near-zero historical default rate, muni bonds are not trading at all, at rational levels or at all. Proposals to revive the muni bond markets, for example, with federally backed muni

bond insurance, represent low-hanging fruit that should be captured with a modest investment of TARP funds, probably the biggest bang for the buck of any stimulus investment that I am aware of.

As a member of the Financial Services Committee, I look forward to working with the chairman and the new administration on this important issue. I know Members are properly skeptical of the TARP effort.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional minute.

Mr. FOSTER. Given how badly the Bush administration mangled this first infusion of TARP money, Members are extremely wary of granting additional funds. But thanks to the diligent work of the chairman and former and current members of the Financial Services Committee, this bill contains substantial improvements over the original bill enacted last fall, and I believe it is worthy of this Chamber's support.

Mr. BACHUS. Mr. Chairman, at this time, I have no other speakers and would like to reserve the balance of my time until the gentleman from Massachusetts has no further speakers and is ready to close.

Mr. FRANK of Massachusetts. I would yield 2 minutes to the gentleman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. First of all, let me thank you, Mr. Chairman, for your leadership on this area.

I voted for the TARP bill, and I've got to tell you I've been very disappointed in many areas; whether we're talking about student loans, the fact that thousands of people are losing their homes through foreclosure, or whether the automobile industry, they can't get money to buy a car. And so I want to know what safeguards do we have in this bill to make sure that the banks will do what we intended them to do.

The Europeans did the same thing. They used their money to stimulate the economy, but yet, for every dollar they got, they had to lend it out.

Mr. FRANK of Massachusetts. If the gentleman would yield, what we say in here is, first, we have adopted in this bill the LaTourette amendment that the House did unanimously, to go back to the money already given and demand an accounting. That, we think, will put some pressure on them.

But more importantly, going forward we say that the Treasury may not make any capital infusions until they have made an agreement with the recipient bank as to what they plan to do with the money. And we expect that, in most cases, that will be re-lending.

We also make this point. The first chunk of money went primarily to the very large banks. They don't lend in

the ways that the gentlewoman wants to see loans. One of the other things we're going to do is to increase funding to community banks in general, which we can trust. But even with those banks, the community banks in which we have confidence about how they're going to respond, we are going to insist that there be an agreement beforehand as to how they will use the money.

Ms. CORRINE BROWN of Florida. Will that include credit unions?

Mr. FRANK of Massachusetts. Yes, it does include credit unions.

Ms. CORRINE BROWN of Florida. My second question regarding the re-appraisal of real estate collateral that has affected the home builders in our country. I have an amendment in front of the Rules Committee which will permit lenders to extend or modify loan terms for home builders, so that they could continue to pay interest, without forcing them to pay large sums of principal during this economic crisis. I understand this issue is not covered by the bill. What assurances do we have that we will address this issue in the future?

Mr. FRANK of Massachusetts. If the gentlewoman would yield here, and I appreciate her forbearance here. It's probably beyond the scope of this.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield 1 more minute to the gentlewoman, and ask her to yield it to me.

This question is requiring accounting, the accounting standards require them to write down the assets. I think that's reasonable. The problem is that once that's done, too many things automatically flow from that.

There used to be a show called Truth Or Consequences. Our problem is truth and consequences. I don't want to dilute the truth, but I think we can have some flexibility in the consequences. The gentlewoman has given a very good example of that. It's an issue that this Financial Services Committee will be working on. I expect to have a serious hearing on this and consideration of it, and I know the gentlewoman will be helpful to us in putting this together and deciding how to respond.

Ms. CORRINE BROWN of Florida. Once again, thank you so much for your leadership in this area.

Mr. FRANK of Massachusetts. I yield 2½ minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. I rise to make four points in support of this bill.

First, I believe the U.S. Government response has actually been too timid and too slow. Let me just take, for example, the failure of this House on the first vote in September to pass the initial bill, TARP bill. As a result of that, Mr. Paulson actually backed away from the initial purpose of this bill, which was to actually purchase distressed mortgage securities and to

begin to give clarity, a price to them so that we might have attracted by now more private investment into the markets. Instead he had a mistaken policy that he pursued in his panic of actually putting more equity direct into the market.

I believe, therefore, you've seen things happen that others have taken the place of our timid response. The Federal Reserve actually has stepped in, just for one example, actually guaranteeing in Citicorp's group, hundreds of billions of dollars of distressed equities, which we, in the TARP program, were actually meant to salvage.

Second, I believe that we actually have had success. We have moved back from the apex of financial crisis, financial panic, when for the first week, in that first week in October, not one bond was issued in the United States; the first time that has occurred in the history of America.

As we step back, we've seen the overnight bank lending rate actually fall from historic highs, significantly downward. That is important because every credit card in America is tied to that rate, and 50 percent of every adjustable rate mortgage is tied to that rate as we salvage a more dire consumer credit and other types of credit challenges.

Third, I believe that, as we have seen some success, as we've seen that the 10-year Treasury securities, and as our mortgage rates have fallen and the dollar has strengthened, much more needs to be done, and that's what this bill does. It institutes the accountability that is absolutely critical.

If I learned anything in the Navy, expect what you inspect. And we do have the right inspection regime finally in this bill.

As we also step back and begin to get money funding to those types in tier 2 that need, it the commercial banks that can give it direct to consumers for loans and to small businesses, and as we begin to salvage the mortgage foreclosure, which is the long pole in the tent for the recovery in our economic recovery.

And the final point is this: Again, at sea, what I learned is when you were in a physical storm at sea, woe be that seaman that never took precautions because he thought it might be unnecessary.

We are truly in a financial storm, and the U.S. Government is the only one who continues to take the precautions necessary in order to salvage us from this storm.

Mr. FRANK of Massachusetts. I will inform my colleague, I'm about to get the last speaker before I will close. So I now yield 2 minutes to the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I rise to engage in a colloquy with the chairman of the Financial Services Committee, Mr. FRANK.

When Congress originally drafted the Emergency Economic Stabilization Act of 2008, I worked with the chairman to ensure that local governments would be covered under the Troubled Assets Relief Program. And the reason that we needed to do this was that there were so many that had invested in very conservative instruments in Lehman Brothers.

In my congressional district alone, in San Mateo County, they lost, or have lost \$150 million in Lehman Brothers securities, and they're not alone. At least 19 California cities and counties, the Commonwealth of Massachusetts, as well as hundreds of other local governments across the country have incurred losses like this.

The losses have resulted in teachers being laid off, the termination of ongoing construction projects, and the reduction of so many of the critical services that our constituents rely on every day.

My intention today is to confirm authority granted to the Treasury Secretary in the Emergency Stabilization Act of 2008 and the urgency for the future Secretary of the Treasury to use it effectively.

So to the chairman, does the Treasury Secretary have the authority, under TARP, to purchase troubled assets by local governments?

Mr. FRANK of Massachusetts. If the gentlewoman would yield, yes, he does. And the purpose of this bill is not simply to confirm that the authority is there, but to say that we expect it to be used, and to demand that if it is not used we get a written explanation as to why not.

And I think it should be noted, if the gentlewoman would continue to yield, the gentleman from California, earlier the gentleman from Virginia, most recently the gentleman from Illinois, really a fairly good geographic stretch, have all made the point that the municipalities have been the unfair victims of this financial crisis, and we do some things to help that in this particular legislation. We will be doing more. And I thank all three of them and many others who have brought this to our attention.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, ladies and gentlemen, in September Congress rushed to approve \$350 billion to prevent what we were told was a doomsday scenario, that Secretary Paulson and Chairman Bernanke warned could bring down our financial system. They said, if we failed to act to stabilize our financial markets our banking system could cease to function. Very serious words. And we did act.

Now, just last week, we approved \$350 billion with an option, if necessary, to commit another \$350 billion. Just last week, in a letter to Congress, to Members on both sides of the aisle, we were

told by Secretary Paulson, and let me quote, "We have, in fact, met our original, stated objectives, which were to immediately stabilize the financial system by strengthening financial institutions, arresting the wave of financial organization failures, and establishing a basis for recovery."

□ 1845

You'll recall back then that six of our largest institutions collapsed within a month or two.

Now, what began back in September as an emergency response to stabilize our financial markets has morphed before our very eyes into a string of taxpayer-funded bailouts. I don't think you've failed to notice that. I know the American people have not. Trillions of dollars in taxpayer-backed guarantees and loans have been extended over the past 5 months.

A week after Secretary Paulson announced that the September legislation had met its original goals, they came back again. The government and his agents and his agencies are ready and are anxious to dole out another \$350 billion in, what I call, a grab bag of free taxpayer money.

But before the government and the new Obama administration can spend this additional \$350 billion, they are required by law to submit a detailed plan, telling the Congress just how they intend to spend the taxpayers' money. They are required to tell us not only how they intend to spend it and what they're going to do with it, but they are to go into detail. I would think that means the purpose of each program, the amount of money, the recipients, the amounts, and perhaps whether AIG is included. How much is going to them?

At a time when Americans—our families, our constituents—are struggling to make ends meet and to make their mortgage payments, that's only fair. We need to be informed. It's a duty we ought to take seriously. We need the facts. We need all of the facts, not just some talking points, not just some broad suggestions. Not only do we need to know and to look at it as we require them to do, but the American people deserve no less.

We do know some things. We do know that special interest groups and their lobbyists are lined up to grab their piece of a very expensive, taxpayer-funded pie. They're calling on most of us, and have this week. They're ready. They're anxious. There is a sense of urgency there. They want a piece of the taxpayer.

We know for sure that Chairman BARNEY FRANK's bill before us today isn't going anywhere with or without amendments. It's not going anywhere. The Senate has repeatedly indicated that they have no intention of taking it up, much less of passing it. Is that my interpretation? No.

Let me quote the chairman of the Senate Banking Committee. "Congress doesn't have time to take up Chairman FRANK's plan to spend the money." We've had the Paulson plan. Now we've got the Frank plan. I guess we've got the Obama plan, but the Frank plan is never going to see the light of day.

The chairman of the Senate Banking Committee came back. He was asked to clarify, and he again reiterated. He said, "Trying to flesh out a bill form is really impossible." We just don't have the time to do it. We're not going to do it. It's not going to happen.

What about the detailed plan requiring the administration to tell us how they intend to spend these additional hundreds of billions of dollars of taxpayer money, which was a requirement that was essential in convincing Members to vote for the bill in September? We're not going to vote for it; we're not going to pass it unless we get attached to the request a detailed plan telling us where it's going, telling us who is getting it, telling us how much, giving us detailed terms.

Well, Mr. Chairman, we don't have that plan. Here is what we have. Here is what is attached to this request for \$350 billion. All we have are these 322 words. Mr. Chairman, that's more than \$1 billion per word. What did we get? We got a document that basically consists of six talking points, some of which sound good, but they are nothing that inform us or the American people as to how the money will be spent.

For example, here is what the plan says that was submitted on the request of the Obama administration. It will "focus resources on measures that achieve goals in the most effective and efficient manner." That sounds pretty good. Let me repeat that. "Focus resources on measures that achieve goals in the most effective and efficient manner based on current and forecasted financial market conditions." Do you know who that's going to? Do you know how much?

Here is another one. There aren't many words here, but here are another 10 of them: "TARP programs should encourage broad participation." That's not even close to a detailed plan. Perhaps we're supposed to rely on the incoming administration to provide us with these details of how they will spend the money. After all, as I said, they've requested the current administration to send this request up. Here is the plan. No. No. The new team was going to change things, but apparently not. It's the same old, same old. They haven't attached a detailed plan required by Congress for the American people or for this Congress.

Although not here, instead, they've sent us a three-page letter with five more talking points. So I guess, maybe, you could take these, which are part of the thing we'll vote on and part of the five talking points they've sent. It was

just one of their economic advisers who sent it.

What was the response to that little five-page letter from one of President-elect Obama's advisers? Well, the congressional Democrats said this: "It fails to meet our standards." They said that they needed more details than the letter provided. They've not gotten it.

A letter is not a law, and that's why the chairman brought this before the Congress. A letter is not a law, so he brought this bill, but then the Senate said forget it.

So, 3 months after the House has passed legislation, here we are without any clue as to where the money is going, with embarrassing consequences, and we are going to do it again. We are at it again. We have not learned a thing.

Chairman FRANK and the Democratic leadership, you're again on the floor, claiming there is no time for careful consideration under regular order, with a 75-page bill that was introduced less than a week ago. No committee markup will ever be held on this bill. Why not? I don't know. I wrote the chairman. I said, "Why can't we have a markup?" I've not received a response, perhaps because a markup isn't necessary. Amendments aren't necessary. This debate is not necessary. Its only purpose is to grease the skids for congressional approval of yet another bailout. Oh, we got some conditions; we got some terms; we passed a bill to nowhere; we gave it our best shot. It didn't come from a committee, and it's going absolutely nowhere.

Someone talked about this wonderful opportunity we were going to have today to define how this money was going to be used. Well, folks, a bill that is going nowhere isn't much of an opportunity. It has no legal effect. Where should the request for this \$350 billion go? I say back to the current administration and to the new administration until such time as the American people and this Congress get the facts.

Why do they suddenly need another \$350 billion? Is it another \$350 billion sedative for the stock market to calm it for a week or two? Who exactly gets the money—what industries? under what conditions?

Mr. FRANK has talked about foreclosures and mitigation. It's a worthy thing. Well, I looked to the Obama administration official and what he said about that, and he said, "Hope for homeowners. Hope for homeowners." Now, Mr. FRANK, the chairman, wrote, "Hope for homeowners," and 13 lucky homeowners have received a mortgage or a mortgage workout, 13. I suppose and I believe that the chairman is going to work out a new mortgage program, but we don't know what it is. We don't know how much money is going to it.

The President-elect says he is going to change the bankruptcy laws. I won-

der how. I wonder if we shouldn't get some detail from him. He says he is going to make some bold changes in how this money is spent. He has said that he is going to see that distressed homeowners and people who can't pay their car notes receive relief out of this money. I would invite you to read those three pages. Above all, he says he is going to change; he is going to change; he is going to change.

Do you know the one thing he didn't change? No details, no terms, no identification of recipients. He has certainly not been more transparent and accountable. He could have waited 5 days, and he could have filed a detailed plan, and he could have told the American people and this Congress before we voted exactly what he wanted to do, but instead, we get a bill that's not going anywhere, and we get to put some amendments in it. That doesn't sound like much of a change. In fact, it almost sounds like we're going backwards, because we're not going to pass any conditions this time, none whatsoever.

Who gets the money? Under what conditions? We and the American people are going to have to wait. Then I say we vote. We need to do what's right, not what's popular. We need to do what's right. We need to be informed. Yes, there is a sense of urgency, but there also should be a thorough debate, and we ought to know the details of the plan. To be informed, we need to know the facts, and we don't have them. That's the bottom line, and a bill to nowhere doesn't change that.

Mr. Chairman, there was a time not too long ago when it was the banks that loaned money to the people. Today, unfortunately, it's the other way around. Banks are asking the people to loan them money. They're asking our constituents, our voters—many of them struggling to pay the very banks that are asking again for help.

The President-elect says that he is going to see that more bold steps are made to inject capital into those banks. He is going to spread it out. He is going to give some of the banks money that didn't get the money before. He is going to change some of the terms. Now, I have not a clue—and neither do you—as to how, but let me tell you something, one thing, and I will close with this:

It is time that the banks started lending money to people, not the other way around. We, on behalf of the taxpayers and our constituents, can put a stop to this, and we can do it now. We can tell the current administration and the next administration "no" to yet another \$350 billion blank check bailout. Enough is enough.

Thank you, Mr. Chairman.

□ 1900

Mr. FRANK of Massachusetts. Mr. Chairman, I will use our remaining time.

People may have a little difficulty reconciling the speech they just heard with the person who made it. The gentleman from Alabama last year voted for the 700 billion the second time, not the first time. He was in and out of the negotiations on it, told us he would participate, then was told he couldn't. He did finally vote for it.

We ought to be clear what's happened, and I understand the need to stay at a position.

The new deputy, the new whip of the Republican Party, was quoted in a publication here, Congress Daily, as saying that the gentleman from Alabama was allowed to keep his position as the ranking member because he'd agreed to engage me. Not, let me say—less I cause great problems given the obsessions on the other side—to become engaged to me. I don't want people to be confused. It was that he would engage me.

Mr. BACHUS. Mr. Chairman, thank you for clarifying.

Mr. FRANK of Massachusetts. I did not yield to the gentleman.

And that's what you see. That's the only explanation I could give for this dodge and whirlish, frankly, pattern of activity I can't fully understand. Again, he did vote for it.

What we are seeing, I would say this, if you're listening to the Republican arguments today, this is the going away present to George Bush. Remember that the \$700 billion was a major initiative of the Bush administration, insisted upon by Bush officials or Bush appointees: Mr. Bernanke and Mr. Paulson.

At the request of the President—I put the "President"; he's still the President—as an independent actor is the one who triggered this issue. If he had not done so and had waited a couple of weeks, no, we wouldn't be here today. We would have been following the regular order.

But President Bush, at the request of President-elect Obama—but President Bush did it—triggered on Monday a 15-day period. We will have to vote early next week on whether to approve or disapprove the second TARP, and that was George Bush's approach.

So we're here because George Bush, at the request of President Obama, asked us to release the second 350, and we're here because George Bush asked us to do the first 700 billion.

I do not think in American history there has been as thorough a repudiation of a President by members of his own party, as we have heard from the Republican Party today and elsewhere. But they are entitled to repudiate their President. I salute their perspicacity.

What they are not entitled to do by logic is to say that because the President they supported, the President they campaigned for, the President they honored, because they are so disappointed with the way he conducted

one of his major initiatives that this Congress gave him, that they will deny the new President these tools.

Now, I don't like the foreign policy of the Bush administration. But I don't think we should say that Mr. Obama cannot have a State Department.

The TARP is not an independent organism with a spirit of its own. It's a set of tools. There was apparently unanimity in the Congress that the Bush administration did not use them well, although the gentleman from Pennsylvania on our side and others have made the point that they did some good.

By the way, that's one of the interesting things on the Republican side. They have insisted, first of all, that the TARP did no good whatsoever; and secondly, that it succeeded to the point where we don't need the second half. If you read what some of them have said, that's what they said. Several quoted Mr. Kashkari as saying, "Well, Kashkari, who's running this under George Bush, says things have been stabilized." Yeah. He says they've been stabilized in part because we've had this. So quote Mr. Kashkari who says this is worksome to argue that it should never have been done in the first place.

Now let me address this issue of this odd thing that says we should be independent, we should assert ourselves, and what should do? We should wait for the President to give us a plan. That's an odd form of assertiveness to wait for the President to give us a plan. I didn't want to do that. Most of the House does not want to do that, and we are here to tell the President what we think has to be done.

And the gentleman has engaged in one of the, I think, least persuasive techniques, a straw man. Yes, Mr. Summers did a letter, which he had up there. That is by no means the only indication that we will have. And in fact what we are getting is a specific agreement from the Obama administration to the terms of this bill.

For example, on foreclosure—and the gentleman said, and I'm baffled by this, "we don't know what he means by 'foreclosure.'" Well, he said we need the facts.

You can subpoena someone to tell you what he knows. You cannot subpoena someone to be told things. You can subpoena information out of someone. You can't subpoena information into someone.

There is a concept from ancient theology, which I do not impute to anybody here in defense of the House rule, called invincible ignorance. But invincible ignorance is immune to facts. It is immune to logic and cannot be overcome. We have made very clear—the gentleman from California, who's technically on this—at least 20 billion to go into the plan put forward by Sheila Bair, a Bush appointee of the FDIC. That's very specific. It's not Hope for Homeowners. It's a separate plan.

Secretary Preston, a Bush appointee at HUD, has told us that there is, in the original bill, authority to buy home mortgages and that will work. So there is another specific: buy home mortgages that are in people's portfolios and reduce them, which we mentioned in the bill. The Sheila Bair plan.

Now, Hope for Homeowners, the gentleman is right. We passed Hope for Homeowners, and it was too constricted. It won't work. We constricted it some; the Senate further.

Now, by the way, when we were passing Hope for Homeowners, the Republican mantra was, "This will cost us \$300 billion dollars." Preposterous at the time. Now they are arguing, "Well, it was too restrictive." They are right this time. They were wrong the first time.

Part of the reason it was too restrictive is that we were concerned about this argument that we were spending too much.

So we do propose here—and I hope in the recovery program—to fix Hope for Homeowners so we will have Hope for Homeowners, and we will work with the Federal Reserve to try to make Hope for Homeowners more workable.

So we are talking about three specific approaches: A more workable Hope for Homeowners, which reduces principal; the Sheila Bair plan, which reduces interest; and the Preston plan, which buys up mortgages. We also intend to use more money here through Fannie and Freddie.

The notion that nobody knows what we mean by mortgage foreclosure could be advanced seriously. I don't know whether that's a form of engagement that will satisfy the Republican leadership and the Republican Study Committee, to which the gentleman has to pay some attention; but we have very specific numbers, we have a commitment from the Obama administration, from Mr. Geithner, and from Mr. Summers that they will spend at least 100 billion of the 350 on mortgage foreclosure reduction. And if they can't, they will tell us in writing why they couldn't; and they will spend no less than 40.

Now you could not be more specific. The gentleman knows this. This isn't a line in Larry Summers' letter. What's the purpose of pretending that you don't know that we have this commitment to at least 100 billion, no less than 40, and 100 unless they can tell us in writing why it isn't done.

As far as the banks are concerned, we're very specific here. Well, one we passed the LaTourette amendment that Members here voted for. Apparently they thought it was meaningless. I didn't think it was meaningless. I thought a Republican Member, Mr. LATOURETTE, had a good amendment, and we made this part of the bill; and we have a commitment from the Obama administration to enforce it.

Now, it is possible that the Obama administration will break its word. It is not unheard of for administrations to break their word. We believe the Obama administration will abide by its commitment to follow this bill if it's passed.

I understand the skepticism on the Republican side because we're telling them that we have a commitment which we accept as valid from a new administration that they will abide by the bill as it passes the House. We haven't experienced where the bill could pass both houses and be signed and be ignored. So I understand their skepticism that a President will pay respect to a law.

But again, here is the fundamental flaw. They would visit the sins of the Bush administration on the Obama administration.

We still have a financial crisis, and yes, Mr. Kashkari said things have gotten better, but he didn't say this isn't necessary. Secretary Paulson thinks they're necessary, the Federal Reserve thinks they're necessary, the Obama administration thinks it is necessary to use the \$350 billion wisely. We are putting limits here on how it could be used. And it is possible, and it's true.

The Senate doesn't plan to pass the bill they tell us now. That is often the case. It's the first time I've heard the Republicans say that's the reason for us not to do things.

But here is the point: We will pass this bill, I hope. We will then probably see the 350 made available, and I trust the Obama administration. But if they don't, hanging over their heads will be this bill in the Senate—and they don't plan to pass it now—but I believe its being there as a live option will make a difference.

As to participation, no, we haven't had a markup because we are not formally constituted. If President Bush had waited and asked for this in a couple of weeks, we would have had a regular markup. Instead, we've had a very open process, and we have elicited amendments. Oddly, some would argue that because we got over 70 amendments, that shows that Members were somehow unhappy. In fact, we have accepted the great majority of those amendments, including many of those offered by Republicans. Now, many Republicans didn't offer amendments, but those that did, we have accepted some and we put others in order.

So here is the issue that we come down to.

The Republican leadership voted for this bill—not their whole membership, but the leadership did. They were in, they were out; but they voted for it. They then saw their administration had administrated so badly that they've decided to punish the Bush administration by denying a vital tool to the Obama administration. It's like the story of the mother who says to the

teacher, "My child is very sensitive. So if he misbehaves, smack the kid next to him because that will impress him."

Well, Obama is the kid next to the people who misbehaved. Don't smack him. Don't tell a new President who won an election largely in repudiation of your party's candidate that you're going to deny him this tool.

We think that if the 300 and—note the Republicans who opposed this haven't said that if the Obama people follow this pattern, it will be wrong. They took some shots at foreclosure. Some of the more conservative Members think we should do nothing about it. Most of them don't want to say that.

The question is this: Do we tell a new President that he doesn't have the authority, or do we give him the authority with a set of rules to which he agrees?

Mr. POSEY. Mr. Chair, as a new Member in the 111th Congress, I did not have the opportunity to vote against the Troubled Asset Relief Program, or TARP, when it passed last year. At the time, I raised a number of concerns with the program, including the enormous risk to the taxpayer while our Nation's budget deficit skyrockets. While the Secretary of the Treasury warned of catastrophic consequences if TARP failed to pass last year, the case has yet to be made this time that the remaining \$350 billion ought to be spent. Let us also remember that after the TARP bill passed, the Treasury shifted its approach away from purchasing troubled assets, as expected by Members of Congress who voted for the bill, and focused instead on giving money to banks. Treasury's use of taxpayer money remains clouded and lacks clear results deserving yet more of our money to spend.

I welcome this bill's requirements to increase oversight of the TARP program through reporting requirements and the establishment of TARP objectives and benchmarks. The Congressional Oversight Panel highlighted the Treasury's astonishing inability to explain what banks are actually doing with the taxpayer money that was handed over to them. That is unbelievable and we ought to remedy this.

That said, we are asked to vote on a bill that ostensibly improves the TARP program, but is being considered in a rushed process and without proper deliberation. We just received a copy of the 74 page bill on Friday afternoon. HEW Three days later, we received a 23 page amendment from the bill's author. That doesn't inspire much confidence in this process. Many agree the frenzied passage of the TARP bill last fall resulted in the need to clean it up later. So today I ask: What is the hurry and why can't we have more deliberation on ideas to improve the program? In yesterday's Financial Services Committee hearing, which touched on this bill indirectly, we heard from panelists with some ideas for TARP and other economic tools worthy of discussion. Why can't we take time to digest these proposals and determine whether their ideas should be incorporated with this new version of the TARP bill?

I doubt this bill will live up to its expectations. Recent discussions in Congress have rightly addressed ongoing foreclosures. Yet I am concerned that the bill builds on a housing program, the Hope for Homeowners program, whose track record is dismal. While it was predicted that the program would help around 400,000 homeowners, this \$300 billion program received fewer than 600 loans for modification and government guarantee. The legislation before us weakens Hope for Homeowners requirements, such as borrower certifications and documentation, which are intended to reduce the possibility of the taxpayer having to pick up the tab. This bill does not sound like the solution we are looking for.

Mr. MEEK of Florida. Mr. Chair, I rise in general support of H.R. 384.

The bill requires that the Treasury implement some combination of programs designed to mitigate foreclosures.

This is very important to the people of my home state of Florida. Florida has the second highest foreclosure rate in the nation, placed only after Nevada. In November of 2008, one in every 173 Florida housing units received a foreclosure filing, nearly three times the national average. Broward County leads the state with over 6,800 new foreclosures in November, while Miami-Dade County follows close behind with over 6,400 new foreclosures filed in November.

In the last economic stabilization package the Troubled Asset Relief Program, TARP, was created. Money for this program was supposed to go to help stabilize banks, and was originally thought to be used for lending and the prevention of foreclosures. So far, the money has only been used to help shore up banks, and has not actually been used to restructure mortgages or otherwise prevent foreclosures.

FRANK's bill H.R. 384 requires the commitment of between \$40 billion to \$100 billion to help mitigate foreclosures.

The bill does not lay out a substantial plan to use this money to prevent foreclosures, but instead requires any plan created by the Secretary to comply with several elements, leaving the door open as to how exactly the funds will be used.

While the bill grants the Treasury flexibility in designing programs to stabilize the industry, I will be asking the new Secretary to make refinancing and modifications of current mortgage notes a requirement for participation by any lender in a program that seeks to purchase all or part of a troubled asset.

I have filed H.R. 421, which requires that lenders must attempt to refinance and modify the loans of their borrowers who are facing down foreclosure to a payment that is 30 percent or less of their gross monthly income to the extent that they are capable of doing so. If they do this, then the Treasury would be authorized to purchase the difference between the original note and the modified note.

Not only would this keep homeowners in their homes, it would provide them with means to pay other bills, invest, and otherwise contribute to the economy.

This would provide an incentive for banks to work with borrowers whose homes are in pre-foreclosure rather than simply giving them a backstop to protect their bottom line.

Banks must document their best efforts to create these affordable payment plans before foreclosure if affordable payment plans cannot be made with the borrower.

My concept's priority is to keep people in their homes through affordable payment plans and help them regain their economic purchasing power.

But, the added benefit is that this program would be less costly to the Federal Government than one which simply buys out troubled assets at the full amount of the loan.

H.R. 384 gives the Secretary of the Treasury the means to pursue this course of action, while also giving the Congress significant oversight over the people's money.

I support H.R. 384 and hope my colleagues will join me in voting "yes" on this bill.

Mr. TOWNS. Mr. Chairman, I rise in support of H.R. 384, the TARP Reform and Accountability Act of 2009. This bill will improve the Troubled Asset Relief Program that was enacted as part of the Emergency Economic Stabilization Act last year by increasing the transparency of financial institutions use of taxpayer funds, closing certain loopholes, and strengthening accountability of the Program.

The bill also requires the Treasury Department to commit significant funding to addressing the growing home foreclosure crisis facing our nation. The housing crisis is at the heart of our current economic problems, so this is a much needed step.

H.R. 384 requires financial institutions which receive taxpayer funds to account for the use of those funds on not less than a quarterly basis. To date, the banks and other financial institutions which have received billions of taxpayer dollars have refused or been unable to account for how that money has been spent. That is simply outrageous, and I am glad this bill addresses that issue.

The Special Inspector General for the TARP has also informed me of several issues which would improve his ability to hire experienced and talented staff in an expeditious manner. One would be to clarify that his office has law enforcement authority. This is clearly needed to ensure that his investigative staff can issue subpoenas and make arrests, if necessary. I believe the intent of the original legislation was to include this authority, so this is only a matter of clarification.

Also, other Special Inspectors General have the authority to re-hire federal employees who have retired. That enables them to quickly hire experienced auditors and investigators. While this is an issue which needs to be examined closely, I believe it may be appropriate for the Special Inspector General of the Troubled Asset Relief Program to have similar authority.

While neither of these provisions are included in the bill before us, I believe they would improve the operations of the Special Inspector General's office, and would hope to work with Chairman FRANK to address them in future legislation.

Ms. MCCOLLUM. Mr. Chair, I rise today to express strong disappointment in the Treasury Department's failure to exercise oversight and accountability in its implementation of the Troubled Asset Relief Program, TARP, that Congress specifically required in the Emergency Economic Stabilization Act, EESA.

American families are struggling as we face the most major economic crisis since the

Great Depression. Thousands of Minnesotans have lost their jobs or face foreclosure on their homes. Late last year, Congress, in consultation with the Bush administration, acted swiftly to pass EESA to aggressively address the financial crisis. The Troubled Asset Relief Program under this legislation was enacted so the Treasury Department could buy bad assets of financial institutions—including mortgage debt—to thaw credit markets and increase confidence in the financial system. The first \$350 billion dollars of funding under the TARP were disbursed to the U.S. Treasury Department with the understanding that the funds to financial institutions would be tied to strong oversight and transparency to ensure maximum effectiveness in helping struggling Americans.

Unfortunately, the Treasury Department has ignored the original intent of the TARP. Instead of buying bad debt and stemming housing foreclosures, the Treasury has enacted the Capital Purchase Program, which has dumped billions into the banks in the hope of thawing the credit markets. This decision was matched with a complete failure to conduct oversight for the funds. Treasury has implemented none of the oversight of financial institutions that was called for in EESA.

Reports released this month from the Congressional Oversight Panel, COP, created by Congress to act as a watchdog, state, "The recent refusal of certain private financial institutions to provide any accounting of how they are using taxpayer money undermines public confidence." The Treasury Department's failure to hold financial institutions accountable means that American taxpayers have no idea what these institutions have done with hundreds of billions of dollars of taxpayer money. This is outrageous betrayal of the public trust and the intent of Congress.

While I appreciate the need for flexibility to go forth in response to this crisis, there is no excuse for an absolute failure to ensure accountability in the use of a massive taxpayer funded account. As Congress debates whether to release the second half of the TARP funds, an additional \$350 billion, I urge the highest scrutiny and strongest demands of oversight for the Treasury Department and its plans for the remaining funds. The American people deserve nothing less. I appreciate Chairman FRANK and President-Elect Obama's calls for increased accountability and transparency in the implementation of the TARP and look forward to working with the 111th Congress to enact timely, effective policy to address the foreclosure crisis, protect taxpayers, and boost our economy.

Mr. BLUMENAUER. Mr. Chair, last fall, I opposed the initial round of financial recovery spending on the grounds that there were too many unknowns about what, and who, our federal dollars were financing. Subsequent events, which revealed that many recipients continued to hold back from making the loans necessary for economic recovery, justified my initial position.

With H.R. 384, Congress is beginning this process to recover and renew America's economic strength with a new administration. Further congressional action is necessary because the efforts to date have been off the mark. This bill is the first step to providing

guidance to the new administration, which has already learned many of the lessons from the past administration's failed effort.

I have come to this juncture today with an even greater sense of urgency than even last fall. Thanks to this legislation we can provide hope to American families. This legislation puts stronger oversight mechanisms in place and requires the Treasury Department to reach enforceable and measurable agreements on the use of TARP funds. The legislation also places strong limitations on executive compensation, provides strong foreclosure relief, and includes significant incentives that will aid homebuyers struggling to refinance their loans. For these reasons, H.R. 384 deserves my support.

Mr. RYAN of Wisconsin. Mr. Chair, the Emergency Economic Stabilization Act of 2008, passed last October, not only granted the Treasury the authority to use \$350 billion in public funds to prevent a collapse of the financial system, but it also greatly expanded the Federal Reserve's policy toolkit in addressing the crisis through a somewhat obscure, but important, provision of the legislation. The bill authorized the Fed to begin paying interest on the reserves that commercial banks hold with the central bank. This ability has essentially allowed the Fed to establish a "floor" for the federal funds rate, the main lever of its economy-wide monetary policy stance, even while it greatly expands the provision of liquidity to various segments of the financial markets to address the crisis. To this end, the Fed has been increasing the asset side of its balance sheet through a variety of lending facilities and asset purchases. The scope of its lending has also been amplified by frequently invoking emergency powers under the Federal Reserve Act's "unusual and exigent circumstances" clause, which it has used to justify lending to important, non-depository financial institutions.

The Fed has made it clear that it will continue to expand its balance sheet to make sure that credit is available to consumers and small businesses and the integrity of the overall financial system is preserved. In recent months, for instance, the Fed has established new and innovative lending facilities intended to boost the flow of funding to the commercial paper market and key asset-backed security markets, it has committed itself to purchasing billions of mortgage-backed securities in order to keep mortgage rates low for the health of the housing market, and it has continued to play a key role in providing assistance to systemically important financial institutions. These actions on the part of the central bank have, in fact, come very close to replicating the original intent of the TARP program. And these actions, along with the deployment of the initial \$350 billion of TARP funding, have shown signs of being effective—the economy is still in a precarious state, but a systemic, and catastrophic, collapse of our financial and credit markets has been avoided.

My fear is that the second \$350 billion in TARP funding will go far beyond the original mission of preserving overall financial market stability, and instead will be used to fund a heavy-handed, neo-industrial policy. Various industries have already marshaled their lobbyists for a claim on these public dollars. And

with our Federal budget expected to reach historic levels this year, we cannot risk more public funds to be squandered.

In light of the Fed's vastly expanded policy options for addressing key sources of market turmoil going forward and their relative effectiveness—combined with the very real risk that more TARP funding will be used for an industrial policy—I am voting against the release of the second half of TARP funds. Although I am concerned about the Fed moving into new and expanded policy territory, that concern is tempered by the fact that the Fed is relatively insulated from politics and lobbyists and is more singularly focused on the stability and health of the financial system, which was my foremost reason for approving the original TARP funding last October.

Ms. MCCOLLUM. Mr. Chairman, I rise today to express my support for the TARP Reform and Accountability Act (H.R. 384). I thank Chairman FRANK and the House Leadership for their hard work on this legislation, which brings focus, accountability, and transparency to the implementation of the Troubled Asset Relief Program, TARP, to make it an effective tool to stabilize and revive our economy.

Our country faces the bleakest economic forecast since the Great Depression of the 1930s. Today, millions of Americans are struggling to find jobs, keep their homes, and pay their bills. Last fall, to prevent the collapse of our financial markets, the 110th Congress swiftly passed the Emergency Economic Stabilization Act (EESA). With this measure, Congress entrusted the Bush administration's Treasury Department with \$350 billion from the Troubled Asset Relief Program to purchase bad debt—including mortgages—from financial institutions in order to thaw credit markets and increase confidence in the financial system. Unfortunately, in implementing the TARP, the Bush Administration failed to address housing foreclosures, resume the flow of credit, or perform oversight of financial institutions receiving assistance under the TARP.

As the 111th Congress considers releasing an additional \$350 billion in TARP funds to the Treasury Department under the Obama administration, we must be assured the additional money will be spent responsibly and transparently.

The TARP Reform and Accountability Act addresses fundamental flaws in the implementation of "TARP I" by closing loopholes and enforcing strict accountability and transparency. The act ensures that TARP funds aid American families at risk of losing their homes as originally intended by Congress by mandating foreclosure relief and making improvements to the Hope for Homeowners program. In addition, stringent executive compensation limits for all past and future TARP assistance will prevent taxpayer dollars paying for corporate bonuses.

Once again, I thank Chairman FRANK for his leadership and urge my colleagues to join me in supporting this important, timely legislation.

The Acting CHAIR. All time for general debate has expired.

Under the rule, the Committee rises. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. AL GREEN of Texas) having assumed the chair, Mr. SIREs, Acting Chair of the

Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, had come to no resolution thereon.

INJUSTICE OF THE IMPRISONMENT OF IGNACIO RAMOS AND JOSE COMPEAN

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLINTOCK. Mr. Speaker, I rise today to express my hope that the President will not leave office before using his pardon to correct one of the great injustices of our time, the imprisonment of Border Patrol officers Ignacio Ramos and Jose Compean. They are the officers who wounded a drug smuggler as he tried to escape. The drug smuggler got immunity; Ramos and Compean got lengthy prison sentences.

This injustice sends a chilling message to Border Patrol officers who are heroically trying to defend the integrity of our borders against enormous odds and with inadequate resources. It is an injustice that cannot be allowed to stand.

Thank you.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MORAL CLARITY—ISRAEL VS. HAMAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, as the fighting in the Middle East rages on, many in the media and the elites in Europe have asserted with self-righteous indignation that Israel's response to Hamas' acts of terror is not appropriate, and Israel should unilaterally cease all military operations. They cite inflated numbers of Palestinian civilians killed in this war and blame Israel for the death; never mind the fact that the coward of the desert, Hamas, uses Palestinian men, women and children at mosques, schools and hospitals as shields; never mind the fact that before bombing a military target in Gaza, Israel calls the area and advises the civilians to leave; and never mind the fact that since 2000 more than 8,000 rockets have been fired by Hamas into

Israel civilian settlements. Mr. Speaker, Israel must defend its people from these attacks.

The truth is, Mr. Speaker, that the moral differences between Hamas and Israel could not be clearer. Hamas worships death, Israel worships life. Hamas supports terrorism, Israel supports liberty. Hamas oppresses women, Israel honors women. Hamas destroys, Israel builds. Hamas believes in the pursuit of misery and Israel believes in the pursuit of happiness. Hamas supports crucifixion, Israel supports mercy. Hamas honors murder, Israel honors the sanctity of life. Hamas kills people with different religious beliefs, Israel embraces the freedom of religion. Hamas incites hatred, Israel believes in tolerance. Hamas is racist, Israel believes in the equality of all. Hamas believes in chaos, Israel believes in justice. Hamas promotes anarchy, and Israel promotes peace. The moral canyon that separates Israel from Hamas is best described by Hamas' own motto, and I quote, "We love death more than the Jews love life."

Hamas not only doesn't care about killing Jews, it doesn't care about killing Palestinians either. They use living Palestinians as human shields. Hamas prevents humanitarian aid from Israel from reaching Palestinians in Gaza.

The international community has begun calling for an immediate ceasefire, especially the Europeans, asking and telling Israel they must unilaterally stop this war. Mr. Speaker, some in Europe don't believe that anything is worth fighting for, but some things are worth fighting for. The basic human right of liberty is worth fighting for whether Europeans believe in it or not.

The last thing Israel ought to agree to is another phony peace. Israel did that 3 years ago with Lebanon and look what happened; the U.N.-mandated disarmament of Hezbollah failed miserably. Hezbollah has rearmed, and in fact just last week began firing more rockets on Israel.

There can be no peace in this war as long as Hamas is allowed to murder in the name of religion. Rather than bending to the pressure of world opinion, Israel ought to continue to protect her right to exist and the rights of her people to live free. The world must demand that Hamas cease all rocket fire and smuggling of arms from Egypt into Gaza.

Hamas needs to leave Israel alone. Just today, Osama bin Laden issued a 20-minute recording calling for a jihad against Israel. Jihad is another phrase for a holy war against Israel for its actions in Gaza. All the eyes of the world, especially the moderate Arab states, are looking to this conflict to see whether Iran and its hired guns, Hamas and Hezbollah, are victorious.

Hezbollah and Hamas, these twin tribes of terror, must be stopped. Un-

less they are, Iran will be encouraged to be more aggressive in the region and assert its influence over moderate Arab states. You see, Iran and the little fellow Ahmadinejad are the real threats to peace in the desert sands of the Middle East.

This is not the time to be rattled by the terrorist threats. This is the time to stand with the only democracy in the Middle East for the right of her self-defense, Israel. It's the right thing to do. Israel's war of self-defense is morally just. And Mr. Speaker, justice is the one thing we should always find.

And that's just the way it is.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I rise today as the only New Yorker on the Energy Subcommittee of the House Energy and Commerce Committee, and I believe so strongly that our dependence on foreign oil is one of the greatest challenges that our Nation has ever faced. It threatens our national security, it threatens our economy, and it threatens our environment. Oil prices have recently drifted downward, but we cannot afford to let that lull us into a false sense of complacency.

I am the founder and co-Chair of the Oil and National Security Caucus, which is designed to raise awareness of the economic and security implications of America's growing dependence on foreign oil. The Caucus consists of Members of both parties united by the common goal of developing and promoting practical bipartisan ways to progress toward energy independence.

America's mission is clear: We must work to reduce our dependence on foreign oil, we must grow our economy by protecting existing jobs and creating new ones, and we must build a clean energy future that benefits all citizens.

I will also seek the development and implementation of an oil savings plan. The United States consumes 25 percent of the world's oil, yet possesses only 3 percent of the world's oil reserves. We imported 30 percent of our oil just a few decades ago. Today, we import more than 60 percent.

I introduced a plan in 2005 with Congressman KINGSTON as part of our Fuel Choices for American Security Act, and again in 2007 as part of our Dependence Reduction Through Innovation in Vehicles and Energy, which is called the DRIVE Act, to require oil savings of 2.5 million barrels per day by 2015, and increasing annually to 5 million barrels per day by 2025. In 2009, this year, I will introduce and work again to enact similar legislation to help break our addiction to foreign oil. I will also encourage the production of flex fuel vehicles by seeking passage of

the Open Fuel Standards Act, which I am the leading sponsor of.

The United States transportation sector is 97 percent reliant on oil, and it accounts for two-thirds of our Nation's overall oil consumption.

Every year, 17 million new cars are sold in the U.S., and for the most part these cars only run on gasoline. To remedy that, I introduced the Open Fuel Standards Act last year with three of my colleagues, Reps JACK KINGSTON, STEVE ISRAEL and BOB INGALLIS—and you can tell it's bipartisan again. The Open Fuel Standards Act would require 50 percent of new cars sold in the United States by 2012 and 80 percent by 2015 to be flex fuel vehicles, meaning they can run on ethanol, methanol and gasoline, similar to what all cars have in Brazil nowadays, and it would only cost about \$90 or \$100 per car to do this. We should be doing it now.

To help supply America with alcohol-based fuels for flex fuel vehicles, I plan to facilitate the importation of ethanol by introducing the Imported Ethanol Facilitation Act, which was introduced by Representative—now Senator—UDALL.

We also need to make a serious push to electrify the transportation sector for American consumers and to create new green jobs while doing it. Very little of our electricity is generated from oil, so using electricity as a transportation fuel enables the full spectrum of electricity sources to compete with petroleum; that includes wind, solar, geothermal, hydro, nuclear, and coal, among others.

I fully support our Governor, Governor Paterson's "45 by 15" program, whereby New York will meet 45 percent of its electricity needs by 2015 through improved energy efficiency and clean renewable energy. This program will help drive economic revitalization and help protect our environment.

As Congress deliberates an economic recovery bill, I believe that now is the time to jump-start investment in electric transportation. The production of electric vehicles in the United States will involve huge numbers of green manufacturing jobs. Plug-in hybrid cars is something we should consider. There are many, many things that we can do, and when we do the economic stimulus package, we should keep this in mind.

As we move towards greater use of various types of electric vehicles, there will be increased demand for the advanced batteries that will power those vehicles. We must ensure that we can meet the demand for production of these batteries here in the United States.

We must also fund the Green Jobs Workforce Investment Fund authorized under Title 10 of the Energy Independence and Security Act of 2007. I will make a continued effort to secure fund-

ing, as well as additional funding for related policies, to help American manufacturers produce advanced lithium ion batteries, hybrid electrical systems, and other components and software designs.

So let me say, in conclusion, that I am committed to breaking our dependence on foreign oil and doing so in a way that grows our economy and builds a clean energy future for all Americans. I will continue to press these matters in the next weeks ahead, and I believe in our economic stimulus package we should keep this in mind.

□ 1930

HONORING CORPORAL JONATHAN YALE AND LANCE CORPORAL JORDAN HAERTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise today to honor Corporal Jonathan Yale and Lance Corporal Jordan Haerter, who grew up in different parts of this Nation but gave their lives to this country together in Iraq. Both have been nominated for the Navy Cross for their actions on April 22, 2008, and both are owed a great gratitude by this Nation for their actions.

Tony Perry—a journalist who I got to know in Fallujah in 2004—from the LA Times, who has covered this story, describes what transpired that morning best. Corporal Jonathan Yale, 21, grew up in poor rural Virginia. He had joined the Marine Corps to put structure in his life and to help support his mother and sister. He was within a few days of heading home.

Lance Corporal Jordan Haerter, 19, was from a comfortable middle class suburb on Long Island. As a boy, he had worn military garb and he had felt the pull of adventure and patriotism. He had just arrived in Iraq.

On April 22, 2008, the two were assigned to guard the main gate to Joint Security Station Nasser in Ramadi, the capital of the Anbar province, once an insurgent stronghold, and still a very dangerous place. Dozens of marines and Iraqi police lived at the compound and some were still sleeping after all-night patrols when Yale and Haerter reported for duty that warm, sultry morning. Yale, respected for his quiet, efficient manner, was assigned to show Haerter how to take over his duties. Haerter had volunteered to watch the main gate, even though it was considered the most hazardous of the compound's three guards station because it could be approached from a busy thoroughfare.

The sun had barely risen when the two sentries spotted a 20-foot long truck headed toward the gate, weaving with increasing speed through the con-

crete barriers to the gate. Two Iraqi police officers ran for their lives, so did several Iraqi police on the adjacent street. Yale and Haerter tried to waive off this truck, but it just kept coming. They opened fire, Yale with the machine gun, Haerter with an M-16. Their bullets peppered the radiator and windshield. The truck slowed, but kept rolling. A few dozen feet from the gate the big truck exploded. Investigators found that it was loaded with over 2,000 pounds of explosives and that its driver, his hand on a "dead-man switch," was determined to commit suicide and slaughter the marines and Iraqi police.

The thunderous explosion rocked much of Ramadi, interrupting the morning call to prayers for many mosques. A nearby mosque and a home were flattened. The blast ripped a crater five feet deep and 20 feet across into the street. Shards of concrete shattered everywhere, and choking dust filled the air.

Haerter was dead, Yale was dying. Three marines about 300 feet away were injured, so were eight Iraqi police and two dozen civilians, but several dozen other nearby marines and Iraqi police, while shaken, were unhurt.

Mr. Speaker, we all hope that in times of great crisis, we will rise to the occasion and do the right thing. Haerter and Yale rose to the occasion and defended their fellow Marines. It is an honor to call them fellow Marines.

Major General John Kelly, Commanding General, First Marine Expeditionary Force (Forward) interviewed the witnesses himself. What he learned from these interviews led him to nominate the two for the Navy Cross, the second highest award for combat bravery for the Marine Corps and the United States Navy. In General Kelly's statement in support of the Navy Cross, he writes: "Because they did what they did, only 2 families had their hearts broken on 22 April, rather than as many as 50. These families will never know how truly close they came to a knock on their door that night."

We are winning in Iraq and Afghanistan because of brave Marines like Corporal Jonathan T. Yale and Lance Corporal Jordan D. Haerter. To their families I offer my heartfelt condolences. And to Corporal Yale and Corporal Haerter, I say, Marines, job well done.

This is but one example of the bravery and sacrifice of over 4,000 men and women who have given their lives to the cause of liberty since 2001 and the over 1.5 million men and women who have served in Operation Enduring Freedom and Operation Iraqi Freedom and come home, and, of course, the over 150,000 that are serving now.

Mr. Speaker, I would like to include for the RECORD Tony Perry's entire article and Major General Kelly's statement in support of the award of the Navy Cross. I encourage all of my colleague and hope all Americans will

read about these two brave Marines and keep their families in their prayers.

[From Los Angeles Times Dec. 29, 2008]

A SPEEDING TRUCK BOMB, AND A SHARED ACT OF COURAGE

(By Tony Perry)

SAN DIEGO.—Two Marines in Iraq saved dozens—but not themselves. They'll be awarded the Navy Cross. They had known each other only a few minutes, but they will be linked forever in what Marine brass say is one of the most extraordinary acts of courage and sacrifice in the Iraq war.

Cpl. Jonathan Yale, 21, grew up poor in rural Virginia. He had joined the Marine Corps to put structure in his life and to help support his mother and sister. He was within a few days of heading home.

Lance Cpl. Jordan Haerter, 19, was from a comfortably middle-class suburb on Long Island. As a boy, he had worn military garb, and he had felt the pull of adventure and patriotism. He had just arrived in Iraq.

On April 22, the two were assigned to guard the main gate to Joint Security Station Nasser in Ramadi, the capital of Anbar province, once an insurgent stronghold and still a dangerous region. Dozens of Marines and Iraqi police lived at the compound, and some were still sleeping after all-night patrols when Yale and Haerter reported for duty that warm, sultry morning.

Yale, respected for his quiet, efficient manner, was assigned to show Haerter how to take over his duties.

Haerter had volunteered to watch the main gate, even though it was considered the most hazardous of the compound's three guard stations because it could be approached from a busy thoroughfare.

The sun had barely risen when the two sentries spotted a 20-foot-long truck headed toward the gate, weaving with increasing speed through the concrete barriers. Two Iraqi police officers assigned to the gate ran for their lives.

So did several Iraqi police on the adjacent street.

Yale and Haerter tried to wave off the truck, but it kept coming. They opened fire, Yale with a machine gun, Haerter with an M-16. Their bullets peppered the radiator and windshield. The truck slowed but kept rolling.

A few dozen feet from the gate, the truck exploded. Investigators found that it was loaded with 2,000 pounds of explosives and that its driver, his hand on a "dead-man switch," was determined to commit suicide and slaughter Marines and Iraqi police.

The thunderous explosion rocked much of Ramadi, interrupting the morning call to prayers from the many mosques. A nearby mosque and a home were flattened. The blast ripped a crater 5 feet deep and 20 feet across into the street. Shards of concrete scattered everywhere, and choking dust filled the air.

Haerter was dead; Yale was dying. Three Marines about 300 feet away were injured. So were eight Iraqi police and two dozen civilians. But several dozen other nearby Marines and Iraqi police, while shaken, were unhurt. A Black Hawk helicopter was summoned in a futile attempt to get Yale to a field hospital in time. A sheet was placed over Haerter.

When it was considered safe to take Haerter's body to a second helicopter, his section leader insisted he be covered by an American flag. "We did not want him carried out with just a sheet," said Staff Sgt. Kenneth Grooms.

Maj. Gen. John Kelly, the top Marine in Iraq, wanted to know how the attack hap-

pened. Like many veteran Marines, he is haunted by the memory of the 1983 bombing of the barracks in Beirut, when a blast from an explosives-laden truck killed 241 U.S. service personnel, including 220 Marines.

Not given to dark thoughts or insecurities, Kelly, who commanded Marines in the fight for Baghdad and Tikrit in 2003 and Fallouja in 2004, admits that the specter of another Beirut gives him nightmares as he commands the 22,000 Marines in Iraq. He went to Ramadi to interview Iraqi witnesses—a task generals usually delegate to subordinates. Some Iraqis told him they were incredulous that the two Marines had not fled. When Marine technicians restored a damaged security camera, the images were undeniable.

While Iraqi police fled, Haerter and Yale had never flinched and never stopped firing as the Mercedes truck—the same model used in the Beirut bombing—sped directly toward them.

Without their steadfastness, the truck would probably have penetrated the compound before it exploded, and 50 or more Marines and Iraqis would have been killed. The incident happened in just six seconds.

"No time to talk it over; no time to call the lieutenant; no time to think about their own lives or even the American and Iraqi lives they were protecting," Kelly said. "More than enough time, however, to do their duty. They never hesitated or tried to escape."

Yale was always trying to boost the morale of his buddies, said Lance Cpl. Brandon Creely, 21, of Boise, Idaho. "Whenever I was down, he'd tell a joke, tell me it's not as bad as it seems."

Staff Sgt. Grooms, 28, said he knows how Haerter should be remembered. "He was a hero," Grooms said, "and a damn fine person."

STATEMENT OF MAJOR GENERAL JOHN F. KELLY, USMC—IN SUPPORT OF THE NAVY CROSS RECOMMENDATIONS IN THE CASES OF CORPORAL JONATHAN T. YALE, USMC AND LANCE CORPORAL JORDAN C. HAERTER, USMC

The following statement is a compilation of events from my personal interview of several Iraqi police men, view for a video tape of the entire event capture by the Joint Security Station's (JSS) security camera, and walking the site.

At 0745C on 22 April 2008, Joint Security Station, JSS, Nasser, Ramadi, Iraq, was attacked by a very large truck bomb with an estimate explosive weight over 2,000 lbs. The truck was driven by a suicide bomber who was consumed in the blast. At the time two battalions, 1st Battalion 9th Marines and 2 Battalion 8th Marines were conducting a relief in place at JSS Nasser. The JSS by its nature who housed a relatively large number of Iraqi police. At the time of the attack two Marines, Corporal Jonathan T. Yale and Lance Corporal Jordan C. Haerter were standing post at the entry control point (ECP—along with two Iraqi policemen. At least 8 other Iraqi policemen were also on duty about 60m away at the intersection (Routes Apple and Sophia) of a busy city street, and the entrance alley to the JSS in the Sophia District of Ramadi.

Without warning a Mercedes tank truck made the turn and immediately accelerated negotiating the serpentine careening towards the entryway of the JSS compound. The Marines undoubtedly understood immediately what was taking place as they went

straight to the guns without any escalation of force firing continuously until the truck lurched to a stop just outside the compound's gate, and literally a few feet from the Marines, when it detonated. Both Marines were killed still firing their weapons. Three Marines were also wounded over 100m from the event, as were at least eight Iraqi officers and 24 civilians. A nearby mosque and house were both destroyed, with a number of others houses suffering significant damage. The blast crater measured 20 feet in diameter and five feet deep. At the time of the attack, and because of the ongoing relief in place, there were over 50 Marines on site with a similar number of Iraqi police officers. It was only due to the bravery of the two Marines that a catastrophe was averted, but that is exactly why they were there to prevent such a bomb from entering the compound and they did exactly that.

When interviewing several police officers separately on 25 April at the JSS they all told essentially the same story. When the truck turned down the entryway to the JSS the tip off that it was not an innocent delivery was that it accelerated through the concrete Jersey walls. The Marines on station immediately began to fire then some of the police joined in. One of the officers made the point that no sane man would have stood there and fired—yet two men did. Another said he knew the Marines were crazy (he meant fearless I think), but this was beyond what he'd seen Marines do even when he was fighting us as an insurgent two years before. A third who was no more than 15 feet from the two Marines when the truck turned into the alley ran to safety in the few seconds it took the truck to negotiate the 60 m to the gate (caught on tape). He survived. He told me when he observed the truck accelerating and the Marines firing he ran but the Marines did not. All were in agreement that had the Marines not stood their ground to their deaths the truck would have wiped out the JSS and everyone in it.

Subsequent to my taking these interviews I viewed a video of the entire event captured by our surveillance camera at the entryway of the JSS. It took several days to forensically recover the images from the badly damaged camera. I did not know either one of the hero's, but I have known thousands like them in my career. They will do anything we ask them to do—even to their deaths. Like the police officers they could have run and likely survived, but did not. I do not think anyone would have called them cowards if they had. They took seriously the duties and responsibilities of a Marine on post, and stood their ground before they would allow anyone or anything to pass. For their dedication they lost their lives. Because they did what they did only 2 families had their hearts broken on 22 April, rather than as many as 50. These families will never know how truly close they came to a knock on the door that night.

JOHN F. KELLY,
Major General, U.S. Marine Corps
Commanding General, 1 Marine Expeditionary
Force (Forward).

HERE WE GO AGAIN: THE SECOND HALF OF THE BANK BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to warn America that here

we go again. Wall Street, the Bush administration, the chief executor of Goldman Sachs Hank Paulson, who in his spare time sells U.S. debt to China and Saudi Arabia as our Treasury Secretary, are asking to get their hands on the second half of the \$700 billion bank bailout.

Last fall the administration and Wall Street's chief cheerleader Treasury Secretary Paulson scared Congress into adopting the first round of Wall Street bailout money. They called it the TARP. Some people would call it the "TRAP." That was adopted without hearings, without debate or amendments, and without proper justification, safeguards, or oversight. Fortunately, the Secretary of Treasury abandoned the intended purchase of troubled assets and has used the money instead to purchase capital in banks; so banks are buying banks now. But that funding should have gone to the Federal Deposit Insurance Corporation to purchase the capital rather than Treasury. He didn't use the money to do anything about the central part of the problem: mortgage workouts, the foreclosure crisis.

So why do we now have a proposal here to give the Secretary of Treasury another \$350 billion to spend on only God knows what? The bill says that \$40 to \$100 billion, and that's a \$60 billion spread, my friends, is intended for some kind of foreclosure relief but doesn't specify how it's to be accomplished. Congress's job is to specify. Is a \$60 billion swing between those two numbers the best we can do in estimating the cost of this program? What is the remaining \$250 billion to \$310 billion to be used for? Who decides? Just Treasury? If we are going to continue putting capital into financial institutions, shouldn't we at least order the Securities and Exchange Commission to stop destroying capital through market value accounting? What an opportunity for the special interests on Wall Street to take control when no one here seems to be in control, 6 days before our new President is sworn in.

Today, trying to correct the huge inadequacies of this bill, I went to the Rules Committee to prevent more damage and outright financial crimes associated with this, and I asked for two amendments, and both were denied.

The first amendment would have suspended any more money being expended from the first \$350 billion, if there's any left, and would stop the next \$350 billion until the Congressional Oversight Panel established in the original law has forensically accounted for each dollar of the original \$350 billion. Why not examine the effects of the first \$350 billion on the economy? Why not assess the effect of what the Federal Reserve policies in lowering their interest rates has been on our economy? That amendment, to follow the money, was denied. Now,

here you have an agency that's selling trillions of dollars of our debt, and they're not telling Congress what they have done with \$350 billion?

The other amendment that I offered would have increased oversight and strengthened the role of the Federal Deposit Insurance Corporation overseeing TARP funds. It would have provided for oversight by the FDIC directly into the boardrooms of the banks that are getting our taxpayer money. Don't we have a right to know what they're doing with it? The FDIC is the right agency to oversee that.

So the Rules Committee denied me. I wasn't expecting they would approve it because this seems like a greased deal to me, but it shouldn't be a greased deal for the American people. Before we send another \$350 billion out of the door, there ought to be some accountability here.

The legislation that will be before us provides no plan to stop foreclosures, which is the root of the problem. In fact, there is nothing in there about renegotiation or holding the banks and the servicers accountable. The bill continues to do more of the same, which simply has not been working, but it gives all this power to Treasury, this secretive agency that isn't sharing anything.

The legislation does not help homeowners to defend themselves against criminal acts of massive fraud being perpetrated against them by Wall Street banksters in processing foreclosures.

The legislation continues to shift both the risk and the cost of the program off corporations and their boards of directors and their executives who perpetrated this scheme on the taxpayers. And the legislation does not address the root of the problem: foreclosures themselves. So it will be just as ineffective on Main Street as the first round of TARP in addressing the core problems.

Truly TARP is a trap.

Mr. Speaker, I would like to place in the RECORD additional comments about the impact, sadly, of the original bailout bill on my district and end with saying the intent of TARP was to stabilize our financial system, which means our housing industry. It's not happening, and we shouldn't give them more money.

RECOMMENDATIONS

This bill is not correcting the root of the problem and will not achieve the goal of preventing foreclosures and keeping people in their homes. There are many effective foreclosure prevention strategies being deployed by attorneys and advocates and we need to translate these into systemic solutions.

This Congress must embark upon a full investigation of how the "Shadow Banking Sector" created by the Wall Street Investment Banks post-repeal of the Glass-Steagall Act (Gramm-Leach-Bliley) constructed a private money-creation system that in 10 short years

equals or exceeds the assets of all regulated banks nationwide.

In short, there are solutions. We need a consumer-centric model. What we have now is so creditor-centric it will eventually lead to a complete collapse because consumers/taxpayers cannot handle the burden.

OHIO'S NINTH CONGRESSIONAL DISTRICT

My district has been hard hit by the foreclosure crisis. Last year, in my home county of Lucas, another 4,100 homes were foreclosed, part of the 10 percent of my district's local housing stock that has been lost over the last 2.5 years. As foreclosure rates continue to rise in Ohio and across our Nation, it's pretty obvious that the Federal responses, such as the \$700 billion Troubled Asset Relief Program (TARP) rescue, are not working on the Main Streets of our communities.

The intent of the TARP bailout was to help stabilize our financial system, which includes in large measure our housing industry. Yet, we see financial institutions foreclosing on families rather than working to stabilize families in their homes. A stable home permits people to focus on obtaining and maintaining employment, purchasing food, and contributing to society in positive ways rather than relying on social services funded by State and Federal dollars. Furthermore, we see communities falling apart. Community members and local banks are effectively locked out of the opportunity to bid on these properties and reinvest in themselves because monies from the Department of Housing and Urban Development which would allow community banks and members to purchase foreclosed homes have not yet arrived. We all know that you are more likely to do something for your neighbor than for someone you do not know across the country. Too often, Wall Street's actions engage out of town developers and investors who purchase homes anywhere they can, not just in their hometown—without any connection to the people and the community. This situation cannot continue.

We have the opportunity to direct positive change to restore our Main Streets and communities.

WINSTON-SALEM DASH—WINSTON-SALEM'S NEW MINOR LEAGUE BASEBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I suspect that every Member of this body would stand up here at some point and say that he or she lives in the best place in the United States or has the best district. I know that I have the best district in North Carolina, the Fifth District. It is a very diverse district, populated by many great people. The district has many, many attributes that people come to visit us for and come to live in the district.

But I want to highlight tonight one of the very positive things that's happening in my district this year and to call attention to that because so often we're talking about negative things on

the floor. It's not the best of times economically in our country. But I think we need to talk some about positive things that are happening, and I want to talk tonight a little bit about a very positive thing that's happening in Winston-Salem, North Carolina.

Winston-Salem, and it's two towns that came together many years ago, those two towns were settled in the mid 1700s by a group of very devout, hardworking Moravians, and many of their descendants still live in the area.

What Winston-Salem has decided to do in the last couple of years is to work on building a new stadium, a new ballpark, for its minor league baseball team and also has been working on coming up with a new name for that minor league baseball team. Later this year we expect to see a new ballpark in downtown Winston-Salem, which will be a state-of-the-art facility, and the foundation of this ballpark area will develop into an entertainment district over the next few years. The new stadium will feature a 15,000 square foot kids' zone, full-scale restaurant, 16 luxury suites, and numerous additional components that will make it a showcase for the city. The ballpark is the result of a public-private partnership in not only the town of Winston-Salem but also in Forsyth County.

Now, the people who own the baseball team thought that it might be an interesting time to consider a new name for the baseball team, and so they had a "Name the Team" contest in which they received over 3,000 submissions in just 2 weeks. After reviewing the suggestions and receiving over 70 submissions for one particular name, the people in charge selected "Dash" to be the new team name. The idea behind that is Dash is what brings the two words, Winston and Salem, together, and the vision of the owners is to make the stadium a family-friendly environment and gathering place for entertainment within the Winston-Salem community.

Now, the Winston-Salem Dash is a minor league baseball team which dates back its franchise to 1945. They're a class high-A team in the Carolina league, and they have been a farm team of the Chicago White Sox since 1997. They'll begin playing in the new Winston-Salem ballpark beginning in 2009.

With its family-friendly entertainment and plain old American style fun, I'm sure the Dash is going to be a great success. And just as importantly, the new name for the team and the new ballpark are going to be an anchor for future development as the team stadium is completed and the players take the field this spring.

I'm looking forward to visiting a home game this spring to enjoy this most American of pastimes and support this addition to the Winston-Salem sports team. And I invite all my colleagues to join me there sometime

and see that I live in the best district in the country.

THE ECONOMY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, we have an interesting topic that we're going to be talking about and developing over the next hour. I'm here representing the Republican Study Committee, and we would like to talk about the subject of our economy and the nature of the problems that we are facing but also what kinds of solutions are possible. I'm going to be joined by a number of other congressmen this evening, and I'm going to invite them to jump into our discussion. And, Mr. Speaker, I hope that you find the hour interesting and enjoyable.

Now, one of the problems with having Congressman AKIN here is I'm a former engineer and I get a little pedantic sometimes and I think it's important to exercise some discipline. And the discipline in this case is to define the nature of the problem in the economy in America.

□ 1945

So before you go offering legislation or try to fix something, it's good to know what it is you are trying to fix, and that will allow you to answer the important question whether or not it's going to work, which is not exactly a small question. Unfortunately, we have spent an awful lot of money without really defining the problem on solutions which have not worked. And so that's why we need to take a little bit of time to talk about what's going on.

As perhaps many people are aware, there are two quasi-governmental organizations called Freddie and Fannie, Freddie Mac and Fannie Mae, and they, of course, have home mortgages which they take care of financially for more than half of the different people in America that have homes. So these are huge organizations, but they are not quite government, and they are not quite private. They are sort of in a gray zone, and they were created, ostensibly, to try to provide decent home loans for American citizens.

The problem, though, with Freddie and Fannie, because they are not really government, they were also outside of the administration's authority to be able to deal with them.

So Freddie and Fannie started to get more and more innovative over the past years, and they started to make all kinds of loans to all kinds of people. As those loans were made, what happened was there was not good control to make sure that the loans were being given to people that could actually afford to pay the loans.

In fact, we had, intentionally, Congress started to pass laws and put pressure on these organizations, as well as banks, to encourage them to make loans to people who could not afford to pay. Now, how that would be called compassionate, I am not quite sure, but Congress did that.

So what started to happen, in combination, as this was going on, you have the Federal Reserve lowers the interest rate, so money is easy to get, and all kinds of people jump on the housing bandwagon, and you create this real estate bubble, people taking out loans, which they don't have jobs or the finances to pay off these loans. And pretty soon, as we got toward the more recent years, this bubble explodes and all of these loans, people are starting to default on them.

Now, those loans had been packaged up and cut in pieces by Wall Street, sold all over the world. And now you have got one whale of a mess on your hands. Now, the question should be asked, then, well, didn't somebody see this coming, didn't somebody know that Freddie and Fannie were doing things that they shouldn't have done?

Well, in fact, in the New York Times, the President, President Bush, the headline on the article in the New York Times, in case anybody wants to look it up, it's on September 11, 2003, well before any of this came down. It says here the Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

So here you have the President saying Freddie and Fannie are out of control, we need to get regulations on them. Now what concerns me is people are saying, they are saying, well, this is a failure of free enterprise. There's no failure of free enterprise here, this is a failure that starts right here in Congress, a failure of Congress to regulate these institutions which we created, and which went haywire by making all kinds of loans to people who shouldn't have had those loans, and now we are starting to pay the piper on it.

So this is the President, in 2003, The New York Times, not exactly a right-wing oracle, you follow the article through, and we come toward the end and it says these two entities, Freddie and Fannie Mae, are not facing any kind of financial crisis, said Representative BARNEY FRANK of Massachusetts. Now this is interesting, because what this article is saying is that the Democrats were opposed to the further regulation of Freddie and Fannie.

They were opposed to it, and the man from this Chamber, who was on the floor no more than an hour ago, is quoted as saying, now, catch this, these two entities, this is BARNEY FRANK talking, Fannie Mae and Freddie Mac are not facing any kind of

financial crisis, said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee.

So it wasn't that people didn't know, the President knew, but what it was, in the Senate, the legislation to try to regulate Freddie and Fannie was never passed. So we have, in a sense, a repeat of other financial crises because we in Congress did not do our homework, did not regulate and allowed these loans to be made.

Now, I am joined by some of my colleagues here and I am looking forward to chatting with them here. Just one thing I think that would also be helpful to know, we have defined the problem, and that is all of these loans that have been made and people got loans. That wasn't responsible, they couldn't pay the loans off. And so now these loans are being defaulted on.

That is happening enough. It is creating problems. The question is, how big a crisis is it? Well, just to give you some sense, about half of the loans that we expect are going to default have already happened. That says we have drunk about half the cup of poison and it has made the world's financial system sick, and we have got another half to go. Kind of an interesting thing.

I am joined by Congressman LAMBORN from Colorado, a very wise and helpful influence in Congress, and I yield to the gentleman.

Mr. LAMBORN. The gentleman from Missouri has laid a good background for what got us to the point. There is a lot of discussion going on right now today here in Washington about a stimulus package. It's been in the news.

The incoming President wants to deal with this, and I think by the middle of February we are going to hopefully pass something. I am concerned, though, that some of the elements in this program are not going to really solve the problem.

I haven't seen the bill. No one has seen the bill. There is no bill in front of us yet. There might be by next week. I hope so.

Mr. AKIN. That was a very important point that you raised. That is if we are going to propose solutions, the question is does the proposed solution actually solve the problem or does it just make people politically happy. Are we really trying to specifically tailor the solution to something that is going to work.

Mr. LAMBORN. Exactly. I know there is another representative here who can talk about H.R. 470, which is a positive approach to the stimulus, to what will kick start our economy.

Mr. AKIN. Before we get into the specifics of various solutions, let's just talk for a minute. You know, the question is, a lot of times people think Congress has some sort of a magic lever

here in the Chamber. And when we pull this lever, it just makes the economy accelerate or something. You know, they say we are going to stimulate the economy, whatever that is supposed to mean.

Really what Congress can do is we can either tax people or not tax people. We can take the revenue and slop it around in different ways. That's about all we can do. We don't create any wealth at all.

So when it comes to the economy, the tools we have are, to some degree, limited just because of the fact that Congress really doesn't create anything. What happens is it's the economy that either pulls itself forward or stagnates because we have created some set of laws that's messing it all up. So as we talk about solution, we have got to be careful, don't we.

Mr. LAMBORN. Representative, you are exactly right. Two things that I have heard bandied about that will probably be in the stimulus package that I think should not be, one is bailing out States. There is talk about sending a lot of money to the States for Medicaid and other expenses that they are running. They are running deficits in a number of States around the country.

The trouble is, every person who is listening to our dialogue right now wears two hats. They are a taxpayer to the Federal Government, and they are a taxpayer to a State or a territory government, every single person who is listening.

So we are going to take Federal tax money and give it to the States to solve their deficit but, in the meantime, we are creating a larger Federal deficit.

Mr. AKIN. It seems like to me, gentlemen, what you are recognizing is an inherent problem with this whole bailout concept. The whole idea of the bailout seems to be reward the person who did the wrong thing economically at the expense of the person who did the right thing.

Mr. LAMBORN. It's like taking a credit card debt that you are labeling under and say how can I pay off this credit card? Oh, I know, I am going to take out a new credit card, and I will take thousands of dollars in my new line of credit and pay off this credit card. You are not any farther ahead.

Mr. AKIN. With all due respect, gentlemen, I don't think you are being quite fair in that. What you are really saying is when you don't have a credit card you can pay off, you are saying I am going to use your credit card and take it. I mean, why should people from the State of Missouri or Colorado pay for California?

Mr. LAMBORN. You are exactly right. So you are not any further ahead. In fact, you are behind, because the money has gone through the bureaucracy. It got sent back to Wash-

ington, it came back to the States. There's been overhead costs, you actually end up with less than you started with, so you are worse off.

But that's the part about the proposed stimulus, and I haven't seen the details, that I would really object to. That's going to be in the final proposal.

Mr. AKIN. I just noted that the gentleman, Congressman JORDAN from Ohio, is here, and I yield to him.

Mr. JORDAN of Ohio. Look, we all know we are in a tough economic situation, and the gentleman from Missouri has explained some of the reasons we got there. The question is, where are you going to look for the solution? Are you going to look to the government, the big Federal Government which, as the gentleman has pointed out, has already run up deficit after deficit. We are approaching an \$11 trillion national debt.

So you are going to look to the same government that helped get us in the problem, or you are going to look to the people, not the economy, the people. It's the American taxpayer, American family, the American small business owner who can get us out of that situation we are in. That's who we should trust.

What we should do, is instead of spending and spending more, we should look for ways to reduce the tax burden, something we know that works every single time it's tried. When you let families, when you let small business owners, when you let the entrepreneurial spirit of the American people have more of their money to use it, to invest it, to put it back into their business, to put it into those things that have meaning and significance to them and their family, good things happen in your economy.

That's where our focus should be, and, frankly, that's the proposal we want to talk about a little bit later that we, the Republican Study Committee, unveiled today.

Mr. AKIN. What you have just said seems to make a whole lot of common sense. Just repeating what you said, the thing that's going to get us out of the recession is going to be the economy. It's going to be the small business people, the entrepreneurs, the hard working Americans. They are the ones who are productive, they create wealth, and they pull us up. You are saying that should be the direction of our solution.

Mr. JORDAN of Ohio. Yes, because, look, the other approach hasn't worked and hasn't worked in recent history. This bailout fever, as the gentleman from Colorado alluded to, this bailout fever that's grabbed Washington, we know that doesn't work. We have seen what's happened with the trillions of dollars we have spent.

There are all kinds of reasons we shouldn't continue down this road. So we know that doesn't work. What we

do know works is letting families, letting taxpayers, letting small business owners keep more of their money investing back in their business and helping our economy.

Mr. AKIN. So I think what I am hearing you say is we just can't spend our way out of this with a whole lot of government spending. That would be a little bit like grabbing your shoe laces and try to fly around the Chamber.

I see my good friend from Georgia is joining us for the discussion as well, Congressman GINGREY.

Mr. GINGREY of Georgia. Well, I thank my colleagues from Colorado, Missouri, and Ohio, and in a few minutes my colleague from Louisiana, all here on the floor tonight, all here talking about this issue.

I agree with Congressman AKIN, this is really like almost a bizarro world. I was at the Rules Committee last night listening to Chairman BARNEY FRANK of the Financial Services Committee and Ranking Member SPENCER BACHUS.

Mr. AKIN. You are referring to the same guy that said there is no financial problem with Freddie and Fannie; is that correct?

Mr. GINGREY of Georgia. Well, you mentioned that, I think you had a direct quote back from a couple of years ago, I think that would be the very same person.

You know, of course, what Chairman FRANK was talking about last night in the Rules Committee in regard to this second tranche of this \$800 billion, now, we are not talking about—

Mr. AKIN. Is a tranche and a slurp sort of the same, \$350 billion, you are just kind of trancheing?

Mr. GINGREY of Georgia. Yes, a tranche, I am learning all kinds of things as we get into this. I guess a tranche is a slice, it's a portion, if you divide something up. Of course, we divided this pie in equal slices of \$350 billion.

We have already spent \$350 billion, and it was targeted toward certain, well, we know, of course, General Motors and Chrysler and GMAC. Indeed, we even made a bank out of them so that they could qualify for the money.

It is a bizarro world, and Ranking Member SPENCER BACHUS, the gentleman from Alabama, said last night at the Rules Committee hearing on this bill, he said, you know, it used to be, in this country, that banks lent money to people. Now, all of a sudden, the people are being asked to lend money to the banks to bail the banks out.

Mr. AKIN. That does seem like something that's a little upside down, doesn't it.

Mr. GINGREY of Georgia. Like I said, it's a bizarro world.

Mr. AKIN. The person that runs their household responsibly, the State that runs its budget responsibly, now we are supposed to be bailing out the banks

instead. It is sort of an odd concept, but I didn't mean to interrupt you.

Mr. GINGREY of Georgia. No, indeed, it is an odd concept. And I think that Representative JORDAN and Representative SCOTT GARRETT from New Jersey, and, of course, our Chairman of the Republican Study Committee, our conservative Republicans of 75 to 80 strong on this side of the aisle, we have the right idea. I was proud to be a part of their press conference today on talking about this bill, our stimulus bill, talking points. We had a lot of members talking about this, but basically we are talking about the economic recovery and the Middle-Class Tax Relief Act of 2009.

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Representative AKIN, you are familiar with it. We are talking about people getting a tax break at every level, a 5 percent across-the-board at every marginal tax rate, cutting the corporate tax rate from 35 to 25, keeping the capital gains at 15 percent.

Mr. AKIN. Before we list off a whole lot of these different specific solutions, if I could just cut in for a moment and sort of let's step back a little bit and be a little more professorial.

You know, we have this tranche, it sounds like something on an ACT test or something. You are a medical doctor, you are probably smart at knowing all the meanings of these words. But there are two general theories, aren't there, in economics.

One of them was basically called "Keynesian" because of this Little Lord Keynes that came up with this idea. It was something that FDR used to turn a recession into the Great Depression. Obviously it didn't work very well, and yet there are some people that still want to say, well, FDR got us out of the Great Depression using Keynesian economics. And the theory of Keynesian economics is take a whole lot of money away from all the taxpayers and go spend it all on a whole bunch of pork-type government projects. Maybe some are good, some are bad, dams across certain rivers to build hydroelectric plants, or building schools and stuff. It was politically popular stuff, but it didn't help. It made the Depression worse, and we ended up getting out of the Depression by getting into World War II.

Now, I would just as soon that we don't use that approach to get out of our depression this time around and get into another world war.

But that was called Keynesian economics. The idea was you just spend a whole lot of money and, wallah, something is going to happen. Well, if you think about that logically, we have got trillions of dollars in deficit, and if Keynesian economics worked we would be in a great economy right now. We have already spent much more money than we have. And yet that is one ap-

proach, and it has traditionally been something the Democrats do. It is politically popular, but it hasn't worked very well.

The other approach is what you are talking about, which is more commonly called "supply side." It is the idea of not taking money, but allowing the businessmen and the people who create the jobs to invest and let that small business engine through productivity pull us out. That is what the gentleman from Ohio, Mr. Jim Jordan, a fantastic lineup of some different proposals to try to solve the problem of where we are in the economy.

But we have a gentleman from Louisiana. I would yield to you if you would like to comment on this.

Mr. SCALISE. I appreciate the gentleman from up north of the Mississippi River from my area in Missouri for yielding, and especially as you are talking about this latest effort that some people have to try to resuscitate Keynesian economics and reinvent history and try to make it out to be something it wasn't back when it was tried and failed decades ago.

But if you really look around and you look at what the taxpayers, the people who ultimately are the shareholders who I think are fed up with this whole mad rush to have bailouts and deficit spending, and then see more, trillions of dollars added to our national debt, what the people across this country are doing during these tough economic times, I think that is really the true indication of the direction Congress should be going, and, unfortunately, Congress is going in a different direction.

But people all across this country that are facing tough economic times, they are tightening their belts. They are making those tough decisions to live within their means.

Mr. AKIN. So the responsible people are saving money, yet the people in this Congress are talking about spending it when we don't have it. Go ahead. I yield.

Mr. SCALISE. Absolutely. And if you really want to go and look further into the States, each of our States, many are facing, I think a majority of the States are facing various budget shortfalls. My State of Louisiana is facing about a \$1.3 billion budget shortfall.

But what our Governor is doing is what I think is the responsible thing that we should be doing up here. Our Governor is actually going in and making responsible cuts to our State's budget. We have a \$30 billion State budget and there is a lot of room to make cuts in our State's budget, and that is in fact exactly what our Governor, Governor Jindal is doing. He is going and making cuts.

Many States across this country are doing the same thing. They are actually going and doing the things that the American taxpayers are doing.

They are living within their means. They are making cuts and responsibly handling a budget shortfall, as opposed to what is happening in Washington.

Mr. AKIN. Could you imagine if you were the Governor and you talked to your State of Louisiana and you said, hey, we are in economic hard times, so I have decided we are just going to spend a whole lot more billions of dollars. What would people do to you? Would they lock you up?

Mr. SCALISE. I think they have institutions where those people would go. But I think if you look at what is really happening across the country is people are making their responsible decisions, but they really want Washington to make those same responsible decisions. And when they look at what happened with the first bailout and recognize the failure of the first \$350 billion, I think what they would want us to do in Congress is to pull back and say, wait, that approach didn't work. Don't spend the other \$350 billion, and surely don't have some secret stimulus plan being developed.

Mr. AKIN. Do you know what happened to the first \$350 billion? Is it your sense that in the last month or two that that has really given a whole lot of value for that \$350 billion?

Mr. SCALISE. I think most people would recognize that bailout didn't work, including many of the people who initially asked for it. And while those of us who voted against it said there was a better way and presented an alternative approach, that was much more based on cutting taxes and encouraging the private sector to make investment. There are trillions of dollars sitting on the sidelines right now that we could bring back into the economy to turn this economy around instead of using taxpayer money and adding another trillion dollars on to a national debt that is already too large.

Mr. AKIN. So we came up with a solution that cost a whole lot of money, when there was actually a much lower cost way to solve the problem. And we are in danger of doing the same thing again in the near future if we don't use the right kind of tools to turn things around. I hear what you are saying.

The gentleman from Ohio.

Mr. JORDAN of Ohio. I think it is important to also understand the gravity of this. Not only the bailouts haven't worked, but we have to understand how much in debt we are. We are getting into unprecedented levels of national debt.

Mr. AKIN. Unchartered waters.

Mr. JORDAN of Ohio. Exactly. We are approaching \$11 trillion of national debt. The deficit we will run up in this fiscal year and last fiscal year, the last 2 years, \$2 trillion we are going to add to the national debt. That is equal to what it took us from 1789 to 1987 to accumulate. So in 2 years we have accumulated as much, added to the na-

tional debt what it took us 200 years to get to.

Mr. AKIN. So the gentleman, what you are saying is from the time this country was founded to the 1980s, we had not accumulated as much debt—

Mr. JORDAN of Ohio. As we have done in the last 2 years.

Mr. AKIN. As we have done in the last 2 years. And you are talking \$2 trillion.

Mr. JORDAN of Ohio. The month of November, we ran the largest single monthly deficit in history, \$164 billion for one month. This is serious.

Mr. AKIN. If you allow me to interrupt you just a minute, let's put that in perspective. How much did the war in Iraq cost, that everybody was complaining about for the last 6 or 7 years?

Mr. JORDAN of Ohio. It didn't cost that much.

Mr. AKIN. It was about \$800 billion. It is not even \$1 trillion. So we got about \$800 billion or \$900 billion for the war in Iraq, and we are talking about just in a period less than a year, \$1 trillion? This is an uncharted kind of area we are getting into.

Mr. JORDAN of Ohio. It is unprecedented. There are several reasons why we shouldn't go down this bailout road, I call it this bailout fever that has grabbed Washington. First and foremost, once you start, it is hard to stop. Everybody gets in line. We have seen it. Every single business now has their hand out. We had the governors and mayors that people talked about earlier this evening.

The second reason, as the gentleman from Louisiana pointed out, it doesn't work. We have seen what happened with the first \$350 billion in the TARP program.

The third reason, the most compelling reason in my judgment, it is immoral. It is wrong to do this to our kids and grandkids. It is wrong to saddle this kind of debt to our children and grandchildren, future generations of Americans.

One of the things that makes this country special, that made America great, is the concept that parents make sacrifices for their kids so that they have life a little better than they did, and they in turn do it for the next generation and they in turn do it for the next, and we get to be the greatest country that there ever was.

The fourth reason is it is unfair. And I think we miss this sometimes. It is unfair that taxpayers bail out certain businesses. And the small business owner back home, he is not going to get help, she is not going to get help to run that small business.

More importantly, for those industries that are getting help from the government, that are getting help from the taxpayers, it is unfair to their competitors within that same industry who don't get help.

So there are all kinds of reasons why we shouldn't do this, but chief among

them, chief among them is the idea that it is wrong to saddle future generations of Americans with this kind of debt. I have said many times to folks back home, who is going to bail out the bailout?

Mr. AKIN. Well, I really appreciate the Congressman. I know that you are disciplined in the wrestling sport. You understood that there are some rules that life works by, you work out hard, you wrestle a good match, and there are rules of economics as well.

We have a gentleman joining us tonight also, I think he is from Iowa, as I recall, just a bit to the west of Missouri, and Mr. KING, Congressman KING, I would recognize you if you want to talk a little bit along the same lines.

We have been talking about what you shouldn't do. The gentleman from Ohio is talking about the inherent unfairness, the injustice of basically taxing somebody to fix a problem they didn't create, of bailing out a big company when the little one doesn't get bailed out, this whole bailout fever, everybody with their hands out.

Now, is there a better kind of solution? What would a supply side kind of model be? What would you recommend? We don't want to sit here and criticize people that are proposing things without giving them an alternative that is better, and I think that is what you would like to talk about.

Mr. KING of Iowa. And I am happy to come here and present my version of my proposal for a solution. I would pick up on the gentleman from Ohio's statement of the deficit though in November being a minus \$164 billion. I just punched the calculator and you annualize that, that is times 12, that is \$1.968 trillion, almost \$2 trillion in annual deficit at the rate of last November. And we are dealing with that, and we are dealing with handing a check over to the incoming President in excess of \$1 trillion.

Now, all of this Keynesian that you talked about—

Mr. AKIN. You put that in context, that is a lot more than the Marshall Plan adjusted for inflation. That is more than the War in Vietnam adjusted for inflation. It is more than the Louisiana Purchase. I mean, it is more than anything we have bought before.

Mr. KING of Iowa. In fact, the only Federal expenditure that compares with this bailout is if you compare it in real dollars to World War II. This is a bailout that exceeds everything, including the interstate system in the United States. World War II is the only thing that cost more money, and that was, of course, national survival. This Nation was in peril.

So we can go down the path of the Keynesian, which you have discussed, and I reject that. There is no Keynesian proposal if you look back in history that can be supported.

I go to the other side, to the supply side of this. I look at the tax cuts throughout different presidencies we have had. It is clear when John F. Kennedy was instrumental in signing the legislation that cut taxes, we increased the revenue and grew the economy. Another two decades later when Ronald Reagan came in, we cut taxes, increased the revenue to the Federal Government and grew the economy.

When George Bush looked at the bursting of the dot.com bubble, which happened just before his watch, something needed to be done, and he offered the 2001 tax cuts. Those said we are on a little bit of a sugar high in this economy, it was a short bridge, they recognized it, and on May 28, 2003, the real Bush tax cuts took place. They are sunsetted eventually, but they also bridged this economy.

Those are some of the things that we need to do. But the free enterprise economy is this: Our job should be about increasing the average annual productivity of Americans, and at the same time that increases our opportunity to improve our quality of life. So if you want to provide the stimuli for people to produce more, the thing you do is to suspend the taxes on their production. Ronald Reagan said that what we tax, we get less of.

So the Federal Government has the first lien, taxes, on everything that is on the production side of this economy. They tax all of our productivity, our earnings, our savings, our investment. When you punch the time clock at 8 o'clock on Monday morning, you can hear a ka-ching, and Uncle Sam is standing there figuratively and his hand goes out, and you pay the taxes from the first minute you work until he gets the amount that he wants. That goes into Uncle Sam's pocket. And then you can start working for the Governor and the other people out there. That is true with earnings, savings and investment. So when we tax productivity, we get less productivity by Reagan's axiom and the one I agree with.

I propose that we take the tax off of our productivity, all taxes off of American earnings, savings and investment, and put it over on consumption, where it provides an incentive for a little savings, a little investment, and it lets a person choose when they pay their taxes when they consume. A national sales tax changes the dynamics of this. I don't want to go down into the depths of the details, but the philosophy I do.

Mr. AKIN. That is a very interesting proposal that you have and one that a lot of economists are taking a very serious look at and one that is really rising in popularity I think with a lot of scholarly people, Congressmen, and I appreciate your doing it.

I would like to dig into one little detail of what you said.

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What we're not talking about is a lot of fancy theory here. This is stuff that's been tried. And we know that excessive government spending, way beyond our budget, has created a Great Depression and all kind of other trouble.

But what we're talking about, instead, is allowing small businesses to invest. And so, when we did that, we actually did that in the first quarter of 2003. And I have a series of graphs here that show the result of doing that.

Let's just take a look at this: The black vertical line on this graph is the first quarter, or part way into 2003.

Mr. KING of Iowa. If the gentleman would briefly yield, I suspect that line is May 28 of 2003. I happen to remember that's the day that President Bush signed the 2003 tax cuts, and really the only reason I remember that is because it's my birthday. It was a great present.

Mr. AKIN. The second quarter. I stand corrected. The second quarter of 2003 is the black line that you see here. And this first chart is Gross Domestic Product of the United States.

Now, if you take a look at the things on the left side of the chart that are in red, this includes a bunch of kind of nice tax cuts, which give better deductions for having kids and a lot of feel good kind of stuff. So it's not just any tax cut that makes a difference.

Your point is you're investing in productivity. When you get to the second quarter of 2003, we did one major tax cut, and that was dividend and capital gains, which immediately put money back into the pockets. It's not really put money back in. We just never took it out of the pockets of the small businessmen who made investments and took risk.

And take a look at what happens on the average. This is going all the way out to 2007. The average Gross Domestic Product, 1.1 percent before that tax cut, after it you see that the averages jumped a couple of percent on Gross Domestic Product. Now, that's an interesting chart.

Let's take a look at the next one. What happens to go along with Gross Domestic Product?

Let's take a look at jobs. This is job creation. Everything below the line means we're losing jobs, as we are right now in the economy. The second quarter of 2000—oh, you were right, May 2003. You take a look and you see all of this job growth. An average loss of 99,000 jobs in the first couple of years, as we inherited the recession in 2001, and a gain of 147,000 jobs following. That is the effect of letting small business, turn them loose and let them be productive.

Now, here's the thing that I find most amazing, and that is the fact that when you do this, the government cuts taxes; and guess what happens to the money we have, the revenue?

Well, take a look at the third chart. There again, May of 2003, a low point in Federal revenue. As the economy gets going, Federal revenue takes off like a skyrocket. So what do you solve?

Everybody is more wealthy. There are more jobs, and not only Federal, but State governments have more money to spend.

To your point, gentlemen, I thought some specifics though. This isn't theory. This is what JFK did, this is what Ronald Reagan did, and this is what happened under the Bush administration with that key tax cut, not just any tax cut, but the one that empowers Americans and gets the government's big fist out of their pocketbooks.

I yield to the gentleman. Continue.

Mr. KING of Iowa. Briefly, the gentleman from Missouri, thank you.

I'd point out here that we are sociologists in the end in this country, and these are definitive.

Mr. AKIN. I don't want to be any kind of socialist, gentleman.

Mr. KING of Iowa. We are definitive on the economic analysis that you have laid out. It is stark, it's clear, the lines vertical there on each one of those charts that you've showed. But what it really reflects is the sociology of human nature.

When human nature concludes that if they work and earn and someone else gets the proceeds of that, if someone else gets the benefit of the labor, then the reward for the labor is diminished; that means there's less labor that gets done. And as people figure that out, as the tax rates go up, the conclusion is I'll risk less capital and I'll put less effort in, and I'll spend more time with my family or my golf clubs or my fishing pole. That equation is demonstrated there in the red and in the green vertical bars that you have. And in the end, our effort again is back to get the maximum increase and get the maximum annual average productivity out of every American at the same time quality of life.

Mr. AKIN. Congressman KING, I think you've just given us a rather eloquent description of just basically saying, free enterprise does work, doesn't it?

Mr. KING of Iowa. Free enterprise does work. And I yield to the gentleman again.

Mr. AKIN. We have a fantastic doctor from Georgia, and I would yield to you if you had a thought on the subject here.

Mr. GINGREY of Georgia. Well, I thank the gentleman, and I do have lots of thoughts on the subject. I'll share just a few of them with my colleagues. And of course we've gotten into discussion now of a philosophical and practical discussion of why tax reform, cutting taxes, first and foremost, and if not doing that, going to a different system. My colleague from Iowa talked about a consumption tax. No

more tax on productivity. No more tax on earnings and savings, but on consumption.

And I think you've shown very well, the gentleman from Missouri, with his charts, that that grows the revenue. And certainly, the tax cuts of 2001, 2003, under the Bush administration, even though there was a price tag put on that of \$1.3 trillion, these cuts in tax rates would result, theoretically, the way we score, in \$1.3 trillion less tax, but in dynamic scoring, as you presented in these excellent slides, we've proven that we grow the revenue.

But I'm going to tell you, my colleague, let me make this point if I can, and then I'll yield back to you because it is your time.

But Mr. Speaker, the thing that strikes me over and over again is, even when we're cutting taxes, even if we are able to pass the RSC bill, the Economic Recovery and Middle Class Tax Relief Act of 2009, I truly believe we will grow revenue, once again.

But we cannot continue to spend wildly. We desperately, my colleagues on both sides of the aisle, I think you would agree with me, until we get to the point where we have a balanced budget amendment and we do what the States do—my own State of Georgia right now has a \$2 billion shortfall, and our governor is struggling, just like the other 49 States. But the legislature will deal with that and they will tighten their belt, just as we have to do on an individual basis, on a family basis. You know, instead of getting that \$40 hair cut every 2 weeks, you get a \$20 hair cut every 4 weeks. You tighten that belt.

And that's the one thing we have not been able to do up here. We just start writing checks, printing money. And that's, my colleagues were talking about, the gentleman from Ohio and the gentleman from Iowa, a \$1 trillion deficit in 1 year? Yeah, that does lead to \$13 trillion worth of debt and red ink.

And so I think it's important for us to make sure we stay on that issue of, we cannot, no matter what we do with our Tax Code, we cannot continue to spend money. And I don't want to be pejorative to our great sailors, but you know the old expression. We can't keep doing that. We've got to balance our budget.

Mr. LAMBORN. Will the gentleman yield?

Mr. GINGREY of Georgia. Of course I will yield to my friend from Colorado.

Mr. AKIN. I'll yield to you, and then we'll go to the gentleman from Louisiana.

Mr. LAMBORN. The Federal spending projected for Fiscal Year 2009 is going to be 25 percent of the Gross Domestic Product. Right now that's over \$1 trillion, and that's even before we add the possible deficit spending of a stimulus package, which could be up to another \$800 billion.

Now, 25 percent of GDP, to put that in perspective, that is the most, in our Nation's history, except for World War II.

Mr. AKIN. You know, we like to get into these numbers a little bit because we have to study it and live with it day by day. But let's try to make this practical for the average person on the street.

What we're talking about is, instead of treating a recession, we're talking about, if we don't do this right, we're going to create another depression. We're talking about an extremely serious condition for our country; is that correct?

Mr. LAMBORN. That's exactly right. The Republican Study Committee proposal, H.R. 470, is going to call for a modest spending decrease. Instead of this massive wave of spending, the bailout fever that Representative JORDAN referred to, we call for a 1 percent decrease of nonmilitary and veterans spending, of the discretionary spending.

That would be, if you were a family making \$40,000, that would be a \$400 cut in your yearly budget. If a family could find \$400 to save, out of \$40,000, that would be like the Federal Government finding a 1 percent decrease, as opposed to this massive up to \$800 billion increase for a stimulus.

That's the kind of thing that we have to do, Representative, is to tighten our belts. If families have to do that, if small business has to do that, the government should do that as well. And you're right, Representative, when you say we can go in 1 of 2 directions. The government can spend more money to try to stimulate, or people can keep their own hard-earned dollars and spend it themselves. And I believe the second approach is the best.

And I'd like to yield to the gentleman from Louisiana.

Mr. AKIN. I think I'm the one supposed to do that. Congressman SCALISE from Louisiana, we'd love to hear your thoughts too along the same lines.

And thank you very much. I appreciate that, Congressman LAMBORN.

Mr. SCALISE. Thank you, Congressman AKIN. And you know, when you showed the chart over there about the revenue, the dip and then ultimately as taxes were cut, Federal revenues actually increased. The same thing happened under President Reagan when President Reagan cut taxes. I think one of the myths that is out there is that the deficit grew. Some people tried to attribute that to the tax cuts. But if you really go and look, you'll see a similar chart, you'll actually see an increase in revenue. Unfortunately, you had a Democratic-controlled Congress that spent even more money than the new money that did come in. But in fact, more money came in as taxes were cut. And so I hope we use history as a guide.

As you talked about earlier, there is no bill filed yet on this economic stimulus plan. We are expecting in the next week to possibly 2 weeks, there will be a bill filed. And unfortunately, right now what you've got is a bidding war. What started off as maybe a \$400 or \$500 billion proposal has now reached over \$1 trillion where the proposals that we're hearing now are \$1.3 trillion.

Mr. AKIN. Congressman SCALISE, did you say that basically we have already gone from 700,000 now to a trillion? Is that already that high?

Mr. SCALISE. We've gone from 700 to a trillion, and now more people are coming up with more ideas of how to spend taxpayers money; not today's taxpayers, but the next generations and the next generation after that tax money because we don't have enough money.

Mr. AKIN. So it's our grandchildren's money we're starting to spend.

Mr. SCALISE. It's our grandchildren's money. And if my daughter, Madison is watching, I'd ask her to turn away for a moment because I don't want to frighten her. But my 21-month old daughter, with a \$1.3 trillion bill, will take on an additional \$4,000 in debt, just my daughter alone. Every man, woman and child in this country, if we pass a \$1 trillion deficit-laden spending bill, every man, woman and child in this country will take on another \$4,000 each in additional national debt. And that's what this really means to people in this country.

Mr. AKIN. Now, Congressman SCALISE, you made a point that I think, and I think it is, it almost seemed counter-intuitive to me when I first heard this before I came to Congress, the idea that the government could actually cut taxes and raise more revenue. Doesn't that seem like making water go uphill?

Mr. SCALISE. On the surface it definitely doesn't seem to mesh until you look at what happened. And a real good example of that was something that those of us here that have been talking brought up, along with other colleagues of ours, when there was an alternative proposal to the original \$700 billion financial bailout.

One of the things that was brought up was, back in 2005 they tried an experiment. Congress actually did something that I think was smart. They said, look, we're seeing that a lot of American companies that have operations overseas in other countries where they're making a profit, those companies aren't bringing those profits back here to America. And the reason they're not is because there's a 35 percent tax if they bring that money back, whereas they don't pay any taxes if they leave that money in other countries helping those other economies. So for 1 year, they relaxed that tax. They brought it down to, I believe, 5 percent for just 1 year. And you know what?

They brought in over \$300 billion in money, American companies' profits that they were not bringing to our country because they were going to be taxed on it. For that 1 year where they didn't get a tax they brought \$300 billion back into our country.

So guess what Congress did in 2006 when that expired? Congress let it expire and didn't renew it, so guess what happened to that \$300 billion? It went back out of the country and it's still sitting over there helping those other countries when it could be helping our country, by not raising the tax, by cutting the tax. By cutting the tax you bring the \$300 billion back.

Mr. AKIN. Congressman SCALISE, I don't know if you were aware of it, but did you ever hear the story of what the Irish did? Their economy was in trouble about 15, 20 years ago, and they decided they were going to cut their corporate taxes really to the bone. They really cut the corporate taxes.

Now, in America we have the second highest corporate tax rate in the world. The Irish went the other way, cut their corporate taxes, and their economy took off like a skyrocket. And they've got more businesses starting and jobs, and their Gross Domestic Product has done fantastically.

There's a perfect case study of somebody who used this odd principle that by cutting taxes you can actually increase revenue. Here's a chart of it. You can see we cut the taxes. Everybody said oh, the Republicans have ruined the economy because we cut taxes. But take a look at what happens to revenue.

□ 2030

Here is the way I was thinking about this. Tell me where it makes sense to you.

Let's say you're king for a day and your job is to put a tax on a loaf of bread. So you start thinking. You say, "I can put a penny on it. Well then, I'd have to sell a lot of bread to get a bunch of money or I could charge \$100 for a loaf of bread, and then maybe nobody would buy any."

Well, wouldn't commonsense say that there is something between a penny and \$100 that's sort of the optimum at which you can tax it? When you increase the tax, you actually get less money. I think that is what's going on here, which is, if we cut the taxes, the economy takes off, and we end up with more government revenue. That's exactly your point, and that's the whole idea of supply side economics.

You know, the Congressman from Louisiana is fortunate to have somebody who understands that basic idea, and that is the proposal that we're making. We're not trying to dump on somebody else. We're just saying, look, this massive spending bailout fever just is not going to solve the problem. Anybody who runs a household knows

that if you're in trouble financially that you don't just start spending money.

As Ronald Reagan said, it's not fair to say it's like a drunken sailor, because a drunken sailor is spending his own money.

Mr. SCALISE. If the gentleman would yield.

Mr. AKIN. I will.

Mr. SCALISE. I've heard those analogies before.

Really, what's happening up here is an insult to sailors who drink, because they don't act irresponsibly like that in terms of spending.

One thing we can use is history as a guide because these aren't ideas we're just pulling out of the sky. What you have been talking about and what your charts prove is that these are all things that have been tested and proven. When you cut taxes, the income to the government actually goes up because people make better decisions. The Federal Government isn't going to tax people more. They're just going to go turn on the printing press and print up another \$1.3 billion that doesn't even exist yet, and then they're going to go and spend it.

Does anybody really think that that \$1.3 billion would be spent anywhere near as efficiently as if you had just gone and cut tax rates in areas where it's stifling growth and where it's keeping people from making good decisions so that their families can have basic education that they might want or so that their families might be able to get better health care or so that their families might be able to make better decisions in buying a car to help the auto companies rather than bailing out the auto companies for failed decisions?

Mr. AKIN. The little trouble with what you're saying is that it requires people to be responsible, doesn't it?

Mr. SCALISE. Absolutely.

Mr. AKIN. I mean, in politics, it's nice just to tell somebody, It's okay to be irresponsible. We'll just bail you out. The only trouble is that, when you allow that to grow to a certain level, the whole country crashes.

Mr. SCALISE. It's really sad to see. The people out there are being responsible. Our people all across our districts are making those tough decisions, those responsible decisions to cut back. Our States are making those decisions. It seems here in Washington that the Federal Government is the only entity that doesn't seem to get it. Hopefully, before anything does pass, because we do still have time, we can turn this train around and get it back on track.

Mr. AKIN. So we're basically saying that there are two courses before us. We're standing at a crossroads.

One of them is the old Keynesian theory that we're just going to spend a ton of money and slop it into everybody's pockets. The people who get the money

may like us, but the whole economy is going to go down, not just into a recession but into a depression.

The other alternative is to get the government out of the way and allow the small businessman to make the investment to drive the economy.

Those are the two choices before us. We're not trying to criticize the Democrat Party for the past things—for creating the problem by making loans to people who shouldn't have gotten the loans, for refusing to regulate Freddie and Fanny—but now it is their responsibility because the voters have put them in charge, and they're going to have to take one of these two courses. We're standing here today, saying: You need to choose the responsible course, which is empowering small business to create those jobs.

Mr. SCALISE. One last thought, if the gentleman would yield.

Mr. AKIN. I will.

Mr. SCALISE. We are at that crossroad, and that's why it is so important we have this conversation now, because this is a bipartisan issue.

If you look at what is happening all across the country, it's not just Republican Governors, but it's Democrat Governors who are also making those same responsible decisions to cut back rather than to increase taxes and rather than to go into deeper debt. It is Republican and Democrat and independent families across our country who are making those tough decisions.

So I think that we, as responsible Members of Congress, can join on both sides, Republican and Democrat, and do what's right for the taxpayers and for the future generations so that they're not saddled with this extra \$1.3 billion of deeper deficit spending.

Mr. AKIN. Congressman SCALISE, that is a great summary. We appreciate the wisdom that you've brought for us from Louisiana.

I am going to yield to a gentleman who ran his own small business successfully for many years, the gentleman from Iowa and my very good friend.

Do you have some sense from a small businessman's perspective, Congressman KING?

Mr. KING of Iowa. Well, I have some sense of that, and I thank the gentleman for yielding. I also have a reflection on a couple of things.

One is that I appreciate the gentleman from Louisiana's presentation on the repatriation of \$300 billion of foreign capital.

One of the analyses out there is that there is, all together, about \$13 trillion in U.S. capital that is stranded overseas because there is a capital gains tax that would be levied against it if it's brought back into the United States economy.

One of the things that I did after the September 19 debacle of the beginning of the downward spiral when Secretary

Paulson came to this Capitol and asked for the \$700 billion in bailout was to introduce legislation called the Rescue Act. One of the components of it was to suspend capital gains on all U.S. capital that's overseas in order to bring as much of it as possible back in. Now, I never expected that it would be \$13 trillion, the whole package, but I did think it would be \$300 billion, maybe \$1 trillion, maybe even more than that, maybe even two or more trillion dollars injected into this economy. That's U.S. capital that's sitting there that we are never going to see as long as we penalize that capital for coming back into the United States.

So, instead, we look across the pond, and we see \$13 trillion sitting there, invested in economies and in other parts of the world, and we go to Joe the plumber, to Joe six pack and also to some of the people who are making a better income in this country, and we say, Now, we're not going to tax you. We're going to give you a tax cut. We're going to give 95 percent of the working people in America, including the people who aren't paying taxes, a refundable tax cut. While that's going on, then we're going to tax your children and your grandchildren to roll one or two or more trillion dollars into this economy because the Keynesian theory of dumping capital into the economy stimulates the economy.

Well, if that were the idea, why wouldn't we then use U.S. capital that is helping other economies by suspending capital gains? We have a choice. We can suspend capital gains or we can pass the debt along to our children and probably in inflated dollars. That equation is so simple to me that it's infuriating.

I want to take this back to President-elect Obama's conclusions that he, obviously, has drawn from that Great Depression, and I agree with the gentleman from Missouri. Here is my analysis of that:

When I was a junior in high school, I was assigned to write a term paper. I had been educated throughout all of those years that Franklin Delano Roosevelt saved us from the Great Depression, and they gave us these programs—the CCC, the WPA. The list of those programs goes on and on and on.

Mr. AKIN. They were politically popular, weren't they?

Mr. KING of Iowa. Because you could market those to local officials, and they could get a photo op in the paper, and then they would build an edifice that was a monument to their spending, and it was popular.

In the end, what really happened is that I read every newspaper in our local town. Our newspaper was published twice a week. I went through that for the financial news from the crash of the stock market in 1929 October on up until the Japanese attacked Pearl Harbor. Now, people who were

lined up for jobs, who were in soup lines, the advertisings and the stories told me things.

By the time I got to December 7, 1941 and I had prepared to write this paper in support of FDR, I sat back and looked at the ceiling. I can still remember all of those wooden rods with the papers hanging on them, and I said, "Huh. You know, FDR did something." He established the principle that the Federal Government had a responsibility for the standard of living of its citizens. That crossed the line from free enterprise and free market, and it raced us down this path toward a socialized economy.

The lesson I saw was don't do that because it broadened and, perhaps, deepened the trough that the Great Depression was in. Barack Obama sees that as the salvation to a calamity, and now he's delivering to us the new New Deal. The old deal was a bad deal. The new New Deal is a far worse deal, and that comes from simple economics, from starting and operating a business for 28 years, from watching people, from reading history, and from wondering where in the world they got a lesson that would support the proposal that's out here in front of this Congress—in the House and in the Senate.

I yield back to the gentleman from Missouri.

Mr. AKIN. Congressman KING, we're kind of coming down the final stretch here.

We've had a chance to talk in some very broad terms about, first of all, what created the problem. The problem was created by this silly legislation, largely, that came from this floor over a period of different generations of politicians who encouraged people to be irresponsible and to take out debt that they couldn't pay.

Now, I don't know if that might have been sold as compassion, but I don't think it's compassionate to sell a man a loan that he can't pay back, that puts his whole family under stress as they labor under the economics of not being able to pay a loan.

So what happens is you get more and more people taking these loans, and the people who are writing the loans don't care because it used to be that a bank had to live with the bad loans they made, but these loans are just passed on to Freddie and Fanny, and you know the government takes care of all of those loans. So we make all of these loans that don't work, and pretty soon these things start sliding down the wall. The tragedy is half of them are still due. So that then throws the whole world economy into a shock.

So we're left here today at a crossroads. We are left at a fork. What are we going to do about this?

The irony is that the people who largely created this mess, particularly the senior Democrat on the Financial Services Committee, say Freddie and

Fanny don't have any problems. Now the whole world economy is on its knees, and they're in charge of fixing it. They've got a choice. They can continue to spend a whole lot of money, which we've already spent a lot of money. If that were going to work, we would be in a great situation. The other thing is that they're going to have to trust the American economy to pull us out.

I see we have my distinguished friend from Colorado, Congressman LAMBORN. Did you have a thought?

Mr. LAMBORN. Yes, Representative AKIN. Let me make a last statement about the voice of small business.

A few weeks ago, I sent out an e-mail blast to the Fifth Congressional District of Colorado. I asked, "How is this economic situation affecting you, personally?" My heart went out to the replies and to the angst that I heard from small businesses and from individuals.

For instance, Carol, who is a bookstore owner in Leadville, Colorado, is going to have to lay off two or three of her four part-time employees.

A cardiologist in Colorado Springs says, "We have already had to lay off some personnel." He is going to have to lay off more.

I'll end with Deborah. She expresses concern for the next generation. She says, "My descendants will be on the hook for big money when the bill comes due. Federal spending needs to be more than Federal revenue, period."

That is the voice of small business. We have to live within our means because business has to live within its means, and that's the principle we need to follow as we debate this stimulus package in the next few weeks.

I yield back to the gentleman from Missouri.

Mr. AKIN. Well, I appreciate your joining us, and I also appreciate the gentleman from Iowa. I think we've just got about a minute or so left.

I think the thing that we have to walk away with is that the cost of going from a recession to a depression could be severe. In the days of Jimmy Carter, things were a whole lot worse than they are right now. They had double-digit inflation, and they had double-digit unemployment. We aren't quite that far yet.

I would like to thank my friend from Iowa, Congressman KING, Congressman LAMBORN, also Dr. GINGREY from Georgia, Congressman SCALISE from Louisiana, and also Congressman JORDAN from Ohio, who have all joined us here this evening.

Congressman KING, the last word.

Mr. KING of Iowa. I thank the gentleman from Missouri. I'm watching the clock closely.

I wanted to put a quote into the RECORD here that I had not seen before just a couple of days ago. It's from Dr. Adrian Rogers, who said, "You cannot legislate the poor into freedom by legislating the wealthy out of freedom."

What one person receives without working for another person must work for without receiving. The government cannot give to anybody anything that the government does not first take from somebody else. When half of the people get the idea that they do not have to work because the other half is going to take care of them and when the other half gets the idea that it does no good to work because somebody else is going to get what they work for, that, my dear friend, is about the end of any nation. You cannot multiply wealth by dividing it."

I yield back.

Mr. AKIN. Well, it sounds to me a little bit like what the French philosopher Bastiat wrote. He was a legislator. He called it "institutionalized theft." If a thug hits you on the head and takes your wallet, we call it "stealing," but what happens when the government takes money that legitimately it should not be taking? We call that "institutionalized theft" or sometimes "socialism."

Thank you very much, gentlemen, for joining me. I really hope that this has been informative.

Thank you, Mr. Speaker.

□ 2045

HISTORY OF ISRAEL-PALESTINIAN CONFLICT

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. WEINER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WEINER. Mr. Speaker and my colleagues, we are now into our 19th day of the war of defense on the part of the Israelis in the territory called the Gaza Strip, and there has been enormous amount of coverage in this 24-hour news environment that we are in. And yet there has been a great many questions that have been raised about the origin of this conflict, how it might end, and whether or not it is indeed necessary at all.

And the simple information that—to allow the public to understand this is that for the course of years, we have had a circumstance where residents in one small corner abutting the Nation of Israel—not part of Israel, not occupied by Israel, but the Gaza Strip—has been lobbying missiles, rockets, day-by-day, hour-by-hour, into their neighbors' territory killing people, injuring people, and terrorizing people. And it's gone on for a very long time.

Despite the notion that sometimes we pay attention to these circumstances, only every so often for the residents of small communities who have been the recipients of these rockets, this has been a terrorizing period of years. In fact, there have been thousands of rockets that have gone from

the Gaza Strip and fallen in Israel over the course of the last several years.

Now, just so it's completely clear, the Gaza Strip is not occupied territory by any definition any more. The Israeli Government unilaterally decided after efforts had broken down to negotiate some type of a two-state solution, the Israeli Government and Israeli citizens said, "You know what? We don't want to be in Gaza at all any more. We're leaving. We don't want to be in West Bank at all any more. We're leaving," and let the Palestinians in the territories essentially with what they wanted.

It wasn't the perfect outcome. It wasn't the outcome that the Israelis really wanted going in, and it was, frankly, probably an imperfect solution. But since that time in 2005, the territories have been under the control of the Palestinian people.

Now, the Palestinian people have made some decisions under a democracy that was remarkably well set up, and despite all of the concerns, the Palestinians have indeed made their choice about what they want. And what they did is they chose to have Hamas represent them in the Gaza Strip, and they chose to have Fatah represent them in the West Bank.

Well, in some ways, we now have the outcome that was almost preordained by that choice. Hamas, you see, is an organization that is not dedicated to improving the lives of Palestinians, is not dedicated to a two-state solution. They are dedicated to the destruction of Israel. And to many degrees, when they were elected as representatives of the people via a relatively free election in Gaza, they campaigned on a platform of saying, "You know what we're going to do? We're going to be a constant, violent thorn in the side of our neighbors in Israel."

And to some degree, what they did is exactly what they said they would do. Almost as soon as they got into office, they began using Gaza to launch weapons into their neighbors' backyard.

Now, throughout this entire time, you might believe that, well, if the Israelis or if any country—heck, let's make it the United States. If we had even one rocket fall from Canada, or if we had one rocket fall from Mexico, or if the residents of New Jersey had one rocket fall from New York—even one—it would be reasonable to expect that the recipients of that violence would react. Actually that hasn't happened.

Now, I shouldn't say there has been no reaction. There has been some outcry on the part of the Israeli people. The Israelis have gone to the United Nations and asked for help and asked for relief. The Israelis have pleaded to the Arab world—and this map shows some of the neighbors here. Says, "See what you can do to help us with this problem?"

And this is not a fabrication. In fact, this is the pile of shrapnel of the rock-

ets that had landed, the Katyusha rockets just in one town of Sderot. This is not something that's the subject of overblown rhetoric. You can actually see these landing and see, unfortunately, the havoc that they have brought with them.

So the question then becomes what does a country do?

Well, first thing that Israel did was they made their best efforts to get Hamas to stop in nonviolent ways. But that didn't bear much fruit. Then they tried appealing to the international community to rally around Fatah, who is the—who occupies and controls the West Bank. That didn't seem to work. And finally, over the course of time, it got worse and worse and worse.

For all of the discussion about whether or not Israel has overreacted to the attacks—this is a graphic visualization of attacks by Hamas before the war. This number here in 2008, this is before the war began. Look at this. Starting in 2005—I guess it was October of 2005—and Congressman BERKLEY, and she knows these facts better than I, October of 2005, elections happened, internationally supervised elections, and the Palestinians in Gaza choose Hamas to be their representatives.

For anyone to say after that moment that much is a surprise would be wrong. Hamas campaigned on a reign of violence against Israel, and to their credit, if that's the word for it, they carried it out.

You can see from this 946 rockets fell on Israel; 783 rockets fell on Israel in 2007. And this is the number—and I want to point this out. This has nothing to do with what might have happened recently. This is what happened in 2008. Even considering the fact that for a good portion of this 2008 there was a cease-fire that Israel agreed to engage in and Hamas agreed to engage in, and of course that was broken by Hamas when they started dropping rockets again.

So I guess the question then becomes—and I ask any critics of Israel how they would answer this question—What do you do when it's your job to protect your citizens? It's the ultimate authority of any government is to protect its citizens from violence. What do you do when this type of violence takes place?

But the question goes beyond whether or not Israel is within its right to defend itself. I think that's almost beyond dispute. But it does go to the responsibility of the other nations in that area.

Now, many people have asked how could it be that this tiny piece of land in Gaza, how could it be that they could even have thousands upon thousands of rockets to launch anywhere? Well, the answer lies in its neighbor, Egypt.

Egypt, through this very tiny passageway through the Sinai Desert, has

permitted tunnels to be dug for thousands upon thousands of rockets to be brought in to the Gaza Strip.

Egypt, the second largest recipient of our tax dollars in foreign aid. Only Israel gets more; it's about the same amount. Since the Camp David Accords, we, the taxpayers of the United States, have about \$3 billion a year in aid going to Egypt. Egypt is the place that many of these weapons are coming from into Gaza. Largely speaking, the area along the western border is Egypt's control and Egypt's supervision.

Then you've got to ask, well, what is Jordan doing? Many people have said, "Well, why is it that the West Bank exists? Why isn't it part of Jordan's control? Who are the refugees refugees from?" Well, you go back historically, where they came from is Jordan. And Jordan has said, "We don't want them."

For all of this talk about the new Arab World and all of the protests about who it is that should help out with the Palestinian problem, right now the only reason that they're the Israeli's responsibility is because Jordan has said, "We don't want any part of these people."

And where is it that Hamas is headquartered? Why is it that we read reports today that the citizens of Gaza are saying, "We're okay. We would like to try to figure out a way to resolve this peacefully"? Well, the problem is Hamas leaders are in Damascus. They are nowhere near the action. Because Syria, just as they did in the War of the Rockets in 2006, provide harbor for the Lebanese attackers—for the Hezbollah attackers in Israel, Hamas has its leadership in Damascus; and they're saying, "Go ahead. Blow up more Palestinian homes. Blow up more of the Palestinian territories."

So then you've got Saudi Arabia. Well, Saudi Arabia is even worse than perhaps the other ones because what they're doing is pumping out more and more and more money for the terrorists at both sides of Israel. They want to continue the conflict as long as they can. Why? Well, if you were Saudi Arabia and you were the royal family and you had denied your citizens rights and you were like a monarchy constantly teetering on your point, you'd want any distraction possible. So they continued to fund the homicide bombers; they continued to fund the terrorists.

So when you hear the protests from the Arab League, when you hear the protests from our feckless friends at the United Nations, the question should be, "Why aren't you helping in some constructive way?"

Israel has, over the course of time and time and again going back all the way to 1947 where Israel agreed to the United Nations' original partition plan, said, "We'll take half this amount of land so long as we can live in peace." The Arabs said, "No."

The Wye River Accord. The Palestinians said no, the Israelis said yes.

All throughout the history of Israel, it has been Israel saying, "We will do anything necessary to allow us to live in peace."

And the very reason that rockets are falling now on their citizens is because they said, "We're going to give the West Bank, give the Gaza to the Palestinians. You govern it as you see fit." How have they seen fit? They've given aid and comfort to an organization that every day is making war against Israel.

Now there's one other thing that's come up—and it is indeed a horrible tragedy—that there are innocent victims in this. If you are a child going to school, whether it be in Ramallah, whether it be in Gaza, whether it be in Sderot, whether it be in Tel Aviv, whether it be in Minneapolis, or Brooklyn, if you're a child, you've done nothing wrong; you don't deserve to be a victim of anything. You hold no political views. You are a victim.

But in this case the question has to be asked, Who are you a victim of? If you are living in Gaza and Hamas is launching weapons from the back of a school, if they're launching weapons from someone's apartment building, if they're launching weapons from a public park and Israel responds, and unfortunately innocents get harmed, who was it that injured them?

And I would argue, ladies and gentlemen, that what you've seen here is a systematic effort by those that are launching these rockets to take harbor in people's homes, in schools, and in places like that. They've essentially created a whole country of human shields.

So then we return to the question, What is a country to do? What is Israel to do in this circumstance? And I think most of us would say, who think about the idea of our neighbors launching weapons upon us, that you've got to stop them at some point. You've got to say enough is enough.

Now, looking at it historically—and this may sound almost ironic—the solution to the conflict in the Middle East is remarkably easy. At the end of the day, there are some thorny historical issues, but Israel has said, "If it's about land, we will give you the land that you desire." And at Camp David II that led to the second Intifada, it began because Israel said "yes" to 98 percent of what the Palestinians had asked for at the negotiating table.

□ 2100

If it's about who controls Jerusalem, if it's about the borders and where in Gaza to provide checkpoints, none of these things have the Israelis said they're not prepared to discuss, even though some of us from afar feel very strongly that the eternal, undivided, historic capital is Jerusalem. And I

think that an argument can be made that only Israel has shown that they really do care about protecting that capital. And it does have a historic place in Jewish life that simply does not hold in Muslim life.

But all of that being said, every one of these issues can be discussed and compromised on, provided Israel's neighbors say we're going to stop trying to blow you up. Even the Government of Israel has said even things like the Golan Heights along the border of Syria—and Syria, by the way, is our single greatest problem remaining in Iraq. These are not friends of the United States. Saudi Arabia is the country that funded Osama bin Laden. Syria is the one who has created a refugee crisis in Iraq and has allowed fighters to come in and kill our citizens. In Lebanon, a country that if it were left to its own devices could have a very bright future ahead just as it had a bright past so long as it's not occupied by Hezbollah. Egypt, which entered into peace with Israel, and despite all of its shortcomings there is a peace treaty that exists today. So why is it this doesn't happen? And that needs to be the question that American citizens ask as they watch the reports, why is it that you have a situation where you have people bombing day after day?

Now, I think that the plight of the Palestinians is a tragedy, but they have become international pawns of these Arab states that seek the destruction of Israel. If the sentence becomes, "Hamas agrees Israel has a right to exist side by side and in peace with the West Bank and with Gaza as neighbors as part of a Palestinian state," if that becomes the predicate for a discussion, there can be peace by the end of this year. There are deals to be done; I know it because Israel has offered them. But when you have a situation that the moment you have any kind of a democracy, the result of the democracy—which, again, began in—the Israelis left the territories here in 2005. This is what a democratic country has decided to do with their democratic freedoms. If you have this, you leave Israel with no choice except to defend herself.

And let me just make one point because a couple of my colleagues are here and I want to yield to them because they've been leaders on this issue as well. You know, who do you get to help with this? Who are you going to call? Well, theoretically you should call the United Nations. The United Nations should be the place that says, you know what? This is just unfair, it's just not right. There is no reason that you should have a pile of missiles at the end of the day piled up at your town hall as it is in Sderot in Israel.

But let's look at the United Nations. The United Nations has passed 15 resolutions against Israel this session.

They've done 22 of them that were just one-sided resolutions. The General Assembly has passed 15 resolutions. And since 2006, there have been 22 of them. Just recently, in fact, they passed a resolution calling for a cease-fire in the Gaza conflict. That's fine. That's fine. But it said that Israel should stop its attacks to try to knock out the rockets, but it said nothing about Hamas stopping its attacks. So essentially it said go back to that chart that I just showed you where more and more rockets land.

Now, I have to tell you, it was a bad day for the United Nations, but I'll be very frank, it was a bad day for the United States as well, because rather than voting no on that resolution, the United States abstained. And I'm a Democrat through and through. President Bush has largely been a very good President for Israel. He's had some weak spots. He provided unseemly amounts of funding for the Saudi Arabians, but by and large has stopped these bad resolutions from passing unanimously like this one does. So it was a bad day for the United States as well.

But it's important to note that while all of this is going on, the United Nations—in my hometown and Congresswoman MALONEY's hometown of New York—has not used its power to try to implore the Arab states in the region to be helpful. Instead, what they've done is resolution after resolution condemning Israel for defending itself.

Now, I welcome a conversation about some other option that Israel has. Maybe it's another few more years of this. Maybe Israel should wait until this gets to 10,000 or 20,000. There has to be a point on this chart where any person would say, okay, that's enough, you can now respond. Well, I believe after 3,000 rockets landing upon its neighbors, that that point has been reached.

Now, I see a couple of my colleagues here, neither one of them is on their feet. Let me yield to someone who has shown remarkable understanding not only of world events in the Middle East, but all around, someone who has shown true leadership here on a number of issues, including this one, the gentlewoman from New York, Congresswoman MALONEY.

Mrs. MALONEY. I thank my good friend and colleague from the great city and State of New York for yielding to me. And I am pleased to join him in this Special Order expressing our support for Israel.

After 8 years of constant missile fire, Israel had to take action against Hamas. Every nation has the right, and I would say the duty, to defend its citizens from missile fire.

For the last 8 years, more than 10,000 rockets have fallen on Israel's civilian population centers. This reign of terror has killed 28 people and injured more

than 700 and traumatized tens of thousands. Any country that remained quiet in the face of such an onslaught would be failing its people and running away from its responsibility to its citizens.

Israel had to act. And when Hamas announced that it was ending the so-called lull and began an active campaign against Israel's population centers, Israel had no choice. I say "so-called" because nearly 400 missiles fell on Israel during that period. Hamas did not allow Israel a single month of peace.

I am proud that on Friday, January 9, as one of our first actions of the 111th Congress, the House of Representatives overwhelmingly voted in favor of a strong resolution that places the blame for the situation in Gaza exactly where it belongs, squarely on the shoulders of Hamas. Our resolution makes clear that Israel has a right to defend itself and that the path to peace in the region lies in the recognition of Israel's right to exist, the dismantling of Hamas's terrorist infrastructure, and the release of Gilad Shalit. I want to congratulate Speaker PELOSI, the author of our resolution, for having the courage to put before Congress such a clear statement of support.

In 2005, Israel withdrew entirely from the Gaza Strip; Israel gave the land back to the Palestinian Authority. Instead of using the opportunity, Hamas has squandered its resources, preferring to spend capital on developing weapons and smuggling tunnels rather than investing in the country and its economic future.

Rocket and mortar attacks on Israel increased by 500 percent after Israel withdrew completely from the Gaza Strip. The world sat silent as those missiles fell. There was no U.N. resolution condemning Hamas, not even after Hamas repeatedly violated the cease-fire. There were no international conferences to discuss what to do about the flight of the Israeli families. There was no call to defend Israeli children caught in the missiles' path. There were no human rights organizations worrying about the growing signs of post traumatic stress syndrome among the residents of Israel's south. The silence was thundering. In the meantime, Hamas smuggled even more powerful weapons into Gaza.

The number of Israelis who live under threat has grown as the range and strength of the missiles has improved. In recent days, Hamas missiles have hit a kindergarten in Ashdod and a high school in Beersheba. Both were empty at the time, but the loss of life could have been devastating.

Nearly one million Israelis now listen for the sirens signaling a red alert. They have 15 seconds—about as much time as it takes me to utter this sentence—to reach shelter. Hamas has always targeted civilians, preferring to

kill women and children instead of trying to take out military targets. At the same time, Hamas violates international law by using its own civilian population as human shields, knowing that it wins the PR war as the body counts rise. By contrast, Israel builds shelters and early warning systems to try to protect its citizens.

Hamas is displaying the irresponsible acts of madmen and cowards, not rulers who can hope to lead a nation. The United States will not accept a return to a situation in which Israelis are living with daily missile fire. I hope the international community will join us in taking a strong stand against the actions of Hamas.

I would like to yield back to my distinguished colleague and thank him for coming before us tonight with such a thoughtful presentation.

Mr. WEINER. Well, I thank the gentlelady for her leadership. It is a voice that has been loud and clear in support of Israel over the years. And it is one that, who knows, might be loud and clear in the other body at some point in the future.

I would like to yield now to my colleague from Nevada, SHELLEY BERKLEY, who has, from the moment when we were elected together and began service in 1999, has been a spokesperson for justice, not just in the Middle East, but again, throughout the world. And there is a notion that sometimes you come to Washington and kind of the waters of the town wash over you and take off your edge a little bit. You, Congresswoman BERKLEY, have been someone who has kept your edge when it came to fighting for what you believed was right, and it is my honor to yield to you such time as you might consume.

Mrs. MALONEY. Would the gentleman just yield 30 seconds to me?

Mr. WEINER. Certainly.

Mrs. MALONEY. I would just like to be associated with your comments about my good friend, SHELLEY BERKLEY, and to note that I have had the honor of traveling with her to Israel to study the historic sites and meet with the leadership about these many pressing issues. She has held many meetings in her home to discuss the issues in depth, not only here in Congress, but in her home with concerned citizens. So I congratulate her for her continued leadership.

Mr. WEINER. I couldn't agree more, and I yield to the gentlelady.

Ms. BERKLEY. Thank you very much, Congressman WEINER. And let me return the compliment, Congresswoman MALONEY; we appreciate so much your strong and vocal support for issues that I consider to be fundamental to the survival of democracy throughout the world, so thank you very much.

Mrs. MALONEY. So eloquently stated. Thank you.

Ms. BERKLEY. Mr. WEINER, coming from you that I haven't lost my edge is

the ultimate compliment for me after 10 years in Washington, so I thank you very much for that.

About three Augusts ago, a little over that, 3½ years ago, I was part of a congressional delegation that was on the border between the Gaza and Israel as the Israeli military was removing the last Israeli settlers from the Gaza. As you can imagine, Congressman, it was a very painful thing to watch, seeing families being torn apart, taken away from the lands that they had settled, where nothing had existed before they created their settlements, being taken from their neighbors and the villages that they created, truly oases in the desert, was hurtful. But I understood why the Israelis did it. They unilaterally withdrew from the Gaza with the hope that turning that land back to the Palestinians would have the desired effect of bringing peace to that area.

Rather than the peace that the Israelis had hoped for, the Palestinians, particularly when Hamas took over, became not an area where one would build schools and homes and infrastructure and demonstrate to the world that the Palestinian people were able to create a state of their own, rather than demonstrating to the world that they were capable of self-governance, quite the opposite became the very harsh reality. And what you saw, instead of schools being built and neighborhoods flourishing and businesses being built and infrastructure, hospitals, basic services for the Palestinian people, what happened instead was that the Gaza became a launch pad for a reign of terror upon the Israeli people that lived on the other side of the border.

□ 2115

Rather than reaching out to the Israeli people in an attempt to forge a peaceful relationship between the two peoples, the Gaza has become a hellhole. It's become a hellhole for the Palestinian people, and it is a hellhole for the people of Israel because they are continually barraged by rockets well within the Israeli border.

How many rockets are we talking about? You demonstrated it with your graph. We're talking 2 rockets, 10 rockets, a misfiring? We're talking about 7,000 rockets in the course of a few years. Who can exist, what peoples, what Nation would tolerate that type of continuous assault on their innocent population? There is not one country on the planet that would not respond. And yet with all the panic and the fear and the damage, the psychological damage, and the physical injuries and damage and the death that these rockets have caused, the Israeli people did not, did not, attack back. But at some point any government worth its weight in salt must defend its people, and that is exactly what Israel has done.

Let me share a story with you, Mr. WEINER. A few years ago, I was talking to one of the Middle East ambassadors. And I said to him, Is there no way for you and your government to intervene and tell Hamas, ask Hamas, demand Hamas to stop launching Qassam rockets against the Israeli people?

And his response to me incredibly, when he shrugged his shoulders, it was, Well, the Qassam rockets are very inaccurate.

And I responded to the ambassador, They may be inaccurate unless one falls on your head, and then it's very accurate. It's deadly accurate.

But he shrugged and he said, Well, it's no big deal.

Well, it's a big deal if you're an Israeli and your child was just killed in their school by a Qassam rocket being launched by Hamas from the Gaza. This simply must stop.

But I went further, and I once spoke with the Egyptian ambassador. And I said to him, Mr. Ambassador, is there no way for you and the Egyptian Government to find those tunnels and blow them up so that the flow of arms being supplied mostly by Iran will stop, will cease the flow so that Hamas will not have a ready supply of rockets to be using against the Israeli people?

And again I got another shrug: We don't know where they are. We can't identify them.

I said, The Israelis gave you a list. They know exactly where the tunnels are. You can't blow up those tunnels and prevent the death of innocent Israeli children?

I got no response.

Where was the outrage of the United Nations? Where was the outrage of the people throughout the world that are rioting now in their countries when Israeli children were being killed by Hamas' continuing barrage of rockets? Not a one that I can remember. Not one that I've seen on TV. Not one speech in the United Nations. Not one moment of outrage. It was Israeli children that were being killed and a very patient Israeli Government trying to use every diplomatic tool at their disposal before they had to go in. They did not want to do this. They would not have unilaterally left the Gaza to go back in. It is not something the Israeli Government wanted to do.

When Hamas refused to renew the truce in the middle of December at a time that we're celebrating religious holidays throughout the world, I knew that we were in for an increase in the carnage being rained on Israel, and I'm sorry to say I was right. The Israelis, like any other sovereign nation, have a right to defend their people and protect the people of their country. Israel should not be held to a higher standard, although they hold themselves often enough to a far higher standard.

The Israelis have made two requests of Hamas. These are the two requests:

They want an end to the rocket attacks. I don't think that's an unreasonable request. And they want an end to the tunnels, blow up those tunnels to prevent the rearming of a terrorist organization that has a vice grip on the Palestinian people in the Gaza. Which one of those two demands is inappropriate? Which one is unreasonable? I would submit to you, Mr. WEINER, neither one.

And for those that are talking about Israel's disproportionate response to 7,000 rockets, to death, to injury, to damage, how about holding the Palestinians to any standard, any measurable civilized standard, and put pressure on Hamas to stop launching those rockets into Israel? And after all of the last 2 weeks, after the pain on both sides, after the horror being perpetrated by Hamas on both the Israelis and their own people, Hamas is still launching rockets into Israel.

Well, let me say if they might be listening today, this evening as we speak, we can end this thing. We can bring peace. There can be a long-lasting truce if Hamas stops the rocket attacks and if the tunnels are eliminated. And that is what this body, the United Nations, and everyone throughout the planet, throughout this world, ought to be demanding of Hamas.

The human tragedy in the Gaza, the suffering of the Palestinian people, let us put it squarely where it belongs: not on the State of Israel, not on the Israeli people. It rests squarely on the shoulders of the Palestinian leadership. If the Palestinian leadership wanted a Palestinian State, they would have had one years ago. What Hamas is doing is not for the creation of a Palestinian State. It is for the destruction of the State of Israel. And it pains me to say this, Mr. WEINER, but if Israel ceased to exist tomorrow, the plight of the Palestinians would be no better than it is today. The suffering of the Palestinians would not magically go away. It is the Palestinian leadership, the leadership in Hamas, that has caused so much pain and suffering for the Palestinian people.

It would be my heartfelt hope with the beginning of a new year and the beginning of a new administration in this country that we can truly bring peace to the Middle East. It's something that I grew up fighting for and caring about. But this cannot stop until the Israelis are secure in their tiny country and free from a constant barrage of rockets and terrorist attacks by a terrorist organization on their border.

And I thank you so much for giving me these few minutes to share my thoughts with you. You are truly an amazing leader, not only in Congress and representing your own district and State so well, but you make me very proud to be associated with you on these issues and so many more. And I thank you for all of that.

Mr. WEINER. I thank you as well, and it's all well put.

One of the things, Congresswoman BERKLEY, that people have said is, well, maybe if Israel takes a deep breath and they pull back and maybe stop the assault against these terrorists, maybe that would be the correct approach. Well, you know that from June until I guess it was the 19th of December, the Israelis did just that. They observed essentially a cease-fire with Hamas. And what happened? Well, they noticed something unusual. They knew that weapons like this, Qassams and Katyusha rockets, which have a range of about 12 to 13 to 15 miles, during the course of that cease-fire, Hamas was getting a new type of weapon. They were getting it from Iran, the Grad missile, which is more like 20 miles. Now, it's a little hard for us to get into context here in a tiny country the size of Israel. You're talking about your enemy having a reach of about a quarter to about a third of your whole country, maybe even more than that. And it's worth noting that you concluded on an appropriate point to talk about what is it that we can do to truly be helpful to the Palestinians here?

No one, I think, can reasonably argue that Gaza's being under control of Hamas has been a good thing for the Palestinians. It has gone from a community that had about 750 trucks of import and export coming through the borders every single day. They were trying to make a go of it under difficult circumstances. Now none of that goes on because Hamas, instead of trying to build up international commerce, instead of trying to make a country of it, they've chosen to import guerrillas from places like Iran to help train their military. They chose to devote much of their effort to producing things like this, which are just articles of death, rather than trying to figure out a way to make an economy work. So, frankly, it is not as if Hamas can say, well, we've achieved a better quality of life for our citizens, that we've fought with a sword against Israel but at least we have been trying to build up a government.

You know the tragedy is that the Palestinians have had a choice between corrupt and violent. That's really the only two choices they have had. They have got a government in the West Bank, the government in the West Bank here that's controlled by Fatah, which suddenly seems great except for the fact that they're completely corrupt and incompetent; and then you have a government of Hamas, which is governed by terrorists.

But as we think about what the solutions might be, and I think ultimately it will have to be that the Israelis have to stop. When they're going to have to stop, though, is when they've gotten every rocket, when they've blown up every tunnel to Egypt, and ultimately

they can go back to their side of the border and hope and pray that the Palestinian people come to their senses and say we don't want this anymore. We saw that start to happen in Iraq after a while. They said, why are we making our country just the battleground for terrorists? But they're going to need help. We're helping a great deal. As you know, much to my chagrin, hundreds of millions of dollars of international aid has come into the territories hoping that maybe if we put enough money on the barrel head, then the Palestinian people would live in peace with their neighbors. Unfortunately, it hasn't worked. They need help from other places.

Well, we need help from Egypt starting immediately to say we're not going to allow these tunnels to exist anymore. Now, I don't believe we should sit back and hope for help. I believe we should leverage our substantial foreign aid to say, look, you're an ally of the United States in the broad sense. We provide you billions of dollars in aid. We're going to suspend that for a little while until you show that you get these under control.

I will gladly yield.

Ms. BERKLEY. As you know, we have attempted on numerous occasions to take the military aid, the \$2 billion in military aid that we give the Egyptians every year, and take some of that away so that it would be humanitarian aid for the Egyptian people because I can't help but wonder what are the Egyptians doing with \$2 billion worth of arms every single year?

Mr. WEINER. I agree. And looking at it another way, Mubarak, his thorn in his side is the Muslim Brotherhood. They're kissing cousins with Hamas. It's in Egypt's interest as well.

Ms. BERKLEY. It's in Egypt's best interest. Absolutely right.

Mr. WEINER. Now, obviously we know what we can do with Saudi Arabia. We treat Saudi Arabia as if they're an ally. We provide them with foreign aid as well. Even more, we are about to send them the most sophisticated weapons around. Now, I don't know who it is they think they are defending themselves from. Maybe it's the giant army of Jordan perhaps. But that's a mistake we're making. And our own State Department has confirmed over and over again money going to the terrorists. They're a virtual Jerry Lewis telethon, sometimes literally, for funding of terrorists. So we in the United States should say to Saudi Arabia, you know, when the Crown Prince comes to Crawford, Texas, and takes our President by the hand and then does nothing to help with this matter, I said President Bush has been a good President for Israel.

□ 2130

He has had a blind spot when it comes to the Saudis. Syria, look, let's

face the facts here. Syria has become a matrix of problems, second only to Iran, which is just off of the corner of this map. You know, if you consider how troublesome they have been in Iraq, how troublesome they have been in Lebanon, how troublesome they have been, if it weren't for Israel taking back the Golan Heights they would still be lobbing missiles in from there as well.

Well, so the question has to be what does Syria want for itself? I remember when the younger Assad, when Bashir Assad came in, everybody said he would be much better.

Ms. BERKLEY. Western educated.

Mr. WEINER. He went to the Sorbonne; he is a pediatrician or ophthalmologist.

Ms. BERKLEY. Ophthalmologist.

Mr. WEINER. Whatever it is, his mother must be very proud.

But as it turned out, they have essentially outsourced to any terrorist function that wants to go. Secretary of State designee CLINTON, President-elect Obama, you know, if you want to look for your trouble spots, Saudi Arabia and Syria are turning out to be your next big problem spots, but Jordan bears a responsibility as well.

But Jordan has been as close as there is to a moderate in that part of the world. They have been it. But if you look at the West Bank, and you look at the allegations about refugees, this used to be Jordan. If Jordan really cared about solving this problem, they will be doing some things that are more constructive.

But I have got to tell you if they were all as good as Jordan, I think we would probably take it. The problem is that we are surrounded by people who seem to think that it is in their interest to keep the violence going on in the territories, and I think that that has to change.

I am not sure if my colleague from New Jersey is here for this Special Order, because he has been a remarkable leader on the issues. This is truly a bipartisan issue.

We recently had a resolution on the floor condemning Gaza and standing up in support of Israel. As it always is, we disagree on many things in this body, but I think that we have all agreed, and I have said previously, I think some Presidents of my party, like Jimmy Carter, have been a disaster for Israel. I think some Republican Presidents, Ronald Reagan, George Bush, have been very good.

This is not a partisan issue. This is an issue of right and wrong.

Ms. BERKLEY. I want to thank the Congressman again for allowing me to participate.

Mr. WEINER. I thank the gentlelady.

I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman for leading this

Special Order hour on this topic. And I was just being enlightened, honestly, by the comments and your wealth of knowledge on the issues.

So I appreciate the chance just to spend a couple of minutes with you and a chance to talk about this topic. Today is Wednesday. Just this past Sunday I was back in my district, which is in the great State of New Jersey, and there I was honored to take part in a solidarity evening, a rally, if you will, for Israel, held in the Fifth District in the State of New Jersey. I would like to just spend a minute or two to share with you what was discussed and why I was there.

Our allies in Israel, obviously, are going through a tremendous crisis at this period of time. That's why I was so encouraged that we had well over 1,000 people in the room, maybe even more. Besides the room we were in, I was told, there was another assembly area where it was on TV as well. All of these people across the region came together in solidarity for both the victims' families over there, as well as for the victims who have lost their lives in this recent conflict.

The loss of life in this region is truly profound. As you know, when we have been on this floor on this issue, we are both tremendous advocates for the State of Israel, one of our key allies, our only allies in the region over there.

As you say, it was last year that we were on the floor as well, on a particular resolution, I was sponsor of it, you were cosponsor of it as well, and there was a resolution at the time when the mortar attacks were picking up on the people in Sderot. There was a time that we passed that resolution overwhelmingly saying that the United States stood on the side of Israel and stood on the side of people of Sderot and the right to defend themselves.

Unfortunately, the sentiments of that resolution were obviously ignored by Hamas. Instead, the number of rockets, instead of decreasing, increased it dramatically, the number of mortar attacks launched now from Gaza in the month of December. In the period of time just prior to that, Hamas, I think you were going into this a little earlier ago, their capacity to attack and bring violence on Israel has increased dramatically with the range, I saw the pictures you had up there before, of the mortars and rockets increasing from 20 kilometers to over 50 kilometers, I believe it is. Basically, if you add all the numbers up on the map there, it means that over 1 million Israelis and their lives, their families, their children, are now at risk of mortar attack.

Even worse than that, Hamas' actions, I think, exhibit total disregard for innocent human life. Israeli civilians continue to be targets of those defensive actions. In addition, it's really a shameful use of Palestinians' innocent life as well because they are being

used as human shields and it creates unnecessary victims of terror.

This is a flagrant disregard of international human rights. It's a flagrant disregard for the rights of the innocent people, Gaza and Israeli residents as well.

If Hamas really did care about the citizens they purport to represent, they should really cease all military activity, all military activities against Israel right now and look to international forces to achieve peace.

So I have been pleased to be here in Congress and that Congress has not ignored the Israelis' plight, as you indicated just about 2 minutes ago, that we have had this resolution, they have worked on jointly on this to step up to the plate, and that is H.R. 34.

Just to conclude, I commended President-elect Obama recently for expressing similar concerns that you and I are expressing right now, specifically for the people of Sderot. He did that just over a short period of time about a year ago when he visited Sderot last year.

I think you and I join now in urging him to continue that effort to speak out, encourage him to demonstrate that unwavering support that you and I have for the people of Israel as a struggle against Hamas.

I think if he takes a stand now on the Gaza issue as he did a year ago, as soon as possible, to eliminate any ambiguity concerning the resolve that the United States has to aid Israel, the President-elect really has an opportunity to strengthen our Nation's diplomatic hand and call for an end to the destruction of innocent lives. I urge him, as I am sure you do as well, to take that step immediately.

But as I close here I try to remain the optimist. Despite all of the current challenges, I still believe that there is a potential for further progress.

Israel has shown a willingness to pursue peace. Now if only the Palestinian Authority and the Arab governments make equal steps forward, we can achieve that lasting peace.

Finally, now, Israel left Gaza a short time ago in the hopes of peace. Israel returned to Gaza to fight terrorism and hopefully they will now achieve that peace.

I, again, commend the gentleman.

Mr. WEINER. Well, I thank the gentleman. Very well put. I appreciate your leadership on this. I should point out whenever I come to the floor, whether it be to make sense of our foreign policy as it relates to Saudi Arabia, you have been always been there trying to problem solve, trying to figure out the way we can use a lever.

Before I yield to my friend from Iowa, you know, very often when we look at these stories on television, my neighbors say, well, why is it our problem? Why is it a United States problem? Why do we really care? It's far away.

If you think about what's going on here, and I haven't pointed this out yet today, and, frankly, we all take it as an article of faith, we don't even think about it very much, there is really only one democracy on this map here. There is one democracy really fighting totalitarian regimes and terrorist exports, really, on behalf of all of us.

I ask you to imagine this scenario. Imagine if this wasn't Hamas, but it was al Qaeda. If we knew this little piece of land here was controlled by al Qaeda we would say, of course, you have got to be in a well—well, Hamas is an adjunct of the same type of influence.

Frankly, Israel is the only country, not only in this part of the world, but you can make a pretty good argument anywhere that is truly every day dealing with the ravages of terrorism.

We were struck on that fateful day when my city was struck on September 11, 2001. But if you think about it, if every single day, if Iowa or New Jersey or if New York were getting hit with rockets, do you think, really, anyone would say, oh, that was a close call, let's go back to work now, or anyone would say, oh, it was just a child that was harmed or, oh, it was just a school that was hit, big deal, let's just go back to work. It would never happen.

My colleague, the gentleman from Iowa, understands these issues very well. Once again, this is a bipartisan effort, and I would be glad to yield to him.

Mr. KING of Iowa. I thank the gentleman from New York for organizing this Special Order. Even though I have 60 minutes subsequent to this, I appreciate the yield because I would like to say a few words into the RECORD as part of this Special Order.

This support of Israel goes back deep with me. The 1967 war was the year I graduated from high school. I came of age as Israel defended its freedom that they had achieved in 1948. My life has almost transcended, I am going to go through the sequential order—I was born in 1949, Israel was born in 1948.

As I have watched this, as I have watched the courageous defense against enemies that surrounded Israel for all of these years, and I have watched the policies a little bit within Israel itself, it occurs to me that I have trouble finding a historical example where land was traded successfully for peace. I honor the effort that they have made, and I certainly honor and support and will continue to support Israel's effort to defend themselves.

As you have illustrated, rockets firing in from a few miles away, New Jersey into New York, for example, we would not tolerate that. We wouldn't tolerate the second rocket. We wouldn't tolerate the first one. This is thousands of rockets.

So without belaboring the point, I support and endorse the statements

that were made in this hour, and I support the resolution, obviously. I will continue to do so and will stand in solidarity across the aisle to stand for freedom. I would submit also that the only place I can see on that map where an Arab can go to get a fair trial would be Israel.

Mr. WEINER. I thank the gentleman very much for his continued leadership.

Let me conclude with just a couple of brief thoughts. You know, some of us have turned on the television in recent days and seen that there has been a change in tactics on the part of the Israelis. They are no longer going over with planes or sending rockets themselves to try to hit these targets. But they have actually gone in with troops and are going almost literally home by home trying to find the last of these rockets.

Well, when people say the Israelis should use restraint, I ask you, how many militaries would do that, because that is the ultimate sign of restraint.

They are sending in their troops to do as surgical a job as possible to try to exact from the population whatever rockets are still there. They are in people's basements, they are in the back of schools, they are in supermarkets, and Israel more so than I think any nation maybe in the history of the planet, has always essentially taken one, two, three, 10 body blows before they react.

They do something that I don't think that anyone would expect the United States would do, and I don't think they do anything that any country has ever done. Every single time that they are attacked, they wait, they calibrate. They very often consult with the United States and they try to figure out how do we prevent this from escalating.

Whenever there is an opportunity to negotiate, it is the Israelis that say yes. And it is the Palestinians, with the support of these neighbors in the region, that say no.

It has to end. It has to end. If you really want to end this cycle, there are some things that we can do. Believe me, I understand there are things that the Israelis have to do. And, to their credit, they have said time and time again they are prepared to do it.

One final historical note, you know, the defense minister, Ehud Barak, has been quarterbacking this defensive effort. By the way, for anyone who follows this, he was very, very reluctant to strike back militarily.

Ehud Barak was, in a past lifetime, he was the prime minister. He was the prime minister, the very same defense minister now who is leading this military effort was the prime minister who essentially said yes to everything that Yasser Arafat asked for at the time, the amount of land and the crossings and the control.

He said yes. He said yes. And what happened? Once he said yes, the

intifada began. Ehud said the thank you was not okay. We accept the deal as done. It was violence began again.

So there is no one there that probably wants this to come to a peaceful ending more than the Israelis. They are tired, they are exhausted. They recognize that they can't be a sustainable country with this kind of circle, this kind of ring, this kind of enemy surrounding them. So the idea that somehow the Israelis are trigger happy and looking for a fight could not be any more wrong.

So there are some things for all of us to do. One of the things to do, as we look at this through the lens, the western lens of why can't we just solve this problem, well, you know what? These are difficult problems, but they are solvable. They are solvable when the weapons are put down, when the rockets are put down. They are solvable when a child in Sderot doesn't have to have a blue room where they run to where they have 15 seconds, as Congresswoman MALONEY said, to get to safety.

We can't have a city like the one that has been referred to a few times here. Let me put this up one final time.

□ 2145

Sderot is this little town here, right by Gaza, that has had hundreds of missiles fall upon them day after day. We can't expect anyone to live like that.

What we can do as United States citizens is say, listen; one, we are going to start talking with our wallets. We are not going to allow any aid to go to Gaza until they change their government there. We can't support a military terrorist organization.

We have to say that we want better accountability here too. We want better accountability from Fattah.

We have to demand that Egypt, in exchange for getting billions of dollars in aid from us, the very least they can do is make sure the tunnels are stopped so if and when there is a cease-fire, and, God willing, it is soon, weapons don't come.

And we have to finally face the reality about places like Saudi Arabia and Syria. They are not our allies. Nothing could be further from the truth. Although we all know it about Syria, we need to recognize it about Saudi Arabia.

Finally, let me just say this. One of the ways we say God bless America is joining with the Israelis when they say Am Yisrael Chai—the people of Israel live.

REQUESTING A PARDON OR COMMUTATION OF SENTENCE FOR JOSE COMPEAN AND IGNACIO RAMOS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 6, 2009, the

gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I again thank the gentleman from New York for yielding a moment of his time to me.

I change the subject at this point, Mr. Speaker. I asked for this time before this great deliberative body and this honor and privilege to address you on this subject matter, speaking to you, Mr. Speaker, and understanding that there are eyes and ears across this country, particularly in the White House tonight, who are in the business of cleaning out their desks, going through their files, packaging up many in the archives, some going I presume into the trash or the shredder, and making room for a new administration that comes in.

During this period of time, every 4 years, we will see the President of the United States, the commander-in-chief, the conductor of our foreign policy and the chief law enforcement officer of the United States among other things, all wrapped up into the package of President George W. Bush, following in the footsteps of his predecessors before him and contemplating the right and the power and the authority that he has to pardon those who have been convicted of a crime or to commute their sentences, those who have been convicted of a crime.

If we look back through history, there have been some long lists of people who were pardoned or had their sentences commuted, and sometimes it has been controversial. I won't dredge up some of those controversial pardons, but I will raise the issue that a President has this authority. Sometimes he exercises the authority of the pardon or the commutation out of compassion. Sometimes it is out of a sense of misapplied justice. Sometimes it is just out of a sense of mercy that is coupled with compassion.

But the case that I raise tonight, Mr. Speaker, is the case of Ignacio Ramos and Jose Compean, who are Border Patrol officers, I should say at this point former Border Patrol officers, who were involved in an incident down near the Mexican border that had to do with the interdiction of a drug smuggler from Mexico.

This drug smuggler was an individual by the last name of Aldrete-Davila who was intercepted by agents Ramos and Compean. This was on February 17, 2005, near Fabens, Texas, where they interdicted Osbaldo Aldrete-Davila, who was suspected of smuggling drugs into the United States. It was later found that the van that they chased that Aldrete-Davila abandoned and ran across the countryside contained 743 pounds of marijuana worth approximately \$1 million.

Well, this incident as it unfolded showed that one of the agents chased the drug smuggler, Aldrete-Davila, and

the other agent cut across to try to cut him off, presumably to cut him off before he could get into across the border into Mexico. It was Ramos who chased him. Ramos chased him and Compean attempted to interdict him.

In any case, there was an altercation that took place. Both agents discharged their weapons. The discharge from Agent Ramos' weapon was stipulated to be the bullet that hit the drug smuggler. And, as the situation unfolded, there was a confrontation with Aldrete-Davila and Agent Compean that ended in multiple discharges of Agent Compean's weapon. None of those rounds hit the drug smuggler. He disengaged himself from Compean and ran. As he turned and looked back, Ramos came onto the scene, Agent Ramos came onto the scene and discharged his weapon, as I recall, once.

There was no sign by either agent, any observation that any of those shots actually hit the drug smuggler. That wasn't known until some time later. A family connection, a relation of another agent with the relation of the drug smuggler, passed that information along, in which case there was an investigation that began.

Agents Ramos and Compean admitted that they didn't deliver the complete, full written report for the incident that took place. Recognizing that, the crime that they were charged with originally was a lesser crime than the crime that was brought against them.

But, in any case, after this situation unfolded and Ramos and Compean were arrested and charged, then as agents of the Border Patrol arrested and charged for the incident, around the incident were failure to file a complete, honest and truthful report. There were other agents and supervisors that were purportedly on the scene. It wasn't that the incident was necessarily covered up, but it wasn't appropriately reported.

After the original charges, the lesser charges were filed, the government drastically increased the charges by securing a superseding indictment pursuant to 18 USC 924, which is a statute that outlaws the discharge of a firearm in the commission of a crime of violence. This charge, 18 USC 924, carries with it a 10-year mandatory minimum sentence.

So they were subsequently convicted of discharge of a firearm in the commission of a crime, a statute that was never envisioned to apply to a law enforcement officer who is lawfully carrying a weapon, in fact required to carry a weapon, and who perhaps discharged that weapon in a lawful fashion in carrying out their duty. That is a question that I think the court probably answered in the negative.

But, in any case, this statute, 18 USC 924, the discharge of a firearm in the commission of a crime of violence, was the Federal charge that was brought as

a superseding indictment, and it was a heavy charge that was laid on Agents Ramos and Compean, and the conviction that followed from that resulted in the mandatory sentencing that came about which turned out to be 11 years and 1 day for Agent Ramos and 12 years for Agent Compean.

Now, Mr. Speaker, and I implore your attention to this and I pray that the attention of the President is focused on this argument, and that is not that Agents Ramos and Compean are innocent of the charges that have been brought against them by the active U.S. Attorney Johnny Sutton; not that there shouldn't be some charges brought to provide a deterrent and perhaps a restraint, although I have some reservations about that within me. I am not making that argument, Mr. Speaker.

I will make the argument that these officers have been incarcerated almost continually since this investigation began, and the sentences that have been brought forth on Agents Ramos and Compean are unreasonable. They are outrageous. It is out of balance with the crime itself. It serves no public purpose to keep these agents in a Federal penitentiary any longer. They have spent significant time in solitary confinement because they need to be protected from the other inmates within the Federal prisons they are in.

I looked into that, to ask the question could we make the case that it is cruel and unusual punishment for someone to go into solitary confinement and have to face potentially more than a decade in a Federal penitentiary in solitary confinement. I couldn't make that constitutional argument, Mr. Speaker. As much as I would like to make the argument in the case of Ramos and Compean, I can't make that constitutional argument.

I could make the argument that we could move legislation in this Congress to grant them a new trial in perhaps a different district that might give them a better opportunity for justice that is more appropriate to the acts that they are charged with and convicted of.

Mr. Speaker, I will now constrain my arguments to this: The prosecution has gone forward in a hyper-aggressive fashion and concluded with convictions and sentences that reflect the aggressiveness of the prosecution on this case. I believe that these officers have served an appropriate punishment.

I think that we have passed Thanksgiving, Mr. Speaker. In reference to the President's consideration, we have passed Thanksgiving. I recall watching on television as the Thanksgiving turkey was put up on the chopping block. And like happens every year right before Thanksgiving, the President of the United States comes down, looks over that nice, tasty-looking turkey and passes a sentence over the turkey which is a pardon for that turkey. He

doesn't end up on anybody's Thanksgiving table, at least not real soon. I don't have any idea where they put these retired turkeys.

But as I watched that, I thought about Agents Ramos and Compean. What about the comparable merit? What did the turkey do to deserve the pardon, Mr. Speaker? So that question began to roll around in my mind about the dichotomy of pardoning the turkey, but leaving Agents Ramos and Compean in Federal penitentiaries. One of them I understand is still in solitary confinement.

So, Mr. Speaker, I began to look and reflect across what is the practice and what are some of the crimes that have been pardoned. One could look at previous Presidents, but I believe in this case it is appropriate to look at the pardons and commutations of President Bush, who is marking his last days in a long career here, and I have great respect for his service to America and personal affection for the President of the United States.

I looked at the list of the pardons and the commutations, Mr. Speaker, and to date, and this is as of the 14th of January, President George W. Bush has granted a total, by this record at least, of 171 pardons and eight commutations.

Mr. Speaker, what is the nature of these pardons and commutations? What moved the heart of the President of the United States? What raised the issues up to a level high enough that his Pardons Counsel would make a recommendation to the President to pardon these individuals, 171? Now, I probably I don't think that the President had a 2-hour meeting analyzing each one of these cases. I suspect that his staff is doing the analysis and making recommendations to the President.

I know what an echo chamber is, Mr. Speaker. I have a little sense of what happens when you have a circle of people around you and they take a position and their ego is tied to their policy and their position, so if something comes along that threatens to change the policy, it also is a threat to their ego. They tend to get their backs up and then they filter out the information that might reverse their position because their ego can't fall with their position.

That is a big mistake that is made often in public life. I see it made by Members of Congress, and I am not immune from it myself. But getting one's ego wrapped up with the issue is something that happens with staff as well.

So if that information is not getting through to the President, Mr. Speaker, this is an opportunity for it to matriculate into the conscience of a President who ran for office the first time in the year 2000 as, about the first statement was, a "compassionate conservative." This is the President who immortalized the phrase "compassionate conservative."

I look at this list of pardons and commutations, and it is clear that the compassion is there. There is also conservatism there. It is about half of the pardons that have been issued by the previous Presidents going back from President Clinton and President Reagan. If you compare the previous two-term Presidents, it is about half of the number. But it is still a respectable number, 171 pardons. I am not saying that I would have more or less mercy. But as I look through this list, what types of people and what kinds of crimes are pardoned? It is an interesting review, Mr. Speaker. I have highlighted a few.

Food stamp fraud. Food stamp fraud, not of great consequence in the grand scheme of things. Not a violent crime, perhaps didn't shoot anyone.

Bootlegging. It is interesting that bootleggers would be pardoned. The President's compassion found a bootlegger and pulled him out of the Federal prison and released him into society, pardoned, ready to start life fresh again and renewed again. Redeemed, Mr. Speaker, to use a Christian term.

Here is one, and I will not use the names. It serves no purpose to do so. They deserve their peace in their pardon. But here is a pardon that took place for drunken disorderly, for communicating a threat, disrespect to a superior commissioned officer, assault, damage to government property, resisting apprehension and failure to obey an order. All of that wrapped up in one individual, Mr. Speaker, who received a pardon.

I will go through that again. Failure to obey an order, drunken disorderly, communicating a threat, and that means threatening someone, disrespect to a superior commissioned officer, assault, a violent crime, assault, damage to government property and resisting apprehension and arrest.

□ 2200

All of those things, wrapped up, and all of those pardoned. Life begins anew. This individual is redeemed by the President's pardon.

Violent acts, a long list of egregious violent acts willfully, whether it was under the influence of alcohol or not, it says drunk and disorderly, but we're still responsible for our actions.

I'm not objecting to the pardon, Mr. Speaker. I'm pointing out that here are some crimes that would fit within a category that I think would qualify Agents Ramos and Compean for a pardon.

And I move on down the line. Another individual, pardoned for arson, burning down a structure of some type. And I look through a series of these, possession of marijuana with intent to distribute, conspiracy to deliver LSD.

Here's one, an interesting pardon, property damage by use of explosive and destruction of an energy facility.

In plain English, that means blowing up some utility, presumably, so using explosive to destroy an energy facility. I don't know if that was a coal-fired generation plant, a nuclear plant, or maybe an ethanol plant in Iowa, Mr. Speaker. But that's violent, when you set up explosives and blow up a utility. Pardoned.

Again, Mr. Speaker, I'm not arguing that this individual that perpetrated this crime and was convicted and sentenced to a Federal penitentiary isn't deserving of the pardon. They may well be.

The President's compassion and conservatism reached out to the arsonist, reached out to the drug smugglers, reached out to the violent drunk and disorderly soldier that was sentenced for a whole series of acts and crimes. Drugs, drug smuggling.

Here's a pardon, bank robbery by use of a dangerous weapon. So would that be armed robbery of a bank? I'd say so. Pardoned. Pardoned, Mr. Speaker. The compassionate conservative reached out and pardoned the armed bank robber hasn't yet found the compassion to pardon Ramos and Compean. Pardoned the turkey, but not Ramos and Compean.

Possession of cocaine, narcotics enterprise, methamphetamines. You notice the drugs coming back over and over again. Cocaine. Here's one, unlawful transfer of a firearm. Pardoned. Possessing an unregistered still, probably an associate of the bootlegger, pardoned. In fact, we register our stills in Iowa, then we denature the alcohol that we make. That is ethanol. So those folks are in compliance with the first gallon, I know.

Here's another pardon for conspiracy to possess and distribute ephedrine hydrochloride, illegal drug, marijuana, marijuana, cocaine, marijuana, cocaine, the list of drugs goes on, and the exception comes down.

Here's just one that jumps to my mind. Conspiracy to import marijuana. Well, Mr. Speaker, that happens to be exactly what drug smuggling Aldrete-Davila was doing when Agents Ramos and Compean encountered him near the Mexican border on that fateful day of February 17, 2005 with 743 pounds of marijuana. Conspiracy to import marijuana, drug smuggler, pardoned, many drug smugglers pardoned on this list of 171 pardons and 8 commutations. In fact, 27 are pardoned from drugs out of this list.

Aldrete-Davila, smuggling drugs, conspiracy to import marijuana, in fact, importing marijuana. And, in fact, he has been convicted subsequent to the trial of Ramos and Compean, where he received a grant of immunity in order to cooperate in the prosecution of Ramos and Compean. And the activities of the drug smuggler, Aldrete-Davila, were not divulged to the jury by agreement between the

U.S. Attorney Johnny Sutton and the judge.

Again, I'm not taking an issue with the decision made by the judge or the recommendation made by U.S. Attorney Johnny Sutton; simply that the veracity of the star witness against Agents Ramos and Compean could not have been appropriately evaluated. The government had information about the activities of this drug smuggler that would have affected, I believe, the judgment of the truthfulness of the star witness for the government who was using his grant of immunity in order to get a pass to smuggle more drugs into the United States even while the trial was taking place. And after the trial, after the convictions, after the incarcerations of Ramos and Compean, after that, on one of the following loads of illegal drugs, that then, the drug smuggler, Aldrete-Davila, was interdicted by other agents and brought to trial and brought to justice and sentenced to 9½ years in a Federal penitentiary. It just happens to be less time than either Agents Ramos and Compean, even though he's a serial drug smuggler.

And I could give you anecdotal evidence about his propensity for carrying a firearm. That's not a legal argument. It's anecdotal. But I would point out that Agents Ramos and Compean each testified in slightly different language, that one said that he thought he saw a gun; the other one said he saw something shiny. In any case, when you're in an altercation, when dust is flying into your eyes, when things are hot and heavy, when you've been in a chase of a van, and that van is abandoned, and the drug smuggler is running across the countryside and he turns and you see something shiny, or think you see something shiny or you see a gun or you think you see a gun, when your life's on the line, these agents are trained officers. I hope they're not trained to hold their fire when somebody points a gun at them. But we have officers now that are second-guessing these decisions.

We had an officer in the Southwest, I think it was California a little over a year ago who was laying out a strip to stop a vehicle to puncture the tires of a vehicle and was run over by an illegal that they were trying to interdict. And I have to wonder, would he have turned and used his firearm if it hadn't been for Ramos and Compean being in a Federal penitentiary? Did that slow down his reaction time? Did it change his judgment? Does it change the training?

Do agents that are out in the field, the hard chargers, those that are up there on foot in the mountains, doing their job to defend our border, are they so intimidated by this type of hyper-aggressive prosecution that they make decisions to put their life at risk, rather than to pull their service weapon and defend themselves? How could that

not be the case, Mr. Speaker? Human nature is that way.

So we miss opportunities to recruit good agents, and good agents that are there aren't as good as they might be because of the intimidation effect of hyperaggressive prosecution.

And I know, Mr. Speaker, that U.S. Attorney Johnny Sutton would like to have an opportunity to rebut some of the things that I have said. But I'll point out that U.S. Attorney Johnny Sutton has had a lot of opportunities to preempt some of the things that I have said. And without regard to his sense of justice of the conviction itself, I can read, Mr. Speaker, for you into the record some quotes from the U.S. Attorney Johnny Sutton on what he has to say about the punishment of Ramos, Agents Ramos and Compean.

This is on Glen Beck's program, May 18, 2007. "It becomes a debate about punishment" is a quote of Johnny Sutton. Continue to quote. "I have a lot of sympathy for those who say, look, punishment is too high. You know, 10 years. I agree, punishment in this case is extremely high." Johnny Sutton, May 18, 2007.

A couple of months later, July 17, 2007, testifying before the Senate Judiciary Committee, U.S. Attorney Johnny Sutton said, and I quote, "But I've conceded that the punishment in this case, that's a lot of time. Some say it's just too much. And I have some sympathy for that." That's the CONGRESSIONAL RECORD, testimony under oath, before the Senate Judiciary Committee July 17, 2007.

And on the same day, July 17, 2007, on Lou Dobbs' program. Now I recognize that we have a U.S. Attorney that has a lot of national media exposure here. There is a reason for it, because the Nation's turned their focus on this case of Agents Ramos and Compean and the injustice of the mandatory sentence that they are serving. And on Lou Dobbs' program on that day, I'll quote again, U.S. Attorney Johnny Sutton. "The only issue really is punishment. That's what sticks in people's craw. It's lot of time, and I've said that. I've said that often." That's on Lou Dobbs.

And it's clear that he's said that at least a couple of times that I've read to you here. He's said it probably many times which he's testified to.

I'd move along. Still July 17, 2007. It must have been a big media day. Johnny Sutton, on Hannity & Colmes program, quote. "I agree with," and the reference is to Senator FEINSTEIN. "I agree with that it is a harsh sentence." Johnny Sutton.

Moving on then to October 12, 2007, and this is a quote that's in the Midland Reporter Telegram, Midland, Texas, I presume. Addressing the annual Court Day Observance Luncheon of the Permian Basin Legal Secretaries Association. I've never been invited to

that, Mr. Speaker. Quote, Johnny Sutton there. Quote. Well, this is a reference to him.

Sutton said he disagreed with the 11- and 12-year terms the Border Agents received. And that's reported, that's a quote and reported out of the paper, but not a direct quote from Johnny Sutton.

And one more quote from Johnny Sutton. "The only question I think a legitimate question is the punishment too harsh. I have always said the punishment in this case was harsh." November 14, 2008.

So, Mr. Speaker, I'll submit that, without regard to guilt or innocence, without regard to the sentence that's before them today, except to the extent that it is an over-application of a statute that was never intended for this purpose, we recognize, I think, as a Nation, a Nation with a conscience, a compassionate Nation, maybe not perhaps such as conservative a Nation as I would like to see, but a compassionate Nation, Mr. Speaker, we recognize that this crime that has been alleged, indicted, prosecuted and sentenced, even if all of those steps along the line are true, the sentence itself is unjust. It's disproportionate to the crime that their conviction has resulted as a result of.

I ask, Mr. Speaker, that we, as a body, recognize this, call upon the President of the United States to pardon Agents Ramos and Compean. Do so with the compassion of a compassionate conservative that is demonstrated, I think, clearly in these 8 years in leading this Nation safely through the very dangerous waters that we have been in.

And to recognize that drug smuggler Aldrete-Davila was sentenced to 9½ years. That's less time than either Agents Ramos and Compean received. And to give some comparisons to the sentencing that takes place, to get a sense of what would be an appropriate sentence or one that society accepts as punishment for a crime such as this, there are a list of things that I point out. In cases of sexual abuse, the average sentence was 8½ years. Not too much in my view, Mr. Speaker.

For manslaughter, that's killing someone, that's resulting in the death of an individual, not a bullet through the buttocks of a drug smuggler who may have been aiming a weapon at these agents, but killing someone, guilty of manslaughter, they serve an average of just less than 4 years, Mr. Speaker.

For assault, it's less than 3 years. The President pardoned at least one who had committed assault.

And for cases involving firearms, the average sentence was 3 years.

So let's just, Mr. Speaker, look at this and suggest that no one was killed, no one was sexually abused. But if there was an assault there, because

of the discharge of the firearm, that took place in the heat of the battle, I might add, but if it had been even without that, if it was an assault, that'd be less than 3 years. If it included a firearm it would still, the cases involving firearms, the average sentence was still 3 years.

□ 2215

These agents have been drug through this now since February 17, 2005. It's moving up on 3 years, and it's time, I believe, to commute the sentences of Ramos and Compean.

These cases are profoundly disproportionate. Their families have suffered. Their lives have been ripped asunder. One of the families at least is living off of the charity of one of the churches in the area. I commend the church, and I give honor and prayer for the families that they might be able to emerge through this, perhaps, with grace and stronger than ever before.

I would submit also that, of the sentences that were commuted by the Commander in Chief, there have been eight of those, and of those eight sentences that have been commuted, looking down through them from 2004 until 2008, seven of eight of these cases were drug associated cases. They were commuted sentences. There were 27 cases of pardons for drug smugglers.

It occurs to me rather ironically, Mr. Speaker, that had Agents Ramos and Compean been drug smugglers rather than Border Patrol officers, they would have been more likely to receive pardons or commutations than they are under this 18 U.S.C. 924. The legislative intent I did not address, and I would go back to the legislative intent of 18 U.S.C. 924. It is the discharge of a firearm in the commission of a crime of violence.

Let's go to the statements made by the chief sponsor of this legislation, who was Representative Richard Poff. This was passed in 1968. He said the legislation was intended to "persuade the man who is tempted to commit a Federal felony to leave his gun at home." He is the chief sponsor of the legislation, Mr. Speaker, Representative Richard Poff.

Then there are other lawmakers. One would be Representative Thomas Meskill. He echoed the chief sponsor's statement, Richard Poff's statement, when he said, "We are concerned with having the criminal leave his gun at home."

So I would submit, with 18 U.S.C. 924, the discharge of a firearm in the commission of a crime of violence, that the congressional intent was to encourage potential criminals, those who contemplated committing a crime, to be deterred from carrying a weapon and from using that weapon or from having it in their possession while they committed a crime. That doesn't work very well with law enforcement officers, Mr.

Speaker. They are required to carry their weapons. They are required to train with their weapons. They are required to test out and to make sure that they can handle them confidently and efficiently. They are good shots in short order, Mr. Speaker.

By the way, it is lawful for them to discharge their firearms, under appropriate circumstances, while they are on or off duty. I didn't raise the issue of whether these circumstances were appropriate or not. I simply raised the issue that it was in the heat of the battle.

Mr. Speaker, compassionate conservatism must include compassion for those who are defending America's national security—those who are in uniform, those who put their lives on the line every day. It must not just understand only the fates of Agents Ramos and Compean. It must not only understand the effect it has had on their families or how it has turned them into destitute families. It must understand the effect of hyperprosecution upon the acts of the other agents all across the board—the thousands of Border Patrol agents whom we have, the law enforcement officers whom we have, the Federal officers whom we have who are, today, being restrained from aggressive utilization of the weapons that they are required to carry or who are being restrained from even the prudent utilization of the weapons they are required to carry and to test out on and to show proficiency with.

They are always going to wonder: Will they be the next Agent Ramos? Will they be the next Compean? Could their families be living off the charity of others while they sit in solitary confinement while the President pardons the turkey—171 perpetrators of various crimes, from drugs, to arson, to assault, to armed bank robbery?

There are eight cases that have been commuted. Of those eight cases, seven of them are drug smugglers, and one realizes that a drug smuggler has a better chance, at least statistically, of a pardon, or of a commutation more correctly, than does an officer who puts his life on the line for the safety and for the security of the United States of America.

I would add that it's really not a wonder that it's hard to identify a sense of mission on our border control that we have. One of the reasons is that those who are carrying out this mission get a mixed message: Whose side is the government on? Do they really have the U.S. Attorney there to prosecute the drug smugglers?

I was down on the border about 3 years ago. We were on the site when a drug smuggler was interdicted. He had somewhere over 200 pounds of marijuana under a false bed, under a false floor, in the pickup truck that he was driving. Well, that wasn't a prosecutable offense because they have too

many of those who are hauling up to 250 pounds of marijuana.

Because of the limitations of having enough judges and prosecutors who are able to adjudicate, the standard in that particular sector of the Border Patrol is, if it's less than 250 pounds of marijuana, you confiscate the marijuana, and you turn the guy loose and send him back to Mexico. That's the practice. That was the practice then. So, after that, they changed the level to 500 pounds because, again, the load on our courts and on our prosecution was too great.

So I grew up in an environment with great respect and reverence for the rule of law, Mr. Speaker, where I couldn't envision someone with a half an ounce of marijuana avoiding a prosecution, because it was a violation of the law.

We're dealing with a judicial system that doesn't have the resources to prosecute someone who smuggles in 250 pounds of marijuana and sets the standard there and then raises it to 500 pounds of marijuana so that someone with 499 pounds gets turned loose; although, they lose their drugs. They send them off on decoys while a full truckload of several thousand pounds goes past when our people are distracted with a smaller load.

In an environment like that, there is the interdiction of a drug smuggler with 743 pounds of marijuana in a van. There is a struggle, an altercation. In the heat of the battle, weapons are discharged. One round does go through the buttocks of the drug smuggler. These agents did not have any way of knowing that the bullet actually struck the drug smuggler, not until well after the fact.

That, I believe, Mr. Speaker, colored the way that they failed to completely report the entire incident that happened in that location. I believe that honorable people will see it differently if they believe someone has been shot in the altercation. I do not believe that Ramos and Compean believed that anyone had been shot, that the drug smuggler had received a bullet. I don't believe that at all. I suspect that they would have filed a complete report had they believed or even, I'll say, deeply suspected that they had hit the drug smuggler.

There was no sign of which I know that there was any blood at the scene. The drug smuggler ran back to Mexico. All of his muscles seemed to work. He healed up. Apparently, they found the bullet, and matched it up to the gun of Agent Ramos'. Those are the facts as we know them.

I'm not alone in calling for the pardon of Agents Ramos and Compean. There are many of us in Congress on both sides of the aisle who have stood with these officers and who have pointed out that the punishment is too severe and that they have paid their debt to society. Whatever was due is surely paid, Mr. Speaker.

The compassion that I ask for out of the White House in these last days is the compassion that recognizes that the President has the power. The agents have served the time.

When U.S. Attorney Johnny Sutton made the statement that, when asked, would he make a recommendation to the White House for a pardon, he said this: "With regard to a pardon or a clemency, at some point, the Department of Justice will probably ask for my recommendation, and when that comes, we'll make one." That was May 18, 2007 on CNN.

Mr. Speaker, I would point out that I read to you at least six quotes from U.S. Attorney Johnny Sutton. Each of those referenced the harshness of the sentence, and the word "harsh" he uses himself several times over. The punishment was too high. It was too much. I have sympathy for that. I've said it often. It's a harsh sentence.

Johnny Sutton said he disagreed with the 11- to 12-year terms the border agents received. He said again, "I've always said the punishment in this case was harsh."

Well, I'll follow that up with this response again:

"With regard to a pardon or a clemency, at some point, the Department of Justice will probably ask for my recommendation, and when that comes, we'll make one."

I'll submit that U.S. Attorney Johnny Sutton has made his recommendation. He has made it many times over the national media. I've quoted him six times. There are many other quotes that reference the same thing. The punishment was too harsh. The man who led the prosecution, who succeeded in his job of seeking a conviction, has also many times over announced that it's too harsh.

We're not arguing. Those of us in this Congress and across this country are not arguing guilt or innocence, Mr. Speaker. We're arguing about a sentence that's too harsh. We're arguing that, for officers who have put their lives on the line and for officers who have no blemishes, that I know of, on their records that would be further strikes against them, this anomaly in their careers should not ruin their careers, their lives, their families. I believe that they are deserving of a pardon. There are those here who are asking now for a commutation of a sentence.

Mr. Speaker, I don't ask for the commutation. I believe that their records should be swept clean. I believe that they have served a time and that leaving it on their records does not serve a purpose. I believe they are deserving and that a just President would look in the last days and find a way to provide justice for the highest profile cases that we have in America that cry out for the sympathy of the entire Nation and of the world and for the action on

the part of our compassionate, conservative President.

I have covered this territory. I would point out there are 171 pardons by President Bush. There are eight commutations of sentences by President Bush. There are several days left in the Presidency. There likely will be other pardons and commutations and, perhaps, a whole rush of them that are queued up to go.

Mr. Speaker, I pray that the pardon for Ramos and Compean is in that work stack that will be presented to the President for his signature between now and January 20 and that the counsel who is advising the President and the Department of Justice who have defended their prosecution so aggressively can understand clearly:

They've made their point. They're successful in their prosecution and in their conviction and in their sentencing. So now the point needs to be made—the point made by U.S. Attorney Johnny Sutton that the sentences are too harsh. Eleven and twelve years is too long.

In these last days, I ask only one thing of our Honorable Commander in Chief, and that is to find the compassion in his heart to pardon Agents Ramos and Compean.

Mr. Speaker, I very much appreciate your indulgence and the honor to address you on the floor of the House of Representatives tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MALONEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 21.

Mr. JONES, for 5 minutes, January 21.

Mr. WOLF, for 5 minutes, today and January 15.

Mr. BOOZMAN, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, January 15.

Ms. FOXX, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 60. An act to prohibit the sale and counterfeiting of President inaugural tickets, to the Committee on the Judiciary.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, January 15, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

77. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years (RIN: 0560-AH85) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

78. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish [Docket No. APHIS-2007-0038] (RIN: 0579-AC74) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

79. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease [Docket No. APHIS-2007-0124] received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

80. A letter from the Acting Under Secretary, Department of Defense, transmitting notification of an Antideficiency Act violation, Army case number 08-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

81. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a review of the Advanced Extremely High Frequency program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

82. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Statutory Waiver for Commercially Available Off-the-Shelf Items [DFARS Case 2008-D009] (RIN: 0750-AG12) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

83. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Pilot Program for Transition to Follow-On Contracting After Use of Other Transaction Authority [DFARS Case 2008-D030] (RIN: 0750-AG17) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

84. A letter from the Director, Defense Procurement, Department of Defense, transmit-

ting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Actions Supporting Contingency Operations or Facilitating Defense Against or Recovery from Nuclear, Biological, Chemical, or Radiological Attack [DFARS Case 2008-D026] (RIN: 0750-AG19) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

85. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Separation of Senior Roles in Source Selection [DFARS Case 2008-D037] (RIN: 0750-AG21) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

86. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Security-Guard Functions [DFARS Case 2006-D050] (RIN: 0750-AF64) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

87. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Senior DoD Officials Seeking Employment with Defense Contractors [DFARS Case 2008-D007] (RIN: 0750-AG07) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

88. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees [DFARS Case 2008-D012] (RIN: 0750-AG09) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

89. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Clean Air Act and Clean Water Act Exemptions [DFARS Case 2007-D022] (RIN: 0750-AF97) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

90. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Steel for Military Construction Projects [DFARS Case 2008-D038] (RIN: 0750-AG16) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

91. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Delegation of Authority for Single Award Task or Delivery Order Contracts [DFARS Case 2008-D017] (RIN: 0750-AG14) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

92. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID OCC-2008-0024] (RIN: 1557-AD19) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

93. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID

OCC-2008-0024] (RIN: 1557-AD19) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

94. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability [Docket ID OCC-2008-0025] (RIN: 1557-AD13) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

95. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability [Docket ID OCC-2008-0025] (RIN: 1557-AD13) received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

96. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Recordkeeping Requirements for Qualified Financial Contracts (RIN: 3064-AD30) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

97. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Verification of Eligibility for Free and Reduced Price Meals in the National School Lunch and School Breakfast Programs — received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

98. A letter from the Director, Legislative & Regulatory Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

99. A letter from the Secretary, Department of Health and Human Services, transmitting a speech entitled, "Building a Value-Based Health Care System"; to the Committee on Energy and Commerce.

100. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report on new foreign policy-based export controls on certain persons in Burma designated in or pursuant to Executive Order 13464; to the Committee on Foreign Affairs.

101. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Burma: Revision of Restrictions on Exports, Reexports, and Transfers to Persons Whose Property and Interests in Property Are Blocked Pursuant to Executive Orders [Docket No. 080717847-81643-01] (RIN: 0694-AE35) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

102. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's strategic plan covering the period 2008 through 2013, pursuant to the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

103. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, U.S. Agency for International Develop-

ment, transmitting the Agency's fiscal year 2008 financial report; to the Committee on Oversight and Government Reform.

104. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Leasing of Solid Minerals Other than Coal and Oil Shale [LLWO32000.L13300000. PO0000.24-1A] (RIN: 1004-AD91) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

105. A letter from the Acting Assistant Secretary — Water and Science, Department of the Interior, transmitting the Department's final rule — Reclamation Rural Water Supply Program (RIN: 1006-AA54) received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

106. A letter from the Deputy Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers [CIS No. 2432-07; Docket No. USCIS-2007-0058] (RIN: 1615-AB67) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

107. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Professional Conduct for Practitioners — Rules and Procedures, and Representation and Appearances [Docket No. EOIR 160F; A.G. Order No. 3028-2008] (RIN: 1125-AA59) received January 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

108. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Toksook Bay, AK [Docket No. FAA-2008-0999; Airspace Docket No. 08-AAL-30] received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

109. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department's report on recreational boating on the Great Lakes, pursuant to Section 455(c) of the Water Resources Development Act of 1999; to the Committee on Transportation and Infrastructure.

110. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Business Loan Program Regulations: Incorporation of London Interbank Offered Rate (LIBOR) Base Rate and Secondary Market Pool Interest Rate Changes (RIN: 3245-AF83) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

111. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Survivors' and Dependents' Educational Assistance Program and Other Miscellaneous Issues (RIN: 2900-AM67) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

112. A letter from the Assistant Secretary for Import Administration, Alternate Chairman, Department of Commerce, transmitting the Department's annual report for fiscal year 2007 on the activities of the Foreign-Trade Zones Board, pursuant to Section 16 of the Foreign-Trade Zones Act; to the Committee on Ways and Means.

113. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2006 annual re-

port on the Child Support Enforcement Program, pursuant to Section 452(a) of the Social Security Act; to the Committee on Ways and Means.

114. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Evaluation of Phase I of the Medicare Health Support Pilot Program Under Traditional Fee-for-Service Medicare: 18-Month Interim Analysis," pursuant to Section 721(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 62. Resolution providing for further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes (Rept. 111-3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL:

H.R. 493. A bill to direct the Secretary of the Interior to promulgate regulations concerning the storage and disposal of matter referred to as "other wastes" in the Surface Mining Control and Reclamation Act of 1977, and for other purposes; to the Committee on Natural Resources.

By Mr. SPRATT:

H.R. 494. A bill to amend the Trade Act of 1974 to require the Secretary of Labor to certify a group of workers in a subdivision of a firm as eligible to apply for assistance under the trade adjustment assistance program if the subdivision is a seller of articles of the firm that employed a group of workers who received a certification of eligibility under such program and such sales are related to the article that was the basis for such certification; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr.

TEAGUE, Mr. ENGEL, and Mr. REYES):

H.R. 495. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr.

LEVIN, Mr. NEAL of Massachusetts,

Ms. BERKLEY, Ms. SCHWARTZ, Mr.

DAVIS of Alabama, Mr. VISCLOSKEY,

Mr. TIM MURPHY of Pennsylvania,

Mr. ALTMIRE, and Mr. SCHAUER):

H.R. 496. A bill to amend United States trade laws to eliminate foreign barriers to exports of United States goods and services, to restore rights under trade remedy laws, to

strengthen enforcement of United States intellectual property rights and health and safety laws at United States borders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Rules, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH (for himself, Mr. RAHALL, and Mr. PAUL):

H.R. 497. A bill to amend the Internal Revenue Code of 1986 to provide incentives for improving mine safety; to the Committee on Ways and Means.

By Mr. MITCHELL (for himself and Mr. KIRK):

H.R. 498. A bill to make permanent the individual income tax rates for capital gains, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 499. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. DINGELL, Mr. KIRK, Ms. SLAUGHTER, Mr. LEVIN, Mr. KILDEE, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. MCCOTTER, Mr. PETERS, Mr. HOEKSTRA, Mr. UPTON, Mr. KUCINICH, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. BALDWIN, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. SENSENBRENNER, Mr. HIGGINS, and Mr. CONYERS):

H.R. 500. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, Science and Technology, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 501. A bill to require that the poverty line determined for the State of Alaska be used for all the States and the District of Columbia, during a 6-month period for the purpose of carrying out the Food and Nutrition Act of 2008 and the Richard B. Russell National School Lunch Act; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. BROWN of South Carolina, Mr. BROWN of Georgia, Mr. WESTMORELAND, Mr. MCCLINTOCK, Mr. HENSARLING, Mr. FLEMING, Mr. THOMPSON of Pennsylvania, Ms. LUMMIS, Mr. PAUL, Mr. BURTON of Indiana, Mr. GRAVES, Mr. SESSIONS, Mrs. BLACKBURN, Mr. BARTLETT, Mr. ROHRBACHER, and Mr. SCALISE):

H.R. 502. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility

of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. BURTON of Indiana, Mr. ACKERMAN, Ms. BERKLEY, Mr. BILBRAY, Mrs. BONO MACK, Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. CAPUANO, Mr. CASTLE, Mr. COHEN, Mr. CUMMINGS, Mr. DEFazio, Mr. DELAHUNT, Ms. DELAURO, Mr. GALLEGLY, Mr. GERLACH, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HINCHEY, Mr. INGALLS, Ms. JACKSON-LEE of Texas, Mr. JONES, Mr. KING of New York, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. PAYNE, Mr. PLATTS, Mr. RAHALL, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of New Jersey, Ms. SUTTON, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEXLER, Mr. WHITFIELD, Ms. WOOLSEY, Mr. WU, and Mr. YOUNG of Florida):

H.R. 503. A bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. SMITH of New Jersey, and Mr. FRANK of Massachusetts):

H.R. 504. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN:

H.R. 505. A bill to amend section 119 of title 17, United States Code, to allow the secondary transmission to any subscriber in the State of Oklahoma of primary transmissions of local network stations in that State; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 506. A bill to provide immediate fiscal relief to cities experiencing serious budget deficits by providing funds for payments to qualified local governments; to the Committee on Oversight and Government Reform.

By Mr. BRADY of Texas (for himself, Mr. SAM JOHNSON of Texas, and Mr. HERGER):

H.R. 507. A bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for taxable years beginning in 2008 or 2009; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 508. A bill to allow a refundable credit against Federal income tax for the purchase of digital-to-analog converter boxes for taxpayers who did not use coupons; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina:

H.R. 509. A bill to reauthorize the Marine Turtle Conservation Act of 2004; to the Committee on Natural Resources.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, Mr. BOREN, Mr. ROSS, Mr. MILLER of Florida, Mr. TANNER, Mr. ALTMIRE, Mr. DAVIS of Alabama, Mr. MATHESON, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. MCHUGH, and Mrs. BACHMANN):

H.R. 510. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 511. A bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village; to the Committee on Agriculture.

By Mrs. DAVIS of California:

H.R. 512. A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; to the Committee on House Administration.

By Mr. FORBES:

H.R. 513. A bill to ensure the energy independence of the United States by promoting research, development, demonstration, and commercial application of technologies through a system of grants and prizes on the scale of the original Manhattan Project; to the Committee on Science and Technology.

By Mr. GALLEGLY:

H.R. 514. A bill to provide that certain amendments made by the Board of Governors of the Federal Reserve System to Regulation Z to prohibit certain unfair, abusive or deceptive home mortgage lending practices and restricts certain other mortgage practice shall take effect as a matter of law and a new effective date, and for other purposes; to the Committee on Financial Services.

By Mr. GORDON of Tennessee (for himself, Mr. TERRY, Mr. MATHESON, Mrs. CAPPS, Mr. COHEN, Mr. CHAFFETZ, Mr. CONYERS, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. DOYLE, Ms. ESHOO, Mr. FILNER, Mr. HILL, Mr. BARROW, Mr. CARNAHAN, Mr. MELANCON, Ms. LEE of California, Ms. GIFFORDS, Ms. WOOLSEY, Ms. HIRONO, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. WHITFIELD, Mr. WEXLER, Mr. KUCINICH, Mr. INSLEE, Mr. PITTS, Mr. FORTENBERRY, Mrs. MYRICK, Mr. LIPINSKI, and Mr. BUTTERFIELD):

H.R. 515. A bill to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Ms. HALVORSON, Mr. COSTELLO, Mrs. BIGGERT, Mr. FOSTER, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. SCHOCK, and Mr. SHIMKUS):

H.R. 516. A bill to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL (for himself, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. WEINER, Ms. BEAN, and Ms. SHEA-PORTER):

H.R. 517. A bill to amend the Internal Revenue Code of 1986 to modify the dependent care credit to take into account expenses for care of parents and grandparents who do not live with the taxpayer; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. WEINER, Ms. BEAN, and Ms. SHEA-PORTER):

H.R. 518. A bill to amend the Internal Revenue Code of 1986 to consolidate the current education tax incentives as one credit against income tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. WEINER, Ms. BEAN, and Ms. SHEA-PORTER):

H.R. 519. A bill to authorize additional appropriations for the family caregiver support program under the Older Americans Act of 1965, and for the National Clearinghouse for Long-Term Care Information, for fiscal years 2010, 2011, and 2012; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. INSLEE, Mr. HINCHAY, Mr. MOORE of Kansas, and Ms. LEE of California):

H.R. 520. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself and Mr. GONZALEZ):

H.R. 521. A bill to amend the Public Health Service Act to provide for the national collection of data on stillbirths in a standardized manner, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 522. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules to prohibit any telemarketing calls during the hours of 5:00 p.m. to 7:00 p.m.; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 523. A bill to establish a United States Boxing Commission to administer the Professional Boxing Safety Act of 1996, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. NUNES, Mr. THOMPSON of California, Mr. PETRI, Mr. HALL of New York, and Mr. BLUMENAUER):

H.R. 524. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 525. A bill to amend the Internal Revenue Code of 1986 to repeal the recapture rule of the first-time homebuyer credit and to extend the application of the credit through 2009; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 526. A bill to establish the Ocmulgee National Heritage Corridor in the State of Georgia, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself and Ms. CASTOR of Florida):

H.R. 527. A bill to amend the Truth in Lending Act to permit deferrals on certain home mortgage foreclosures for a limited period to allow homeowners to take remedial action, to require home mortgage servicers to provide advance notice of any upcoming reset of the mortgage interest rate, and for other purposes; to the Committee on Financial Services.

By Mr. MCHUGH:

H.R. 528. A bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 529. A bill to establish in the Department of Justice the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. CALVERT, Ms. LORETTA SANCHEZ of California, Mr. DREIER, Mr. ROYCE, and Mr. ROHR-ABACHER):

H.R. 530. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Natural Resources.

By Mrs. MYRICK:

H.R. 531. A bill to amend title II of the Social Security Act to require that the Commissioner of Social Security notify individuals of improper use of their Social Security account numbers; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 532. A bill to amend the Internal Revenue Code of 1986 to modify the annual contribution limit for Coverdell education savings accounts; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 533. A bill to make full estate tax repeal, small business expensing, and SECA tax deduction for health insurance permanent; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 534. A bill to improve the ability of Congress to set spending priorities and en-

force spending limits; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 535. A bill to amend title 44 of the United States Code to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself and Mr. BOREN):

H.R. 536. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. DAVIS of Alabama, and Ms. SUTTON):

H.R. 537. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself and Mr. BOREN):

H.R. 538. A bill to amend the Internal Revenue Code of 1986 to reduce the earned income threshold applicable to the refundable portion of the child tax credit and to increase the age limit for such credit; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. JONES, and Mr. POE of Texas):

H.R. 539. A bill to limit the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. PLATTS:

H.R. 540. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply it to rural areas of every State; to the Committee on Education and Labor.

By Mr. PLATTS (for himself and Mr. COBLE):

H.R. 541. A bill to amend the Internal Revenue Code of 1986 to provide for an inflation adjustment of the base amounts used to determine the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

By Mr. PUTNAM:

H.R. 542. A bill to amend titles XIX and XXI of the Social Security Act to permit States to rely on findings from an express plan agency to conduct simplified eligibility determinations under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. ROYCE (for himself and Mr. CANTOR):

H.R. 543. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 544. A bill to amend the Internal Revenue Code of 1986 to allow amounts in a health flexible spending arrangement that are unused during a plan year to be carried over to subsequent plan years or deposited into certain health or retirement plans; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 545. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself and Ms. GIFFORDS):

H.R. 546. A bill to amend the Internal Revenue Code of 1986 to treat certain solar energy credits as refundable credits, to allow a new refundable credit for equipment used to manufacture solar energy property, to waive the application of the subsidized financing rules to such property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY (for himself, Mr. BOOZMAN, Mr. ROSS, and Mr. SNYDER):

H. Con. Res. 21. Concurrent resolution commending the 39th Infantry Brigade Combat Team of the Arkansas National Guard upon its completion of a second deployment in support of Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. PENCE:

H. Res. 59. A resolution electing a minority member to a standing committee; considered and agreed to.

By Ms. FALLIN (for herself, Mr. SULLIVAN, Mr. COLE, Mr. LUCAS, and Mr. BOREN):

H. Res. 60. A resolution recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments; to the Committee on Education and Labor.

By Mr. PERLMUTTER:

H. Res. 61. A resolution providing for the attendance of the House at the Inaugural Ceremonies of the President and Vice President of the United States; considered and agreed to.

By Mr. KING of New York:

H. Res. 63. A resolution supporting the goals and ideals of the Knights of Pythias; to the Committee on Oversight and Government Reform.

By Mr. NEUGEBAUER:

H. Res. 64. A resolution commending efforts in Texas to reduce the number of uninsured individuals and encouraging other States to adopt similar solutions; to the Committee on Energy and Commerce.

By Ms. WATSON (for herself, Mr. MEKES of New York, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. WATT, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. RUSH, Ms. HIRONO, Ms. KAPTUR, Mr. HASTINGS of Florida, Mr. RANGEL, Ms. ESHOO, Mr. BARROW, Mr. McDERMOTT, Mr. BECERRA, and Mr. CARSON of Indiana):

H. Res. 65. A resolution expressing the support of the House of Representatives for efforts to increase financial literacy in the United States and recognizing the work of John Hope Bryant to raise awareness about the importance of financial and economic

literacy; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Ms. TSONGAS, Mr. HINOJOSA, and Mr. KAGEN.

H.R. 16: Ms. GINNY BROWN-WAITE of Florida.

H.R. 25: Mr. GARY G. MILLER of California.

H.R. 31: Mr. OLVER, Mr. HINOJOSA, Mr. NADLER of New York, Ms. SHEA-PORTER, Ms. HIRONO, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. DAVIS of Alabama, and Mr. AL GREEN of Texas.

H.R. 40: Mr. COHEN.

H.R. 81: Mr. ACKERMAN.

H.R. 85: Mr. BURTON of Indiana, Mr. BROWN of South Carolina, and Mr. GALLEGLY.

H.R. 97: Ms. WASSERMAN SCHULTZ.

H.R. 104: Ms. SCHAKOWSKY.

H.R. 106: Mr. ROTHMAN of New Jersey.

H.R. 131: Mr. ROHRBACHER.

H.R. 144: Ms. WATERS, Mr. CUMMINGS, and Ms. WASSERMAN SCHULTZ.

H.R. 156: Mr. PETERSON, Mr. PRICE of North Carolina, Mr. TIM MURPHY of Pennsylvania, Mr. SHIMKUS, and Mr. BROUN of Georgia.

H.R. 173: Mr. HILL, and Mr. ELLSWORTH.

H.R. 176: Mr. MCGOVERN.

H.R. 179: Mr. ELLISON, Mr. HONDA, Mr. LEWIS of Georgia, and Ms. MCCOLLUM.

H.R. 200: Mr. GRIJALVA and Mr. JOHNSON of Georgia.

H.R. 201: Mr. COBLE.

H.R. 205: Mr. PLATTS, Mr. LAMBORN, Mr. PRICE of Georgia, Mr. GALLEGLY, and Mr. EHLERS.

H.R. 223: Mr. BERMAN, Mr. SCHIFF, Mr. HINCHAY, Mr. MARKEY of Massachusetts, Mrs. CAPPS, Mr. WAXMAN, Ms. LEE of California, and Mr. GRIJALVA.

H.R. 226: Mr. THORNBERRY, Mr. ROGERS of Alabama, Mr. ISSA, Mr. LEE of New York, Mr. RYAN of Wisconsin, Mr. FLEMING, Mr. ROONEY, Mr. FORTENBERRY, Mr. NEUGEBAUER, and Mr. BUYER.

H.R. 230: Mr. DINGELL.

H.R. 240: Mr. PLATTS, Mr. PAUL, Mr. RADANOVICH, Mr. COLE, Mr. PITTS, Mr. HOEKSTRA, Mr. GINGREY of Georgia, Mr. McHENRY, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. BARTLETT, Mr. PENCE, Mr. HARPER, Ms. FALLIN, Mr. GOHMERT, Mr. BONNER, Mr. SCALISE, Mr. FLEMING, Mr. AKIN, and Mr. JORDAN of Ohio.

H.R. 283: Mr. TIBERI.

H.R. 292: Mr. HALL of New York.

H.R. 301: Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mr. GALLEGLY, Ms. FOXX, Mr. SIMPSON, Mr. PAUL, Mr. FRANKS of Arizona, Mr. DUNCAN, Mr. RADANOVICH, Mrs. BACHMANN, Mr. SCHOCK, Mr. COLE, Mr. GINGREY of Georgia, Mr. McHENRY, Mr. KLINE of Minnesota, Mr. HENSARLING, Mr. McCLINTOCK, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BARTLETT, Mr. MARCHANT, Mr. PITTS, Mr. PENCE, Mr. HARPER, Ms. FALLIN, Mr. CULBERSON, Mr. ISSA, Ms. LUMMIS, Mr. SCALISE, Mr. FLEMING, Mr. AKIN, Mr. GARRETT of New Jersey, and Mr. PRICE of Georgia.

H.R. 321: Mrs. BIGGERT, Mr. ROE of Tennessee, and Mr. COFFMAN of Colorado.

H.R. 362: Mr. SKELTON and Mr. BOREN.

H.R. 385: Mrs. MILLER of Michigan.

H.R. 386: Mr. CUELLAR, Mr. McDERMOTT, Mr. ORTIZ, Ms. WATSON, and Mr. HINOJOSA.

H.R. 392: Mr. PITTS, Mr. GALLEGLY, Mr. ADERHOLT, Mr. TIBERI, Mr. THOMPSON of

Pennsylvania, Mr. RADANOVICH, and Mr. TERRY.

H.R. 445: Mr. MILLER of North Carolina, Mr. WILSON of Ohio, Mrs. BIGGERT, and Mr. MARIO DIAZ-BALART of Florida.

H.J. Res. 1: Mr. COBLE, Mr. BROUN of Georgia, Mr. BARRETT of South Carolina, Mr. McCLINTOCK, Mr. JORDAN of Ohio, Mr. POSEY, Mr. LEE of New York, Mr. BISHOP of Utah, Mr. SCHOCK, Mr. FORTENBERRY, Mr. GARY G. MILLER of California, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. CHILDERS, Mr. HASTINGS of Washington, Mr. WOLF, and Mr. ROE of Tennessee.

H. Con. Res. 18: Mr. McCOTTER.

H. Res. 18: Mr. CONNOLLY of Virginia, Mr. OLVER, Mr. WAXMAN, and Mr. SPACE.

H. Res. 22: Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GEORGE MILLER of California, Ms. CLARKE, Mr. HOLT, Ms. BERKLEY, Mr. MOORE of Kansas, Ms. ZOE LOFGREN of California, Ms. BORDALLO, Ms. EDWARDS of Maryland, Mr. KENNEDY, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, and Mr. SMITH of Washington.

H. Res. 31: Mr. PITTS, Mr. TERRY, Mr. BUTTERFIELD, Mr. SHULER, Mr. JONES, Mr. GORDON of Tennessee, Mr. HONDA, and Mr. MCINTYRE.

H. Res. 36: Mr. EHLERS, Ms. WATSON, Mr. COHEN, Mr. SABLAN, Mr. CROWLEY, Mr. DRIEHAUS, Mr. POSEY, and Mr. WAXMAN.

H. Res. 37: Mr. LINDER.

H. Res. 39: Mr. HARE, Mr. CLEAVER, Mr. COURTNEY, Mr. McCOTTER, Mr. MANZULLO, Mr. KING of Iowa, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. BUYER.

H. Res. 40: Mr. HODES, Mr. COHEN, Ms. HIRONO, Mr. MITCHELL, Mr. FARR, and Mr. MINNICK.

H. Res. 49: Mr. LEWIS of Georgia, Mr. BERMAN, Mr. HONDA, Ms. ESHOO, Mr. GRIJALVA, Mr. HINCHAY, Ms. LINDA T. SANCHEZ of California, and Mr. WAXMAN.

H. Res. 56: Ms. LORETTA SANCHEZ of California and Mr. SKELTON.

H. Res. 57: Mr. KING of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. BARNEY FRANK OF MASSACHUSETTS

The amendment to be offered by Representative Frank of Massachusetts or a designee to H.R. 384, the TARP Reform and Accountability Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

5. The SPEAKER presented a petition of Monroe County, New York, relative to a petition asking Congress to pass and President Bush to sign into law S.3141, Preventing Student Loan Discrimination Act; to the Committee on Education and Labor.

6. Also, a petition of Monroe County, New York, relative to a petition asking Congress to pass and President Bush to sign into law a Temporary increase in the Federal Medicaid Assistance Percentage; to the Committee on Energy and Commerce.

7. Also, a petition of County of Rockland, New York, relative to Resolution No. 570 of 2008 requesting that the House of Representatives pass H.R. 6903, An Act To Amend The Toxic Substances Control Act To Reduce The Health Risks Posed By Abestos-Containing Products, And For Other Purposes — And Ensure That The Legislation Includes The Life-Saving Research Funding Language

Found In Senate Bill S. 742; to the Committee on Energy and Commerce.

8. Also, a petition of Monroe County, New York, relative to a petition urging Congress to pass H.R. 6360, “Disabled Public Safety Officers Fairness Act of 2008”; to the Committee on the Judiciary.

9. Also, a petition of Monroe County, New York, relative to a petition asking Congress to pass and President Bush to sign into law

S.2844, the Beach Protection Act; to the Committee on Transportation and Infrastructure.

10. Also, a petition of Monroe County, New York, relative to a petition asking Congress to adopt and President Bush to sign into law S. 8686/H.R. 5951, the Complete Streets Act of 2008; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

TAMPA BAY WATCH CELEBRATES 15TH ANNIVERSARY OF RESTOR- ING THE BAY EVERY DAY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. YOUNG of Florida. Madam Speaker, Tampa Bay Watch is a community based habitat restoration and education program that has helped us bring back to life the waters of Tampa Bay and its surrounding tributaries. This year marks the 15th anniversary of its great environmental work and I want to commend the staff, the members of the board, and most importantly the thousands of volunteers of all ages who give their time for this cause.

Peter Clark, Tampa Bay Watch's Executive Director, helped bring a vision to life and has mobilized more than 65,000 volunteers in what is the first environmental organization of its kind in the Southeastern United States. Together, these dedicated individuals helped a dying bay recover from decades on neglect.

Tampa Bay Watch's staff and volunteers coordinate a variety of coastal restoration events throughout the year such as salt marsh plantings, oyster dome and reef construction, coastal cleanups and storm drain markings.

The largest one-day salt marsh planting in Tampa Bay's history took place on September 29, 2007, bringing together 425 volunteers who planted 34,000 salt marsh grasses over 32 acres of newly constructed wetland habitat. Another milestone event took place on August 16, 2008 when more than 150 volunteers found 624 scallops at the Great Bay Scallop Search, the most scallops ever found in a single Tampa Bay Watch event.

Next to its enthusiastic volunteer base, one of Tampa Bay Watch's greatest assets is its Marine and Education Center constructed next to its Tierra Verde offices at the entrance to Fort De Soto Park. The education center, built in 2005 with funds provided by the House Appropriations Committee through an Economic Development Initiative, includes classrooms, outdoor wet labs, and two 5,000 gallon touch tanks that are used year-round during school field trips, summer camp programs, and community groups. It is home to the Estuary EDventures program, which builds environmental literacy and encourages environmental stewardship while educating students about estuarine and habitat restoration. More than 180 field trips have been held there during which 3,000 students contributed 14,600 hours to learn about and help restore Tampa Bay.

Madam Speaker, Tampa Bay Watch brings together families and neighbors to take care of our environment and to take pride in our environment. Nowhere is this more important than Florida where we are surrounded by water and Tampa Bay remains the linchpin linking the waterways of our entire region.

As Tampa Bay Watch celebrates its 15th anniversary, I want to salute three current and former board members who first brought this program to my attention. Ed Alber, whose passing was a great loss to Tampa Bay Watch and our entire community, Angelo Catani, and Bob Hite have all invested considerable time and energy into restoring Tampa Bay and educating youth of all ages about the need for environmental stewardship. Other board members who have contributed so much of their time to the cause include Chairman Lawrence Weiner, Secretary/Treasurer Steve Stanley, Past Chairs Doug Williamson and Steve McCreary, board members Paul Avery, Matt Bisset, Rick Bourkard Jr., Leiza Fitzgerald, Mike Flynn, Richard Happle, Richard Hatcher, Debbie Kraujalis, G. Lowe Morrison, Robert L. Paver, Dr. Honey Rand, Stephen Reynolds, Joseph Saunders, John Semago, Nadine Smith, Ray Smith, and Dr. Richard Wilkes.

Madam Speaker, it is my hope that my colleagues in the House join in congratulating Tampa Bay Watch for remaining true to their simple mission statement to Restore Tampa Bay Every Day.

MS. MARTHA MORGAN-NAYLOR'S 100TH BIRTHDAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and honor that I congratulate Ms. Martha Morgan-Naylor on a momentous milestone, her 100th birthday, which will be on January 22, 2009. Martha will be celebrating this milestone with family and friends on Sunday, January 18, 2009, at the First Baptist Church of Gary, Indiana. For 42 years, Martha's presence in the Gary school system allowed her the opportunity to touch the lives of countless members of her community.

Martha Morgan-Naylor was born on January 22, 1909, in Auburn, Alabama. She was the youngest of five children born to Clem and Amy Morgan. In 1917, the family relocated to Gary, Indiana, in search of better employment opportunities and school systems for their children. In 1926, Martha graduated from one of only a few integrated high schools in the state of Indiana: Froebel High School. Martha's passion for education led her on to graduate with a bachelor of science degree in physical education from Indiana State Normal School, now known as Indiana State University in Terre Haute, Indiana. Martha then decided to return to Gary to pursue a teaching career. She went on to teach physical education for 32 years at Roosevelt High School. Her career continued and she went on to teach for 11 years at Beckman Middle School until her retirement in 1974. Martha's many years of service as an

educator have been a blessing to the youth and families in the Gary community, and she is worthy of our deepest admiration.

In addition to her impressive career, Martha serves her community as an active member and deacon at First Baptist Church of Gary. Fully devoted to her congregation, she serves as Chairman of the Scholarship Committee at First Baptist, and is also a member of the Matron's Welcoming Committee. A lifelong teacher, Martha participated in the Purdue University/Hammond High School Oral History project in October 2008. The students involved researched "The Great Depression" and interviewed Martha on her reflection of living during that time. The interview was recorded and transcribed for historical records. Martha believes that she is blessed by God's grace and has always felt compelled to help others. It is this belief that has enabled her to enrich the lives of many people throughout the community.

Martha has many friends and loved ones who share a common respect for her commendable qualities, including her energy, wisdom, sharp mind, and her calmness in stressful situations. Martha's selfless devotion to education and the community of Gary is to be commended. She is truly an inspiration and a role model for us all.

Madam Speaker, Martha Morgan-Naylor has always given her time and efforts selflessly to the youth and the community in Gary throughout her illustrious life. She has taught her friends and members of her community the true meaning of service to others. I respectfully ask that you and my other distinguished colleagues join me in wishing Martha a very Happy 100th Birthday.

IN CELEBRATION OF KOREAN AMERICAN DAY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize Korean American Day on January 13, 2009.

The Dallas Korean Society, Korean American Foundation, and Korean American Coalition collaborated to designate this special day to celebrate the Korean community in Dallas. Their unique traditions and customs add to the growing diversity of Dallas and culturally enrich our neighborhoods. These organizations provide valuable assistance in helping immigrants assimilate to American culture and serve as a vocal and powerful advocate on behalf of the Korean community. They empower individuals to actively engage themselves in American society and participate in various civic organizations. While we celebrate our cultural differences, we are united as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Americans and our firm belief in freedom and democracy.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating the Dallas Korean Society, Korean American Foundation, and Korean American Coalition on their dedication and efforts to making this event a success.

HONORING MELANIE BARKER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Melanie Barker as the outgoing President of the Yosemite Gateway Association of Realtors. Ms. Barker will be recognized at the annual installation luncheon for the Yosemite Gateway Association of Realtors on November 21, 2008 in Oakhurst, California.

The Yosemite Gateway Association of Realtors (YGAOR) was first known as the Mountain Co-Op in 1998 with a group of eight volunteers. Today, the group has paid professional staff and ownership of the Association's building. YGAOR was responsible for developing one of the first computerized Multiple Listing Systems, which continues to operate with the latest technology. They work very closely with the California Association of Realtors by providing leadership at regional and statewide levels. YGAOR provides educational opportunities for members and fundraising activities that benefit local non-profit organizations and scholarship programs.

Under Ms. Barker's leadership, YGAOR had a very successful year. The 8th Annual Monster Rummage Sale was held earlier this year and raised over \$70,000, the highest since its establishment. The proceeds were donated to local non-profit charities. Over the years, the YGAOR Scholarship Golf Tournament has raised over \$84,000 for college scholarships for high school seniors from local high schools. Ms. Barker has been instrumental in the establishment of the Women's Council of Realtors. She was able to establish an "Affiliate Committee" to give the Association direct communication to the Office of the President. The committee structure within YGAOR has become stronger with her leadership by prioritizing structure and establishing goals to be discussed at biannual meetings. Ms. Barker has successfully brought the Senior Real Estate Specialist designation to the area through the efforts of the Education Committee.

With Ms. Barker's role at YGAOR, she has been a strong leader by providing a voice of optimism for local real estate. She has involved herself with many speaking engagements and editorial opportunities. Her goal was to provide a positive realtor image in the community and has accomplished this through her leadership during one of the toughest housing markets this nation has ever seen. She has been able to develop and build upon relationships with fellow realtors throughout the region and the state. She has also committed three weeks a year to further her edu-

cation on the real estate industry and in turn, teach other members of YGAOR. Ms. Barker, the committee chairs and all of the volunteers have made 2008 a very successful year.

In 2008, Ms. Barker was also elected as Assistant Region 12 Chair for the California Association of Realtors and will become the Region 12 Chair in 2010. Prior to being named as President of YGAOR, she was the first Local Government Relations Chair and Government Affairs Director for YGAOR. In 2006, Ms. Barker became a California Golden R.

Madam Speaker, I rise today to commend and congratulate Melanie Barker upon her achievements. I invite my colleagues to join me in wishing Ms. Barker and the Yosemite Gateway Association of Realtors many years of continued success.

COAL ASH RECLAMATION AND ENVIRONMENTAL SAFETY ACT OF 2009

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. RAHALL. Madam Speaker, years ago a coal miner from West Virginia wrote a letter to me noting that every single federal law regulating coal was penned in blood. He was referring to the fact that it took an explosion claiming 78 souls in 1968 at a mine in Farmington, West Virginia, to give rise to the Federal Coal Mine Health and Safety Act of 1969. And that it took the failure of a coal slurry impoundment at Buffalo Creek, in Logan County, West Virginia, that killed 125 people, for the Congress to finally pass the Surface Mining Control and Reclamation Act of 1977.

Just a few weeks ago, in December, a facility owned by the Tennessee Valley Authority (TVA) gave way, unleashing an avalanche of coal ash sludge that covered more than 300 acres. This time Heaven intervened, and thankfully no lives were lost.

This disaster—which could have been avoided if TVA had exercised appropriate engineering and monitoring regimes at its Kingston facility in Harriman, Tennessee—was a clarion call for action. Now is the time to take that action, before any lives are lost to a similar disaster.

Simply put, there are no federal standards for coal ash impoundments. They are constructed and maintained under a patchwork of State requirements, or on a voluntary basis.

Today I am introducing legislation to impose uniform federal design, engineering, and performance standards on coal ash impoundments. These standards are aimed at ensuring the structural stability of these impoundments, and requiring adequate monitoring and inspection regimes to avoid a repeat of what happened at Kingston, Tennessee, and what almost happened just last week at another TVA facility in Alabama.

Coal ash is a byproduct of the combustion of coal at electric utility powerplants. Some of the coal ash produced is recycled, usually as construction materials like concrete, Portland cement, and wallboard. However, the majority of coal ash is deposited in impoundments, landfills, or mines.

The larger issue here is how to regulate coal ash, and, in this respect, the track record is woefully inadequate. Back in 1980, former Representative Tom Bevill of Alabama and this gentleman from West Virginia successfully offered an amendment to what became the Solid Waste Disposal Act of 1980 requiring the Environmental Protection Agency (EPA) to determine how to regulate coal ash.

I am sorry to say that after 29 years the EPA has yet to do so. Over the years, I have cajoled the agency to move forward. It came close to making a decision under the Clinton Administration, then retrenched under the Bush Administration. I called for a study by the National Research Council of the National Academy of Sciences on this issue, which was completed in 2006. Following up on that study, last year our colleague, Rep. JIM COSTA, in his capacity as the Chairman of the Energy and Minerals Subcommittee of the Natural Resources Committee, held a hearing on coal ash. The study, and the hearing, all pointed to the pressing need for a federal regulatory regime governing the disposal of coal ash, whether in impoundments, landfills, or in mines.

I have no doubt that the Obama Administration will finally take action on this issue. In the meantime, however, the purpose of my legislation is to address the engineering aspects of the impoundments themselves.

For its part, the electric utility industry says it complies with voluntary guidelines in this matter. And some States claim they have adequate requirements. Yet, as it stands, one State might require strict standards for the construction of a coal ash pond, while the State next door largely ignores how coal ash ponds are constructed. Pennsylvania, for example, requires a solid waste permit for all surface impoundments that receive coal ash, while Illinois and Indiana are among the states that regulate surface impoundments as water pollution control facilities, rather than solid waste management units.

Similarly, requirements for liners for coal ash ponds vary State by State. For example, Alabama and Florida do not require liners for surface impoundments for coal ash, while Wisconsin does.

The argument that all States have adequate regulations for coal ash is not substantiated by the facts. It is impossible to write off the disaster in Tennessee as a freak accident. The absence of national standards for coal ash has resulted in environmental damage throughout the country—not just last month, or last year, but for decades. In 2007, the EPA recognized 67 contaminated sites in 23 states where coal combustion byproducts have polluted groundwater or surface water. This may be just the tip of the iceberg, because most coal ash sites in the United States are not adequately monitored.

The "Coal Ash Reclamation and Environmental Safety Act of 2009" requires minimum design and stability standards for all surface impoundments constructed to hold coal ash. The bill draws on the regulatory model for impoundments that is used for coal slurry management under the Surface Mining Control and Reclamation Act of 1977. Requirements for coal slurry impoundments that would be made applicable to coal ash impoundments

under 2 this legislation cover aspects of design, construction, operation, and closure, including:

Regulations detailing the engineering and stability of the embankment.

Regulations requiring all applications for an impoundment to have a foundation investigation to determine design requirements for stability.

Each design plan must include a geotechnical investigation of the embankment foundation area.

Each impoundment plan must include a survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past mining operations in the area.

Plans for impoundments must be reviewed by a geologist or an engineer.

Regulations requiring that a qualified engineer, with experience in construction of impoundments, inspect each impoundment regularly during construction, upon completion of construction, and periodically thereafter.

The "Coal Ash Reclamation and Environmental Safety Act of 2009" also requires immediate development of a detailed inventory and analysis of all existing coal ash disposal sites, to guide informed and prompt decisions on how to bring that universe of ponds and lagoons up to safe standards, now.

For States that already have careful standards for coal ash disposal, the bill I am introducing will not be a problem. For those that do not, the "Coal Ash Reclamation Environmental Safety Act of 2009" will require immediate attention to shocking gaps in coal ash management.

As a witness at our hearing last year so presciently reminded the Subcommittee on Energy and Minerals: "the cost of safe disposal [of coal ash] is not burdensome to industry, although it has proved, at site after site, to be catastrophic to the public and the environment."

The time to act is now.

THE INTRODUCTION OF THE MARINE TURTLE CONSERVATION REAUTHORIZATION ACT OF 2009: JANUARY 9, 2009

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am today pleased to introduce the Marine Turtle Conservation Reauthorization Act of 2009.

There are 7 species of marine turtles which were once abundant throughout the Atlantic, Indian, and Pacific Oceans. Sadly, 6 of those species including the Green turtle, the hawksbill, the Kemp's ridley, the leatherback, the loggerhead and the Olive ridley, have experienced tremendous over-exploitation and they are now listed as critically endangered under our Endangered Species Act. In fact, only the flatback turtle which lives in the inshore waters of Australia has managed to maintain a healthy population.

While there are many reasons for the dramatic decline in marine turtle population num-

bers, the leading factors include foreign fishing practices, the destruction of essential nesting habitat, massive poaching of turtle eggs, meat and shells, the degradation of grass beds and coral reefs, light pollution from onshore development and the dumping of tons of plastic products into our oceans.

In response to this crisis, the Congress enacted the Marine Turtle Conservation Act of 2004 which I strongly supported. While this law authorized up to \$20 million in Federal funds over the past 4 fiscal years, only \$2.2 million has been appropriated to finance worthwhile conservation projects. Despite these funding limitations, the U.S. Fish and Wildlife Service has leveraged nearly \$4 million in private matching funds and together this money has funded 78 meritorious conservation projects in more than 60 countries. While more than 200 grant proposals have been submitted, sadly, the Service has only awarded grants to less than 40 percent of the eligible recipients.

Nevertheless, a number of extraordinary projects have been funded. These included a project to assist loggerhead turtles in Oman which has the largest nesting population of this species in the world; a project to protect leatherback turtles at their 4 primary nesting beaches in Mexico and a project to assist the highly depleted Chiriqui Beach hawksbill nesting population in Panama.

Madam Speaker, marine turtles have been a vital component of our ocean ecosystems for more than 100 million years. They have long symbolized longevity, fertility and strength. We are proud of the fact that populations of loggerhead sea turtles nest on our beaches in South Carolina where they are highly protected.

Like canaries in a coal mine, declining populations of marine sea turtles are a bellwether species for the health of the world's oceans. The Marine Turtle Conservation Act of 2004 sent a powerful message of the international community that the United States was willing to take proactive conservation efforts to save these flagship species from extinction. It is essential that this law which has yet to reach its full potential be reauthorized beyond this fiscal year.

The legislation I am introducing today would extend the authorization of appropriations for the Marine Turtle Conservation Fund until September 30, 2014. Despite severe funding limitations, this law has conclusively demonstrated that it is an effective and essential lifeline to marine turtle populations throughout the world. We should not allow any of these 6 species of marine turtles to disappear during our lifetime.

I urge early consideration of the Marine Turtle Conservation Reauthorization Act of 2009.

CONGRATULATING HOSTELLING INTERNATIONAL USA

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mrs. MYRICK. Madam Speaker, I rise today to recognize Hostelling International USA for

75 years of service to intercultural understanding and youth travel.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and hostel-related programs in the United States, especially among youth travelers. In doing so, it promotes cultural exchange through travel and supports tourism for local economies.

The North Carolina Council of Hostelling International USA promotes hostelling in North Carolina by offering workshops on world travel and intercultural understanding at local venues, including NC college campuses and through local Girl Scout troops. During the past year, the NC Council funded overnight stays for 51 young people and their group leaders, allowing them to stay at hostels in the Blue Ridge Mountains of Virginia, Philadelphia's Fairmont Park, and Washington, DC.

I congratulate Hostelling International USA for its 75 years of service to our country and our state.

PERSONAL EXPLANATION

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. KAGEN. Madam Speaker, I deeply regret that I was not able to vote on H. Res. 34 recognizing Israel's right to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process. On Wednesday, January 7, 2009, I had surgery on my knee and was not able to be present for voting.

Make no mistake about it, I fully support Israel's right to defend itself against all attacks. I would have wholeheartedly voted for H. Res. 34.

Presently, Israel, like any other country, is exercising its right to self-defense. If any country were attacked like Israel has been they would do the same.

How many attacks on an American city would we tolerate from our neighbors? Zero.

In July 2008, I visited Sderot, an Israeli town just over the border from Gaza. I toured sites where Israeli homes were destroyed by rockets launched from Gaza. I met with the U.S. Security Coordinator and understand the daily threat Israelis live with every single day. The constant and deliberate attacks by Hamas on Israeli civilians are unconscionable. The Israeli people must be allowed to go about their daily lives—and the only way to do that is by defending themselves.

The United States has always been and must always be a steadfast ally of Israel. We will support Israel's right to defend itself and continue to push for a return to the Israeli-Palestinian peace process.

I, like so many throughout the world, hope for a peaceful resolution to the current fighting and look forward to a sustainable peace when Israelis and Palestinians alike can live free from terror.

IN REMEMBRANCE OF MICHAEL C. BARRETT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SESSIONS. Madam Speaker, I rise today in memory of my dear friend, Michael C. Barrett. He was a brilliant attorney, involved civic leader, and philanthropist always looking for ways to give back to his community.

Although born in Salt Lake City, Michael was a Texan at heart. He was raised in Sherman, Texas and went on to graduate with a Bachelor of Science from the University of Texas at Arlington in 1974 and the Dedman School of Law at Southern Methodist University in 1977. His academic excellence in law school earned him the American Jurisprudence Award and membership with the Journal of Air Law & Commerce. After graduation, Michael practiced with various firms before deciding to start his own firm, Barrett Daffin Frappier Turner & Engel, in 1990. As the founder and Chairman, he turned this Texas-based company into one of the nation's leading mortgage banking law firms. He was a pioneer and a leader of the mortgage banking industry, serving as a trusted advisor on mortgage banking issues for the Texas Supreme Court and Texas Legislature.

Aside from his professional career, Michael was an enthusiastic supporter of many local nonprofit organizations and causes like the Addison Police Department and veterans support groups. His generosity extended to nonprofits such as Hope's Door, KickStart, Dallas Junior Forum, and the Special Olympics. In 2007, Michael founded the BDF Homeworks Foundation, which encourages employees to become more involved in their local community by providing volunteer and contribution opportunities. Not only did this provide valuable financial support to nonprofits, but also boosted the esprit de corps among employees.

Michael was always full of life and had an amazing ability to captivate people's attention with his stories. He was as wise as he was generous and loving. He cared deeply for his friends and family and will be greatly missed. May the peace of God be with those he loved and sustain them through this hour of sorrow.

TRIBUTE TO OLIVER B. CONOVER
UPON HIS RETIREMENT FROM
THE LEHIGH ACRES CHAMBER
OF COMMERCE**HON. CONNIE MACK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. MACK. Madam Speaker, I rise today to honor Mr. Oliver "Ollie" Conover of Lehigh Acres, Florida upon his retirement from the Lehigh Acres Chamber of Commerce.

Ollie served as the Executive Director of the Lehigh Acres Chamber of Commerce for the last seven years, and during that time, has helped to make the Chamber an influential organization in Lehigh Acres.

Ollie's community and public service didn't start with the Chamber, however. Ollie served in the Ordnance Corps in the U.S. Army and continued on to serve in the Reserves when his active duty service was completed.

Ollie's subsequent professional career spanned 22 years as an insurance agent and broker, and 25 years in non-profit fundraising for educational and cultural organizations. It's this unique experience that made him well-suited to take the helm of the Lehigh Acres Chamber of Commerce in 2002.

Since moving to Lehigh Acres 10 years ago, and serving with the Chamber for the last seven, Ollie has made an indelible mark on a community that is growing by leaps and bounds. In fact, Ollie has joined a number of community officials and activists on the Lehigh Acres Community Planning Corporation to put together a master plan for controlling the substantial growth in the area. Ollie's leadership and guidance on the issue of controlling Lehigh's growth while expanding opportunities for residents and businesses will undoubtedly leave a lasting impact on the Corporation, its members and the people of Lehigh Acres.

Madam Speaker, Ollie's enthusiasm and passion for serving his community is inspiring. His efforts have helped to make Southwest Florida a great place to live, work and visit. It is truly an honor and a privilege to represent Ollie in the U.S. House of Representatives, and I wish Ollie and his family all the best during his retirement.

INTRODUCTION OF THE FEDERAL
ELECTION INTEGRITY ACT OF 2009**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Federal Election Integrity Act of 2009. This legislation would take the long-overdue step of prohibiting chief state election officials from taking part in the political campaigns of Federal candidates in elections over which the officials have supervisory authority.

As a former President of the League of Women Voters in San Diego and a proud American voter myself, I know that election officials are entrusted with a crucial responsibility for our democracy. Their only allegiance must be to the will of the voters, not to partisan political agendas.

I think we can all agree that an inherent conflict of interest exists when a state's chief election official is responsible for monitoring and certifying the results of a Federal election while actively participating in the campaign of one of the candidates in that election.

In recent years, multiple Secretaries of State have captured national attention and incited great controversy because of their political involvement in elections they were responsible for overseeing.

Although such individuals may be honorable public servants with no improper intentions, it is of the utmost importance for the integrity of our democracy that we provide legal safeguards to ensure the public trust is never violated.

This is not a partisan issue. The record shows that officials of both parties have in the past held these two types of positions simultaneously. Rather, this is an issue of preserving the American people's faith in the integrity of our democracy.

Madam Speaker, I appreciate the opportunity to offer this important legislation to protect the public's trust in the electoral process.

IN RECOGNITION OF RON
SHELTON, NATIONAL APART-
MENT ASSOCIATION'S CHAIRMAN
OF THE BOARD FOR 2009**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor Ron Shelton, elected Chairman of the Board for 2009 for the National Apartment Association (NAA).

Ron has been a part of the multi-family housing industry for twenty-eight years. His career began with Lincoln Property Company where he started as a part-time grounds person while attending the University of Texas at Arlington. He quickly moved up the ranks into a leadership role that oversaw properties in Dallas and Houston before leaving to become Vice President of Operations for SBC Realty Company in 1989. Since then, he dedicated thirteen years to the Apartment and Investment Management Company (AIMCO) and subsequently moved over to Amalgamated Management Corporation.

Ron is committed to quality rental housing and meeting the housing needs of the public. He has served in numerous roles such as chairing the New Technology Task Force, President of the Apartment Association of Greater Dallas and the NAA's Education Institute. His career exemplifies his enthusiasm for NAA's mission. As Chairman Elect, Ron's hard work, skills, and insight garnered from his many years of experience will greatly benefit the NAA.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our best wishes to him on this special day.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise to explain the reason for missing three votes on January 13, 2009. I was attending the swearing in ceremony for the 81st session of the Texas Legislature that took place yesterday in Austin, TX, where two former staff members from our office were sworn-in as newly elected State Representatives.

Carol Alvarado and Armando Walle were elected to represent Districts 145 and 140, respectively, on November 4, 2008. State Representative Alvarado worked in our office prior

to working in Houston City Hall, and for the last six years as a member of the Houston City Council. Prior to being sworn in, State Representative Walle also worked in our office for over six years as Community Liaison.

Both these newly elected members of the State House have a tremendous record of service through their civic involvement, their time working for elected officials, and as elected officials. I wish them the best as they continue to serve the people of Texas in the State Legislature.

On the three votes I missed:

I would have voted "aye" on H. Res. 41, Supporting the goals and ideals of National Mentoring Month 2009;

I would have voted "aye" on H. Res. 50, Honoring the life of Claiborne Pell, distinguished former Senator from the State of Rhode Island; and

I would have voted "aye" on H. Res. 43, Recognizing the efforts of those who serve their communities on Martin Luther King Day and promoting the holiday as a day of national service.

IN RECOGNITION OF MR. CHARLES
E. ALLEN

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. REYES. Madam Speaker, I rise today to pay tribute to one of the unsung heroes of the Intelligence Community. Mr. Charles E. Allen, who has ably and admirably served our Nation over the past fifty years, will soon retire from a long and legendary public service career.

Charlie began his career with the Central Intelligence Agency (CIA) back in 1958 and climbed the ranks from analyst to liaison to program manager and beyond. He was assigned to the Department of Defense in 1982 and became a senior adviser on strategic mobilization planning for the Secretary of Defense. He returned to the CIA in 1985 to take on the responsibility of National Intelligence Officer for Counterterrorism and, a year later, was appointed the first Chief of Intelligence for the CIA's Counterterrorist Center.

Charlie's depth of expertise and dedicated professionalism led to the position of National Intelligence Officer for Warning, where, in July 1990, he made his mark as the guy who accurately predicted Saddam Hussein's invasion of Kuwait in August 1990. Dismissed as a contrarian by others within the CIA, the conclusions in Charlie's "warning of war" memorandum bore out his sharply analytic judgment.

In recent years, I have had the pleasure of working with Charlie as he undertook the Herculean challenge of organizing and integrating the Department of Homeland Security's intelligence programs and coordinating these activities with the Intelligence Community writ large. When he first came to the Department of Homeland Security (DHS) as the Chief Intelligence Officer and the Department's then-Assistant Secretary for Informational Analysis, Charlie worked tirelessly to focus resources on counterterrorism and find a new way to move

forward in the aftermath of 9/11. For all of his efforts, Charlie was rewarded with an elevation to Under Secretary for Intelligence and Analysis, where he continued to—and will continue to—mold, shape, and guide the identity of DHS's intelligence operation. He created the foundation for all who will come after him.

On one occasion in August 2007, Charlie came down to the University of Texas El Paso's Border Security Conference to speak on the critical area of diversity in the intelligence workforce. I was really excited to hear him speak, because I understood that he is a great speaker, and he certainly always has something of substantive importance. As it turned out, though, I never got to hear his speech, because my daughter went into labor with my third grandchild. Charlie was gracious and understanding about it, since he's a grandfather himself. Every time I see him, he remembers to ask about that grandson.

I would be remiss if, outside of his exemplary resume, I didn't honor Charlie for his singular commitment to our country. Charlie has proved himself a dedicated public servant with a reputation as a workaholic, intent on giving America his best. While he has been honored time and time again for his service, receiving the CIA's highest and most coveted award, the Distinguished Intelligence Medal, he neither seeks recognition nor expects accolades.

Charlie is a straight-shooter. He will always give you the truth. And I will deeply miss his leadership in the Intelligence Community.

CONDEMNING RECENT VANDALISM
AND THREATS AGAINST JEWISH
INSTITUTIONS IN CHICAGO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. SCHAKOWSKY. Madam Speaker, I rise to draw my colleagues' attention to recent attacks on synagogues and Jewish day schools in my district and the Chicagoland area. These acts of intimidation and destruction are hate crimes, and I strongly condemn them.

On Saturday, January 10th, vandals shattered windows, broke down doors, and scrawled slogans including "Death to Israel" on Jewish synagogues and schools in the Chicago area, including Lincolnwood Jewish Congregation, Lubavitch Mesivta, Young Israel Synagogue of West Rogers Park, Congregation Anshe Motele, and Hanna Sacks Girls High School.

These recent attacks came just over a week after a Molotov cocktail was thrown at Temple Shalom in Chicago, Illinois; and a bomb threat naming several area Jewish schools was mailed to the Ida Crown Jewish Academy. Local police are working with the FBI to determine if these attacks are linked.

Regardless of anyone's political views, attacks against religious groups, threats to schoolchildren, and the desecration of places of worship are contrary to the principles of religious tolerance upon which our country was founded and are serious crimes.

Similar crimes have been reported in other cities and communities across the country. In

Knoxville, Tennessee, vandals threw rocks at two synagogues, smashing four stained glass windows. Signs supporting Hamas and comparing Israeli actions in Gaza to the Holocaust were reportedly posted at two synagogues in Irvine, California.

As a proud member of Chicago's Jewish community, I know that we are strong, vibrant, and resilient. The day after the vandalism, synagogue members put tarps over windows and returned to classes and other activities, while several hundred people gathered to denounce the attacks. Both the American Jewish Committee and the American-Arab Anti-Discrimination Committee have condemned the vandalism, and local and national groups, including the Jewish Federation of Chicago and the Anti-Defamation League, are working tirelessly in support of our community. I am proud that people of all religions in my district have come together to decry these hate crimes, just as they have come together in the past to condemn attacks on people of other religions.

Madam Speaker, what we have seen in Chicago in recent days goes beyond politically-motivated demonstrations. The intimidation and terrorization of the Jewish community is a hate crime, perpetrated against these institutions because of their religious identity. I hope that these prove isolated incidents and not a pattern of violence. I have every confidence that the police and FBI, working with the local community, will find and prosecute those responsible for these crimes.

HONORING MICHAEL MUSSER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Michael Musser. Mr. Musser passed away on November 3, 2008.

Michael Musser was born and raised in Fresno, California. He graduated from Fresno High School in 1968. Just four years later he was married to Anna. They lived a happy life together. They have two children; Jason and Julie. His children and five grandchildren still live in the Fresno area. Mr. Musser was an avid golfer. However, if there was a family event, his family would always come first.

Madam Speaker, I rise today to honor Michael Musser. I invite my colleagues to join me in honoring his life and wishing the best for his family.

IN RECOGNITION OF DR. CATHY
BRYCE, HIGHLAND PARK INDEPENDENT SCHOOL DISTRICT
SUPERINTENDENT OF SCHOOLS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor Dr. Cathy Bryce, the Superintendent of Schools of Highland Park Independent School District (HPISD) who stepped from this position on December 19, 2008.

After serving in various administrative roles in surrounding school districts, Dr. Bryce joined HPISD in July of 2001. In this role, she quickly demonstrated her ability to work with the community to develop a comprehensive education program and build broad based support for a large bond issue. She sought higher standards for student achievement and better school accountability. Dr. Bryce has a well earned reputation as an advocate for children and has made every effort to help children reach their fullest potential. Dr. Bryce's commitment to community service extends beyond parameters of the school district. She is actively involved in the Dallas YWCA, Dallas Museum of Natural Science, and the Park Cities Rotary Club among many other local organizations.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating her and wishing her all the best in her future endeavors.

CAPITAL GAINS AND ESTATE TAX RELIEF ACT OF 2009

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. MITCHELL. Madam Speaker, earlier today my colleague Representative MARK KIRK and I introduced the Capital Gains and Estate Tax Relief Act of 2009, a bill to extend critical tax cuts that will help middle-class families in my district and across the country.

If enacted, this legislation would make recent cuts to capital gains and estate taxes permanent. If Congress does not act, these tax cuts will expire at the end of 2010.

At a time when we so desperately need to encourage economic growth and investment, I believe it is wrong to raise these taxes.

Last month, the United States lost 524,000 jobs, bringing the total number of lost jobs in 2008 to 2.6 million. In December, unemployment rose to 7.2 percent, the highest rate since January 1993.

Arizonans, like all Americans, are feeling this pain and factoring the sluggish economy into their decision making. Home sales have slowed, small businesses are struggling and people are taking a hard look at their IRAs and 401Ks. With the economy weighing down important decisions about how, where, and when to buy a home or make other critical investments, Congress should not add to this burden by allowing capital gains and estate taxes to increase.

Several years ago, these tax cuts were championed by President Bush and a Republican Congress. Since then, the political winds have clearly changed. But in our haste to distance ourselves from the past, I implore my colleagues to give careful consideration to these tax cuts before dismissing them.

These tax cuts are sensible. They help millions of middle-class Americans, and making them permanent would make our tax code fairer and more predictable. They affect small businesses. They affect stockholders. They affect anyone who owns a home.

Unfortunately, when it comes time to buy or sell a home or stock or make other basic in-

vestments, these taxes often act as disincentives toward optimal financial decision making. At this difficult time, we need to keep these burdens as low as possible.

We need to incentivize investment and encourage growth, not penalize them.

Some have called for the outright elimination of these taxes. Still others have sought to rescind these tax cuts before they have a chance to expire.

Now more than ever, we must place pragmatism above partisanship, and do what is necessary to get our economy moving.

In 2007 and again in 2008, I voted against the Budget Resolutions, in part, because they failed to extend cuts to capital gains and estate taxes. At the time, I expressed frustration with both Democrats and Republicans for failing to work together to create a budget that incorporates good ideas from both sides of the aisle.

I believed then that we could do better, and I believe now that we must. So today, I challenge my colleagues on both sides of the aisle to do the right thing for middle-class families, small businesses, stockholders, and homeowners. Consider this legislation, not on a partisan basis, but on its merits. Making these tax cuts permanent will help our middle class, and working together, I know we can make that happen.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in three votes on the floor of the House of Representatives yesterday.

The first vote was H. Res. 41, supporting the goals and ideals of National Mentoring Month 2009. Had I been present, I would have voted "yea" on that question.

The second vote was H. Res. 50, honoring the life of Claiborne Pell, distinguished former Senator from the State of Rhode Island. Had I been present, I would have voted "yea" on that question.

The third vote was H. Res. 43, recognizing the efforts of those who serve their communities on Martin Luther King Day and promoting the holiday as a day of national service. Had I been present, I would have voted "yea" on that question.

THE PREVENTION FIRST ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. SLAUGHTER. Madam Speaker, today, I am again proud to introduce the Prevention First Act. I first introduced this legislation in the 108th Congress as an innovative approach to reducing unintended pregnancies. The Prevention First Act achieves this goal by providing comprehensive access to all forms of contraception and sex education.

If we want to reduce the number of abortions in this country, the methodology is clear—empower women to prevent unintended pregnancies through education and access to contraception. And, that is precisely what the Prevention First Act does.

Throughout the years, our conservative leaders have sought to limit women's rights and freedoms by imposing stricter penalties and enacting laws to criminalize doctors and women, when one is faced with an unintended pregnancy. Yet, these leaders have done very little to ensure that millions of unintended pregnancies and sexually transmitted diseases, STD, are prevented in the first place. If they are opposed to abortion, they should be for preventing unintended pregnancies and they should be for this bill.

By emphasizing prevention first, my bill will help protect women's reproductive health, reduce unintended pregnancies, decrease the spread of STDs, and give women the tools they need to make the best decisions possible for themselves.

It has been more than 40 years since the Supreme Court said women could access contraception. This decision was revolutionary in that it allowed women to control when to get pregnant and how many children to have. Access to contraception single-handedly improved women's equality in American society.

That is why for most women, including women who want to have children, contraception is not an option; it is a basic health care necessity. Contraceptive use saves scarce public health dollars. For every \$1 spent on providing family planning services, an estimated \$3.80 is saved in Medicaid expenditures for pregnancy-related and newborn care.

Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. About 1 in 5 women of reproductive age were uninsured in 2003, and that proportion has increased by 10 percent since 2001. Half of all women who are sexually active, but do not want to get pregnant, need publicly funded services to help them access public health programs like Medicaid and Title X, the national family planning program. These programs provide high-quality family planning services and other preventive health care, such as pap smears, to underinsured or uninsured individuals who may otherwise lack access to health care and alternative options for birth control. Each year, publicly funded family planning services help women to prevent an estimated 1 million unplanned pregnancies and 630,000 abortions. Yet these programs are struggling to meet the growing demand for subsidized family planning services without corresponding increases in funding. The Prevention First Act authorizes funding for Title X clinics and strengthens States' coverage of Medicaid family planning services.

Improved access to emergency contraception, EC, can further reduce the staggering rates of unintended pregnancy and abortion in this country. EC prevents pregnancy after unprotected sex or a contraceptive failure. The Alan Guttmacher Institute estimates that increased use of EC accounted for up to 43 percent of the total decline in abortion rates between 1994 and 2000. In addition, EC is often the only contraceptive option for the 300,000 women who are reported to be raped each

year. Unfortunately, even with the recent FDA decision to allow EC to be sold over-the-counter to women 18 years of age and over, many women do not know about EC and many still face insurmountable barriers in accessing this important product. The Prevention First Act mandates that the Secretary of Health and Human Services implement an education campaign about EC and requires that hospitals receiving Federal funds provide victims of sexual assault with information and access to EC.

Contraceptives have a proven track record of enhancing the health of women and children, preventing unintended pregnancy, and reducing the need for abortion. However far too many insurance policies exclude this vital coverage. While most employment-related insurance policies in the United States cover prescription drugs in general, the many do not include equitable coverage for prescription contraceptive drugs and devices. Although 21 States now have laws in place requiring insurers to provide contraceptive coverage if they cover other prescription drugs, 29 States still do not have any laws. Out of pocket expenses for contraception can be costly. Women of reproductive age currently spend 68 percent more in out-of-pocket health care costs than men, much of which is due to reproductive health-related supplies and services. The Prevention First Act requires that private health plans cover FDA-approved prescription contraceptives and related medical services.

Teens face additional barriers regarding access to services and information. Sixty percent of teens have sex before graduating high school. Teens who receive comprehensive sexuality education that includes discussion of contraception as well as abstinence are more likely than those who receive abstinence-only messages to delay sex, to have fewer partners, and to use contraceptives when they do become sexually active. Efforts by conservatives to restrict access to family planning services and promote abstinence-only education programs, which are prohibited from discussing the benefits of contraception, actually jeopardize adolescent health and run counter to the views of many mainstream medical groups.

Nearly 50 percent of new cases of STDs occur among people ages 15 to 24, even though this age bracket makes up just a quarter of the sexually active population. Clearly, teens have the most to lose when faced with an unintended pregnancy or an STD infection.

Moreover, 1 in 3 girls becomes pregnant before the age of 20, and 80 percent of these pregnancies are unintended. Teen mothers are less likely to complete high school. Furthermore, children of teenage mothers have lower birth weights, are more likely to perform poorly in school, and are at greater risk of abuse and neglect. Improving access to contraceptive services and information does not cause non sexually active teens to start having sex. Instead, teens need information to help them both postpone sexual activity and to protect themselves, if they become sexually active. A November 2006 study of declining pregnancy rates among teens concluded that the reduction in teen pregnancy between 1995 and 2002 is primarily the result of increased use of contraceptives.

The Prevention First Act provides funding to public and private entities to establish or expand their teenage pregnancy prevention programs. This bill also provides for comprehensive, medically accurate sex education programs that teach young people about abstinence, health, and contraceptives. Moreover, my bill requires federally funded programs that provide information on the use of contraceptives to ensure that the information is medically accurate and includes health benefits and failure rates.

Reducing unintended pregnancy and infection with STDs are important public health goals. The Centers for Disease Control and Prevention included family planning in their published list of the "Ten Great Public Health Achievements in the 20th Century." My bill, the Prevention First Act, will improve access to family planning services for all women in need and will go a long way in fulfilling the promise of this important public health achievement.

Madam Speaker, I urge every Member to join me in this comprehensive, nationwide effort to reduce unintended pregnancies.

TRIBUTE TO LEE VAN VOORHIS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. MCGOVERN. Madam Speaker, I rise today to pay tribute to Lee Van Voorhis, a World War II veteran living at the New Horizons facility in Marlborough, MA. Mr. Van Voorhis recently wrote an essay calling for the establishment of a Department of Peace. I was honored to visit with Mr. Van Voorhis on January 12. Below is a story about Mr. Van Voorhis from the Marlborough Enterprise, which includes a copy of his remarkable essay.

WORLD WAR II VET URGES "SECRETARY OF PEACE"

(By Mary Wenzel)

MARLBOROUGH.—World War II was underway and a poster, hanging in the Montclair, N.J., Post Office, calling for 50,000 pilots, was meant to catch the attention of young men. And it did.

"As a teenager, flying a plane seemed like an exciting kind of thing to do," said Lee Van Voorhis, a senior at the local high school, who during his junior year had been an air raid warden for his neighborhood.

Like many of the young men of his generation, Van Voorhis signed up for the flight training program and became a pilot for the B-25 medium bomber.

"It was the work horse of the Army Air Corps," said Van Voorhis who served from June 1943 to November 1945.

"My grandfather was in the Civil War, my father in World War I and I was in World War II," reminisced Van Voorhis who also saw a son serve in Vietnam.

"I remember very distinctly my father being very emotional about my going off to war," said Van Voorhis, "because he thought that when they fought World War I, it was the war to end all wars, and he was so upset because he saw his son going off to a second World War."

However, for this pilot, a Second Lieutenant, United States Army Air Corps, his service would be short lived.

"The war was winding down," he said, "and there were surplus pilots."

For Van Voorhis and many of his fellow servicemen, it was off to college on the GI Bill when he entered Dartmouth College in Hanover, New Hampshire.

"When I was in college, my philosophy professor was dynamic, always asking us questions," explained Van Voorhis.

In spite of a half century since he sat in that classroom, Van Voorhis remembers this professor pacing up and down and asking the students, half of whom were GIs, a question that they couldn't answer, "What's the cause of war?"

"You're GIs and you fought the greatest war the world has ever known and you don't know the cause," the professor said with great passion.

"It's a lack of communications," the professor stated answering his own question. "What should you do when two countries are having problems getting along with each other? Send 100 ambassadors, send 10,000 ambassadors."

Van Voorhis still remembers the final exam for this philosophy class and the blue book to be filled with the answer to only one question, "What would you do when two countries are not getting along well and explain in detail."

"I had an hour to answer the question," said Van Voorhis. "I poured sweat because I tried so hard to think of all the things that you could do following his (the professor) idea of communications."

That was in 1948 and now in 2008, 60 years later, Van Voorhis has found a way to express himself in a way that he didn't know he had so many years ago.

Nena Van Voorhis, Lee's wife of 61 years, signed up for a Creative Writing Class that had begun at New Horizons, off Hemenway Street, where the couple reside.

"I love this class. It keeps me writing and thinking," said Nena Van Voorhis, who urged her husband to join her.

Reluctantly Lee Van Voorhis went to the class, taught by Gloria Goostray, and in a short time found the class to be an exciting thing.

"This class is fantastic. You realize you have a mind that's full of ideas," he explained. Van Voorhis had finally found a way of putting into words his thoughts about that question posed to him six decades ago.

"I have always loved the Robert Frost poem, 'The Road Not Taken,'" said Van Voorhis.

"We all pray for peace," explained Van Voorhis, "but the road to peace, like I described here, you have to work at it. I mean a very specific effort as much as you have to work on your defenses."

Nena and Lee Van Voorhis are the parents of four, three sons and one daughter, and the grandparents of 12.

Following is an essay Van Voorhis wrote for the class that is included in a book called "Writings from the Heart," a collection of short stories published by the 2007-2008 Creative Writing Class.

THE ROAD NOT TAKEN

(By Robert Frost)

"I shall be telling this with a sigh
Somewhere ages and ages hence
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference."

So it has been through human history the most traveled road has been the road to war. Every nation carefully records all its wars and usually marks them with various memorials, statues, and honors for all the veterans.

The road less traveled leads to peace. This is desired by everyone worldwide. We all want to raise our children in peace. Going on the road to war is easy. My country is right and your country is doing something wrong or starting open conflict in some disputed area then the threatening words start escalating. Each side putting out aggressive words like "you need to be punished" or "face sanctions" or calling them "an axis of evil." Our people hate you and you hate us. Now each country believes the other country is evil and we must settle our differences with war.

"The road less traveled by" is the road to peace. This improves your communication with other countries, then we better understand the real root of each other's concerns and will be more compassionate and try to find common ground for peaceful solutions. Going on the road to war means we immediately start thinking of our military defenses and start cutting communications with the country we disagree with.

Ping-pong games opened China for President Nixon. The N.Y. Philharmonic's visit to N. Korea gave us the opportunity to try to negotiate with N. Korea. As Robert Frost said about the road taken, "I, I took the one less traveled by and that has made all the difference."

We must think of every possible way to improve our communication with the countries we have problems with. How about such things as starting a worldwide Art Olympics in which there would be various themes either taking or on the road to peace with various categories for children and adults?

To stimulate these ideas helping peace, how about a Secretary of Peace in our President's cabinet, charged with nothing but encouraging ideas and actions for peace. (The Secretary of State's job is charged with protecting American interests, and official dealings with foreign countries only.)

As Robert Frost said about having taken the road less traveled "and that has made all the difference."

So let's go for the road less traveled—Peace will make all the difference.

IN RECOGNITION OF UNITED PARCEL SERVICE LEADING THE NATION IN UNITED WAY DONATIONS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SESSIONS. Madam Speaker, I rise today to congratulate United Parcel Service (UPS) and its employees for its generosity.

For the past nine years, UPS has consecutively led the nation in donations to United Way. This year's annual campaign raised over \$53 million for United Way and with a matching contribution by the UPS Foundation, the total is expected to exceed \$60 million—more than any other participating company. In total, over the past twenty-five years UPS has contributed over \$924 million to United Way. Their charity extended beyond their financial contributions. Employees gave generously of their time with over 900,000 hours of community service through the Global Volunteer Month and UPS's Neighbor-to-Neighbor program. The emphasis on philanthropy and improving local communities through its partnership with

United Way can be seen at all levels of the organization.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartiest congratulations to UPS on this remarkable achievement and for their commitment to helping others.

INTRODUCING WE THE PEOPLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the We the People Act. The We the People Act forbids federal courts, including the Supreme Court, from adjudicating cases concerning State laws and policies relating to religious liberties or "privacy," including cases involving sexual practices, sexual orientation or reproduction. The We the People Act also protects the traditional definition of marriage from judicial activism by ensuring the Supreme Court cannot abuse the equal protection clause to redefine marriage. In order to hold Federal judges accountable for abusing their powers, the act also provides that a judge who violates the act's limitations on judicial power shall either be impeached by Congress or removed by the President, according to rules established by the Congress.

The United States Constitution gives Congress the authority to establish and limit the jurisdiction of the lower Federal courts and limit the jurisdiction of the Supreme Court. The Founders intended Congress to use this authority to correct abuses of power by the Federal judiciary.

Some may claim that an activist judiciary that strikes down State laws at will expands individual liberty. Proponents of this claim overlook the fact that the best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the Federal Government over the States.

In recent years, we have seen numerous abuses of power by Federal courts. Federal judges regularly strike down State and local laws on subjects such as religious liberty, sexual orientation, family relations, education, and abortion. This government by Federal judiciary causes a virtual nullification of the Tenth Amendment's limitations on Federal power. Furthermore, when Federal judges impose their preferred policies on State and local governments, instead of respecting the policies adopted by those elected by, and thus accountable to, the people, republican government is threatened. Article IV, section 4 of the United States Constitution guarantees each State a republican form of government. Thus, Congress must act when the executive or judicial branch threatens the republican governments of the individual States. Therefore, Congress has a responsibility to stop Federal judges from running roughshod over State and local laws. The Founders would certainly have supported congressional action to reign in Federal judges who tell citizens where they can and can't place manger scenes at Christmas.

Madam Speaker, even some supporters of liberalized abortion laws have admitted that the Supreme Court's *Roe v. Wade* decision, which overturned the abortion laws of all 50 States, is flawed. The Supreme Court's establishment clause jurisdiction has also drawn criticism from across the political spectrum. Perhaps more importantly, attempts to resolve, by judicial fiat, important issues like abortion and the expression of religious belief in the public square increase social strife and conflict. The only way to resolve controversial social issues like abortion and school prayer is to restore respect for the right of State and local governments to adopt policies that reflect the beliefs of the citizens of those jurisdictions. I would remind my colleagues and the Federal judiciary that, under our constitutional system, there is no reason why the people of New York and the people of Texas should have the same policies regarding issues such as marriage and school prayer.

Unless Congress acts, a State's authority to define and regulate marriage may be the next victim of activist judges. After all, such a decision would simply take the Supreme Court's decision in the *Lawrence* case, which overturned all State sodomy laws, to its logical conclusion. Congress must launch a preemptive strike against any further Federal usurpation of the States' authority to regulate marriage by removing issues concerning the definition of marriage from the jurisdiction of Federal courts.

Although marriage is licensed and otherwise regulated by the States, government did not create the institution of marriage. Government regulation of marriage is based on State recognition of the practices and customs formulated by private individuals interacting in civil institutions, such as churches and synagogues. Having Federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

It is long past time that Congress exercises its authority to protect the republican government of the States from out-of-control Federal judges. Therefore, I urge my colleagues to co-sponsor the We the People Act.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. HONDA. Madam Speaker, on rollcall No. 11, I was caught in traffic from Dulles, and had I been present, I would have voted "aye."

HONORING ERNIE GEMPERLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. RADANOVICH. Madam Speaker, I rise today with my colleague from California Mr. CARDOZA to honor the life of Ernie Gemperle

for his dedication and service to his community and family. Mr. Gemperle passed away at the age of seventy-nine on Saturday, November 15, 2008 at Emanuel Medical Center in his home town of Turlock, California.

Ernie Gemperle was born on June 7, 1929 in Bischofsell, Switzerland and was one of twelve children. He graduated from the International Poultry School in Bern. Mr. Gemperle emigrated from Switzerland in 1949 with nothing more than his degree. Upon arriving to the United States, he was drafted into the Army, where he served at Fort Ord during the Korean War. In October 1955, he went back to Switzerland to marry his childhood sweetheart, Annemarie Dezhlofer. They returned to the U.S., settled in Turlock, California and began an egg business, Gemperle Enterprises. Together, Mr. and Mrs. Gemperle raised seven children and developed a successful business.

Gemperle Enterprises has been an industry leader as egg production moved from small, scattered henhouses to the concentrated, automated operations of today. The business was one of the first egg farms to use bulk, rather than sacked, feeds. Mr. Gemperle upgraded the packing system in other areas of the operation with the goal of providing quality eggs at a lower price. The eggs were marketed under the Nulaid label. He soon joined with other egg producers to create NuWest Milling, which built a feed and grain terminal near Hughson, California and the NuCal Foods distribution cooperative in Ripon, California. Mr. Gemperle was a pioneer for the egg industry, including organic and other specialty eggs. He was willing to purchase the newest equipment with the latest technology to insure the safety of the hens and provide the lowest prices for the consumers. Today, the family business has grown to include over one million hens on several farms.

Mr. Gemperle and his family have tirelessly supported numerous causes, including their church, healthcare, higher education and the arts. The Greater Yosemite Council of Boy Scouts was his number one cause. Mr. Gemperle served as Council President for two terms from 1990–1991. He received the Silver Beaver for his service to Scouting in 1991. He also served as the head of the council's Investment Committee from its inception in 2006. He has also served on the Executive Board of the Council from the early seventies until his recent passing. His son, Michael, serves as the Scouting Nominating Committee Chair and as the Executive Vice President of the Council. Michael is slated to become President in 2010. Since 1971, the Gemperle Family Bar-B-Que has raised money for Scouting each year. The event is held at the family home and the food is served by family members. It is estimated that over \$500,000 has been raised from this BBQ.

Mr. Gemperle was considered a leader in his local community. He served as Rotary President and a Rotarian for forty years. He has been a driving force behind many of the City Council's initiatives, including the building of the Rogers Service Center in 1999–2000. He served on the boards for both Emanuel Hospital and Doctors Hospital in Modesto. He was past chairman of Catholic Charities of the Stockton Diocese and was instrumental in the construction of Sacred Heart Church and the

California State University, Stanislaus Newman Center. Recognition of his service is great; including Agri-businessman of the Year (1980 Turlock Chamber), Paul Harris (1985 Rotary), Liberty Bell (1990 County Bar), University Medal (1991 CSUS) and Good Samaritan (1999 EMC) just to name a few.

Mr. Gemperle's leadership and generosity has been passed down to his children who now run Gemperle Enterprises. All of his children are active in the community and serve on the boards or committees for various organizations and causes that Mr. Gemperle supported. He was a strong supporter and advocate of California State University, Stanislaus, United Samaritan's of Turlock, Emanuel Hospital of Turlock, Sacred Heart Church and the Boy Scouts of America. The family was honored at the "Distinguished Citizen's Dinner" by the Council in 2005 for their continuous work and dedication to the community.

Annemarie Gemperle preceded her husband in death in 1999. Mr. Gemperle is survived by his second wife, Maria Gemperle; sons Peter, Richard, Stephen and Michael all of Turlock; daughters Heidi Gemperle of Seattle, Anita Mahaffey of San Diego and Susan Abdo of Boise; two step-daughters Brigit Johnson and Barbara Masterson; twenty-one grandchildren; three step-grandchildren; brother, Walter Gemperle of Turlock and six siblings in Switzerland.

Madam Speaker, I rise today to posthumously honor Ernie Gemperle for his leadership and dedication to his community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

PERSONAL EXPLANATION

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. KAGEN. Madam Speaker, I regret that I was unable to participate in four votes on the floor of the House of Representatives on January 9, 2009, as I was recovering from knee surgery.

The first vote was rollcall vote No. 7, a motion to recommit H.R. 12, the Paycheck Fairness Act. Had I been present, I would have voted "no."

The second vote was rollcall vote No. 8, on final passage of H.R. 12. Had I been present, I would have voted "yes."

The third vote was rollcall vote No. 9, on final passage of H.R. 11, the Lily Ledbetter Fair Pay Act. Had I been present I would have voted "yes."

IN RECOGNITION OF CHRISTINA MELTON CRAIN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize Christina Melton Crain who is being recognized by the Texas Department

of Criminal Justice (TDCJ) with the dedication of a unit after her namesake.

Christina was first appointed to the Texas State Board of Criminal Justice (TBCJ) in April 2001 and in February 2003 she became the first woman in Texas history to lead the nine-member board as its new Chair. Under her leadership, she worked closely with the TDCJ, determined to make its operations more efficient and effective. Her passion stems from her professional career as an attorney where she encountered numerous cases of minors that had been negatively impacted by a parent under correctional supervision. She personally committed herself to the GOKIDS (Giving Offenders' Kids the Initiative and Direction to Succeed). Initiative, which launched in 2004 and is dedicated to reaching out to the offenders and their families. Christina foresaw a safer and better Texas and a brighter future for all Texans and took every effort to make this goal a reality. The State of Texas has greatly benefited from her dedication, passion, leadership and her vision.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating Christina on her hard work and dedication that has led to this great honor.

RECOGNIZING THE SERVICES OF JOHN DE LORENZO, COMMUNITY SERVICES DIRECTOR OF THE CITY OF FAIRFIELD IN CALI- FORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mrs. TAUSCHER. Madam Speaker, I rise to recognize John De Lorenzo as he retires after 18 years of public service with the city of Fairfield.

Mr. De Lorenzo's career with Fairfield began when he was hired as the city's community services director in 1990. During his tenure, the Community Services Department was recognized with many State-wide, regional and national awards including two Helen Putnam Awards of Excellence from the League of California Cities.

In addition to his outstanding service in Fairfield, Mr. De Lorenzo has also served as both the president and the administrators' representative of the California Park and Recreation Society, District 1, and was a member of the Annual Conference Planning Committee for the California Park and Recreation Society. He has also served as a member of the League of California Cities Administrative Services Policy Committee, and also was a member of the Annual League Conference Planning Committee.

The honors and awards Mr. De Lorenzo helped bring the Fairfield Community Services Department and his involvement with the numerous committees he has served on over the years are a testament to his hard work and dedication to local concerns.

As John De Lorenzo retires from his position as the director of the Fairfield Community Services Department, I would like to thank him for his leadership and dedication to improving

the quality of life for the residents of the city of Fairfield. I wish him the best of luck in his future endeavors.

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday January 13, 2009.

Had I been present, I would have voted "yes" on Rollcall vote No. 11 (Motion to Suspend the Rules and Agree to H. Res. 41), "yes" on Rollcall vote No. 12 (Motion to Suspend the Rules and Agree to H. Res. 50), "yes" on Rollcall vote No. 13 (Motion to Suspend the Rules and Agree to H. Res. 43).

CELEBRATING THE ACCOMPLISHMENTS OF DR. ROBERT J. SMITHDAS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of an outstanding humanitarian, Dr. Robert J. Smithdas, whose personal accomplishments and dedication to the U.S. deaf-blind community are truly remarkable. Dr. Smithdas is retiring as director of Community Education at the Helen Keller National Center for Deaf-Blind Youths and Adults, HKNC, after many years of dedicated service.

Having contracted meningitis at the age of four, Dr. Smithdas eventually suffered a total loss of both vision and hearing. With great determination, he embraced educational opportunities at the Western Pennsylvania School for the Blind and the Perkins School for the Blind. Assisted by individualized instruction and speech therapy, Dr. Smithdas thrived in scholastics, earning an average of 98.6. After graduating in 1945, he was accepted to the Industrial Home for the Blind, IHB, and earned a fellowship to St. John's University in New York. Dr. Smithdas earned his BA cum laude in 1950 and later attended New York University, where he became the first deaf-blind individual to earn a master's degree. Dr. Smithdas also earned honorary doctoral degrees from Galaudet University, Western Michigan University, Mount Aloysius College, and St. John's University.

Dr. Smithdas' commitment to education prepared him for his lifelong service to the deaf-blind community. Having worked in several management capacities at IHB, Dr. Smithdas played a crucial role in offering the kind of rehabilitative services necessary to expand the horizons of succeeding generations of deaf-blind individuals, including the development of

appropriate legislation. With Helen Keller herself and deaf-blind community advocate Peter Salmon, Dr. Smithdas played a vital role in helping to enact the Vocational Rehabilitation Act, which sanctioned the creation of the Helen Keller National Center.

Leading by example, Dr. Smithdas has demonstrated that with rehabilitative training, deaf-blind individuals can be active members of our society, and that they have much to contribute. Dr. Smithdas' numerous national awards and achievements include being named both The Poetry Society of America's "Poet of the Year" and "The Handicapped American of the Year" by the President's Committee on Employment of People Who Are Disabled, as well as being inducted into the National Hall of Fame for Persons with Disabilities.

Dr. Smithdas' impact on the lives of the deaf-blind—both those he has met and those who have just benefitted from his good works—is truly immeasurable. And those who have had the privilege to read his works, attend his lectures, and take advantage of the programs he developed know that he is a truly exceptional American. I ask my colleagues in the United States House of Representatives to please join me in honoring and thanking Dr. Robert J. Smithdas for his lifetime of dedication to the American deaf-blind community.

RECOGNITION OF KOREAN-AMERICAN DAY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in recognition of Korean-American Day, which was celebrated yesterday. Korean Americans have played an essential part in shaping our country into its current form. Ever since the signing of the first treaty between the United States and Korea, the Jemulpo Treaty in 1882, our two countries have engaged in an important relationship. In addition, Korean Americans have helped shape the United States into a powerful and influential Nation.

The history of Koreans in America is a proud one. When Koreans first started immigrating to the United States, they worked in places such as farms and railroads. These were hard workers who came to this country to seek new opportunities and a better life for their children. At that time, they could not have imagined the amount of success Korean Americans would enjoy over time—nor how large their community would become. After years of steady immigration, which blossomed in the 1960's, Korean Americans became one of the top 5 immigrant groups to the United States. Today, there are about 1.5 million Korean Americans living across the country.

In the past Congress, we passed several pieces of legislation to strengthen the U.S.-Korean relationship. The first was H.R. 5443, the

U.S.-Republic of Korea Defense Cooperation Improvement Act, which granted South Korea the same preferential treatment enjoyed by members of NATO. Another important bill passed in the 110th Congress was H. Res. 295. This legislation expressed appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism. A final, integral bill was H.R. 1, which supported efforts to include South Korea in the U.S. Visa Waiver Program.

As we move forward in the 111th Congress, I trust that we will keep the Korean-American community in mind. Korean Americans play an important role in shaping American culture and Korean-American Day is a celebration that I am proud to recognize.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 15, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 21

10 a.m.

Finance

To hold hearings to examine the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury.

SD-215

Health, Education, Labor, and Pensions

Organizational business meeting to consider committee's rules of procedure for the 111th Congress, and any pending nominations.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the financial crisis and the breakdown of financial governance.

SD-342

JANUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine challenges facing the Department of Defense.

SD-106

HOUSE OF REPRESENTATIVES—Thursday, January 15, 2009

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, with the ancient scripture, You advise the Members of Congress today. Wisdom from the book of Sirach may address personal values as well as national economics.

"Good and evil, life and death, poverty and wealth are all from the Lord.

"Wisdom and understanding, the knowledge of human affairs, the depths of love, and the path of virtue all come from the Lord.

"Error and vacuous darkness were formed in the sinner from the day of birth; and evil grows as the evildoer ages.

"But the Lord's gift remains with the just; blessing brings continual success.

"Someone may become rich through a miser's life, and this is all he has as off-counted reward."

When he says, "I can rest now; I need only feast on my possessions," he does not know how long it will be till he dies and leaves everything to others.

My child, hold fast to your duty; busy yourself with it. Grow in age and wisdom, doing your task. Admire not how sinners live, but trust in the Lord and wait for His light. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side of the aisle.

THE HUMANITARIAN DISASTER IN GAZA

(Mr. KUCINICH asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KUCINICH. The attack on the U.N. headquarters in Gaza is further proof that a post legal era in world affairs has taken shape where law and moral principles are irrelevant—where might makes right, where retribution and vengeance, even against innocent children, fails to shake us from moral lethargy or political paralysis. Collected punishment is a proportionate use of force. Using U.S. planes, helicopters and munitions to attack a wounded, starved and thirsty population of mostly children trapped in a box called "Gaza" has become acceptable, perhaps because we've already accepted the deaths of over 1 million innocent civilians in Iraq in a war based on lies.

There is a way out. We must ask those who were given our armaments for defense to stop the aggression and the blockade and the occupation and reconnect with the high sentiments that rallied their own suffering, wounded people of a nation generations ago.

When we recognize the humanitarian disaster in Gaza, when we come to grips with the reality of suffering on both sides, we may yet find a way to save ourselves.

"BANK ROBBERY?"

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, oh, how things have changed. Time was, when you borrowed money from a bank, the bank wanted to know what the money was going to be used for, and you were required to fill out a bunch of forms to receive that money.

Now the big banks have shown up, wanting \$350 billion from the taxpayer. They won't tell us what they will use the money for, and they haven't filled out any paperwork to justify receiving more taxpayer money. You see, they don't want the same standards they require on borrowers to be applied to them when they want money.

It used to be the bad guys robbed the banks. Now it appears that the banks are the bad guys by putting a financial gun to the people, saying, "Give us the loot or you're all going to die economically."

It's like bank robbery in reverse. It seems like the big banking boys' gang is robbing the people. We call all of this nonsense a bailout, but bailouts have not helped stimulate the econ-

omy. Why don't we just say, "No"? No more money to special interest groups. No more taxpayer money will be spent without accountability. No more spending money we don't have. We cannot spend, borrow and tax our way out of this economic calamity.

And that's just the way it is.

THE SECOND ROUND OF THE BAILOUT MISTAKE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the second half of the Wall Street bailout is being jammed at this House today—again, with a cursory review by the committees that should be meeting their constitutional responsibilities. I have a simple question:

Why would any Member trust the very same group who engineered the first bill to do it to America again?

That first bill has not worked. It has made the foreclosure crisis worse, which is at the heart of what is wrong with this economy. Yet Wall Street was handsomely showered with taxpayer billions, and they then thumbed their noses at Main Streets across this country.

I wouldn't expect anything from Treasury in the way of sensitivity to regular folks. Its job is to sell U.S. debt on Wall Street and to collect taxes. They're not designed to do real estate lending or housing workouts or real estate accounting. That's the job of the FDIC, of the SEC and of HUD. They should be in the lead in the mortgage workout process. And frankly, we ought to quadruple the number of financial crimes analysts at the FBI.

I repeat: Why would Congress allow itself to be hoodwinked not once but twice into making the same big mistake? I urge my colleagues to vote no on the second Wall Street bailout bill. Instead let's do what works for the American people by solving the home foreclosure crisis first.

HONORING THE LIFE OF ROY BOEHM

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor the life of Roy Boehm, a true American hero and a longtime constituent of Punta Gorda, Florida.

Mr. Boehm was a retired Navy lieutenant commander, and was the first officer in charge of SEAL Team 2, one

of the original Navy SEAL teams. Many would say that he was the first Navy SEAL.

Lieutenant Commander Boehm enlisted in the Navy in 1941, and fought during World War II, Korea and Vietnam. In 1942, he participated in the Battle of Cape Esperance at Guadalcanal, one of the largest, all-surface sea engagements of World War II. In 1961, under orders from President Kennedy, Lieutenant Commander Boehm developed and launched the Navy's elite Sea, Air and Land forces unit known as the SEALs.

Our Nation is grateful for Lieutenant Commander Boehm's service. Lieutenant Commander Roy Boehm set the standards for the Navy SEALs of today, and he will truly be missed. On behalf of all of the men and women who wear or who have worn the uniform, I say thank you for your service.

TARP REFORM

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, the House approved the \$700 billion financial rescue package last October only under the condition that banks would be accountable and that taxpayers would know what the banks did with the money. We all know that that hasn't happened.

The Bush administration and the Treasury Secretary never held up their end of the deal. They've ignored the measures Congress put in the package to protect the taxpayers. The result: blank checks to big banks and nothing to protect middle class families from foreclosures.

Today, the House is going to vote to change this and will strengthen oversight on what the banks and the administration are doing with the funds. The taxpayers have the right to finally know exactly how their money was spent.

ALLEN HIGH SCHOOL FOOTBALL WINS CHAMPIONSHIP

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. I want to talk about a high school champion. I rise to congratulate the 2008 state champions of Texas high school football—the Blue and White Allen Eagles.

Last month, the Allen Eagles defeated Fort Bend Hightower 21 to 14 in a stunning second half comeback to win the Texas 5-A football championship in Houston's Reliant Stadium. The crowd went wild!

Under head coach Tom Westerberg, the Eagles' football program has thrived with stellar seasons in '07, '06 and '05 as well.

I will insert the names of the top coaches into the RECORD.

There is a special story about this team. Each spring, the rising seniors pick a motto for the upcoming season. The players selected: Start strong. Finish strong.

Congratulations to the Allen Eagles. Way to finish strong. I salute you. God bless you, and God bless America.

Go Eagles!

Tom Westerberg, Head Coach, Asst. Athletic Director.

Terry Gambill, Asst. Head Coach, Defensive Coordinator.

Jeff Fleener, Offensive Coordinator.

Jeff Chaney, Special Teams Coordinator.

Mike Carter, Strength Coordinator.

BLOCK THE NEXT CONGRESSIONAL PAY RAISE

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise to urge my colleagues to block the next scheduled congressional pay raise. At a time when the economy is forcing so many of the families we represent to tighten their belts, I believe this is the wrong time to be raising our own pay.

Last month, 524,000 Americans lost their jobs, bringing the unemployment rate to its highest since 1993. Since last year, jobless rates increased in 49 States and in the District of Columbia. In my home State of Arizona, unemployment rose by over 50 percent, leaving nearly 200,000 workers unemployed.

Last week, I introduced House Resolution 156, with Representative PAUL of Texas, to stop the next automatic congressional pay raise from taking effect next year. As of this morning, we have been joined by 77 cosponsors—Republicans and Democrats.

Our Nation is at war. Our economy is reeling. The American people aren't getting a pay raise. We shouldn't either. I will be donating my 2009 pay raise to charity just as I did with the 2008 pay raise.

I urge my colleagues to join our growing coalition and to support the Stop the Congressional Pay Raise Act.

REJECT THE BAILOUT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, the definition of "insanity" is doing the same thing over and over again and expecting different results.

Three months ago, Congress rushed to spend \$350 billion of taxpayer dollars without adequate hearings and deliberation. The result was a lack of transparency and accountability, a disappointment in how the massive funds were spent and a bloated Federal budget deficit. But here we go again. This

Congress is now proposing to do the exact same thing.

Another \$350 billion bailout is not the answer my constituents are looking for. The people in my district in Minnesota are struggling to make ends meet, and they're worried about the future. We must take concrete steps to jump-start our economy and put people back to work. It's time to stop exposing taxpayers to any more undue risk. It's time to stop saddling them with unnecessary debt.

Mr. Speaker, Congress should reject another \$350 billion bailout, and instead, it should focus on preserving, protecting and creating jobs to get our economy going again.

MILITARY PERSONNEL

(Mr. NYE asked and was given permission to address the House for 1 minute.)

Mr. NYE. Mr. Speaker, for most of the past 12 years, I have traveled all over the world with the Foreign Service. In places like Kosovo, Afghanistan and Iraq, I had the honor to serve alongside the brave men and women of our Armed Forces.

It is now my honor to be here as the Representative of Virginia's Second Congressional District—to represent the people of Hampton Roads and the Eastern Shore—and to represent our military personnel and their families.

We have very important work ahead of us—strengthening the economy, restoring fiscal responsibility and standing up for the families who are working every day to make a better life for the next generation.

While we're doing that, we must always remember that we still have people over there—we're fighting two wars—and as we face new threats, we must maintain a strong military, and we must fully support our troops in harm's way.

Mr. Speaker, our military personnel and their families ask nothing more, and they deserve nothing less than the same level of care and devotion that they have shown our country. This is not a partisan issue. It is a basic American value, and it is a value I will champion every day as a Member of Congress.

□ 1015

A DIFFERENT STIMULUS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of legislation with a proven record of stimulating the economy and creating jobs.

Members of the Republican Study Committee have introduced the Economic Recovery and Middle-Class Tax

Relief Act, legislation that is fiscally responsible and one that will stimulate job growth in the private sector rather than the Federal Government. This package includes tax relief for American families, businesses, and entrepreneurs. It allows businesses to expense the purchase of assets which will encourage growth and job creation.

This job does not threaten American families with hyper-inflation or saddle future generations with evermore debt with hundreds of billions of dollars in spending.

I encourage my colleagues on both sides of the aisle to consider these proposals. These are proposals that will address the economic downturn and will not demand government spending. We should remember that Jerry Bellone of the Lexington County Chronicle is correct: This is the people's money, not the government's.

In conclusion, God bless our troops, and we will never forget September the 11th.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 62 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. A motion to proceed under section 115 of the Emergency Economic Stabilization Act of 2008—

(a) shall be in order only if offered by the Majority Leader or his designee; and

(b) may be offered even following the sixth day specified in subsection (d)(3) of such section but not later than the legislative day of January 22, 2009.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 62 provides for further consideration of H.R. 384, the Troubled Assets Recovery Program Reform Act of 2009 under a structured rule. The rule makes in order the 11 amendments printed in the Rules Committee report, including a manager's amendment that incorporated many of the amendments submitted to the Rules Committee. All the amendments are debatable for 10 minutes except the manager's amendment, which is debatable for 40 minutes.

The rule also provides for a motion to recommit with or without instructions.

Finally, the rule contains a provision to preserve the House's ability to have a vote on the second \$350 billion. The first TARP bill contained language providing for expedited consideration a disapproval resolution that provided for a vote not later than 6 days after the date Congress receives the report.

However, because President Bush sent the request to Congress on January 12, the 6th day would fall on a Sunday, a day that the House is not in session. Therefore, the ability to move to proceed would expire without giving the House an opportunity to act. The language in this rule assures that the House will have that opportunity.

Mr. Speaker, let me begin by saying that this is a good rule. Eleven amendments are made in order—five Republican and six Democratic. One of the Democratic amendments is the manager's amendment which incorporates parts or all of the 16 Democratic amendments and Republican amendments.

Mr. Speaker, as I discussed yesterday, this bill is about the way the TARP should be spent, but it does not actually allow or preclude the release of the second round of these funds.

Now, I know many of my colleagues are apprehensive about the release of

these funds. I understand their concerns, and I share some of them. The Bush administration did not disburse the funds as many of us thought they promised. I believe that this bill that we are debating today and the amendments should alleviate many of these concerns.

I believe that providing a blueprint for how these funds should be spent is one of the most important actions this Congress will take. We know jump-starting our economy is a top priority of this new administration and of this Congress. But we have to do it right. We must ensure that the funding goes to the right places—to the homeowners who face foreclosure, in many cases at no fault of their own, and the small businesses who don't have access to funds for their payrolls simply because the credit market is so tight.

This bill, Mr. Speaker, attempts to get it right. Not only does this bill provide a blueprint on how this House believes these funds should be spent; it complements the roadmap already provided by President-elect Obama about how his administration would use these funds.

The January 12, 2009, letter from National Economic Adviser-designate Larry Summers details how the incoming Obama administration will allocate these funds, and I support these goals. But like I said yesterday, Mr. Speaker, we will trust the new administration, but we need to also verify.

This is a good bill that will be made better with the adoption of many of the amendments made in order under this rule. I support this rule, I support the underlying bill, and I urge my colleagues to support both the rule and the bill.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to begin by expressing my appreciation to my good friend from Worcester, the distinguished vice chairman of the Committee on Rules, Mr. MCGOVERN, for yielding me the time, the customary 30 minutes.

And I would also like to say in response to the exchange that Mr. MCGOVERN and I had yesterday, that I am more than willing and happy to yield at any time if he asks me to yield to him during debate. Yesterday, he was very reluctant to. One of the things that has troubled me is that as we deal with this and other issues, people begin with prepared statements, but as we get into a period of time during which I believe this institution should have a free-flowing debate, the option of yielding is one which should be taken up as much as possible. That's my perspective, and I understand the right of individuals not to yield, but I will say that I'm happy to yield to individuals at any point.

At this point, I'm happy to yield to my distinguished friend.

Mr. MCGOVERN. I thank the gentleman.

If I recall correctly, I did yield to the gentleman once. What I objected to was being interrupted in mid-sentence. But I will be happy to yield to the gentleman for a discourse at any time.

Thank you.

Mr. DREIER. If I can reclaim my time, I will simply say that I look forward to yielding when we're having an exchange as we proceed with the 111th Congress. And I always want to, as I believe this institution deserves, to encourage a free-flowing debate on a wide range of issues.

Today actually, interestingly enough, Mr. Speaker, marks the first time, the first time in the 111th Congress—and we've gone through quite a bit of legislation in the last week—that we are not dealing with a completely closed rule. But this process has been so utterly flawed that this rule simply exposes just how far we have to go rather than standing out as a step in the right direction.

The most serious problem is that the underlying bill is not a product of any semblance of order whatsoever. No hearings, no testimony, no markups. Now, anyone who looks at how a bill becomes a law, they understand that the process of hearings, testimony, markup, that's all part of the process. There has been absolutely no opportunity for any of that. No opportunity for scrutiny whatsoever as this bill was written.

This has continued into this amendment process. While I appreciate the fact that the Democratic majority has actually considered amendments for the first time, we're still left guessing as to what is actually in this bill.

Most of the amendments that have been accepted will never even be debated here on the House floor. They'll not be individually considered in a transparent way. And one of the great statements of the many statements made by President-elect Obama—and we all look forward in 5 days to his inauguration—is that he regularly talks about the need for transparency. Well, a measure that we're about to consider under this so-called manager's amendment will not allow the kind of transparency that Mr. Obama believes should be the case.

These amendments were simply added en masse into this one amendment. The point of considering amendments, Mr. Speaker, is not just to have the opportunity to improve legislation. It is also meant to be an opportunity for debate. It's a chance for Democratic and Republican Members alike, not to mention the American people, to examine the key components of a bill and have a real debate.

Unfortunately, this rule simply perpetuates a very flawed process, protects a flawed bill, and prevents the real scrutiny that is very, very

deservant on the way in which this \$350 billion, taxpayer dollars, will be spent.

The Troubled Assets Recovery Program Reform Act, the so-called TARP, has itself become quite troubled. As we've heard in yesterday's discussion, we have serious concerns for how this program has been implemented. We can't begin to consider the wisdom of releasing another \$350 billion until we understand how the initial money was used. And we cannot begin to consider a bill to fix the system until we understand what exactly this bill does. These are obligations we should take seriously.

In the meantime, there are a number of far more limited and targeted proposals that could easily be considered and enacted to address the economic challenges we are facing.

Our colleagues on both sides of the aisle have proposed a number of ideas for restoring our economy. They have suggested options that don't pick winners and losers and don't ask the taxpayers to pay for an unaccountable program.

□ 1030

One proposal that I've advocated is a tax credit for new home purchases that are made with a down payment of at least 5 percent.

The housing industry has been at the center of our economic crisis from the beginning. It remains the core impediment to our economic recovery. As home prices have fallen and foreclosures have risen, the impact on working families has been enormous and the impact on our economy has been, as we all know, very widespread. By encouraging and enabling responsible home purchases, we can start to clear out the excess supply in the housing market. This will help to stabilize prices, prevent foreclosures, and put us back on a path to economic recovery.

Now, I don't believe that this proposal that I've outlined and have been talking about for the last couple of weeks is a panacea, but it is a targeted measure that would help to address a key economic challenge that we face.

Now, I would have offered my proposals and amendment to the underlying bill, but it was not germane to the measure. But Mr. Speaker, the point that I'm making is that there are many other creative ideas out there that I believe should be given full consideration. Unfortunately, we are spending our time on a bill that its own author—I see the distinguished chairman of the Committee on Financial Services has joined us here—has indicated will not be enacted into law. The Democratic majority is merely concerned with providing what I consider to be a fig leaf for the impending vote that we're going to face to release this additional \$350 billion.

The underlying bill will not safeguard the taxpayers' money and it will

not ensure that we have the proper tools to restore our economy. I urge my colleagues to oppose this rule and the underlying legislation.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I just want to set the record straight. It is incorrect to say that there have been no hearings on this measure. In fact, the Financial Services Committee on Tuesday held a hearing—I think it began at around two o'clock in the afternoon and went into the evening. So there has been a hearing in the committee of jurisdiction on this.

At this time, I would like to yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank my colleague. And we've had several hearings on this subject.

Again, the timetable here has been forced by the bill we adopted last fall with the support of the Republican leadership and the President as well as the Democratic leadership. And as a concession to Members, we put in there that once the President asked for the second \$350 billion it would trigger a 15-day period in which we had to act. And we believe it's important for the House to make clear what it wants to do here during that period. But we've been having hearings on this since the fall.

We put into the bill last fall some good oversight. The Government Accountability Office put out a report last year very critical of the failure to demand that the financial institutions that received funds make clear what they were doing with them, and particularly to show to what extent they were re-lending. That was because we put into the bill that the GAO would be there from the first day in their offices. We had a hearing with Mr. Kashkari, the Bush appointee to run the program, and the GAO to deal with it. We had a further hearing on this subject in the fall. We then had the long hearing that the gentleman from Massachusetts talked about earlier this week to go into this in great detail on Monday.

We have invited all Members as of Friday to submit amendments. A number of Members did so. In fact, I thank the Rules Committee; they have put 10 amendments in order—one was a duplicate, so 10 are in order, five from Republicans, five from Democrats. Of the Republican amendments, I intend to vote for two; I intend to vote against three. There were also amendments that we received from some Republicans that we agreed to put in the manager's amendment.

The question is simply this, and it's two-fold: First, on the broader question that's not before us today, do we deny to President Obama a set of tools that this Congress voted for last fall because a great majority of Members on both sides think that the Bush administration used them poorly? If someone

drives a car badly, do you sequester the car and deny it to someone else who wants to drive it?

The TARP is not some living organism with a mind of its own. It is a set of policy tools. A newly elected President has asked that he be allowed to implement those tools. We say yes, but—and we are asking for some serious commitments about how it's done. So that's the first point.

The second point is that this money, whether or not it is spent, will be in a separate vote. And the ranking Republican said yesterday, well, let's wait for them to tell us how they plan to spend it. No, I don't think we should do that. I think we should tell them how we want them to spend it and see if they agree. And we have been having conversations, and they do agree.

We are talking about subjects that have been very familiar to Members. We are here trying to remedy defects in the Bush administration's execution of this program—nothing for foreclosures, not enough for community banks, no restrictions on what the banks that receive the money use, tougher restrictions on compensation—though I know not everybody agrees with that. The Wall Street Journal Editorial Board—which I know represents the viewpoint of many on the Republican side—was very critical today because we are asking that money be used to reduce foreclosures; they say that's a waste of money. They were scoffing, the Wall Street Journal—and again, I think that editorial reflects some of the opposition we have here—they scoffed at the notion that we want community banks to get some of the money. And they said, how can you possibly want the money to go to nonfinancial institutions? I guess the Wall Street Journal wants to be the “Wall-Street-Only Journal,” and any effort to deal with small businesses or automobiles, that's somehow a profanation of the temple as far as they're concerned.

We have had serious discussions with the Obama administration. I believe it is important that we do two things: First of all, give the new President the right to spend the money; and, two, give him restrictions on how he spends it.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume. And I would simply say to my colleague that we all recognize that there is a pressing need out there, and the issue of foreclosures is one that does need to be addressed. And I know that we had a discussion in the Rules Committee the night before last on the issue of—and this is prospective, as I had said earlier—but this notion of trying to encourage people, prospective homebuyers, to buy up that surplus of housing out there by incentivizing them to put a down payment. Now, I know that this is an issue that transcends what we're dealing with today—

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. FRANK of Massachusetts. I think there is a lot to be said, but it is, of course, entirely outside the jurisdiction of the Financial Services Committee.

Mr. DREIER. Absolutely. If I could reclaim my time, I will say that I know that it is outside the jurisdiction of the Financial Services Committee, but I think it is very important for us to do everything that we can to look at a broad range of creative proposals to try and deal with this crisis.

And I am happy to further yield to my friend.

Mr. FRANK of Massachusetts. I thank the gentleman. And I agree with that. And housing has been at the center. I would note—and it's not directly relevant, and may, in fact, support this other proposal—but I would note that the homebuilders and the realtors strongly support the bill we are talking about today because they think it helps in other ways. It does not preempt what the gentleman from California is talking about, but those people who are most concerned with the housing industry support the bill and think it will be helpful.

Mr. DREIER. I understand that. And let me reclaim my time, Mr. Speaker, and say that even though it does not fall within the jurisdiction of the Financial Services Committee, this kind of proposal is something that I would like to work with my colleague on and others on as a way to deal with the challenge of this huge supply of housing that exists in my State of California and in other States as well. And the fact that, unfortunately, over the past several years we have seen a wide range of people treating homes that they have purchased like rental units because they put zero down and have very low interest payments, and so they're encouraged to walk away from it, our proposal here is one that is designed to ensure that people actually have a vested interest in that home.

And with that, I'm happy to yield 2 minutes to my very good friend from Hayes, Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from California for yielding.

I am here about a specific provision that was initially in the legislation that we are going to address today. In fact, I came to that realization over the weekend and I contacted the gentleman from Massachusetts (Mr. FRANK), who was kind enough to return my phone call this past weekend. And as a result of an effort by many in this Congress, this provision has been removed. And I am here to commend the gentleman from Massachusetts and my colleagues on the Rules Committee for making in order a manager's amendment that will eliminate a provision

that denies the opportunity for those who receive funds under TARP from owning general aviation aircraft.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. MORAN of Kansas. I have very little time, but I would yield.

Mr. FRANK of Massachusetts. I just want to congratulate him and his fellow Kansans and others who brought this to our attention.

And let's make one thing clear; we recently read—I did—in the New York Times about smaller communities that have lost commercial air service. To tell a business which is located in a community that has lost commercial air service that it can never charter or buy a plane is really to invite them to leave those communities. So it is not simply the airline industry that's involved here, but it is economic fairness for small communities where businesses located there would have no other option if they aren't allowed to go to private aircraft.

Mr. MORAN of Kansas. Reclaiming my time. Again, I appreciate it for two reasons; a person who represents very rural America where air service is very limited, and someone who is from Kansas that represents the general aviation industry, which is very dominant. We are very appreciative of the fact that the provisions which would reduce employment in the aircraft industry and eliminate the opportunities for businesses to remain in rural America is stricken from this legislation in the manager's amendment.

Mr. MCGOVERN. I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for yielding.

The bill is good as far as it goes, but before Congress thinks that we're done with the TARP program, we ought to be considering legislation to make it stronger and to provide additional limits.

First, and most important, we need to prohibit those companies that receive funds under this program from then paying dividends to their existing common shareholders or using their money to go buy the shares held by their existing shareholders. Why are we putting capital in if the company is then taking the capital out, and giving it to its existing shareholders? That needs to be prohibited by statute. At a minimum, I hope we get an unequivocal letter from the incoming administration that they will prevent such transfers by regulation, and through other means.

Second, we need to make sure that if assets are purchased from the banks that were buying bad bonds, that such bonds were owned by American entities, including those with foreign parents, and that these bonds were owned by American entities on September 20, 2008, which is when the whole dam

broke. What we don't want to do is see these monies go to buy bad bonds that were bad investments made in Shanghai and Riyadh and London.

Third, this bill under consideration, and the TARP bill, allows for Million-Dollar-a-Month salaries. We cannot go to the American people and say we have limited executive compensation except for the most common element of executive compensation, salaries. There ought to be a limit—and only on those companies, of course, that are holding taxpayer money. I say to those banks that want to pay more than a million a year, the banks that want to pay more than a million a month to some of their executives and say, fine, give us back the money first.

And finally, as to perks, one thing that the American people have focused on is the use of private executive jets. This bill says you cannot use those—you can't own them or lease them, at least—if your company is based in Detroit. But if you're a Wall Street bank, buy, lease, fly whatever you want. That is a strange anti-Detroit dichotomy. Why should we prohibit these luxury jets? Because we want them to give us the money back. We don't want every executive on Wall Street to come and take the TARP money and hold on to it as long as possible.

Second, we want to encourage jobs in the commercial aircraft industry, both the manufacture and operation of those Boeing jets and United and American Airlines. And finally, because when the banks spend the money on ridiculous perks, whether it be extreme limos or extreme jets, that's money they can't lend to businesses in our districts.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to our very diligent former Rules Committee member, the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I rise in opposition to this rule, which denies Members of this House an opportunity to have their amendments openly debated and given an up-or-down vote.

The amendment which I offered, which was not made in order, would have very simply prohibited any additional budget authority for the TARP program unless at least 30 percent of the final \$350 billion tranche is used to assist smaller, local community financial institutions. The 30 percent floor reflects the fact that approximately 30 percent of our Nation's deposits are held in these institutions, some 7,000 of them across the country.

Mr. Speaker, without question, these smaller institutions are suffering on the front lines of a crisis that they did not create. However, they are uniquely positioned to help provide much-needed credit access to ordinary citizens looking to buy a car or buy a home or invest in a small business.

Allow me to give an example. With every dollar in new capital a community bank can raise, it will help facilitate an additional \$7 to \$10 of lending in their communities. So by guaranteeing an appropriate portion of TARP authority to community institutions, we can better ensure this capital will indeed be put to good use.

□ 1045

Mr. Speaker, when Congress first considered the economic stabilization package last fall, the most severe threat presented to us was across-the-board credit freeze that would have stopped all financial activity in its tracks. Well, we may have avoided a catastrophe on Wall Street, but now is the time to encourage lending and capital on Main Street. And while I am pleased to see the underlying bill recognizes that community financial institutions, including those that are privately thinly held or subchapter S should have are the same level of access to the program as larger institutions, H.R. 384 does not go far enough. We must address the current crisis from a systemic perspective, and my amendment, I believe, would have fostered meaningful participation from the smaller financial institutions which, after all, Mr. Speaker, are vital to the economic recovery of our Nation, our States, our congressional districts. They are the lifeblood.

I ask my colleagues to oppose the rule.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time.

Mr. DREIER. Will the gentleman yield so I might engage in a colloquy?

Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that last night in the Rules Committee as this rule came forward, there was some concern voiced as to whether or not this rule may in some way preempt the opportunity for Members to, in fact, offer a resolution of disapproval to deal with this.

Section 2 of the rule relates to the consideration of the resolution to disapprove the last \$350 billion of TARP funds. Subsection b permits a Member to make a privileged motion to proceed on Wednesday, January 22, when it would normally only be available this coming Sunday. However, subsection a limits the motion to the majority leader rather than any Member.

I just want to confirm again with the gentleman from Massachusetts, just as we did last night in the Rules Committee, that the purpose of this provision is only, only to allow the majority leader to manage the day's schedule and will not in any way be used to deny Members an up-or-down vote on releasing the remaining TARP funds.

And I thank my friend for yielding to me for the question and if he'd like to respond.

Mr. MCGOVERN. The gentleman is correct.

Mr. DREIER. Correct. Okay. I thank my friend for yielding on that.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I would like to yield 1 minute to a very, very hardworking Member, a very senior Member from Indianapolis, Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

What does that mean, a "senior Member"? I hope it doesn't mean I look old.

Mr. DREIER. If the gentleman would yield, he's one term less senior than I.

Mr. BURTON of Indiana. All right.

Mr. Speaker, let me just say that Everett Dirksen, when he was a United States Senator, said, a billion here, a billion there, and you're really talking about money, real money. Now it's a trillion here, a trillion there, and you're talking about real money. The only problem is the American people are going to face hyperinflation down the road if we continue down this path.

Today we are talking about an additional \$350 billion, and we don't even know where the first \$350 billion of the bailout was spent. It makes no sense to me to be voting for this today when we really don't have any accountability for the first tranche, the \$350 billion that has already been allocated.

People in the stock market are taking a real bath. People who have investments, their life investments, in the stock market are taking a real bath. People who are going to retire or are already retired are taking a real bath.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield to my friend from Indianapolis an additional 1 minute.

Mr. BURTON of Indiana. Mr. Speaker, it seems to me that the people who are having trouble in the stock market ought to start looking at places to invest like the ink that's being sold to the U.S. Treasury or the paper that's being sold to the U.S. Treasury that's going to be used to print more and more and more money.

I don't want to take the whole extra minute my colleague has allocated to me, and I really appreciate it, but I would like to say if I were talking to the President or the American people that we have to control spending in this place. We have to control spending. If we don't do that, we're going to see very high inflation which will be followed by very high interest rates, will put a real kibosh and a rubber band effect on our economy. The way to solve this problem is to give the American people some of their money back with tax cuts and to cut capital gains.

So I would like to end up by just saying let's be more concerned about spending around here. Let's really start thinking about it. It's the people's money. The taxpayers want accountability.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just respond to the gentleman by saying that what we are debating today is not about releasing money. There's no money attached to this bill. In fact, all this bill does really is set conditions on any money that may or may not be released. This bill also preserves this Chamber's right to have a vote on the release of the next TARP tranche.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

And I have got to say that the notion that somehow the measure that we're trying to consider here today is not related to this idea of releasing, within this 15-day period, the additional \$350 billion is preposterous. It's clear that it's tied together.

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I thank the gentleman for his observation, but I didn't say that it was not related. The gentleman was talking about this bill as if today we're releasing this money.

What this bill does is set conditions. It makes it clear what Congress' intention is on how that money should be spent if it should be released. If the gentleman or anybody else in this Chamber wants to vote against releasing additional money, they will have that opportunity at a later date.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 5 minutes to our friend from Columbus, Indiana, the distinguished chairman of the Republican Conference (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, we are in a recession. Many American families are hurting. Many millions more worry that they'll lose their job next. And it is important that this Congress, in legislation before us today, in the related legislation and in upcoming bills, take action. Inaction is not an option. But more important than just doing something, it is imperative that Congress, on behalf of the American people, do the right thing. And I rise today to say from my heart that the American people know we cannot borrow and spend and bail our way back to a growing economy.

This legislation, related as it is to the second half of the banking bailout that passed the Congress last fall, is the wrong approach. I opposed that legislation last fall both times it came up because I believe that economic free-

dom means the freedom to succeed and the freedom to fail. The decision that Congress made to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupted this basic truth. There were no easy answers at the time. But the American people deserved to know then and deserve to know now there are alternatives to massive government spending and bailouts.

We come today to consider legislation that, as the gentleman just stated, is preamble, if you will, to the TARP vote that may or may not come to this body, and I acknowledge that. But the truth is that it is all interrelated. And Congress and this body may soon be asked to approve and police the second \$350 billion installment to the financial markets in this country approved last fall, and we will be asked to do so under a new set of promises from a Congress in this legislation and a President, neither of which's sincerity do we question on this floor today, but it's a set of promises about oversight and promises that we'll spend the money better, and I rise today to say that there is just simply a better way.

Taxpayers should not be asked to pay another \$350 billion for a bailout that could be disbursed far beyond the original authorization of this Congress to undetermined industries in ways that we have seen used already for the initial tranche of this bill. House Republicans believe that enough is enough. We believe, as most Americans do, that we cannot borrow and spend and bail our way back to a growing economy.

The real answer that House Republicans embrace, and I believe that it is an answer that most Americans embrace, is that it is time for us to put the American taxpayer first. It's time for us to say "no" to more bailouts, however well additionally supervised, no more bailouts, no more excessive government spending. It's time this Congress began to reduce the burden of taxes on working families, small businesses, and family farms and began to practice the kind of fiscal discipline that the American people expect.

So I rise today in opposition to this rule and the underlying bill. And however well-intentioned, I believe it is, in effect, only preamble to legislation that could come to this floor that would be the wrong decision for the American people. The American people want us to walk away from the politics of bailouts, and they want us to take this country in the direction where we're not releasing the power of the Treasury to solve our very real economic woes but we are passing the kind of tax relief that will release the resources, the genius, the courage, and the ingenuity of the American people. As President John F. Kennedy said, all ships will then rise on a rising tide.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume simply to rise and compliment my friend from Columbus, our Republican Conference Chair, for his very thoughtful remarks on this issue. And I hope very much that we will be able to proceed with a strong and rigorous debate.

Unfortunately, Mr. Speaker, this rule does not allow us to have the kind of debate that I think this institution or the American people deserve, and I say that again reminding our friends that the so-called manager's amendment takes a huge package of amendments and does not allow the kind of transparency about which Mr. Obama has spoken because we won't have time to debate them. I guess there's, what, 40 minutes debate, 20 minutes on each side, to discuss all of the amendments that have been made in order and is I do not believe an adequate amount of time for us to go through the kind of detail that I think the American people deserve and that Members of this institution deserve.

Mr. Speaker, I will say I have been waiting patiently for one of our colleagues; so I just want him to know that I made an attempt to yield time to him. His name will not be mentioned at this point for fear that anyone might think that he was being derelict in his duties. I'm sure he is very, very busy.

Let me say that we are proceeding on an issue which I don't believe we should be dealing with at this moment. The reason I say that is that we have not had adequate hearings, we have not had adequate deliberation on this question, and there is acknowledgment from our friend the Chair of the Committee on Financial Services that the measure that we will be proceeding with will never become public law. It is being used as a consultative tool with the incoming administration. Needless to say, this is a somewhat unusual procedure that the House is going to deal with an issue that is not going to become public law, and as the House is looking at this, discussions are taking place with the administration.

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It is unusual, to say the least. Now, I recognize that we are in near unprecedented times, and we need to deal responsibly with the economic downturn through which the United States of America and the world is now going. But I don't believe that we should be casting aside our responsibility as Members of this institution to do the right thing.

I think that the right thing for us is to actually spend the time and effort looking at creative solutions. At this moment, there is a hearing taking place among our Republican economic stimulus group. I was there earlier this morning. We have a couple of very thoughtful witnesses who I suspect are

still testifying. The former Governor of Massachusetts and Presidential candidate, Mitt Romney; the former president and CEO of eBay, Meg Whitman, were testifying just as I was leaving, and there are several other witnesses coming before this working group of which I am privileged to be a part.

There are lots of ideas that are coming to that hearing, not just from the witnesses, Mr. Speaker, but from the American people as well. Those are actually being voiced at that hearing.

So here we are, I believe, rushing ahead with legislation that is not going to become law and, quite possibly, allowing an additional \$350 billion to be expended on this very, very troubled, troubled asset relief plan. I, for one, believe it is wrong for us to do it as we are doing it.

So, Mr. Speaker, I urge my colleagues to vote "no" on this rule and to vote "no" on the underlying legislation.

With that, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, the Bush economic policies over the 8 years have been a failure. They have been a miserable failure. We have an incredibly high number of people who have lost their jobs. December marked the second highest number of foreclosures in the history of the United States of America. We have the highest deficit and the highest debt in the history of our country.

Unless we do something, something big and something bold, the economy will get worse. We have the worst economy since the Great Depression.

People don't want to hear anymore speeches. People don't want to hear anymore excuses. The people of this country don't want us to stand on the House floor and say we feel your pain.

What people want is action and people want smart, bold, big, effective action by this Congress. What we are doing here today is trying to put forward in blueprint so if, in fact, anymore money is going to be released as part of the TARP, that it is clear where that money will be spent. We are not content to just take the next administrations at their word.

We want to make it very clear where Congress stands. This is a chance for people to decide. If you are for foreclosure relief, then you should be supporting the bill that Chairman FRANK has put forward. If that's not important to you, then you can vote "no." If you want accountability, then you should support this bill. If that's not important, then put it aside.

If you think that the United States House of Representatives should have a say in how this money is spent, then I think you should support this bill. If not, then fine. You don't have to support it.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would just like to say the gentleman we were waiting for earlier has arrived. I was wondering if I might reclaim a little of my time and allow my friend to offer his remarks.

Mr. MCGOVERN. I have no objection to that.

The SPEAKER pro tempore (Mr. GEORGE MILLER of California). Without objection, the gentleman is recognized. There was no objection.

Mr. DREIER. So the gentleman will be able to continue his very brilliant closing statement.

Mr. MCGOVERN. Why don't I reserve my final close and let you yield.

Mr. DREIER. Brilliant idea.

At this time, Mr. Speaker, I would be very, very happy to yield 2 minutes to my friend from Palm Harbor, Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this restrictive rule. The last Congress approved transferring \$350 billion of this Nation's wealth to Wall Street with little transparency, less accountability and, worst of all, with no real effect on our failing economy.

Many of our constituents are opposed to the use of the money to bail out Wall Street. Some of them are so angry at Congress they no longer trust anyone in government.

I submitted an amendment to the Rules Committee that would have required institutions receiving bailout funds to disclose the compensation of their highest-paid executives and directed the Treasury Department to maintain a searchable database of that information.

Unfortunately, my amendment was made out of order. This Congress is entrusting \$700 billion of taxpayers' monies to executives on Wall Street, and yet Congress won't even require those same executives to disclose what they are paying themselves.

I believe we need this information to help us make informed decisions about the use of taxpayers' money to help the people and companies that greatly contributed to our current economic crisis. Our constituents deserve to know how those to whom we have given their money are using it. If Congress fails to insist on at least the most basic mechanisms of transparency while handing billions to Wall Street, we will have victimized the American people and done irreparable harm to the reputation of this institution.

I hope in the future the majority heeds our incoming President's call for bipartisanship in this body and openness in government, goals towards which my amendment would have made progress.

Mr. DREIER. Mr. Speaker, I yield myself the balance of our time, and the

gentleman from Massachusetts is going to offer his closing statements then.

I would just like to take a moment if I might, Mr. Speaker. The distinguished chairman of the Financial Services Committee, Mr. FRANK, as he reminded us in the Rules Committee the day before yesterday, and I came to Congress in 1980. We did so at a very challenging economic time for the United States.

I would like to remind our colleagues that Ronald Reagan was elected President the same day that Mr. FRANK and I were elected to serve in the House of Representatives. At that time we were dealing with double-digit unemployment, interest rates that were well into double digits and economic news that was, in fact, very, very dire.

Now, I am no way diminishing, diminishing, the seriousness of the economic challenges that we face today, but I think that it is very important for us to note that the economy that Ronald Reagan inherited, when some of us first arrived here, was, in fact, in a more serious and dire circumstance than we face today. The reason I say that is that it has become a standard line over the last week or two to say that we are, in fact, in the most serious economic time since the Great Depression.

Now, I hope and pray that that is not the case, but, again, if we look at simply the numbers that existed in the early part of the 1980s, when Mr. FRANK and I arrived here in the Congress, to what they are today, we still have a lot of work to do, but I believe that Ronald Reagan faced more serious challenges than we face now.

Now, I will say that I don't know what tomorrow is going to bring. No one knows what tomorrow is going to bring, but I believe that the solutions that we put into place in the early 1980s were, in fact, very positive ones, which brought about marginal rate reduction, which increased by \$1 trillion the flow of revenues to the Federal Treasury through the 1980s. And, yes, we did see an increase in the size of the Federal deficit.

This Congress ended up spending an awful lot more money than had been anticipated or than Ronald Reagan or some of the rest of us would have wanted. We also know that there was a dramatic buildup in defense spending that took place during the 1980s, and I believe at this juncture we have seen the great benefit of that.

In fact, this year we marked the very important 20th anniversary of many, many, many of the great accomplishments that came from what Ronald Reagan did during the 1980s.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. DREIER. Of course, I am happy to yield to my friend, the distinguished Chair of the Committee on Financial Services.

Mr. FRANK of Massachusetts. He says that Ronald Reagan didn't like the spending of the Congress during his administration. Of course, for 6 of those 8 years he had a Republican Senate, but the point is, if he didn't like it, he exercised great self-restraint because he never vetoed one of those spending bills that he apparently didn't like.

Mr. DREIER. Well, if I could reclaim my time, I would say that Ronald Reagan did not like a lot of that spending. Maybe he tolerated some of that spending, is what I might acknowledge.

But the fact is there was more spending than Ronald Reagan or any of the rest of us would have liked in the 1980s on a wide range of programs, but I did acknowledge the dramatic increase in defense spending. Again, this year, 2009, marks the 20th anniversary of the crumbling of the Berlin Wall and dramatic changes that took place in Asia, Africa, Europe that I think need to be realized that came from that very, very difficult economic challenge that Ronald Reagan inherited in 1981.

So I would say, Mr. Speaker, that I think it's important for us to use the kinds of solutions that worked in the early 1980s, if we can. All I am arguing, as we look at the debate on this rule and the underlying legislation that, we, unfortunately, are not turning to those very thoughtful time tested alternatives.

It's for that reason that I urge my colleagues to vote "no" on this rule and on the underlying legislation. I appreciate my colleagues allowing our friend from Florida to have the chance to speak.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I just want to close by saying that I appreciate the history lesson on Ronald Reagan and the Berlin Wall and all the other things that were mentioned.

But the harsh reality is that people are suffering. As we speak, people are losing their homes. The foreclosure numbers in December were the second highest, were the second highest in the history of this country. People need help now. We need to do something now.

So the point of this legislation is to help provide a blueprint for this new administration which has already outlined similar views but to basically reinforce what they have said they want to do, to help provide foreclosure relief, more accountability, to be able to help small businesses get the credit they need, so they can employ more people. We need to get this economy on the right track, and Congress should have a say in it.

So I would urge my colleagues to vote "yes" on the underlying bill and I would urge them to vote "yes" on the bill. I urge a "yes" vote on the previous question.

Ms JACKSON-LEE of Texas. Thank you, Mr. Speaker, for affording me this opportunity

to address H. Res. 62, the rule providing for consideration of H.R. 384, the TARP Reform and Accountability Act of 2009. I believe the rule can be supported by every Member of the House.

Mr. Speaker, I was pleased to work with Chairman FRANK and his staff on significant portions of this Manager's Amendment to ensure that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds. Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that this Manager's Amendment does just this.

This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008 (EESA) to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It's been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks, however smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

Specifically, I worked with Chairman FRANK on the language in the Manager's Amendment. In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants. Furthermore, the inclusion of these businesses should be at all levels, in-

cluding procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses. This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 384.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes, with Mr. ROSS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, January 14, 2009, all time for general debate, pursuant to House Resolution 53, had expired.

Pursuant to House Resolution 62, no further general debate is in order, and the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is, as follows:

H.R. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "TARP Reform and Accountability Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

Sec. 101. New conditionality for TARP-assisted institutions.

Sec. 102. Executive compensation and corporate governance.

Sec. 103. New lending by insured depository institutions that is attributable to TARP investments and assistance.

Sec. 104. Other protections for the taxpayer.

Sec. 105. Availability of TARP funds to smaller community institutions.

Sec. 106. Increase in size and authority of Financial Stability Oversight Board.

Sec. 107. Clarification.

TITLE II—FORECLOSURE RELIEF

Sec. 201. TARP foreclosure mitigation plan and implementation.

Sec. 202. Elements of plan.

Sec. 203. Program alternatives.

Sec. 204. Systematic foreclosure prevention and mortgage modification plan established.

Sec. 204. Modification of plan.

Sec. 205. Servicer safe harbor.

Sec. 206. Report by Congressional Oversight Panel.

TITLE III—AUTO INDUSTRY FINANCING AND RESTRUCTURING

Sec. 301. Short title.

Sec. 302. Direct loan provisions.

TITLE IV—CLARIFICATION OF AUTHORITY

Sec. 401. Consumer loans.

Sec. 402. Municipal securities.

Sec. 403. Commercial real estate loans.

TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

Sec. 501. Changes to HOPE for Homeowners Program.

Sec. 502. Funding of increased HOPE for Homeowners Program credit subsidy costs.

TITLE VI—HOME BUYER STIMULUS

Sec. 601. Home buyer stimulus program.

TITLE VII—FDIC PROVISIONS

Sec. 701. Permanent increase in deposit insurance.

Sec. 702. Extension of restoration plan period.

Sec. 703. Borrowing authority.

Sec. 704. Systemic risk special assessments.

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

SEC. 101. NEW CONDITIONALITY FOR TARP-ASSISTED INSTITUTIONS.

(a) IN GENERAL.—Section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223) is amended by adding at the end the following new subsections:

“(e) REPORTING, MONITORING AND ACCOUNTABILITY.—

“(1) PERIODIC PUBLIC REPORTING ON USE OF ASSISTANCE.—The Secretary shall require any assisted institution that became an assisted institution on or after October 3, 2008, to publicly report, not less than quarterly, on such institution’s use of the assistance.

“(2) ADDITIONAL REQUIREMENTS AND COMPLIANCE.—The Secretary—

“(A) may establish additional reporting and information requirements for any direct or indirect recipient of any assistance or benefit at any time on or after October 3,

2008, that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under this title; and

“(B) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available under this title.

“(3) CONSULTATION.—The Secretary shall consult with the appropriate Federal banking agencies in establishing the reporting requirements under this subsection that are applicable to insured depository institutions.

“(f) USE AND ACCOUNTABILITY FOR USE OF FUNDS.—

“(1) INSURED DEPOSITORY INSTITUTION.—

“(A) INVESTMENT IN OR OTHER INJECTION OF FUNDS INTO A DEPOSITORY INSTITUTION.—As a condition for the provision of any investment in the capital or assets of, or any other provision of assistance to or for the benefit of, any insured depository institution, the Secretary shall incorporate into the agreement for such investment or assistance an agreement between the depository institution and the appropriate Federal banking agency with respect to such institution on the manner in which the funds are to be used and benchmarks that the institution is required to meet in using the funding so as to advance the purposes of this Act to strengthen the soundness of the financial system and the availability of credit to the economy.

“(B) EXAMINATIONS.—In the case of any assisted insured depository institution that became an assisted institution on or after October 3, 2008, the appropriate Federal banking agency shall specifically review at least once annually the use, by the institution, of funds made available under this Act and compliance by the institution with the requirements established by or pursuant to this title or by agreement of the institution with the Secretary or the appropriate Federal banking agency, including executive compensation and any other specific agreement terms. Such review may be conducted in connection with the regular full-site examination, or any other examination.

“(C) COMPLIANCE PROCEDURES REQUIRED.—Each appropriate Federal banking agency shall prescribe regulations requiring assisted insured depository institutions to establish and maintain procedures designed to assure and monitor the compliance of such depository institutions with the requirements established by or pursuant to this title or by agreement of the institution with the Secretary or such agency.

“(2) USE OF TARP FUNDS FOR MERGERS OR ACQUISITIONS.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009, no assisted institution that became an assisted institution at any time on or after October 3, 2008, may merge or consolidate with any insured depository institution or, either directly or indirectly, acquire the assets of, or assume liability to pay any deposits made in, any insured depository institution, and no Federal banking agency may approve any such action under section 18(c) of the Federal Deposit Insurance Act, while any of such assistance is outstanding unless, prior to the approval of such agency, the Secretary has determined in consultation with any relevant Federal banking agencies that—

“(A) such action will reduce risk to the taxpayer; or

“(B) the transaction could have been consummated without funds provided under this title.

“(3) NONDEPOSITORY INSTITUTIONS.—In the case of any assisted institution that became an assisted institution on or after October 3,

2008, and is not described in and subject to paragraph (1), the Secretary shall establish such reporting requirements and require any other conditions or agreements no less stringent than those applicable to assisted insured depository institutions, including requirements to conduct examinations of the books, affairs, and procedures of any such financial institution by the Secretary or by delegation to the Board.

“(g) NO IMPEDIMENT TO WITHDRAWAL.—Subject to consultation with the appropriate Federal banking agencies, the Secretary may permit an insured depository institution to repay any assistance previously provided under this title to such depository institution without regard to whether the depository institution has replaced such funds from any other source.”

(b) DEFINITIONS.—Section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202) is amended by adding at the end the following new paragraphs:

“(10) DEFINITIONS RELATING TO INSURED DEPOSITORY INSTITUTIONS.—The terms ‘depository institution’, ‘insured depository institution’, ‘Federal banking agency’ and ‘appropriate Federal banking agency’ have the same meanings as in section 3 of the Federal Deposit Insurance Act.

“(11) ASSISTED INSTITUTION.—The terms ‘assisted institution’ or ‘assisted insured depository institution’ means any such institution that receives, directly or indirectly, any assistance or benefit that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under title I.”

SEC. 102. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

(a) IN GENERAL.—Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended by adding at the end the following new subsections:

“(e) ACROSS-THE-BOARD EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE REQUIREMENTS.—

“(1) STANDARDS REQUIRED.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009 and notwithstanding any provision of, and in addition to any requirement of subsection (a), (b), or (c) (other than the definitions in subsection (b)(3)), the Secretary shall require any assisted institution to meet standards for executive compensation and corporate governance while any assistance under this title is outstanding.

“(2) SPECIFIC REQUIREMENTS.—The standards established under paragraph (1) shall include—

“(A) limits on compensation that exclude incentives for senior executive officers of an assisted institution which received assistance under this title to take unnecessary and excessive risks that threaten the value of such institution during the period that any assistance under this title is outstanding;

“(B) a provision for the recovery by such institution of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate;

“(C) a prohibition on such institution making any golden parachute payment to a senior executive officer during the period that the assistance under this title is outstanding;

“(D) a prohibition on such institution paying or accruing any bonus or incentive compensation, during the period that the assistance under this title is outstanding, to the 25 most highly-compensated employees; and

“(E) a prohibition on any compensation plan that would encourage manipulation of such institution’s reported earnings to enhance the compensation of any of its employees.

“(3) DIVESTITURE.—During the period in which any assistance under this title to any assisted institution is outstanding, the institution may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such institution shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the institution immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the Secretary that all reasonable steps are being taken to sell or divest such aircraft or interest.

“(4) APPLICABILITY TO PRIOR ASSISTANCE.—Notwithstanding any limitations included in subsection (a), (b), or (c) with regard to applicability, the Secretary may apply the requirements of and the standards established under this subsection to any assisted institution that received any assistance under this title on or after the date of the enactment of the TARP Reform and Accountability Act of 2009.

“(f) BOARD OBSERVER.—The Secretary may require the attendance of an observer delegated by the Secretary, on behalf of the Secretary, to attend the meetings of the board of directors of any assisted institution that became an assisted institution on or after October 3, 2008, and any committees of such board of directors, while any assistance under this title is outstanding.”

(b) REPEAL OF DE MINIMIS EXCEPTION.—Section 111(c) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(c)) is amended by striking “and only where such purchases per financial institution in the aggregate exceed \$300,000,000 (including direct purchases).”

SEC. 103. NEW LENDING BY INSURED DEPOSITORY INSTITUTIONS THAT IS ATTRIBUTABLE TO TARP INVESTMENTS AND ASSISTANCE.

Section 7(a) of the Federal Deposit Insurance Act (U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

“(12) LENDING INCREASES ATTRIBUTABLE TO INVESTMENT OR OTHER ASSISTANCE UNDER THE TROUBLED ASSETS RELIEF PROGRAM.—

“(A) IN GENERAL.—Each report of condition filed pursuant to this subsection by an insured depository institution which received an investment or other assistance under the Troubled Assets Relief Program established by the Emergency Economic Stabilization Act of 2008 or section 136(d) of the Energy Independence and Security Act of 2007 shall report the amount of any increase in new lending in the period covered by such report (or the amount of any reduction in any decrease in new lending) that is attributable to such investment or assistance, to the extent possible.

“(B) ALTERNATIVE MEASURE.—If an insured depository institution that is subject to subparagraph (A) cannot accurately quantify the effect that an investment or other assistance under such Troubled Assets Relief Program has had on new lending by the institution, the insured depository institution shall report the total amount of the increase in new lending, if any, in the period covered by such report.

“(C) DESIGNATION OF REPORTING REQUIREMENT.—The Federal banking agencies and the Secretary of the Treasury shall specify the form, content, and manner of reports required under this paragraph.”

SEC. 104. OTHER PROTECTIONS FOR THE TAXPAYER.

(a) WARRANT REQUIREMENTS.—Subsection (d) of section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) WARRANTS.—

“(A) IN GENERAL.—The Secretary may not provide any assistance under this title to any institution, unless the Secretary, receives from the institution—

“(i) in the case of an institution the securities of which are traded on a national securities exchange, a warrant giving the right to the Secretary to receive nonvoting common stock or preferred stock in such institution, or voting stock, with respect to which the Secretary agrees not to exercise voting power, whichever the Secretary determines appropriate; or

“(ii) in the case of an institution other than one described in clause (i), a warrant for common or preferred stock, or an instrument that is the economic equivalent (as determined by the Secretary) of such a warrant in the financial institution (in the case of a mutual association), holding company of the financial institution, or any company that controls a majority stake in the financial institution, whichever the Secretary determines appropriate.

“(B) AMOUNT.—

“(i) IN GENERAL.—The warrants or instruments described in subparagraph (A) with respect to an assisted institution shall have a value equal to 15 percent of the aggregate amount of all assistance provided to the institution under this title. Such warrants or instruments shall entitle the Government to purchase—

“(I) nonvoting common stock, up to a maximum amount of 15 percent of the issued and outstanding common stock of—

“(aa) the assisted institution; or

“(bb) in the case of an assisted institution, the securities of which are not traded on a national securities exchange, a holding company or company that controls a majority of the stock thereof (in this section referred to as the ‘warrant common’); and

“(II) preferred stock having an aggregate liquidation preference equal to 15 percent of such aggregate loan amount, less the value of common stock available for purchase under the warrant common (in this section referred to as the ‘warrant preferred’).

“(ii) COMMON STOCK WARRANT PRICE.—The exercise price on a warrant or instrument described in paragraph (1) shall be—

“(I) the 15-day trailing average, as of 1 day prior to the date on which any commitment to provide assistance under this title was entered into, of the market price of the common stock of the assisted institution; or

“(II) in the case of an assisted institution, which is a mutual association or the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (I), as determined by the Secretary.

“(iii) TERMS OF PREFERRED STOCK WARRANT.—

“(I) IN GENERAL.—The initial exercise price for the preferred stock warrant shall be \$0.01 per share or such greater amount as the corporate charter may require as the par value per share of the warrant preferred. The Government shall have the right to immediately exercise the warrants.

“(II) REDEMPTION.—The warrant preferred may be redeemed at any time after exercise of the preferred stock warrant at 100 percent of its issue price, plus any accrued and unpaid dividends.”

(b) REPEAL OF CERTAIN EXCEPTION.—Section 113(d)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(d)(3)) is amended by striking subparagraph (A).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2553(d)) is amended by striking subparagraph (E).

SEC. 105. AVAILABILITY OF TARP FUNDS TO SMALLER COMMUNITY INSTITUTIONS.

(a) PROMPT ACTION.—The Secretary shall promptly take all necessary actions to make available funds under title I of the Emergency Economic Stabilization Act of 2008 to smaller community financial institutions.

(b) COMPARABLE TERMS.—If any institution becomes an assisted institution after the date of the enactment of this Act, such funding for depository institutions that—

(1) have submitted applications on which no action has been taken, such as institutions that are C corporations (including privately held institutions) and community development financial institutions; or

(2) are of a type for which the Secretary has not yet established an application deadline or for which any such deadline has not yet occurred as of the date of the enactment of this Act, such as institutions that are non-stock corporations, S-corporations, mutually-owned insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act),

shall receive such funding on terms comparable to the terms applicable to institutions that received funding prior to the date of the enactment of this Act.

(c) DEFINITIONS.—For purposes of this section, the terms “S Corporation” and “C Corporation” shall have the same meaning given to those terms in section 1361(a) of the Internal Revenue Code of 1986.

SEC. 106. INCREASE IN SIZE AND AUTHORITY OF FINANCIAL STABILITY OVERSIGHT BOARD.

(a) AUTHORITY.—Section 104 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g) REVIEW AND DECISIONMAKING.—After conducting any review under this section of a policy determination made by the Secretary, the Financial Stability Oversight Board may overturn any such policy determination by a ¾ vote of all members of such board.”

(b) APPOINTMENT OF 3 ADDITIONAL MEMBERS.—Section 104(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514(b)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(6) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and

“(7) 2 members appointed by the President, by and with the consent of the Senate, from among individuals who are not officers or employees of the United States Government.”

SEC. 107. CLARIFICATION.

Section 101 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514(b)) is amended by adding at the end the following new subsection:

“(f) CLARIFICATION.—Any provision of capital to, purchase of equity in, or assistance provided to any institution under this title shall be considered to be a purchase of troubled assets for purposes of this title.”.

TITLE II—FORECLOSURE RELIEF

SEC. 201. TARP FORECLOSURE MITIGATION PLAN AND IMPLEMENTATION.

(a) PLAN REQUIRED.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury (in this title referred to as the “Secretary”) pursuant to section 115(a)(3) of such Act shall be available to the Secretary after March 15, 2009, unless a comprehensive plan to prevent and mitigate foreclosures on residential properties, in accordance with the requirements of this title, has been developed by the Secretary and approved by the Financial Stability Oversight Board by such date.

(b) COMMITMENT OF RESOURCES.—The comprehensive plan established pursuant to subsection (a) shall require the commitment of funds made available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount up to \$100,000,000,000, but in no case less than \$40,000,000,000.

(c) IMPLEMENTATION REQUIRED.—The Secretary shall begin committing funds available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 to implement the comprehensive plan established pursuant to subsection (a) by not later than April 1, 2009.

(d) CERTIFICATION.—If by May 1, 2009, the Secretary does not commit more than the minimum of \$40,000,000,000 as required under subsection (b), the Secretary shall certify to the Congress, no later than May 15, 2009, the specific reasons that such additional funds have not been committed.

SEC. 202. ELEMENTS OF PLAN.

(a) REQUIRED ELEMENTS.—The comprehensive plan established pursuant to section 201(a) shall comply with the following requirements:

(1) OWNER-OCCUPIED RESIDENCES ONLY.—The programs implemented under the plan shall prevent and mitigate foreclosures specifically on owner-occupied residential properties.

(2) LEVERAGING OF PRIVATE CAPITAL.—The plan shall leverage private capital to the maximum extent possible consistent with the purpose of preventing and mitigating foreclosures on such properties.

(3) USE OF PROGRAM ALTERNATIVES.—The actions to be taken under the plan shall consist of one, or a combination of more than one, of the program alternatives set forth in section 203.

(b) CONCENTRATIONS OF FORECLOSURES.—The comprehensive plan established pursuant to section 201(a) may include provisions designed to prevent and mitigate foreclosures on residential properties located in areas that are most seriously affected by such foreclosures.

SEC. 203. PROGRAM ALTERNATIVES.

The program alternatives set forth in this section are as follows:

(1) SYSTEMATIC LOAN MODIFICATION PROGRAM.—The systematic foreclosure prevention and mortgage modification program under section 204.

(2) REDUCTION OF HOPE FOR HOMEOWNERS PROGRAM COSTS.—A program under which the Secretary—

(A) provides coverage for fees under the HOPE for Homeowners Program under sec-

tion 257 of the National Housing Act (12 U.S.C. 1715z–23), as amended by title V of this Act; or

(B) ensures the affordability of interest rates of mortgages insured under such Program.

(3) BUY-DOWN OF SECOND LIEN MORTGAGES.—A program under which the Secretary makes available to owners of owner-occupied residential properties a direct mortgage loan the proceeds of which shall be used only to reduce the outstanding debt of such owner under an existing second lien mortgage on such residential property, for the purpose of facilitating loan modification, subject to such reductions in the principal of such existing second lien mortgages as the Secretary may require.

(4) SERVICER INCENTIVES AND ASSISTANCE.—A program under which the Secretary may make payments to servicers who implement modifications to mortgages that result in mortgages that meet such requirements as the Secretary shall establish.

(5) LOAN PURCHASES.—A program under which the Secretary, or one or more entities that the Secretary, in consultation with the Secretary of Housing and Urban Development, enters into a contract with to carry out the program under this paragraph, which may include the Federal Deposit Insurance Corporation and entities selected as contractors under section 107 of the Emergency Economic Stabilization Act of 2008, purchases whole loans for the purpose of modifying or refinancing the loans.

SEC. 204. SYSTEMATIC FORECLOSURE PREVENTION AND MORTGAGE MODIFICATION PLAN ESTABLISHED.

(a) IN GENERAL.—The systematic foreclosure prevention and mortgage modification program under this section shall be a program established by the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, that—

(1) provides lenders and loan servicers with certain compensation to cover administrative costs for each loan modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified loan should subsequently re-default.

(b) PROGRAM ADMINISTRATION.—The Secretary, in consultation with the Secretary of Housing and Urban Development, may contract with one or more entities, including the Federal Deposit Insurance Corporation and entities selected as contractors under section 107 of the Emergency Economic Stabilization Act of 2008, to conduct the program activities required under the program under this section.

(c) PROGRAM COMPONENTS.—The program established under subsection (a) may include the following components:

(1) ELIGIBLE BORROWERS.—The program shall be limited to loans secured by owner-occupied properties.

(2) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, loss sharing or guarantees shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage.

(3) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and audit, the Secretary shall prescribe a standardized net present value analysis for participating lenders and servicers comparing the expected net present value of modifying past due loans compared to the net present value of foreclosing on

them will be applied. Under this test, standard assumptions shall be used to ensure that a consistent standard for affordability is provided based on a ratio of the borrower's mortgage-related expenses for the first priority mortgage-to-gross income specified by the Secretary.

(4) SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.—Participating lenders and servicers shall be required to undertake a systematic review of all of the loans under their management, to subject each loan to a standard net present value test to determine whether it is a suitable candidate for modification, and to offer modifications for all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be disqualification from further participation in the program until such a systematic program was introduced.

(5) MODIFICATIONS.—Modifications may include any of the following:

(A) Reduction in interest rates and fees.

(B) Term or amortization extensions.

(C) Forbearance or forgiveness of principal.

(D) Other similar modifications.

(6) SIMPLIFIED LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and effective operation of the program, the Secretary shall define appropriate measures for loss sharing or guarantees designed to reduce the risk and loss upon re-default of modified mortgages in order to provide adequate incentives to lenders, servicers, and investors to modify eligible mortgages and avoid unnecessary foreclosures. Interim modifications shall be allowed.

(7) DE MINIMIS TEST.—To lower administrative costs, a de minimis test shall be used to exclude from loss sharing any modification that does not lower the monthly payment at least 10 percent.

(8) 8 YEAR LIMIT ON LOSS SHARING PAYMENT.—The loss sharing guarantee shall terminate at the end of the 8-year period beginning on the date the modification was consummated.

(d) ALTERNATIVE COMPONENTS.—The Secretary may, with the approval of the Board, implement foreclosure prevention and mitigation actions other than those included pursuant to subsection (c) in the comprehensive plan initially approved by the Board pursuant to section 201(a) that the Secretary believes would provide equivalent or greater impact on foreclosure mitigation.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to implement this section and prevent evasions thereof.

(f) TROUBLED ASSETS.—The costs incurred by the Federal Government in carrying out the loan modification program established under this section shall be covered out of the funds made available to the Secretary of the Treasury under section 118 of the Emergency Economic Stabilization Act of 2008 or such other funds as may be available to the Secretary.

(g) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary shall submit a progress report to the Congress containing such findings and such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.

SEC. 204. MODIFICATION OF PLAN.

(a) IN GENERAL.—If the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing

and Urban Development, determines at any time that modification of the comprehensive plan initially approved by the Board pursuant to section 201(a) (as such plan may subsequently have been modified pursuant to this section), or that modification of any component program element, is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosure mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

SEC. 205. SERVICER SAFE HARBOR.

(a) **SAFE HARBOR.**—

(1) **LOAN MODIFICATIONS AND WORKOUT PLANS.**—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan with respect to any such mortgage that meets all of the criteria set forth in paragraph (2)(B) to—

(A) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(B) any person who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) any person that insures any loan or any interest referred to in subparagraph (A) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(2) **ABILITY TO MODIFY MORTGAGES.**—

(A) **ABILITY.**—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer—

(i) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications; and

(ii) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle,

if any mortgage so modified meets all of the criteria set forth in subparagraph (B).

(B) **CRITERIA.**—The criteria under this subparagraph with respect to a mortgage are as follows:

(i) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

(ii) The property securing such mortgage is occupied by the mortgagor of such mortgage.

(iii) The servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(3) **APPLICABILITY.**—This subsection shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before January 1, 2012.

(b) **LEGAL COSTS.**—If an unsuccessful action is brought against a servicer by any person described in subparagraph (A), (B), or (C) of subsection (a)(1), such person shall bear any actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith in such action, as determined by the court.

(c) **REPORTING.**—Each servicer that engages in loan modifications or workout plans subject to the safe harbor in subsection (a) shall report to the Secretary on a regular basis regarding the extent, scope and results of the servicer's modification activities. The Secretary shall prescribe regulations specifying the form, content, and timing of such reports.

(d) **DEFINITION OF SECURITIZATION VEHICLES.**—For purposes of this section, the term "securitization vehicle" means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 206. REPORT BY CONGRESSIONAL OVERSIGHT PANEL.

The Congressional Oversight Panel established by section 125 of the Emergency Economic Stabilization Act of 2008 shall submit a report to the Congress, not later than July 1, 2009, regarding—

(1) the actions taken by the Secretary pursuant to this title;

(2) the impact and effectiveness of such actions on foreclosures on residential properties; and

(3) the effectiveness of such actions from the standpoint of minimizing costs to the taxpayers.

TITLE III—AUTO INDUSTRY FINANCING AND RESTRUCTURING

SEC. 301. SHORT TITLE.

This title may be cited as the "TARP Reform and Accountability Act of 2009".

SEC. 302. DIRECT LOAN PROVISIONS.

(a) **IN GENERAL.**—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by adding at the end the following:

"TITLE IV—AUTO INDUSTRY FINANCING AND RESTRUCTURING

"SEC. 401. PURPOSES.

"The purposes of this title are—

"(1) to clarify and confirm the authority and facilities to restore liquidity and stability to domestic vehicle manufacturers in the United States; and

"(2) to ensure that such authority and such facilities are used in a manner that—

"(A) results in a viable and competitive domestic automobile industry that minimizes adverse effects on the environment;

"(B) enhances the ability and the capacity of the domestic automobile industry to pursue the timely and aggressive production of energy-efficient advanced technology vehicles;

"(C) preserves and promotes the jobs of American workers employed directly by the domestic automobile industry and in related industries;

"(D) safeguards the ability of the domestic automobile industry to provide retirement and health care benefits for the industry's retirees and their dependents; and

"(E) stimulates manufacturing and sales of automobiles produced by automobile manufacturers in the United States.

"SEC. 402. PRESIDENTIAL DESIGNATION.

"(a) **DESIGNATION.**—The President shall designate one or more officers from the Executive Branch having appropriate expertise in such areas as economic stabilization, financial aid to commerce and industry, financial restructuring, energy efficiency, and environmental protection (who shall hereinafter in this title be collectively referred to as the 'President's designee') to carry out the purposes of this title, including the facilitation of restructuring necessary to achieve the long-term financial viability of domestic automobile manufacturers, who shall serve at the pleasure of the President.

"(b) **ADDITIONAL PERSONS.**—The President or the President's designee may also employ, appoint, or contract with additional persons having such expertise as the President or the President's designee believes will assist the Government in carrying out the purposes of this title.

"(c) **PARTICIPATION BY OTHER AGENCY PERSONNEL.**—Other Federal agencies may provide, at the request of the President's designee, staff on detail from such agencies for purposes of carrying out this title.

"SEC. 403. BRIDGE FINANCING.

"(a) **IN GENERAL.**—The President's designee shall authorize and direct the disbursement of bridge loans or enter into commitments for lines of credit to each automobile manufacturer that submitted a plan to the Congress on December 2, 2008 (hereafter in this title referred to as an 'eligible automobile manufacturer'), and has submitted a request for such loan or commitment. Nothing in this section shall preclude the President's designee from authorizing and directing the disbursement of bridge loans or entering into commitments for lines of credit to other entities.

"(b) **AMOUNT OF ASSISTANCE.**—The President's designee shall authorize bridge loans or commitments for lines of credit to each eligible automobile manufacturer in an amount that is intended to facilitate the continued operations of the eligible automobile manufacturer and to prevent the failure of the eligible automobile manufacturer, consistent with the plan submitted on December 2, 2008, and subject to available funds.

"SEC. 404. RESTRUCTURING PROGRESS ASSESSMENT.

"(a) **ESTABLISHMENT OF MEASURES FOR ASSESSING PROGRESS.**—Not later than February 1, 2009, the President's designee shall determine appropriate measures for assessing the progress of each eligible automobile manufacturer toward transforming the plan submitted by such manufacturer to the Congress on December 2, 2008, into the restructuring plan to be submitted under section 405(b).

"(b) **EVALUATION OF PROGRESS ON BASIS OF RESTRUCTURING PROGRESS ASSESSMENT MEASURES.**—

"(1) **IN GENERAL.**—The President's designee shall evaluate the progress of each eligible automobile manufacturer toward the development of a restructuring plan, on the basis of the restructuring progress assessment measures established under this section for such manufacturer.

"(2) **TIMING.**—Each evaluation required under paragraph (1) for any eligible automobile manufacturer shall be conducted at the end of the 15-day period beginning on the date on which the restructuring progress assessment measures were established by the President's designee for such eligible automobile manufacturer.

"SEC. 405. SUBMISSION OF PLANS.

"(a) **NEGOTIATED PLANS.**—

“(1) FACILITATION.—

“(A) IN GENERAL.—Beginning on the date of any disbursement under the facility, the President’s designee shall seek to facilitate agreement on any restructuring plan to achieve and sustain the long-term viability, international competitiveness, and energy efficiency of an eligible automobile manufacturer, negotiated and agreed to by representatives of interested parties (in this title referred to as a ‘negotiated plan’) with respect to any eligible automobile manufacturer.

“(B) INTERESTED PARTIES.—For purposes of this section, the term ‘interested party’ shall be construed broadly so as to include all persons who have a direct financial interest in a particular automobile manufacturer, including—

- “(i) employees and retirees of the eligible automobile manufacturer;
- “(ii) trade unions;
- “(iii) creditors;
- “(iv) suppliers;
- “(v) automobile dealers; and
- “(vi) shareholders.

“(2) ACTIONS OF THE PRESIDENT’S DESIGNEE.—

“(A) IN GENERAL.—For the purpose of achieving a negotiated plan, the President’s designee may convene, chair, and conduct formal and informal meetings, discussions, and consultations, as appropriate, with interested parties of an eligible automobile manufacturer.

“(B) CLARIFICATION.—The Federal Advisory Committee Act shall not apply with respect to any of the activities conducted or taken by the President’s designee pursuant to this title.

“(b) RESTRUCTURING PLAN.—Not later than March 31, 2009, each eligible automobile manufacturer shall submit to the President’s designee a restructuring plan to achieve and sustain the long-term viability, international competitiveness, and energy efficiency of the eligible automobile manufacturer (in this title referred to as the ‘restructuring plan’) in accordance with this section. The President’s designee shall approve the restructuring plan if the President’s designee determines that the plan will result in—

“(1) the repayment of all Government-provided financing, consistent with the terms specified in section 408, or otherwise agreed to;

“(2) the ability—

“(A) to comply with applicable fuel efficiency and emissions requirements;

“(B) to commence domestic manufacturing of advanced technology vehicles, as described in section 136 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17013); and

“(C) to produce new and existing products and capacity;

“(3) the achievement of a positive net present value, using reasonable assumptions and taking into account all existing and projected future costs, including repayment of any financial assistance provided pursuant to this title;

“(4) the ability to rationalize costs, capitalization, and capacity with respect to the manufacturing workforce, suppliers, and dealerships of the eligible automobile manufacturer;

“(5) proposals to restructure existing debt, including, where appropriate, the conversion of debt to equity, to improve the ability of the eligible automobile manufacturer to raise private capital; and

“(6) a product mix and cost structure that is competitive in the marketplace.

“(c) EXTENSION OF NEGOTIATIONS AND PLAN DEADLINE.—Notwithstanding the time limi-

tations in subsection (b), the President’s designee, upon making a determination that the interested parties are negotiating in good faith, are making significant progress, and that an additional period of time would likely facilitate agreement on a negotiated plan, and upon notification of the Congress, may extend for not longer than 30 additional days the negotiation period under subsection (b).

“SEC. 406. FINANCING FOR RESTRUCTURING.

“Upon approval by the President’s designee of a restructuring plan, the President’s designee may provide financial assistance to an eligible automobile manufacturer to implement the restructuring plan.

“SEC. 407. DISAPPROVAL AND CALL OF LOAN.

“If the President’s designee has not approved the restructuring plan at the expiration of the period provided in section 405 for submission and approval of the restructuring plan, the President’s designee shall call the loan or cancel the commitment within 30 days, unless a restructuring plan is approved within that period.

“SEC. 408. TERMS AND CONDITIONS.

“(a) DURATION.—The duration of any loan made under this title shall be 7 years, or such period as the President’s designee may determine with respect to such loan.

“(b) NO PREPAYMENT PENALTY.—A loan made under this title shall be prepayable without penalty at any time.

“(c) INFORMATION ACCESS.—As a condition for the receipt of any financial assistance made under this title, an eligible automobile manufacturer shall agree—

“(1) to allow the President’s designee to examine any books, papers, records, or other data of the eligible automobile manufacturer, and those of any subsidiary, affiliate, or entity holding an ownership interest of 50 percent or more of such automobile manufacturer, that may be relevant to the financial assistance, including compliance with the terms of a loan or any conditions imposed under this title; and

“(2) to provide in a timely manner any information requested by the President’s designee, including requiring any officer or employee of the eligible automobile manufacturer, any subsidiary, affiliate, or entity referred to in paragraph (1) with respect to such manufacturer, or any person having possession, custody, or care of the reports and records required under paragraph (1), to appear before the President’s designee at a time and place requested and to provide such books, papers, records, or other data, as requested, as may be relevant or material.

“(d) OVERSIGHT OF TRANSACTIONS AND FINANCIAL CONDITION.—

“(1) DUTY TO INFORM.—During the period in which any loan extended under this title remains outstanding, the eligible automobile manufacturer which received such loan shall promptly inform the President’s designee of—

“(A) any asset sale, investment, contract, commitment, or other transaction proposed to be entered into by such eligible automobile manufacturer that has a value in excess of \$100,000,000; and

“(B) any other material change in the financial condition of such eligible automobile manufacturer.

“(2) AUTHORITY OF THE PRESIDENT’S DESIGNEE.—During the period in which any loan extended under this title remains outstanding, the President’s designee may—

“(A) review any asset sale, investment, contract, commitment, or other transaction described in paragraph (1); and

“(B) prohibit the eligible automobile manufacturer which received the loan from con-

summing any such proposed sale, investment, contract, commitment, or other transaction, if the President’s designee determines that consummation of such transaction would be inconsistent with or detrimental to the long-term viability of the eligible automobile manufacturer.

“(3) PROCEDURES.—The President’s designee may establish procedures for conducting any review under this subsection.

“(e) CONSEQUENCES FOR FAILURE TO COMPLY.—The terms of any financial assistance made under this title shall provide that if—

“(1) an evaluation by the President’s designee under section 404(b) demonstrates that the eligible automobile manufacturer which received the financial assistance has failed to make adequate progress towards meeting the restructuring progress assessment measures established by the President’s designee under section 404(a) with respect to such recipient;

“(2) after March 31, 2009, the eligible automobile manufacturer which received the financial assistance fails to submit an acceptable restructuring plan under section 405(b), or fails to comply with any conditions or requirement applicable under this title or applicable fuel efficiency and emissions requirements; or

“(3) after a restructuring plan of an eligible automobile manufacturer has been approved by the President’s designee, the automobile manufacturer fails to make adequate progress in the implementation of the plan, as determined by the President’s designee, the repayment of any loan may be accelerated to such earlier date or dates as the President’s designee may determine and any other financial assistance may be cancelled by the President’s designee.

“SEC. 409. TAXPAYER PROTECTION.

“(a) WARRANTS.—

“(1) IN GENERAL.—The President’s designee may not provide any loan under this title, unless the President’s designee, or such department or agency as is designated for such purpose by the President, receives from the eligible automobile manufacturer—

“(A) in the case of an eligible automobile manufacturer, the securities of which are traded on a national securities exchange, a warrant giving the right to the President’s designee to receive nonvoting common stock or preferred stock in such eligible automobile manufacturer, or voting stock, with respect to which the President’s designee agrees not to exercise voting power, whichever the President’s designee determines appropriate; or

“(B) in the case of an eligible automobile manufacturer other than one described in subparagraph (A), a warrant for common or preferred stock, or an instrument that is the economic equivalent (as determined by the President’s designee) of such a warrant in the holding company of the eligible automobile manufacturer, or any company that controls a majority stake in the eligible automobile manufacturer, whichever the President’s designee determines appropriate.

“(2) AMOUNT.—

“(A) IN GENERAL.—The warrants or instruments described in paragraph (1) shall have a value equal to 20 percent of the aggregate amount of all loans provided to the eligible automobile manufacturer under this title. Such warrants or instruments shall entitle the Government to purchase—

“(i) nonvoting common stock, up to a maximum amount of 20 percent of the issued and outstanding common stock of—

“(I) the eligible automobile manufacturer; or

“(II) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, a holding company or company that controls a majority of the stock thereof (in this section referred to as the ‘warrant common’); and

“(ii) preferred stock having an aggregate liquidation preference equal to 20 percent of such aggregate loan amount, less the value of common stock available for purchase under the warrant common (in this section referred to as the ‘warrant preferred’).”

“(B) COMMON STOCK WARRANT PRICE.—The exercise price on a warrant or instrument described in paragraph (1) shall be—

“(i) the 15-day trailing average, as of the day before the date on which any commitment to provide a loan was entered into, of the market price of the common stock of the eligible automobile manufacturer which received any loan under this title; or

“(ii) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (i), as determined by the President’s designee.

“(C) TERMS OF PREFERRED STOCK WARRANT.—

“(i) IN GENERAL.—The initial exercise price for the preferred stock warrant shall be \$0.01 per share or such greater amount as the corporate charter may require as the par value per share of the warrant preferred. The Government shall have the right to immediately exercise the warrants.

“(ii) REDEMPTION.—The warrant preferred may be redeemed at any time after exercise of the preferred stock warrant at 100 percent of its issue price, plus any accrued and unpaid dividends.

“(iii) OTHER TERMS AND CONDITIONS.—Other terms and conditions of the warrant preferred shall be determined by the President’s designee to protect the interests of taxpayers.

“(3) APPLICATION OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this section, the requirements for the purchase of warrants under section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) shall apply to any warrant or instrument described in paragraph (1), including the antidilution protection provisions therein.

“(b) EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.—

“(1) IN GENERAL.—During the period in which any financial assistance under this title remains outstanding, the eligible automobile manufacturer which received such assistance shall be subject to—

“(A) the standards established by the President’s designee under paragraph (2); and

“(B) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

“(2) STANDARDS REQUIRED.—The President’s designee shall require any eligible automobile manufacturer which received any financial assistance under this title to meet appropriate standards for executive compensation and corporate governance.

“(3) SPECIFIC REQUIREMENTS.—The standards established under paragraph (2) shall include—

“(A) limits on compensation that exclude incentives for senior executive officers of an eligible automobile manufacturer which received assistance under this title to take unnecessary and excessive risks that threaten the value of such manufacturer during the period that the loan is outstanding;

“(B) a provision for the recovery by such automobile manufacturer of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate;

“(C) a prohibition on such automobile manufacturer making any golden parachute payment to a senior executive officer during the period that the loan is outstanding;

“(D) a prohibition on such automobile manufacturer paying or accruing any bonus or incentive compensation during the period that the loan is outstanding to the 25 most highly-compensated employees; and

“(E) a prohibition on any compensation plan that would encourage manipulation of such automobile manufacturer’s reported earnings to enhance the compensation of any of its employees.

“(4) DIVESTITURE.—During the period in which any financial assistance provided under this title to any eligible automobile manufacturer is outstanding, the eligible automobile manufacturer may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such eligible automobile manufacturer shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the manufacturer immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the President’s designee that all reasonable steps are being taken to sell or divest such aircraft or interest.

“(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) SENIOR EXECUTIVE OFFICER.—The term ‘senior executive officer’ means an individual who is one of the top five most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

“(B) GOLDEN PARACHUTE PAYMENT.—The term ‘golden parachute payment’ means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

“(C) PROHIBITION ON PAYMENT OF DIVIDENDS.—Except with respect to obligations owed pursuant to law to any nonaffiliated party or any existing contract with any non-affiliated party in effect as of December 2, 2008, no dividends or distributions of any kind, or the economic equivalent thereof (as determined by the President’s designee), may be paid by any eligible automobile manufacturer which receives financial assistance under this title, or any holding company or company that controls a majority stake in the eligible automobile manufacturer, while such financial assistance is outstanding.

“(d) OTHER INTERESTS SUBORDINATED.—

“(1) IN GENERAL.—In the case of an eligible automobile manufacturer which received a loan under this title, to the extent permitted by the terms of any obligation, liability, or debt of the eligible automobile manufacturer in effect as of December 2, 2008, any other obligation of such eligible automobile manufacturer shall be subordinate to such loan, and such loan shall be senior and prior to all obligations, liabilities, and debts of the eligible automobile manufacturer, and such eligible automobile manufacturer shall provide to the Government, all available security and collateral against which the loans under this title shall be secured.

“(2) APPLICABILITY IN CERTAIN CASES.—In the case of an eligible automobile manufac-

turer referred to in paragraph (1), the securities of which are not traded on a national securities exchange, a loan under this title to the eligible automobile manufacturer shall—

“(A) be treated as a loan to any holding company of, or company that controls a majority stake in, the eligible automobile manufacturer; and

“(B) be senior and prior to all obligations, liabilities, and debts of any such holding company or company that controls a majority stake in the eligible automobile manufacturer.

“(e) ADDITIONAL TAXPAYER PROTECTIONS.—

“(1) DISCHARGE.—A discharge under title 11, United States Code, shall not discharge an eligible automobile manufacturer, or any successor in interest thereto, from any debt for financial assistance received pursuant to this title.

“(2) EXEMPTION.—Any financial assistance provided to an eligible automobile manufacturer under this title shall be exempt from the automatic stay established by section 362 of title 11, United States Code.

“(3) INTERESTED PARTIES.—Notwithstanding any provision of title 11, United States Code, any interest in property or equity rights of the United States arising from financial assistance provided to an eligible automobile manufacturer under this title shall remain unaffected by any plan of reorganization, except as the United States may agree to in writing.

“SEC. 410. OVERSIGHT AND AUDITS.

“(a) COMPTROLLER GENERAL OVERSIGHT.—

“(1) SCOPE OF OVERSIGHT.—The Comptroller General of the United States shall conduct ongoing oversight of the activities and performance of the President’s designee.

“(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

“(A) GAO PRESENCE.—The President’s designee shall provide to the Comptroller General appropriate space and facilities for purposes of this subsection.

“(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the President’s designee, at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

“(3) REPORTING.—The Comptroller General shall submit reports of findings under this section to Congress, regularly and not less frequently than once every 60 days. The Comptroller General may also submit special reports under this subsection, as warranted by the findings of its oversight activities.

“(b) SPECIAL INSPECTOR GENERAL.—It shall be the duty of the Special Inspector General established under section 121 of Public Law 110-343 to conduct, supervise, and coordinate audits and investigations of the President’s designee in addition to the duties of the Special Inspector General under such section and for such purposes. The Special Inspector General shall also have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978, including section 6 of such Act. In the event that the Office of the Special Inspector General is terminated, the Inspector General of

the Department of the Treasury shall assume the responsibilities of the Special Inspector General under this subsection.

“(c) ACCESS TO RECORDS OF BORROWERS BY GAO.—Notwithstanding any other provision of law, during the period in which any financial assistance provided under this title is outstanding, the Comptroller General of the United States shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the eligible automobile manufacturer, and any subsidiary, affiliate, or entity holding an ownership interest of 50 percent or more of such eligible automobile manufacturer (collectively referred to in this section as ‘related entities’), and to any officer, director, or other agent or representative of the eligible automobile manufacturer and its related entities, at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

“SEC. 411. REPORTING AND MONITORING.

“(a) REPORTING ON CONSUMMATION OF LOANS.—The President’s designee shall submit a report to the Congress on each bridge loan made under this title not later than 5 days after the date of the consummation of such loan.

“(b) REPORTING ON RESTRUCTURING PROGRESS ASSESSMENT MEASURES.—The President’s designee shall submit a report to the Congress on the restructuring progress assessment measures established for each manufacturer under section 404(a) not later than 10 days after establishing the restructuring progress assessment measures.

“(c) REPORTING ON EVALUATIONS.—The President’s designee shall submit a report to the Congress containing the detailed findings and conclusions of the President’s designee in connection with the evaluation of an eligible automobile manufacturer under section 404(b).

“(d) REPORTING ON CONSEQUENCES FOR FAILURE TO COMPLY.—The President’s designee shall submit a report to the Congress on the exercise of a right under section 408(e) to accelerate indebtedness of an eligible automobile manufacturer under this title or to cancel any other financial assistance provided to such eligible automobile manufacturer, and the facts and circumstances on which such exercise was based, before the end of the 10-day period beginning on the date of the exercise of the right.

“(e) MONITORING.—The President’s designee shall monitor the use of loan funds received by eligible automobile manufacturers under this title, and shall report to Congress once every 90 days (beginning 30 days after the date of enactment of this title) on the progress of the ability of the recipient of the loan to continue operations and proceed with restructuring processes that restore the financial viability of the recipient and promote environmental sustainability.

“SEC. 412. REPORT TO CONGRESS ON LACK OF PROGRESS TOWARD ACHIEVING AN ACCEPTABLE NEGOTIATED PLAN.

“(a) AUTHORITY TO FACILITATE A NEGOTIATED PLAN.—At any such time as the President’s designee determines that action is necessary to avoid disruption to the economy or to achieve a negotiated plan, the President’s designee shall submit to Congress a report outlining any additional powers and authorities necessary to facilitate the completion of a negotiated plan required under section 405.

“(b) IMPEDIMENTS TO ACHIEVING NEGOTIATED PLANS.—If the President’s designee determines, on the basis of an evaluation by the President’s designee of the progress being made by an eligible automobile manufacturer toward meeting the restructuring progress assessment measures established under section 404, that adequate progress is not being made toward achieving a negotiated plan by March 31, 2009, the President’s designee shall submit to Congress a report detailing the impediments to achievement of a negotiated plan by the eligible automobile manufacturer.

“SEC. 413. SUBMISSION OF PLAN TO CONGRESS BY THE PRESIDENT’S DESIGNEE.

“Upon submission of a report pursuant to section 412(b), the President’s designee shall provide to Congress a plan that represents the judgement of the President’s designee as to the steps necessary to achieve the long-term viability, international competitiveness, and energy efficiency of the eligible automobile manufacturer, consistent with the factors set forth in section 405(b), including through a negotiated plan, a plan to be implemented by legislation, or a reorganization pursuant to chapter 11 of title 11, United States Code.

“SEC. 414. COORDINATION WITH OTHER LAWS.

“(a) IN GENERAL.—No provision of this title may be construed as altering, affecting, or superseding—

“(1) the provisions of section 129 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, relating to funding for the manufacture of advanced technology vehicles;

“(2) any existing authority to provide financial assistance or liquidity for purposes of the day-to-day operations in the ordinary course of business or research and development.

“(b) ANTITRUST PROVISIONS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (4), the antitrust laws shall not apply to meetings, discussions, or consultations among an eligible automobile manufacturer and its interested parties for the purpose of achieving a negotiated plan pursuant to section 405(a)(2).

“(2) EXCLUSIONS.—Paragraph (1) shall not apply with respect to price-fixing, allocating a market between competitors, monopolizing (or attempting to monopolize) a market, or boycotting.

“(3) ANTITRUST AGENCY PARTICIPATION.—The Attorney General of the United States and the Federal Trade Commission shall, to the extent practicable, receive reasonable advance notice of, and be permitted to participate in, each meeting, discussion, or consultation described in paragraph (1).

“(4) PRESERVATION OF ENFORCEMENT AUTHORITY.—Paragraph (1) shall not be construed to preclude the Attorney General of the United States or the Federal Trade Commission from bringing an enforcement action under the antitrust laws for injunctive relief.

“(5) SUNSET.—Paragraph (1) shall apply only with respect to meetings, discussions, or consultations that occur within the 3-year period beginning on the date of the enactment of this title.

“(6) DEFINITION.—For purposes of this subsection, the term ‘antitrust laws’—

“(A) has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that such section 5 applies to unfair methods of competition; and

“(B) includes any provision of State law that is similar to the laws referred to in subparagraph (A).

“SEC. 415. TREATMENT OF RESTRUCTURING FOR PURPOSES OF APPLYING LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

“Section 382 of the Internal Revenue Code of 1986 shall not apply in the case of an ownership change resulting from this title or pursuant to a restructuring plan approved under this title.

“SEC. 416. CLARIFICATION OF AVAILABILITY OF FINANCIAL SUPPORT FOR FINANCING ARMS.

“The authority of the President’s designee to provide assistance to any eligible automobile manufacturer includes the authority to provide support to finance company affiliates of the manufacturer to ensure that such affiliates have the necessary resources to continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor plan loans.”

TITLE IV—CLARIFICATION OF AUTHORITY

SEC. 401. CONSUMER LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following new section:

“SEC. 137. CLARIFICATION OF AUTHORITY REGARDING CONSUMER LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of consumer loans, including loans for autos and other vehicles and student loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”

SEC. 402. MUNICIPAL SECURITIES.

Section 103 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211) is amended by inserting after subsection (f) (as added by section 401 of this title) the following new subsection:

“(g) CLARIFICATION OF AUTHORITY REGARDING MUNICIPAL SECURITIES.—

“(1) CLARIFICATION.—The authority of the Secretary to take any action under this title includes the authority to provide support to State and local governments, and other issuers of municipal securities, which are having difficulty accessing appropriate financing in the capital markets. Such support includes the direct purchase of municipal securities and providing credit enhancement in connection with municipal securities whose purchase is financed under any facility provided by the Board or any Federal reserve bank.

“(2) DEFINITION.—For purposes of this subsection, the term ‘municipal security’ has the meaning given the term ‘State or local bond’ in section 103(c) of the Internal Revenue Code of 1986 (26 U.S.C. 103(c)) and the regulations issued thereunder.”

SEC. 403. COMMERCIAL REAL ESTATE LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 137 (as added by section 401 of this title) the following new section:

“SEC. 138. CLARIFICATION OF AUTHORITY REGARDING COMMERCIAL REAL ESTATE LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of commercial real

estate loans, including through purchase of asset-backed securities, directly or through the Board of Governors of the Federal Reserve System or any Federal reserve bank.”.

TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

SEC. 501. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

Section 257 of the National Housing Act (12 U.S.C. 1715z-23) is amended—

- (1) in subsection (e)—
 - (A) by striking paragraph (1);
 - (B) in paragraph (2)(B), by striking “90 percent” and inserting “93 percent”;
 - (C) by striking paragraph (7);
 - (D) in paragraph (9), by striking “by procuring” and all that follows through “by any other method”; and
 - (E) by redesignating paragraphs (2), (3), (4), (5), (6), (8), (9), (10), and (11) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively;

(2) in subsection (h)(2), by striking “, or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage”;

(3) by striking subsection (i) and inserting the following new subsection:

“(i) ANNUAL PREMIUMS.—

“(1) IN GENERAL.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect an annual premium in an amount equal to not less than 0.55 percent of the amount of the remaining insured principal balance of the mortgage and not more than 0.75 percent of such remaining insured principal balance, as determined according to a schedule established by the Board that assigns such annual premiums based upon the credit risk of the mortgage.

“(2) REDUCTION OR TERMINATION DURING MORTGAGE TERM.—Notwithstanding paragraph (1), the Secretary may provide that the annual premiums charged for refinanced eligible mortgages insured under this section are reduced over the term of the mortgage or that the collection of such premiums is discontinued at some time during the term of the mortgage, in a manner that is consistent with policies for such reduction or discontinuation of annual premiums charged for mortgages in accordance with section 203(c).”;

(4) in subsection (k)—

- (A) by striking the subsection heading and inserting “EXIT FEE”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “such sale or refinancing” and inserting “the mortgage being insured under this section”; and

(C) by striking paragraph (2);

(5) in subsection (s)(3)(A)(ii), by striking “subsection (e)(1)(B) and such other” and inserting “such”;

(6) in subsection (v), by inserting after the period at the end the following: “The Board shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.”;

(7) in subsection (w)(1)(C), by striking “(e)(4)(A)” and inserting “(e)(3)(A)”;

(8) by adding at the end the following new subsection:

“(x) PAYMENT TO EXISTING LOAN SERVICER.—The Board may establish a payment to the servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program.”.

SEC. 502. FUNDING OF INCREASED HOPE FOR HOMEOWNERS PROGRAM CREDIT SUBSIDY COSTS.

Section 257 of the National Housing Act (12 U.S.C. 1715z-23) is amended by adding after subsection (x) (as added by section 501 of this title) the following new subsection:

“(y) FUNDING OF CREDIT SUBSIDY COSTS OF 2009 AMENDMENTS.—Notwithstanding section 1338(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4568(b)) and subsection (w) of this section—

“(1) to the extent amounts are available to the Secretary of the Treasury pursuant to section 118 of the Emergency Economic Stabilization Act of 2008, the Secretary shall use such amounts to cover any increase in the net costs to the Federal Government of the HOPE for Homeowners program under this section resulting from the amendments made by title V of the TARP Reform and Accountability Act of 2009, and actions authorized by title I of the Emergency Economic Stabilization Act of 2008 shall include such use; and

“(2) any remaining net costs to the Federal Government of the HOPE for Homeowners program under this section not resulting from the amendments made under this title shall be paid, and the Secretary of the Treasury shall be reimbursed for such costs, in accordance with the provisions of such section 1338 and subsection (w) of this section.”.

TITLE VI—HOME BUYER STIMULUS

SEC. 601. HOME BUYER STIMULUS PROGRAM.

(a) IN GENERAL.—The Secretary of the Treasury (in this title referred to as the “Secretary”) shall carry out a program using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008 to stimulate demand for home purchases and reduce unsold inventories of residential properties, which shall include ensuring the availability of affordable interest rates on mortgages made for the purchase, by qualified home buyers, of 1-to 4-family residential properties.

(b) PURCHASE OBLIGATIONS AND SECURITIES USING HERA AUTHORITY.—The Secretary shall execute the program under this section through the purchase of obligations and other securities issued by—

(1) the Federal National Mortgage Association, pursuant to the authority under section 304(g) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)),

(2) the Federal Home Loan Mortgage Corporation, pursuant to the authority under section 304(l) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l)), and

(3) any Federal Home Loan Bank, pursuant to the authority under section 11(l) of the Federal Home Loan Bank Act (12 U.S.C. 1431(l)),

as added by section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289).

(c) USE OF LOAN ORIGINATORS AND PORTFOLIO LENDERS.—The program under this section shall provide mechanisms to ensure availability of such mortgages for home purchase having affordable interest rates through financial institutions that act as loan originators or as portfolio lenders.

(d) AVAILABILITY OF AFFORDABLE LOANS UNDER HOPE FOR HOMEOWNERS PROGRAM.—The Secretary, in consultation with the Secretary of Housing and Urban Development, shall ensure that the affordable interest rates made available through the program under this section are made available in connection with mortgages made for refinancing eligible mortgages, as such term is defined in

section 257 of the National Housing Act (12 U.S.C. 1715z-23), to be insured under the HOPE for Homeowners Program under such section.

(e) TARGETING.—In carrying out the program under this section, the Secretary may take into consideration the impact of activities under the program on geographical areas having the greatest number of properties with foreclosed-upon mortgages.

TITLE VII—FDIC PROVISIONS

SEC. 701. PERMANENT INCREASE IN DEPOSIT INSURANCE.

(a) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) in paragraph (1)(E), by striking “\$100,000” and inserting “\$250,000”;

(2) in paragraph (1)(F)(i), by striking “2010” and inserting “2015”;

(3) in subclause (I) of paragraph (1)(F)(i), by striking “\$100,000” and inserting “\$250,000”;

(4) in subclause (II) of paragraph (1)(F)(i), by striking “the calendar year preceding the date this subparagraph takes effect under the Federal Deposit Insurance Reform Act of 2005” and inserting “calendar year 2008”; and

(5) in paragraph (3)(A)(iii), by striking “, except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such paragraph”.

(b) REPEAL OF EESA PROVISION.—Section 136 of the Emergency Economic Stabilization Act (Public Law 110-343; 122 Stat. 3765) is hereby repealed.

(c) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(1) in paragraph (3)—

(A) by striking the opening quotation mark before “\$250,000”;

(B) by striking “, except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such section”; and

(C) by striking the closing quotation mark after the closing parenthesis; and

(2) in paragraph (5), by striking “\$100,000” and inserting “\$250,000”.

SEC. 702. EXTENSION OF RESTORATION PLAN PERIOD.

Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking “5-year period” and inserting “8-year period”.

SEC. 703. BORROWING AUTHORITY.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1814(a)) is amended—

(1) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”; and

(2) by inserting prior to the last sentence, the following new sentence: “The Corporation may request in writing to borrow, and the Secretary may authorize and approve the borrowing of, additional amounts above \$100,000,000,000 to the extent that the Board of Directors and the Secretary determine such borrowing to be necessary.”.

SEC. 704. SYSTEMIC RISK SPECIAL ASSESSMENTS.

Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

“(ii) REPAYMENT OF LOSS.—

“(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of

the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

“(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

“(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions; the effects on the industry; and such other factors as the Corporation deems appropriate.”.

Mr. DAVIS of Illinois. Mr. Chair, I rise in strong support of the TARP Reform and Accountability Act. This bill greatly strengthens the safeguards for using taxpayer dollars for the TARP program. Two provisions promise to provide critical aid to Chicago. Requiring the Treasury to direct \$100 billion to foreclosure mitigation provides hope to the hundreds of thousands of Chicagoans and families across the Nation who are struggling with foreclosure. Moreover, directing the Treasury to use TARP funds to benefit small financial institutions will help strengthen these financial institutions that play such an important role in Chicago. Hundreds of community banks in Chicago are teetering on collapse. These companies provide important support to small businesses and minorities, and, as of yet, they have not received aid from the Treasury.

I especially want to thank Chairman FRANK for including language that highlights the importance of considering consumer protections when determining which classes of consumer loans to support. Congresswoman YVETTE CLARKE and I have worked actively along with 16 other Members to urge the Treasury and Federal Reserve to proceed cautiously when using taxpayer funds for the student loan industry, ensuring that both financial and consumer protections are considered. We strongly support ensuring that students have the money they need to attend institutions of higher education. However, we must make certain that any such plan aids students and does not simply line the pockets of for-profit lenders.

Certain groups of students require private student loans to attend school. Unlike Federal student loans, private student loans typically lack any form of consumer protection (such as fixed interest rates, income-contingent and income-based repayment options, or debt discharge in the case of disability or death). Moreover, private student loan lenders enjoy Federal protections from bankruptcy that other consumer creditors do not. Specifically, unlike other types of consumer debt, private student loans are protected from discharge during bankruptcy except under extreme circumstances. Thus, an individual who accumulates thousands of dollars in debt for purchases of cars or luxury goods can obtain relief via bankruptcy; however, a teacher with private student loans cannot.

Given these circumstances, we hope the Treasury and Federal Reserve will construct its student loan plan carefully to mitigate against adverse consequences for private stu-

dent loan borrowers, especially in light of current economic conditions. Should taxpayer money be used to support private student lenders of non-federal loans, we strongly urge that the Treasury and Federal Reserve require consumer protections similar to those afforded to Federal student loans as a condition of receipt of Federal rescue funds. Federal student loans have consumer protections; private student loans subsidized by the Treasury-Fed plan should have such protections as well. Further, we recommend instituting steps to assess the underwriting standards of lenders who seek Federal relief to determine if the lenders extended credit to particularly vulnerable consumers and whether credit was extended with onerous terms or conditions. Similar to the executive compensation restrictions of the Treasury-Fed plan, these restrictions would help focus Federal dollars on stimulating lending while protecting taxpayers and borrowers.

I thank Chairman FRANK and House leadership for developing this bill, and I urge my colleagues to support its passage.

Mr. HOYER. Mr. Chair, last fall, at the urging of President Bush, Treasury Secretary Paulson, and Federal Reserve Chairman Bernanke, Congress took extraordinary action to stabilize America's financial markets and limit the scope of an economic crisis. I know that the Troubled Assets Relief Program (TARP) was one of the most difficult votes that anyone in this Chamber had ever taken. But passing that bill was the right thing to do—and even with all of the turmoil of the past months, my mind hasn't changed.

On the other hand, I don't think anyone in this Chamber is happy with TARP, either. As it has done so many times in the last 8 years, the Bush administration failed to follow congressional intent when it came to executing a law. The administration has failed to fight the wave of foreclosures at the source of this crisis, and it did too little to maximize the effectiveness of TARP funds in helping to restore our economy's flow of credit. Nor did the administration adequately track how taxpayer money was spent to ensure that banks were using it for the intended purposes.

We cannot in good conscience approve another \$350 billion request without confidence that those failures will be remedied.

This bill strengthens accountability and oversight measures, so that we can get necessary loans flowing again to families and businesses. It requires detailed reports from recipients of TARP funds and ensures that those funds un-thaw credit. It provides even stronger limits on executive compensation, so that taxpayers can be sure their money is not funding million-dollar Park Avenue apartments for CEOs. It clarifies the Treasury Department's authority to use TARP funds to benefit small financial institutions, auto companies, consumers, and municipalities. And it insists that Treasury immediately commit \$100 billion to fight foreclosures and help Americans keep their homes.

President-elect Obama has promised that “we are going to fundamentally change some of the practices in using this next phase of the program.” I agree wholeheartedly, and this bill is a strong first step toward that change. But I also want to make clear that the same high

standards of oversight ought to apply to any administration, Republican or Democratic. TARP funds must be watched with the same diligence we would expect from any lender—and how much more so when the source of the funds is the American taxpayer, when the principal runs into twelve digits, and when the stakes are so high?

Mr. Chair, Lyndon Johnson said—in words I've quoted before on this floor and I'm sure I'll quote again—“It's not hard to do the right thing. It's hard to know what the right thing is.”

In this crisis, the problems are as complex as our end goal is simple: Businesses hiring, families thriving, America growing once again. But I am convinced that passing this bill is the right thing today. I hope and trust that my colleagues will see it the same way.

Ms. CORRINE BROWN of Florida. Mr. Chair, I want to thank Chairman FRANK for his leadership in developing this bill. I appreciate the time you and your staff have spent on the issues important to the American people. You were instrumental in getting an amendment regarding tax credits in the manager's amendment.

I want to speak on the situation today. I voted for TARP when it was brought up last year. I am extremely disappointed as to how the banking industry used the taxpayer funds.

The way the administration disbursed the first half of the TARP funds was not in the interest of the American people. It was in the interest of those who caused this crisis in the first place. The investment bankers, and elite financiers in New York were the first in line to claim some money and then left nothing for the people holding the bag, the homeowners and the small businesspeople like those from my district in Florida.

The administration moved from helping those who held mortgages that were in foreclosure to bailing out the large banks. These banks took that money and put it in their pockets. They paid their shareholders and continued to pay bonuses to their executives. The banks called in their loans and eliminated lines of credit. They bought other banks. They closed businesses and used every legal means to get as much money as they could. What the banking industry did was not our intent.

The Europeans used the government money to help stimulate the economy. Every pound or euro given to banks was required to be loaned out. As opposed to the banks here who called in loans and did away with lines of credit.

I would like to ask Chairman FRANK a couple of questions at this time:

“Chairman FRANK, I am very concerned the money we are authorizing for the TARP program will not make it to the American people and will not be used for what we are intending it to be used for. We need to get money to people for (1) to end the foreclosures, of which thousands a day are happening all over the country, (2) auto loans—people can't get credit to buy a car and (3) school loans—the banks are calling in the notes, prohibiting our young people from getting an education.

The American people need this money.

What protections have you included in the bill to ensure this happens?”

Second, I have a question regarding the re-appraisal of real estate collateral that is affecting the home builders in our country. I have

an amendment in front of the rules committee which would permit lenders to extend or modify loan terms for home builders, so they could continue to pay interest without forcing them to pay large sums to the principal while in this economic crisis.

I understand this issue is not covered by this bill. What assurances do I have that you will consider this issue in the future in your committee?

Mr. Chairman, thank you very much for your explanations. In my district, along with most of the country, people cannot get the loans to consume, which is the basis for our economy. I am pleased you included these provisions in the bill, to help small businesses all over our country.

Thank you for your hard work on this bill, to bring relief to those who are suffering from foreclosures and for your firm leadership on this issue for the many years you have served the people of Massachusetts and America.

It is important the TARP funds being spent by the Administration be used for the benefit of the American people. From what I have seen, it does not.

Mr. DINGELL. Mr. Chairman, I rise in support of the manager's amendment to H.R. 384, the "TARP Reform and Accountability Act of 2009." Let me begin by thanking the distinguished chairman of the Committee on Financial Services for his fine work on H.R. 384, as well as for his cooperation in the past in my efforts to ensure that TARP funds were made available to the domestic automotive industry, as well as to domestic automotive financing companies. I look forward to working with him in the future to see that TARP funds are properly allocated and their use and effectiveness be subject to impartial oversight by the Congress.

As debate on the use of TARP funds has progressed, I have consistently maintained that recipients of those funds all be subject to uniform oversight requirements. It pleases me that the manager's amendment to H.R. 384 includes additional public reporting requirements for entities that have received or will receive TARP funds in the future.

The question of oversight aside, I have also long maintained that the root of the Nation's current economic crisis lies in the collapse of the housing market. Too little has been done in the past year to stabilize the market and help financially distressed homeowners. The manager's amendment wisely addresses this problem by requiring that a specific portion of the next tranche of TARP funds be dedicated to mitigate foreclosures on residential mortgages within 7 days of enactment of H.R. 384. This is of particular importance and will hopefully be of great assistance to my State, Michigan, which unfortunately has one of the Nation's highest foreclosure rates.

While stabilizing the housing market is a large part of the solution to the current recession, I must reiterate my belief that the Congress should take action to support the domestic manufacturing industry, and in particular, our ailing automakers. I would note that foreign markets for automobiles are contracting, and other governments are contemplating or have already taken measures to help automakers with production facilities in their countries. A key part of the automotive

industry's troubles in the United States is the lack of credit available to consumers. The manager's amendment retains H.R. 384's grant of authority to the Treasury to provide support to the financing arms of automakers, which will in turn allow consumers and businesses access to previously unavailable lines of credit for the purchase of new vehicles. I voice my wholehearted support for this sensible provision, especially as the collective future of our automakers is tied directly to the health of their financing arms.

I would again thank the chairman for his gracious cooperation in the past on this and many other issues. The manager's amendment contains prudent measures to improve oversight and administration of the Troubled Asset Relief Program, and I would urge my colleagues to support its passage.

Ms. HIRONO. Mr. Chair, I rise in support of H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act.

Since this capital purchase program, TARP, was implemented, billions of dollars in taxpayer money have been disbursed to institutions with little to no accountability or oversight over these funds. A congressional oversight panel for TARP funding recently concluded that the Treasury Department essentially does not know how TARP fund recipients are utilizing these funds, and a report released last month by the U.S. Government Accountability Office urged TARP administrators to improve the program's internal controls to better monitor how the funds are being spent.

H.R. 384 amends the TARP provisions of the Emergency Economic Stabilization Act of 2008 to strengthen accountability, close loopholes, and increase transparency of the administration of this program. This bill requires any existing or future institution that receives TARP funding to provide quarterly public reporting on its use of the funding and stipulates that the Treasury Department administer a public database that includes the reporting, data collection, and analysis of use of TARP funds.

Last week the House voted unanimously to require our committees to hold periodic hearings on waste, fraud, and abuse in Government programs. As a cosponsor of this bill, H. Res. 40, I believe that Congress has an obligation to restore accountability and oversight to government. H.R. 384, the TARP Reform and Accountability Act, is also critical to restoring the American people's faith in our Government and takes us one step closer to getting our country back on track.

Importantly, H.R. 384 requires that a certain amount of TARP funding be committed to foreclosure mitigation and stipulates that the Treasury Secretary develop a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. This legislation also establishes a program to stimulate demand for home purchases and clear inventory of properties so that qualified home buyers can purchase homes at affordable mortgage rates. We cannot move quickly enough to provide assistance to homeowners across the country.

I urge my colleagues to vote for H.R. 384.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 384, TARP Reform and Accountability Act of 2009. This bill makes critical adjustments to the Troubled Assets Relief Program, TARP.

On October 3rd of last year, I voted in favor of the Emergency Economic Stabilization Act in response to the continued economic turmoil across the country. This bill created the TARP initiative to address many of the ills plaguing our economy. However, like many Americans, I have been disappointed in how the administration has managed this initiative. H.R. 384 addresses these concerns by closing loopholes, increasing transparency, and strengthening accountability in the TARP. H.R. 384 strengthens executive compensation restrictions against "golden parachutes" for retiring executives and prohibits bonuses for the 25 highest paid employees of a company receiving TARP funds. This bill also adds new strengthened reporting requirements for companies to detail their planning and use of TARP funds.

While we must continue to work to revive the credit market for consumers, TARP funds also need to be targeted to the thousands of American families facing the prospect of home foreclosure. I am pleased that H.R. 384 mandates that the Treasury Department use up to \$100 billion of the TARP funding to develop a foreclosure mitigation plan. In addition, H.R. 384 includes provisions that lower premiums for consumers that are taking part in the Hope for Homeowners initiative, as well as provisions that will direct the Treasury Department to ensure the availability of affordable mortgage rates for qualified home buyers. These changes benefit the hundreds of thousands of Americans who are facing foreclosure, as well as stimulating the home buying industry and benefiting our struggling economy. Finally, this bill increases confidence in the financial industry by permanently providing Federal deposit insurance for deposits up to \$250,000.

The provisions of H.R. 384 help ensure that the TARP will be better used to address the needs of millions of Americans who are struggling to get credit from lenders, hold on to their savings, and avoid home foreclosures. I support H.R. 384, TARP Reform and Accountability Act of 2009, and I urge my colleagues to join me in voting for its passage.

Mr. STARK. Mr. Chair, I rise today in support of H.R. 384, the TARP Reform and Accountability Act.

I am one of the few members on my side of the aisle to vote against the TARP bill both times it came before this House. I did so because I believed that it rewarded the very entities that built the financial house of cards that has come crashing down. The Bush Administration pressed this body to act with all haste based on faulty information about the problems we faced and with scant explanation for how the resources requested would be used. The bill left too much discretion to the Secretary, and provided too little oversight of the historic outlay of taxpayer funds. I compared the Bush Administration's rush to bail out Wall Street to their rush to invade Iraq. I take no pleasure in being right on this score—but the management of the first outlay of TARP funds has been erratic and inefficient. In fact, the execution of this bailout provides the perfect thumbnail of the eight years of the Bush Administration: they didn't have a plan, they didn't do what they said they were going to

do, they didn't take care of struggling homeowners, but made sure to look after the interests of big business. The mission was not accomplished.

I do not support the release of additional TARP funds and will vote to withhold those funds if such a bill comes before the House. Today, however, we have a chance to make a bad law better and that deserves our support. The reforms in this bill are the conditions that should have been included in the original package. This bill requires reporting by institutions that receive taxpayer money and requires Treasury to reach an agreement with institutions that take taxpayer funds on exactly how those funds will be used. This bill also limits the ability for those institutions to use taxpayer funds to pay their executives big bonuses that encourage short-term risk taking.

Most importantly, this bill mandates that the Treasury Department commit significant funds—up to \$100 billion—to foreclosure mitigation and keeping people in the homes they own or rent.

Our Nation is in a deep recession and people at all economic levels are feeling the pain. People struggling to make ends meet are having a tough time understanding why our government is using tax money to bail out the bank that is foreclosing on their home. The first \$350 billion is gone with very little to show for it. I would prefer that Congress go back to the drawing board and develop a comprehensive program to save people's houses without rewarding the institutions that made bad loans. In the absence of such action, I support H.R. 384, because we must ensure that at least some of the second \$350 billion of taxpayer dollars goes to help people stay in their homes and weather this recession.

Mr. MURPHY of Connecticut. Mr. Chair, I would like to draw attention to section 403 of H.R. 384, the "TARP Reform and Accountability Act." It is clearer every day that there is a crisis in the commercial real estate credit markets. Section 403 of H.R. 384 clarifies Treasury's authority to take action to support liquidity in the commercial real estate market.

Right now the \$3.4 trillion commercial mortgage market is frozen. Most lenders have withdrawn from the market and there is no secondary market for commercial mortgages. In 2007, the market provided approximately \$240 billion in financing, which represented nearly 50 percent of all commercial lending. In contrast, the market came to a screeching halt and provided less than \$13 billion in issuance in 2008, despite borrowers' demand. In 2009, tens of billions of commercial real estate loans will come due without any capacity to refinance these performing loans. The result could very well be widespread loan defaults. With the downturn in the U.S. economy now having dramatic effects on the commercial real estate market, Section 403 affirms the Treasury Department's ability to take action to help preserve this important sector of our economy.

With the clarification included in Section 403, the Treasury can move forward in determining how best to address this situation—either through the Term Asset-backed Securities Lending Facility; or by setting aside TARP funds for the creation of a commercial lending facility that would provide the private market with liquidity and allow for the extension of

new credit, as well as assist in refinancing existing performing loans.

It is important that we continue to act to address this crisis in a responsible manner that protects the American taxpayer and preserves vital sectors of the United States economy and I urge my colleagues to do so through their support of H.R. 384.

Mr. BERMAN. Mr. Chair, I thank Chairman FRANK for introducing H.R. 384, the TARP Reform and Accountability Act of 2009, and I join in support of this legislation that is aimed at bringing liquidity back to our capital markets and enhancing oversight of the Troubled Asset Relief Program.

I particularly want to draw attention to Section 402 of the Act, which provides important support to the struggling municipal bond market from those TARP funds already released. I thank the chairman for including this provision, which is intended not only to address municipal offerings, but also to include qualified 501(c)(3) bonds as described in Section 145 of the Internal Revenue Code. These important offerings have also been impacted by the liquidity crisis over the past several months.

More specifically, the tightening of credit in our financial markets has greatly affected the 501(c)(3)/non-profit bond market and the many non-profit organizations that rely on these bonds' issuance to carry out their charitable missions. Non-profit organizations provide a much needed back-stop to government programs and ensure that many of the Nation's most vulnerable citizens receive basic needs such as food, shelter, or drug rehabilitation. Without access to sufficient, affordable lines of credit, many charitable programs go unrealized. Particularly now, that cannot be allowed to happen.

This new legislation should alleviate this problem and increase liquidity in the bond market, as it makes clear that 501(c)(3) bonds, as defined by Section 145 of the Internal Revenue Code, are considered "municipal securities." It is further my understanding that the support offered by Section 402 of the Act is not a "federal guarantee" under section 149 of the Internal Revenue Code, so that the legislative direction and solutions offered in today's bill will be available to the non-profit agencies who rely upon these types of bonds for their important work.

Furthermore, for new lending that is attributable to TARP investments and assistance, I encourage the secretary to clarify that 501(c)(3) bonds are eligible investments, and hold accountable those banks receiving funds to ensure that these not-for-profit organizations issuing bonds have access to affordable and competitive rates when seeking letters of credit to support their bond offerings. By holding financial institutions receiving TARP money accountable to use part of those funds to assist the non-profit sector, the secretary will help bring liquidity back to the non-profit bond market.

Mr. LANGEVIN. Mr. Chair, I rise in support of H.R. 384, the TARP Reform and Accountability Act, which will ensure that TARP funding will be spent responsibly and transparently in an effort to get the economy back on track.

In order to stabilize our economy and get credit flowing again to families and small busi-

nesses, we need to fundamentally change the practices of the Troubled Assets Relief Program before the remaining \$350 billion streams into the marketplace. Unfortunately, the Bush Administration mismanaged the financial rescue funds approved in 2008 and failed to follow congressional intent when it came to executing the Emergency Economic Stabilization Act. The Bush administration failed to address the foreclosures as the source of this crisis, and it did not effectively use TARP funds to restore our economy's flow of credit. Along with my constituents, I am deeply disappointed that the past administration did not adequately track how taxpayer money was spent to ensure that banks were using it for the intended purposes.

Congress must only move forward with the release of the remaining TARP funds if they are confident that these failures will be remedied. H.R. 384 amends the Troubled Assets Relief Program provisions of the Emergency Economic Stabilization Act by strengthening accountability, closing loopholes, and increasing transparency. This measure sets up a blueprint to carefully track and monitor all the TARP funds, including previous and future allocations. It requires Treasury to provide a minimum of \$40 billion on foreclosure mitigation to help homeowners address the mortgage crisis. H.R. 384 limits executive bonuses for firms participating in TARP and assists cities and other tax-exempt issuers in finding investors for their bonds. Under the direction of the Obama administration, I believe the TARP funding will adhere to these new transparency and accountability provisions, while also working to ensure that our taxpayers' needs are the top priority.

During this difficult economic crisis, we need to stand up for Rhode Island families looking to secure student loans, car loans, home loans or mortgage refinancing. We need to make sure that small business owners have access to the capital they need to make payroll or invest in their companies. And we need to stabilize the pensions and savings that our retirees are counting on. I believe this recovery plan is essential for Rhode Island families. H.R. 384 will bring us closer to the original intent of TARP—to help those most in need during these difficult times.

I want to thank my friend, Chairman FRANK, for his tireless work on this issue, and I encourage my colleagues to vote for this bill.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111-3. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-3.

Mr. FRANK of Massachusetts. I rise to offer that amendment, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 3, line 16, after the period insert the following: "Such reporting may be required directly for nondepository institutions or through the appropriate Federal banking agency, as provided in section 103."

Page 4, line 15, strike "As" and insert "Except as provided in section 105, as".

Page 4, line 18, before the second comma insert "made after the date of the enactment of the TARP Reform and Accountability Act of 2009".

Page 5, line 1, strike "funding" and insert "assistance".

Page 5, line 10, strike "funds" and insert "assistance".

Page 6, line 23, strike "funds" and insert "assistance".

Page 7, after line 11, insert the following:

(4) RENTER PROTECTION.—In the case of any foreclosure on any dwelling or residential real property securing an extension of credit made under a contract entered into after the date of the enactment of this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A).

(5) BONA FIDE LEASE OR TENANCY.—For purposes of this paragraph (1), a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; or

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

Page 7, line 14, strike "may permit an" and insert "shall permit an assisted".

Page 7, line 18, before the first period insert the following: ", and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price".

Page 8, line 6, strike "means" and insert "mean".

Page 8, strike lines 19 through 21 and insert the following:

"(1) STANDARDS REQUIRED.—Notwithstanding any"

Page 8, line 25, strike "assisted institution" and insert "institution that became an assisted institution after the date of the enactment of the TARP Reform and Accountability Act of 2009".

Page 9, lines 6 through 8, strike "an assisted institution which received assistance under this title" and insert "such institution".

Page 10, strike lines 5 through 16.

Page 10, line 17, strike "(4)" and insert "(3)".

Page 10, line 23, strike "on or after" and insert "before".

Page 12, line 24, before the first period, insert ", and shall require such reports to be provided to the appropriate State bank supervisor (as defined in section 3 of the Federal Deposit Insurance Act)".

Page 13, lines 4 and 5, strike "striking paragraph (1) and inserting" and inserting "adding at the end".

Strike line 6 on page 13 and all that follows through page 16, line 18, and insert the following:

"(4) AMOUNT.—For assistance provided after the date of the enactment of the TARP Reform and Accountability Act of 2009, and except as provided in title III of such Act, the warrants or instruments described in this section shall have a value at least equal to 15 percent of the aggregate amount of such assistance."

Strike line 23 on page 16 and all that follows through page 17, line 2.

Page 17, line 6, strike "make available funds" and insert "provide assistance".

Page 17, line 8, before the period insert ", including such institutions that are privately held".

Page 17, strike lines 9 through 12 and insert the following:

(b) COMPARABLE TERMS.—An institution that receives assistance after the date of the enactment of the TARP Reform and Accountability Act of 2009, shall do so on terms comparable to the terms applicable to institutions that received assistance prior to the date of the enactment of such Act of 2009: *Provided*, That the institution—

Page 17, line 13, strike "have submitted applications" and insert "has submitted an application".

Page 17, line 18, strike "are" and insert "is".

Page 17, line 25, strike the comma and insert a period.

Page 18, strike lines 1 through 3.

Page 19, after line 12, insert the following:

SEC. 107. INCLUSION OF WOMEN AND MINORITIES.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—The Secretary of the Treasury shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and ensuring compliance by the Secretary and each assisted institution (as such term is defined in section 3 of the Emergency Economic Stabilization Act of 2008) with the requirements of this section. The Office shall be responsible for all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Secretary shall establish regarding the use of assistance provided under title I of such Act.

(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—The Secretary and each assisted institution shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of

legal services) in all business and activities of the Secretary and each assisted institution at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by the Secretary and each assisted institution for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

(c) APPLICABILITY.—This section shall apply to all contracts of the Secretary of the Treasury and assisted institutions for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

(d) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Congress detailed information describing the actions taken by the Office and assisted institutions pursuant to this section, which shall include a statement of the total amounts provided by the Secretary and assisted institutions under title I of the Emergency Economic Stabilization Act of 2008 to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.

SEC. 108. ANALYSIS OF USE OF ASSISTANCE.

(a) REQUIREMENT.—The Secretary of the Treasury shall regularly analyze timely and detailed information concerning the use of assistance provided under title I of the Emergency Economic Stabilization Act of 2008 by assisted institutions to ensure that the program established under title I of such Act is meeting the goals of the program.

(b) AGENCY COLLECTION.—The Secretary of the Treasury shall require the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other Federal agency the Secretary chooses to report detailed information to the Secretary on the use of assistance provided by the Secretary under the Emergency Economic Stabilization Act of 2008 in a standard electronic form on no less than a quarterly basis.

(c) SOURCE OF INFORMATION.—The data collected and analyzed under subsections (a) and (b)—

(1) shall come from existing reports filed by all assisted institutions where possible, including depository institutions and non-depository institutions, with the principal Federal regulator of each such institution, if any; and

(2) and should be sufficiently detailed and timely to enable the Secretary to determine the effectiveness of the program established under title I of the Emergency Economic Stabilization Act of 2008 in stimulating prudent lending and strengthening bank capital.

(d) ADJUSTMENTS AND RECOMMENDATIONS.—If the Secretary of the Treasury determines that—

(1) the goals of the program established under title I of the Emergency Economic Stabilization Act of 2008 are not being met, the Secretary shall work with the Federal agencies supplying the information under

subsection (b) to encourage such agencies to provide the recipients of assistance under such title with recommendations for better meeting the goals of the program; and

(2) the goals of the program are not being met following the recommendations and adjustments made in accordance with paragraph (1), the Secretary shall adjust the future uses of assistance provided under such title.

SEC. 109. DATABASE OF USE OF TARP FUNDS.

The Secretary of the Treasury shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains the name of each entity receiving funds made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) and the purpose for which such entity is receiving such funds.

Page 19, line 13, strike “107” and insert “110”.

Page 19, line 16, strike “subsection” and insert “subsections”.

Page 19, line 20, strike the quotation marks and the last period.

Page 19, line after line 20, insert the following:

“(g) QUALIFIED PROPERTY.—

“(1) GUARANTEE.—Upon the request of a lessee of qualified property in leases where the lessee economically defeased its rent and purchase option payments, the Secretary may serve as a guarantor with respect to all payment obligations of such lessee with respect to any defeased lease transaction that is in technical default because of a downgrade of a financial guarantor. Such guarantee shall be on such terms and conditions as are determined by the Secretary.

“(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) QUALIFIED PROPERTY.—The term ‘qualified property’ means domestic property subject to a lease entered into prior to November 1, 2007, in which a State or local government authority (as defined in section 5302(a) of title 49, United States Code) is the lessee.

“(B) GUARANTOR.—The term ‘guarantor’ includes any guarantor, surety, and payment undertaker.”

Page 20, before line 1 insert the following new section:

SEC. 111. INVESTMENT OF TARP FUNDS IN CREDIT UNIONS TAKEN INTO ACCOUNT IN DETERMINATION OF NET WORTH.

(a) IN GENERAL.—Section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) with respect to any insured credit union, means—

“(i) the retained earnings balance of the credit union, as determined under generally accepted accounting principles, together with any amounts that were previously the retained earnings of any other credit union with which the credit union has combined; and

“(ii) any donated equity, permanent, and perpetual capital deposits, or other primary capital made available under Title I of the Emergency Economic Stabilization Act of 2008, as determined by regulation or order of the Board with due regard for the accepted capital standards for United States depository institutions generally; and”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 112. TREASURY FACILITATED AUCTION.

Section 113(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(b)) is amended to read as follows:

“(b) USE OF MARKET MECHANISMS.—

“(1) IN GENERAL.—In making purchases under this Act, the Secretary shall—

“(A) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

“(B) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

“(2) AUCTION FACILITATION.—

“(A) IN GENERAL.—The Secretary shall, in coordination with institutions that volunteer to participate, and not using any funds under this title for purchases, facilitate an auction of troubled assets owned by such institutions to third party purchasers.

“(B) REPORT.—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

“(i) why such auction has not taken place; and

“(ii) by what mechanism the Secretary feels that troubled assets could most expeditiously be valued and liquidated.”

Page 20, after line 4, insert the following:

(a) COMMITMENT OF RESOURCES.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, not later than seven days after the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary of the Treasury (in this title referred to as the “Secretary”) shall commit funds made available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount of at least \$100,000,000,000, unless the Secretary certifies otherwise under subsection (d), but in no case less than \$40,000,000,000, for the purposes of foreclosure mitigation. Not less than \$20,000,000,000 of this amount shall be dedicated to the program described under section 204 of this Act. The Secretary shall consult with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation regarding the administration of the program.

Page 20, line 5, strike “(a)” and insert “(b)”.

Page 20, strike “of the Treasury” in line 8 and all that follows through “‘Secretary’” in line 9.

Page 20, line 11, after “to” insert “use the funds committed under subparagraph (a) to”.

Page 20, strike lines 16 through 21.

Strike “committing funds” in line 23 of page 20 and all that follows through “of 2008” on page 21, line 1.

Page 21, line 2, strike “(a)” and insert “(b)”.

Page 21, line 3, strike “by May 1, 2009,”.

Page 21, lines 4 and 5, strike “more than the minimum of \$40,000,000,000 as required” and insert “at least \$100,000,000,000 in the plan established”.

Page 21, lines 6 and 7, strike “, no later than May 15, 2009,” and insert “in the plan”.

Page 21, line 7, strike “additional funds” and insert “amounts”.

Page 21, after line 8, insert the following:

(e) CLARIFICATION.—For purposes of this title, the term “residential properties” shall include 1- to 4-family residential properties.

Page 21, line 11, strike “201(a)” and insert “201(b)”.

Page 21, lines 23 and 24, strike “one, or a combination of more than one,” and insert

“the systematic foreclosure prevention and mortgage modification program under section 204 and a combination”.

Page 21, after line 25, insert the following:

(4) WORKFORCE AND OUTREACH.—The plan shall set forth how the Secretary intends to develop, second, or contract for appropriate staffing to carry out the plan and the component programs and to ensure that private mortgage servicers utilizing the programs established by the Secretary will provide sufficient staffing and resources to engage in the outreach, loss mitigation activities, and homeowner education necessary for successful foreclosure mitigation.

Page 22, line 2, strike “201(a)” and insert “201(b)”.

Page 22, strike lines 9 through 11.

Page 22, line 12, strike “(2)” and insert “(1)”.

Page 22, line 23, strike “(3)” and insert “(2)”.

Page 23, line 8, strike “(4)” and insert “(3)”.

Page 23, line 13, strike “(5)” and insert “(4)”.

Page 23, line 10, after “servicers” insert the following: “, including servicers that are not affiliated with a depository institution.”

Page 23, line 19, after “Corporation” insert “, regional public-private partnerships,”.

Page 23, after line 22, insert the following:

(5) SUBSTITUTION OF TRUST.—A program under which modifications are allowed to the securitization trust agreements with respect to securities secured by pools of mortgages to allow a new qualified buyer to be substituted on a foreclosed property or a delinquent mortgage without seeking new financing.

Page 24, line 18, after “with” insert “the Chairperson of the Federal Deposit Insurance Corporation and”.

Page 27, line 19, strike “201(a)” and insert “201(b)”.

Page 28, line 3, strike “118” and insert “title I”.

Page 28, line 12, strike “204” and insert “205”.

Page 28, line 18, strike “201(a)” and insert “201(b)”.

Page 29, line 1, strike “205” and insert “206”.

Strike line 21 on page 31 and all that follows through page 32, line 2.

Page 32, line 3, strike “(c)” and insert “(b)”.

Page 32, line 10, strike “(d)” and insert “(c)”.

Page 32, after line 19, insert the following:

SEC. 207. FORECLOSURE PREVENTION FOR AFFORDABLE HOUSING.

Section 109 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended to read as follows:

“SEC. 109. FORECLOSURE MITIGATION EFFORTS.

“(a) RESIDENTIAL MORTGAGE SERVICING STANDARDS.—To the extent that the Secretary acquires mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Secretary shall implement a plan that seeks to maximize assistance for homeowners and renters and use the authority of the Secretary to encourage the servicers of the underlying mortgages, considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures. In addition, the Secretary may use loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures on single-family and multifamily housing.

“(b) COORDINATION.—The Secretary shall coordinate with the Corporation, the Board (with respect to any mortgage or mortgage-backed securities or pool of securities held, owned, or controlled by or on behalf of a Federal reserve bank, as provided in section 110(a)(1)(C)), the Federal Housing Finance Agency, the Secretary of Housing and Urban Development, and other Federal Government entities that hold troubled assets to attempt to identify opportunities for the acquisition of classes of troubled assets that will improve the ability of the Secretary to improve the loan modification and restructuring process and, where permissible, to permit bona fide tenants who are current on their rent to remain in their homes under the terms of the lease. In the case of a mortgage on a residential rental property, including a qualified low-income building under section 42 of the Internal Revenue Code of 1986, the plan required under this section shall include protecting Federal, State, and local rental subsidies and protections, and ensuring any modification takes into account the need for operating funds to maintain decent and safe conditions at the property.

“(c) CONSENT TO REASONABLE LOAN MODIFICATION REQUESTS.—Upon any request arising under existing investment contracts, the Secretary shall consent, where appropriate and considering net present value to the taxpayer, to reasonable requests by homeowners and owners of multifamily housing, including qualified low-income buildings under section 42 of the Internal Revenue Code of 1986, for loss mitigation measures, including term extensions, rate reductions, principal write downs, increases in the proportion of loans within a trust or other structure allowed to be modified, or removal of other limitation on modifications.”

Page 32, line 20, strike “206” and insert “208”.

Page 33, after line 6, insert the following (and conform the Table of Contents accordingly):

SEC. 209. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency, in coordination with the Director of the Office of Thrift Supervision, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Joint Economic Committee on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) The total number of mortgage modifications resulting in each of the following:

- (A) Additions of delinquent payments and fees to loan balances.
- (B) Interest rate reductions and freezes.
- (C) Term extensions.
- (D) Reductions of principal.
- (E) Deferrals of principal.
- (F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(2) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

- (A) An increase.
- (B) Remained the same.
- (C) Decreased less than 10 percent.
- (D) Decreased 10 percent or more.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

Page 52, strike “obligation” in line 19 and all that follows through “2008” in line 21 and insert “existing vested legal rights and the Constitution”.

Page 63, line 9, after the first period insert the following: “In determining which classes of consumer loans to support, the Secretary may consider the applicable regulatory structure and level of consumer protection afforded to such loans.”

Page 63, line 11, strike “103” and insert “101”.

Page 63, line 13, strike “(f)” and insert “(g)”.

Page 63, line 13, strike “401” and insert “110”.

Page 63, line 15, strike “(g)” and insert “(h)”.

Page 64, line 8, before the first period insert the following: “or any other entity eligible to issue bonds the interest on which is excludable from gross income for Federal income tax purposes.”

Page 64, line 19, after “estate loans,” insert “including loans for multifamily housing,”

Page 64, after line 22, insert the following new sections:

SEC. 404. SMALL BUSINESS LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 138 (as added by section 403 of this title) the following new section:

“SEC. 139. CLARIFICATION OF AUTHORITY REGARDING SMALL BUSINESS LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of small business loans, including farm loans, loans to minority and disadvantaged businesses, debtor-in-possession financing, dealer floor plan financing, and any other small business loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”

SEC. 405. COMMERCIAL LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 139 (as added by section 404 of this title) the following new section:

“SEC. 140. CLARIFICATION OF AUTHORITY REGARDING COMMERCIAL LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of commercial loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”

SEC. 406. AUTOMOBILE FLEET PURCHASE LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 140 (as added by section 405 of this title) the following new section:

“SEC. 140. CLARIFICATION OF AUTHORITY REGARDING AUTOMOBILE FLEET PURCHASE LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of automobile fleet purchase loans, including loans for the automobile rental industry and other fleet purchasers, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”

SEC. 407. CERTIFICATION.

Subsection (a) of section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the use of the authority for the purposes specified in the amendments made by title IV of the TARP Reform and Accountability Act of 2009.”

Strike line 1 on page 68 and all that follows through page 69, line 2.

Page 69, line 7, strike “carry out” and insert “establish and implement, within 60 days of the date of the enactment of the TARP Reform and Accountability Act of 2009.”

Page 69, lines 8 and 9, strike “using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008”.

Page 69, lines 11 and 12, strike “which shall include ensuring” and insert “by providing mechanisms to ensure”.

Page 69, line 12, after “affordable” insert “, below-market”.

Strike line 15 on page 69 and all that follows through page 70, line 13, and insert the following:

(b) IMPLEMENTATION.—The Secretary shall execute the program under this section using the authority to purchase obligations and other securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks made available by the Housing and Economic Recovery Act of 2008 and such other authority as the Secretary may have (other than that provided by title I of the Emergency Economic Stabilization Act of 2008) to make affordable, below-market interest rates available directly through portfolio lenders.

Page 70, line 14, strike “(d)” and insert “(c)”.

Page 70, line 17, after “affordable” insert “, below-market”.

Strike line 24 on page 70 and all that follows through page 71, line 3, and insert the following:

(e) TARGETING FOR HOUSING DISASTER AREAS.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary shall take into consideration impact of activities under the program on housing disaster areas.

(2) REPORT.—Not later than 60 days after the Secretary first has authority to purchase troubled assets pursuant to section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)), the Secretary shall—

(A) evaluate the impact of existing Federal foreclosure prevention activities on housing disaster areas;

(B) make a determination of whether the foreclosure rates and anticipated default rates in such areas have been adequately reduced; and

(C) submit a report to the Congress that describes the impact of such activities and the determination of the Secretary under subparagraph (B).

(3) **ALTERNATIVE PROPOSALS.**—If the Secretary determines that the foreclosure rates and anticipated default rates in housing disaster areas have not been adequately reduced, the Secretary shall—

(A) consider carrying out alternative proposals, including a proposal under which the Federal Government makes available affordable mortgages, including refinancings, through subsidized financing or mortgage purchases; and

(B) establish and carry out alternative programs as the Secretary considers necessary to ensure that foreclosure prevention efforts are most effective in the areas of greatest need, including housing disaster areas.

(4) **HOUSING DISASTER AREAS.**—For purposes of this section, the term “housing disaster area” means a geographic area having both—

(A) a high foreclosure rate during the 12 months preceding the date of the enactment of this Act, as measured by percentages of homes in or having gone through foreclosure during such period and compared to other areas; and

(B) a substantial decline in home prices during the 12 months preceding the date of the enactment of this Act, as measured by the Office of Federal Housing Enterprise and Oversight and compared to other areas.

Page 72, line 20, strike “1814(a)” and insert “1824(a)”.

At the end of the bill, add the following new title:

TITLE VIII—REPORTS ON THE GUARANTEE OF CERTAIN CITIGROUP ASSETS

SEC. 801. REPORTS REQUIRED.

(a) **TREASURY REPORTS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, in coordination with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, shall issue a report to the Committee on Financial Services of the House of Representatives, the Committee on Banking of the Senate, and to the Comptroller General of the United States containing the following:

(1) The authority under which the Citigroup guarantee and purchases were made.

(2) A complete accounting of the specific loans, securities, and any other financial instruments in the asset pool covered by the Citigroup guarantee.

(b) **GAO REPORT.**—Not later than 60 days after the date the Secretary of the Treasury issues the report required by subsection (a), the Comptroller General of the United States shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking of the Senate examining the probable long-term cost to the Federal Government of the Citigroup guarantee.

(c) **CITIGROUP GUARANTEE DEFINED.**—For the purpose of this section, the term “Citigroup guarantee” means the agreement announced November 23, 2008, between Citigroup and the Treasury and the Federal Deposit Insurance Corporation to guarantee or purchase, partly through the use of funds authorized under the Emergency Economic

Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), an asset pool of approximately \$306 billion of loans and securities backed by residential and commercial real estate and other such assets on Citigroup's balance sheet.

TITLE IX—GAO STUDY OF FINANCIAL CRISIS

SEC. 901. STUDY REQUIRED.

The Comptroller General of the United States shall—

(1) conduct an in-depth study of the root causes of the financial crisis; and

(2) submit a report to the Congress and the President, and transmit a copy to the Secretary of the Treasury, containing the findings and conclusions of the Comptroller General with respect to the study under paragraph (1), together with such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 902. TREASURY STRATEGY AND TIMELINE.

Using the findings and conclusions of the Comptroller General in the report under section 901(2), within 30 days, the Secretary of the Treasury shall issue an overall strategy and timeline for implementing the recommendations contained in the report with the goal of financial stability and the well-being of taxpayers.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1115

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we determined that because the President was going to be triggering this request we should act on this bill, we sent out a notice to all Members inviting amendments. We received a large number of amendments and we agreed that many of them made a great deal of sense. Some of them we think clarify what was already the intention of the bill. This amendment includes a variety of those. There will be Members here on the floor who want to talk about it.

For example, you heard the gentleman from Kansas (Mr. MORAN) talk about the removal of the provision that would have restricted the use of private aircraft. That is one of the things that is in here. There are other things that are important to various Members who will be addressing them. They aim at enforcing better the accountability and essentially increasing some of the restrictions on the recipient institutions. I will be discussing these and other matters with some other Members.

At this point, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 20 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just before this meeting out here on the floor, I was in my office back in Cannon meeting with and on the phone with constituents back at home discussing the fact of the difficult plight we find ourselves and the economy in in this country right now, specifically with regard to homeowners, the problems that they are having with paying their mortgages and the like, the difficulty overall with the economy, with the rising unemployment rates, the problems in the credit markets and the like.

The question they ask, of course, is what is Congress about to do with this situation. The conversation always turns around to what has Congress done in the first place, and, of course, we know what that is.

Several months ago, I guess it was in September, this Congress was told by the administration and agreed to by the other side of the aisle that unless Congress acted expeditiously, the sky was going to fall in, and that what Congress had to do was authorize and appropriate \$700 billion to bail out the situation.

Well, we have since that time spent \$350 billion of that sum, and the callers that I heard from from home that I was just referring to before are saying, what did it achieve? What did we accomplish? Unemployment is still high, the housing market is still tight, home prices are still falling, and all that we really did was to bail out Wall Street, is the way some people couch it.

The question then comes up, how did we go through that process. I have to tell the people back at home, not in a very transparent and open manner. Quite honestly, it was in a rushed matter. We rushed through a piece of legislation that started out at three pages and then turns out to well over 100, without a single hearing, without a single markup, without a single discussion really in committee as to whether there would be transparency and accountability and the like.

Well, sir, now we are about to do the same thing next week, I understand, when President-elect Obama has requested that we spend the next \$350 billion, again without the appropriate oversight. So I commend the chairman for taking the step to try to begin to begin the process of providing some of that degree of accountability, transparency and oversight.

But I do raise the same question that the people asked me on the phone today that I was talking to: Why are we rushing to judgment on it? Why are we going through it in the same manner, the same failed policy reasons, the same procedural manner that we did before, without a hearing, without a discussion, without a markup in committee, so that both sides of the aisle

could come together with their good ideas in order to achieve what the American public wants, to right the economy, to not put the taxpayer on a hook, and to do so that the taxpayer is protected. Why are we doing it in the same failed policy procedure we did in the past without that ability for input?

Now, the chairman will say, well, we have ability because the Rules Committee allowed a number of amendments. We will be debating those amendments shortly, 10 or 11 amendments I believe we will have at that point in time.

The chairman will agree that is not the best way to achieve what we are trying to for the American people. The best way is to have an open, honest discussion in committee, allow the experts to come in and testify, allow Members from both sides of the aisle to have input, and allow it to go through the committee to get that desired result.

That was not done with TARP 1, that really is not being done with TARP 2. So I rise in opposition to this failed policy and procedure that we are doing here today as well.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I first yield myself 30 seconds to correct the gentleman from New Jersey.

The gentleman from New Jersey said that President Obama was requesting these funds. In fact, President Bush requested the funds. He did it after President-elect Obama asked him to, but I think it ought to be clear on the record, this is a continuation of the Bush policy and it was President Bush who in fact requested the funds. President Obama could not request them until next week. The President did it at the request of the President-elect, but it was President Bush who did it.

I now yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Thank you, Mr. Chairman. I rise to engage the chairman in a colloquy.

Mr. Chairman, I am extremely concerned at the current state of affairs with credit card regulations as my constituents see these extraordinary interest rates affecting their credit cards. I am appalled that companies continue to engage in predatory practices, like double-cycle billing and inadequate notification periods and retroactive rate hikes for these credit cards.

I am seeing these predatory practices continue, in spite of the fact that the Federal Reserve has recently finalized a rule that will ban many of these predatory practices. Unfortunately, these reforms are not scheduled to go into place until July 2010, and then they will save our consumers over \$10 billion a year.

I think it would be outrageous to see us bail out these banks, and yet see

them also continue to gouge these consumers of ours, these taxpayers at the other end of the ledger on these predatory practices. I would like to work with the chairman to see that we address this issue in forthcoming legislation.

Mr. FRANK of Massachusetts. If the gentleman will yield, as he knows, because he was a strong supporter, the Committee on Financial Services, once we became the majority, in fact put through this House a bill that was even tougher in some ways than what the Federal Reserve did, and I think was the spur to the Federal Reserve acting. Unfortunately, it wasn't acted on in the Senate, but I thought it was good that we passed it. I know there are Members who say if we can't know the Senate is going to pass something, we shouldn't even try. We have rejected that. We did pass that bill.

The gentlewoman from New York (Mrs. MALONEY) has been a leader here. She will be bringing that bill up again, and we want to apply those principles not just to TARP recipients, but to all credit card companies. We expect to do it quickly. The gentleman is absolutely right. We should not wait until 2010. I hope that we will have this bill on the floor by March, and we will be able, and the gentleman's input has been very helpful to us, to pass this bill that will become law very soon.

Mr. KENNEDY. I want to salute the gentleman for the transparency and accountability standards that he has in the manager's amendment, and encourage additional funds to go to the foreclosure problem that he has identified in his manager's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

It is interesting to find out that our chairman, who oftentimes berates our side of the aisle for distancing ourselves from our President, now I find that he is already distancing himself from the President-to-be, President-elect Obama.

While he is correct while being overly technical about it by saying that it was President Bush who actually filed the paperwork and made the submission to this House and to the Congress in order for the request of the additional TARP funds, he seems to be distancing himself from his party's candidate and his party's and all this Nation's President-elect Obama, for it was President-elect Obama who did go to President Bush and did request that this Congress facilitate the passage of the additional \$350 billion.

Now, the chairman may not like the fact that President-elect Obama is requesting it. Maybe, quite candidly, the chairman has the same concerns that I do, that President-elect Obama failed to give us a plan, which makes it hard for either one of us, quite candidly, to be able to discuss either in committee

or here on the Floor in a rational and logical manner what it is exactly we will be spending the \$350 billion on.

So I will join with the chairman in being concerned and outraged that President-elect Obama has not given us a plan. But it is concerning that the chairman points to President Bush, when he knows it is President-elect Obama who instigated this in the first place.

But I will yield.

Mr. FRANK of Massachusetts. The gentleman has transformed my correcting his error into distancing myself from President Obama. I said when I got up that it was done by President Bush at the request of President Obama.

Mr. GARRETT of New Jersey. I reclaim my time. Thank you. I understand what he said before, but then you have to always point to the words that came after that, and he was alluding to the fact that it actually came to the floor from President Bush when, yes, it was President-elect Obama who initiated it.

But for the fact that President-elect Obama initiated it, President Bush, as far as I know, has never made a statement that he would have unilaterally made that request. I have never seen anything in the media, and I may be wrong, but I have never seen anything in the media or otherwise saying that President Bush was about to come to this Congress and ask for those additional funds.

It was President-elect Obama, for good or for bad, and I think for the fact that we don't have a plan here, quite candidly, Mr. Chairman, to discuss and debate today, more for the bad than the good that we are coming here without such a plan.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I will yield myself 1 minute.

The gentleman from New Jersey has built that castle in the air because I corrected his flat error. He said President-elect Obama asked for it. He did not. I said that President Bush asked for it at the request of President-elect Obama. How my correcting his error became distancing myself from the new President is beyond me.

In fact, President Bush's administration did want the second \$350 billion. The gentleman is wrong in saying they didn't. Secretary Paulson was deterred from doing that, however, because we told him that we were sufficiently disappointed in the way it had been administered and that if he asked for it we would probably reject it, and that only if he came to some agreement with the new President and the Congress could that go forward. So those are the facts.

Yes, the outgoing administration wanted it. They withheld because they were told they wouldn't get it unless they had cooperation, and then the two

administrations jointly did that. There is no distancing when I make that point.

In fact, the central point here about the TARP is this: We believe quite to the opposite that we are distancing ourselves from Mr. Obama. We believe that because Bush used this badly is no reason to give Obama not a chance to use it well.

I now yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Chairman, I thank the chairman.

Mr. Chairman, I rise today in support of Chairman FRANK's manager's amendment and the underlying legislation. I want to thank Chairman FRANK and his excellent staff for working with me to address a concern I had with the original draft bill.

On Tuesday, I talked to our Kansas Governor, Kathleen Sebelius. We were concerned about a provision in the bill that would have required financial firms participating in TARP to divest their companies of corporate business aircraft.

While it is clear that the auto executives were very insensitive to the American taxpayers when they flew in their private jets last November to request billions of dollars in Federal assistance, a blanket prohibition against the corporate use of business aircraft would have had the unintended consequence of hurting the general aviation industry and its workers, which is important to Kansas.

With nearly 44,000 Kansans who work for aviation companies like Cessna, Beechcraft, Learjet and Boeing, as well as their contracting counterparts like Garmin and Honeywell, many Kansas families depend on this industry. And the impact would have been felt not just in Kansas. General aviation contributes more than \$150 billion a year to the U.S. economy and employs more than 1.2 million people.

I want to thank again Chairman FRANK and his staff for responding to our concerns and for striking this provision. This is good news for Kansans and aviation workers across this country. These are difficult times. I urge my colleagues to support the manager's amendment and this bill to ensure these TARP funds are responsibly allocated with strong oversight protections for the American taxpayer.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), a leader on this issue and more importantly a leader on the issue of reviving our economy in general and in a free market manner which will not put the American taxpayer on the hook.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I again question why we are even here today. I observe again that those who have risen to be the largest critics of the TARP bill were

the ones who wrote the TARP bill. So, number one, why weren't the standards, the accountability, the provisions that some are seeking today, why weren't they there originally? That is question number one.

Question number two is: Why are we having to have a vote that turns off the spigot of an extra \$350 billion of taxpayer money, as opposed to turn it on?

So why are we even having to have this vote, Mr. Chairman, I think is an interesting question that the American people want to know the answer to.

Now, already if you look at the actions of the Federal Reserve, if you look at the actions of Treasury, Mr. Chairman, we are already up to somewhere in the neighborhood of \$7 trillion to \$8 trillion of potential liability taxpayer exposure. I don't necessarily believe the taxpayer will have to pay it all. I hope and pray that the taxpayer will get some return on his investment.

□ 1130

But to sit here and say that unless Congress somehow authorizes the incoming President to spend an extra \$350 billion that we could spend ourselves, and to give him this authority, without any plan being presented whatsoever, I mean, Mr. Chairman, that's just something I don't understand. It's not something that the constituents that I represent in the Fifth District of Texas understand.

Now, I do believe that the chairman is right on a couple of instances, that, yes, we need to know how institutions who are receiving TARP funds actually spend it. That's important. We need to have some kind of measurement of success to know what's actually happening here.

But I look at the provisions of the strings that he's attempting to attach after the fact, when, if this was a horse leaving the barn, I don't think we've seen much left but his tail. But when I look at the strings that are being attached here, I mean, Number 1, we have explicit language here that most of us have concluded is picking winners and losers in our economy, express language dealing with the auto companies.

Now, I don't want to see the auto companies fail. Nobody in America does. But name me an industry in America that isn't struggling. Is Congress so wise that they can decide which industries are deserving the taxpayer bailout and which aren't?

It's one thing for the Federal Government to try to monitor the money supply, ensure that the money supply is proper, that would hopefully lift all industries, help all families, help all job creators and those who have the jobs.

But it's another to start saying, well, here's the explicit plan for the auto industry. And if it's the auto industry today, is it the airlines industry tomorrow? Who is it next week?

Again, how can everybody who's struggling bail out everybody else who's struggling?

And what has become of all of this money?

Again, it's not like this is the only \$350 billion lying around. The Federal Reserve already has a number of credit facilities that are set up. We don't even know the full impact of the first \$350 billion.

And so now we have a plan that, as I understand, and I believe I've heard the chairman say that the Senate does not intend to vote on this, which is another reason I question the use of the House's time on this matter. But trying to have a provision that picks winners and losers in our economy and, specifically, in our housing industry as well.

We know about the tragic circumstances in our housing industry. But what's going to make it even more tragic, Mr. Chairman, is to take money away from people who are current on their mortgages, or who rent, or who own their homes outright, to give the money to people who aren't current in their mortgage.

Now, there's a couple of reasons people aren't current in their mortgages. Number 1, maybe it's through no fault of their own. Maybe they were duped by a predatory lender. Maybe they had a serious illness. Maybe they had a loss of job. I mean, these are serious setbacks, and I would hope that we could help these people.

But, Mr. Chairman, there's a huge universe of people who engaged in predatory borrowing, out-and-out mortgage fraud. There's a universe of people who decided they would turn their homes into an ATM machine, and now they expect their neighbor to bail them out. There's a whole group who didn't really buy a home, they bought an investment and they decided to live in it, and now they expect their neighbor to bail them out.

When you're struggling to pay your mortgage, Mr. Chairman, you shouldn't be compelled to have to pay your neighbors' as well.

For all these reasons, this amendment should be defeated.

Mr. FRANK of Massachusetts. Mr. Chairman, I first yield myself 1 minute to say that I appreciate the intellectual honesty of the gentleman from Texas (Mr. HENSARLING). He opposes one of the major thrusts of this bill and one of the major criticisms many of us had of the Bush administration, namely, the foreclosure relief. And the gentleman opposed these efforts.

I must say that I am encouraged by the Bush appointee, Secretary of HUD, Mr. Preston, the Bush appointee as head of the FDIC, Ms. Bair, both of whom believe that we can do foreclosure protection with the tools in this bill, and that it can be done effectively. But I appreciate this is a genuine difference between us and I appreciate the gentleman articulating it.

In 2007, this House passed a bill to restrict subprime lending of an inappropriate sort aimed at both borrowers

and lenders. It would have made it impossible for people to borrow inappropriately, as well as to lend. The gentleman, I believe, opposed that. Many others, the gentleman from New Jersey did. There were some important philosophical differences.

The Wall Street Journal, which today denounces us for trying to do foreclosure relief, denounced us at the time. They said when we passed the bill to restrict subprime lending, it was an undue interference in the market, and we're going to keep people from owning homes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield myself an additional 30 seconds.

So just to be clear, whether or not there should be Federal programs as advocated by FDIC Chair Bair, Secretary of HUD Preston and many others, whether or not there should be Federal programs to reduce foreclosure, is a very defining difference between most of us on this side and most on the other side; although there are many on the Republican side who do agree with us that we should try to abate foreclosures, not just as a matter of compassion, but as central to solving our economic problem.

I now yield 2 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the chairman very much. And I might just simply say that I remember the haggling previously in the last year about this bill. And one of the issues was the veto threat of the President in not allowing us to add language earlier. We fought for it.

Let me thank the chairman very much for what we've all fought for over the years, over the last couple of months, and that is the amount of, if you will, mortgage set aside money. I want to announce that over and over again, that there is now money included in here to directly work with my constituent who I sat down at her kitchen table. She gets \$18,000 a year, but she's hardworking and she had a home that she could afford, except for the adjustable rate. So I want to thank for that. And it is something that I want more. We all want more, but we're starting out in that direction to be able to focus on mortgage workouts.

Mr. Chairman, I'd like to engage in a colloquy at this time. Quickly, the Treasury Department has yet to issue the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections at other banks. However, they are very vital to the inner city. And I ask, in our work together, whether or not if you can explain the language.

Mr. FRANK of Massachusetts. If the gentlewoman would yield.

Ms. JACKSON-LEE of Texas. I'd be happy to yield.

Mr. FRANK of Massachusetts. She's absolutely right. I appreciate her calling this to our attention. We have amended the bill to take into account these private banks, many of which serve lower-income communities and are themselves people of experience in this area.

As I said yesterday when the question came up about mutuals, the form of ownership should not be determinative here. Whether or not they are performing a valid function in the economy and whether or not they can use these funds responsibly is all that should cover. So we did amend the bill at the gentlewoman's request in that manner.

Ms. JACKSON-LEE of Texas. We thank you very much. And the language does move this along, and I want to thank you.

Quickly, let me also thank you for regulating the automobile industry, which you promised to do, which you also worked specifically to provide more credit to the automobile industry. But in that light we talked about—

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 30 seconds.

Ms. JACKSON-LEE of Texas. We talked about minority participation. You have now some language that says, not only can they benefit as small businesses from loans, but they can service or participate in that process of doing business.

Mr. FRANK of Massachusetts. If the gentlewoman would yield.

Ms. JACKSON-LEE of Texas. I'd be happy to yield.

Mr. FRANK of Massachusetts. Yes. In fact, it will make the administration better if those administering it have knowledge of and represent the whole range of people to whom this is aimed. And I thank the gentlewoman.

Ms. JACKSON-LEE of Texas. Well, let me thank you specifically for the Office of Minority and Women Inclusion. It is a great edition. And I would say this is a tough business. People are hurting. It's time to move forward on a newly regulated TARP, the American people's taxpayer dollars will be protected.

Mr. Chair, I rise today in strong support of H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act of 2009. This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation.

Mr. Chair, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the manager's amendment to this legislation which ensures that small and

minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks; however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans, and 77 percent of small agricultural production loans.

This manager's amendment requires that the Treasury Department act promptly to permit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation. We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the manager's amendment will effect this change.

In Section 107, the manager's amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios,

making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The manager's amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending, or reduction in decrease of lending and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

Mr. Chair, I am pleased that this legislation has strong requirements regarding executive compensation. For any new receipt of TARP funds, except those by small financial institutions, this legislation applies the most stringent non-tax executive compensation restrictions from EESA across the board including:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate statements; and
3. Prohibits all golden parachute payment for the duration of the investment.

Included in this legislation is a requirement of government board representation by authorizing Treasury to have an observer at board or board committee meetings of recipient institutions. This legislation changes the structure and authority of TARP board—the Financial Stability Oversight Board is expanded to include the Chairman of the FDIC and two additional members who are not currently Federal employees, who shall be appointed by President and subject to Senate confirmation. The Board will have the authority to overturn policy decisions of the Treasury Secretary by a two-thirds vote.

Mr. Chair, the act provides that the second \$350 billion is conditioned on the use of up to \$100 billion, but no less than \$40 billion, for foreclosure mitigation, with plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than required minimum \$40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

1. Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor;
2. Bringing costs of Hope for Homeowner loans down, beyond mandatory changes in Title V below, either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both;
3. Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any writedown by existing lender Treasury may require;
4. Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and
5. Purchase of whole loans for the purpose of modifying or refinancing the loans with authorization to delegate to FDIC.

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act, maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the act to pay the servicers' court costs and legal fees. It also requires servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope, and results of the servicer's modification activities.

In addition to the above requirements, an oversight panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans;

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve;

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities; and

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for homeowners in title V. The home buyer stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA deposit insurance limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to \$250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

I strongly urge my colleagues to join me in support of this important legislation.

Mr. GARRETT of New Jersey. I first yield myself 30 seconds to respond to the chairman's question. Yes, there is a specific philosophical difference with

regard to keeping people in their houses. As we know, both sides of the aisle want to do the best that the Federal Government can do in this area. And the administration has already set up a program, the HOPE program, and taken other actions to try to facilitate those people who are in difficult situations to remain in their houses.

But I believe it was Ms. WATERS on your side of the aisle that raised the same point similar to what I raised. What do we say to the person who has been on time paying their bills, which is over 90 percent of the American public homeowners, who has been paying their bill month after month after month on time and saying to them, well, you know what? We're going to use your tax dollars to subsidize the people across the street with a program to help them keep when they went over the amount they should be spending on their homes. And that is the philosophical difference that we have.

I yield now 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just start off by saying I'm opposed to all these bailouts.

But after having said, let me say that if we're going to do it we really need a comprehensive plan that's going to deal with the problems facing this country.

I had home builders come into my office last week, and they told me that their businesses are being re-appraised, and they're going to have to pay the difference between what the appraisal was initially and what it is now, and they're driving a lot of these home builders out of business.

I had some people who are commercial developers come in to see me last week, and they told me that their commercial assets are being re-appraised, maybe 70 percent of what they were before, and they have to pay the difference between what they were getting and the 70 percent, and they're being driven out of business. So there's a huge cascading effect with all these problems that we're facing right now. And we're not addressing them in this bill or any of the other bills that I've seen.

You've got people who are losing their homes. You've got home builders that are going out of business. You've got commercial developers that are going out of business because of these re-appraisals, and there's nothing in the plans that I've seen that addresses these problems.

Mr. FRANK and I are good friends. But just throwing this money at these problems without any plan is actually crazy. And yet we did it with the first \$350 billion tranche, and we're going to do it again, and then we're going to come back with a \$1.2 trillion request in just another 2 or 3 weeks. I mean, we can't buy our way out of these problems. We have to have a sound business

plan to deal with these problems. And if we don't do it, we're going to see a huge economic problem that's even worse than what we face today.

So I'd like to say to Mr. FRANK and my colleagues, before we start giving all this money away, why don't we really sit down with the people that are supposed to be administering this money and come up with a sound plan that affects the entire economy. I mean, if you're going to spend the money, we might as well do it the right way.

Mr. FRANK of Massachusetts. Mr. Chairman, first I'll yield myself 30 seconds to answer the question. What do we tell the person making mortgage payments why we are trying to help reduce foreclosures? And the major reason is that it is the improvident granting of these loans and the failure of many of these loans to pay off that is the single biggest cause of the financial crisis we're in. And a wide range of economists agree that until we reduce the rate of foreclosures which are embedded in so many securities that were, without regulation, scattered around the economic landscape, we will not be able to undo the economic problem we're in. So foreclosure diminution is part of our economic recovery plan.

It also, of course, hurts property values in general.

I now yield 1 minute to a very active member of our committee, the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I rise in support of the manager's amendment and the bill. We're in a position where \$350 billion, without any conditions, is likely to be passed, or it's been requested and likely will go out the door.

These conditions are important, and the conditions that are added through the manager's amendment are particularly important. One of the things we talked about with the original TARP bill was that money would, 1, buy mortgage portfolios, 2, recapitalize banks and 3, pass through various agencies to small businesses through the Federal home loan banks and through the farm credit administration.

This manager's amendment assures that money passes directly to people on Main Street, including the home builders that Mr. BURTON was just talking about, commercial realtors, commercial real estate, farmers, municipal bond dealers, so that credit all across the board is available to people and gets this economy back on track and loosens up credit across the United States.

And I support the manager's amendment and ask for an "aye" vote.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 3 minutes to Mr. SCHOCK from Illinois.

Mr. SCHOCK. Chairman FRANK, Ranking Member BACHUS and Con-

gressman GARRETT, first let me thank you for the opportunity to come to the floor and speak today.

Chairman FRANK, I congratulate you on bringing this piece of legislation forward, and I admire the meticulous and bipartisan nature in which you have crafted it.

I would like also to thank you, the both of you, for the inclusion of my noncontroversial amendment into the manager's amendment. I believe this amendment represents a small but important step which will serve the good of the American people.

My amendment is very simple. It establishes a user-friendly Web site where the American people can quickly and accurately see where their money is going.

During debate yesterday, we heard the need for more oversight, more transparency, and more control over the flow of TARP funds.

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I am glad that we here in Congress will be provided more information about TARP funds. However, what about the American people?

This is their money, and I believe they need to be able to track it. I hope that an online database will provide a helpful tool in this effort. In essence, this amendment seeks to create a Google for TARP. This Web site will clearly display who is using the money, for what purposes and how their dollars will ultimately cycle back to their pockets. I intend this Web site to be easily searchable and to contain information on both specific payments and on the aggregate amounts received by each receiving entity. This amendment is about accurate accounting, openness, fair government, transparency, and hopefully, one day, balancing our budget.

You know, when my constituents leave the grocery store, they know three things—what they've spent, what they got for their money and how their purchases are going to help their families. Well, the American people deserve to know the same thing when they, for the very first time, are pouring billions of the same hard-earned dollars, which they used to purchase groceries, into the financial and housing markets. Americans should be able to identify what is being spent in their name.

Currently, the Treasury Department provides limited balance sheets, listing complex purchases on their Web site. The target audience of this Web site is for those applying for TARP funds, in other words, financial experts. It is not for those who are looking to see how their money is spent.

Well, I'm sure my constituents are very similar to yours. They're not high-powered New York City investment bankers. While they have not been a part of this problem, they're being asked to foot the bill for it. In

doing so, it is their right to know where their money is going, for what programs it is being used and how it will benefit them in the long run.

While I support the bill we are considering today, I am concerned that these changes, while needed, will further confuse where this money is going. Funds will begin to cross over multiple government agencies to the point where anyone wanting to track the flow of money would have to visit multiple Web sites with his mouse in one hand and his calculator in the other. A person should not have to be a forensic accountant to decipher where his tax dollars are being allocated.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional 30 seconds.

Mr. SCHOCK. Thank you, Mr. FRANK.

My hope is that, through this amendment, we can establish something similar to or what can become a part of what our President-elect has established under the Federal Funding Accountability and Transparency Act of 2006—the USAspending.gov Web site, a Web site explaining to the American people the different Federal agencies and how their hard-earned money is being spent to better their lives.

As I said, this is a commonsense amendment that seeks to improve the people's access to their government.

Mr. FRANK of Massachusetts. Would the gentleman yield to me the remaining few seconds?

Mr. SCHOCK. Yes, sir.

Mr. FRANK of Massachusetts. I just want to say the gentleman said his amendment was noncontroversial, but noncontroversial doesn't mean unimportant. It is a very thoughtful amendment. It will greatly advance things, and I appreciate his offering it.

The Acting CHAIR. The gentleman's time has expired.

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the Members who has been most active in trying to deal with this foreclosure problem that other Members think we should ignore. He is the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of the manager's amendment offered today by Chairman FRANK to H.R. 384, the TARP Reform and Accountability Act of 2009. I will also take this opportunity to commend his extraordinary leadership on this issue and to thank him and the Rules Committee for including language that I have proposed within the manager's amendment.

The language I offer requires the Comptroller of the Currency and the Director of the Office of Thrift Supervision to issue mortgage modification data collection and reporting requirements for the banks they regulate and to report this information back to Con-

gress. This amendment is necessary for one clear reason:

In a December 8, 2008 report, the OCC announced that, within 3 months of an initial mortgage modification, nearly 36 percent of borrowers redefaulted by being more than 30 days past due. After 6 months, the rate was nearly 53 percent, and after 8 months, it was 58 percent.

Unfortunately, no one really knows the reasons behind these redefault rates. This language will help us gather the information we need to understand what is occurring and to understand, hopefully, why it is occurring.

Mr. Chairman, a RealtyTrac reported this morning that the foreclosure rate jumped to 81 percent in 2008 with one in every 54 households experiencing at least one foreclosure. This equates to nearly 2.3 million properties.

Foreclosure rates are projected to rise in the coming months, and it is, therefore, imperative to us to understand the nature of the modifications being made by lenders and whether they address the real needs of borrowers by creating terms borrowers can realistically meet.

It is our duty to protect homeowners and to ensure transparency, accountability and strict standards. H.R. 384 accomplishes these objectives.

Again, I want to thank Mr. FRANK for his efforts, and I want to urge my colleagues to support this amendment and the underlying bill.

Mr. GARRETT of New Jersey. Mr. Chairman, at this time, I yield another 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I was listening carefully to the distinguished chairman of the Financial Services Committee when he introduced the previous speaker. He said the gentleman cared passionately about the foreclosure mitigation, and apparently, other Members don't. I'm not sure who the chairman was alluding to. We certainly care about foreclosure mitigation on this side of the aisle.

Mr. Chairman, there is no better foreclosure mitigation plan than keeping your job, number 1, having expanded opportunities for a better job in the future, and number 3, having a growing paycheck. That's why Republicans on this side of the aisle have supported a tax relief plan to make sure that people keep their jobs and to help small businesses. It's why people on this side of the aisle—why Republicans, Mr. Chairman—have supported a plan that would reduce the tax on future job creation—the capital gains tax, the tax on investment. It's why we have supported tax reductions for middle-income families so they can pay these mortgages.

I see, unfortunately, that the chairman has left the floor, but I would also observe that over 2 million mortgages have been refinanced between the borrowers and lenders.

Listen, a great tragedy has occurred in our housing market. Now the question is: With all of these losses, who is going to realize it? Is it going to be the borrowers and the lenders or is it going to be the taxpayers?

So, if some believe there are other Members who don't care about foreclosure mitigation, I would say, Mr. Chairman, it appears that some Members don't care about the debt that they are placing on future generations, constraining their homeownership opportunities. They don't care about the fact that we are now looking, under this Congress, at the single largest deficit in America's history, that we are seeing red ink as far as the eye can see and that we are possibly planting the seeds for an even worse recession 5, 6, 7, 8 years from now because bad public policy decisions, Mr. Chairman, after 9/11 and after the dot-com bubble have led us to where we are today.

Mr. DRIEHAUS. Mr. Chairman, I yield myself 1 minute.

Thank you to the gentleman from Massachusetts for his leadership on this amendment and for his leadership on this issue. I stand in support of the manager's amendment.

Many who support it—the Emergency Economic Stabilization Act that first authorized the money for TARP—despite the fact that they were angered by the circumstances that caused its necessity, believed it was essential for the Nation's economy.

My home State of Ohio is amongst the Nation's leaders in its foreclosure rate, and I am keenly aware of the need for intervention to mitigate the increasing number of foreclosures. This measure recognizes that and provides relief for those who need it most, not just for America's homeowners, not just for America's financial institutions but for entire communities that are suffering and that are failing under the weight of the foreclosure crisis.

I appreciate the chairman's fundamental work on this issue. Again, I would encourage my colleagues to support the manager's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, at this time, I have no further speakers, and I would reserve my time until the gentleman from Massachusetts is ready to close.

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the most active advocates of trying to have effective foreclosure relief. She is the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of the underlying bill and of the amendment introduced by my good friend from Massachusetts.

He has been a tireless leader, the chairman has, in trying to ensure that this administration does right by the taxpayers and that it particularly does right by homeowners who are facing foreclosure.

Like many of my colleagues, I supported the final TARP. Yet, despite the debate in this Congress and despite the intense discussions with the administration, they failed taxpayers miserably in making sure that homeowners are protected, that they stay in their homes and that we restore stability to our housing and mortgage markets.

This amendment adds and strengthens many critically important provisions. I particularly support the establishment of an Office of Minority and Women Inclusion.

As my colleague from Maryland noted, foreclosures continue to take their toll on families, communities and States across this country. Yesterday, of course, RealtyTrac announced that the foreclosure rate was up 81 percent in 2008. In fact, it's likely that, in my home State of Maryland, 1 in 26 homeowners will experience foreclosure this year. Many of those homeowners, some of those homeowners, live in my own neighborhood.

I represent two counties leading our State in foreclosure numbers. If left unaddressed, the foreclosures will continue to increase and will touch even more lives. I am frustrated that this administration has failed and that foreclosures have skyrocketed.

Yet it's important now for us to get it right for the American people and for the taxpayer. So I support the underlying bill and the amendment. I applaud the chairman for his leadership to make certain that American taxpayers are protected, that we ensure that people stay in their homes, that they are protected from foreclosure, that we stabilize our housing market, and that we provide accountability for taxpayers and for the administration.

Mr. GARRETT of New Jersey. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON) who has been a fierce advocate here, particularly of the rights of tenants, which are often overlooked in this process.

Mr. ELLISON. Let me thank Chairman FRANK for bringing this critical legislation to the floor.

When Congress passed the emergency financial services rescue package last fall, we included specific provisions to help distressed homeowners. Unfortunately, the Bush administration decided to help out Wall Street with these funds while ignoring the needs of Main Street.

The fact is that this piece of legislation, carefully crafted and now working with an amenable and a cooperative administration, is in a much better position to meet the needs set forth in the original legislation, which is to help homeowners. The bill requires at least \$40 billion, but no more than \$100 billion, be used to help distressed homeowners.

Finally, I am excited to report that there is a measure that I authored with other Members which provides reasonable protections for bona fide renters, which is something I'm very happy about. I am pleased to be able to support this legislation today.

Again, Mr. Chairman, let me thank our very able chairman on this piece of legislation so we can get our country back and moving again.

Mr. GARRETT of New Jersey. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. The gentleman should proceed because I will be closing for us, and I am the last speaker.

The Acting CHAIR. The gentleman from New Jersey is recognized for 2 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, the gentleman from Colorado said that this amendment will make sure of "such and such," and he listed off a half a dozen things that the bill, or the amendment, will do.

The reality is that the chairman will tell him this amendment will make sure of absolutely nothing. Why? Because this amendment will never become law. That's not me saying that. That's what the chairman has said repeatedly as well. It is not going to move in the House and the Senate. It is not going to be eventually signed by the President.

Soon, we'll be voting on legislation that will, in essence, allow the next administration to spend \$350 billion, and the American taxpayer will be asking us: What did we authorize that \$350 billion for? For there was no plan, and there is no plan as we speak here today as to what the next administration will be spending that \$350 billion for.

Congress should not authorize, Congress should not pass any other legislation until we have the specifics of a plan. We should not do so until we have a plan that will not pick winners and losers, until we have a plan that will protect the American taxpayer, until we have a plan in place and the language before us that will not bail out the banks that made terrible decisions. We should not be moving legislation that will appropriate \$350 billion until we have a plan in writing specifically that will not bail out borrowers who knowingly took inappropriate loans.

Finally, we should not spend an additional \$350 billion as we pick winners and losers and do nothing, absolutely nothing, for the 90-plus percent of American homeowners who have done absolutely everything right and who have paid their loans and mortgages on time and who are now asking: Why are they bailing out the banks and other imprudent lenders?

I encourage all of my colleagues at this point in time to vote "no" on this amendment that will do absolutely nothing to ensure these protections to

the American taxpayers. I encourage all of my colleagues as well to vote such that we will not appropriate an additional \$350 billion of taxpayer dollars.

With that, I yield back the balance of my time.

□ 1200

Mr. FRANK of Massachusetts. Mr. Chairman, it becomes clear that for many in the minority this is an opportunity to punish Barack Obama for the mistakes made by George Bush. The gentleman says we should have a plan. In fact, what they are objecting to is the plan.

Here is where we differ: They have said, the gentleman who just spoke, the ranking member of the full committee, "Let's ask the President to tell us what he plans to do." We want to do it the opposite way. We want to pass this bill to tell the President what we think should be done.

Now, it doesn't get specific as to institutions. It shouldn't. We don't pick institutions here. We empower them and direct them, in some cases, to deal with the whole economy and with classes of institutions. There is no selection here by Congress of this or that company or even line of business.

Secondly, the gentleman closed by saying why should the majority respond to the foreclosure issue. And the answer is that the foreclosure issue hurts everybody in this country. It reduces property values too radically. It reduces the capacity of institutions that have these assets that are held. It hurts pension funds. It hurts a whole range of people. It hurts people's 401(k)s. The whole society has suffered from this improvidence.

And I would note again, in 2007, the majority in the House, when we became the majority, voted to ban these loans from being made whether the fault was on the part of the borrower or the lender. The gentleman from New Jersey and others condemned that, said we were interfering unduly with the market. He said the market would take care of it. Well, the market hasn't taken care of it. The market has plummeted.

This bill does what Members say they want, and I guess they won't take "yes" for an answer. It says this is what the House believes should be in the plan. And no, it does not look like it's going to pass the Senate now, although Members on the other side rarely think that's a reason for us not to act. But if we pass this and the President was to disappoint us—and I don't expect him to; I have a great deal of confidence in him—and not carry this out, the bill will be alive in the Senate and will be available as an instrument to do it.

Beyond that, here's the difference. We passed a law, and George Bush ignored the law, as he often does. There

will be a great contrast between a President who ignored the law and a President who agrees with us to abide with what the House asked him to do.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MATSUI

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-3.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. MATSUI:

Page 32, after line 19 insert the following new section (and redesignate the subsequent section and conform the table of contents accordingly):

SEC. 206. FORECLOSURE MORATORIUM RECOMMENDATION.

(a) FORECLOSURE DEFERMENT.—It is the sense of the Congress that any institution which becomes an assisted institution on or after the date of the enactment of this Act should not initiate, or allow to continue, a foreclosure proceeding or a foreclosure sale on any with respect to any principal homeowner mortgage, until the earliest of the following:

(1) The date by which the comprehensive plan to prevent and mitigate foreclosures has been developed by the Secretary and the Federal Deposit Insurance Corporation and approved by the Financial Stability Oversight Board under section 201 and become fully operational.

(2) The date by which the systematic foreclosure prevention and mortgage modification plan has been established by the Secretary in accordance with section 204 and become fully operational.

(3) The end of the 9-month period beginning on the date of the enactment of this Act.

(b) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If an assisted institution to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in paragraph (1) or (2) of such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(c) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage may not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(d) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for

whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage shall respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

The Acting CHAIR. Pursuant to House Resolution 62, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I rise today to offer an amendment, along with Representative KATHY CASTOR, to help homeowners across our country. Our amendment expresses the sense of the Congress that financial institutions who receive future TARP funds should not foreclose on any principal homeowner until the new loan modification program in the bill is implemented and deemed fully operational.

Mr. Chairman, the foreclosure crisis is the root cause of our current economic crisis. Sadly, there is no end in sight.

Right now, more than 8 million homeowners are expected to face foreclosure over the next 4 years. That is one in six mortgages in the United States. The rising unemployment will cause even more Americans to face foreclosure.

California, and in particular my home district of Sacramento, has been greatly impacted by the foreclosure crisis. I've hosted foreclosure workshops. I've seen the hardships and looks of desperation on so many faces not knowing if they will lose their home.

At one workshop, I was approached by a woman that had a loan through one of the financial institutions that had taken TARP funds. When we met, she had been talking to the bank's representatives for a few months to no avail. She was one step from losing her home. It took her dozens of phone calls and letters over many months for her and the bank to settle on a new loan. I worry that without a true moratorium on foreclosures, people like her will not be as lucky.

Similar situations are occurring throughout the country.

Congress must use all of our available resources to keep Americans in their homes. The bill we're considering today calls for the strongest foreclosure prevention program to date. It requires the Treasury and the FDIC to develop a comprehensive systemic loan modification program by April 1. However, that is more than 3 months away, and the plan is estimated to take an additional month or two to become operational. In the meantime, thousands of homeowners could be foreclosed upon.

Our goal is to help Main Street. It would be devastating if homeowners

were foreclosed on before they had an opportunity to qualify for the new loan modification program under this bill.

That is why I have offered my amendment with Congresswoman CASTOR that calls on the mortgage industry to implement a temporary timeout on foreclosures.

Our constituents and businesses need breathing room to find solutions to help Americans stay in their home. I've been calling for a moratorium on foreclosures over the last 8 months. Last May, I introduced the Home Retention and Economic Stabilization Act that calls for a 9-month moratorium on foreclosures for responsible homeowners.

Yesterday, I reintroduced the same bill, along with Senator MENENDEZ in the Senate. I will continue to actively pursue a meaningful moratorium on foreclosures in the coming days and months.

Until then, a timeout in foreclosures is a necessary stop-gap measure that will give Congress, regulators, and homeowners some breathing room while everyone works to craft a fair, sensible, and lasting solution to the foreclosure crisis. I hope that my colleagues will join me in supporting this amendment.

I reserve the remainder of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT of New Jersey. I yield myself 2 minutes.

First of all, I begin by saying I appreciate the sponsor's intent behind the amendment. She and I join in the thought that we need to do all that we possibly can to deal with the terrible situation of the economy right now, and she is right that the subprime issue and the foreclosure issue is at the heart of the housing prices and the heart of the economic crisis that we have right now.

The question is, what do we do about it? And the question is, what do we do about it in a manner to help both those people who have been paying on time and also help those people who are perhaps in a difficult situation?

The amendment, though, as it's currently written, may have an unintended effect. If you effectively allow for an extended period of moratorium on foreclosure, that may actually have the potential of encouraging people from actually going to the bank to try to work things out. Or maybe it's not encouraging, not just encouraging them enough to do what is appropriate during this period of time.

I would ask the gentlelady a question, though.

In the form of the amendment, besides the potential policy problems, it would appear that the amendment is

flawed technically, and for that reason unworkable. If I look at page 2—and if she would refer to that—it's set up not as a sense of Congress, which, I believe, is the intention behind this bill, but rather as language which would have the force of law. Page 2, section C, "duty of the consumer to maintain property." It goes on to say that any homeowner whose benefit in foreclosure proceeding or sale is "barred under subsection A," and it makes references to other sections of the law.

The question is, how can a sense of Congress, therefore, actually have the effect of law?

So is this an amendment that maybe has the best of intentions but was drafted in a manner that potentially would have the effect of law even though it is not a law, it is merely a sense of Congress?

I would ask, then, in light of the fact that there is both the policy reason that we may agree on but have some problems with but is technically flawed, I would ask that the sponsor would consider withdrawing the amendment at this time.

Ms. MATSUI. Mr. Chairman, I yield 1 minute to the chairman of the committee.

Mr. FRANK of Massachusetts. I'll tell you what it's written to say. We believe that it is entirely a sense of Congress but understand the terrible harm that would come if it wasn't. Of course, the gentleman says it's not going to become law, so why he's so concerned about it, I don't know.

But if it did, here is what it would do: This terrible section, here's what it does. It says that the borrower can't destroy the property. We are in danger of being too strong in insisting on protecting the lender. The language to which he objects—which he quite understandably didn't read—says "the homeowner may not, with respect to any property, destroy, damage, or impair such property, allow it to deteriorate or commit waste."

So it may be that we have unduly argued that the borrower pending this who's got a foreclosure shouldn't trash the property.

I will plead guilty to perhaps erring on the side of ambiguity in imposing on the borrower an obligation not to trash the property.

Mr. GARRETT of New Jersey. I will yield myself just 1 more minute.

I can simply come to the floor and speak to what the experts have testified in committee with problems of language of this nature. One is, as I've already stated, experts have said that language like this would encourage the situation for borrowers to not do the right thing, that is, to call up their lenders and say, "I have a problem, and I want to engage in negotiations to try to work out the loan."

We know this is an ongoing problem, and that's why there's so many adver-

tisements and like on TV right now to encourage people to do the right thing. This language would be counterproductive in that, so the experts say.

And secondly, the lenders have come to the committee and testified before our committee that the longer the borrower remains delinquent, the less likely he or she will be able to cure the delinquency and avoid foreclosure.

All this is really doing is prolonging what should be dealt with today. It's never to be put off to tomorrow what we should deal with today, and this language, unfortunately, does just that.

With that, I reserve.

Ms. MATSUI. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 1 minute remaining. The gentleman from New Jersey has 2 minutes remaining.

Ms. MATSUI. Mr. Chairman, I would like to yield 1 minute to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Chairman, I rise in support of the Matsui-Castor amendment. Congresswoman MATSUI has summarized the amendment very well, and I appreciate her leadership.

We all agree the housing crisis, foreclosures, and the related disintegration of value in our neighborhoods must be addressed. We know the statistics very well about the extent of the problem. And in Florida, we have the second highest rate of foreclosures.

I did not support the \$350 billion first tranche of the TARP because I had no confidence in the Bush administration that they were going to help homeowners and prevent foreclosures. I hoped and prayed that I was wrong, but unfortunately, that has been borne out.

I'm now planning my fourth foreclosure workshop, and to the contrary, rather than discouraging homeowners, here is what I found. They cannot get the loss mitigation personnel on the phone. They want to work it out. They want a little bit of breathing room. Now where it's a vicious cycle because they've lost their job, they're looking for their second part-time job, they need a little breathing room that this amendment will provide.

They're not asking for a bailout. They're not asking for billions of dollars that have gone to the financial institutions. They want a little bit of a break.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 1 minute.

I appreciate the gentlelady's comments. We have done similar programs such as that in talking to the people in the district as far as working out, what have you.

Again, the experts—this is the third point I could have raised before—the experts also tell us that a foreclosure moratorium, which in essence is what we're talking about here, will have the

unintended side effect also of raising the cost of mortgages in the future.

So what this means is for that individual who may be able to work out a deal today because mortgage rates are, as we know, at historic low rates, if this has the effect of law—which is actually how the language is situated here—and the moratorium were to occur and mortgage rates were to go up, by the time they actually sat down with that facilitator at the bank and worked things out, they would find that the mortgage rates unfortunately, due to the economies of the nature of this bill, the rates are higher and they are at a disadvantaged situation than they would be today.

Let's have the people encouraged to work out their mortgages today. Work it out with their banks. I'm sure both sides of the aisle want to use our offices to facilitate those communications as well when people have problems contacting their banks. I know my office works, and I'm sure your office does as well to try to get that contact with them.

And let's do that to get it done today and not put it off until tomorrow.

The Acting CHAIR. The gentleman from New Jersey has 1 minute remaining.

Does he yield that minute back?

Mr. GARRETT of New Jersey. I yield back.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

□ 1215

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-3.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 11, strike lines 1 through 7.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I've listened carefully to the previous speaker and comments from our distinguished chairman of the Financial Services Committee. It's quite clear to me that, come early next week, they're certainly going to miss President Bush. I don't know who they're going to start to blame every problem in the universe on come next week.

I didn't come here to engage in the blame game, but I certainly can't let the chairman's comment pass as he said something to the effect that President Obama is inheriting a problem created by President Bush. Well, as the chairman knows, there's a lot of underlying causes to the predicament we find ourselves in and I'm happy to debate them at a later time, but I would also note that the economic policy of America is determined substantially by this Congress, and the economy was doing just fine until the Democrats took over Congress.

Now, Mr. Chairman, as I look at the bill that is before us, again, there are certain areas where I agree with our distinguished chairman, more accountability and more transparency tends to be a good thing. But Mr. Chairman, there is a provision in here though that says the "Secretary may require an observer in the board rooms for institutions that receive TARP money." Now, Mr. Chairman, I've been around here for a few years and although I have no doubt that everybody is well-meaning in the legislation that they bring to the floor, my fear is that today's "may" shall turn out to be tomorrow's "shall." And my fear is that today's "observer" will become tomorrow's "suggester" and next week will become "the mandator." I think this is a terrible, terrible precedent. I think it speaks of industrial policy run by the government. I think it puts, again, one more of those slippery stones on that slippery slope to socialism.

And Mr. Chairman, what are they observing? I mean, what specific policies have they been given to undertake by this United States Congress? What are they observing? And what I observe, Mr. Chairman, is that my reading of the legislation says that any "assisted institution" as defined by any institution that receives "any direct or indirect recipient of assistance or benefit from TARP." And so I hope that the distinguished chairman of the Financial Services Committee, on his time, will enlighten us on his interpretation of how he wrote the underlying bill. Because does this mean that any business borrowing money from a bank under TARP will now be subject to an observer of the Federal Government? Does this mean anyone who has an insurance policy with AIG is now subject to an observer from the Federal Government?

Since we have express language in here dealing with the auto industry, I hope the chairman will answer the question, does this mean that the Secretary of the Treasury can place an observer in every UAW union hall across the Nation if they receive monies under TARP?

Now, again, I have no doubt that, although I disagree with the chairman on a number of issues, I know that his purpose is a noble one. But I also know,

Mr. Chairman, that when things begin in Washington, they don't always end the way that they started. And so I would question, number one—you know, we were told at one time Social Security would be solvent forever; well, it's not. We were told that TRIA was a temporary program; well, it's not. We were told Fannie and Freddie would never be bailed out. And I'm sure those who said it meant it at the time, but circumstances change, they were bailed out. We were told that once House Democrats took over control, that they would rein in spending and balance the budget, and now we have the largest deficit in American history.

So I'm fearful that this provision will grow into something that maybe it's not intended, not something that I would appreciate. And I'm also very curious why so many other accountability provisions dealing with home borrowers have seemingly fallen out of the bill, including one that the chairman agreed to earlier—I believe it was in April in the markup of the Hope for Homeowners program—when he accepted the amendment now, but seemingly is taking it out of the bill at this point.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Massachusetts is recognized for—

Mr. FRANK of Massachusetts. How much time did the gentleman consume?

The Acting CHAIR. 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I am struck by the implicit endorsement of this amendment that I received from my friend from Texas. He opposed the amendment by talking not about what it does, but what might happen later on in a way very different from it. He did not appear to have much objection to the amendment itself. He is talking about, if we do this, it might lead to something else. Well, at that point object to something else.

The argument that I'm against this because it will lead to something else almost always comes from Members who don't like the provision under debate, feel uncomfortable in explaining why, so they, therefore, debate a straw man. Yes, there were Members who wanted it to be mandatory that we put someone on the board of directors; I thought that was inappropriate. I don't think a Federal official with the political pressures to which he or she will be suffered should be voting as a member of the board of directors. There were others who wanted to require an observer in every case. We came to what I think is a very moderate approach, to give the Secretary of the Treasury the discretionary authority to do it. There may be some cases

where it is important, some where you could forgo it.

The fact that the budget deficit went up does not seem to be an argument against giving the Secretary of the Treasury a discretionary observer at institutions that receive any help under the TARP. And the fact that the gentleman would cite the budget deficit and terrorism risk insurance and what happened to them as reasons not to deal with something entirely different because as they change this might change does not meet my logical standards.

Now, I will say, by the way, with terrorism risk insurance, as an advocate of it—along with the former chairman of the committee, Mr. Oxley—I never said that it would be temporary. I believe that there is, in fact, a public responsibility to deal with terrorism, and I didn't feel it was going to go away. But in any case, it's an irrelevancy.

Here's the proposal: To give the Secretary of the Treasury discretionary authority to send an observer with the right to sit in on meetings if he believes that it is justified in the particular set of circumstances. It's not a voting member, and it's not mandatory in all cases. I find it hard to see what harm it would do; so, apparently, does my friend from Texas. Because if he were clear about the harm that would do, he would have documented that. Instead, he talked not about the harm that might come from this amendment, but from harm that might come at a future date when something very different from this amendment was put into effect. By the way, this could not grow in an evolutionary fashion; it would take a vote of the Congress to require this. This would not be something that happens accidentally; it would be something that would take a conscious decision.

What we are saying here is we want more accountability. We are saying that we have some confidence in the Obama administration. And again, we are at the central issue here. Many of us believe that President Bush's administration did not use this authority as well as they should have. By the way, I agree with the administration that we are still better off than they would have been if they had not had the authority at all, but we thought it could have been used even better. The central question we will be addressing next week is; do we deny to the new President tools that the old President had that many think he misused?

This bill is a subordinate, it says this; should we tell the new President that, while we in the House believe he should have the opportunity to deploy these tools, we have very clear ideas about what should be done about it?

And we have done several hearings. This has been a very participatory process. I was pleased with the gentleman from California (Mr. CAMPBELL)

yesterday, the gentleman from Illinois (Mr. SCHOCK) today, both talked about things that are positive in this.

We have opened ourselves up and have accepted a large number of proposals from Members on both sides. There will be an amendment offered later by the gentleman from Arizona (Mr. FLAKE) that I intend to vote for and I hope the House will overwhelmingly adopt. So we are trying to move forward.

If Members want to debate what we are doing or not doing, that's reasonable; but let me just close by saying later's where we are: We are proposing that the Secretary of the Treasury in the new administration have a discretionary right to send an observer to recipients of TARP funds where he thinks that would be appropriate. The gentleman from Texas says don't do that because TRIA became permanent, and we have a bigger budget deficit. And I guess hair doesn't grow on certain parts of the body. None of these have anything to do with the issue under consideration. And the absence of arguments against this, what the amendment proposes, gives me a sense of confidence that it's really pretty hard to criticize.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Perhaps the chairman did not hear all of my remarks—

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The Acting CHAIR.

Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. HENSARLING. I do not.

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from Massachusetts will state his point of order.

Mr. FRANK of Massachusetts. I was told that the gentleman's time had expired. I have a right to close. I waived that because I was told that the gentleman had consumed 5 minutes when I asked. I thought that was all there was on the amendment.

The Acting CHAIR. No. The gentleman from Texas had 30 seconds remaining. The Chair understood the question to be—or at least the answer provided was—how much time the gentleman from Massachusetts had, which was 5 minutes.

Mr. FRANK of Massachusetts. Oh. I apologize for my diction because I thought that I had asked how much time he had consumed.

The Acting CHAIR. And the Chair apologizes for any misunderstanding.

The gentleman from Texas has 30 seconds remaining to close.

Mr. HENSARLING. Again, perhaps the chairman of the committee missed some of my remarks. My concern is the way that this is drafted is we are giving the Secretary of Treasury the

power to put an observer into every small business in America who borrows money from a community bank that gets TARP funds. That isn't what might happen, that is what does happen. And when the chairman says he's concerned about accountability, I wonder why doesn't that go to the borrower side. Why is he striking that portion of the bill that has borrower certification that they did not intentionally default on their mortgage? Why does this bill strike the fine or imprisonment for borrowers who make willful, false statements? Why does he strike the requirement of those who are found to have committed mortgage fraud, that they have to expunge any direct financial benefit? So it's kind of selective concern, I would say.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Do I have any time remaining?

The Acting CHAIR. The gentleman from Massachusetts yielded back the balance of his time.

Mr. FRANK of Massachusetts. Mr. Chairman, I did that, but I did that because I had asked—as I think the transcript would show—how much time he had consumed. We apparently had a miscommunication. So I would ask unanimous consent that any remaining time be allowed.

The Acting CHAIR. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIR. The gentleman from Massachusetts is recognized for the 10 seconds remaining before he yielded back the balance of his time.

Mr. FRANK of Massachusetts. I will use the 10 seconds to say that the gentleman from Texas said "may" may become "shall." "May" does not become "shall" without our voting.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HIGGINS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-

nicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The Committee resumed its sitting.

AMENDMENT NO. 4 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-3.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLT:

Page 19, after line 20, insert the following:

SEC. 108. TREASURY FACILITATED AUCTION.

Section 113(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(b)) is amended to read as follows:

“(b) USE OF MARKET MECHANISMS.—

“(1) IN GENERAL.—In making purchases under this Act, the Secretary shall—

“(A) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

“(B) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

“(2) AUCTION FACILITATION.—

“(A) IN GENERAL.—The Secretary shall, in coordination with institutions that volunteer to participate, and not using any funds under this title for purchases, facilitate an auction of troubled assets owned by such institutions to third party purchasers.

“(B) REPORT.—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

“(i) why such auction has not taken place; and

“(ii) by what mechanism the Secretary feels that troubled assets could most expeditiously be valued and liquidated.”.

The CHAIR. Pursuant to House Resolution 62, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, my amendment is simple and straightforward.

One of the difficulties with the troubled assets is assigning values to them. One way of doing that is through auctions. This amendment encourages—in fact, directs—the Secretary, without using taxpayer funds, to facilitate an auction. It will allow the TARP assets to be valued and should help to liquidate and dispose of those assets in the way that was intended.

□ 1230

Now, I should say that this amendment, although approved by the Rules Committee, is also included in its entirety in the manager's amendment as accepted.

MODIFICATION TO AMENDMENT NO. 4 OFFERED
BY MR. HOLT

Mr. HOLT. Therefore, I ask unanimous consent to modify the amendment before us in a manner that is before you at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. HOLT:

Amendment No. 4 is modified to read as follows:

Page 7, line 18, strike the quotation marks and the last period.

Page 7, after line 18, insert the following new subsection:

“(h) RECONSIDERATION.—

“(1) Any institution that has submitted, pursuant to procedures established by the Secretary and in consultation with the appropriate Federal banking agencies, an application for assistance under this title that has been denied by the Secretary, may seek reconsideration of its application from the Financial Stability Oversight Board within 30 days.

“(2) The Oversight Board shall promptly review such requests for reconsideration and provide its findings and conclusions to the Secretary within 30 days after receipt of such a request.

“(3) Pendency of a request for reconsideration pursuant to this subsection shall not in any way impede or stay the ability of the appropriate Federal banking agencies from taking any supervisory or other action necessary with respect to the safety and soundness of the institution.

Page 63, line 15, strike “(g)” and insert “(i)”.

Mr. HOLT (during the reading). Mr. Chairman, I ask that the amendment be considered as read.

The CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIR. Is there objection to modifying the amendment?

Mr. GARRETT of New Jersey. Mr. Chairman, reserving the right to object, I appreciate the gentleman's initial amendment, and I think I appreciate the gentleman's intention of the subsequent amendment.

Can the gentleman explain the reason why the gentleman is on the floor with the subsequent amendment as opposed to having proposed that amendment through the regular committee process?

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from New Jersey.

Mr. HOLT. Yes, I can explain. I submitted both of these amendments for committee consideration and for Rules Committee consideration. It was my understanding that they were both included in the manager's amendment, and, in fact, the chairman tells me that it was his intention to include both of them in the manager's amendment. Only one of them was actually included in the manager's amendment. So I'm asking unanimous consent to modify the one amendment that is already in

the manager's amendment but also approved for floor consideration to represent the one that was not included in the manager's amendment but should have been.

Mr. GARRETT of New Jersey. Reclaiming my time, wasn't your amendment, I'm told, dated, though, just this morning?

Mr. HOLT. If the Member who controls the floor would yield to Chairman FRANK, I think we can get a better explanation.

Mr. GARRETT of New Jersey. I will let the chairman speak during his time. So you're not aware, though?

Reclaiming my time, I'm looking at it as January 15, 2009, 9:59 a.m., which would have been this morning.

Mr. HOLT. That is because I learned only this morning that it was not included in the manager's amendment, as I had understood and been led to believe, and, therefore, I typed it up so that it could be considered on the floor.

Mr. GARRETT of New Jersey. Thank you.

At this point, Mr. Chairman, I object to the modification.

The CHAIR. The gentleman from New Jersey (Mr. HOLT) is recognized on the original amendment.

Mr. FRANK of Massachusetts. Would the gentleman yield to me?

Mr. HOLT. I yield to the chairman.

Mr. FRANK of Massachusetts. I just want to express my disappointment at this lack of comity. I had the explanation. There was an error that was not the gentleman from New Jersey's fault. The gentleman from New Jersey (Mr. GARRETT) on the other side asked him a question to which he could not have had the answer because he was not in control of the process. I was willing to give the answer. I don't know why the gentleman from New Jersey would refuse to allow it since he suggested things that were not accurate as to this.

The gentleman has already objected, and that will stand as a precedent that we will all follow in certain cases, but the refusal to allow an explanation really dismays me.

The gentleman from New Jersey (Mr. HOLT) submitted this amendment on Tuesday. We had some questions about the form of it. He and I had conversations yesterday in which we came to an agreement that this part of the amendment would be easily accepted, that other parts would not be. So he modified it, and he modified it yesterday, and the formal modification was what we then came to. So he submitted it in a timely fashion on Tuesday in a bigger version. We agreed yesterday to remove part of it and leave this part of it. The gentleman has in every case acted in a timely fashion. He exceeded the conversations we had. My error and misunderstanding of my instructions led to the wrong amendment being put in order at the Rules Committee rather than this revised version.

Mr. HOLT. Reclaiming my time to talk about the substance, let me ask the Chair the time remaining, please.

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. HOLT. Mr. Chairman, one of the problems that needs to be addressed is something that has outraged the country, my constituents, Mr. GARRETT's constituents, I'm sure many. It occurred when TARP funds were denied to a bank, awarded to another bank. The first bank then was overtaken by the second bank using, presumably, TARP funds. This was not something that taxpayers appreciated.

In Mr. FRANK's legislation before us today, there are some protections against that happening. I would like to see still further protections against that happening, and I believe the taxpayers would, and, in fact, I believe Mr. GARRETT would because the gentleman has expressed concern about choosing winners and losers, using TARP funds where the Treasury will say, well, this institution is not worthy of TARP funds, that institution is worthy of TARP funds, and the one that gets the funds can take over the loser. That is what so many taxpayers have found outrageous. I think that's what Mr. GARRETT has spoken against.

The amendment that I am asking to have considered would simply allow that entity denied the TARP funds to appeal. It would provide some insurance, meager perhaps, against the kind of National City Bank occurrence from happening again. It would provide a certain measure of protection against a winner overtaking a loser only because of the decisions of the Treasury. It's a small protection but I think a valuable protection, and I wish that the gentleman, my colleague from New Jersey, were more amenable to it.

I would be happy to yield any remaining seconds to the chairman of the committee if he has further comment.

Mr. FRANK of Massachusetts. Yes. It is to say that the gentleman has a very good idea. I regret that what I believe to be obstruction kept us from incorporating it, but I will be strongly urging the administration to work with us to see that this is made a part of the overall proposal.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. To the gentleman from New Jersey on the amendment that's actually before us I'm in general agreement with and also with the amendment that he proposed through his U.C., I believe that I also would be in favor of that as well. The general idea sounds basically like what we think alike on in how do you add

that protection to the taxpayer and also to the little bank that's being bought out. And were we in a different situation where this bill actually was going to have the force of law and be signed into law by the President, there may be some expediency as far as necessary in order to get this thing through as we speak here today.

But we have already heard from the chairman and the point has been made repeatedly that this underlying piece of legislation that we're talking about here today is not going anywhere, and that's a shame because there are a number of other provisions in the underlying bill that are important as is the provision that you're suggesting.

What is disconcerting is that good amendments such as this and, quite honestly, some other good amendments from both sides of the aisle that I've heard about just literally as I'm sitting here talking to people didn't have the opportunity to go through the process and to be fleshed out, and I'm not saying your bill needed any more fleshing out, but needed to have a hearing and have experts on both sides of the equation give their 2 cents too.

As I sit here right now, it sounds like a good idea. I'm not sure whether there might be some aspects of it from the banking community that they may say tweak it here or what have it there. That, of course, is the whole process of the committee process. And as you know, unfortunately, we didn't have a hearing. We didn't have a markup. And had we done that, I'm sure you would have been right there making that case and I probably would have been right there saying great amendment.

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I sure will.

Mr. HOLT. Putting aside the gentleman's sense of the ultimate disposition of this legislation, I would ask wouldn't he like to make it as good as possible as we are considering it now and wouldn't he care to reconsider his objection?

Mr. GARRETT of New Jersey. Reclaiming my time, I'm not going to reconsider my objection for the underlying reason of amendments that I'm just seeing 10 minutes ago or less without having the opportunity to consider the ramifications that they may have. As good as they sound, as much as I think I 99 percent or so would support them had we gone through the process, I'm not going to withdraw my objection.

But I will say this, that should the good chairman decide to do what I think is appropriate here, and that is to go forward with additional hearings and additional legislation and additional opportunities to direct the next administration on the \$350 billion that he's about to get and who knows how many other pieces of authorization of dollars that he has, I hope that the

chairman will actually afford all of us from both sides the opportunity to present this amendment and other amendments as well to go through and be vetted in the committee process and at which time I give my pledge to work from this side of the aisle with the gentleman to do all that I can to see that it facilitates through should the chairman actually give us that opportunity.

Mr. Chairman, I yield back the balance of my time.

Mr. HOLT. Mr. Chairman, I ask, with disappointment at the gentleman's intransigence, to withdraw amendment No. 4 because it is unnecessary. It's already included in the manager's amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-3.

Mrs. BACHMANN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIR. Pursuant to House Resolution 62, the gentlewoman from Minnesota (Mrs. BACHMANN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota.

Mrs. BACHMANN. Mr. Chairman, I rise now to offer an amendment to the bill before us, H.R. 384, which would strike the bill's misguided provisions that, in effect, water down important taxpayer protections in the hope for homeowners—

POINT OF ORDER

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman.

The CHAIR. The gentleman will state his point of order.

Mr. FRANK of Massachusetts. The gentlewoman is referring to amendment No. 6. She offered amendment No. 5.

Mrs. BACHMANN. Mr. Chairman, I am going in order of the amendments. I am going in order of the amendments as they're offered.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. We had No. 5 first, and the gentleman said No. 5. No. 5 is the auto amendment. The order we were given had No. 5 as the automobile one.

Mrs. BACHMANN. Mr. Chairman, I am going according to the rule.

The CHAIR. The gentlewoman may proceed.

□ 1245

Mrs. BACHMANN. Thank you, Mr. Chairman

Mr. FRANK of Massachusetts. Mr. Chairman, point of order.

Under the rule, amendment No. 5, which was introduced, deals with automobiles, not with the subject of this. The gentlewoman introduced, was asked for amendment 5, rose and introduced, we were told it was No. 5. That deals with automobiles.

The CHAIR. The gentlewoman has the time for 5 minutes on her amendment, No. 5. Regarding automobiles?

Mrs. BACHMANN. No, Mr. Chairman.

The CHAIR. Amendment No. 5 is pending.

Mr. FRANK of Massachusetts. If I could make a point of order. Apparently we were given a misprinted copy of the rule. So I apologize. The copy of the rule we got was misprinted, and the order was reversed on the copy we got.

The CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 5 offered by Mrs. BACHMANN:

Strike line 1 on page 65 and all that follows through page 69, line 2.

The CHAIR. The gentlewoman from Minnesota may continue.

Mrs. BACHMANN. Thank you, Mr. Chairman.

Again, I rise to offer my amendment to H.R. 384, which would strike the bill's misguided provisions that would water down the important taxpayer protections in the Hope for Homeowners Program.

When the majority created this program, Mr. Chair, 3 months ago, it was not that long ago, Mr. Chair, they promised that it would help a lofty 400,000 families who were behind on mortgage payments and possibly facing foreclosure.

This was a worthy goal, Mr. Chairman, but it seems that the majority created a government program for which there has been very little public demand.

With a little over 300 applications in the pipeline, it's clear that this program has been an enormous waste of time, of energy, of money and of other taxpayer resources. Just 12 days ago, Mr. Chair, as of January 3, 2009, the Hope for Homeowners Program, which cost taxpayers \$300 billion, can be credited with helping, not 400,000 families, just 13 families actually refinance.

So what will the majority do? How far will they go to prove that their failing program is a success and not a boondoggle?

Unfortunately, Mr. Chair, today we are seeing the answer before this body. My Democrat colleagues are willing to strip out the essential taxpayer protections in an effort to spur more participation in this program.

Mr. Chair, we are talking about taxpayer protections which were already weak at their very best light. In the underlying bill, they are virtually nonexistent. The people who will benefit,

the participants, will no longer be required to pay any up-front premiums. In other words, Mr. Chair, they will have no skin in the game, which was originally required to help sustain this program.

The annual premiums are even significantly decreased under H.R. 384 and, in fact, the Federal Housing Administration is given the authority to weigh them all together whenever they see fit.

These two mechanisms were common sense. They were regularly touted, with all due respect, by our Chairman FRANK and other supporters of Hope for Homeowners as important safeguards to protect the taxpayers when the program was established. We agreed to that.

Yet today they seek to eliminate those protections from title V. Additionally, title V removes the requirement in the current program that ensures taxpayers will receive a home equity appreciation share as payment for the taxpayers' investment through Hope for Homeowners.

In other words, people will be permitted to receive assistance from the government to pay their mortgages, but should their home values rise, they can make a profit, and they won't have to give anything back to those same taxpayers who lent them a helping hand in the first place to keep their home.

Our chairman, again, explained this issue best once upon a time when our chairman stated you are not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that home. However, that's exactly the direction that the bill before us, H.R. 384, takes for this program.

This bill scales back the haircut that lenders must take to participate in Hope for Homeowners from 90 percent to 93 percent of the loan-to-value ratio, but it simultaneously removes the already weak taxpayer protections that are in the program.

This provision also authorizes payments to servicers for every loan ensured under the Hope For Homeowners Program.

While I too have concerns that some servicers may not be refinancing loans as quickly or as often as they could, this is real. The bill's language, unfortunately, is so vague, Mr. Chairman, so open ended, that servicers could be paid billions of dollars in return for refinancing loans.

This provision essentially increases the risk to the cost of the taxpayers while reducing the burden on investors and servicers to submit bad loans to the government for modification, not the direction we want to go, I submit.

Title V also allows taxpayer dollars authorized under TARP to be used to further fund Hope for Homeowners

should it run out of the 300 billion the program has already received. What that means is that this bill gives an already failing government program an unlimited supply of tax dollars under TARP should they run out of money. Now how in the world does this make sense for American taxpayers?

The CHAIR. The time of the gentleman has expired.

Mrs. BACHMANN. Thank you, Mr. Chair. I will just finish this sentence.

At the very least shouldn't we wait to see how the current \$300 billion, yes, billion, should be spent.

If this is near the end of my time, Mr. Chair, I would submit my remarks for the RECORD.

It's as if the Democrats are predicting that their own program will face a shortfall due to re-defaults or some other course of events. At the very least, this is a self-fulfilling prophecy. With an unlimited supply of funds on which to draw, there will be no incentive to improve and Hope for Homeowners will continue to bleed taxpayers dry without any benefit to the homeowners it is meant to help.

Mr. Chair, U.S. Secretary of Housing and Urban Development Steve Preston recently stated that the Hope for Homeowners Program has been a failure, in part, because "Congress dotted the i's and crossed the t's for [HUD], and unfortunately it has made this program tough to use."

Yet here we are again watching Democrats legislate their way to the impossible—only this time they have rejected even the appearance of protecting taxpayers.

I urge my colleagues to support my amendment and restore what little taxpayer protection was in place in the Hope for Homeowners Program.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition. I apologize again. The Rules Committee report was misprinted. It listed them in the wrong order, so I apologize to the gentleman. That's why we were reacting to a misprint.

I oppose this in part because—

The CHAIR. Is the gentleman opposed to the amendment?

Mr. FRANK of Massachusetts. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. The proposal that the gentleman singled out to object to is a recommendation from Mr. Preston, the Bush administration Secretary of HUD.

Members have pointed out that the Hope for Homeowners Program has not worked, and we are disappointed.

It hasn't worked because, I think, we have tightened it up excessively. What we are trying to do here is relax it. Part of the impetus for this came from the secretary of HUD and the commissioner of the FHA, Mr. Montgomery, two Bush appointees.

In an article of December 17 from the Washington Post, which I will submit for the RECORD, Secretary Preston said that we have made this much too complicated and much too restrictive.

He singled out, as one of the provisions that was objectionable, the provision the gentleman from Minnesota just talked about. It's the secretary of HUD who told us to drop that if we wanted to make it workable.

How do you do that, Preston said? That was legislated. The article says it becomes more difficult to get people to refinance.

So we have on the one hand Republicans correctly pointing out that our effort for Hope for Homeowners failed, but we don't want that to be a permanent failure. We want to improve it. Now when we put in the improvements, some of which were recommended by the secretary of HUD, we were told that that's going to be too generous.

So this is kind of like the question that you were asked who do you like better, your mother or your father? There is no right answer.

Should the program be very tough, should it be very relaxed? Whatever we do, people are going to oppose it. That's because, and there is—and I go back to 2007 when we voted on the subprime bill. I go back to the Wall Street Journal editorial at that time and this morning. There are people who do not want us to respond to the foreclosure crisis.

Now, responding to it will be uneven because it's a messy problem. But people who voted in 2007 against banning irresponsible subprime loans, I am not surprised that they don't want us to be effective right now. And I am not surprised—I am a little surprised that they would single out our effort to act on a recommendation of Secretary Preston to correct this.

[From the Washington Post, Dec. 17, 2008]

HUD CHIEF CALLS AID ON MORTGAGES A FAILURE

(By Dina ElBoghdady)

Secretary of Housing and Urban Development Steve Preston said the centerpiece of the federal government's effort to help struggling homeowners has been a failure and he's blaming Congress.

The three-year program was supposed to help 400,000 borrowers avoid foreclosure. But it has attracted only 312 applications since its October launch because it is too expensive and onerous for lenders and borrowers alike, Preston said in an interview.

"What most people don't understand is that this program was designed to the detail by Congress," Preston said. "Congress dotted the i's and crossed the t's for us, and unfortunately it has made this program tough to use."

The criticism comes as Congress prepares to weigh in with further plans to help distressed borrowers facing foreclosures, which are at the root of the financial meltdown. This week, House Speaker Nancy Pelosi (D-Calif.) demanded that the Treasury Department use some of the money from the \$700 billion emergency rescue package to help at-risk homeowners.

One of several federal and state foreclosure prevention initiatives facing difficulties, HUD's Hope for Homeowners program has been especially hamstrung. For instance, a program launched by the Federal Deposit Insurance Corp. on behalf of IndyMac Bank

customers has modified more than 3,500 mortgages in two months of operation.

Rep. Barney Frank (D-Mass.), who helped steer the HUD program through Congress, said some of the federal bailout money should be used to revamp it. Frank acknowledged the initiative has its problems, but he blamed them on the Bush administration.

"That's partly their fault," said Frank, chairman of the House Financial Services Committee. "The administration was critical of the program and kept putting pressure on us to make it cheaper and more restrictive. . . . If it hadn't been for the Bush administration's opposition, we would have written it in a better way in the first place."

The goal of the program, run by the Federal Housing Administration, was to allow borrowers who owe more than their homes are worth to refinance into more affordable 30-year fixed-rate mortgages insured by the government.

But part of the problem is that the program's success hinges on the lenders' willingness to participate.

Congress originally allowed the FHA to insure new loans for only 90 percent of a home's value. With home prices plunging, borrowers who have little or no equity in their homes and cannot otherwise come up with the remaining 10 percent qualify only if the lender forgives this balance. Lenders balked.

Late last month, Congress granted HUD permission to increase the amount that's insured and the department decided to guarantee up to 96.5 percent of the value of new loans. Preston in the interview praised that change. But its impact remains unclear.

"Getting the lenders to agree . . . has been our biggest challenge," said Peyton Herbert, director of foreclosure services at HomeFree USA, a housing counseling firm in Hyattsville. "They want dollar for dollar what's owed on that loan or something close to it. That's the fly in the ointment."

The list of impediments goes on. Borrowers who participate in the program must pay hefty fees and high interest rates, and they must split any increased value with the federal government when the home is sold.

"You're paying a premium to borrow the money already, and that ought to be enough," said John Taylor, chief executive of the National Community Reinvestment Coalition. "To me this falls into the category of, we want your firstborn."

A further hindrance: The mortgage payment must exceed 31 percent of a borrower's income as of March, which does not help people who have since fallen into trouble.

Add to that the fact that borrowers must also provide two-years of financial records and sign a statement that they did not give false or misleading information on their original loan application and the bar gets even higher. It becomes even more difficult to attract borrowers who took out loans without verifying their income.

"How do you do that?" Preston said. "That was legislated."

For all those reasons, FHA Commissioner Brian Montgomery said he got an earful from agitated lenders, housing counselors and real estate agents at a seminar last month in Atlanta designed to educate housing professionals about the Hope for Homeowners program.

"What we thought would be a civil and cordial exchange with the several hundred people gathered turned into an almost rock-throwing episode," Montgomery said.

He said Capitol Hill lawmakers were hampered by a philosophical divide within their

ranks when they cobbled the program together and that led to a compromise that made little sense.

"There were two philosophies on the Hill: Let's throw the barn door open and help as many people as we can regardless of the reasons. Or we need to make them pay because they should have known what they were doing," Montgomery said. "They found some middle philosophical ground, but that philosophical middle ground made [the program] unworkable."

Montgomery complained that any minor adjustment to the program must be passed through an oversight board, which further slows the FHA's response time.

Frank called Montgomery's assessment of Congress's handling of the legislation "dishonest."

As for oversight, he said the board is made up of Bush appointees. "Shame on them if that's the problem."

Frank acknowledged, however, that concessions had to be made to make the program palatable to the American public. This is why borrowers who take part in it must share any gains from appreciation in home values with the government.

"You're not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that home," Frank said.

Frank provided a letter he wrote to Treasury Secretary Henry M. Paulson Jr. in late November urging him to use the bailout money Congress approved for rescuing the financial markets to reduce the upfront and annual fees, because these are reducing use of the Hope for Homeowners program.

In another letter to Paulson, Preston, Federal Reserve Chairman Ben Bernanke and FDIC Chairman Sheila C. Bair, Frank made a few more suggestions and praised HUD's decision to increase the proportion of loans that the FHA can insure to 96.5 percent from 90 percent.

But yesterday, he said the FHA's leadership in these trying times has been a "disappointment."

Montgomery said Frank's ire at his agency is misdirected. "Barney Frank may have a beef with some of the Republicans," he said, "but he shouldn't have a beef with us."

I would ask how much time is remaining on our side.

The CHAIR. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. FRANK of Massachusetts. How much time on the other side?

The CHAIR. The time is expired.

Mr. FRANK of Massachusetts. Then I would yield my remaining time to the gentlewoman from California, who has been the House leader in fighting foreclosures.

Ms. WATERS. Thank you so much, Mr. Chairman, and Members.

I had to come to the floor in defense of the Hope for Homeowners Program, simply because I think that the gentlewoman from Minnesota does not understand this program, just as she has demonstrated that she did not understand the subprime meltdown and the problems that caused us to be in this economic crisis based on statements that she made earlier.

I am here to not only give support to the Hope For Homeowners Program

and oppose her amendment, but I would like to remind our Members that one in six American homeowners is currently under water on their mortgages, owe more on their home than it's worth, and Hope For Homeowners is a critical program for struggling homeowners who are under water on their mortgages. The principal write down in home for homeowners is key to helping families get into more affordable homes.

If this program is not changed in this bill, foreclosures would continue to rise. In 2008, foreclosures were up a record 81 percent with 861,664 families losing their home to foreclosure. Credit Suisse estimates that 8 million American homes will enter foreclosure in the next 4 years.

It's one thing to object to programs even when the chairman was trying to work with everybody and getting their input and taking their suggestions, which led to the original bill.

But to have objection now to improving the program, based on information we have gotten from the Federal Reserve, who suggested precisely the amendments that are being done, is just not understandable.

I would ask my colleagues to disregard the attack on the Hope For Homeowners Program by the gentlewoman from Minnesota and support homeowners and one more effort to keep homeowners in their homes, recognizing that many of them are under water now, precisely meaning that they are not worth what they contracted for in the mortgage that they have.

I think that we should be understanding of that. I think we should be supportive of homeowners being able to work with their lenders to get a writedown and to have these mortgages modified or refinanced through FHA so that they, again, can keep their homes.

The CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BACHMANN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that amendment No. 6 will not be offered.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman is recognized.

Mr. FRANK of Massachusetts. Because I was confused before by the Rules Committee report misprint, what's the amendment that's not going

to be offered that was to be offered by whom?

The CHAIR. The amendment is amendment No. 6 offered by the gentleman from Minnesota.

Mr. FRANK of Massachusetts. Parliamentary inquiry. Is that the one that would have stricken the aid for the automobile industry?

The CHAIR. The Chair is not aware of the content of the amendment.

Mr. FRANK of Massachusetts. But amendment No. 6 as printed now, as we understand it, is the one that would strike aid to the automobile industry. So we understand that will not be offered?

The CHAIR. Amendment No. 6 will not be offered.

AMENDMENT NO. 7 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-3.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

Page 74, after line 17, add the following new title (and conform the Table of Contents accordingly):

TITLE VIII—AGENCY MBS PURCHASE PROGRAM DISCLOSURE

SEC. 801. DISCLOSURE REQUIRED.

Not later than 1 month after the date of the enactment of this Act, the Chairman of the Board of Governors of the Federal Reserve System shall issue to the Congress a report disclosing—

(1) the details of the competitive request for proposal process that was used to select the investment managers of the Federal Reserve System's Agency Mortgage-Backed Security Purchase Program announced by the Federal Reserve System on November 25, 2008;

(2) all details of the contracts, including contract price, made between the Federal Reserve System and such investment managers; and

(3) steps that each such investment manager has taken to ensure that the investment manager has appropriately segregated the investment management team that implements the Agency Mortgage-Backed Security Purchase Program from other advisory and propriety trading activities undertaken by the investment manager and the members of the investment management team.

The CHAIR. Pursuant to House Resolution 62, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, last fall we had to take emergency action to try and stop the falling stock market and weakening credit markets. But I was not

pleased when it took a subpoena threat to force financial institutions to release program details about the TARP, the Troubled Asset Relief Program.

Mr. Chairman, most folks in America are not aware, but the Federal Reserve, shortly before Thanksgiving, announced a half a trillion dollar effort to purchase MBS, Mortgage-Backed Securities, and contracted with four outside investment firms to manage it.

With another \$500 billion, half a trillion dollars at stake, Mr. Chairman, we cannot let or allow history to repeat itself.

□ 1300

We demand the details of the Fed's MBS program, and it is our duty to demand the information about how the Federal Reserve will run this program.

For example, the Fed has refused to make clear details about how they chose the four firms and who will manage the purchases. They have refused to share how much those firms are getting paid. And it is still unclear what steps have been taken to ensure strict conflict of interest provisions are put in place so that these four firms are not given an unfair market advantage because of their role in the mortgage backed securities program. Despite half a trillion dollars at stake, Mr. Chairman, there are still too many things we do not know.

Mr. Chairman, my amendment is simple. It will force the Fed to do three things.

First, it will force the Federal Reserve to disclose the details of the request process used to select the investment managers.

Second, it would force the Fed to disclose the details of the contracts reached with these four investment managers, including price.

And, third, it will force the Fed to disclose the steps that each investment manager has taken to ensure that the program is free of conflicts of interest or an unfair advantage.

Despite many requests from my office and news organizations, we have been unable to get the information relating to these contracts. With \$500 billion and the public trust at stake, this information is not too much to ask or an undue burden on the Federal Reserve.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. GARRETT of New Jersey. I yield myself 3 minutes.

I think the intention and the language of the amendment is good, and I

support the amendment to the underlying bill. There are just two points I want to make.

First of all, to the chairman, I support his comments the other day in committee when we had the Federal Reserve folks there when he said that he is going to be conducting hearings on the Federal Reserve come February. At that time I asked Mr. Cohen from the Fed if any of the provisions in the bill that we were looking at or discussing at the time, we didn't actually have the bill before us as a committee markup, would any of these provisions apply to the Fed as far as the way they conduct themselves in the future, and his answer was in essence no. What you are trying to do now is to at least put something in this legislation to apply to it.

I commend the chairman for saying that we need to do a further investigation on the Fed on their expansive growth of power and authority and their use of it.

With that said, my only regret is that this type of provision was not included in the first TARP, because, once again, as I have said before and others have said on the floor as well, we have already spent \$350 billion. Now, it wasn't on an asset acquisition program, but that is what the initial bill was intended to be. The initial TARP was a program to buy up toxic assets from the banks, and had we gone through regular order at that time, we could have had language in the original TARP bill to say that language like this, full disclosure, regulation on how everything is performed and who the managers are and so on and so forth, could have been done in the first TARP 1.

Unfortunately, that wasn't done. We rushed through the process at that time. We rushed through without a full hearing on it, we rushed through without a markup, and we were not allowed, and I assume the gentleman was not facilitated with, an opportunity to offer such language in the first TARP 1 at that time, not necessarily with regard to the Fed as here, but with how TARP 1 would spend the money and how TARP 1 would be looking for the same accountability.

I will close on this, just saying I commend the gentleman here. I will support his amendment and hopefully look forward to working with the chairman in February to have those hearings with regard to the Fed to get this job done thoroughly.

I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I appreciate any colleague from New Jersey's support of our bill and the effort for transparency and accountability.

At this time, Mr. Chairman, I would like to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman. It is a very important amendment.

The suggestion by the gentleman from New Jersey that if this had been put forward by a Member in September it would have been rejected has no basis. A number of Members did put forward changes at that point which we accepted. I think the reason this did not come forward is this: This is here because it is tied into the TARP. I should say that this is as much as can be done, and I commend the gentleman for his initiative. We need to do much more with the Federal Reserve.

Last September, the Federal Reserve and the Treasury came to us, congressional leadership, the leadership of the committees, and said the Federal Reserve is going to give \$80 billion to AIG. I asked Mr. Bernanke if he had \$80 billion. He said, "I have \$800 billion."

We had not previously focused on a statute from the thirties that gives the Fed the ability to lend money it has control of to any entity where he thinks it is sufficiently collateralized. That has much moved since September, only since September. We were very shortly out of session. That is why in early February we will have a hearing in which we will ask the Fed to account for all of this.

Now, we are able to do this here because part of the Fed's program is collateralized to some extent or capitalized by the TARP so we have a hook there. The reason this wasn't offered in the fall, my guess is that nobody at that point anticipated that the Fed would be in conjunction with the TARP capitalizing this.

By the way, I also accept the compliment about this process. We have been told that we were doing this too quickly, exactly as we did too quickly last time. But the fact this amendment is before us contradicts that. A large number of amendments have been put forward, because this has been in discussion in the House for some time.

So we could have done it in September. Nobody anticipated at that point, at least we did not, the extent to which the Fed would mushroom in this case. My guess is they didn't either, that they had a more optimistic view of the economy.

At any rate, this does a good job of giving us this information where there is a linkage between the Federal Reserve and TARP money. But that is not enough. The gentleman has done the most that we can do in this bill.

Beginning in February we will start having hearings, and I do believe, yes, we have to examine the enormous grant of power given to the Federal Reserve under this statute from the Depression. It has been very rarely used. It was used I think in one of the financial crises of the nineties.

This is a phenomenon that really grew. So Members will understand,

when the Federal Reserve granted \$29 billion to the creditors of Bear Stearns, we thought that was a lot of money at the time. It turns out to have been a rounding error in what they are doing. So, yes, it is time for us now that they have mushroomed this, and I don't say this critically, we have to look into it.

The CHAIR. The gentleman's time has expired.

Mr. GARRETT of New Jersey. Again, I support the gentleman's underlying amendment and will support the vote on it. But as I hear the chairman's comments, I am sitting here with regard to the idea that amendments were allowed, that this could have been done through TARP 1 through an amendment.

I am sitting here racking my brain. To the best of my knowledge, there were no amendments that were going through on the floor on this at this time, so the gentleman or myself would not have been allowed to do that, and I know that we did not have a hearing or a markup in committee on TARP 1, so there was absolutely no possibility at that time for the chairman to entertain either your amendment or my amendment or anyone else's amendment. Of course, we didn't have a markup, so there was not an opportunity for either one of us to confer.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GARRETT of New Jersey. No, I will just close on my point.

There was not an opportunity during the first go round with TARP 1. There may have been ideas discussed, there may have been ideas that were floated up and down and with the chairman's discussions with the White House and what have you as to which is the best way to implement TARP 1 and what have you. But to the best of my knowledge, there was no committee hearing, there was no markup, there was no avenue for us to make formal amendments during the regular course of progress during that sequence of time, and that is the unfortunate aspect of this.

Yes, I support the amendment. Yes, I will be working with the chairman on the work with regard to the work with the Fed. But no with regard to the process we have gone through in the past; no with the opportunity of anyone from either side of the aisle to have an opportunity to enter amendments, discussion or otherwise in the committee meetings, since there was no markup, neither on the floor as well.

Finally we are beginning to go in the right direction as far as allowing amendments, but we are still not going in the right direction as far as allowing full committee meetings.

We still are not going in the right direction, where we would be allowed to have a full committee hearing on this, where we could have vetted this and

the other ideas that had come before. The gentleman from New Jersey, for example, had what I thought was a good idea, and had we had the opportunity there to vet that through process, we probably would be standing right here now and supporting that and getting that in this bill as well.

If this House would only go by the rules of the House and regular order, we would be doing better for the American public. We would be passing legislation that would be protecting the American taxpayer. We would be passing legislation actually providing for the transparency and accountability I think that both of us want, both on the original \$350 billion and on this \$350 billion.

We have not done that, unfortunately, in the past, and, unfortunately, quite candidly, we are not doing that that here as well.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-3 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. FRANK of Massachusetts.

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 5 by Mrs. BACHMANN of Minnesota.

Amendment No. 7 by Mr. PATRICK J. MURPHY of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes 152, not voting 12, as follows:

[Roll No. 19]

AYES—275

Abercrombie Grijalva Nye
Ackerman Gutierrez Oberstar
Adler (NJ) Hall (NY) Obey
Andrews Halvorson Olver
Arcuri Hare Ortiz
Baca Harman Pallone
Baird Hastings (FL) Pascarell
Baldwin Heinrich Pastor (AZ)
Barrow Herseth Sandlin Payne
Barton (TX) Higgins Perlmutter
Bean Hill Perriello
Becerra Himes Peters
Berkley Hinchey Petri
Berman Hinojosa Pierluisi
Berry Hirono Pingree (ME)
Biggert Hodes Polis (CO)
Bishop (GA) Hoekstra Pomeroy
Bishop (NY) Holt Price (NC)
Blumenauer Honda Rahall
Boccheri Hoyer Rangel
Bono Mack Inslee Reichert
Boren Israel Reyes
Boswell Jackson (IL) Richardson
Boyd Jackson-Lee (TX) Rodriguez
Brady (PA) (TX) Ros-Lehtinen
Braley (IA) Jenkins Ross
Bright Johnson (GA) Rothman (NJ)
Brown, Corrine Johnson, E. B. Roybal-Allard
Butterfield Kagen Ruppertsberger
Camp Kanjorski Rush
Campbell Kaptur Ryan (OH)
Capito Kennedy Salazar
Capps Kildee Sanchez, Linda
Capuano Kilpatrick (MI) T.
Cardoza Kilroy Sanchez, Loretta
Carnahan Kind Sarbanes
Carson (IN) King (NY) Schakowsky
Castle Kissell Schauer
Castor (FL) Klein (FL) Schiff
Chandler Kosmas Schmidt
Childers Kratovil Schock
Clarke Kucinich Schrader
Clay Lance Schwartz
Cleaver Langevin Scott (GA)
Clyburn Larsen (WA) Scott (VA)
Cohen Larson (CT) Serrano
Connolly (VA) LaTourette Shea-Porter
Conyers Lee (CA) Sherman
Cooper Levin Sires
Costa Lewis (GA) Skelton
Costello Lipinski Slaughter
Courtney LoBiondo Smith (NJ)
Crowley Loeb sack Smith (WA)
Cuellar Lofgren, Zoe Souder
Cummings Lowey Space
Dahlkemper Lujan Speier
Davis (AL) Lynch Spratt
Davis (CA) Maffei Stark
Davis (IL) Maloney Stearns
Davis (TN) Markey (CO) Tupa
DeFazio Markey (MA) Sutton
DeGette Marshall Tanner
Delahunt Massa Tauscher
DeLauro Matheson Teague
Dent Matsui Thompson (CA)
Diaz-Balart, M. McCarthy (NY) Thompson (MS)
Dicks McCollum Tiahrt
Dingell McCotter Tiberi
Donnelly (IN) McDermott Tierney
Doyle McGovern Titus
Driehaus McHugh Tonko
Edwards (MD) McMahon Towns
Edwards (TX) McNeerney Tsongas
Ehlers Meek (FL) Turner
Ellison Meeks (NY) Upton
Ellsworth Melancon Van Hollen
Engel Michaud Velazquez
Eshoo Miller (MI) Visclosky
Etheridge Miller (NC) Walz
Farr Miller, George Wasserman
Fattah Mitchell Schultz
Filner Mollohan Waters
Foster Moore (KS) Watson
Frank (MA) Moore (WI) Watt
Fudge Moran (KS) Waxman
Gerlach Moran (VA) Weiner
Giffords Murphy (CT) Wexler
Gillibrand Murphy, Patrick Wilson (OH)
Gonzalez Murtha Woolsey
Gordon (TN) Nadler (NY) Wu
Grayson Napolitano Yarmuth
Green, Al Neal (MA)
Green, Gene Norton

NOES—152

Aderholt Franks (AZ) Mica
Akin Frelinghuysen Miller (FL)
Alexander Gallegly Miller, Gary
Altmire Garrett (NJ) Minnick
Austria Gingrey (GA) Murphy, Tim
Bachmann Gohmert Myrick
Bachus Goodlatte Neugebauer
Barrett (SC) Granger Nunes
Bartlett Graves Olson
Bilbray Griffith Paul
Bilirakis Guthrie Paulsen
Bishop (UT) Hall (TX) Pence
Blackburn Harper Peterson
Blunt Hastings (WA) Pitts
Boehner Heller Platts
Bonner Hensarling Poe (TX)
Boozman Herger Posey
Boustany Holden Price (GA)
Brady (TX) Hunter Putnam
Broun (GA) Inglis Radanovich
Brown (SC) Issa Rehberg
Brown-Waite, Johnson (IL) Roe (TN)
Ginny Johnson, Sam Rogers (AL)
Buchanan Jones Rogers (KY)
Burgess Jordan (OH) Rogers (MI)
Burton (IN) King (IA) Rohrabacher
Buyer Kingston Rooney
Calvert Kirk Roskam
Cantor Kirkpatrick (AZ) Royce
Cao Kline (MN) Ryan (WI)
Carney Lamborn Scalise
Carter Latham Sensenbrenner
Cassidy Latta Shadegg
Chaffetz Lee (NY) Shimkus
Coble Lewis (CA) Shuster
Coffman (CO) Linder Simpson
Cole Lucas Smith (NE)
Conaway Luetkemeyer Smith (TX)
Crenshaw Lummis Taylor
Culberson Lungren, Daniel Terry
Davis (KY) E. Thompson (PA)
Deal (GA) Mack Thornberry
Doggett Manzullo Walden
Dreier Marchant Wamp
Duncan McCarthy (CA) Westmoreland
Emerson McCaul Whitfield
Fallin McClintock Wilson (SC)
Flake McHenry Wittman
Fleming McIntyre Wolf
Forbes McKeon Young (AK)
Fortenberry McMorris Young (FL)
Foxy Rodgers

NOT VOTING—12

Bordallo Faleomavaega Shuler
Boucher Sablan Snyder
Christensen Sessions Solis (CA)
Diaz-Balart, L. Sestak Sullivan

□ 1337

Messrs. HOLDEN, CRENSHAW, MCINTYRE, and CASSIDY changed their vote from “aye” to “no.”

Messrs. WATT, HOEKSTRA, OLVER, and Mrs. BIGGERT changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. ZOE LOFGREN of California was allowed to speak out of order.)

ANNOUNCING THE BIRTH OF MOLLY HANNAH SHERMAN

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to make a very happy announcement.

Our colleague, Congressman BRAD SHERMAN, and his wife, Lisa, had their first child last night—a beautiful baby girl. Molly Hannah Sherman is 7 pounds, 15.6 ounces. I am pleased to report that mother and baby are doing splendidly and that the father is expected to recover.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 14, as follows:

[Roll No. 20]

AYES—151

Aderholt	Forbes	McMorris
Akin	Foxy	Rodgers
Alexander	Franks (AZ)	Mica
Austria	Frelinghuysen	Miller (FL)
Bachmann	Gallegly	Miller, Gary
Bachus	Garrett (NJ)	Minnick
Barrett (SC)	Gingrey (GA)	Murphy, Tim
Bartlett	Gohmert	Myrick
Barton (TX)	Goodlatte	Neugebauer
Biggert	Granger	Nunes
Bilbray	Graves	Olson
Bilirakis	Guthrie	Paul
Bishop (UT)	Hall (TX)	Paulsen
Blackburn	Harper	Pence
Blunt	Hastings (WA)	Petri
Boehner	Hensarling	Pitts
Bonner	Herger	Poe (TX)
Bono Mack	Hoekstra	Posey
Boozman	Hunter	Price (GA)
Boustany	Inglis	Radanovich
Brady (TX)	Issa	Rehberg
Brown (GA)	Jenkins	Reichert
Brown (SC)	Johnson, Sam	Rogers (AL)
Brown-Waite,	Jordan (OH)	Rogers (KY)
Ginny	King (IA)	Rogers (MI)
Buchanan	King (NY)	Rooney
Burgess	Kline (MN)	Ros-Lehtinen
Burton (IN)	Lamborn	Royce
Buyer	Lance	Ryan (WI)
Calvert	Latham	Scalise
Camp	LaTourette	Schmidt
Campbell	Latta	Schuck
Cantor	Lee (NY)	Sensenbrenner
Cao	Lewis (CA)	Shadegg
Capito	Linder	Shuster
Carter	LoBiondo	Simpson
Cassidy	Lucas	Smith (NE)
Castle	Luetkemeyer	Smith (NJ)
Chaffetz	Lummis	Smith (TX)
Coffman (CO)	Lungren, Daniel	Souder
Cole	E.	Stearns
Conaway	Mack	Thompson (PA)
Culberson	Manzullo	Thornberry
Cummings	Marchant	Tiahrt
Davis (KY)	McCarthy (CA)	Tiberi
Diaz-Balart, M.	McCaul	Walden
Dreier	McClintock	Westmoreland
Duncan	McCotter	Wilson (SC)
Ellsworth	McHenry	Wittman
Fallin	McHugh	Wolf
Flake	McKeon	Young (FL)
Fleming		

NOES—274

Abercrombie	Baird	Berry
Ackerman	Baldwin	Bishop (GA)
Adler (NJ)	Barrow	Bishop (NY)
Altmire	Bean	Blumenauer
Andrews	Becerra	Boccheri
Arcuri	Berkley	Bordallo
Baca	Berman	Boren

Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseeth Sandlin
Higgins
Hill
Himes
Hinchev
Hinojosa

Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)

Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roe (TN)
Rohrabacher
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—14

Boucher
Christensen
Deal (GA)
Diaz-Balart, L.
Faleomavaega

Rush
Sablan
Sessions
Sestak
Shuler

Snyder
Solis (CA)
Sullivan
Terry

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1347

Messrs. FRANK of Massachusetts and OBERSTAR changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 282, not voting 15, as follows:

[Roll No. 21]

AYES—142

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Billray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes

Fox
Franks (AZ)
Frelinghuysen
Galegry
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaull
McClintock
McCotter
McHenry

McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseeth Sandlin
Higgins
Hill
Himes
Hinchev
Hinojosa

Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler

Wilson (OH) Woolsey Yarmuth
Wolf Wu Young (AK)

NOT VOTING—15

Boucher Moore (WI) Snyder
Christensen Rush Solis (CA)
Deal (GA) Sessions Sullivan
Diaz-Balart, L. Sestak Terry
Faleomavaega Shuler Tonko

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remaining in this vote.

□ 1354

Mr. DANIEL E. LUNGREN of California changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TONKO. Mr. Chair, on rollcall No. 21, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 7 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 13, as follows:

[Roll No. 22]

AYES—426

Abercrombie Bono Mack Castor (FL)
Ackerman Boozman Chaffetz
Aderholt Bordallo Chandler
Adler (NJ) Boren Childers
Akin Boswell Clarke
Alexander Boustany Clay
Altmire Boyd Cleaver
Andrews Brady (PA) Clyburn
Arcuri Brady (TX) Coble
Austria Braley (IA) Coffman (CO)
Baca Bright Cohen
Bachmann Broun (GA) Cole
Bachus Brown (SC) Conaway
Baird Brown, Corrine Connolly (VA)
Baldwin Brown-Waite, Conyers
Barrett (SC) Ginny Cooper
Barrow Buchanan Costa
Bartlett Burgess Costello
Barton (TX) Burton (IN) Courtney
Bean Butterfield Crenshaw
Becerra Buyer Crowley
Berkley Calvert Cuellar
Berman Camp Culberson
Berry Campbell Cummings
Biggert Cantor Dahlkemper
Bilbray Cao Davis (AL)
Bilirakis Capito Davis (CA)
Bishop (GA) Capps Davis (IL)
Bishop (NY) Capuano Davis (KY)
Bishop (UT) Cardoza Davis (TN)
Blackburn Carnahan DeFazio
Blumenauer Carney DeGette
Blunt Carson (IN) Delahunt
Bocieri Carter DeLauro
Boehner Cassidy Dent
Bonner Castle Diaz-Balart, M.

Dicks Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hersteth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)

Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowe
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar

Obey
Olson
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)

NOT VOTING—13

Boucher Rush Solis (CA)
Christensen Sessions Sullivan
Deal (GA) Sestak Terry
Diaz-Balart, L. Shuler
Faleomavaega Snyder

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1403

Mr. MORAN of Virginia changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MORAN of Virginia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BERKLEY) having assumed the chair, Mr. SALAZAR, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday, the House is not in session. Monday is the Federal holiday to celebrate the birthday of Martin Luther King, Jr. I might observe, as I am sure all the Members know, that today is in fact Martin Luther King's birthday, January 15. Extraordinary life. His bust is in the Rotunda. It is a real honor to be able to honor his birth and his message and his vision on Monday.

This is a particularly auspicious recognition of the life of Martin Luther King, Jr. How proud he would be to know that the day after we recognize his birth and his message and his contribution to our country, we will inaugurate the 44th President of the United States of America, an African American; a statement that the dream, although not clearly still fully recognized, nevertheless is a dream shared by all of America.

On Wednesday, Madam Speaker, the House will meet at 12 p.m. for legislative business with votes no earlier than 3 p.m. Let me reiterate that. We will be meeting on Wednesday at 12 p.m., with votes not expected before 3 p.m. Obviously, with the inaugural day, we don't want to have people have to come in too early, not necessarily because of anything they may be doing the night before, but because of scheduling they may or may not be here the night before.

On Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by the close of business tomorrow.

In addition, Madam Speaker, we will complete consideration of H.R. 384, the bill we were just considering, the TARP Reform and Accountability Act, we expect to complete. We also expect to consider a privileged resolution relating to the disapproval of the obligations under the Emergency Economic Stabilization Act of 2008.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

And I would like to bring the gentleman back to a conversation that we had last week regarding the SCHIP bill. Because, frankly, Madam Speaker, I'm a little bit concerned that the Democrat majority is not fulfilling President-elect Obama's calls for bipartisanship. Because I would say to the gentleman, last week you told the House that you were working towards having the SCHIP bill available to us for a full 48 hours before bringing it to the floor; and as the gentleman knows, that did not happen.

And I know the American people are not concerned about the process here in this House, but I do know that the public wants their Congress to function openly. This truly is about bipartisanship and transparency, and I believe that the American people deserve both.

And as we discussed, Madam Speaker, last week, there are 55 new Members of this House. Those 55 new Members had less than 24 hours to review a 285-page bill that spent \$72 billion in American taxpayer dollars, and none of these Members were even allowed to offer an amendment.

So I would like to ask the majority leader if he would commit to allowing at least 48 hours for Members and the American public to review bills prior to a vote in the House.

Mr. HOYER. If the gentleman will yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding and I appreciate his observation.

I did say we were going to try to give 48 hours. I may have said we were going to give 48 hours, but we did not give 48 hours, the gentleman is correct.

The gentleman probably knows the reason we didn't give 48 hours is because we hadn't gotten a CBO scoring, so we were unable to finalize the bill until we got that scoring. We did give approximately 24 hours.

But I say to the gentleman, with all due respect, yes, it was a lengthy bill, but of course the bill had been passed almost in exactly the same form either in the CHAMP bill or in the SCHIP bill itself, so that clearly the overwhelming majority of the text of the bill and the provisions of the bill have been available essentially for over a year.

But having said that, I want you to know and I want to reiterate my intention to give the maximum amount of notice; 48 hours I think is clearly a target that we want to set. I don't want to make a commitment that we will not bring a bill without 48 hours notice. The gentleman, if you would confer with your predecessor—his predecessors, I would say—sometimes it's very difficult to do that.

But the gentleman is absolutely correct, not only new Members, but all Members are certainly entitled to have the respect for their view and their opportunity to represent their constituents, to have appropriate notice, and we will certainly strive for that. I've reiterated to the committee Chairs and to our leadership that I want to follow regular order to the extent possible. And when I say the extent possible, we're in extraordinary times. This did not necessarily relate to the SCHIP bill, other than we had clearly considered that twice, had it voted upon numerous times in this House, and the overwhelming majority, I don't know the percentage, but I would say 95 percent of the bill was exactly as we had passed it in either the CHAMP bill or the SCHIP bill. But I am aware of the gentleman's concerns, and I want to tell him I share his concerns, and we will be working toward the end that he seeks to achieve.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would also ask the gentleman if he would commit to allowing both Republicans and Democrats the ability to offer amendments on a regular basis, especially as, in this instance, when a bill comes to the floor without committee consideration.

Mr. HOYER. I understand the gentleman's concern. As you know, we are now considering a bill which has both Republican and Democratic amendments, very important bill, conditions for accountability and transparency and dealing with mortgage failures in the present bill that's on the floor. And certainly that will be my objective.

□ 1415

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would like to further inquire of the gentleman, along those lines, I know that we now are

looking at next week, as you suggest, beginning the legislative process on the consideration of a stimulus bill. And I would note that two of the gentleman's chairmen, the gentleman from New York (Mr. RANGEL) and Mr. OBEY from the Appropriations Committee, have released summaries of the House Democratic economic recovery package. However, both gentlemen have not publicly released legislative texts. And I would say to the gentleman it is one thing for us to have a summary of the bill; it is another when we are contemplating spending \$825 billion of the taxpayers' money as to when the text of a reported stimulus bill could be made publicly available.

Mr. HOYER. I would hope and expect the text to be available by the end of business tomorrow. I'm very hopeful that that will be the case.

Again, you understand the practical problems as they are now drafting all of the agreement. But we want it available, and hopefully the text will be available by the end of the week.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I further say that the Appropriations Committee on the Republican side of the aisle are extremely concerned, and they should be, that they will not be given the customary 3 days to review the text prior to any markup, and this is, after all, the committee rule. Our members are being told that today, Friday, and next Tuesday will count as the 3 days required under the committee rules; however, as we all know, on Tuesday almost no one will be allowed in the building due to the inauguration.

So, Madam Speaker, I ask the gentleman from Maryland, the majority leader, in his capacity as the leader and a former appropriator, can he ensure us and ensure the members of the Appropriations Committee that their markup will not begin before next Thursday?

Mr. HOYER. I cannot give the gentleman that assurance given the time frame that Mr. OBEY is on. Obviously, as you know, the President and I think in a bipartisan way this administration, without reference to the specific stimulus package or recovery and reinvestment package that we're talking about, believes that we need to act with dispatch. We need to act carefully. We need to act correctly. But we also need to act with dispatch.

I have just been told, by the way, that the text of the bill is online as we speak. So what I was going to say is that we need to act with dispatch, and as you can see, we're apparently doing that.

We have a crisis that confronts us. We have lost over 2.5 million jobs. We lost a million jobs in the last 2 months. People are hurting. We have and I know you have a sense of urgency. We have worked with this administration to try to respond to the economic crisis

that confronts us. Very frankly, Democrats worked in a very bipartisan way and a very supportive way with this President and the Secretary of Treasury in trying to respond to this crisis. As a matter of fact, I would suggest that Democrats were more responsive to the President's request and Secretary Paulson's request than some Members of his own party.

But that aside, we believe we need to act, as I said, with dispatch. We are doing that. I'm glad that this is online because now the committee will have Thursday, Friday, Saturday, Sunday, Monday, and Tuesday. Clearly while one may not be able to get into the Capitol, although I would be surprised if the Appropriations staff could not get in the Capitol, and I don't want to adopt that premise because I don't know that to be the case, but in any event, the text will be obviously available to anybody all over the country to look at, to comment on, and to be prepared to act on at the appropriate time. In addition to that, every Member now will have at least 1½ weeks to review the text of this before it comes to the floor.

Mr. CANTOR. I thank the gentleman for his remarks. I know that it's not customary for us to count holidays and weekends in those 3 days, but I do thank the gentleman for the intent of his remarks.

I would like to turn, Madam Speaker, to the issue of committee ratios. And I do know that there has been some progress made on the Energy and Commerce Committee. Essentially, Madam Speaker, my question to the gentleman is the ratio on the floor of the House is 59/41. And I am, as a member of the Ways and Means Committee, particularly puzzled how there is any justification for a ratio particularly on that committee where it is 63/37. And if he could allow me some insight as to how a ratio could be that different and what the reason for that would be.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. Yes, I yield.

Mr. HOYER. I thank the gentleman for yielding. I didn't know you were going to ask that question; so I don't have the specific facts in front of me. But it is my belief that the Ways and Means Committee has historically had a ratio, when your side of the aisle was in charge and my side of the aisle has been in charge, that did not reflect the exact ratio of the House. That's also true on a couple of other committees as well.

Generally speaking, however, in the discussions between Speaker PELOSI and Leader BOEHNER, the ratios were within a point or 2, I think, of the existing ratio. I know that we recently accommodated a request from the leader, from your leader, on the Energy and Commerce Committee, which I thought was appropriate for us to do. But I

think, generally speaking, it reflects pretty closely the ratios between the parties in the House. But I think if you will look historically, and again I regret that I did not look it up, but I think historically the Ways and Means Committee has generally reflected a greater majority membership than the specific ratio of the parties on the floor of the House.

Mr. CANTOR. And I do say to the gentleman we appreciate the gesture on the part of the Speaker working with our leader to accommodate this disparity in the ratio on the Energy and Commerce Committee and hopefully in that spirit can continue to work together to try to slim down that disparity on the other committees in which it does exist.

Lastly, Madam Speaker, I would like to clarify what action the House will be taking next week on the bailout funds. As the majority leader has stated, he expects the House to vote on a resolution of disapproval. More plainly, for all the people of this country, this is a bill to block the remaining \$350 billion in bailout funds from being spent.

So to clarify again, Madam Speaker, I yield to the gentleman to respond to the statement that voting "yes" would block the bailout funds and voting "no" would allow the bailout funds to continue to be spent; is that correct?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman is correct. In the legislation which was passed pursuant to the request of President Bush and Secretary Paulson authorizing the TARP, they had asked for, as you know, \$700 billion in one lump sum. We believe, the majority on both sides of the aisle believe, that that ought to be at least in two tranches, two segments of \$350 billion. The legislation provided that for the second tranche to go forward, the President would have to ask for it. President Bush has now asked for that \$350 billion, and that the Congress would have immediately before it within 3 days the introduction of a resolution of disapproval of the request and that that would have to be considered. Any Member 6 days thereafter could ask that that resolution be brought to the floor. Now, in this case 6 days thereafter would have been Sunday; so that would have been not appropriate or practical; so we put, as you know, in the rule the ability of the majority leader to call it up next week.

The legislation does not provide for the issue becoming moot. Now, what I mean by that is I don't know whether the Senate has voted—they may vote tomorrow. They obviously began procedurally on their resolution of disapproval today. If that resolution is not passed, then our action would be essentially without meaning but not necessarily without importance to the

Members who want to vote on it, so that sometime next week, Wednesday or Thursday, my expectation is that we have Members who will want to vote on it. I will be discussing it with your side. I will discuss it with you and discuss it with our side bringing that to a vote, notwithstanding the fact that the Senate may make such a vote not a meaningful act in that President Bush's request would have already been sanctioned because both Houses need to disapprove and if the Senate didn't disapprove, our action will not effect a disapproval.

Mr. CANTOR. So I ask a follow-up, Madam Speaker, to the gentleman that the process for consideration of that resolution is yet to be determined?

Mr. HOYER. My expectation is we're going to have it on the floor next week. Members on both sides want to vote on it, but as I said, it will not have any legal effect if the Senate defeats the resolution of disapproval.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Maryland, the majority leader.

—

HOURLY OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, January 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

—

TARP—AIG

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, today, the House began consideration of legislation to strengthen the Troubled Assets Relief Program. Implementation of this legislation is urgently needed, and here's why:

Just last week AIG pulled back on a plan that would have cost taxpayers \$93 million. What prompted AIG to cancel its proposal? Three phone calls, none of which came from the Bush administration. They came from myself and Congressman PAUL KANJORSKI of Pennsylvania. AIG is just one example.

The Bush administration has been asleep at the switch throughout our economic recovery efforts. They have failed to monitor the actions of the companies and banks that have received Federal support through TARP; they have failed to place real caps on the excessive pay of corporate CEOs who take taxpayer money; and they have failed to ensure taxpayer-lent funds are being wisely spent.

Starting today our efforts to put our Nation's economy back on the right

track will be taken in a new direction. With consideration of H.R. 384 and the start of the Obama administration, accountability and oversight will now govern TARP. After 8 years it is a new beginning for our country, and it couldn't have come at a better time, on the same day the Bank of America is seeking billions more in Federal assistance.

Reform is what the American people deserve because it is their money on the line.

WELCOMING THE IOWA NATIONAL GUARD TO WASHINGTON, DC FOR THE INAUGURATION

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Madam Speaker, today, I would like to highlight the special role the Iowa National Guard will play in the historic inauguration of President-elect Barack Obama.

Approximately 1,000 Iowa National Guard troops, including 140 from my district, will join 6,000 other National Guardsmen and women from seven States to assist in the inaugural events. This historic trip to Washington, DC marks the first time in its 170-year history that the Iowa National Guard has participated in a presidential inauguration.

I have had the honor of meeting many of Iowa's citizen soldiers both at home when they have responded to natural disasters such as last summer's floods and abroad in Iraq and Afghanistan. They are some of Iowa's finest citizens and some of the finest troops in our military services.

I would like to extend a warm welcome to my fellow Iowans as they arrive in Washington. I am deeply proud of the role they will play in this historic event.

□ 1430

FEDERAL TAX CREDITS FOR STUDENTS AND THEIR FAMILIES

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, since the broad outlines of economic recovery legislation were first announced, Representative TOM PERRIELLO and I have been working with our colleagues to see that that legislation was strengthened to include additional assistance for students and their families, students who deserve all the education that they are willing to work for.

Today we are pleased to announce success. The legislation that will be filed to improve and strengthen our economy at this time of economic downturn will include about \$12.5 billion in new federal assistance over the

next 2 years in the form of federal tax credits. These tax credits will be expanded to include textbooks and course materials. They will help now so that every family that is spending a dollar on higher education this year will know they will get that dollar back, up to \$2,500 next year when they pay their tax return.

For the first time in history, this will be a refundable credit, as we proposed it, so that families making less than \$40,000 a year, who did not qualify for the full credit in the past, will now be entitled to get up to \$1,000 of their expenses. At a time of economic downturn, this is the time to support our students and their families. Help them and help rebuild our economy.

NATIONAL DRUG CONTROL STRATEGY FOR 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-7)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs and Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the 2009 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 900,000 fewer American teens are using drugs. The Access to Recovery program alone has extended treatment services to more than 260,000 Americans. Through law enforcement cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

Our work is by no means complete—we must build on these efforts both to further reduce drug use and to rise to new challenges. I thank the Congress for its support and ask that it continue to support this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORISTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ATTAIN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to introduce the Achievement Through Technology and Innovation Act of 2009.

The 111th Congress begins in an era of continued shrinking school budgets, overcrowded schools, and overextended teachers. On an individual and on a national level, these factors have dire consequences. The individual consequence is that millions of American children may never realize their full potential or the promise of the American dream.

The national consequence is that our country loses the benefits of our children's talents and their potential to become our Nation's next generation of leaders in education, science, law, research, economics, engineering and all the key disciplines that have helped to make our Nation the greatest in the world.

While there is no easy or single answer to the complex problems of education in our country, there are steps we can take now to put us on the path toward a quality education for all our children. One such step is to make technology literacy a priority and an integral part of every educational system in the country.

From credible studies, we know technology can have a tremendous positive impact on student learning. This is especially evident in low income and minority communities where students are vulnerable to falling behind and learning 21st century skills critical to individual success and to America's success in today's world economy.

Whether preparing for college or going directly into the workforce, students are increasingly required to have the high-tech skills employers and the world market continue to demand.

Therefore, it is a tragedy that in the United States today we have high dropout rates that exceed 50 percent and school districts that cannot keep up with the technology needs of their students. Passage of the ATTAIN Act will help us to address these serious problems.

For example, at the School for Global Studies in my district, I had the opportunity to see firsthand the benefits and the life-changing impact teaching with technology has on a child's life.

While touring the school, I met some of the students who confided that if it were not for the meaningful technology program at Global Studies, they probably would have dropped out of school and ended up in some serious trouble. Instead, these students are excited about learning and excited about their future.

The excitement and the hope students feel at Global Studies is what

every child in our country deserves to feel about their education and the promise of their future. The ATTAIN Act will help to make that possibility a reality for all our children.

The ATTAIN Act would amend the Enhancing Education Through Technology program and the No Child Left Behind Act. Currently, the No Child Left Behind Act allocates 50 percent of technology education funds to schools with disadvantaged students through formula grants. The ATTAIN Act would increase that percentage to 60 percent. This funding would be used to purchase new technology and train teachers on how to effectively use these new tools.

The remaining 40 percent of ATTAIN funds would be distributed through competitive grants that encourage schools to undertake comprehensive, technology based, reform initiatives that have been proven to increase student achievement.

Madam Speaker, we know that when teachers are properly trained and schools are properly equipped with technology, students are engaged, eager to learn, and ultimately better prepared to address and to lead our country to meet the challenges of the 21st century. We have already lost the untapped talents of thousands of our young people.

Passage of the ATTAIN Act will help to reverse this tremendous loss of unrealized potential.

I urge my colleagues to cosponsor the ATTAIN Act and help with its passage.

BAILOUTS, TARP AND STIMULUS PACKAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Madam Speaker, there is a lot of talk these days about rescue plans and bailouts and TARP and stimulus packages. Let's take a minute to reflect on what has happened. Back in October we passed, and the President signed, a rescue plan which created the Troubled Asset Recovery Plan, so-called TARP.

There are those here on both sides of the aisle who believe that that didn't help, that that didn't do anything. Well, you know, you never get credit for bad things that don't happen.

Let me assure you, Madam Speaker, that the financial system of this country was on the verge of collapse, and we averted that collapse because of two things, because of the unprecedented and aggressive monetary action of the Federal Reserve, but also because of the rescue plan and the TARP that we passed and deployed back last October.

Now, you say, however, you averted financial collapse, but what's going on now? Look at unemployment, look at the economy.

What we were trying to avoid then was literally the collapse or the lack of function of our financial system and our financial structure. It was about to implode and to stop working at all.

It is still working, not as well as it should, not normally, but it is still working, and it gets a little better every day.

But we knew at the time, and said at the time, that the damage that had been inflicted at that point was going to start to affect employment and start to affect economic growth, and, in fact, it has.

We now know that millions of people have lost their jobs, lost their homes, or lost their businesses. More people are losing their jobs, their homes and their businesses every day.

The economy continues to sink and we don't know where the bottom will be. We can't see it at this point.

So what are we doing now? What is the purpose of all this economic discussion we are having now? Just one thing, we can't stop the recession, it has already happened, we are already in it. We can't retroactively go back and get the homes and the jobs in the businesses that have already been lost.

But what we do want to do is to make this recession as short and as shallow as we can. If we do nothing, the recession will end at some point, as all recessions do.

But if we can have it end sooner and save millions of people their jobs, their homes or their businesses, then we should do so.

□ 1445

So I believe we should act, and the first thing we should do is to continue the successful TARP program.

Now, some people say, well, it wasn't successful, because, look, we invested all this money in banks and they haven't started lending. In fact, much of the reason that they haven't started lending is because the financial condition of the banks is much worse than we all thought they were back last October. The money the banks got from the Federal Government merely enabled many of them to keep their current functions, but not to expand lending.

The additional money, which I think should be leveraged with private capital, in other words, a bank should only get future Federal Government TARP money if they go out and raise a matching amount of private capital so that we get more and more money in the financial system, such that they can have the capital from which they can begin to lend again.

And then there is the talk of a stimulus package, and I think we should have one. Again, I think the consequences of inaction are going to be very severe on this economy.

But there is one thing that the stimulus package should do. It should actually stimulate the economy, and do it

quickly. If we wait a year or 18 months, the economy will probably find its own bottom. It will be a bad one, but it will find its own. What we need to do is things, stuff, that will take effect and have an impact in the next 6 months, largely, 1 year at the most, so we can prevent the loss of as many jobs and homes and businesses as we can.

Now, many people on both sides of the aisle are bringing up the same things and priorities that we all do, and that is great. I am a Republican. There is lots of tax cuts I like as a Republican. I know there is a lot of spending that Democrats like, and there is good arguments to do some of both. But we have a patient who has pneumonia, and if you say you should eat right and exercise, yes, you should. Eating right and exercise is always good. But if you have pneumonia, you need antibiotics, and telling the patient to eat right and exercise won't cure their pneumonia, and we need to cure the pneumonia first before we can eat right and exercise.

So we need things that are directly targeted towards the next 6 months in creating jobs, and one of the things I think we should do is look at the demand side of things. People are scared. People are afraid. Even people with jobs, with plenty of security. We should be stimulating people to buy homes and cars, and doing it quickly.

FORENSIC ACCOUNTING OF WALL STREET BANKS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I am glad I was here on the floor to respond to the prior Member who felt compelled to say that he thought the Wall Street bailout was working. I would like to know what evidence he has to prove that, since we have no forensic accounting of what the Wall Street banks that got all this money did with the money. Maybe he has some special access inside these institutions and can provide it to the RECORD, because I will tell you what happened yesterday.

I went before our Rules Committee and I proposed a very simple amendment. My amendment was that before we give one more dime of the people's money, we require the Treasury to do a forensic accounting of every bit of money that was sent up there to Wall Street. And I was denied my amendment.

There is no Member of this Congress that can say with accuracy, including the gentleman who just spoke, that he knows where the money is, because, you know what? They haven't told us. All you know is what you have read in the newspapers, and how can we extend more money from the American people when we don't even know what hap-

pened to the money that went out the door?

So you can say whatever you want and create a fiction, but the fact is that foreclosures are going up across this country. That bill that was passed last year was supposed to help people hang onto their homes. In Ohio, foreclosures have gotten worse every month.

What I am telling people right now is, stay in your homes. If the American people, anybody out there is being foreclosed, don't leave, because I will tell you what. If you had a smart lawyer like those banks up there on Wall Street can get, they would take you into court and they couldn't find the mortgage. They couldn't find the mortgage.

So why should any American citizen be kicked out of their homes in this cold weather? In Ohio it is going to be 10 or 20 below zero. Don't leave your home. Because you know what? When those companies say they have your mortgage, unless you have a lawyer that can put his or her finger on that mortgage, you don't have that mortgage, and you are going to find they can't find the paper up there on Wall Street.

So I say to the American people, you be squatters in your own homes. Don't you leave. In Ohio and Michigan and Indiana and Illinois and all these other places our people are being treated like chattel, and this Congress is stymied. We have the worst economic crisis since the Great Depression and our committees are muzzled. Power is given to one chairman or one person.

We are all equal here. We have a right to be heard. The concerns of our constituents have a right to be registered in the committees of this House, not choked down as what is happening here today. It is just a tragedy. And if we don't fix the economic cure, it is going to get worse, and the cure is to go after the home foreclosure crisis.

Who does that? Treasury? No. That is absolutely the wrong place. We need the Federal Deposit Insurance Corporation and the Securities and Exchange Commission empowered to do the real estate workouts on books across this country. Those are the normal institutions that are used. And then you have got HUD there now with FHA that can take these mortgages once they are refinanced. But that is not what is happening across our country. There is no help for the homeowner. That whole section they talked about today, Help for Homeowners over at HUD, nobody has even benefited. We said last year they wouldn't, and that is exactly what has happened.

So I say to the American people, stay in your homes. You have earned them. And don't you get out until you get a really good lawyer who can find your mortgage up there on Wall Street. Because, you know what? They won't be

able to find it, and therefore they can't prove you should be evicted.

WHEN THE WELL RUNS DRY: A BIPARTISAN APPROACH TO ENTITLEMENT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, our financial situation is at a critical mass. Everywhere you look, everything you read, more bad news, no end in sight. Of massive budget shortfalls President-elect Obama has said, "If we do nothing, we will continue to see red ink as far as we can see."

Last week, the Congressional Budget Office projected the Federal budget deficit will balloon to \$1.2 trillion this fiscal year, and that does not include the economic stimulus package proposed by the incoming administration. These staggering numbers are deeply troubling today and pose a dire choice for our children and our grandchildren.

Simply put, our Nation is slowly going broke. Without a change of course initiated by Congress, we will follow what Comptroller General David Walker characterized as a financial "tsunami strong enough to swamp the ship of state." It will sweep our children and our grandchildren off their feet, leaving far less opportunity for future generations.

Out-of-control spending is not just an economic issue, it is a moral issue also. Is it right for our generation to live very well, knowing that future generations of Americans will inherit a broken system in the form of massive debt, Social Security and Medicare obligations, unsustainable spending and commitments that cannot be kept?

Entitlement spending has such a tight grip on the rest of the Federal Government that every day the 111th Congress waits to act is another day that vital discretionary programs, domestic and international, are in jeopardy. That is what we are facing today.

Everyone, whether you are a Republican or Democrat, should be alarmed. As parents and grandparents, we should care that without adequate resources our children won't receive the first-class education they need to compete in the global market. Already the tests show that one-third of U.S. students lack the competency to perform the most basic mathematical computations.

People should care that scientists at the National Institutes of Health who are so close to finding cures for devastating disease might not have the funding they need for medical research and breakthrough clinical trials that will change the way we live. Cancer, Alzheimer's, autism will all remain shortchanged if we do not have the discretionary funding necessary to put together the pieces.

Think about the roads, the highways, the bridges. Our children and grandchildren may wake up in a dismal scene. These scenarios only scratch the surface on how concerned we should be about America's future.

The ramifications of out-of-control spending reach far beyond our shores. I have always believed in the biblical admonition that to whom much is given, much is required, and have supported efforts, as have many in this Congress, to fight global hunger and poverty and disease. For example, U.S. Government funding for global HIV/AIDS, TB and malaria was nearly \$20 billion over the last 5 years. The recent 5-year reauthorization commits \$50 billion.

While that is good news for millions hurting around the world, it places America in the position of fulfilling a moral obligation to keep these vulnerable populations alive. Yet where will the money come from if America's foreign assistance dollars continue to shrink because the mandatory spending is taking a growing piece of the pie?

Ecclesiastes 5:5 says, "It is better not to vow than to make a vow and not fulfill it." I fear, Madam Speaker, that the vow will not be able to be fulfilled because of the deficit spending that we have no way to deal with.

The economic stimulus being shaped by the administration offers an opportunity, and JIM COOPER and I have a bipartisan bill, eight Republicans and eight Democrats, that puts all spending on the table and forces, and forces the Congress to act.

Many Members of the Congress go home and love to give the speeches at the Rotary Clubs talking about how bad the deficit is, but yet when they come back to Washington they do nothing about it. So next week, Madam Speaker, I will offer an amendment in the appropriations bill to put the Cooper-Wolf language into law whereby we can get control of this runaway spending.

END TO FIGHTING IN GAZA STRIP NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to express my deep concern over the increasingly grave situation in the Gaza Strip and to express my disappointment that Congress has not spoken more clearly and forcibly in favor of a cease-fire. The latest fighting between Israel and Hamas has led to a humanitarian crisis. According to news reports, quoting various official sources on both sides of the battle, the impact on civilians in Gaza is severe and growing worse.

Madam Speaker, like every Member of this House, I support the right of

Israel to defend itself and its people, and, like my colleagues, I strongly denounce Hamas' ongoing indiscriminate destabilizing rocket attacks against civilian populations in southern Israel and Hamas' clear intent to terrorize the people of Israel. In no uncertain terms, I call on Hamas to end its rocket attacks against Israel immediately.

But I also believe in no uncertain terms there must be a cease-fire between Hamas and Israel and it must commence immediately. The loss of life to children and their families, the vast destruction of homes and the enormous suffering in Gaza that is being caused by the escalation of this conflict must end.

Last week, the House spoke out on this latest conflict in the Middle East by passing H. Res. 34 that "recognizes Israel's right to defend itself against the attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process."

I was disappointed that, as this body has done so often in the past, the House voted only to reiterate its support for Israel and its right to defend itself, rather than also to have used our considerable influence to pressure both sides to agree to a cease-fire in order to protect civilians on both sides caught in this conflict and in order to work toward a lasting resolution of this conflict that will lead to the protection and security of Israel.

I support much of the language in the resolution, but I regret that H.R. 34 in its entirety was not a correct statement for the House to make at the time. The question for the House and the international community is how the Israeli people will be able to live in peace and security without the constant threat of attack from Hamas and others and how the United States and all other nations can assist in achieving that outcome in a lasting manner.

The House has not weighed in on this question. The House of Representatives should throw its considerable weight behind the call for an immediate cease-fire between Israel and Hamas. The cease-fire is in the best interests of Israel and the United States.

The fact is that there has been a failure of political leadership that has led to this renewed and devastating fighting in Gaza. The Bush administration failed to adequately and successfully address the Middle East conflict during its time in office and during the time in which we knew the cease-fire was coming to an end, and conditions might have been changed so that it could have been extended.

□ 1500

The international community has failed to adequately address the conflict between Israel and Hamas. Experts in the Middle East had warned that a conflict of this nature would

eventually come, and will continue to come in the future if conditions on the ground do not change. Their warning went unheeded, and now a new and costly war has broken out.

Hamas rocket attacks against Israel are indefensible. But neither can the disproportionate military response by Israel be defended. The latest fighting was preceded by a lengthy and crushing blockade by Israel of Gaza that caused an humanitarian crisis. Hamas, unfortunately, chose to break the cease-fire and continue shelling of Israel. And Israel chose the breaking of the cease-fire to launch, as it should have, a defense of Israel, but unfortunately, with an all-out attack on Gaza.

Lost in all of this is the answer to the question of how the Israeli people can be assured the protection they deserve. The rocket attacks against Israel continue, albeit lessened now, despite the enormous firepower brought against Hamas by Israel. There is no clear answer as to how Israel will bring this conflict to an end in Gaza or clear what Israel's ultimate goals are in this conflict.

Only a cease-fire and a new international commitment to negotiate a cessation of hostilities between Hamas and Israel can protect the people of Israel.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. JOHN DIAMANDIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of my dear friend, Dr. Themistocles "John" Diamandis, endearingly known as Dr. D.

Dr. D was born on April 11, 1929, in Tarpon Springs General Hospital in Tarpon Springs, Florida. It was a foreshadowing that Dr. D started off life in that tiny, 12-bed hospital. He started off his medical career in 1961 at Tarpon Springs General Hospital, where he was one of three doctors on staff. He spent the next 47 years as a dedicated general practitioner there.

He earned a pharmacy degree from the University of Florida in 1951. Prior to medical school, he worked as a pharmacist at Webb's City in St. Petersburg, Florida. He earned a medical degree from the University of Miami in 1958. While in medical school he worked at Walter Reed Army Medical Center and served his country in the Army during the Korean war.

A proud member of the Tarpon Springs community Dr. D cared for generations of Tarponites, including the pioneers of the Tarpon Springs sponge industry.

He started his career with his assistant, Cally Catroulis, who remained

with him, amazingly, for 47 years, until his retirement. He opted not to hire nurses, preferring to spend as much time himself with each patient by taking, for instance, each blood pressure reading himself. While he often ran late having meaningful discussions with his patients, I can attest to that, others were happy to wait their turn for him, knowing that they would be the subject of his extra care and attention.

Dr. D was always on call for his patients, day or night. He is known for making late night and weekend house calls. Before going to bed each night, he would check in on his patients at home or at the hospital, amazingly. He never failed to treat a sick person, and never asked if they had insurance. Sometimes he was paid only with a hot meal or a Greek pastry after a house call.

As a matter of fact, Dr. D was a mentor to my brother, Dr. Emanuel Biliarakis.

In addition to his tireless dedication to his patients, Dr. D has been an activist in his community, frequently speaking out on local, State and Federal issues, on issues near and dear to his heart such as affordable health care, lower taxes, and improved infrastructure. He also remained active in his church, St. Nicholas Greek Orthodox Church, and also various civic organizations such as AHEPA.

Madam Speaker, Dr. D is a rare breed of physician and humanitarian. Many describe him as an old fashioned doctor, but his practice embodied all that was and is still good in medicine, the strength and importance of the relationship between a primary care doctor and his or her patients.

That tiny hospital where he was born and started his medical career was the same one he retired from this past September of 2008. Now known as Helen Ellis Memorial Hospital, it has grown to a 168-bed facility with 356 staff physicians, a legacy of Dr. D.

Madam Speaker, I can only think of one word to describe Dr. D—*axios*.

I yield back the balance of my time.

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. ROGERS, Michigan

WHO'S GOING TO SPEND THE MONEY?

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, we took up the issue of the Troubled Asset Recovery, whatever TARP stands for. \$350 billion has been thrown, as one man wished it to be, as he directed.

There's another \$350 billion that has been allocated. Now, the question is, who's going to spend it?

Now, I've got a bill that I filed, it was, I think, the first bill laid down over here on the Clerk's desk the minute after we were sworn in, and it's a bill to allow the people that earned the money to spend it. The Treasury Secretary would have to put it in the general revenue and use that to cover any shortfalls from withholding not coming in.

This isn't some rebate where we spend millions to let people know you may get a rebate check, and then millions to process it, and then by and by, pie in the sky, they get a rebate check down the road for \$300, \$600. This is real money we're talking about, in the account, in the hands of those who earned it as soon as they get their paycheck. If we pass this bill next Thursday that I've proposed, people on their Friday paychecks could have all of their Federal withholding in that check, all of their FICA withholding in that check.

So anybody that's working, performing services, including self-employed, they have a 2-month tax holiday. That money is immediately in their hands, in the economy, not some bureaucrat in Washington who is so arrogant that he thinks you couldn't possibly know where to spend that money to help the economy and help yourself.

So, we've asked, we surveyed people who have e-mailed in and asked, what would you—look at the withholding and see what, tell us what you would use your money for. Number 1 answer? Pay off credit cards, catch up on loans, including the mortgage.

Well, Paulson's out there spending hundreds of billions of dollars to try to loosen up lending so people can refinance and borrow more money to catch up on the mortgage they got behind on in the last year, many, back when gas prices were \$4 a gallon. Let them catch up with their own money. They don't need another loan.

Others said they'd go out to eat. They'd stop, they'd use it for entertainment. Others said they'd invest it in their small business to develop it. Others said they'd invest it in the stock markets. That would help the market.

Ten percent of those said they'd use it to buy a new home. That would help them with their down payment. There's so much in the withholding. Others said they'd use it to buy a car. Some said they'd put it in savings. But that would give banks more money to make more loans, so that would be a good thing as well.

Some got very specific. They said they'd buy farm supplies, help with their college education this year. Some said they'd buy insulation for their home to help on the energy bill. One said he'd buy a stove and an oven. Another said he'd use—well, there were many who said they'd repair and remodel their home. Others said they'd pay for medical procedures that they need. How about that? It's not some guy in Washington paying. It's the people that earned the money that would get to spend it.

Another was going to put on a new roof for his home so his family would be dryer and warmer. The people that earned the money know what to do with it.

It is the height of arrogance that in this body, we'd say, no, no, no, GOHMERT's got this bill, H.R. 143, that lets the people that earned it have a 2-month tax holiday. We can't do that. We can't let that come to the floor for a vote.

I proposed this amendment yesterday. Got shut out. They didn't want it on the floor. Probably pass. People would be afraid to vote against the people. And that's what that vote is.

But I just submit, Madam Speaker, if this continues, and I keep being shut out on getting this idea from the people for the people by the people, and the votes keep being that we can't bring a bill like that to the floor for a vote, it may be, come November of 2010 that the voters will say, we want to elect somebody that will do what needs doing and not helping their cronies.

Oh, yes, we heard, well, the leadership over here in the House has the idea for this great TARP money. We're going to use it for infrastructure. Oh, yeah. Well, apparently the bill being proposed only has 5 or 6 percent for infrastructure.

You let people have their own money, you let them spend it where they need spending, the money will be in the economy, the economy will increase, and everybody will be better off and the people will have heard from us as they wanted.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the previous 5-minute Special Order in favor of Mr. POE of Texas is vacated.

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

LAST STAND FOR RAMOS AND COMPEAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE of Texas. Madam Speaker, in the dusty, arid plains of West Texas, where the tumbleweeds blow across the prairies, there's a small town called Fabens, Texas, a population of about 8,000, mostly lower-income individuals, but they're doing what they can to eke out an income out of the land that they work.

On February 17, 2005, almost 4 years ago, these events took place. A drug dealer by the name of Aldrete Davila came across from Mexico, which is six miles from Fabens, Texas, right here on the map. He's driving a van. He has about \$750,000 worth of narcotics in that van. And of course, he's smuggling drugs into America; something that occurs along the entire Texas/Mexico border.

He's confronted by one of our first responders, Border Security Agent Jose Compean. Border Agent Jose Compean does his job, and he gives chase to this drug smuggler in the van. Aldrete, the smuggler, turns his van around, tries to head back to Mexico with his cancer that he's going to try to sell in the United States. He abandons his vehicle. He gets down in the river bed between Mexico and Texas in the Rio Grande Valley, and he has a fight with Jose Compean.

Another border agent by the name of Ignacio Ramos shows up and meets the call for help to stop this drug trafficker into the United States. Meanwhile, a fight ensues between the drug dealer and Border Agent Compean, and Compean is left in the river bed, bleeding, while the drug dealer runs back to Mexico.

Ignacio Ramos, border agent, sees what's taking place. He sees the drug dealer, in his opinion, with a weapon, keeps turning back like this, and he fires his weapon.

□ 1515

And the drug dealer disappears.

Unbeknownst to all of us, there was another vehicle on the other side of the border, waiting to pick him up and take him back to wherever he came from.

Jose Compean and Ignacio Ramos, border agents, at the time they pick up the shells that are fired, they don't immediately report the events, and nothing occurs until the following takes place:

The drug dealer goes back to Mexico. It turns out that he was wounded. He was shot in the buttocks. Without being too graphic, the bullet went in one cheek and came out the other cheek as if he were pointing his weapon when he got shot.

But be that as it may, in some way, the U.S. Government gets involved. It goes to Mexico. It finds the drug dealer and says, "Looky here. Have we got a deal for you. All you've got to do is come back to America and testify against those two border agents for a civil rights violation," or whatever we charged them with, "and we will treat you for your wounds, and we will give you a pass to go back and forth across the border, and we will not prosecute you for bringing drugs into the United States."

So, months later, that immunity deal is struck, and the border trespasser—smuggler—gets a deal, a backroom deal, a deal to testify. In my experience as a former judge and prosecutor, unfortunately, when you make a deal with a criminal, you usually get the testimony you want.

What happened was they were waiting to bring these two border agents to trial on numerous charges, but remember, all they did was fail to report the fact that they fired their weapons. Normally, under Border Patrol policy, that is an administrative punishment. You get days off—5 days from what I understand. They could have been fired for that, but they were not. They were prosecuted in Federal court for numerous violations, mainly for shooting the drug smuggler. Of course, they both never knew they shot the drug smuggler until they were told by our government.

In any event, unbeknownst to us, the trial gets postponed. We don't know why the trial is postponed. It's not tried right away, but it gets postponed. The reason it got postponed, which we all learned much, much later, was that, while the drug smuggler was out on his get-out-of-jail-free card, thanks to our government, he was still smuggling drugs into the United States.

In October of 2005, lo and behold, Aldrete brings another load of narcotics into the United States. At first, our government denied that they knew anything about that, but I ended up receiving a copy of the DEA report, which showed specifically that Aldrete was bringing in drugs while he was out on this get-out-of-jail-free card.

So the trial takes place after it is postponed. In March of 2006, these two border agents are tried. They are convicted. The jury never knows that the star witness—the government's bought-and-paid-for witness—brought in another load of drugs. The U.S. Attorney's Office convinced that judge from keeping that testimony from the jury.

Now, the main witness the government had against the two Border Patrol Agents was this witness, the drug smuggler who was given a deal to testify.

Now I ask you, Madam Speaker: If you were on a jury and you had to decide if a person was telling the truth,

wouldn't you want to know that, while they were waiting to testify after they were given immunity, they were still bringing drugs into the United States? Wouldn't you want to know that to judge whether or not this witness is telling you the truth or not?

I think, probably, you would want to know that, and I think that's probably the reason the government kept that testimony from the jury, because they didn't want the jury to know the truth about their witness.

In any event, the witness testifies. The border agents are convicted; they are found guilty, and are sent to the Federal penitentiary for 11 and 12 years. Under Federal law, they will serve most of that time.

This case sort of disappeared from the radar until people started talking. The news media even brought this case up. A reporter by the name of Sara Carter has been following this case since the trial. Thanks to her and to other people in our national media, this is still being discussed by not only Members of Congress but by the public throughout the country.

Since I, really, have almost no life, I read the 3,000-page transcript of the trial, so I know what the jury heard. I read it. In September of 2006, long after the trial and the transcript was prepared, Members of Congress started asking questions about: Well, was this really the right thing to do, to prosecute the border agents? Maybe we were on the wrong side of the border war. Maybe we ought to have been prosecuting the smuggler, the drug dealer. Maybe we ought to have been doing that. So questions were being asked.

Several of us met with the Department of Homeland Security's inspector general's office to try to find out exactly what happened down there in Fabens, Texas in February of 2005. The transcript hadn't been produced yet, so we couldn't read it. So we met with these individuals, and they told us the following:

Well, these Border Patrol Agents are rogue cops. They're just bad guys, and they knew that the suspect was unarmed when they shot him. They went out that day, intending to shoot illegal aliens coming into the United States, and they didn't believe that this drug dealer was a threat to them when they fired.

Now, that's a different kind of story than what I've just told you. So we took them at their word because you know you're not supposed to lie to Members of Congress. It's kind of against the law in the United States.

After we got the transcript, after we did more investigation, we learned that Ramos and Compean, the border agents, did believe the drug smuggler was a threat. They did believe that he had a weapon, and they never said they went out that morning with the intent

to shoot some illegal coming into the United States.

Now, as a side note—a little rabbit trail here—that occurred in September of 2006. I and several others have asked our government to investigate those government officials who came to the Members of Congress and misled us. Of course, nothing has happened to those individuals. They just sort of went away, you know.

But back to the case. Now that we had the transcript, now that we'd read the transcript of the trial and we'd found out exactly what had happened, many of us in Congress had felt that what had occurred in this trial wasn't the appropriate thing to do and that the way the two border agents were treated wasn't really the most appropriate way to be treated.

So, in October of 2006, Ramos and Compean were sentenced to 11 and 12 years in the Federal penitentiary. While in prison, Border Agent Ramos was assaulted. Both of these agents have spent much of their 2 years now—2 years—in solitary confinement. Solitary confinement in our Federal penitentiaries is reserved for the meanest criminals we have in our culture, in our society. Yet border agents go into solitary confinement for allegedly their own protection. Yeah, right.

Anyway, they're serving their time, but this case does not go away. In July of 2007, because so many of us on both sides of the aisle were concerned about justice, I introduced legislation, saying exactly that no Federal funds will be used to incarcerate Ramos and Compean. In other words, the Federal penitentiary cannot use taxpayer money to incarcerate these border agents. That legislation passed this House unanimously in 2007 by voice vote. There was not one dissenter on either side of the aisle because Congress, the House portion of Congress, said it's just not right. They shouldn't be incarcerated.

As all of you know, what we do when we pass legislation is we send it down to the Senate. That bill, like many other bills, never got voted on by the Senate, so both of the individuals stayed in prison.

Before they ever got to trial, Ramos and Compean were offered a deal by our government. It's not unusual in criminal cases. They were told, if you plead guilty to these violations, we'll get you 1 year in the Federal penitentiary for what you did out there in Fabens, Texas. Now, if you don't plead guilty, well, we're going to go to trial, and we're going to try to get you more time in the penitentiary.

So the Federal Government initially thought that the case was worth 1 year in the Federal penitentiary, but because Ramos and Compean, citizens of the United States, exercised their right under the Constitution to have a jury trial, they were punished for the right

to be tried before a jury. The Federal judge then gave them 11 and 12 years after the jury convicted them.

I don't think that people charged with crimes should be punished for exercising their right, their constitutional right, to ask for a jury trial. In any event, the case continues to this day.

What has the effect of it been on our Border Patrol Agents? Well, let me tell you. I'll give you an example.

Luis Aguilar, a Border Patrol Agent assigned to the Tucson office, was in California recently on border patrol, trying to catch the bad guys. Two vehicles, a Humvee and a pickup truck, come across the Mexican border into the United States. He and other Border Patrol Agents give chase to this Humvee and to this pickup truck. The Humvee and pickup truck see the good guys, and like they normally do, they try to run from the good guys. They turn their vehicles around and head to Mexico.

Luis Aguilar from Tucson, Arizona, Border Patrol Agent, what he did was get in front of those vehicles at some distance and throw out these spikes—where if a car or a vehicle runs over the spikes, they blow out the tires—to stop the bad guys from going back to where they came from. Rather than go over the spikes, the guy in the Humvee jumps off the road and runs over and kills Luis Aguilar, Border Patrol Agent. Then he flees off, back into Mexico, along with the pickup truck. Where he is today, that individual, we know not.

Now, you know, the Border Patrol Agents are nervous about using their weapons. The reason they're nervous about using their weapons to protect the dignity of our country and to capture the bad guys who come into the United States is due to cases like Ramos' and Compean's. When these Border Patrol Agents fired their weapons, they were prosecuted instead of the drug smuggler. So that makes Border Patrol Agents hesitate.

I've heard that the Border Patrol policy is they can't fire their weapons unless fired upon. Now, anybody who has ever been in law enforcement, anybody who has ever been in the military knows that's a bad idea. I can't fire to defend myself unless somebody shoots at me? I can't stop someone who is pulling out a gun? Apparently not. Luis Aguilar is just one example.

I've talked to Border Patrol Agents all the way from Brownsville, Texas, to San Diego, California, and they tell me, 'Hey, when we're in that situation, we really don't want to fire our guns even though we can, even though it is the right thing to do, because our government doesn't back us; they back the other side.'

Sheriffs along this entire area here that I have mentioned—from Brownsville to San Diego—the Border Patrol

Sheriff's Association, are of all races, and they're of both political parties, but to a sheriff, they are concerned about border security, and they tell me the same thing: 'We are hesitant to use our weapons in these cases even though, under State law or even Federal law, we're permitted to do it, because our government is not going to stand beside us. They're going to stand beside the drug dealer.' So that's the chilling effect.

But whatever happened to Aldrete, the drug smuggler? Remember, he got that second case, that second case when he brought drugs into the United States while he was waiting to testify. It's the one that the Federal Government denied, really, ever occurred until they finally had to admit it because we saw the evidence of the DEA report.

Well, he ended up getting prosecuted for that. The U.S. Attorney's Office finally prosecuted him but not after the taxpayers of the United States treated his wounds in El Paso, Texas, not after he filed a \$5 million civil rights suit against the United States Government. He brings drugs in. He finally gets prosecuted. Now he is in a Federal penitentiary, ironically, doing less time than the Border Patrol Agents.

□ 1530

Who are these two individuals we're talking about? Well, these individuals are Compean and Ramos. These photographs were taken the day that they were hauled off to the Federal penitentiary. Those are the last photographs that I know of that were taken in public because they're still in the penitentiary at this time.

Now, we've heard a lot about this case. A lot of Members of Congress have got involved, the American public has gotten involved. Over 400,000 Americans have sent petitions to the White House asking for relief; 70,000 of those petitions are from the State of Texas where citizens are getting involved in what they believe is the unjust incarceration. And this has continued.

When I go back to Texas, which I do every weekend, I still have people, regular folks, 'What's happened to those two Border Agents Ramos and Compean?' And I'm surprised to some extent because the American attention span is about 'that' long. You know, we hear something in the news and we move on, something else happens the next day. But this has been going on now for over 2½ years. And yet the American public is still very concerned. They still tell us about it.

I don't know why these two Border Patrol agents were relentlessly prosecuted, but they were. I don't know why they made a backroom deal with the drug smuggler Aldrete, but it did happen.

This is not a pleasant place to be on the southern border with our neighbors

in Mexico. It is a violent place. It's violent because of the drug smugglers coming into the United States. We hear about all of the murders on both sides of the border because of the drug cartels, you know, people like Davila who brings in drugs into the United States. He and his comrades are the reason there is so much violence on this entire border.

Good people on both sides of the border live in fear every day because of the drug cartels and the problem that occurs there.

I was down recently on the Texas-Mexico border, and I was asking a Texas Ranger—I won't mention his name—I was asking a Texas Ranger, I said, "What's it like down here on the Texas-Mexico border at night?"

And he said, "Congressman POE, it gets western. It gets western down here."

Now, what he was saying was people start shooting. They start shooting at us on this side of the border. We know of incursions from the Mexican military that have come into the United States, supposedly rogue Mexican military helping the drug cartels move drugs into the United States. It's violent on the Texas-Mexico border, along the entire southern border, because of the drug cartels.

So what we have done, as a culture—since we have a great appetite for, unfortunately, drugs in this country—we've sent some good people down there to protect us, the Border Patrol agents, and, of course, the local sheriffs. And they're doing what they can to protect us. And yet when they get in a fix, our government sides with the bad guys.

So chilling effect on our border agents and our border protectors? You betcha. You betcha. Because those individuals who protect us are concerned about what happens to them if they, in a split-second decision, have to make a choice of what to do to protect us. And if they make the wrong choice—or at least the wrong choice in the eyes of our government—they're going to get prosecuted. That's very unfortunate.

Don't get me wrong, Madam Speaker. I have no sympathy for criminals. I've always been in law enforcement. I spent 8 years prosecuting criminals in Houston, Texas, and then I was on the bench for 22 years prosecuting outlaws. And I tried a lot of cases. I heard about 25,000 criminal cases during that time. And I tried people who shot police officers, and I tried police officers that unjustly shot citizens. So I have no stake in this except justice ought to occur in this case. I have no sympathy for criminals, police officers or otherwise.

But in this case of Ramos and Compean, we've asked for a pardon. The President of the United States of America has the absolute right under our Constitution to pardon any individual. I carry this little pocket Con-

stitution around with me, as most Members of Congress do, and read it from time to time. But there's a section here that I would like to put in the record: Article 2, section 2 of the U.S. Constitution talking about the power of the Presidents of the United States.

"He shall have the power to grant reprieves and pardons for offenses against the United States."

Now, you notice he doesn't have to get permission from some committee; he doesn't have to get approval from the Justice Department. Now, he certainly can get recommendations from anyone he chooses. He can have a committee make recommendations. But the Constitution doesn't give him that obligation. He can pardon anybody, and he doesn't ever have to tell the reason.

Our President has not chosen to pardon these two individuals. I've known the President a good number of years. I respect him greatly. On this particular issue, I hope and would wish that he would exercise the power that he has under the Constitution. His reasons for not doing so are his own, and I respect that as well.

So now we're asking that the President, before he leaves office in the next 5 days, commute the sentences of these two Border Patrol agents.

Assume the facts, as presented by the government, are true because the case has gone through the appellate process and has been ruled on by other judges. Assume everything is true. They've served over 2 years in the Federal penitentiary, both of these individuals. I've talked to their wives, their kids, and it is time for these two Border Patrol agents to go home.

So we're asking the President to reprieve the individuals, which, under our terminology, is to commute the sentences. Commute them for the time served and let them out of the Federal penitentiary and maybe we can get a photograph of them leaving instead of going into the penitentiary.

And that's what we're asking the President, in all due respect, to do.

And I would say this: I have been very outspoken on this issue. Members of Congress on both sides have been very outspoken on this issue. And I would hope that the President, if he's irritated at me or other Members of Congress who have been outspoken on this, that in all due respect he not take it out on them. Because we're the only voice these two individuals have: Members of Congress.

So be mad at me, be irritated at me, but don't be taking it out on these two individuals. Commute these two sentences.

Apparently I'm going to be the last Member of Congress that will speak on this House floor officially before President Bush leaves office next Tuesday. As I am speaking before this body, another member of the Texas delegation,

JOHN CULBERSON, is walking down Pennsylvania Avenue in this 28-degree weather and he's carrying a letter, one of similar letters that have been sent to the President by Members of Congress asking for a pardon or a commutation.

This letter that will be hand delivered to the White House this afternoon by the time I finish speaking is signed by 30 members of the Texas delegation. And in the Texas delegation, as most people know, we cover all the political bases from the far right to the far left. But yet 30 of us, of the 32, have agreed these individuals need to be having their sentence commuted.

Also signing this letter are the two U.S. Senators from the State of Texas asking that the President, in his compassion, commute the sentences of Ramos and Compean.

You know, as I mentioned, I have the utmost respect for President Bush when he was a governor and his 8 years in office. But I hope he would give this case some extra thought and exercise his constitutional right. And why do I ask him to do that? Because it seems like it's the right thing to do. It seems like justice. And you know, justice is what we do in this country.

After we cut through all of the smoke, at the end of the day we want justice to prevail in every situation because justice is the one thing we should always find in this country. Justice was allowed to be in the Constitution under the Pardon Clause giving the power to the President to make that decision, the clause to commute the sentence giving the power to the President because sometimes the President just needs to intervene to make sure justice, at the end of the day, is what we find.

I hope the President considers this commutation, considers what Members of Congress and the thousands of Americans who have asked that this case be resolved in a way that these two individuals can be released and go back home to their families in a just way.

And that's just the way it is.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 15, 2009.

Hon. GEORGE W. BUSH,
The White House,
Washington, D.C.

DEAR PRESIDENT BUSH: As Members of the Texas Congressional Delegation, we are writing to ask for your personal intervention to commute the sentences of United States Border Patrol Agents Ignacio Ramos and Jose Compean.

As you are aware, these two agents were prosecuted and convicted for shooting an illegal immigrant drug smuggler in Texas near the border with Mexico and were each sentenced to over 10 years in prison. Ramos and Compean have been incarcerated since January 2007 and in that time, Ramos has been assaulted in prison and both men have been placed in solitary confinement because of the danger they face as a result of their law enforcement backgrounds.

Many of us have written to you over the past few years with concerns about this case,

and as your administration comes to an end, we respectfully request that you use the exclusive authority given to you under Article II, Section 2 of the Constitution. We appeal to your good reason and sound judgment as fellow Texans and ask that you correct this injustice by commuting the sentences of U.S. Border Patrol agents Ignacio Ramos and Jose Compean.

Sincerely,

John Culberson, John Cornyn, Kay Bailey Hutchison, Michael McCaul, Kenny Marchant, Kevin Brady, Pete Olson, Pete Sessions, Ralph Hall, John Carter, Bill Archer, and Kay Granger.

Ted Poe, Louie Gohmert, Gene Green, Lamar Smith, Sam Johnson, Henry Bonica, Mac Thornberry, Michael Burgess, Michael Conaway, Randy Neugebauer, and Jeb Hensarling.

Eddie Bernice Johnson, Chet Edwards, Solomon Ortiz, Sam Johnson, Joe Barton, Henry Cuellar, Rubén Hinojosa, Sheila Jackson-Lee, Ciro Rodriguez, and Al Green.

AGREEMENT ON MUTUAL FISHERIES RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Natural Resources:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation Extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1988, with annex, as extended (the "Mutual Fisheries Agreement"). The present Agreement, which was effected by an exchange of notes in Moscow on March 28, 2008, and September 19, 2008, extends the Mutual Fisheries Agreement until December 31, 2013.

In light of the importance of our fisheries relationship with the Russian Federation, I urge that the Congress give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-9)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee

on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 22.

Mr. JONES, for 5 minutes, January 22.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, January 21 and 22.

ADJOURNMENT

Mr. POE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Friday, January 16, 2009, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

115. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No. 1341] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

116. A letter from the Assistant to the Board, Board of the Federal Reserve System, transmitting the System's final rule — Community Reinvestment Act Regulations [Docket ID: OTS-2008-0021] (RIN: 1550-A29) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

117. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's third interim report on an ongoing study of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information, pursuant to Section 319 of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

118. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant for fiscal year 2006, pursuant to Section 674 of the Community Services Block Grant Act; to the Committee on Education and Labor.

119. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Foreign Affairs.

120. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

121. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

122. A letter from the Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

123. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

124. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting the Department's report on competitive sourcing for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

125. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's report on competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

126. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

127. A letter from the Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Fiscal Year 2007 Performance Summary Report, pursuant to Public Law 105-277, section 705(d) of Division C-Title VII; to the Committee on Oversight and Government Reform.

128. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's report on fiscal year 2008 competitive sourcing efforts, pursuant to Public Law 108-109, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

129. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's report on fiscal year 2008 competitive sourcing activities, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

130. A letter from the Executive Director, Securities and Exchange Commission, transmitting the Commission's fiscal year 2008 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

131. A letter from the Secretary, Smithsonian Institution, transmitting the Institution's report for FY 2008 on competitive sourcing activities, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

132. A letter from the Director, Trade and Development Agency, transmitting the Agency's fiscal year 2008 annual report; to the Committee on Oversight and Government Reform.

133. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XM17) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

134. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's eighth annual report entitled, "Temporary Assistance For

Needy Families Program," pursuant to Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

135. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Consolidated Returns; Intercompany Obligations [TD 9442] (RIN: 1545-BA11) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

136. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure 2009-10 [26 CFR 601.601: Rules and regulations.] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

137. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of Economic Analysis [TD 9439] (RIN: 1545-BC93) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

138. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 529 Programs [Notice 2009-1] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

139. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Calculation of Volume of Alcohol for Fuel Credits; Denaturants [Notice 2009-06] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

140. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure 2009-15 [26 CFR 601.601: Rules and regulations.] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

141. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement (PFA) Program — Extend Rev. Proc. 2007-17 [Rev. Proc. 2009-14] received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

142. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Areas in which rulings will not be issued; Associate Chief Counsel (International) [Rev. Proc. 2009-7] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

143. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transaction of Interest — Subpart F Income Partnership Blocker [Notice 2009-7] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

144. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employer's Annual Federal Tax Return and Modifications to the Deposit Rules [TD 9440] (RIN: 1545-BI39) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

145. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guid-

ance regarding foreign base company sales income [TD 9438] (RIN: 1545-BI50) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

146. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 482: Methods to Determine Taxable Income in Connection With a Cost Sharing Arrangement [TD 9441] (RIN: 1545-BI46) received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

147. A letter from the Deputy Director, Office of Regulations, Office of the Commissioner, Social Security Administration, transmitting the Administration's final rule — Clarification of Evidentiary Standard for Determinations and Decisions [Docket No.: SSA-2008-0005] (RIN: 0960-AG75) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. McCOTTER, Mr. MCCAUL, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MARKEY of Massachusetts, and Mr. SHERMAN):

H.R. 547. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. BROWN of South Carolina, Mr. ISRAEL, and Mr. GORDON of Tennessee):

H.R. 548. A bill to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H.R. 549. A bill to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security.

By Mr. MANZULLO (for himself and Mr. UPTON):

H.R. 550. A bill to amend the Internal Revenue Code of 1986 to allow individuals and businesses a temporary credit against income tax for the purchase of certain vehicles; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 551. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Natural Resources.

By Ms. GIFFORDS:

H.R. 552. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Natural Resources.

By Ms. HARMAN:

H.R. 553. A bill to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. BAIRD, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SENSENBRENNER, Mr. WU, Mr. SMITH of Texas, Mr. MILLER of North Carolina, Mr. LUCAS, Mr. LIPINSKI, Mr. MCCAUL, Mr. ROTHMAN of New Jersey, Mr. AKIN, Mr. WILSON of Ohio, Mr. BARTLETT, Mr. HONDA, Mr. INGALLS, Ms. GIFFORDS, Mrs. BIGGERT, Mr. CARNAHAN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 554. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Science and Technology.

By Mr. KUCINICH (for himself, Mr. HINCHEY, Ms. WOOLSEY, and Mr. MCGOVERN):

H.R. 555. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and Labor.

By Mr. FARR (for himself, Mrs. CAPPS, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. HONDA, and Ms. ESHOO):

H.R. 556. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. COHEN, Mr. PENCE, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. MANZULLO, Mr. ROYCE, Mr. BLUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. WOLF, Mr. POE of Texas, Mr. BOOZMAN, Mr. MCCAUL, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. BACHMANN, Mr. GRAVES, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, and Mr. HALL of Texas):

H.R. 557. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Affairs.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, Mrs. BIGGERT, and Mr. KING):

H.R. 558. A bill to reauthorize part D of title II of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. PERLMUTTER, and Mr. KING of New York):

H.R. 559. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Homeland Security.

By Mr. BRADY of Texas (for himself, Mr. POE of Texas, Mr. SESSIONS, and Mr. SMITH of Texas):

H.R. 560. A bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself, Ms. BEAN, and Mr. HODES):

H.R. 561. A bill to amend the Internal Revenue Code of 1986 to allow a 5 year carryback of certain net operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself, Ms. BERKLEY, Mr. BLUNT, and Mr. PUTNAM):

H.R. 562. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. MCCAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. EHLERS, Mr. FORTENBERRY, and Mr. KIRK):

H.R. 563. A bill to amend title XXI of the Social Security Act to require States to provide priority under the State Children's Health Insurance Program (SCHIP) to children in families with gross income below 200 percent of the Federal poverty level; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself and Mr. PALLONE):

H.R. 564. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself and Mr. BARRETT of South Carolina):

H.R. 565. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, to Naval Consolidated Brig, Charleston, South Carolina; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself and Mr. ROGERS of Michigan):

H.R. 566. A bill to provide that rates of pay for Members of Congress shall not be adjusted under section 601(a)(2) of the Legislative Reorganization Act of 1946 in the year following any fiscal year in which outlays of the United States exceeded receipts of the United States; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself and Mr. LEWIS of California):

H.R. 567. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. MITCHELL, and Mr. WHITFIELD):

H.R. 568. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Vet-

erans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. SKELTON, Mr. HOLT, Ms. BORDALLO, Mr. GRIJALVA, Mr. LOEBACK, Mr. HINCHEY, Ms. WOOLSEY, and Mr. SCOTT of Virginia):

H.R. 569. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOUCHER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRIJALVA, Ms. HARMAN, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. LOEBACK, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. DELAHUNT:

H.R. 571. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Ways and Means.

By Mr. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 575. A bill to increase the level of participation of the Small Business Administration in certain guaranteed loans for a period of one year, and for other purposes; to the Committee on Small Business.

By Ms. GIFFORDS:

H.R. 576. A bill to amend the Internal Revenue Code of 1986 to allow a refundable investment credit, and 5-year depreciation, for property used to manufacture solar energy

property; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself, Mr. SULLIVAN, Mr. PASCRELL, Ms. ROS-LEHTINEN, and Mr. ENGEL):

H.R. 577. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. DINGELL, Mr. MCGOVERN, Mr. DELAHUNT, Mr. BLUMENAUER, Mr. CROWLEY, Mr. HOLT, Ms. SCHAKOWSKY, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Mr. COURTNEY, Ms. MOORE of Wisconsin, and Ms. MCCOLLUM):

H.R. 578. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. HINCHEY, Mr. GRIJALVA, Ms. LEE of California, Mrs. CAPPS, Mr. BERMAN, Ms. BORDALLO, Mr. LOEBSACK, Mr. HONDA, Mr. INSLEE, Mr. MEEKS of New York, Mr. EHLERS, Mr. SIREN, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. WEXLER, Mr. MICHAUD, Mr. PALLONE, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. POLIS of Colorado, Mr. CARNAHAN, Mr. BLUMENAUER, Mr. CONNOLLY of Virginia, Mr. WU, and Ms. CLARKE):

H.R. 579. A bill to provide for grants from the Secretary of Education to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and Labor.

By Mr. ISRAEL (for himself and Mr. INSLEE):

H.R. 580. A bill to amend the Energy Policy Act of 1992 to require the Federal Government to acquire not fewer than 100,000 plug-in hybrid vehicles; to the Committee on Oversight and Government Reform.

By Mr. LATTI (for himself, Mrs. LUMMIS, Mr. OLSON, Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. GOODLATTE, and Mr. COBLE):

H.R. 581. A bill to eliminate automatic pay adjustments for Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 582. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 583. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 584. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. STARK, Mr. KUCINICH, Mr. GRIJALVA, Mr. CONYERS, and Mr. RUSH):

H.R. 585. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself and Mr. LEWIS of Georgia):

H.R. 586. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. GARY G. MILLER of California:

H.R. 587. A bill to increase the loan limits for the FHA single family housing mortgage insurance programs and reverse mortgage program and for the conforming loan limits for Fannie Mae and Freddie Mac during 2009; to the Committee on Financial Services.

By Mrs. MYRICK:

H.R. 588. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 589. A bill to establish procedures for the issuance by the Commissioner of Social Security of "no match" letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. CONAWAY):

H.R. 590. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. HOLT, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr.

MILLER of North Carolina, Mr. WATT, Mr. MCGOVERN, Mr. OLIVER, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 591. A bill to improve United States capabilities for gathering human intelligence through the effective interrogation and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles and values set forth in the Constitution and other laws; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself and Mr. BECERRA):

H.R. 592. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid Program and the Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. ELLISON, Mr. WALZ, Mr. MITCHELL, Ms. ROS-LEHTINEN, Ms. EDWARDS of Maryland, Mr. PETERSON, Mr. ROHRBACHER, Mr. HINCHEY, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. ROSS, Mr. MCGOVERN, Mr. NYE, Mr. HALL of New York, Mr. KAGEN, Mr. MICHAUD, Ms. TSONGAS, and Mr. YOUNG of Alaska):

H.R. 593. A bill to amend title 10, United States Code, to expand the authorized concurrent receipt of disability severance pay from the Department of Defense and compensation for the same disability under any law administered by the Department of Veterans Affairs to cover all veterans who have a combat-related disability, as defined under section 1413a of such title; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. MCDERMOTT):

H.R. 594. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on primary fossil fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. VISCLOSKEY (for himself, Ms.

SUTTON, Mrs. KILPATRICK of Michigan, Ms. KAPTUR, Mr. WILSON of Ohio, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. DOYLE, Mr. HOLDEN, Mr. COSTELLO, Mr. LIPINSKI, Mr. STUPAK, Mr. GENE GREEN of Texas, Mr. ALTMIRE, Mr. CARNEY, Mr. GERLACH, Mr. MICHAUD, Mrs. DAHLKEMPER, Mr. HARE, Mr. KAGEN, Mr. SPACE, Mrs. CAPITO, Mr. PETERS, Mr. MCGOVERN, Mr. MASSA, Mr. MANZULLO, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. UPTON):

H.R. 595. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 596. A bill to amend the Food and Nutrition Act of 2008 to reduce hunger, and for

other purposes; to the Committee on Agriculture.

By Ms. WOOLSEY (for herself, Mr. LOEBSACK, and Mr. SARBANES):

H.R. 597. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for core curriculum development; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, Mr. HOLT, Mr. GRIJALVA, Mr. DINGELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER):

H.J. Res. 18. A joint resolution providing for congressional disapproval of the rule submitted by the Department of the Interior and the Department of Commerce under chapter 8 of title 5, United States Code, relating to interagency cooperation under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. GINGREY of Georgia:

H.J. Res. 19. A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. MACK):

H. Con. Res. 22. Concurrent resolution establishing the Joint Select Committee on Reorganization and Reform of Foreign Assistance Agencies and Programs; to the Committee on Rules.

By Ms. LEE of California:

H. Con. Res. 23. Concurrent resolution expressing the sense of the Congress that the tax giveaway since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. ELLISON, Mr. HINCHEY, Ms. KAPTUR, Mr. MCDERMOTT, Mr. RAHALL, Ms. WATSON, and Ms. WOOLSEY):

H. Res. 66. A resolution expressing the sense of the House of Representatives concerning the humanitarian crisis in Gaza; to the Committee on Foreign Affairs.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. HINCHEY, Mr. WU, Mr. ROHRBACHER, Mr. CULBERSON, and Mr. CALVERT):

H. Res. 67. A resolution recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of the Rovers' successful landing; to the Committee on Science and Technology.

By Mr. ABERCROMBIE (for himself, Mr. MATHESON, Mr. SIMPSON, and Mr. WESTMORELAND):

H. Res. 68. A resolution supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. REYES, Mr. ORTIZ, Mr. SERRANO, Mrs. NAPOLITANO, Mr. COSTA, Mr. GONZALEZ, Ms. BERKLEY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. FOSTER, Mr. SIREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, and Ms. LINDA T. SANCHEZ of California):

H. Res. 69. A resolution recognizing the need to continue research into the causes, treatment, education, and an eventual cure for diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H. Res. 70. A resolution congratulating Anthony Kevin "Tony" Dungy for his accomplishments as a coach, father, and exemplary member of his community; to the Committee on Oversight and Government Reform.

By Mr. KINGSTON (for himself, Mr. BISHOP of Georgia, Mr. MARSHALL, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. WESTMORELAND, Mr. BROWN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BARROW, and Mr. SCOTT of Georgia):

H. Res. 71. A resolution acknowledging the lifelong service of Griffin Boyette Bell to the State of Georgia and the United States as a legal icon; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. LEWIS of Georgia, Mr. FILNER, Mr. GRIJALVA, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. STARK):

H. Res. 72. A resolution expressing the sense of the House of Representatives that absent congressional approval the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq is merely advisory and not legally binding on the United States, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. HASTINGS of Washington.

H.R. 21: Ms. WOOLSEY, Mr. STARK, Mr. LEWIS of Georgia, and Mr. HONDA.

H.R. 31: Mr. FILNER, Mr. SMITH of New Jersey, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, and Ms. NORTON.

H.R. 43: Mr. MURTHA, Mr. BOUCHER, Mr. ENGEL, Ms. SCHWARTZ, Mr. SMITH of New Jersey, Mr. LATHAM, Mr. GRAVES, Mr. WU, Mr. HELLER, Mr. PLATTS, Mr. WITTMAN, Mr. GOODLATTE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 74: Mr. BILBRAY, Mr. BURTON of Indiana, and Mr. GALLEGLY.

H.R. 99: Mr. DENT.

H.R. 101: Mr. MANZULLO.

H.R. 102: Mr. GARY G. MILLER of California.

H.R. 104: Mr. HINCHEY, Mr. GRIJALVA, and Mr. ELLISON.

H.R. 124: Mr. JORDAN of Ohio, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 131: Mr. BURTON of Indiana.

H.R. 135: Mr. GOODLATTE.

H.R. 138: Ms. GINNY BROWN-WAITE of Florida.

H.R. 144: Mr. FILNER.

H.R. 152: Mr. WILSON of Ohio, Ms. EDWARDS of Maryland, Mr. CARNAHAN, and Mr. BISHOP of New York.

H.R. 206: Mr. WESTMORELAND, Mr. MCCOTTER, and Mr. ROGERS of Alabama.

H.R. 213: Mr. PAUL, Mr. BARTLETT, Mr. YOUNG of Alaska, Mr. TIAHRT, Mrs. SCHMIDT, Mr. BLUNT, Mr. JONES, Mr. AKIN, Mr. JOHNSON of Illinois, Mr. ADLER of New Jersey, Mrs. BACHMANN, Mr. MACK, Mr. ROGERS of Kentucky, Mr. GARRETT of New Jersey, Mrs. MCCARTHY of New York, Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, Mr. HOEKSTRA, Mr. CARNEY, Mr. CALVERT, Mr. BURGESS, Mr. WEXLER, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. MCHENRY, Ms. ZOE LOFGREN of California, Mr. LATHAM, Mr. KLINE of Minnesota, Mr. GINGREY of Georgia, Mr. COLE, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. BROWN of Georgia, Mr. WESTMORELAND, Mr. FLEMING, Mrs. LUMMIS, Mr. THOMPSON of Pennsylvania, Mr. SHADEGG, Mr. ISSA, Mr. BONNER, Mr. GOHMERT, Mr. CHAFFETZ, Mr. POMEROY, Mr. WOLF, Ms. FALLIN, Mr. HARPER, Mr. PENCE, and Mr. MARCHANT.

H.R. 214: Mr. DUNCAN.

H.R. 226: Ms. JENKINS, Mr. ROE of Tennessee, and Mr. YARMUTH.

H.R. 233: Ms. HERSETH SANDLIN.

H. R. 235: Mr. ROGERS of Alabama, Mr. FRELINGHUYSEN, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. STUPAK, Ms. RICHARDSON, Mr. LATOURETTE, Mr. LIPINSKI, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, and Mr. NADLER of New York.

H.R. 362: Mr. CARNEY.

H.R. 385: Mr. ROGERS of Michigan.

H.R. 388: Ms. BORDALLO.

H.R. 393: Mrs. BLACKBURN.

H.R. 406: Mr. GEORGE MILLER of California, Mr. BRADY of Pennsylvania, Mr. CALVERT, Mr. LEWIS of Georgia, Ms. SUTTON, Mrs. DAVIS of California, and Ms. RICHARDSON.

H.R. 430: Mr. ISSA and Mr. WITTMAN.

H.R. 433: Mr. ALTMIRE.

H.R. 444: Ms. BALDWIN and Mr. FILNER.

H.R. 460: Mr. VAN HOLLEN, Mr. KENNEDY, Mr. RUSH, and Mrs. MALONEY.

H.R. 470: Mrs. BACHMANN, Mrs. BLACKBURN, Mr. LAMBORN, Mr. MARCHANT, Mrs. MYRICK, Mr. MACK, Mr. AKIN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. CHAFFETZ, Mr. PENCE, Mr. MANZULLO, Mr. MCCAUL, Ms. FOXX, Mr. KLINE of Minnesota, Mr. SCALISE, Mr. BARTLETT, Mr. PITTS, Mr. HARPER, Ms. FALLIN, Mr. GOHMERT, Mr. LUETKEMEYER, Mr. BURTON of Indiana, Mr. KINGSTON, Mr. BROWN of Georgia, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. FORBES, and Mr. SESSIONS.

H.R. 482: Mr. ROHRBACHER and Mrs. CAPITO.

H.R. 483: Mr. MCHUGH and Mr. GENE GREEN of Texas.

H.R. 507: Mr. LINDER and Mr. DAVIS of Kentucky.

H.R. 542: Mr. CALVERT.

H.J. Res. 3: Mr. ADERHOLT, Mr. GOODLATTE, and Mr. SESSIONS.

H. Res. 18: Mrs. GILLIBRAND and Mrs. MALONEY.

H. Res. 31: Ms. SCHAKOWSKY, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, and Ms. DEGETTE.

H. Res. 36: Mrs. LUMMIS, Mr. MCMAHON, Mr. CASSIDY, Mr. FOSTER, and Mr. HARE.

H. Res. 42: Mr. GALLEGLY, Mr. BOOZMAN, and Mr. MCCOTTER.

H. Res. 47: Mr. ELLSWORTH.

SENATE—Thursday, January 15, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who at creation brought order out of chaos and light out of darkness, bring order and illumination to our world. As our lawmakers labor, illuminate the darkness of pessimism and doubt, as You give them the wisdom to distinguish between truth and falsehood, good and evil, better and best. Lord, renew their spirits and lift their vision so that they can see possibilities that are now hidden from them. Keep them from embracing the second best, and let their ordered lives confess the beauty of Your peace.

We pray in the Name of him who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR BIDEN'S FAREWELL SPEECH TO THE SENATE

Mr. REID. Mr. President, Senator BIDEN is here to give his farewell ad-

dress to the U.S. Senate. Over the many decades he has served in the Senate, he has given many speeches in the Senate. We all look forward to his final remarks, recognizing the loss of his service in the Senate is significant. However, being Vice President, he will still be President of the Senate.

I will always remember Senator BIDEN telling me, after the time he had been selected to be Vice President: I am a Senate guy. I will always be a Senate guy.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business. We will start that after the distinguished Republican leader and I have finished our remarks. Following Senator BIDEN's statement, which he will give as soon as we finish our remarks, Senator CLINTON will come and give her farewell address. In addition, Senator SALAZAR intends to give his farewell speech sometime, as soon as there is clearance on the calendar. But it will be today.

At noon, the Senate will resume consideration of S. 22, the public lands bill. There will be up to 10 minutes for debate equality divided between Senators BINGAMAN and COBURN. Upon the use or yielding back of time, the Senate will consider any managers' amendments cleared by both leaders, and we will proceed to a rollcall vote on passage of the bill. Upon disposition of the lands bill, the Senate will proceed to a cloture vote on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act. Therefore, Senators should expect two rollcall votes beginning at approximately 12:10 p.m. today.

Also, at 2 p.m. today, Senator-appointee BURRIS will take the oath of office to be a U.S. Senator. At 11 a.m. tomorrow, Senator-appointee KAUFMAN will be sworn in to replace Senator BIDEN of Delaware.

With respect to the resolution of disapproval regarding the Emergency Economic Stabilization Act, the TARP legislation, yesterday we proposed a unanimous-consent request to our Republican colleagues for a limited amount of debate and a vote on the joint resolution at around 4 o'clock today. We hope to be able to lock that agreement in shortly.

WORKING TOGETHER

Mr. REID. Mr. President, just a couple of brief remarks.

With all the challenges our country faces, I think we all agree on the im-

portance of this Congress getting off to a fast and effective start. In many ways, I believe we are on that track.

Today, we will likely pass a major wilderness bill that will preserve our environment for the enjoyment of generations to come. The press reports it is the most significant environmental bill that will be passed in more than a quarter century.

We are making progress on confirmation hearings so President Obama will have his team hit the ground running on January 20. We have seated new Members and announced new committee assignments for the 111th Congress.

Today, we vote on stopping a filibuster on a motion to proceed to the Lilly Ledbetter legislation—legislation that ensures pay fairness in the workplace. This should not be necessary. It is really a waste of time—our country's time. After at least 2 legislative days to get the bill before the Senate to have this vote today, we must wait another 30 hours until we can start offering amendments on the bill. That is a waste of time. That is 4 days at least of wasted time and unnecessary delay. I hope in the future we can just go to the bill, avoid the cloture filing on a motion to proceed. Instead of forcing cloture motions that only waste time and delay progress, I urge my Republican colleagues to offer amendments. If they object to parts of this bill, the Lilly Ledbetter bill, then let's work on a list of amendments and get through them. I do not approve the amendments. The Republican leader does not approve them. Senators will have that opportunity to vote on amendments, up or down, and it does not get any fairer than that. There may be motions to table, but at least they will have the right to offer those amendments.

I think we have the opportunity to get this Congress off on the right foot. I want all to know there is no attempt by Democrats to jam legislation through without Republican involvement. So I ask my Republican colleagues to accept my offer to work with us rather than revert to the old path of obstruction that served neither party nor the American people well.

So I would hope that as soon as this vote takes place today, we would not have to wait 30 hours or 5 hours or any amount of hours. Let's just start legislating on the bill. People could offer amendments today, after we get these votes out of the way. We could offer amendments tomorrow. I hope we can do that. As we have done in the past, if there is a series of amendments, we can always stack those votes to vote at a

more convenient time for everyone. But I hope we can do that.

HONORING SENATOR JOE BIDEN

Mr. REID. Mr. President, finally, let me say about Vice President-elect JOE BIDEN, Senator JOE BIDEN, JOE BIDEN: Everyone knows about his courage, his wonderful family, his remarkable career in the U.S. Senate. We know he overcame a tremendously difficult personal tragedy during the first few days after his election. I am not sure many could have had the strength he had to conquer this tragedy. Then, of course, he got sick many years later and fought back. It was when TIM JOHNSON was in the hospital in a coma that JOE BIDEN visited him and his family and talked to him about the fact that there will be times when, as he is recovering, he may be embarrassed by his inability to speak very well. JOE BIDEN is one of the great orators in the history of the country. No one would have ever known he had a problem very similar to what happened to TIM JOHNSON. He was such a role model to build TIM's confidence to be able to come back to the Senate.

We here in the Senate know his wonderful family, and now, because of his exposure to America, our country has been introduced to this great family. We know he is now in his seventh term in the Senate, in which time he has served as chairman of the Foreign Relations Committee, chairman of the Judiciary Committee, and that he is a champion of rights for women, the environment, a strong military, and the rule of law.

When I think of JOE BIDEN—I have known him here since I came to the Congress in 1982. I came to the Senate a few years later. But in all of this time, the picture in my mind is during the heat of the Presidential campaign. I am driving down through the capital of the State of Nevada, Carson City, and I look out on a corner there, and there is JOE BIDEN in Carson City, NV, campaigning. He had a number of people around him. I stopped the car, got out, and gave Joe a handshake and a big hug. It was so JOE BIDEN to be there. He was there pressing the flesh and talking to voters.

The people of Nevada have come to know and love JOE BIDEN for that very reason. He is kind of a regular guy; whether it is at one of the sandwich shops which came from Delaware to Nevada, Capriotti's—now they are all over Nevada—they all have a picture of JOE BIDEN in them because it was a Delaware-based sandwich shop. He is just a regular kind of guy who shows up on a street corner just to talk to people.

I will always remember with gratitude the kindness he showed when I first arrived in the Senate in 1986. I will be forever grateful that he was one

of the very first colleagues to support my candidacy for Democratic whip. I can remember. I was in his office. He called in his secretary, and I do not remember her name, but he said: I take no more calls on this. REID's my man.

Well, I have always been his. I am a Senate guy, just like JOE BIDEN. We cannot get that out of our blood. I wish him well. He is going to be a great representative of our country, and I am very proud to be able to say to JOE BIDEN: You are my friend.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LILLY LEDBETTER FAIR PAY ACT

Mr. MCCONNELL. Mr. President, I, too, shortly want to make some remarks about our good friend from Delaware as he leaves the Senate today to take up his new responsibilities, but first a few observations about the next item on the agenda, the so-called Ledbetter legislation.

Let me say to my good friend the majority leader, I intend to vote for cloture on the motion to proceed. He and I have had a number of constructive conversations privately, and he has reiterated again today publicly that we are going to make an effort to get the Senate back to operating the way it used to, which is that bills are amendable. So I have said to my colleagues and I would say to my good friend from Nevada that I trust you and believe you that we are going to get on the Ledbetter bill, we are going to have amendments and have votes and then dispose of the legislation in the normal way.

With regard to the substance of that particular measure, despite the gross distortions voters heard about this legislation in the runup to the November elections, the Ledbetter bill as written is neither about women nor fairness, and it is not about whether pay discrimination should be illegal. Pay discrimination is illegal, and it has been since 1963. Rather, this bill is about how long the statute of limitations on pay discrimination suits should be.

Last night, Republicans began to outline a proposal for addressing this question in a way that is fair for everyone. Senator HUTCHISON's bill strikes the right balance. It says the clock should not run out on someone who has been discriminated against until he or she discovers the alleged discrimination. This way, the focus is where it should be, on the injured party.

The Ledbetter legislation unfairly targets business owners, who may or may not have discriminated against a man or a woman, on the basis of pay years or even decades ago. Its primary

beneficiaries are lawyers, who want to squeeze a major settlement out of every company that fears the expense or the publicity of going to court. This bill is unfair to business owners who in many cases will no longer have the evidence they would need to mount a convincing defense, and it is unfair to the millions of American workers who are worried about losing their jobs in the current economic downturn. Job creators have enough to worry about at the moment. Adding the threat of never-ending lawsuits is a new burden the Federal Government should not even be considering at this particular time.

No right-thinking American would defend discrimination of any kind in the workplace or anywhere else. And it is unfair to the public to suggest that those who oppose this bill endorse discrimination. It degrades our public discourse and it degrades the legislative process.

Many of us oppose this bill as written because it will paralyze businesses and add an even greater strain on workers than they currently face. We support a business climate that creates the conditions for success, not a climate that harasses the millions of men and women in this country who support themselves, their families, and their workers by owning and operating small businesses.

Republicans have a better proposal and other good ideas to help American workers. I believe we need to get on the Ledbetter bill, as I said a few minutes ago, and have an open debate about it so the American people can hear Republican alternatives and the Senate has an opportunity to vote on more than what our good friends on the other side have offered.

FAREWELL TO SENATOR BIDEN

Mr. MCCONNELL. Mr. President, I turn now to the issue of the moment, which is the celebration of the career of our good friend from Delaware and wishing him well in the future. I remember being sworn in, in January of 1985, thinking I had gotten to the Senate at a pretty early age. I was 42 years old. I thought: Gee, I have gotten here at a pretty early age. At the same time I was sworn in for my first term, the Senator from Delaware was being sworn in for his third time. He was barely old enough to vote when he got here. We were born in the same year, but you got a 12-year head start on me. I would say to my friend from Delaware, and has had an extraordinarily distinguished career.

When we think about Senator BIDEN, certainly we think about his marvelous personality, his demeanor, his friendliness. He can have a good riproaring debate without being disagreeable, as we all say. He has been a pleasure to work with. I say that as somebody who has

rarely voted on the same side as he has. We say goodbye today to an outstanding individual who has been a fixture in the Senate for 36 years and a friend to everyone in the Chamber. He now, of course, is going to enjoy an even greater achievement as he becomes the Vice President of the United States.

I remember right from the beginning in 1985, as I was discussing a few minutes ago, that Senator BIDEN made everybody feel comfortable. Although we were born in the same year, as I indicated, he certainly got here at an early age, and it has allowed him to spend most of his adult life in the Senate.

America got to know JOE pretty well over the course of the last year. They got a chance to witness his humor, his compassion, and, yes, his extraordinary decency. They learned firsthand his not entirely undeserved reputation for loquaciousness. They met his wonderful family. Barack Obama decided he liked what he saw in JOE BIDEN as well and invited him to be his running mate in what turned out to be a spirited Presidential campaign.

So next week, after the peaceful transition of power from one political party to another that has distinguished our democracy since 1801, JOE BIDEN will become the 47th Vice President of the United States. This inauguration marks the first time in almost 50 years that two Senators moved directly into the offices of President and Vice President. So no matter what outcome some of us may have hoped for in the election, I think my colleagues and I can feel a little institutional pride at that accomplishment—the fact that two Senators will be sworn in as President and Vice President.

Everyone knows by now JOE's famous loyalty to his beloved Amtrak and his regular commute by rail 80 minutes each day from his home in Wilmington to the Capitol. We know of his commitment to being home with his family every night.

I am sure every single one of my friends in this Chamber has a story to tell of working with JOE. For my part, one of several efforts JOE and I worked together on is the Palestinian Anti-Terrorism Act passed in 2006. After the election of the Hamas-dominated government in Gaza, JOE recognized, as I and others did, the threat that situation posed—and continues to pose as we have seen up close over the last weeks—the threat it poses to peace in the region. Thanks to his efforts, we were able to pass and have signed into law this important bill which restricts U.S. and foreign assistance to the Hamas-led government unless and until it takes serious steps to renounce terrorism and publicly recognizes Israel's right to exist. That bill was the right thing to do to confront terrorism. I am proud of my work with JOE BIDEN on it, and I know he is too.

I have also worked with JOE on tightening sanctions on the dictatorial, illegitimate regime currently ruling in Burma. Among other efforts, the Tom Lantos Block Burmese JADE Act, which we collaborated on, restricts the importation of Burmese Jade into America through other countries. That takes a large bite out of every lucrative source of profit for the Burmese regime.

JOE is well versed in these issues and many others, thanks to his years on the Senate Foreign Relations Committee, with much of that time as either chairman or ranking member. I know he is particularly proud of his role in pushing for NATO expansion in Central and Eastern Europe in 1998 and in 2003.

We will all certainly miss JOE's presence as 1 of 100. It will take some getting used to, to have a Senate without him, but the good news is he is not going very far. Obviously, Senator BIDEN's election as Vice President is a great honor and a fitting tribute to his 36 years of public service. I look forward to working with him as a key player in the incoming administration, as Congress and the new President work together to tackle the many difficult issues this Nation faces.

Let me say, on a personal basis: JOE, it has been a pleasure knowing you and working with you over the years. Elaine and I wish you and Jill the very best in the coming years.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 12 noon.

The Senator from Delaware is recognized.

FAREWELL TO THE SENATE

Mr. BIDEN. Mr. President, let me begin by thanking the leaders for their kind comments. It is true that I have been here a long time, I say to my friend from Kentucky. As a matter of fact, I say to my friend from Hawaii, I remember the first time I stood on the floor as a Senator of the United States. It was the desk directly to your left, Senator, the top row, second in. It was temporarily my desk. I remember standing and being told that the desk on my right was the desk of Henry Clay and on my left Daniel Webster because the senior Senators from the respective States got those desks. I say to my friend from California, it was the only

time I can remember being speechless when I stood there, as a 30-year-old kid, thinking: Oh, my God.

Well, I never thought I would be standing here today. I never believed serving in this Chamber was my destiny, but it always was a big part of my dreams.

I remember vividly the first time I walked in this Chamber, I walked through those doors, but I walked through those doors as a 21-year-old tourist. I had been down visiting some of my friends at Georgetown University. I went to the University of Delaware. I had a blind date with a young lady from a school they used to call Visi Visitation—which is now part of Georgetown. My good friend, a guy named Dave Walsh, was there. After the evening, staying at his apartment, I got up and—I shouldn't say this probably, but I will—I don't drink. Not for moral reasons, I just never had a drink. There is nothing worse than being a sober guy with a bunch of college guys who have a hangover the next morning.

So I got up and decided to get in the car—this is a true story, Senator CARPER—and I drove up to the Capitol. I had always been fascinated with it. In those days, you could literally drive right up to the front steps. I was 21 years old. This was 1963. I say to my friend from Iowa, I drove up to the steps and there had been a rare Saturday session. It had just ended. So I walked up the steps, found myself in front of what we call the elevators, and I walked to the right to the Reception Room. There was no one there. The glass doors, those French doors that lead behind the Chamber, were open. There were no signs then. I just walked in. Literally, I walked in, and I walked in down here, and I came through those doors. I walked into the Chamber and the lights were still on and I was awestruck, literally awestruck. I don't know what in God's name made me do it, but I walked up, I say to my friend from Arkansas, and I sat in the Presiding Officer's chair. I was mesmerized.

The next thing I know, I feel this hand on my shoulder and the Capitol Policeman picks me up and says: What are you doing? After a few moments he realized I was just a dumbstruck kid. He didn't arrest me or anything. That was the first time I walked onto the Senate floor. It is literally a true story.

By the way, just 9, 10 years later, I walked through those same doors as a Senator. A Capitol Hill policeman stopped me walking in and he said: Do you remember me? I said: No, sir. He said: I welcome you back to the Senate. He was retiring. He used to be a Capitol Hill policeman. He was retiring 2 weeks later. He said: Welcome to the floor, legally.

Well, it is sort of fitting to the way I started my career here. I may not be

a young man anymore, but I am still awestruck. I am still awestruck by this Chamber. I think it brings my career full cycle, to know that while I was once detained for sitting in the Presiding Officer's chair, I will now occasionally be detained in the Presiding Officer's chair as Vice President of the United States of America.

The Senate has been my life, and that is not hyperbole; it literally has been my life. I have been a Senator considerably longer than I was alive before I was a Senator. I may be resigning from the Senate today, but I will always be a Senate man. Except for the title "father," there is no title, including Vice President, that I am more proud to wear than that of a Senator of the United States.

When I arrived here, giants—giants—loomed over the landscape of the Senate, people with names such as DANNY INOUE, Hubert Humphrey, Ed Muskie, William Fulbright, Jacob Javits, Mike Mansfield, Stuart Symington, Scoop Jackson, Sam Ervin, John McClellan, Warren Magnuson, Claiborne Pell, and a few others who are still here: BOB BYRD, and the lion of the Senate, TED KENNEDY. In those days, chairmen dominated. Literally, as Senator INOUE will remember, if a chairman said he wanted a vote, almost without exception, every other chairman voted with that chairman on a vote on the floor of the Senate in 1973. But the old ways of doing business and the old ways of thinking were, at that very moment in the Senate's history, beginning to change.

As my colleagues know, there is a longstanding tradition in the Senate—I think honored in the breach now more than the rule—but when I got here in 1973, it was mandatory that a new Senator would pay respects to the "old bulls of the Senate." I never dreamed I would be an old bull of the Senate.

I remember the first appointment I made. It was to go see Senator John Stennis, chairman then of the Armed Services Committee. I now have Senator Stennis's office. I remember I walked in—and Senator Stennis had a great and large mahogany conference table that was a gift from the President of the Philippines to Vice President Barkley for the liberation of the Philippines. He used it as his desk. He had a blotter at one end of it. It seated—I don't know how many people it seats—15 people. It was a desk with a group of leather chairs around it.

I walked in—and those who remember John Stennis, he talked at you like this when he talked; he always put his hand up like this—he looked at me and he said: Young man, sit down, sit down. And he patted the leather chair next to him, so I dutifully sat down. He said: Congratulations. He said: May I ask you a question? I said: Yes, sir, Mr. Chairman. He said, What made you run

for the Senate? Being tactful, as I always am, I answered honestly without thinking. I said: Civil rights, sir. As soon as I did, I could feel the beads of perspiration pop out on my head, and I thought: Oh, my God. He looked at me and he said—absolutely true story—he said: Good, good, good. That was the end of the conversation. Well, that was 1973.

In 1988, time had transpired; he had become my good friend. We shared a hospital room, a hospital suite at Walter Reed for a number of months. He had lost his leg to cancer. It was during that period when President Bush was coming into office. As the tradition is, as all my colleagues know, you get to choose your offices based on seniority as they come up, as offices come open. I have always thought—we all think our offices are the finest—I always thought of his office, which had been the office of a man whom he never referred to by his first name that I can remember, and the man after whom the Russell Building is named, Chairman Russell. It had been his office.

I walked down to look at his office. It was that period in December when no one was around. The elections were over. I walked in, and I think his secretary of 30 some years—I think her name was Mildred. My memory is not certain on that, but I think her name was Mildred. I walked into the anteroom to his office, and all these boxes were piled up. He was packing up 40-some years of service.

She said: Senator, welcome. Welcome. You all are going to take our office?

I said—I think her name was Mildred: I don't know, Mildred, I am going to check. I said: Is the chairman in?

She said: No, you go right in the office.

I went in the office. Without her knowing it, Senator Stennis had come in through the other door of the hallway and was sitting there in his wheelchair in the same exact spot, with one leg, staring out the window of that office that looks out onto the Supreme Court.

I said: Oh, Mr. Chairman, I apologize. I apologize for interrupting.

He said: No, JOE, come in, sit down, sit down.

I sat down in that chair, and what astounded me, I say to Senator BOXER, is he looked at me and said: JOE, do you remember the first time you came to see me? I hadn't. I told this story about Senator Stennis to my friend from Mississippi before, as he walks on the floor.

He asked me: Do you remember?

I said: No, I don't.

He said: I asked you why you ran for the Senate.

I said: Oh, I remember. I was a smart, young fellow, wasn't I.

He looked at me and said: You all are going to take my office, aren't you,

JOE? He caressed that table, the table he loved so much. He caressed it like it was an animate object.

He said: You are going to take my office?

I said: Yes, sir, I am.

He said: I wanted to tell you then in 1973, and I am going to tell you all, this table here was the flagship of the Confederacy.

If you read "Masters of the Senate" about Johnson's term, you will see in the middle of the book a picture of the table in my office with the famous old southern segregationist Senators sitting around that table chaired by Senator Russell.

He said: This was the flagship of the Confederacy. Every Tuesday, we gathered here under Senator Russell's direction to plan the demise of the civil rights movement from 1954 to 1968. It is time this table passes from a man who was against civil rights into the hands of a man who is for civil rights.

I found it genuinely, without exaggeration, moving. We talked a few more minutes. I got up and when I got to the door, he turned to me in the wheelchair and said: One more thing, JOE. The civil rights movement did more—more—to free the White man than the Black man.

I looked at him and said: Mr. Chairman, how is that? Probably THAD will only remember as well as I do.

He went like this: It freed my soul; it freed my soul.

Ladies and gentlemen of the Senate, I can tell you that by his own account, John Stennis was personally enlarged by his service in the Senate. That is the power of this institution. Men and women who come to Washington, who come in contact with folks in different parts of the country that we represent, with slightly different cultural backgrounds, different religions, different attitudes about what makes this country great, all races, all religions, and it opens a door for change. I think it opens a door for personal growth, and in that comes the political progress this Nation has made.

I learned that lesson as a very young Senator. I got here in 1973, and one of the people, along with DANNY and others on this floor who kept me here, was Mike Mansfield, the majority leader. He used to once a week have us report to his office, which is where the leader's office is on the other side. He really was doing it, in retrospect, to take my pulse, to see how I was doing.

I walked in one day through those doors on the Republican side, and a man who became my friend, Jesse Helms, and his wife Dot—who is still my close friend and I keep in contact with her—I walked through those doors, and Jesse Helms, who came in 1972 with me, was standing in the back excoriating Bob Dole for the Americans with Disabilities Act.

I walked through the floor on my way to my meeting with Senator Mansfield. I walked in and sat down on the

other side of his desk. Some of you remember he smoked a pipe a lot of times when he was in his office. He had the pipe in his mouth and looked at me and said: JOE, looks like something is bothering you.

I said: Mr. Leader, I can't believe what I just heard on the floor of the Senate. I can't believe that anyone could be so heartless and care so little about people with disabilities. I tell you, it makes me angry, Mr. Leader.

He said: JOE, what would you say if I told you that 4 years ago, maybe 5, Dot Helms and Jesse Helms were reading, I think the Charlotte Observer, the local newspaper, and they saw a piece in the paper about a young man in braces who was handicapped at an orphanage. He was in his early teens. All the caption said was the young man wanted nothing more for Christmas than to be part of a family.

He said: What would you say if I told you Dot Helms and Jesse Helms adopted that young man as their own child?

I said: I would feel like a fool, an absolute fool.

He said: Well, they did.

He said: JOE, every man and woman sent here is sent here because their State recognizes something decent about them. It is easy to find the part you don't like. I think your job, JOE, is to find out that part that caused him to be sent here.

He said: JOE, never question another man's motive. Question his judgment but never his motive.

I think I can say without fear of contradiction, I have never questioned any one of your motives. I learned that lesson very early at the hands of iron Mike Mansfield who had more character in his little finger than the vast majority of people we know have in their whole bodies.

That advice has guided me, and hopefully well, and I hope it guides this Congress because those who are willing to look for the good in the other guy, the other woman, I think become better people and become better and more able legislators.

This approach allowed me to develop friendships I would never have expected would have occurred. I knew I would be friends with DANNY INOUE who came to campaign for me. I knew I could be friends with TED KENNEDY. And I knew I could be friends with Fulbright and Humphrey and Javits, men with whom I shared a common view and a common philosophy. But I never thought—I never thought—I would develop deep personal relationships with men whose positions played an extremely large part in my desire to come to the Senate in the first place to change what they believed in—Eastland, Stennis, Thurmond. All these men became my friends.

As Senator HATCH will remember, I used to go over after every executive session of the Senate Judiciary Com-

mittee and go into Jim Eastland's office, which was catercorner, and sit down and he allowed me to ask him a lot of dumb questions as a young kid would want to ask: Who is the most powerful man you ever met, Senator? What is the most significant thing that has ever occurred since you have been here?

On that score, he looked at me and said: Air conditioning.

I said: I beg your pardon?

He said: The most significant thing that happened since I got here was air conditioning.

I thought: Wow, that is kind of strange.

He said: You know, JOE, before we had air conditioning, all that recessed lighting all used to be great big pieces of glass like in showers. He said: Come around May, that Sun—he used to use a little bit of profanity which I will not use for appropriate reasons—that darn Sun would beat down on that dome, hit that glass, act like a magnifying glass and heat up the Chamber, and we would all go home in May and June for the year. Then we put in air conditioning, stayed year round and ruined America.

(Laughter.)

Senator Stennis was my genuine friend. But one of the most unlikely friendships was Strom Thurmond. Some of you knew my relationship with Strom. Did I ever think when I got here I would become friends with Strom Thurmond? He stood for everything—I got started because of civil rights. Yet on his 100th birthday, certainly thereafter, on his death bed I got a phone call from his wife Nancy. She said: I am standing here at the nurse's station, JOE, with the doctor. I just left Strom. He asked me to call you. He wants a favor.

I said: Of course, Nancy, whatever he wants.

She said: He would like you to do his eulogy.

Well, I never thought in my wildest dreams that this place, these walls, the honor that resides, would put me in a position where a man whose career was one of the most interesting in modern American history asked me to do his eulogy. I never worked so hard on a eulogy in my whole life. I think I was completely truthful—truthful to the best of my knowledge.

As I said, he was a man who reflected the ages. He lived in three different ages, three different parts of American history. I remind people, which some will not remember, by the time he resigned, he had the highest percentage of African Americans working in his office as any Senator. He voted for the reauthorization of the Voting Rights Act. He had, in my view, I believe, changed.

This is an incredible place, I say to my colleagues, an incredible place. It has left me with the conviction that

personal relationship is the one thing that unlocks the true potential of this place. Every good thing I have seen happen here, every bold step taken in the 36-plus years I have been here, came not from the application of pressure by interest groups but through the maturation of personal relationships.

Pressure groups can and are strong and important advocates, but they are not often vehicles for compromise. A personal relationship is what allows you to go after someone hammer and tongs on one issue and still find common ground on the next. It is the grease that lubricates this incredible system we have. It is what allows you to see the world from another person's perspective and allows them to take the time to see it from yours.

I am sure this has not been my experience alone. In a sense, I am probably preaching to the choir of the very men and women sitting in this Chamber who have experienced similar things.

One of the most moving things I ever saw in my life was on the floor of the Senate. The year was 1977. We were about to adjourn for the year. There was a vote cast, and as we all do, we assembled in the well to vote.

One of my personal heroes, Hubert Humphrey, was literally riddled with cancer. He died very shortly thereafter. He showed up, like Dewey Bartlett of Oklahoma, he showed up every single day knowing he literally had days to live. He walked down this aisle—because I was standing back here. I have been on this back row for years, with my good friend Fritz Hollings for 34 years.

He walked down the aisle, and as he did, Barry Goldwater came through the doors and was coming down the aisle to vote. Barry Goldwater and Hubert Humphrey shared virtually nothing in common philosophically. They had a pretty tough campaign in 1964. It got pretty rough. Barry Goldwater saw Hubert and walked up and gave him a big bear hug. He kissed him and Hubert Humphrey kissed him back. And they stood there in a tight embrace for minutes, both crying. It brought the entire Senate to tears. But to me—to me—it was the mark of a storied history of this place. Hubert loved it here. He once said:

The Senate is a place filled with good will and good intentions, and if the road to hell is paved with them, then this is a pretty good detour.

Friendship and death are great equalizers. Death will seek all of us at some point, but we must choose to seek friendship. I believe our ability to work together with people with whom we have real and deep and abiding disagreements, especially in these consequential times, is going to determine whether we succeed in restoring America. I think it is literally that fundamental and basic.

Things have changed a great deal since I first arrived here. There were no

women in the Senate. Margaret Chase Smith had just retired and it would be 6 years until the next woman was elected in her own right, and that was Nancy Kassebaum. Today, there are 16 women in the Senate, and we need many more, but that is progress.

Our proceedings in those days were not televised. They didn't have fax machines, let alone e-mail. I remember the fights we used to have in conference about whether we would actually spend money for computers. Remember those fights? Some of the older guys thought: Computers? Why are we going to waste the taxpayers' money and put computers in our offices? I am almost embarrassed to acknowledge that. That makes me a "pretty old dude," as the kids would say.

I often hear Senators lament today that the 24-hour news cycle and the need to go back home every weekend—or in my case every night—makes it harder than it used to be to get to know one another, to share a meal. Not long after I first was elected, there was an accident in my family, and I didn't want to stay. Senators Humphrey and Kennedy and Mansfield and Hollings, among others, said: Just stay 6 months. It was not unusual in those days for there to be groups of Senators who, with their spouses, would take turns once a month having dinner for the rest of the Senators. Senator Eagleton of Missouri, who recently passed away and was a good friend; Senator Gaylord Nelson and his wife, who was incredible and who has also recently passed away; Senator Hollings; and my friend—and he is my friend—Senator Ted Stevens from Alaska had one of those groups, along with a guy named Saxby from Ohio, who became Attorney General. While I never, ever stayed in Washington, particularly in those days, they insisted I come, and I would go to those dinners. I was a kid, I was single, but they included me. The truth of the matter is, they went a long way toward saving my life, changing my life.

You know, for the first time in 36 years, I am going to have a home in Washington—public housing—and I hope Jill and I can use it to help bring us all together. I hope it can be used to foster deepening relationships. We all are so busy in our own careers it is awfully hard to do it anymore.

I have seen Senators who have come to this institution to attack it—because that is how they got here, they attacked it. They called it useless and venal. Attitudes such as that, which have been observed in the past, can sometimes become self-fulfilling prophecies. But if you come here with a dedication to hard work, an open mind, some good faith, and to make progress, that, too, can become a self-fulfilling prophecy.

In 1837, Ralph Waldo Emerson, in his Phi Beta Kappa address to Harvard, said:

Meek young men grow up in libraries, believing it their duty to accept the views which Cicero, which Locke, which Bacon have given, forgetful that Cicero, Locke, and Bacon were only young men in libraries when they wrote those books.

I am told today by the Senate Historian that there have been over 1,900 Senators who have served. I have served with more than 320 of them, and I have learned something from every one of them. As a matter of fact, I was also given a piece of discouraging information as well; that only 19 Senators in the history of the United States of America have ever served as long as I have, one of whom is in this Chamber. As I said, I have learned a lot from them, and I can tell you from experience that most of them are only seen as giants in the hindsight of history. At the time, they were legislators trying to do their best.

I look in my desk and I see the names carved in the drawer. Maybe the public doesn't know how much like kids we are. We get here, and we come over here after the Senate is closed and we sit there, somewhat embarrassed, and we actually carve our names in the drawers of the desk, in the bottom. It is a tradition. Maybe there is someone who didn't do it, but I don't know of anyone, even the most sophisticated among us. I look in the desk drawer I have and I see names of famous Delawareans, such as the longest serving family in the history of the State of Delaware—the Bayards. Six have been Senators. But I also see the names of Scoop Jackson and John F. Kennedy and others in my drawer. Look in your desk and you will see names you recognize as well, and you all know them. Forty years from now, when someone opens your desk and looks at your name, will they think of you the way I think of these men? To me, that is a test we each are going to have to meet.

With the gravity of the challenges we face today comes—as every similar moment in our history—the most significant opportunity for change, the most significant opportunity for progress. I firmly believe this, too, can be an era of legends, of giants. But this much I know: Our Nation desperately needs it to be.

During my first term in the Senate, when I spoke out in favor of campaign finance reform at a Democratic caucus—and Senator INOUE may remember this; he was then Secretary of the Senate—the President pro tempore, Jim Eastland, listened intently in what is now called the Mansfield Room. When I got finished with my impassioned speech about the need for public financing, he stood—and he hardly ever spoke at the caucus, as Senator INOUE will remember—and he always wore a glen plaid suit and always had a cigar in his mouth about as big as a rubber hose—and he leaned up at the table in the front—and he never stood completely straight—and he sought rec-

ognition and he leaned up, put himself halfway up, took the cigar out of his mouth, and he said:

JOE, they tell me ya'll are the youngest man to ever get elected to this August body—

I wasn't. There was one younger than me popularly elected, but I didn't dare correct him. He said:

Let me tell you something, JOE: Ya'll make many more speeches like you did here today, you're going to be the youngest one-term Senator in the history of the United States of America.

I walked out of that conference, as I have said to Leader REID, and walked in here—and we didn't used to have those booths by the phone—and Warren Magnuson, who also smoked a cigar, pulled out his cigar and said: BIDEN, come here. Can you imagine calling to a Senator and saying: Come here. He said: Stop this stuff. I didn't work this darned hard—a little different language used—I didn't work this darned hard the past 30 years to have some sniveling little competitor get the same amount of money as me. Stop it. Stop it.

I walked away as politely and as quickly as I could. I never dreamed—I never dreamed—that nearly four decades later I would be elected to a seventh term to the Senate of the United States. Never, ever dreamed it. Thirty-six years ago, the people of Delaware gave me, as they have given you in your States, a rare and sacred opportunity to serve them. As I said, after the accident, I was prepared in 1973 to walk away from that opportunity. But men such as TED KENNEDY and Mike Mansfield and Hubert Humphrey and Fritz Hollings and DAN INOUE convinced me to stay—to stay 6 months, JOE. Remember that? Just stay 6 months. And one of the true giants of the Senate, who thank God is still with us, ROBERT C. BYRD, without any fanfare, in late December, in a cold, driving rain, drove to Wilmington, DE, stood outside a memorial service at a Catholic Church for my deceased wife and daughter, soaking wet in that cold rain, and never once came to see me, just to show his respect, and then got back in the automobile and drove back to Washington, DC.

This is a remarkable place, gentlemen and ladies. And as I healed, this place became my second family, more than I suspect it is for most. I needed it, and for that I will be forever grateful—forever grateful. So to the people of Delaware, who have given me the honor of serving them, there is no way I can ever express to them how much this meant to me. To my staff, past and present, and all those on the floor, past and present, dedicated to making this institution run, including the young pages, wide-eyed and hopefully going home and wanting to come back someday in our spots, thank you for

everything you have done for me. I suspect you have done for me more than you have done for most.

To my children, Hunter and Ashley and Beau, if I was nothing else, I would be content to be the father of such wonderful people. To my grandchildren, who constantly remind me why the decisions we make in this August body are so important, and to my Jill, you once saved my life, and you are my life today, I thank all of you. I thank all my colleagues for making my Senate service possible and this next chapter in my career in life so hopeful.

I came here to fight for civil rights. In my office now sits that grand conference table that once was used to fight against civil rights, and I leave here today to begin my service to our Nation's first African-American President. The arc of the universe is long, but it does indeed bend toward justice, and the Senate of the United States has been an incredible instrument in assuring that justice.

So although you have not seen the last of me, I say for the last time, and with confidence in all of you, optimism in our future, and a heart with more gratitude than I can express, I yield the floor.

(Applause, Senators rising.)

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I was elected State treasurer at the age of 29, 4 years after JOE BIDEN was elected to the Senate. For the last 30 years or so, I have had the honor and in some cases the misfortune of following him as a speaker, throughout the State of Delaware and in some cases around the country. It is a tough act to follow and I wouldn't pretend to be able to do that.

Over the last 200 years that we have had a Senator, we have seen any number of great orators come here and speak in this Chamber, in some cases to mesmerize us, in other cases to inspire us and to change our minds. JOE has done all of those things again today and he does it perhaps as well as anybody.

People speak here today, as in the years in the past, and they quote Churchill; we quote John F. Kennedy, Martin Luther King. I am surprised he didn't quote one of his favorite Irish poets, Seamus Heaney, I think. He quotes him a lot. But the person I think I have heard JOE quote the most in his life has been none of those folks, none of those Irish poets, but it has been his mom and his dad. I wish I could ask for a show of hands, how many times have you had JOE BIDEN say to you: I give you my word as a BIDEN. If we could count them all up today in this room and if we could get a dollar a week—maybe we couldn't pay for the stimulus package but make a pretty good downpayment. Many

times I have heard him say—he quotes his dad—I will paraphrase it: It is a lucky man who gets up in the morning, puts his feet on the ground, and knows the work he is about to do has consequence, substance, is meaningful.

A guy doesn't turn out like this by chance—to become the youngest, not only one of the two youngest Senators elected in the history of our country, he is also the youngest seven-term Senator in the history of our country.

His mom is still living. She lives in a property close to JOE and Jill's home. His dad is deceased. But I know we owe them a huge debt of gratitude because of the values they instilled in him, the need to serve other people, and the Golden Rule. This is a man of deep faith. You wouldn't always know it, he doesn't talk a lot about it, but this is a person whose life and values were shaped as much by his family and his faith as anybody I know. I know his parents taught him to treat other people the way he would like to be treated. That led to his great involvement and support of the Civil Rights Act and underlies everything he does today.

All of us have families. All of us love our families. I do not think I know anybody in public life or outside of public life who is more committed to and who loves his family any more than JOE: Jill, his first wife Neilia, whom I never had the pleasure of knowing—I tell you he has a wonderful wife Jill. It is clear he loves her with all his heart. The three kids are not kids anymore; they are in their thirties and twenties. Beau is over in Iraq today serving in the National Guard. But there is an extraordinary bond between a father and a child.

It has been said the greatest gift that a father can give to his children is to love their mother. He doesn't just love their mother, he loves the kids, he loves the grandchildren. This is a loving guy with a family that is as strong as any I have ever seen. You heard the old saying I would rather see a sermon than hear a sermon. When it comes to family values, you see the sermon. You don't just hear it, you see it. We see the sermon.

In politics, I like to say our friends come and go but our enemies accumulate. When you think about the people JOE has talked about here today, from Eastland to Jesse Helms to Senator Thurmond—he didn't mention Phil Gramm—you would never imagine a guy who has his convictions, his philosophy, his commitment to civil rights and other causes—you would never imagine he would become their friend, confidant—and not so much for them to change him, but for him to change them and in fact this country.

JOE, you have been part of the glue that holds this place together. As we have said goodbye to a lot of good men in the last several weeks, it is a real sort of sense, not of bitterness, not of

sweetness, but maybe bittersweet that we say goodbye to you today. The 8 years I have been here, I know there have been a lot of times when we sought to try to make sure the Vice President didn't come and cast a tie-breaking vote. My guess is in the time you serve for Vice President—4 years or 8 years, however long it is going to be; I hope it is 8—my guess is there will be times we orchestrate the votes so you will have to be here. I don't know if we can do it in a way that will allow you to come to the floor and give another speech like you have just given. Maybe we can figure it out.

But as a friend, as we say goodbye and move on to this next assignment in life: God bless our President-elect. He has made a terrific choice not just from Delaware, which is hugely happy and excited, but I think for our country and I think for the world. But I want to say, for the last 8 years, thank you for being my friend, my confidant. Thank you for being my adviser. Thank you for asking for my advice from time to time and listening to my advice. To your staff that is gathered here today, and your family up in the balcony, thank you for sharing with us a wonderful human being, for nurturing and bringing him along. The staff has provided such terrific support, almost like an extension of my own staff. We love your family and we love your staff and we are going to miss you. Thank you for always having my back, and for looking out for me and for making possible the extraordinary experience as a junior Senator for the last 8 years.

I understand your resignation becomes effective, is it 5 p.m. today? As I look at this clock here, I know for the next 5 hours, 49 minutes, I get to be a junior Senator and then after that I move up in the pecking order. But I will always be your junior Senator and your colleague and I hope your friend. God bless you in all your life ahead and thank you for all you have done for us and for me especially. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Thank you very much. You have been one of my closest friends and confidants and you will continue to be, and I appreciate your sentiment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. I am only going to take a few minutes, but I want to say a few

things about my friend JOE BIDEN, certainly from this side of the aisle.

Mr. President, I rise today to pay tribute to Senator JOE BIDEN as his service in the Senate representing the great state of Delaware ends and his service as our Nation's next Vice President is about to begin.

Like everybody else, when I think of JOE BIDEN, I first think of his family. As important as the Senate has been in defining his illustrious career, the man we know has been defined by his wife Jill and his children. Senator BIDEN, were he never elected to the Senate or the Vice-Presidency, has succeeded and accomplished much in this life when you see the tremendous job he and Jill did in raising Beau, Hunter, and Ashley.

Today, however, our remarks will focus on Senator BIDEN's legislative and other professional accomplishments. I can tell you firsthand that anyone would be hard pressed to find a more distinguished and effective legislator. In an age of endless cynicism toward our elected officials, let there be no doubt that the word "distinguished" is a truly fitting description of this extraordinary public servant. He is a friend of mine. I have been privileged to serve 32 years side by side with JOE BIDEN on the Judiciary Committee and I have nothing but respect for him.

Most of our work together was on the Senate Judiciary Committee, where Senator BIDEN served as chairman from 1985 until 1995. I served as ranking member for many of those years, and when I first served as chairman from 1995 to 1997, I had the good fortune of having JOE BIDEN as my partner on the committee, serving as ranking member. It was on the committee that I saw Senator BIDEN at work and learned a great deal.

I can think of no chairman of the Judiciary Committee who had a better sense of what he wanted to accomplish—a vision for the committee—than Senator JOE BIDEN. No one was more interested in the details of legislating than he was. The Violence Against Women Act, The Violent Crime Control Act of 1994, the drug czar's office and the COPS program all would not exist today were it not for his talents and leadership.

In one of my proudest moments as a U.S. Senator, I was joined by Senator BIDEN here on the Senate floor to hail the passage of the Adam Walsh Child Protection and Safety Act, which President Bush signed into law a week later, June of 2006. Senator BIDEN and I had introduced the bill only a year earlier, and we worked hard to see its passage in a relatively short amount of time. The bill was very significant and the law has changed the landscape with regard to sentencing, monitoring, adjudicating, registering and tracking sexual predators.

As chairman of the Judiciary Committee, Senator BIDEN mastered the

Senate's dying art of legislating because he valued legislating. JOE BIDEN is not just a speech giver—though he is good at giving a long speech—he is an exceptional legislator. Majority Leader George Mitchell said he was the best Senate floor strategist he had ever worked with, and coming from George Mitchell, that's saying something, because George Mitchell was one of the best Majority Leaders we have had in the Senate. There are few like Senator BIDEN left in the Senate who have the skill and patience to carefully and thoughtfully develop an idea for policy reform; craft what he believes to be the ideal bill; patiently—and with the long view—establish a record through hearings, reports, and media engagement; build institutional support by corraling colleagues and crafting compromise; and skillfully managing the bill's passage on the floor.

Political pundits and the media have for decades tried to get a handle on what makes JOE BIDEN tick. Too often, they settled for the easy answer—JOE's "a wild stallion that never felt the bridle" or he is an "unguided missile." That's nonsense. Senator BIDEN has proven himself to be an accomplished statesman with enormous personal vision.

I am proud he is going to be our next Vice President of the United States serving with, as he said, the first African-American President. We are all proud of that and we should be, and we should do everything in our power to help.

No one better captured the JOE BIDEN we know than the author Richard Ben Cramer, who won the Pulitzer Prize for his political reporting of the 1988 Presidential race in the classic book "What It Takes."

As a kid growing up in Scranton, "there was (to be perfectly blunt, as Joe would say) a breathtaking element of balls." That was Richard Ben Cramer, not me. "Joe Biden had balls. Lot of times more balls than sense. . . . What he was, was tough from the neck up. He knew what he wanted to do and he did it." Later in life as a lawyer, he applied that mental toughness and, another quote, "cocky self-possession" to his chosen career—politics. There, JOE BIDEN would envision what he wanted to achieve and how he wanted to achieve it. While the experts, staffers, and consultants we Senators come to rely on would buzz around him with advice and direction, JOE BIDEN would listen but know in his gut what to do. "Joe could see the thing whole thing in his head, and what's more, he could talk it."

In the end, what JOE BIDEN chose to take on and how he succeeded all rested on JOE's certainty. As Cramer wrote, "Once he'd seen it . . . he knew what was supposed to happen . . . Hell, it was a done deal . . . and then it wasn't imagination, or even balls. Not to Joe Biden. It was destiny."

That is from "What It Takes," Richard Ben Cramer's book from 1993.

The record of JOE BIDEN's life is clear. Mr. Vice President-elect, you have had "what it takes" to be an accomplished Senator, and you have "what it takes" to be our Nation's Vice President.

Your tenure here has been marked with hard work, and much success, much pain, and much grief, much difficulty. Yet you remain humble and hardworking. The skills and abilities our Lord bestowed on you have been used mightily by you. Your integrity, truthfulness, and passion will continue to serve you and this great country of ours.

I thank you for your service, and thank you for your friendship, thank you for your continued sacrifice on behalf of this great Nation, and I tell you personally that I love you. I appreciate you very much. I care for you. I care for your family. We are going to be helpful to you as Vice President of the United States. And we hope you will not screw it up too badly there. We are going to be right there with you, if we can.

JOE, we are proud of you and we ask God to bless you.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. I would like, if I may, Mr. President, to thank my friend from Utah for his kind comments. We have been buddies for a long time. I hope that continues in my new job.

Mr. KERRY. It is hard to imagine, at least for me it is hard to imagine, the Senate without JOE BIDEN—at least as a Senator on the floor, in the thick of the fray. That is not just because he came here as a kid, so to speak, not just because he chaired some of this institution's most important committees, but it is because of this particular moment that we find ourselves in, in the country.

This is the kind of moment JOE BIDEN loves to be in the middle of, legislating. Obviously, we take a very special pride in knowing that one of our own is about to become Vice President. While this makes him President of the Senate, for once I actually wish DICK CHENEY was right and that JOE was still a part of the legislative branch. But, make no mistake, the Senate's loss is President Obama's and the country's gain. JOE will bring a terrific strategic thinking and legislative experience to the challenges we face.

This is a special moment in so many ways, and it is an emotional moment. I have known JOE since we were both kids, in terms of this journey, since we first ran for office in 1972. We learned about each other then, reading the press clips of each other's races, hearing stories from mutual friends and joint campaign workers. The conventional wisdom of that year is that JOE

couldn't win his race against an incumbent, Hale Boggs, who had been in office and winning elections in Delaware for 6 years. I, on the other hand, was favored to win mine. True to conventional wisdom, it turned out exactly the opposite way.

To this day, I like to kid our longtime friend, our New Jersey friend, John Marttila, who was deeply involved in both of our races back then, that if he had just spent a little more time in Lowell, MA, and a little less time in Wilmington, things might have turned out differently. But for JOE and me, both in politics and in life, things have actually turned out pretty well, and I have loved sharing this journey with him.

In a lot of ways, JOE BIDEN is an old-fashioned kind of guy. He lives life and politics by what a lot of people think are the old rules, regrettably: Unfailingly loyal, your word is your bond, you tell the truth, you act on principle not ideology, and you keep faith with family and home, you never forget where your roots are or who you are, and you are consistent and honest in all your endeavors.

JOE BIDEN is all of that and a lot more in many personal ways. He is a patriarch to the core, in the best time-honored understanding of the meaning of that word. He never smiles more broadly or picks up more personal energy than when he is talking about his family. Frankly, to know JOE BIDEN is also to know a lot of Bidens.

Dozens of our colleagues, hundreds over the years, know that if you call JOE BIDEN with a late-night question, the odds are pretty high you are going to find him on that train, riding Amtrak home to be there with Jill, Beau, Hunter, Ashley, and the grandchildren. There is something pretty great about a Senator who makes sure to stop by his mom's house for ice cream or a kiss good night on his way home. That is exactly what JOE BIDEN would do with his 92-year-old spitfire mother, Jean Finnegan Biden. It is the lessons of that big, Irish, warm, protective family that JOE brought to the Senate. He is the big brother whose sister Val remembers him as her protector on the playground, the dad whom Beau and Hunter remember urging them to get up when they got knocked down on the soccer field, the boss who calls a staff member when they have a sick parent or who threatens to fire you if you miss your kid's birthday because you are working late for him.

This is someone in the Senate who had a reputation for not just talking about family values but living them. As JOE BIDEN said so movingly this morning: He saw the Senate as an extended family and here he applied the lessons his dad taught him in Scranton, that everything comes down to dignity and respect. He has always respected the institution, and he always

respected the dignity and individuality of every single one of his colleagues.

One of the great stories that JOE told today, which has always spoken to me personally, is one that tells a lot about ushering in a new era of bipartisanship. When JOE first arrived in the Senate, he complained to the majority leader, Mike Mansfield, about a speech that another new Senator named Jesse Helms had made. Mansfield told him: JOE, understand one thing. Everyone is sent here for a reason; because there is something in them that their folks like. Don't question their motive.

Every one of us who has worked with JOE BIDEN knows how much he took this lesson to heart and how much we gain by applying it today. His example is clear. If you treat people decently, look for the best in them, you can sit down and work through divisive issues; not just score more political points but actually get something done.

JOE likes to talk about his first impression of Jesse Helms, but he is often too modest to talk about what happened later. Some people might have been surprised that JOE BIDEN, Jesse Helms, and I teamed up in the fight against global HIV/AIDS. Some never would have believed that together we could bring about what is today the largest public health expenditure or effort by any single country in world history. That is what happens when JOE BIDEN takes to heart the message of a wise warhorse such as Mike Mansfield, looks past the stereotypes, past the party labels, and throws out all the ideological language to find the common ground.

Nowhere did I see that more than on the issue of crime. Coming from the vantage point of being a prosecutor in the 1970s, who then became a Senator in the 1980s, I can tell you there was no more divisive, ugly wedge and emotionally charged issue than crime until JOE BIDEN and the 1994 crime bill. JOE put an end to the "Willie Hortonizing" of this issue. We worked closely together and put more cops on the streets of America. I remember JOE's passion and tenacity on that bill.

It was a huge, landmark piece of legislation, complicated, divisive—but not so because of JOE's enormous skill that shepherded it through the ideological minefields that otherwise might have been impossible. JOE was simply not going to accept defeat. He made dozens of trips to the White House, had dozens of meetings with congressional leadership, all to find a way to create common ground and ultimately pass a bill that resulted in the lowest crime rates in a generation. Every step of the way he sought out friends, he crossed the aisle, he worked the process and built allies and invited them to share not just in the work but also to share in the credit, which is, in the end, the best way to get things done here. That is leadership in the Senate and that is exactly how we make progress.

He also brought great skill to his stewardship in the Foreign Relations Committee. I served on that committee for the full 25 years I have been here, all of it with JOE BIDEN and some of it with JOE BIDEN as our chair. Let me give an example.

When Russian tanks rolled into Georgia, respecting Georgia's sovereignty became a sound bite for a lot of people, but for JOE BIDEN it was a moment to pick up a phone, call up an old friend, someone he had met as a young Parliamentarian, who was then in his twenties. So JOE BIDEN got on a plane, took that flight all night, and sat on a hilltop in Georgia with his old friend, Mikheil Saakashvili, and together they talked to not just about the security of Georgia but the security of a man who was then in very real danger, a man JOE BIDEN believed was willing to die for democracy.

This is just one small example of the emotional intelligence and personal touch that had been the calling cards of JOE's career in public life for decades.

As we all know, JOE is blessed with a big, all-encompassing Irish sense of humor, an ability to have fun amidst all the rest of the tensions and stress and chaos. We still joke about the trip we took with Chuck Hagel to a forward operating base in Kunar Province in Afghanistan in the middle of winter and our helicopter wound up getting caught in a blizzard. We had just received a briefing that, where the modern road system ends, the Taliban begins. Lo and behold, the next thing we knew, we had a forced landing high on a mountaintop on a dirt road with nothing around us. We sat around swapping stories for a while and came up with a few contingency plans in case the Taliban attacked. First, we thought—use the hot air of three talkative Senators and the helicopter will rise. Then we figured failing that we will talk the Taliban to death. Ultimately, we figured we would let JOE BIDEN lead a snowball charge and that would be the end of the deal. But our superb military protectors, efficient as always, soon had us out of there, safe and rescued, and we have had a good time laughing about it ever since.

Later, when I told him my plan to have him lead the brigade, JOE, reliving his Blue Hen college football glory days, flexed his right arm and said in that inimitable BIDEN way: The Taliban? They are not worth my rocket arm.

As chairman of the Foreign Relations Committee, JOE applied a no-holds-barred, unvarnished truth-telling to many politically sensitive issues. In the middle of his own Presidential campaign, he didn't hesitate to ask whether our counterterrorism policy had turned a deadly serious but manageable threat, a small number of radical groups that hate America, into a

10-foot-tall existential monster that dictates nearly every move we make. It was not a poll-tested or popular question, but it was a sign of leadership and a mark of vision that will serve America well when he takes the oath as Vice President of the United States.

Let me share one last story involving my senior Senator, TED KENNEDY, who has been an incredible mentor, both to me and to JOE, since we both got into this business.

Years ago, when TED KENNEDY joined the Armed Services Committee, Senate rules dictated that TED had to step down from the Judiciary Committee. That would have made JOE the chairman. So JOE had all the interest in the world for that to happen. But, instead—and I suppose I should say what Senator in their early forties, presented with the choice, wouldn't have loved to have had the responsibility of the Judiciary Committee. But JOE BIDEN went to the caucus and he gave them an ultimatum. He said point blank: This is ridiculous. I wouldn't serve as a chairman unless I have TEDDY KENNEDY on my side on this committee.

Make no mistake, TED KENNEDY moved to Armed Services, but he stayed on the Judiciary Committee. Together, they fought some of the greatest confirmation battles in the history of the Supreme Court. No one can imagine the Judiciary Committee without TED KENNEDY's decades of focus and fire. But the Senate should know it would not have been possible if it had not been for JOE BIDEN's youthful challenge to the leadership to get him to be able to stay there.

JOE is one of the people in the Senate whom I have had the privilege of enjoying now for a quarter of a century and one of the people, obviously, I have enjoyed serving with the most. We have been through a lot. We have shared a lot, good and bad, ups and downs. What is exciting is, frankly, we still have a lot more to come. While JOE is making that short ride up to the other end of Pennsylvania Avenue, I know there is one thing that is not going to change. We are always going to be able to count on him to be the same JOE BIDEN, and I know we can take that to the bank. When JOE works with us in these next months—and he will work with us intensely—and when he says to you: I give you my word as a Biden that this is going to happen, we can take that to the bank and know it will happen.

We are very proud of our colleague, Senator BIDEN. We wish him well and Godspeed. We look forward to seeing him as the presiding official of this body, but, more importantly, we look forward to working with him on the enormous challenges this country faces.

Mr. LUGAR. Mr. President, I rise to honor my good friend and our distin-

guished colleague, JOE BIDEN, who will be ending his remarkable Senate career to assume the office of the Vice President of the United States. It has been my great privilege to serve with JOE BIDEN in the Senate for 32 years. He and I have served together on the Foreign Relations Committee for all of the 30 years that I have been a member of that panel. He entered the Senate as the sixth youngest person ever elected to this body, having been elected at age 29 and seated soon after he reached the constitutionally required 30 years of age. He leaves as the longest serving Senator in the history of his State and the 14th longest serving Senator in U.S. history. He has cast more Senate votes than all but nine other Senators in history.

JOE BIDEN comes from a modest Irish-Catholic background. He started out in Scranton, PA, where his father was a used car salesman and his mother was a homemaker. The oldest of four children, JOE and his family moved to Claymont, DE, where his father had found a better job. It may be hard for many to believe today, but as a teenager, JOE had trouble speaking because he had a stutter. But showing the grit and determination we all have come to know, he undertook to give a speech to his entire school as a way to force himself to overcome his impediment. At the University of Delaware, he majored in history and political science, and he received a law degree from Syracuse University.

He started practicing law and worked as a public defender, but perhaps because his grandfather had been a State senator in Pennsylvania, he was soon attracted to politics. At the young age of 27, he was elected to the County Council of New Castle County in Delaware. Two years later he surprised all the political experts in his State, as well as his opponent, by defeating an incumbent Senator in a presumably "safe" seat. The margin of victory was just over 3,000 votes, but JOE went on to increase his vote totals in subsequent reelection races.

Although JOE was elected at an especially young age, it would be wrong to say that he led a charmed life. In fact, just the opposite is the case. Just weeks after his election, his wife Neilia and his youngest child Naomi were killed in a car crash while Christmas shopping. His two other children, Beau and Hunter, were critically injured. Naturally, the tragedy was devastating to JOE, and he considered dropping the Senate seat to tend to his stricken family. The distinguished majority leader at the time, Mike Mansfield, persuaded JOE to reconsider, and he took the oath of office at his sons' hospital bedside.

It was the start of a long career of dedicated service in the Senate. It also was the start of a tradition for which JOE has become famous—his regular

commute on Amtrak from Wilmington down to Washington when the Senate was in session.

When I arrived in the Senate 4 years later, JOE had already established a reputation as a dynamic presence on Capitol Hill. In 1979, I joined him on the Foreign Relations Committee, where he had become a member in 1975. We have served together ever since, and I have benefitted greatly from JOE's friendship during that time. I have always believed that foreign policy is most effective when it is done in a bipartisan manner, and in JOE I found an able partner willing to work across the aisle to achieve important victories on behalf of the country and the American people. Some of the battles have not been easy. I recall, for instance, the difficult job we had in achieving passage of the Chemical Weapons Convention during President Clinton's administration. We celebrated another major victory last year with the passage of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act. Recently, our collaboration led to the joint sponsoring and introduction of the Enhanced Partnership with Pakistan Act. We have worked closely on legislation related to Iraq, Afghanistan, climate change, tropical forest conservation, international violence against women, the control of global pathogens, and numerous arms control measures.

Each of us has twice been chairman of the Foreign Relations Committee, and we and our staffs have worked with special purpose during those times. We share the belief that the Foreign Relations Committee occupies a special place in history and is an essential component of a successful U.S. foreign policy. It is because of JOE's wide experience, keen mind, steady hand and strong advocacy that he was chosen by our Committee colleague, Senator Obama, to be his vice presidential running mate.

While I will deeply miss working with JOE on the committee, I look forward to joining with him to achieve further accomplishments while he is vice president. Besides a new commuting routine, he will face many challenges, and I know he will gain strength from the support and affection of his family: his lovely wife Jill, their daughter Ashley, and his two sons, Beau and Hunter, as well as their five grandchildren. I wish them all the best as they begin this exciting new chapter in their lives.

Mr. BYRD. Mr. President, on this cold January morning, I am being kept warm by four glorious words that keep running through my mind—those four words are: "Vice President JOE BIDEN." I love the sound of that. It is music to my ears.

I have known JOE BIDEN for nearly four decades, since he was first elected

to the Senate in 1972. I have been enriched by his friendship. I have appreciated his commitment to public service. I have watched his work as chairman of the Senate Foreign Relations Committee and the Senate Committee on the Judiciary. I have admired the enthusiasm and dedication he has brought to his work every single day he has been a U.S. Senator.

His years of service in this institution will be one of his greatest assets in the years ahead. During his tenure in the Senate, JOE has gained a priceless working understanding of the importance of our constitutional systems of checks and balances and separation of powers. He has stood on this floor and argued long and hard—with fire in his belly—against executives of both political parties when he felt it was in the best interests of this Nation. We have all watched him, time and again, pacing this floor, speaking in that rhythmic JOE BIDEN way—drawing us in with a shout and then punctuating his point in whispered tones. I can see him now, putting the White House on notice, and defending the advice and consent authority of Senators. JOE has seen how this part of the government—the people's branch—lives. He will assume his new job fresh from membership in the world's greatest deliberative body. Those Senate years will, I believe, serve him, the country, and the people, well.

Senator BIDEN is moving on, and while I regret losing him as a colleague here, I am heartened by the experience and wisdom he takes to his new duties. I believe that he will be a great Vice President. My good friend and former colleague, President-elect Obama showed outstanding judgment when he selected Senator JOE BIDEN to be his running mate.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, the regular order is that HILLARY CLINTON was to be recognized at 11 o'clock. There are a lot of people who want to say some things about Senator BIDEN and HILLARY CLINTON. We have votes scheduled at noon. So I would ask the Chair, under the order, to recognize the Senator from New York, Mrs. CLINTON.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

FAREWELL ADDRESS

Mrs. CLINTON. Mr. President, I am once again, and, if confirmed, for the last time, honored, privileged, and proud to address you as a Senator from the great State of New York; to stand in this Chamber; to be amongst my colleagues with whom I have won legislative victories, suffered defeats, and made lasting friendships; to serve my fellow New Yorkers; to speak amidst

the echoes of historic and fiery debates which have shaped the destiny and promoted the progress of this great Nation for more than two centuries.

And I am gratified by the overwhelming support and vote of confidence from my colleagues on the Senate Foreign Relations Committee and I look forward to working with them and continuing the conversation we began on Tuesday. And of course, I am so eager to continue working closely with my friend, and the Vice President-elect, JOE BIDEN.

I have loved being part of the Senate, working alongside public servants of both parties who bring to bear their expertise and enthusiasm to the difficult, painstaking, and occasionally contentious work of turning principle into policy and policy into law. And I assure you I will be in frequent consultation and conversation with my colleagues here in the Senate.

I also have been so fortunate to have what is, objectively, the best Senate staff, both in Washington and in New York that has ever been assembled, led and inspired by my Chief of Staff and friend, Tamara Luzzatto.

In outlining the purpose of the world's greatest deliberative body, the authors of the Federalist Papers wrote that in part the Senate's role would be to avert the consequences of "sudden and violent passions" and "intemperate and pernicious resolutions."

Well, I think each of us at times has wished that the Senate would be ever so slightly less "temperate." But it is to the lasting credit and everlasting wisdom of our Founders that we come together, representatives of every State, members of both parties and neither party, in the hopes of finding common ground on which to build a stronger, safer, smarter, fairer, and more prosperous country for our children and our grandchildren.

As I look back on 8 years of service here, and as I have spoken with many of you in recent days about the challenges that lie ahead, I find myself reflecting on the work we have done as well as the work that remains at this moment of tumult and transformation.

I asked the people of New York to take a chance on me. To grant me their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, and as New York has faced challenges amongst the greatest in our State and Nation's history, I have worked hard to keep faith with my fellow New Yorkers.

I remember when I first arrived in the Senate. There were a few skeptics. Many wondered what kind of Senator I would be. I wondered where the elevators were. But I believed my charge on behalf of the people of New York and the Nation was to devote myself fully to the task at hand. So I got to work.

No sooner had I taken office, 9 short months into my first term, the Nation was attacked on 9/11. The toll was devastating and New York would bear the heaviest burden. Nearly 3,000 lives were lost. The World Trade Center lay in ruins. A toxic cloud of debris and poison rained down over first responders, building and construction trades workers, residents, students, and others.

We all remember as citizens and Senators the sense of common purpose that arose as if to extinguish the hate and violence that took so many innocent lives. In particular, I want to point out the many kindnesses of my fellow members who offered their words, and deeds, in support of the people of New York.

In one moving gesture, Senators sent staff members to help answer the ringing phones in our office as New Yorkers struggled to track down family members and turned to our offices for help. I am also grateful to Senator ROBERT BYRD who said at my State's hour of need, "Think of me as the third Senator of New York."

I remember visiting Ground Zero on September 12th with my colleague, Senator SCHUMER, to personally survey the devastation and to thank the first responders who were working night and day, in danger and difficulty, on what would become known as "the Pile."

The air was acrid. Thick smoke made it hard to breathe.

We knew then that there would be lasting health problems for first responders, volunteers, workers, and others who rushed to provide assistance following the attacks.

Two days later, Senator SCHUMER and I went to the Oval Office and secured a commitment from President Bush for \$20 billion in Federal aid for New York's recovery. In the years that would follow, Senator SCHUMER and I would fight successfully to ensure that money was delivered as promised.

In this and every instance, I have been grateful to have had Senator CHARLES SCHUMER as a partner and ally. New Yorkers could not ask for a more effective and determined Senator to fight for them. And I feel fortunate that if I miss seeing my friend CHUCK, I can turn on the television to catch his latest Sunday press conference.

Over the past 7 years, in a fight that continues, we have worked to bring business back to downtown and to secure funding for programs to provide health screening, monitoring, and treatment for all those suffering health consequences as a result of the attacks.

We have at times clashed with the administration while holding firm to our commitment to these efforts.

And I have developed close and lasting relationships with many of the families of the victims of 9/11 who in their grief have come together to fight for health monitoring and for smarter policies to prevent future attacks.

Together, we advocated for the creation of the 9/11 Commission and for the successful implementation of its findings, including funding based on threat assessments and better resources for first responders.

These efforts would become a model for finding common ground where possible, and standing your ground where necessary. For coordinating between Federal, State and local governments. For forging new partnerships between Government, academia, labor, and the private sector, and between members of both parties. A model for decisions based on sound evidence and solid facts, and for achieving results.

This is how we approached many of the economic challenges facing New York. So many New Yorkers have lost jobs, or have seen their jobs paying less and their benefits covering less than before.

I have met many who have lost health care or seen their premiums double. Who are unable to afford a college education or find good work, or pay rising mortgage bills. Who feel as though the hardworking middle class in this country experience the risk but not the reward of a global economy.

So I have worked hard to help make investments in New York's economy, by coauthoring a law to expand renewal zone tax incentives for new jobs across upstate New York; helping to raise the minimum wage; working to extend unemployment insurance; securing \$16.5 billion in transportation funding; and increasing funds for Amtrak and high speed rail.

We passed legislation to create training programs for green-collar jobs that will help New York workers fill 21st century jobs that will in turn help end our dependence on foreign oil and fight climate change.

And we prevented the closure of military installations and facilities, including the Niagara Falls Air Reserve Station, Rome Labs, and the Defense Finance and Accounting Service in Rome, which keep our Nation safe and employ thousands in New York.

Even when we have faced obstacles, we have never given up. We have often promoted what President Franklin Delano Roosevelt called "bold, persistent experimentation."

We helped expand broadband access across rural areas in the North Country.

We secured into law funding to retrofit trucks, school buses and other heavy vehicles with new clean diesel technologies developed in Corning and Jamestown.

In the Finger Lakes and North Country we partnered with eBay and local universities and companies to create 21st century co-ops that help small businesses get the micro-loans and training to reach global, not just local, markets.

In Rochester, we developed the first-ever Greenprint: a blueprint for how

the city can harness its research institutions, innovative businesses, proactive local leaders, and talented workforce to become an even stronger clean energy leader.

We brought Artspace to Buffalo and secured funds for cultural centers like Proctors Theater in Schenectady, Stanley theater in Syracuse, and the Strand Theater in Plattsburgh, creating a model for urban revitalization and economic development centered on cultural projects.

I have worked to promote heritage tourism in places like Seneca Falls, home of the National Women's Hall of Fame and the site of the landmark Women's Rights Convention of 1848.

New Jobs for New York brought together more than 2,600 entrepreneurs, investors, and researchers across New York to obtain capital, share ideas, and grow New York businesses.

Farm to Fork created new markets for New York's agricultural producers in New York's restaurants, schools, and colleges. And our annual Farm Day here in the Capitol showcased New York farmers and vintners.

With investments in transportation to ease congestion and pollution on Long Island, in Westchester, and in the Hudson Valley, renewable energy and nanotechnology in the capital region's "Tech Valley," biomedical research in Buffalo, Biotechnology in Syracuse, microcredit in the Finger Lakes, we have demonstrated to companies large and small that New York, with our talented workforce, world-class educational institutions, and affordable, safe communities, is a wonderful place to do business. In fact, as you know, I recently took a detour through many of my colleagues' States where I had the opportunity to brag about New York and the kinds of innovative strategies we are putting into practice.

Some 8 years ago, I first spoke on the Senate floor. The topic was, to no one's surprise, health care. And in the years since, I have continued my commitment to achieving quality, affordable health care for all Americans, no exceptions, no excuses. I was proud to be part of the bipartisan coalition which passed the "Pediatric Rule" into law, ensuring that drugs are tested and labeled for safety and effectiveness in children.

We have expanded newborn screening. We were able to thwart the Bush administration's attempt to undercut community health clinics and broker a compromise to keep tens of millions of dollars in HIV/AIDS funding in New York through the Ryan White CARE Act.

Because of our work, groundbreaking legislation now provides respite care for family caregivers; safety measures to prevent tragic injuries to children in and around cars; new resources for grandparents and other kinship caregivers raising children; and more af-

fordable college for students, particularly nontraditional students who are studying while working or raising a family.

I have also been proud to serve on the Senate Armed Services Committee, the first New York Senator to do so, and to be the only Member of the Senate asked to serve on the U.S. Joint Forces Command's Transformation Advisory Group.

With my fellow members of the committee, we have expanded access to TRICARE for all drilling members of the Guard and Reserve; improved health tracking for servicemembers, especially important in treating complex, invisible injuries like post-traumatic stress disorder and traumatic brain injury; and we have passed the first ever expansion of the Family and Medical Leave Act so loved ones can take 6 months of leave to care for family members injured in service.

I have visited with members of the Armed Forces at military facilities across the State, including 10 visits to Fort Drum, and I have met with our troops serving in Iraq and Afghanistan, as well as those recovering at Walter Reed and at the military hospital in Landstuhl, Germany.

From the firefighters, police officers, and citizens who responded on September 11, to the men and women of the 10th Mountain Division, known as the most deployed division in the army, New Yorkers have answered the call to serve. I have worked hard to honor the principle that we should serve those who serve us.

I am proud of the progress we have made, often against tough obstacles and even tougher odds, under the leadership of Senator HARRY REID who has led with intelligence and grit.

But of course there remains a long way to go.

The House has passed the Lilly Ledbetter Fair Pay Act as well as the Paycheck Fairness Act on behalf of women and others seeking equal pay for equal work. I hope we can pass these bills into law. We have moved Health IT ever closer to the finish line, which holds so much potential for reducing waste, errors, and costs while creating whole new data sets for research and avenues for innovation.

I was dismayed when we were unable to expand the Children's Health Insurance Program to millions of uninsured children under the current President, though I am hopeful we will do so under the leadership of President-elect Obama. Providing health care for every single child, as we work toward coverage for every single American, is in our duty and in our reach.

There are so many other works in progress that I hope will be pursued by my fellow Senators. And I have spoken with many of you about taking on the mantle and continuing the work of legislation I have proposed over the past 8 years.

Finally, to my fellow New Yorkers, I want to express my profound gratitude. Thank you. I love being your Senator. Serving you has been the opportunity of a lifetime to continue the work of my life. To advocate on behalf of every single child's chance to live up to his or her God-given potential. To fight so that no one feels as though they are facing life's challenges alone, as if they were invisible.

And we have had fun. 8 State fairs, 45 parades, 62 counties, and more than 4,600 events across the State. But who is counting?

As I look back somewhat wistfully, and look forward hopefully, as I seek now to serve the country in a new role sustained by the same values that have motivated me for nearly four decades in public service, I am grateful to my colleagues in the Senate, to the superb Democratic staff, to my own staff here and across New York, to my supporters, and to the people of New York for this opportunity and responsibility that has meant the world to me.

I may not have always been a New Yorker. But know that I will always be one. New York, its spirit and its people, will always be part of me and part of the work I do.

I look forward to continuing to work with my colleagues in the Senate, albeit if confirmed, in a new capacity, through this challenging time, at this defining moment, always with faith in my fellow Americans and optimism for all that we can achieve by working together.

Mr. President, I am so honored to be here at the same time with my friend and colleague whom I admire so much and have such great affection for, the Vice President-elect, JOE BIDEN.

I listened with enthusiasm and a lot of sentiment to the speech he delivered a few minutes ago. And the way he evoked the Senate and the relationships that are developed here and the work that is done on behalf of our country was as good as I have ever heard it.

So I am deeply honored and privileged to be here with him and to address this Chamber as a Senator from the great State of New York, perhaps, if I am confirmed, for the very last time, and particularly amongst colleagues whom I have come to respect and like so much, and whose work I believe is always in the best interests of their States and their country, even when we are not in agreement.

I am gratified by the support and vote of confidence I received earlier this morning from the Senate Foreign Relations Committee. And I am eager, should I be confirmed, to get to work with the President-elect and with the Vice President-elect and with all of you. I have loved being in the Senate working alongside public servants of both parties who bring their expertise and enthusiasm to the difficult, pains-

taking, and occasionally contentious work of turning principles into policy and policy into law.

I also have been fortunate during these past 8 years to have been served by what I objectively believe is the best Senate staff ever in Washington and throughout New York. This incredible group of people has been assembled, led, and inspired by my chief of staff and my friend, Tamera Luzzatto. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the names of all of those with whom I have worked over the last 8 years, because I could not be standing here speaking to you were it not for them.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. CLINTON. I ask unanimous consent to have printed in the RECORD a catalog of the work and achievements which they have brought about.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. CLINTON. In the Federalist Papers, we often hear the reference to the Senate's role, to avert the consequences of "sudden and violent passions" and "intemperate and pernicious resolutions."

Well, to the everlasting credit and wisdom of our Founders, we do come together in an effort to find common ground.

As I look back on my 8 years of service, I find myself reflecting on this tiny piece of Senate and American history. Some 10 years ago, I asked the people of New York to take a chance on me, to grant me their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, I have worked to keep faith with my fellow New Yorkers.

I well remember, when I first arrived in the Senate, there were a few skeptics wondering what I would do and how I would do it. There were stalwart supporters and people such as my friend, Senator BARBARA MIKULSKI, who kind of read me the rules of the road and set me on my way.

No sooner had I figured out the way around the Senate, actually had just moved into my office, which all of our new colleagues will eventually be able to enjoy, and had gone off on my first August recess. I never, when I was on the other end of Pennsylvania Avenue, understood why the Senate went on recess all the time. But after the intensity of the workload and the extraordinary pressure of both the work here in Washington and the constituency work in our States, I was thrilled and relieved to see that August recess roll around.

Shortly after we returned in 2001, our Nation was attacked on 9/11. The toll

was devastating and New York bore the heaviest burden. Here I was, a very new Senator, and my city and my State had been devastated. Nearly 3,000 lives were lost, the World Trade Center in ruins, a toxic cloud of debris and poison raining down over our first responders and others.

I well remember the rallying of support and sense of common purpose that all of my colleagues and the citizens of all of the States represented here showed toward me personally and toward New York. Many of you offered not only kind words but specific deeds. Senators sent staff members to help answer the ringing phones in our office as New Yorkers struggled to track down family members or to seek aid.

I will never forget Senator ROBERT BYRD telling me at my State's hour of need, "Think of me as the third Senator from New York."

On September 12, my colleague CHUCK SCHUMER and I went to New York. As you recall, the roads were shut down, there was no way in or out of Manhattan other than by rail. The skies were clear. So CHUCK and I, in a plane provided by FEMA, were the only ones in the sky that day other than the fighters who were circling overhead.

We landed at La Guardia. We got into a helicopter to fly to the heliport on the west side of Manhattan, on the west side of the Hudson River. And then we proceeded, with the Governor, the mayor, and Federal officials to go toward the horror.

When we were circling in the helicopter above the World Trade Center site, we could see the smoke still coming up, because it was, of course, burning. And we could see the very fragile piles of scrap and steel teetering as firefighters, construction workers, tried to continue their search and rescue effort. That site was as close as I have ever seen to what Dante describes as hell.

It became known as "the Pile." CHUCK and I and our Government colleagues walked along one of the streets, and could not even see beyond the curtain of blackness, and occasionally breaking through would come a firefighter, totally exhausted after having been on duty for 24 hours, dragging an axe, knowing already that friends and even family members had been lost.

The air was acrid. The thick smoke made it hard to breath. It burned your throat and your lungs. I knew then there would be lasting health problems for everyone who was exposed over any period of time to that air that carried so much death and destruction.

Two days later, Senator SCHUMER and I went to the Oval Office and secured a commitment from President Bush for \$20 billion in national aid for New York's recovery. In the years that would follow, he and I have stood side by side to fight for the successful delivery of that money as promised. In this

and every instance, I am grateful to have had Senator SCHUMER as my partner and my ally. No one fights harder or is more determined, and even though I am leaving the Senate and we will no longer serve together, I know that whenever I am missing CHUCK, all I have to do is turn on the television, especially on Sunday in New York.

Over the past 7 years, thanks to so many of you, Senator INOUE, Senator COCHRAN, and others on the Appropriations Committee—I see Senator HARKIN and Senator MURRAY—you have been there with us as we have worked to recover.

I am very proud of the progress that has been made bringing New York back and securing funding for the essential programs to provide health screening and monitoring and treatment for all of those who still are suffering.

I have developed close and lasting relationships with many of the victims and the families of the victims of 9/11. I applaud and thank them for their courage and their fortitude in not only fighting for the health benefits that were so desperately needed but for the creation of the 9/11 Commission, for trying to do better on threat assessments, more resources for first responders, committed, despite their grief, to smarter policies to prevent future attacks on our Nation.

I see what we did together, and then quickly followed by that the anthrax attacks, and I remember with such incredible gratitude how we all came together. We should not only come together with that level of connection and commitment in time of disaster. This is an opportunity for us to pull together, with the new administration, to make a real difference, a lasting difference for our Nation. That is what I have tried to do as a Senator from New York.

It has been a privilege working to improve the upstate economy, working on behalf of the farmers of New York. I remember a short conversation one day with KENT CONRAD, BYRON DORGAN, TOM HARKIN, and MAX BAUCUS early after my arrival about how I wanted to help agriculture in New York.

They looked at me so quizzically and said, you have farmers in New York? I said, yes, in fact we do, about 30, 40 thousand family farms.

KENT CONRAD looked at me and he goes, you know, I do not believe that at all. So I gave a speech one day with a picture of a cow and said that this is a cow that lives on a farm, and the farm is in New York. We had a lot of fun kidding each other but working hard together.

I am grateful for the incredible efforts we made to support the people who do the hard work in New York and America, who get up every day and do the very best they can.

In the Finger Lakes region in the North Country, we helped to expand

broadband access and partnered with eBay to create a way for people to have a global marketplace, when before the market was limited to a very small region of our State.

We looked for ways to retrofit trucks and schoolbuses and other heavy vehicles with new clean diesel technologies developed by two great companies in New York, in Corning and Jamestown, to clean up our environment.

We created the first ever greenprint for Rochester—a blueprint, really, for how the city can harness its extraordinary research institutions and their business leadership and others to come up with a way to be a clean energy leader.

We worked across the State to target investments from Bioinformatics in Buffalo to cultural icons such as the Stanley Theater in Utica. I took special pleasure in working with tourism because New York is such a great place of historic culture that I believed it needed to be given more support. For me, going to Seneca Falls, the home of the National Women's Hall of Fame and site of the landmark Women's Rights Convention, the first in the world in 1848, was a labor of love.

There is a lot to look back on with great nostalgia and a lot of excitement, but I want to look forward now because we are at a turning point. I know that very well, as all of you do. Our challenge will be to come together, putting aside partisan differences and even, insofar as we can, geographic differences to meet the challenges of our time. I know our two leaders are struggling to do that as we speak. But I think this could be one of the golden eras of the history of the Senate. This could be a time when people will look back and say: You know, you never can count America out. Whenever the chips are down, we always rise to the occasion. We figure out a way forward and then we make life better for our people. We extend peace and prosperity and progress throughout the world. I am very excited about what can happen in the next 4 years. There is a lot of work ahead of us, but I know the people in this Chamber are more than up to it.

Finally, to my fellow New Yorkers, I wish to express my profound gratitude. I loved being your Senator. Serving you has been the opportunity of a lifetime. It gave me the chance to continue the work of my life, to advocate on behalf of every single child's chance to live up to his or her God-given potential, to fight hard for those who too often do feel invisible, to remedy wrongs, as I hope we will do either today or in the next few days to pass the Lilly Ledbetter Fair Pay Act as well as the Paycheck Fairness Act, to do what we know will give our fellow Americans a better shot at the kind of future that is within their grasp.

I have had a lot of fun: 8 State fairs, 45 parades, 62 counties, more than 4,600

events across the State. I look back wistfully, and I look forward hopefully. I now, if confirmed, will have the high honor of serving our country in a new role, but I will be sustained and directed by the same values that have motivated me for nearly four decades in public service.

So to my colleagues in the Senate, thank you. You have been wonderful teachers and mentors and very good friends. And to the superb Democratic staff and their Republican counterparts who keep this Chamber going day-in and day-out no matter how late we are here and how long the workload turns out to be and to my own staff here and across New York, to my supporters, and, most of all, to the people of the great Empire State, I may not have always been a New Yorker, but I know I always will be one. New York, its spirit, and its people will always be part of me and of the work I do.

I look forward to continuing my association with this body. We have much to do over in Foggy Bottom. We need your help to kind of clear up the fog, to give us a chance to operate on all cylinders with the direction and the resources and the improved management techniques I hope to bring to the job.

This is a challenging and defining moment, but I will always keep faith in this body and in my fellow Americans. I remain an optimist, that America's best days are still ahead of us.

(Applause, Members rising.)

EXHIBIT 1

LIST OF SENATOR HILLARY RODHAM CLINTON'S STAFF, PAST AND PRESENT

Huma Abedin, Barbara Adair, Joshua Albert, Amanda Alcott, David Alexander, Lily Alpert, Karl Alvarez, Erin Ashwell, Kris Balderston, Brendan Ballard, Mary Catherine Beach, Kathleen Beale, Eric Bederman, Yael Belkind, Suzanne Bennett Johnson, John Biba, Nina Blackwell, Swathi Bojedla, Amy Bonitatus Crowley, Victoria Brescoll.

M. Tracey Brooks, Catherine Brown, Colleen Burns, Daniel Burton, W. Case Button, Wendy Button, Gloria Cadavid, Emily Cain, Cathleen Calhoun, Jonathan Cardinal, Brian Carter, Joseph Caruso, Robin Chappelle, Dana Chasin, Bradford Cheney, Pamela Cicetti, James Clancy, Sarah Clark, Jennell Cofer Lynch, Elizabeth Condon.

Sean Conway, Sam Cooper, Theresia Cooper, Julie Dade Howard, Heather Davis, Jenny Davis, Samuel Davis, Trevor Dean, James Delapp, Amitabh Desai, Allison DiRienzo, Paula Domenici, Karen Dunn, Eleanor Edson, Cleon Edwards, Diane Elmore, Sarah England, Leecia Eve, Christine Falvo, Rebecca Fertig.

David Garten, Ann Gavaghan, Sarah Gegenheimer, Gigi Georges, Kate Geyer, Dayna Gibbons, Robyn Golden, Rebecca Goldenberg, Stacey Gordon, Jennifer Hanley, Monica Hanley, Beth Harkavy, Jennifer Harper, Jennifer Heater, David Helfenbein, Luis Hernandez, Eric Hersey, Christina Ho, Melissa Ho, Joe Householder.

Kara Hughes, Jehmal Hudson, Lucy Walker Irving, Lindsey Katherine Jack, Kelly James, Tiffany JeanBaptiste, Irene Jefferson, Lauren Jiloty, Keren Johnson, LaToya Johnson, Michael Kanick, Jody Kaplan,

Wendy Katz, Peter Kauffmann, Jim Keane, Elizabeth Kelley, Michelle Kessler, Yekyu Kim, Heather King, Joshua Kirshner.

Danielle Kline, Kathleen Klink, Benjamin Kobren, Justin Krebs, Jennifer Kritz, Michelle Krohn-Friedson, Laura Krolczyk, Grant Kevin Lane, Elizabeth Lee, Joyce Lenard, Alexandra Lewin, Andrew Lewis, Rachel Alice Lewis, Susan Lisagor, Eric Lovecchio, Jonathan Lovett, Frank Luk, Tamera Luzzatto, Ken Mackintosh, Sharyn Magarian.

Mickie Mailey, Jamie Mannina, Jaime Martinez, Ramon Martinez, Shalini Matani, Chelsea Maughan, Corinne McGown, Lorraine McHugh-Wytkind, Michelle Dianne McIntyre, Luz Mendez, Sheila Menz, Susan Merrell, Noah Messing, Lauren Montes, Gillian Mueller, Timothy Mulvey, David Mustra, Matthew Nelson, Ray Ocasio, Ellen Ochs.

Ann O'Leary, Alexis O'Brien, Kevin O'Neal, Sean O'Shea, Mildred Otero, Erica Pagel, Andrea Palm, Costas Panagopolous, Paul Paolozzi, Kathryn Parker, Mira Patel, Charles Perham, Karen Persichilli Keogh, Joshua Picker, Kyla Pollack, Tyson Pratcher, Alice Pushkar, Murali Raju, Jeffrey Ratner, Kathy Read.

Philippe Reines, Robyn Rimmer, Brenda Ritson, Joleen Rivera, Melissa Rochester, Miguel Rodriguez, Rose Rodriguez, William Rom, Tracey Ross, Laurie Rubiner, Courtenay Ruddy, Mark Saavedra, Susie Saavedra, Joshua Schank, Daniel Schwerin, Kelly Severance Nelson, Ruby Shamir, Andrew Shapiro, Geraldine Shapiro, Jessica Shapiro.

Jyoti Sharma, Debra Simpson, Basil Smikle, Jake Smiles, Sarah Smith, Benjamin Souede, Phillip Spector, Joanna Spiker, April Springfield, Dileep Srihari, Anjali Srivastava, Warren Stern, Deborah Swacker, Elise Sweeney, Sean Sweeney, Michael Szymanski, Neera Tanden, Lee Telega, Gabrielle Tenzer, Megan Thompson.

Carrie Torres, Tam Tran-Viet, Leo Trasande, Lacey Tucker, Dan Utech, Lona Valmore, James Vigil, Lorraine Voles, Kristen Walsh, Greg Walton, Enid Weishauss, Nicole Wilett, Joshua Williams, Jeanne Wilson, Erica Woodard, Yajaira Yopez, Maryana Zubok.

EXHIBIT 2

SENATOR CLINTON: CHAMPION FOR NEW YORK

For eight years in the United States Senate, Hillary Rodham Clinton has been a champion for the people of New York, achieving results often in the face of tough challenges and tougher odds. That has been the hallmark of her tenure: Senator Clinton has fought to solve problems, working with Democrats and Republicans, forging new state and local partnerships, proposing creative and common-sense legislative solutions, and drawing national attention to challenges and opportunities in New York State.

Senator Clinton has fought for New York when New York has needed a fighter most. These past eight years, New Yorkers have faced challenges among the toughest in our state's history and tragedy among the most devastating in our nation's history.

From the time of her election in 2000, and following her landslide reelection in 2006, Senator Clinton continued the work she's pursued for more than 35 years in public service as an advocate for children and families, a champion for women's rights and human rights, a leader on health care, and a voice on behalf of all those who have felt invisible.

Standing up for New York after 9/11
Creating Economic Opportunity
Meeting Our Responsibility to Servicemembers and Veterans
Driving Change in Health Care
Standing Up for Women's Health
Advocating for Children and Families
Leading the Way to a New Energy Future
Addressing Infrastructure Challenges

STANDING UP FOR NEW YORK AFTER 9/11

In the aftermath of the attacks of September 11, 2001, Senator Clinton worked tirelessly on behalf of the victims and their families and New Yorkers who needed a strong voice in Washington.

Just three days after the attacks, Senator Clinton and Senator Charles Schumer went to the Oval Office and secured a commitment from President Bush for \$20 billion in federal aid for New York's recovery. In the years that followed, they fought successfully to make sure that all of the funding promised to New York was delivered.

Senator Clinton's first visit to Ground Zero was on September 12, 2001, and she quickly recognized that there would be lasting health problems for first responders and others who rushed to provide assistance after the World Trade Center attacks as well as for workers, residents, students and others exposed to the toxic cloud of debris and chemicals around Ground Zero. She fought for the establishment of, and secured \$335 million in funding for, programs to provide health screening, monitoring and treatment for first responders, building and construction trades workers, volunteers, residents, office workers, and students suffering health effects and stood up again and again to stop the Bush Administration's efforts to slash funding for this critical care.

The attacks of September 11 also underscored serious gaps in our homeland security, and Senator Clinton worked with the families who were tragically affected by 9/11 to demand the creation of the 9/11 Commission and then to implement its findings, including making sure our first responders have the resources and support they need to meet our crucial homeland security demands and pressing for threat-based homeland security funding.

CREATING ECONOMIC OPPORTUNITY

Senator Clinton worked across the aisle to address the economic downturn facing New York and harness the state's talent and resources. To help struggling New York workers, she successfully extended unemployment insurance. She was a driving force behind raising the minimum wage and helped secure in law the first increase in a decade.

Senator Clinton co-authored a law that expanded Renewal Zones with incentives for job creation across Upstate New York. And when efforts to push additional legislative change hit roadblocks in the Republican-controlled Congress, Senator Clinton rolled up her sleeves and developed creative strategies to stimulate economic development, expand markets for New York businesses and producers and create jobs.

In the Finger Lakes and the North Country, she partnered with eBay, local universities and local companies to organize public-private trading cooperatives which provide small businesses with technological support, microloans, and training programs to sell goods online and improve their sales.

Senator Clinton saw that New York City's restaurants were buying produce out of state at the same time that upstate farmers and producers were struggling, so she launched Farm-to-Fork, an initiative that has helped

New York farmers and producers sell their products to New York's restaurants, schools, colleges and universities.

She brought Artspace to Buffalo, creating a thriving model for urban revitalization and economic development centered on cultural projects, and secured funds to renovate downtown cultural centers like Proctors Theater in Schenectady, the Stanley Theater in Utica and the Strand Theater in Plattsburgh.

She helped secure the funds needed to expand broadband access to rural and underserved areas in the North Country and championed an agenda that would create new investments in broadband infrastructure throughout the State.

Senator Clinton also saw the need to better showcase Upstate innovation to potential investors. She helped launch New Jobs for New York, a non-profit organization that brought together more than 2,600 entrepreneurs, investors and researchers across New York and shined a spotlight on over 200 companies across New York, helping them to obtain the investment capital, strategic partnerships and joint ventures they need to grow their businesses and create jobs.

She has also intervened to prevent jobs from leaving New York and was instrumental in several large employers maintaining their presence and their workforce in the state.

Senator Clinton advocated for New York businesses and research institutions, securing more than \$837 million in funding for cutting edge defense projects throughout the state and millions more for alternative energy, nanotechnology and other innovation. She championed creating a business environment that encourages investments in research and development and has been instrumental in the renewal of the R&D tax credit that supports thousands of high skill jobs in New York.

MEETING OUR RESPONSIBILITY TO SERVICEMEMBERS AND VETERANS

As New York's first Senator to serve on the Senate Armed Services Committee and as the only member of the Senate to serve on the U.S. Joint Forces Command's Transformation Advisory Group, Senator Clinton served as a leading advocate for our men and women in uniform, military families, and veterans.

When the Bush Administration targeted several New York military bases for closure, Senator Clinton fought back, working with base communities to prevent all of the proposed closures. Together, they ensured that Niagara Falls Air Reserve Station, Rome Laboratories and the Defense Finance and Accounting Service (DFAS) in Rome remained open and that the C-130 mission remained at Stratton Air National Guard Base. Her efforts actually turned a potential loss of thousands of jobs into a gain of hundreds of new jobs and helped to preserve and strengthen New York's vital role in our national security.

Senator Clinton was one of the first to recognize and address troubling gaps in health care and health monitoring for our servicemembers. Continuing work she began as First Lady, she secured in law health tracking for all servicemembers after it was revealed that there was no baseline health history to evaluate them, ensuring that all active duty personnel and reservists receive regular health screenings.

Senator Clinton worked across the aisle to secure in law access to TRICARE military health care benefits for all drilling members of the guard and reserve.

Senator Clinton also secured in law the first ever expansion of the Family and Medical Leave Act to enable military family members to take up to six months of leave to care for their injured loved ones, often suffering from serious injuries affecting their bodies and minds that require care from family who work full time.

Senator Clinton fought to make sure our government lives up to its responsibility to our veterans after they leave service. She successfully changed the law to streamline the VA disability benefits claim system to cut red tape and help wounded servicemembers receive the benefits they have earned. She also secured in law assistance for family members caring for loved ones suffering from traumatic brain injury (TBI), the signature wound of the wars in Iraq and Afghanistan, and established a Department of Defense Task Force to assess the mental health challenges facing wounded warriors, including post-traumatic stress disorder (PTSD). She also fought and succeeded in stopping the VA's plan to close the Canandaigua VA hospital.

DRIVING CHANGE IN HEALTH CARE

Senator Clinton distinguished herself in the Senate as a leading advocate for fixing our broken health care system and ensuring that all Americans have access to quality, affordable health care.

She worked with members on both sides of the aisle and with health providers across New York to press for needed change to improve quality, reduce costs and expand access.

Senator Clinton saw that all too often family caregivers are the ones who struggle, largely unnoticed and unaided by our health care system, to provide care to chronically ill loved ones with Alzheimer's and other debilitating conditions. She became their champion, authoring and successfully passing a groundbreaking law to expand access to desperately needed respite care.

She pushed to bring the delivery of health care into the 21st century, pressing for Congress to enact national standards for incorporating information technology into the practice of medicine to reduce medical errors, improve quality and reduce costs.

She was a driving force in efforts to expand the Children's Health Insurance Program, an initiative she helped launch as First Lady and which has provided access to health care for thousands of children who otherwise would be uninsured, including nearly 400,000 children in New York.

She used her unique public platform to spotlight the upside down incentives in our health care system, calling for an emphasis on wellness and prevention of chronic diseases that are driving up health care costs. And she was vigilant against Bush Administration efforts to roll back health care for New York's most vulnerable, stopping a short-sighted attempt to cut community health clinics that are the primary source of health care for many low-income New Yorkers and brokering a compromise that prevented the loss of tens of millions of dollars in Ryan White CARE Act HIV/AIDS funding for New York.

STANDING UP FOR WOMEN'S HEALTH

Senator Clinton served as a steadfast defender of women's health and a leading voice against the Bush Administration's efforts to put ideology before science. She successfully pressed the Bush Administration for a decision on Plan B emergency contraception, after more than three years of delay. She spoke out against administration efforts to

restrict access to contraception and family planning and raised the alarm against the administration's last minute plan to undermine women's health by putting in place new rules to allow any employee of a health provider to refuse to participate in any way in health care they find objectionable.

ADVOCATING FOR CHILDREN & FAMILIES

Senator Clinton has also continued her life-long advocacy on behalf of children and families.

She saw significant barriers facing grandparents and other family members raising children who would otherwise end up in foster care. So she fought for and secured in law landmark legislation to keep families together and remove obstacles facing grandparents, uncles, aunts, and other family members trying to enroll children in school, sign them up for health care or access other needed services, information and referrals.

Following the tragic death of Cameron Gulbransen of Long Island, Senator Clinton joined with families and safety advocates to pass into law legislation requiring that all new vehicles produced in the United States include safety features to protect children against preventable injuries and death from non-traffic accidents in and around cars. Senator Clinton partnered with former Buffalo Bills quarterback Jim Kelley to secure in law expanded access to newborn screening and increase groundbreaking research at the National Institutes of Health.

And as chair of the Senate Superfund and Environmental Health subcommittee, Senator Clinton held hearings and fought to address environmental health hazards, like child lead poisoning and asthma, that disproportionately affect low-income and minority communities.

When the Bush Administration stopped enforcing the "Pediatric Rule," a Clinton Administration regulation requiring that drugs prescribed to children be tested and labeled for safety and effectiveness specifically in children, Senator Clinton forged a bipartisan coalition to restore the rule and secure it in law. And when President Bush nominated an opponent of basic safety regulations for children's products to head the Consumer Products Safety Commission, Senator Clinton led an alliance of consumer groups and safety advocates to successfully block the nomination.

EXPANDING EDUCATIONAL OPPORTUNITY

Senator Clinton pushed successfully for more funding for Head Start programs that benefit nearly 50,000 low-income New York families and pushed for the expansion of Early Head Start, bringing national attention to the importance of a comprehensive zero to five early childhood system. She also secured in law legislation to place additional teachers and principals in the schools where they are most needed.

Senator Clinton fought for and succeeded in expanding access to affordable college loans and Pell Grants, including year-round Pell for non-traditional students, so that more students who want to attend college will have that opportunity, regardless of their background or circumstances. Senator Clinton also championed public service, securing the funding needed to maintain AmeriCorps and enable more Americans to serve our communities in exchange for assistance with college costs.

LEADING THE WAY TO A NEW ENERGY FUTURE

From her first days in office, Senator Clinton made it a priority to protect New York's natural resources and develop New York's potential as a leader in alternative energy.

She secured in law environmental protection for Long Island Sound and the Great Lakes.

Senator Clinton also helped pass a new law to clean up polluted land known as brownfields, and worked to bring together developers, environmentalists, and local leaders from across New York to redevelop blighted properties.

Senator Clinton was an early advocate for harnessing alternative energy as an engine of economic growth, working with public and private partners across New York to pioneer new green strategies. She secured in law major federal funding for New York to retrofit trucks, school buses and other heavy vehicles with new clean diesel technologies developed in Corning and cleaner engines manufactured in Jamestown. In Rochester, Senator Clinton worked with local leaders to develop the first in the nation urban "green print," a plan for environmentally sustainable growth and alternative energy development. She also secured passage of laws to create "green jobs" training programs, and to push the federal government to install green building technologies.

ADDRESSING INFRASTRUCTURE CHALLENGES

As a member of the Environment and Public Works Committee, Senator Clinton in 2005 helped craft major transportation legislation reauthorized every five years that sets the nation's investment in our highways and mass transit. In her role as a key negotiator, Senator Clinton secured over \$16.5 billion in transportation funding for New York, a substantial increase of approximately \$3 billion over the previous bill. She also succeeded in including in the law new pollution controls for construction equipment and creation of a commission to chart the nation's transportation future.

In the wake of the tragic Minnesota bridge collapse in 2007, which dramatically underscored the urgency of our infrastructure needs, Senator Clinton helped secure in law legislation to address the deteriorating condition of our nation's roads, bridges, drinking water systems, dams and other public works. She also successfully pressed for increased funding for Amtrak and high speed rail and to reduce flight delays and ease congestion in New York's crowded airspace.

For nearly four decades, Hillary Rodham Clinton has dedicated herself to public service, as an attorney twice voted one of the most influential in America, a First Lady of Arkansas who helped transform the state's health care and education systems, a First Lady of the United States who fought for families at home and women's rights around the world, a renowned expert and advocate for quality affordable health care for all Americans, and as a twice-elected United States Senator who was a tireless champion for the people of New York and a voice for the voiceless everywhere. This document is a snapshot of Senator Clinton's efforts and accomplishments for New York in the Senate, but she has also worked across the Empire State to help communities tackle local challenges and capitalize on their unique opportunities.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Chair for the opportunity to speak today about the wonderful record of our esteemed colleague, Senator HILLARY RODHAM CLINTON.

For 8 years, Senator CLINTON and I have served jointly as New York Senators, and I have seen, better than anyone, her unwavering commitment to

her constituents and her country. Through all this time, HILLARY has demonstrated the equanimity, the prudence, and the fortitude that have made her an exceptional leader and a great public servant.

HILLARY's career has been defined by her unflagging desire to improve the lives of the least fortunate among us. Even before finishing school, she was working to protect children at the Children's Defense Fund and the Carnegie Defense Fund on Children. Turning down a promising career in Washington, HILLARY moved to Arkansas and directed the legal aid clinic at the University of Arkansas Law School.

During her tenure as First Lady, HILLARY made it her priority to fight for justice around the world, advocating for women's rights and democracy worldwide. She made huge gains in protecting women and families. She helped create the Office of Violence Against Women at the Justice Department and was instrumental in the passage of the Foster Care Independence Act and the Adoption and Safe Families Act.

After serving her country 8 years as First Lady, when most people would retire, HILLARY stepped up and has served as a vital and powerful advocate on behalf of the people of New York. Going from the White House to White Plains, HILLARY has continued to show as much acumen in her dealings with national and global leaders as she shows empathy and interest in the needs of private individuals around New York.

We are the only Federal position where two people serve the exact same job, so you get to know your colleague almost better than anyone else. I have seen firsthand HILLARY's dedication and tenacity. Let me tell you all, tell the people of New York, HILLARY looks great from far away, but the closer you get, the better she looks.

I just want to say this, HILLARY: It is a day, as you said so well, of looking back wistfully but to the future with anticipation. That is how I feel. I look back wistfully at the many experiences we shared, working together, getting to know one another, and learning to work and respect and love one another. It has been an amazing part of my experience. I am so thankful for the 8 years we worked together for the people of New York and America. I know our friendship, as we have said to one another, will continue no matter what corner of the globe you are in. And maybe I will try to get some international presence on those Sunday press conferences so you can see them over there. They are mainly aimed at local New York stuff.

Let me just say, as HILLARY said, we traveled the State together. We taught each other about agriculture and worked side by side on those horrible days after 9/11. We have worked for the benefit of aging nuclear weapons and

helping the onion farmers in the Hudson Valley. What a great experience it has been.

Of course, as my colleagues know, for all the time she focused and spent on the people of New York—and it was an enormous and successful effort—she also at the same time has been one of our most active and engaged colleagues in the Senate, working on issues of national policy and international importance, from national security to early childhood education. In all of her many roles as a public servant, HILLARY has always shown the insight to see the heart of a problem. She has had the courage to tackle it and the talent to solve it. That is the trademark of HILLARY CLINTON—insight, courage, talent, all applied for the betterment of the people of New York, the people of America, and now the people of the world. No matter how abstract the problem, no matter how esoteric the question, HILLARY has never once forgotten the people whose lives and happiness depend on her work.

So HILLARY, yes, it is a bittersweet day, but I am so joyful about the excitement—it is palpable—that you exude going on to this new challenge. I am also—and I know every one of the people of New York is as well—grateful for the wonderful job you have done serving them and us. It has been a great ride. I am so grateful, again, for the opportunity to work alongside of you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I join with the Senator from New York, Mr. SCHUMER, in giving a tribute to our dear friend, Senator HILLARY RODHAM CLINTON. How special it is today that, as she gave her farewell speech, we are literally within minutes on the brink of a vote to proceed to the Lilly Ledbetter bill. Senator CLINTON has been a champion for women, a champion for the opportunity of women, and was the lead on introducing the Lilly Ledbetter Fair Pay Act. How terrific it is that as she gives her last speech on the Senate floor, we will be voting on something for which she has been a champion.

She has been a champion for women both here and around the country, for their economic security, their health security, and also for women around the world, both in her work as First Lady and here in the Senate, whether it was to make sure to work with our current administration to have access to education for Afghan girls, but also as First Lady with the women of the world to make sure, through her project, Vital Voices, women had those voices.

She has been a champion all of her career. Whether it was at the Legal Defense Fund, as First Lady, or now as a Senator of the United States, she has

always made sure she has stood up for those who had no voice, and she has used her voice to speak for them. That is what we know she will continue to do.

But I think what we also admire about Senator CLINTON is, she is not only at home with world leaders with whom she will certainly work in her new job but with community leaders as well.

She spoke eloquently about her challenge and Senator SCHUMER's challenge on that despicable and horrible day of 9/11. But I also want to talk just very quickly about September 10 because while we know Senator CLINTON is a woman of great integrity, keen intellect, and is a can-do person, many do not realize the wonderful bipartisan-ship in which she has tried to engage in this body. So let me tell you as one of the women of the Senate where we were on September 10.

The night before that terrible day, we were at Senator CLINTON's house, affectionately calling her HILLARY. All of the women, on a bipartisan basis, were there because, guess what we were doing, Mr. President. We were throwing Senator KAY BAILEY HUTCHISON a shower. Senator KAY BAILEY HUTCHISON had just adopted a child. We were so enthusiastic, and we, the women of the Senate, do what women do all over America, we threw Senator KAY a shower, and we gathered at HILLARY's house. We had great food, a couple of drinks that made us feel even better. We told stories. We teased KAY. I volunteered to be Aunt BARB, and she knew I had many talents, but baby-sitting would not be one. We had such a wonderful time. But that was not the only time, as she has worked with all of us. But it shows the warmth and the way she goes about that.

We will always cherish where we were that night because it was special because the next day was so stunning. I could give many examples about it, but we know she has been a tenacious advocate for the people of New York, a leader on crucial issues, a respected colleague, and a dear friend. We are going to miss her, but we know as the Secretary of State she will be a new voice of America. And America does need a new voice.

Senator CLINTON, we know you are going to get us back on track. You are going to work with President Obama to restore our national honor, to repair those friendships around the world which we desperately need. And as you have been in so many things, we know you will be unflinching on human rights and unflagging in strengthening America's alliances abroad. We will work together on those issues, and we know you will be a great Secretary of State. You have been a spectacular Senator, and it is because you are just simply a wonderful human being.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I say to my good friend from New York, through the Chair, I believe the new President could not have made a better selection for Secretary of State. Senator CLINTON has had a unique career in the Senate, actually having only been here 8 years, but nevertheless a candidate for President of the United States who came very close. She had fabulous public service before that as First Lady for 8 years. She has clearly made a difference throughout her life, and I expect she will do the same again.

I told her on the floor privately, I am particularly enthusiastic about her selection as Secretary of State because I think she will be the first Secretary of State in the history of the United States who has actually been to Hazard and Pikeville, KY. That should give her an extra edge in this new responsibility which she is about to assume.

I say to the Senator from New York, we will be anxious to work with her on some of the issues for which we shared a passion during her years as Secretary of State. I know she will do an outstanding job. She has been a credit to the Senate and will be one of the Nation's outstanding Secretaries of State.

Mr. BYRD. Mr. President, as I think about Senator CLINTON's leaving the Senate to become Secretary of State, I am reminded of the words of the great English bard William Shakespeare, who wrote that "parting is such sweet sorrow."

Senator CLINTON's departure from this chamber is a time for joy as well as sorrow. HILLARY CLINTON has been an effective, hard-working Senator.

When Senator CLINTON first came to the Senate in 2001, she asked my advice. Although Mrs. CLINTON had been an accomplished and graceful First Lady, she told me that she wanted to excel at working for the State of New York.

I advised her to be a work horse about her new role as a Senator and a work horse she has been, and the people of her State have benefitted.

Following the terrorists attacks of September 11, 2001, she and I worked with Senator SCHUMER to secure financial aid for New York City to help the city to recover from that terrible tragedy. For that, she has since referred to me as the "third Senator from New York," and I am very proud of that designation.

Senator CLINTON and I have worked together on legislation for the withdrawal of American forces from Iraq, served on the Budget Committee together, and worked on several important appropriations issues.

Senator CLINTON has been an active and aggressive Senator, always mindful of the traditions of this great Chamber.

She has won the respect and admiration of everyone.

In her 2008 Presidential bid, HILLARY CLINTON broke down barriers for women all across this country, and inspired many of them to pursue their own hopes and dreams of a future in politics.

I will miss Senator CLINTON. This Chamber has been graced by her eloquence, intelligence, and her natural leadership.

Mrs. CLINTON's 8 years as our country's First Lady, and her 8 years in the U.S. Senate, where she served on five different Senate committees, including the Senate Armed Services Committee, certainly qualify her for the high honor of being Secretary of State. She will shine in that office because of her sound judgement, keen intellect, sharp wit, infectious charm, and powerful commitment to making this world a better place.

I congratulate Senator CLINTON on her new position and wish her the best of luck and success. These are troubled times and she will have a most difficult job in the years ahead. Speaking at her graduation at Wellesley College, HILLARY CLINTON declared that, "the challenge now is to practice politics as the art of making what appears to be impossible, possible."

I say go to it Secretary of State-designate CLINTON. If anyone can make "what appears to be impossible, possible," Secretary of State HILLARY RODHAM CLINTON can and will.

Mr. REID. Mr. President. I have known HILLARY CLINTON for many years, but for the past 8 years I have had the pleasure of working with her as a colleague in the U.S. Senate.

People on all points of the political spectrum agree that Senator CLINTON is one of the brightest, most highly accomplished U.S. Senators.

Born in the hometown of our President-elect—Chicago—HILLARY CLINTON graduated from Wellesley College, where she was the first student in the school's history to deliver her own commencement address—not a Governor, a U.S. Senator, dean, or the university president.

She then attended Yale Law School, where she met her future husband and our future President, Bill Clinton.

After law school, she worked for the Children's Defense Fund and served as a member of the Watergate inquiry staff in the House of Representatives.

When the Clintons moved to Arkansas, HILLARY became a successful attorney in private practice and served as the State's First Lady.

We all know that she was a remarkable First Lady, leading the way on health care reform, helping create the State Children's Health Insurance Program, as well as the Violence Against Women Act.

We also know that she was not just a leader for domestic policy, but also be-

came an admired and effective diplomat throughout the world, especially in her call for human rights.

When Senator CLINTON came to the Senate 8 years ago, some expected her to have trouble fitting in. Those concerns quickly disappeared—she was a natural. She has proven in her time here to be exceptionally adept at the give-and-take of the legislative process.

As a result, in just 8 years, she has left an indelible mark, especially through her seats on the Health, Education, Labor and Pensions Committee, the Environment and Public Works Committee, the Special Committee on Aging and the Armed Services Committee.

As with Senator BIDEN, the departure of Senator CLINTON is bittersweet. She brought a wealth of knowledge, skill and wisdom here, and she will be sorely missed.

But after the last 8 years—with so much work ahead to repair our country's once-lofty stature in the world, I can think of no one better suited for the challenges ahead than the Senator from New York, HILLARY CLINTON, our next Secretary of State.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

LILLY LEDBETTER ACT

Mr. CORNYN. Mr. President, I, too, would like to congratulate Senator CLINTON on her nomination to be Secretary of State; and, alas, there is other work left to do in the Senate, as the Senator from Maryland alluded to, the Lilly Ledbetter Act, for which we will be voting on cloture in a minute. So I have a few words I would like to add specifically on that topic.

We will be voting for the so-called Lilly Ledbetter Act, and I think it is important to reflect a little bit on what that bill would actually do because, honestly, I think it has been characterized as a bill that will protect women's rights, which as a father of two daughters I am all in favor of not just cracking the glass ceiling but breaking it altogether.

But, actually, this bill, has a much broader impact and perhaps unintended by those who believe it is only about protecting women's rights. Indeed, what the Lilly Ledbetter Act would do is eliminate the statute of limitations. That sounds like an arcane topic for lawyers that only lawyers could love, but basically what it would do in the case of Ms. Ledbetter—who had waited almost two decades before she raised her discrimination claim, long after the principal witness who could have testified in opposition to that claim had died—indeed, the purpose of the statute of limitations, as the lawyers in this body well know, is to be fair both to the plaintiff who brings the claim and to the defendant who has to

defend against that claim, to make sure the documents and the memories and, indeed, the very existence of those who might be able to give testimony can be preserved so the jury can make a good decision. But, indeed, if you wait 20 years before you assert your rights, and after the principal witness who could testify in opposition to your claim has died, that is not exactly fair either.

So, Senator HUTCHISON, my distinguished senior Senator from Texas, will have an alternative which I hope will be offered. I expect it will be offered as an alternative and substitute, which I believe is fair to both those who bring a claim of discrimination and those who have to defend against it.

Indeed, I mentioned a moment ago I am the father of two daughters, now 27 and 26. Many small businesses that are created in America today are headed up by women. Indeed, we need to make sure those small businesses have some certainty, have some rules they can rely on in terms of knowing when they are likely going to be sued.

I think the Ledbetter Act could more appropriately be called a trial lawyer bailout because, of course, it is premised on the idea that one can slumber on their rights and never have to assert them and, indeed, fight an uneven fight because those who have to defend against them can no longer defend against them because the witnesses are no longer available.

Indeed, at a time when this country is in a recession, I think it is appropriate to point out that no country has ever sued its way out of a recession. Yet the bill that comes to the floor on which we are called upon to vote—the very second bill that is presented to this Senate in the midst of this economic crisis—is one that would effectively, as I said, eliminate the statute of limitations in employment litigation so trial lawyers can bring multimillion-dollar lawsuits over decades-old workplace disputes.

There are many good policy reasons, as I mentioned, why it is important to have those statutes of limitations, but it is particularly true in employment cases where a person's subjective intent can be the decisive issue that the factfinder has to decide, where memories of the past can be colored by decades of subsequent workplace experience.

Another important policy behind the statute of limitations is called repose. That is a fancy word that represents the idea that people should be allowed to move on with their lives without the constant fear of being sued for something that happened 20 years previously.

Again, during times of economic uncertainty, the Ledbetter bill would create not more certainty but more uncertainty. As I suggested earlier, small

businesses would suddenly be exposed to new liability for acts that may have occurred years or decades ago, even if those acts occurred under a previous ownership before the current management was even in place.

There will be no way for small businesses and large businesses alike to quantify this risk because there is no way to know which of the employees may have had a secret grievance they have been harboring for many years just waiting for the opportunity to present the claim at a time when it cannot be adequately defended.

Worst yet, this bill would actually encourage plaintiffs and their lawyers to strategically lie in wait, delaying their employment lawsuits for years while damages accumulate.

Now, this does not help anybody except for perhaps the lawyers and the clients who can take advantage of this one-sided equation. Why sue promptly and limit your damages to a few months of back wages when you can wait 5 years and sue for 5 years of back wages? This can be especially rewarding to a plaintiff who strategically sues when you consider that during that 5 years, the plaintiff can diligently be preparing a lawsuit while the defendant is ignorant about the very grievance itself, perhaps, and memories and records fade.

So I think it is important, as we go into this bill, that it be characterized as the Trojan horse that it is. This is just the beginning. If you eliminate the statute of limitations in employment discrimination claims, why not eliminate the statute of limitations in other claims: medical malpractice, any other business disputes, and the like? It is just not fair, and it is not right. We should not allow this bill to be represented as a blow for women's equality and women's rights because it simply is much broader and has much more of a broader implication than that.

I am convinced this bill is actually a solution in search of a problem because it is worth noting that in fiscal year 2007, a total of 82,000-plus people timely filed complaints of employment discrimination with the EEOC. It is important to ask what prevented Ms. Ledbetter from doing exactly the same thing, from filing her complaint at the time she knew that perhaps she had a grievance that could be presented to the employer.

So I thank you, Mr. President, for the opportunity to speak briefly on the bill. Assuming cloture is adopted, I hope we will be taking up Senator HUTCHISON's alternative, which I think strikes the fair balance for which I would hope we would all strive, protecting the rights of both those who are victims of discrimination and the companies that have to defend against those claims.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of S. 22, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to commit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to commit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order—the majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, there shall be 10 minutes of debate equally divided and controlled between the Senator from New Mexico, Mr. BINGAMAN, and the Senator from Oklahoma, Mr. COBURN, or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as I understand it, we now have 10 minutes equally divided to complete debate on S. 22, and then there will be a vote on passage. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BINGAMAN. Mr. President, in just a few minutes, the Senate will vote on S. 22, the Omnibus Public Land Management Act. The vote will culminate years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's natural, cultural, and historic resources. Taken

collectively, I believe the package represents the most significant conservation legislation passed by the Senate in many years.

In addition, it will finally resolve three very important, very complex water rights settlements in three different States ending, literally, decades of litigation and controversy.

AMENDMENTS NOS. 23 AND 24, EN BLOC

Before concluding, I wish to take care of a few administrative matters. The unanimous consent agreement for the bill today allows for the adoption of managers' amendments if they have been cleared by the managers and leaders on both sides. We have two such amendments which are at the desk. I understand they have been cleared by all my colleagues. These amendments make a number of technical, clerical, and clarifying corrections.

At this time I ask unanimous consent to call up those two amendments and have them considered and adopted en bloc, as provided for in the unanimous consent agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the pending amendments are withdrawn.

The clerk will report the managers' amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Ms. MURKOWSKI, proposes amendments en bloc numbered 23 and 24.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 23

On page 976, strike lines 8 through 25.

On page 977, line 1, strike "(6)" and insert "(5)".

On page 977, line 3, insert "and" after "interactions".

On page 977, line 4, strike "(7)" and insert "(6)".

On page 977, line 5, strike "(6)" and insert "(5)".

On page 977, line 8, strike "scales;" and insert "scales."

On page 977, strike lines 9 through 17.

On page 1275, strike lines 3 through 6.

AMENDMENT NO. 24

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike "2" and insert "5".

On page 526, line 7, strike "5" and insert "2".

On page 974, line 19, insert "the Secretary of the Army, acting through" before "the Chief".

On page 1188, line 19, strike "or" and insert "of".

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 23 and 24) were agreed to.

COLORADO RIVER BASIN

Mr. BINGAMAN. Madam President, the Senate is now considering the Omnibus Public Land Management Act of 2009, S. 22, a bill that contains a number of important water resource initiatives. Given the ongoing need to work closely with the States on water resource issues, I believe it important as chairman of the Energy and Natural Resources Committee for myself, and the new ranking member of the Committee, to acknowledge the hard work of representatives from the Colorado River Basin States of New Mexico, Colorado, Utah, Wyoming, Arizona, Nevada, and California, in reaching agreement regarding certain provisions in title X, subtitle B of S. 22, which contains the Northwestern New Mexico Rural Water Projects Act, hereafter referred to as the "Act".

On August 27, 2008, the Governors' representatives on Colorado River Operations sent a letter to me and Senator DOMENICI, then the ranking member of the committee, requesting certain modifications to the Northwestern New Mexico Rural Water Projects Act. These modifications, which were subsequently incorporated, reflect the joint consideration, input, and understandings of the Governors' representatives from the Basin States concerning the act and how it relates to the interstate compacts for the Colorado River system. I want to congratulate the representatives on reaching agreement regarding what I recognize are complicated legal and operational issues associated with the Colorado River.

Ms. MURKOWSKI. I join with the chairman of the Energy and Natural Resources Committee in congratulating the representatives of the seven Colorado River Basin States on reaching agreement regarding certain provisions in the Northwestern New Mexico Rural Water Projects Act, and concur in the request for unanimous consent that the August 27, 2008, letter be made a part of the RECORD relating to the consideration of S. 22.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the August 27, 2008, letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 27, 2008.

Hon. JEFF BINGAMAN,
U.S. Senator, Committee Chairman, Energy and Natural Resources Committee, Hart Senate Office Building, Washington, DC.

Hon. PETE DOMENICI,
U.S. Senator, Ranking Member, Energy and Natural Resources Committee, Hart Office Building, Washington, DC.

DEAR SENATOR BINGAMAN AND SENATOR DOMENICI: In recent years, the seven Colo-

rado River Basin States, ("Basin States"), have, through extensive interstate consultation, taken steps and forged agreements designed to ensure that use and management of the Colorado River System continues to meet existing and future demands in a manner that respects and protects the interests, rights, claims and privileges of each of the seven states. Along those lines, enclosed are the Basin States' recommended modifications to S. 1171, the Northwestern New Mexico Rural Water Project Act, as reported by the Senate Energy and Natural Resources Committee on June 25, 2008, and consolidated into S. 3213, the Omnibus Public Land Management Act as Title X, Subtitle B. The undersigned Governors' Representatives on Colorado River Operations request that Congress adopt proposed modifications to S. 1171/S. 3213 in a form substantially consistent with the attached language, and that the Congressional legislative history of S. 1171/S. 3213 specifically reflect and reference the joint consideration, input and consensus from the Basin States as provided herein.

S. 1171/S. 3213 provides Congressional approval of a settlement of the Navajo Nation's claims to water rights in the San Juan River Basin in New Mexico that will authorize diversion and distribution of San Juan River water through the Navajo-Gallup Water Supply Project to Navajo and non-Navajo communities in the Upper Colorado River Basin, the Lower Colorado River Basin and the Rio Grande Basin within New Mexico. Contingent upon enactment of federal legislation approving a water rights settlement between the State of Arizona and the Navajo Nation, S. 1171/S. 3213 also authorizes the diversion of up to 6,411 acre-feet of water by the Project from the San Juan River in New Mexico in the Upper Colorado River Basin for delivery to the Navajo reservation in Arizona in the Lower Colorado River Basin. S. 1171/S. 3213 directs that Project diversions for use within New Mexico will be accounted as part of the State of New Mexico's Upper Basin allocation of Colorado River water. Pursuant to the attached, recommended modifications, S. 1171/S. 3213 would also direct that Project diversions for use in Arizona be accounted as either part of the State of Arizona's Upper Basin or Lower Basin allocation of Colorado River water, provided that any Lower Basin accounting of such water would occur only under specific conditions as set forth in the recommended modifications.

The undersigned Governors' Representatives consider S. 1171/S. 3213, as modified by the attached, recommended modifications, which are non-precedential in nature, to address unique, critical water supply needs in the context of Indian water rights settlements that involve the diversion of water from the Upper Colorado River Basin for use in the Lower Colorado River Basin, and support such diversions as reflected in our recommended modifications to the legislation.

Herbert R. Guenther, Director, Arizona Department of Water Resources; Patricia Mulroy, General Manager, Southern Nevada Water Authority; Dana B. Fisher, Jr., Chairman, Colorado River Board of California; George Caan, P.E., Executive Director, Colorado River Commission of Nevada; Gerald R. Zimmerman, Executive Director, Colorado River Board of California; Jennifer Gimbel, Director, Colorado Water Conservation Board; John R. D'Antonio, Jr., New Mexico State Engineer, Governor's Representative; Dennis J. Strong, Director, Utah Division of Water Resources, Utah Interstate

Stream Commissioner; Patrick T. Tyrrell, Wyoming State Engineer, Governor's Representative.

THE COLORADO RIVER BASIN STATES' PROPOSED MODIFICATIONS TO S. 1171, THE NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT

1. Proposed new definition of Colorado River Compact in Section 2—() **COLORADO RIVER COMPACT**.—The term "Colorado River Compact" means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

2. Proposed new definition of Colorado River System in Section 2—() **COLORADO RIVER SYSTEM**.—The term "Colorado River System" has the same meaning given the term in Article II(a) of the Colorado River Compact.

3. Proposed new definition of Lower Basin in Section 2—() **THE LOWER BASIN**.—The term "Lower Basin" has the same meaning given the term in Article II(g) of the Colorado River Compact.

4. Proposed new definition of Upper Basin in Section 2—() **THE UPPER BASIN**.—The term "Upper Basin" has the same meaning given the term in Article II(f) of the Colorado River Compact.

5. See below for proposed modifications to Section 303. * * *

303(c) Conditions for Use in Arizona.—

(1) **REQUIREMENTS**.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on its behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) **ACCOUNTING OF USES IN ARIZONA**.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(A) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact;

or

(B) a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(i) be a part of the Colorado River water that is apportioned to the State of Arizona in Article

II(B) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150 as may be amended or supplemented);

(ii) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(iii) be accounted as the water identified in Section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478);

(C) However, no water diverted by the Project shall be accounted for pursuant to subparagraph (B) until such time that:

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to Section 303(c)(2)(B); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to Section 303(c)(2)(B) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.

(A)—**Consultations**.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall, consistent with the provisions of Section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified, confer with the States of Colorado and New Mexico.

(B)—**Preservation of Existing Rights**.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to Subsection 303(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

303(h) **NO PRECEDENT**.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

303(i) **UNIQUE SITUATION**.—Diversions by the Project consistent with this Section address critical tribal and non-Indian water supply needs

under unique circumstances, which include, among other things:

(A) the intent to benefit an American Indian tribe;

(B) the Navajo Nation's location in both the Upper and Lower Basin;

(C) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico;

(D) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(E) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(F) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

303(j) **CONSENSUS**.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this Section.

303(k) **EFFICIENT USE**.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

ALVA B. ADAMS TUNNEL AND GRAND RIVER DITCH

Mr. SALAZAR. Madam President, I commend the chairman and ranking member of the Energy and Natural Resources Committee for their diligent work on this package, which contains several bills that I have championed for Colorado. I particularly wish to thank my colleague and friend, Chairman BINGAMAN, and his staff, for his work and cooperation on the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, which is included in subtitle N of title I of S. 22, and which is critical to preserving some of the Nation's most beautiful and critical wilderness lands. This has been a long road to reach agreement with all constituencies involved and we have faced some unique challenges. But ultimately, and with the chairman's assistance, we have worked through a number of issues to our mutual satisfaction in order to pass a bill that is good for all Coloradans.

One of those challenges has been our effort to protect the operation and maintenance of the Alva B. Adams Tunnel which is the critical component of the Colorado-Big Thompson Reclamation Project. The Adams tunnel was authorized in 1915 by Congress and later constructed within the park and has delivered water from the Colorado River drainage to Colorado's north eastern communities for decades.

I appreciate the Chairman working with us on protecting this facility that provides water to hundreds of thousands of people in Colorado. With his help, we included within section 1953(d) a provision that ensures that nothing in the subtitle, including the designation of wilderness, "prohibits or affects

current and future operation and maintenance activities . . . that were allowed as of the date of enactment . . . under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park."

The bill also includes in section 1953(g) an additional savings clause, which ensures that the Secretary of the Interior's authority to manage lands and resources within the park is not diminished. It is my understanding that this type of general savings clause does not undermine or contradict the more specific provisions included in section 1953(d) of the subtitle. That is, the savings clause included as section 1953(g) does not alter or affect the provisions in section 1953(d), which make clear that the designation of the park as wilderness is not meant to affect the current and future operation and maintenance activities for the tunnel nor to prohibit or restrict the conveyance of water through the Alva B. Adams Tunnel for any purpose.

Am I correct in my understanding of section 1953(g)?

Mr. BINGAMAN. The Senator from Colorado is correct.

Mr. SALAZAR. I thank the Chairman.

As with any wilderness legislation in a headwaters State, the water rights language in the Rocky Mountain National Park wilderness bill proved to be the most challenging. This legislation strikes a good balance between protection of park wilderness resources and protection of existing water rights, ditch rights-of-way, and water infrastructure, some of which predate the existence of the park.

The Water Supply and Storage Company—WSSC—owns and operates the Grand River Ditch, which is a water supply ditch located in the Never Summer Range in RMNP. The Grand River Ditch provides irrigation water to approximately 40,000 acres of land located in Larimer and Weld Counties in northern Colorado. WSSC owns, operates and maintains 11 reservoirs and 7 ditch systems, including the Grand River Ditch. WSSC's system of ditches, canals and laterals is more than 100 miles in total length and provides approximately 60,000 acre-feet of water annually to 173 shareholders. The Grand River Ditch is an integral component of WSSC's system. WSSC holds a right-of-way for the Grand River Ditch under the Irrigation or General Right of Way Act of March 3, 1891—1891 Act—codified at 43 U.S.C §§ 946-49.

The Rocky Mountain National Park Wilderness Act itself should not cause any change in land use, land management, or water rights within Rocky Mountain National Park. Towards this end, section 1953(e) is intended to clarify that neither the Grand River Ditch nor its right-of-way will be adversely

affected if the end use of water diverted by the Grand River Ditch is for municipal purposes as opposed to irrigated agriculture. The Grand River Ditch diverts water high in the Colorado mountains and transports it some 50 miles downstream to its location of use. At present, all of the water is used for agricultural irrigation; however, a portion of WSSC's stock is owned by Colorado municipalities and Grand River Ditch water will be used for this purpose in the future. No matter what the end use is, the existence of the Grand River Ditch in RMNP imposes the same burden on the park. In other words, there is no difference in land use, land management or water rights in the park, whether the end use of water is agricultural irrigation or municipal use.

In 1921, the Supreme Court approved forfeiture of a right-of-way that had never been used for its authorized purpose of irrigation, but instead was used for developing electric power. See *Kern River Co. v. United States*, 257 U.S. 147, 1921. The case is distinguishable on several grounds from the Grand River Ditch, but the purpose of Section 1953 (e) is to avoid any attempt to apply a Kern River-type theory to the Grand River Ditch. Over 20 years ago the U.S. Department of Agriculture recognized this point when it said: "The end use of water off the Federal lands, as it may change over time, casts no greater burden on the Federal property to carry the water to its place of use." See letter dated October 1, 1986, from Douglas W. MacCleery, Deputy Assistant Secretary for Natural Resources and Environment, Department of Agriculture, to Malcomb Wallop of the United States Senate, included in the legislative history of Public Law 99-545.

Conversion of agricultural water to municipal purposes is commonplace in Colorado, and the Grand River Ditch is no exception. In a mutual ditch company such as WSSC, ownership of stock represents a pro rata share of ownership in the water rights of the company. The language of section 1953(e) ensures that WSSC and the right-of-way of the Grand River Ditch will not be adversely affected by the change in end use of GRD water.

The language of section 1953(e), "primarily for domestic purposes or any purpose of a public nature," was not lightly chosen. It was taken directly from the act of May 11, 1898, which—in the words of the great Justice Van Devanter, who is considered the most knowledgeable authority on public land law to ever sit on the Supreme Court—"permit[ted] rights of way obtained under the Act of 1891 [like the Grand River Ditch], the use of which was restricted to irrigation, to be also used for the other purposes named in the section," namely "purposes of a public nature" and "domestic purposes." See *Kern River Co. v. U.S.*, 257

U.S. 147, 152-153, 1921. After more than a century, the terms "purposes of a public nature" and "domestic purposes" seem to be fairly well understood. The phrases "purposes of a public nature" and "domestic purposes" are especially broad, and include municipal uses following delivery, by a potable water provider, through the Grand River Ditch or by means of another conveyance structure. We have agreed to exempt the Grand River Ditch from any restriction that conditions the existence of the right-of-way on agricultural uses and instead to allow them to make "purposes of a public nature" or "domestic purposes" the sole or predominate purpose.

The Grand River Ditch "right of way . . . was granted on an implied condition that it should revert to the United States in the event the grantee ceased to use or retain it for the purpose indicated in the [1891 and 1898] statutes. That purpose—the main and controlling one—was irrigation." See *Kern River Co. v. U.S.*, 257 U.S. 147, 154 (1921). In the future, the water transported in the ditch will be increasingly used for water supply and municipal purposes, not irrigation. This transition may eventually "entitle[] the United States to assert and enforce a forfeiture of the grant. . . ." 257 U.S. at 154. To address this concern, we have agreed to state in the bill that "the right of way . . . shall not be terminated, forfeited, or otherwise affected as a result" of the change in purpose, "unless the Secretary determines that the change in main purpose or use adversely affects the park." If the Secretary, in his discretion, makes that determination, he would then have to assert and enforce a forfeiture of the grant in court.

Mr. BINGAMAN. Madam President, I concur in the statements made by the Senator from Colorado and thank him for working carefully with me and my staff to resolve these issues in a way that will ensure protection of park resources and provide for the continued operation of the Grand River Ditch and the Colorado-Big Thompson Projects.

Mr. FEINGOLD. Madam President, today I will vote to support final passage of the Omnibus Public Land Management Act of 2009, S. 22. While I oppose two provisions in the bill, there are many other provisions that I support.

Yesterday I voted to oppose bringing an end to debate on the bill since the majority leader used a procedural tactic to prevent Senators from offering amendments. I had hoped that cloture would be defeated so that we could reach agreement to allow a few amendments.

One such amendment was one I cosponsored to strike a troublesome provision that would authorize the transfer of Federal land in Alaska's Izembek National Wildlife Refuge—a designated wilderness area and internationally

recognized Ramsar site—so that a road could be built. The road is purportedly to allow travel between two Alaskan communities in cases of medical emergencies. However, Congress has already appropriated more than \$36 million to provide a hovercraft, which I am told crosses Cold Bay in about 20 minutes and to date has met every medical evacuation need in all weather conditions, over 30. The road, on the other hand, would need to avoid the numerous ponds and priority wetland areas—taking 1 to 2 hours to drive—and would not provide safer, faster, or more cost-effective transportation than the hovercraft.

Another provision that troubles me was considered by neither the House nor the Senate Energy and Natural Resources Committee, a prerequisite for all the other public lands bills in the package. The Washington County, UT, provision was air-dropped into this legislation. It is unfortunate that the wilderness designations in the provision fall well short of the wilderness-quality land in the county that should be protected. This public lands bill only proposes to designate 44 percent of what is included in the America's Red Rock Wilderness Act, which I have been pleased to join Senator DURBIN in supporting. Furthermore, this public lands package omits a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834.

There are two provisions in the public lands bill that will impact Wisconsin. The first is Section 5301, the "National Trails System Willing Seller Authority." This section is based on a bill I cosponsored in the 110th Congress, S. 169, and will allow the Federal Government to purchase lands from willing sellers for two important trails in Wisconsin: the North Country National Scenic Trail and the Ice Age National Scenic Trail. I would like to acknowledge the efforts by the Ice Age Park and Trail Foundation, North Country Trail Association, Partnership for the National Trail System, and the Conservation Fund to help the National Park Service complete these trails. This provision will establish willing seller authority as a uniform policy for the entire National Trail System, allowing these two trails and seven others to benefit from this commonsense policy.

Section 7116 of the bill also makes a technical correction to the name of the wilderness area in the Apostle Islands, now to be called the Gaylord Nelson Wilderness. Removing the "A" from the former name—Gaylord A. Nelson Wilderness—is supported by the National Park Service and Nelson's family. Though this is a small change, I do want to take the opportunity to again express my deep respect for the former U.S. Senator and Wisconsin Governor

and my support for the Apostle Islands National Lakeshore and the Gaylord Nelson Wilderness. In August 2005, I was deeply honored to participate in a ceremony marking the creation of the Gaylord Nelson Wilderness and honoring the remarkable life of Gaylord Nelson, father of Earth Day. I worked with Representative OBEY to obtain the wilderness designation for 80 percent of the Apostle Islands, but it was Gaylord who was so essential in the effort to recognize the Apostle Islands as a national treasure and establish the national lakeshore.

Mr. LEVIN. Madam President, passage of the Omnibus Public Land Management Act of 2009 would wrap up one of the major pieces of unfinished business from last year. The majority leader promised he would take up this legislation early in 2009, and indeed he has. The omnibus public land bill includes four provisions that will directly benefit Michigan by preserving precious natural resources and improving our parks and trails.

The lands bill includes legislation I authored that would authorize the Federal Government to purchase land from willing sellers for the North Country National Scenic Trail. The North Country Trail will be the Nation's longest hiking trail, traversing seven States including Michigan, which has the longest trail segment of 1,150 miles. The Federal Government has land acquisition authority for the majority of its national scenic and historic trails, but for no good reason this authority has not been available for the North Country Trail. Willing sellers should have the right to sell portions of their land, or grant easements for trail users across their land, should they choose to do so, and if it is in the public interest. This provision will allow for the eventual completion of the North Country Trail, giving more users the opportunity to enjoy scenic hiking in Michigan as well as the six other States along the planned route. For nearly 10 years, I have been working on this willing seller authority, and I am delighted that Congress has finally approved this important legislation.

The omnibus lands bill also includes legislation I sponsored last Congress to improve the Keweenaw National Historical Park, located in Michigan's Upper Peninsula. By removing overly restrictive property acquisition requirements, changing unfair matching requirements for Federal funds, and increasing the authorized level of funds to be appropriated for the park, we can improve the visitors' experience. Established in 1992, this unique park is a partnership with nearly 20 independently operated heritage sites, and preserves and interprets the incredible story of the copper rush in Michigan's Keweenaw Peninsula during the Industrial Revolution. I am pleased that this legislation is finally being acted upon

so the park can more fully carry out its statutory mission to preserve and bring to life the vibrant history of Michigan's "copper country"—an essential part of the Nation's history of industrial and technological development, immigration, labor relations, and natural resources, and a key component to the economic revitalization of this area.

The omnibus lands bill also provides important protections for 12,000 acres within the Pictured Rocks National Lakeshore, located in Michigan's Upper Peninsula along the south shore of majestic Lake Superior. I introduced this wilderness bill during the last Congress, and I am pleased that one of the first actions the Senate has taken this year is to pass this bill, which would protect the Beaver Basin for future generations, while ensuring continued public enjoyment of the land. The Beaver Basin wilderness comprises about 12,000 acres, or 16 percent, of Pictured Rocks National Lakeshore, and was proposed after 5 years of careful planning and extensive public consultation. The wilderness designation is responsive to many of the concerns expressed by citizens and ensures its continued recreational use. The access road to the lakes and campground are not included in the wilderness designation, so vehicles would still have access to this popular recreation area. Also, all motor boats would still be able to access the miles of the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. In addition, boats using electric motors would still be allowed on Little Beaver and Beaver Lakes within the wilderness area. The Beaver Basin area has been managed as a backcountry and wilderness area since 1981, and this wilderness designation will ensure that the valuable habitat and pristine natural features of the region remain the treasure they are today.

Finally, the omnibus lands bill includes legislation that I sponsored in the Senate last year as a companion bill to Representative DINGELL's legislation in the House of Representatives, which would designate land in Monroe and Wayne County, MI, related to the battles of the River Raisin fought during the War of 1812 as a unit of the National Park System. While there are currently eight War of 1812 battlefield sites that are in the National Park System, none of these sites are located in areas that were once considered the "Northwest," a key strategic front in the War of 1812. The River Raisin battlefield sites were the place of horrific events; yet these events became a turning point that spurred our troops to future victories, protected our lands, and culminated in a celebration of America's "Second War of Independence." With the approaching 200th anniversary of the War of 1812, I am pleased that the Senate has this legislation before it, and I look forward to the bill

becoming law in time for this national celebration.

Mr. INOUE. Madam President, S. 22, the Omnibus Public Land Management Act, includes five bills vital for increasing our Nation's understanding of our oceans, Great Lakes, and coastal areas. The ocean bills included in this package are all strong bipartisan pieces of legislation that were favorably reported by the Senate Commerce Committee in the 110th Congress and passed the House of Representatives.

The oceans cover two-thirds of our planet, yet we know little about what lies beneath them or how the changing climate is affecting marine resources. Millions of Americans depend directly and indirectly on healthy and bountiful oceans. In 2007, our Nation's coastal economies contributed nearly 50 percent, or \$6.7 trillion, to the national gross domestic product.

While our Nation relies on our ocean, Great Lakes, and coastal resources, tremendous gaps exist in our knowledge of these ecosystems. The Senate Commerce Committee provisions included in S. 22 will strengthen and improve our marine, coastal, and scientific programs, and will help us make the best possible decisions about how to manage, conserve, and protect these valuable resources.

The Ocean Exploration and National Oceanic and Atmospheric Administration, NOAA, Undersea Research Program Act, included in this package, will give us a better understanding of our marine ecosystems and resources. This legislation reflects a long history of bipartisan collaboration in the Senate. It passed the Senate by unanimous consent in the both the 108th and 109th Congresses and was reported favorably in the 110th Congress by the Commerce Committee. The provision establishes an interdisciplinary ocean exploration program to gather observations and data from areas in the ocean we have previously been unable to explore. In addition, this legislation would help strengthen and coordinate NOAA's National Undersea Research Program. The National Undersea Research Program seeks to increase scientific knowledge for the management, use, and preservation of ocean, Great Lakes, and coastal resources through undersea research, exploration, education, and technology development. These essential activities are imperative given that approximately 95 percent of the ocean floor remains unexplored. Ocean exploration and undersea research provides unprecedented opportunities to discover items of natural, cultural, and economic value including new sources of minerals, drugs, habitats, species, artifacts, and shipwrecks.

The Ocean and Coastal Mapping Integration Act included in S. 22 would integrate Federal and coastal mapping activities throughout the U.S. Exclusive Economic Zone. Approximately 90

percent of our Nation's maritime territory remains unmapped by modern technology. Improved mapping of our Nation's coastal and ocean waters will increase our understanding of the marine environment, thereby increasing the safety of navigation in our maritime domain, supporting national security missions of the U.S. Navy and Coast Guard, and allowing for better management of marine ecosystems and resources. This bill also has a long-standing history of broad bipartisan support in both the Senate and House.

The Integrated Coastal and Ocean Observation System Act would build on current regional systems to establish a national integrated ocean, Great Lakes, and coastal observing system to collect, compile, and make available data to support marine commerce; weather, climate, and marine forecasting; energy siting and production; navigation; ecosystem-based resource management; and public safety. The legislation passed the Senate by unanimous consent in both the 108th and 109th Congresses. During the 110th Congress, the legislation passed the House and was reported favorably by the Senate Commerce Committee.

The Federal Ocean Acidification Research and Monitoring Act in S. 22 mandates that steps be taken to understand and address climate change and its impacts on our oceans, a much needed and important action. Over the past 200 years, human activities have resulted in dramatic increases in greenhouse gases that are altering the Earth's climate. The oceans mitigate the effects of global warming by absorbing approximately half of all this atmospheric carbon dioxide. However, as the oceans absorb more carbon dioxide, their chemistry is changing and the oceans are becoming more acidic. The Federal Ocean Acidification Research and Monitoring Act would establish an interagency committee to develop a strategic research plan on ocean acidification and establish an ocean acidification program within NOAA to conduct research and long-term monitoring on our acidifying oceans and to develop adaptation strategies and techniques for conserving marine ecosystems. This legislation represents a bipartisan effort to promote climate change research and adaptation activities. The bill was reported favorably by the Senate Commerce Committee and passed the House in the 110th Congress.

The final oceans bill included in S. 22 is the Coastal and Estuarine Land Conservation Program Act. As the U.S. population grows and more people move to the coasts, our coastal lands and ecosystems are threatened by unsustainable development. This legislation authorizes NOAA to award competitive grants to coastal States, including the Great Lakes, to protect coastal and estuarine areas which have

significant conservation, recreation, ecological, historic, or watershed protection value and are threatened by conversion to other uses.

As chairman of the Commerce Committee during the 110th Congress, I was pleased to favorably report these important ocean policy bills. Unfortunately, we were unable to pass these bills last Congress. I am glad that the Senate is considering their passage as one of the first major pieces of legislation in the 111th Congress. Our oceans, Great Lakes, and coasts provide many environmental and economic benefits to our Nation, and their conservation must be one of our highest national priorities.

Mr. ROCKEFELLER. Madam President, today the Senate will pass a comprehensive public lands bill that will protect our Nation's public lands and conserve our planet's oceans. I thank the majority leader and Senator BINGAMAN for including important bills from the Committee on Commerce, Science, and Transportation in this package. I commend Senators INOUE, STEVENS, CANTWELL, SNOWE, LAUTENBERG, and GREGG for their leadership in drafting these bills. Senator INOUE, in particular, has aggressively advocated for improved stewardship of our oceans and this package reflects his careful work as chairman of the Commerce Committee which has jurisdiction over our Nation's oceans. As the incoming chair of the Commerce Committee, I will continue to work closely with my dear friend and mentor Senator INOUE on these issues. And I look forward to collaborating closely with him on oceans policy and other areas in the committee's jurisdiction that are particularly critical to the Hawaiian Islands. Our colleagues should know that the ocean and coastal bills included in the Consolidated Natural Resources Act enjoy broad bipartisan and national support because they are sorely needed and important to our Nation's environmental and economic future.

The Federal Government owns nearly 653 million acres of land in the United States. As the owner of these lands, the Federal Government has a responsibility to protect this land for current and future generations. Likewise, and as importantly, the Federal Government has an equal responsibility to protect and manage our Nation's marine and coastal resources. The oceans cover over two-thirds of our planet, yet we know little about what lies beneath or how the changing climate is affecting marine resources. The United States' Exclusive Economic Zone, covers 3.4 million square miles of the Earth's surface, an area greater than the whole United States. Unfortunately, our efforts to sustainably manage and conserve these submerged lands and living resources are hampered by our limited scientific research and understanding of our Exclusive

Economic Zone. That is irresponsible and must change. The five ocean bills included in this legislation will authorize programs necessary to increase our Nation's understanding about ocean and coastal areas, which in turn will enable us to make the best possible decisions about how to manage, preserve, and protect our oceans and their living marine resources for current and future generations.

The Ocean and Coastal Exploration and National Oceanic and Atmospheric Administration Act is critical to our ability to gather observations and data from areas in the ocean that have never been explored. The legislation would establish a national ocean exploration program within the National Oceanic and Atmospheric Administration, which would conduct interdisciplinary ocean exploration voyages to explore and survey little known areas of the marine environment and inventory, observe, and assess living and nonliving marine resources. In addition, this legislation would establish a coordinated national undersea research program, which would increase scientific knowledge for the management, use, and preservation of oceanic, coastal, and Great Lakes resources through undersea research, exploration, education, and technology development.

These activities are vital given that approximately 95 percent of the ocean floor remains unexplored. Increasing our knowledge of our oceans through exploration and undersea research provides unprecedented opportunities to discover new sources of minerals, drugs, habitats, species, artifacts, and shipwrecks. Expeditions could provide images of ancient human artifacts, rare or previously undiscovered species, and exciting new ecosystems.

The Ocean and Coastal Mapping Act would direct the Federal Government to integrate Federal and coastal mapping activities throughout the U.S. Exclusive Economic Zone. Approximately 90 percent of our Nation's maritime territory remains unmapped by modern technology. Improving our mapping activities, the promotion of the development and dissemination of new technologies, and the coordination of efforts across the 10 federal agencies currently involved in marine mapping are essential. Better mapping of these waters will help to minimize maritime accidents, support the national security missions of the U.S. Navy and U.S. Coast Guard, and improve our knowledge of ocean and coastal ecosystems.

The Integrated Coastal and Ocean Observation System Act would establish a national integrated ocean, coastal, and Great Lakes observing system that would collect, compile, and make available data to support marine commerce; navigation safety; weather, climate and marine forecasting; energy siting and production; ecosystem-based

resource management; and public safety. This legislation represents an acknowledgement of our need as a country to improve our ability to measure, track, explain, and predict events related to weather and climate change. It represents a consensus that our understanding of natural climate variability and interactions between ocean and atmospheric environments needs strengthening and improvement. Information generated by the Integrated Coastal and Ocean Observation System would assist in providing advanced warning of hazardous coastal and ocean conditions to State managers and potentially affected communities and could help coastal communities prepare for and minimize losses for a range of potentially harmful ocean conditions. Additionally, this Integrated Coastal and Ocean Observation System has the potential to provide economic and ecological benefits for other coastal and ocean activities. For example, fisheries scientists and managers could use the data to predict biological productivity which would facilitate ecosystem-based management. Fishermen and mariners could better predict sea conditions for safe navigation and transport. Ocean scientists and regulators could better understand, predict, and rapidly respond to the distribution and impacts of marine pollution, harmful algal blooms, or other hazardous conditions. Educators and students could learn more about basic functions and processes of the marine environment.

Increasing carbon dioxide absorption in our oceans is acidifying waters and could be threatening the foundation of the ocean's food web. The Federal Ocean Acidification Research and Monitoring Act highlights the need for action to be taken to understand and confront climate change and its impacts on our oceans by authorizing a coordinated Federal research program on ocean acidification. Over the past 200 years, human activities have resulted in dramatic increases in greenhouse gases that are altering the Earth's climate. The oceans mitigate the effects of global warming by absorbing atmospheric carbon dioxide, which is changing ocean carbon chemistry and causing the oceans to become more acidic. There is significant concern among the scientific community, resource managers, and policymakers that ocean acidification could adversely impact our Nation's marine ecosystems, the food webs of many fish and marine mammals, and the economies of many coastal States that rely upon the seafood industry and coastal and ocean tourism. The Federal Ocean Acidification Research and Monitoring Act would establish an interagency committee, chaired by the National Oceanic and Atmospheric Administration, to develop and provide Congress with a strategic research plan on ocean

acidification. Additionally, it vests the authority within the National Oceanic and Atmospheric Administration to establish an ocean acidification program within the agency to conduct research and long-term monitoring, education and outreach, and development of adaptation strategies and techniques for conserving marine ecosystems.

The Coastal and Estuarine Land Conservation Program Act would authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to make grants to coastal States for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses, and it provides grants for lands to be managed or restored to effectively conserve, improve, or restore ecological function. Estuaries, wetlands, and the watersheds that flow into them support fisheries and wildlife and substantially contribute to coastal economies. The pressures of urbanization and pollution in coastal areas threaten to impair watersheds, undermine natural protections from coastal storms, impact wildlife habitat, and cause irreparable damage to coastal ecology. As our population grows, more and more people are moving to our coasts to enjoy their beauty and recreational opportunities. Coastal land protection partnership programs can help our Nation meet a number of diverse priorities such as promoting recreation, increasing wildlife, improving or conserving ecological quality and diversity, and preserving historical or cultural resources. The legislation would foster partnership programs among the Federal Government, State agencies, local governments, private landowners, and nonprofits to effectively conserve and manage coastal lands.

Over 50 percent of our population lives along our coasts and our coastal economies generate one-half of our Nation's gross domestic product. The planet's oceans produce an untold amount of wealth, both economic and ecological, for our Nation. What is good for the health of our coastal communities and oceans is good for the Nation. Given the reliance our citizens have on our marine and coastal resources and the large gaps exist in our knowledge regarding U.S. ocean and coastal areas, strengthening and improving our marine, coastal, and scientific programs will enable us to make the best possible decisions about how to manage, preserve and protect our oceans.

Mr. BINGAMAN. Madam President, earlier today the Senate passed S. 22, the Omnibus Public Lands Management Act of 2009. As I said during the debate, S. 22 includes over 160 bills

from the Committee on Energy and Natural Resources and reflects many years of hard work.

This achievement would not have been possible without the hard work of our outstanding staff. Both our ranking member, Senator MURKOWSKI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, I would like to thank the committee's staff director, Bob Simon, and chief counsel, Sam Fowler, for all of their work on this legislation, as on all the legislation that comes through our committee. I would also like to thank senior counsel Patty Beneke; counsel Mike Connor, who worked on all of the water issues included in the bill; counsels David Brooks, Kira Finkler, and Scott Miller, who coordinated all of the park and public lands bills; professional staff members Jorge Silva-Banuelos, who worked very hard on many of the New Mexico land bills; and Jonathan Epstein; and two National Park Service fellows, Karl Cordova, who worked on the committee last year, and Mike Gauthier, who is on the staff for the current year.

I would also like to thank the committee's chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; and staff assistants Rachel Pasternack, Gina Weinstock, and Rosemarie Calabro.

On the Republican side, let me acknowledge Senator MURKOWSKI's new staff director, McKie Campbell, and chief counsel Karen Billups. I would also like to note my thanks to former Senator Domenici's staff director during the previous Congress, Frank Macchiarola; and former minority chief counsel, Judy Pensabene. I would also like to recognize counsel Kellie Donnelly; as well as professional staff members Frank Gladics, Josh Johnson, and Tom Lillie, all of whom made significant contributions to this bill.

In addition, I am very grateful to the committee's nondesignated staff: Anna-Kristina Fox, Dawson Foard, Nancy Hall, Amber Passmore, Monica Chestnut, and Wanda Green.

S. 22 contains over 1,200 pages of text, and was the subject of numerous revisions. I am grateful to the help of the Senate legislative counsel office, and Gary Endicott, Heather Burnham, and Colin Campbell in particular.

I would also like to thank Cliff Isenberg from the Senate Budget Committee for his help as well as Deb Reis from the Congressional Budget Office, and Tyler Kruzich, formerly with CBO.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValck, Gary Myrick,

and, as always, the secretary for the majority, Lula Davis, as well as Tim Mitchell, the assistant secretary for the majority. I would also like to thank the cloakroom staff, Joe Lapia, Meredith Melody, Brandon Durlinger, and Estaban Galvan, for all of their assistance.

All of these fine staff members had a hand in putting S. 22 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for their good work.

Mr. AKAKA. Madam President, today I rise to express my support for S. 22, the Omnibus Public Land Management Act of 2009. I commend Chairman BINGAMAN and former Ranking Member Domenici of the Senate Committee on Energy and Natural Resources for their leadership and their staff for their dedication during the previous Congress to move this important legislation forward. While we were unable to vote on this package last year, it is time that we pass these bills. During these times of economic downturn, our national parks and public lands are some of the few affordable recreational opportunities available to the American people.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public land measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and favorably reported by the Senate Committee on Energy and Natural Resources during the 110th Congress. By utilizing, to the full extent, the committee vetting process that includes acquiring testimonies from Federal agencies, stakeholders, and members of the public, concerns were addressed and bills were amended, as needed. In addition to the Senate committee's approval, many of these measures were passed by the House of Representatives last Congress.

As chairman of the National Parks Subcommittee, I had the opportunity to hold hearings on a number of the bills included in this package. This legislation includes many important provisions for protecting and preserving America's national parks and enhancing the experiences to be gained by park visitors. Today, I wish to highlight four provisions that I sponsored during the 110th Congress: H.R. 3332, the Kalaupapa Memorial Act; S. 1728, Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act; S. 2220, Outdoor Recreation Act of 1963 Amendments Act; and S. 320, the Paleontological Resource Preservation Act. In addition, I appreciate the inclusion of S. 1680, the Izembek and Alaska Peninsula Refuge Enhancement Act of 2008. This provision addresses the needs of a rural and indigenous Alaska Native community.

The first three of these provisions are particularly meaningful as they acknowledge the historical contributions and preserve Hawaii's unique heritage for future generations. The remembrance and revitalization of our culture, heritage, and natural resources are an essential way to build upon the values and traditions of our past and move forward into the future. I am proud that the people of Hawaii, through partnerships at the State and Federal levels, have embraced this opportunity. These efforts perpetuate a legacy to be embraced by not only the people of Hawaii, but a legacy to be shared with people across this Nation. I am confident that these measures which I sponsored will enable continued good work and progress in promoting and protecting the natural and cultural resources of my home State.

The Kalaupapa Memorial Act would authorize a memorial to be established at Kalaupapa National Historical Park in Hawaii. This long overdue memorial will honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa community, which is located on a remote peninsula on the Island of Molokai.

For over 100 years, from 1866 to 1969, Kalaupapa was a colony on the Hawaiian island of Molokai where patients with Hansen's disease, also known as leprosy, were forced to live. These individuals were directed to live there by the Hawaiian and, later, the American Governments in the belief that leprosy was rampantly contagious and that isolation was the only effective means of controlling the disease. In 1865, acting on the counsel of his American and European advisers, Lot Kamehameha, the Hawaiian King, signed into law "An Act to Prevent the Spread of Leprosy," which criminalized the disease. In the ensuing 103 years, men, women, and children of all ages—including those who were mistakenly believed to have leprosy—were captured and forcibly exiled to the brutal northern coast of Molokai, chosen due to its isolated and inaccessible location.

Ultimately, more than 8,000 people were sent to Kalaupapa, of which only about 1,300 graves have been identified. Most of those patients who were sent to Kalaupapa before 1900 have no marked graves. Others were buried in places marked with a cross or a bare tombstone, but those markers have seen great deterioration over time. As a result, there are many family members and descendants of these residents who cannot find the graves of their loved ones and are unable to properly honor and pay tribute to them.

This measure would authorize a nonprofit organization consisting of Kalaupapa residents and their families and friends, and known as "Ka 'Ohana O Kalaupapa," to establish a memorial at a suitable location in the park to

honor the memory of the 8,000 residents who lived at the Kalaupapa and Kalawao communities. This monument will provide closure and a sense of belonging to these many family members, who have no knowledge of their ancestors' whereabouts. Through this monument, the Hansen's disease patients will forever be memorialized as having been a part of the history of Kalaupapa.

The Na Hoa Pili O Kaloko-Honokohau Advisory Commission Act would reauthorize the Advisory Commission for Kaloko-Honokohau National Historical Park through 2018. Kaloko-Honokohau National Historical Park, located on the western coast of the Island of Hawaii, was established in 1978 to provide for the preservation, interpretation, and perpetuation of traditional Native Hawaiian activities and culture; to demonstrate historic land use patterns; and to provide for the education, enjoyment, and appreciation of traditional Native Hawaiian activities and culture. This Advisory Commission advises the National Park Service on historical, archaeological, cultural, and interpretive programs for the park and serves as a living resource for the education, enjoyment, and understanding of traditional Hawaiian culture and activities. This legislation would extend the Advisory Commission through the end of 2018.

The Outdoor Recreation Act of 1963 Amendments Act seeks to authorize \$500,000 in funds for fiscal years 2008 through 2017 to the National Tropical Botanical Gardens. The measure will authorize appropriations to the corporation governing the Botanical Gardens for operation and maintenance expenses. These funds will contribute towards the private donations that the Botanical Gardens already raises to support its annual operating budget of over \$10 million.

The National Tropical Botanical Gardens is a private charitable corporation, chartered by legislation that was enacted in 1964 to foster horticultural research, education, and plant preservation. Its congressional charter mandates the Botanical Gardens to preserve, for the people of the United States, species of tropical plant life threatened with extinction.

Conservation is one of the National Tropical Botanical Garden's key roles. This role has become even more critical as tropical plant species continue to become extinct at a disturbing rate. As many as one-third of the remaining global plant species are considered at risk of extinction. Since 1976, the National Tropical Botanical Gardens has recognized and worked with urgency to preserve and cultivate native Hawaiian plants, and has made its program of preserving Hawaii's endangered and threatened flora a matter of the highest priority.

The unique flora of 1,300 species that has evolved over millions of years in

Hawaii represents a significant resource to the people of the United States in terms of the biodiversity it represents. Further, many of these botanic species serve as the foundation of entire ecosystems, serving as food sources or habitats for other larger species that are either threatened or endangered. These are species that are not represented in any of the other 49 States in our Nation. Each of these species contains unique genes that express themselves in a myriad of ways. Each time we lose a species to extinction we lose an irreplaceable reservoir of unique genes and eliminate their usage as a possible benefit to humanity.

The Paleontological Resources Preservation Act incorporates many of the recommendations on the subject issued by the Department of the Interior in 2000. This act would help protect and preserve the nation's important fossil resources that are found on Federal lands for the benefit of our citizens. This provision will still allow the practice of casual collecting that is being enjoyed on Federal lands. While I recognize the educational benefits and the major fossil discoveries made by amateur collectors and curio hunters, fossil theft has become an increasing problem. Vertebrate fossils are rare and important natural resources that have become increasingly endangered due to an increase in the illegal collection of fossil specimens for commercial sale. However, at this time there is no unified policy regarding the treatment of fossils by Federal lands management agencies which would help protect and conserve fossil specimens. We risk the deterioration or loss of these valuable scientific resources. This act will correct that omission by providing uniformity to the patchwork of statutes and regulations that currently exist. It will create a comprehensive national policy for preserving and managing fossils and other artifacts found on Federal lands, and will prevent future illegal trade. I would like to emphasize that this bill covers only paleontological remains on Federal lands and in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act.

Lastly, I express my support for a provision in the omnibus lands bill that I cosponsored in the 110th Congress, S. 1680, the Izembek and Alaska Peninsula Refuge and Wilderness Enhancement Act. This measure paves the way for a road that would provide dependable and safe year-round access for the residents of King Cove in Alaska to the nearby Cold Bay Airport. I believe that the 800 residents of King Cove, most of whom are Native Aleut, have an absolute right to a means of transport that is accessible under all weather conditions, including gale

force winds and fog. This reliable means of getting to the airport will help address many of the community's safety, health, and medical concerns because the Cold Bay Airport is an all-weather airport.

In addition to providing an essential passageway, this provision will authorize a land transfer in which nearly 56,000 acres of pristine land will be classified as wildlife refuge wilderness. In contrast, only about 2,000 acres of Federal land could potentially be exchanged for the purpose of constructing a one-lane gravel road. This measure has been in the making for 10 years. I commend the Energy and Natural Resources Committee for working across the aisle to modify and refine the original language to be acceptable to all parties and stakeholders. Neither the land exchange nor the construction of the road will occur without a stringent environmental impact statement required under the National Environmental Policy Act of 1969 and assurances by the Secretary of the Department of the Interior that the construction of the road and the land exchange are in the public interest and sufficient environmental safeguards are in place.

I strongly support the Omnibus Public Land Management Act of 2009 and those provisions that protect and preserve the historical contributions made by Hawaii's environmental and cultural heritage. We must protect our legacies, and I encourage my colleagues to join in keeping our precious national resources and historic sites available for future generations.

Ms. CANTWELL. Madam President, today, the Senate can be very proud of a very significant accomplishment for the enjoyment and protection of wilderness areas, historical sites, national parks, forests, trails and scenic rivers. Collectively, this is one of the most sweeping conservation bills the Senate has passed in many years.

This bill has been through many twists and turns over the last year. But today's successful vote could not have been possible without the tenacity and dedication of the Majority Leader.

I thank the majority leader for his steadfast support and dedication to seeing that these important public land priorities become law.

There are a number my bills in this omnibus lands package that I would like to speak to.

First, the Ice Age Floods National Geologic Trail Designation Act. This bill will create a National Park Service trail to celebrate the remarkable geologic history of the Pacific Northwest region. This bill has enjoyed regional, bipartisan support. I would like to thank Senators MURRAY, WYDEN, CRAPO, and my former colleagues Senators Smith and Craig for working with me on this legislation.

There are too many people to thank by name but I want to acknowledge the

dedication of the Ice Age Floods Institute, particularly its President, Gary Kleinknecht, who has worked tirelessly to educate our country on the significance of the Ice Age Floods Geologic Trail.

In many ways, the members of the Institute serve as the protégés of people like University of Washington professor J. Harlan Bretz and USGS geologist Joseph Pardee, who fought to make credible their hypothesis about the historic existence of the Ice Age Floods.

This is a wonderful day for many communities, scientists, and Ice Age Floods enthusiasts throughout the Pacific Northwest, and for tourism and geologic education.

The Ice Age Floods Institute has promoted the development of an Ice Age Floods National Geologic Trail for over 12 years. With the growing interest and enthusiasm for this concept, this Geologic Trail is a long time coming. The story of the Ice Age Floods is a truly amazing story of the forces of nature and their impact on our lives.

When geologists first saw the vast Columbia Basin in eastern Washington, they recognized that glaciers and flowing water had played a large part in shaping the extraordinary landscape, with its canyons, buttes, dry cataracts, boulder fields, and gravel bars.

During the last Ice Age, some 13,000 to 18,000 years ago, an ice cap covered almost all of Canada and extended down across much of the Pacific Northwest. In Idaho, a 2,000-foot-high glacier backed water up in western Montana until it formed Glacial Lake Missoula, totaling 530 cubic miles or more than Lakes Erie and Ontario combined.

When Glacial Lake Missoula deepened enough, the sheer force of the backed up water undermined the glacial ice dam, and the ice gave way in a cracking explosion. The huge lake was released all at once.

When the dam broke, a towering mass of water and ice was released and swept across parts of Idaho, Washington, and Oregon on its way to the ocean.

The peak rate of flow was ten times the combined flow of all the rivers of the world. The huge lake may have emptied in as little as 2 or 3 days.

Geologists at the University of Washington counted 89 floods without reaching bottom, leading to present-day estimates of up to 100 catastrophic water releases.

The glacial ice dam would break, sparking cataclysmic floods, fresh ice would eventually flow from Canada to once more create an ice dam and Lake Missoula, and the cycle would be repeated every 50 years or so. It ended only with the melting of the continental ice cap.

These epic floods fundamentally changed the geography and way of life in the Pacific Northwest. The coulees,

buttes, boulder fields, lakes, ridges and gravel bars they left behind still define the unique landscape of our State and our region today.

These floods are a remarkable part of our natural heritage. They have profoundly affected the geography and ways of life in the region but have remained largely unknown to the general public.

The legacy of the floods includes not only stark scabland and dramatic dry coulees and cataracts, but also exceptionally fertile, productive farmland, and significant wetlands and aquifers.

Creating a National Park Service trail to recognize and celebrate how these floods literally shaped the face of our state will provide an unparalleled educational resource for Washingtonians and visitors from across the country.

It will also spur economic development and create jobs in local communities across eastern and central Washington.

I appreciate the Senate's attention to this bill that will help educate and interpret one of the largest flooding events known to science.

To date, more than 30 entities spanning State and local governments, chambers of commerce, and other civic and community organization support creation of the trail concept.

This Omnibus Public Land Management Act of 2009 also includes my Snoqualmie Pass Land Conveyance Act. This bill would transfer an acre and a half of Forest Service land to the Snoqualmie Pass fire district to help them build a new fire station.

I specifically thank the fire district commissioner Chris Caviezel for working so hard on behalf of the people at Snoqualmie Pass and providing top rate emergency services at one of the most traveled mountain passes in the country.

During our recent winter storms, which brought several feet of snow, following by pounding rain and massive land slides at the Pass, Chris has been on the front lines providing tireless and dedicated round the clock public service to keep Snoqualmie Pass safe.

The Snoqualmie Pass Fire Department serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90, a community of 350 full-time residents that peaks to 1,500 during the ski season.

Additionally, the ski area estimates 20,000 patrons on a busy weekend, and the Department of Transportation estimates that up to 60,000 vehicles travel through the fire district on a busy day, making it the busiest mountain highway in the country.

This area is also the major transportation corridor for goods and services between eastern and western Washington. The all-volunteer fire department averages over 300 calls a year with about a 10 percent annual increase

in call volumes, which is more than triple the amount of calls a typical all-volunteer fire department would respond to in a year.

Eighty-four percent of those incidents are for nontax paying residents. Consequently, the fire department has the characteristics of a large city with the limited resources of a small community.

In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches.

The fire district is often the first responder to incidents in the area, which is prone to rock slides and avalanches and it is not uncommon for this community to be isolated for hours or even days at a time.

Several thousand people can be stranded at the pass during those periods when the Pass is closed and while the Department of Transportation works quickly to get the roads back open, it can be very taxing on local resources.

For decades, the fire district has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station.

Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the fire district needs to move to a true fire station.

The fire district has identified a nearby site that would better serve the public safety needs at the pass. This location would provide easy access to the interstate in either direction, reducing emergency response times.

The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

It is my understanding that there are offers of support to construct a new fire station from State and local officials, and to mitigate any effects of construction, and I support those efforts.

I appreciate the efforts of Senator MURRAY and my colleagues on the Energy and Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the pass and my colleagues to improve public safety in the area.

This Omnibus Public Land Management Act of 2009 also includes my Pacific Northwest National Scenic Trail Act. This bill would designate the Pacific Northwest trail a national scenic trail.

The Pacific Northwest is home to some of the most pristine and breathtaking scenery this country has to

offer—from vast patches of forest and steep, snow capped mountain ranges to sandy beaches, rocky ocean coast, and green pastures.

The Pacific Northwest Trail, zig-zagging from the Continental Divide to the Pacific Coast, offers all of these spectacular views. The Pacific Northwest Trail, running from the Continental Divide to the Pacific Coast, is 1,200 miles long and ranks among the most scenic trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast. From beginning to end it passes through three States, crosses three national parks, and winds through seven national forests.

And designating the Pacific Northwest trail a national scenic trail will give it the proper recognition, bring benefits to neighboring rural communities, and promote its protection, development, and maintenance.

In 1980, the National Park Service and the Forest Service completed a feasibility study of the proposed Pacific Northwest trail. And the study concluded that the Pacific Northwest trail has the scenic and recreational qualities needed for designation as a national scenic trail.

Today, approximately 950 miles of the Pacific Northwest trail are completed and provide significant outdoor recreational experiences to citizens and visitors of the United States.

With more recognition and more people from all over the country “putting on their hiking boots,” the trail will receive more eligibility for grants funding and increased attention, which in turn will result in increased use and more economic activity in rural areas.

National scenic trails provide recreation, conservation, and enjoyment of significant scenic, historic, natural, and cultural qualities. The Pacific Northwest trail is a national prize and should be recognized as such.

This Omnibus Public Land Management Act of 2009 also includes my wildland firefighter safety legislation. This legislation will improve accountability and transparency in wildland firefighter safety training programs. Wildland firefighting and the safety of wildland firefighters is vitally important to our brave men and women who battle these blazes, and for the communities that depend on them.

When wildfires do occur we rely on courageous men and women to protect our communities and natural resources. Every summer, we send thousands of brave firefighters into harm's way to protect our Nation's rural communities and public lands.

Of course, fighting fires is inherently dangerous. But we must not abide preventable deaths: We must not lose firefighters simply because rules are broken, policies are ignored, and no one is held accountable.

Six years ago, Washington State suffered a horrible tragedy. On July 10, 2001, near Winthrop in Okanogan County, during the second worst drought in Washington history, the Thirtymile fire burned out of control and four courageous firefighters died. Sadly, subsequent investigations revealed that they didn't have to die. The Forest Service has said the tragedy “could have been prevented.”

Since then, the courage of the Thirtymile families, standing up and demanding change, has had a positive impact on the safety of our wildland firefighters. But we must do much more.

Through training and certification we can lower the risk to the brave men and women who protect our forests and communities. It's critical that Congress is actively engaged to ensure this happens.

An inspector general's report released in March 2006 found problems in the Forest Service's oversight of contracting firefighting crews. Hundreds are contracted by the Forest Service and State agencies every year to fight fires. Roughly one-third of the records it sampled showed that fire fighters' qualification standards had not been met. Too many have been dispatched to fight fires without the necessary preparation.

This is not new. A 2003 Seattle Times report cited an internal Forest Service memo identifying the lack of accountability in the contract firefighting program. A 2004 GAO report found that insufficiently trained contract crews hampered firefighting efforts. And a 2004 IG audit found that at the time the Forest Service could not monitor the certification of more than 80 percent of its own firefighters. That is unacceptable.

This legislation is a very modest yet important proposal. The Senate has already passed it once as an amendment to the 2003 healthy forests legislation, but sadly, it was not included in the conference version of the bill.

It is clear: this bill's provisions are still a necessary tool to ensure that Congress and Federal wildland firefighting agencies are as proactive as possible in protecting the lives of wildland firefighters.

First, the Wildland Firefighter Safety and Transparency Act requires the Secretaries of Agriculture and Interior to track the funds they spend on firefighter safety and training. Congress and taxpayers deserve to know whether and how Federal funds are being spent to ensure the safety of firefighters.

Improved accountability means improved safety: I hope the Forest Service will agree to track its funds as part of the administration's annual budget request.

Second, my legislation requires the Secretaries to report to Congress annually on their departments' safety and

training programs. We need to monitor Federal firefighting agencies and ensure commitments to reform are being acted upon. An annual check-in on safety programs from Congress is essential to making that happen.

Finally, my bill would require the Forest Service to ensure that private firefighting crews working under federal contracts receive training consistent with their Federal counterparts. This is critical not only to protect those private crews but also to safeguard the Federal, State and tribal employees who stand shoulder-to-shoulder with the contractors on the fire line.

And so we have an obligation to protect and prepare the brave firefighters we send into harm's way. I look forward to working with my House colleagues on approving this legislation.

All of this could not have been accomplished without the strong support and hard work and dedication of the majority leader and I thank the leader for successfully moving these priorities.

Mr. DURBIN. Madam President, the Omnibus Public Land Management Act of 2009 (S. 22) combines more than 160 individual bills to protect America's wilderness and responsibly manage our natural resources. The individual measures in this bill were originally introduced by nearly equal numbers of Democratic and Republican Senators and the vast majority have broad bipartisan support.

S. 22 would protect over 2 million acres of land by designating it as wilderness, making it the largest expansion of the National Wilderness Preservation System in almost 15 years.

The new and expanded wilderness areas established by this bill would span nine States and include such treasures as: Pictured Rocks National Lakeshore in Michigan; Monongahela National Forest in West Virginia; Oregon's Mount Hood; Idaho's Owyhee canyons; the Sierra Nevada Mountains of California; the Rocky Mountain National Park in Colorado; Zion National Park in Utah; as well as wilderness-quality lands in Virginia and New Mexico.

S. 22 would also protect more than 1,000 miles of free-flowing rivers by adding them to the National Wild and Scenic Rivers System. It would add thousands of new miles of trails to the National Trails System, expand the National Park System, and establish new National Conservation Areas.

The Omnibus Public Land Management Act would create new National Heritage Areas and authorize additions to the National Park System to preserve historical sites, including the creation of the Abraham Lincoln Birthplace National Historic Park in Kentucky.

The package also contains critical measures to responsibly manage our

Nation's water resources, including a provision to assess the impact of climate change on our national water supply, authorizations to repair water infrastructure, and the resolution of important water settlements in the West.

Other key provisions include the establishment of a 26-million-acre National Landscape Conservation System and protecting more than 1 million acres of Wyoming's Bridger-Teton National Forest from oil and gas development.

In its waning days, the current administration went forward with a controversial oil and gas lease sale in Utah that included wilderness quality lands near several national parks. This sale highlights the need for Congress to come together and protect our public lands and precious natural resources for future generations.

I support this package to protect our wilderness areas and preserve the country's natural resources.

Mr. BINGAMAN. Madam President, this package would not have been possible without the dedicated work of the majority leader over the past several months. I wish to particularly thank him for his commitment to calling up this bill early in this Congress and proceeding with it. I wish to also acknowledge the excellent work and energy of the Natural Resources Committee's new ranking minority member Ms. MURKOWSKI. We have been able to work together to develop a truly bipartisan combination of bills which is reflected in the broad support for this package. Of course, I wish to acknowledge the role of Senator Domenici, who was the ranking member in the prior Congress, for his hard work that also is reflected in this legislation.

I wish to also recognize the work of three of our subcommittee chairmen and ranking members: Senators AKAKA and BURR on the National Parks Subcommittee, Senators WYDEN and BARRASSO from the Public Lands and Forests Subcommittee, Senator JOHNSON and Senator CORKER of the Water and Power Subcommittee. Most of the hearings for the bills in this package were held in those subcommittees. These Senators laid much of the groundwork for today's vote. Of course, I wish to recognize Chairman RAHALL of the House Natural Resources Committee for all his work and the work of his staff to resolve any differences that could have existed with the other body.

We have had superb staff work in developing this legislation. Let me particularly mention David Brooks, Kara Finkler and, of course, our staff director, Bob Simon, as well as Sam Fowler, the counsel for our Energy and Natural Resources staff; also, Mike Connor, who worked very hard on many of the water provisions contained in the legislation; Scott Miller, who worked on many of the forest-related sections of

this legislation. I know Senator MURKOWSKI and, prior to her, Senator Domenici, also had excellent staff work on the Republican side, which resulted in this legislation coming together in a bipartisan fashion.

So I will put a more complete statement acknowledging the great work of members of our committee staff in the RECORD and elaborate on that as the day proceeds, but I do wish to mention them now.

Madam President, I see my colleague from Oklahoma is here to speak. How much time remains on the two sides? I know he has 5 minutes. Is there any time remaining on our side?

The PRESIDING OFFICER. There is no time remaining on the majority side.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, in thinking about where we are today, I asked myself what the average Oklahoman would ask of me about this bill, or the average person from Wyoming or California.

As I think about it, we have a bill that has 45 blatant earmarks in it. It is not a new day in Washington. Despite arguments to the contrary, we are going to significantly alter our access to millions of barrels of oil and trillions of cubic feet of natural gas by what we are doing. We are going to create a further imbalance. We have almost 107 million acres of wilderness area. We are going to add another 2.2 million acres to that today. We are going to trample on property rights as we haven't in decades, both directly and indirectly. I asked myself: Why are we doing it? I believe we are doing it because we are thinking in the very short term. I also believe we are doing it because we pride ourselves in the parochial benefits that we can return to our States at the expense of the best judgment in terms of decisionmaking for our future.

As has been noted on this floor, there are many of these bills that I don't approve that don't have an impact, that aren't earmarks, that aren't going to take property rights away, that aren't going to limit our access to available oil and natural gas, proven reserves, but nevertheless we are going to do those things today, and there are going to be 20 or 25 votes against it. That doesn't mean the people who are promoting this are any more genuine or sincere than I am, but I think what it does mean is we have a short-term, myopic-focused leadership in the Congress that does not weigh properly the benefits of pleasing the parochial interests at the expense of our future.

So I have fought very hard for many months to try to make sure a majority of these bills don't become law—not because I am opposed to wilderness or heritage areas but because I am for

constitutional right of property ownership, because I know the more and more we take away from our ability to fill the gap as we transition to alternative energy, the more money we are going to fund to those people who would like to see us nonexistent.

It is a privilege to serve in this body. It is a privilege to serve with gentlemen such as the Senator from New Mexico, the chairman of this committee, and to benefit from his integrity and his demeanor and cooperation, but it is also a disappointment that, in my line of thinking, when you talk with the average American, we shouldn't be doing anything to take away property rights. We should be doing everything to assure ourselves increased access to energy in the future. We should, for sure, eliminate this blatant, corrupt process of earmarking, not because it is corrupt in terms of at this time or at that time; it is corrupt because it ignores the future and the costs and the lack of priority about how we should be spending what are going to be very limited resources in the future.

So I thank my colleagues for giving me the opportunity to attempt to put forward what I think are important principles.

I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I had a conversation with the distinguished Republican leader, and based on that conversation, I am going to propound the following unanimous consent request.

I ask unanimous consent that immediately following the vote on the motion to invoke cloture on the motion to proceed to S. 181, regardless of the outcome, the Senate proceed to the consideration of calendar No. 16, S. J. Res. 5, the disapproval resolution relating to Emergency Economic Stabilization Act, and that the vote on passage of the joint resolution occur at 4:30 p.m., notwithstanding rule XII, paragraph 4; that the time be divided as provided for under the statute; that at 2 p.m. the consideration and debate be interrupted for the swearing in of Senator-appointee BURRIS and that the time utilized be charged against the majority; and that at 4:30 p.m. today, the Senate proceed to vote on the joint resolution, with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that prior to the second vote on cloture, there be 4 minutes equally divided and controlled between Senators MIKULSKI and ENZI or their designees, and that the second vote in the sequence be 10 minutes in duration.

I suggest this is the so-called Lilly Ledbetter legislation about which we have been talking.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on the engrossment and third reading of the bill, as amended.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the bill, S. 22, as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The result was announced—yeas 73, nays 21, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—73

Akaka	Feingold	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Barrasso	Gregg	Pryor
Baucus	Hagan	Reed
Bayh	Harkin	Reid
Begich	Hatch	Risch
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Salazar
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Corker	McCaskill	Webb
Crapo	Menendez	Whitehouse
Dodd	Merkley	Wicker
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Enzi	Murray	

NAYS—21

Brownback	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Cornyn	Isakson	Shelby
DeMint	Johanns	Thune
Ensign	Kyl	Vitter

NOT VOTING—4

Biden	Bunning
Brown	Kennedy

The bill (S. 22), as amended, was passed, as follows:

S. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Public Land Management Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wil-

derness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled “Big Draft Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Big Draft Wilderness”.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled “Cranberry Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97-466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled “Dolly Sods Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93-622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled “Otter Creek Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93-622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled “Roaring Plains Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Roaring Plains West Wilderness”.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled “Spice Run Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Spice Run Wilderness”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) **EFFECTIVE DATE OF WILDERNESS ACT.**—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97-466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) **MANAGEMENT.**—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) **IN GENERAL.**—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) **LAND AND WATER CONSERVATION FUND.**—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) **PLAN.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) **NONMOTORIZED RECREATION TRAIL DEFINED.**—For the purposes of this subsection, the term “nonmotorized recreation trail” means a trail designed for hiking, bicycling, and equestrian use.

(b) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) **CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

tioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) **SCENIC AREAS.**—The term “scenic areas” means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) **DESIGNATION OF WILDERNESS.**—Section 1 of Public Law 100-326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking “System—” and inserting “System:”;

(2) by striking “certain” each place it appears and inserting “Certain”;

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking “; and” and inserting a period; and

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain Wilderness’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Raccoon Branch Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled ‘Stone Mountain’ and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Hunting Camp Creek Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.

“(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled ‘Mountain Lake Additions’ and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(16) Certain land in the Jefferson National Forest comprising approximately 308 acres,

as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

“(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled ‘Peters Mountain Addition’ and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Area’ and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).”.

(b) **DESIGNATION OF WILDERNESS STUDY AREA.**—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) is amended—

(1) in the first section, by inserting “as” after “cited”; and

(2) in section 6(a)—

(A) by striking “certain” each place it appears and inserting “Certain”;

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking “; and” and inserting a period; and

(D) by adding at the end the following:

“(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled ‘Lynn Camp Creek Wilderness Study Area’ and dated April 28, 2008, which shall be known as the ‘Lynn Camp Creek Wilderness Study Area’.”.

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled “Kimberling Creek Additions and Potential Wilderness Area” and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

(b) **MANAGEMENT.**—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) **ECOLOGICAL RESTORATION.**—

(1) **IN GENERAL.**—For purposes of ecological restoration (including the elimination of

nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area, the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) **LIMITATION.**—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) **WILDERNESS DESIGNATION.**—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) **ESTABLISHMENT.**—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled “Seng Mountain and Raccoon Branch” (and dated April 28, 2008, which shall be known as the “Seng Mountain National Scenic Area”); and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled “Bear Creek” and dated April 28, 2008, which shall be known as the “Bear Creek National Scenic Area”.

(b) **PURPOSES.**—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) **AUTHORIZED USES.**—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) **EFFECT.**—Nothing in this subsection requires the Secretary to revise the land and

resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) **ROADS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) **LIMITATION.**—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) **TIMBER HARVEST.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) **EXCEPTIONS.**—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) **FIREWOOD FOR PERSONAL USE.**—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) **INSECT AND DISEASE OUTBREAKS.**—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) **VEGETATION MANAGEMENT.**—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) **EXCEPTIONS.**—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as “open seasonally”.

(j) **WILDFIRE SUPPRESSION.**—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) **WATER.**—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) **TRAIL PLAN.**—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and

equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) **IMPLEMENTATION REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) **SUSTAINABLE TRAIL REQUIRED.**—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) **FORCE AND EFFECT.**—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) **AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.**—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) **CONFLICT.**—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **STATE.**—The term “State” means the State of Oregon.

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) **DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **BADGER CREEK WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled “Badger Creek Wilderness—Badger Creek Additions” and “Badger Creek Wilderness—Bonney Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) **BULL OF THE WOODS WILDERNESS ADDITION.**—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness—Bull of the Woods Additions”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) **CLACKAMAS WILDERNESS.**—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled “Clackamas Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Memaloose Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

(4) **MARK O. HATFIELD WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled “Mark O. Hatfield Wilderness—Gorge Face” and “Mark O. Hatfield Wilderness—Larch Mountain”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) **MOUNT HOOD WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled “Mount Hood Wilderness—Barlow Butte”, “Mount Hood Wilderness—Elk Cove/Mazama”, “Richard L. Kohnstamm Memorial Area”, “Mount Hood Wilderness—Sand Canyon”, “Mount Hood Wilderness—Sandy Additions”, “Mount Hood Wilderness—Twin Lakes”, and “Mount Hood Wilderness—White River”, dated July 16, 2007, and the map entitled “Mount Hood Wilderness—Cloud Cap”, dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) **ROARING RIVER WILDERNESS.**—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled “Roaring River Wilderness—Roaring River Wilderness”, dated July 16, 2007, which shall be known as the “Roaring River Wilderness”.

(7) **SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled “Salmon-Huckleberry Wilderness—Alder Creek Addition”, “Salmon-Huckleberry Wilderness—Eagle Creek Addition”, “Salmon-Huckleberry Wilderness—Hunchback Mountain”, “Salmon-Huckleberry Wilderness—Inch Creek”,

“Salmon-Huckleberry Wilderness—Mirror Lake”, and “Salmon-Huckleberry Wilderness—Salmon River Meadows”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) **LOWER WHITE RIVER WILDERNESS.**—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled “Lower White River Wilderness—Lower White River”, dated July 16, 2007, which shall be known as the “Lower White River Wilderness”.

(b) **RICHARD L. KOHNSTAMM MEMORIAL AREA.**—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Richard L. Kohnstamm Memorial Area”, dated July 16, 2007, is designated as the “Richard L. Kohnstamm Memorial Area”.

(c) **POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.**—

(1) **ROARING RIVER POTENTIAL WILDERNESS AREA.**—

(A) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as “Potential Wilderness” on the map entitled “Roaring River Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) **MANAGEMENT.**—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) **ADDITION TO THE MOUNT HOOD WILDERNESS.**—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled “Mount Hood Wilderness—Tilly Jane”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) **ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.**—On acquisition by the United States, the approximately 160 acres of land identified as “Land to be acquired by USFS” on the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) **DESCRIPTION OF LAND.**—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) **BUFFER ZONES.**—

(1) **IN GENERAL.**—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) **ACTIVITIES OR USES UP TO BOUNDARIES.**—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) **FISH AND WILDLIFE.**—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) **FIRE, INSECTS, AND DISEASES.**—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the “Secretary”) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

“(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

“(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

“(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

“(176) FIFTEENMILE CREEK, OREGON.—

“(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

“(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

“(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

“(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

“(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

“(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

“(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork

Collawash to the confluence of the main-stream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

“(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

“(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.”.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the “Columbia River Gorge National Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking “for a period not to exceed twenty years from the date of enactment of this Act.”.

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain”, dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as “BLM Lands” on the map entitled “National Recreation Areas—Shellrock Mountain”, dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this subsection as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this subsection as the “Management Unit”).

(B) **EXCLUSION OF CERTAIN LAND.**—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) **WITHDRAWAL.**—

(i) **IN GENERAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) **EXCEPTION.**—Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) **PURPOSES.**—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) **MAP AND LEGAL DESCRIPTION.**—

(A) **SUBMISSION OF LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **FORCE OF LAW.**—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) **PUBLIC AVAILABILITY.**—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) **ADMINISTRATION.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) **FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.**—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) **PROHIBITED ACTIVITIES.**—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) **FOREST ROAD CLOSURES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) **EXCEPTION.**—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) **PRIVATE LAND.**—

(A) **EFFECT.**—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) **COOPERATION.**—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) **INCLUSION IN MANAGEMENT UNIT.**—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) **PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.**—

(1) **IN GENERAL.**—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) **DESCRIPTION OF LAND.**—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **FORCE OF LAW.**—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) **USE OF LAND.**—

(A) **IN GENERAL.**—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) **PROHIBITED USES.**—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COUNTY.**—The term “County” means Hood River County, Oregon.

(B) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Cooper Spur/Government Camp Land Exchange”, dated June 2006.

(C) **FEDERAL LAND.**—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as “USFS Land to be Conveyed” on the exchange map.

(D) **MT. HOOD MEADOWS.**—The term “Mt. Hood Meadows” means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) EXCHANGE MAP.—The term “exchange map” means the map entitled “Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange”, dated June 2006.

(B) FEDERAL LAND.—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.

(C) NON-FEDERAL LAND.—The term “non-Federal land” means the parcels of land consisting of approximately 40 acres identified as “Land to be acquired by USFS” on the exchange map.

(D) PORT.—The term “Port” means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) COSTS.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term “County” means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term “exchange map” means the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006.

(C) FEDERAL LAND.—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as “USFS Land to be conveyed” on the exchange map.

(D) NON-FEDERAL LAND.—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres identified as “Land to be acquired by USFS” on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County

offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this

section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328) is amended—

(1) in the matter preceding paragraph (1), by striking “eight hundred fifty-nine thousand six hundred acres” and inserting “873,300 acres”;

(2) in paragraph (29), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled ‘Proposed Copper Salmon Wilderness Area’ and dated December 7, 2007, to be known as the ‘Copper Salmon Wilderness’.”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the “Secretary”) shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking “19-mile segment” and inserting “29-mile segment”;

(2) in subparagraph (A), by striking “; and” and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

“(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.”.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term “Box R Ranch land exchange map” means the map entitled “Proposed Rowlett Land Exchange” and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term “Bureau of Land Management land” means the approximately 40 acres of land administered by the Bureau of Land Management identified as “Rowlett Selected”, as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term “Deerfield land exchange map” means the map entitled “Proposed Deerfield-BLM Property Line Adjustment” and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term “Deerfield parcel” means the approximately 1.5 acres of land identified as “From Deerfield to BLM”, as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term “Federal parcel” means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as “From BLM to Deerfield”, as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term “grazing allotment” means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term “grazing lease” means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term “Landowner” means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term “lessee” means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term “livestock” does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term “Monument” means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term “Rowlett parcel” means the parcel of approximately 40 acres of private land identified as “Rowlett Offered”, as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE.—The term “State” means the State of Oregon.

(15) WILDERNESS.—The term “Wilderness” means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Soda Mountain Wilderness” and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) GRAZING ALLOTMENT.—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) CONDITIONS.—

(1) IN GENERAL.—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Soda Mountain Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—

(A) IN GENERAL.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) NOTIFICATION.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) LIVESTOCK.—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) ACCOUNT.—The term “account” means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) COUNTY.—The term “County” means Owyhee County, Idaho.

(3) OWYHEE FRONT.—The term “Owyhee Front” means the area of the County from

Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) PUBLIC LAND.—The term “public land” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Idaho.

(8) TRIBES.—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbridge Rivers Wilderness” and dated December 15, 2008, which shall be known as the “Bruneau-Jarbridge Rivers Wilderness”.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Little Jacks Creek Wilderness”.

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “North Fork Owyhee Wilderness”.

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled “Owyhee River Wilderness” and dated May 5, 2008, which shall be known as the “Owyhee River Wilderness”.

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “Pole Creek Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(I) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the

United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

“(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(182) BRUNEAU RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbridge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

“(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbridge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbridge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

“(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

“(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

“(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

“(191) OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

“(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

“(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.”

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exte-

rior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the “Owyhee Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as “Proposed for Acquisition” on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of \$8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall

conduct resource and route inventories of the area covered by the plan.

(c) **LIMITATION TO DESIGNATED ROUTES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to snowmobiles.

(d) **TEMPORARY LIMITATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) **SCHEDULE.**—

(1) **OWYHEE FRONT.**—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) **OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.**—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Sabinoso Wilderness” and dated September 8, 2008.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sabinoso Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) **GRAZING.**—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) **ACCESS.**—

(A) **IN GENERAL.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) **CERTAIN LAND.**—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the land generally depicted on the map as “Lands Withdrawn From Mineral Entry” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) **LINE OF DEMARCATION.**—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) **MAP.**—The term “map” means the map entitled “Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary”, numbered 625/80,051, and dated April 16, 2007.

(3) **NATIONAL LAKESHORE.**—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WILDERNESS.**—The term “Wilderness” means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Beaver Basin Wilderness”.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) **BOUNDARY.**—

(1) **LINE OF DEMARCATION.**—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) **SURFACE WATER.**—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) **FORCE AND EFFECT.**—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **USE OF ELECTRIC MOTORS.**—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) **DISTRICT.**—The term “District” means the Central Oregon Irrigation District.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Oregon.

(4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Badlands Wilderness” and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Oregon Badlands Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **ACCESS TO PRIVATE PROPERTY.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) **POTENTIAL WILDERNESS.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management

with a width of 25 feet, as generally depicted on the wilderness map as “Potential Wilderness”, is designated as potential wilderness.

(2) **INTERIM MANAGEMENT.**—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) **FINDING.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) **CLARNO LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as “Clarno to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approxi-

mately 209 acres of Federal land identified on the wilderness map as “Federal Government to Clarno”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) **DISTRICT EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as “COID to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as “Federal Government to COID”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) **REQUIREMENTS.**—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) **EQUALIZATION.**—

(A) **IN GENERAL.**—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) **CASH EQUALIZATION PAYMENTS.**—Any cash equalization payments received by the

Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of Oregon.

(3) TRIBES.—The term “Tribes” means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Spring Basin Wilderness with Land Exchange Proposals” and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Spring Basin Wilderness”.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE $\frac{1}{4}$, W $\frac{1}{2}$.

(2) T. 8 S., R. 19 E., sec. 25, SE $\frac{1}{4}$, SE $\frac{1}{4}$.

(3) T. 8 S., R. 20 E., sec. 19, SE $\frac{1}{4}$, S $\frac{1}{2}$ of the S $\frac{1}{2}$.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from the CTWSIR to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approxi-

mately 4,578 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to CTWSIR”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from McGreer to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to McGreer”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Keys to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Keys”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Bowerman to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Bowerman”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term “Forest” means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term “Recreation Area” means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term “State” means the State of California.

(5) TRAIL.—The term “Trail” means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as “Hoover East Wilderness Addition,” “Hoover West Wilderness Addition,” and “Bighorn Proposed Wilderness Addition”, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008; and

(ii) the map entitled “Bighorn Proposed Wilderness Additions” and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare

Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled “Owens River Headwaters Proposed Wilderness” and dated September 16, 2008, which shall be known as the “Owens River Headwaters Wilderness”.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “John Muir Proposed Wilderness Addition (1 of 5)” and dated September 23, 2008;

(ii) the map entitled “John Muir Proposed Wilderness Addition (2 of 5)” and dated September 23, 2008;

(iii) the map entitled “John Muir Proposed Wilderness Addition (3 of 5)” and dated October 31, 2008;

(iv) the map entitled “John Muir Proposed Wilderness Addition (4 of 5)” and dated September 16, 2008; and

(v) the map entitled “John Muir Proposed Wilderness Addition (5 of 5)” and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled “John Muir Wilderness—Revised” and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled “Ansel Adams Proposed Wilderness Addition” and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the “White Mountains Wilderness”.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “White Mountains Proposed Wilderness-Map 1 of 2 (North)” and dated September 16, 2008; and

(ii) the map entitled “White Mountains Proposed Wilderness-Map 2 of 2 (South)” and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled “Granite Mountain Wilderness” and dated September 19, 2008, which shall be known as the “Granite Mountain Wilderness”.

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled “Magic Mountain Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Magic Mountain Wilderness”.

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled "Pleasant View Ridge Proposed Wilderness" and dated December 16, 2008, which shall be known as the "Pleasant View Ridge Wilderness".

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as prac-

ticable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits es-

tablished for the John Muir, Ansel Adams, and Hoover wilderness areas.

(1) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as "Transfer of Administrative Jurisdiction from BLM to FS" on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as "Transfer of Administrative Jurisdiction from BLM to FS" on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as "Land from FS to BLM" on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

"(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

"(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

"(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

"(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25

miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

“(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

“(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

“(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

“(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

“(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

“(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R. 27 E., as a wild river.

“(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

“(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

“(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

“(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T. 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec. 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

“(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T. 4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

“(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

“(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.”.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the “Bridgeport Winter Recreation Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with non-motorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as “Pacific Crest Trail Proposed Crossing Area” on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as “Pickel Hill Management Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled “Ancient Bristlecone Pine Forest—Proposed” and dated July 16, 2008, is designated as the “Ancient Bristlecone Pine Forest”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary

determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) **SCIENTIFIC RESEARCH.**—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) **DEFINITION OF SECRETARY.**—In this section, the term “Secretary” means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) **DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.**—

(1) **DESIGNATIONS.**—

(A) **AGUA TIBIA WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled “Proposed Addition to Agua Tibia Wilderness”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) **CAHUILLA MOUNTAIN WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled “Cahuilla Mountain Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness”.

(C) **SOUTH FORK SAN JACINTO WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness”.

(D) **SANTA ROSA WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is des-

ignated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98-425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) **BEAUTY MOUNTAIN WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled “Beauty Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Beauty Mountain Wilderness”.

(F) **JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) **OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocopia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) **PALEN/MCCOY WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen-McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) **PINTO MOUNTAINS WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled “Pinto Mountains Proposed

Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness”.

(J) **CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) **MAPS AND DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) **FORCE OF LAW.**—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) **UTILITY FACILITIES.**—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) **JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.**—

(1) **DESIGNATION OF POTENTIAL WILDERNESS.**—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) **DESIGNATION AS WILDERNESS.**—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) **MAP AND DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this

section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) **FORCE OF LAW.**—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) **ADMINISTRATION OF WILDERNESS.**—

(1) **MANAGEMENT.**—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or
(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) **FIRE MANAGEMENT AND RELATED ACTIVITIES.**—

(A) **IN GENERAL.**—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(B) **FUNDING PRIORITIES.**—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) **REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) **ADMINISTRATION.**—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency ap-

proval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) **GRAZING.**—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.

(6) **NATIVE AMERICAN USES AND INTERESTS.**—

(A) **ACCESS AND USE.**—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) **INDIAN TRIBE DEFINED.**—In this paragraph, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) **MILITARY ACTIVITIES.**—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

“(200) **NORTH FORK SAN JACINTO RIVER, CALIFORNIA.**—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

“(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

“(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

“(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its

confluence with Stone Creek, as a scenic river.

“(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

“(201) **FULLER MILL CREEK, CALIFORNIA.**—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) **PALM CANYON CREEK, CALIFORNIA.**—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) **BAUTISTA CREEK, CALIFORNIA.**—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) **BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.**—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) **EXPANSION OF BOUNDARIES.**—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”

(b) **TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.**—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STATE.**—The term “State” means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **JOHN KREBS WILDERNESS.**—

(A) **DESIGNATION.**—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) **EFFECT.**—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(C) **POTENTIAL WILDERNESS ADDITIONS.**—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) **SEQUOIA-KINGS CANYON WILDERNESS ADDITION.**—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) **RECOMMENDED WILDERNESS.**—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE AND EFFECT.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) **HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.**—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) **AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.**—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) **HORSEBACK RIDING.**—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) **PARK.**—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRAIL.**—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) **WILDERNESS.**—The term “Wilderness” means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) **MAP AND BOUNDARY DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) **AVAILABILITY; FORCE OF LAW.**—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) **INCLUSION OF POTENTIAL WILDERNESS.**—

(1) **IN GENERAL.**—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a “Potential Wilderness Area”, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) **BOUNDARY DESCRIPTION.**—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) **EXCLUSION OF CERTAIN LAND.**—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincentzen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the “East Shore Trail Area”.

(e) **ADMINISTRATION.**—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) **WATER RIGHTS.**—

(1) **FINDINGS.**—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) **EFFECT.**—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) **FIRE, INSECT, AND DISEASE CONTROL.**—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) **CONDITIONAL WAIVER OF STRICT LIABILITY.**—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) **AGREEMENT.**—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) **LIMITATION.**—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101-337 (16 U.S.C. 191j et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) **COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.**—

(1) **IN GENERAL.**—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(2) **ALVA B. ADAMS TUNNEL.**—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) **RIGHT-OF-WAY.**—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be

terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) **NEW RECLAMATION PROJECTS.**—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) **CLARIFICATION OF MANAGEMENT AUTHORITY.**—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the “East Shore Trail”, to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) **ADJUSTMENTS.**—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) **INCLUSION IN WILDERNESS.**—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) **EFFECT.**—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) **RELATION TO LAND OUTSIDE WILDERNESS.**—

(1) **IN GENERAL.**—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) **MOTORIZED VEHICLES AND MACHINERY.**—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) **MANAGEMENT OF LAND BEFORE INCLUSION.**—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) **INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.**—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-450) is amended—

(1) by striking “seventy thousand acres” and inserting “74,195 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

(b) **ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.**—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) **IN GENERAL.**—Section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) shall apply to the parcel of land described in subsection (b).

(b) **DESCRIPTION OF THE LAND.**—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah**SEC. 1971. DEFINITIONS.**

In this subtitle:

(1) **BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.**—The term “Beaver Dam Wash National Conservation Area Map” means the map entitled “Beaver Dam Wash National Conservation Area” and dated December 18, 2008.

(2) **CANAAN MOUNTAIN WILDERNESS MAP.**—The term “Canaan Mountain Wilderness Map” means the map entitled “Canaan Mountain Wilderness” and dated June 21, 2008.

(3) **COUNTY.**—The term “County” means Washington County, Utah.

(4) **NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.**—The term “Northeastern Washington County Wilderness Map” means the map entitled “Northeastern Washington County Wilderness” and dated November 12, 2008.

(5) **NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.**—The term “Northwestern Washington County Wilderness Map” means the map entitled “Northwestern Washington County Wilderness” and dated June 21, 2008.

(6) **RED CLIFFS NATIONAL CONSERVATION AREA MAP.**—The term “Red Cliffs National Conservation Area Map” means the map entitled “Red Cliffs National Conservation Area” and dated November 12, 2008.

(7) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term “Washington County Growth and Conservation Act Map” means the map entitled “Washington County Growth and Conservation Act Map” and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Beartrap Canyon Wilderness”.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Blackridge Wilderness”.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the “Canaan Mountain Wilderness”.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Canyon Wilderness”.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Forest Wilderness”.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Cougar Canyon Wilderness”.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek Wilderness”.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek North Wilderness”.

(I) DOC’S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Doc’s Pass Wilderness”.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Manage-

ment, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Goose Creek Wilderness”.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “LaVerkin Creek Wilderness”.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Red Butte Wilderness”.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Red Mountain Wilderness”.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Slaughter Creek Wilderness”.

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Taylor Creek Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

- (i) the Bureau of Land Management; and
- (ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or

water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) **STATE WATER LAW.**—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) **FISH AND WILDLIFE.**—

(A) **JURISDICTION OF STATE.**—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) **AUTHORITY OF SECRETARY.**—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101-405.

(11) **WILDLIFE WATER DEVELOPMENT PROJECTS.**—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) **COOPERATIVE AGREEMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) **RELEASE OF WILDERNESS STUDY AREAS.**—

(1) **FINDING.**—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) **RELEASE.**—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) **TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.**—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) **WILDERNESS AREA.**—The term “Wilderness Area” means the Zion Wilderness designated by subsection (b)(1).

(3) **ZION NATIONAL PARK WILDERNESS MAP.**—The term “Zion National Park Wilderness Map” means the map entitled “Zion National Park Wilderness” and dated April 2008.

(b) **ZION NATIONAL PARK WILDERNESS.**—

(1) **DESIGNATION.**—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Zion Wilderness”.

(2) **INCORPORATION OF ACQUIRED LAND.**—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) **MAP AND LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) **FORCE AND EFFECT.**—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) **AVAILABILITY.**—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) **PURPOSES.**—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) **DEFINITIONS.**—In this section:

(1) **HABITAT CONSERVATION PLAN.**—The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) **PUBLIC USE PLAN.**—The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Public Use Plan” and dated June 12, 2000, as amended.

(5) **RESOURCE MANAGEMENT PLAN.**—The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) **INCORPORATION OF PLANS.**—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **USES.**—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) **MOTORIZED VEHICLES.**—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) **GRAZING.**—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) **EFFECT.**—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) **PURPOSE.**—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) **DEFINITIONS.**—In this section:

(1) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan

for the long-term management of the National Conservation Area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) **MOTORIZED VEHICLES.**—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **USES.**—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) **MOTORIZED VEHICLES.**—

(A) **IN GENERAL.**—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) **ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.**—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as “Designated Road Areas”, motorized vehicles shall be permitted only on the roads identified on such map.

(4) **GRAZING.**—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) **DESIGNATION.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(204) **ZION NATIONAL PARK, UTAH.**—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled ‘Wild and Scenic River Segments Zion National Park and Bureau of Land Management’ and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

“(A) **TAYLOR CREEK.**—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

“(B) **NORTH FORK OF TAYLOR CREEK.**—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(C) **MIDDLE FORK OF TAYLOR CREEK.**—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(D) **SOUTH FORK OF TAYLOR CREEK.**—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(E) **TIMBER CREEK AND TRIBUTARIES.**—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(F) **LAVERKIN CREEK.**—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

“(G) **WILLIS CREEK.**—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

“(H) **BEARTRAP CANYON.**—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(I) **HOP VALLEY CREEK.**—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(J) **CURRENT CREEK.**—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(K) **CANE CREEK.**—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

“(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

“(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

“(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

“(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

“(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

“(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

“(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

“(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

“(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

“(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

“(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

“(JJ) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

“(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

“(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

“(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.”

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Rights Settlement Agreement” and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term “trail” means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the “High Desert Off-Highway Vehicle Trail”.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

- (i) the Bureau of Land Management; and
- (ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

- (I) wildlife habitats;
- (II) natural resources;
- (III) cultural resources; or
- (IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

- (I) to repair damage to the trail; or
- (II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the “Washington County, Utah Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as “Temple Quarry” as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel B”, to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel C”, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel D”, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted

on the Washington County Growth and Conservation Act Map as “Parcel E”, to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel F”, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term “covered Federal land” means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term “map” means the map entitled “Conveyance of Dixie National Forest Land” and dated December 18, 2008.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **USE OF PROCEEDS.**—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.**(a) DEFINITIONS.**—In this section:

(1) **PARCEL A.**—The term “Parcel A” means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled “Washington County Growth and Conservation Act Map”.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **TRIBE.**—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.

(1) **IN GENERAL.**—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.

(A) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.

(i) **IN GENERAL.**—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) **TECHNICAL CORRECTIONS.**—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) **EFFECT.**—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) **LAND TO BE MADE A PART OF THE RESERVATION.**—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS**Subtitle A—National Landscape Conservation System****SEC. 2001. DEFINITIONS.**

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **SYSTEM.**—The term “system” means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) **ESTABLISHMENT.**—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) **COMPONENTS.**—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) **MANAGEMENT.**—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.

(1) **IN GENERAL.**—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) **FISH AND WILDLIFE.**—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of

the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle B—Prehistoric Trackways National Monument**SEC. 2101. FINDINGS.**

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101-578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksites” in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) **MONUMENT.**—The term “Monument” means the Prehistoric Trackways National Monument established by section 2103(a).

(2) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2103. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) **DESCRIPTION OF LAND.**—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agree-

ments with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area**SEC. 2201. DEFINITIONS.**

In this subtitle:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan developed for the Conservation Area under section 2203(c).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve,

and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) **PURPOSES.**—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) **IN GENERAL.**—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) **RENAMING.**—Public Law 103-64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii-1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and

(2) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) **TECHNICAL CORRECTIONS.**—Public Law 103-64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’)”; and

(2) in section 4 (16 U.S.C. 460iii-3)—

(A) in subsection (a)(2), by striking “Conservation Area” and inserting “conservation area”; and

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) **COUNCIL.**—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 2406.

(4) **MAP.**—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Colorado.

(7) **WILDERNESS.**—The term “Wilderness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT.—**

(1) **IN GENERAL.**—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) **AREA INCLUDED.**—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) **PURPOSES.**—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) **MANAGEMENT.—**

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) **USES.—**

(A) **IN GENERAL.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) **USE OF MOTORIZED VEHICLES.—**

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) **ADMINISTRATIVE AND EMERGENCY RESPONSE USE.**—Clause (i) shall not limit the use of motor vehicles in the Conservation

Area for administrative purposes or to respond to an emergency.

(iii) **LIMITATION.**—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) **ADMINISTRATION OF WILDERNESS.**—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) **PUBLIC AVAILABILITY.**—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) **GRAZING.—**

(1) **GRAZING IN CONSERVATION AREA.**—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) **GRAZING IN WILDERNESS.**—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior

and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) **NO BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) **ACTIVITIES OUTSIDE CONSERVATION AREA.**—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) **MANAGEMENT.**—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) **FIRE, INSECTS, AND DISEASES.**—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) **ACCESS.**—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) **INVASIVE SPECIES AND NOXIOUS WEEDS.**—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) **WATER RIGHTS.**—

(1) **EFFECT.**—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) **WILDERNESS WATER RIGHTS.**—

(A) **IN GENERAL.**—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) **STATE LAW.**—

(1) **PROCEDURAL REQUIREMENTS.**—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) **ESTABLISHMENT OF WATER RIGHTS.**—

(1) **IN GENERAL.**—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights

pursued under this paragraph shall be established in accordance with State law.

(II) **EXCEPTION.**—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) **DEADLINE.**—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) **REQUIRED DETERMINATION.**—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) **COOPERATIVE ENFORCEMENT.**—

(i) **IN GENERAL.**—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) **ADJUDICATION.**—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) **INSUFFICIENT WATER RIGHTS.**—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) **FAILURE TO COMPLY.**—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) **WATER RESOURCE FACILITY.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydro-power project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **CONSERVATION AREA WATER RIGHTS.**—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) **WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.**—

(A) **IN GENERAL.**—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) **EXCLUSION FROM WILDERNESS.**—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) **EFFECT.**—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) **VALID EXISTING RIGHTS.**—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) **PURPOSES.**—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

(b) **DUTIES.**—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) **APPLICABLE LAW.**—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) **MEMBERS.**—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

“(I) the Environmental Protection Agency;”;

(2) in paragraph (4), by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4148) is amended by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term “Map” means the map entitled “Carson City, Nevada Area”, dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term “Tribe” means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as “To U.S. Forest Service”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as “To Carson City for Natural Areas”;;

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as “Silver Saddle Ranch and Carson River Area”;;

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as “To Carson City for Parks and Public Purposes”; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as “Reversionary Interest of the United States Released”.

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(i), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to pre-

serve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trail-head facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trail-head facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as “To Bureau of Land Management”.

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as “Parcel #1” is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as “Lands for Disposal” on the Map; and

(B) the approximately 50 acres of land identified as “Parcel #1” on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(1) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the “Carson City Special Account”, and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the “Silver Saddle Endowment Account”, consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by para-

graph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as “Urban Interface Withdrawal”.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))” and inserting “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))”;

(2) in paragraph (3)(A)(v), by striking “Clark, Lincoln, and White Pine Counties” and inserting “Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))”;

(3) in paragraph (4), by striking “2011” and inserting “2015”; and

(4) by adding at the end the following:

“(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

“(A) adjacent to the Carson River; or

“(B) within the floodplain of the Carson River.”.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as “To Washoe Tribe”.

(3) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) **USE OF LAND.**—

(A) **GAMING.**—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) **TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.**—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200' elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) **TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.**—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200' elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii) (I) residential or recreational development; or

(II) commercial use.

(D) **THINNING; LANDSCAPE RESTORATION.**—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(I) **CORRECTION OF SKUNK HARBOR CONVEYANCE.**—

(1) **PURPOSE.**—The purpose of this subsection is to amend Public Law 108-67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) **TECHNICAL CORRECTION.**—Section 2 of Public Law 108-67 (117 Stat. 880) is amended—

(A) by striking "Subject to" and inserting the following:

"(a) **IN GENERAL.**—Subject to";

(B) in subsection (a) (as designated by paragraph (1)), by striking "the parcel" and all that follows through the period at the end and inserting the following: "and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0' (Lake Tahoe Datum)."; and

(C) by adding at the end the following:

"(b) **SURVEY AND LEGAL DESCRIPTION.**—

"(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

"(2) **TECHNICAL CORRECTIONS.**—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

"(c) **PUBLIC ACCESS AND USE.**—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the

Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection."

(3) **DATE OF TRUST STATUS.**—The trust land described in section 2(a) of Public Law 108-67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) **TRANSFER.**—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as "Parcel B" on the map entitled "Skunk Harbor Conveyance Correction" and dated September 12, 2008.

(j) **AGREEMENT WITH FOREST SERVICE.**—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) **ARTIFACT COLLECTION.**—

(1) **NOTICE.**—At least 180 days before conducting any ground disturbing activities on the land identified as "Parcel #2" on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) **AUTHORIZED ACTIVITIES.**—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as "Parcel #2" on the Map.

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term "City" means the City of Henderson, Nevada.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **STATE.**—The term "State" means the State of Nevada.

(4) **TRANSITION AREA.**—The term "Transition Area" means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated March 20, 2006.

(b) **SOUTHERN NEVADA LIMITED TRANSITION AREA.**—

(1) **CONVEYANCE.**—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) **USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.**—

(A) **IN GENERAL.**—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) **METHOD OF SALE.**—

(i) **IN GENERAL.**—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) **FAIR MARKET VALUE.**—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) **COMPLIANCE WITH CHARTER.**—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) **USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.**—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) **NOISE COMPATIBILITY REQUIREMENTS.**—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) **REVERSION.**—

(A) **IN GENERAL.**—If any parcel of land in the Transition Area is not conveyed for non-residential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) **INCONSISTENT USE.**—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **ALTA-HUALAPAI SITE.**—The term "Alta-Hualapai Site" means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.); and

(B) identified on the map as the "Alta-Hualapai Site".

(2) **CITY.**—The term "City" means the city of Las Vegas, Nevada.

(3) **INSTITUTE.**—The term "Institute" means the Nevada Cancer Institute, a non-profit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) **MAP.**—The term "map" means the map titled "Nevada Cancer Institute Expansion Act" and dated July 17, 2006.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) **WATER DISTRICT.**—The term “Water District” means the Las Vegas Valley Water District.

(b) **LAND CONVEYANCE.**—

(1) **SURVEY AND LEGAL DESCRIPTION.**—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) **ACCEPTANCE.**—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) **CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.**—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) **ADDITIONAL CONVEYANCES.**—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) **APPLICABLE LAW.**—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105-263 (112 Stat. 2345).

(6) **TRANSACTION COSTS.**—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105-263 (112 Stat. 2345).

(c) **RIGHTS-OF-WAY.**—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) **REVERSION.**—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 25 acres of Bureau of Land Management land identified on the map as “Lands to be conveyed to Turnabout Ranch”.

(2) **MAP.**—The term “map” means the map entitled “Turnabout Ranch Conveyance” dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) **MONUMENT.**—The term “Monument” means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TURNABOUT RANCH.**—The term “Turnabout Ranch” means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) **CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.**—

(1) **IN GENERAL.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) **APPRAISAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) **PAYMENT OF CONSIDERATION.**—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) **COSTS OF CONVEYANCE.**—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) **MODIFICATION OF MONUMENT BOUNDARY.**—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **BOY SCOUTS.**—The term “Boy Scouts” means the Utah National Parks Council of the Boy Scouts of America.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOY SCOUTS OF AMERICA LAND EXCHANGE.**—

(1) **AUTHORITY TO CONVEY.**—

(A) **IN GENERAL.**—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) **REVERSIONARY INTEREST.**—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy

Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) **CONDITIONS.**—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43-75-0010.

(4) **MODIFICATION OF PATENT.**—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) numbered 43-75-0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **PUBLIC LAND.**—The term “public land” means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled “Douglas County Public Utility District Proposal” and dated March 2, 2006.

(2) **PUD.**—The term “PUD” means the Public Utility District No. 1 of Douglas County, Washington.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **WELLS HYDROELECTRIC PROJECT.**—The term “Wells Hydroelectric Project” means Federal Energy Regulatory Commission Project No. 2149.

(b) **CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.**—

(1) **CONVEYANCE REQUIRED.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) **APPRAISAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”.

(3) **PAYMENT.**—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) **MAP AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) **COSTS OF CONVEYANCE.**—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) **SEGREGATION OF LANDS.**—

(1) **WITHDRAWAL.**—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) **DURATION.**—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) **RETAINED AUTHORITY.**—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) **CONVEYANCE.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) **LAND DESCRIPTION.**—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as “Land to be conveyed to Twin Falls” on the map titled “Twin Falls Land Conveyance” and dated July 28, 2008.

(c) **MAP ON FILE.**—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **USE OF CONVEYED LANDS.**—

(1) **PURPOSE.**—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) **RESTRICTION.**—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) **REVERSION.**—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) **ADMINISTRATIVE COSTS.**—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) **FINDING.**—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) **RELEASE.**—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) **DESCRIPTION OF LAND.**—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled “Sunrise Mountain ISA Release Areas” and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) **CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.**—

(1) **LAND TRANSFER.**—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) **DEED RESTRICTION.**—The conveyance of the lands under paragraph (1) shall be made

by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) **CONSIDERATION.**—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) **SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.**—

(1) **SALE OF LAND.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) **METHOD OF SALE.**—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) **DISPOSITION OF LAND SALES PROCEEDS.**—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) **RAILROAD LANDS DEFINED.**—For the purposes of this section, the term “railroad lands” means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T. 19 N., R. 19 E., and portions of section 7 of T. 19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) **RELEASE OF REVERSIONARY INTEREST.**—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) **IN GENERAL.**—

(1) **FEDERAL LANDS.**—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands

described in the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(2) **TRUST LANDS.**—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(b) **FEDERAL LANDS DESCRIBED.**—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) **TRUST LANDS DESCRIBED.**—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) **SURVEY.**—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) **APPLICABLE LAW.**—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or

“(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1).”.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **WILDLAND FIREFIGHTER.**—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) **TIMELINE.**—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the pro-

vision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **WYOMING RANGE WITHDRAWAL AREA.**—The term “Wyoming Range Withdrawal Area” means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) **WITHDRAWAL.**—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) **EXISTING RIGHTS.**—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) **BUFFERS.**—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) **LAND AND RESOURCE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) **CONFLICTS.**—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) **PRIOR LEASE SALES.**—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **EXCEPTION.**—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) **NOTIFICATION OF LEASEHOLDERS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) **REQUEST FOR LEASE RETIREMENT.**—

(1) **IN GENERAL.**—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) **LIST OF INTERESTED HOLDERS.**—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) **PROHIBITION.**—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) **DONATION AUTHORITY.**—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) **RELATIONSHIP TO OTHER AUTHORITY.**—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the city of Coffman Cove, Alaska.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—

(A) **IN GENERAL.**—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled “Subdivision of U.S. Survey No. 10099” and recorded as Plat 2003-1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) **EXCLUDED LAND.**—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030-295 and southeast of Tract CC-8.

(3) **RIGHT-OF-WAY.**—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) **REVERSION.**—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) **CONDITIONS ON SUBSEQUENT CONVEYANCES.**—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Jefferson County, Montana.

(2) **MAP.**—The term “map” means the map that is—

(A) entitled “Elkhorn Cemetery”;

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE TO JEFFERSON COUNTY, MONTANA.**—

(1) **CONVEYANCE.**—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the “Elkhorn Cemetery”, as generally depicted on the map.

(3) **USE OF LAND.**—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) **EASEMENT.**—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) **REVERSION.**—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) **MAP.**—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) **PARK.**—The term “Park” means the Pecos National Historical Park in the State.

(6) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) **STATE.**—The term “State” means the State of New Mexico.

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) **EASEMENT.**—

(A) **IN GENERAL.**—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) **ROUTE.**—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) **TERMS AND CONDITIONS.**—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) **APPLICABLE LAW.**—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(A) **IN GENERAL.**—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) **APPRAISALS.**—

(i) **IN GENERAL.**—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) **REQUIREMENTS.**—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) **APPROVAL.**—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term “Claim” means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term “Claimants” means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term “Federal land” means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term “survey” means the survey plat entitled “Boundary Survey and Conservation Easement Plat”, prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the “District”), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the pur-

pose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the “Mammoth Community Water District”) by Patent No. 04-87-0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder’s Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term “Federal land” means the land under the jurisdiction of the Secretary identified on the map as “Shooting Range Special Use Permit Area”.

(3) MAP.—The term “map” means the map entitled “Bountiful City Land Consolidation Act” and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of

1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under para-

graph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term “land designated for exclusion” means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled “Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho” and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term “land designated for inclusion” means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled “Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW” and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term “wilderness area” means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T’u’f Shur Bien Preservation Trust Area Act (16 U.S.C. 539m-11) is amended—

(1) in paragraph (1), by inserting “3,” after “sections”; and

(2) in the first sentence of paragraph (4), by inserting “, as a condition of the conveyance,” before “remain”.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term “State” means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term “study area” means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado

State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled "Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area" and dated August 27, 2008.

(B) **EXCLUSIONS.**—The term "study area" does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) **UNDEVELOPED LAND.**—The term "undeveloped land" means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) **STUDY; REPORT.**—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) **REQUIREMENTS.**—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) **LIMITATION.**—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) **EFFECT.**—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefiting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) **FUND.**—The term "Fund" means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) **PROGRAM.**—The term "program" means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) **PROPOSAL.**—The term "proposal" means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) **STRATEGY.**—The term "strategy" means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) **ELIGIBILITY CRITERIA.**—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106-393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the "10 Year Comprehensive Strategy Implementation Plan" and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the

Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) **NOMINATION PROCESS.**—

(1) **SUBMISSION.**—A proposal shall be submitted to—

- (A) the appropriate Regional Forester; and
- (B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) **NOMINATION.**—

(A) **IN GENERAL.**—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) **CONCURRENCE.**—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) **DOCUMENTATION.**—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) **SELECTION PROCESS.**—

(1) **IN GENERAL.**—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) **CRITERIA.**—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) **LIMITATION.**—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) **ADVISORY PANEL.**—

(1) **IN GENERAL.**—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) **REPRESENTATION.**—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) **INCLUSION.**—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) **COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) **INCLUSION.**—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) **CONTENTS.**—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) **LIMITATION.**—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of \$4,000,000 in any 1 fiscal year.

(5) **ACCOUNTING AND REPORTING SYSTEM.**—The Secretary shall establish an accounting and reporting system for the Fund.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Fund \$40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) **PROGRAM IMPLEMENTATION AND MONITORING.**—

(1) **WORK PLAN.**—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) **PROJECT IMPLEMENTATION.**—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) **ANNUAL REPORT.**—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) **MULTIPARTY MONITORING.**—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) **REPORT.**—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

“(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.”.

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) SHORT TITLE.—This section may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

(b) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term “State” means the State of Wyoming.

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

“(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

“(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

“(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

“(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

“(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

“(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

“(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

“(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

“(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

“(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

“(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

“(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

“(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

“(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

“(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

“(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

“(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

“(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

“(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

“(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

“(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

“(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

“(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild

and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) **REQUIRED COMPONENT.**—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) **QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.**—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) **STREAM GAUGES.**—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) **CONSENT OF PROPERTY OWNER.**—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) **EFFECT OF DESIGNATIONS.**—

(A) **IN GENERAL.**—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) **JACKSON LAKE; JACKSON LAKE DAM.**—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) **DESIGNATION.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

“(206) **TAUNTON RIVER, MASSACHUSETTS.**—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

“(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

“(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

“(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

“(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”.

(b) **MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.**—

(1) **TAUNTON RIVER STEWARDSHIP PLAN.**—

(A) **IN GENERAL.**—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the “Secretary”) determines to be consistent with this section).

(B) **EFFECT.**—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) **COOPERATIVE AGREEMENTS.**—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) **RELATION TO NATIONAL PARK SYSTEM.**—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) **LAND MANAGEMENT.**—

(A) **ZONING ORDINANCES.**—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) **VILLAGES.**—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) **ACQUISITION OF LAND.**—

(i) **LIMITATION OF AUTHORITY OF SECRETARY.**—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) **PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.**—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) **DESIGNATION FOR STUDY.**—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) **MISSISQUOI AND TROUT RIVERS, VERMONT.**—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”.

(b) **STUDY AND REPORT.**—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) **MISSISQUOI AND TROUT RIVERS, VERMONT.**—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(27) **ARIZONA NATIONAL SCENIC TRAIL.**—

“(A) **IN GENERAL.**—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.-Mexico international border to the Arizona-Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) **AUTHORIZATION AND ADMINISTRATION.**—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Matabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the “Metacomet Monadnock Matabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leav-

ing a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(1) of Public Law 91-383 (16 U.S.C. 1a-2(1)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than \$12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

“(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.

“(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

“(i) other Federal, State, tribal, regional, and local agencies; and

“(ii) the private sector.

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

“(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail: Proposed Trail’, numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the ‘map’).

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

“(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

“(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

“(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study

Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

“(i) The Bengie and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”.

Subtitle D—National Trail System Amendments**SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.**

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior bound-

aries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

“(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”.

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

“(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) SHARED ROUTE.—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) REQUIREMENTS FOR REVISION.—

“(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) OREGON NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow road.

“(x) Naches Pass Trail.

“(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) MISSOURI VALLEY ROUTES.—

“(I) Blue Mills-Independence Road.

“(II) Westport Landing Road.

“(III) Westport-Lawrence Road.

“(IV) Fort Leavenworth-Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming-Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

“(XII) Westport Road.

“(XIII) Gum Springs-Fort Leavenworth route.

“(XIV) Atchison/Independence Creek routes.

“(XV) Fort Leavenworth-Kansas River route.

“(XVI) Nebraska City cutoff routes.

“(XVII) Minersville-Nebraska City Road.

“(XVIII) Upper Plattsmouth route.

“(XIX) Upper Bellevue route.

“(ii) CENTRAL ROUTES.—

“(I) Cherokee Trail, including splits.

“(II) Weber Canyon route of Hastings cutoff.

“(III) Bishop Creek cutoff.

“(IV) McAuley cutoff.

“(V) Diamond Springs cutoff.

“(VI) Secret Pass.

“(VII) Greenhorn cutoff.

“(VIII) Central Overland Trail.

“(iii) WESTERN ROUTES.—

“(I) Bidwell-Bartleson route.

“(II) Georgetown/Dagget Pass Trail.

“(III) Big Trees Road.

“(IV) Grizzly Flat cutoff.

“(V) Nevada City Road.

“(VI) Yreka Trail.

“(VII) Henness Pass route.

“(VIII) Johnson cutoff.

“(IX) Luther Pass Trail.

“(X) Volcano Road.

“(XI) Sacramento-Coloma Wagon Road.

“(XII) Burnett cutoff.

“(XIII) Placer County Road to Auburn.

“(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as

shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.

“(ii) Council Bluffs Road.

“(iii) Sublette cutoff.

“(iv) Applegate route.

“(v) Old Fort Kearny Road (Oxbow Trail).

“(vi) Childs cutoff.

“(vii) Raft River to Applegate.”.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(44) CHISHOLM TRAIL.—

“(A) IN GENERAL.—The Chisholm Trail (also known as the ‘Abilene Trail’), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

“(45) GREAT WESTERN TRAIL.—

“(A) IN GENERAL.—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.”.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) WATERSHED GROUP.—The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—
 (I) hydroelectric production;
 (II) livestock grazing;
 (III) timber production;
 (IV) land development;
 (V) recreation or tourism;
 (VI) irrigated agricultural production;
 (VII) the environment;
 (VIII) potable water purveyors and industrial water users; and
 (IX) private property owners within the watershed;
 (ii) any Federal agency that has authority with respect to the watershed;
 (iii) any State agency that has authority with respect to the watershed;
 (iv) any local agency that has authority with respect to the watershed; and
 (v) any Indian tribe that—
 (I) owns land within the watershed; or
 (II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;
 (ii) improved water quality;
 (iii) ecological resiliency; and
 (iv) the reduction of water conflicts; and
 (E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) **WATERSHED MANAGEMENT PROJECT.**—The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;
 (B) improves water quality;
 (C) improves ecological resiliency of a river or stream;
 (D) reduces the potential for water conflicts; or
 (E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or
 (B) to enlarge a watershed group; and
 (2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) **APPLICATION.**—

(1) **ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and
 (B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) **DISTRIBUTION OF GRANT FUNDS.**—

(1) **IN GENERAL.**—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and
 (B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or
 (ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) **FUNDING PROCEDURE.**—

(A) **FIRST PHASE.**—

(i) **IN GENERAL.**—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) **ANNUAL DETERMINATION OF ELIGIBILITY.**—

(I) **DETERMINATION.**—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITIONS.**—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) **EXCEPTION.**—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) **SECOND PHASE.**—

(i) **IN GENERAL.**—A watershed group may apply for and receive second-phase grants of \$1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) **ANNUAL DETERMINATION OF ELIGIBILITY.**—

(I) **DETERMINATION.**—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITION.**—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) **THIRD PHASE.**—

(i) **FUNDING LIMITATION.**—

(I) **IN GENERAL.**—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than \$5,000,000 for a period of not more than 5 years.

(II) **EXCEPTION.**—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) **AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.**—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) \$100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) **COST SHARE.**—

(1) **PLANNING.**—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) **PROJECTS CARRIED OUT UNDER SECOND PHASE.**—

(A) **IN GENERAL.**—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) **PROJECTS CARRIED OUT UNDER THIRD PHASE.**—

(A) **IN GENERAL.**—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) **REQUIRED DEGREE OF DETAIL.**—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) **REPORT.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

- (A) in addressing water conflicts;
- (B) in conserving water;
- (C) in improving water quality; and
- (D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$2,000,000 for each of fiscal years 2008 and 2009;
- (2) \$5,000,000 for fiscal year 2010;
- (3) \$10,000,000 for fiscal year 2011; and
- (4) \$20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

“(e) **COMPETITIVE STATUS.**—

“(1) **IN GENERAL.**—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

“(2) **REDESIGNATION OF CERTAIN POSITIONS.**—

“(A) **PERSONS SERVING IN ORIGINAL POSITIONS.**—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) **PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.**—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”.

Subtitle C—Management of the Baca National Wildlife Refuge

SEC. 6201. BACA NATIONAL WILDLIFE REFUGE.

Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh-4) is amended—

(1) in subsection (a)—

(A) by striking “(a) **ESTABLISHMENT.**—(1) **When**” and inserting the following:

“(a) **ESTABLISHMENT AND PURPOSE.**—

“(1) **ESTABLISHMENT.**—

“(A) **IN GENERAL.**—**When**”;

(B) in paragraph (2), by striking “(2) **Such establishment**” and inserting the following:

“(B) **EFFECTIVE DATE.**—The establishment of the refuge under subparagraph (A)”;

(C) by adding at the end the following:

“(2) **PURPOSE.**—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.”;

(2) in subsection (c)—

(A) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(B) by adding at the end the following:

“(2) **REQUIREMENTS.**—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

“(A) emphasize migratory bird conservation; and

“(B) take into consideration the role of the Refuge in broader landscape conservation efforts.”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.”.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) **CASUAL COLLECTING.**—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) **INDIAN LAND.**—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) **PALEONTOLOGICAL RESOURCE.**—The term “paleontological resource” means any fossilized remains, traces, or imprints of orga-

nisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) **IN GENERAL.**—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize inter-agency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) **COORDINATION.**—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) **PERMIT REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) **CASUAL COLLECTING EXCEPTION.**—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) **PREVIOUS PERMIT EXCEPTION.**—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) **CRITERIA FOR ISSUANCE OF A PERMIT.**—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) **PERMIT SPECIFICATIONS.**—A permit for the collection of a paleontological resource

issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in ac-

cordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district

court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) **CORPORATION.**—The term “Corporation” means the King Cove Corporation.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) **MAP.**—The term “map” means each of—

(A) the map entitled “Izembek and Alaska Peninsula National Wildlife Refuges” and dated September 2, 2008; and

(B) the map entitled “Sitkinak Island—Alaska Maritime National Wildlife Refuge” and dated September 2, 2008.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) **REFUGE.**—The term “Refuge” means the Izembek National Wildlife Refuge.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Alaska.

(8) **TRIBE.**—The term “Tribe” means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) **IN GENERAL.**—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.**—

(1) **IN GENERAL.**—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) **ENVIRONMENTAL IMPACT STATEMENT.**—

(A) **IN GENERAL.**—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **REQUIREMENTS.**—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) **COOPERATING AGENCIES.**—

(A) **IN GENERAL.**—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) **AUTHORIZED ENTITIES.**—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) **VALUATION.**—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) **PUBLIC INTEREST DETERMINATION.**—

(1) **CONDITIONS FOR LAND EXCHANGE.**—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) **LIMITATION OF AUTHORITY OF SECRETARY.**—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) **KINZAROFF LAGOON.**—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) **DESIGNATION OF ROAD CORRIDOR.**—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) **REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.**—

(1) **LIMITATIONS ON USE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) **EXCEPTIONS.**—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) **REQUIREMENT OF AGREEMENT.**—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) **REQUIREMENT OF BARRIER CABLE.**—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled “Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision” and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for

Final Environmental Impact Statement required in section 6402(b)(2).

(3) **REQUIRED DIMENSIONS AND DESIGN FEATURES.**—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pull-outs.

(b) **SUPPORT FACILITIES.**—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) **FEDERAL PERMITS.**—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) **APPLICABLE LAW.**—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) **MITIGATION PLAN.**—

(1) **IN GENERAL.**—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) **CORRECTIVE MODIFICATIONS.**—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) **AVOIDANCE OF WILDLIFE IMPACTS.**—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) **MITIGATION OF WETLAND LOSS.**—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) **FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) **NON-FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) **WILDERNESS ADDITIONS.**—

(A) **IN GENERAL.**—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) **ADMINISTRATION.**—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) **NOTIFICATION TO VOID LAND EXCHANGE.**—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) **DISPOSITION OF LAND EXCHANGE.**—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) **RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.**—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) **IN GENERAL.**—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) **EXTENSION OF AUTHORITY.**—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) **EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.**—

(1) **IN GENERAL.**—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) **INJUNCTION.**—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) **APPLICABILITY OF SECTION 6405.**—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

Subtitle F—Wolf Livestock Loss Demonstration Project

SEC. 6501. DEFINITIONS.

In this subtitle:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) **LIVESTOCK.**—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) **PROGRAM.**—The term “program” means the demonstration program established under section 6502(a).

(4) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) **IN GENERAL.**—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) **CRITERIA AND REQUIREMENTS.**—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and
(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) **ALLOCATION OF FUNDING.**—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and
(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) **ELIGIBLE LAND.**—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) **FEDERAL COST SHARE.**—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6503. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Paterson, New Jersey.

(2) **COMMISSION.**—The term “Commission” means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) **HISTORIC DISTRICT.**—The term “Historic District” means the Great Falls Historic District in the State.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Park developed under subsection (d).

(5) **MAP.**—The term “Map” means the map entitled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80,001, and dated May 2008.

(6) **PARK.**—The term “Park” means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of New Jersey.

(b) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the “Paterson Great Falls National Historical Park”.

(B) **CONDITIONS FOR ESTABLISHMENT.**—The Park shall not be established until the date on which the Secretary determines that—

(i) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(ii) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) **PURPOSE.**—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) **BOUNDARIES.**—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) **AVAILABILITY OF MAP.**—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) **PUBLICATION OF NOTICE.**—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **STATE AND LOCAL JURISDICTION.**—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally

significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) **RIGHT OF ACCESS.**—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) **CHANGES OR ALTERATIONS.**—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) **CONVERSION, USE, OR DISPOSAL.**—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) **MATCHING FUNDS.**—

(i) **IN GENERAL.**—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) **FORM.**—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) **DONATION OF STATE OWNED LAND.**—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) **TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.**—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and

(B) other applicable laws.

(2) **COST SHARE.**—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary

capital improvements to, and maintenance and operations of, the Park.

(3) **SUBMISSION TO CONGRESS.**—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.**—

(1) **ESTABLISHMENT.**—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) **DUTIES.**—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) **INITIAL APPOINTMENTS.**—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) **TERM; VACANCIES.**—

(A) **TERM.**—

(i) **IN GENERAL.**—A member shall be appointed for a term of 3 years.

(ii) **REAPPOINTMENT.**—A member may be reappointed for not more than 1 additional term.

(B) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) **MEETINGS.**—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(7) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(A) **IN GENERAL.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) **VICE CHAIRPERSON.**—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) **TERM.**—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) **COMMISSION PERSONNEL MATTERS.**—

(A) **COMPENSATION OF MEMBERS.**—

(i) **IN GENERAL.**—Members of the Commission shall serve without compensation.

(ii) **TRAVEL EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the

member in the performance of the duties of the Commission.

(B) **STAFF.**—

(i) **IN GENERAL.**—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) **DETAIL OF EMPLOYEES.**—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) **TERMINATION.**—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) **STUDY OF HINCHLIFFE STADIUM.**—

(1) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) **INCLUSIONS.**—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) **ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.**—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles,

the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) **DESIGNATION OF PARK.**—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) **LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **GENERAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) **CONSULTATION.**—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) **INCLUSIONS.**—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) **SUBMISSION TO CONGRESS.**—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) **ACQUISITION OF PROPERTY.**—Section 4 of Public Law 102–543 (16 U.S.C. 410y–3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-7(b)) is amended by striking “\$4” and inserting “\$1”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102-543 (16 U.S.C. 410yy-9) is amended—

(1) in subsection (a)—

(A) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(B) by striking “\$3,000,000” and inserting “\$25,000,000”; and

(2) in subsection (b), by striking “\$100,000” and all that follows through “those duties” and inserting “\$250,000”.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A).”.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking “The Preserve” and inserting the following:

“(1) IN GENERAL.—The Preserve”; and

(B) by adding at the end the following:

“(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.”; and

(2) in subsection (c), by striking “map” and inserting “maps”.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled “An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “; and”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed

Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”; and

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100A, and dated December 2007.”.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) IN GENERAL.—

“(1) BARATARIA PRESERVE UNIT.—

“(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

“(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

“(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.”;

(B) in the second sentence, by striking “The Secretary may also acquire by any of the foregoing methods” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A).”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”; and

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.

“(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

“(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

“(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977”.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “, except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “on land, and interests in land and water managed by the Secretary, except that the Secretary”.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(B) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Minute Man National Historical Park Proposed Boundary”, numbered 406/81001, and dated July 2007.

(2) PARK.—The term “Park” means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(A) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term “Hurricane Hole” means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term “Tarpon Basin property” means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term “Company” means Florida Power & Light Company.

(B) FEDERAL LAND.—The term “Federal Land” means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term “National Park” means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term “non-Federal land” means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

(F) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(G) STATE.—The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual ease-

ment on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘O‘hana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka ‘O‘hana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for

and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) **COOPERATIVE AGREEMENTS.**—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

“(3) **AGREEMENTS.**—

“(A) **DEFINITION OF ELIGIBLE ENTITY.**—In this paragraph, the term ‘eligible entity’ means—

“(i) the Commonwealth of Massachusetts;

“(ii) a political subdivision of the Commonwealth of Massachusetts; or

“(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

“(B) **AUTHORITY OF SECRETARY.**—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

“(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

“(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

“(C) **CONDITIONS.**—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

“(i) appropriations for carrying out the purposes of the agreement are available; and

“(ii) the agreement is in the best interests of the United States.”

(b) **TECHNICAL AMENDMENTS.**—

(1) **MEMBERSHIP.**—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”

(2) **DONATIONS.**—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) **PURPOSES.**—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) **BOUNDARIES.**—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated April 2008.

(3) **MAP.**—The map of the Historical Park shall be on file and available for public in-

spection in the appropriate offices of the National Park Service.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **ACQUISITION OF PROPERTY.**—

(A) **REAL PROPERTY.**—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) **PERSONAL PROPERTY.**—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) **REPEAL OF SUPERSEDED LAW.**—Public Law 87-628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) **VOTES FOR WOMEN TRAIL.**—Title XVI of Public Law 96-607 (16 U.S.C. 4101l) is amended by adding at the end the following:

“SEC. 1602. VOTES FOR WOMEN TRAIL.

“(a) **DEFINITIONS.**—In this section:

“(1) **PARK.**—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

“(2) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the National Park Service.

“(3) **STATE.**—The term ‘State’ means the State of New York.

“(4) **TRAIL.**—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

“(b) **ESTABLISHMENT OF TRAIL ROUTE.**—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

“(c) **ADMINISTRATION.**—The Trail shall be administered by the National Park Service through the Park.

“(d) **ACTIVITIES.**—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

“(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, in-

terpretive guides, and electronic information;

“(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

“(3) create and adopt an official, uniform symbol or device to mark the Trail; and

“(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

“(e) **ELEMENTS OF TRAIL ROUTE.**—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

“(1) all units and programs of the Park relating to the struggle for women’s suffrage;

“(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

“(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

“(f) **COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.**—

“(1) **IN GENERAL.**—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).”

(b) **NATIONAL WOMEN'S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) **ELIGIBILITY.**—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) **UPDATES.**—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

(c) **NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.**—

(1) **GRANTS.**—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) **MANAGEMENT OF NETWORK.**—

(A) **IN GENERAL.**—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) **COORDINATION.**—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) **STATE HISTORIC PRESERVATION OFFICES.**—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) **DEFINITIONS.**—In this section:

(1) **HISTORIC SITE.**—The term “historic site” means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93-486 (16 U.S.C. 461 note) on October 26, 1974.

(2) **MAP.**—The term “map” means the map entitled “Boundary Map, Martin Van Buren National Historic Site”, numbered “460/80801”, and dated January 2005.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.**—

(1) **BOUNDARY ADJUSTMENT.**—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the “PROPOSED PARK BOUNDARY”, as generally depicted on the map.

(2) **ACQUISITION AUTHORITY.**—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **ADMINISTRATION.**—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) **DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.**—

(1) **IN GENERAL.**—The Palo Alto Battlefield National Historic Site shall be known and designated as the “Palo Alto Battlefield National Historical Park”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) **CONFORMING AMENDMENTS.**—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) is amended—

(A) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(B) in the heading for section 3, by striking “NATIONAL HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”; and

(C) by striking “historic site” each place it appears and inserting “historical park”.

(b) **BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.**—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking “(1) The historical park” and inserting the following: “(1) **IN GENERAL.**—The historical park”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) **ADDITIONAL LAND.**—

“(A) **IN GENERAL.**—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled ‘Palo Alto Battlefield NHS Proposed Boundary Expansion’, numbered 469/80,012, and dated May 21, 2008.

“(B) **AVAILABILITY OF MAP.**—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking “(3) Within” and inserting the following:

“(3) **LEGAL DESCRIPTION.**—Not later than”;

and

(B) in the second sentence, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) **DESIGNATION.**—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the “Abraham Lincoln Birthplace National Historical Park”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended in the first sentence by striking “may” and inserting “shall”.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) **GAYLORD NELSON WILDERNESS.**—

(1) **REDESIGNATION.**—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108-447), is amended—

(A) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”;

(B) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

(b) **ARLINGTON HOUSE LAND TRANSFER.**—Section 2863(h)(1) of Public Law 107-107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, The Robert E. Lee Memorial.”.

(c) **CUMBERLAND ISLAND WILDERNESS.**—Section 2(a)(1) of Public Law 97-250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

(d) **PETRIFIED FOREST BOUNDARY.**—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108-430) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

(e) **COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting “Natural” before “Resources”;

(2) in section 8904(b), by inserting “Advisory” before “Commission”; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting “Advisory” before “Commission”; and

(B) in the second sentence, by striking “House Administration” and inserting “Natural Resources”.

(f) **CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.**—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking “The John Smith” and inserting “The Captain John Smith”.

(g) **DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.**—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109-338; 120 Stat. 1856) is amended by striking “under section 605”.

(h) **USE OF RECREATION FEES.**—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking “section 6(a)” and inserting “section 806(a)”.

(i) **CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109-338; 120 Stat. 1844) is amended by inserting “duties” before “of the”.

(j) **CUYAHOGA VALLEY NATIONAL PARK.**—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 827) is amended by striking “Cayohoga” each place it appears and inserting “Cuyahoga”.

(k) **PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.**—

(1) **NAME ON MAP.**—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-199; 40 U.S.C. 872 note) is amended by striking “map entitled ‘Pennsylvania Avenue National Historic Park’, dated June 1, 1995, and numbered 840-82441” and inserting “map entitled ‘Pennsylvania Avenue National Historic Site’, dated August 25, 2008, and numbered 840-82441B”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the “Pennsylvania Avenue National Historic Site”.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) **ADDITIONAL AREAS INCLUDED IN PARK.**—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

“(c) **ADDITIONAL SITES.**—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80.013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

(b) **PROTECTION OF HISTORIC PROPERTIES.**—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “, acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) **CONDITIONS.**—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

(c) **GRANT ASSISTANCE.**—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

“(b) **GRANT ASSISTANCE.**—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.”.

(d) **NATIONAL AVIATION HERITAGE AREA.**—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking “104” and inserting “504”;

(2) in section 503(4), by striking “106” and inserting “506”;

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking “106” and inserting “506”.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking “the Secretary of the Interior” and inserting “(a) The Secretary of the Interior”;

(B) by striking “476 acres” and inserting “646 acres”; and

(C) by adding at the end the following:

“(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled ‘Fort Davis Proposed Boundary Expansion’, numbered 418/80.045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.”.

(2) By repealing section 3.

Subtitle C—Special Resource Studies**SEC. 7201. WALNUT CANYON STUDY.**

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.

(2) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) **STUDY AREA.**—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) **CONSULTATION.**—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) **REPORT.**—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) **STUDY GUIDELINES.**—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) **SCOPE OF STUDY.**—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) **REPORT.**—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton’s life on St. Croix in the United States Virgin Islands.

(2) **CONTENTS.**—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) **CRITERIA.**—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) **REPORT.**—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the “Secretary”) shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) **STUDY GUIDELINES.**—In conducting the study authorized under paragraph (1), the

Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) **REPORT.**—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) **SPECIAL RESOURCES STUDY.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) **CRITERIA.**—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) **CRITERIA.**—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **CONTENTS.**—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) **REPORT.**—Not later than 3 years after the date on which funds are made available

to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the

“route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) **DEFINITIONS.**—

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Cold War Advisory Committee established under subsection (c).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **THEME STUDY.**—The term “theme study” means the national historic landmark theme study conducted under subsection (b)(1).

(b) **COLD WAR THEME STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) **RESOURCES.**—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) **CONTENTS.**—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the “Cold War Advisory Committee”, to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

- (A) 3 shall have expertise in Cold War history;
- (B) 2 shall have expertise in historic preservation;
- (C) 1 shall have expertise in the history of the United States; and
- (D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

- (1) prepare and publish an interpretive handbook on the Cold War; and
- (2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

- (1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and
- (2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available

to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated

\$3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD REPORT.—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term “eligible entity” means a State or local government.

(C) ELIGIBLE SITE.—The term “eligible site” means a site—

- (i) that is not within the exterior boundaries of a unit of the National Park System; and
- (ii) that is identified in the Battlefield Report.

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

- (1) the Preserve America grant program within the Department of the Interior;
- (2) the recognition programs administered by the Advisory Council on Historic Preservation; and
- (3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term “Council” means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term “program” means the Preserve America Program established under subsection (c)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local

governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section:

- (i) A project for the conduct of—
 - (I) research on, and documentation of, the history of a community; and
 - (II) surveys of the historic resources of a community.
- (ii) An education and interpretation project that conveys the history of a community or site.
- (iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.
- (iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.
- (v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).
- (vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

- (i) cash; or
- (ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

- (1) the National Endowment for the Arts;
- (2) the National Endowment for the Humanities;
- (3) the Institute of Museum and Library Services;
- (4) the National Trust for Historic Preservation;
- (5) the National Conference of State Historic Preservation Officers;
- (6) the National Association of Tribal Historic Preservation Officers; and
- (7) the President's Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term “nationally significant” means a collection

or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term “program” means the Save America's Treasures Program established under subsection (c)(1).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

- (i) nationally significant; and
- (ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

- (i) be listed in the National Register of Historic Places at the national level of significance; or
- (ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

- (i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;
- (ii) has a clear public benefit; and
- (iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106-45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking “2009” and inserting “2019”.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105-325) is amended by striking section 5 and inserting the following:

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”.

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2018”.

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87-126 (16 U.S.C. 459b-7(a)) is

amended in the second sentence by striking “2008” and inserting “2018”.

SEC. 7403. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), is amended in the first sentence by striking “2009” and inserting “2010”.

SEC. 7404. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking “2008” and inserting “2009”.

SEC. 7405. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term “Commission” means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term “Governor” means the Governor of the State.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term “State” means the State of Florida.

(B) INCLUSION.—The term “State” includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the “St. Augustine 450th Commemoration Commission”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which

the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and

make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed \$20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section \$500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term “management entity” means the management en-

tity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the

management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term “map” means the map entitled “Cache La Poudre River National Heritage Area”, numbered 960/80.003, and dated April, 2004.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) CACHE LA POUDE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through

the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the

Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104-323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) PARTNER.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programing;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and non-profit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) MAP.—The term “map” means the map entitled “Baltimore National Heritage Area”, numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

- (i) the Cruise Maryland Terminal;
- (ii) new marina construction;
- (iii) the National Aquarium Aquatic Life Center;
- (iv) the Westport Redevelopment;
- (v) the Gwynns Falls Trail;
- (vi) the Baltimore Rowing Club; and
- (vii) the Masonville Cove Environmental Center.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

- (i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;
- (ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;
- (iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

- (i) the accomplishments of the local coordinating entity;
- (ii) the expenses and income of the local coordinating entity;
- (iii) the amounts and sources of matching funds;
- (iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and
- (v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the

Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

- (i) performance goals;
- (ii) plans for resource protection, enhancement, and interpretation; and
- (iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal

funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.—**

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF EFFECTIVENESS.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) **PURPOSES.**—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Freedom's Way National Heritage Area”, numbered T04/80,000, and dated July 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) **IN GENERAL.**—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

- (i) proposed in the management plan;
- (ii) approved by the Secretary in accordance with subsection (e)(4); and
- (iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(G) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(H) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(I) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(J) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately $\frac{1}{2}$ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(C) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory com-

mittee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(F) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(I) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the

right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term “map” means the map entitled “Mississippi Delta National Heritage Area”, numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and non-governmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that

are determined to be necessary by a majority vote of the Board.

(iv) **BYLAWS.**—

(I) **IN GENERAL.**—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) **NOTICE.**—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) **MINUTES.**—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(I) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations

make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area

be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.

(5) STATE.—The term “State” means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in

the appropriate offices of the National Park Service and the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling

the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local

governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) **DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) **AUTHORITIES.**—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the

local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use

plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **AVAILABILITY.**—Funds made available under paragraph (1) shall remain available until expended.

(3) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) **USE OF FEDERAL FUNDS FROM OTHER SOURCES.**—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) **TERMINATION OF EFFECTIVENESS.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) **MAP.**—The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) **MANAGEMENT PLAN.**—

(1) **LOCAL COORDINATING ENTITY.**—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning or-

ganizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the

local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(1) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(C) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term “State” means the State of Virginia.

(3) STUDY AREA.—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if

the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by adding at the end the following:

“(c) EVALUATION; REPORT.—

“(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph (3).

“(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and

“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) REPORT.—

“(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

“(i) the Committee on Energy and Natural Resources of the Senate; and

“(ii) the Committee on Natural Resources of the House of Representatives.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100-692) is amended—

(1) in section 9—

(A) by striking “The Commission” and inserting the following:

“(a) IN GENERAL.—The Commission”; and

(B) by adding at the end the following:

“(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

“(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”; and

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”; and

(ii) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(iii) by adding at the end the following:

“(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a

memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”; and

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986.”.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”; and

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”; and

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”; and

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”; and

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5,

United States Code, relating to the classification of positions and General Schedule pay rates;"; and

(E) in subsection (j), by striking "10 years" and inserting "15 years";

(2) in section 807—

(A) in subsection (e), by striking "with regard to the preparation and approval of the Canalway Plan"; and

(B) by adding at the end the following:

"(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan."; and

(3) in section 810(a)(1), in the first sentence, by striking "any fiscal year" and inserting "any fiscal year, to remain available until expended".

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking "shall be the the" and inserting "shall be the"; and

(2) by striking "Directors from Massachusetts and Rhode Island;" and inserting "Directors from Massachusetts and Rhode Island, ex officio, or their delegates;".

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term "appraisal report" means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term "principles and guidelines" means the report entitled "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies" issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and

guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study

costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term "Project" means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term “Project” means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TOTAL COST.—The term “total cost” means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through

the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed \$90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection \$22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term “Authority” means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term “engineering report” means the report entitled “Eastern New Mexico Rural Water System Preliminary Engineering Report” and dated October 2006.

(3) PLAN.—The term “plan” means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term “System” means the Eastern New Mexico Rural Water System, a water delivery project designed to

deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term “System” includes the major components and associated infrastructure identified as the “Best Technical Alternative” in the engineering report.

(7) UTE RESERVOIR.—The term “Ute Reservoir” means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than \$327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and dis-

tribution of non-potable water supplies in Southern Riverside County, California.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

“(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102-575 is amended by inserting after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”.

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term “assessment” means the engineering document that is—

(A) entitled “Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation”;

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term “District” means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37-45-101 et seq.).

(3) PROJECT.—The term “Project” means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term “State” means the State of Colorado.

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) \$2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project \$8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term “2004 Agreement” means the agreement entitled “Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico” and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term “designated engineer” means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the

United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) **DISTRICT.**—The term “District” means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) **PUEBLO IRRIGATION INFRASTRUCTURE.**—The term “Pueblo irrigation infrastructure” means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) **RIO GRANDE BASIN.**—The term “Rio Grande Basin” means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) **RIO GRANDE PUEBLO.**—The term “Rio Grande Pueblo” means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) **SIX MIDDLE RIO GRANDE PUEBLOS.**—The term “Six Middle Rio Grande Pueblos” means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) **SPECIAL PROJECT.**—The term “special project” has the meaning given the term in the 2004 Agreement.

(10) **STATE.**—The term “State” means the State of New Mexico.

(c) **IRRIGATION INFRASTRUCTURE STUDY.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) **REQUIRED CONSENT.**—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) **PRIORITY.**—

(A) **CONSIDERATION OF FACTORS.**—

(i) **IN GENERAL.**—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(i) **ELIGIBILITY OF PROJECTS.**—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) **FACTORS.**—The factors referred to in subparagraph (A) are—

(i) (I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii) (I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) **CONSULTATION.**—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) **PERIODIC REVIEW.**—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) **IRRIGATION INFRASTRUCTURE GRANTS.**—

(1) **IN GENERAL.**—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) **LIMITATION.**—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) **CONSULTATION.**—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) **COST-SHARING REQUIREMENT.**—

(A) **FEDERAL SHARE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) **EXCEPTION.**—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) **DISTRICT CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) **LIMITATION.**—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) **STATE CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) **LIMITATION.**—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) **OPERATION AND MAINTENANCE.**—The Secretary may not use any amount made available under subsection (g)(2) to carry out the

operation or maintenance of any project carried out under paragraph (1).

(e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) \$4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) \$6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106-392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting “, rehabilitation, and repair” after “and replacement”; and

(2) in paragraph (6), by inserting “those for protection of critical habitat, those for preventing entrainment of fish in water diversions,” after “instream flows.”

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106-392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$61,000,000” and inserting “\$88,000,000”;

(B) in paragraph (2), by striking “2010” and inserting “2023”; and

(C) in paragraph (3), by striking “2010” and inserting “2023”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “\$126,000,000” and inserting “\$209,000,000”;

(B) in paragraph (1)—

(i) by striking “\$108,000,000” and inserting “\$179,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(C) in paragraph (2)—

(i) by striking “\$18,000,000” and inserting “\$30,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(3) in subsection (c)(4), by striking “\$31,000,000” and inserting “\$87,000,000”.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment,

and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) IN-KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) **RELATION TO OTHER LAWS.**—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) **CONGRESSIONAL NOTIFICATION.**—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of \$500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) **REPAYMENT OBLIGATION OF THE DISTRICT.**—

(1) **DETERMINATION.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) **GROUNDWATER.**—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) **CONTRACTS FOR DELIVERY OF EXCESS WATER.**—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) **MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.**—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) **TRANSFER OF CARE, OPERATION, AND MAINTENANCE.**—

(1) **IN GENERAL.**—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) **EQUITABLE CREDIT.**—

(A) **IN GENERAL.**—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) **APPLICATION.**—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) **SCOPE OF SECTION.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) **LIMITATIONS.**—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) **LIMITATIONS ON OPERATION AND ADMINISTRATION.**—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) **REPORTS TO CONGRESS.**—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) **SUNSET.**—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

“(b) **COST SHARING.**—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$12,500,000.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

“Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) **PROJECT AUTHORIZATION.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- “(A) Marin County;
- “(B) Napa County;
- “(C) Solano County; or
- “(D) Sonoma County.

“(2) **WATER RECLAMATION AND REUSE PROJECT.**—The term ‘water reclamation and reuse project’ means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

- “(A) water quality improvement;
- “(B) wastewater treatment;
- “(C) water reclamation and reuse;
- “(D) groundwater recharge and protection;
- “(E) surface water augmentation; or
- “(F) other related improvements.

“(3) **STATE.**—The term ‘State’ means the State of California.

“(b) **NORTH BAY WATER REUSE PROGRAM.**—

“(1) **IN GENERAL.**—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

“(2) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- “(A) non-Federal entities; and
- “(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

“(3) **PHASED PROJECT.**—A cooperative agreement described in paragraph (1) shall

require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

“(A) **FIRST PHASE.**—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

“(B) **SECOND PHASE.**—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

“(4) **COST SHARING.**—

“(A) **FEDERAL SHARE.**—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

“(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

“(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

“(ii) the acquisition costs of land acquired for the project that is—

“(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

“(II) owned by an eligible entity and directly related to the project.

“(C) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(5) **EFFECT.**—Nothing in this section—

“(A) affects or preempts—

“(i) State water law; or

“(ii) an interstate compact relating to the allocation of water; or

“(B) confers on any non-Federal entity the ability to exercise any Federal right to—

“(i) the water of a stream; or

“(ii) any groundwater resource.

“(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.”

(b) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) **PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**—

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

“(a) **IN GENERAL.**—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

“(e) **SUNSET OF AUTHORITY.**—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

“1652. Prado Basin Natural Treatment System Project.”

(b) **LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**—

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

“(a) **IN GENERAL.**—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$26,000,000.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(e) **SUNSET OF AUTHORITY.**—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

“1653. Lower Chino dairy area desalination demonstration and reclamation project.”

(c) **ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.**—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h-12j) is amended—

(1) in the section heading, by striking the words “**phase 1 of the**”; and

(2) in subsection (a), by striking “phase 1 of”.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Western Municipal Water District, Riverside County, California.

(2) **PROJECT.**—

(A) **IN GENERAL.**—The term “Project” means the Riverside-Corona Feeder Project.

(B) **INCLUSIONS.**—The term “Project” includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.**—

(1) **IN GENERAL.**—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) **AGREEMENTS AND REGULATIONS.**—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) **FEDERAL SHARE.**—

(A) **PLANNING, DESIGN, CONSTRUCTION.**—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) \$26,000,000.

(B) **STUDIES.**—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) **IN-KIND SERVICES.**—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) **LIMITATION.**—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) \$26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

“(b) **COST SHARE.**—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the following:

“(1) The operations and maintenance of the project described in subsection (a).

“(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

“(d) **SUNSET OF AUTHORITY.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of the Reclamation

Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.”.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Waste-water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102-575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.”.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87-590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after “cost thereof,” the following: “or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”.

(b) RATES.—Section 2(b) of Public Law 87-590 (76 Stat. 390) is amended—

(1) by striking “(b) Rates” and inserting the following:

“(b) RATES.—

“(1) IN GENERAL.—Rates”; and

(2) by adding at the end the following:

“(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

“(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(3) ARKANSAS VALLEY CONDUIT.—

“(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

“(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking “SEC. 7. There is hereby” and inserting the following:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is”; and

(2) by adding at the end the following:

“(b) ARKANSAS VALLEY CONDUIT.—

“(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

“(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.”.

Subtitle C—Title Transfers and Clarifications
SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the agreement numbered 06-AG-60-215 and entitled “Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma”.

(2) AUTHORITY.—The term “Authority” means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities

conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0-07-50-X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term “BioPark Parcels” means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A-1A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A-1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south

by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term “Middle Rio Grande Project” means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term “San Gabriel Park” means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term “Tingley Beach” means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

(1) IN GENERAL.—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99-CV-01320-JAP-RHS, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means Agreement No. 07-LC-20-9387 between the United States and the District, entitled “Agreement Between the United States and

the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) DISTRICT.—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106-554, as amended by Public Law 107-66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

“(iv) **NON-FEDERAL MATCH.**—After \$85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

“(I) **SAN GABRIEL BASIN WATER QUALITY AUTHORITY.**—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

“(II) **CENTRAL BASIN MUNICIPAL WATER DISTRICT.**—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.”;

(2) in subsection (a), by adding at the end the following:

“(4) **INTEREST ON FUNDS IN RESTORATION FUND.**—No amounts appropriated above the cumulative amount of \$85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.”; and

(3) by amending subsection (d) to read as follows:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$146,200,000. Such funds shall remain available until expended.

“(2) **SET-ASIDE.**—Of the amounts appropriated under paragraph (1), no more than \$21,200,000 shall be made available to carry out the Central Basin Water Quality Project.”.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) **LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—The term “Lower Colorado River Multi-Species Conservation Program” or “LCR MSCP” means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) **LOWER COLORADO RIVER.**—The term “Lower Colorado River” means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) **PROGRAM DOCUMENTS.**—The term “Program Documents” means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) **IMPLEMENTATION.**—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) **WATER ACCOUNTING.**—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) **IN GENERAL.**—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) **JURISDICTION.**—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) **UNITED STATES AS DEFENDANT.**—

(1) **IN GENERAL.**—The United States or any agency of the United States may be named as a defendant in such actions.

(2) **SOVEREIGN IMMUNITY.**—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) **NONWAIVER FOR CERTAIN CLAIMS.**—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) **RIGHTS UNDER FEDERAL AND STATE LAW.**—

(1) **IN GENERAL.**—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) **APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) **VENUE.**—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) **NON-REIMBURSABLE AND NON-RETURNABLE.**—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the

water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

- (A) increasing populations;
- (B) economic growth;
- (C) irrigated agriculture;
- (D) energy production; and
- (E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92-01; and

(B) to coordinate water data collection activities.

(3) **ASSESSMENT PROGRAM.**—The term “assessment program” means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) **CLIMATE DIVISION.**—The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Reclamation.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(7) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) **FEDERAL POWER MARKETING ADMINISTRATION.**—The term “Federal Power Marketing Administration” means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) **HYDROLOGIC ACCOUNTING UNIT.**—The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) **MAJOR AQUIFER SYSTEM.**—The term “major aquifer system” means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) **MAJOR RECLAMATION RIVER BASIN.**—

(A) **IN GENERAL.**—The term “major reclamation river basin” means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) **INCLUSIONS.**—The term “major reclamation river basin” includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) **NON-FEDERAL PARTICIPANT.**—The term “non-Federal participant” means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) **PANEL.**—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) **PROGRAM.**—The term “program” means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) **SECRETARY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.

(B) **EXCEPTIONS.**—The term “Secretary” means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) **SERVICE AREA.**—The term “service area” means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) **REQUIRED ELEMENTS.**—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) **REPORTING.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) **FEASIBILITY STUDIES.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) **COST SHARING.**—

(A) **FEDERAL SHARE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) **EXCEPTION RELATING TO FINANCIAL HARDSHIP.**—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) **NO EFFECT ON EXISTING AUTHORITY.**—Nothing in this section amends or otherwise

affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) **AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

- (A) to conserve water;
- (B) to increase water use efficiency;
- (C) to facilitate water markets;
- (D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;
- (E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

- (i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or
- (ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) **APPLICATION.**—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) **REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.**—

(A) **COMPLIANCE WITH REQUIREMENTS.**—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) **AGRICULTURAL OPERATIONS.**—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

- (i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or
- (ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law

of the State in which the operation of the eligible applicant is located.

(C) **NONREIMBURSABLE FUNDS.**—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) **TITLE TO IMPROVEMENTS.**—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) **COST SHARING.**—

(i) **FEDERAL SHARE.**—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) **CALCULATION OF NON-FEDERAL SHARE.**—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) **MAXIMUM AMOUNT.**—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than \$5,000,000.

(iv) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) **LIABILITY.**—

(i) **IN GENERAL.**—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) **TORT CLAIMS ACT.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) **RESEARCH AGREEMENTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

- (A) to conserve water resources;
- (B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) **TERMS AND CONDITIONS OF SECRETARY.**—

(A) **IN GENERAL.**—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) **AVAILABILITY.**—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) **MUTUAL BENEFIT.**—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) **RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.**—This section shall not supersede any existing project-specific funding authority.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) **DUTY OF SECRETARY OF ENERGY.**—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) **ACCESS TO APPROPRIATE DATA.**—

(1) **IN GENERAL.**—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) **ACCESS TO DATA FOR CERTAIN ASSESSMENTS.**—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

- (A) is collected by the Commissioner; and
- (B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

- (i) long-term power contracts;
- (ii) contingent capacity contracts; and
- (iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) **AUTHORITY.**—The Secretary of Energy may enter into contracts, grants, or other

agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed \$1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) \$2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) \$10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) \$10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) **CRITERIA.**—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) **MAXIMUM AMOUNT.**—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than \$250,000.

(d) **REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out subsections (a), (b), and (d) \$20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) **GRANT PROGRAM.**—There is authorized to be appropriated to carry out subsection (c) \$12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) **IN GENERAL.**—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) **EFFECT ON STATE WATER LAW.**—

(1) **IN GENERAL.**—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) **COMPLIANCE REQUIRED.**—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601 DEFINITIONS.

In this subtitle:

(1) **INSPECTION.**—The term “inspection” means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) **PROJECT FACILITY.**—The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(3) **RESERVED WORKS.**—The term “reserved works” mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) **TRANSFERRED WORKS.**—The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) **TRANSFERRED WORKS OPERATING ENTITY.**—The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) **EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—The term “extraordinary operation and maintenance work” means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than \$100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) **GUIDELINES AND INSPECTIONS.**—

(1) **DEVELOPMENT OF GUIDELINES.**—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) **CONDUCT OF INSPECTIONS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in

proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) **TREATMENT OF COSTS.**—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) **USE OF INSPECTION DATA.**—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) **TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.**—

(1) **AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.**—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the safe operation of a project facility.

(2) **COSTS.**—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) **IN GENERAL.**—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest $\frac{1}{8}$ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the “San Joaquin River Restoration Settlement Act”.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms “Friant Division long-term contractors”, “Interim Flows”, “Restoration Flows”, “Recovered Water Account”, “Restoration Goal”, and “Water Management Goal” have the meanings given the terms in the Settlement.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Settlement” means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State’s agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agree-

ment to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) **CONDITIONS FOR RELEASE.**—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) **SEEPAGE IMPACTS.**—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) **TEMPORARY FISH BARRIER PROGRAM.**—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) **FUNDING AVAILABILITY.**—

(1) **IN GENERAL.**—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) \$88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated \$20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least \$200,000,000 by the State of California.

(2) **ADDITIONAL AMOUNTS.**—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) **EFFECT OF SUBSECTION.**—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) **SAN JOAQUIN RIVER EXCHANGE CONTRACT.**—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract

between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) **TITLE TO FACILITIES.**—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) **ACQUISITION OF PROPERTY.**—

(1) **IN GENERAL.**—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) **APPLICABLE LAW.**—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) **DISPOSAL OF PROPERTY.**—

(1) **IN GENERAL.**—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) **RIGHT OF FIRST REFUSAL.**—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) **DISPOSITION OF PROCEEDS.**—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) **GROUNDWATER BANK.**—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) **ENVIRONMENTAL REVIEWS.**—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) **EFFECT ON STATE LAW.**—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) **USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.**—

(1) **DEFINITION OF ENVIRONMENTAL REVIEW.**—For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with subsection (a).

(2) **PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.**—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) **LIMITATION.**—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) **NONREIMBURSABLE FUNDS.**—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) **IN GENERAL.**—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) **APPLICABLE LAW.**—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) **IMPLEMENTATION COSTS.**—

(1) **IN GENERAL.**—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total \$440,000,000, of which the non-Federal payments are estimated to total \$200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total \$240,000,000, the additional Federal appropriation of \$250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least \$110,000,000 of State funds.

(2) **ADDITIONAL AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) **REQUIREMENTS.**—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) **LIMITATION.**—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed \$250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) **USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.**—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4727) for purposes of this part in an amount not to exceed \$2,000,000 (October 2006 price levels) in any fiscal year.

(c) **FUND.**—

(1) **IN GENERAL.**—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and

maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) **AVAILABILITY.**—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that \$88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) **LIMITATION ON CONTRIBUTIONS.**—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) **NO ADDITIONAL EXPENDITURES REQUIRED.**—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) **REACH 4B.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) **DEADLINE.**—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin

River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) **DETERMINATION REQUIRED.**—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) **COSTS.**—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) **CONVERSION OF CONTRACTS.**—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon

request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by $\frac{1}{2}$ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall

be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be

based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than \$4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public Law 102-575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, "Treasury Rate" shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or

exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term “third party” means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous

fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160-05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the

following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) **AUTHORIZATION.**—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) **CRITERIA.**—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) **GUIDELINES.**—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) **COST SHARING.**—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) **PROJECT OWNERSHIP.**—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed \$35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed \$17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated \$50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the “Northwestern New Mexico Rural Water Projects Act”.

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) **AAMODT ADJUDICATION.**—The term “Aamodt adjudication” means the general stream adjudication that is the subject of the civil action entitled “State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.”, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ABEYTA ADJUDICATION.**—The term “Abeyta adjudication” means the general stream adjudication that is the subject of the civil actions entitled “State of New Mexico v. Abeyta and State of New Mexico v. Arrellano”, Civil Nos. 7896-BB (D.N.M.) and 7939-BB (D.N.M.) (consolidated).

(3) **ACRE-FEET.**—The term “acre-feet” means acre-feet per year.

(4) **AGREEMENT.**—The term “Agreement” means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) **ALLOTTEE.**—The term “allottee” means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) **ANIMAS-LA PLATA PROJECT.**—The term “Animas-La Plata Project” has the meaning given the term in section 3 of Public Law 100-585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106-554; 114 Stat. 2763A-258).

(7) **CITY.**—The term “City” means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) **COLORADO RIVER COMPACT.**—The term “Colorado River Compact” means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) **COLORADO RIVER SYSTEM.**—The term “Colorado River System” has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) **COMPACT.**—The term “Compact” means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) **CONTRACT.**—The term “Contract” means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) **DEPLETION.**—The term “depletion” means the depletion of the flow of the San Juan River stream system in the State of

New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term “Draft Impact Statement” means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term “Fund” means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term “hydrologic determination” means the hydrologic determination entitled “Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,” prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term “Lower Basin” has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) NATION.—The term “Nation” means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the “Navajo Tribe,” the “Navajo Tribe of Arizona, New Mexico & Utah,” and the “Navajo Tribe of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term “Navajo-Gallup Water Supply Project” or “Project” means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term “Navajo Indian Irrigation Project” means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term “Navajo Reservoir” means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term “Navajo Nation Municipal Pipeline” or “Pipeline” means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term “Non-Navajo Irrigation Districts” means—

- (A) the Hammond Conservancy District;
- (B) the Bloomfield Irrigation District; and
- (C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term “Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) PROJECT PARTICIPANTS.—The term “Project Participants” means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term “San Juan River Basin Recovery Implementation Program” means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term “stream adjudication” means the general stream adjudication that is the subject of *New Mexico v. United States*, et al., No. 75-185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term “Supplemental Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term “Trust Fund” means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term “Upper Basin” has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620(2)) is amended by inserting “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa,”.

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

“SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

“(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87-483 (76 Stat. 99).

“(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

“(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

“(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

“(A) Public Law 87-483 (76 Stat. 96); and

“(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

“(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

“(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

“(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

“(B) water in the top water bank be subject to evaporation and other losses during storage;

“(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

“(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

“(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

“(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover

the costs incurred by the United States in administering the water bank.”

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87-483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

“SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

“(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

“(A) 508,000 acre-feet per year; or

“(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

“(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

“(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

“(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106-392 (114 Stat. 1602).

“(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

“(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

“(B) Notwithstanding any other provision of law—

“(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

“(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

“(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

“(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

“(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

“(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

“(2) the contract executed under section 10604(a)(2)(B) of that Act; and

“(3) any other applicable law.

“(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

“(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

“(2) other nonirrigation purposes authorized under subsection (c) or (d).

“(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

“(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for non-irrigation purposes under subsection (e).”

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87-483 (76 Stat. 100) is amended by adding at the end the following:

“(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

“(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

“(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

“(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

“(2) The Secretary shall not include in the normal diversion requirements—

“(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

“(B) the quantity of water anticipated to be supplied through reuse.

“(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

“(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

“(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

“(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

“(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of

the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

“(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’).

“(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

“(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

“(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

“(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.”

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ‘Colorado River Basin Project Act’) (82 Stat. 885);

(5) Public Law 87-483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ‘Reclamation Water Settlements Fund’, consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than \$120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(f)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled “In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana”, if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve

the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than \$50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construc-

tion if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a pro-

posed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GAL-LUP WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current

water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478);

(B) LIMITATION.—Notwithstanding subparagraph (B), no water diverted by the Project shall be accounted for pursuant to subparagraph (B) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other

documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(B); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(B) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87-483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico;

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal

uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to

satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that

are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) **CONDITION.**—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) **CONVEYANCE OF WELLS.**—

(1) **IN GENERAL.**—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT.**—

(A) **IN GENERAL.**—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) **SUBSEQUENT ASSUMPTION BY NATION.**—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) **EFFECT OF CONVEYANCE.**—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) **USE OF PROJECT FACILITIES.**—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) **LIMITATIONS.**—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) **REHABILITATION.**—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) **CONDITION.**—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) **OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.**—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) **GRANTS.**—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) **FORM.**—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) **STATE CONTRIBUTION.**—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project \$870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) **USE.**—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) **OPERATION AND MAINTENANCE.**—

(A) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) **EXPIRATION.**—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) **APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.**—

(1) **SAN JUAN WELLS.**—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) \$30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) **USE.**—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) **LIMITATION.**—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) **SAN JUAN RIVER IRRIGATION PROJECTS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than \$7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than \$15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) **OTHER IRRIGATION PROJECTS.**—There are authorized to be appropriated to the Secretary to carry out section 10608 \$11,000,000 for the period of fiscal years 2009 through 2019.

(e) **CULTURAL RESOURCES.**—

(1) **IN GENERAL.**—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) **FISH AND WILDLIFE FACILITIES.**—

(1) **IN GENERAL.**—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS SEC. 10701. AGREEMENT.

(a) **AGREEMENT APPROVAL.**—

(1) **APPROVAL BY CONGRESS.**—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) **EXECUTION BY SECRETARY.**—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) **AUTHORITY OF SECRETARY.**—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) **ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.**—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) **WATER AVAILABLE UNDER CONTRACT.**—

(1) **QUANTITIES OF WATER AVAILABLE.**—

(A) **IN GENERAL.**—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) **WATER QUANTITIES.**—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre- feet/year)	Depletion (acre- feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) **MAXIMUM QUANTITY.**—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) **TERMS, CONDITIONS, AND LIMITATIONS.**—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) **AMENDMENTS TO CONTRACT.**—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) **RIGHTS OF THE NATION.**—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement,

the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) **SUBCONTRACTS.**—

(1) **IN GENERAL.**—

(A) **SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.**—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) **APPROVAL REQUIRED.**—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) **SUBMITTAL.**—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) **DEADLINE.**—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) **ENFORCEMENT.**—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) **COMPLIANCE WITH OTHER LAW.**—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) **ALIENATION.**—

(A) **PERMANENT ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) **MAXIMUM TERM.**—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) **FORFEITURE.**—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) **NO PER CAPITA PAYMENTS.**—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) **WATER LEASES NOT REQUIRING SUBCONTRACTS.**—

(1) **AUTHORITY OF NATION.**—

(A) **IN GENERAL.**—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) **COMPLIANCE WITH OTHER LAW.**—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) **ALIENATION; MAXIMUM TERM.**—

(A) **ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) **MAXIMUM TERM.**—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) **FORFEITURE.**—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) **NULLIFICATION.**—

(1) **DEADLINES.**—

(A) **IN GENERAL.**—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) **AGREEMENT.**—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) **CONTRACT.**—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) **PARTIAL FINAL DECREE.**—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) **FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.**—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) **HOGBACK-CUDEI IRRIGATION PROJECT.**—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) **TRUST FUND.**—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) **CONJUNCTIVE WELLS.**—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) **NAVAJO-GALLUP WATER SUPPLY PROJECT.**—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) **EXTENSION.**—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) **REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.**—

(A) **PETITION.**—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) **TERMINATION.**—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

- (i) the Trust Fund shall be terminated;
- (ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;
- (iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and
- (iv) this part and parts I and III shall be null and void.

(3) **CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.**—

(A) **IN GENERAL.**—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) **CONDITIONS.**—The conditions referred to in subparagraph (A) are as follows:

- (i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.
- (ii) A failure—
 - (I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;
 - (II) to obtain a necessary water right for the consumptive use of water in Arizona;
 - (III) to contract for the delivery of water for use in Arizona; or
 - (IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) **EFFECT ON RIGHTS OF INDIAN TRIBES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) **EXCEPTION.**—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the “Navajo Nation Water Resources Development Trust Fund”, consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) **USE OF FUNDS.**—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) **MANAGEMENT.**—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **INVESTMENT OF THE TRUST FUND.**—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

- (1) the Act of April 1, 1880 (25 U.S.C. 161);
- (2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and
- (3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) **CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) **REQUIREMENTS.**—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) **NO LIABILITY.**—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) **ANNUAL REPORT.**—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) **LIMITATION.**—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) **CONDITIONS.**—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

- (i) the Partial Final Decree; and
- (ii) the Supplemental Partial Final Decree.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for deposit in the Trust Fund—

- (1) \$6,000,000 for each of fiscal years 2010 through 2014; and
- (2) \$4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE NATION AND THE UNITED STATES.**—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) **CLAIMS BY THE NATION AGAINST THE UNITED STATES.**—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages,

losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) **RESERVATION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The waivers and releases described in subsections (a) and (b) shall be

effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) **DEADLINE.**—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River

in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) **AGREEMENT.**—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River" and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) **DEVELOPMENT FUND.**—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) **EAST FORK OF THE OWYHEE RIVER.**—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) **MAINTENANCE FUND.**—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) **RESERVATION.**—The term "Reservation" means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Nevada.

(8) **TRIBAL WATER RIGHTS.**—The term "tribal water rights" means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) **TRIBES.**—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) **UPSTREAM WATER USER.**—The term "upstream water user" means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) **IN GENERAL.**—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term "Funds" means—

- (1) the Development Fund; and
- (2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Water Rights Development Fund".

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

- (i) rehabilitate the Duck Valley Indian Irrigation Project; or
 - (ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—
- (I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(i)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund \$9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Operation and Maintenance Fund".

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund \$3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American In-

dian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork

of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) **WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.**—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity

in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) **EFFECTIVE DATE.**—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) **FAILURE TO PUBLISH STATEMENT OF FINDINGS.**—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) **GENERAL DISCLAIMER.**—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) **LIMITATION OF CLAIMS AND RIGHTS.**—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the

Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the "Resource Conservation and Recovery Act of 1976"), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) **ADMISSION AGAINST INTEREST.**—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) **RESERVATION.**—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) **JURISDICTION.**—

(1) **SUBJECT MATTER JURISDICTION.**—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) **CIVIL OR REGULATORY JURISDICTION.**—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) **CONSENT TO JURISDICTION.**—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) **FINDINGS.**—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;”;

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting “homeland and” after “planning for”;

(B) in subparagraph (E), by striking “predicting” and inserting “identifying”;

(C) in subparagraph (I), by striking “and” after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

“(J) recreation and public awareness; and”;

(3) in paragraph (9), by striking “important” and inserting “available”.

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting “and management” before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking “not later than” and all that follows through the semicolon and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;”;

(2) in subparagraph (B), by striking “not later than” and all that follows through “in accordance” and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance;” and

(3) in the matter preceding clause (i) of subparagraph (C), by striking “not later than” and all that follows through “submit” and inserting “submit biennially”.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking “geophysical-map data base, geochemical-map data base, and a”; and

(2) by striking “provide” and inserting “provides”.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking “and” after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(III) the needs of land management agencies of the Department of the Interior.”.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee,”;

(ii) by inserting “and” after “Energy or a designee,”; and

(iii) by striking “, and the Assistant to the President for Science and Technology or a designee”; and

(B) in paragraph (3)—

(i) by striking “Not later than” and all that follows through “consultation” and inserting “In consultation”;;

(ii) by striking “Chief Geologist, as Chairman” and inserting “Associate Director for Geology, as Chair”; and

(iii) by striking “one representative from the private sector” and inserting “2 representatives from the private sector”.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act

of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;”.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking “Not later” and all that follows through “biennially” and inserting “Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially”.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$64,000,000 for each of fiscal years 2009 through 2018.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2000” and inserting “2005”;;

(B) in paragraph (1), by striking “48” and inserting “50”; and

(C) in paragraph (2), by striking 2 and inserting “4”.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the “Secretary”), in coordination with the State of New Mexico (referred to in this section as the “State”) and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) **BUDGET COORDINATION.**—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) **ESTABLISHMENT.**—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) **FEDERAL ADVISORY COMMITTEE ACT.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) **APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.**—Nothing in part supercedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

(1) \$33,550,000 for fiscal year 2009;

(2) \$36,905,000 for fiscal year 2010;

(3) \$40,596,000 for fiscal year 2011;

(4) \$44,655,000 for fiscal year 2012;

(5) \$49,121,000 for fiscal year 2013;

(6) \$54,033,000 for fiscal year 2014; and

(7) \$59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the “NOAA Undersea Research Program Act of 2009”.

SEC. 12102. PROGRAM ESTABLISHED.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) **PURPOSE.**—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE.

(a) **IN GENERAL.**—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) **DIRECTION.**—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) **IN GENERAL.**—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science

education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) **OPERATIONS.**—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 12106. COMPETITIVENESS.

(a) **DISCRETIONARY FUND.**—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) **COMPETITIVE SELECTION.**—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) **MEMBERSHIP.**—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **PROGRAM PARAMETERS.**—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living

and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) **MEMBERSHIP.**—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **CO-CHAIRMEN.**—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) **SUBCOMMITTEE.**—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) **MEETINGS.**—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) **COORDINATION.**—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) **ADVISORY PANEL.**—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean

or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) **PLAN REQUIREMENTS.**—The plan shall—

- (1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

- (2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

- (3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

- (4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

- (5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

- (6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

- (7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) **NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.**—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

- (1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

- (2) mapping of the United States Outer Continental Shelf and other regions;

- (3) data processing for nontraditional data and uses;

- (4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

- (5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) **NOAA REPORT.**—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

- (1) \$26,000,000 for fiscal year 2009;
- (2) \$32,000,000 for fiscal year 2010;
- (3) \$38,000,000 for fiscal year 2011; and
- (4) \$45,000,000 for each of fiscal years 2012 through 2015.

(b) **JOINT OCEAN AND COASTAL MAPPING CENTERS.**—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

- (1) \$11,000,000 for fiscal year 2009.
- (2) \$12,000,000 for fiscal year 2010.
- (3) \$13,000,000 for fiscal year 2011.
- (4) \$15,000,000 for each of fiscal years 2012 through 2015.

(c) **COOPERATIVE AGREEMENTS.**—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **COASTAL STATE.**—The term “coastal state” has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) **COMMITTEE.**—The term “Committee” means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) **EXCLUSIVE ECONOMIC ZONE.**—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) **OCEAN AND COASTAL MAPPING.**—The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical,

and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) **TERRITORIAL SEA.**—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) **NONGOVERNMENTAL ENTITIES.**—The term “nongovernmental entities” includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) **OUTER CONTINENTAL SHELF.**—The term “Outer Continental Shelf” means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the “Integrated Coastal and Ocean Observation System Act of 2009”.

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

- (1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

- (A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

- (B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

- (C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

- (2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) **COUNCIL.**—The term “Council” means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) **FEDERAL ASSETS.**—The term “Federal assets” means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The term “Interagency Ocean Observation Committee” means the committee established under section 12304(c)(2).

(5) **NON-FEDERAL ASSETS.**—The term “non-Federal assets” means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, non-governmental organizations, or the private sector.

(6) **REGIONAL INFORMATION COORDINATION ENTITIES.**—

(A) **IN GENERAL.**—The term “regional information coordination entity” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) **CERTAIN INCLUDED ASSOCIATIONS.**—The term “regional information coordination entity” includes regional associations described in the System Plan.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) **SYSTEM.**—The term “System” means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) **SYSTEM PLAN.**—The term “System Plan” means the plan contained in the document entitled “Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”, as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) **ESTABLISHMENT.**—The President, acting through the Council, shall establish a Na-

tional Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation’s international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) **ENHANCING ADMINISTRATION AND MANAGEMENT.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) **AVAILABILITY OF DATA.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) **NON-FEDERAL ASSETS.**—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) **POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.**—

(1) **COUNCIL FUNCTIONS.**—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology develop-

ment, and a process to transition developing technology and methods into operations of the System.

(2) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President’s annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) **LEAD FEDERAL AGENCY.**—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year

terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting

through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) **CONTENTS.**—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets

for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the “Federal Ocean Acidification Research and Monitoring Act of 2009” or the “FOARAM Act”.

SEC. 12402. PURPOSES.

(a) **PURPOSES.**—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) **OCEAN ACIDIFICATION.**—The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) **SUBCOMMITTEE.**—The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) **DESIGNATION.**—

(1) **IN GENERAL.**—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) **MEMBERSHIP.**—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) **CHAIRMAN.**—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) **DUTIES.**—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on

ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) **REPORTS TO CONGRESS.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) **BIENNIAL REPORT.**—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) **STRATEGIC RESEARCH PLAN.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine

organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) **CONTENTS OF THE PLAN.**—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) **PROGRAM ELEMENTS.**—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species-specific physiological responses of marine orga-

nisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) **PUBLIC PARTICIPATION.**—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) **IN GENERAL.**—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be con-

ducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) **ADDITIONAL AUTHORITY.**—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) **RESEARCH ACTIVITIES.**—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) **CONSISTENCY.**—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) **OCEAN ACIDIFICATION ACTIVITIES.**—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) **PROGRAM CONSISTENCY.**—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) **NOAA.**—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) \$8,000,000 for fiscal year 2009;

(2) \$12,000,000 for fiscal year 2010;

(3) \$15,000,000 for fiscal year 2011; and

(4) \$20,000,000 for fiscal year 2012.

(b) **NSF.**—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) \$6,000,000 for fiscal year 2009;

(2) \$8,000,000 for fiscal year 2010;

(3) \$12,000,000 for fiscal year 2011; and

(4) \$15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the “Coastal and Estuarine Land Conservation Program Act”.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

“AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

“SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

“(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

“(1) a Coastal Zone Management Plan or Program approved under this title;

“(2) a National Estuarine Research Reserve management plan;

“(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

“(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

“(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

“(1) The Secretary shall consult with the coastal state’s coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

“(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

“(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

“(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

“(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other gov-

ernmental units, landowners, corporations, or private organizations.

“(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State’s or territory’s approved coastal zone plan, program, and policies prior to submittal to the Secretary.

“(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

“(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

“(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

“(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

“(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

“(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

“(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program’s effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

“(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

“(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

“(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

“(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

“(e) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

“(f) MATCHING REQUIREMENTS.—

“(1) **IN GENERAL.**—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

“(2) COST SHARE REQUIREMENT.—

“(A) **IN GENERAL.**—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

“(B) **WAIVER OF REQUIREMENT.**—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small

population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

“(3) **OTHER FEDERAL FUNDS.**—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(4) **SOURCE OF MATCHING COST SHARE.**—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

“(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

“(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

“(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

“(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

“(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

“(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

“(g) **RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.**—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

“(h) **LIMIT ON ADMINISTRATIVE COSTS.**—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

“(i) **TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.**—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

“(1) such assurances as the Secretary may require that—

“(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

“(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

“(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the

Secretary in accordance with applicable Federal law for redistribution in the grant process; and

“(2) certification that the property (including any interest in land) will be acquired from a willing seller.

“(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

“(k) DEFINITIONS.—In this section:

“(1) CONSERVATION EASEMENT.—The term ‘conservation easement’ includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

“(2) INTEREST IN PROPERTY.—The term ‘interest in property’ includes a conservation easement.

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.”

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

“SEC. 26. NORTH DAKOTA TRUST FUNDS.

“(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

“(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).”

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

“(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage

the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

“(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.”

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled “A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date” and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking “\$5,000,000” and inserting “\$2,500,000”.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by striking “The value” and inserting the following:

“(1) IN GENERAL.—The value”; and

(2) by adding at the end the following:

“(2) BONNEVILLE POWER ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.”

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by inserting “any” before “amounts are made”; and

(2) by inserting after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area.”

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and

Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2009 through 2015”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) ADMINISTRATIVE EXPENSES.—

“(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term ‘administrative expense’ means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

“(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

“(ii) the review, processing, and provision of applications for funding under the Program.

“(B) LIMITATION.—

“(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

“(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

“(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

“(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

“(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

“(I) shall be divided evenly among all States provided assistance under the Program; and

“(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

“(aa) arranging meetings to promote the Program to potential applicants;

“(bb) assisting applicants with the preparation of applications for funding under the Program; and

“(cc) visiting construction sites to provide technical assistance, if requested by the applicant.”

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

“(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).”

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42

U.S.C. 7133(a)) is amended in the first sentence by striking "7 Assistant Secretaries" and inserting "8 Assistant Secretaries".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Energy (7)" and inserting "Assistant Secretaries of Energy (8)".

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term "Institute" means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term "map" means the map entitled "Lovelace Respiratory Research Institute Land Conveyance" and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term "Secretary of Energy" means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as "Parcel A" on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for

property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

"§ 153514. Authorization of appropriations

"(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses \$500,000 for each of fiscal years 2008 through 2017.

"(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds."

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the “Christopher and Dana Reeve Paralysis Act”.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) **COORDINATION.**—The Director of the National Institutes of Health (referred to in this title as the “Director”), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) **CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.**—

(1) **IN GENERAL.**—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) **RESEARCH.**—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) **COORDINATION OF CONSORTIA; REPORTS.**—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) **ORGANIZATION OF CONSORTIA.**—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) **PUBLIC INPUT.**—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) **IN GENERAL.**—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation

intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) **RESEARCH.**—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) **COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.**—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) **CERTAIN ACTIVITIES.**—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within

existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) **GRANTS.**—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) **COORDINATION OF ACTIVITIES.**—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) **AUTHORITY TO DESIGN AND CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) **AUTHORITY TO CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LILLY LEDBETTER FAIR PAY ACT OF 2009—MOTION TO PROCEED**CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, there is 4 minutes equally divided between Senators MIKULSKI and ENZI.

Ms. MIKULSKI. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise to urge my colleagues, on a bipartisan basis, to vote for the legislation that is pending, which is the cloture motion on the motion to proceed to the Lilly Ledbetter Act. The reason we are advocating cloture on the motion to proceed is that we do not have to filibuster this bill because we guarantee an open process, that Senators will be able to offer amendments. We will be able to debate with civility and comity, arrive at good ideas, consider all good ideas and so on, so we do not need to filibuster. Second, we do not need to delay. We need to vote for the motion to proceed because that is what the American people are telling us to do. Much is talked about economic stimulus, but if you want to help women, let's start paying them equal pay for equal or comparable work. That is what the Lilly Ledbetter bill will ensure. It will restore the law to the way it was before the Supreme Court decision on *Ledbetter v. Goodyear*.

One of the objections to the bill is that the Ledbetter bill will trigger lawsuits. Nothing could be further from the truth because it did not trigger, open-ended, millions of lawsuits before the Supreme Court decision.

We need to act. It is great to talk about a stimulus bill, but the real stimulus is paying people for what they do. Madam President, you should know.

This is a very serious bill. I know what my colleagues are talking about is important, but women are waiting for us to act, so Senators, if they could wait a minute, we could move ahead.

The Supreme Court rule is that a pay discrimination lawsuit must be filed with the EEOC within 180 days of the initial decision to pay her less than men performing similar acts.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I have spent my 12 years in the Senate trying to work across the aisle, trying to get things to happen around here. I found the way things happen is, if they go through the whole process—

Ms. MIKULSKI. I say to the Senator, I am not done. I have not completed my statement.

Mr. ENZI. I think the Senator's time expired.

The PRESIDING OFFICER. The Senator's time had expired.

Ms. MIKULSKI. Madam President, first of all, I, of course, want to proceed in the spirit of comity. I lost my time because this place was so noisy. I couldn't talk because everybody else was talking. Frankly, I will be happy for my colleague to speak, but I am going to ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Madam President, reserving the right to object, our side would like the additional 4 minutes, then, as well.

The PRESIDING OFFICER. Is there objection? The Senator from Maryland has asked for an additional 4 minutes. Is there objection to that request?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, can we amend the request to allow both sides to have an equal amount of added time?

The PRESIDING OFFICER. That is the request. Is there objection to both sides receiving a total of 6 minutes on this matter?

Mr. CORKER. Reserving the right to object, what will happen to floor time thereafter? Where many of us have time to talk about TARP later on, will we still have that time set aside prior to the TARP vote at 4:30?

The PRESIDING OFFICER. This will take an additional 8 minutes from the time that is allocated for the TARP discussion, prior to the vote that is scheduled at 4:30.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has the floor at the current time.

Ms. MIKULSKI. May I ask the Senator from Wyoming for the ability to ask a unanimous consent request. I do not want to drag out the debate, but I would like to make a few points. What I would like to be able to do, with your concurrence, is just ask for 2 minutes and just have a little bit of say, but you have your 4 minutes.

Mr. ENZI. Madam President, I ask unanimous consent that the Senator from Maryland get an additional 2 minutes and I have 4 minutes.

The PRESIDING OFFICER. Is there objection to each side receiving a total of 4 minutes, an additional 4 minutes from the original? It is the total of an additional 4 minutes on the debate on this matter. Hearing no objection, the Senator from Maryland is recognized for an additional 2 minutes and the Senator from Wyoming will receive 4 minutes at the conclusion of the Senator's remarks.

Ms. MIKULSKI. I thank the Senator from Wyoming. That is the way we will proceed on this bill.

Madam President, we want to be able to proceed to this bill. I assure my colleagues we will have ample debate to consider any and all amendments, but I wish to be very clear that it is time to pass the Lilly Ledbetter bill itself. It is very important that we make sure we keep the courthouse door open for people to be able to file their claims where they believe wage discrimination exists.

Wage discrimination not only affects women, but it affects all who are discriminated against, and it is often minorities. We want to be sure we keep the courthouse door open. What we do is simply restore the law as it existed before the recent Supreme Court decision so that we make sure the statute of limitations runs from the date of the actual payment of a discriminatory wage, not just from the time of hiring. That means employees can sue employers based on each discriminatory act.

I will be yielding the floor, but before I do I am going to say once again—this Senate is not in order. It has been very disturbing and disrupting to stand up for something for which we have all been fighting so hard.

I yield the floor, but I am very frustrated about today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Maryland for her concern and her effort on the bill she has put together. I am going to express my strong support for S. 166, which is the Hutchison alternative. It is our understanding that if we are allowed to proceed, there will be an open amendment process. I guess I am being asked by

the leader to allow that to happen once, so that we can see whether it is actually going to happen. But I still wish to register my objection to the process we appear to be going through. I worked for 12 years to make this a more agreeable body, to work across the aisle.

We have moved, the HELP Committee—Health, Education, Labor, and Pensions Committee—from being the most contentious committee to being the most productive committee.

This bill should have gone through the committee process. We solve a lot of things, we shorten the debate on the floor, and we eliminate the need for all of these cloture motions which result in hours and hours of time with no productivity. I think the American people want the productivity, and the reasoning that comes from the committee process that winds up with a very good product. We can have that on the labor issues, but they have to go through committees.

I yield the remainder of my time to the Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Wyoming.

I think it is very important that we deal with this issue on the promise that I will be able to offer my substitute because I believe it is a substitute that gives the right for an aggrieved employee to bring an action within a timeframe that is reasonable for the business to be able to plan.

I am a person who has known discrimination. I am also a former small business owner, and I know the importance of knowing what your liabilities are and having clarity. That is why in the law, in every cause of action, we do have statutes of limitation.

I look forward to debating with my colleague and friend, the Senator from Maryland, to try to come to the right conclusion on a bipartisan basis. I am going to vote for cloture on the promise that we will have an open debate on this issue and try to come to a conclusion.

The Senator from Wyoming makes a good point. For the future, I hope we will listen to what he is saying. Committees work around here. Committees are where you can do markups, where we work in a bipartisan way to make legislation better. We cannot write bills on the Senate floor. In the future, I hope all of us will work toward allowing the committee process to work. Today, we are going to take a leap of faith that we will have the amendments and that we will come to a good conclusion on this bill.

I yield the floor.

Ms. MIKULSKI. Madam President, the Senator from Texas and the Senator from Wyoming and all on the other side of the aisle have the assurance of both myself and the Democratic leadership that those amendments will be offered, and we look for-

ward to a spirited and enthusiastic debate in a quiet Chamber of the Senate.

Mr. LEAHY. Madam President, today, the Judiciary Committee is conducting the confirmation hearing of Mr. Eric Holder to be the next Attorney General of the United States. One of the Justice Department's essential roles in our Federal system of government is to protect the civil rights of all Americans, including those that prohibit discrimination. The Bush administration's erosion of the Equal Employment Opportunity Commission's long held interpretation of our discrimination laws has created a new obstacle for victims of pay discrimination to receive justice. The Justice Department has advocated a position that has set back the progress we had made toward eliminating workplace discrimination. This was a mistake. Unfortunately, five Justices on the Supreme Court adopted the Justice Department's erroneous interpretation of congressional intent. That decision necessitates our action here today. We must pass legislation so that employers are not rewarded for deceiving workers about their illegal conduct. Equal pay for equal work should be a given in this country.

I expect we will hear from some opponents of the bill that somehow this legislation will encourage workers who are being paid less as a result of discrimination to delay filing suit for equal pay. This argument defies logic. Anyone who heard Lilly Ledbetter's testimony last year before either the Senate Judiciary Committee or the Senate Health, Education, Labor and Pensions Committee knows that Ms. Ledbetter, like other victims of pay discrimination, have no incentive to delay filing suit. In the wake of the Supreme Court's decision in Ledbetter, their employers now have a great incentive to delay revealing their discriminatory conduct—blanket immunity. The reality is that many employers do not allow their employees to learn how their compensation compares to their coworkers. Workers like Ms. Ledbetter and their families are the ones hurt by reduced paychecks, not their corporate employers. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on. The bipartisan Ledbetter Fair Pay Restoration Act of 2009 does not disturb the protections built into existing law for employers such as limiting back pay in most cases to 2 years. The legislation does not eliminate the existing statute of limitations. Instead, it reinstates the interpretation of when the 180-day time limit begins to run. In this way it allows workers who are continuing to be short-changed to challenge that ongoing discrimination when the employer conceals its initial discriminatory pay decision.

Opponents of the Fair Pay Restoration Act will no doubt raise even more absurd reasons for opposing equal pay for equal work. They will no doubt claim that somehow trial lawyers will benefit. The reality is that the Supreme Court's Ledbetter decision could actually lead to more litigation because workers will feel the need to file premature claims so that time does not run out. The Congressional Budget Office has concluded that this legislation "would not establish a new cause of action for claims of pay discrimination" and "would not significantly affect the number of filings with the Equal Employment Opportunity Commission" or with the Federal courts.

Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin but the Supreme Court's Ledbetter decision goes against both the spirit and clear intent of title VII of the Civil Rights Act. It also sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed.

As the executive director of the U.S. Women's Chamber of Commerce recently noted, "The Fair Pay Restoration Act rewards those who play fair—including women business owners—unlike the Supreme Court's decision, which seems to give an unfair advantage to those who skirt the rules." This legislation will encourage all corporations to treat their employees fairly.

Unfortunately, this bipartisan civil rights legislation was filibustered in the last Congress. Considering how deeply the recent economic downturn has affected American families, we cannot afford another filibuster of this commonsense legislation. I am pleased to join Senators MIKULSKI, SNOWE, KENNEDY and others in pressing for the immediate passage of the Lilly Ledbetter Fair Pay Restoration Act of 2009.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 14, S. 181, the Lilly Ledbetter Fair Pay Act:

Jim Webb, Benjamin L. Cardin, Richard Durbin, Barbara Boxer, Dianne Feinstein, Jeff Bingaman, Mary L. Landrieu, Tom Harkin, Hillary Rodham Clinton, Charles E. Schumer,

Sheldon Whitehouse, Christopher J. Dodd, Maria Cantwell, Debbie Stabenow, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act of 2009, shall be brought to a close? The yeas and nays are mandatory under the rule. This is a 10-minute vote.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The yeas and nays resulted—yeas 72, nays 23, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—72

Akaka	Feinstein	Murkowski
Alexander	Grassley	Murray
Baucus	Gregg	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennett	Hutchison	Reed
Biden	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kerry	Salazar
Boxer	Klobuchar	Sanders
Burr	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Clinton	Lincoln	Udall (CO)
Collins	Martinez	Udall (NM)
Conrad	McCain	Voinovich
Corker	McCaskill	Warner
Dodd	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feingold	Mikulski	Wyden

NAYS—23

Barrasso	Ensign	Lugar
Brownback	Enzi	Risch
Chambliss	Graham	Roberts
Coburn	Hatch	Sessions
Cochran	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	

NOT VOTING—3

Brown	Bunning	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S.J. Res. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 5) relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 shall be equally divided and controlled.

The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent that the following be the speakers on the Republican side—that no Republican Senator be recognized for more than 10 minutes, and that any remaining time be allocated to Senator VITTER: Senators DEMINT, SESSIONS, CORKER, ENZI for up to 5 minutes, BROWNBACK, INHOFE, GREGG, KYL, SHELBY, BOND for up to 5 minutes, and HUTCHISON for up to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business and have that time charged to our side as part of the TARP legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

OREGON PUBLIC LANDS

Mr. WYDEN. Madam President, the outdoors is a great passion for the people of Oregon, and it is truly a good day for Oregonians. The Omnibus Public Land Management Act contains protection for a number of our special places, our treasures; in the case of Mount Hood, an Oregon icon that is revered by our people.

I serve as chairman of the Subcommittee on Public Lands and Forests. I know how important these public lands bills are. The fact is, they are of special benefit from a moral perspective. What we are doing is guaranteeing that these beautiful lands can be passed on to future generations. But they also help fuel our economic engine. The reality is, the protection for the great outdoors boosts our effort to promote recreation which is increasingly a major source of employment.

I want to take a few minutes to discuss the five pieces of wilderness legislation I was heavily involved in. Many other Oregonians were as well, countless Oregonians. I also give special thanks to Senator Gordon Smith who contributed mightily to this effort, working with me on this legislation and this package for many years.

The legislation passed includes seven key bills I sponsored. The five that add wilderness include: the Lewis and Clark Mount Hood Wilderness Act of 2007; the Copper Salmon Wilderness Act; the Cascade Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act; the Oregon Badlands Wilderness Act of 2008; and the Spring Basin Wilderness Act of 2008.

The Lewis and Clark Mount Hood Wilderness Act has been the product of

years and years of work to protect a cherished State treasure. More people take pictures of Mount Hood than any other landmark in our State. That is saying something, because Oregon has a lot of breathtaking nature to photograph.

Mount Hood is not just a symbol of our State. It is a monument to the deep connection our people have to their land. This bill is a triumph of environmental protection that wouldn't have been possible without an effort to build a Statewide consensus bringing together thousands of constituent community groups and elected officials who said: We are going to keep fighting for this until Mount Hood gets this added measure of protection.

Our legislation builds on the existing Mount Hood wilderness, adds more Wild and Scenic rivers, and creates a recreation area to allow diverse opportunities for recreation. We protect, under the bill, the lower elevation forests surrounding Mount Hood and our special Columbia River Gorge. The protected areas include scenic vistas, almost 127,000 acres of Wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on 9 free-flowing stretches of river to the National Wild and Scenic River system.

I have a picture of the mountain that illustrates why we Oregonians feel so strongly about wilderness and Mount Hood. Richard L. Kohnstamm, long revered as the crusader who restored the jewel known as Timberline Lodge, is shown here skiing under Illumination Rock. My friend Dick Kohnstamm treasured the wildness of Mount Hood and had the vision of bringing national prominence to Alpine sports on the mountain. Under Dick's guidance, Timberline Lodge was the first ski area in our country to become a National Historic Landmark and to have the Nation's first year-round skiing. We are honored today to name the area in this picture the Richard L. Kohnstamm Memorial Area. It is a fitting legacy to an Oregonian who had remarkable foresight. In public meetings in our State and in letters and phone calls, we heard from over 100 community groups and local governments, from members of our congressional delegation, the Governor and the Bush administration. To say that this has been a labor of love for many would be a gross understatement.

As I have indicated, countless organizations, agencies and interested groups have met to discuss the development of this bill. I want to clarify that wilderness on Mount Hood is very important, it is also important to acknowledge that Highway 35 is an important transportation corridor, connecting Interstate 84, the communities of Hood River County and the Columbia River Gorge to the recreation areas on Mount

Hood and US 26. It is part of the National Highway System and a designated freight route as well as a highway facility of statewide importance—the highest designation in Oregon's highway classification system. Highway 35 runs adjacent to the East Fork of the Hood River, which will be protected as a Wild and Scenic Rivers. The Wild and Scenic Rivers designation recognizes the outstanding scenery, recreational opportunities and fish runs of the East Fork of the Hood River. During winter storms when events require emergency repairs to the roads, the designation of the East Fork of Hood River is not intended to impair the ability of the State of Oregon to take necessary steps to operate, maintain, or preserve the state highway in accordance to all environmental laws and processes. In particular, the State of Oregon is considering a number of projects that will address problem locations such as Polallie Creek, White River, and Newton and Clark creeks where floods and debris flows have in the past resulted in temporary closure of the highway. I hope the U.S. Forest Service and Federal Highway Administration will continue working with the State of Oregon to find solutions that will address these problem locations in a manner consistent with the designation of the East Fork as a Wild and Scenic River.

It is my intention that efforts in this legislation to protect the Wild and Scenic East and Middle Forks of the Hood River will not have any significant impact on the operation of the local irrigation districts, including the normal maintenance or repair of existing infrastructure that is legally in use by the irrigation districts at this time.

I am encouraged that the long standing dispute over the Cooper Spur area will near to a close with the passage of this legislation. However, I want to be clear that our intention is that the U.S. Forest Service shall proceed in a timely manner in completing this land exchange. The land exchange should be completed within a total of 16 months. Protecting the clean drinking water in the Crystal Springs watershed is of the utmost importance.

Two other bills in this legislation will protect two unique places on the east side of the Cascades in our State. The Oregon Badlands Wilderness Act of 2008 would designate as Wilderness almost 30,000 acres of the area just east of the Bend known as the Badlands. The legislation will not only magnify the area's magnificent natural attributes, it will cement our region's well-earned reputation as a hub for a wide diversity of outdoor recreation sports. In this economy, that is a prospect that many central Oregon business leaders and citizens enthusiastically support. In central Oregon, people can enjoy almost any kind of outdoor activity—boating and biking and ski-

ing and horseback riding and hunting and riding off-road vehicles and a variety of sports. Environmental protection doesn't have to come at the expense of economic growth. This legislation is a textbook case of proving that theory. It preserves the unique landscapes that bring visitors to the Badlands and will add to the growing value of Bend's brand as being one of the best places in the country to enjoy outdoor recreation, live, work, and raise a family.

It also provides for two land exchanges that will benefit the new wilderness. I would like to specifically provide some background regarding the land exchange with the Central Oregon Irrigation District. The district is an exemplary steward of natural resources in Oregon. Established in 1918, COID provides irrigation water to over 9,000 families across 45,000 acres of productive land in Central Oregon's Deschutes Basin. The district's 700 miles of canals convey water to farmers, ranchers, schools, parks and others in the cities of Bend and Redmond.

The new wilderness area is adjacent to roughly 3.5 miles of canals and laterals owned and operated by the district under an 1891 Federal right of way. As I understand it, this right of way extends 50 feet from the toe of the canal levee to the north and south. This essential right of way provides the district with access to the canals and laterals for routine inspection, maintenance improvements, and emergency repairs. The language in section 1704(e)(3) protects the district's existing rights to the canal, including the rights provided under the 1891 right of way. During our development of this legislation, the boundary of the wilderness area was specifically set back to respect this historic and important right of way.

The Spring Basin Wilderness Act of 2008 would designate approximately 8,600 acres as the Spring Basin Wilderness. Overlooking the John Day Wild and Scenic River, the rolling hills of Spring Basin are famous for their burst of color during the spring wildflower bloom. It boasts canyons and diverse geology that draws more hikers, horseback riders, hunters, and other outdoor enthusiasts.

Also among the bills in this comprehensive legislation is the Copper Salmon Wilderness Act. My bill on this issue protects the headwaters of the north fork of the Elk River. It is a gem known as the Copper Salmon area. It adds 13,700 acres of new Wilderness and designates 9.3 miles of Wild and Scenic rivers. Copper Salmon is one of those places that crystallizes Oregon's reputation as an outdoor paradise. This bill gives crucial protection to the area's wildlife and to the prized salmon and steelhead that attract anglers from across the world. During the last decade, a dedicated group of local con-

servationists, fishermen, and community leaders have worked passionately to protect this area. It is one of the last intact watersheds on the southwest Oregon coast. It is a very special treasure. Fishermen and hunters are going to come to the Copper Salmon area for generations to come. I am thrilled it has been protected.

Finally, I am pleased to join former Senator Smith on legislation to establish a 23,000-acre Soda Mountain Wilderness in the Cascade Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act. The protections here help ensure that what we call the Noah's Ark of botanical diversity remains undisturbed and healthy. There has been bipartisan leadership and dedicated work from people within the community. What folks of southern Oregon have shown is that it is possible to come up with a homegrown solution that serves the public interest.

This legislation is a prime example of ranchers and environmentalists sitting down together to work out conflicts in a consensus-oriented fashion. They didn't look to some kind of Washington approach, a one-size-fits-all approach. They said: As ranchers and conservationists, we are going to address this issue of grazing allotments in a thoughtful way. The bill enables conservation organizations to raise additional money they can use to compensate ranchers who voluntarily retire their Federal grazing leases. It also designates a significant amount of new Wilderness within the monument.

Each one of these bills came about because Oregonians said: On the issue that we care so much about, the outdoors and protecting our treasures, we are going to come to the table from every walk of life—urban and rural, environmentalist and rancher—to say that as a State it is extraordinarily important that we protect our treasures for future generations, and we can do it in a way that will also boost our economic engine at a time when so many Oregonians are hurting and having difficulty paying the bills for the essentials.

I was very proud to have been the lead sponsor of these seven pieces of legislation. But the fact is, the real credit goes to thousands and thousands of Oregonians who pitched in from every corner of the State for years and years, working with myself, with Congressman WALDEN, Congressman BLUMENAUER, and colleagues from the other body. Of course, I recognize Senator SMITH's contribution this afternoon.

Today, Oregonians have something to enjoy, and they can particularly reflect on the fact that so many future generations of our citizens will have something to be able to enjoy in the years ahead.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I would like to speak on the joint resolution that is before us. I would like the Presiding Officer to let me know how much time is available.

The PRESIDING OFFICER. The Senator has up to 10 minutes.

Mr. CORKER. OK. Madam President, I wonder if the Chair might let me know when 120 seconds is left.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Thank you, Madam President.

I rise today to talk about a very important vote that will take place this afternoon. It is regarding the TARP funding. Many people in our country have come to know it as the financial rescue package, the bailout—a number of different terms. I was a supporter of TARP funding, and based on the information we had at the time, I think that vote I made regarding supporting funding to credit markets was a good vote. This afternoon, we are going to vote on the next tranche of that funding, the next level, another \$350 billion in funding.

Let me just say that I have great respect for those who are coming in in this new administration. I have spent a great deal of time—based on the time allotted—talking to Larry Summers. I appreciated the dialog we had last night as a caucus with Rahm Emanuel and Mr. Summers. I spent time talking with Tim Geithner. It is my belief that should he make it through the process of being confirmed, we have a team of people here who I think will be very responsible and will serve our country well. I look forward to working with them in every way I can.

I believe the credit issue, along with the issue we have of housing, is the 90-percent issue our country is dealing with today economically. As a matter of fact, as we look at economic stimulus issues, to me, much of that, candidly, is window dressing. Most of that is wasteful. Most of that is unnecessary. And most of that will do nothing whatsoever to stimulate this economy based on the things that have been put forth today. The credit issue, though, is, in fact, in my opinion, the 90-percent issue we need to solve as a country to really move us ahead. That, combined with doing what is necessary so that housing is stabilized, is of utmost importance.

So that puts me in a very big dilemma today as it relates to this vote at 4:30. We have had several months now to understand what is happening in the credit markets and to understand what the problem is. I know our Secretary today, the Secretary of Treasury, Mr. Paulson, has, in many ways, had to go about this in an ad hoc way. I do not say that to criticize. He was faced with a problem. He had to

move through it. He had to make decisions and try to solve problems as he saw them.

But now, today, several months later, we have a more full understanding of the problem. The issue I have today with this vote—and I urge the incoming administration to solve this problem before the 4:30 vote—is I would like for them to tell us, to diagnose the problem, to tell the American people what the problem is in our credit markets and then to tell all of us what they are going to do with the \$350 billion that is now being sought. I know they are not yet in office. I have had very good conversations with them. But I do think it is incumbent upon them to tell us what the problem is and how they are going to solve it.

I think there are hundreds of billions of dollars of losses left in our banking system. My guess is it exceeds trillions, it exceeds \$1 trillion. The problem is that most banks in our country that hold whole loans—not the derivatives that are mark to market but whole loans—are sort of metering out their losses. Each quarter, they write down just a little bit more based on the loan losses they are seeing in a particular category. They know hundreds of billions of dollars are coming, and what they are doing is taking our U.S. taxpayer dollars—I might say, intelligently for their self-interest—they are hoarding those dollars because they know there are massive losses that are coming down the road.

The best way to solve this problem would be for us to recognize that, to get down to that level today, which would mean serious recapitalizations, and then build back from a base that is real. But right now, our banking system is operating almost like a zombie. There are losses that are coming that they know they have to recognize. They are not willing to do that. So we are in this period of time where basically U.S. tax dollars are, in many ways, being frittered away because we are investing in these companies, and then they are using those because they know of the losses that are coming. So I would like for the administration to state that they know that, and I would like for the administration to come forth with a plan that solves that predicament that is going to be with us for many years. I want to work with them. Whether I vote this afternoon for TARP or not—and unless they come forward publicly—it does not even have to be done legislatively—if they will come forth publicly and define the problem and tell us how they are going to spend the money, it is possible I will support this. I want to work with them in this regard. I hope that will be forthcoming.

We spent a lot of time on the automotive debate. All of us came together, and we diagnosed the problem. We laid out what the problem was, and we ac-

tually put forth a solution. We debated that, and unfortunately we did not get it done. But the fact is, the American public and all of us in the Senate understood what that problem was, and then we talked about a precise and prescribed way of solving that problem. That is exactly the thing that needs to take place as it relates to this issue.

One of the things I think we have to understand as a country: There is going to be less lending. Trying to force people to make loans in a climate when our society is overleveraged is not responsible. The fact is, there needs to be less lending, which brings me to the next point. We have to acknowledge in this country that many banks are going to fail. Many banks are unnecessary. One of the greatest fallacies of what has occurred over the last several months—and I say that with no criticism but just as an observation—is that we are unwilling to let bad banks fail. Because of what we are doing today, we again are wasting taxpayer money, in combination with the fact that regulators are on the ground, both at the FDIC and the OCC—again, well-intentioned people who are creating a self-fulfilling prophecy in our States by virtue of the fact that they are forcing banks to do things that are not in the best interests of this economy.

So let me say, I want to support solving this credit problem. I want the administration to come forth and explain to us as a country and us as a Senate their perception of what the problem is and their prescription for solving it; otherwise, what we are doing today, with huge amounts of taxpayer money, is treating the symptoms, we are not treating the core problem that exists in our credit markets. We are not doing that.

I think today probably this TARP funding will pass. I hope the administration will come forth.

There is 2 minutes remaining. Thank you, Madam President.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. CORKER. One hundred twenty seconds. Thank you.

I think this probably will pass this afternoon. Again, I am hoping that over the next 3 hours this administration will come forward and say publicly the things I have asked to be said. I do not criticize them if they do not. I just need to know what we are going to do on behalf of the taxpayers I represent in the State of Tennessee.

But I want to say to them that even if this passes today and they continue on the route we have been, I know they are going to come back. They are going to come back and they are going to ask for more money because on the route we are going right now, we are not going to solve the problem and it is going to continue. This is what I think will occur.

What I want to say to them—to the new President, who will be sworn in next week, to Larry Summers, to Tim Geithner, to Rahm Emanuel, to all involved—I want to work with you when you come back. I want to work with you with legislation that analyzes the problem and diagnoses it and puts in place a prescription to solve the problem.

I am hoping over the next few hours that will occur. If it does not, I am one Senator who stands ready to work with this administration that has very capable people in place to solve what I believe is the most major issue affecting our economy, and that is credit and that is housing.

Madam President, thank you for your courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I am thankful Senator CORKER is with us. He has involved himself in these matters. He said something I truly believe: that we have not been told what the problem is and what kind of plan really exists to fix the problem. That is the difficulty we are facing. We have not had that kind of honest assessment from President Bush's administration, and we have not had it under President-elect Obama's administration. I think a lot of that is because they do not know, and a lot of it is because they are things that cannot readily be fixed.

The credit problem is the No. 1 problem. Some people say that the economy is like this big interstate, and the problem we had last October was 18-wheelers blocking the interstate, and if we could just get that aside and open the free markets again, everything would be OK. But that was not the problem. The problem was, as Senator CORKER indicates, much bigger than that. Fundamentally, there was a housing bubble, fueled by Government-sponsored programs and low-interest rates and a lack of discipline with respect to lenders and the sale of mortgage-backed assets. And this lack of discipline sort of hid the danger in those transactions. That was the problem. So when these houses started adjusting downward in value, because they were too high—how many people did you know who could not afford a house? They were going up two and three times the rate of inflation, two and three times the increase in gross domestic product. Housing prices were going up. That was unsustainable, yet everybody acted as though it would never fall. But it fell.

I remember in the early 1980s when President Reagan worked us through that recession and we had to foreclose on farms and land, and savings and loans—which were a big part of our real estate lending market at that time—failed right and left. But we took

our hurts. We worked our way through it and created a foundation, with Mr. Volcker as the Federal Reserve Chairman, for 25 years of growth and progress. We did go through a period in which the dot-com bubble burst, and a lot of those markets have not yet recovered from that period in the late 1990s.

So I guess what I am saying, first of all, is this is a very difficult problem, but it is one we can work through. In the course of it, we have to ask ourselves exactly how it occurred, and we need our governmental leaders to tell us precisely how the legislation—and the money our American citizens allow them to utilize—will make it better. That has not been done. So we are talking today about another release of \$350 billion in troubled asset funds.

This is the centerpiece of the Wall Street bailout. It was rushed through last fall in a season of panic. Many people didn't know what to do. We had the Secretary of the Treasury telling us if we didn't pass this and give him maximum flexibility, this economy could hit a depression, and that terrified everybody. I think the fear engendered by all that rhetoric is still a factor in slowing the potential for our recovery. But anyway, that is what happened.

I didn't vote for it last fall. I felt it wasn't properly presented. I didn't feel good about it. I didn't like buying these types of assets, these bad mortgages. Though it presented some plausible basis for a good program, I wasn't sold. I didn't vote for it. I am glad I didn't.

Now that it has been enacted, we have had a great amount of time to actually think it through and see how the program has worked so far. I think we should have had more hearings. We should have called in more experts. I think the new administration should have a more open discussion of the real problems out there—which I will admit the predecessor Bush administration didn't do either—and tell us what is going on and why we have to go forward with this.

I think it is pretty plain—and most people admit—we didn't see any progress from the first \$350 billion in this package. That is little disputed, although the argument is difficult to contend with when they say: Well, it might have gotten worse if we hadn't thrown \$350 billion at it. Of course we don't know what might have happened. But I want to know why we haven't had more congressional hearings, more public discussions of what is going on and how we need to fix it. Are we afraid of something? Why haven't we taken more time to discuss this?

An article in the Wall Street Journal talked about the difficulties we are facing—actually, on the front page—and the article quoted one financier as saying, well, it may have helped some—this first bailout.

Then he said:

Nobody yet has any idea how much permanent damage may have been done to the structural underpinnings of the U.S. and global capitalism.

Well, I couldn't agree more. We don't know how much damage we have done in this adventure.

The passage last fall of the TARP plan, which gave to a single, unelected official of the executive branch virtually complete authority to dispense \$350 billion—maybe \$700 billion, if he receives it—as he alone saw fit and sees fit, I think, has to be considered one of the, if not the, greatest abdications of congressional fiscal responsibility in our Nation's history. Seven hundred billion dollars is the largest expenditure in the history of the Republic. I know we are going to get some of that back; how much I don't know. Right now the Congressional Budget Office says we are going to lose about \$200 billion of it—maybe more—but we committed \$700 billion without even knowing how it was going to be spent.

So if my colleagues will remember, we were told we were going to spend that money to buy bad mortgages, take them off the books of the banks and make them able to lend money. At the House hearing, someone asked Secretary Paulson: What about buying stock in a bank? He said: Oh, no. We don't want to buy stock. We have a plan. One thing he told us that was truthful: He wanted maximum flexibility. So when that bill was written, it gave him the ability to do virtually anything with that money, including bailing out individual manufacturing companies such as the Big Three, which he eventually approved out of that money. So within a week after flatly rejecting the idea that he would buy stock in private companies, private banks and insurance companies, the Secretary announced that is exactly what he was going to do.

He called them in and some didn't even want to participate with the Government program, but he thought if they didn't participate, it might look as though they were a healthier bank than somebody else's bank, and he twisted their arms and virtually insisted they participate in the program.

Then we put \$100 billion into an insurance company—AIG, which is competing against other American insurance companies that operate on a sound basis—because they got involved in these speculative swaps, credit swaps, and buying these types of assets and using them as collateral. So it is a difficult thing to know where we are, but it showed two things. I don't think Secretary Paulson deliberately misled Congress, although I believe he knew when he got that maximum flexibility he might buy stock one day. I can't believe he wasn't aware he had the possibility of doing that. But I think, fundamentally, they don't know what to

do with the money because there is no certain answer. I have a vision in my mind of the guy who flew into the hurricane off the Gulf Coast where I live and he threw out dry ice and he thought he could cool off the hurricane and stop the hurricane. So now we have the Secretary of the Treasury getting \$700 billion, and he thinks he can get in there and stop the financial hurricane by throwing money around. As steward of the taxpayers' money, we need more than that. Yes, Congress has the power of the purse, but I would suggest to my colleagues, that power is more than a power; it is fundamentally a responsibility. It is a duty to ensure that when we allocate money, we know where it is going and that we have a reasonable expectation of success.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair and ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I will conclude by saying the buying of stock and the government's direct involvement in the economy has ramifications. The Wall Street Journal had an editorial: "Treasury to Ford: Drop Dead." They loaned General Motors' financial arm, GMAC, billions of dollars. The next day, GMAC is offering zero percent loans to encourage people to buy GM products, while poor Ford, who is getting by and not asking for any money, is losing competitive advantage. That is our problem.

There was an article in USA TODAY that said that a nation founded on excessive personal debt, excessive Government debt, and a sustained, large trade deficit is not a healthy economy. We all know that. We are going to have to adjust. This economy is going to have to adjust. Housing prices may fall somewhat lower, but they will bottom out soon. We will come out of this downturn. The projections I have seen by CBO and the Obama administration officials tell us that we are not going to have a recession as steep and as deep as the one in the early 1980s.

I think we have to be far more responsible in ensuring that these huge sums of money—\$700 billion total, which exceeds the 5 years of the Iraq war's \$500 billion in expenditures—are wisely done, are necessary, and will actually improve the situation we are in today. So, therefore, I cannot support the further release of funds today.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, in a few very short moments—I think within 5 minutes or so—we are going to be welcoming a new Member to this Chamber, and we will certainly take time out to do that. I believe Mr. DURBIN, the senior Senator from Illinois,

wishes to be heard to speak about our new colleague as the swearing-in ceremony will take place at 2. So we will take a little time out for that—I don't think much time—and then I know my friends on the other side have lined up a number of speakers on the TARP program, and we are certainly going to accommodate that. I think all their time has been accounted for already, so we will have to make sure of the resources there. I have a number of requests on this side of the aisle as well to be heard on this very important matter before the vote occurs at 4:30.

Let me say in the few moments before the leaders arrive to welcome our new colleague from Illinois, new Senator-elect BURRIS, that this is obviously a very important debate that we are having regarding these so-called TARP funds. I don't know of a single Member, regardless of how they will vote on this matter, who likes being here for this debate or believes that this is something they wish they were doing at this hour. I certainly don't. I have been involved tirelessly with this now over the last number of weeks. As we all know, we are going through a dramatic situation in our country. To put it in numbers terms that are more understandable, 17,000 people in our Nation are losing their jobs every day. Nine thousand to ten thousand people are losing their homes every day in America. We saw the numbers of unemployment in the months of November and December; I think some 500,000 jobs in that month alone. Every indication is that the coming months are going to give us equally bad news on that front. We hear more bad news about lending institutions, financial institutions that are in trouble. So, obviously, these are fragile times, to put it mildly, for our Nation.

Yet, at the same time, within a matter of hours, almost within a few feet from where I speak, we are going to be inaugurating the 44th President of the United States, an individual who has given this Nation—in fact, many beyond our borders and shores—a great sense of renewed hope, a renewed sense of optimism about our country and its future. So the timing, in many ways, couldn't be better for this new President arriving, a new team coming to town, determined to do everything they can to get our Nation back on its feet again.

So this debate is not just any other debate. This is a debate that will give this new President the chance all of us want him to have to get our country moving in the right direction. So at an appropriate time, at the conclusion of the swearing-in ceremony of our new colleague, I will take additional time to talk about this issue, the importance of it, the regrets I have about why we ended up where we are but also why I think it is critically important we move forward at this very important moment.

With that, I see the distinguished majority leader is here and I will yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment and related credentials to fill the vacancy created by the resignation of former Senator Barack Obama of Illinois. The certificate and credentials, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate.

If there be no objection, the reading of the certificate and credentials will be waived, and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS
Executive Department
Springfield, Illinois

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Rod R. Blagojevich, the governor of said State, do hereby appoint Roland Burris a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Barack Obama, is filled by election as provided by law.

Witness: His excellency our governor Rod R. Blagojevich at Chicago, Illinois this 31st day of December, in the year of our Lord 2008.

By the governor:

ROD R. BLAGOJEVICH,
Governor.

STATE OF ILLINOIS
Executive Department
CERTIFICATE

To All To Whom These Presents Shall Come, Greetings:

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the attached is a true and accurate copy of a certificate of appointment made by the Governor of the State of Illinois and duly filed in the Office of the Secretary of State of Illinois.

In testimony whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois. Done at the City of Springfield, January 9, 2009.

JESSE WHITE,
Secretary of State.

[State Seal Affixed]

STATE OF ILLINOIS
Executive Department
Springfield, Illinois

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Rod R. Blagojevich, the governor of said State, do hereby appoint Roland Burris a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Barack Obama, is filled by election as provided by law.

Witness: His excellency our governor Rod R. Blagojevich, and our seal hereto affixed at Chicago, Illinois this 31st day of December, in the year of our Lord 2008.

By the governor:

ROD R. BLAGOJEVICH,
Governor.

FILED
INDEX DEPARTMENT
JAN 09 2009
IN THE OFFICE OF
SECRETARY OF STATE

ADMINISTRATION OF OATH OF
OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. BURRIS, escorted by Mr. DURBIN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there are many paths to the Senate. It is fair to say the path that brought our new colleague from Illinois to us was unique, and that is an understatement.

Whatever complications surrounded his appointment, we made it clear from the beginning, both publicly and privately, that our concern was never with Mr. BURRIS. I did not have the pleasure of meeting Mr. BURRIS until last week. I found now-Senator BURRIS to be engaging, gracious, and he was very firm in his commitment to become a good and effective Senator.

Given the uncertainty around his appointment, all of his statements and actions, again both publicly and privately, reflected a strong character that will serve him well as he begins his service for the people of Illinois.

I also say to my friend, DICK DURBIN, the senior Senator from Illinois, how much I appreciate working with him on this and the other matters we have worked on over the years. We have been in Washington together going back a long time, 1982. The people of the State of Illinois have been so well served by so many different people. I am confident that when the history books are written, even though Illinois has had some of the best of the best, my friend DICK DURBIN will be right there with them.

So to Senator BURRIS, on behalf of all Senators, Democrats and Republicans, we welcome you as a colleague and as a friend.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I first thank the majority leader for his kind statements. He is, indeed, more than just a colleague. For 26 years, we have worked on Capitol Hill together, and never more closely than the last 6 when I have had the honor to serve as his assistant as the Democratic whip. He is truly a great public servant, not only for the State of Nevada but for the entire Nation.

This was a test for us because we were all absolutely stricken by the news that the Governor of the State of Illinois was being arrested and under the circumstances which all America knows.

The response by the Senate was to say to this Governor: No Senate seat is ever for sale, and we are going to uphold the integrity of this institution, even though some may try to sully that integrity.

Senator REID is right, throughout the stormy weeks that followed, I do not recall a single negative word spoken by anyone in the Senate or any of ROLAND BURRIS's former colleagues about him. You can search the record. Everything said about ROLAND BURRIS was positive. The circumstances that led to his appointment were the issue, the source of the controversy.

The controversy came to an end on Monday. The Secretary of State Jesse White filed a new document after the Illinois Supreme Court ruled. The Secretary of the Senate ruled that this new document complied with the rules of the U.S. Senate, and Senator BURRIS had appeared in Springfield, as we asked him, to answer all questions about his appointment.

At that point, we were ready to move forward. I can recall phone conversations with him over the weekend telling him that things were moving in the right direction, and if he could be patient because they were coming to a good end; the ruling of the Secretary of the Senate could make all the difference.

Now we have this glorious day when so many of his friends from Illinois are here to witness his being sworn in by

Vice President CHENEY, and now he has left the floor for a few moments for the ceremonial oath that is going to be given in the Old Senate Chamber.

While he is away, I want to say a word about my old friend, ROLAND BURRIS. He literally has been my friend for over 30 years. In 1978, when we were both brand new to this business, I ran for lieutenant governor for Illinois and he ran for comptroller. Nobody had ever heard of either of us or the offices we were running for. We were as obscure as possible, but we found kinship standing in the back of parade routes as the bigwigs in the front line went on. We struck up a friendship, a friendship that has extended over three decades. And it is a friendship that is based more on just that happenstance of running in the same year. You see, ROLAND and I are from the same part of Illinois. ROLAND BURRIS was born in Centralia, Illinois, a few miles away from my hometown of East St. Louis, Illinois.

But there is more to the story. That is one of the central parts of our Nation when it comes to railroads. I come from a railroad family—my mother, my father, my two brothers, and I all worked for the New York Central Railroad. ROLAND BURRIS's family were railroad workers as well. His father Earl ran a small grocery store to supplement his income as a laborer for the Illinois Central Gulf Railroad. Earl Burris, ROLAND's father, had a strong sense of community and a low tolerance for injustice. On Memorial Day 1953, Earl Burris decided to take a stand against injustice by defying Centralia's unofficial "whites only" policy for the city's public swimming pool. So he hired a lawyer and arranged for that lawyer to meet him and young ROLAND, then 16. They were all going to go to the swimming pool. Well, guess what. The lawyer didn't show up.

ROLAND BURRIS later said that he remembered his father all summer long saying that if segregation and injustice were ever going to end, people needed to show up and be accountable. By the end of the summer, 16-year-old ROLAND BURRIS had made up his mind he would show up. He would pursue a career in politics and the law. So off he went to Southern Illinois University, at Carbondale, which incidentally has a record of being one of the most productive colleges in America for the graduates of African Americans. ROLAND BURRIS was one of those. He studied political science and distinguished himself as a leader on campus. He headed a group that exposed discriminatory practices among Carbondale merchants toward African-American students.

In 1963, he earned a law degree from Howard University. That same year, he became a Federal bank examiner at the U.S. Treasury Department—the first African American ever to hold such a position. In 1964, he was hired by Continental Illinois National Bank, where he

rose to the post of vice president in less than a decade. He is a past national executive director of Operation PUSH.

In Illinois, the land of Lincoln, we have elected more African Americans statewide than any State in our Union, and we are proud of it. But it is ROLAND BURRIS who led the way in 1978, as our first African-American State comptroller and later as the first African-American attorney general in that land of Lincoln, State of Illinois. ROLAND BURRIS paved the way for so many to follow, including the man who will be sworn in as President Tuesday—Barack Obama. He has held two of our State's highest elective offices. He was Illinois' first African-American comptroller as well as our first African-American attorney general.

ROLAND BURRIS is a good man and a dedicated public servant, and that is why he has returned to public life. Now he is the 48th Senator from the great State of Illinois, and the 1,907th person ever to be sworn into this distinguished body.

Here is an interesting fact as well. ROLAND and his wife Berlean live on the south side of Chicago in a home once owned by the great, the immortal Mahalia Jackson, the original "Queen of Gospel Music." In 1948, Mahalia recorded a song that became so popular music stores couldn't keep it in stock. It sold 8 million copies. The title of that song was "Move On Up A Little Higher."

For more than 50 years, ROLAND BURRIS has sought to move on up a little higher—not for his sake alone but for the chance to help others, including our great State of Illinois. I congratulate him. I know this was a rocky road to this great day in his life, but it was a road well traveled and one that I am sure will lead him to appreciate how important this institution is, not just as part of our government but as a part of our future.

He is going to have a chance to not only serve as my colleague but the colleague of 99 other Senators who are going to be able to work with him and learn the values and talents that he brings to the job. I am honored today, by his being sworn into office, to no longer be both the senior and junior Senator from Illinois. We have a junior Senator—his name is ROLAND BURRIS—and I look forward to serving with him.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008—Continued

Mr. DURBIN. Mr. President, I ask unanimous consent that all time be taken equally from both sides, as I know we are under limited time for the debate on the TARP renewal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Again I renew the request for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, would the Chair be so kind as to advise me when I have used 7 minutes?

The PRESIDING OFFICER. The Chair will so advise.

Mr. COBURN. Mr. President, we have before us today a hallmark piece of legislation that is supposed to be about credit and liquidity and the significant problems we ran into this last fall in this country when we no longer had a functioning, or barely had a functioning financial industry that allowed credit to flow which would allow commerce to ensue.

It was my belief at the time, based on what I was told and what I saw, that extraordinary measures were going to be required for us to handle this significant problem. Consequently, I ended up voting for a financial recovery package that I must say has been handled in a way completely opposite of the way we were told it was going to be handled. That is now water under the bridge. The question before us today is: Are we going to give another \$350 billion—not through an oversight process, through an appropriating process—are we going to write a blank check to the Treasury Department to accomplish again what we are assured by the transition team and the incoming administration is for very specific things?

I would like to believe that. As a matter of fact, in a meeting yesterday with some of the officials of the incoming administration, I asked in a closed room where they were giving us this reassurance that this administration was not going to put more money into the auto industry under the pretext it has been done using the TARP funds; that this administration was not going to use this money for other industrial segments of our society but in fact would use this money only when and if it is necessary to keep liquidity rolling, to keep banks' balance sheets to the point where we can accomplish what we need in order to have true commerce in this country. And I must

say that I felt somewhat reassured walking out of that meeting.

But one of the things I asked for in that meeting was a public statement so that the rest of America could have that same assurance. We find ourselves today, getting ready to vote on this—and that was communicated very directly, by the way, with some of the highest levels of the incoming administration—we are about to vote on it, yet there has been no public statement whatsoever that would assure either Members of this body or the American taxpayers that we are not going to be using it to bail out companies that are not competitive and have not had to do the hard things to maintain themselves to be competitive; we have no assurance we are not going to go to other industries and do the same thing; and we do not have, in fact, a public expression, an explanation, or a letter of intent of the incoming administration that they are going to use it in a very precise and direct manner to maintain liquidity of the financial sector.

The other thing that we have not heard, along with maintaining that liquidity, is how the administration will handle the toxic assets, which is what we were told the money was for in the first place.

So I come to the floor this afternoon wanting to support our new President. I want to support him. I talked to him about this issue prior to his senior staff coming and talking to us. But I find myself in the predicament of having been fooled once by the present administration not doing what they said they were going to do. They have not been transparent as to where and how the money is being spent. The American people haven't had access. We don't know the priorities under which it was done. And now we are being told again: Trust us.

Well, I am willing to do that, provided we put out to the American people exactly what that means. And the only thing that I can figure as to why it has not been forthcoming—that is what we asked for yesterday afternoon in the meeting with those representing President-elect Obama—is that they do not want to commit. And I regret to say that if the incoming administration won't commit on paper and publicly as to how they are going to use this money, I am disinclined to vote to give it to them. That pains me, because I want our new administration to be tremendously successful in the face of all the problems we have.

To meet the goal of transparency and accountability—which is what this new administration is all about, and I believe it will be far greater than what we have seen in the past; I will give them credit for that—it is required that they publicly tell the American people how, when, why, and what they are going to use this money for. And my only conclusion would be, in the

face of that statement not being forthcoming, is that they either have the votes and believe they can accomplish this without being forthcoming—which again goes exactly the opposite direction of what my friend Barack Obama campaigned on—or they weren't necessarily truthful in what they told us on how they were going to use the money.

So I stand ready to try to support them, if in fact we have assurances—public assurances and documented assurances—that they are going to follow the intent of what we originally gave the money for. Absent that, I would find him be unable to support that and would vote for the resolution of disapproval.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized. (The remarks of Mr. KERRY are printed in today's RECORD under "Morning Business.")

Mr. KERRY. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise to speak about TARP. The President has submitted the request for the second half of the funds. This is not an easy decision for Members of Congress. We have lots of questions about how the first \$350 billion was spent. Questions came from my constituents, financial and economic experts, the oversight body. Auditors have questions, and I have questions.

I said in December, the Treasury must account for the \$350 billion and make the case that the action has aided our economic recovery efforts. Taxpayers were promised transparency. They deserve answers. But after Congress authorized the funds, the Treasury Department abruptly changed course and instead provided billions of dollars in direct capital injections into banks without any requirement that they write down bad debt. To date we do not have any answer why the change was made. Perhaps the Treasury realized it could not operationally manage it. Perhaps it was because the Europeans had adopted a direct capital injection approach. But we do not know.

The change is not as important as is the explanation and justification. The change in strategy could have been more acceptable if Congress and the public understood what reasonable assurances there were that there was a coherent structure. Unfortunately, the Treasury has not provided concrete

evidence that directly or indirectly linked the capital injection to the marginal stabilization of the credit market and the funds are contributing to the necessary writedowns.

Some experts also question whether Treasury diagnosed the problem correctly and accordingly allocated the funds appropriately. Now, Treasury claims TARP has worked because we have not fallen into a Great Depression. But when they are not collecting data from the banks on how the funds are used, it is kind of tough to point to that.

We need to focus on the real need for additional TARP funding and ensure that the significant questions about management and oversight are adequately addressed. In terms of need, let's be clear. I do not dispute that further Government resources and actions will likely be needed to address the ongoing economic downturn.

Unemployment is rising, double digits in some places. There are continuing credit difficulties. We must not be complacent about the prospect of an economic recovery.

I supported the initial passage of the act because we were assured it would run with transparency, accountability, and oversight. Unfortunately, we have had independent assessments of the program that do not provide any comfort. The U.S. Government Accountability Office and the congressional oversight panel have preliminary reports that are not glowing and raise additional questions.

Now, the incoming administration has made statements that it substantially agrees with these independent assessments, and it will do things differently. To date, however, all we have is a three-page letter that generally outlines how they will run it. While I appreciate these statements, a three-page letter is a little thin for me to approve a \$350 billion extra share.

Taxpayers have bailout fatigue, and I am troubled by Government intervention in the private market. We need the private market at some point, however painful, to work itself out, and we must force the writedown of bad debt to address the solvency of banks. We have not seen those assurances, and I am not going to be able to support this release before us.

Many experts have implored the Treasury to use TARP to address bad debt that is still held by banks. I believe that should have been in the initial provisions. We forced the auto companies to jump through hoops. Perhaps on the other hand, they can use a guarantee program for a risk-share program.

Unfortunately, we still do not know how the second half of the funds is going to be used. We might have to have a subprime mortgage asset restructure trust like the entity we set up to deal with the savings and loan

crisis. It was painful in the late 1980s, but it worked.

Unfortunately, as I said, this is not the end of the need to address our financial system. Some estimates are that about \$1.5 trillion is pending, and we are likely to see more requests for funds. But before additional requests are submitted, we look forward to the incoming administration bringing some coherency and structure to the program and provide for certainty and confidence to taxpayers and markets by providing the transparency, accountability, and the oversight that is currently lacking.

There are too many unanswered questions about the current TARP. We do not dismiss the real threats of more financial turmoil. We can clear them up, but things likely will get worse before they get better. I am committed to help save the system, but we need a plan to show we are going to act responsibly and protect taxpayers while providing more accountability, transparency, and oversight.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to spend a few minutes today also addressing this very troublesome issue of the next tranche of \$350 billion that is being asked for by the incoming administration. I, like many people who supported the initial request on October 1, was very disappointed with the differences in the current administration's implementation of TARP as opposed to the logic that was presented to us asking for our support.

I would also say if there were a new proposal coming to us from the current administration, given this experience, I would probably not support it. Given the administration's conduct since October, I would not support it. There is, however, an incoming administration that is in a situation that was created by Congress's initial vote. It is in the middle of this \$700 billion proposal.

I have received concrete guarantees from the President-elect regarding TARP. I spoke to him at great length yesterday. I am going to support releasing this next tranche. I would like to take a few minutes to explain my support. I was one of the first people to originally question Secretary Paulson's request last September. I came to the Senate floor the Monday after the request was made. I laid out five different points of concern we had with the proposal itself.

I worked with other Members of this body. We had nine Senators join in a letter to the majority leader saying that any proposal like this had to, first of all, guarantee that it was not one individual in the executive branch who was able to make these kinds of decisions; that ideally, from our perspective, there should have been a three-person panel of honest brokers; that the American taxpayer should be invested in the upside of a program like

this; that there should be re-regulation of the financial markets; and that there should be concrete limits on executive compensation. We had some movement on those issues during the negotiating process led by the senior Senator from Connecticut. We did not get all of them, but we did get enough. Coupled with the predictions of the catastrophic effect that might occur in the world markets without action, I decided to vote for the program. Then Secretary Paulson went off and spent the money in a totally different way than he told us he was going to.

The situation now, in my view, is different. I spoke with the President-elect. He indicated he was totally comfortable with my coming to the Senate floor and saying that he personally guarantees closure on all of those issues: that there will be more than one person in the administration, at least three people in the administration, working together to find out the best place to put these funds; that American taxpayers are invested; that there will be limits on executive compensation; and that there clearly are going to be strong proposals, to re-regulate the financial markets.

We are in a very difficult situation in this body because we cannot amend this document. We cannot put these proposals into legislative language. We can only vote up or down as to whether this money is made available, and I am going to vote to release those funds.

The distinction for me is that, in the first instance, we had an administration that was ending its tenure. It was on its way out the door as it implemented the first tranche in, I think, not a fully responsible way.

In this instance, we have a new administration coming in. They are ready to be held accountable. The President-elect indicated to me that he wanted me to inform this body of the specific guarantees he is giving. With respect to the valid concerns that were just laid out by the Senator from Missouri, we have plenty of time for debate available to us for the larger stimulus package where we can truly sort out what type of financial rescue plan we are going to put into place for the country.

So I have struggled with this like so many of my colleagues. I am very comfortable with the guarantees that were given by the President-elect. I am going to vote in favor of this program.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I am rising to speak in favor of the disapproval resolution. I think we should disapprove the use of the TARP funds, and I will outline why to my colleagues and point out the reasons and give a little bit of history on this as well.

I think it is interesting the Treasury Department came here on Saturday, September 22, and said: We have to do

this. We have to have \$700 billion to save the financial institutions across the United States. We have to do it, and we have to do it now. There were zero hearings on the \$700 billion. Now, normally, around here you would not spend \$7 million, let alone \$7 billion or \$70 billion, without a hearing. We did \$700 billion without a hearing, and in a rush and in a push and people saying: We have to do this now or we risk going into a Great Depression.

This bill passed. Now, my phone was ringing during that period of time. My guess is the Presiding Officer's phone was ringing during that period of time. Kansans were hot and mad and upset and strongly opposed. I think at one point in time we had 2,000 calls against and 40 for the bill. There was strong opposition. They do not like the idea of giving the money to the people who made the mistakes and did the wrongdoing in the first place, and it was our taxpayer money. Then, what is in the bill—the initial bill was a 30-page bill.

Now, it expanded some after that, but we did not have a hearing process. We did not have a review process. It was: We have to do this; we have to do this now, period. It went on through the Congress, and it passed. We had two tranches: the first \$350 billion and a second \$350 billion, which I argued at the time as well, the second \$350 billion should require an affirmative vote of Congress. I mean, this is \$350 billion we are talking about. Instead, all we could get was this disapproval process which the President can veto. Then it has to come back here for a two-thirds vote. So you, in essence, have to get two-thirds of the Congress to disapprove. Nonetheless, I think we should disapprove this proposal, this bill, this additional \$350 billion in funding.

Now, if the initial proposal was OK, look, we have to have it, we have to have it now to support and to keep the financial institutions going and properly functioning in the country—that money has been spent and the financial institutions are operating. Certainly, there is a lot of distress, but they are operating and they are operating effectively.

So the idea that you have to do it and you have to do it now to maintain a fiscal financial system operating is no longer there. That is one reason.

The second one: We ought to spend some time thinking about this and whether we want to do this because this has ended up being a rather large slush fund. It has been moving from various targets. Initially it was said this was going to be used to buy troubled assets. Then that seemed like it was going to take too long, so it was put into stock, into financial institutions to strengthen their bottom line.

So there was no real target given, and it was moved and sloshed around. Even on auto bailout, at the end of the day, do we want that loose of a design

model on \$350 billion? I would have to argue then, as I do now, no. We don't want that loose of a situation.

Then there is the matter of oversight on this particular issue. We have an oversight panel that has reported that Treasury has "failed to address a number of questions asked by the panel itself," our panel, the congressional panel, in its first report. I don't see enough transparency in the manner in which TARP is being executed, and I certainly don't see enough in terms of what contingency plans Treasury has in mind to use these additional funds to grant carte blanche spending of \$350 billion that could range from troubled assets, stock in banks, an auto bailout. And if that is your initial model of where you can spend it, then where else could we spend the additional \$350 billion? Is this on credit card bailouts, on student loans, on another industry? It looks as though we don't know.

Quoting from the oversight panel, they were saying that this money, as I mentioned earlier, has failed to address a number of the concerns that were previously raised. Indeed, if anything, I think it could be argued that the haphazard manner in which these funds were spent has increased the financial stress and has injected uncertainty into a financial system and an economy already gripped by fear. Almost the very uncertainty and the moving back and forth said to the broader economy and to the global community: We don't know what we need to do. It helped to spread fear rather than to calm the market situation.

We need to have a calm discussion about this \$350 billion. It is very difficult for me to go back home and say to my constituents: We approved an additional \$350 billion and we are not exactly sure where it is going to be spent, when they were flaming mad about this being approved in the first place.

While additional TARP funding is not necessarily \$350 billion of Government spending, I am not convinced it represents a well planned and executed investment for taxpayers. Many will say this is an investment, not spending. I am not sure this has been well designed or thought through of what the investment is. Indeed, it seems as though it changes by the day. The Congressional Oversight Panel says it still does not know what banks are doing with TARP money already used. So here is our own oversight panel saying that we don't know for sure what the banks are doing with the TARP money they have already gotten, and we are going to approve another \$350 billion.

Without transparency about funding already committed to TARP and with only vague notions about how additional TARP funding would be used, I cannot vote to allow additional TARP funds to be released. Without more transparency and information on plans with a potentially large taxpayer cost,

I do not see the merits in allowing additional TARP funds to move forward.

Those are not simply my thoughts. If you pick up the phone in my office, if you travel across my State—and I would say across much of the country—that is the sentiment you are going to get, that this just is not well planned. It is a lot of money, and we ought to calm down and take more prudent approaches, take the simple steps of holding committee hearings, looking at what sorts of distressed industries may come up, looking in depth at where the TARP funding has already been spent and what it is doing, and get answers to those simple, direct, but very important questions before we launch into another \$350 billion. I think if the people in this body would listen to their constituents back home, they would say: Absolutely, don't just approve this. Let's take more time now.

The financial institutions people, as far as the situation that was existing last fall, are saying: This is getting much better than what it was at that point. Let's take our time to do it right. I am not saying that there isn't stress in the system. There still is. But it isn't the situation it was last fall. Our constituents demand that more information be known.

I hope we can do that and take our time to get this right and get the oversight right and get the answers to simple, direct, but very important questions.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I rise in support of the motion to disapprove the expenditure of the additional \$350 billion. I am one who supported the original package back in September. I thought it was the right thing to do then. I still think it was the right thing to do at that point in time. The reason I thought so then and still think so is that we are certainly in a financial crunch. We were presented with a plan by the Treasury Department that laid out what we were going to do with this \$350 billion that was the initial amount authorized to be accessed, that that \$350 billion would move us in a direction of loosening the contraction of the credit markets around the country so that banks could borrow money in the credit market from each other, and they would thus have money to loan out to businesses as well as to individuals.

The fact is that the Treasury Department, after telling us the plan they proposed to operate to do that, moved in a different direction and moved in a direction of providing funding from this initial \$250 billion and now the sec-

ond \$100 billion to fund banks, to provide capital to banks that was supposed to be used to buy toxic loans, not from individual banks but to buy toxic loans that were packaged at banks because they bought the banks. The fact is, it didn't work. It has not worked at all. We have not seen a loosening of the contraction of this credit market.

For us to come in today and be faced with a vote here today in the short term relative to accessing the second half of the \$700 billion without having a plan that we have some assurance is going to work I believe is the wrong direction to go. Not only that, but as a part of the original \$350 billion, there was some \$20 billion or so that was accessed and given to the automobile industry, either through direct funding to automobile companies that are domestic companies that are in trouble as well as funding that went to GMAC, a financial arm of the automobile industry. That was never intended when we debated and voted on the original plan back in September of this year.

As my friend from Kansas said, it needs to be a written plan that is thoroughly thought through by folks who are certainly smarter than I am on this issue, and it needs to be in place before we take taxpayer money and expose it. I use that term because I still think, on the first \$350 billion, we have the opportunity to be paid back, but it is exposed. But for us to further expose an additional \$350 billion without some strong assurance that we will get repaid this money and, most importantly, unless we have some plan that gives us, while not a guarantee, a strong indication that accessing that additional \$350 billion will move us toward resolution of this crisis and a loosening up of the credit market, I just think is the wrong direction in which to go. Because of that, I intend to vote in favor of this motion and in opposition to accessing that second \$350 billion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, while I was given, very generously, 10 minutes, I will not take that time because I have had occasion to stand on the Senate floor since last October 10 on numerous occasions and talk about the way this vote took place in the beginning. Sometimes we lose sight of the fact that this had to start somewhere, and this start was when Secretary Paulson—and I to have say this is a Republican administration; he was the Treasury Secretary—came out with this plan on how to save the world. He said: We have to have \$700 billion. It has to be spent to buy damaged assets. And even at that time, it didn't make any sense because, if you read the document, it didn't say anything as to what was going to happen to this money. It just completely was a blank

check. Never in the history of Oklahoma have we voted to give anyone, elected or, in this case, unelected bureaucrat, \$700 billion to do whatever he or she wants to do with it. It is mind-boggling that that could have happened, but it did happen.

The other thing that makes history out of this is, this is the largest single vote on an authorization in the history of this country. This amount is so big, I have tried to explain to people what this really means: \$700 billion, if you take all of the families in America who file tax returns and do the math, is \$5,000 a family. That is what we are talking about.

I opposed it originally and said that we are going to regret that we did this unprecedented thing. I hate to say it, even though I want to encourage as many Members to vote for this resolution, it doesn't make that much difference because if it should pass both the House and the Senate—and, of course, the House will be voting on it later on—then the new President would come in and would veto it. And all he would need is 34 votes, in the case of the Senate, to sustain a veto. Obviously, the votes are there. So it is going to happen. But I think it is important that as many people get on record recognizing it is not the right thing to do for America, and to do that, this is their last chance.

In October, after this passed the House and the Senate, I introduced legislation at that time, then reintroduced it with the new Congress, putting in accountability so that they would have to come to Congress. I don't care if it is the Bush administration or the Obama administration, come to Congress, tell us what they want to spend the money on. Let's debate it, go through an appropriations process so we are in the curve. That is what the Constitution says we are supposed to be able to do. But it didn't happen.

To name it TARP, the Troubled Asset Relief Program—this is no troubled asset relief program. It was represented by Secretary Paulson to be the buying of damaged assets. I have renamed it the SOAP program, the Spend On Any Program, because that is exactly what we have done. We don't know today, and we are about to pass something or we are going to end up adopting something, and this resolution will not be able to stop it. That is going to change the behavior. It is the first time this has happened in the history of this country. We are going to be saying to somebody: You can have this big block of money. You can do anything you want with it. That has not happened before. I think the historians, 30 and 40 years from now, will look back and say that the vote that took place in October that allowed one unelected bureaucrat to have \$700 billion is going to be probably the most

egregious vote in the history of this institution.

I look at this, and I see that this happened. I recall in October, when the majority—75 percent of the House and the Senate—voted for this thing, I said at that time that there are going to be others lined up. As this is structured, you can't stop it. You can't blame the auto industry for coming in, wanting to have a bailout. So they got a bailout. For those of you who think that is bad, I agree. But that was only 2 percent of the total \$700 billion.

So we need to put these things in perspective. This is something that should not have happened. I think it is going to go down in history as one of the dark moments of this institution.

Lastly, we have talked to a lot of people, a lot of economists, three of them from the Reagan era. They said we didn't really accomplish anything with the first \$350 billion. Our western farmers in Oklahoma—I won't mention which bank it is, but it was a bank that initially got \$20 billion. Now they are asking for more so that credit would be loosened up. They came to me way back in October and said they received this money, but the credit has not loosened up at all. I am inclined to think that the first \$350 billion was pretty much wasted, and now we are going into another \$350 billion.

I would encourage any of my colleagues who voted for the initial \$700 billion bailout to go ahead and vote for this resolution to stop this second \$350 billion. That would be a redeeming feature in their careers. I would encourage them to do that.

I will yield the floor.

Let me inquire of the Chair: There is no one else ready to speak right now. If I were to continue to speak, would that use up time on this side? I do not want to do that.

The PRESIDING OFFICER. Yes, it would.

Mr. INHOFE. OK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Madam President.

In about an hour or so we will be voting on this matter. I know there are several other Members who want to be heard on this discussion, although there has been a lot said about this matter since the problem first emerged, at least the request first emerged, back in mid-September, September 18 of last year, when the Secretary of the Treasury and the Chair-

man of the Federal Reserve came before the leadership of the Congress and announced that within a matter of days we would be facing a meltdown of the financial sector of this country as well as, maybe, globally. From that time forward, we have found ourselves in this situation.

As I said a little while ago in brief remarks, I do not know of a single Member—at least I do not believe there is any—who takes any pleasure in being involved in this debate, involved in the vote we are about to cast, knowing the problems that have created this situation were avoidable, preventable, and had the administration paid more attention, when they were asked to more than 2 years ago, about the foreclosure crisis in this country—that is the root cause of the problems we are now dealing with—then we would not have to be here today. That is not hyperbole. That is not speculation. That is a fact. But the reality is there was denial after denial after denial: the economy was sound and solid, and things were going to be in great shape no matter what happened.

Today, we find ourselves with 17,000 people a day losing their jobs in America. Between 9,000 and 10,000 homes are going into foreclosure every day in the country. Retirement accounts are being dwindled down to almost nothing in too many cases. Costs and other matters are rising for many people. We are in the most serious economic shape since the Great Depression 80 years ago.

It is this Senate, this Congress, at this hour, with the transfer of power coming at the executive branch in a matter of hours, literally yards from where I am speaking today, that will hopefully provide a new direction for our Nation. The outgoing President—in a unique moment, I suppose, historically—along with the incoming President have jointly asked us to step up and provide a tool that might very well do something to make a difference in the lives of those 17,000 people today who will lose their jobs or maybe one of those families of the 9,000 today who will lose their home.

We can say: Look, we are not going to do this. We can flyspeck this: I don't like this part; I don't like that part. I would like more specificity here and there. We can twiddle our thumbs.

Well, explain that, if you will, to that person who might lose their job, when maybe taking action might make a difference or tell that to a family in Connecticut or Minnesota who is going to lose their house today: No, we ought to wait a week or two and maybe we will sort this out a little better somehow; like somehow the great wizards here, we are going to organize this in some fabulous way to serve the interests of the people.

This is a dreadful moment, it is a sad moment, that here in the first hours of

the 111th Congress, instead of talking about resources that go to building bridges and roads or schools, making a difference in the health care of people, providing some decent retirement and hope for other Americans, we are talking about providing resources to stabilize our economy, to get our credit system working again, so you do not find the squandering of resources, to see that we might make a difference in putting a tourniquet on the hemorrhaging of home foreclosures that is occurring from one end of this country to the other.

Now, it is more dire in some areas than others. Obviously, the States of California and Florida particularly are seeing the tremendous effects of this situation. Arizona and Nevada are also paying a very serious price. But I know in Minnesota, I know in Connecticut, as well, while it is not as bad as in some of these other States, it is getting worse. There is not an economist anyone has listened to over the last number of weeks who has not told us it is not going to get better overnight.

But what do we do? Again, we have been asked to step up and provide some resources here, some serious ones to try to stabilize the credit markets, to provide some assistance. I do not know if it is adequate enough. This much I can tell you: Like all of us, we have been terribly disappointed over the management of the resources that were provided back at the end of September, early October. I honestly believe some of those resources have actually worked to some degree. But today we had about five different witnesses before the Senate Banking Committee—nominees for various posts, most of them very distinguished economists—who have spent years in this field. To a person, everyone said, well, they could not predict with absolute certainty that had we not acted in September, this economy would be in even worse shape today.

It is always difficult to prove a negative. But it is, obviously, easier for those who can stand here and say, well, I told you so or we should not have done this because it is impossible to go back and say what would have happened with any great certainty had we not acted. I think much can be said today when you have an outgoing Republican President and administration and an incoming Democratic administration, with very different views about how our economy ought to be managed, asking us jointly to step up and make this decision. I think it is important we listen and we act. That is what I am urging my colleagues to do.

This is not going to win you any parades. You are not going to get a plaque or a medal for doing this. I have great respect for my friend from Oklahoma, but I would predict just the opposite of what he has suggested. I think history will judge us, just as it

judged two generations ago, what a new Congress did gathered in the winter of 1933, after the election of 1932, when 5,000 banks closed their doors and 27 percent of the American people were out of work. There was no hope whatsoever.

People got together, infused capital into lending institutions—the 5,000 of them—in the spring of 1933, and creative people sat down and worked to try to come up with imaginative ideas to get this country moving again, and an American President stood on the east front of this Capitol and said to the American people: You have nothing to fear but fear itself. Hope began to spring in the hearts and minds of Americans all across this country because while they were suffering terribly, they knew they needed a Government that was going to roll up its sleeves, keep an eye on them, and keep them in mind every single day to try to get this country moving again.

I would say to my colleagues that I believe on next Tuesday, January 20, the 44th President of the United States will remind the American people once again that the only thing we have to fear is fear itself, in his own words, and that there is a reason to be hopeful and optimistic. This is a great country, with great resources, talented, bright, energetic Americans, who want to see our country get back on its feet again. But you need to have the tools to do it. You cannot wish it well. You have to provide the resources in order to make it possible for us to get moving again. That is what this President has asked for—both the outgoing and incoming one—to give this incoming President the tools necessary to move forward.

Now, I know, as well, there is going to be far better accountability, far more transparency. Foreclosure mitigation is going to be a part of this effort. In fact, in a letter from Larry Summers to the majority leader—which I ask unanimous consent, Madam President, to be printed in the RECORD provides far greater specificity than earlier communications, and I welcome that, detailing specifically how this will work, how it will be monitored, how important the intervention on foreclosures will be, and focusing on the flow of credit, which is, obviously, critical if we are going to get back on our feet again.

I think the letter ought to provide some confidence to Members who are concerned about how this program will be managed and run, and that it will, in fact, be run differently than the present administration is doing it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OFFICE OF THE PRESIDENT-ELECT,
Washington, DC, January 15, 2009.

Hon. HARRY REID,
Majority Leader,
U.S. Senate.

DEAR LEADER REID: Thank you for the extraordinary efforts you have made this week

to work with President-Elect Obama in implementing the Emergency Economic Stabilization Act of 2008. In addition to the commitments I made in my letter of January 12, 2009, the President-Elect asked me to respond to a number of valuable recommendations made by members of the House and Senate as well as the Congressional Oversight Panel. We completely agree that this program must promote the stability of the financial system and increase lending, preserve home ownership, promote jobs and economic recovery, safeguard taxpayer interests, and have the maximum degree of accountability and transparency possible.

As part of that approach, no substantial new investments will be made under this program unless President-elect Obama has reviewed the recommendation and agreed that it should proceed. If the President-elect concludes that a substantial new commitment of funds is necessary to forestall a serious economic dislocation, he will certify that decision to Congress before any final action is taken.

As the Obama Administration carries out the Emergency Economic Stabilization Act, our actions will reflect the Act's original purpose of preventing systemic consequences in the financial and housing markets. The incoming Obama Administration has no intention of using any funds to implement an industrial policy.

The Obama Administration will commit substantial resources of fifty to one hundred billion to a sweeping effort to address the foreclosure crisis. We will implement smart, aggressive policies to reduce the number of preventable foreclosures by helping to reduce mortgage payments for economically stressed but responsible homeowners, while also reforming our bankruptcy laws and strengthening existing housing initiatives like Hope for Homeowners. Banks receiving support under the Emergency Economic Stabilization Act will be required to implement mortgage foreclosure mitigation programs. In addition to this action, the Federal Reserve has announced a \$500B program of support, which is already having a significant beneficial impact in reducing the cost of new conforming mortgages. Together these efforts will constitute a major effort to address this critical problem.

In addition to these commitments, I would like to summarize some of the additional reforms we will be implementing.

1. Provide a Clear and Transparent Explanation for Investments:

For each investment, the Treasury will make public the amount of assistance provided, the value of the investment, the quantity and strike price of warrants received, and the schedule of required payments to the government.

For each investment, the Treasury will report on the terms or pricing of that investment compared to recent market transactions.

The above information will be posted as quickly as possible on the Treasury's website so that the American people readily can monitor the status of each investment.

2. Measure, Monitor and Track the Impact on Lending:

As a condition of federal assistance, healthy banks without major capital shortfalls will increase lending above baseline levels.

The Treasury will require detailed and timely information from recipients of government investments on their lending patterns broken down by category. Public companies will report this information quarterly

in conjunction with the release of their 10Q reports.

The Treasury will report quarterly on overall lending activity and on the terms and availability of credit in the economy.

3. Impose Clear Conditions on Firms Receiving Government Support:

Require that executive compensation above a specified threshold amount be paid in restricted stock or similar form that cannot be liquidated or sold until the government has been repaid.

Prevent shareholders from being unduly rewarded at taxpayer expense. Payment of dividends by firms receiving support must be approved by their primary federal regulator. For firms receiving exceptional assistance, quarterly dividend payments will be restricted to \$0.01 until the government has been repaid.

Preclude use of government funds to purchase healthy firms rather than to boost lending.

Ensure terms of investments are appropriately designed to promote early repayment and to encourage private capital to replace public investments as soon as economic conditions permit. Public assistance to the financial system will be temporary, not permanent.

4. Focus Support on Increasing the Flow of Credit:

The President will certify to Congress that any substantial new initiative under this program will contribute to forestalling a significant economic dislocation.

Implement a sweeping foreclosure mitigation plan for responsible families including helping to reduce mortgage payment for economically stressed but responsible homeowners, reforming our bankruptcy laws, and strengthening existing housing initiatives like Hope for Homeowners.

Undertake special efforts to restart lending to the small businesses responsible for over two-thirds of recent job creation.

Ensure the soundness of community banks throughout the country.

Limit assistance under the EESA to financial institutions eligible under that Act. Firms in the auto industry, which were provided assistance under the EESA, will only receive additional assistance in the context of a comprehensive restructuring designed to achieve long-term viability.

The incoming Obama Administration is committed to these undertakings. With these safeguards, it should be possible to improve the effectiveness of our financial stabilization efforts. As I stressed in my letter the other day, we must act with urgency to stabilize and repair the financial system and maintain the flow of credit to families and businesses to restore economic growth. While progress will take time, we are confident that, working closely with the Congress, we can secure America's future.

Sincerely,

LAWRENCE H. SUMMERS,
Director-designate,
National Economic Council.

Mr. DODD. So this is a tough vote to cast, as it was in September, in October. I listened that night as the majority leader asked every single Member to vote from their desk, something we do not do with great frequency. I listened to several of our colleagues who are no longer here, and I suspect that vote they cast in favor of that program had something to do with the outcome of their elections. I am sorry that happened to them, and it may have happened because of that vote.

But we are Senators. This is not a place just to come and give speeches. We happen to be here at one of the most critical times in our Nation's history. There are wars raging around the globe, and people are suffering at home. We have an obligation to them, and sometimes the decisions we make are not always the most popular ones in the moment they are given. We have learned that throughout history, too, that the Congresses in the past that have come before us, that have had the courage to stand up and face the realities of their day, have enjoyed the good judgement of history because they had the intestinal fortitude to do so.

There is not a single one of us in this Chamber who knows what is the right political vote. We all know we can gain favor overnight by casting a vote against this bill. My hope is there will be at least 50 of us who will stand up and cast a better vote—for your children and your grandchildren who will not know the outcome of your vote because they probably are not alive yet or could not read it. But someday they are going to look back and ask what we did at this critical time to make a difference in our Nation.

I believe we are in such a moment, we are in such a time. And it is not just this moment; there will be a series of them in the coming weeks and months. That is why you sought this office, I presume, to be a part of making history and making a difference.

I would urge my colleagues, no one is arguing perfection at all. No one can speak with any certainty at all about the outcome of all of this. We are actually in uncharted waters when it comes to these issues. But to sit back and do nothing—to do nothing—would be an indictment and a failure of responsibility.

So I am determined, as I know my colleagues will be, if this, in fact, goes forward, to monitor it, to insist upon accountability, to demand that we see lenders do what they should be doing, insisting that the leaders of these institutions not gouge or hoard and do everything possible to make sure our economy gets moving in the right direction.

On that note, Madam President, I urge my colleagues to reject this motion of disapproval and to give this new, young American President a chance to get our country back on its feet again, as he desperately wants to do, and to give America, once again, that sense of hope and optimism we deserve as a people.

Madam President, I yield the floor.

I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be jointly charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The Presiding Officer and I have discussed this issue that is on the floor before us now, the next tranche of funds for the TARP program. All one has to do is listen to what TARP stands for: Toxic Assets—T-A—and your first instinct is: I don't want to go near it; I don't want to touch it; I don't want to have anything to do with it. I can tell my colleagues from the bottom of my heart that on 99 percent of issues here, I know what I am going to do pretty much immediately, because it is a clear path for me. I find it not that difficult to make that decision. However, the first vote we had on TARP after a phone call with Secretary Paulson and Ben Bernanke where they said: Our system is on the verge of economic collapse and if we don't get them the 700-plus billion dollars, our Nation would face economic ruin—I remember I was on that phone call with about 30 other Senators, and we were asked for a blank check by Henry Paulson. He wanted 700-plus billion dollars, he wanted it then, that minute, that second. He wanted no strings. He didn't want to tell the bankers they couldn't take a bonus payment. He didn't want to tell them executive pay had to be reasonable. He didn't want to tell them they would have to lend. He didn't want to use it for housing. It was a horrible conversation. We said: You are not getting a blank check and we are not going to do this until we put some strings on this.

Well, we put a few strings on it. We set up a commission to oversee it. I wish to say that Mr. Paulson, in my view, did not live up to the spirit of what this Senate and this Congress wanted him to live up to. What they did was not transparent. What they did did not ease the credit crisis. What they did was to kind of ignore the problem of the housing crisis which got us into this mess in the first place.

So let me be clear. Let me be clear to my constituents. If Henry Paulson was going to get this money, this second tranche of money, if the Bush administration was going to continue to dole out this money, I wouldn't give them \$3, let alone \$350 billion. I wouldn't give them 30 cents. I wouldn't give them 3 cents. However, I have to say to all of those within the sound of my voice, as someone who wound up voting for the first tranche and feeling badly about it ever since: When President-elect Obama tells us that it would be irresponsible for him, in the face of this worst crisis since the Great Depression, to not have the ability to tap into these funds; when he tells us that he is fearful that there could be a great crisis, that there could be an emer-

gency; when he asks us to trust him on this and put our confidence in him and that he is going to use these funds in a different way, he is going to use these funds to address the housing crisis, and that he is going to be transparent; and to quote him, "Every penny that they spend, the public will know about," I have a choice. I have a choice. I can say: Sorry, it was a horrible experience the first time and I am not going to give you this chance. I could say that. That is the easy thing. That is the easy vote. Voting no is the easy vote. Then I can go home and not worry about it. But how could I walk away from this President at this time? When he says to me and he says to us he needs a chance here, he needs this tool in his pocket to bring it out if he is in a crisis worse than the one now, I cannot walk away from that.

So I say to my constituents I will vote for this, and I will do it because of the assurances I have gotten from the President-elect himself that it will be different, that he will use these funds judiciously, that he needs to make sure he has this tool in his pocket. I hope my constituents understand that after hearing that from this President, who got more than 60 percent of the vote in my State, that I feel he deserves my trust at this time.

I thank the Chair and I thank Senator DODD.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, a number of us—many Americans—are disappointed that the first act of this new Congress and this new President will be to add \$350 billion more borrowing on the backs of our children and grandchildren. Madam President, \$350 billion will be in addition to another \$350 billion that we approved last year, as well as the nearly \$1 trillion we are talking about in stimulus that will be coming up next year. This is not the change that many Americans had hoped for as we enter a new administration. Many of us are very disappointed in how the first round of troubled assets funds have been used.

It is clear that the intention of the incoming President and the new Democratic majority in Congress is to spend and borrow our way out of this recession. That doesn't work for families. It is not going to work for our country. More spending and borrowing and printing money may help Washington to grow and prosper, but it is certainly not going to help American families and businesses grow and prosper.

In this context that we are here today talking about this \$350 billion in spending, with all respect to my colleague who just spoke, the easy thing to do is vote for more spending here in Washington. We find it is almost impossible to get people to vote for any cuts in spending. Yet, in spite of our

calls for economic relief in an economic meltdown situation, Congress refuses to make any sacrifices on what we do here.

I am speaking to support this resolution of disapproval that has been offered by Senator VITTER, and I encourage all of my colleagues to take this responsible step to slow down this avalanche of spending and debt in our country.

Some are trying to make us feel a little better about this incredible amount of spending by saying: It is not real spending; the government is actually investing in debt of companies and intervening in companies and that we could get some of this money back. Frankly, it doesn't make me feel any better to know that this government is intervening in the private sector and every place it touches, it is going to bring new rules and regulations and make our economy less likely to operate as it should.

As we know, many who voted for this TARP bill last October now regret they did it. I didn't vote for it, but many who have, have issued press releases and spoken on this floor being very critical of how it was used and the fact that it hasn't worked. The promises that were made of how this money was going to be used were changed within a couple of weeks of the time the panic was issued here in Washington, and everyone was told they needed to vote for it or there would be worldwide economic calamity. Yet, almost before the ink was dry, they changed what they were going to do on the bill. I think for that reason, many do not trust this whole process of creating a slush fund for an administration, whether it be Republican or Democrat, to spend \$700 billion.

We know what happened last fall. In October there was a crisis mentality. We were told we had to act immediately. Since then, in spite of all of the promises, the stock market has fallen nearly 25 percent and we are in the same credit problem situation that we had then. It is too much money to be throwing at the wall in hopes that it might work. I still hear at home that all of this money we put into the system has not worked its way into small business loans or loans for individuals, loans to buy cars, and we have no assurance at this point that an additional \$350 billion will do that.

I would encourage all of my colleagues to look at where we are as a Nation and the amount of debt we have. The amount of debt we have is now approaching a half a million dollars for every American family. It is very difficult to justify continuing to borrow money when all we are doing is treating the symptoms of the problem.

It is amazing to me that we are talking about throwing more money at a problem and we have yet to address the causes of the problem. We know the

government made many mistakes with government-sponsored entities such as Fannie Mae and Freddie Mac. We have not corrected those problems in a way that will show any results. We know we require banks to make loans to people who can't afford to pay them back and we have not corrected those problems. If you talk to any businessman—and I have been a businessman most of my life—they are not looking for a short-term, knee-jerk solution; they need to have a predictable business environment in order to take risks and make investments and grow their business.

If we were looking at real solutions such as lowering our corporate tax rate, lowering capital gains that would encourage the nearly \$11 trillion of private money that is now sitting on the sidelines—we are not talking about doing anything that is going to encourage this private money to get into the market, into the banking system that would create more liquidity. All we are doing is treating the symptoms, and there is no discussion of solving the problem.

I hope my colleagues will take the telephone calls and the e-mails they are getting from their constituents, as I am, seriously. Americans intuitively know that what we are doing here is wrong. Even if it worked for a few months, all of us know we have to pay it back, our children and our grandchildren for generations to come, with a lower standard of living, incredibly high taxes, and a devalued currency.

Madam President, I thank you for the opportunity to speak and I yield my time, as I again encourage my colleagues to vote for this resolution of disapproval, and let's figure out how to solve the real problem.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I intend to vote against the resolution disapproving the release of the so-called second tranche of funds for the troubled asset relief program, or TARP, albeit with some reservations.

When I first decided to support the TARP last fall, I did so because I believed it was essential to preventing the collapse of our financial markets. I believed we were facing an emergency that would hurt every American unless Congress stepped in to provide temporary assistance to our financial system. I continue to believe this today. The conditions that called for the first one-half of the \$700 billion authorized still exist today.

Last fall, credit stopped flowing. The root of the problem, and I think we all agree, is that the banks didn't know if their mortgage-backed securities had value. No one was willing to loan based upon that lack of knowledge. When they stopped lending to each other, they also stopped lending to businesses, large and small, and to ordinary Americans. People couldn't even

get a loan for a car or a major appliance, and that condition persists throughout the country today to some degree. We learned very quickly that the dubious business model of Fannie Mae and Freddie Mac to securitize more and more mortgages was causing the entire system of credit and financing to seize up. Every American has been hurt by this market failure.

So the Secretary of the Treasury recommended that a \$700 billion investment program that was flexible enough to change with market conditions and that would be focused on addressing the underlying problem in our financial market, namely, these mortgage-backed securities and the Treasury has deployed or committed the first half of the money—\$350 billion—and is now asking for the second half. Unfortunately, as I said, the same circumstances that called for the initial \$350 billion I believe pertain today.

For the most part, I have supported the Treasury's actions, although I wish that the conditions enabled the banks to be more aggressive in their lending. I don't view the program as a gift to the banking industry because the funds must be paid back with interest.

I did not and do not support their decision to use TARP funds to bail out the automobile industry, a purpose for which it was clearly not intended. I wish to make it clear, I always understood and believe that the full \$700 billion would likely be needed to get our credit markets working again. That is why I support giving the Treasury Department the authorization for this second tranche of \$350 billion, and it is why I will vote against the resolution to disapprove releasing the funds.

I have had many conversations with officials of the incoming Obama administration, and they promised me and all Republicans, for that matter, that they intend to dedicate the fund to shoring up the financial markets. They promised they will not use the funds to prop up failing companies outside of the remaining commitment to the automobile industry made by the Bush administration, my understanding about \$4 billion, and the possibility of debtor possession financing under certain circumstances.

They promised greater transparency and accountability, and I intend to stay in close contact with them to see that these commitments are kept. I know this is not a popular decision, but I believe, in the long run, this program will help to keep our economy from collapsing. It will eventually help it to recover, and that will benefit every Arizonan and every American.

I wish to be clear that I am not asking any of my colleagues to join with me on this vote unless they have concluded, as I have, that we simply did not take a chance that we don't have the financial ability to deal with crises as they develop.

It is, unfortunately, my view that crises will continue to develop in the finance and banking sector of our economy so we are going to need the authority for the next \$350 billion.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I wish to make it clear from the beginning that no vote—well, there have been a few votes I have cast in my 24 years, now going on 25 years, that I have regretted. We are all human. We make mistakes. We try to get the best information we can, and then we vote.

Last fall, the information we got is we were on the verge of collapse, we had to do something, we had to get this TARP bill through, so I voted for it.

Then I became more and more dismayed as the weeks went by and the months now to see how it was mishandled completely, not in accordance with what we in Congress were told they were going to do. They said they were going to purchase toxic assets. But then Secretary Paulson and his friends did the old bait and switch. Instead of doing that, they pumped tens of billions of dollars into purchasing equity in major banks.

I said many times it is sort of like Secretary Paulson and his buddies doing all for whom I call the graduates of Goldman Sachs, sort of taking care of their buddies and bailing out their buddies in the banking industry.

So when this new TARP came up, I must tell you I was adamantly opposed: no more of this, we are not going to put any more money out there like this. Then I began discussions with the new administration coming in. They have come up and talked with us a number of times. I had about three phone calls last night with my good friend, Senator JOE BIDEN, who will be our next Vice President.

He said: What is troubling you?

I said: What is troubling me is that no one seems to be responsible for what happened to the first 350. You have Paulson, but then there is President Bush, and somebody else seems to be responsible.

I said: Secondly, they didn't use the money for what we wanted and there is no transparency. We don't know what happened to a lot of it. And I said: Third, there has to be more of this money put out there for middle-class America. It has to be put out there for them—not this trickle down where you put it in investment banks—but put it down below so it can percolate up. He talked with the President-elect. We had three phone calls last evening.

I see a letter from Lawrence Summers was sent up to us today which reiterates what soon-to-be Vice President BIDEN said to me last night. First, no

substantial amount of money will go out of this fund unless it is signed off by President Barack Obama. He has to sign off on it. So we know where the buck stops.

Second, the way the system is set up, Vice President JOE BIDEN will be in there, he will be a part of this process, and the President will rely on him for his input into this process. I know JOE BIDEN. There has never been a stronger fighter for middle-class America and for working families than JOE BIDEN. So that reassures me we have another source of input into this effort.

And third, they are going to make it absolutely transparent and put it out for everyone to see where they are going.

Again, there were a couple of other things they agreed to do. No. 1, executive compensation cannot go above a certain threshold until the Government has been repaid. That is good.

No. 2, shareholders will not be rewarded until the Government has been repaid. For firms receiving exceptional assistance, quarterly dividend payments will be restricted to 1 penny per quarter until the taxpayers are repaid. That is pretty darn reassuring to me.

And now this: preclude the use of Government funds to purchase healthy firms rather than to boost lending. That is exactly what happened with the last 350.

I find myself now in a position of saying: Look, we still have problems out there, we have credit problems out there. We didn't answer these problems. We have a new team. Barack Obama—and I served with him in the Senate as all of us have—said time and time again—and I know where he is coming from—that we have to help middle-class America, that we can't just put the money in at the top anymore. JOE BIDEN has said the same things.

With these assurances that there is a new team down there, now I am going to be able to support the release of the next \$350 billion.

I close with this: I felt a little bit, after the last one, like Charlie Brown and Lucy—she is always pulling the football out from under Charlie Brown. I said: That is not going to happen to me again. Well, Lucy is not holding the ball now. We have someone new holding that ball, someone by the name of Barack Obama and JOE BIDEN and their team.

I am going to put my trust in them based on this letter that has been sent up, which I understand was made part of the RECORD earlier today. With those assurances that we can get that money out, down to homeowners, to help on foreclosures, to help out some of our smaller banks with their credit problems, I see my way clear now to vote to make sure we get this money released for the new administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise to support the joint resolution of disapproval which would prevent, as you know, the allocation of another \$350 billion to the Treasury's flawed Troubled Asset Relief Program.

The Treasury Department's implementation of TARP has been a bureaucratic fiasco. In the years to come, I believe it will be considered a textbook case in our business schools on how not to conduct fiscal policy.

The Treasury Department has never had a clear plan on how to respond to the financial crisis or how TARP funds could best be utilized. It told Congress just a few months ago that it would spend TARP funds one way and then spent them another. Rather than establish a clear plan and then use TARP funds to implement it, Treasury has recklessly used TARP funds to bail out big Wall Street firms threatened with bankruptcy.

TARP has proven to be helpful for rescuing Wall Street bondholders but has done little for the U.S. economy, small business, and average Americans.

Treasury's approach to TARP has been so undisciplined that its commitments already exceed the \$350 billion Congress authorized it to spend.

Further evidence of the erratic implementation of TARP is the fact that Treasury has even failed to comply with the statutory requirements for requesting the additional \$350 billion in TARP funds. The statute clearly requires the Treasury Secretary to provide Congress with a detailed plan on how it will spend the additional funds. There is no plan. There is nothing to review. There is no way we can say to the American people this afternoon that we have conducted in the Senate a thoughtful, thorough examination of how this money is going to be spent because there is, quite literally, nothing to examine.

If Congress cannot hold Treasury accountable for providing a simple plan on how it will use an additional \$350 billion, why should the American people today have any confidence Congress can hold Treasury accountable on how it will spend it?

As you know, I opposed the original TARP legislation because I did not believe the TARP program was based on a well-thought-out plan. During our consideration of that legislation in the Senate, I pointed out to some of my colleagues some clear and serious problems with purchasing troubled assets as Treasury proposed to do at that time.

The Treasury Department assured us—assured us—told us unequivocally it could address the financial crisis by establishing TARP to purchase troubled assets from banks using a reverse mortgage auction.

Is that what the initial \$350 billion was used for? The answer is no. After

further examination, the Treasury Secretary decided that purchasing troubled assets was not a feasible plan.

It is now clear the Secretary of the Treasury did not have a real plan when he proposed TARP. Rather, he had a hastily conceived notion that, it turned out, was impossible to implement. Because there was so little thought put into the original plan, we have spent \$350 billion and the TARP has failed to stem the economic downturn and hundreds of thousands of people have lost their jobs.

We should not, this afternoon, repeat our mistake—but we will—by granting the Treasury the additional \$350 billion without first determining how to best use those funds.

I think it is time the Congress stop and think and take the time to devise an effective solution. First, we should demand that the Treasury Secretary provide a plan on how the \$350 billion will be used. That is the least we can do. This is already required, as I said, under the TARP legislation, which directs the Secretary to submit “a written report detailing the plan of the Secretary.”

What the Secretary has submitted is not only legally insufficient, it is completely devoid of substance. This should not be acceptable to the Senate.

Second, the Banking Committee should hold extensive hearings on TARP and alternative ways of addressing our financial problems. It should also hold hearings on how previously committed TARP funds have been spent, who benefited, who is accountable. The Treasury Secretary, whoever it may be, should appear before Congress and tell us exactly how he wants to use the funds. This is especially important now that a new administration will be responsible for spending it.

Madam President, \$350 billion is an enormous amount of money to me. I find it hard to believe we would even consider granting any public official the authority to spend such an amount without, at the very least, requiring him to appear before us and explain how he will use it. If the majority and the new administration wish to demonstrate that there is a new climate of accountability in Washington, this would be an opportune place to start.

I believe the choice is clear. If you support accountability, transparency, the only vote is to support the joint resolution to deny the \$350 billion to the Treasury.

The American people, I believe, are rightly outraged at the way Congress and the Treasury have recklessly spent billions of TARP dollars. It is time Congress looks at the financial crisis with the seriousness and diligence the American people demand, expect, and deserve.

The last time we considered how to respond to the financial crisis, we panicked and passed the TARP bill. We

now have a second chance—though I believe we will throw it away—to fulfill our responsibilities to the American people. I hope we will support the motion to disapprove. I urge my colleagues to vote in favor of the joint resolution of disapproval.

I yield the floor.

Mrs. MURRAY. Madam President, next week, we will inaugurate a new Commander in Chief. It is a time of hope and opportunity for people across this country.

While many Americans are hopeful today, too many of them are hurting, and they cannot wait another day for the change they have been promised. People in my home State of Washington are feeling the pain.

When I held an economic roundtable in Everett, WA, earlier in December, the room was filled to overflowing with people who came out in the middle of the day to express their concerns and to listen to business owners and families and community members talk about the struggles they are facing.

Unemployment in my State, like States across the country, is at record highs. Businesses, big and small, are struggling to meet their payroll. And too many families are still wondering how they are going to stay in their homes or get a loan to pay for school for their kids.

We stood here on this floor almost 3 months ago debating whether to approve the President's request for economic rescue funds. At that time, communities across my State were hurting. Families were struggling to pay for their groceries, to afford health care, and wondering how they were going to pay for college.

My constituents were angry they were being asked to fork over their tax dollars to cover the consequences of years of reckless abandon on Wall Street and the failure of this administration to regulate or rein in their folly.

Here we are today, 3 months later, and my communities and my families are still hurting. Many people are still struggling with health care and education and foreclosures. Just this week, the people of my State heard Boeing announce plans to lay off thousands of workers in the State of Washington. The Seattle PI—a newspaper that thousands have welcomed into their homes every day—was put up for sale. And today we learn that foreclosures in our most populated county have spiked by 88 percent over last year.

My constituents live 2,500 miles away from here, and they are listening to our debate here today. They are asking why on Earth Congress would approve billions of dollars more after the way the last chunk was handled.

The rescue funds we approved in October prevented economic collapse, but regular people are still struggling.

They say they have not felt the impact of these funds on their job security, on their incomes, or their ability to stay in their homes.

I have to say, I understand their frustration, and I share their concerns. I am angry too. I am angry about the lack of transparency into how banks are using these dollars. I, in fact, picked up the phone and called Secretary Paulson to express my outrage when I read stories of those lavish parties held by companies that received our precious rescue dollars.

There has not been enough accountability or transparency to date. That must change. There has not been enough benefit to regular families and small business owners and homeowners. That must change. When I voted in favor of these funds in October, I said it was not a cure-all but an attempt to keep an already very bad situation from getting much worse.

It takes both investment and honesty to get our economy back on track. Unfortunately, we have not had much of either. The disbursement of these funds was the current administration's entire plan to improve the economy. But their philosophy was like using a Band-Aid when the economy needed surgery.

The administration will change next week, but the challenges facing our Nation will not. I spoke with President-elect Obama earlier this week, and I expressed my concerns about how the economic rescue funds had been used up to this point. He agreed.

Today, I met with Timothy Geithner, the President-elect's nominee to head the Treasury Department. He gave me his assurances that transparency and accountability will be improved and that there will be more done to help responsible homeowners avoid foreclosure.

With those assurances, I believe the American people are finally going to get the investment and the honesty they deserve. President-elect Obama is inheriting an economic crisis. That is a very tough place to start. But he told me, in order to move ahead and focus on America's families and businesses, we have to ensure the stability of our financial markets. The President-elect has assured me that while he believes these funds are important, they are only one part of his plan to get America back on track.

So I said yes to those funds today because I believe we can move forward, and I want our new President to have the ability to focus on our economic recovery. The President-elect and Members of Congress are committed to ensuring a full and accurate accounting of how the Treasury Department has allocated the funds spent to date and going forward, and we will ensure that assistance does not just flow to large financial institutions, but will be available to our community banks and small businesses as well. We will take a

hard look at the factors that brought us to this point and address them.

Our new President has promised to work with Congress to pass and implement new regulatory measures to better protect consumers and businesses and investors and to ensure that our taxpayers are never again put in this terrible position. We will work with this new administration to quickly implement aggressive policies to reduce preventable foreclosures for responsible homeowners.

This crisis started in the housing market, and we will not dig ourselves out without overhauling the system. I will not be done with this process until Americans who have lost their jobs and their homes are back on their feet.

People of my State know what it will take to get America working again, and so do I. We have to value our workforce and find a way to make health care affordable and accessible. We have to invest in research and development and reward American innovation. We have to implement a smart forward-looking energy policy that ends our addiction to foreign oil once and for all. We have to invest in our roads and our bridges and our highways and the projects that will pave the way for further economic growth. We have to recognize that education is a priority. We cannot fill those great jobs of the future without an educated and skilled workforce.

It is time to put America's families first. It is time to restore their faith that government works for, not against, them. Americans who are hurting today will not see a change overnight. There is a long, hard path ahead of us, but the American dream of owning a home or running a business or going to college is still alive in communities across this country. To pull back now and allow our credit markets to freeze would tie the hands of an incoming administration with plans to invest in America again and potentially cause lasting economic harm.

This is just one step in the process. We will provide these rescue funds to stabilize our financial markets, but we will also implement strict regulatory reforms and pass an economic recovery package that invests in our communities and puts Americans back to work.

I grew up in a country that was there for my family in very hard times. When my father got sick and could no longer work while raising seven kids, there were Pell grants and student loans and food stamps when my family needed them. I will always remember that. That is why I will always work to make sure our country is there now for today's American families.

I supported this rescue package today because we have to keep our country moving forward, and our incoming President deserves the support of Congress to make that happen.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, to a certain extent I wish to follow up precisely on the remarks the Senator from Washington made at the end of her speech.

I, too, have been disappointed with the deployment of the first half of the TARP money, and I supported that deployment in the hopes that it would stabilize the marketplace, ease credit for our customers, and help the housing market. While it probably did stabilize the banking system, there has yet to be a loosening of credit and there has yet to be a recovery of the housing market.

Looking ahead, we continue to look at suggestions that throw money at the problem rather than getting to the root cause of the problem. In fact, with the best of intentions, I think people are struggling to meet the symptoms of a serious illness rather than treat the illness. I wish to direct my remarks tonight to that illness.

The illness, as the Senator from Washington referred to, is the collapse of the U.S. housing market which began in the last quarter of 2007. In the first quarter of 2008, in January, I introduced a housing tax credit of up to \$15,000 for the purchase of any house that was standing vacant or in foreclosure. I did it for a couple of reasons. No. 1, I was in the real estate business for 33 years, and I was in it in 1974, a year in which we had a housing collapse worse than the current situation. While many people think this one is bad, it is not as bad as 1974.

In December of 1974, there was a 3-year supply of unsold, standing new houses in the United States of America. That is a catastrophic inventory. We currently have a supply of about 11 to 13 months, depending on the State. That is not a good market, but it is not 36 months, which is a horrible market.

President Gerald Ford, a Republican, and a Democratic Congress, came together and passed a \$2,000 tax credit to any family who bought and occupied one of those standing homes. Within 1 year's time, which was the limited time of the tax credit, two-thirds of the housing inventory on the market was sold, values stopped declining and started improving, and we had a stabilization of our economy, the end of a recessionary period, and the beginning of prosperity.

I come here tonight because about an hour and a half ago I dropped a bill known as Fix Housing First, an effort for me and others in this body to rekindle that debate of last January. Now, last year, we did pass a housing tax credit, but it was a now-you-see-it/now-you-don't approach. It was a first-time home buyer credit of \$7,500 that was a refundable loan, interest free, because

over 15 years you would pay the credit back to the Government in the form of income taxes. It was an incentive, but it was weak. It was not bold.

The tax credit we introduced last year was scored by CBO at \$11.4 billion, and Finance believed at that time—and maybe rightfully so—that was too big a price to pay and too expensive. Well, because we didn't do it, in October of this year, we approved \$750 billion to address the symptoms of the problem, which is the failure of the housing market.

I had the privilege yesterday of meeting with some of President-elect Obama's team, including Rahm Emanuel, Dr. Summers, and others, and told them precisely what I am saying on the floor of the Senate today; that is, I hope they will embrace this concept of incentivizing the housing market so we can stabilize values, stop the continuing erosion of equity, and begin to reflate—not inflate but reflate—the housing market.

In America today, 20 percent of the houses are underwater, meaning there is more owed on them than they are worth. That means equity lines of credit with our banks are in default. It means students going to college are losing the money their parents had for tuition. It means there is not enough liquidity in households anymore or credit availability to make purchases of durable goods that are important to our system, and our system is continuing to feed in a downward spiral on the illiquidity, the lack of equity, and the lack of a marketplace for housing.

I was in this business for a long time, and I called 10 people who worked for me a number of years ago last weekend in Atlanta. I asked them, I said: What is going on in the market? Tell me what the buyers are saying or are there any buyers? I talked to a lady by the name of Glennis Beacham.

She said: Johnny, I had nine people come to my open house last weekend, and that is a good crowd for an open house in this marketplace. Every one of them had the money and they wanted to buy, but they were looking for two things: a short sale, which means somebody selling their house for less than is owed on it and getting a discount from the lender, which means it is a downward price or they are looking for somebody whose house is going into foreclosure that they think they can steal. They don't want to even make an offer on the 80 percent of people's houses in this country who are making their payments, aren't in default, aren't in foreclosure, but might need to sell. So the marketplace has died.

Now, Fix Housing First proposes the following: Repeal the \$7,500 tax credit we passed last year, which is not being used, by the way. That credit has not been used to any extent whatsoever. Replace it with a tax credit that will go from \$10,000 to \$22,000 depending on

the formula. It would be a monetizeable tax credit. What that means is this: you make the tax credit good for this year—January 1 through December 31 of 2009—but you allow the monetization or the claiming of that credit against the 2008 income taxes of that family. The 2008 income taxes come due in April of this year, the 15th. We all know that. By allowing the credit to be taken against 2008 income taxes, you can monetize that money at the closing, use it as a part of the downpayment, and immediately incentivize the marketplace. Is that a little costly? Sure. Is it something we would rather not do? Probably. But what are we going to do? Watch the marketplace go down to where four out of every five houses are underwater? Watch sales go down to where there is no viable housing market in this country? It has not stopped spiraling. It is continuing, and everything feeds off of it.

I don't wish to belabor this point, but I wish to talk for the American people, the people of Georgia. The community bankers are hamstrung right now. Most of their investments are in real estate, residential construction, and acquisition and development loans. With no marketplace to buy the lots or buy the houses, they have no cashflow coming in to service the loans. They are deteriorating in terms of their value. Americans who have been transferred who are making their payments, who have a viable house, who have to sell it to move to the next city of choice, there is no marketplace to buy that house, so that is stagnating.

Consumer products, take carpets, for example. The State of Georgia, the County of Whitfield, the City of Dalton produces about 85 percent of the domestic carpet in the United States of America. It is shut down. The mills are shut down. Why? People aren't recarpeting. They aren't redoing their houses. New houses aren't selling. The market is gone. I could go on and on with durable products made in the United States of America whose industries are now in trouble because the housing market has taken a severe hit over a protracted period of time.

So my plea to the President-elect, to my friends on both sides of the aisle, to the Members of the United States House of Representatives, as we are deploying countless billions of dollars to react to problems that are manifesting because of a failed housing market and mistakes that were made in the past, let's put some money out there to incentivize Mr. and Ms. America who want the American dream to buy a home, to buy one for their family, occupy it as their residence, and give them a tax credit for doing it. It is a small price for the Government to pay to begin to restore the industry that got us to where we are and will lead us out of these dangerous and dark times.

So I come tonight on behalf of the homeowners of the Presiding Officer's State of Florida and mine, the community bankers, the realtors, the homebuilders, the fix-it people, the durable goods producers, the building supply makers, the landscapers—every job that has been lost and gone, in some cases forever, because the housing market in this country has collapsed.

We have learned our lesson from loose underwriting. We have learned our lesson from loaning money to people who weren't qualified to borrow. We have paid a terrible price for that lesson, both the country and the people. It is time for us to do what we know we should have done: have quality underwriting, available credit, but have accountability in our lending system, make sure values are appraised right, underwriting is done right, and credit is available but people are qualified. If we can do that and incentivize people to come back because of the tax credit, we can solve this problem.

I don't want to oversimplify the gravity of the problem we face, but the housing market led us in; the housing market will lead us out. It is time for us to fix housing first. Our failure to do so will cost us a lot more than \$700 billion of our taxpayers' money, and countless Americans who shouldn't will lose their homes, lose their jobs, and lose their faith in the greatest country on the face of this Earth.

I ask my colleagues to study this recommendation. I hope the President-elect will embrace it. I hope, quickly, we can fix housing first in the United States of America.

Mr. ENZI. Madam President, for the past 2 weeks, I have been patiently waiting for what everyone in this chamber knew was inevitable. When the Senate passed the Emergency Economic Stabilization Act on October 1, 2008, we included a stipulation allowing the disbursement of the final \$350 billion only upon the President's request to Congress, and after Congress had been given an opportunity to pass a resolution of disapproval preventing release of the funds. We did this to provide a chance to thoroughly assess the program, make changes, and get our country's economy on the right track again.

Although I voted against the act that created the Troubled Asset Relief Program, the TARP, I was pleased that this provision was added into the final bill. Many of my colleagues and I thought, optimistically, that the TARP would work better than we had predicted. It was even possible, some noted, that we would not have to spend the entire \$350 billion final disbursement. Even if it was necessary to approve the additional funds, we would be provided the opportunity to evaluate the program and make it more effective in a rapidly changing market.

So in preparation for the President's request, I have been keeping track of

the market conditions, following the headlines, and watching the stock market. Yesterday, the Dow Jones industrial average closed down almost 250 points. This is the lowest the market has closed in 2009, and the biggest drop since December 1, 2008.

Jobless claims have increased since the holiday slowdown. The U.S. Department of Labor statistics on unemployment released today indicate that the recession is getting worse and that those companies we were trying to save with the TARP program are cutting more workers than predicted in order to stay afloat. These are the same workers who have seen a lifetime of retirement earnings shrink to nothing. Others have lost their homes, their most stable financial asset in past years, due to rising unemployment and a frozen credit market. For those Americans without a job, they face dismal employment prospects as companies continue to cut their workforces to stay in the black.

The companies that employ them are not in any better shape. Headlines this week warned that even the largest financial institutions were forced to take drastic measures to remain viable. For example: "Citigroup Ready to Shrink Itself by a Third." "Bank of America to get Billions in U.S. Aid, Can't close deal for Ailing Merrill Lynch." These developments occur despite \$350 billion of taxpayer money already spent, and billions more guaranteed through the Federal Reserve.

After more than 3 months, it is time we take a detailed look at the TARP program and ask ourselves, "Are American taxpayers getting what they paid for?" Based on my observations, it is clear that we are not. Our economy appears to be in no better shape than on October 1, 2008, when we passed this massive \$700 billion emergency bailout, and today the Senate is poised and seemingly eager to send more money out the door. We are throwing good money after bad money, and expecting different results. But without substantial changes to the TARP and measurable, attainable goals, there is no chance of success for this program.

Let's be clear, this program has not worked. America is still in the grips of a frozen credit market, and the U.S. Treasury continues to operate this program in a manner never intended by the Congress when we created the TARP. In fact, upon passage of the act, Treasury gave it a different name. The TARP became the Capital Purchase Program and instead of buying troubled assets, the Treasury began buying stock directly from the market. Yet when Congress has an opportunity to put this program back on track, some of my colleagues would prefer to simply give Treasury more money to operate a \$700 billion slush fund as it pleases. This is not the time to encourage blind spending and ignore the fundamental problems with our country's

capital markets. Now is the time to modernize the TARP, add accountability and transparency, and hold Treasury to its commitment to operate this program the way we intended.

It will take more than blind spending to get our economy back on track. That is why I support the resolution of disapproval. My colleagues in the Senate must take a critical look at this program, measure its progress and setbacks, and make changes that will put this money where it is most needed. It is obvious that the first \$350 billion has not worked, so why are we rewarding this failure with more money? Instead, let's work on a reform package that will hold Treasury's feet to the fire and get credit flowing through our markets again. We need a program that will put our money to work building construction projects, hiring employees, and operating small and large businesses across the country. We need a program that will bring confidence back to the market. This program must be temporary, and provide a reasonable chance of success for the businesses and the taxpayers who are participating in it. It also must be accountable and transparent. The American taxpayers should know what they are getting with their investment, and to date, they do not.

I am willing to work with my colleagues on a reform package that will do all of these things. However, the first step must be to put the brakes on this reckless spending. Doing so will provide us with the opportunity to make the program better, and fulfill our obligation to the taxpayers funding this program with their hard-earned money.

I strongly urge my colleagues to vote in support of the resolution of disapproval.

Mr. LEVIN. Madam. President, we are in a crisis unparalleled since the Great Depression. We are on a deeply troubling path, marked by credit freezes, foreclosures, rising unemployment, and declining purchasing power. And that path, in the autumn of last year, appeared to be heading toward a cliff. We were fearful of what might happen if we stood idle and allowed our economy to fall off that cliff.

The initial Emergency Economic Stabilization Act proposal put forth by the White House and the Treasury Department was unacceptable. It was essentially a blank check for \$700 billion to be spent however they pleased. There were no provisions for oversight, no accountability, no mechanism to ensure that the funds were well-spent. Congress did significant work to create a more acceptable proposal, including dividing the recovery funds into two pieces, the second of which could be disapproved by Congress.

In the months since we passed that legislation, I have been deeply disappointed in the way the administra-

tion has handled the program. Although we required the Treasury Department to maximize assistance for homeowners and work to minimize foreclosures, no systematic foreclosure mitigation program has been adopted, let alone implemented. Although the goal of the legislation was to unfreeze credit markets, the Treasury Department did not take reasonable steps to ensure that a significant portion of the billions of dollars distributed to banks across the country were used for this purpose.

Indeed, in one specific example, one bank that received over \$2 billion in TARP funding has been reducing the lines of credit for Michigan businesses that have been longtime customers of the bank without a single default. I am hearing similar accounts from across Michigan and throughout the Nation. This slashing of credit by banks receiving federal funds is the opposite of what TARP was intended to do.

Many may recall that the originally stated purpose of the Troubled Asset Relief Program was to focus on purchasing "toxic" assets from financial institutions. While Congress set significant disclosure and oversight requirements to monitor these purchases, we also provided flexibility for the Treasury Department to respond rapidly to the developing crisis. Treasury decided that the originally conceived TARP program would not suffice to save our economy from the approaching cliff, so the administration turned to capital injections. The administration does not know what this massive infusion of capital has done to mitigate the economic crisis. They established no metrics to judge whether the program is working. Recipients of funds have not been required to set benchmarks as to how the funds should be used, let alone track, report to regulators or disclose to the public what they are doing with the funds.

Many of the financial institutions that have received TARP funds continue to give out annual performance bonuses, many of which are larger than most hard-working Americans earn in decades of labor. And, as we have seen in the front pages of national papers this week, there are real concerns about the long-term viability of some of the banks receiving funds, yet those funds have gone out the door without requiring any written plan from the banks as to how they will continue operations or repay the taxpayers.

Even as the administration gave financial institutions carte blanche with few, if any, questions asked, they first refused to provide TARP funds to our domestic automakers and then did so only with significant oversight and restructuring requirements. The double standard here is dramatic.

Because of all these shortcomings in the use and oversight of the first \$350 billion of TARP funds, I would oppose

the release of the second \$350 billion if those funds were to be used as sloppily.

Yesterday I sent a letter to National Economic Council Director-designate Dr. Larry Summers seeking further and more detailed assurances. I will ask to have that letter printed in the RECORD. I believe the assurances I requested are commonsense positions that are essential to a well-run, effective stabilization plan that protects taxpayers money. The assurances I requested are:

No. 1, does the incoming Obama administration assure Congress that TARP recipients will be required by the Treasury to track and report their use of TARP funds and that this information will be made available to the Congress and the public?

No. 2, does the incoming Obama administration assure Congress that recipients of "exceptional assistance" will be subject to at least the same compensation limits as have been placed on recipients of funds under the TARP's Automotive Industry Financing Program?

No. 3, does the incoming Obama administration assure Congress that Treasury will obtain agreements from TARP recipients on benchmarks the recipient is required to meet so as to advance the purposes of TARP?

No. 4, does the incoming Obama administration assure Congress that it will ensure that banks use a significant portion of TARP funds to extend credit?

No. 5, does the incoming Obama administration assure Congress that a significant portion of the remaining TARP funds will be used to carry out a comprehensive plan to prevent and mitigate foreclosures on residential mortgages?

No. 6, does the incoming Obama administration assure Congress that banks which receive "exceptional assistance" will be required to adopt a systematic residential mortgage mitigation program?

No. 7, does the incoming Obama administration assure Congress that recipients of assistance under TARP and other Federal programs will be required to develop and submit a written financial viability plan just as was required of recipients of funds under the Automotive Industry Financing Program?

Just a couple of hours ago, we received a response from Dr. Summers addressed to Senator REID. The letter goes a long way to providing positive answers to most of my questions. To summarize a few of the points:

No. 1, TARP recipients will have to track and report their lending patterns and report this information to the public.

No. 2, healthy banks without major capital shortfalls will have to increase lending above baseline levels.

No. 3, they pledge to commit \$50 to \$100 billion of the TARP funds to address the foreclosure crisis, and banks

receiving TARP support will be required to implement mortgage foreclosure mitigation programs.

I am disappointed that the letter did not provide assurances that banks and other financial institutions receiving TARP funds will be subject to the same rigorous standards with respect to executive compensation and the submission of viability plans that Congress and the Bush administration demanded of the auto companies. I have responded to Dr. Summers letting him know I look forward to hearing his response to the balance of my suggestions. I will ask to have that letter printed in the RECORD.

On a related matter, in December, the Bush administration committed to provide \$13.4 billion in funds from the TARP to facilitate the restructuring of our American auto manufacturers and said that an additional \$4 billion would be available in February. Of necessity, this additional \$4 billion must come from the second \$350 billion, and we have been assured that will happen. In return for this much-needed bridge financing, the domestic auto manufacturers agreed in December to terms and conditions that went way beyond anything required of other recipients of TARP funding. There was broad support for these loans for the domestic auto industry because there was broad recognition that this industry is the foundation of our Nation's manufacturing sector and industrial base and a recognition that its failure was simply unacceptable. We must complete the job started in December and ensure that the additional funding necessary for the financial health of this critical U.S. industry is provided in a timely manner. Support from the Federal Government is essential if the energy efficient green vehicles of the future will be produced by American companies and American workers. Other auto-producing countries are acting to assure the survival of their industries. So must we.

Perhaps because of the current administration's poor record of accomplishment with the first \$350 billion and the lack of accountability with which the distribution of those funds has been carried out, our economic position today is not discernibly stronger than it was 3 months ago. We are threatened by further bank failures, creditworthy consumers and businesses are having trouble accessing credit, and it appears that if we do not act our economy may decline even further.

As was the case 3 months ago, it would be irresponsible to stand by and do nothing as our economy heads toward a cliff. It would be negligent to tie the hands of the incoming administration because of the outgoing administration's deficiencies.

I am convinced by what we know of continuing bank losses and the hurting credit markets that it would be irre-

sponsible to refuse the President this weapon for economic recovery. Bringing about economic stabilization and restoring a healthy economy will not be an easy task. We are contracting from an unprecedented and irresponsible boom in lending over the past years, which led financial institutions to make loans to borrowers who could not repay them. Unfortunately, in the aftermath, the pendulum is swinging the other way and many banks are fearful of making any loans at all, even to creditworthy borrowers. It is my hope that with more TARP funds available, reporting requirements, and established goals, banks will resume making responsible loans. Part of this will require that Treasury focus not just on the banks that many deem "too big to fail" but also on community and independent banks that are the financial backbone of many small towns through their support of local businesses and families.

Coupled with the stimulus package Congress will consider in the next month and then a much needed financial regulatory overhaul in the spring, we can begin to turn away from the de-regulatory disaster of recent years and return to a healthy economy with cops on the beat to help restore confidence in our financial system and prevent another financial disaster like the one we find ourselves in now.

Madam President, I ask unanimous consent to have the letters to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,

Washington, DC, January 14, 2009.

LAWRENCE SUMMERS,
Director-designate, National Economic Council,
Washington, DC.

DEAR DR. LARRY: Before Congress votes on whether to release the second \$350 billion in TARP funds, I would like to receive the following assurances regarding federal assistance under TARP and other programs to supplement the assurances you provided in the letter to the Congressional leadership dated January 12, 2009.

1. The second report of the Congressional Oversight Panel, issued January 9, 2009, states: "The Panel still does not know what the banks are doing with taxpayer money. Treasury places substantial emphasis in its December 30 letter on the importance of restoring confidence in the marketplace. So long as investors and customers are uncertain about how taxpayer funds are being used, the question both the health and the sound management of all financial institutions. The recent refusal of certain private financial institutions to provide any accounting of how they are using taxpayer money undermines public confidence. For Treasury to advance funds to these institutions without requiring more transparency further erodes the very confidence Treasury seeks to restore."

Your letter states that the Treasury Department will "monitor, measure and track what is happening to lending by recipients of our financial rescue assistance."

Does the incoming Obama Administration assure Congress that TARP recipients will be

required by the Treasury to track and report their use of TARP funds, and that this information will be made available to the Congress and the public?

2. The Summers letter states that recipients of "exceptional assistance" will be "subject to tough but sensible conditions that limit executive compensation until taxpayer money is paid back, ban dividend payments beyond de minimis amounts, and put limits on stock buybacks and the acquisition of already financially strong companies."

Does the incoming Obama Administration assure Congress that recipients of "exceptional assistance" will be subject to at least the same compensation limits as have been placed on recipients of funds under the TARP's Automotive Industry Financing Program?

3. Does the incoming Obama Administration assure Congress that Treasury will obtain agreements from TARP recipients on benchmarks the recipient is required to meet so as to advance the purposes of TARP?

4. Does the incoming Obama Administration assure Congress that it will ensure that banks use a significant portion of TARP funds to extend credit?

5. Does the incoming Obama Administration assure Congress that a significant portion of the remaining TARP funds will be used to carry out a comprehensive plan to prevent and mitigate foreclosures on residential mortgages?

6. Does the incoming Obama Administration assure Congress that banks which receive "exceptional assistance" will be required to adopt a systematic residential mortgage mitigation program?

7. Does the incoming Obama Administration assure Congress that recipients of assistance under TARP and other federal programs will be required to develop and submit a written financial viability plan just as was required of recipients of funds under the Automotive Industry Financing Program?

Thank you for your prompt response on this important matter.

Sincerely,

CARL LEVIN.

U.S. SENATE,

Washington, DC, January 15, 2009.

DR. LAWRENCE H. SUMMERS,
Director-designate,
National Economic Council.

DEAR LARRY: Thank you for your letter to Senator Reid today outlining additional reforms you will adopt in implementing the Emergency Economic Stabilization Act of 2008. These reforms address many of the suggestions I made in my letter to you of January 14. I look forward to hearing your response to the balance of my suggestions.

I appreciated the assurances I received in Tuesday's Democratic Caucus from the President-elect and you that the new Administration will provide the additional \$4 billion for loans from TARP Tranche 2 to the U.S. auto industry in February in accordance with the plan announced by the Bush Administration.

Sincerely,

CARL LEVIN.

Mr. FEINGOLD. Madam President, I will support the resolution disapproving the remaining \$350 billion in funding for the financial bailout. While President-elect Obama's team has signaled some significant improvements in the actual administration of these funds, the three fundamental issues that caused me to oppose the bailout initially remain.

The bailout continues to be a huge strain on our budget, with no provision for offsetting its cost to the Federal budget—a cost that will be passed on to our children and grandchildren in the form of increased debt. There is no requirement to help families facing foreclosures on their homes, one of the root causes of the housing crisis. And finally it fails to reform the deeply flawed regulatory structure that permitted the crisis to arise in the first place. While we have heard promises of future legislation, the hammer we hold over the financial sector is the bailout funding. Once that funding is approved, we have lost the leverage needed to enact the tough reforms that will get the financial sector to clean up its act.

As I had hoped, a small portion of the financial bailout funds were used to provide temporary help for our automakers and help retain 3 million manufacturing jobs in this country. While I opposed the financial bailout for the reasons I have just spelled out, given that those funds were approved I felt it only right that a tiny percentage of them be used to help millions of working families whose livelihoods depend on a healthy automobile industry. Despite my concerns, I fully expect this second \$350 billion for the financial bailout to be approved, and if it is, I certainly expect that the promise of additional financial backing for the automobile industry, and the millions of jobs associated with it, will be forthcoming.

As I have noted before, while some of the troubles of the automobile industry were of their own making, a great many of the problems facing domestic automakers are the direct result of policies enacted or ratified in Washington. The collapse of the housing and credit markets, the result of two decades of the reckless disassembly of a sound regulatory system, clearly hit the credit-sensitive auto industry hard. In addition, bipartisan majorities in Congress, led by Democratic and Republican Presidents, approved deeply flawed trade policies that have further disadvantaged the domestic auto industry. Currency manipulation by foreign competitors that has not been adequately addressed by our national leadership, too, has put our domestic producers at an enormous competitive disadvantage. Given Washington's policy-making complicity in the problems facing our domestic automobile industry, should these additional bailout funds for Wall Street move forward, a slice of them should rightly be used to provide some assistance for an industry that means so much for millions of American families.

Mr. McCAIN. Madam President, I will support the resolution before us today and oppose releasing the remaining Troubled Asset Relief Plan, TARP, funds because I have seen no evidence that the additional and substantial

taxpayers' money will be used for its intended purpose. TARP was created to allow the Treasury Department to purchase up to \$700 billion in "toxic assets" from financial institutions in order to help homeowners facing foreclosure and to stimulate the economy. The misuse of the first \$350 billion of TARP funds combined with the lack of transparency promised by Secretary Paulson should be reason enough to oppose releasing additional funds. No further TARP funds should be released until we are able to impose strict standards of accountability and ensure that the money is spent only as intended by Congress—to purchase mortgage-backed securities and other troubled assets.

Today, in an open letter to Members of Congress, 26 public interest organizations wrote that "(T)he stated purpose of the TARP was to purchase toxic mortgage assets. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished." The letter also states that the Treasury Department "has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds." The signatories included the American Shareholders Association, Americans for Tax Reform, the Center for Fiscal Accountability, the Competitive Enterprise Institute, the Council for Citizens Against Government Waste, the Family Research Council, the National Center for Public Policy Research, and National Taxpayers Union. I will ask to have the full text of the letter printed in the RECORD.

There is no doubt that Congress intended that the Treasury Department use the funds provided to assist only financial institutions. But that has not been the case. The language authorizing the TARP program has been interpreted to allow Treasury to change the game plan and use the funds for things outside the scope of congressional intent. Less than 2 weeks after enactment of the program, Secretary Paulson changed course and decided instead to use TARP funds to recapitalize banks—a decision that was made with little or no input from Congress and was an option that was explicitly rejected by Paulson and Bernanke when they were selling the TARP plan to Congress.

In fact, just this morning the Wall Street Journal reported that Bank of America is close to finalizing a deal with the Government which will give them billions of dollars in U.S. aid. The lead article on the Journal's front page states: "(T)he commitment of the funds is further evidence of the banking system's delicate condition and its hunger for more capital, despite billions of dollars already invested in fi-

nancial institutions by the government. So far, the U.S. government has already injected \$25 billion into Bank of America."

The Associated Press recently investigated how the TARP funds given to U.S. banks were being spent. An article published on December 22, 2008, reported what they found. It was astonishing. The article, titled "Where'd the bailout money go? Shhhh, it's a secret" reads partly:

WASHINGTON (AP)—Think you could borrow money from a bank without saying what you were going to do with it? Well, apparently when banks borrow from you they don't feel the same need to say how the money is spent.

After receiving billions in aid from U.S. taxpayers, the nation's largest banks say they can't track exactly how they're spending it. Some won't even talk about it.

"We're choosing not to disclose that," said Kevin Heine, spokesman for Bank of New York Mellon, which received about \$3 billion.

Thomas Kelly, a spokesman for JPMorgan Chase, which received \$25 billion in emergency bailout money, said that while some of the money was lent, some was not, and the bank has not given any accounting of exactly how the money is being used.

"We have not disclosed that to the public. We're declining to," Kelly said.

The Associated Press contacted 21 banks that received at least \$1 billion in government money and asked four questions: How much has been spent? What was it spent on? How much is being held in savings, and what's the plan for the rest?

None of the banks provided specific answers.

"We're not providing dollar-in, dollar-out tracking," said Barry Koling, a spokesman for Atlanta, Ga.-based SunTrust Banks Inc., which got \$3.5 billion in taxpayer dollars.

Some banks said they simply didn't know where the money was going.

"We manage our capital in its aggregate," said Regions Financial Corp. spokesman Tim Deighton, who said the Birmingham, Ala.-based company is not tracking how it is spending the \$3.5 billion it received as part of the financial bailout.

There has been no accounting of how banks spend that money. Lawmakers summoned bank executives to Capitol Hill last month and implored them to lend the money—not to hoard it or spend it on corporate bonuses, junkets or to buy other banks. But there is no process in place to make sure that's happening and there are no consequences for banks that don't comply.

Pressured by the Bush administration to approve the money quickly, Congress attached nearly no strings to the \$700 billion bailout in October. And the Treasury Department, which does out the money, never asked banks how it would be spent.

I will ask to have the full article printed in the RECORD.

With no regard for congressional intent, the Treasury Department has used TARP funds to prop up the banking industry and to guarantee securities backed by student loans and credit card debt. But most troubling to me has been the use of TARP funds to help bail out the domestic auto industry—in direct defiance of Congress. Last month, after extensive discussion and debate, the Senate rejected a plan to

pump billions of Federal dollars into the domestic auto industry because we saw no evidence of serious concessions from the industry and no assurance of the domestic auto manufacturers' long-term viability.

At the time I said that, before they ask for assistance, the automakers will need to change dramatically the way they do business if they hope to be on course for long-term profitability. Rather than seeking an unconditional handout from the taxpayer, industry leaders must first consider how they can restructure their business models in order to fix the problem themselves and build more competitive products—including changes in management, renegotiating labor agreements, and reorganizing under the bankruptcy process. And, that they should have been doing so months, if not years, ago.

When I opposed the auto bailout plan last month it was mainly because I felt that the automakers needed to prove to Congress and the American people that they were serious about making the changes necessary to ensure their long-term success before they sought assistance from the taxpayer. Unfortunately, those concerns were ignored by the President when he decided to give away over \$17 billion in TARP funds to the domestic automakers with no assurances that they would fundamentally change the way they do business to ensure their viability. I continue to believe that this was a critical mistake.

In their first oversight report on TARP spending, the Government Accountability Office, GAO, was very critical of Treasury stating that they had "failed to address a number of critical issues while implementing the \$700 billion financial bailout plan, including how to ensure its efforts are successful." The report adds that Treasury "has no policies or procedures in place for ensuring the institutions . . . are using capital investments in a manner that helps meet the purposes of the act." Additionally, the GAO reported that "Treasury cannot effectively hold participating institutions accountable for how they use the capital injections or provide strong oversight of compliance with the requirements under the act."

In addition to the GAO, many of my colleagues have been very critical of Secretary Paulson and his handling of the first half of the TARP funds, stating that he has ignored the intent of the bailout legislation because he has done little to address the root cause of the financial meltdown—namely the mortgage market. I understand the anger of my colleagues, indeed, I share it.

It is abundantly clear that there has been a stunning lack of transparency, accountability, and effective management of TARP funds to date. Because of this, I will not support the release of

another dime of these funds without first seeing a full and complete accounting of funds already spent or committed as well as the imposition of very strict conditions on the remaining funds as a way to ensure any expenditures reflect the intent of Congress.

Madam President, I ask unanimous consent to have the letters to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REQUESTING A TARP DISAPPROVAL
RESOLUTION

JANUARY 15, 2009.

U.S. CONGRESS,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the millions of taxpaying citizens represented by the public interest organizations below, we write to strongly encourage you to swiftly pass a notice of disapproval on releasing the remaining \$350 billion in Troubled Asset Relief Program (TARP) funds.

From the beginning, the TARP plan was questionable, but a number of Members nonetheless resolved to support it. It should be clear now that this was a mistake.

The stated purpose of the TARP was to purchase toxic mortgage assets. Secretary Paulson abandoned this concept immediately after the signing ceremony. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished.

In addition to misleading Congress about his intent on the use of TARP funds, Secretary Paulson has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds.

The TARP legislation specifically requires that before the second half of the \$700 billion is released, the President provide Congress with a written report detailing how the additional funds are to be used. A request to spend the second half of the funds without restraint does not meet the requirements set forth in the bill. In addition to requiring this detailed plan, Congress should require an accounting and detailed explanation on how the initial TARP funds have been used and the prospect of a taxpayer recovery of these funds.

Congress now has an opportunity to preserve some of the taxpayers' assets and should spend the necessary time studying the underlying causes of the economic downturn by passing a TARP disapproval resolution. We encourage you to take such action.

Sincerely,

African American Republican Leadership Council, Alex-St. James, Chairman; American Shareholders Association, Ryan Ellis, Executive Director; Americans for Limited Government, William Wilson, President; Americans for Tax Reform, Grover Norquist, President; Americans for the Preservation of Liberty, Mark Chmura, Executive Director; America's Survival, Inc., Cliff Kincaid, President; Center for Fiscal Accountability, Sandra Fabry, Executive Director; Center for Investors and Entrepreneurs, John Berlau, Director; Citizens United, David N. Bossie, President; Coalition for a Conservative Majority, Ken Blackwell, Chairman.

Competitive Enterprise Institute, Fred L. Smith, Jr., President; Council for America, Ron Pearson, President; Council for Citizens Against Government Waste, Thomas Schatz, President; Family Research Council, Thomas McClusky, VP for Government Affairs; Federal Intercessors, Mark Williamson, President and Founder; Free Market Foundation, Kelly Shackelford, Esq., President; FRC Action, Connie Mackey, Senior VP; Maryland Center-Right Coalition, Richard W. C. Falknor, Chairman.

Minuteman Civil Defense Corps., Carmen Mercer, Vice President; Minuteman Foundation, Carmen Mercer, President; National Center for Public Policy Research, Amy Ridenour, Chairman; National Taxpayers Union, Duane Parde, President; RedState.com, Erick Erickson, Editor; RightMarch.com, Dr. William Greene, President; The FlashReport Website on CA Politics, Jon Fleischman, Founder; The Inspiration Networks, Ron Shuping, Executive VP of Programming.

WHERE'D THE BAILOUT MONEY GO? SHHHH,
IT'S A SECRET

(By Matt Apuzzo, Dec. 22, 2008)

WASHINGTON (AP).—Think you could borrow money from a bank without saying what you were going to do with it? Well, apparently when banks borrow from you they don't feel the same need to say how the money is spent.

After receiving billions in aid from U.S. taxpayers, the nation's largest banks say they can't track exactly how they're spending it. Some won't even talk about it.

"We're choosing not to disclose that," said Kevin Heine, spokesman for Bank of New York Mellon, which received about \$3 billion.

Thomas Kelly, a spokesman for JPMorgan Chase, which received \$25 billion in emergency bailout money, said that while some of the money was lent, some was not, and the bank has not given any accounting of exactly how the money is being used.

"We have not disclosed that to the public. We're declining to," Kelly said.

The Associated Press contacted 21 banks that received at least \$1 billion in government money and asked four questions: How much has been spent? What was it spent on? How much is being held in savings, and what's the plan for the rest?

None of the banks provided specific answers.

"We're not providing dollar-in, dollar-out tracking," said Barry Kolling, a spokesman for Atlanta, Ga.-based SunTrust Banks Inc., which got \$3.5 billion in taxpayer dollars.

Some banks said they simply didn't know where the money was going.

"We manage our capital in its aggregate," said Regions Financial Corp. spokesman Tim Deighton, who said the Birmingham, Ala.-based company is not tracking how it is spending the \$3.5 billion it received as part of the financial bailout.

The answers highlight the secrecy surrounding the Troubled Asset Relief Program, which earmarked \$700 billion—about the size of the Netherlands' economy—to help rescue the financial industry. The Treasury Department has been using the money to buy stock in U.S. banks, hoping that the sudden inflow of cash will get banks to start lending money.

There has been no accounting of how banks spend that money. Lawmakers summoned bank executives to Capitol Hill last month

and implored them to lend the money—not to hoard it or spend it on corporate bonuses, junkets or to buy other banks. But there is no process in place to make sure that's happening and there are no consequences for banks that don't comply.

"It is entirely appropriate for the American people to know how their taxpayer dollars are being spent in private industry," said Elizabeth Warren, the top congressional watchdog overseeing the financial bailout.

But, at least for now, there's no way for taxpayers to find that out.

Pressured by the Bush administration to approve the money quickly, Congress attached nearly no strings to the \$700 billion bailout in October. And the Treasury Department, which doles out the money, never asked banks how it would be spent.

"Those are legitimate questions that should have been asked on Day One," said Rep. Scott Garrett, R-N.J., a House Financial Services Committee member who opposed the bailout as it was rushed through Congress. "Where is the money going to go to? How is it going to be spent? When are we going to get a record on it?"

Nearly every bank AP questioned—including Citibank and Bank of America, two of the largest recipients of bailout money—responded with generic public relations statements explaining that the money was being used to strengthen balance sheets and continue making loans to ease the credit crisis.

A few banks described company-specific programs, such as JPMorgan Chase's plan to lend \$5 billion to nonprofit and health care companies next year. Richard Becker, senior vice president of Wisconsin-based Marshall & Ilsley Corp., said the \$1.75 billion in bailout money allowed the bank to temporarily stop foreclosing on homes.

But no bank provided even the most basic accounting for the federal money.

Some said the money couldn't be tracked. Bob Denham, a spokesman for North Carolina-based BB&T Corp., said the bailout money "doesn't have its own bucket." But he said taxpayer money wasn't used in the bank's recent purchase of a Florida insurance company. Asked how he could be sure, since the money wasn't being tracked, Denham said the bank would have made that deal regardless.

Others, such as Morgan Stanley spokeswoman Carissa Ramirez, offered to discuss the matter with reporters on condition of anonymity. When AP refused, Ramirez sent an e-mail saying: "We are going to decline to comment on your story."

Most banks wouldn't say why they were keeping the details secret.

"We're not sharing any other details. We're just not at this time," said Wendy Walker, a spokeswoman for Dallas-based Comerica Inc., which received \$2.25 billion from the government.

One didn't even want to say they wouldn't say.

Heine, the New York Mellon Corp. spokesman who said he wouldn't share spending specifics, added: "I just would prefer if you wouldn't say that we're not going to discuss those details."

The banks which came closest to answering the questions were those, such as U.S. Bancorp and Huntington Bancshares Inc., that only recently received the money and have yet to spend it. But neither provided anything more than a generic summary of how the money would be spent.

Lawmakers say they want to tighten restrictions on the remaining, yet-to-be-released \$350 billion block of bailout money be-

fore more cash is handed out. Treasury Secretary Henry Paulson said the Department is trying to step up its monitoring of bank spending.

"What we've been doing here is moving, I think, with lightning speed to put necessary programs in place, to develop them, implement them, and then we need to monitor them while we're doing this," Paulson said at a recent forum in New York. "So we're building this organization as we're going."

Warren, the congressional watchdog appointed by Democrats, said her oversight panel will try to force the banks to say where they've spent the money.

"It would take a lot of nerve not to give answers," she said.

But Warren said she's surprised she even has to ask.

"If the appropriate restrictions were put on the money to begin with, if the appropriate transparency was in place, then we wouldn't be in a position where you're trying to call every recipient and get the basic information that should already be in public documents," she said.

Garrett, the New Jersey congressman, said the nation might never get a clear answer on where hundreds of billions of dollars went.

Mr. KOHL, Madam President, the Senate is voting to release the final \$350 billion of funds to the Department of Treasury for the Troubled Asset Relief Program, TARP, a move I reluctantly supported.

Since Congress passed the Emergency Economic Stabilization Act of 2008, the public and elected officials have become increasingly frustrated with how the Treasury Department implemented the TARP. The Treasury has implemented little to no oversight, required no transparency from banks receiving funds and has done very little to stem the rising foreclosure problem. A total of 87 financial institutions have received funds from the Treasury Department, including four from Wisconsin. When I asked the Wisconsin banks to show me how they used the Treasury funds they were happy to share how they were combating the financial crisis. For example, Associated Banc-Corp increased their mortgage loan activity by 20 percent. Marshall and Ilsley implemented a 90-day foreclosure moratorium in order to provide assistance to at-risk homeowners. These banks are an example of how the TARP program is injecting credit back into the market. Unfortunately, not every bank is following their example.

The current administration has failed to create regulations to monitor the funds and ensure that the taxpayer dollars are being used appropriately to unfreeze the credit markets and assist at-risk homeowners. I was very concerned about extending the incoming administration the additional funds without any assurances or clear plans on how to increase transparency, oversight and lending. Thankfully, the President-elect and his advisors have sent Senator REID a letter clearly laying out new measures creating transparency, refocusing the funds on foreclosures, and protecting taxpayer in-

vestments. As we move forward, I am confident that Congress and the new administration will work together to continue to promote economic stability, preserve homeownership, and protect taxpayer interests.

Mr. SPECTER. Madam President, I have sought recognition to discuss the resolution of disapproval on the release of the final \$350 billion of the economic rescue package.

At the outset, I am dissatisfied with the way the first \$350 billion has been spent because of failure to deal with the home mortgage issue, the ineffectiveness in restoring normal lending to consumers and businesses, and the lack of transparency. The Treasury Department started off by stating that it would purchase toxic securities backed by troubled home mortgages but has since shifted to providing funds for the banks, some of which didn't want them. That didn't loosen up the credit market. One of the key problems has been foreclosures, which the first \$350 billion hasn't begun to deal with. Good ideas like FDIC Chairwoman Bair's have been rejected.

As a matter of public policy, I am opposed to bailouts. In our free enterprise system, the market, not the Government, should determine winners and losers. However, there is a necessary exception when the potential consequences of failing to provide Federal economic aid could produce a devastating effect on the economy. That was the basis for the very tough vote which I cast in supporting the \$700 billion economic stabilization package because I felt that the failure of Congress to take some decisive, substantial action would run the risk of dire consequences to the U.S. economy.

I objected to the process used to consider the \$700 billion package. Insufficient consideration by the Treasury Department and the Federal Reserve followed by a rush to judgement by Congress resulted in legislation that had not been given appropriate consideration. I wrote a series of letters and advocated for the Senate to follow regular order, which starts with the introduction of legislation, committee hearings and markup, debate and amendment by individual Members, and the House-Senate conference. The President then reviews the final bill.

Ultimately, Congress did not follow regular order. Instead, Senators were only given a chance to vote yes or no on what started as a 4-page memorandum from the Treasury Department and quickly grew to 414 pages. As a result, the bill included undesirable pork provisions. Had there been an opportunity to offer amendments, these undesirable provisions could have been removed. In a series of town meetings in October, I found the temperature of my constituents at 212 degrees Fahrenheit.

We are now confronted with a decision of whether to release the final \$350

billion installment of the program. The authorizing legislation passed by Congress in October did not release the entire \$700 billion immediately, but instead there have been installments of \$250 billion, \$100 billion at the request of the President and \$350 billion more subject to congressional objection. At the time, I raised concerns that a resolution of disapproval by Congress on the final \$350 billion may be unconstitutional under the Supreme Court decision in *INS v. Chadha*. The resolution of disapproval requires a majority vote in both Houses for adoption and is subject to a veto by the President.

In coming to a determination of how to vote on the resolution of disapproval, I felt it important to evaluate the effectiveness of the program to date, whether the outgoing administration has carried out its responsibilities as intended by Congress, the intentions of the incoming administration to utilize the program, and the necessity for further market stabilization based on current economic conditions.

The \$700 billion economic rescue was requested by the administration in September as major financial institutions were threatened with failure as a result of toxic assets on their balance sheets. Treasury Secretary Paulson and Federal Reserve Chairman Bernanke warned of an imminent meltdown in financial markets which would threaten retirement funds, jeopardize the jobs of millions of Americans, and subject homeowners to more evictions. Major institutions such as Bear Stearns, Lehman Brothers, and AIG had already reached a tipping point, and the Federal Government began making decisions on a case-by-case basis of whether to extend assistance. The stock market followed each move closely. It was argued that unless financial institutions were able to sell off securities backed by souring assets such as subprime mortgages there would be additional failures that would jeopardize the worldwide markets in an irreversible manner.

After enactment in early October, the Treasury Department quickly began implementation of the Troubled Asset Relief Program, or TARP as it came to be known. In what was widely seen as a reversal of position, on October 14, 2008, the Treasury Department announced that \$250 billion would be devoted to purchasing senior preferred shares in financial institutions as part of the Capital Purchase Program, CPP, to "encourage U.S. financial institutions to build capital to increase the flow of financing to U.S. businesses and consumers and to support the U.S. economy." According to a January 14, 2009, article in the *New York Times*, 257 financial institutions in 42 states had received \$192 billion in capital injections from the CPP, with 7 of those firms receiving 62 percent of the funds. Additional funds have been devoted to

AIG, \$40 billion; Citigroup, \$25 billion; the auto industry \$19 billion, and to backstop a Federal Reserve program to boost consumer lending, \$20 billion.

While these initial investments may be viewed as a success in fending off an outright collapse of our financial markets, there has been little evidence thus far that there has been a loosening of the credit markets resulting in increased lending by banks to consumers and businesses. Instead, there has been widespread dissatisfaction among my constituents that the funds given to banks have been used for global buyouts, as exemplified by Bank of America seeking a larger stake in China Construction Bank, PNC Financial Services Group taking over National City Corp., and USB acquiring several California lending firms. All three firms received TARP funds. There have even been press reports of participating firms using TARP funds for corporate sponsorships, as exemplified by CitiBank completing a 20-year contract to pay the New York Mets \$400 million to name the team's new stadium "Citi Field" and by AIG paying the British soccer team Manchester United \$125 million for the privilege of having its logo appear on its uniforms.

There has also been inadequate transparency and accountability thus far, which was demanded by the taxpayer when Congress enacted the authorizing legislation. My constituents have been frustrated to learn so little about how their money is being used by these financial institutions and about the amount of lending that is taking place. I supported the \$700 billion economic rescue package because I felt that the failure of Congress to take some decisive, substantial action would run the risk of dire consequences to the U.S. economy. However, I was also led to believe that there would be significant oversight and transparency to accompany the broad powers that have been granted.

This lack of transparency presents a serious challenge to the oversight panels created as part of the authorizing legislation. According to a December 2, 2008, Government Accountability Office, GAO, report, the Treasury Department has not yet imposed reporting requirements on the participating financial institutions. Doing so would enable Treasury to monitor how the infusions were being used and whether they are meeting the goals of increasing the flow of financing to U.S. businesses and consumers and encouraging the modification of existing residential mortgages for those in need. The GAO report also raised questions about Treasury efforts in achieving its intended goals and monitoring compliance with limitations on executive compensation and dividend payments.

The five-member Congressional Oversight Panel, COP, created to oversee the implementation of the economic

rescue program has been very critical thus far, suggesting that more accountability should be in place before the final \$350 billion is released. The panel is chaired by Harvard professor Elizabeth Warren, and its other members are Representative JEB HENSARLING, NY State superintendent of banks Richard Neiman, AFL-CIO associate counsel Damon Silvers, and former Senator John Sununu. On December 10, the panel released its first report which contained 10 questions for the Treasury Department. Its second report, released on January 9, 2009, analyzed Treasury's answers and stated that its "initial concerns about the TARP have only grown, exacerbated by the shifting explanations of its purpose and the tools used by the Treasury." It reported that Treasury still has not adequately explained how it is selecting banks for its capital injection program or its strategy for stabilizing the financial markets. It acknowledged that the TARP has forestalled a financial collapse, but with "no demonstrable effects on lending." Also, it said that Treasury has no ability to ensure banks lend the money they have received and no standards for measuring the success of the program. It also noted that Treasury ignored or offered incomplete answers to some questions.

The authorizing legislation also created a Special Inspector General with authority to track and investigate how the Government spends the TARP funds. The President selected, and the Senate confirmed, Neil M. Barofsky, a former New York assistant U.S. attorney, for this position. According to a January 7, 2009, letter to Finance Committee Chairman BAUCUS, Mr. Barofsky has had some success in pushing Treasury to include more restrictions on any funds given out in future transactions. As a result, the letter said, Treasury had included new standards that will force companies to establish new internal controls and account for the Government funds they receive. Mr. Barofsky's first formal report is due to the Finance Committee on February 6, 2009.

There is further frustration from an investigation conducted by the Associated Press, AP, showing that there has been insufficient transparency into the operations of the banks that have received TARP funds. The AP contacted 21 banks that received at least \$1 billion in Government money and asked four basic questions: How much has been spent? What was it spent on? How much is being held in savings? And, what is the plan for the rest? According to the AP, none of the banks provided specific answers. If the oversight panels are unable to get answers to these very basic questions posed by the AP, they will be unable to adequately determine the effectiveness of the TARP program.

I believe that the onus is on the Treasury Department and the Federal Reserve to impose reporting requirements on the participating financial institutions. It is imperative that the American public have a full understanding of how their hard earned tax dollars are being used. In the absence of action by the Treasury Department to impose satisfactory reporting requirements by participating financial institutions, Congress has been forced to consider taking additional legislative action. I cosponsored legislation—S. 133, the Troubled Asset Recovery Program Transparency Reporting Act—introduced on January 6, 2009, by Senators DIANNE FEINSTEIN and OLYMPIA SNOWE that would require participating financial institutions to provide detailed, publically available quarterly reports to the Treasury outlining how the funds have been used. This legislation further requires that TARP funds not be used for lobbying expenditures or political contributions. Additionally, this legislation requires the Secretary of the Treasury to develop and publish corporate governance principles and ethical guidelines for recipients of such funds, including but not limited to restrictions governing the hosting, sponsorship, or payments for conferences and event, and expenses relating to entertainment or similar ancillary corporate expenses. Violators of this legislation would be subject to civil penalties including fines and may become ineligible for future emergency economic assistance.

I have additional concerns that there has been little emphasis on foreclosure mitigation assistance in the TARP program. On November 14, 2008, FDIC Chairman Sheila Bair proposed a plan to forestall foreclosures by offering banks an incentive to modify mortgages by having the Government agree to share in the loss of a loan that fell into default. Specifically, mortgage payments for homeowners that are at least 2 months delinquent would be reduced to between 31 and 38 percent of monthly income by modifying the interest rate, extending the repayment period, and deferring principle. To encourage servicers to participate, the Government would share up to 50 percent of the losses if a homeowner who had received a modification later defaulted, and the FDIC would pay servicers who process mortgages \$1,000 for each modified loan. The plan was expected to initially help 2.2 million borrowers get new loans, and after some borrowers redefaulted, 1.5 million would ultimately keep their homes. The plan was estimated to cost approximately \$24 billion.

The FDIC plan was rejected as the Treasury Department looked at other strategies, including ways to reduce interest rates on distressed loans. However, in the end, neither approach has been implemented. They have instead

relied on industry-led efforts by Fannie Mae, Freddie Mac, and others to voluntarily modify troubled loans.

In the December 2008 GAO report, it was noted that Treasury had initially intended to purchase mortgage backed securities and use its ownership position to influence loan servicers and to achieve more aggressive mortgage modification standards. The Treasury changed its strategy within weeks and, instead, decided to make capital injections into financial institutions. It also noted that despite language in the lending agreements with these financial institutions to work under existing programs to modify the terms of residential mortgages, “it remains unclear how [the Treasury’s Office of Financial Stability] and the banking regulators will monitor how these institutions are using the capital injections to advance the purposes of this act . . .” The Congressional Oversight Panel chair Elizabeth Warren echoed this sentiment, “The bailout money doesn’t require a specific approach . . . It entrusts Treasury with developing an approach, and that’s what Treasury should be doing.”

The incoming administration has sought to assure Congress that it would make a number of changes to the TARP program, including a “sweeping effort” to address foreclosures and reduce mortgage payments for “responsible homeowners.” It has promised efforts to boost consumer and business lending. It has also said it will improve transparency and accountability for participating firms. However, there have been few details on exactly how they plan to move forward.

It has been argued that further deterioration in the economy will require additional intervention. Lawrence Summers, who has been chosen to head the National Economic Council by President-elect Obama, has called the need for the second round of funds “imminent and urgent.” In addition, it has been argued that a failure to release the second half of the TARP funding could once again frighten the markets and lead to a sharp drop in the Dow. The 777-point plunge in the Dow plunge on September 29, 2008, in the wake of the House’s rejection of the legislation, demonstrated the potential for even greater problems if Congress did not act.

Amidst the various criticisms that have been raised against the TARP program and its implementation by the outgoing administration, many economists remain concerned about the state of the financial system. Federal Reserve Chairman Bernanke has expressed concern about the world economy and the financial markets and suggested that foreclosure prevention and purchases of troubled assets might be useful tools to help the economy in the near term. Bernanke also commented that fiscal stimulus would not

be enough to support the economy. With respect to the TARP program, Chairman Bernanke said on January 13, 2009, “. . . Treasury’s injection of about \$250 billion of capital into banking organizations, a substantial expansion of guarantees for bank liabilities by the Federal Deposit Insurance Corporation, and the Fed’s various liquidity programs . . . likely prevented a global financial meltdown in the fall . . . with the worsening of the economy’s growth prospects . . . more capital injections and guarantees may become necessary to ensure stability and the normalization of credit markets.” He also said, “Responsible policymakers must therefore do what they can to communicate to their constituencies why financial stabilization is essential for economic recovery.”

Also on January 13, 2009, the Fed Vice Chairman Donald Kohn said, “The remaining TARP funds will play an essential role in further strengthening the financial system and restoring normal credit flows . . . An important use of these [TARP] funds will be to step up efforts to avoid preventable foreclosures . . . more needs to be done . . . A continuing barrier to private investment in financial institutions is the large quantity of troubled, hard-to-value assets that remain on institutions’ balance sheets. The presence of these assets significantly increases uncertainty about the underlying value of these institutions and may inhibit private investment and new lending.”

According to a January 14, 2009, article in the New York Times—mentioned earlier—“Some banking experts are even questioning if the bailout may be doing more harm than good.” It cited a struggling small bank in Michigan that had made a series of bad loans but had been given a “cushion” instead of allowing it to “sink or swim” on its own. The article suggested that by doing so, “It could also delay mergers of weaker banks with healthier ones.”

With a projected deficit of \$1.2 trillion for 2009 and a possible \$800 billion expenditure on a stimulus package in the next few weeks, Congress must be vigilant in its use of the taxpayer’s dollars. At the current time, there appears to be no immediate threat to our financial system, which raises the question of whether the additional authorization is needed at this time, especially in light of the failures with the program so far.

Based on a comprehensive evaluation of these issues, I am reluctant to support an additional authorization of \$350 billion at this time. To date, I have seen little evidence that the TARP program has been effective in increasing lending by the institutions who have received billions in taxpayer dollars. I also have serious questions about the effectiveness of existing programs to help troubled homeowners and whether

additional steps should be taken. Further, unless steps are taken to significantly improve oversight and transparency of the TARP program, my constituents and I will not feel confident that we are not simply throwing good money after bad by releasing the final \$350 billion. On the current state of the record, I cannot continue to support this program and intend to vote for the resolution of disapproval. In the future, I stand ready to act if it appears that a failure to take decisive, substantial action would run the risk of dire consequences to the U.S. economy.

Mr. GRASSLEY. Madam President, many Senators, including this one, reluctantly supported the Troubled Asset Relief Program last year because we were told by the so-called experts that our financial markets were on the verge of collapse.

We were told that we had to deal with the toxic mortgages that were clogging up our financial markets by having the government purchase them at an auction and hold them until the markets stabilized. The theory was to get these troubled assets off the banks' balance sheets and provide them with additional funds to lend to credit worthy borrowers.

I had serious doubts about the original plan, but it has never been implemented. Instead, the money has been used to invest directly in select financial institutions. Essentially, it has become a slush fund for the Secretary of Treasury to engage in an erratic industrial policy of picking winners and losers among any company directly, or indirectly, connected to our financial markets.

I am deeply troubled by this outcome. I believe Congress was misled with respect to the financial crisis as well and the intended use of the funds. Moreover, the administration's decision to use funds to provide assistance to the U.S. auto industry was contrary to congressional intent.

The ever-changing nature of the TARP program has introduced a new level of uncertainty into our financial markets. Market participants no longer know when or where the Federal Government will intervene. This unpredictability has a chilling effect on investors and undermines the ability to raise capital and make new loans.

The outgoing administration has misused these funds and failed to provide adequate accountability. But, the vote today is about the use of the remaining funds by the incoming administration. Unfortunately, they have expressed a desire to pursue an even more vigorous policy of picking winners and losers, with an extra dose of micro-management thrown in for good measure.

The efficient allocation of credit is vital to the successful operation of our economy. Without saving and investment, there can be no long-term eco-

nomomic growth. Banks and other financial institutions serve a critical role in bringing savers and investors together and allocating credit to its most productive use.

To operate successfully, credit markets need transparency and accountability. Transparency is achieved through the reporting and disclosure of assets and liabilities. Accountability is achieved through the proper alignment of risk and reward. Those who accept risk should profit from their success and pay for their losses.

Unfortunately, we have allowed ourselves to undermine the very foundation of our credit markets through a series of well-meaning, but ultimately misguided actions. The continuation of the Troubled Asset Relief Program will not address these fundamental problems. We need a new approach. I'm hopeful Congress will be able to work with the new Administration in the coming months to improve our financial markets and revitalize our economy.

Ms. MIKULSKI. Madam President, before I voted for the bailout I said, regrettably, a bailout is needed. I voted to get credit flowing again to the distressed homeowner, to families and to small businesses. I didn't vote to give the money to banks to enable them to continue their flawed policies, their hubris and their high handedness. And I didn't do it so they could be ungrateful, buy other banks, or give out dividends, and to take executives on spa treatments. I was mad as hell that the Wall Street Master of the Universe took us into a black hole. And I am mad as hell now that they didn't thank the taxpayer.

The Bush administration misled us about what they would do with the money. Now we're finding both they and the banks misused the funds, abused the taxpayer and squandered both the money and the opportunity. I said if we were going to have a bailout we needed three things, rescue, reform, and retribution. I said, no blank checks and no checks without balances, help homeowners, and guarantee no golden parachutes for the people who got us into this mess. Did the Bush administration listen? No. Paulson dodged and ducked, and the taxpayers got duped. Distressed homeowners were left in the lurch. Bernie Madoff is in his luxurious penthouse and homeowners are being foreclosed and evicted. What's wrong with this picture?

We have already given \$350 billion to the big banks, who said they were going to lend it, and said they were going to have transparency. But instead, we have gotten hoarding, and resistance. Banks don't want to tell us what they are doing with our money. When I voted for the rescue plan, I thought I was voting for dealing with the credit crisis, and bringing the financial system to some form of sta-

bility. But what has happened is, instead of helping with jobs, we have been helping with banks.

The banks said we want taxpayer money and we want it our way or the highway. But thankfully, on Tuesday it's going to be a new day and a new way. Obama met with us this week on his economic agenda. We had a robust give and take. The number one priority we agreed upon is job creation. We need to make sure that for people who have jobs, they get to keep them and feel more economic security. And for people who are out of work, not only to provide a safety net on unemployment benefits, but create opportunities for returning to work or even new jobs. We need to give President Obama the tools he needs to get our economy going again. We shouldn't hold the misdeeds of the Bush administration against him.

We need to work together. People don't want to talk about butting heads, they want to talk about kicking butt with the banks. And the President-elect and I agree on that. I see myself helping President-elect Obama kicking butt, to work with people who are in danger of losing their homes, not with a bailout but with a workout. The banks have to get off the bailout shtick, and start to get on the workout shtick with homeowners.

This week, the President-elect huddled with us, to talk about how his plan is different than the previous administration. We need vigilance and responsibility that's what President Obama has pledged. Three major areas that we will work with the Obama administration are number one, oversight and regulation. We will put real financial cops on the beat to make sure money goes where it is supposed to. Number two, a sweeping, comprehensive effort to address the foreclosure crisis, we will use TARP money to get to the root of the crisis, keep people in their homes, and save neighborhoods. Number three, get tough and insist on transparency. Banks cannot just take the money and run. The new plan will make them tell us what they are doing, no dividends, no giving money to banks to buy other banks, no golden parachutes, and no spa treatments.

I will vote for the additional TARP money. Not because I support the banks and Wall Street, but because I support our new President, and because I support giving him the tools to get our economy rolling again. But we need a major attitude adjustment. It is not only what we hear from the banks, it is what we do not hear from them. There is no sense of gratitude. There is no sense of gratitude that the waitress, the single mother, the farmer, the firefighter, is willing to help. There is no gratitude, no remorse, no promise to sin no more, no "let's make amends." Instead, they pay themselves lavish salaries, bonuses and perks, like lavish spa retreats.

At \$350 billion, I don't want to be a passive investor. Congress and the new President must tell Wall Street, "You need to go to work and dig out of this mess. Help rescue the economy, not the Wall Street managers." Work for America, it is America that is paying your salaries. Give us your best thinking. Give us your energy. It is time to restore our economy and restore our national honor. So pull up your pants and your pantsuits, and go to work and let's rebuild this economy!

Mr. BYRD. Madam President, I will oppose the joint resolution of disapproval and vote to release these funds, but I do so adding my voice to those putting the incoming administration on notice.

This is an enormous sum of money and authority being given to the Treasury Department, and it is especially worrisome because the American public has little confidence in this program. Its transactions are opaque. Its potential for abuse is enormous. Its effect on the economy remains uncertain.

According to the public letter sent this week to the House and Senate leadership, the incoming Obama administration's economic team has committed to a "full and accurate accounting" of how these monies are invested and ensuring that these resources are not "enriching shareholders or executives." The House of Representatives today is considering legislation to hold the new administration to its commitments, and I hope the Senate will do the same.

Other promises and commitments are being made, at private briefings and closed-door caucuses, as the new administration tries to cajole Senators to oppose this disapproval resolution. That is unfortunate because I believe it further undermines an already questionable program, which could use more transparency, and not less. I realize that the new administration inherited this financial mess and that it is trying to do the best with the hand that it has been dealt. But I hope that it will learn from the mistakes of the outgoing administration and, instead, have faith in the wisdom of an informed public.

Having authorized this program only 15 weeks ago, I think the Congress should give it time to work. By any objective measure, the economy is getting worse. West Virginia's unemployment rate is rising, and it has lost hundreds of manufacturing jobs in recent months. In the last 2 months, Toyota announced that it would lay off 120 workers at its plant in Buffalo. An Ohio-based packaging manufacturer announced it would close its plant in Culloden, laying off 41 workers. The Bayer MaterialScience plant in New Martinsville, which makes polymers that are used in the automobile and housing industries, announced it would

lay off 70 workers. Columbian Chemical Company announced that it would close its plant near Moundsville, laying off 55 workers.

If the new administration says it needs these tools, then I am willing to give it some latitude. But I caution this administration, the American people must have transparency. They must see effective oversight. They must have confidence that this is not another Ponzi scheme, concocted by Madoff-type, money-hungry, Wall Street fat cats, who don't care about anything except lining their own pockets.

If the new administration gets this money, it must do better than its predecessor. We have just lived through one failed administration. We cannot afford to live through another.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, there are moments in the Senate that are memorable, but the most memorable moment for me in the last several months occurred in the conference room of Speaker NANCY PELOSI when we were called in, Democrats and Republicans, House and Senate leaders, and sat around a large conference table facing the Secretary of the Treasury, Hank Paulson, and the head of the Federal Reserve, Ben Bernanke. They opened the meeting by saying that America is facing an economic crisis that no one in this room has ever seen, which will spin out of control, reaching across the world, creating economic consequences you cannot even envision, unless we act and act now. You could have heard a pin drop in that room. They said we need hundreds of billions of dollars to put into the banking system for credit, and we have to do it as quickly as possible or you are going to see major corporations in America fail, thousands of jobs lost, and an economic recession bordering on a recession. The choice was clear at the end of the day. In light of that circumstance and the clear failure of these major institutions, we had two choices: do something or do nothing.

I chose to do something. I voted for this TARP plan—a strong bipartisan vote, Democrats and Republicans—and said we have to do something, we can't let this happen to our economy and businesses and let families and individuals suffer for a long time to come.

We put in conditions and said: We will split it. Of the \$700 billion, you can spend the first \$350 billion, but you have to come back and ask us for the second half, and we will decide whether you have spent it well.

Time passed, and here we are. There is a request from President Bush for the remaining \$350 billion, but we clearly know he won't spend it. It is money that can be spent, may be spent by the new President, Barack Obama—by the new administration. Do we need

it? Are we still facing an economic crisis? Today in America, 17,000 Americans lost their jobs, 11,000 lost their health insurance, and 9,000 saw their homes go into mortgage foreclosure. Oh, it isn't just another bad day in America, it is a pattern that has developed since we were told last September what was happening to our economy.

There are those on the other side who say the best thing, in light of this economic situation, is to do nothing. I am not one of them. As badly and poorly managed as those funds were—the first \$350 billion—I happen to be one of those people, one of those voters, and one of those Senators who said to America: Give us a new leader, give a new team a chance to change this country. A majority of the American people said that is the right thing to do, and they elected Barack Obama and JOE BIDEN. They are asking for this money not to use it the wrong way, the old way, an imperfect way, but to use it with transparency so that the American people can see what is being done to stabilize this economy, to stop this hemorrhaging of jobs, to create some credit so that businesses can survive, and to inject perhaps hundreds of billions of dollars into mortgage foreclosure so that people can stay in their homes and the real estate market bottoms out.

Listen, if we don't do that, this is going to go from bad to worse, and 17,000 jobs a day lost in America could double—yes, it could—by doing nothing. And those who vote yes on this are standing for that premise: Do nothing. Don't trust this new President. Don't trust this new administration. Just wait, things are bound to get better.

I am not one of them. I want to give President Obama the tools he needs to breathe life back into this economy, to give working families a fighting chance, to create good-paying jobs in this country, to give small businesses a chance to survive, to provide a decent income and some benefits for their workers, and maybe to preserve some basic industry in this country so there still are manufacturing jobs in America. We can't achieve that by doing nothing.

As badly as this money has been managed—the first \$350 billion—we have to look forward. Some of the people who managed the first \$350 billion could not imagine an America without the giants, such as Goldman Sachs. I can't imagine America without our middle class, without working families, who really form the basis, the bedrock, the foundation for the growth of our economy and the growth of our democracy.

I am going to be voting with the faith that this new administration, with new leadership and new eyes and new vision and new values, will invest this money properly so that we can turn this economy around and build a strong American future.

Madam President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, as the distinguished Senator from Illinois said, this election was supposed to be about change. Yet his speech is eerily reminiscent. It is exactly the same speech that was given on behalf of giving the Bush Administration a blank check a few months ago. It seems to me absolutely nothing has changed.

A few months ago, we were told we are in a crisis, you need to act, you can't wait. You need to act immediately, and you need to give us unfettered discretion. The times demand that. Trust us.

Well, several months later, we have seen the result of that open checkbook, that unfettered discretion, that broad-based trust without any parameters, without any meaningful protection in writing. There has been mistake after mistake and embarrassment after embarrassment and a complete lack of accountability in the TARP. Yet here we are again today debating the second half of this huge \$700 billion program.

Even though we supposedly conducted a historic election based on the theme of change, it is exactly the same speech: We are in a crisis; we can't wait; we need to rush to judgment; give us an open checkbook; give us unfettered discretion; and trust us. Well, there is an old expression: Fool me once, shame on you; fool me twice, shame on me. The American people are not going to be fooled twice. The question is, Is the Senate going to be fooled twice?

An open checkbook, unfettered discretion, and "trust us" simply isn't good enough. I am not questioning the sincerity of anyone either in the Bush Administration or the incoming Obama Administration. But it isn't good enough with \$700 billion of taxpayer funds, particularly given the history of the last several months.

One of the major protections that was put in the original legislation that was much ballyhooed was the Congressional Oversight Panel. That Congressional Oversight Panel was supposed to track what was done in the TARP, issue reports, and demand accountability. Well, they have done their job and they have issued a significant report. The problem is, the report makes crystal clear there is no accountability.

The first main issue the Congressional Oversight Panel examined was bank accountability: What are banks doing with the money? Are they using the money in a way that was intended, particularly to increase credit availability to citizens and businesses? The Congressional Oversight Panel's bottom-line conclusion on that is pretty simply stated:

The panel still does not know what the banks are doing with taxpayer money.

It couldn't be stated more clearly. The Treasury doesn't know, the oversight panel doesn't know, nobody knows.

The Associated Press, on December 22, issued a report about an investigation of 21 banks and what they were doing. They mostly didn't get any answers, but Morgan Chase, which received \$25 billion, gave this detailed, sophisticated answer:

We have lent some of it, we have not lent some of it. We have not given any accounting of saying here is how we are doing it.

Period. In fact, Treasury has the authority to require banks to report on their use of funds as a condition for the receiving of funds. Guess what. Treasury declined to make that requirement.

Point No. 2 of the report: transparency and asset evaluation. TARP was, in large part, to shore up healthy banks. Yet there is no metric, there is no rule written anywhere about how Treasury is determining what a healthy bank is.

Point No. 3: general strategy. TARP has been a moving target. The whole model has changed week to week. In fact, we still call it TARP—the Troubled Asset Relief Program—but that idea was thrown out the window 2 weeks after Congress originally passed the program. So the Congressional Oversight Panel had another basic question: What is the general strategy as to how you are going to stabilize the economy? What are you focused on? Why should that be the focus? And rather than providing any detailed explanation, Treasury's explanation was that they are working to "stabilize the economy." Well, that is a lot of detail. That is accountability. That makes me feel better.

This has been the history of the TARP, and the question is, Are we going to allow it to remain the history and move on to the second \$350 billion of taxpayer funds?

I am not a banking or financial expert and I do not own a crystal ball. I can't see into the future. I can't predict what crises will or will not occur in the economy. And I am not saying this economy is turning the corner and is improving and we don't have many challenges ahead. But I can predict this: If we don't pass this resolution of disapproval, nothing will change in the TARP. There will continue to be no accountability, the whole program will change its focus from week to week, and we will waste a huge amount of that \$700 billion of taxpayer funds.

Again, we come back to where we were just a few months ago: We are in a crisis; you have to act; you can't even wait until tomorrow; you have to pass this blank check; unfettered authority; trust us.

Even with an intervening election that was supposed to be about change,

the question remains: Are we going to change or not? Are we going to go down precisely the same path? The American people had serious questions and concerns the first time around. If we accept that speech again—oh, we are in a crisis; you need to act immediately; open checkbook; unfettered discretion; trust us—if we buy that the second time around, they are not going to be perturbed, they are going to go through the roof, and so they should because they have good old-fashioned American common sense. They will say, "Fool me once, shame on you; fool me twice, shame on me."

That is what we face here in the Senate. We must demand a clearly defined program. We must demand real accountability. We must demand real protections for the taxpayer. And the only way we will get any of that, any of it, is to pass this disapproval resolution and demand that be put in statute, in law, and not simply be a passing promise.

I urge all my colleagues not to be fooled again, to stand up for real accountability, to stand up for the taxpayer, and, yes, to be ready to act in uncertain times but to say no to an open checkbook, to unfettered discretion, and to mere promises that things will be better and mere pleas to trust us.

Madam President, I understand the majority leader is coming to speak for the other side, so I will retain the floor until then.

Madam President, again, to me, that is the question. It is not about whether you think the economy is healthy—put me down for an unhealthy economy. It is not about whether we think there are rosy times ahead or there may be serious problems. Put me down for there may well be very serious problems. In fact, put me down for there are going to be, we just don't know precisely what they are going to be.

But that does not justify what we have before us. That does not justify an open checkbook, unfettered discretion, and mere acceptance of promises and pleas to trust us.

The American people are demanding something far more than that, and they deserve something far more than that. The question is, Is anything going to change? After 2 years of debates about change, the question is, Is anything going to change? Continuing down this path to the second half of the TARP program would represent a complete lack of change. It would represent complete continuity between one administration and the next. It would represent complete continuity between one Wall Street Treasury Secretary and the next, complete continuity between mere promises and pleas to trust us, and nothing more than that.

Put me down for wanting change. Put me down for demanding change.

This is the time and the place to do it. Obviously, change in this program can only occur if we pass this disapproval resolution. Change will never occur if we defeat it because then the new administration will have a blank check, it will have unfettered discretion, it will have our answer to "trust us"—Sure, why not? When any administration has that, they are not going to restrict themselves, they are not going to put more rules in place, they are not going to tie their own hands. By definition, any administration wants to maximize that unfettered discretion, that open checkbook. The question is, Are we going to not demand change and give them that? Or make change happen right here, right now, with regard to this central new program, in terms of our struggling economy?

Madam President, I ask unanimous consent to have printed in the RECORD this two-page letter from 26 broad-based economic, financial, and other citizen groups from around the country, requesting in very clear, strong terms our passage of the TARP disapproval resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE UNITED STATES CONGRESS REQUESTING A TARP DISAPPROVAL RESOLUTION

JANUARY 15, 2009.

U.S. Congress,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the millions of taxpaying citizens represented by the public interest organizations below, we write to strongly encourage you to swiftly pass a notice of disapproval on releasing the remaining \$350 billion in Troubled Asset Relief Program (TARP) funds.

From the beginning, the TARP plan was questionable, but a number of Members nonetheless resolved to support it. It should be clear now that this was a mistake.

The stated purpose of the TARP was to purchase toxic mortgage assets. Secretary Paulson abandoned this concept immediately after the signing ceremony. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished.

In addition to misleading Congress about his intent on the use of TARP funds, Secretary Paulson has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds.

The TARP legislation specifically requires that before the second half of the \$700 billion is released, the President provide Congress with a written report detailing how the additional funds are to be used. A request to spend the second half of the funds without restraint does not meet the requirements set forth in the bill. In addition to requiring this detailed plan, Congress should require an accounting and detailed explanation on how the initial TARP funds have been used and the prospect of a taxpayer recovery of these funds.

Congress now has an opportunity to preserve some of the taxpayers' assets and

should spend the necessary time studying the underlying causes of the economic downturn by passing a TARP disapproval resolution. We encourage you to take such action. Sincerely,

African American Republican Leadership Council, Alex-St. James, Chairman; American Shareholders Association, Ryan Ellis, Executive Director; Americans for Limited Government, William Wilson, President; Americans for Tax Reform, Grover Norquist, President; Americans for the Preservation of Liberty, Mark Chmura, Executive Director; America's Survival, Inc., Cliff Kincaid, President; Center for Fiscal Accountability, Sandra Fabry, Executive Director; Center for Investors and Entrepreneurs, John Berlau, Director; Citizens United, David N. Bossie, President; Coalition for a Conservative Majority, Ken Blackwell, Chairman; Competitive Enterprise Institute, Fred L. Smith, Jr., President; Council for America, Ron Pearson, President; Council for Citizens Against Government Waste, Thomas Schatz, President; Family Research Council, Thomas McClusky, VP for Government Affairs; Federal Intercessors, Mark Williamson, President and Founder; Free Market Foundation, Kelly Shackelford, Esq., President; FRC Action, Connie Mackey, Senior VP; Maryland Center-Right Coalition, Richard W. C. Falknor, Chairman; Minuteman Civil Defense Corps., Carmen Mercer, Vice President; Minuteman Foundation, Carmen Mercer, President; National Center for Public Policy Research, Amy Ridenour, Chairman; National Taxpayers Union, Duane Parde, President; RedState.com, Erick Erickson, Editor; RightMarch.com, Dr. William Greene, President; The Flash Report Website on CA Politics, Jon Fleischman, Founder; The Inspiration Networks, Ron Shuping, Executive VP of Programming.

Mr. VITTER. Madam President, with the arrival of the majority leader, I yield back my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, it is in times of unusual strain and challenge that we are called upon to prove ourselves, as people, as Senators, as a country. With our economy struggling and the American people suffering, most Senators have risen to the challenge.

I would like to take a minute, though, to particularly speak of Senator CHRIS DODD, Chairman DODD of the Banking Committee. He and his staff spent seemingly endless days and nights, working on the rescue plan we passed last year. We thought that would be all for a while. But now that we are in this state of crisis again, Senator DODD is the face and voice of our response to this financial crisis. I have such admiration and respect for Senator DODD as one of the fine orators of the Senate, and that is something everyone sees. But what we do not see is his skill as a legislator, behind doors, in his committee and working with us. And he has done a great job working

with Senator SHELBY. They don't always also agree, but they treat each other civilly, and they set the standard for the rest of us. Senator DODD is to be recognized, as I do, for yeoman's work on this legislation.

On the Republican side, it is important to focus on Senator JUDD GREGG. He deserves enormous credit as well during these last few weeks, working on this extension of Troubled Asset Relief Program.

I have been tremendously impressed with President-elect Obama. As his campaign wore on—and it was a long campaign—the American people came to realize this was a unique individual, somebody extremely brilliant academically, someone who could communicate very well, and someone who worked hard and developed the trust of the American people. I have been impressed with his campaign but also with his team and their efforts to secure the second half of the Troubled Asset Relief Program, or TARP. If the actions of the President-elect on TARP are any indication, a new day is dawning in Washington, DC, and a good day, a bright day.

President-elect Obama didn't have to take the step he did. This was a test of leadership at a time when leadership is desperately needed in our country. In this early test whether our new President will stand for what is right, not just for what is easy, President-elect Obama passed with flying colors. He and his economic team came to Capitol Hill repeatedly these past weeks, not just for a photo opportunity but to engage in real negotiations. The Obama administration generally sought the involvement of Democrats and Republicans, treating them not as adversaries or roadblocks to progress but as partners in the legislative process.

I appreciate the willingness of Republicans to work with him and to work with us to pass this legislation. I do not know how many votes we are going to get from the Republicans, but we will get some votes and every one of them is needed and I appreciate that.

I understand the legitimate concerns of Members over the way the first half of the Troubled Asset Relief Program funds have been spent. We in Congress must never forget the funds we allocate to this program belong to the American taxpayers. It is not our money, it is their money, and we must wisely spend and carefully account for every penny, as every family would, to plan their budget to make the current paycheck last until the next paycheck that they hope comes in.

We need transparency, we need openness, we need oversight. With our economy battered and further damage possibly still to come, we must give our new President every tool to try to fix this economy. Barack Obama has made it clear that he understands the mistakes of the prior administration and

will not repeat them. President-elect Obama has, in person and in written communications, agreed to commit substantial resources to foreclosure mitigation, as he should.

Barack Obama has also said there will be transparency, there will be oversight, and Barack Obama has said the disbursement of TARP funds will require his signoff; not a Secretary, not somebody in some clerk's office, not a group of people, but every penny will require Barack Obama's personal signoff.

This vote is going to be close. As many of my colleagues decide how to vote, I ask them to think about the challenges our freezing financial markets are causing their constituents. It doesn't matter if it is Minnesota or Nevada or Arizona or New Hampshire, without financial markets that are functional, families cannot buy a home, borrow to pay for college tuition, replace the family car or simply decide what they are going to do this weekend, because they have no money. Businesses of all sizes cannot make payroll for employees or invest in expansion to create new jobs. That is what this vote is all about. This vote is about local governments not being able to build schools but, instead, lay off teachers, lay off police officers. They are trying to pave roads and protect the public health of their citizens.

We should all be angry at the titans of Wall Street, angry because of their excesses. But inaction now would not punish the wrongdoer, it would punish the American people who are already suffering.

None of us, me included, are happy we have to take this vote. I wish we didn't have to. But given the potentially devastating alternative, I trust my colleagues will act with sound judgment and for the long-term good of our country and in this moment of crisis.

This is one of those rare times. I voted thousands and thousands of times, but over the years I have been here since 1982, there are probably only 15 or 20 votes that are memorable. This is a memorable vote. I believe this is the road to recovery for our country.

Let's trust Barack Obama. I look back at a book I read called "The Master of the Senate." It was about Lyndon Johnson. There is a chapter in that book that I think is so revealing as to today. Lyndon Johnson became the Democratic leader. The President of the United States at that time was Dwight Eisenhower. Dwight Eisenhower was the most popular President in the history of the country. Over an 8-year period of time, his popularity averaged 65 percent—over 8 years. So Lyndon Johnson said: I think what the guy is trying to do is the right thing so I am going to get as many of my Senators as I can, all my Democratic Senators, to join with Dwight Eisenhower to accomplish what he thinks should be accomplished.

I ask my Republican colleagues, look at Barack Obama since he has been elected. Has he set a pattern for moderation? Has he set a pattern for people coming into his Cabinet who are good no matter their party? The answer is yes. The American people are impressed with what he has tried to do to move this country forward. I ask my friends to reflect back to Dwight Eisenhower, to look now to Barack Obama. This is the time we need to move forward as Democrats and Republicans, as Americans, and do what is right. I believe this is one of those votes historians are going to record as important. I think, when some of those chapters are written in that book, they are going to say this is the beginning of the economic recovery for our country.

Madam President, is there time remaining?

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. REID. I yield that back and start the vote now. We will extend it, if necessary.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will read the joint resolution for the third time.

The joint resolution (S.J. Res. 5) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATCH. (After his name was called) Mr. President, on this vote, Senator KENNEDY is absent. If he were present, he would have voted nay. If I were to vote, I would vote yea. Therefore, I withhold my vote.

Mr. TESTER. (After his name was called) Mr. President, on this vote, I have a pair with the Senator from Ohio, Mr. BROWN. If he were present and voting, he would vote nay. If I were permitted to vote, I would vote yea. I, therefore, withhold my vote.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—42

Barrasso	Bennett	Brownback
Bayh	Bond	Burr

Cantwell	Feingold	Nelson (NE)
Chambliss	Graham	Risch
Coburn	Grassley	Roberts
Cochran	Hutchison	Sanders
Collins	Inhofe	Sessions
Corker	Isakson	Shaheen
Cornyn	Johanns	Shelby
Crapo	Lincoln	Specter
DeMint	Martinez	Thune
Dorgan	McCain	Vitter
Ensign	McConnell	Wicker
Enzi	Murkowski	Wyden

NAYS—52

Akaka	Hagan	Murray
Alexander	Harkin	Nelson (FL)
Baucus	Inouye	Pryor
Begich	Johnson	Reed
Biden	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Salazar
Burris	Kyl	Schumer
Byrd	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Clinton	Lieberman	Voinovich
Conrad	Lugar	Warner
Dodd	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	
Gregg	Mikulski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Hatch, yea Tester, yea

NOT VOTING—3

Brown Bunning Kennedy

The joint resolution was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MCCASKILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALEXANDER. Mr. President, I voted today the same way I did in October because both the current President and the incoming President have said this is an essential insurance policy against financial catastrophe. This is not spending; this is lending money with interest that taxpayers should get back. I would not have voted this way if President-elect Obama had not assured us that he will use this money as it was intended: to keep credit flowing by strengthening financial institutions and housing markets, and not for new industry-by-industry bailouts.

The PRESIDING OFFICER. The majority leader is recognized.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back and the Senate adopt the motion to proceed; that upon adoption of the motion, the Senate then proceed to the consideration of S. 181; that once the bill is reported, Senator HUTCHISON be recognized to offer an amendment; that no amendments be in order to the Hutchison amendment prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

AMENDMENT NO. 25

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 25.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title VII Fairness Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. They ensure that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved grievances have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors the voluntary resolution of claims through mediation and conciliation. Promptly raised issues are invariably more susceptible to such forms of voluntary resolution.

(4) In instances in which that voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and from a date that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercises due diligence regarding the person's rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of unlawful discrimination. Such a person should be afforded the full applicable limitation period to commence a claim from the time the person has, or should be expected to have, a reasonable suspicion of discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

"(3)(A) This paragraph shall apply to a charge if—

"(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

"(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

"(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

"(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (g)(1).

"(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit."

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "(d)" and inserting "(d)(1)";

(3) in the third sentence, by striking "Upon" and inserting the following:

"(2) Upon"; and

(4) by adding at the end the following:

"(3)(A) This paragraph shall apply to a charge if—

"(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

"(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

"(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

"(C) Nothing in this paragraph shall be construed to change or modify any remedial provision of this Act.

"(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful practice relating to the provision of a pension or a pension benefit."

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)(3)) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to claims of discrimination brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) CONFORMING AMENDMENTS.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

"(f)(1) Subject to paragraph (2), section 706(e)(3) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section.

"(2) For purposes of applying section 706(e)(3) to a complaint under this section, a reference in section 706(e)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under this section."

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(A) IN GENERAL.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking "of section" and inserting "of sections 7(d)(3) and".

(B) APPLICATION.—For purposes of applying section 7(d)(3) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)(3)) to a complaint under section 15 of that Act (29 U.S.C. 633a), a reference in section 7(d)(3)(B) of that Act to a filing period shall be considered to be a reference to the applicable filing period under section 15 of that Act.

Mrs. HUTCHISON. Madam President, my amendment, which I offer along with Senators VOINOVICH, MARTINEZ, GRASSLEY, ENZI, CORKER, ALEXANDER, CORNYN, BURR, MURKOWSKI, and THUNE, is a substitute for the underlying bill that is before us, S. 181. I hope we will, now that we have taken up the bill, fully discuss and hopefully have some amendments that will make the Fair Pay Act a bill that will serve all of the needs of our country. Paramount is the right of an employee to have redress, if that employee is experiencing discrimination. We also need to make sure that our small businesses and medium-sized businesses know what their underlying liabilities might be. That is part of business planning.

I have certainly been a person who has known discrimination. I want everyone who believes they have a cause of action to have that right.

I have also been a business owner. I know how important it is that our businesses know what their potential liabilities are. That is why statutes of limitation were put into the laws of the country, so that one could have a defense, so that there would be timely filings of claims, so that there would be witnesses who would have the memory or the records or the documents to defend against a claim.

My substitute amendment allows the person who is aggrieved, when that person knows or should have known that there was discrimination, to have 180 days, approximately 6 months, to file that claim so that there will be records, there will be notice, and there will be the ability for a defense and for the person to have the fair trial with the people who would be relevant to her or his case.

To do that, we have to have that time limit that the Supreme Court has said is a reasonable time limit, if it is 6 months after the person knew or should have known. We are putting back in or we are actually codifying for all of the districts of the country that standard.

It is also important that we have the ability for that person to get into

court, because that is the person who has the grievance. It is that person who should be testifying rather than someone who might have had an effect but is not the person who knows if they believe they were discriminated against. These are the things that my amendment addresses.

We are not going to debate, although I know the distinguished Senator from Maryland is going to rebut, but I hope to have the time for us to fully debate this amendment when we take it up and when all of our Members are here.

There will be Members on my side who want to speak, I am sure Members on her side who want to speak, so I wanted to lay the amendment down so everyone is on notice and has the document and can read the amendment. Then I look forward to discussing it when the majority leader decides we will take this bill up, hopefully, next week.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I want to acknowledge that we will not be debating this amendment this evening. Senator HUTCHISON has laid down her substitute. What I am so excited about is that we are actually going to be debating the Lilly Ledbetter Act and also amendments and substitutes therein.

I know the Senator from Texas has a plane she is going to try to make; otherwise, we would have had a more amplified debate tonight. But I am so excited this moment has finally come, that we are actually going to debate what is the most effective way we can end wage discrimination in our country and keep the courthouse door open to legitimate claimants.

I am also excited that, once again, the Senate will return to a regular order. What do I mean by "a regular order"? We are actually going to bring up bills. We are not going to get lost in some quagmire of parliamentary procedure where we entangle ourselves and strangle ourselves. This debate, that actually begins tonight, is the signal of a new day returning to some of the old ways the Senate operated, which was a regular order where we could offer amendments, debate amendments, and vote on amendments.

This is what doing legislation is all about. Before I actually, briefly, comment on the merits, to affirm the process: We said to our colleagues on the other side of the aisle, we are going to give you the opportunity to offer amendments and to debate them. We are keeping that promise. In the way HUTCHISON and MIKULSKI are kicking it off now, we are showing we are keeping our promise.

Second, this affirms the way we, the women of the Senate, want to operate. Senator HUTCHISON and I agree on the goal: ending wage discrimination and

keeping the courthouse door open. Senator HUTCHISON and I absolutely disagree on what is the best way to achieve that goal. I have our legislation. She has her substitute. But though we disagree, you will see on Wednesday, as we pick up an amplified discussion, we can disagree without being disagreeable.

It is time to return to civility. It is time to show that good manners produce good legislation. We look forward to a robust and amplified way of discussing this issue.

So we are going to debate Lilly Ledbetter and also the Hutchison substitute and other amendments. We will do it, if there is more tonight, and we will also do it tomorrow, if there are Senators who wish to offer it. I will be here. But we will be able to do it.

We strongly disagree with the Hutchison amendment. But rather than debate it, without her being here, I am going to reserve my remarks for when she is here, and we are going to show that good politics starts with good manners and a good process.

I thank the Republican leader for being so cooperative to help us set the stage for doing it.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I want to proceed for a few minutes as in morning business. I know Senator MURRAY is then anxious to be recognized. I ask unanimous consent that she be recognized at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARP FUNDING

Mr. MCCONNELL. Mr. President, with regard to the TARP issue we just dealt with on the floor, I voted for the disapproval resolution.

Three months ago, I voted in favor of Government action to rescue the Nation's financial system. The early indications suggest that our actions did have a stabilizing effect. But the problems persist. And based on what we know about our current financial situation, it is clear the full \$700 billion we voted for in October is still needed.

Republicans have insisted from the beginning that the outgoing administration agree to strict oversight and taxpayer protections related to the Troubled Asset Relief Program, the TARP. And we asked for similar assurances from the incoming administration this week when it requested the second round of TARP funds.

In response, the incoming administration graciously agreed to meet with Senators, and spent a good deal of time explaining to Republicans last night how they plan to use these funds. I want to express publicly our appreciation for their time and for their efforts.

After last night's conversation, Republicans asked for one more thing: a

public assurance from the incoming administration that these funds would be used in a manner consistent with the original purpose of the TARP. And, today, the incoming administration again graciously responded to our request by providing a letter of intent for the second round of TARP funds.

I want to be very clear that I appreciate the incoming administration's assurance in that letter that these funds for the original purpose of stabilizing the economy and preventing a systemic economic collapse—they agree that is what the funds were for. However, the incoming administration also indicated it would use the money in ways I cannot support.

The letter explicitly states that they will pursue a policy of "cram down," both by amending the bankruptcy laws and by forcing banks that receive TARP funds to write down mortgages. This will result in higher mortgage rates for everyone who seeks a home loan.

The letter states that the Federal Government will require banks that receive TARP funds to make loans—require banks to make loans. And while we want banks to resume lending, forcing them to make loans is exactly how this crisis started in the first place. We need to show that we have learned from past mistakes.

The letter also states that participating firms will need Federal approval before issuing dividends. I fear this will hamstring their ability to raise capital and thus perpetuate their dependence on Federal funds. We should encourage firms to raise private money, but that will be impossible if they cannot promise investors a return on investment.

Again, I do want to express my appreciation to the incoming administration for its responsiveness to Republican concerns. Every time we asked a question, it was promptly answered. So far, Republican interactions with the incoming administration have been quite encouraging and appreciated. While I voted on the losing side, I hope the new administration will consider some of my concerns and our concerns on this side. We hope their stewardship of these funds is successful in stabilizing the markets according to the original purpose of the TARP, and we will continue to work with them to strengthen our Nation's economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 12 minutes, and that following my remarks the Senator from Georgia be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I also ask unanimous consent that my statement be printed in the RECORD prior to the previous vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY and Mr. ISAKSON are printed in today's RECORD during the consideration of S.J. Res. 5.)

Mr. ISAKSON. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

COMMITTEE ASSIGNMENTS

Mr. REID. Mr. President, over the course of the past several months, we have been working to complete negotiations on making our committee assignments so that all the new members will be able to attend committee meetings and be active participants. In some instances, I understand that chairmen have invited new Members to attend meetings and be involved in the process.

I am happy to report that earlier this week, the Republican leader and I agreed to what the committee ratios will be for the 111th Congress. This process of give and take is tedious, and the giver always feels that they have given more, while the taker believes that they deserve more. We had to increase the size of some of the committees during these deliberations. In any event we have reached agreement on ratios, and I ask unanimous consent that a copy of that agreement be printed in the RECORD.

Committee Ratio Agreement

Agriculture	12/9
Judiciary	11/8
Appropriations	17/13
Intel	8/7
Armed Services	15/11
Aging	12/9
Banking	12/9
Budget	13/10
Commerce	14/11
Indian Aff	9/6
Energy	13/10
JEC	6/4
EPW	11/8
Rules	11/8
Finance	13/10
Small Bus	11/8
For. Relations	11/8
Veterans	9/6
HELP	13/10
Homeland	10/7

(Ethics Committee remains at 3/3)

Mr. REID. With respect to the Democratic membership, we have had a meeting of our Democratic Steering Committee and they have ratified the proposed membership slate. Additionally, the Democratic Caucus has also given its stamp of approval to the slate.

Therefore, Mr. President, the majority is ready to proceed ahead with Senate action on considering an organizational resolution which appoints committee membership. However, I understand from the Republican leader that they still need to complete their process. So, I fully expect that when we return after the inauguration, the Senate will act on an organizational resolution.

COMMITTEE FUNDING

Mr. McCONNELL Mr. President. We have included language for the 111th Congress which keeps Republican Committee budgets from going below the funding allocation for fiscal year 2008.

Upon enactment of a full year appropriation for the legislative branch, the Rules Committee has agreed to authorize \$100,000,000 annually for committee majority and minority staff salary baselines to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively, during the 111th Congress.

Additionally, upon the enactment of a full year appropriation for the legislative branch, the authorization will provide for salary baselines to be adjusted by future cost-of-living adjustment, COLA, increases as approved by the President Pro Tempore of the Senate. Further, the majority leader and the chairman of the Rules Committee have agreed that 89 percent of special reserves is available to each chair/ranking member for administrative expenses, if requested, to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively. Special reserves, which have been available to committees since 2001, shall not exceed historic levels.

While fiscal constraints have made this process very difficult, I appreciate the good faith effort made by the majority leader to fulfill the commitment we entered into at the beginning of the 110th Congress to keep minority staff salary baselines from going below funding levels allocated to the Republicans in the 109th Congress. The agreement we have reached provides the ability for minority committee budgets to be funded no less than the allocation in the 110th Congress.

Mr. REID. I concur with the remarks of the Republican leader. The baseline was not reduced for Democratic staff in the 108th Congress and this agreement allows for a similar accommodation for the Republicans in the 111th Congress.

I ask unanimous consent that a joint leadership letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We mutually commit to the following for the 111th Congress:

Upon enactment of a full year appropriation for the legislative branch, the majority and minority staff salary baselines for the

committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned at a 60 percent to 40 percent ratio, majority/minority respectively, based on an authorization of \$100,000,000 annually. Additionally, upon enactment of a full year appropriation for the legislative branch, the authorization will provide for salary baselines to be adjusted by future cost of living adjustment, COLA, increases as approved by the President Pro Tempore of the Senate. Further, the majority leader and the chairman of the Rules Committee have agreed that 89 percent of special reserves is available to each chair/ranking member for administrative expenses, if requested, to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively.

This will allow individual minority committee funding levels to remain unchanged, if special reserves are requested. Therefore, no committee budget shall be allocated to reduce the minority committee budget below that of fiscal year 2008.

Funds for committee expenses shall be available to each chairman consistent with the Senate rules and practices of the 110th Congress.

The chairman and ranking member of any committee, may, by mutual agreement, modify the apportionment of committee funding, and/or space.

The division of committee office space shall be commensurate with the 60 percent to 40 percent ratio.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. DODD. Mr. President, I rise today to commend the Senate for its passage of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Amendments Act, which was included as part of S. 22, the Omnibus Public Land Management Act of 2009. First, I would like to thank Senators LIEBERMAN, KERRY, and KENNEDY, who joined me in introducing a stand-alone version of this bill last week and have worked with me for many years to preserve this beautiful part of New England. I would also like to thank the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, for his tireless work to pass all of the critically important public lands bills included in S. 22. Because of his efforts, hundreds of thousands of acres of pristine wilderness will be added to the National Wilderness Preservation System, and many new ecologically unique and culturally significant sites will receive Federal protection under the National Wild and Scenic Rivers System, the National Trails System, and the National Heritage Area program.

I have long felt that as Senators, one of our most important obligations is to ensure that our Nation's vast array of natural treasures is managed in an environmentally responsible and sustainable way. With the passage of S. 22, and in particular, with the extension of Congress's authorization of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, I believe that we have taken an important step toward achieving that goal.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, QSHC, was established in 1994 as the fifth National Heritage Corridor. National Heritage Areas are designated by Congress to preserve distinctive landscapes of historic, cultural, natural, and recreational resources. The QSHC is commonly known as "The Last Green Valley," a rare and beautiful rural landscape in the populous Northeast. In fact, the Valley stands out in night images from space for its absence of lights. It contains aboriginal and colonial archaeological sites, mills and mill villages that preserve the history of the early industrial revolution, and traditional farming communities. The QSHC nonprofit management entity has restored architecturally and historically important buildings, developed conservation and open space plans, and fostered cooperation among businesses in the region that rely on the natural resources and beauty of the land. It has consistently leveraged an average of \$19 for every \$1 of appropriated Federal money.

The QSHC has developed a plan to become a self-sustaining entity by 2015, as laid out in "The Trail to 2015: A Sustainability Plan for the Last Green Valley." The plan calls for replacing Federal funds with fees for services, private and corporate support, and income from a permanent fund. In the interim, Federal funds are necessary for capacity-building, awareness programs, and ongoing education of land-use decision-makers.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor has created a collaboration of 35 municipalities dedicated to preserving a unique slice of our American heritage. With the extension of its authorization, this preserve will be able to exist in perpetuity. Again, I would like to thank my Senate colleagues for their support of the QSHC and the numerous other sites of great natural and cultural significance that will be protected as a result of the passage of this important legislation.

VOTE EXPLANATION

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote against final passage of S. 22, the Omnibus Public Land Management Act of 2009. I would like to be clear that I do

not oppose every aspect of this bill, nor do I oppose the notion that our Nation's most unique and precious natural features should be protected for the use and enjoyment of future generations. As with many large omnibus bills, there are a number of provisions that enjoy strong support in the Senate. However, taken as a whole, this bill represents an enormous commitment of federal resources in perpetuity that we simply cannot afford at this time. For years, our existing national parks, wildlife refuges, and other public lands have been faced with a backlog of much-needed maintenance projects because we have not had the resources to do everything that needs to be done along with competing budget priorities. Now, in the midst of an economic downturn and on the eve of considering an historically large economic stimulus package, the strain on Federal budgets has rarely been greater. In light of this fact, it is intellectually dishonest to promise to the American people that the Federal Government will protect and maintain additional Federal lands when we know that we are not even able to fully keep our current commitments. For that reason, I felt it necessary to vote no on this bill at this time.

COMMITTEE ON FINANCE, RULES OF PROCEDURE

Mr. BAUCUS. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the revised rules of the Committee on Finance for the 111th Congress, adopted by the committee on January 15, 2009. I ask unanimous consent that the rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE I. RULES OF PROCEDURE

(Adopted January 15, 2009)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed,

no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to

serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. Open Committee Hearings.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. Announcement of Hearings.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. Audiences.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. Broadcasting of Hearings.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. Subcommittees.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to non-revenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full

committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. Transcripts of Committee Meetings.—An accurate record shall be kept of all mark-ups of the committee, whether they be open or closed to the public. A transcript, marked as “uncorrected,” shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript;

and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. Amendment of Rules.—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) **Committee on Finance**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The

rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept se-

cret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

CRISIS IN GAZA

Mr. COBURN. Mr. President, when President Obama is sworn into office next week, he will inherit an extremely complex and challenging crisis in the Middle East. Since Israel commenced military operations in Gaza to defend its citizens against rocket attacks more than 1,000 have died in Gaza, many of them civilians, while 13 Israelis have died. In spite of this carnage, Hamas refuses to surrender and continues to fire rockets into Israel. No clear resolution is in sight.

As a practicing physician, I find this conflict heartbreaking. Israelis live in constant fear that a rocket attack will snuff out an innocent life. Families in Israel go to bed at night wondering if a rocket will slam into their home. At the same time, Palestinians have nowhere to run from a terrorist organization that uses its own civilians as human shields.

While we all mourn the loss of innocent life, the world must recognize that Hamas deliberately created a situation in which Israel was forced to respond as any sovereign nation would while under attack. Israel, and every nation, has the right to self-defense.

What makes Hamas's actions particularly abhorrent and barbaric is the fact that they are making decisions, I believe, based on a perverse political calculation. While publicly condemning Israel, Hamas's leaders and sympathizers in Iran and elsewhere privately welcome the suffering of the Palestinian people as a political opportunity. Hamas knows better than anyone that virtually every area of the densely populated Gaza strip is a civilian area. In Gaza, refugees have no place to seek refuge. The terrible unin-

tended consequences and loss of civilian life we've seen in Gaza is part of Hamas's design and goal.

The United States and the next administration can play an important role in preventing Hamas from achieving its goals. What many on both sides long for is not just the cessation of violence but a real, lasting and durable peace. Some believe this is impossible, but it is in the interest of all sides to work toward this goal.

I trust President-elect Obama will avoid the false choice between unapologetically defending Israel's security and creating hope and opportunity for people on both sides of the conflict who want the same degree of freedom, peace and opportunity for themselves and their children. As Israel's most important ally, the United States should never waver in our commitment to Israel's security. The strength of that assurance is itself one of our most important contributions in the region because it creates the security and stability that are a prerequisite for meaningful negotiations.

At the same time, we enhance security in the region by assuring Palestinians in Gaza with our words and actions that they are not forgotten and that we hear their calls for peace and an end to violence. I've delivered 4,000 babies and I grieve with the pregnant women in Gaza who are being turned away at hospitals because their own leaders have held their lives and the lives of their children in contempt. The next administration can legitimize and support those mothers' pleas for peace while condemning and marginalizing Hamas's tactics of terror.

I believe President-elect Obama has the judgment and temperament to not only maintain our vital support of Israel, but to also create hope in the region and help Palestinians embrace alternatives to Hamas's brand of violence and despair. He will have my prayers and support and I hope he can have the prayers and support of the American people as he confronts this difficult challenge.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will

be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Well, gas prices have a direct impact on my driving habits. I have been trying to use the public bus at least twice a week to get to work. It takes me about 35 minutes more each way, but if I plan my after work errands needing a car for one day, then I can bank that extra time for the bus ride. I'm lucky to live in Boise where there is some type of public transportation. My husband works the night shift in Meridian, so he is forced to use the car. The cost of food is a shocker, but again, fuel costs have contributed to that also. There are more of the basic and less of the goodies at the checkout. I do not think our family will be flying anytime soon, and if we vacation somewhere besides home, it will still be within a short day's drive. All in all, I worry more about those families who were barely surviving before, what will become of them now?

I think it is important to give tax breaks to companies, small or large, who want to develop alternative energy technologies. There are a great number of really smart people out there, I saw a man who could burn salt water and create enough energy to light a bulb. And how about the farmer who did something to his engine (in his garage workshop) to get 80 MPG. It is especially important to keep this technology and the subsequent jobs it brings here in the United States. If congress won't address these issues in a timely way, countless other countries will once again, get the jobs. And continue to give taxpayers incentives through tax breaks for purchasing fuel efficient cars, energy saving appliances, solar heating, etc. My family would purchase these products, but the cost is often prohibitive. There are hungry buyers just waiting and the cost will come down as more products are sold. It just needs a jumpstart with federal funding, then it will take off on its own. Do not do anything to lessen the impact of gas prices. Only with higher prices will habits change and new technologies emerge. The lesson is hard, but the end result will be worth it. Get rid of government supported Ethanol—it takes as much energy to make the stuff compared to what it saves.

And, let us build those super fast trains to at least run along the cities on the Eastern and Western coasts. Again, more jobs building trains, maintaining equipment, contributing to a better economy. We can either spend tax money on more roads for more gas eating cars or supplementing energy efficient systems, good for the environment, the economy and the pocketbook.

We took Amtrak from Portland to Seattle, it was \$29, but again it took 3 hours! What if it took 45 minutes? There were many business people on board, I think more people would be willing to use this type of transportation if it was timely. Time is money these days. And please give more money to small urban cities like Boise to develop light rail systems. The intercounty van ridership from

Caldwell and Nampa to Boise has become so popular. ValleyBUS is adding more vans to the routes. A light rail system would work in the Boise Valley. And replace the aging buses. In the month I have ridden the bus, I have experienced at least two breakdowns. The buses are purchased used and these are so old, parts are very hard to come by. And allow some drilling and mining, I heard it will be 7–10 years before a domestic supply will be available, so it will not be the cure some think it will be. Do not allow exemptions which were originally for farm vehicles to be expanded to include cars with a like build, like Hummers. That is cheating. Make the car companies raise the MPG even higher. I read that China has tougher rules for gas mileage than we do. And, the American people are going to have to make hard choices. Cheap fuel is never going to happen again, at least not for years. We ignored the warnings during the Carter years, when gas prices were high; we need to change our enormous appetites for oversized everything, from cars to houses to McDonalds. We would all be better off to bike, walk and move to smaller houses where families actually live in the "living" room and see each other. I grew up with one car for our entire family! Could that happen in American society today? I doubt it. Maybe it is time we Americans face the consequences of our greed. It could be a humbling lesson, something we might just need.

And, to pay for all this? Get out of Iraq and rebuild the United States of America. You cannot make a democracy with just an election. Our own great country functioned without a strong federal government or President for some 10 years after defeating the British. I think it was luck we became the greatest democracy ever, but lots of hard work to stay that way. Is Iraq able and willing to do the hard work? I do not think it is possible. We destroyed the stability in the Middle East and now it is a worse mess for our meddling. Do not allow another son or daughter or sister or brother or husband or wife to be killed, let them come home.

DONNA LAM, Boise.

Hello Senator Mike Crapo, I am a 29 year old, single woman that is trying to do things right. I have owned my home for four years and have worked in dialysis for 5½ years. I have not gone grocery shopping in two months. I am getting where my payments are getting later and later. I do not know how people are surviving. The cost of gas, groceries, and everyday living keeps going up, but the income that we bring home does not change. I go to work and come home, I do not do anything above and beyond because I am afraid of losing everything that I have worked so hard for. I am afraid that if something is not done soon, that I am going to start loosing everything I have worked for. I used to spend about \$30.00 for gas a week now it is almost \$70.00. I live in Emmett in the city limits and the water is horrible, so I have to buy water just to drink (it turned my cat dish black). I have complained to the city but it is going on 1 year of having to buy water. Everything cost, what are the citizens expose to do?

Thank you for your time,

ALYSSA QUENZER.

This is in response to your request for citizens to "share your energy stories."

Here are some of the results I am observing, of gas being more expensive: Traffic is (slightly) down on the overcrowded roads in and around Boise. People are getting rid of

their gas-guzzlers and getting more economical modes of transportation. People are making more responsible transportation choices. (Dare I say it? Might they even consider carpooling, or utilizing public transportation?) Air pollution is down. There is some real market-driven innovation going on, in the automotive world.

In other words, the results of higher fuel prices are not all negative! Please think long and hard before getting the government more involved! (In the past, it has not always had the desired effect.)

If you could figure out some way to give the freight industry some relief, that would be a good thing. But let the free market run its course with regards to personal transportation, I say. If our economy is based on every citizen 16 and over having a private motor vehicle and unlimited access to cheap fuel . . . it is a house of cards.

Like everybody else, we in my family are affected by rising fuel prices, and are needing to be more responsible with our transportation. Is that a bad thing?

(Full disclosure: I've been a dedicated user of bicycle transportation since 1986. Gas was 97 cents back then. It makes even more sense in 2008 for my fellow citizens to seriously consider their own transportation choices, than it did back in 1986.)

Thanks for your attention.

STEVE HULME, 4TH-GENERATION

TAXPAYING IDAHO CITIZEN, Boise.

My biggest concern is the lack of balance with the cost of living and the working wages. Cost of living is increasing faster than employers/corporations are able (or willing) to keep up with. I am very worried about the near future. With two kids to raise, trying to keep them involved in sports and other extra-curricular activities is becoming more of a challenge. I do not want to be forced to make a decision of gas in the car to get my kids to and from or my children's well-being.

What Americans want are politicians who do what they say they will do. Not empty promises to get into office. At what cost does it come? Our children, our future.

Why do these power companies continue to get approvals for price increases? Who is benefiting from this? If the Government doesn't think we are in a recession now, just wait, it is just around the corner. I know for my family as well as many other families, spending is no longer frivolous, let us-treat-ourselves-for-our-hard-work spending, it is thought through heavily. We have no choice.

With the wealth of our country, there should not be the amount of homeless (or soon-to-be) people due to lack of money/resources to keep a roof over their heads and food on the table. I am ashamed at the direction our country has taken. Now I see it only getting worse.

I was visiting with a fellow co-worker today who helps feed those not necessarily homeless but left with little to no money left after paying bills at the end of the month for food. She collects food like a shelter, from local businesses, then disburses the food accordingly. In just two weeks time, the number of people she serves/helps went from 92 to 120. Unfortunately she was unable to help them all, not enough food due to a decrease in donations.

Something has got to give and it should no longer be the American people/families! Instead, we need to be at the receiving end. Help our own in this country to survive.

A VERY CONCERNED MOM.

Good day Mike, my story is: I am a 50 year old disabled woman; my income is social security of 671.00 plus an arrears child support

order from 1992 in which I receive 201.00 a month in 50.34 weekly payments. I am almost over the limit for Idaho Medicaid and am what is called the QM plan. I have no dental and no vision. Part D helps with prescriptions and Medicare pays some. I am eligible for about 10.00 in food stamps which I do not collect because at my last recertification, I just could not justify the gas and time for the 10.00 that really is not that helpful. It has been a very cold winter; my energy cost in the trailer I own and only pay lot rent for [cheap housing], have made my life very hard; I have had to choose between power and food for months since October to be exact, my electric and gas have been between 250.00 & 300.00, finally my energy due on the 20th of June is 107.00, last year it was 65.00 or so this time of year. I have a 20 year old daughter that lives at home and goes to LCSC full time thank you Lord for grants and loans. I cannot remember the last time I went to the grocery store and bought food, we live out of food banks and milk has become a luxury, from Walmart. Our 2 dogs' food comes from the humane society. My car is always on empty; 2.5 gallons of gas is 10.00. Please help us up the food stamp limit; disabled people should not have to worry about food, how about a fixed amount for disabled people comparable to their income, lower energy prices, fixed prices for energy to heat disabled people's homes. I do not mind paying my own power but up to or over ½ of my monthly income. Help. Thank You:

DEB.

As a solution to today's obscene fuel prices, a lot of people talk about expanding domestic production. What nobody realizes is that the same people who would be drilling for and producing this oil are the same people who are currently holding us up at the pump. Think about it: If Chevron/Texaco can sell us gasoline at \$4.00 a gallon, does it make sense for them to invest millions (probably billions) of dollars in the exploration and production of increased oil supplies so in order to sell us gasoline at \$2.50 a gallon? Spend money to reduce profits? If Ford were selling all the new F-150 pickups they could produce for \$30,000 each, would they spend billions to expand their assembly line so they could sell 25 percent more trucks for \$22,500 each? Of course not, they would keep the price at \$30,000 and enjoy the increased profits. And the oil companies will do the same thing. Increasing oil supplies will only give the big oil companies more oil to sell at \$120 a barrel and will not drive the price at the pump down one bit.

There's no competition in the oil industry, the regulating bodies have allowed too many mergers resulting in a few super-companies that are all in bed together. The only way you could make an idea like dramatically expanding domestic production work is if you started a completely new, independent company to find and extract the new oil, then build new refineries to turn it into a usable product, then build an entirely new distribution infrastructure to get the product to the consumers. That would cost trillions of dollars and it will never happen.

Gasoline costs \$4.00 a gallon because we are still buying it at \$4.00 a gallon. That is the simple truth. Our country's entire infrastructure depends on gas and diesel engines in cars, trucks, planes, and ships to get products and people from Point A to Point B. And I will be the first one to admit, I am not prepared to quit driving my car, so I am as much a part of the problem as anyone. But short of a federal cap on consumer gasoline

and diesel fuel prices, competition and reduced demand are the only things that will drive down the price of retail gasoline. Until that happens, we are just hosed.

CARL BLOOMQUIST, *Nampa*.

First I would like to thank you for taking the time to listen to the people on this subject.

Our brief story: 6 months ago we had two cars and a truck. We could not afford to drive the truck any longer so we sold it and paid off one of our cars. That helped for a while but the gas prices kept creeping up. I work downtown and we are fortunate enough to live close to a bus route. Now I pay \$36.00 for a monthly Valley Ride pass and I ride the bus every day. That takes an additional hour of time a day but now we save close to \$100.00 a month in gas by doing that. But the gas prices are still climbing and might reach \$5.00 per gallon. Now we have two cars and one sits in the driveway. So now we are thinking seriously about selling the car that is paid off and paying down the loan on the other car. I am also thinking seriously of buying a bicycle and gearing up to commute on a bicycle to work. This will help me get in shape as well as help keep the environment clean.

So . . . In a matter of a few months we went from three vehicles down to (most likely) one vehicle and riding bicycles. We are sick and tired of the prices (fuel and food) continuing to creep up and refuse to put up with it anymore.

We want to make a trip to Bend Oregon to visit our grandchildren but we cannot afford to do that this month. We will have to save another \$100 and do that at the end of next month. We all work too hard to "try" and make ends meet to have to make decisions between gasoline and grandchildren.

So maybe someone will hear our story and something can be done about this.

Thank you again for listening.

MICHAEL VISCETTO.

I strongly disagree with your stand on the climate change bill that recently was defeated in filibuster action recently. I was very disappointed in your vote. These are measures that need to be made for our environment, and for our economy.

Trying to open federal wildlife reserves to more drilling is not the answer. There is not enough oil there to make a difference in the world price of oil and gas. (And I say this as someone who owns lots of stock in oil, gas, and oil service industry companies.) We instead need to focus on making alternative, non-CO₂ emitting fuels. I do agree with your support for nuclear energy, solar and wind power. With the coming development of electric powered vehicles, these will greatly decrease the use of gasoline, which is the best way to bring about a price drop—which will make a climate change bill that much more important.

MITCH LONG, *Boise*.

Not sure where to begin. It is very hard for us to live right now with both the cost of fuel rising, and the cost of food rising. My husband served this country for 22 years in the Military until he became injured, and was unable to do his duties anymore as a military man. He went back to school, thanks to the VA, and is now a board certified respiratory therapist. He is still looking for a job at this point and time. I have faith he will find one soon because we live payday to payday, and there are times when we do not have enough to pay the bills we

have because I went to the store, or put gas in my car. So I also have to make a choice as to put gas in the car, or go to the grocery store. But you have to have gas in the car to get to the store. Living off of potatoes, and macaroni cheese is getting old. And every where you look there are commercials telling you to eat right. How can a person eat right when you can't afford the food in the first place? Plus with all of my doctor bills and the amount of medication I am on does not help either. I struggle everyday wondering what am I going to feed my family today, and I wonder what is really going to happen to us.

TAMMY.

Rather than a story I would like to offer a suggestion. My suggestion is that Congress should put in place requirements for oil companies to begin placing hydrogen fueling options at their stations nationwide. Consumers should be offered incentives for purchasing H cell cars. Oil needs to be used as a lubricant not a pollutant.

Thank you for your efforts.

CATHY JONES.

ADDITIONAL STATEMENTS

TRIBUTE TO CARTER INDUSTRIES, INCORPORATED

• Mr. BUNNING. Mr. President, today I pay tribute to Carter Industries for their recent accomplishment.

Carter Industries was recently awarded the Defense Logistics Agency's, DLA, Business Alliance Award for Outstanding Readiness Support in the Historically Underutilized Business Zone Small Business Category. This agency provides logistics support for our military as well as other non-military agencies. Carter Industries plays a very important role in the DLA's ability to provide clothing to our men and women serving domestically and abroad. Specifically, they provide coveralls for flyers and combat vehicle crewmen, which protect them from fire related injuries. Since 1996, they have manufactured military clothing in a timely fashion have consistently been dependable for our military. Located in Olive Hill, KY, in the eastern part of my State, Carter Industries also provides valuable jobs for Kentuckians in their efforts to support our men and women in uniform.

I now ask my colleagues to join me in congratulating Carter Industries for their recent achievement and commitment to our military. They deserve proper recognition for their service to our great Nation.●

TRIBUTE TO DR. ROBERT J. SMITHDAS

• Mr. SCHUMER. Mr. President, I rise to pay tribute to an inspirational New Yorker, Dr. Robert J. Smithdas, on the occasion of his retirement as Director of Community Education at the Helen Keller National Center for Deaf-Blind Youths and Adults, HKNC, in Sands Point, LI.

At the age of four, Dr. Robert J. Smithdas contracted meningitis, which resulted in the total loss of his vision and, over a short period of time, the total loss of his hearing. After graduating Perkins School for the Blind in Watertown, MA, in 1945, he was accepted for training at the Industrial Home for the Blind, IHB, located in Brooklyn, NY, and received a fellowship to attend St. John's University in New York. He received his BA degree cum laude in 1950, and 3 years later became the first person who is deaf-blind to earn a master's degree, receiving this distinction at New York University where he specialized in vocational guidance and rehabilitation for people with disabilities. Dr. Smithdas is also the recipient of four honorary Doctoral degrees from: Gallaudet University, Western Michigan University, Mount Aloysius College and, his alma mater, St. John's.

Dr. Smithdas continued his work with important and significant contributions in the field of rehabilitation, having successively occupied important management positions at the IHB, including that of associate director of services for the deaf-blind in charge of overall client services.

Along with Helen Keller and Peter Salmon, Dr. Smithdas played a vital role in the development of legislation enacted as part of the Vocational Rehabilitation Act. The act authorized the establishment of the Helen Keller National Center, which is operated by Helen Keller Services for the Blind under an agreement with the U.S. Department of Education's Office of Special Education and Rehabilitation Services.

A true "Renaissance man," Dr. Smithdas' numerous national awards include being named the Poetry Society of America's "Poet of the Year," 1960-61, "The Handicapped American of the Year," 1965, by the President's Committee on Employment of People Who Are Disabled and inducted into the National Hall of Fame for Persons with Disabilities, 1988. He has served on many national committees and boards whose emphasis is directed towards rehabilitation services. He and his wife, the former Michelle Craig, an instructor at the Helen Keller National Center and also deaf-blind, have appeared on nationally broadcast television and radio programs.

Dr. Smithdas has lectured widely and fascinated countless audiences with the recounting of his own adjustment to deaf-blindness while working to improve opportunities for others to lead full and productive lives. On behalf of all New Yorkers, I feel privileged to have the opportunity to commend the outstanding achievements of Dr. Smithdas.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON JANUARY 23, 1995, WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic

sanctions against them to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, January 15, 2009.

2009 NATIONAL DRUG CONTROL STRATEGY—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To The Congress of the United States:

I am pleased to transmit the 2009 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 900,000 fewer American teens are using drugs. The Access to Recovery program alone has extended treatment services to more than 260,000 Americans. Through law enforcement cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

Our work is by no means complete—we must build on these efforts both to further reduce drug use and to rise to new challenges. I thank the Congress for its support and ask that it continue to support this critical endeavor.

GEORGE W. BUSH.
THE WHITE HOUSE, January 15, 2009.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON MUTUAL FISHERIES RELATIONS—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation Extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1988, with annex, as extended (the "Mutual Fisheries Agreement"). The present Agreement, which was effected by an exchange of notes in Moscow on March 28, 2008, and September 19, 2008, extends the Mutual Fisheries Agreement until December 31, 2013.

In light of the importance of our fisheries relationship with the Russian Federation, I urge that the Congress give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. DEMINT):

S. 251. A bill to amend the Communications Act of 1934 to permit targeted inter-

ference with mobile radio services within prison facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY):

S. 252. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Mr. CORKER):

S. 253. A bill to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 254. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):

S. 255. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. REID, Mr. DURBIN, Mr. MCCONNELL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mr. INHOFE, Mrs. MCCASKILL, Mr. KERRY, Mr. BAYH, Mr. ALEXANDER, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL):

S. 256. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):

S. 257. A bill to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. BAYH):

S. 258. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. DODD, Mr. CASEY, Mr. INOUE, Mr. LIEBERMAN, Mr. AKAKA, Ms. COLLINS, Mrs. MCCASKILL, and Mr. TESTER):

S. 259. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. BROWN, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. KOHL, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 260. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 261. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mr. CASEY:

S. 262. A bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. CASEY (for himself and Mr. KENNEDY):

S. 263. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. STABENOW:

S. 264. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid program and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mrs. MCCASKILL (for herself and Mr. CORKER):

S. 265. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. KOHL, Mr. KERRY, Mr. JOHNSON, and Mrs. BOXER):

S. 266. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 267. A bill to provide funding for summer and year-round youth jobs and training programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Build Green Grants, and Green-Collar Youth Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW):

S. 269. A bill to provide funding for unemployment and training activities for dislocated workers and adults, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. NELSON of Nebraska):

S. 270. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. HATCH, Mr. KERRY, Mr. ALEXANDER, Ms. STABENOW, and Mr. NELSON of Florida):

S. 271. A bill to amend the Internal Revenue Code of 1986 to provide incentives to accelerate the production and adoption of plug-in electric vehicles and related component parts; to the Committee on Finance.

By Mr. HARKIN:

S. 272. A bill to amend the Commodity Exchange Act to ensure that all agreements,

contracts, and transactions with respect to commodities are carried out on a regulated exchange, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. BROWN (for himself and Mr. VOINOVICH)):

S. 273. A bill to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the "Ralph Regula Federal Office Building and Courthouse"; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 14. A resolution to provide funding for Senate staff transitions; considered and agreed to.

ADDITIONAL COSPONSORS

S. 84

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 84, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 85

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 95

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 95, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 96

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 98

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 98, a bill to impose admitting privilege requirements with respect to physicians who perform abortions.

S. 154

At the request of Mr. ENSIGN, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 154, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 162

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes.

S. 166

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Florida (Mr. MARTINEZ) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 166, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 225

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 225, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 238

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 238, a bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes.

S. 247

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 247, a bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation.

S. 250

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were

added as cosponsors of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY):

S. 252. a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation which is drawn in large measure from S. 2969, the proposed Veterans' Health Care Authorization Act, as reported by the Committee on Veterans' Affairs last Congress.

VA faces a looming shortage of health care personnel. Without concerted and timely action, this situation will only worsen in the years ahead. This is especially true as more Iraq and Afghanistan veterans return home injured and in need of new and specialized care. In order to avert this problem, VA must be able to offer competitive salaries, work schedules, and benefits. The provisions in the bill I am introducing will allow VA to recruit and retain nurses, home health aides, and specialty care providers.

This bill also contains measures that would improve the efficiency of health care delivery to veterans, including a number of pilot programs designed to help VA find new and innovative ways to deliver better, faster, and more comprehensive treatment.

Women make up an ever growing percentage of the Armed Forces. As such, they are also making up an ever growing percentage of the veteran population. While there have been efforts over the years to address the unique needs of women veterans, there is much more that VA might do. To that end, there are provisions in this bill to address current shortcomings and help VA better respond to the increased demand for care from women veterans. I particularly thank Senator MURRAY for her leadership on this issue.

One of the most troubling and difficult challenges of warfare, which can be seen particularly in the current conflicts in Iraq and Afghanistan, is diagnosing and treating those who suffer from the invisible wounds of war. The lack of understanding of these injuries, the stigma associated with them, and many other factors make effective treatment difficult. Last Congress, legislation I authored, the Veterans Mental Health and Other Care Improvements Act, was enacted as Public Law

110-387. This Congress, I seek to improve upon those advances, and to continue to provide accessible, cutting-edge care for those afflicted with invisible wounds. This bill would expand eligibility and authority for the Vet Centers to provide needed services, and would commission a comprehensive study on suicides among veterans so that we can improve efforts to prevent such tragedies.

This bill will also provide support for homeless veterans through a proposed series of innovative pilot programs. These programs are designed to significantly improve VA outreach to these veterans, in order to help them access the benefits and services provided by VA.

I look forward to working with all of our colleagues to bring this legislation to the full Senate for consideration early in this Session. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Health Care Authorization Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

Sec. 101. Enhancement of authorities for retention of medical professionals.

Sec. 102. Limitations on overtime duty, weekend duty, and alternative work schedules for nurses.

Sec. 103. Improvements to certain educational assistance programs.

Sec. 104. Standards for appointment and practice of physicians in Department of Veterans Affairs medical facilities.

TITLE II—HEALTH CARE MATTERS

Sec. 201. Repeal of certain annual reporting requirements.

Sec. 202. Modifications to annual Gulf War research report.

Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.

Sec. 204. Payor provisions for care furnished to certain children of Vietnam veterans.

Sec. 205. Disclosures from certain medical records.

Sec. 206. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.

Sec. 207. Enhancement of quality management.

Sec. 208. Reports on improvements to Department health care quality management.

Sec. 209. Pilot program on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury.

Sec. 210. Pilot program on provision of respite care to members of the Armed Forces and veterans with traumatic brain injury by students in graduate programs of education related to mental health or rehabilitation.

Sec. 211. Pilot program on use of community-based organizations and local and State government entities to ensure that veterans receive care and benefits for which they are eligible.

Sec. 212. Specialized residential care and rehabilitation for certain veterans.

Sec. 213. Authority to disclose medical records to third party for collection of charges for provision of certain care.

Sec. 214. Expanded study on the health impact of Project Shipboard Hazard and Defense.

Sec. 215. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.

Sec. 216. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.

Sec. 217. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.

TITLE III—WOMEN VETERANS HEALTH CARE

Sec. 301. Report on barriers to receipt of health care for women veterans.

Sec. 302. Plan to improve provision of health care services to women veterans.

Sec. 303. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.

Sec. 304. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.

Sec. 305. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.

Sec. 306. Report on full-time women veterans program managers at medical centers.

Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.

Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.

Sec. 309. Care for newborn children of women veterans receiving maternity care.

TITLE IV—MENTAL HEALTH CARE

Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.

Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.

Sec. 403. Study on suicides among veterans.

Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.

TITLE V—HOMELESS VETERANS

Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.

Sec. 502. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.

Sec. 503. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.

Sec. 504. Pilot program on financial support of entities that provide transportation assistance, child care assistance, and clothing assistance to veterans entitled to a rehabilitation program.

Sec. 505. Assessment of pilot programs.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

Sec. 601. General authorities on establishment of corporations.

Sec. 602. Clarification of purposes of corporations.

Sec. 603. Modification of requirements for boards of directors of corporations.

Sec. 604. Clarification of powers of corporations.

Sec. 605. Redesignation of section 7364A of title 38, United States Code.

Sec. 606. Improved accountability and oversight of corporations.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.

Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) **SECRETARIAL AUTHORITY TO EXTEND TITLE 38 STATUS TO ADDITIONAL POSITIONS.**—

(1) **IN GENERAL.**—Paragraph (3) of section 7401 is amended by striking “and blind rehabilitation outpatient specialists,” and inserting the following: “blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

“(A) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate, the Committee on Veterans’ Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

“(B) Before submitting notice under subparagraph (A), the Secretary shall solicit comments from any labor organization representing employees in such class and include such comments in such notice.”.

(2) APPOINTMENT OF NURSE ASSISTANTS.—Such paragraph is further amended by inserting “nurse assistants,” after “licensed practical or vocational nurses,”.

(b) PROBATIONARY PERIODS FOR REGISTERED NURSES.—Section 7403(b) is amended—

(1) in paragraph (1), by striking “Appointments” and inserting “Except as otherwise provided in this subsection, appointments”;

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) An appointment of a registered nurse under this chapter, whether on a full-time basis or a part-time basis, shall be for a probationary period ending upon the completion by the person so appointed of a number of hours of work pursuant to such appointment that the Secretary considers appropriate for such appointment but not more than 4,180 hours.

“(3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period.”.

(c) PROHIBITION ON TEMPORARY PART-TIME REGISTERED NURSE APPOINTMENTS IN EXCESS OF 4,180 HOURS.—Section 7405 is amended by adding at the end the following new subsection:

“(g)(1) Employment of a registered nurse on a temporary part-time basis under subsection (a)(1) shall be for a probationary period ending upon the completion by the person so employed of a number of hours of work pursuant to such employment that the Secretary considers appropriate for such employment but not more than 4,180 hours.

“(2) Upon completion by a registered nurse of the probationary period described in paragraph (1)—

“(A) the employment of such nurse shall—

“(i) no longer be considered temporary; and

“(ii) be considered an appointment described in section 7403(a) of this title; and

“(B) the nurse shall be considered to have served the probationary period required by section 7403(b).”.

(d) WAIVER OF OFFSET FROM PAY FOR CERTAIN REEMPLOYED ANNUITANTS.—

(1) IN GENERAL.—Section 7405, as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(h)(1) The Secretary may waive the application of sections 8344 and 8468 of title 5 (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system on a case-by-case basis for an annuitant reemployed on a temporary basis under the authority of subsection (a) in a position described under paragraph (1) of that subsection.

“(2) An annuitant to whom a waiver under paragraph (1) is in effect shall not be considered an employee for purposes of any Government retirement system.

“(3) An annuitant to whom a waiver under paragraph (1) is in effect shall be subject to the provisions of chapter 71 of title 5 (including all labor authority and labor representative collective bargaining agreements) applicable to the position to which appointed.

“(4) In this subsection:

“(A) The term ‘annuitant’ means an annuitant under a Government retirement system.

“(B) The term ‘employee’ has the meaning under section 2105 of title 5.

“(C) The term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply to pay periods beginning on or after such effective date.

(e) RATE OF BASIC PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH SET TO RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Section 7404(a) is amended—

(A) by striking “The annual” and inserting “(1) The annual”;

(B) by striking “The pay” and inserting the following:

“(2) The pay”;

(C) by striking “under the preceding sentence” and inserting “under paragraph (1)”;

and

(D) by adding at the end the following new paragraph:

“(3) The rate of basic pay for a position to which an Executive order applies under paragraph (1) and is not described by paragraph (2) shall be set in accordance with section 5382 of title 5 as if such position were a Senior Executive Service position (as such term is defined in section 3132(a) of title 5).”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first pay period beginning after the day that is 180 days after the date of the enactment of this Act.

(f) COMPARABILITY PAY PROGRAM FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—Section 7410 is amended—

(1) by striking “The Secretary may” and inserting “(a) IN GENERAL.—The Secretary may”;

and

(2) by adding at the end the following new subsection:

“(b) COMPARABILITY PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—(1) The Secretary may authorize the Under Secretary for Health to provide comparability pay of not more than \$100,000 per year to individuals of the Veterans Health Administration appointed under section 7306 of this title who are not physicians or dentists and to individuals who are appointed to Senior Executive Service positions (as such term is defined in section 3132(a) of title 5) to achieve annual pay levels for such individuals that are comparable with annual pay levels of individuals with similar positions in the private sector.

“(2) Comparability pay under paragraph (1) for an individual is in addition to all other pay, awards, and performance bonuses paid to such individual under this title.

“(3) Except as provided in paragraph (4), comparability pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

“(4) Comparability pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

“(5) Comparability pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.”.

(g) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—Section 7410, as amended by subsection (f) of this section, is further amended by adding at the end the following new subsection:

“(c) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—(1) In order to recruit and retain highly qualified Department pharmacist executives, the Secretary may authorize the Under Secretary for Health to pay special incentive pay of not more than \$40,000 per year to an individual of the Veterans Health Administration who is a pharmacist executive.

“(2) In determining whether and how much special pay to provide to such individual, the Under Secretary shall consider the following:

“(A) The grade and step of the position of the individual.

“(B) The scope and complexity of the position of the individual.

“(C) The personal qualifications of the individual.

“(D) The characteristics of the labor market concerned.

“(E) Such other factors as the Secretary considers appropriate.

“(3) Special incentive pay under paragraph (1) for an individual is in addition to all other pay (including basic pay) and allowances to which the individual is entitled.

“(4) Except as provided in paragraph (5), special incentive pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

“(5) Special incentive pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

“(6) Special incentive pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.”.

(h) PAY FOR PHYSICIANS AND DENTISTS.—

(1) NON-FOREIGN COST OF LIVING ADJUSTMENT ALLOWANCE.—Section 7431(b) is amended by adding at the end the following new paragraph:

“(5) The non-foreign cost of living adjustment allowance authorized under section 5941 of title 5 for physicians and dentists whose pay is set under this section shall be determined as a percentage of base pay only.”.

(2) MARKET PAY DETERMINATIONS FOR PHYSICIANS AND DENTISTS IN ADMINISTRATIVE OR EXECUTIVE LEADERSHIP POSITIONS.—Section 7431(c)(4)(B)(i) is amended by adding at the end the following: “The Secretary may exempt physicians and dentists occupying administrative or executive leadership positions from the requirements of the previous sentence.”.

(3) EXCEPTION TO PROHIBITION ON REDUCTION OF MARKET PAY.—Section 7431(c)(7) is amended by striking “concerned.” and inserting “concerned, unless there is a change in board certification or reduction of privileges.”.

(i) ADJUSTMENT OF PAY CAP FOR NURSES.—Section 7451(c)(2) is amended by striking “level V” and inserting “level IV”.

(j) EXEMPTION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS FROM LIMITATION ON AUTHORIZED COMPETITIVE PAY.—Section 7451(c)(2) is further amended by adding at the end the following new sentence: “The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.”.

(k) LOCALITY PAY SCALE COMPUTATIONS.—

(1) EDUCATION, TRAINING, AND SUPPORT FOR FACILITY DIRECTORS IN WAGE SURVEYS.—Section 7451(d)(3) is amended by adding at the end the following new subparagraph:

“(F) The Under Secretary for Health shall provide appropriate education, training, and support to directors of Department health care facilities in the conduct and use of surveys, including the use of third-party surveys, under this paragraph.”.

(2) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS.—Section 7451(e)(4) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) In any case in which the director conducts such a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustment or adjustments.”.

(3) DISCLOSURE OF INFORMATION TO PERSONS IN COVERED POSITIONS.—Section 7451(e), as amended by paragraph (2) of this subsection, is further amended by adding at the end the following new paragraph:

“(6)(A) Upon the request of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department health-care facility, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

“(B) An individual described in this subparagraph is—

“(i) an individual in a covered position at a Department health-care facility; or

“(ii) a representative of the labor organization representing that individual who is designated by that individual to make the request.”.

(l) INCREASED LIMITATION ON SPECIAL PAY FOR NURSE EXECUTIVES.—Section 7452(g)(2) is amended by striking “\$25,000” and inserting “\$100,000”.

(m) ELIGIBILITY OF PART-TIME NURSES FOR ADDITIONAL NURSE PAY.—

(1) IN GENERAL.—Section 7453 is amended—

(A) in subsection (a), by striking “a nurse” and inserting “a full-time nurse or part-time nurse”;

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking “on a tour of duty”;

(II) by striking “service on such tour” and inserting “such service”; and

(III) by striking “of such tour” and inserting “of such service”; and

(ii) in the second sentence, by striking “of such tour” and inserting “of such service”;

(C) in subsection (c)—

(i) by striking “on a tour of duty”; and

(ii) by striking “service on such tour” and inserting “such service”; and

(D) in subsection (e)—

(i) in paragraph (1), by striking “eight hours in a day” and inserting “eight consecutive hours”; and

(ii) in paragraph (5)(A), by striking “tour of duty” and inserting “period of service”.

(2) EXCLUSION OF APPLICATION OF ADDITIONAL NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EMPLOYEES.—Paragraph (3) of section 7454(b) is amended to read as follows:

“(3) Employees appointed under section 7408 of this title performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee’s hourly rate of basic pay.”.

(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS FROM LIMITATION ON INCREASE IN RATES OF BASIC PAY.—Section 7455(c)(1) is amended by inserting after “nurse anesthetists,” the following: “licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5.”.

SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

(a) OVERTIME DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 74 is amended by adding at the end the following new section:

“§ 7459. Nursing staff: special rules for overtime duty

“(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not require nursing staff to work more than 40 hours (or 24 hours if such staff is covered under section 7456 of this title) in an administrative work week or more than eight consecutive hours (or 12 hours if such staff is covered under section 7456 or 7456A of this title).

“(b) VOLUNTARY OVERTIME.—(1) Nursing staff may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

“(2) The refusal of nursing staff to work hours prohibited by subsection (a) shall not be grounds to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-3(a))) against the staff, dismissal or discharge of the staff, or any other adverse personnel action against the staff.

“(c) OVERTIME UNDER EMERGENCY CIRCUMSTANCES.—(1) Subject to paragraph (2), the Secretary may require nursing staff to work hours otherwise prohibited by subsection (a) if—

“(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

“(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

“(C) the Secretary has exhausted all good faith, reasonable attempts to obtain voluntary workers;

“(D) the nurse staff have critical skills and expertise that are required for the work; and

“(E) the work involves work for which the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

“(2) Nursing staff may not be required to work hours under this subsection after the requirement for a direct role by the staff in responding to medical needs resulting from the emergency ends.

“(d) NURSING STAFF DEFINED.—In this section, the term ‘nursing staff’ includes the following;

“(1) A registered nurse.

“(2) A licensed practical or vocational nurse.

“(3) A nurse assistant appointed under this chapter or title 5.

“(4) Any other nurse position designated by the Secretary for purposes of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7458 the following new item:

“7459. Nursing staff: special rules for overtime duty.”.

(b) WEEKEND DUTY.—Section 7456 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) ALTERNATE WORK SCHEDULES.—

(1) IN GENERAL.—Section 7456A(b)(1)(A) is amended by striking “three regularly scheduled” and all that follows through the period at the end and inserting “six regularly scheduled 12-hour periods of service within a pay period shall be considered for all purposes to have worked a full 80-hour pay period.”.

(2) CONFORMING AMENDMENTS.—Section 7456A(b) is amended—

(A) in the subsection heading, by striking “36/40” and inserting “72/80”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “40-hour basic work week” and inserting “80-hour pay period”;

(ii) in subparagraph (B), by striking “regularly scheduled 36-hour tour of duty within the work week” and inserting “scheduled 72-hour period of service within the bi-weekly pay period”;

(iii) in subparagraph (C)—

(I) in clause (i), by striking “regularly scheduled 36-hour tour of duty within an administrative work week” and inserting “scheduled 72-hour period of service within an administrative pay period”;

(II) in clause (ii), by striking “regularly scheduled 12-hour tour of duty” and inserting “scheduled 12-hour period of service”; and

(III) in clause (iii), by striking “regularly scheduled 36-hour tour of duty work week” and inserting “scheduled 72-hour period of service pay period”; and

(iv) in subparagraph (D), by striking “regularly scheduled 12-hour tour of duty” and inserting “scheduled 12-hour period of service”; and

(C) in paragraph (3), by striking “regularly scheduled 12-hour tour of duty” and inserting “scheduled 12-hour period of service”.

SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS.

(a) REINSTATEMENT OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—Section 7618 is amended by striking “December 31, 1998” and inserting “December 31, 2014”.

(2) EXPANSION OF ELIGIBILITY REQUIREMENTS.—Section 7612(b)(2) is amended by striking “(under section” and all that follows through “or vocational nurse.” and inserting the following: “as an appointee under paragraph (1) or (3) of section 7401 of this title.”.

(b) IMPROVEMENTS TO EDUCATION DEBT REDUCTION PROGRAM.—

(1) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM.—Section 7681(a)(2) is amended by inserting “and retention” after “recruitment” the first time it appears.

(2) ELIGIBILITY.—Section 7682 is amended—

(A) in subsection (a)(1), by striking “a recently appointed” and inserting “an”; and
(B) by striking subsection (c).

(3) MAXIMUM AMOUNTS OF ASSISTANCE.—Section 7683(d)(1) is amended—

(A) by striking “\$44,000” and inserting “\$60,000”; and

(B) by striking “\$10,000” and inserting “\$12,000”.

(C) LOAN REPAYMENT PROGRAM FOR CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, utilize the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288–5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(2) and (3)).

(3) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans Affairs for the Veterans Health Administration for Medical Services.

SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE OF PHYSICIANS IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STANDARDS.—

(1) IN GENERAL.—Subchapter I of chapter 74 is amended by inserting after section 7402 the following new section:

“§ 7402A. Appointment and practice of physicians: standards

“(a) IN GENERAL.—The Secretary shall, acting through the Under Secretary for Health, prescribe standards to be met by individuals in order to qualify for appointment in the Veterans Health Administration in the position of physician and to practice as a physician in medical facilities of the Administration. The standards shall incorporate the requirements of this section.

“(b) DISCLOSURE OF CERTAIN INFORMATION BEFORE APPOINTMENT.—Each individual seeking appointment in the Veterans Health Administration in the position of physician shall do the following:

“(1) Provide the Secretary a full and complete explanation of the following:

“(A) Each lawsuit, civil action, or other claim (whether open or closed) brought against the individual for medical malpractice or negligence (other than a lawsuit, action, or claim closed without any judgment against or payment by or on behalf of the individual).

“(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

“(C) Each investigation or disciplinary action taken against the individual relating to the individual’s performance as a physician.

“(2) Submit a written request and authorization to the State licensing board of each State in which the individual holds or has held a license to practice medicine to disclose to the Secretary any information in the records of such State on the following:

“(A) Each lawsuit, civil action, or other claim brought against the individual for medical malpractice or negligence covered

by paragraph (1)(A) that occurred in such State.

“(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

“(C) Each medical malpractice judgment against the individual by the courts or administrative agencies or bodies of such State.

“(D) Each disciplinary action taken or under consideration against the individual by an administrative agency or body of such State.

“(E) Any change in the status of the license to practice medicine issued the individual by such State, including any voluntary or nondisciplinary surrendering of such license by the individual.

“(F) Any open investigation of the individual by an administrative agency or body of such State, or any outstanding allegation against the individual before such an administrative agency or body.

“(G) Any written notification by the State to the individual of potential termination of a license for cause or otherwise.

“(c) DISCLOSURE OF CERTAIN INFORMATION FOLLOWING APPOINTMENT.—(1) Each individual appointed in the Veterans Health Administration in the position of physician after the date of the enactment of this section shall, as a condition of service under the appointment, disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

“(A) A judgment against the individual for medical malpractice or negligence.

“(B) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed under paragraph (1) or (2) of subsection (b).

“(C) Any disposition of or material change in a matter disclosed under paragraph (1) or (2) of subsection (b).

“(2) Each individual appointed in the Veterans Health Administration in the position of physician as of the date of the enactment of this section shall do the following:

“(A) Not later than the end of the 60-day period beginning on the date of the enactment of this section and as a condition of service under the appointment after the end of that period, submit the request and authorization described in subsection (b)(2).

“(B) Agree, as a condition of service under the appointment, to disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

“(i) A judgment against the individual for medical malpractice or negligence.

“(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

“(iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

“(3) Each individual appointed in the Veterans Health Administration in the position of physician shall, as part of the biennial review of the performance of the physician under the appointment, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraph (1) or (2), as applicable.

“(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is seeking appointment in the Veterans Health Administration in the position of physician shall perform an investigation (in such manner as the standards re-

quired by this section shall specify) of each matter disclosed under subsection (b) with respect to the individual.

“(2) The Director of the Veterans Integrated Services Network in which an individual is appointed in the Veterans Health Administration in the position of physician shall perform an investigation (in a manner so specified) of each matter disclosed under subsection (c) with respect to the individual.

“(3) The results of each investigation performed under this subsection shall be fully documented.

“(e) APPROVAL OF APPOINTMENTS BY DIRECTORS OF VISNS.—(1) An individual may not be appointed in the Veterans Health Administration in the position of physician without the approval of the Director of the Veterans Integrated Services Network in which the individual will first serve under the appointment.

“(2) In approving the appointment under this subsection of an individual for whom any matters have been disclosed under subsection (b), a Director shall—

“(A) certify in writing the completion of the performance of the investigation under subsection (d)(1) of each such matter, including the results of such investigation; and

“(B) provide a written justification why any matters raised in the course of such investigation do not disqualify the individual from appointment.

“(f) ENROLLMENT OF PHYSICIANS WITH PRACTICE PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each medical facility of the Department at which physicians are extended the privileges of practice shall enroll each physician extended such privileges in the Proactive Disclosure Service of the National Practitioner Data Bank.

“(g) ENCOURAGING HIRING OF PHYSICIANS WITH BOARD CERTIFICATION.—(1) The Secretary shall, for each performance contract with a Director of a Veterans Integrated Services Network (VISN), include in such contract a provision that encourages such director to hire physicians who are board eligible or board certified in the specialty in which the physicians will practice.

“(2) The Secretary may determine the nature and manner of the provision described in paragraph (1).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7402 the following new item:

“7402A. Appointment and practice of physicians: standards.”

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—Except as provided in paragraphs (2) and (3), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY OF CERTAIN REQUIREMENTS TO PHYSICIANS PRACTICING ON EFFECTIVE DATE.—In the case of an individual appointed to the Veterans Health Administration in the position of physician as of the date of the enactment of this Act, the requirements of section 7402A(f) of title 38, United States Code, as added by subsection (a) of this section, shall take effect on the date that is 60 days after the date of the enactment of this Act.

(3) APPLICABILITY OF REQUIREMENTS RELATED TO HIRING OF PHYSICIANS WITH BOARD CERTIFICATION.—The requirement of section 7402A(g) of such title, as added by subsection (a), shall begin with the first cycle of performance contracts for directors of Veterans Integrated Services Networks beginning after the date of the enactment of this Act.

TITLE II—HEALTH CARE MATTERS**SEC. 201. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.**

(a) NURSE PAY REPORT.—Section 7451 is amended—

- (1) by striking subsection (f); and
- (2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—

- (1) IN GENERAL.—Section 8107 is repealed.
- (2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8107.

SEC. 202. MODIFICATIONS TO ANNUAL GULF WAR RESEARCH REPORT.

Section 707(c)(1) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended by striking "Not later than March 1 of each year" and inserting "Not later than July 1, 2008, and July 1 of each of the five following years".

SEC. 203. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

"(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care."

SEC. 204. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.—Section 1803 is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following new subsection (c):

"(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

"(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received the medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

"(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

"(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section."

(b) CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH BIRTH DEFECTS.—Section 1813 is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following new subsection (c):

"(c) SEEKING PAYMENT FROM THIRD PARTIES.—Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or

agent thereof would be eligible to receive payment for such care or services from such third party, but—

"(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

"(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

"(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section."

SEC. 205. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.

Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

"(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

"(ii) In this subparagraph, the term 'representative' means an individual, organization, or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity."

SEC. 206. DISCLOSURE TO SECRETARY OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER OF CERTAIN VETERANS RECEIVING CARE.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

"§ 1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care

"(a) REQUIRED DISCLOSURE OF HEALTH-PLAN CONTRACTS.—(1) Any individual who applies for or is in receipt of care described in paragraph (2) shall, at the time of such application, or otherwise when requested by the Secretary, submit to the Secretary such current information as the Secretary may require to identify any health-plan contract (as defined in section 1729(i) of this title) under which such individual is covered, to include, as applicable—

"(A) the name, address, and telephone number of such health-plan contract;

"(B) the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract;

"(C) the plan number; and

"(D) the plan's group code.

"(2) The care described in this paragraph is—

"(A) hospital, nursing home, or domiciliary care;

"(B) medical, rehabilitative, or preventive health services; or

"(C) other medical care under laws administered by the Secretary.

"(b) REQUIRED DISCLOSURE OF SOCIAL SECURITY NUMBER.—(1) Any individual who applies for or is in receipt of care described in paragraph (2) shall, at the time of such application, or otherwise when requested by the Secretary, submit to the Secretary—

"(A) the individual's social security number; and

"(B) the social security number of any dependent or Department beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such care.

"(2) The care described in this paragraph is—

"(A) hospital, nursing home, or domiciliary care;

"(B) medical, rehabilitative, or preventive health services; or

"(C) other medical care under laws administered by the Secretary.

"(3) This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.

"(c) FAILURE TO DISCLOSE SOCIAL SECURITY NUMBER.—(1) The Secretary shall deny an individual's application for, or may terminate an individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if such individual does not provide the social security number required or requested to be submitted pursuant to subsection (b).

"(2) Following a denial or termination under paragraph (1) with respect to an individual, the Secretary may, upon receipt of the information required or requested under subsection (b), approve such individual's application or reinstate such individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.

"(d) CONSTRUCTION.—Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 17 is amended by inserting after the item relating to section 1708 the following new item:

"1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care."

SEC. 207. ENHANCEMENT OF QUALITY MANAGEMENT.

(a) ENHANCEMENT OF QUALITY MANAGEMENT THROUGH QUALITY MANAGEMENT OFFICERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by inserting after section 7311 the following new section:

"§ 7311A. Quality management officers

"(a) NATIONAL QUALITY MANAGEMENT OFFICER.—(1) The Under Secretary for Health shall designate an official of the Veterans Health Administration to act as the principal quality management officer for the quality-assurance program required by section 7311 of this title. The official so designated may be known as the 'National Quality Management Officer of the Veterans Health Administration' (in this section referred to as the 'National Quality Management Officer').

"(2) The National Quality Management Officer shall report directly to the Under Secretary for Health in the discharge of responsibilities and duties of the Officer under this section.

"(3) The National Quality Management Officer shall be the official within the Veterans Health Administration who is principally responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for the following:

"(A) Establishing and enforcing the requirements of the program referred to in paragraph (1).

"(B) Developing an aggregate quality metric from existing data sources, such as the Inpatient Evaluation Center of the Department, the National Surgical Quality Improvement Program of the American College of Surgeons, and the External Peer Review

Program of the Veterans Health Administration, that could be used to assess reliably the quality of care provided at individual Department medical centers and associated community based outpatient clinics.

“(C) Ensuring that existing measures of quality, including measures from the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and Combined Assessment Program reviews of the Office of Inspector General of the Department, are monitored routinely and analyzed in a manner that ensures the timely detection of quality of care issues.

“(D) Encouraging research and development in the area of quality metrics for the purposes of improving how the Department measures quality in individual facilities.

“(E) Carrying out such other responsibilities and duties relating to quality management in the Veterans Health Administration as the Under Secretary for Health shall specify.

“(4) The requirements under paragraph (3) shall include requirements regarding the following:

“(A) A confidential system for the submittal of reports by Veterans Health Administration personnel regarding quality management at Department facilities.

“(B) Mechanisms for the peer review of the actions of individuals appointed in the Veterans Health Administration in the position of physician.

“(b) QUALITY MANAGEMENT OFFICERS FOR VISNS.—(1) The Regional Director of each Veterans Integrated Services Network (VISN) shall appoint an official of the Network to act as the quality management officer of the Network.

“(2) The quality management officer for a Veterans Integrated Services Network shall report to the Regional Director of the Veterans Integrated Services Network, and to the National Quality Management Officer, regarding the discharge of the responsibilities and duties of the officer under this section.

“(3) The quality management officer for a Veterans Integrated Services Network shall—

“(A) direct the quality management office in the Network; and

“(B) coordinate, monitor, and oversee the quality management programs and activities of the Administration medical facilities in the Network in order to ensure the thorough and uniform discharge of quality management requirements under such programs and activities throughout such facilities.

“(c) QUALITY MANAGEMENT OFFICERS FOR MEDICAL FACILITIES.—(1) The director of each Veterans Health Administration medical facility shall appoint a quality management officer for that facility.

“(2) The quality management officer for a facility shall report directly to the director of the facility, and to the quality management officer of the Veterans Integrated Services Network in which the facility is located, regarding the discharge of the responsibilities and duties of the quality management officer under this section.

“(3) The quality management officer for a facility shall be responsible for designing, disseminating, and implementing quality management programs and activities for the facility that meet the requirements established by the National Quality Management Officer under subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—(1) Except as provided in paragraph (2), there

are authorized to be appropriated such sums as may be necessary to carry out this section.

“(2) There are authorized to be appropriated to carry out the provisions of subparagraphs (B), (C), and (D) of subsection (a)(3), \$25,000,000 for the two-year period of fiscal years beginning after the date of the enactment of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7311 the following new item:

“7311A. Quality management officers.”.

(b) REPORTS ON QUALITY CONCERNS UNDER QUALITY-ASSURANCE PROGRAM.—Section 7311(b) is amended by adding at the end the following new paragraph:

“(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Veterans Health Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Veterans Health Administration facilities to the quality management officers of such facilities under section 7311A(b) of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving officials.”.

(c) REVIEW OF CURRENT HEALTH CARE QUALITY SAFEGUARDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program (NSQIP), including an assessment of—

(A) the efficacy of the quality indicators under the program;

(B) the efficacy of the data collection methods under the program;

(C) the efficacy of the frequency with which regular data analyses are performed under the program; and

(D) the extent to which the resources allocated to the program are adequate to fulfill the stated function of the program.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the review and such recommendations as the Secretary considers appropriate in light of the review.

SEC. 208. REPORTS ON IMPROVEMENTS TO DEPARTMENT HEALTH CARE QUALITY MANAGEMENT.

(a) REPORT.—Not later than December 15, 2009, and each year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report on the implementation of sections 104 and 207 of this Act and the amendments made by such sections during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A comprehensive description of the implementation of sections 104 and 207 of this Act and the amendments made by such sections.

(2) Such recommendations as the Secretary considers appropriate for legislative or administrative action to improve the authorities and requirements in such sections and the amendments made by such sections or to otherwise improve the quality of health care

and the quality of the physicians in the Veterans Health Administration.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term “congressional veterans affairs committees” means—

(1) the Committees on Veterans’ Affairs and Appropriations of the Senate; and

(2) the Committees on Veterans’ Affairs and Appropriations of the House of Representatives.

SEC. 209. PILOT PROGRAM ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) DURATION OF PROGRAM.—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program under this section shall be carried out—

(A) in three medical facilities of the Department of Veterans Affairs; and

(B) if determined appropriate by the Secretary of Veterans Affairs and the Secretary of Defense, one medical facility of the Department of Defense.

(2) EMPHASIS ON POLYTRAUMA CENTERS.—In selecting the locations of the pilot program at facilities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(d) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot program under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2308).

(e) PARTICIPATION IN PROGRAMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot program under this section.

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(f) ELIGIBILITY FOR COMPENSATION.—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot program under this section shall be eligible for

compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(g) **COSTS OF TRAINING.**—

(1) **TRAINING OF FAMILIES OF VETERANS.**—Any costs of training provided under the pilot program under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) **TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot program for family members of members of the Armed Forces.

(h) **ASSESSMENT OF FAMILY CAREGIVER NEEDS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under the pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and
(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) **USE OF EXISTING TOOLS.**—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(i) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the pilot program carried out under this section, including the recommendations of the Secretary with respect to expansion or modification of the pilot program.

(j) **CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to establish a mandate or right for a family caregiver to be trained and certified under this section; and

(2) to prohibit the Secretary from considering or adopting the preference of a veteran or member of the Armed Forces for services provided by a personal care attendant who is not a family caregiver.

(k) **FAMILY CAREGIVER DEFINED.**—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term “family caregiver” means a family member of such member or veteran, or such other individual of similar affinity to such member or veteran as the Secretary proscribes, who is providing care to such member or veteran for such traumatic brain injury.

SEC. 210. PILOT PROGRAM ON PROVISION OF RESPITE CARE TO MEMBERS OF THE ARMED FORCES AND VETERANS WITH TRAUMATIC BRAIN INJURY BY STUDENTS IN GRADUATE PROGRAMS OF EDUCATION RELATED TO MENTAL HEALTH OR REHABILITATION.

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing respite care to members of the Armed Forces and veterans described in subsection (c) through students enrolled in graduate programs of education described in subsection (d)(1) to provide—

(1) relief to the family caregivers of such members and veterans from the responsibil-

ities associated with providing care to such members and veterans; and

(2) socialization and cognitive skill development to such members and veterans.

(b) **DURATION OF PROGRAM.**—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) **COVERED MEMBERS AND VETERANS.**—The members of the Armed Forces and veterans described in this subsection are the individuals as follows:

(1) Members of the Armed Forces who have been diagnosed with traumatic brain injury, including limitations of ambulatory mobility, cognition, and verbal abilities.

(2) Veterans who have been so diagnosed.

(d) **PROGRAM LOCATIONS.**—

(1) **IN GENERAL.**—The pilot program shall be carried out at not more than 10 locations selected by the Secretary of Veterans Affairs for purposes of the pilot program. Each location so selected shall be a medical facility of the Department of Veterans Affairs that is in close proximity to, or that has a relationship, affiliation, or established partnership with, an institution of higher education that has a graduate program in an appropriate mental health or rehabilitation related field, such as social work, nursing, psychology, occupational therapy, physical therapy, or interdisciplinary training programs.

(2) **CONSIDERATIONS.**—In selecting medical facilities of the Department for the pilot program, the Secretary shall give special consideration to the following:

(A) The polytrauma centers of the Department designated as Tier I polytrauma centers.

(B) Facilities of the Department in regions with a high concentration of veterans with traumatic brain injury.

(e) **SCOPE OF ASSISTANCE.**—

(1) **USE OF GRADUATE STUDENTS.**—In carrying out the pilot program, the Secretary shall—

(A) recruit students enrolled in a graduate program of education selected by the Secretary under subsection (d)(1) to provide respite care to the members of the Armed Forces and veterans described in subsection (c);

(B) train such students to provide respite care to such members and veterans; and

(C) match such students with such members and veterans in the student's local area for the provision of individualized respite care to such members and veterans.

(2) **DETERMINATIONS IN CONJUNCTION WITH HEADS OF GRADUATE PROGRAMS OF EDUCATION.**—The Secretary shall determine, in collaboration with the head of the graduate program of education chosen to participate in the pilot program under subsection (d)(1), the following:

(A) The amount of training that a student shall complete before providing respite care under the pilot program.

(B) The number of hours of respite care to be provided by the students who participate in the pilot program.

(C) The requirements for successful participation by a student in the pilot program.

(f) **TRAINING STANDARDS AND BEST PRACTICES.**—In providing training under subsection (e)(1)(B), the Secretary shall use—

(1) applicable standards and protocols used by certification programs of national brain injury care specialist organizations in the provision of respite care training; and

(2) best practices recognized by caregiving organizations.

(g) **DEFINITIONS.**—In this section:

(1) **FAMILY CAREGIVER.**—With respect to member of the Armed Forces or a veteran with traumatic brain injury, the term “family caregiver” means a relative, partner, or friend of such member or veteran who is providing care to such member or veteran for such traumatic brain injury.

(2) **RESPITE CARE.**—The term “respite care” means the temporary provision of care to an individual to provide relief to the regular caregiver of the individual from the ongoing responsibility of providing care to such individual.

SEC. 211. PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of using community-based organizations and local and State government entities—

(1) to increase the coordination of community, local, State, and Federal providers of health care and benefits for veterans to assist veterans who are transitioning from military service to civilian life in such transition;

(2) to increase the availability of high quality medical and mental health services to veterans transitioning from military service to civilian life;

(3) to provide assistance to families of veterans who are transitioning from military service to civilian life to help such families adjust to such transition; and

(4) to provide outreach to veterans and their families to inform them about the availability of benefits and connect them with appropriate care and benefit programs.

(b) **DURATION OF PROGRAM.**—The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(c) **PROGRAM LOCATIONS.**—

(1) **IN GENERAL.**—The pilot program shall be carried out at five locations selected by the Secretary for purposes of the pilot program.

(2) **CONSIDERATIONS.**—In selecting locations for the pilot program, the Secretary shall consider the advisability of selecting locations in—

(A) rural areas;

(B) areas with populations that have a high proportion of minority group representation;

(C) areas with populations that have a high proportion of individuals who have limited access to health care; and

(D) areas that are not in close proximity to an active duty military installation.

(d) **GRANTS.**—The Secretary shall carry out the pilot program through the award of grants to community-based organizations and local and State government entities.

(e) **SELECTION OF GRANT RECIPIENTS.**—

(1) **IN GENERAL.**—A community-based organization or local or State government entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) **ELEMENTS.**—Each application submitted under paragraph (1) shall include the following:

(A) A description of how the proposal was developed in consultation with the Department of Veterans Affairs.

(B) A plan to coordinate activities under the pilot program, to the greatest extent possible, with the local, State, and Federal

providers of services for veterans to reduce duplication of services and to increase the effect of such services.

(f) **USE OF GRANT FUNDS.**—The Secretary shall prescribe appropriate uses of grant funds received under the pilot program.

(g) **REPORT ON PROGRAM.**—

(1) **IN GENERAL.**—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The findings and conclusions of the Secretary with respect to the pilot program.

(B) An assessment of the benefits to veterans of the pilot program.

(C) The recommendations of the Secretary as to the advisability of continuing the pilot program.

SEC. 212. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720 is amended by adding at the end the following new subsection:

“(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran’s nursing needs.”.

SEC. 213. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO THIRD PARTY FOR COLLECTION OF CHARGES FOR PROVISION OF CERTAIN CARE.

(a) **LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.**—Section 5701 is amended by adding at the end the following new subsection:

“(1) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a third party, as defined in section 1729(i)(3)(D) of this title, in order to enable the Secretary to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.”.

(b) **DISCLOSURES FROM CERTAIN MEDICAL RECORDS.**—Section 7332(b)(2), as amended by section 205 of this Act, is further amended by adding at the end the following new subparagraph:

“(G) To a third party, as defined in section 1729(i)(3)(D) of this title, to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.”.

SEC. 214. EXPANDED STUDY ON THE HEALTH IMPACT OF PROJECT SHIPBOARD HAZARD AND DEFENSE.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct an expanded study on the health impact of Project Shipboard Hazard and Defense (Project SHAD).

(b) **COVERED VETERANS.**—The study required by subsection (a) shall include, to the extent practicable, all veterans who participated in Project Shipboard Hazard and Defense.

(c) **UTILIZATION OF EXISTING STUDIES.**—The study required by subsection (a) may use re-

sults from the study covered in the report entitled “Long-Term Health Effects of Participation in Project SHAD” of the Institute of Medicine of the National Academies.

SEC. 215. USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.

Section 1710E is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection (b):

“(b) **COVERED INDIVIDUALS.**—The care and services provided under subsection (a) shall be made available to an individual—

“(1) who is described in section 1710C(a) of this title; and

“(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

“(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation for such individual.”; and

(3) by adding at the end the following new subsection:

“(d) **STANDARDS.**—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.”.

SEC. 216. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL ORGANIZATIONS IN CERTAIN PROGRAMS FOR STATE VETERANS HOMES.

(a) **TREATMENT OF TRIBAL ORGANIZATION HEALTH FACILITIES AS STATE HOMES.**—Section 8138 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e)(1) A health facility (or certain beds in a health facility) of a tribal organization is treatable as a State home under subsection (a) in accordance with the provisions of that subsection.

“(2) Except as provided in paragraph (3), the provisions of this section shall apply to a health facility (or certain beds in such facility) treated as a State home under subsection (a) by reason of this subsection to the same extent as health facilities (or beds) treated as a State home under subsection (a).

“(3) Subsection (f) shall not apply to the treatment of health facilities (or certain beds in such facilities) of tribal organizations as a State home under subsection (a).”.

(b) **STATE HOME FACILITIES FOR DOMICILIARY, NURSING, AND OTHER CARE.**—

(1) **IN GENERAL.**—Chapter 81 is further amended—

(A) in section 8131, by adding at the end the following new paragraph:

“(5) The term ‘tribal organization’ has the meaning given such term in section 3765 of this title.”;

(B) in section 8132, by inserting “and tribal organizations” after “the several States”; and

(C) by inserting after section 8133 the following new section:

“§ 8133A. Tribal organizations

“(a) **AUTHORITY TO AWARD GRANTS.**—The Secretary may award a grant to a tribal organization under this subchapter in order to carry out the purposes of this subchapter.

“(b) **MANNER AND CONDITION OF GRANT AWARDS.**—(1) Grants to tribal organizations under this section shall be awarded in the same manner, and under the same conditions, as grants awarded to the several States under the provisions of this subchapter, subject to such exceptions as the Secretary shall prescribe for purposes of this subchapter to take into account the unique circumstances of tribal organizations.

“(2) For purposes of according priority under subsection (c)(2) of section 8135 of this title to an application submitted under subsection (a) of such section, an application submitted under such subsection (a) by a tribal organization of a State that has previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home shall be considered under subparagraph (C) of such subsection (c)(2) an application from a tribal organization that has not previously applied for such a grant.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8133 the following new item:

“8133A. Tribal organizations.”.

SEC. 217. PILOT PROGRAM ON PROVISION OF DENTAL INSURANCE PLANS TO VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing a dental insurance plan to veterans and survivors and dependents of veterans described in subsection (b).

(b) **COVERED VETERANS AND SURVIVORS AND DEPENDENTS.**—The veterans and survivors and dependents of veterans described in this subsection are as follows:

(1) Any veteran who is enrolled in the system of annual patient enrollment under section 1705 of this title.

(2) Any survivor or dependent of a veteran who is eligible for medical care under section 1781 of this title.

(c) **DURATION OF PROGRAM.**—The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act.

(d) **PILOT PROGRAM LOCATIONS.**—The pilot program shall be carried out in not less than two and not more than four Veterans Integrated Services Networks (VISNs) selected by the Secretary of Veterans Affairs for purposes of the pilot program.

(e) **ADMINISTRATION.**—The Secretary of Veterans Affairs shall contract with a dental insurer to administer the dental plan provided under the pilot program.

(f) **BENEFITS.**—The dental insurance plan under the pilot program shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

(g) **ENROLLMENT.**—

(1) **VOLUNTARY.**—Enrollment in the dental insurance plan under this section shall be voluntary.

(2) **MINIMUM PERIOD.**—Enrollment in the dental insurance plan shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

(h) **PREMIUMS.**—

(1) **IN GENERAL.**—Premiums for coverage under the dental insurance plan under the pilot program shall be in such amount or amounts as the Secretary of Veterans Affairs shall prescribe to cover all costs associated with the pilot program.

(2) **ANNUAL ADJUSTMENT.**—The Secretary shall adjust the premiums payable under the pilot program for coverage under the dental insurance plan on an annual basis. Each individual covered by the dental insurance plan at the time of such an adjustment shall be notified of the amount and effective date of such adjustment.

(3) **RESPONSIBILITY FOR PAYMENT.**—Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

(i) **VOLUNTARY DISENROLLMENT.**—

(1) **IN GENERAL.**—With respect to enrollment in the dental insurance plan under the pilot program, the Secretary shall—

(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and

(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

(2) **ALLOWABLE CIRCUMSTANCES.**—The circumstances prescribed under paragraph (1)(B) shall include the following:

(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents utilization of the benefits under the dental insurance plan.

(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) **ESTABLISHMENT OF PROCEDURES.**—The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(j) **RELATIONSHIP TO DENTAL CARE PROVIDED BY SECRETARY.**—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of title 38, United States Code, and the participation of an individual in the dental insurance plan under the pilot program shall not affect the individual's entitlement to outpatient dental services and treatment, and related dental appliances, under that section.

(k) **REGULATIONS.**—The dental insurance plan under the pilot program shall be administered under such regulations as the Secretary shall prescribe.

TITLE III—WOMEN VETERANS HEALTH CARE

SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH CARE FOR WOMEN VETERANS.

(a) **REPORT.**—Not later than June 1, 2010, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the barriers to the receipt of comprehensive health care through the Department of Veterans Affairs that are encountered by women veterans, especially veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An identification and assessment of the following:

(A) Any stigma perceived or associated with seeking mental health care services through the Department of Veterans Affairs.

(B) The effect on access to care through the Department of driving distance or availability of other forms of transportation to the nearest appropriate facility of the Department.

(C) The availability of child care.

(D) The receipt of health care through women's health clinics, integrated primary care clinics, or both.

(E) The extent of comprehension of eligibility requirements for health care through the Department, and the scope of health care services available through the Department.

(F) The quality and nature of the reception of women veterans by Department health care providers and other staff.

(G) The perception of personal safety and comfort of women veterans in inpatient, outpatient, and behavioral health facilities of the Department.

(H) The sensitivity of Department health care providers and other staff to issues that particularly affect women.

(I) The effectiveness of outreach on health care services of the Department that are available to women veterans.

(J) Such other matters as the Secretary identifies for purposes of the assessment.

(2) Such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the report.

(c) **FACILITY OF THE DEPARTMENT DEFINED.**—In this section, the term "facility of the Department" has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE SERVICES TO WOMEN VETERANS.

(a) **PLAN TO IMPROVE SERVICES.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall develop a plan—

(A) to improve the provision of health care services to women veterans; and

(B) to plan appropriately for the future health care needs, including mental health care needs, of women serving on active duty in the Armed Forces in the combat theaters of Operation Iraqi Freedom and Operation Enduring Freedom.

(2) **REQUIRED ACTIONS.**—In developing the plan required by this subsection, the Secretary of Veterans Affairs shall—

(A) identify the types of health care services to be available to women veterans at each Department of Veterans Affairs medical center; and

(B) identify the personnel and other resources required to provide such services to women veterans under the plan at each such medical center.

(b) **SUBMITTAL OF PLAN TO CONGRESS.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the plan required by this section, along with such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the plan.

SEC. 303. INDEPENDENT STUDY ON HEALTH CONSEQUENCES OF WOMEN VETERANS OF MILITARY SERVICE IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) **STUDY REQUIRED.**—The Secretary of Veterans Affairs shall enter into an agreement with a non-Department of Veterans Af-

fairs entity for the purpose of conducting a study on health consequences for women veterans of service on active duty in the Armed Forces in deployment in Operation Iraqi Freedom and Operation Enduring Freedom.

(b) **SPECIFIC MATTERS STUDIED.**—The study under subsection (a) shall include the following:

(1) A determination of any association of environmental and occupational exposures and combat in Operation Iraqi Freedom or Operation Enduring Freedom with the general health, mental health, or reproductive health of women who served on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) A review and analysis of published literature on environmental and occupational exposures of women while serving in the Armed Forces, including combat trauma, military sexual trauma, and exposure to potential teratogens associated with reproductive problems and birth defects.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after entering into the agreement for the study under subsection (a), the entity described in subsection (a) shall submit to the Secretary of Veterans Affairs and to Congress a report on the study containing such findings and determinations as the entity considers appropriate.

(2) **RESPONSIVE REPORT.**—Not later than 90 days after the receipt of the report under paragraph (1), the Secretary shall submit to Congress a report setting forth the response of the Secretary to the findings and determinations of the entity described in subsection (a) in the report under paragraph (1).

SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA.

(a) **PROGRAM REQUIRED.**—Section 1720D is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d)(1) The Secretary shall implement a program for education, training, certification, and continuing medical education for mental health professionals to specialize in the provision of counseling and care to veterans eligible for services under subsection (a). In carrying out the program, the Secretary shall ensure that all such mental health professionals have been trained in a consistent manner and that such training includes principles of evidence-based treatment and care for sexual trauma.

“(2) The Secretary shall determine the minimum qualifications necessary for mental health professionals certified by the program under paragraph (1) to provide evidence-based treatment and therapy to veterans eligible for services under subsection (a) in facilities of the Department.

“(e) The Secretary shall submit to Congress each year a report on the counseling, care, and services provided to veterans under this section. Each report shall include data for the preceding year with respect to the following:

“(1) The number of mental health professionals and primary care providers who have been certified under the program under subsection (d), and the amount and nature of continuing medical education provided under such program to professionals and providers who have been so certified.

“(2) The number of women veterans who received counseling, care, and services under subsection (a) from professionals and providers who have been trained or certified under the program under subsection (d).

“(3) The number of training, certification, and continuing medical education programs operating under subsection (d).

“(4) The number of trained full-time equivalent employees required in each facility of the Department to meet the needs of veterans requiring treatment and care for sexual trauma.

“(5) Such other information as the Secretary considers appropriate.”.

(b) **STANDARDS FOR PERSONNEL PROVIDING TREATMENT FOR SEXUAL TRAUMA.**—The Secretary of Veterans Affairs shall establish education, training, certification, and staffing standards for Department of Veterans Affairs health-care facilities for full-time equivalent employees who are trained to provide treatment and care to veterans for sexual trauma.

SEC. 305. PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) **PILOT PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out, through the Readjustment Counseling Service of the Veterans Health Administration, a pilot program to evaluate the feasibility and advisability of providing reintegration and readjustment services described in subsection (b) in group retreat settings to women veterans who are recently separated from service in the Armed Forces after a prolonged deployment.

(2) **PARTICIPATION AT ELECTION OF VETERAN.**—The participation of a veteran in the pilot program under this section shall be at the election of the veteran.

(b) **COVERED SERVICES.**—The services provided to a woman veteran under the pilot program shall include the following:

(1) Information on reintegration into the veteran's family, employment, and community.

(2) Financial counseling.

(3) Occupational counseling.

(4) Information and counseling on stress reduction.

(5) Information and counseling on conflict resolution.

(6) Such other information and counseling as the Secretary considers appropriate to assist a woman veteran under the pilot program in reintegration into the veteran's family and community.

(c) **LOCATIONS.**—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(d) **DURATION.**—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) **REPORT.**—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall contain the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, \$2,000,000 to carry out the pilot program.

SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PROGRAM MANAGERS AT MEDICAL CENTERS.

The Secretary shall, acting through the Under Secretary for Health, submit to Con-

gress a report on employment of full-time women veterans program managers at Department of Veterans Affairs medical centers to ensure that health care needs of women veterans are met. Such report should include an assessment of whether there is at least one full-time employee at each Department medical center who is a full-time women veterans program manager.

SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF WOMEN RECENTLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) **ADVISORY COMMITTEE ON WOMEN VETERANS.**—Section 542(a)(2)(A) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (iii) the following new clause:

“(iv) women veterans who are recently separated from service in the Armed Forces.”.

(b) **ADVISORY COMMITTEE ON MINORITY VETERANS.**—Section 544(a)(2)(A) is amended—

(1) in clause (iii), by striking “and” at the end;

(2) in clause (iv), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (iv) the following new clause:

“(v) women veterans who are minority group members and are recently separated from service in the Armed Forces.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to appointments made on or after the date of the enactment of this Act.

SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to subsection (b), subsidies to qualified veterans described in subsection (c) to obtain child care so that such veterans can receive health care services described in such subsection.

(b) **LIMITATION ON PERIOD OF PAYMENTS.**—A subsidy may only be provided to a qualified veteran under the pilot program for receipt of child care during the period that the qualified veteran—

(1) receives the types of health care services referred to in subsection (c) at a facility of the Department; and

(2) requires to travel to and return from such facility for the receipt of such health care services.

(c) **QUALIFIED VETERANS.**—In this section, the term “qualified veteran” means a veteran who is the primary caretaker of a child or children and who is receiving from the Department one or more of the following health care services:

(1) Regular mental health care services.

(2) Intensive mental health care services.

(3) Such other intensive health care services that the Secretary determines that payment to the veteran for the provision of child care would improve access to those health care services by the veteran.

(d) **LOCATIONS.**—The Secretary shall carry out the pilot program in no fewer than three Veterans Integrated Service Networks (VISNs) selected by the Secretary for purposes of the pilot program.

(e) **DURATION.**—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(f) **EXISTING MODEL.**—To the extent practicable, the Secretary shall model the pilot program after the Department of Veterans

Affairs Child Care Subsidy Program that was established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67; 115 Stat. 552), using the same income eligibility standards and payment structure.

(g) **REPORT.**—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, \$1,500,000 to carry out the pilot program.

SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

(a) **IN GENERAL.**—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

“SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

“(a) **IN GENERAL.**—The Secretary may furnish health care services described in subsection (b) to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for not more than 7 days after the birth of the child if the veteran delivered the child in—

“(1) a facility of the Department; or

“(2) another facility pursuant to a Department contract for services relating to such delivery.

“(b) **COVERED HEALTH CARE SERVICES.**—Health care services described in this subsection are all post-delivery care services, including routine care services, that a newborn requires.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1785 the following new item:

“1786. Care for newborn children of women veterans receiving maternity care.”.

TITLE IV—MENTAL HEALTH CARE

SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM FOR COUNSELING AND SERVICES THROUGH READJUSTMENT COUNSELING SERVICE.

(a) **IN GENERAL.**—Any member of the Armed Forces, including a member of the National Guard or Reserve, who serves on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom is eligible for readjustment counseling and related mental health services under section 1712A of title 38, United States Code, through the Readjustment Counseling Service of the Veterans Health Administration.

(b) **NO REQUIREMENT FOR CURRENT ACTIVE DUTY SERVICE.**—A member of the Armed Forces who meets the requirements for eligibility for counseling and services under subsection (a) is entitled to counseling and services under that subsection regardless of whether or not the member is currently on active duty in the Armed Forces at the time of receipt of counseling and services under that subsection.

(c) **REGULATIONS.**—The eligibility of members of the Armed Forces for counseling and services under subsection (a) shall be subject

to such regulations as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe for purposes of this section.

(d) SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The provision of counseling and services under subsection (a) shall be subject to the availability of appropriations for such purpose.

SEC. 402. RESTORATION OF AUTHORITY OF READJUSTMENT COUNSELING SERVICE TO PROVIDE REFERRAL AND OTHER ASSISTANCE UPON REQUEST TO FORMER MEMBERS OF THE ARMED FORCES NOT AUTHORIZED COUNSELING.

Section 1712A is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not otherwise eligible for such counseling, the Secretary shall—

“(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

“(2) if pertinent, advise such individual of such individual’s rights to apply to the appropriate military, naval, or air service, and to the Department, for review of such individual’s discharge or release from such service.”.

SEC. 403. STUDY ON SUICIDES AMONG VETERANS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study to determine the number of veterans who died by suicide between January 1, 1997, and the date of the enactment of this Act.

(b) COORDINATION.—In carrying out the study under subsection (b) the Secretary of Veterans Affairs shall coordinate with—

- (1) the Secretary of Defense;
- (2) Veterans Service Organizations;
- (3) the Centers for Disease Control and Prevention; and
- (4) State public health offices and veterans agencies.

(c) REPORT TO CONGRESS.—The Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the study required under subsection (b) and the findings of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES FOR GRADUATE PSYCHOLOGY EDUCATION PROGRAM.

(a) TRANSFER OF FUNDS.—Not later than September 30, 2010, the Secretary of Veterans Affairs shall transfer \$5,000,000 from accounts of the Veterans Health Administration to the Secretary of Health and Human Services for the Graduate Psychology Education program established under section 755(b)(1)(J) of the Public Health Service Act (42 U.S.C. 294e(b)(1)(J)).

(b) USE OF FUNDS TRANSFERRED.—Funds transferred under subsection (a) shall be used to award grants to support the training of psychologists in the treatment of veterans with post traumatic stress disorder, traumatic brain injury, and other combat-related disorders.

(c) PREFERENCE FOR DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES.—In the awarding of grants under subsection (b), the Graduate Psychology Education program shall give preference to health care facilities of the Department of Veterans Affairs and graduate programs of education that are affiliated with such facilities.

TITLE V—HOMELESS VETERANS

SEC. 501. PILOT PROGRAM ON FINANCIAL SUPPORT FOR ENTITIES THAT COORDINATE THE PROVISION OF SUPPORTIVE SERVICES TO FORMERLY HOMELESS VETERANS RESIDING ON CERTAIN MILITARY PROPERTY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing that is located on qualifying property described in subsection (b).

(2) NUMBER OF GRANTS.—The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) QUALIFYING PROPERTY.—Qualifying property under the pilot program is property that—

(1) was part of a military installation that was closed in accordance with—

(A) decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(B) subchapter III of chapter 5 of title 40, United States Code; and

(2) the Secretary of Defense determines, after considering any redevelopment plans of any local redevelopment authority relating to such property, may be used to assist the homeless in accordance with such redevelopment plan.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.

(e) VERY LOW INCOME DEFINED.—In this section, the term “very low income” has the meaning given that term in the Resident Characteristics Report issued annually by the Department of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading “General Operating Expenses”, not more than \$3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT COORDINATE THE PROVISION OF SUPPORTIVE SERVICES TO FORMERLY HOMELESS VETERANS RESIDING IN PERMANENT HOUSING.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-

based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing.

(2) NUMBER OF GRANTS.—The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) QUALIFYING PROPERTY.—Qualifying property under the pilot program is any property in the United States on which permanent housing is provided or afforded to formerly homeless veterans, as determined by the Secretary.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PILOT PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.

(e) VERY LOW INCOME DEFINED.—In this section, the term “very low income” has the meaning given that term in the Resident Characteristics Report issued annually by the Department of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading “General Operating Expenses”, not more than \$3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE OUTREACH TO INFORM CERTAIN VETERANS ABOUT PENSION BENEFITS.

(a) AUTHORITY TO MAKE GRANTS.—In addition to the outreach authority provided to the Secretary of Veterans Affairs by section 6303 of title 38, United States Code, the Secretary may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) for services to provide outreach to inform low-income and elderly veterans and their spouses who reside in rural areas of benefits for which they may be eligible under chapter 15 of such title.

(b) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(c) DURATION OF PILOT PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading “General Operating Expenses”, not more than \$1,275,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 504. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE TRANSPORTATION ASSISTANCE, CHILD CARE ASSISTANCE, AND CLOTHING ASSISTANCE TO VETERANS ENTITLED TO A REHABILITATION PROGRAM.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (g), the Secretary of Veterans Affairs may carry out a pilot program to assess

the feasibility and advisability of providing financial assistance to eligible entities to establish new programs or activities, or expand or modify existing programs or activities, to provide to each eligible transitioning individual who is entitled and eligible for a rehabilitation program under chapter 31 of title 38, United States Code, the following assistance:

(A) Transportation assistance to facilitate such eligible transitioning individual's participation in such rehabilitation program or related activity. Such assistance may include—

- (i) providing transportation;
- (ii) paying for or reimbursing transportation costs; and
- (iii) paying for or reimbursing other transportation-related expenses (including orientation on the use of transportation).

(B) Child care assistance to facilitate such eligible transitioning individual's participation in such rehabilitation program or related activity. Such assistance may include—

- (i) child care services; or
- (ii) reimbursement of expenses related to child care.

(C) Clothing assistance, which may include personal services in selecting, and payment of a monetary allowance to cover the cost of purchasing, clothing and accessories suitable for a job interview or related activity consistent with such eligible transitioning individual's participation in such rehabilitation program or related activity.

(2) ELIGIBLE TRANSITIONING INDIVIDUAL.—For purposes of this section, an eligible transitioning individual is a person—

(A) described in section 3102 of title 38, United States Code; or

(B) who was separated or released from active duty in the Armed Forces on or after October 1, 2006, because of a service-connected disability.

(b) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under a pilot program established under subsection (a)(1) shall cease on the date that is three years after the date of the commencement of the pilot program.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out the pilot program through the award of grants to eligible entities to establish new programs or activities, or to expand or modify existing programs or activities, as described in subsection (a)(1).

(2) GRANT CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish criteria and requirements for grants under the pilot program, including criteria for eligible entities to receive such grants. The criteria established under this subparagraph shall include the following:

- (i) Specification as to the kinds of projects or activities for which grants are available.
- (ii) Specification as to the number of projects or activities for which grants are available.
- (iii) Provisions to ensure that grants awarded under the pilot program do not result in duplication of ongoing services.

(B) PUBLICATION OF CRITERIA IN FEDERAL REGISTER.—The Secretary shall publish the criteria and requirements established under subparagraph (A) in the Federal Register.

(3) FUNDING LIMITATION.—A grant under the pilot program may not be used to support the operational costs of an eligible entity.

(d) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is a public or nonprofit organization (including a faith-based or community organization) that—

(1) has the capacity to administer effectively a grant under the pilot program, as determined by the Secretary of Veterans Affairs;

(2) demonstrates that adequate financial support will be available to establish new programs or activities, or to expand or modify existing programs or activities, as described in subsection (a)(1) consistent with the plans, specifications, and schedule submitted by the applicant to the Secretary under subsection (e)(2);

(3) agrees to meet the applicable criteria and requirements established under subsection (c)(2) and described in subsection (e)(2)(C); and

(4) has the capacity, as determined by the Secretary, to meet the criteria and requirements described in paragraph (3).

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

(A) The amount of the grant sought for the project or activity.

(B) Plans, specifications, and the schedule for implementation of the project or activity in accordance with criteria and requirements prescribed by the Secretary under subsection (c)(2).

(C) An agreement—

(i) to provide the services for which the grant is sought at locations accessible to eligible transitioning individuals;

(ii) to ensure the confidentiality of records maintained on eligible transitioning individuals receiving services through the pilot program; and

(iii) to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under this section.

(3) APPLICANT AGREEMENT.—The Secretary may not select an eligible entity for a grant under the pilot program unless the eligible entity agrees to the provisions listed in paragraph (2)(C).

(f) RECOVERY OF UNUSED GRANT AMOUNTS.—

(1) IN GENERAL.—The United States shall be entitled to recover from a grant recipient under this section the total of all unused grant amounts made under this section to such recipient in connection with such program if such grant recipient—

(A) does not establish a program or activity in accordance with this section; or

(B) ceases to furnish services under such a program for which the grant was made.

(2) OBLIGATION.—Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary of Veterans Affairs without fiscal year limitation to carry out provisions of this section.

(3) LIMITATION ON RECOVERY.—An amount may not be recovered under paragraph (1)(A) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is made.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading "General Operating Expenses", not more than \$5,000,000 in each of fiscal years 2010 through 2012 to carry out this section.

SEC. 505. ASSESSMENT OF PILOT PROGRAMS.

(a) PROGRESS REPORTS.—Not less than one year before the expiration of the authority

to carry out a pilot program authorized by sections 501 through 504, the Secretary of Veterans Affairs shall submit to Congress a progress report on such pilot program.

(b) CONTENTS.—Each progress report submitted for a pilot program under subsection (a) shall include the following:

(1) The lessons learned by the Secretary of Veterans Affairs with respect to such pilot program that can be applied to other programs with similar purposes.

(2) The recommendations of the Secretary on whether to continue such pilot program.

(3) The number of veterans and dependents served by such pilot program.

(4) An assessment of the quality of service provided to veterans and dependents under such pilot program.

(5) The amount of funds provided to grant recipients under such pilot program.

(6) The names of organizations that have received grants under such pilot program.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF CORPORATIONS.

(a) AUTHORIZATION OF MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—

(1) IN GENERAL.—Section 7361 is amended—

(A) by redesignating subsection (b) as subsection (e); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Subject to paragraph (2), a corporation established under this subchapter may facilitate the conduct of research, education, or both at more than one medical center. Such a corporation shall be known as a ‘multi-medical center research corporation’.

“(2) The board of directors of a multi-medical center research corporation under this subsection shall include the official at each Department medical center concerned who is, or who carries out the responsibilities of, the medical center director of such center as specified in section 7363(a)(1)(A)(i) of this title.

“(3) In facilitating the conduct of research, education, or both at more than one Department medical center under this subchapter, a multi-medical center research corporation may administer receipts and expenditures relating to such research, education, or both, as applicable, performed at the Department medical centers concerned.”.

(2) EXPANSION OF EXISTING CORPORATIONS TO MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—Such section is further amended by adding at the end the following new subsection:

“(f) A corporation established under this subchapter may act as a multi-medical center research corporation under this subchapter in accordance with subsection (b) if—

“(1) the board of directors of the corporation approves a resolution permitting facilitation by the corporation of the conduct of research, education, or both at the other Department medical center or medical centers concerned; and

“(2) the Secretary approves the resolution of the corporation under paragraph (1).”.

(b) RESTATEMENT AND MODIFICATION OF AUTHORITIES ON APPLICABILITY OF STATE LAW.—

(1) IN GENERAL.—Section 7361, as amended by subsection (a) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

“(c) Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable Department medical center is located and shall, to

the extent not inconsistent with any Federal law, be subject to the laws of such State. In the case of any multi-medical center research corporation that facilitates the conduct of research, education, or both at Department medical centers located in different States, the corporation shall be established in accordance with the nonprofit corporation laws of the State in which one of such Department medical centers is located."

(2) CONFORMING AMENDMENT.—Section 7365 is repealed.

(c) CLARIFICATION OF STATUS OF CORPORATIONS.—Section 7361, as amended by this section, is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d)(1) Except as otherwise provided in this subchapter or under regulations prescribed by the Secretary, any corporation established under this subchapter, and its officers, directors, and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives that apply generally to private nonprofit corporations.

"(2) A corporation under this subchapter is not—

"(A) owned or controlled by the United States; or

"(B) an agency or instrumentality of the United States."

(d) REINSTATEMENT OF REQUIREMENT FOR 501(c)(3) STATUS OF CORPORATIONS.—Subsection (e) of section 7361, as redesignated by subsection (a)(1) of this section, is further amended by inserting "section 501(c)(3) of" after "exempt from taxation under".

SEC. 602. CLARIFICATION OF PURPOSES OF CORPORATIONS.

(a) CLARIFICATION OF PURPOSES.—Subsection (a) of section 7362 is amended—

(1) in the first sentence—

(A) by striking "Any corporation" and all that follows through "facilitate" and inserting "A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education at one or more Department medical centers and to facilitate functions related to the conduct of"; and

(B) by inserting before the period at the end the following: "or centers"; and

(2) in the second sentence, by inserting "or centers" after "at the medical center".

(b) MODIFICATION OF DEFINED TERM RELATING TO EDUCATION AND TRAINING.—Subsection (b) of such section is amended in the matter preceding paragraph (1) by striking "the term 'education and training'" and inserting "the term 'education' includes education and training and".

(c) REPEAL OF ROLE OF CORPORATIONS WITH RESPECT TO FELLOWSHIPS.—Paragraph (1) of subsection (b) of such section is amended by striking the flush matter following subparagraph (C).

(d) AVAILABILITY OF EDUCATION FOR FAMILIES OF VETERAN PATIENTS.—Paragraph (2) of subsection (b) of such section is amended by striking "to patients and to the families" and inserting "and includes education and training for patients and families".

SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS OF DIRECTORS OF CORPORATIONS.

(a) REQUIREMENTS FOR DEPARTMENT BOARD MEMBERS.—Paragraph (1) of section 7363(a) is amended to read as follows:

"(1) with respect to the Department medical center—

"(A)(i) the director (or directors of each Department medical center, in the case of a multi-medical center research corporation);

"(ii) the chief of staff; and

"(iii) as appropriate for the activities of such corporation, the associate chief of staff for research and the associate chief of staff for education; or

"(B) in the case of a Department medical center at which one or more of the positions referred to in subparagraph (A) do not exist, the official or officials who are responsible for carrying out the responsibilities of such position or positions at the Department medical center; and"

(b) REQUIREMENTS FOR NON-DEPARTMENT BOARD MEMBERS.—Paragraph (2) of such section is amended—

(1) by inserting "not less than two" before "members"; and

(2) by striking "and who" and all that follows through the period at the end and inserting "and who have backgrounds, or business, legal, financial, medical, or scientific expertise, of benefit to the operations of the corporation."

(c) CONFLICTS OF INTEREST.—Subsection (c) of section 7363 is amended by striking "employed by, or have any other financial relationship with" and inserting "or employed by".

SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.

(a) IN GENERAL.—Section 7364 is amended to read as follows:

"§ 7364. General powers

"(a) IN GENERAL.—(1) A corporation established under this subchapter may, solely to carry out the purposes of this subchapter—

"(A) accept, administer, retain, and spend funds derived from gifts, contributions, grants, fees, reimbursements, and bequests from individuals and public and private entities;

"(B) enter into contracts and agreements with individuals and public and private entities;

"(C) subject to paragraph (2), set fees for education and training facilitated under section 7362 of this title, and receive, retain, administer, and spend funds in furtherance of such education and training;

"(D) reimburse amounts to the applicable appropriation account of the Department for the Office of General Counsel for any expenses of that Office in providing legal services attributable to research and education agreements under this subchapter; and

"(E) employ such employees as the corporation considers necessary for such purposes and fix the compensation of such employees.

"(2) Fees charged under paragraph (1)(C) for education and training described in that paragraph to individuals who are officers or employees of the Department may not be paid for by any funds appropriated to the Department.

"(3) Amounts reimbursed to the Office of General Counsel under paragraph (1)(D) shall be available for use by the Office of the General Counsel only for staff and training, and related travel, for the provision of legal services described in that paragraph and shall remain available for such use without fiscal year limitation.

"(b) TRANSFER AND ADMINISTRATION OF FUNDS.—(1) Except as provided in paragraph (2), any funds received by the Secretary for the conduct of research or education at a Department medical center or centers, other than funds appropriated to the Department, may be transferred to and administered by a corporation established under this subchapter for such purposes.

"(2) A Department medical center may reimburse the corporation for all or a portion of the pay, benefits, or both of an employee of the corporation who is assigned to the Department medical center if the assignment is carried out pursuant to subchapter VI of chapter 33 of title 5.

"(3) A Department medical center may retain and use funds provided to it by a corporation established under this subchapter. Such funds shall be credited to the applicable appropriation account of the Department and shall be available, without fiscal year limitation, for the purposes of that account.

"(c) RESEARCH PROJECTS.—Except for reasonable and usual preliminary costs for project planning before its approval, a corporation established under this subchapter may not spend funds for a research project unless the project is approved in accordance with procedures prescribed by the Under Secretary for Health for research carried out with Department funds. Such procedures shall include a scientific review process.

"(d) EDUCATION ACTIVITIES.—Except for reasonable and usual preliminary costs for activity planning before its approval, a corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

"(e) POLICIES AND PROCEDURES.—The Under Secretary for Health may prescribe policies and procedures to guide the spending of funds by corporations established under this subchapter that are consistent with the purpose of such corporations as flexible funding mechanisms and with Federal and State laws and regulations, and executive orders, circulars, and directives that apply generally to the receipt and expenditure of funds by nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986."

(b) CONFORMING AMENDMENT.—Section 7362(a), as amended by section 602(a)(1) of this Act, is further amended by striking the last sentence.

SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38, UNITED STATES CODE.

(a) REDESIGNATION.—Section 7364A is redesignated as section 7365.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 73 is amended—

(1) by striking the item relating to section 7364A; and

(2) by striking the item relating to section 7365 and inserting the following new item:

"7365. Coverage of employees under certain Federal tort claims laws."

SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF CORPORATIONS.

(a) ADDITIONAL INFORMATION IN ANNUAL REPORTS.—Subsection (b) of section 7366 is amended to read as follows:

"(b)(1) Each corporation shall submit to the Secretary each year a report providing a detailed statement of the operations, activities, and accomplishments of the corporation during that year.

"(2)(A) A corporation with revenues in excess of \$300,000 for any year shall obtain an audit of the corporation for that year.

"(B) A corporation with annual revenues between \$10,000 and \$300,000 shall obtain an audit of the corporation at least once every three years.

"(C) Any audit under this paragraph shall be performed by an independent auditor.

"(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

“(A) The most recent audit of the corporation under paragraph (2).

“(B) The most recent Internal Revenue Service Form 990 ‘Return of Organization Exempt from Income Tax’ or equivalent and the applicable schedules under such form.”.

(b) CONFIRMATION OF APPLICATION OF CONFLICT OF INTEREST REGULATIONS TO APPROPRIATE CORPORATION POSITIONS.—Subsection (c) of such section is amended—

(1) by striking “laws and” each place it appears;

(2) in paragraph (1)—

(A) by inserting “each officer and” after “under this subchapter,”; and

(B) by striking “, and each employee of the Department” and all that follows through “during any year”; and

(3) in paragraph (2)—

(A) by inserting “, officer,” after “verifying that each director”; and

(B) by striking “in the same manner” and all that follows before the period at the end.

(c) ESTABLISHMENT OF APPROPRIATE PAYEE REPORTING THRESHOLD.—Subsection (d)(3)(C) of such section is amended by striking “\$35,000” and inserting “\$50,000”.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

“(A) enforce Federal laws;

“(B) enforce the rules prescribed under section 901 of this title;

“(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

“(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

“(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with affected local, State, or Federal law enforcement agencies; and

“(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) of this paragraph when engaged in duties authorized by other Federal statutes.”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by inserting “, and on any arrest warrant issued by competent judicial authority” before the period; and

(2) by amending subsection (c) to read as follows:

“(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.”.

SEC. 702. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended—

(1) by amending subsection (b) to read as follows:

“(b)(1) The amount of the allowance that the Secretary may pay under this section is the lesser of—

“(A) the amount currently allowed as prescribed by the Office of Personnel Management; or

“(B) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

“(2) During any fiscal year no officer shall receive more for the purchase of a uniform described in subsection (a) than the amount established under this subsection.”; and

(2) by striking subsection (c) and inserting the following new subsection (c):

“(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer’s employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.”.

By Mrs. LINCOLN (for herself,

Ms. SNOWE, and Mr. ISAKSON):

S. 254. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am pleased to join my colleague, Senator LINCOLN of Arkansas, to introduce the Medicare Home Infusion Coverage Act. As we do so, we recognize that Medicare has serious fiscal challenges. Currently, the Part A, Hospital, Trust Fund faces insolvency in 2019, when expenditures will exceed projected contributions and require additional taxpayer support to maintain the care required by our seniors and so many disabled Americans. At the same time, today Medicare beneficiaries struggle under the burden of paying nearly half of their health care costs. So the legislation we are re-introducing is vital to addressing the fiscal issues affecting Medicare.

Many serious conditions—including some cancers and drug-resistant infections—require the use of infusion therapy. Such treatment involves the administration of medication directly into the bloodstream via a needle or catheter. Specialized equipment, supplies, and professional services—such as sterile drug compounding, care coordination, and patient education and monitoring—are components of such therapy. Infusion treatment is an extensive medical treatment often lasting for several hours per day over a 6-to-8 week period.

The unfortunate fact is that under current Medicare rules, patients requiring infusion therapy must either bear that cost themselves or endure costly and unnecessary hospitalization in order to receive coverage—raising costs for both beneficiaries and Medicare alike. Current Medicare regulations authorize payment for infusion drugs, but do not pay for the services, equipment, and supplies necessary to safely provide infusion therapy in the home. Not surprisingly, even though

home infusion therapy may cost as little as \$100 a day, too few seniors can bear that cost.

The result is that patients are excessively hospitalized, producing costs of treatment as much as 10–20 times higher than treatment in the home. The process may even place the patient’s health in jeopardy because unnecessary hospitalization places individuals at risk of exposure to a health care-acquired infection—which may be drug resistant and life-threatening.

Private health plans have long understood that home infusion therapy is not only less costly, but safer as well. Thus, private insurance coverage for home infusion therapy is common. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have a familiar, comfortable environment with their family conveniently at hand—no small concerns when fighting a serious illness.

It is clear we must change the status quo, and achieve safer, more cost-effective treatment. By extending coverage of infusion therapy to the home, we will correct this inappropriate and unnecessary gap in Medicare coverage and take a significant step in reducing Medicare costs. This legislation offers an alternative to allowing our Medicare beneficiaries to be overcome with health care costs that are rising faster than inflation by reforming care delivery to emphasize high quality, lower cost services.

I hope my colleagues will join us in support of this legislation so we may further the goals of improving patient safety and reducing our escalating health care costs.

Mr. President, I ask unanimous consent that the text of the bill to be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Home Infusion Therapy Coverage Act of 2009”.

SEC. 2. MEDICARE COVERAGE OF HOME INFUSION THERAPY.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 152(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subsection (s)(2)—

(A) by striking “and” at the end of subparagraph (DD);

(B) by adding “and” at the end of subparagraph (EE); and

(C) by adding at the end the following new subparagraph:

“(FF) home infusion therapy (as defined in subsection (hhh)(1));”;

(2) by adding at the end the following new subsection:

“Home Infusion Therapy

“(hhh)(1) The term ‘home infusion therapy’ means the following items and services furnished to an individual, who is under the

care of a physician, which are provided by a qualified home infusion therapy provider under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician, which items and services are provided in an integrated manner in the individual's home in conformance with uniform standards of care established by the Secretary (after taking into account the standards commonly used for home infusion therapy by Medicare Advantage plans and in the private sector and after consultation with all interested stakeholders) and in coordination with the provision of covered infusion drugs under part D:

“(A) Professional services other than nursing services provided in accordance with the plan (including administrative, compounding, dispensing, distribution, clinical monitoring and care coordination services) and all necessary supplies and equipment (including medical supplies such as sterile tubing and infusion pumps, and other items and services the Secretary determines appropriate) to administer infusion drug therapies to an individual safely and effectively in the home.

“(B) Nursing services provided in accordance with the plan, directly by a qualified home infusion therapy provider or under arrangements with an accredited home care organization, in connection with such infusion, except that such term does not include nursing services to the extent they are covered as home health services.

“(2) For purposes of paragraph (1):

“(A) The term ‘home’ means a place of residence used as an individual's home and includes such other alternate settings as the Secretary determines.

“(B) The term ‘qualified home infusion therapy provider’ means any pharmacy, physician, or other provider licensed by the State in which the pharmacy, physician, or provider resides or provides services, whose State authorized scope of practice includes dispensing authority and that—

“(i) has expertise in the preparation of parenteral medications in compliance with enforceable standards of the U.S. Pharmacopoeia and other nationally recognized standards that regulate preparation of parenteral medications as determined by the Secretary and meets such standards;

“(ii) provides infusion therapy to patients with acute or chronic conditions requiring parenteral administration of drugs and biologicals administered through catheters or needles, or both, in a home; and

“(iii) meets such other uniform requirements as the Secretary determines are necessary to ensure the safe and effective provision and administration of home infusion therapy on a 7 day a week, 24 hour basis (taking into account the standards of care for home infusion therapy established by Medicare Advantage plans and in the private sector), and the efficient administration of the home infusion therapy benefit.

A qualified home infusion therapy provider may subcontract with a pharmacy, physician, provider, or supplier to meet the requirements of this subsection.”

(b) PAYMENT FOR HOME INFUSION THERAPY.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(n) PAYMENT FOR HOME INFUSION THERAPY.—The payment amount under this part for home infusion therapy is determined as follows:

“(1) IN GENERAL.—The Secretary shall determine a per diem schedule for payment for the professional services, supplies, and

equipment described in section 1861(hhh)(1)(A) that reflects the reasonable costs which must be incurred by efficiently and economically operated qualified home infusion therapy providers to provide such services, supplies, and equipment in conformity with applicable State and Federal laws, regulations, and the uniform quality and safety standards developed under section 1861(hhh)(1) and to assure that Medicare beneficiaries have reasonable access to such therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.

“(2) NURSING SERVICES.—The Secretary shall develop a methodology for the separate payment for nursing services described in section 1861(hhh)(1)(B) provided in accordance with the plan under such section which reflects the reasonable costs incurred in the provision of nursing services in connection with infusion therapy in conformity with State and Federal laws, regulations, and the uniform quality and safety standards developed pursuant to this Act and to assure that Medicare beneficiaries have reasonable access to nursing services for infusion therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.”

(c) CONFORMING AMENDMENTS.—

(1) PAYMENT REFERENCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 101(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—

(A) by striking “and” before “(W)”;

(B) by inserting before the semicolon at the end the following: “, and (X) with respect to home infusion therapy, the amounts paid shall be determined under section 1834(n)”.

(2) DIRECT PAYMENT.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking “and” before “(H)”;

(B) by inserting before the period at the end the following: “, and (I) in the case of home infusion therapy, payment shall be made to the qualified home infusion therapy provider”.

(3) EXCLUSION FROM DURABLE MEDICAL EQUIPMENT AND HOME HEALTH SERVICES.—Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(A) in subsection (m)(5), by inserting “and supplies used in the provision of home infusion therapy” after “excluding other drugs and biologicals”; and

(B) in subsection (n), by adding at the end the following: “Such term does not include home infusion therapy, other than equipment and supplies used in the provision of insulin.”

(4) APPLICATION OF ACCREDITATION PROVISIONS.—The provisions of section 1865(b) of the Social Security Act (42 U.S.C. 1395bb(b)) apply to the accreditation of qualified home infusion therapy providers in the manner they apply to other suppliers.

SEC. 3. MEDICARE COVERAGE OF HOME INFUSION DRUGS.

(a) IN GENERAL.—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-102(e)(1)), as amended by section 182 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—

(1) in paragraph (1)—

(A) by striking “or” at the end of subparagraph (A);

(B) by striking the comma at the end of subparagraph (B) and inserting “; or”;

(C) by inserting before the flush matter following subparagraph (B) the following new subparagraph:

“(C) an infusion drug (as defined in paragraph (5)),”; and

(2) by adding at the end the following new paragraph:

“(5) INFUSION DRUG DEFINED.—For purposes of this part, the term ‘infusion drug’ means a parenteral drug or biological administered via an intravenous, intraspinal, intra-arterial, intrathecal, epidural, subcutaneous, or intramuscular access device inserted into the body, and includes a drug used for catheter maintenance and declotting, a drug contained in a device, vitamins, intravenous solutions, diluents and minerals, and other components used in the provision of home infusion therapy.”

(b) INFUSION DRUG FORMULARIES.—For the first 2 years after the effective date of this Act, notwithstanding any other provision of law, prescription drug plans and MA-PD plans under title XVIII of the Social Security Act shall maintain open formularies for infusion drugs (as defined in section 1860D-2(e)(5) of such Act, as added by subsection (a)). The Secretary of Health and Human Services shall request the United States Pharmacopeia to develop, in consultation with representatives of qualified home infusion therapy providers and other interested stakeholders, a model formulary approach for home infusion drugs for use by such plans after such 2-year period.

(c) PART D DISPENSING FEES.—Section 1860D-2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w-102(d)(1)(B)) is amended by inserting after “any dispensing fees for such drugs” the following: “, other than for an infusion drug”.

SEC. 4. ENSURING BENEFICIARY ACCESS TO HOME INFUSION THERAPY.

(a) OBJECTIVES IN IMPLEMENTATION.—The Secretary of Health and Human Services shall implement the Medicare home infusion therapy benefit under the amendments made by this Act in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes and that there is rapid and seamless coordination between drug coverage under part D of title XVIII of the Social Security Act and coverage for home infusion therapy services under part B of such title. Specifically, the Secretary shall ensure that—

(1) the benefit is practical and workable with minimal administrative burden for beneficiaries, qualified home infusion therapy providers, physicians, prescription drug plans, MA-PD plans, and Medicare Advantage plans, and the Secretary shall consider the use of consolidated claims encompassing covered part D drugs and part B services, supplies, and equipment under such part B to ensure the efficient operation of this benefit;

(2) any prior authorization or utilization review process is expeditious, allowing Medicare beneficiaries meaningful access to home infusion therapy;

(3) medical necessity determinations for home infusion therapy will be made—

(A) except as provided in subparagraph (B), by Medicare administrative contractors under such part B and communicated to the appropriate prescription drug plans; or

(B) in the case of an individual enrolled in a Medicare Advantage plan, by the Medicare Advantage organization offering the plan;

and an individual may be initially qualified for coverage for such benefit for a 90-day period and subsequent 90-day periods thereafter;

(4) the benefit is modeled on current private sector coverage and coding for home infusion therapy; and

(5) prescription drug plans and MA-PD plans structure their formularies, utilization review protocols, and policies in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes.

(b) HOME INFUSION THERAPY ADVISORY PANEL.—In implementing such home infusion therapy benefit and meeting the objectives specified in subsection (a), the Secretary shall establish an advisory panel to provide advice and recommendations. Such panel shall—

(1) be comprised primarily of qualified home infusion therapy providers and their representative organizations;

(2) also include representatives of the following:

(1) Patient organizations.

(2) Hospital discharge planners, care coordinators, or social workers.

(3) Prescription drug plan sponsors and Medicare Advantage organizations.

(c) REPORT.—Not later than January 1, 2012, and every 2 years thereafter, the Comptroller General of the United States shall submit a report to Congress on Medicare beneficiary access to home infusion therapy. Each such report shall specifically address whether the objectives specified in subsection (a) have been met and shall make recommendations to Congress and the Secretary on how to improve the benefit and better ensure that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to home infusion therapy furnished on or after January 1, 2010.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. REID, Mr. DURBIN, Mr. MCCONNELL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mr. INHOFE, Mrs. MCCASKILL, Mr. KERRY, Mr. BAYH, Mr. ALEXANDER, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL):

S. 256. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators KYL, REID, DURBIN, MCCONNELL, BINGAMAN, ENSIGN, SCHUMER, INHOFE, MCCASKILL, KERRY, BAYH, ALEXANDER, GRASSLEY, NELSON of Florida, JOHNSON, and CANTWELL the Combat Methamphetamine Enhancement Act of 2009.

This Act is designed to address problems that the Drug Enforcement Administration, DEA, has identified in the implementation of the Combat Methamphetamine Epidemic Act of 2005. I was pleased to join former Senator Talent in drafting, introducing, and securing the passage of the original bill. I am pleased to introduce this legislation today to ensure that it operates as Congress intended.

The bill that I introduce today would clarify that all retailers, including mail order retailers, who sell products that contain chemicals often used to make methamphetamine—like ephedrine, pseudoephedrine and phenylpropanolamine—must self-certify that they have trained their personnel and will comply with the Combat Meth Act's requirements; require distributors to sell these products only to retailers who have certified that they will comply with the law; require the DEA to publish the list of all retailers who have filed self-certifications, on the DEA's website; and clarify that any retailer who negligently fails to file self-certification as required, may be subject to civil fines and penalties.

The Combat Methamphetamine Epidemic Act that we passed in 2006 has been a resounding success. The number of methamphetamine labs in the United States has declined dramatically now that the ingredients used to make methamphetamine are harder to get.

The Combat Meth Act that became effective in September 2006 included important new provisions for retailer self-certification, employee training, requiring products to be placed behind counters, packaging requirements, required sales logbooks, and limits on the amounts that a person can purchase in a given day and over a 30-day period.

Now, because of that law's implementation, the number of methamphetamine labs decreased from about 12,000 labs to about 7,300 labs a 41 percent decrease in just 1 year. Once the bill was enacted into law, the number of meth "super labs" in my home State of California declined from 30 in 2005 to only 17 in 2006.

Fewer meth labs means more than just less illegal drug production. According to the Fresno Bee, the DEA has noted that in 2003, 3,663 children were reported exposed to toxic meth labs nationwide but that number had been reduced to 319 in 2006.

So things are moving in the right direction, and that is good news. But with more thousands of methamphetamine labs still operating in the U.S., and children still being exposed to their toxins, it is also clear that there is still work to be done.

After the Combat Meth Act became law, DEA examined how the retailer self-certification process was working. On May 16, 2007, DEA sent letters to the 1,600 distributors who they believed were selling products that contained ephedrine or pseudoephedrine, asking them to turn over lists of the retail stores that they sell to, so that DEA could check to see how many of those retailers had self-certified as that law requires.

Rather than actively assisting the DEA in its efforts, about ¾ of the distributors failed or declined to provide

any information about the retail stores.

The distributors who did cooperate provided DEA with the names of 12,375 retail customers. When DEA checked those out, it found that about 8,300 of those retail stores had never self-certified as the law requires.

Based on these findings, the DEA estimates that nationwide, as many as 30,000 additional retail sellers of products are not complying with the law.

In short, retailers' non-compliance with the self-certification requirement appears to be widespread, and undercuts the effectiveness of the Combat Meth Act.

Unfortunately, there is no effective way for law enforcement to determine the universe of who is, and who is not, obeying the law. Currently, there is no requirement that retailers notify the DEA before they start selling products with these listed chemicals.

Retailers can likely avoid negative consequences if they are ever confronted with their failure to self-certify. Currently, the law imposes sanctions only for willful and reckless refusals to self-certify. There is no punishment available if a retailer negligently fails to self-certify as required. Not even civil sanctions are available.

In short, without distributors restricting the supply of these products to retailers who have self-certified, retailers may simply take their chances, rather than self-certifying as the law intended, figuring that they'll never get caught, or if they do get caught, that they will never be punished.

It is unacceptable that, over two years after the Combat Meth Act imposed this requirement and became fully effective, tens of thousands of retailers still are not following the law. It is unacceptable that distributors of these products can continue to profit off of their sales to retailers who are not complying, or are even refusing to comply with the law.

So this bill is designed to make the Combat Meth Act more effective, by putting in place a process that will ensure that every retailer who orders these products that can be used to make methamphetamine must comply with the law before they can get and resell the products.

First, it will require that all retail sellers of products with these listed chemicals must file self-certifications, closing a loophole that now exists for mail-order retailers.

Second, the DEA will be required to post all self-certified retailers on its website, so that advocacy groups and others who are concerned about methamphetamine in their communities can identify retailers who are selling these products without complying with the law, and can notify the authorities.

Third, distributors of these products will only be allowed to sell to retailers who have self-certified, which they will

be able to verify by checking the DEA's public website. Once recalcitrant retailers are faced with the real and immediate economic consequence of a possible cut-off of their desire to purchase these products, I am confident that most will file self-certifications as the law requires.

Finally, the bill clarifies that even a negligent failure to self-certify, if proven, can give rise to civil sanctions.

This is a common-sense bill, designed to strengthen the implementation of the Combat Methamphetamine Epidemic Act. This bill would create incentives to ensure that the self-certification process of the law is made both effective and enforceable.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Methamphetamine Enhancement Act of 2009".

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

"(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B)."

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

"(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format."

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking "or" after the semicolon;

(2) in paragraph (14), by striking the period and inserting ";; or";

(3) by inserting after paragraph (14) the following:

"(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v)."; and

(4) inserting at the end the following: "For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v)."

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: "or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)".

SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. BAYH):

S. 258. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators GRASSLEY and BAYH, the Saving Kids from Dangerous Drugs Act of 2009.

Over the last 2 years, Federal, State, and local law enforcement have increasingly seen drug dealers flavoring and marketing their illegal drugs to appeal to minors, using techniques like combing drugs with candy and other flavorings to entice younger users. This bill would increase the criminal penalties that apply when criminals do this. This bill will ensure these appalling tactics are criminalized and severely punished.

The problem of flavoring illegal drugs to entice minors is well documented. A 2007 USA Today Article entitled "Flavored Meth Use on the Rise" stated that "reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people."

The flavoring of meth to appeal to minors is widespread across the Na-

tion. In California, police have made repeated seizures of strawberry-flavored meth and local drug counselors warn that it also comes in cola, cherry, and orange flavors.

Strawberry flavoring packets were found in a meth lab raid in Arkansas in May of 2007. Similar seizures of flavored meth have been made in Minnesota, Mississippi, Missouri, Nevada, North Carolina, Oregon, and Virginia. Two people were arrested for manufacturing cotton candy flavored meth in Colorado in March of 2008.

The candying and flavoring of controlled substances is not limited to methamphetamine. As recently as March of this year, the DEA seized 1½ pounds of strawberry flavored powdered cocaine in Modesto, CA.

DEA agents in California have also purchased cocaine with lemon, coconut, and cinnamon flavoring. It has also documented other controlled substances like marijuana and hash oil infused into candy bars and soda pop.

Drug dealers are even selling boxes of "Pot Tarts" that look exactly like commercial available Pop Tarts.

Federal, State and local law enforcement all agree that such flavoring is done to entice more minors to use these illegal drugs.

This bill would help address this growing problem by criminalizing the flavoring, coloring and marketing of such drugs and would impose enhanced penalties for these offenses.

Under current law, there is already an enhanced penalty if someone distributes drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But this enhancement only applies if there is an actual distribution of the drug to a minor. Even possession with intent to distribute flavored or candied drugs doesn't qualify.

This bill would fix this loophole. If someone manufactures, creates, distributes, or possesses with intent to distribute a schedule I or II controlled substance that is combined with a candy, marketed or packaged to appear similar to a candy product, or modified by flavoring or coloring with the intent to sell to a minor, they would face enhanced penalties.

The bill sends a strong and clear message to drug dealers—if you flavor or candy up your drugs to make them more appealing to our children, there will be a very heavy price to pay. It will make drug dealers think twice before flavoring up their drugs, and punish them appropriately if they don't.

The bill is supported by the National Narcotics Officers Association Coalition, which is comprised of 44 State narcotics officers' associations.

I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saving Kids from Dangerous Drugs Act of 2009".

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

"(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

"(1) UNLAWFUL ACTS.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to knowingly or intentionally manufacture, create, distribute, dispense, or possess with intent to manufacture, create, distribute, or dispense, a controlled substance listed in schedule I or II that is—

"(A) combined with a candy product;

"(B) marketed or packaged to appear similar to a candy product; or

"(C) modified by flavoring or coloring the controlled substance with the intent to distribute, dispense, or sell the controlled substance to a person under 21 years of age.

"(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

"(A) 2 times the maximum punishment and at least 2 times any term of supervised release authorized by subsection (b) of this section for a first offense involving the same controlled substance and schedule; and

"(B) 3 times the maximum punishment and at least 3 times any term of supervised release authorized by subsection (b) of this section for a second or subsequent offense involving the same controlled substance and schedule.

"(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

"(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

"(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice."

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. BROWN, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. KOHL, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 260. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing legislation with Senator MIKULSKI and 10 of our colleagues that I hope will be added to any economic stimulus package considered by Congress in the coming weeks. This bill will put the brakes on a tax break granted to U.S. companies that move U.S. jobs offshore.

The U.S. economy is facing its most serious financial challenge since the Great Depression, and we must respond aggressively. I think a new economic stimulus plan is urgently needed to help prevent the economy from sliding deeper into a long-term recession. I agree with those who say that a major goal of the stimulus package should be to create more jobs, but I think we also have an opportunity to make a change to ensure that we keep the jobs we already have.

Employers have been slashing jobs at an alarming rate—2.6 million jobs last year—to reduce operating costs. The manufacturing and construction sectors have been particularly hard hit during this downturn. The manufacturing sector laid off 791,000 workers in 2008, continuing the disturbing loss of more than 4 million U.S. manufacturing jobs since the end of 2000. Federal tax laws have contributed to this problem.

There is one thing that Congress can do immediately to stem the loss of more manufacturing jobs: repeal the perverse tax subsidy in the Federal Tax Code for U.S. companies that move manufacturing operations and American jobs overseas. Not only will this help keep good-paying manufacturing jobs here at home, it will save American taxpayers more than \$15 billion in revenue over the next decade.

Unbelievably, there is an insidious tax subsidy that rewards U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. When a U.S. company closes down a U.S. manufacturing plant such as Huffy bicycles or Radio Flyer little red wagons, fires its American workers and moves those good-paying jobs to China or other locations abroad, U.S. tax law actually provide those companies with a large tax break called deferral—allowing them to avoid paying any U.S. income taxes on their foreign earnings until those profits are returned, if ever, to this country. If a company making the same product decides to stay in this country, on the other hand, it is required to pay immediate U.S. taxes on the profits it earns here.

Repealing this jobs export tax subsidy will not hinder the ability of U.S. firms to compete against foreign competitors in foreign markets, as some special interests have claimed. It is targeted only to U.S. firms that move production abroad and then turn around and ship those products back to this country for sale.

If there was ever a tax policy change that would help save U.S. manufacturing jobs and should be part of a robust economic stimulus plan, this is it. I urge my colleagues to cosponsor this legislation. With a new Congress and administration in place, now is the time to kill this ill-advised tax subsidy

once and for all. I look forward to working with my colleagues on this important tax policy matter in the coming weeks.

By Ms. STABENOW:

S. 264. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid program and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the E-Centives Act, which will help ensure safety-net providers serving our most vulnerable citizens can acquire Health Information Technology, HIT.

As I have spoken about many times, HIT promises to transform the delivery of health care in the United States, improving the overall efficiency and effectiveness of healthcare. Some specific quality improvements that result from HIT include reduction in errors that come from illegible handwriting; electronic systems that prompt prescription of generic rather than brand-name drugs; reduction in duplicate diagnostic tests; physician reminders regarding appropriate preventive care; clinical decision support systems that encourage use of evidence-based medicine; identification of drug interactions and patient allergies; and assistance to physicians to manage patients with complex, chronic conditions.

While HIT holds great promise for transforming health care, unfortunately not all providers have the financial means to adopt and use this technology. In fact, the cost of acquiring technology is a major barrier to adoption among health care providers. Cost is particularly burdensome to small practices and safety-net providers that often operate with low financial margins.

Several organizations, including the Kaiser Commission on Medicaid and the Uninsured and the Healthcare Information and Management Systems Society, recognize the essential role that the Federal Government must play to assist providers in the Medicaid and Children's Health Insurance Program, CHIP, to acquire HIT. But absent Federal funding, we could see a "digital divide" in health care.

The bill that I am introducing today will help accelerate investment in certified HIT by providers predominantly serving Medicaid and CHIP beneficiaries. The bill accomplishes this by providing authority to State Medicaid programs to reimburse providers at the enhanced SCHIP FMAP rate for the costs associated with the meaningful use of a certified electronic medical record. This bill also helps streamline the administration and enrollment process for the Medicaid program by

modifying the current regulation that governs the Medicaid Management Information System to include funding for electronic information and eligibility systems, patient registries for disease screening, and office staff training on electronic information and eligibility systems.

I look forward to working with my colleagues to ensure that all health care providers and all Americans can see the benefit of health information technology. Widespread diffusion of HIT is a critical step in health care reform and making sure every American has the most efficient, optimal quality care.

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 267. A bill to provide funding for summer and year-round youth jobs and training programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Summer and Year-Round Jobs for Youth Stimulus Act of 2009”.

SEC. 2. SUMMER AND YEAR-ROUND YOUTH JOBS.

(a) FINDINGS.—Congress finds that—

(1) a \$1,000,000,000 investment in summer and year-round employment for youth, through the program supported under this section, can create up to 1,000,000 jobs for economically disadvantaged youth and stimulate local economies;

(2) there is a serious and growing need for employment opportunities for economically disadvantaged youth (including young adults), as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2008—

(A) the unemployment rate increased to 7.2 percent, as compared to 4.9 percent in December 2007;

(B) the unemployment rate for 16- to 19-year-olds rose to 20.8 percent, as compared to 16.9 percent in December 2007; and

(C) the unemployment rate for African-American 16- to 19-year-olds increased to 33.7 percent, as compared to 28 percent in December 2007;

(3) research from Northwestern University has shown that every \$1 a youth earns has an accelerator effect of \$3 on the local economy;

(4) summer and year-round jobs for youth help supplement the income of families living in poverty;

(5) summer and year-round jobs for youth provide valuable work experience for economically disadvantaged youth;

(6) often, a summer job provided under the Workforce Investment Act of 1998 is an economically disadvantaged youth's introduction to the world of work;

(7) according to the Center for Labor Market Studies at Northeastern University, early work experience is a very powerful predictor of success and earnings in the labor

market, and early work experience raises earnings over a lifetime by 10 to 20 percent;

(8) participation in a youth jobs program can contribute to a reduction in criminal and high-risk behavior for youth; and

(9)(A) youth jobs programs benefit both youth and communities when designed around principles that promote mutually beneficial programs;

(B) youth benefit from jobs that provide them with work readiness skills and that help them make the connection between responsibility on the job and success in adulthood; and

(C) communities benefit when youth are engaged productively, providing much-needed services that meet real community needs.

(b) DEFINITION.—In this section, the term “green-collar industries” means industries throughout the economy of the United States—

(1) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(2) that offer jobs with substantial pay and benefits; and

(3) that are industries in which there is likely to be continued demand for workers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor for youth activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), \$1,000,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010, under the conditions described in subsection (d).

(d) CONDITIONS.—

(1) USE OF FUNDS.—The funds appropriated under subsection (c) shall be used for youth jobs and training programs, to provide opportunities referred to in subparagraphs (C), (D), (E), and (F) of section 129(c)(2) of such Act (29 U.S.C. 2854(c)(2)) and, as appropriate, opportunities referred to in subparagraphs (A) and (G) of such section, except that no such funds shall be spent on unpaid work experiences.

(2) LIMITATION.—Such funds shall be distributed in accordance with sections 127 and 128 of such Act (29 U.S.C. 2852, 2853), except that no portion of such funds shall be reserved to carry out 128(a) or 169 of such Act (29 U.S.C. 2853(a), 2914).

(3) PRIORITY.—In using funds made available under this section, a local area (as defined in section 101 of such Act (29 U.S.C. 2801)) shall give priority to providing—

(A) work experiences in public and non-profit sector green-collar industries;

(B) work experiences in other viable industries, including health care; and

(C) job referral services for youth to work experiences in green-collar industries in the private sector or work experiences in other viable industries in the private sector, for which the employer involved agrees to pay the wages and benefits, consistent with Federal and State child labor laws.

(4) MEASURE OF EFFECTIVENESS.—The effectiveness of the activities carried out with such funds shall be measured, under section 136 of such Act (29 U.S.C. 2871), only with performance measures based on the core indicators of performance described in section 136(b)(2)(A)(ii)(I) of such Act (29 U.S.C. 2871(b)(2)(A)(ii)(I)), applied to all youth served through the activities.

(e) AGE-RELATED.—As used in this Act, and in the provisions referred to in subsections (c) and (d) for purposes of this Act—

(1) a reference to a youth refers to an individual who is not younger than age 14 and not older than age 24, and meets any other requirements for that type of youth; and

(2) a reference to a youth activity refers to an activity covered in subsection (d)(1) that is carried out for a youth described in paragraph (1).

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Build Green Grants, and Green-Collar Youth Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Green-Collar Youth Jobs, Education, and Training Stimulus Act”.

SEC. 2. FINDING.

Congress finds that there is a serious and growing need for employment opportunities for economically disadvantaged youth (including young adults), as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2008—

(1) the unemployment rate increased to 7.2 percent, as compared to 4.9 percent in December 2007;

(2) the unemployment rate for 16- to 19-year-olds rose to 20.8 percent, as compared to 16.9 percent in December 2007; and

(3) the unemployment rate for African-American 16- to 19-year-olds increased to 33.7 percent, as compared to 28 percent in December 2007.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to increase knowledge of the importance of building a green economy;

(2) to increase energy efficiency and renewable energy usage;

(3) to strengthen the protection of the environment;

(4) to decrease carbon emissions; and

(5) to increase the number of well-trained youth workers who can obtain well-paying jobs in a range of green-collar industries and other viable industries.

SEC. 4. DEFINITIONS.

In this Act:

(1) GREEN-COLLAR INDUSTRIES.—In this section, the term “green-collar industries” means industries throughout the economy of the United States—

(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(B) that offer jobs with substantial pay and benefits; and

(C) that are industries in which there is likely to be continued demand for workers.

(2) LOCAL BOARD, LOW-INCOME INDIVIDUAL, SECRETARY.—The terms “local board”, “low-income individual”, and “Secretary” have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term “registered apprenticeship program” means an industry skills training program at the postsecondary level that combines technical and theoretical training

through structured on-the-job learning with related instruction (in a classroom or through distance learning) while an individual is employed, working under the direction of qualified personnel or a mentor, and earning incremental wage increases aligned to enhanced job proficiency, resulting in the acquisition of a nationally recognized and portable certificate, under a plan approved by the Office of Apprenticeship or a State agency recognized by the Department of Labor.

SEC. 5. GREEN JOB CORPS PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage youth participating in the Job Corps to become informed energy- and environmentally-conscious consumers;

(2) to enable the youth to acquire and expand skills related to green-collar industries; and

(3) to address Job Corps construction needs and energy costs and to make Job Corps centers more energy efficient, including retrofitting facilities and restoring campuses.

(b) DEFINITIONS.—In this section, the terms “enrollee”, “graduate”, and “Job Corps Center” have the meanings given the terms in section 142 of the Workforce Investment Act of 1998 (29 U.S.C. 2882).

(c) GENERAL AUTHORITY.—The Secretary is authorized to reserve not more than \$500,000,000 of the funds appropriated under this Act to provide work experiences and training described in subsection (d) in green-collar industries. The Secretary shall provide the work experiences and training, in conjunction with activities described in section 148 of the Workforce Investment Act of 1998 (29 U.S.C. 2888), under subtitle C of title I of such Act (29 U.S.C. 2881 et seq.) (except that subsections (c) and (d) of section 159 of such Act (29 U.S.C. 2899) shall not apply to such experiences and training).

(d) USE OF FUNDS.—

(1) SKILL DEVELOPMENT PROGRAM ACTIVITIES.—The Secretary shall expand Job Corps skill development program activities by updating occupational training programs (including making changes in curriculum and equipment), including development of necessary academic skills in green-collar industries (including construction, facilities maintenance, and advanced manufacturing).

(2) PAID WORK OPPORTUNITIES.—As part of Job Corps career training, the Secretary shall provide paid work opportunities, in green-collar industries, primarily located at Job Corps centers, in order to address Job Corps construction needs and make those centers more energy efficient, including retrofitting facilities and restoring campuses. In carrying out this paragraph, the Secretary shall give priority to projects that help conserve, develop, or manage public natural resources or public recreational areas, or support the public interest.

(3) CONSUMER AND LEADERSHIP ACTIVITIES.—As part of the Job Corps life skills program, the Secretary shall offer consumer and leadership activities, to create a corps of intelligent and informed energy- and environmentally-conscious consumers, including activities that educate Job Corps members about how they can contribute to minimize the effects of climate change and become future leaders in their local communities who preserve and strengthen energy- and environmentally-conscious practices.

(e) REPORT TO CONGRESS.—

(1) INDICATOR.—For purposes of the Green Job Corps program carried out under this section, the indicators of performance shall be—

(A) entry of graduates who participated in work experiences described in subsection (d)(2) into unsubsidized employment in a green-collar industry;

(B) average wages received by such graduates upon entry into such employment; and

(C) number of such graduates who obtain an occupational or education-related credential.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the Green Job Corps program that—

(A) describes the use of funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program on the indicators of performance.

(3) REPORT.—The Secretary shall include the assessment described in paragraph (2) in the corresponding annual report described in subsection (c) of section 159 of such Act (29 U.S.C. 2899), in lieu of submitting any of the information described in subsection (c) or (d) of that section 159 with respect to the Green Job Corps program.

SEC. 6. YOUTHBUILD BUILD GREEN GRANTS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to reserve \$300,000,000 of the funds appropriated under this Act to provide to eligible youth education, work experiences (including service), and training, in green-collar industries, especially concerning the weatherization and energy retrofitting of homes of low-income individuals. The Secretary shall provide the services described in this subsection in conjunction with activities described in section 173A(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2918a(c)), under the YouthBuild program set forth in section 173A of such Act (29 U.S.C. 2918a) (except that paragraphs (3), (4), and (5) of subsection (c), and subsection (d), of such section shall not apply to such services).

(b) GRANTS.—The Secretary is authorized to award from the reserved funds, on a competitive basis, YouthBuild Build Green grants to entities that are recipients of YouthBuild grants under section 173A of such Act.

(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to entities who—

(1) demonstrate the ability to leverage additional resources, which may include materials, personnel, and supplies, from other public and private sources; and

(2) demonstrate the ability to build a foundation of public-private partnerships in a green-collar industry, related to construction, for future projects carried out by the entities.

(e) ELIGIBLE YOUTH.—To be eligible to participate in the program carried out under this section, a youth shall meet the requirements of section 173A(e)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2918a(e)(1)).

(f) USE OF FUNDS.—

(1) SKILLS DEVELOPMENT AND TRAINING.—An entity that receives a grant under this section shall use not less than 90 percent of the funds made available through the grant to provide to participants in the program carried out under this section a combination of classroom education and job skills development, through onsite training and work experiences (including construction or reha-

bilitation of facilities) in a construction trade that makes efficient use of green technologies. Such education and skills development shall be designed to prepare the participants for jobs in green-collar industries in their communities and States.

(2) SUPERVISION AND TRAINING.—The entity may use not more than 10 percent of the grant funds for supervision and training costs related to the activities described in paragraph (1).

(g) REPORT TO CONGRESS.—

(1) INDICATORS.—For purposes of the program carried out under this section, the indicators of performance shall be—

(A) entry of individuals who completed their participation in the program and who participated in activities described in subsection (f)(1) into registered apprenticeship programs in a construction trade in a green-collar industry or a related trade; and

(B) entry of such individuals, who participated in such activities, into unsubsidized employment in a green-collar industry.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the program that—

(A) describes the use of funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program on the indicators of performance.

(3) REPORT.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

SEC. 7. GREEN-COLLAR YOUTH OPPORTUNITY GRANTS.

(a) DEFINITION.—The term “community college” means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(b) GENERAL AUTHORITY.—The Secretary is authorized to reserve \$200,000,000 of the funds appropriated under this Act for work experiences and training in green-collar industries for eligible youth. The Secretary shall provide the work experiences and training in conjunction with activities described in section 169(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2914(b)), under the Youth Opportunity Grants program described in section 169 of that Act (29 U.S.C. 2914) (except that subsections (a)(3), (b)(2), (d), (e)(2), (f), and (g) of such section shall not apply to such work experiences and training).

(c) GRANTS.—The Secretary is authorized to award from the reserved funds, on a competitive basis, Green-Collar Youth Opportunity Grants to eligible organizations.

(d) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an organization shall be a local board described in section 169(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2914(c)) an entity described in section 169(d) of such Act (29 U.S.C. 2914(d)), or an entity acting of behalf of an eligible strategic partnership.

(2) ELIGIBLE STRATEGIC PARTNERSHIP.—

(A) IN GENERAL.—For purposes of this subsection, an eligible strategic partnership shall be composed of at least 1 representative of a local board serving a community, and of each of the 8 types of organizations described in subparagraph (B).

(B) TYPES OF ORGANIZATIONS.—The types of organizations referred to in subparagraph (A) are businesses, unions, labor-management partnerships, schools (including community colleges), public agencies including law enforcement, nonprofit community organizations, economic development entities, and

philanthropic organizations, that are actively engaged in providing learning, mentoring, and work opportunities to eligible youth.

(3) FISCAL AND ADMINISTRATIVE AGENT.—The strategic partnership shall designate an entity, which shall be a member of the partnership, as the strategic partnership's fiscal and administrative entity for the implementation of activities under the grant.

(e) APPLICATION.—To be eligible to receive a grant under this section, an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(f) PRIORITY.—In making grants under this section, the Secretary shall give priority to organizations located in communities described in subsection (c) or (d)(2) of section 169 of the Workforce Investment Act of 1998 (29 U.S.C. 2914).

(g) ELIGIBLE YOUTH.—To be eligible to participate in a program carried out under this section, a youth shall—

(1) be not less than age 14 and not more than age 24;

(2) reside in a community described in subsection (c) or (d)(2) of section 169 of such Act; and

(3) have multiple barriers to education and career success, as specified by the Secretary.

(h) USE OF FUNDS.—An organization that receives a grant under this section may use the funds made available through the grant to provide programs of work experiences and training in green-collar industries that include education and paid work experiences. The work experiences shall involve retrofitting buildings (including facilities of small businesses) to achieve energy savings, or enhancing, creating, or preserving public space, within the communities served. In providing the programs, the organization may provide any of the activities described in subsection (b)(1) of that section 169.

(i) REPORT TO CONGRESS.—

(1) INDICATORS.—For purposes of the program carried out under this section, the indicators of performance shall be—

(A) acquisition of a high school diploma or its generally recognized equivalent by individuals who completed their participation in the program and who participated in training described in subsection (b);

(B) entry of such individuals, who participated in work experiences described in subsection (b), into postsecondary education linked to the green economy, including registered apprenticeship programs in a green-collar industry; and

(C) entry of such individuals, who participated in work experiences described in subsection (b), into unsubsidized employment in a green-collar industry.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the program that—

(A) describes the use of funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program, including on the indicators of performance.

(3) REPORT.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary for activities described in this Act \$1,000,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010.

By Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW):

S. 269. A bill to provide funding for unemployment and training activities for dislocated workers and adults, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retooling America's Workers for a Green Economy Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In October 2008, the numbers of mass layoffs (involving over 50 workers at one time) and initial unemployment claims reached their highest levels since 2001. According to the National Renewable Energy Laboratory, however, a major barrier to more rapid adoption of clean and renewable energy and energy efficiency measures is the lack of sufficient workers skilled in green technology.

(2) In December 2008, unemployment figures showed a sharp deterioration in the economy. The unemployment rate rose from 6.8 percent in November, to 7.2 percent in December, of 2008. Employers shed 524,000 jobs in December 2008, and 1,900,000 jobs were lost over just the last 4 months of 2008. These job losses were widespread across most major industry sectors.

(3) According to the Bureau of Labor Statistics, 11,100,000 people were unemployed in December 2008, an increase of 3,600,000 people since the recession started in December 2007. In December 2008, the number of workers who wanted to work full-time but worked part-time because their hours were cut or they could not find full-time jobs reached 8,000,000, up 3,400,000 since December 2007.

(4) Analysts say that the Nation has yet to see the worst of the economic fallout. The latest prediction from HIS Global Insight forecasts that unemployment will be an estimated 8.6 percent by the end of 2009.

(5) The reality of climate change and a shared desire to protect the environment for future generations have the potential to spur economic growth in green-collar jobs across the industrial spectrum. In order to prepare United States workers to build greener communities in both urban and rural settings, the Nation will need to make an investment in skills development for jobs in the current and future economies.

SEC. 3. PURPOSE.

The purpose of this Act is to retool America's workers—including dislocated workers, those who are long-term unemployed individuals, and those who are low-skilled individuals, limited English proficient individuals, individuals with disabilities, or older workers—for green-collar industries, for existing viable industries, and for new and emerging industries so that the workers described in this section can contribute to the long-term competitiveness of the United States and its quality of life.

SEC. 4. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms "adult", "chief elected official", "dislocated worker", "employment and training activities", "individual with a disability", "local area", "local board", "outlying area", "rapid response activities", "Secretary", "State", and "State board" have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(2) COMMUNITY COLLEGE.—The term "community college" means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) GREEN-COLLAR INDUSTRIES.—The term "green-collar industries" means industries throughout the economy of the United States—

(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(B) that offer jobs with substantial pay and benefits; and

(C) that are industries in which there is likely to be continued demand for workers.

SEC. 5. ACTIVITIES FOR DISLOCATED WORKERS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to reserve \$2,000,000,000 of the funds appropriated under this Act for rapid response activities, for dislocated worker employment and training activities under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.), or for employment and training assistance and additional assistance under section 173(a) of such Act (29 U.S.C. 2918(a)).

(b) NATIONAL EMERGENCY GRANTS.—Of the reserved funds, the Secretary may use not more than \$500,000,000 to award national emergency grants—

(1) to provide employment and training assistance to workers affected by major economic dislocations under section 173(a)(1) of such Act (29 U.S.C. 2918(a)(1)); and

(2) to provide additional assistance under section 173(a)(3) of such Act (29 U.S.C. 2918(a)(3)) to a State or local board that meets the requirements of that section (in a case in which the expended funds involved were expended for assistance described in paragraph (1)).

(c) STATE ACTIVITIES.—

(1) IN GENERAL.—After determining an amount from the reserved funds to be used under subsection (b), the Secretary may use the remaining funds to make allotments to States, and outlying areas, consistent with the allotment formula under section 132(b)(2) of such Act (29 U.S.C. 2862(b)(2)). Each State or outlying area may use 25 percent of the State's or outlying area's allotment for statewide rapid response activities for permanent closures or mass layoffs described in section 101(38) of such Act (42 U.S.C. 2801(38)) and efforts to avert future permanent closures or mass layoffs described in such section.

(2) USE OF DISLOCATED WORKERS TO PROVIDE ACTIVITIES.—In providing statewide rapid response activities, States or entities designated by States (and outlying areas or entities designated by outlying areas), working in conjunction with local boards and chief elected officials, may enhance their services by employing dislocated workers to provide outreach, informal coaching, counseling or mentoring support, and information to other dislocated workers or unemployed persons.

(d) LOCAL ACTIVITIES.—

(1) IN GENERAL.—Each State or outlying area shall use 75 percent of the State's or outlying area's allotment to make allocations directly to local boards, for local areas,

using the formula under section 133(b)(2)(B) of such Act (29 U.S.C. 2863(b)(2)(B)).

(2) **PRIORITY.**—A local board that receives an allocation under paragraph (1) shall use the funds made available through the allocation for dislocated worker employment and training activities. In providing the activities the local board shall give priority to providing the employment and training activities, including on-the-job training, in viable industries identified at the regional or local levels, including green-collar industries.

(e) **REPORT TO SECRETARY.**—Each State, in submitting an annual report under section 136(d) of such Act (29 U.S.C. 2871(d)), shall include information on entry of individuals who participated in employment and training activities in green-collar industries and other viable industries under this section into unsubsidized employment in a green-collar industry or other viable industry.

(f) **REPORT TO CONGRESS.**—The Secretary shall annually prepare and submit to the appropriate committees of Congress information on entry of individuals who received services under subsection (b) into unsubsidized employment in a green-collar industry or other viable industry.

SEC. 6. ACTIVITIES FOR ADULTS WITH MULTIPLE BARRIERS TO EMPLOYMENT.

(a) **PURPOSE.**—The purpose of this section is to fully utilize the Nation's human capital by—

(1) helping adults with multiple barriers to employment acquire the skills to obtain jobs in viable industries, by providing intensive services, training services, and other employment and training activities; and

(2) in particular, by providing employment and training activities in green-collar industries and other viable industries.

(b) **DEFINITION.**—The term “adult with multiple barriers to employment” means an adult who is long-term unemployed, a low-skilled individual, limited English proficient, an individual with a disability, or an older worker, with multiple barriers to finding a job in a viable industry.

(c) **GENERAL AUTHORITY.**—The Secretary is authorized to reserve \$800,000,000 of the funds appropriated under this Act to carry out this section. The Secretary shall use the reserved funds to make allotments to States and outlying areas, consistent with the allotment formula under section 132(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(b)(1)) to provide employment and training activities to adults with multiple barriers to employment.

(d) **STATE ACTIVITIES.**—Each State or outlying area may use 10 percent of the State's or outlying area's allotment to assist local boards in providing employment and training activities to adults with multiple barriers to employment, and assist the adults in attaining jobs in viable industries, with as much flexibility as is practicable. In providing assistance under this subsection, the State or outlying area may provide aid that includes assistance with system alignment (described in subsection (e)(1)(D)), the provision of capacity building and professional development activities for staff, and the provision of enhanced regional sector-based labor market information.

(e) **LOCAL ACTIVITIES.**—

(1) **IN GENERAL.**—Each State or outlying area shall use 90 percent of the State's or outlying area's allotment to make grants, on a competitive basis, to local boards for local areas, to provide employment and training activities to adults with multiple barriers to employment.

(2) **PRIORITY.**—In making the grants, the chief executive officer of the State or outlying area, in consultation with the State board involved, shall give priority to those local boards that—

(A) align their local areas to create regions that reflect natural labor markets or economic development districts;

(B) reflect regional strategic partnerships described in paragraph (3) among local boards, industry (including business and labor), schools (including community colleges), and other community organizations to provide coherent programs of employment and training activities;

(C) make special efforts to conduct outreach and provide services to adults with multiple barriers to employment who need to advance their careers or seek second careers due to the economic downturn;

(D) align adult education, career and technical education, workforce investment, economic development, and related systems and resources to provide career pathway strategies for helping low-skilled individuals navigate through the continuum of needed education and supports, to ultimately achieve a postsecondary education credential or an industry-recognized certificate and a job leading to economic self-sufficiency;

(E) provide an assurance that the local board will use at least 90 percent of the grant funds for intensive services described in section 134(d)(3)(C) and training services described in section 134(d)(4)(D) of such Act (29 U.S.C. 2864(d)(3)(C), 2864(d)(4)(D)), without regard to the eligibility requirements of section 134(d) of such Act (29 U.S.C. 2864(d)).

(3) **STRATEGIC PARTNERSHIP.**—

(A) **IN GENERAL.**—For purposes of this section, a strategic partnership shall, in particular, be composed of at least 1 representative of a local board serving a community, and of each of the 8 types of organizations described in subparagraph (B).

(B) **TYPES OF ORGANIZATIONS.**—The types of organizations referred to in subparagraph (A) are businesses, unions, labor-management partnerships, schools (including community colleges), public agencies, nonprofit community organizations, economic development entities, and philanthropic organizations, that are actively engaged in providing employment and training activities, including work opportunities and support, to adults with multiple barriers to employment.

(f) **REPORT TO SECRETARY.**—

(1) **IN GENERAL.**—Each State, in submitting an annual report under section 136(d) of such Act (29 U.S.C. 2871(d)), shall include information—

(A) on acquisition of a recognized postsecondary education credential or an industry-recognized certificate by adults with multiple barriers to employment who participated in employment and training activities under this section;

(B) on entry of such adults, who participated in such activities, into positions in unsubsidized employment in viable industries; and

(C) for adults referred to in subparagraph (B), on average wages in such positions.

(2) **REFINEMENTS.**—In establishing standards for the reports, the Secretary shall refine indicators to eliminate any unintended consequences for adults with multiple barriers to employment, or such adults who may need and seek less than full-time employment along a career path.

SEC. 7. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

The Secretary shall reserve \$625,000,000 of the funds appropriated under this Act to

carry out section 171(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Labor for activities described in this Act, \$3,425,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010.

By Mr. CASEY (for himself and Mr. NELSON, of Nebraska):

S. 270. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about a member of the American family for whom we all care, but for whom we don't do nearly enough to support: pregnant women.

I remember the times my wife Terese learned she was pregnant, and even though I can never experience it directly, I know through her and my sisters that there is one indelible and unforgettable moment when a woman finds out she is pregnant. For many women, this is a moment of great joy, the miracle of pregnancy. Perhaps it has been long awaited or perhaps it is something of a surprise, but it is welcome. Many of these women don't need help beyond what their families provide and others may receive adequate support within our existing framework of programs and services.

But there is another circumstance that a pregnant woman may face. For that woman, the moment of discovery is not a moment of joy. For her, it is a moment of terror, or panic or even shame. She may be in a doctor's office or clinic or she may be at home. For her, that moment begins a crisis in which she feels overwhelmingly and perhaps almost unbearably alone. She could be wealthy, middle income or poor, but most likely poor. Whatever her income, she feels, very simply, all alone.

A pregnant woman may have an abusive spouse or boyfriend who is tormenting her. She is all alone.

Another pregnant woman may believe that she cannot support or care for a new baby at this point in her life. She is all alone.

Another woman might believe that her financial situation is so precarious that she cannot care for and raise a child. She may feel alone and helpless.

We know that 48 percent of all pregnancies are unintended and, excluding miscarriages, 54 percent of unintended pregnancies end in abortion. The response “cannot afford a baby” is the second most frequently cited reason why women choose to have an abortion and 73 percent of women having abortions cited this reason as a contributing factor.

A woman who is facing the challenges of an unplanned pregnancy that may be a crisis for her does not need a

lecture from a politician or a clinical reminder that she has a simple choice to make. The choice is never simple. Never. This woman needs support and love and understanding. She needs to be embraced in her time of crisis, not sent on her way to deal with it on her own. She needs our help to walk with her, not only throughout the nine months of her pregnancy, but also for the early months and years of her child's life.

We in the Congress, in both the House and Senate and both parties, need to address this issue in a comprehensive way that meets these needs. Some members have initiated good efforts and we should applaud and support those efforts, but I believe that neither political party is doing enough for pregnant women in America today. While there is tremendous disagreement on how we can best do this, there is one significant area of common ground—one thing we all agree upon. We all want to reduce the number of abortions.

Many women who have abortions do so very reluctantly, and while "choice" is a term that is widely used in this debate, many women who face unplanned pregnancies do not feel they have a genuine choice. That is why I am introducing the Pregnant Women Support Act. With this bill, it is my fervent hope that a new dialogue—a common ground—will emerge on how we can reduce abortions by offering pregnant women real choices:

This bill will: assist pregnant and parenting teens to finish high school and prepare for college or vocational training; help pregnant college students stay in school, offering them counseling as well as assistance with continuing their education, parenting support and classes, and child care assistance.

It will provide counseling and shelter to pregnant women in abusive relationships who may be fearful of continuing a (pregnancy in a crisis situation; establish a national toll-free number and public awareness campaign to offer women support and knowledge about options and resources available to them when they face an unplanned pregnancy; give women free sonogram examinations by providing grants for the purchase of ultrasound equipment; provide parents with information about genetic disability testing, including support for parents who receive a diagnosis of Down Syndrome; ensure that pregnant women receive prenatal and postnatal care by eliminating pregnancy as a pre-existing condition in the individual healthcare market and also eliminating waiting periods for women with prior coverage; increase funding for nurse home visitation for pregnant and first time mothers. One example of this is the Nurse-Family Partnership, an evidence-based program and national model in which

nurses mentor young first-time and primarily low-income mothers, establishing a supportive relationship with both mother and child.

Studies have shown this program to be both cost effective and hugely successful in terms of life outcomes for both mothers and children; increase funding for the Women, Infants and Children Program, providing nutrition assessment, counseling and education, obesity prevention, breastfeeding support, prenatal and pediatric health care referrals, immunization screening and referral, and a host of other services for mothers and children; expand nutritional support for low-income parents by increasing the income eligibility level for food stamps; increase funding for the Child Care and Development Block Grant, the primary source of federal funding for child care assistance for low-income parents.

I introduce this bill with the deepest conviction that we can find common ground. I believe that we can transform this debate by focusing upon the issues that unite us, not the issues that divide us. It's well known where I stand on these issues. I am a pro-life Democrat. I believe that life begins at conception and ends when we draw our last breath. I believe that the role of government is to protect, enrich, and value life for everyone, at every moment, from beginning to end. And I believe that we as a nation have to do more to support women and their children when they are most vulnerable—during pregnancy and early childhood.

I support family planning programs because they avoid what can be a dark moment, when a woman, often alone, faces a pregnancy she feels she can't handle. I support family planning programs precisely because they reduce abortions. But that is not the issue I address today. Today, with this bill, I am focused on the woman who is pregnant and I am asking a question we should all be asking: "What more can I do?" "What more can we do for pregnant women who need our help?"

I believe there is more common ground in America than we might realize—if only we focus on how we can truly help and support women who wish to carry their pregnancies to term and how we can give them and their babies what they really need to begin healthy and productive lives together.

For the past 35 years, the abortion issue has been used mostly as a way to divide people, even as the number of abortions remains unacceptably high. We have to find a better way. I believe the Pregnant Women Support Act is part of that better way. We must work toward real solutions to the issue of abortion by targeting the underlying factors that often lead women to have abortions. This is precisely what the Pregnant Women Support Act will do.

We need to walk in solidarity with pregnant women who face unplanned

pregnancies and who need our support and help, not our judgment. That is exactly what this bill does for that woman who finds herself alone as she faces what may be the most difficult experience of her entire life: the woman who has no one to turn to for advice, for counsel, for support. I truly believe there are few things more terrifying than the prospect of supporting another human being when you have no support of your own.

Reducing the number of abortions should not be a partisan issue. It should not pit Democrats against Republicans. I seek common ground. I ask my colleagues on both sides of the aisle to join me in seeking real solutions that will unite us in providing life with dignity, before and after birth, for pregnant women, mothers and children. Surely we must all agree that no woman should ever have to face the crisis of an unplanned pregnancy alone.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Pregnant Women Support Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—PUBLIC AWARENESS AND ASSISTANCE FOR PREGNANT WOMEN AND NEW PARENTS

Sec. 101. Grants for increasing public awareness of resources available to assist pregnant women in carrying their pregnancies to term and to assist new parents.

TITLE II—INCREASING WOMEN'S KNOWLEDGE ABOUT THEIR PREGNANCY

Sec. 201. Grants to health centers for purchase of ultrasound equipment.

TITLE III—PREGNANCY AS A PREEXISTING CONDITION

Sec. 301. Individual health insurance coverage for pregnant women.

Sec. 302. Continuation of health insurance coverage for newborns.

TITLE IV—MEDICAID AND SCHIP COVERAGE OF PREGNANT WOMEN AND UNBORN CHILDREN

Sec. 401. Treatment of unborn children.

Sec. 402. Coordination with the maternal and child health program.

TITLE V—DISCLOSURE OF INFORMATION ON ABORTION SERVICES

Sec. 501. Disclosure of information on abortion services.

TITLE VI—SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS

Sec. 601. Services to patients receiving positive test diagnosis for down syndrome or other prenatally diagnosed conditions.

TITLE VII—SUPPORT FOR PREGNANT AND PARENTING COLLEGE STUDENTS

- Sec. 701. Sense of Congress.
 Sec. 702. Definitions.
 Sec. 703. Pregnant and parenting student services pilot program.
 Sec. 704. Application; number of grants.
 Sec. 705. Matching Requirement.
 Sec. 706. Use of funds.
 Sec. 707. Reporting.
 Sec. 708. Authorization of appropriations.

TITLE VIII—SUPPORT FOR PREGNANT AND PARENTING TEENS

- Sec. 801. Grants to States.
TITLE IX—IMPROVING SERVICES FOR PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

- Sec. 901. Findings.
 Sec. 902. Program to support pregnant women who are victims of domestic violence.
 Sec. 903. Homicide death certificates of certain female victims.

TITLE X—LIFE SUPPORT CENTERS FOR PREGNANT WOMEN, MOTHERS, AND CHILDREN

- Sec. 1001. Life support centers pilot program.

TITLE XI—PROVIDING SUPPORT TO NEW PARENTS

- Sec. 1101. Increased support for WIC program.
 Sec. 1102. Nutritional support for low-income parents.
 Sec. 1103. Increased funding for the Child Care and Development Block Grant program.
 Sec. 1104. Teenage or first-time mothers; free home visits by registered nurses for education on health needs of infants.

TITLE XII—COLLECTING AND REPORTING ABORTION DATA

- Sec. 1201. Grants for collection and reporting of abortion data.

SEC. 2. FINDINGS.

The Congress finds as follows:

- (1) In 2004, 839,226 abortions were reported to the Centers for Disease Control and Prevention.
- (2) 48 percent of all pregnancies in America are unintended. Excluding miscarriages, 54 percent of unintended pregnancies end in abortion.
- (3) 57 percent of women who have abortions have incomes below 200 percent of the poverty level.
- (4) "Cannot afford a baby" is the second most frequently cited reason women choose to have an abortion; 73 percent of women having abortions cited this reason as a contributing factor.
- (5) This Act is an initiative to gather more complete information about abortion, to reduce the abortion rate by helping women carry their pregnancies to term and bear healthy children, and by affirming the right of women to be fully informed about their other options when they seek an abortion.
- (6) The initiative will work to support women facing unplanned pregnancies, new parents and their children by providing comprehensive measures for health care needs, supportive services and helpful prenatal information and postnatal services.

SEC. 3. DEFINITIONS.

For purposes of this Act:

- (1) The term "Secretary" means the Secretary of Health and Human Services.
- (2) The term "State" includes the 50 States, the District of Columbia, the Com-

monwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

TITLE I—PUBLIC AWARENESS AND ASSISTANCE FOR PREGNANT WOMEN AND NEW PARENTS

SEC. 101. GRANTS FOR INCREASING PUBLIC AWARENESS OF RESOURCES AVAILABLE TO ASSIST PREGNANT WOMEN IN CARRYING THEIR PREGNANCIES TO TERM AND TO ASSIST NEW PARENTS.

(a) **GRANTS.**—The Secretary may make grants to States to increase public awareness of resources available to pregnant women to carry their pregnancy to term and to new parents.

(b) **USE OF FUNDS.**—The Secretary may make a grant to a State under this section only if the State agrees to use the grant for the following:

(1) Identification of resources available to assist pregnant women to carry their pregnancy to term or to assist new parents, or both.

(2) Conducting an advertising campaign to increase public awareness of such resources.

(3) Establishing and maintaining a toll-free telephone line to direct people to—

(A) organizations that provide support services for pregnant women to carry their pregnancy to term;

(B) adoption centers; and

(C) organizations that provide support services to new parents.

(c) **PROHIBITION.**—The Secretary shall prohibit each State receiving a grant under this section from using the grant to direct people to an organization or adoption center that is for-profit.

(d) **IDENTIFICATION OF RESOURCES.**—The Secretary shall require each State receiving a grant under this section to make publicly available by means of the Internet (electronic and paper form) a list of the following:

(1) The resources identified pursuant to subsection (b)(1).

(2) The organizations and adoption centers to which people are directed pursuant to an advertising campaign or telephone line funded under this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—The Secretary shall make such funds available as may be necessary to carry out the activities of this section.

TITLE II—INCREASING WOMEN'S KNOWLEDGE ABOUT THEIR PREGNANCY

SEC. 201. GRANTS TO HEALTH CENTERS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317L the following:

"SEC. 317L-1. GRANTS FOR THE PURCHASE OR UPGRADE OF ULTRASOUND EQUIPMENT.

"(a) **IN GENERAL.**—The Secretary may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed medical physician, ultrasound examinations to pregnant women consenting to such services.

"(b) **ELIGIBILITY REQUIREMENTS.**—An entity may receive a grant under subsection (a) only if the entity meets the following conditions:

"(1) The entity is a health center eligible to receive a grant under section 330 (relating to community health centers, migrant health centers, homeless health centers, and public-housing health centers).

"(2) The entity agrees to comply with the following medical procedures:

"(A) The entity will inform each pregnant woman upon whom the ultrasound equipment is used that she has the right to view the visual image of the unborn child from the ultrasound examination and that she has the right to hear a general anatomical and physiological description of the characteristics of the unborn child.

"(B) The entity will inform each pregnant woman that she has the right to learn, according to the best medical judgment of the physician performing the ultrasound examination or the physician's agent performing such exam, the approximate age of the embryo or unborn child considering the number of weeks elapsed from the probable time of the conception of the embryo or unborn child, based upon the information provided by the client as to the time of her last menstrual period, her medical history, a physical examination, or appropriate laboratory tests.

"(c) **APPLICATION FOR GRANT.**—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) **ANNUAL REPORT TO SECRETARY.**—A grant may be made under subsection (a) only if the applicant for the grant agrees to report on an annual basis to the Secretary, in such form and manner as the Secretary may require, on the ongoing compliance of the applicant with the eligibility conditions established in subsection (b).

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$3,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014."

TITLE III—PREGNANCY AS A PREEXISTING CONDITION

SEC. 301. INDIVIDUAL HEALTH INSURANCE COVERAGE FOR PREGNANT WOMEN.

(a) **LIMITATION ON IMPOSITION OF PRE-EXISTING CONDITION EXCLUSIONS AND WAITING PERIODS FOR WOMEN WITH PRIOR COVERAGE.**—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by inserting after section 2753 the following new section:

"SEC. 2754. PROVIDING INDIVIDUAL HEALTH INSURANCE COVERAGE WITHOUT REGARD TO PREEXISTING CONDITION EXCLUSION AND WAITING PERIODS FOR PREGNANT WOMEN WITHIN ONE YEAR OF CONTINUOUS PRIOR COVERAGE.

"In the case of a woman who has had at least 12 months of creditable coverage before seeking individual health insurance coverage, such individual health insurance coverage, and the health insurance issuer offering such coverage, may not impose any pre-existing condition exclusion relating to pregnancy as a preexisting condition, any waiting period, or otherwise discriminate in coverage or premiums against the woman on the basis that she is pregnant."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply to women who become pregnant on or after such date.

SEC. 302. CONTINUATION OF HEALTH INSURANCE COVERAGE FOR NEWBORNS.

(a) **GROUP HEALTH PLAN COVERAGE.**—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by inserting after section 2707 the following new section:

“SEC. 2708. CONTINUATION OF COVERAGE FOR NEWBORNS.

“(a) NOTIFICATION.—In the case of a pregnant woman who is covered under a group health plan, or under group health insurance coverage, for other than family coverage, the plan or issuer of the insurance shall provide notice to the woman during the 5th month of pregnancy, during the 8th month of pregnancy, and within 2 weeks after delivery, of the woman's option to provide continuing coverage of the newborn child under the group health plan or health insurance coverage under subsection (b).

“(b) OPTION OF CONTINUED COVERAGE FOR NEWBORNS.—In the case of a pregnant woman described in subsection (a) who has a newborn child under a group health plan or under group health insurance coverage, the plan or issuer offering the coverage shall provide the woman with the option of electing coverage of the newborn child at least through the end of the 30-day period beginning on the date of birth of the child and no waiting period or preexisting condition exclusion shall apply with respect to the coverage of such a newborn child under such plan or coverage. Such continuation coverage shall remain in effect, subject to payment of applicable premiums, for at least such period as the Secretary specifies.”.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Such title is further amended by inserting after section 2754, as added by section 301, the following new section:

“SEC. 2755. CONTINUATION OF COVERAGE FOR NEWBORNS.

“The provisions of section 2708 shall apply with respect to individual health insurance coverage and the issuer of such coverage in the same manner as they apply to group health insurance coverage and the issuer of such coverage.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to women who become pregnant on or after such date and children who are born of such women.

TITLE IV—MEDICAID AND SCHIP COVERAGE OF PREGNANT WOMEN AND UNBORN CHILDREN**SEC. 401. TREATMENT OF UNBORN CHILDREN.**

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397(c)(1)) is amended by striking the period at the end and inserting the following: “, and includes, at the option of a State, an unborn child.”.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

“(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

“(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

“(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.”.

SEC. 402. COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.”.

(b) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(1) by striking “and” before “(C)”; and

(2) by inserting before the semicolon at the end the following: “, and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2009.

TITLE V—DISCLOSURE OF INFORMATION ON ABORTION SERVICES**SEC. 501. DISCLOSURE OF INFORMATION ON ABORTION SERVICES.**

(a) IN GENERAL.—Health facilities that perform abortions in or affecting interstate commerce shall obtain informed consent from the pregnant woman seeking to have the abortion. Informed consent shall exist only after a woman has voluntarily completed or opted not to complete pre-abortion counseling sessions.

(b) ACCURATE INFORMATION.—Counseling sessions under subsection (a) shall include the following information:

(1) The probable gestational age and characteristics of the unborn child at the time the abortion will be performed.

(2) How the abortion procedure is performed.

(3) Possible short-term and long-term risks and complications of the procedure to be performed.

(4) Options or alternatives to abortion, including, but not limited to, adoption, and the resources available in the community to assist women choosing these options.

(5) The availability of post-procedure medical services to address the risks and complications of the procedure.

(c) EXCEPTION.—This section shall not apply when the pregnant woman is herself incapable, under State law, of making medical decisions. This section does not affect or modify any requirement under State law for making medical decisions for such patients.

(d) CIVIL REMEDIES.—

(1) CIVIL ACTION.—Any female upon whom an abortion has been performed or attempted without complying with the informed consent requirements may bring a civil action in an appropriate district court of the United States against the person who performed the abortion in knowing or reckless violation of this section for actual and punitive damages.

(2) CERTAIN AUTHORITIES AND REQUIREMENTS.—With respect to an action under paragraph (1):

(A) The court may award attorney's fees to the plaintiff if judgment is rendered in favor of the plaintiff, and may award attorney's fees to the defendant if judgment is rendered in favor of the defendant and the court finds

that the plaintiff's case was frivolous and brought in bad faith.

(B) The court shall determine whether the anonymity of the female involved will be preserved from public disclosure if the female has not consented to her identity being disclosed. If the female's identity is to be shielded, the court shall issue an order sealing the record and excluding individuals from the courtroom to preserve her identity.

(C) In the absence of the female's written consent, anyone other than a public official who brings the action shall do so under a pseudonym.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to conceal the identity of the plaintiff or of the witnesses from the defendant.

(e) SEVERABILITY.—If any provision of this section requiring informed consent for abortions is found unconstitutional, the unconstitutional provision is severable and the other provisions of this section remain in effect.

(f) PREEMPTION.—Nothing in this section shall prevent a State from enacting and enforcing additional requirements with respect to informed consent.

TITLE VI—SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS**SEC. 601. SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS FOR DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS.**

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds as follows:

(A) Pregnant women who choose to undergo prenatal genetic testing should have access to timely, scientific, and nondirective counseling about the conditions being tested for and the accuracy of such tests, from health care professionals qualified to provide and interpret these tests. Informed consent is a critical component of all genetic testing.

(B) A recent, peer-reviewed study and two reports from the Centers for Disease Control and Prevention on prenatal testing found a deficiency in the data needed to understand the epidemiology of prenatally diagnosed conditions, to monitor trends accurately, and to increase the effectiveness of health intervention.

(2) PURPOSES.—It is the purpose of this section, after the diagnosis of an unborn child with Down syndrome or other prenatally diagnosed conditions, to—

(A) increase patient referrals to providers of key support services to assist parents in the care, or placement for adoption, of a child with Down syndrome, or other prenatally diagnosed conditions, as well as to provide up-to-date, science-based information about life-expectancy and development potential for a child born with Down syndrome or other prenatally diagnosed condition;

(B) provide networks of support services described in subparagraph (A) through a Centers for Disease Control and Prevention patient and provider outreach program;

(C) improve available data by incorporating information directly revealed by prenatal testing into existing State-based surveillance programs for birth defects and prenatally diagnosed conditions; and

(D) ensure that patients receive up-to-date, scientific information about the accuracy of the test.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.)

is amended by adding at the end the following:

“SEC. 399U. SUPPORT FOR PATIENTS RECEIVING A POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS.

“(a) DEFINITIONS.—In this section:

“(1) DOWN SYNDROME.—The term ‘Down syndrome’ refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

“(2) HEALTH CARE PROVIDER.—The term ‘health care provider’ means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

“(3) PRENATALLY DIAGNOSED CONDITION.—The term ‘prenatally diagnosed condition’ means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

“(4) PRENATAL TEST.—The term ‘prenatal test’ means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

“(5) SUPPORT.—The terms ‘support’ and ‘supportive services’ mean services to assist parents to care for, and prepare to care for, a child with Down Syndrome or another prenatally diagnosed condition, and to facilitate the adoption of such children as appropriate.

“(b) INFORMATION AND SUPPORT SERVICES.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts, or cooperative agreements, to—

“(1) collect, synthesize, and disseminate current scientific information relating to Down syndrome or other prenatally diagnosed conditions;

“(2) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions, including—

“(A) the establishment of a resource telephone hotline and Internet Website accessible to patients receiving a positive test result;

“(B) the establishment of national and local peer-support programs; and

“(C) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally diagnosed conditions, with families willing to adopt;

“(3) establish a clearinghouse of information regarding the scientific facts, clinical course, life expectancy, and development potential relating to Down syndrome or other prenatally diagnosed conditions; and

“(4) establish awareness and education programs for health care providers who provide the results of prenatal tests for Down syndrome or other prenatally diagnosed conditions, to patients, consistent with the purpose described in section 601(a)(2)(A) of the Pregnant Women Support Act.

“(c) DATA COLLECTION.—

“(1) PROVISION OF ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention,

shall provide assistance to State and local health departments to integrate the results of prenatal testing into State-based vital statistics and birth defects surveillance programs.

“(2) ACTIVITIES.—The Secretary shall ensure that activities carried out under paragraph (1) are sufficient to extract population-level data relating to national rates and results of prenatal testing.

“(d) PROVISION OF INFORMATION BY PROVIDERS.—Upon receipt of a positive test result from a prenatal test for Down syndrome or other prenatally diagnosed conditions performed on a patient, the health care provider involved (or his or her designee) shall provide the patient with the following:

“(1) Up-to-date, scientific, written information concerning the life expectancy, clinical course, and intellectual and functional development and treatment options for an unborn child diagnosed with or child born with Down syndrome or other prenatally diagnosed conditions.

“(2) Referral to supportive services providers, including information hotlines specific to Down syndrome or other prenatally diagnosed conditions, resource centers or clearinghouses, and other education and support programs described in subsection (b).

“(e) PRIVACY.—

“(1) IN GENERAL.—Notwithstanding subsections (c) and (d), nothing in this section shall be construed to permit or require the collection, maintenance, or transmission, without the health care provider obtaining the prior, written consent of the patient, of—

“(A) health information or data that identify a patient, or with respect to which there is a reasonable basis to believe the information could be used to identify the patient (including a patient’s name, address, healthcare provider, or hospital); and

“(B) data that are not related to the epidemiology of the condition being tested for.

“(2) GUIDANCE.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish guidelines concerning the implementation of paragraph (1) and subsection (d).

“(f) REPORTS.—

“(1) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Secretary shall submit a report to Congress concerning the implementation of the guidelines described in subsection (e)(2).

“(2) GAO REPORT.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of the fiscal years 2010 through 2014.”

TITLE VII—SUPPORT FOR PREGNANT AND PARENTING COLLEGE STUDENTS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) pregnant college students should not have to make a choice between keeping their baby and staying in school;

(2) the pilot program under this title will help interested, eligible institutions of higher education establish pregnancy and parenting student services offices that will operate independent of Federal funding no later than 5 years after the date of the enactment of this title; and

(3) amounts appropriated to carry out other Federal programs should be reduced to offset the costs of this title.

SEC. 702. DEFINITIONS.

In this title:

(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term “eligible institution of higher education” means an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has established and operates, or agrees to establish and operate upon the receipt of a grant under this title, a pregnant and parenting student services office described in section 706.

(2) PARENT; PARENTING.—The terms “parent” and “parenting” refer to a parent or legal guardian of a minor.

(3) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 703. PREGNANT AND PARENTING STUDENT SERVICES PILOT PROGRAM.

From amounts appropriated under section 708 for a fiscal year, the Secretary shall establish a pilot program to award grants to eligible institutions of higher education to enable the eligible institutions to establish (or maintain) and operate pregnant and parenting student services offices in accordance with section 706.

SEC. 704. APPLICATION; NUMBER OF GRANTS.

(a) APPLICATION.—An eligible institution of higher education that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) REQUESTS FOR ADDITIONAL INFORMATION.—The Secretary may require an eligible institution submitting an application under subsection (a) to provide additional information if the Secretary determines such information is necessary to process the application.

(c) NUMBER OF GRANTS.—Subject to the availability of appropriations under section 708, the Secretary shall award grants under this title to no more than 200 eligible institutions.

SEC. 705. MATCHING REQUIREMENT.

An eligible institution of higher education that receives a grant under this title shall contribute to the conduct of the pregnant and parenting student services office supported by the grant an amount from non-Federal funds equal to the amount of the grant. The non-Federal share may be in cash or in kind, fairly evaluated, including services, facilities, supplies, or equipment.

SEC. 706. USE OF FUNDS.

(a) IN GENERAL.—An eligible institution of higher education that receives a grant under this title shall use grant funds to establish (or maintain) and operate a pregnant and parenting student services office, located on the campus of the eligible institution, that carries out the following programs and activities:

(1) Hosts an initial pregnancy and parenting resource forum—

(A) to assess pregnancy and parenting resources, located on the campus or within the local community, that are available to meet the needs described in paragraph (2); and

(B) to set goals for—

(i) improving such resources for pregnant, parenting, and prospective parenting students; and

(ii) improving access to such resources.

(2) Annually assesses the performance of the eligible institution and the office in meeting the following needs of students enrolled in the eligible institution who are pregnant or are parents:

(A) The inclusion of maternity coverage and the availability of riders for additional family members in student health care.

- (B) Family housing.
- (C) Child care.
- (D) Flexible or alternative academic scheduling, such as telecommuting programs.
- (E) Education to improve parenting skills for mothers and fathers and to strengthen marriages.
- (F) Maternity and baby clothing, baby food (including formula), baby furniture, and similar items to assist parents and prospective parents in meeting the material needs of their children.
- (G) Post-partum counseling and support groups.

(3) Identifies public and private service providers, located on the campus of the eligible institution or within the local community, that are qualified to meet the needs described in paragraph (2), and establishes programs with qualified providers to meet such needs.

(4) Assists pregnant and parenting students and their spouses in locating and obtaining services that meet the needs described in paragraph (2).

(5) If appropriate, provides referrals for prenatal care and delivery, infant or foster care, or adoption, to a student who requests such information. An office shall make such referrals only to service providers that primarily serve the following types of individuals:

- (A) Parents.
- (B) Prospective parents awaiting adoption.
- (C) Women who are pregnant and plan on parenting or placing the child for adoption.
- (D) Parenting or prospective parenting couples who are married or who plan on marrying in order to provide a supportive environment for each other and their child.

(b) **EXPANDED SERVICES.**—In carrying out the programs and activities described in subsection (a), an eligible institution of higher education receiving a grant under this title may choose to provide access to such programs and activities to a pregnant or parenting employee of the eligible institution, and the employee's spouse.

SEC. 707. REPORTING.

(a) **ANNUAL REPORT BY INSTITUTIONS.**—

(1) **IN GENERAL.**—For each fiscal year that an eligible institution of higher education receives a grant under this title, the eligible institution shall prepare and submit to the Secretary, by the date determined by the Secretary, a report that—

(A) itemizes the pregnant and parenting student services office's expenditures for the fiscal year;

(B) contains a review and evaluation of the performance of the office in fulfilling the requirements of this title, using the specific performance criteria or standards established under paragraph (2)(A); and

(C) describes the achievement of the office in meeting the needs listed in section 706(a)(2) of the students served by the eligible institution, and the frequency of use of the office by such students.

(2) **PERFORMANCE CRITERIA.**—Not later than 180 days before the date the annual report described in paragraph (1) is submitted, the Secretary—

(A) shall identify the specific performance criteria or standards that shall be used to prepare the report; and

(B) may establish the form or format of the report.

(3) **ADDITIONAL INFORMATION.**—After reviewing an annual report of an eligible institution of higher education, the Secretary may require that the eligible institution provide additional information if the Secretary determines that such additional information is necessary to evaluate the pilot program.

(b) **REPORT BY SECRETARY.**—The Secretary shall annually prepare and submit a report on the findings of the pilot program under this title, including the number of eligible institutions of higher education that were awarded grants and the number of students served by each pregnant and parenting student services office receiving funds under this title, to the appropriate committees of the Senate and the House of Representatives.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated to carry out this title not more than \$10,000,000 for each of the fiscal years 2010 through 2014.

TITLE VIII—SUPPORT FOR PREGNANT AND PARENTING TEENS

SEC. 801. GRANTS TO STATES.

The Secretary shall make grants to States to allow early childhood education programs, including Head Start, to work with pregnant or parenting teens to complete high school and prepare for college or for vocational education.

TITLE IX—IMPROVING SERVICES FOR PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

SEC. 901. FINDINGS.

The Congress finds as follows:

(1) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other causes, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(2) A 2001 study published by the Journal of the American Medical Association found that murder is the number one cause of death among pregnant women.

(3) Research suggests that injury-related deaths, including homicide and suicide, account for approximately one-third of all maternal mortality cases, while medical reasons make up the rest. Homicide is the leading cause of death overall for pregnant women, followed by cancer, acute and chronic respiratory conditions, motor vehicle collisions and drug overdose, peripartum and postpartum cardiomyopathy, and suicide.

SEC. 902. PROGRAM TO SUPPORT PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE.

(a) **IN GENERAL.**—For fiscal year 2010 and each subsequent fiscal year, the Attorney General, through the Director of the Office on Violence Against Women, may award grants to States, to be used for any of the following purposes:

(1) To assist States in providing intervention services, accompaniment, and supportive social services for eligible pregnant women who are victims of domestic violence, dating violence, or stalking.

(2) To provide for technical assistance and training (as described in subsection (c)) relating to violence against eligible pregnant women to be made available to the following:

(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts.

(B) Professionals working in legal, social service, and health care settings.

(C) Nonprofit organizations.

(D) Faith-based organizations.

(b) **STATE ELIGIBILITY.**—To be eligible for a grant under subsection (a), a State shall—

(1) submit to the Attorney General an application in such time and manner, and containing such information, as specified by the Attorney General; and

(2) for a grant made for a fiscal year beginning on or after the date that is one year

after the date of the enactment of this title, satisfy the requirement under section 903, relating to female homicide victim determinations and death certificates.

(c) **TECHNICAL ASSISTANCE AND TRAINING DESCRIBED.**—For purposes of subsection (a)(2), technical assistance and training is—

(1) the identification of eligible pregnant women experiencing domestic violence, dating violence, or stalking;

(2) the assessment of the immediate and short-term safety of such a pregnant woman, the evaluation of the impact of the violence or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, dating violence, or stalking, as appropriate;

(3) the maintenance of complete medical or forensic records that include the documentation of any examination, treatment given, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and

(4) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.

(d) **DEFINITIONS.**—For purposes of this title:

(1) **ACCOMPANIMENT.**—The term "accompaniment" means assisting, representing, and accompanying a woman in seeking judicial relief for child support, child custody, restraining orders, and restitution for harm to persons and property, and in filing criminal charges, and may include the payment of court costs and reasonable attorney and witness fees associated therewith.

(2) **ELIGIBLE PREGNANT WOMAN.**—The term "eligible pregnant woman" means any woman who is pregnant on the date on which such woman becomes a victim of domestic violence, dating violence, or stalking or who was pregnant during the one-year period before such date.

(3) **INTERVENTION SERVICES.**—The term "intervention services" means, with respect to domestic violence, dating violence, or stalking, 24-hour telephone hotline services for police protection and referral to shelters.

(4) **STATE.**—The term "State" includes the District of Columbia, any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

(5) **SUPPORTIVE SOCIAL SERVICES.**—The term "supportive social services" means transitional and permanent housing, vocational counseling, and individual and group counseling aimed at preventing domestic violence, dating violence, or stalking.

(6) **VIOLENCE.**—The term "violence" means actual violence and the risk or threat of violence.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of making allotments under subsection (a), there are authorized to be appropriated \$4,000,000 for each of the fiscal years 2010 through 2014.

SEC. 903. HOMICIDE DEATH CERTIFICATES OF CERTAIN FEMALE VICTIMS.

For purposes of section 902(b)(2), the requirement under this section is that not later than the date that is one year after the date of the enactment of this title, a State shall require, with respect to any homicide case initiated after such one-year date and in which the victim is a female of possible child-bearing age, each of the following:

(1) A determination of which, if any, of the following categories, described the victim:

(A) The victim was pregnant on the date of her death.

(B) The victim was not pregnant on the date of her death, but had been pregnant during the 42-day period before such date.

(C) The victim was not pregnant on the date of her death, but had been pregnant during the period beginning on the date that was one year before such date of her death and ending on the date that was 43 days before such date of her death.

(D) The victim was not pregnant during the one-year period before the date of her death.

(E) It could not be determined whether or not the victim had been pregnant during the one-year period before the date of her death.

(2) The determination made under paragraph (1) shall be included in the death certificate of the victim.

TITLE X—LIFE SUPPORT CENTERS FOR PREGNANT WOMEN, MOTHERS, AND CHILDREN

SEC. 1001. LIFE SUPPORT CENTERS PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a pilot program to fund comprehensive and supportive services for pregnant women, mothers, and children. Such services may include—

(1) child care for infants and toddlers to allow mothers to find jobs and finish their education;

(2) relocation assistance to establish good and stable homes;

(3) educational support, such as preparation for pregnant and parenting mothers for the recognized equivalent of a secondary school diploma;

(4) counseling, including adoption counseling;

(5) parenting classes;

(6) business skills training;

(7) emergency aid in times of crisis;

(8) nutrition education and food assistance; and

(9) outreach to seniors, many of whom volunteer to help with the children or who receive advice on helping raise their own grandchildren.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section no more than \$10,000,000 for each of the fiscal years 2010 through 2014.

TITLE XI—PROVIDING SUPPORT TO NEW PARENTS

SEC. 1101. INCREASED SUPPORT FOR WIC PROGRAM.

(a) **FINDINGS.**—Congress finds the following:

(1) The special supplemental nutrition program for women, infants, and children (WIC) authorized in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) served approximately 8,100,000 women, infants, and children per month in fiscal year 2006.

(2) Half of all infants in the United States and 1 in 4 young children under age 5 get crucial health and nutrition benefits from the WIC Program.

(3) It is estimated that every dollar spent on WIC results in between \$1.92 and \$4.21 in Medicaid savings for newborns and their mothers.

(4) The WIC program has been proven to increase the number of women receiving prenatal care, reduce the incidence of low birth weight and fetal mortality, reduce anemia, and enhance the nutritional quality of the diet of mothers and children.

(5) The WIC program's essential, effective nutrition services include nutrition assessment, counseling and education, obesity prevention, breastfeeding support and pro-

motion, prenatal and pediatric health care referrals and follow-up, spousal and child abuse referral, drug and alcohol abuse referral, immunization screening, assessment and referral, and a host of other services for mothers and children.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out the special supplemental nutrition program for women, infants, and children (WIC) authorized in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014, of which—

(1) there is authorized to be appropriated \$15,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014, for breast-feeding peer counselors; and

(2) there is authorized to be appropriated \$14,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014, for infrastructure needs.

SEC. 1102. NUTRITIONAL SUPPORT FOR LOW-INCOME PARENTS.

Section 5(c)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(c)(2)) is amended by striking “30 per centum” and inserting “85 percent”.

SEC. 1103. INCREASED FUNDING FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

“SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subchapter \$2,350,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2014.”.

(b) **CONFORMING AMENDMENT.**—Section 658E(c)(3)(D) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858(c)(3)(D)) is amended by striking “1997 through 2002” and inserting “2010 through 2014”.

SEC. 1104. TEENAGE OR FIRST-TIME MOTHERS; FREE HOME VISITS BY REGISTERED NURSES FOR EDUCATION ON HEALTH NEEDS OF INFANTS.

(a) **IN GENERAL.**—The Secretary may make grants to local health departments to provide to eligible mothers, without charge, education on the health needs of their infants through visits to their homes by registered nurses.

(b) **ELIGIBLE MOTHER.**—

(1) **IN GENERAL.**—For purposes of subsection (a), a woman is an eligible mother if, subject to paragraph (2), the woman—

(A) is the mother of an infant who is not more than 24 months of age; and

(B)(i) the woman was under the age of 20 at the time of birth; or

(ii) the infant referred to in subparagraph (A) is the first child of the woman.

(2) **ADDITIONAL REQUIREMENTS FOR CERTAIN MOTHERS.**—In the case of a woman described in paragraph (1)(B)(ii) who is 20 years of age or older, the woman is an eligible mother for purposes of subsection (a) only if the woman meets such standards in addition to the applicable standards under paragraph (1) as the local health department involved determines to be appropriate.

(c) **CERTAIN REQUIREMENTS.**—A grant may be made under subsection (a) only if the applicant involved agrees as follows:

(1) The program carried out under such subsection by the applicant will be designed to instill in eligible mothers confidence in

their abilities to provide for the health needs of their newborns, including through—

(A) providing information on child development; and

(B) soliciting questions from the mothers.

(2) The registered nurses who make home visits under subsection (a) will, as needed, provide referrals for health and social services to serve the needs of the newborns.

(3) The period during which the visits will be available to an eligible mother will not be fewer than six months.

(d) **AUTHORIZED SERVICES.**—

(1) **REQUIREMENTS.**—A grant may be made under subsection (a) only if the applicant involved agrees that the following services will be provided by registered nurses in home visits under subsection (a):

(A) Information on child health and development, including suggestions for child-developmental activities that are enjoyable for parents and children.

(B) Advice on parenting, including information on how to develop a strong parent-child relationship.

(C) Information on resources about parenting, including identifying books and videos that are available at local libraries.

(D) Information on upcoming parenting workshops in the local region.

(E) Information on programs that facilitate parent-to-parent support services.

(F) In the case of an eligible mother who is a student, information on resources that may assist the mother in completing the educational courses involved.

(2) **ADDITIONAL SERVICES.**—A grant under subsection (a) may be expended to provide services during home visits under such subsection in addition to the services specified in paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$3,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

TITLE XII—COLLECTING AND REPORTING ABORTION DATA

SEC. 1201. GRANTS FOR COLLECTION AND REPORTING OF ABORTION DATA.

(a) **GRANTS.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for collecting and reporting abortion surveillance data.

(b) **REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—The Secretary may make a grant to a State under this section only if the State agrees to submit a report in each of fiscal years 2011 and 2013 on the State's abortion surveillance data.

(2) **CONTENTS.**—Each report submitted by a State under this subsection shall, with respect to the preceding 2 fiscal years, include—

(A) the number and characteristics of women obtaining abortions in the State; and

(B) the characteristics of these abortions, including the approximate gestational age of the unborn child, the abortion method, and any known physical or psychological complications.

(3) **PERSONAL INFORMATION.**—A report submitted by a State under this subsection shall not contain the name of any woman obtaining or seeking to obtain an abortion, any common identifier (such as a social security number), or any other identifier (including statistical information) that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion.

(c) **CONFIDENTIALITY.**—The Secretary shall maintain the confidentiality of any individually identifiable information reported to the Secretary under this section.

(d) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than the end of fiscal year 2013, the Secretary shall submit a report to the Congress on the abortion surveillance data reported to the Secretary under this section.

(2) **PERSONAL INFORMATION.**—A report submitted by the Secretary to the Congress under this subsection shall not contain any name or other identifier described in subsection (b)(3).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.

By Mr. HARKIN:

S. 272. A bill to amend the Commodity Exchange Act to ensure that all agreements, contracts, and transactions with respect to commodities are carried out on a regulated exchange, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am reintroducing legislation—the Derivatives Trading Integrity Act—which calls for establishing stronger standards of openness, transparency and integrity in the trading of financial swaps and other over-the-counter derivative contracts as a critical step toward rebuilding and restoring confidence in the financial system. Over the years, the Commodity Futures Trading Commission and laws enacted by Congress have allowed instruments that are in form and function futures contracts to be privately negotiated without the safeguards provided through trading on exchanges regulated by the Commodity Futures Trading Commission, CFTC.

The economic downturn in this country is forcing us to examine all contributing factors to the crisis in our financial markets. By restoring reasonable safeguards and regulation of swaps, including credit default swaps, along with all other futures contracts, this legislation will go a long way to restore confidence in the markets and reestablish soundness and integrity in the financial system. My bill will end the unregulated “casino capitalism” that has engendered great risks in swaps trading. And it will bring these transactions out into the sunlight where they can be monitored and appropriately and responsibly regulated. This legislation will establish authority and safeguards to ensure that parties can meet their obligations to manage and reduce danger and risk to the entire financial system and economy.

Virtually all contracts now commonly referred to as swaps fall under the definition of futures contracts and function basically in the same manner as futures contracts. This bill amends the Commodity Exchange Act to eliminate the distinctions in the regulatory

treatment of futures contracts among “excluded” and “exempt” commodities, and the transactions in them, and regulated, exchange-traded commodities and transactions in them. Futures contracts for all commodities would be treated the same in the law and regulations.

In addition, the bill eliminates the statutory exclusion of swap transactions from regulation, and it ends the Commodity Futures Trading Commission’s authority to exempt such transactions from the general requirement that a contract for the purchase or sale of a commodity for future delivery can only trade on a regulated board of trade. In effect, this proposed change in the law means that all futures contracts must trade on a designated contract market or a derivatives transaction execution facility. The requirement for exchange trading would thus include over-the-counter trading of financial derivatives just as it does for futures contracts in physical commodities such as corn, soybeans and petroleum.

We have seen large negative consequences from the lack of price transparency and the failure to properly measure and collateralize the risk in trading over-the-counter derivatives. The problems have not been seen in the trading of financial futures on regulated futures markets, subject to the oversight of the Commodity Futures Trading Commission.

This legislation I am introducing will establish the standard that all futures contracts trade on regulated exchanges. The regulated exchanges will work with the Commodity Futures Trading Commission to ensure that trading on the exchange is fair and equitable and not subject to abuses. The Commodity Futures Trading Commission has the experience and expertise to oversee these matters.

Bringing necessary openness, transparency, soundness, and integrity to trading in contracts which are now unregulated over-the-counter swaps and related derivatives is a key element in restoring trust and confidence in the financial system so that we can rebuild our economy on a solid foundation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Derivatives Trading Integrity Act of 2009”.

SEC. 2. REGULATION OF CERTAIN AGREEMENTS, CONTRACTS, AND TRANSACTIONS.

(a) **DEFINITIONS.**—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by striking paragraphs (10), (11), (13), (14), and (33); and

(2) by redesignating—

(A) paragraph (12) as paragraph (10);

(B) paragraphs (15) through (32) as paragraphs (11) through (28), respectively; and

(C) paragraph (34) as paragraph (29).

(b) **EXCLUSIONS.**—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) by striking subsections (d), (e), (g), (h), and (i); and

(2) by redesignating subsection (f) as subsection (d).

(c) **RESTRICTION OF FUTURES TRADING TO CONTRACT MARKETS OR DERIVATIVES TRANSACTION EXECUTION FACILITIES.**—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “Unless exempted by the Commission pursuant to subsection (c), it shall” and inserting “It shall”;

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

(d) **EXEMPT BOARDS OF TRADE.**—Section 5d of the Commodity Exchange Act (7 U.S.C. 7a-3) is repealed.

SEC. 3. CONFORMING AMENDMENTS.

(a) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 2(a)(2)) is amended—

(1) in paragraph (10)(A)(x), by striking “(other than an electronic trading facility with respect to a significant price discovery contract)”;

(2) in paragraph (25)—

(A) in subparagraph (C), by inserting “and” after the semicolon at the end;

(B) in subparagraph (D), by striking “; and” and inserting a period; and

(C) by striking subparagraph (E); and

(3) in paragraph (27), by striking “section 2(c), 2(d), 2(f), or 2(g) of this Act” and inserting “subsection (c) or (d) of section 2”.

(b) Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “5d.”; and

(B) in subparagraph (F), by striking “in an excluded commodity”; and

(2) in paragraph (2)(B)(i)(II)—

(A) in item (cc), by striking “section 1a(20) of this Act” each place it appears and inserting “section 1a(16)”;

(B) in item (dd), by striking “section 1a(12)(A)(ii) of this Act” and inserting “section 1a(10)(A)(ii)”.

(c) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “or on electronic trading facilities with respect to a significant price discovery contract”; and

(B) in the second sentence, by striking “or on an electronic trading facility with respect to a significant price discovery contract.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “or electronic trading facility with respect to a significant price discovery contract”; and

(B) in paragraph (2), in the matter preceding the proviso, by striking “or electronic trading facility with respect to a significant price discovery contract”; and

(3) in subsection (e)—

(A) in the first sentence—

(i) in the matter preceding the proviso—

(I) by striking “or by any electronic trading facility”;

(II) by striking “or on an electronic trading facility”;

(III) by striking “or electronic trading facility”;

(ii) in the proviso, by striking “or electronic trading facility”; and

(B) in the second sentence, in the matter preceding the proviso, by striking “or electronic trading facility with respect to a significant price discovery contract”.

(d) Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by striking “and in any significant price discovery contract traded or executed on an electronic trading facility or”.

(e) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended—

(1) in the matter preceding paragraph (1), by striking “or any significant price discovery contract traded or executed on an electronic trading facility”; and

(2) in the matter following paragraph (2), by striking “or electronic trading facility”.

(f) Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D)(ii), by inserting “or” after the semicolon at the end;

(B) in subparagraph (E), by striking “; or” and inserting a period; and

(C) by striking subparagraph (F); and

(2) in subsection (g)—

(A) in the heading, by striking “ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES” and inserting “EXCLUDED SECURITIES”; and

(B) in paragraph (1)—

(i) by striking “excluded or exempt commodities other than” and inserting “commodities other than an agricultural commodity enumerated in section 1a(4) or”; and

(ii) by striking “, 2(d), or 2(g) of this Act, or exempt under section 2(h) of this Act”.

(g) Section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) is amended—

(1) in subsection (a)(1), by striking “section 2(a)(1)(C)(i), 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act” and inserting “subsection (a)(1)(C)(i), (c), or (d) of section 2 or title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106-554; 114 Stat. 2763A457)”; and

(2) in subsection (b), by striking “section 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act” and inserting “subsection (c) or (d) of section 2 or title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106-554; 114 Stat. 2763A457)”.

(h) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a-2) is amended—

(1) in subsection (a)(1), by striking “and section 2(h)(7) with respect to significant price discovery contracts,”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract” and inserting “or derivatives transaction execution facility”; and

(B) in paragraphs (2) and (3), by striking “, derivatives transaction execution facility, or electronic trading facility” each place it appears and inserting “or derivatives transaction execution facility”; and

(3) in subsection (d)(1), in the matter preceding subparagraph (A), by striking “or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility.”.

(i) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking “or revocation of the right of an electronic trading facility to rely on the exemption set

forth in section 2(h)(3) with respect to a significant price discovery contract.”.

(j) Section 5f(b)(1) of the Commodity Exchange Act (7 U.S.C. 7b-1(b)(1)) is amended in the matter preceding subparagraph (A), by striking “section 5f” and inserting “this section”.

(k) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended—

(1) in the first sentence—

(A) by striking “or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,”; and

(B) by striking “or electronic trading facility”; and

(2) in the second sentence, in the matter preceding the proviso, by striking “or electronic trading facility”.

(l) Section 12(e) of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking paragraph (2) and inserting the following:

“(2) EFFECT.—This Act supersedes and preempts the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of an agreement, contract, or transaction that is excluded from this Act under—

“(A) subsection (c) or (d) of section 2; or

“(B) title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106-554; 114 Stat. 2763A457).”.

(m) Section 15(b) of the Commodity Exchange Act (7 U.S.C. 19(b)) is amended by striking “4(c) or”.

(n) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking “by section 2(h)(7) or sections 5 through 5c” and inserting “under sections 5 through 5c”.

(o) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2 note; Public Law 110-246) is amended by striking “section 1a(32)” and inserting “section 1a”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 14—TO PROVIDE FUNDING FOR SENATE STAFF TRANSITIONS

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 14

Resolved, That (a) for purposes of this section, the term “eligible staff member” means an individual—

(1) whose pay is disbursed by the Secretary of the Senate and was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term.

(b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform lim-

ited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C). Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), after the expiration of the period described in subparagraph (C). Expenses for such employees shall be paid from the Contingent Fund of the Senate.

(C) Subparagraph (A) shall apply for the period from January 2, 2009 through February 4, 2009 unless the eligible staff member becomes otherwise employed.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each eligible staff member.

(d)(1) During the period described in paragraph (2), the official office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate, as appropriate.

(2) The period described in paragraph (1) is the period from January 2, 2009 through February 4, 2009.

(e) Except as provided in subsection (b)(2)(B), funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d) of Senate Resolution 458, agreed to October 4, 1984 (98th Congress).

(f) This section shall expire 90 days after January 3, 2009.

SEC. 2. (a) For purposes of section 6(a)(4)(A)(i) of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the term committee shall include subcommittee.

(b) This section shall take effect on January 2, 2009 and expire 120 days after such date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, supra.

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. ENZI, Mr. THUNE, Ms. MURKOWSKI, Mr. BURR, and Mr. CORKER) proposed an amendment to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities

Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, *supra*; which was ordered to lie on the table.

SA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

On page 976, strike lines 8 through 25.

On page 977, line 1, strike “(6)” and insert “(5)”.

On page 977, line 3, insert “and” after “interactions”.

On page 977, line 4, strike “(7)” and insert “(6)”.

On page 977, line 5, strike “(6)” and insert “(5)”.

On page 977, line 8, strike “scales,” and insert “scales.”

On page 977, strike lines 9 through 17.

On page 1275, strike lines 3 through 6.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike “2” and insert “5”.

On page 526, line 7, strike “5” and insert “2”.

On page 974, line 19, insert “the Secretary of the Army, acting through” before “the Chief”.

On page 1188, line 19, strike “or” and insert “of”.

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. ENZI, Mr. THUNE, Ms. MURKOWSKI, Mr. BURR, and Mr. CORKER) proposed an amendment to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to

clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Title VII Fairness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. They ensure that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved grievances have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors the voluntary resolution of claims through mediation and conciliation. Promptly raised issues are invariably more susceptible to such forms of voluntary resolution.

(4) In instances in which that voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and from a date that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercises due diligence regarding the person's rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of unlawful discrimination. Such a person should be afforded the full applicable limitation period to commence a claim from the time the person has, or should be expected to have, a reasonable suspicion of discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

“(3)(A) This paragraph shall apply to a charge if—

“(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

“(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

“(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

“(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (g)(1).

“(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit.”.

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “(d)” and inserting “(d)(1)”;

(3) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(4) by adding at the end the following:

“(3)(A) This paragraph shall apply to a charge if—

“(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

“(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

“(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

“(C) Nothing in this paragraph shall be construed to change or modify any remedial provision of this Act.

“(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful practice relating to the provision of a pension or a pension benefit.”.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)(3)) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to claims of discrimination brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) CONFORMING AMENDMENTS.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

“(f)(1) Subject to paragraph (2), section 706(e)(3) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section.

“(2) For purposes of applying section 706(e)(3) to a complaint under this section, a reference in section 706(e)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under this section.”.

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(A) IN GENERAL.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

(B) APPLICATION.—For purposes of applying section 7(d)(3) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)(3)) to a complaint under section 15 of that Act (29 U.S.C. 633a), a reference in section 7(d)(3)(B) of that Act to a filing period shall be considered to be a reference to the applicable filing period under section 15 of that Act.

SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

Strike the heading for section 6 and insert the following:

SEC. 6. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 7. EFFECTIVE DATE.

SA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) **FINDINGS.**—In section 2(1) of the Lilly Ledbetter Fair Pay Act of 2009, strike “or other practices”.

(b) **CIVIL RIGHTS ACT OF 1964.**—In section 706(e) of the Civil Rights Act of 1964 (as amended by section 3), strike subparagraph (A) of paragraph (3) and insert the following:

“(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision is adopted, when an individual becomes subject to a discriminatory compensation decision, or when an individual is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.”.

(c) **AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.**—In section 7(d) of the Age Discrimination in Employment Act of 1967 (as amended by section 4), strike paragraph (3) and insert the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision is adopted, when a person becomes subject to a discriminatory compensation decision, or when a person is affected by application of a discriminatory compensation

decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 15, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, January 15, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 11:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 9:45 a.m., to hold a nomination hearing for the Honorable Susan E. Rice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Investing in Health IT: A Stimulus for a Healthier America” on Thursday, January 15, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, January 15, 2009 at 2:30 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Job Creation and Economic Stimulus in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on the nomination of Eric H. Holder, Jr., to be Attorney General of the United States on Thursday, January 15, 2009, at 9:30 a.m., in room SR-325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Madam President, I ask unanimous consent that a member of my staff, Deborah Katz, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that Mitch Schaben of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE STAFF TRANSITION

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 14.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) to provide funding for Senate staff transition.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolved, That (a) for purposes of this section, the term “eligible staff member” means an individual—

(1) whose pay is disbursed by the Secretary of the Senate and was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term.

(b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C). Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), after the expiration of the period described in subparagraph (C). Expenses for such employees shall be paid from the Contingent Fund of the Senate.

(C) Subparagraph (A) shall apply for the period from January 2, 2009 through February 4, 2009 unless the eligible staff member becomes otherwise employed.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each eligible staff member.

(d)(1) During the period described in paragraph (2), the official office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate, as appropriate.

(2) The period described in paragraph (1) is the period from January 2, 2009 through February 4, 2009.

(e) Except as provided in subsection (b)(2)(B), funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d) of Senate Resolution 458, agreed to October 4, 1984 (98th Congress).

(f) This section shall expire 90 days after January 3, 2009.

SEC. 2. (a) For purposes of section 6(a)(4)(A)(i) of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the term committee shall include subcommittee.

(b) This section shall take effect on January 2, 2009 and expire 120 days after such date.

RALPH REGULA FEDERAL OFFICE BUILDING AND COURTHOUSE

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. 273.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 273) to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., in Canton, Ohio, as the "Ralph Regula Federal Office Building and Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 273) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RALPH REGULA FEDERAL OFFICE BUILDING AND COURTHOUSE.

(a) DESIGNATION.—The Administrator of General Services shall ensure that the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, is known and designated as the "Ralph Regula Federal Office Building and Courthouse".

(b) REFERENCES.—During the period in which the building referred to in subsection (a) is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the "Ralph Regula Federal Office Building and Courthouse".

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-1

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 15, 2009, by President Bush: Tax Convention with Malta, Treaty Document No. 111-1. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of Malta for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on

August 8, 2008, at Valletta (the "proposed Convention"). I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention.

The proposed Convention provides for reduced withholding rates on cross-border payments of dividends, interest, royalties, and other income. The proposed Convention contains a restrictive provision designed to prevent "treaty shopping," which is the inappropriate use of a tax treaty by third-country residents. The proposed Convention also provides for the exchange of information between the competent authorities to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Convention and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, I apologize to all of the staff—we have had a long, hard week—for keeping everybody around, but we have had some very important business Senator MCCONNELL and I have been working on for 3 days and we just could not leave without completing that. I know it is tough to be out here and have a quorum call and not getting things done, but when we are not out here, it does not mean we are not doing things. So I apologize to the Presiding Officer and the wonderful staff, but I appreciate your patience.

ORDERS FOR FRIDAY, JANUARY 16, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, January 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business, with Senators allowed to speak for up to 10 minutes each. I further ask consent that Senator SALAZAR be recognized to speak following leader remarks in order to give his farewell remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at 11 o'clock tomorrow morning, Senator-appointee TED KAUFMAN will take the oath of office and become a U.S. Senator, replacing our soon-to-be Vice President, JOE BIDEN.

There will be no rollcall votes tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is
no further business to come before the

Senate, I ask unanimous consent that
it stand adjourned under the previous
order.

There being no objection, the Senate,
at 8:32 p.m., adjourned until Friday,
January 16, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

JOINT RESOLUTION PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF REGULATIONS RELATING TO INTERAGENCY COOPERATION UNDER THE ENDANGERED SPECIES ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. RAHALL. Madam Speaker, today I am introducing legislation, using the authority granted to Congress under the Congressional Review Act, to overturn last minute regulations promulgated by the Bush Interior and Commerce Departments which give federal agencies an unacceptable degree of discretion to decide whether or not to comply with the Endangered Species Act, ESA.

Joining me in introducing this measure are Mr. MARKEY, Mr. GEORGE MILLER, Mr. DEFAZIO, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, Mr. HOLT, Mr. GRIJALVA, Mr. DINGELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER. I thank them for their support.

The Bush Administration has had a long, though one could hardly say proud, history of trying to undermine the Endangered Species Act and the protection it provides our Nation's most imperiled species. For years, high ranking political appointees in the Department of Interior used their positions and influence to meddle in scientific decisions under the ESA and alter outcomes, potentially harming species and most definitely harming the integrity of the law and morale and reputation of the agency charged with implementing it.

The rules we seek to overturn with this joint resolution were rushed through in the final months of the Administration and are the final assault on and insult to one of our nation's landmark conservation laws. They gut what is the cornerstone of the law, the Section 7 consultation process, and allow federal agencies to undertake or permit thousands of federal activities, such as logging or building a dam, on federal land and other areas without obtaining review or comment from federal wildlife biologists at the Fish and Wildlife Service.

This incredibly controversial proposal—which could have far-reaching implications on the future integrity of the Endangered Species program—clearly merits more public scrutiny than the Administration provided. First proposed in late August, the Administration rushed a public comment period and environmental assessment and then reviewed more than 300,000 public comments at a rate of more than 6,000 per hour. This last minute, ill-conceived overhaul of the rules governing America's endangered wildlife, brokered behind closed doors, is an affront to the American people who trust their government to do the right thing.

Eleventh hour rulemakings rarely, if ever, lead to good government, and this is not the

type of legacy the Bush Administration should be leaving for future generations. Not surprisingly, this is not the first time—though fortunately it will likely be the last—that the Bush Interior Department abdicated their responsibility for ensuring that an agency action will not jeopardize a listed species or harm their habitat. Similar regulations proposed to allow the Environmental Protection Agency to decide whether to consult when licensing pesticides were rejected by the Court in 2006, just as we should reject these regulatory changes now.

As the Bush Administration fades off into the sunset, they leave behind a trail of last minute regulatory changes that represent the worst in public policy and that Congress and the new President will have to undo. In my role as chairman of the Natural Resources Committee, I look forward to working with the Obama Administration to correct course and promote a positive resource conservation agenda. We need to invoke the change that is needed to restore the vigor and vitality of America, including the unique natural heritage that has carved our Nation as we know it today. Passage of this joint resolution will be one important step in restoring that natural heritage.

HONORING TONY DUNGY, INDIANAPOLIS COLTS HEAD COACH

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise to honor Tony Dungy, head coach of the Indianapolis Colts, who after more than 30 years in football has announced his retirement.

Mr. Dungy's stellar career in professional football began on the field, where he won a Super Bowl Championship as a member of the 1978 Pittsburgh Steelers. Years later, this experience led to his hiring as the youngest assistant coach in the NFL at the age of 25.

His respectful coaching style and emphasis on both personal and athletic growth has made Mr. Dungy one of the most successful and well regarded coaches in the NFL. His unique coaching style led the Colts to seven consecutive playoff appearances, including a victory in Super Bowl XLII. In 2012, Indianapolis will host its first Super Bowl, in part because of the prestige that Mr. Dungy has brought to the Colts organization.

Off the field, Mr. Dungy has been a nationally recognized community activist. Because of his unwavering support of teen mentoring, prison ministry, and other faith based community outreach programs, President Bush appointed him to the President's Council on Service and Civic Participation.

I urge my colleagues to join me in congratulating Tony Dungy on an incredible career and thanking him for his dedication to the highest level of sport and community service.

IN MEMORY OF M. PAUL REDD

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mrs. LOWEY. Madam Speaker, I rise, with great admiration for a leader of unparalleled strength of conviction and with personal sadness at the loss of a good friend, to pay tribute to the life, achievements, and memory of M. Paul Redd.

Paul Redd's record of civic accomplishment is well-known: his tireless stewardship of the Westchester County Press, his founding of the Westchester Chapter of the N.A.A.C.P., his leadership of Westchester/Putnam Affirmative Action, his deep engagement in the work of government and the challenge of politics. These roles and duties have been rightly noted and extolled in the days since Paul's passing, yet they alone do not capture the essence of the man.

It was Paul Redd's fearless character, a trait that infused and informed all of his deeds, that shines most brightly in memory.

Paul Redd moved easily in the corridors of power and counted among his friends men and women of great influence, but Paul was never an insider, because he understood at every moment that he spoke for those on the outside—those who were denied opportunities to achieve their potential, exercise their rights, and enjoy the full fruits of a free and decent society. And if Paul's voice was sometimes loud, it is because so often he gave voice to those without one of their own.

Paul Redd was not interested in making anyone comfortable, nor in employing the empty pleasantries that too often conceal injustice. He understood that wrongs are best addressed directly and forcefully, in the full light of day. And he was willing to confront anyone, big or small, friend or foe, when the duties of conscience demanded it.

It is no wonder, therefore, that his column "M. Paul Tells All" was so unique in its incisive commentary and in the attention it commanded among public officials and citizens alike. It is no wonder that Paul Redd was at the forefront of protests and demonstrations to achieve equal opportunity in housing and employment. It is no wonder that Paul Redd left a lasting mark in law and administration, an edifice of public policy that will outlive us all.

Paul Redd's vocal public leadership was matched by a quiet, dutiful, and often thankless private acceptance of heavy responsibility. Nowhere is this more evident than in the survival and success of the Westchester

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

County Press, sustained almost as an act of will by Paul Redd. He worked often late into the night and then on into the morning to ensure that it never missed an issue, enlisting friends and colleagues in his labors, and ensuring that the paper of record of Westchester's African-American community would not be silenced.

It goes without saying that Paul was utterly devoted to and fully supported by his loving family, beginning with his partner and dear wife of so many years, Orial Redd, and continuing with two children who are accomplished in and devoted to service, Paula Redd Zeman and M. Paul Redd, Jr.

Paul Redd surely drew great satisfaction and hope from the progress he witnessed—and often led—over the span of decades. He was proud of the many African-Americans who achieved public office in our county, encouraged by the breaking of barriers that opened the doors of public and private sector leadership to all Americans, and elated by the election of our nation's first African-American President. But Paul Redd never confused movement towards a goal with final attainment of a goal. His eyes were always forward, fixed on the unmet challenge and determined to meet it. Paul knew what our community and nation could and should be and, in life, was unwilling to rest so long as this vision remained distant.

Like Dr. King, whom he revered, Paul Redd was destined to see the promised land, more clearly than most, but not to set foot within it. It must be the mission now of those who knew and loved him to finish the work for which Paul Redd gave every measure of his devotion.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in a vote on the floor of the House of Representatives yesterday.

The vote was H. Res. 40, amending the Rules of the House of Representatives to require each standing committee to hold periodic hearings on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize, and for other purposes. Had I been present, I would have voted "yea" on that question.

BOY SCOUT OF AMERICA'S DISTRICT AWARD OF MERIT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. ORTIZ. Madam Speaker, I rise today to honor two constituents from South Texas: Patricia "Cherie" Camacho and Marion Velarde.

These two South Texans have been awarded the District Award of Merit from the Boy

Scouts of America, and it is the highest award bestowed upon volunteers in a district that symbolizes their exceptional and noteworthy service to youth in the Boy Scouts of America.

Cherie has served as Scoutmaster for Pack 59 for two years, a commissioner for the Tip-o-Tex District for five years, and as the 2007 Rio Grande Council Scouterama Chairman. Her sons Travis and Jordan are currently in Pack 59, and son Ronald has achieved Eagle Scout rank and achieved the Arrow of Light award.

Marion has served as assistant Scoutmaster for Troop 11 for eight years and as an assistant commissioner for the Tip-o-Tex district for three years. She has also held numerous positions with the Rio Grande Council. Marion has been a teacher and administrator for Brownsville Public Schools for over 25 years, and her son Alejandro achieved Eagle Scout rank.

The Boy Scouts of America continue their tradition of providing quality programs for boys and young men. I am proud of both Cherie and Marion for taking an active role in lives of our youth. These parents serve as shining examples of love and duty in our communities.

TRIBUTE TO KEVIN E. QUINLAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. BERKLEY. Madam Speaker, as co-chair of the Congressional Stop DUI Caucus, I rise today in tribute to one of the Nation's top traffic safety officials, who has passed away suddenly.

Kevin E. Quinlan was the Chief of the Safety Advocacy Division of the National Transportation Safety Board (NTSB). Mr. Quinlan was with the Safety Board for nearly 20 years, serving as the Alcohol and Drug Program Coordinator and Chief of the Safety Recommendations Division. He was instrumental in promoting State action on Safety Board recommendations to reduce fatalities, injuries, and crashes in all modes of transportation. Mr. Quinlan authored five major studies for the Board. Prior to his work with the NTSB, Mr. Quinlan served in the U.S. Army for 29 years, receiving the Legion of Merit and Meritorious Service Medal. He has an undergraduate degree from Boston University and graduate degrees from William and Mary, the U.S. Army Command and General Staff College, and the U.S. Air Force Air War College.

Mr. Quinlan loved to travel and was skiing in Vermont when he suffered a fatal heart attack. He was well-respected and admired by everyone in the traffic safety community. He was a mentor to countless traffic safety advocates and an inspiration to the thousands of people who lost loved ones to the preventable crime of drunk driving. One of his greatest passions was the fight to stop drunk driving. His expert testimony led to the passage of many effective countermeasures across this Nation. His work has saved countless lives and I ask that my colleagues join me in honoring him today.

CONGRATULATING THE HAMILTON EMERALD KNIGHTS UPON WIN- NING THE 2008 NEW YORK STATE BOYS SOCCER CLASS D CHAM- PIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Hamilton Central School District Emerald Knights upon winning the 2008 New York State boys soccer class D championship. This was the second state boys soccer championship team in Hamilton Central School's history, and I am proud to represent them.

On November 16, 2008, the Hamilton Emerald Knights won the New York State class D championship when they defeated the defending state champion Chazy Eagles, also from my upstate New York Congressional District, by a score of 4–3. In that game, the Emerald Knights rallied to come from behind and win after trailing the Eagles 3–0 with less than 18 minutes to play. Senior midfielder and First-Team All-State selection, Nathan Steward, tallied the Emerald Knight's first goal in the 63rd minute bending in a 30-yard shot from the right side into the top of the net. Senior midfielder Matthew Broedel cut the Knights' deficit to 3–2, netting a low shot to the far post with 8:05 left in regulation. Then, with 2:44 remaining, Nathan Steward's free kick once again found the leg of Matthew Broedel, whose second goal tied the game at 3–3. The game was finally settled only 42 seconds into the sudden death period when sophomore forward Daniel Kraynak scored the game-winner for the Knights on a pass from senior Alex Thompson. William Keever's three saves in goal and a solid defensive effort helped earn Hamilton its first State championship since 1997. Of note, Matthew Broedel was named championship MVP.

The Hamilton Emerald Knights completed the 2008 season with a record of 22–2. They were coached by Brian Latella and assistant coaches Brian Rose and Trevor Chapman; William Dowsland is the athletic director. Other team members were Alex Bowie, Bobby Dick, Phil Douchinsky, James Gorman, Blaine Holcomb, Mike Jones, Adam MacBain, Brendon Meeks, Daniel Meeks, Jake Smith, Josh Sorosky, Jack Sullivan, Joe Taranto, Drew Thompson, Keith Upton and Tyler White. The scorekeepers were Robert Reed and Tim Noel. The managers were Lucas Ord, Brian Meeks, Ben Knecht, and Ryan Tuttle. Team statisticians were Kaitlyn Askew and Alison Hansen.

Madam Speaker, it is an honor to have the opportunity to recognize the Hamilton Emerald Knights boys soccer team for their significant accomplishment.

INTRODUCTION OF THE CHARITABLE DRIVING TAX RELIEF ACT OF 2009

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. PETRI. Madam Speaker, today, I am introducing the Charitable Driving Tax Relief Act of 2009 to remove a serious "disincentive that limits the participation of many in charitable activities. Charitable organizations play an important role in our society, and it is important that Congress not stand in the way by penalizing those who wish to offer their services to these groups.

Under current law, individuals that volunteer their time and energy by driving their personal vehicles on behalf of a charitable group can end up with an unpleasant surprise in the form of an unanticipated tax bill. Specifically, volunteer drivers receiving reimbursement for the use of their vehicle are taxed on these payments to the extent that they exceed 14 cents per mile. This treatment stands in stark contrast to the 55 cent allowance for reimbursement for the business use of that same vehicle.

The Charitable Driving Tax Relief Act will equalize the tax treatment of charitable reimbursements with those received for business driving because the point of the payment is essentially the same, that is, to cover the cost of operating a personal vehicle while performing an important service in the pursuit of a greater good.

To achieve this end, my legislation would exclude from gross income any reimbursement received for the use of a volunteer's car while assisting a charitable group, limited only by the cap the Internal Revenue Service sets each year regarding business driving. This treatment would be available only for services provided without compensation and drivers would be required to maintain sufficient records to substantiate the charitable use of their vehicles. Finally, this bill drops the requirement that charitable groups report these reimbursements to the IRS, removing an administrative and paperwork burden that detracts resources from their larger purpose.

Each day, thousands of Americans lend a hand in providing transportation services to a multitude of organizations engaged in good works. These activities include assisting individuals with their routine grocery shopping, providing the use of a four-wheel drive vehicle to transport home-visit nurses during inclement weather, delivering meals as part of a holiday food drive, helping individuals to keep their medical appointments, and many more similar activities.

These volunteer drivers are donating their time and their talents, not their vehicles, and accepting reimbursement for the use of that car, incidental to their time and talent donation, is a reasonable act, which should not result in an additional tax liability. Today, when it comes to driving a personal vehicle, our tax code makes a distinction between business and charitable uses. This distinction is a mistake; it is a serious disincentive to charitable activities, and it should be corrected. I encour-

age my colleagues to support the continued efforts of our charity-minded constituents by cosponsoring the Charitable Driving Tax Relief Act of 2009.

THE IRAQI REFUGEE AND INTERNALLY DISPLACED PERSONS HUMANITARIAN ASSISTANCE, RESETTLEMENT, AND SECURITY ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. HASTINGS of Florida, Madam Speaker, I rise today with my good friend and colleague, Congressman JOHN DINGELL and almost 15 original cosponsors in strong support of the Iraqi Refugee and Internally Displaced Persons Humanitarian Assistance, Resettlement, and Security Act of 2009, a bill which I am reintroducing for the 1st Session of the 111th Congress.

The comprehensive legislation I am introducing today addresses this crisis and the potential security break-down resulting from the mass influx of Iraqi refugees into neighboring countries and the growing internally displaced population in Iraq, and also facilitates the resettlement of Iraqis at risk.

The plight of Iraqi refugees and IDP's is worsening by the day. It is heartbreaking to hear the stories of families who fled for their safety, are now unable to work and have subsequently depleted their savings in order to survive.

I believe that the United States has a moral obligation to take the lead and provide a 'humanitarian surge' in responding to this crisis. The future of the Middle East depends on it.

I would like to thank Congressman DINGELL for his continued leadership in the House of Representatives on this issue and for his help in drafting this legislation as well as the other original co-sponsors supporting this bill. As I have said on many occasions, this must not be a partisan issue, but rather Congress and the Administration have an obligation to work together before the Iraqi refugee crisis further destabilizes the region.

I urge my colleagues to support this important legislation, which will provide much needed relief for Iraqi refugees and IDP's. I call on the leadership of the House to support this bill.

REMEMBERING MAJOR JOHN P. PRYOR, M.D.

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. ADLER of New Jersey, Madam Speaker, on Christmas Day, 2008, an enemy mortar round struck the living quarters of Major John P. Pryor, M.D., in Mosul, Iraq where he was stationed while on his second tour of duty as an Army Reservist. Major Pryor died of his wounds.

Major Pryor was widely recognized as one of our country's finest trauma surgeons. On

the battlefield, he fought to save the lives of countless soldiers and Marines. Here at home, he served just as valiantly in his capacity as the director of the trauma department at the Hospital of the University of Pennsylvania. Throughout his life, Major Pryor demonstrated an uncommon commitment to our community and our country. On 9/11, he hitched a ride to New York City in an ambulance so that he could lend a hand in one of our greatest hours of need. Shortly thereafter, when America went to war, he volunteered for military service because he felt a patriotic duty to heal wounded soldiers. Time and again, Major Pryor was there when we needed him most.

Major Pryor's absence has been deeply felt by his family, his fellow soldiers, the HUP community, and by all those whose lives he touched. Across our country, we share their grief.

Soldiers like Major Pryor remind us that the price of war cannot be measured just in dollars, or in territory, or even in the number of our patriots who never return home. It must also be measured with the valor, the potential, and the devotion of those we have lost. Within our military are heroism and courage beyond measure, and while the presence of these heroes makes our Nation stronger, the loss of any servicemember is all the more painful, for when they give their lives, the promise of their lives is lost as well.

We give thanks for the life of John Pryor. We mourn his loss. We offer our prayers to his family.

CHAMPION FOR CHILDREN AWARD

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. MCCOLLUM. Madam Speaker, it was my honor today to be recognized by Global Action for Children with the Champion for Children Award. Launched in 2003, the Global Action for Children is a nonpartisan, results-oriented coalition dedicated to advocating for orphans and highly vulnerable children in the developing world. I intended to give the following remarks, but was unable to do so due to Congressional business. I would like to enter my remarks for this event into the CONGRESSIONAL RECORD.

COMMENTS ON THE CHAMPION FOR CHILDREN AWARD

Good afternoon.

It is an honor to receive this award from Global Action for Children. Long after I am gone from Washington, if there is one thing people say about me, I hope it is "she was a champion for children."

I would like to thank Jennifer Delaney for all of her work and for the hard work of her staff. I first worked with Jennifer in 2003 on the original PEPFAR bill to secure funding for AIDS orphans and vulnerable children. Jennifer's dedication and commitment to fight for children around the world—and to build the partnerships necessary to be successful—is an inspiration. She is a tremendous resource for Members' offices and I am very proud to be here with her today.

I would also like to congratulate my colleagues from the Senate—Senators Lugar

and Dodd—on their awards today. Their commitment to children is well known and I look forward to working with them in the 111th Congress to make the needs of our planet's next generation a priority domestic and foreign policy issue.

I came to Congress eight years ago. During my time in the U.S. House 80 million newborns and young children around the world have died from mostly preventable or easily treatable diseases—80 million children.

Four million mothers have died from pregnancy related causes, most of which could have been averted with access to basic healthcare.

Nearly 10 million more children will needlessly die across this planet from malnutrition, dirty water, treatable infections, and global apathy. This is a tragedy of enormous proportions that we can help to stop—we MUST help to stop.

For all the mothers and fathers in the room today, do you think a mother or father in Bangladesh, Zambia or Guatemala loves their newborn or toddler less than we love our children?

Every parent loves their children and wants them not only to survive but thrive and succeed.

In the 111th Congress, let us work together—policy makers, global health advocates and citizens—to make the policy improvements and funding investments to save the lives of millions more newborns, children and mothers.

Let us work to make child survival and maternal health the global health priority of this Congress.

As President-elect Obama looks at the foreign policy landscape there needs to be some major reforms in the manner in which development assistance is delivered.

We need a new comprehensive strategy and the tools to execute that strategy. We need to invest the hard earned tax dollars of our citizens in building a better world—a safer world—a more peaceful world. And, we need to see outcomes for our investments that can be demonstrated.

Here is an investment idea and an outcome I'd like to see this Congress act upon: How about investing a billion dollars to save the lives of a million newborns and children? Do you think the American people would support a billion dollar investment that saved a million young lives?

I think they would.

Congress, working hand-in-hand with the Obama Administration, needs to refocus our strategy for development assistance to focus on the basics. In addition to focusing on child survival and maternal health, we need to increase investment in agriculture development to reduce malnutrition, increase family incomes and reduce the demand for emergency food aid.

Let us help to expand access to clean water, preventing water born illnesses.

We must maintain our commitment to fighting HIV/AIDS while not backing away from the need to assist orphans and vulnerable children grow up healthy, productive and safe in their communities.

Finally, we need a foreign policy that recognizes that hundreds of millions of children around the world are confronting violence, absolute poverty, hunger and lives of misery on a daily basis.

Think of the children in Gaza, in the Democratic Republic of Congo, in Zimbabwe and how they are suffering. Their lives will forever be shaped by violence. We need to work to make the world safe for children and

that means aggressive, smart diplomacy that works to prevent political crisis and conflicts. If we are truly a superpower we need not simply stand by and watch the escalation of violence and suffering, we must work to prevent it.

Let start making the world safer for children by advancing a child-based development agenda—such as the emergency presidential initiative for the world's children being proposed by Global Action for Children here today. This is exactly the type of bold commitment the United States should and can make to the world's children.

Let me conclude by speaking about commitment. Every parent knows that bringing a child into this world means a commitment until that child becomes an adult. It means meeting the child's physical needs, creating a safe environment, sharing love and protecting your child from harm. This is universal across all cultures.

A similar type of commitment on the part of states to children is embodied in the United Nations Convention on the Rights of the Child. Yet, the United States, along with Somalia, are the only two nations on the face of the Earth which have not ratified this treaty, not formalized our commitment to our own children and the world's children. This is an embarrassment that I hope is addressed by the U.S. Senate this Congress.

Every child—where ever he or she is born—is a child of God and a blessing.

Therefore, every child should be recognized as possessing the human dignity and basic human rights we all share and we all expect for our own children. If this is in fact true and you believe it, and I know you do—then we've got lots of work to do.

Thank you all for making the world's children a priority and for recognizing that their rights and their well-being are as important as our own children's.

GET AMERICA MOVING AGAIN

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. MANZULLO. Madam Speaker, today I am privileged to be joined by my good friend and co-chair of the Congressional Automotive Caucus, Representative FRED UPTON, in introducing the Get America Moving Again Act of 2009.

This bill is simple. It provides a tax credit of \$5,000 for any new vehicle purchased from January 1, 2009, until December 31, 2009. In order to prevent a large drop off in new car sales next year, the tax credit would be cut in half to \$2,500 starting on January 1, 2010. The tax incentive would then expire on December 31, 2010. In addition, the bill provides a tax credit of \$2,000 for any late model used vehicle purchase, as defined as 3 years old or less, from January 1, 2009, until December 31, 2009 so that automobile dealers are not saddled with unsellable used cars. This tax credit would also be cut in half to \$1,000 starting on January 1, 2010 and would also end on December 31, 2010. The tax credit would be limited for vehicles that cost under \$50,000 and would only be allowed for households with an adjusted gross income of \$250,000 or less. I am also working on a second alternative bill that will move this tax credit concept to a

voucher system so that consumers can see the immediate benefit of this incentive at the point of sale of a vehicle.

Madam Speaker, I am introducing this bill today because we need to get people thinking now about ways to re-ignite consumer demand for vehicles. Our economy is in crisis today because of insufficient consumer demand for goods and services due to the fear in this country of making a significant purchase. All the economic stimulus plans that are being discussed deal with bailing out people's mistakes or using taxpayers' dollars for public works projects and more government programs. Some also talk about the government creating "new jobs" but they don't understand that there are still jobs in existence and all they lack is orders from consumers.

We need something easy to understand that is considerably less expensive for the taxpayer than current proposals. We need a proposal that will begin to restore our economy immediately by providing a significant incentive to purchase the second largest purchase a typical consumer will make in their lifetime (after housing) in order to help jump-start the economy.

First, in 2007, about 17 million new vehicles were sold in America. A year later, only 10 million cars were sold. This represents a net loss of 7 million cars. At an average price of \$25,000, this loss of new car sales translated into \$175 billion that was directly removed from the economy in 2008. If we can get back to selling 15 million cars, that would add about \$125 billion directly into the economy. Multiplier effects of between 3 to 7 percent could increase the U.S. economic benefit of selling 5 million more cars up to \$900 billion.

Second, when cars and trucks start selling, it moves inventory from factory lots and dealers showrooms. It pays salaries of all the vehicle assembly workers, dealers, and employees. It replenishes local and state sales tax receipts. It restarts manufacturing and supply chains and the economy begins to boom again because vehicles are the second biggest consumer item (after housing).

Third, by offering a tax credit of \$5,000 for the purchase of a new car or truck, an individual could buy, for example, a new Chrysler Jeep Patriot (assembled in Belvidere, Illinois, which I am proud to represent) for less than \$15,000 or around \$200 a month for 5 years. This incentive is large enough to encourage consumers on the fence to make the decision this year to buy a car.

Fourth, we need to implement this tax incentive immediately while people who still have jobs are able to buy a new car.

We will continue to lose jobs until items are again purchased. Common sense and sound economics have given way to "I want my fair share of the stimulus" mentality. No one is thinking about the massive inflation and the higher taxes that will eventually be necessary to pay for the current stimulus and bailout proposals. Many are unfortunately focused on the pre-eminence of "the government is the only answer" doctrine. There is little regard for restarting our economy from the bottom up.

While government cannot be the answer, it can be part of the solution. We can do things now that will drastically alter the negative course we are on. Thus, I urge my colleagues

to join Rep. UPTON and me in co-sponsoring the Get America Moving Again Act of 2009.

IN HONOR OF THE 2008 LAWRENCE
CENTRAL HIGH SCHOOL MARCH-
ING BAND

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise to recognize the Lawrence Central High School Marching Band, whose 2008 success catapulted them forward as one of our nation's top high school marching bands.

With hours of dedicated practice, the band developed a musical expertise and performance ability that led them to their first Indiana State Championship since 2000. Following this victory, they were invited to participate in the Bands of America Grand Nationals where they placed third.

Lawrence Central's amazing season culminated with an invitation to the prestigious Annual Fiesta Bowl and Blue Cross/Blue Shield National Band Competition. Competing against the nation's best bands, Lawrence Central was crowned Grand Master Champion, the highest award available.

The band's achievements would not have been possible without the highest quality band staff. Directors of Bands Randy Greenwell and Matthew James and their staff all served as excellent teachers and mentors to their band members. Additionally, all the Lawrence Central fans, and in particular the spirited student body, should be recognized for their enthusiastic support.

I offer my sincere congratulations to the Lawrence Central Marching Band, their band staff, classmates and parents on their incredible success in 2008.

A TRIBUTE TO GWEN REGALIA,
MAYOR OF WALNUT CREEK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in honoring Gwen Regalia for her many accomplishments and contributions to the city of Walnut Creek.

Gwen Regalia has provided remarkable leadership as a member of the Walnut Creek City Council since 1987. As Mayor of Walnut Creek, Gwen served for an unprecedented five terms and my congressional district has been greatly enhanced by over two decades of her service. Now, as Gwen retires from public office it is my great privilege to pay tribute to her work in the CONGRESSIONAL RECORD.

Gwen's career began upon her graduation from the University of California at Berkeley. She began teaching elementary school when she moved to Walnut Creek in 1958 and now holds a Life Credential in Elementary Education. Gwen's political career began in 1978

when she ran for the Walnut Creek School District board and served for almost ten years; she also served as president for two of those years.

In 1987 Gwen was elected to the City Council, but her duties did not stop at the Walnut Creek boarder. While in office she also served as President of the Kennedy-King Memorial College Scholarship Fund, she was president and former director of the Diablo Valley Foundation for the environment, she is a forty-year member of the American Association of University Women, member of the League of Women Voters of Diablo Valley, Diablo Regional Arts Association member, as well as other local cultural organizations.

Under Gwen's leadership in the City Council several capital projects were completed, including the Leshner Center for the Arts, the Shadelands Art Center, the Iron Horse Trail Bridge, two gyms, five parks and seven ball fields, as well as the acquisition of 305 acres of open space.

Gwen Regalia's twenty-one years of public service is an example to us all, and we are lucky to have her vision and her commitment to the citizens of Walnut Creek. It is my honor to recognize Gwen Regalia as she retires from public service and I wish her success and happiness in her future endeavors.

IN HONOR OF SECRETARY
VALERIE A. WOODRUFF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Valerie Woodruff, Delaware's Secretary of Education. Val will retire this year after a 44 year career in public education and serving the state of Delaware for over 30 years.

During her term as Secretary, Val led the implementation of Delaware's accountability system and worked with Congress and the U.S. Department of Education to implement the federal No Child Left Behind Act in Delaware.

Although Val's work in public education began long before her service in Delaware, Val has had a huge positive impact on Delaware's education system. Val led the development of the first school-based Wellness Center in Delaware that has served as a model for additional Delaware schools. Val served as a Thomson Fellow for the Coalition of Essential States, where she participated in, and conducted workshops in her capacity and was selected as Delaware's Principal of the Year in 1990. Val also serves as a member of several boards including the Delaware Workforce Investment Board and its Youth Council and the State Chamber of Commerce Partnership.

Additionally, Val represents Delaware on the Southern Regional Education Board, serves on the Executive Committee of the Southern Regional Education Board, and is the first K-12 educator to serve as Vice Chair. She also served as President of the Council of Chief State School Officers from November 2005 to November 2006.

Val was born in Steubenville, Ohio and grew up in West Virginia. She attended Alderson Broaddus College in Philippi, West Virginia and graduated in 1966 with a Bachelor of Arts degree in Secondary Education in English and Social Studies. In 1971, Val began her work in Delaware and received her Master of Education degree in Guidance and Counseling from the University of Delaware in Newark, Delaware.

I would like to thank Val for her many years of service and her focus on developing quality teachers and school leaders, as well as the importance of providing an excellent educational experience to all children in Delaware. Val's work has resulted in improved student achievement and positive recognition of Delaware public education.

INTRODUCTION OF H.R. 553: THE
REDUCING OVER-CLASSIFICA-
TION ACT OF 2009

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. HARMAN. Madam Speaker, America's first preventers will face an enormous challenge next Tuesday. They must protect key members of this and the next Administration—especially the first families—and manage crowds of millions for the largest American Presidential Inauguration to date, working seamlessly with federal counterparts to do so.

Unprecedented efforts will be made to share information—especially information about threats. Information sharing was a huge problem leading up to 9/11, and 7 years later, we still have work to do.

When the Inauguration is over, local law enforcement shouldn't have to return to business-as-usual—where it is still difficult to get accurate, actionable, and timely information about threats and tactics to police officers in the field.

Though hard to believe, sheriffs and police chiefs can't readily access the information they need to prevent or disrupt a potential terrorist attack because those at the federal level resist sharing information. Over-classification and pseudo-classification—stamping with any number of sensitive but unclassified markings—remain rampant.

Protecting sources and methods is the only valid reason to refuse to share information. It is no exaggeration that people die and our ability to monitor certain targets can be compromised, if sources and methods are revealed.

But classifying information for the wrong reasons—to protect turf or to avoid embarrassment—is wrong. During my 8 years on the House Intelligence Committee, I became incredibly frustrated with this practice—which the Bush Administration elevated to an art form.

And, sadly, the practice has spread to our newest federal agency: the Department of Homeland Security.

Madam Speaker, the next attack in the United States will not be stopped because a bureaucrat in Washington, DC found out about

it in advance. It will be the cop on the beat who is familiar with the rhythms and nuances of his or her own neighborhood who will foil that attack.

H.R. 553, the Reducing Over-Classification Act, and which passed the House unanimously in the 110th Congress, is an attempt to establish a gold standard at DHS when it comes to classification practices.

It requires that all classified intelligence products created at the Department be simultaneously created in a standard unclassified format if such a product would help local law enforcement keep us safe. This is unprecedented.

Furthermore, the bill requires portion marking—the identification of paragraphs in a document that are classified—permitting the remainder of the document to remain unclassified.

The measure will promote accountability by requiring the DHS Inspector General to sample randomly classified intelligence products and identify problems that exist in those samples.

It also directs the Secretary to develop a plan to track electronically how and where information classified by DHS is disseminated so that misuse can be prevented.

Finally, the legislation requires the Secretary to establish extensive annual training on the proper use of the classification regime, and penalties for staff who repeatedly fail to comply with applicable classification policies.

A key to homeland security is personal preparedness. A prepared public is not likely to be terrorized. Access to important non-classified information is essential to ensure preparedness, and this bill protects the public's right to know. It enjoys support by privacy and civil liberty groups.

Madam Speaker, on behalf of first preventers and first responders everywhere, I urge passage of this essential bipartisan legislation, and its prompt consideration in the Senate.

SCHOOL BUILDING ENHANCEMENT ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. HOLT. Madam Speaker, I rise today to introduce the School Building Enhancement Act, legislation that would help schools implement energy saving measures to reduce their energy costs.

According to the Department of Energy, DOE schools spent over \$8 billion on energy in 2007—\$2 billion more than they spent just two years earlier. Sky-rocketing energy costs have forced schools to spend more annually on heating and electricity than they spend on textbooks and computers combined. Energy is the second-highest operating expenditure for schools after personnel costs. Schools across the country are already facing tight budgets; rising energy costs will only worsen their budget situation and could lead to the loss of important school programs.

Fortunately, there are ways for schools to offset the soaring price of energy. According

to the Environmental Protection Agency, EPA, 30 percent of energy consumed in buildings is used unnecessarily or inefficiently. By understanding where energy is used unwisely and implementing simple changes in the operations and maintenance of school buildings, a school's operating costs can be reduced by 5 to 25 percent. Schools that are seeking even greater long-term savings can retrofit their buildings with more efficient systems and replace old appliances. The \$2 billion saved could be used for purchases that directly benefit our nation's students—such as hiring 30,000 new teachers or purchasing 40 million additional textbooks.

However, cash-strapped school systems often are unable to find the necessary financial resources to invest in these energy efficient upgrades. The School Building Enhancement Act would assist schools in making these improvements by providing grants to states and local educational agencies through the Department of Education for energy efficiency upgrades. These improvements would need to follow the guidelines of the EnergySmart Schools Program of the Department of Energy or the Energy Star for K–12 School Districts program at the Environmental Protection Agency.

If enacted, the School Building Enhancement Act would provide the needed funding for schools in my home state of New Jersey, and throughout the country, to implement energy efficiency measures that would help schools save thousands of dollars annually.

Schools that already have implemented energy efficiency measures have succeeded in achieving significant savings. For example, the Summerfield Elementary School in my home state of New Jersey has implemented energy efficiency measures that have reduced their consumption by 32 percent, allowing Summerfield to save \$41,000 annually on energy costs. Summerfield is just one of many schools that are being built to use energy smarter and more efficiently. According to the EPA more than 800 schools have been Energy Star certified, saving an average of 40 cents per square foot in operating costs annually.

Twenty-five of my colleagues have joined me in introducing this important legislation to help cash-strapped schools achieve significant savings on their energy costs and protect the environment. I urge my colleagues to support the School Building Enhancement Act.

INTRODUCING THE SAVE OUR CLIMATE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. STARK. Madam Speaker, I rise today with my colleague JIM McDERMOTT to reintroduce the Save Our Climate Act, a bill to place a tax on carbon. A carbon tax is the most straightforward and efficient way to end our addiction to fossil fuels and confront global climate change.

While I have introduced this proposal in years past, I am more confident than ever that

the time for action has arrived. We have a President-elect who consistently acknowledges that our planet is in peril. The upcoming economic recovery package will focus on creating “green jobs” and investing in clean energy.

The best solution is to place a tax on what we want to reduce—pollution; and to put that revenue into what we want to increase—work, income, and investment in new technology. A carbon tax is the best way to do that.

Under the Save Our Climate Act, carbon based fuels—coal, petroleum and natural gas—are taxed at a rate of \$10 per ton of carbon content. The tax will increase by \$10 per ton of carbon every year, making it less affordable to burn fossil fuels as time goes on. When the United States reaches the International Panel on Climate Change's standard of reducing CO₂ emissions by 80 percent, the tax will be frozen.

A tax provides certainty for businesses, as they will know what the level of tax will be from year to year and can make adjustments in their business plans. This legislation is also simple to administer and will require no new bureaucracy to implement. For these reasons, the Congressional Budget Office, CBO, concluded last year that a carbon tax is the most economically efficient policy for reducing carbon dioxide emissions.

This bill does not prescribe how the revenue will be spent, but it is appropriate that we consider relief for low- and middle-income consumers who may face modestly higher energy costs, and investments in alternative energy sources, health care, and education.

The Save Our Climate Act will generate a small energy price increase each year, equal to about 2 cents per gallon of gas annually. Consumers over the past year have endured increases 100 times that. The only difference is that the increase in price went to overseas coffers, not to build our transportation networks, provide relief for workers, and health care for our citizens. As the tax rate increases, fossil fuel prices will increase. Producers will have an incentive to invest in cleaner alternative energies, and those alternative energy sources will become more competitive.

For businesses, the carbon tax is direct, creates price certainty, and signals that it is time to take bold action and invest in business models that utilize low pollution technology. Even the CEO of Exxon commented last week calling a carbon tax a “direct and transparent approach.” I don't normally find myself on the same side as the oil companies, but in this case, I agree. The Save Our Climate Act is a first step toward a sensible tax code that incentivizes innovation and rewards responsibility. I encourage all to support it.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. SHERMAN. Madam Speaker, yesterday, I was unable to make a number of votes because I was at the hospital with my wife for the delivery of our first child. I am pleased to

announce that we had a healthy, beautiful baby girl named Molly Hannah.

Had I been present I would have voted: "yea" on rollcall No. 14; "nay" on rollcall No. 15; "yea" on rollcall No. 16 in support of H.R. 2, the bill to extend and improve the Children's Health Insurance Program, of which I was proud to be an original cosponsor; "yea" on rollcall No. 17, which allowed the House to proceed with a bill improving the TARP program; and "yea" on rollcall No. 18.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. SULLIVAN. Madam Speaker, I missed rollcall vote 16 to H.R. 2 taken on January 14, 2009, and had I been present for this vote, I would have voted "nay."

I am opposed to H.R. 2 because I believe this legislation is one more step toward forcing Americans into a Washington controlled, one-size-fits-all health care system by creating another fiscally irresponsible entitlement to be supported by American taxpayers. Also, an expansion of SCHIP should not encourage people to drop their private coverage in order to get free or subsidized public health care coverage.

INTRODUCTION OF THE SUPERFUND REINVESTMENT ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. BLUMENAUER. Madam Speaker, today I am introducing the "Superfund Reinvestment Act," which would reauthorize the corporate taxes that fund the Superfund trust fund. This bill will reestablish the polluter pays principle and our commitment to cleaning up the Nation's most hazardous sites.

The Environmental Protection Agency's, EPA, Superfund program was created in 1980 to provide money to clean up the nation's worst hazardous waste sites where the party responsible for polluting was out of business or could not be identified. Before they expired in 1995, the money for the Superfund trust fund came mainly from taxes on the polluters themselves. The program has contributed to the cleanup of over 1000 sites around the country. Because Congress has not reauthorized the taxes, the burden of funding cleanups of toxic waste sites now falls on the shoulders of taxpaying Americans. Reauthorizing the Superfund tax would ensure that polluters—not the American public—pay to restore public health.

Superfund sites contain toxic contaminants that have been detected in drinking water wells, creeks and rivers, backyards, playgrounds, and streets. Communities impacted by these sites can face restrictions on water use, gardening and recreational activities as well as economic losses as property values

decline due to contaminated land. In the worst cases, residents of these communities can face health problems such as cardiac impacts, infertility, low birth weight, birth defects, leukemia, and respiratory difficulties.

Until they expired in 1995, the superfund taxes generated around \$1.7 billion a year to clean up these hazardous areas. The "Superfund Reinvestment Act" would simply reinstate the taxes as they were before they expired. This will provide a stable source of funding to continue cleaning up sites around the country as well as give the EPA the tools it needs to clean up sites and then recover the costs from liable parties who do not undertake the work themselves.

I urge my colleagues to join me in working to strengthen the Superfund program and ensure that it continues to help keep our communities and our families safe, healthy, and economically secure.

BLACK JANUARY—JANUARY 19–20, 1990

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. COHEN. Madam Speaker, few Americans have heard the term "Black January," yet it is imbedded in the memory of all Azerbaijanis. Black January marks the evening of January 19, 1990, when at midnight 26,000 Russian troops stormed the capital city of Baku with tanks. Armed with a state of emergency declared by the U.S.S.R. Supreme Soviet Presidium and signed by then President Mikhail Gorbachev, the incursion was intended to suppress a growing independence movement. The net result was the opposite. This incident inflamed Azerbaijani nationalism and contributed to the breakup of the Soviet Union.

Leading up to Black January, the national independence movement had reached a remarkable momentum with hundreds of thousands demonstrating for independence, sovereignty and territorial integrity. Emerging democratic groups were leading the political agenda and were projected to succeed in upcoming Parliament elections in March 1990. The Soviet Union sought to "restore order" by indiscriminately firing on peaceful demonstrators in Baku, including women and children. The protesters were calling for independence from the Soviet Union and the removal of Communist officials. More than 130 people died that night and in subsequent violence, 611 were injured, 841 were arrested, and 5 went missing.

According to a report by Human Rights Watch entitled "Black January in Azerbaijan," "among the most heinous violations of human rights during the Baku incursion were the numerous attacks on medical personnel, ambulances and even hospitals." The report concluded that "indeed the violence used by the Soviet Army on the night of January 19–20 . . . constitutes an exercise in collective punishment . . . The punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in other Republics of the Soviet Union."

In the days after the invasion, thousands of Azerbaijanis surrounded Communist Party headquarters demanding the resignation of the republic's leadership. The Baku City Council demanded that Soviet troops be withdrawn. The Soviet legislature in Azerbaijan condemned the occupation as "unconstitutional" and threatened to call a referendum on secession unless Soviet troops were withdrawn within 48 hours. And, Azerbaijani oil tankers blocked Soviet naval vessels from reaching the Baku harbor.

Soviet troops were eventually withdrawn from Baku, but political control was maintained for almost another 2 years until Azerbaijan's parliament declared independence in October 1991. The Republic of Azerbaijan has maintained its independence for more than 17 years, despite lingering economic and social problems from the Soviet era and the military occupation of 20 percent of Azerbaijan by Armenia. Today, Azerbaijan has developed into a thriving country with double digit growth, in large part due to a freely elected president and parliament, free market reforms led by the energy sector, and, most importantly, no foreign troops on its soil.

While January 20 has been inauguration day in the United States every 4 years since 1937, in Azerbaijan it is the day on which Azerbaijani citizens stood up to Soviet equipment and martyrs gave up their lives for freedom from communism and dictatorship. Indeed, on January 20, 1990, in Baku, Azerbaijan, the fate of the Soviet empire was sealed.

THE SAFE COMMISSION: LETTERS TO TREASURY SECRETARY PAULSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. WOLF. Madam Speaker, I continue to be deeply concerned about America's mounting deficit spending and Federal debt and have been working for the past several years to engage this administration in embracing a bipartisan plan to reverse course and get our country on a sound and sustainable financial path.

I introduced the SAFE Commission concept for the first time during the 109th Congress on June 7, 2006. In the 110th Congress I teamed with JIM COOPER, and we introduced the bipartisan SAFE Commission legislation again. A similar Senate effort was led by Budget Chairman KENT CONRAD and ranking member JUDD GREGG.

Following the SAFE bill's introduction, I reached out to Treasury Secretary Paulson about getting our fiscal house in order through more than a dozen letters from July 12, 2007, to April 10, 2008, updating the administration on progress that was being made with the bill. I submit for the RECORD a sample of that correspondence.

I have been encouraged with the growing support for the SAFE proposal from leading newspaper editorials to think tanks to syndicated columnists to business organizations. I remain deeply disappointed that this idea was

not embraced by Secretary Paulson. I hope that the Obama administration will understand the urgency for bipartisan action to address this nation's long-term budget challenges, especially as we deal with the current financial crisis, for the sake of our children and grandchildren.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. HENRY PAULSON,
Secretary, Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: As you know, Senator VOINOVICH and I reintroduced the Securing America's Future Economy (SAFE) Commission Act in January. I wanted to follow up with you and share the enclosed letter I wrote to the president asking that the administration embrace this idea.

I think about our children and grandchildren and it is disheartening that critical issues are falling by the wayside because Congress today is so polarized. I believe that a bipartisan commission operating outside the halls of Congress that would mandate action is the answer to getting our fiscal house in order and diverting financial crisis in this country.

The SAFE Commission bill has 32 cosponsors to date. I am committed to continue working with my colleagues to enact this legislation on a matter of such importance to our nation's future.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: I read your recent comments about reaching the statutory debt limit as early as October. I have always voted for the limit increase but am seriously considering voting against it this year because of the lack of leadership by the administration in taking steps to change the country's current financial path. I truly believe that this administration has the ability to change our course.

I am not writing to you today as a Republican or a Democrat, but as a father and grandfather. Lawmakers on both sides of the aisle understand the enormity of this issue and the impact that will be felt for generations to come. It's disheartening that the partisan political divide in Congress is so consuming that issues with such high stakes continue to languish.

That's why I have introduced the Securing America's Future Economy (SAFE) Commission Act, which would establish a bipartisan commission and put everything—entitlement, tax policy, and other federal spending—on the table for review.

This administration can offer hope and start to remedy our fiscal prognosis, brightening the horizon for our children and their children. It is critical that they have all the opportunities the Greatest Generation made possible for you and me. Our grandchildren should set ambitious goals, and believe that hard work will be met by opportunity.

We have a moral obligation to address the long-term fiscal challenges ahead.

I know you are a good person and want what is best for America. With your leadership and vision, progress can be made.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: Just wanted to update you on the SAFE Commission legislation since I reintroduced the bill with Jim Cooper three weeks ago.

The measure has gained bipartisan support with over 40 cosponsors—split evenly between Democrats and Republicans from members of the Republican Study Committee to three of the four Blue Dog Coalition co-chairs I believe that support for this measure will continue to grow.

You may have read that the first baby boomer signed up for promised Social Security benefits last week. Our nation's "long term" deficit problem has arrived.

We should be concerned that last Monday the U.S. dollar hit an all-time low in the wake of a major housing recession and enormous trade deficits. We should care that the value of the dollar has been dropping against the Canadian dollar, the Euro and the Japanese yen.

What will it take for us to address these issues?

The SAFE Commission fits into what this administration claims to stand for and will ensure sound financial footing for generations to come. I have enclosed information on the bill since its reintroduction including a list of current cosponsors.

Please give serious consideration to the SAFE Commission Act.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2007.

Hon. HENRY PAULSON,
Secretary, Department of the Treasury,
Washington DC.

DEAR SECRETARY PAULSON: As meritorious as the Administration's argument is with regard to the \$21 billion in discretionary spending it is relatively insignificant compared to the massive entitlement spending problem. It is like comparing a mouse to an elephant.

Our SAFE Commission bill represents all that the Administration says it cares about, including more than 50 bipartisan cosponsors (see list).

Failing to address this issue is like driving a car toward the edge of a cliff with no brake pedal.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington DC.

DEAR SECRETARY PAULSON: I am deeply troubled that this Administration is missing an opportunity to do something so powerful for our children and grandchildren.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: As a follow up to our conversation last week about the

SAFE Commission. I want you to know that Roy Blunt has also signed onto the bill.

The Cooper-Wolf SAFE Commission has over 50 bipartisan cosponsors including Republican leadership in the House (see enclosed).

We are waiting for the Administration to support this effort to rein in entitlement spending.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: Enclosed is a letter I recently received from Ben Bernanke about our nation's fiscal imbalance, reiterating: "... if early and meaningful action is not taken, the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

Your administration deserves credit for its work in the past to address the entitlement reform issue. Our parents told us that if at first you don't succeed, try, try again. I am asking that the SAFE Commission be that second try.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2008.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: Between July 19 and December 10, 2007, I wrote to you nine different times about the unsustainable financial path our country is on, and the bipartisan SAFE Commission as a potential way forward to rein in entitlement spending. I have respectfully asked for the administration's support because of the critical importance of taking action now.

I am disappointed that the administration is missing this opportunity to bring about a renaissance in America, giving hope to future generations and ensuring that our children and grandchildren can live in a world where hard work will be met by opportunity.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

SGI PRESIDENT DAISAKU IKEDA

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. JOHNSON of Georgia. Madam Speaker, Whereas, SGI President Dr. Daisaku Ikeda visited Chicago in 1960, witnessed the discriminatory mistreatment of an African-American boy in Lincoln Park, and made a vow in his heart, "I promise you that I will build a society truly worthy of your love and pride!"; and Whereas, this year marks 49 years of Dr. Ikeda's dedication to the peace and happiness of all humanity through peace, culture and education; and pledge to construct a peaceful world where individuals from all walks of life

feel safe and secure while developing their fullest potential for the sake of their families and the greater good of society; and

Whereas, on January 19th we honor and celebrate a noble and heroic life of Martin Luther King Jr., whose legacy was to secure not only civil rights but human moral rights for all people as expressed in his own words, "Injustice anywhere is a threat to justice everywhere"

Whereas, 40 years after the passing of Dr. King, we witness on this day the inauguration of Barack Hussein Obama as 44th President of the United States, filled with confidence in the dream of Martin Luther King, Jr., and the prayers and efforts of countless ordinary heroes who believed that this day would one day be possible, expressed in President Obama's words, "This is your victory!"

Whereas, in my capacity as a member of the United States Congress, I would like to acknowledge these behind the scenes efforts of one such extra-ordinary hero by recognizing, SGI President Daisaku Ikeda, as an Emissary of Peace and Justice.

HONORING SPECIAL AGENT
BENJAMIN KRAMER

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. PRICE of North Carolina. Madam Speaker, the Homeland Security Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Benjamin Kramer, as he begins his next assignment as Special Agent for the U.S. Secret Service. Special Agent Kramer has proven himself to be an energetic and thoughtful contributor to the work of this Subcommittee, bringing with him the experience he has gained with the Secret Service and before that as a criminal investigator with the D.C. Inspector General.

Working as a member of my subcommittee staff, Ben helped the Subcommittee navigate what was often a frenetic path as we crafted our 2009 appropriations bill, and assisted in our work in overseeing the agencies and programs under our jurisdiction. In particular, Ben had lead staff responsibility for oversight of the Department of Homeland Security's Office of Inspector General.

Ben's unqualified professionalism, great sense of humor and cool head have helped our Subcommittee and the Congress address a wide range of policy and budgetary challenges. During his time with the Subcommittee, Ben researched issues for various programs, coordinated committee travel, and compiled materials on amendments. Ben also assisted in managing the database of requests to the Committee from Members of Congress, and in preparing for hearings and briefings. I am grateful for his hard work.

Special Agent Kramer has served me, this Subcommittee, and the House well. While we are sorry to see him leave, each of us on the Homeland Security Appropriations Subcommittee wishes Ben all the best as he resumes his Secret Service career, and expect to continue to see great things from him.

CONGRATULATING THE PINK
HEALS TOUR FOR BREAST CAN-
CER RESEARCH AND FOUNDER
DAVID GRAYBILL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize the Pink Heals Tour, which covered over 10,000 miles in 2008, to support the fight against breast cancer.

Breast cancer occurs in one out of every eight women in our country, and this cross-country tour in a decorated pink fire truck aimed to increase awareness of this disease and to raise funding for cancer research. In particular, this journey reached out to typically male-dominated organizations, such as police and fire departments, to encourage them to wear pink clothing in support of this cause. A second tour is scheduled to begin in the fall of 2009. The upcoming Pink Heals Tour will cross the United States in three pink fire trucks throughout September and October.

I am particularly proud, Madam Speaker, to recognize David Graybill, who founded the Pink Heals Tour to inspire citizens and community leaders to join in local breast cancer fundraising organizations and events. When I taught high school back home in Arizona, David was one of my students. So far, his efforts have had an enormous impact on his community and on millions of people across 21 states and 40 different cities.

Madam Speaker, I urge my colleagues to join me in recognizing the Pink Heals Tour and its founder, David Graybill, for their selfless work to raise awareness and support the fight against breast cancer.

HONORING THE FIRST PARISH
UNITARIAN UNIVERSALIST
CHURCH OF SCITUATE, MA

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the First Parish Unitarian Universalist Church of Scituate, MA on its 375th Anniversary.

The rich spiritual tradition of the First Parish Church dates all the way back to seventeenth-century London, when the Puritan separatist, the Rev. Henry Jacob, joined with others to establish the first non-Anglican church in England. In 1624, Jacob was succeeded by the Rev. John Lothrop, who led a small congregation in worshipping secretly in taverns, homes and fields. When the Bishop of London learned of their activities, Rev. Lothrop and his followers were arrested and imprisoned in the notorious jail, the Clink.

Upon his release two years later in 1634, Rev. Lothrop and a number of his congregation left England bound for Boston, thirsting for the freedom to worship that the New World promised. On January 8, 1634, Lothrop came

together with 11 other men and women to officially form the First Church of Scituate. Rev. Lothrop's distinguished lineage has included U.S. Presidents, Supreme Court justices, diplomats and prominent businessmen and women.

It is fitting that the anniversary of the Church's founding falls so close to the day we honor Martin Luther King, Jr., the greatest champion of civil rights and equality our Nation has known. Under strong ministerial and lay leadership, the Church has maintained a steadfast commitment to worship, provided spiritual guidance to parishioners, and sounded a clarion call for justice and human dignity.

In colonial times, the Church's ministers and laity fought for religious tolerance on behalf of Quakers and Baptists. They spoke out against the shackles of slavery, and provided care for Union soldiers during the Civil War. During the 19th century, Church leaders advocated vociferously for the economic rights of workers. As an integral part of our community and the global public square, the First Parish Church of Scituate has left an indelible mark for generations to come.

On this momentous occasion, I congratulate the Church's current leader, Rev. Richard M. Stower, and its entire congregation. I wish them all the best for continued success in the years ahead.

EGMONT KEY CELEBRATING 150
YEARS OF "LIGHTING THE WAY"
INTO TAMPA BAY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. YOUNG of Florida. Madam Speaker, the Tampa Bay community I represent celebrated the 150th anniversary of one of the key aids to navigation on all of Florida's west coast last November, the Egmont Key Lighthouse.

The Lighthouse has a rich history and includes being destroyed once by a major hurricane, being rebuilt and staffed by a long list of dedicated keepers, being at the center of civil war intrigue, and now being home to a national wildlife refuge. Throughout its storied history it has stood tall as the only lighthouse between Key West and the Florida Panhandle and marks the entrance to Tampa Bay, one of our Nation's busiest waterways.

Because its history is so interesting Madam Speaker, I will include, following my remarks a column from the Tampa Bay Soundings newspaper by Captain Richard Johnson, the past President of the Egmont Key Alliance. He and the members of the alliance have not only worked hard to share the history of Egmont Key and the Lighthouse, but also to preserve structures on the island. Also I will include with my remarks further information about the legacy of Egmont Key from the Web site LighthouseFriends.com.

Madam Speaker, we continue to protect Egmont Key and the lighthouse, which was added to the Register of National Historic Places in 1978, by providing Federal funds to renourish the shoreline surrounding the island and by studying a way to provide a long-term

solution to protect the island's original buildings.

In the meantime, the Egmont Key Lighthouse will continue its mission to ensure the safe navigation along the Gulf of Mexico and into Tampa Bay just as it has throughout the past 150 years. Please join me in thanking all those who have served to keep its beacon lit and who continue to serve today with President Jim Spangler and the Egmont Key Alliance to keep its history alive and its structures sound.

**LIGHTING THE WAY: THE EGMONT KEY
LIGHTHOUSE, TAMPA BAY SOUNDINGS**
(By Captain Richard Johnson)

It has been 150 years since light keeper Sherrod Edwards first carried cans of lamp oil up the spiral staircase of the lighthouse on Egmont Key. But this magnificent beacon, rebuilt "to withstand any storm" after a hurricane in the late 1840s, still stands guard at the entrance to Tampa Bay, welcoming mariners and visitors.

The 71-foot-high lighthouse has been vital to the safety of commerce on Florida's west coast for more than a century. First constructed in 1848 to support commercial trade along the nation's Gulf Coast, it was the only lighthouse between the Panhandle and Key West. While guiding ships along the coast, it also marked the entrance to the increasingly important port of Tampa.

The first lighthouse was built with brick and cost \$10,000. It was located about 100 feet northeast of the existing structure on the north end of the island. The keeper's house, also brick, was constructed nearby for Edwards and his family. The lighthouse was first lit in April 1848 when they moved in. Less than six months later, in September, a hurricane ravaged the lighthouse. Stories say Edwards and his family took refuge in a rowboat tied to a palm tree as water rose over the island.

With the first tower damaged beyond repair, a new, taller lighthouse—which still stands today—was constructed in 1858 for \$16,000. Other buildings were added over the years. A small brick building was constructed in 1895 near the lighthouse to store lamp oil; a larger brick building erected in the 1920s housed the island's radio transmitter.

Other structures have since been torn down. Two large sheds near the bayside dock served as a depot for navigational buoys along Florida's Gulf Coast in the late 1800s. For a time, all buoys between St. Marks and Key West were maintained and stored on Egmont Key. An assistant light keeper's house was added in 1899. All that remains of that house is a cistern, which is still used today.

Over the years, numerous improvements were made to the light station and the dock was rebuilt several times. Almost every recorded annual report to the Lighthouse Board includes some reference to repairs, improvements or rebuilding, mostly to mitigate damage from storms.

The life of the lighthouse keeper was not easy. For the most part, the light keeper, his assistant and their families were the only people on the island. Bulk supplies like oil for the light were brought in just once a year, and the families raised much of their own food, while traveling by small boat to Bradenton or Tampa for other supplies.

Maintaining a lighthouse with an oil lamp required constant attention to trimming and adjusting wicks, cleaning the chimney and lenses, and washing the windows of the lan-

tern room. While the light was bright and well-focused for an oil lamp, it was not nearly as bright as an electric light, and scrupulous attention to maintaining the cleanliness of every part of the system was necessary to ensure that the light would not be obscured. Each day they worked from dawn until about 10 a.m. just cleaning up and preparing the light for the next night's work. Curtains hung from dawn until dusk to prevent discoloration of the lens glass.

In 1939, the Coast Guard took over the lighthouse service and converted the newer light-keeper's house into a barracks for a small crew. A few years later, the lighthouse was renovated. With the upper portion of the brick tower deteriorating, the tower was trimmed several feet for stabilization, and an aircraft-style rotating beacon replaced the original oil lamp. Illumination surged from 3,000 candlepower to 175,000 candlepower, visible on a clear night from as far as 22 miles away.

But it wasn't until the late 1980s that the light was fully automated and the Coast Guard personnel reassigned. Shortly after that the Florida State Park Service joined the U.S. Fish and Wildlife Service in caring for the island's natural resources.

Through the years, a series of light keepers about whom we know very little, worked through heat and hurricane, battling mosquitoes and winter gales, to keep the Egmont light working and the station in good order. Even with modern advances in navigation, the light remains an important aid to mariners and aviators destined for Tampa Bay.

Capt. Richard Johnson, president of the Egmont Key Alliance, teaches sailing at the St. Petersburg branch of the Annapolis Sailing School. For more information on Egmont Key or the Egmont Key Alliance, call 727-867-8102.

**EGMONT KEY, FLORIDA,
LIGHTHOUSEFRIENDS.COM**

Description: When Florida was under British control, surveyor George Gauld named the small island found at the entrance to Tampa Bay Egmont Key, after John Perceval, second Earl of Egmont and First Lord of the Admiralty. Through the years, the island has served as home to two lighthouses, a fort, a movie theater, a cemetery, boat pilots, and a radio beacon. Today, all that remains on the island is a truncated lighthouse, crumbling remains of the fort, a small colony of gopher tortoises, and a park ranger to interpret the island's history.

In 1833, the Secretary of the Treasury received multiple petitions for a lighthouse at Egmont Key to assist vessels transiting Florida's Gulf Coast between Key West and the Panhandle. However, it wasn't until after Florida achieved statehood in 1845 and its legislature petitioned Congress in December of 1846, that funds were granted for the Egmont Key Lighthouse. Francis A. Gibbons of Baltimore signed a contract with the government to provide a lighthouse and dwelling at a cost of \$6,250.

The contract called for a 40-foot, brick tower, topped with an octagonal lantern that would shelter 13 lamps backed by 21-inch reflectors. The lighting apparatus was supplied by Winslow Lewis at a cost of \$1,330. The St. Marks customs collector, a Mr. Walker, who oversaw the construction, recommended that "in consequence of the heavy gales of wind in this country," the 34 x 20, one-story, brick dwelling should "be placed at least 100 feet from the tower, so in case of its prostration, the house and lives would not be endangered." Walker also insisted that the tower

be built on a foundation of driven pilings rather than on a foundation of "dry shells and sand" as promoted by the frugal Stephen Pleasonton, Fifth Auditor of the Treasury.

Work began on the lighthouse during the summer of 1847, and the lamps were to be lit by January 1, 1848 according to the contract. However, the supply ship Abbe Baker, which was transporting bricks from New York for the lighthouse, ran aground on Orange Key, and roughly half of the bricks had to be tossed overboard to refloat the ship. By February of 1848, the tower stood at a height of twenty feet, but work was halted until a new shipment of bricks arrived. The tower was officially certified on April 19, 1848, and shortly thereafter Sherrod Edwards, the first keeper of the Egmont Key Lighthouse, activated the light. At that time, the lighthouse was the only one between Key West and St. Marks.

On September 23, 1848 a powerful hurricane covered Egmont Key with several feet of water. Keeper Edwards and his family, according to local legend, survived the storm by seeking refuge in a small boat tethered to a Palmetto tree. Shortly thereafter, Keeper Edwards rowed his family ashore and resigned. It was likely due to Walker's pile foundation that the tower survived the storm. The lighthouse was subsequently struck by lightning, which opened cracks in the tower. In 1854, a concrete pad was poured around the base of the tower, but by 1856, it was apparent that a replacement tower was necessary.

A new tower, twice as tall as the original, was completed in 1857 near the northern end of Egmont Key, and probably ninety feet inland from the previous tower. A fixed-light produced by a third-order Fresnel lens was exhibited from a focal plane of eighty-six feet starting in 1858.

In 1861, keeper George V. Rickard found himself caught in a struggle for control of the lighthouse. The collector in Key West was loyal to the Union, while the collector at St. Marks sided with the Confederates. Rickard feigned allegiance to Union blockaders near the island, until their absence allowed him to flee the island. After crating up the Fresnel lens, Rickard absconded to Tampa with the lens and as many supplies as he could transport.

The lighthouse soon fell under Union control and was reactivated using a makeshift light. After the war, a fourth-order lens was used until 1893, when it was replaced by a third-order lens with a red sector.

In 1898, during the Spanish-American War, Fort Dade, part of a comprehensive coastal defense system, was constructed on the island. Named for the army commander, who along with his detachment, was killed by Seminole Indians in 1835, the fort, along with Fort DeSoto on Mullet Island to the northeast, stood watch over the entrance to Tampa Bay. The fort was staffed during World War I as well, and by the time it was deactivated in 1923, a movie theater, bowling alley, tennis courts, and miles of brick roads were found on the island.

In 1944, the upper portion of the lighthouse was removed along with the Fresnel lens, and a Double Head DCB-36 Rotating Beacon was placed on top of the capped tower. The remaining keeper's dwelling was demolished in 1954 and replaced by a one-story barracks. In 1974, Egmont Key became a National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. The island was also added to the National Register of Historic Places in 1978, due to the lighthouse and remains of Fort Dade. The lighthouse was automated in

1989 when the present optic, a DCB-24 Rotating Beacon was installed, and today the Florida Park Service and U.S. Fish and Wildlife Service work together to manage the island.

In November of 2008, a celebration was held on the island to commemorate the 150th birthday of the Egmont Key Lighthouse. In preparation for the event, the lighthouse received a new coat of paint thanks to the Tampa Bay Rough Riders and volunteers from the Coast Guard. A new plaque was unveiled at the base of the lighthouse during the festivities, and birthday cake was served to over 200 people. For the past several years, Christmas lights have been placed on the tower by volunteers from the Egmont Key Alliance to bring a little holiday cheer to the island.

100 YEARS WELL SPENT—MARTIN
WISENBAKER TURNS 100 YEARS
OLD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. POE of Texas. Madam Speaker, this Saturday in Humble, TX, the eight children,

numerous grandchildren and great-grandchildren of Martin Lewis Wisenbaker are celebrating his 100th birthday. This Texan has played many roles in his accomplished life including athlete, farmer, deacon, husband, and father and he doesn't seem to be slowing down anytime soon.

Martin Wisenbaker was born in Graham, TX on January 17, 1909, and by the age of 16 he had settled in Humble, TX. He started out working in the rice fields of southeast Texas until he was hired by Hughes Tool in 1929.

Just 4 years later Martin met the woman he would marry and spend his life with, Miss Wesley Belle Lee. Over the years they had eight children, including two sets of twins. In addition to his job at Hughes Tool, Martin had his own dairy farm and sold milk to local families.

In 1944 the family joined the First Baptist Church in Humble. Martin would go on to be baptized in the church and even serve as a deacon starting in 1960. Even with all of his commitments, Martin still found time to pursue another passion: sports. You could find him playing tennis or baseball and he even won a local tennis tournament and played 3rd base for the company baseball team.

After 38 years with Hughes Tool, Martin retired at the age of 62. His retirement years were spent with the church bowling league. Over the years Martin added numerous bowling trophies to his tennis and baseball awards. After winning many times over at the Senior Olympics and a bowl of 200 on his 92nd birthday, Martin was forced to give up the sport when he was 99 years old due to knee problems.

In July of 2008 Martin lost his wife, Wesley, just after their 74th anniversary. They spent their last days together in the Park Manor facilities in Humble, where he still resides.

Madam Speaker, on Saturday that room will be filled with Martin Wisenbaker's loved ones who are no doubt celebrating the life of a great man who was born before the Titanic sailed, experienced the Great Depression, saw the first Olympic Games, lived through two world wars, entered the new millennium and watched as the U.S. was attacked by terrorists on September 11, 2001.

I want to commend Mr. Wisenbaker on a long life of hard work and service to his community. Congratulations to him and his family on this extraordinary achievement.

HOUSE OF REPRESENTATIVES—Friday, January 16, 2009

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 16, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are with us as the 111th Congress takes flight. So early in the year, You graciously offer us a prophetic sign. We praise You and bless You as the Nation watches You nest so forcibly the steely bird in the waters of the Hudson River.

Standing on wings, our brothers and sisters are carried to safety by water bugs of the harbor.

The sudden wisdom and experience of pilot's crew inspires disciplined behavior of women and children first, drowning self-interest items as in a momentary baptism. Together, they all come to new life.

May Your miraculous stories always reassure the faith of Congress and the hope of Your people that You are with us both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 16, 2009, at 2:08 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

The American economy has consistently proven its strength and resilience the face of shocks such as natural disasters, high energy prices, and the terrorist attacks of September 11. The economy experienced 6 years of uninterrupted expansion, which included a record stretch of 52 consecutive months of job creation. The past year saw this growth cease as several forces that developed over many years in the credit and housing markets converged. The combination of these factors, coupled with a sustained period of rising energy prices, was sufficient to threaten the entire financial system and generated a shock so large that its effects have been felt throughout the global economy.

Under ordinary circumstances, it would be preferable to allow the free market to take its course and correct over time. But the Government has a responsibility to safeguard the broader health and stability of our economy. Under the extraordinary circumstances created by the financial crisis, the potential damage to American house-

holds and businesses was so severe that a systemic, aggressive, and unprecedented Government response was the only responsible policy option.

The actions taken by my Administration in response to the financial crisis have laid the groundwork for a return to economic growth and job creation, and they are beginning to show some early results. A measure of stability has returned to the financial system. There will, of course, continue to be challenges. Temporary Government programs must remain temporary and be unwound in an orderly manner as soon as conditions warrant. Financial regulations must be modernized to reflect the realities of the 21st century, and these efforts should ensure that the objective of protecting consumers and investors does not come at the expense of the flexibility required for innovations to come to the market. We must also continue to trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market by helping creditworthy homeowners avoid foreclosure.

As the country navigates through this trying period, we must never lose sight of the enormous benefits delivered by the free enterprise system. Americans have good reasons to be confident about the long-term health of our economy. Despite the current difficulties, there are a number of positive economic factors. Inflationary pressures have moderated as record high prices for oil and gasoline have retreated. Productivity growth, which helps to increase our standard of living and improve our international competitiveness, remains solid. The American economy continues to be the largest and most dynamic in the world, and its solid foundation of flexible labor markets, low tax rates, and open trade and investment policies all contribute to its ability to recover fairly quickly from shocks. Over the past 8 years, my Administration has worked to strengthen this foundation by adopting pro-growth, market-oriented policies, and our policies will position the economy for a strong rebound and continued long-run growth.

Sound economic policy begins with keeping taxes low. The tax relief enacted by my Administration was the largest in a generation. Tax rates have been lowered for every American who pays income taxes. More than 13 million Americans had their Federal income tax liability completely eliminated, and individuals and businesses

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have kept \$1.7 trillion of their own hard-earned money. Raising taxes at any time reduces our international competitiveness and further distorts the decisions of individuals and businesses; doing so in the current environment would have serious consequences for the economy. This tax relief has been a key factor in promoting the economic growth and job creation of recent years, and it should be made permanent. Unless the Congress acts, most of the tax relief that we have delivered over the past 8 years will be taken away, and 116 million American taxpayers will see their taxes rise.

The Government also has a responsibility to spend the taxpayers' money wisely. Over the course of my Administration, the rate of growth in nonsecurity discretionary spending has steadily decreased from more than 16 percent in 2001 to below the rate of inflation today. While the financial crisis has required significant taxpayer investments that will increase the budget deficit, we expect that most or all of those investments will be paid back to taxpayers over time. The greatest challenge to the fiscal health of the country remains the unsustainable growth in entitlement programs such as Social Security,

Medicare, and Medicaid. I have laid out responsible, innovative solutions to address these challenges, which will otherwise only grow more difficult to solve over time. The Congress has an obligation to confront these issues.

Government does have a role to play in health care, but a robust private market is critical to ensuring that health care is affordable and accessible for all Americans. My Administration has sought to balance public and private roles in health care with market-oriented policies that increase the efficiency of health care delivery, encourage competition, and leave decisions in the hands of individuals and their doctors. For example, enactment of the Medicare prescription drug benefit program has provided more than 40 million Americans with better access to prescription drug coverage, expanded competition in Medicare, trusted consumers to make their own health care decisions, and the costs have been much lower than originally estimated. The introduction of Health Savings Accounts has also provided consumers with greater access to affordable health care plans. There is much more that can be done to improve health care, such as adopting medical liability reform, eliminating the bias in the tax code against those who do not receive health insurance through their employers, and increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would help reduce frivolous lawsuits that increase patients' costs, promote the use of health savings accounts, and

encourage competition among health plans across State lines.

To be competitive in the global marketplace, the United States must remain open to international trade and investment and reject the false promise offered by protectionist policies. American workers and businesses can compete with anyone in the world, as evidenced by the remarkable performance of American exports in recent years. When I took office, the United States had free trade agreements (FTAs) in force with only three countries. Today, we have FTAs in force with 16 countries. I thank the Congress for its approval of these agreements and strongly encourage prompt approval of the agreements with Colombia, Panama, and South Korea that will benefit our country. These agreements will provide greater access for our exports, support good jobs for American workers, and promote America's strategic interests. We also have an unprecedented opportunity to reduce barriers to global trade and investment through a successful conclusion to the World Trade Organization Doha Round negotiations. In addition, the Congress should reauthorize and reform trade adjustment assistance so that we can help those workers whose jobs are displaced to learn new skills and find new jobs.

The rapid increase in energy prices in the past year exposed just how dependent our economy is on oil. We must continue taking steps to increase our energy security. The Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 were major steps toward this goal, but in the short term, our country will continue to rely on fossil fuels for most of its energy supply. I am pleased that the Congress recognized this reality and agreed to remove restrictions that will allow responsible oil and gas exploration on the Outer Continental Shelf and expanded access to oil shale to help meet America's energy needs. In the long run, our energy security will require advances in clean and renewable energy technologies. My Administration has worked to reduce gasoline consumption and promote alternative fuels to transform the way Americans power their cars and trucks. We have also worked to develop cleaner energy sources to power Americans' homes and places of work, such as clean coal, nuclear, solar, and wind power. At home, we are on the path to slow, stop, and eventually reverse the growth of greenhouse gas emissions, but substantial reductions in global greenhouse gas emissions are only possible with the concerted action of all countries. The Major Economies Process launched by my Administration in 2007 has brought all major economies together to discuss a common approach to a global climate agreement that includes the meaningful participation of all major economies.

The creativity, ingenuity, and resourcefulness of the American people is our country's greatest strength, and a vibrant education system is key to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Workers who invest in their education and training enjoy higher incomes and greater job security. The No Child Left Behind Act has succeeded in bringing greater accountability to schools, and the results are clear; as one example, African American and Hispanic students are posting all-time high scores in a number of categories. The Congress should reauthorize this vital law, and our Nation must continue to demand results and accountability from our educational system. To be competitive in the global economy, American workers also need to continually update their skills. To that end, my Administration has invested nearly \$1 billion in new job training initiatives to ensure our workforce has the skills required of 21st century jobs. We have also nearly doubled support for Pell Grants to help millions of low-income Americans afford college tuition. The technological innovation that drives our global economic leadership depends on continued scientific discoveries and advancements, and I am pleased that the Congress authorized the doubling of basic research in key physical science and engineering agencies as I proposed in my American Competitiveness Initiative (ACI). I urge the Congress to appropriate these ACI funds promptly to help sustain our economy's long-term competitive position.

Many of these issues are discussed in the 2009 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. Free market policies have lifted millions of people out of poverty and given them the opportunity to build a more hopeful life. By continuing to trust the decisions of individuals and markets and pursuing pro-growth policies, Americans can be confident that the economy will emerge stronger than ever from its current challenges, with greater opportunity for prosperity and economic growth.

GEORGE W. BUSH.

THE WHITE HOUSE, January 2009.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 16, 2009, at 10:29 a.m.:

That the Senate passed S. 22.
That the Senate passed S. 273.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM CHIEF OF STAFF, THE HONORABLE CHRISTOPHER P. CARNEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from April Metwalli, Chief of Staff, the Honorable CHRISTOPHER P. CARNEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Court of Common Pleas for Wayne County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

APRIL METWALLI,
Chief of Staff.

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR, THE HONORABLE CHRISTOPHER P. CARNEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Joe Fabricatore, Constituent Services Director, the Honorable CHRISTOPHER P. CARNEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 9, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Court of Common Pleas for Wayne County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JOE FABRICATORE,
Constituent Services Director.

COMMUNICATION FROM THE HONORABLE CHRISTOPHER P. CARNEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHRISTOPHER P. CARNEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 9, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Court of Common Pleas for Wayne County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

CHRISTOPHER P. CARNEY,
Member of Congress.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 273. An act to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the "Ralph Regula Federal Office Building and Courthouse" to the Committee on Transportation and Infrastructure.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Tuesday next.

There was no objection.

Accordingly (at 4 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 20, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

148. A letter from the Administrator, Department Agricultural Marketing Service, transmitting the Department's final rule — Cotton Board Rules and Regulations; Adjusting Supplemental Assessment on Imports (2008 Amendments) [Docket No.: AMS-CN-08-0040; CN-08-002] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

149. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements [Docket No.: AMS FV-08-0090; FVO9-966-1 IFR] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

150. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the North-

east and Other Marketing Areas; Final Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders and Termination of Proceeding [Docket No.: AO-14-A76, et al.; DA-07-01; AMS-DA-07-0116] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

151. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Docket No.: AMS-FV-08-0060; FV08-993-1 FIR] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

152. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Lamb Promotion and Research Program: Procedures To Request Conduct of a Referendum [Docket No.: LS-08-0041] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

153. A letter from the Deputy Assistant Secretary for Policy, Department of Labor, transmitting the Department's final rule — Civil Penalties Under ERISA Section 502(c)(4) [29 CFR Part 2560] (RIN: 1210 -AB24) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

154. A letter from the Safety Engineer, Occupational Safety and Health Administration, transmitting the Administration's final rule — Longshoring and Marine Terminals; Vertical Tandem Lifts [Docket No.: S-025A] (RIN: 1218-AA56) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

155. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled, "Performance Profiles of Major Energy Producers 2007," pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

156. A letter from the Program Manager ODRM, Department of Health and Human Services, transmitting the Department's "Major" final rule — HIPAA Administrative Simplification: Modifications to Medical Data Code Set Standards to Adopt ICD-10-CM and ICD-10-PCS [CMS-0013-F] (RIN: 0958-AN25) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

157. A letter from the Program Manager ODRM, Department of Health and Human Services, transmitting the Department's "Major" final rule — Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards [CMS-0009-F] (RIN: 0938-AM50) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

158. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2008 through December 31, 2008 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111-10); to the Committee on House Administration and ordered to be printed.

159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Houston, TX [Docket No. FAA-2008-1046; Airspace Docket No. 08-ASW-21] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Bethel, AK [Docket No. FAA-2008-0997; Airspace Docket No. 08-AAL-28] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation T-254; Houston, TX [Docket No. FAA-2008-0716; Airspace Docket No. 08-ASW-9] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

162. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions. [Docket Nos. PHMSA-2007-0065 (HM-224D) and PHMSA-2008-0005 (HM-215J)] (RIN: 2137-AE31) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

163. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Highway Safety Improvement Program [FHWA Docket No. FHWA-2008-0009] (RIN: 2125-AF25) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

164. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials [Docket No. FRA-2006-25169] (RIN: 2130-AB69) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

165. A letter from the Regulations Officer, FHWA, DOT, Department of Transportation, transmitting the Department's final rule — Fair Market Value and Design-Build Amendments [FHWA Docket No. FHWA-2008-0136] (RIN: 2125-AF29) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Branson, MO [Docket No. FAA-2008-0873; Airspace Docket No. 08-AGL-7] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

167. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "Safe Routes to School: A Transportation Legacy A National Strategy to Increase Safety and Physical Activity among American Youth," pursuant to Section 1404(h) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

168. A letter from the Program Manager ODRM, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program: Medicare Advantage and Prescription Drug Programs MIPPA Drug Formulary & Pro-

tested Classes Policies [CMS 4138-IFC4] (RIN: 0938-AP24) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. STARK, and Mr. McDERMOTT):

H.R. 598. A bill to provide for a portion of the economic recovery package relating to revenue measures, unemployment, and health; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Science and Technology, Education and Labor, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California:

H.R. 599. A bill to prohibit the receipt of Federal funds by any institution of higher education with a football team that participates in the NCAA Division I Football Bowl Subdivision, unless the national championship game of such Subdivision is the culmination of a playoff system; to the Committee on Education and Labor.

By Mr. AL GREEN of Texas (for himself, Ms. WATERS, and Mr. GARY G. MILLER of California):

H.R. 600. A bill to revise the requirements for seller-financed downpayments for mortgages for single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act; to the Committee on Financial Services.

By Mr. BISHOP of Utah:

H.R. 601. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah; to the Committee on Natural Resources.

By Mr. BISHOP of Utah:

H.R. 602. A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. BISHOP of Utah (for himself, Mr. MATHESON, and Mr. CHAFFETZ):

H.R. 603. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Natural Resources.

By Mr. BISHOP of Utah:

H.R. 604. A bill to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee:

H.R. 605. A bill to provide for programs that reduce the need for abortion, help

women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Mr. FATTAH):

H.R. 606. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California:

H.R. 607. A bill to direct the Securities and Exchange Commission to issue guidance on the interpretation of fair value accounting; to the Committee on Financial Services.

By Mr. OBERSTAR (for himself, Mr.

BRADY of Pennsylvania, Mr. MICA, Ms. NORTON, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. BECERRA, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.R. 608. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. WELCH):

H.R. 609. A bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Ms.

BALDWIN, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. CROWLEY, Mr. FILNER, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. NADLER of New York, Mr. PAYNE, Mr. SRES, Ms. WATSON, Mr. WEINER, and Ms. WOOLSEY):

H.R. 610. A bill to amend title 18, United States Code, to strengthen enforcement of spousal court-ordered property distributions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself,

Mr. CONYERS, Mr. SMITH of Texas, Mr. CLYBURN, Mr. NADLER of New York, Mr. WATT, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. WEXLER, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. MOORE of Kansas, Mr. JOHNSON of Georgia, Mr. PIERLUISI, Mr. SHERMAN, Mr. SCOTT of Virginia, Mr. MEEKS of New York, Mr. COHEN, Mr. BARROW, Mr. FILNER, Mr. PASCRELL, Mr. ROSS, Mr. MARKEY of Massachusetts, Mr. KILDEE, Mr. MASSA, Mr. TONKO, Mr. PERRIELLO, Mr. HONDA, Mr. BISHOP of

Georgia, Mr. GRIJALVA, Mr. KENNEDY, Mr. DRIEHAUS, Mr. HARE, Mr. PETERS, Ms. EDWARDS of Maryland, Mr. MORAN of Virginia, and Mr. PLATTS):

H. Res. 73. A resolution observing the birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr., and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. ROE of Tennessee.

H.R. 205: Mr. GARY G. MILLER of California, Mr. CONAWAY, Mr. MCHUGH, Mr. AKIN, Mr. ALEXANDER, and Mr. LINDER.

H.R. 333: Mr. MICHAUD, Mr. SMITH of Washington, Mr. PETERSON, and Mr. FILNER.

H.R. 460: Ms. HIRONO, Mr. STARK, Mr. CROWLEY, and Ms. WASSERMAN SCHULTZ.

H.R. 546: Mrs. BONO MACK.

H. Res. 39: Mr. KING of New York, Ms. DELAURO, and Mr. WOLF.

H. Res. 49: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mrs. TAUSCHER, Mr. BACA, Mr. COHEN, Mr. BECERRA, Mr. SHERMAN, Mr. STARK, Mr. MCGOVERN, Ms. SCHAKOWSKY, and Ms. LORETTA SANCHEZ of California.

SENATE—Friday, January 16, 2009

The Senate met at 10 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, help of the ages past, hope for the years to come. Today, give our Senators special gifts of wisdom and understanding that they may uphold what is right and follow what is true. As they pursue Your purposes, make them instruments of justice and peace who foster mutual understanding and cooperative endeavors. Lord, help them to remember that our times are in Your Hands, for You are the light that never fails and the life that never ends. In all their relationships, private and public, lead them in the paths of righteousness, for Your Name's sake. Daily renew in them a sense of joy.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning

business, with Senators allowed to speak for up to 10 minutes each. Senator SALAZAR will be recognized to speak up to whatever time he wishes to take.

At 11 o'clock today, Senator-appointee TED KAUFMAN, will become a Senator, replacing Vice President-elect BIDEN, from the State of Delaware.

There will be no rollcall votes today. When the Senate convenes on Tuesday afternoon after the inauguration, we hope to clear a number of President Obama's nominations, but we do not expect any rollcall votes. If any nominations require votes, we will schedule them for the next day.

Yesterday, we were able to adopt the motion to proceed to the Lilly Ledbetter Fair Pay Act. We have one amendment pending to the bill. Additional amendments are expected to be offered and debated. We hope to finish the bill on Wednesday.

I have spoken to a number of Senators, both on the Democratic side and Republican side. We are not encouraging amendments, but certainly we are not discouraging amendments. As to anyone who cares to offer an amendment, they should be prepared to do that. We asked for people to be ready to offer some today, and we did not have any takers. But we would hope Wednesday people would be here bright and early to start offering amendments. There will be rollcall votes on Wednesday.

TRIBUTE TO SENATOR KEN SALAZAR

Mr. REID. Mr. President, in a few minutes, Senator SALAZAR will rise to give his final speech on the floor of the Senate. Parting is with such sorrow. I have such great respect for this man we call KEN SALAZAR.

I spoke yesterday regarding Senator BIDEN, who will become Vice President of the United States next Tuesday. I also spoke about Senator CLINTON who, after her confirmation, will become Secretary of State. The accomplishments of Senators BIDEN and CLINTON are well known—two great Americans. The accomplishments and life of KEN SALAZAR are less known but no less remarkable; in fact, in most instances more remarkable.

KENNETH LEE SALAZAR is a fifth-generation Coloradan and a twelfth-generation American. His family is a remarkable story about what America is all about. His family settled in New Mexico 400 years ago and moved to Colorado's San Luis Valley in the middle of the 19th century, claiming some of the region's first water rights.

KEN SALAZAR grew up farming and ranching the same Colorado land his ancestors had for hundreds of years. This is real rural America, 300 miles from Denver. The ranch did not have electricity until 1982—no telephone, no television. Senator SALAZAR and his seven brothers and sisters were born to two American patriots. His mom Emma traveled to Washington by herself as a 19-year-old girl to do her thing in World War II. She went to work in the War Department here in Washington, DC, while KEN's father Henry joined the military and became a staff sergeant. He was so proud of that service in the military that he asked, when he passed away, to be buried in his staff sergeant uniform; his family complied with that.

Although Emma and Henry were not educated in the true sense of the word by having gone to colleges and universities, their love of education was so strong that all eight of the SALAZAR children have college educations, and some such as KEN, of course, have gone on to graduate from law school and other such things.

KEN SALAZAR farmed for more than 30 years; and he and his lovely wife Hope—who is such a nice, strong person—owned a number of businesses in Colorado. As I recall, I think one of them was a Dairy Queen and I think maybe a couple radio stations.

I had the good fortune of traveling to South America with Hope and KEN, and it was a remarkable trip—Bolivia, Peru, Machu Picchu. It was a wonderful trip, something I will always remember.

But later, after having practiced water and environmental law to protect the health of Coloradans and the beauty of that State—and anyone who has ever been to Colorado knows it is one of the great national treasures we have in our country. It is a beautiful State. But I think what I have learned about the Salazars, and KEN especially, is that if you look at their family, you learn a lot about them. They are a great American family.

When KEN decided to run for the Colorado State attorney general's office, his father Henry was with him all the time. In fact, he had a pickup truck, and he traveled the State with his son. All 64 counties in Colorado they visited. Senator SALAZAR did not do that just once, he has done it many times.

Henry Salazar was not alive long enough to see KEN elected to the Senate, but I can say with certainty that as proud as he was of his son already, his pride would overflow for the Senator who is going to become now a member of President Obama's Cabinet.

That election in 2004 was dramatic. All over the country, we Democrats were hoping to pick up seats. We lost just about everything, except Illinois and Colorado. Two great Senators, two great Americans were elected that year as Democrats: Barack Obama and KEN SALAZAR.

KEN's mother Emma, who is now almost 88 years old, is surely just as proud as her husband Henry was of her son, who will now serve this country as a Cabinet Secretary.

Senator SALAZAR's election, as I have indicated, was one of the few bright spots of 2004, a year that saw us defeated in the Presidential election and all the close congressional races.

Expectations were high for the new Senator from Colorado, and KEN SALAZAR met and exceeded every one of the expectations. While in the Senate, Senator SALAZAR has been a champion for a new defense and foreign policy that keeps us safe, restores our authority in the world, and honors the courageous service of our men and women in uniform. He has helped lead the fight for affordable health care, and to help broaden the State Children's Health Insurance Program. He serves on the Senate Energy Committee, Finance Committee, and Agriculture Committee, and these are tremendous assignments that he received as a young Senator.

He has done so well as a Senator in so many different capacities: as an advocate for clean, affordable, and renewable energy and for protecting our environment and natural resources.

Coloradans have rightly come to love KEN SALAZAR. He is now going to bring this remarkable experience and wisdom, as he leaves the Senate, upon confirmation, to begin a new adventure as President Obama's Secretary of the Interior.

All of us feel his time in the Senate is far too short, but I know his upcoming service to our Nation will in no way take away from the legacy he has left in the Senate. After having served as a Cabinet officer, it will be enhanced. His new role will enhance that.

Senator SALAZAR has a keen understanding of life and of the environmental concerns and needs of Western States such as Colorado and Nevada. He will be a great advocate for the people of both our States and the whole West and our country.

Barack Obama's Cabinet selections have been one of his most approved adventures in Government in a long time: Republicans, Democrats, Independents. I think his appointments to the Cabinet have been so significant. None has been more significant than KEN SALAZAR. To take this great Senator and convince him to be a Cabinet officer says it all. It shows how remarkable both Obama and SALAZAR are; classmates who came here together in 2004.

The most important attribute I have found about KEN SALAZAR, this relatively new Senator, was his ability to be a peacemaker, to reach out and bring us together. He was new here when we were going through the battle dealing with the nuclear option. But he stepped right in, understood what our Constitution was all about, why it was so important that matter be settled, and he was one of the leading advocates of working that out, which he did.

Immigration, a difficult issue. Who, of course, was the leader on that? KEN SALAZAR. Because he wanted a program that was comprehensive and fair to all sides.

As everyone knows, we had a situation with Senator LIEBERMAN that was a unique situation, and it needed to be resolved. Who did that? KEN SALAZAR. KEN SALAZAR wrote in hand the resolution. He is the one who talked to Democrats and Republicans, recognizing we were headed in the right direction.

So he is a peacemaker, not bound by labels but only by his own integrity. Much of that integrity and moral grounding comes from his faith, which I have heard him discuss in personal conversations with me, downstairs every Wednesday with our Prayer Breakfast, and other places.

I have seen tears well up in his eyes as he talks about the beautiful mountains that surround his home in southern Colorado.

KEN tells the story of those mountains being named by a young priest who was dying. He wakes up delirious, with death close at hand, and looks out at those beautiful mountains, 14,000 foot mountain peaks, to see the Sun coming through those mountains. To the priest, they looked like the blood of Christ, and they were named "Sangre de Cristo," the Blood of Christ, Mountains.

Senator SALAZAR, your abiding faith, your moral grounding, your lifelong love of our country, and your family are treasures that I will never forget, and that will serve you well in years to come. Your colleagues are proud of you, proud of your accomplishments, grateful for your service, and excited for the problems you will solve and the progress you will make for all Americans.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wanted to come out and join my good friend, the majority leader, in congratulating the Senator from Colorado upon his selection as Secretary of the Interior, but I must say I am kind of sorry to see it.

The first thing I said to Senator SALAZAR is, say it isn't so. I hated to see him leave the Senate. Even though he has been here a relatively short

time, he has made an enormous number of friends, I think an incredible contribution to the institution and, of course, to his State as well. I think his passion for the issues the Interior Department deals with overcame what I would have hoped he would have concluded in the end was the right decision, which was to say no to the new President and stay in the Senate.

We hate to see him leave. We think he has been an extraordinarily outstanding and fine Member of this body. I wanted to join with the majority leader and say how much we appreciate his service and how much all of us look forward to continuing to work with him in the coming years in his new and important responsibility as Secretary of the Interior.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The Chair recognizes for the last time the senior Senator from Colorado.

FAREWELL TO THE SENATE

Mr. SALAZAR. Mr. President, I thank the Chair, the distinguished Senator from Rhode Island. I thank my great friend the majority leader, Senator REID, for his inspiration and for his leadership of this body and his love for this Nation. I think our journey together in many ways has been a similar journey because if you think about a man from Searchlight, NV, raised in the house where he was raised, raised in the circumstances in which he was raised, working in the mines and being essentially part of the poorest part of Nevada, and yet today he is serving in the Senate as majority leader, that is a pathway that illustrates the opportunity and promise of America.

For his support and his leadership, I will be forever grateful, and for the support from his family, Landra and Rory and all of his children as well. I admire him and admire them. I appreciate the comments that were so heartfelt from him, and I appreciate the comments as well from Senator MCCONNELL.

I thank my colleagues who are here this morning. I know almost everybody took off last night, so the Chamber is not exactly full this morning, but I see both Democrats and Republicans who came to hear me say the last few words

I will say from this desk in the U.S. Senate.

Let me start out first by giving tribute to my family. My wonderful wife Hope, and my daughter Melinda, who is at Stanford, my daughter Andrea and my granddaughter who are in Denver today watching us on the Senate floor, they truly are the bedrock of my life. Without them I would not be here, and without them I would not have traveled the 64 counties of my great State of Colorado probably 20 times in the last 10 years because they were always there at my side since they were little, holding up balloons and walking parades and doing all the rest of the things it takes to become part of an elected office in such a large geographic area of Colorado. So today I say thank you, and I love you all very much.

I wish to pay tribute as well to my father Henry. As Senator REID described his history, it is a very true history. He was born into poverty and lived through a lot of sacrifice but always remembered the two most important things in his life, as my brother Congressman SALAZAR often says: No. 1, family; and No. 2, love for country. I think those two values guided him to achieve what he still at the end of his life considered to be his greatest success, and that is that all eight of his children—all eight of his children—became first generation college graduates. So of my father Henry who taught me so many things about life, I will always be forever proud.

Within his family, as well as within my mother's family, if you look at the genealogy, which I will insert for the RECORD, we started back with Juan de Salazar who was born in 1520 and Juan de Salazar born in 1555, who became one of the original founders of the City of Sante Fe—the City of Holy Faith—NM, and then Jose Bernardo de Salazar. It goes on to the point where I am a 12th generation son of the southwest of New Mexico and Colorado. It is a history I am very proud of. It is a history that I hope is not forgotten. It is a history that for a long time was essentially shoved beneath the dust and was not given the illumination of its reality. I hope in some small part my role here in the Senate has been to give credence as well as to celebrate that history that makes us such a wonderful and diverse America. So I appreciate everything I received from my father's side. Yes, he was a proud soldier in World War II. He was a tough master as we grew up. He made us understand the importance of hard work. He had a strong sense of pride, a strong sense of community and giving back, and a strong sense of love for his family.

My mother Emma likewise in so many ways was a strong spiritual person whom I still today call Saint Emma. I call her Saint Emma because nothing can even shake her from her

roots. She is who she is. She has a great faith. She is not afraid to live or die. I remember many times in my life, including the death of my oldest brother Leandro, my mother was the one who held the family together after a tragic accident on our ranch back in 1992. To her selfless—completely selfless—love which she has taught the world and has taught my family, I thank her from the bottom of my heart.

I often have asked my mother: Is there a single person in the world you do not like, or is there a single person in the world you hate? My mother will think about it for a minute, and she will say no. She says: I love everybody. Just as she loves everybody, everybody loves her. So I thank her for her faith and all that she has taught us.

To my brothers and sisters—there are seven of us still left. My oldest brother Leandro, who passed away, taught us a lot about history and about the culture of our community. I remember his days working with Cesar Chavez and the United Farm Workers and then coming back to the ranch and farming and working with us for so long. He is and always will be my hero. I miss him.

To all the rest of my brothers and to my sisters, they have all been the bedrock also of my successes. Today, here on the floor of the Senate, as I give my farewell address, I have the honor of being joined by Congressman JOHN SALAZAR, who is a Congressman for the Third Congressional District which covers about 65 percent of the State of Colorado. Congressman SALAZAR, in his own way, is a personification of many things that my family stands for. If you look at his history and his profile, he is a farmer, he is a soldier and veteran, he is a businessman. He knows issues such as water. He knows and has taught me so much. As he and I have grown up together, being here in Washington with him has been one of the highlights of my entire life.

I wish to also thank all of my colleagues here, and I will say just a few specific words about them in a few minutes.

In early February, the Senate selects a Member to perform its oldest non-legislative tradition, the reader of George Washington's Farewell Address on the floor of the Senate. In 2006, Senator HARRY REID, the majority leader, gave me the honor of doing that reading. I think Washington's famous words are important for us to remember at this time of transformation in America. In his farewell to public life in 1796, Washington warned us of the dangers of partisanship, of geographic sectionalism, and the politics of division. Washington said:

We are one Nation. With slight shades of differences you have the same religion, manners, habits, and political principles. You have in a common cause fought and tri-

umphed together; the independence and liberty you possess are the work of joint counsels and joint efforts of common dangers, sufferings, and successes.

Washington's Farewell Address is a message to be reborn today. In this moment, in this time, with the inauguration next Tuesday, with this body in the Senate and in the House of Representatives, there is a new hope, with a growing sense that we are all in this together, and we are again becoming the one Nation the first President of the United States of America imagined.

Our next President, Barack Obama, embodies this historic change. He is asking us not to think of ourselves first as red States and blue States but as Americans first, with obligations of service to one another. We can solve our problems, no matter how difficult they are. We can reach the horizon of human possibilities no matter how difficult it might seem, but in order to do that, we must all work together. It is in this spirit of collaboration—of Nation before party, of compromise, of results-driven government—that Americans believe we can get it done this time.

I owe a debt of gratitude to all of you in this Chamber who have guided me in our work over the last several years. I wish to comment specifically just on four or five areas I am very proud of that we have worked on together in the Senate.

The first is about the forgotten America and the work we have done together to make sure the rural part of America that has so often been forgotten is no longer forgotten. When you look at the United States of America, the fact is, there are about 3,000 counties. About 1,700 of those counties are characterized as rural, and in each of those counties, we have significant unemployment. We have income disparities of some \$10,000 per capita between people who live in those rural counties and the people who don't live in those rural counties. So it has been important for us to address the issues and needs of rural America. We have done that in some significant ways. The passage of the farm bill, which we ultimately had to pass out of this Senate, I think, on three or four different occasions during the last year, was a culmination of that promise to the forgotten America.

I wish to thank Senator REID for making sure we kept our feet to the fire to get that bill done. I wish to thank the people who were involved in that legislation, including the chairman of the committee, Senator TOM HARKIN; our ranking member, the great Senator from Georgia, SAXBY CHAMBLISS; as well as KENT CONRAD and others who were involved in that historic effort, including all of the members of the Agriculture Committee.

Secondly, the creation of a new energy frontier. There were many of us, including some of us who are on the Senate floor this morning, who set about some 4 years ago with a vision that we could set America free; that we could deal with the reality of the inescapable forces of our time of national security and economic opportunity at home and environmental security for our planet; and that we could set America free from our addiction to foreign oil. Under the leadership of Senator BINGAMAN from New Mexico as chairman of the committee, and the work of Senator Pete Domenici and other members of the Senate Energy Committee, I believe we have taken some steps in that direction which are very significant. There is much more we must do, and we are absolutely committed to making sure we take the moon shot to energy independence in the years ahead. Of this I am confident: this time we will not fail. We cannot afford to fail in the energy imperative for our Nation.

I thank all of my colleagues with whom I have worked on the Senate Energy Committee. I also wish to thank every Member of this Chamber who has worked to make sure America's defenses remain strong and that we protect America at home through homeland security efforts and the implementation and recommendations of the 9/11 Commission, and the efforts we have worked on together in this Chamber to give the United States of America a new direction with respect to the war in Iraq.

It is because of the debates that have taken place in this Chamber that today we are on a new pathway and new plan in Iraq. As divisive as those debates have been, I am confident that the people who worked on that issue had the best interests of the United States of America in mind.

It is in that vein that I enjoyed very much the work I did with many Senate Democrats and Republicans in trying to craft the legislation that implemented the recommendations of the Iraq Study Group. Sixteen Members of the Senate joined us in that legislation. Because that legislation really created the roadmap for where we are in Iraq today, I am pleased with the work I was able to do in that effort.

I will never forget the fact that Senator LEVIN, Senator WARNER, and Senator REID were among the first people who took me to that place in the Middle East, places I had never traveled to before, right into Baghdad, to places around that country. It was information I gleaned from those trips that helped me participate in one of the debates of our time that characterizes the last 4 or 5 years in America.

I wish to make a quick comment about health care. There are many people who have worked on this issue over time. I do think that what we were

able to do with the Children's Health Insurance Program and the passage of that bill last year demonstrates how Republicans and Democrats can come together. When I see an ORRIN HATCH and a MAX BAUCUS working together to move forward with legislation that is so enormously important for the children of America, it is the right step for us as we try to deal with this enormous domestic problem that faces all of us. And there have been so many people who have been involved in those efforts.

Finally, I have spent a lot of time in this Chamber at this desk and my other desk working on the issue of immigration. It is an issue which, frankly, still continues to call out in a very clarion and clear voice that we must get to a resolution with respect to this issue because it affects so much. It affects our national security, it affects whether we really are a Nation of laws, and it affects the reality of 12 million people who live in the shadows of America today. I am hopeful that with President Obama's leadership, the leadership of the Senate, and the leadership of the House of Representatives, Republicans and Democrats coming together, this is an issue we will finally resolve in the year ahead.

As I conclude, I want to make one more tribute to Senator HARRY REID. We both are men of faith, and we often share our faith together. He encouraged me, along with Senator MARK PRYOR, to be a part of the Wednesday Prayer Breakfast in the Senate. I was proud to chair that breakfast with MARK PRYOR over the last several years and with my colleague, Senator MIKE ENZI.

I appreciate the fact that among those of us who attended that Prayer Breakfast, I am certain that among the 100 Members of the Senate, there is a great common sense that the possibilities of humanity are somehow achievable to all of us, that it is we as human beings who somehow stand in the way of finding what those human possibilities are for all of humanity.

I think back to a story some of you have heard of my grandmother who lost five of her eight children before those children reached the age of 5 years old. I always ask myself: What is it that kept her going? At the end of the day, my answer to my question has been that what kept her going was the fact that she had a faith in the future, that somehow around the corner, in a future she could not see, the world would be much better for her children and for her grandchildren. For sure she could not have seen that the eight surviving children of her only son would all graduate from high school. I am sure she could not foresee that one would become a U.S. Senator, another a member of the U.S. House of Representatives. What she could see was the world would be better for human-

ity. It is a common bond for Members of this august, wonderful Chamber of the U.S. Senate.

As I close, I want to share the prayer that I have shared with Senator REID and many of my colleagues in this Chamber before. It is a prayer that my brother, Leandro, the oldest in the family, learned when he worked with Cesar Chavez, the founder of the United Farm Workers of America. In many ways, I believe this prayer embodies what we do in public service.

The prayer is as follows:

Show me the suffering of the most miserable;
So I will know my people's plight.
Free me to pray for others;
For you are present in every person.
Help me take responsibility for my own life;
So that I can be free at last.
Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the Spirit will be alive among us.
Let the spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;
So we can change the world.

Mr. President, one thing I forgot to say. The 5 million people of the State of Colorado have given me a great honor to serve as their attorney general and to serve on their behalf. I will submit for the RECORD some of the work we have done in the representation of all of the 5 million people of the State of Colorado. No matter where they were from, no matter what their economic circumstance, they knew we were working on their behalf.

I am elated that Senator MARK UDALL has joined us in the Senate because I am absolutely confident he will become one of the stellar Senators of this body.

Mr. President, I ask unanimous consent to have printed in the RECORD the genealogy chart of my family and a list of the wonderful DC and Colorado staff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCENDANTS OF CAPITÁN JUAN DE SALAZAR

Juan de Salazar, Conquistador, born 1520, became a Noble in 1543.

Juan de Salazar, Conquistador and founder of Santa Fe, born 1559. José Bernardo de Salazar, born in 1595. Francisco de Salazar, born in 1630. José Juan de Salazar, born 1670. Enrique de Salazar, born 1700. Demetrio de Salazar, born 1750.

Julián de Salazar, born 1780; Maria de las Mercedes de Sandoval.

Francisco Estéban de Salazar y de Sandoval, born 1800; Maria del Carmen Valdez.

Eusebio Salazar, born March 9, 1849; Amadeo García, born 1859.

Juan Bautista Salazar, born June 24, 1894; Antonia Cantú, born 1884.

Henry S. Salazar, born March 10, 1916; Emma M. Montoya, born April 23, 1922.

Leandro, LeRoy, John, Ken, Elaine, Margaret, Elliott, and June.

DC STAFF

Black, Steve, Leg Counsel; Dunham, Ian, Leg Aide; Ibarra, Beatriz, Leg Counsel; Johnson, Aya, Leg Aide; Koehler, Jim, Legislative Asst; Lane, Jeff, Chief of Staff; Leahy, Andrew, Leg Aide; Lee-Ashley, Matt, Communications Dir; Leslie, Grant, Legislative Dir; Mitchell, Sam, Legislative Asst; Nieters Su, Piper, Leg Counsel; Olsen, Tommy, Deputy Press Sec; Padilla, Joan, Scheduler; Paladino, Emily, Legislative Asst; Perko, Mary, Administrative Dir; Phillips, Jeffrey, Spec Asst for Const Ser; Plumb, John, Legislative Asst; Reis, Ariane, Legislative Aide; Scott, Denise, Spec Asst for Const Ser; Squarrell, Elena, Asst Scheduler; Terry, Anne, Systems Admin; Ulrich, Elaine, Legislative Fellow.

COLORADO STAFF

Amodeo, Michael, Press Secretary; Bobicki, Charlotte, Regional Rep/Ala; Brown, Ann, Regional Dir/Dur; Giron, Angela, Regional Rep/CS; Corwin, Meg, Regional Dir/FtC; Fagan, Renny, State Director; Fetcher, Jay, Regional Rep/GJ; Gardner, Dwight, Regional Dir/PU; Joslyn, Angela, Regional Rep/CS; Kareus, Trudy, Regional Dir/GJ; Kessler, Zane, Community Liaison/Den; Lane, Ken, Senior Counsel; McGraw, Mac, Regional Rep/FtM; See, Randy, Regional Rep/GJ; Milliner, Bennie, Community Liaison/Den; Montoya, Pres, replacement Regional Rep/FtC; Oatman-Gardner, Annie, Regional Dir/CS; Otero, Jerry, Regional Rep/GJ; Pacheco, Romaine, Statewide Dir/Constit Ser; Schwantes, Lisa, Regional Rep/DU; Serenil, Eva, Community Liaison/Den; Sepulveda, Catherine, Staff Asst/CS; Sweeney, Betty, Community Liaison/Den; Tesky, Jonathan, Staff Asst/Den; Wallick, Velina, Scheduler/Den.

Mr. SALAZAR. Mr. President, I thank my wonderful staff, many of whom are here today, some of whom are watching back in Colorado, for having made this possible. Without their great effort, frankly, we would not be able to do what we have done. I thank them.

I thank my good friend, the Presiding Officer. I look forward to our continuing to work together.

I yield the floor.

(Applause, Senators rising.)

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise simply to say a few words of personal tribute to our dear friend, the distinguished Senator from Colorado, who has just spoken so beautifully.

We are going to miss this man. He has only been here 4 years, but he has made an extraordinary contribution to the Senate and to our country. I first got to know KEN SALAZAR in 2000 when I had the honor to be the Vice Presidential candidate for the Democratic Party and went to Colorado. I could see at the first meeting at which I met him—I had an instantaneous reaction to him—that this was a person of strength, of warmth, of character, of purpose. Every day I have known Senator SALAZAR since then has only deepened those feelings about him. You can feel all his strength and all of his purpose and all of his faith and all of his

passion and all of his humility as you listen to this final statement he just made on the Senate floor.

I love the fact that one of the last items Senator SALAZAR asked was unanimous consent to print in the RECORD his family genealogy because it speaks not only to his extraordinary history and greatness but to the greatness of our country.

It is, obviously, a fact that the Hispanic-American population has grown and is growing significantly in our country. I have been with KEN on a few occasions, I say to Senator REID, when people have said: You are Mexican-American. When did your family come to this country? And they are expecting to hear 20 years ago, 50 years ago, maybe 90 years ago. And KEN will say with that quiet strength: My family came here in the 16th century. The 16th century, before the Pilgrims came. It reminds us of a history which, as Senator SALAZAR said, was for a long time suppressed. But the Hispanic, Mexican-American contribution to America is long, it is deep, it is proud, it is strong, and it will continue to grow.

Senator SALAZAR was raised in a tradition, like so many of us, where we were told by our parents that to be a good American, you don't have to assimilate or homogenize. You contribute to our country by being who you are and what you are. In the diversity of this great country, we gain more strength. That has certainly been true of the Mexican-American community, and it is particularly true of this great American.

Senator SALAZAR talked about his faith, about his family, about the love of country he learned from his parents. This man is, in so many ways, the quintessential American. He brings this unique cultural heritage of his roots, family roots, way back in Mexico, but he combines those with the values we associate with the American West, the love of the land, individualism, a sense of honor, a sense of confidence that has become so much a part of the American character. And he added to that, which is where it all begins, as he believes and I believe and most of us believe, with faith, that we are here for a purpose, that our existence here is not an accident, and that we have a series of values that come from our faith which are expressed in the founding American documents and lead us forward.

Senator SALAZAR served our Nation brilliantly in this 4 years he has been in the Senate. What a thrill to have met KEN in 2000 and to have played some small part in having him come here and then to have him as a colleague—as Senator REID said so well, to watch the role he has played. He is a doer. He did not come to make speeches. He makes a very good speech, as we just heard. He came to get things done for the people of Colorado and for

the people of America, and he has done that over and over again.

In the so-called nuclear option, I always viewed it as the integrity of the Supreme Court selection process. Senator REID referred to my own recent situation. Senator SALAZAR came forward, a dear friend, incredible across the entire Senate—in this case, the Senate Democratic caucus—and just on my behalf and on behalf of what he thought was right, created a path forward that made me feel great—I can say that personally—but I hope also and I believe facilitated a path forward and reconciliation within the Democratic caucus. Obviously, it would not have happened without Senator REID. That was extremely constructive.

It was a tough decision for Senator SALAZAR to leave the Senate. It is a tough one for us to see him go because he is unique here. But he has responded to the call to serve our country. He will play an extraordinarily important role as a true American environmentalist, a lover of the land, in preserving all that the Interior Department oversees that is America's great natural gift from God—the land. He will also, in a very thoughtful way, play a central role in one of the most significant transformations American Government has made in a long time, which is to turn us toward energy independence and a cleaner, more reliable source of American energy.

I wish him well. The only comfort in seeing him leave the Senate is that he is only going down the street a bit. We know he will be here to work with us.

I cannot think of a better way to end this simple tribute to a dear friend and a great American than to say that over the years we have come to know each other, both greeted each other and at moments of challenge said a particular two words to one another and then said goodbye to each other with these two words in which we have joined our respective ethnic heritages. And the two words that I say to you, dear friend, fellow colleague, as you leave the Senate to serve our country as Secretary of the Interior, and with my confidence that will not be the end of your service to our country but will go on, in my opinion, higher and higher, those two words bringing our two ethnic heritages together are “Viva chutzpah.” God bless you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I, too, rise to commend and thank the Senator from Colorado for his extraordinary service to the Senate, to the people of Colorado, and to the United States of America. He is a consummate gentleman. He brought to this Chamber great judgment and great passion to provide opportunity for all our citizens. He also brought the distinctive

values of his State of Colorado—a rough sense of individuality, coupled with a commitment to building community; not just an isolated group of people but a community of citizens—and these values have been extraordinarily important to us. His friendship and his leadership have been extraordinarily important to all of us.

I see the Presiding Officer is my colleague and friend from Rhode Island, and as he pointed out a few days ago, they were both attorneys general together: Senator WHITEHOUSE of Rhode Island, of course, and Senator SALAZAR for the State of Colorado. But we were all together in Rhode Island, and I was reflecting, Ken, I don't know what the Department of the Interior has to do with Rhode Island. OK, the Outer Continental Shelf. There is a reason for my tribute.

But we were there together at an event, and Senator Pell, our dear colleague, came. He was frail and ailing, but immediately Senator SALAZAR rushed over to him to say: Thank you, Senator Pell. Because as he told us, the fact is he and his brother, now in the Congress, and other family members were able to go to college because of the Pell grant. That spirit of opportunity, of giving Americans a chance, and then standing back and letting them do remarkable things, embodied the Pell grant and so many other programs. That is what not only prepared you for the Senate but gave you the vision to do all you have done to help your constituents and the people of this country to see the opportunity which is America.

You and your family have been in Colorado for five generations. I feel like a recent arrival. My folks got here from Ireland in 1850. So from a new American, a new American to an old established family: Thank you for your service; thank you for your friendship. Good luck, Mr. Secretary.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I didn't intend to say anything about our friend, KEN SALAZAR today, but in listening to his remarks and knowing the contribution he has made around here in 4 short years, I couldn't resist. I am sure the Presiding Officer, if he wasn't presiding, would come down and do the same thing.

I first met Senator SALAZAR before he was a Senator; in fact, as we were getting sworn in as attorneys general together, probably in December of 1998, if I remember correctly. We both had been elected to our offices of attorney general in November of 1998, and we went to a National Association of Attorneys General meeting. We immediately bonded. It was very clear and very evident to everyone there that he had the right stuff to be a great attorney general. It turned out he was a

great attorney general for the State of Colorado.

I encouraged him to come to the Senate when Senator Campbell announced his retirement, and I think it was probably the best thing I have done since I have been in the Senate was to try to get KEN SALAZAR to come here.

You know, when I think back about our Founding Fathers and how they designed the Senate and how I think they envisioned the Senate should work, they had in mind a person such as KEN SALAZAR to be in this body. They probably couldn't even imagine that Colorado would become a State. I mean, they probably couldn't even fathom the way this country would grow and change over the decades and centuries. But I think when they set up the Senate, they wanted people with intelligence, work ethic, character, and people who could put their personal views aside for the greater good. That is what we have in KEN SALAZAR. He is all those things.

He has been a Senator's Senator for the last 4 years he has been in Washington. I know his brother JOHN is here. I know JOHN is very proud of him, and I know the State of Colorado is very proud of the work he has done. And they should be because there is a lot to be proud about with Senator KEN SALAZAR.

I know all 100 of us couldn't be here today. We have some committee hearings going on, and we also have the inauguration coming Tuesday, so people are kind of bracing themselves and preparing for all of that. But if all 100 were here, I think you would have 99 people stand up and basically say what some of us have already said; that he has been an extraordinary Senator, an extraordinary person, and he has had a great impact in his short time in the Senate.

One last thing, on a personal note. One of the things I love about KEN SALAZAR as a person is his deep and very serious faith. I asked him to come in and chair the Senate Prayer Breakfast, which he took to new heights. He expanded the number of people who were coming to that. He was great. He chaired the National Prayer Breakfast for a year, and I think they probably set a record that year for attendance and in the quality of the speakers they had that year. So he has had not just a political and governmental influence but an even broader and deeper influence.

Senator SALAZAR, we are going to miss you very much. We all love you, and we all know you are going to do great things at Interior. We know there are a lot of challenges America is facing right now, but we know you are part of the solution. God has called you to be where you are going right now. So thank you for your service, and we are going to dearly miss you in this body.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I, first, thank you for your courtesy in volunteering to take over the duties of Presiding Officer for a moment so I could be relieved of those duties and come to my desk and have the chance to say something about a very dear friend whom we will miss enormously. I know we have something very important happening in a few minutes, so I will speak very briefly, but I don't want to let this opportunity pass.

We had an energetic group of freshmen Senators come in 2 years ago, and we found KEN was feeling kind of lonely because his class had been sort of a bit smaller than ours. So we sort of adopted him into our group. He has been kind of a big brother to all of us. I have had the privilege of knowing him as an attorney general, and I will not belabor the point, but what people have said about him as a peacemaker, about him as a friend, and about him as somebody who cares deeply about the duty of public service, I can attest to firsthand from many years of experience.

So I will only say we will miss you very deeply. We are enormously confident in you. The Department of the Interior is lucky to have you, President-elect Obama is fortunate to have you join his Cabinet, and we wish you Godspeed, my friend.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am so honored to be here with my friend, KEN SALAZAR. When I think about KEN SALAZAR, I think about KEN SALAZAR in Colorado in his beautiful mountains, and I think of the idea of him going to be the head of the Department of the Interior is something that is a gift to this country.

But I wish to tell one story about KEN. He and I were in Colorado together, out there for Barack Obama, and they had a big RV with the President-elect's picture on it. And KEN SALAZAR is the only Senator who would insist on driving the RV on his own. He did it in style, with his big cowboy hat on. There we were, in the middle of the mountains on this winding road, when all of a sudden we see flashing lights behind us. Sure enough, we were being pulled over. There were 20 people in this RV and a caravan of media behind us. KEN was as calm as he could be. He pulled over to the side of the road, the deputy comes up—with his big cowboy hat on—and KEN rolls down the window and says: Can I help you?

Of course, we think he is getting a ticket for speeding, and he was ready to accept whatever this was. But the

deputy says: Sir, your license tabs are in the wrong corner.

And so KEN said: Oh, so sorry. And he gets out with this deputy looking on and with the caravan of media behind with all the cameras, and a press guy yelling: This is off the record.

So KEN's picture is there in the Denver Post trying to change his license tabs around the corners.

But it was KEN SALAZAR who wanted to have that moment and that freedom of driving through the mountains of Colorado at whatever the cost, and he will be a true tribute to his home State and to this country.

I am taking over the Prayer Breakfast from KEN, and I have seen firsthand his great faith in God but also the faith he has in his family, whom I see here, and the people of this country. We are all very lucky to have him, though we will miss him as a mentor and friend in the Senate.

Mr. UDALL of Colorado. Mr. President, I rise today to urge my colleagues to strongly support my friend and colleague, Senator KEN SALAZAR, as President-elect Obama's choice to lead the Department of the Interior.

For reasons I will explain shortly, I believe this man—a fifth generation son of the West whose ancestors settled Santa Fe before America gained independence—is uniquely qualified and experienced to lead the U.S. Department of the Interior.

I am very proud to have served the State of Colorado with him. He is an outstanding public servant and he will make an outstanding Secretary of the Interior.

Our colleagues in the Senate are well aware of Senator SALAZAR's excellent record of leadership here—he has worked across the aisle and with diverse stakeholders on many issues ranging from health care to national security.

As a member of the Energy and Natural Resources Committee, KEN has worked to extend critical renewable energy tax credits, protect our natural resources and encourage environmentally responsible development of domestic energy sources. I've been proud to work with him on a wide range of issues, including protection of our public lands and water resources in Colorado. I'm especially proud of our work together to pass legislation that allowed a lovely older woman, Betty Dick, to pass her final days in peace on land she treasured at the Rocky Mountain National Park.

KEN, I think Betty would be proud of you today too.

Even before his time in the Senate, KEN has been a recognized leader in the West. As a farmer and rancher, KEN has always had a close relationship with the land and with rural communities. He has spoken eloquently about what he calls "the forgotten America" and he has been a steadfast champion of the land, water and people of the West.

As the executive director of Colorado's Department of Natural Resources, KEN used his unique background and experience to protect the environment and Colorado's communities, educate youth about our natural resources, and defend Colorado's water.

He helped create Great Outdoors Colorado, GOCO, and led it to become one of the most successful land conservation programs in the country.

While serving as Colorado's Attorney General, KEN worked to make our communities safer and address gang violence. He also led efforts to preserve open space during his two terms as Attorney General, where he was well-known as a champion of the natural environment.

KEN will bring his rural values—hard work, honesty, and integrity—to the Department of Interior and help address the many challenges facing this Department. From addressing Interior's ethical lapses to tackling our country's lack of transmission infrastructure, KEN will work hard to put the Department of the Interior back on the right track.

I would be remiss if I did not mention Senator SALAZAR's family and, in particular, his mother, Emma. Like her sons, she is a remarkable Coloradan. I had the opportunity to visit her at the Salazar ranch, Los Rincones, last year.

And if her son, KEN, demonstrates the same indomitable spirit, strength of character and wisdom of his mother—and I believe he will—he should be an outstanding Secretary of the Interior.

I urge my colleagues to swiftly confirm Senator SALAZAR as the Secretary of the Interior.

I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator JOSEPH BIDEN of Delaware. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE OF DELAWARE
Executive Department
Dover

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Delaware, I, Ruth Ann Minner, the governor of said State do hereby appoint EDWARD E. KAUFMAN a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Joseph R. Biden, Jr., is filled by election as provided by law.

Given under my hand and the Great Seal of the said State, at 5:22 p.m., this 15th day of January in the year of our Lord Two Thousand Nine, and of the Independence of the United States of America Two Hundred Thirty-Two.

RUTH ANN MINNER,
Governor.

HARRIET SMITH WINDSOR,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

Mr. KAUFMAN, escorted by Mr. BIDEN and Mr. CARPER, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

Mr. KAUFMAN. Thank you very much.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. On behalf of all Senators, I congratulate and welcome our new colleague, TED KAUFMAN, to the Senate. Senator KAUFMAN earned his bachelor's degree from Duke University, his MBA from the Wharton School, University of Pennsylvania. He moved to Delaware to work for the DuPont Company, as many people have done over the years, working in finance, technical, and marketing positions.

When JOE BIDEN was elected at the age of 29, in 1973, Senator BIDEN asked TED to take a leave from DuPont to help him set up his new office in Washington. Senator BIDEN asked TED for 1 year, only 1 year. He, of course, has given him a lot more than that.

This is a remarkable tenure. It shows TED KAUFMAN's extraordinary loyalty to the service of his country by working for Senator BIDEN.

There is only one JOE BIDEN. Senator KAUFMAN will replace him, but no one will ever fill the shoes of JOE BIDEN. As was said on this floor yesterday at great length, JOE BIDEN is a unique individual. But Senator KAUFMAN has

known Senator BIDEN for a long time and worked with him, up real close. He knows he has to be TED KAUFMAN, not JOE BIDEN, and he will do that.

We who work in the Senate know of the strength of JOE BIDEN, but one of the reasons he has had the strength he has had over these years was because his back was always protected by TED KAUFMAN.

In this time of great consequence, Senator KAUFMAN's decades of experience and the wisdom accumulated over those years will serve him well as he serves the people of Delaware and the country in the Senate.

Senator KAUFMAN, welcome to the Senate.

The ACTING PRESIDENT pro tempore. The senior Senator from Delaware is recognized.

Mr. CARPER. Mr. President, actually it is not the first time I have been recognized as senior Senator. For about 2 months now, since JOE BIDEN was nominated and elected as Vice President, people have been referring to me as the senior Senator. I always have to correct them and I say no, it is 4 days, 3 hours, 12 minutes away. Today we counted down, today we counted down to zero.

Yesterday, when Senator BIDEN resigned at 5 o'clock, I think for 17 hours I was both the junior and senior Senator. DICK DURBIN was that for almost 2 months, from Illinois.

I asked one of my colleagues, Do you think I will get paid more for that? He said no, probably not. You shouldn't be.

We lament the loss of JOE BIDEN from the Senate. I am thrilled he is going to have the opportunity to become the first Delawarean ever to be the Vice President of the United States. As wonderful as he is as a Senator, he will do more good for his country in his new role than he could have done in this service, so it is a good thing for the administration and for the country and ultimately for Delaware.

If we have to lose JOE BIDEN to the Vice Presidency of the United States, we could not ask for a better person to take his place than TED KAUFMAN. Sometimes people come here and they have never served in elected office. TED has not. But he comes here steeped in the knowledge of the Senate. He knows the place, knows the way this place works, has a pretty good idea of how to make it work better.

He has served as JOE BIDEN's chief of staff for about 20 years. JOE has been in the Senate for 36 years. For over half those years, TED was his chief of staff and maybe in a sense his alter ego. We all have those. You couldn't ask for a better one than TED KAUFMAN.

Our leader said, TED couldn't get into University of Delaware but he was able to get into Duke as an undergraduate and studied mechanical engineering there. Later he couldn't get into the

University of Delaware MBA program but he did get into the Wharton School at the University of Pennsylvania and went on to work for the DuPont Company for a while and met a guy running for the Senate at the tender age of 29. A lot of people in our State got excited by JOE BIDEN, signed up to volunteer for his campaign, and then ended up being his chief of staff.

I think it is fair to say that JOE BIDEN would not have been maybe the only Senator in our State's history to be elected to 7 terms as U.S. Senator but for the support of TED; not just for those 19 years, but for being his friend all those years and all the years since to work with JOE through two Presidential campaigns, to be his adviser and counselor, and to always have his back.

TED is smart. We have a lot of smart people here. But he is also wise. TED is very well spoken. He is a wonderful speaker. There are a lot of good speakers here. He is also a very good listener.

TED takes his work seriously, takes our work seriously. One of the things I love about TED is he doesn't take himself all that seriously. He is a lot of fun to be with. He will be a good colleague and a good friend.

He inherits a good staff. He shared with me he expects to largely keep that staff together. People come and go in these jobs, but the good news is most of the people on board now will stay on board. For us, myself and our at-large Congressman MIKE CASTLE, I think that is very good news. He will be taking over the same committees Senator BIDEN has been serving on, in Judiciary and Foreign Relations, and I am sure he will do an excellent job there.

In addition to working for DuPont and spending 20 years as JOE's chief of staff, he has also taught. He taught at Duke in a couple of capacities there. He taught at Sanford, as I recall. And for the last, gosh, I want to say for 15 years, he served on the board of governors that oversees and tries to make sure we promote democracy in other countries. We do that through a variety of ways but in part through our media operations. He has been confirmed, I think, on the board of governors maybe four terms. I don't know he will serve four terms here. He promised his wife he would not but time will tell.

Speaking of his wife, TED tells me he started dating his wife when she was 12—no, it was 18—and they have been married since 1960. They have three kids. They are not kids—daughters, and they have seven grandchildren, something like that. It is a wonderful family.

I was talking about JOE BIDEN when he stepped down yesterday and gave a beautiful speech. I said JOE is the real deal in terms of family values—a lov-

ing father, grandfather, and TED is very much out of that same mold.

While we lament the departure of JOE and are thrilled about his opportunity to be our Vice President, we very warmly welcome TED to this family. I think in the history of this country there are maybe 1700 or so people who have been privileged to serve as Senator. Add a few extra ones this week out of the regular order. But this is a good thing for our State, for the Senate. As a point of personal privilege, it is a special joy for me.

TED KAUFMAN, to you and Lynne and your family, welcome to this family. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, one of the really great things about this job is I am going to be able to achieve one of his great objectives; that is, to be the senior Senator from Delaware. I thank you for your remarks; they are gracious as usual.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, we are joined on the floor today by Senator BIDEN. He is standing back here talking to three of our new Senators. Unfortunately, he cannot speak as a Senator, but we will find an opportunity for him to preside from time to time and get some things off of his chest. But I know if he could speak he would like to share with us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

TRIBUTE TO SENATORS

JOE BIDEN

Mr. REED. Mr. President, I thank you.

I welcome and commend Senator KAUFMAN as he succeeds Senator JOE BIDEN.

I particularly want to say a few words about JOE BIDEN. He has had an extraordinary career in the Senate, and he is going to be an extraordinary asset for President-elect Barack Obama.

Senator Obama, the President-elect, said very clearly why he chose JOE BIDEN. He said that when the tough decisions come, and they will come quickly and often, JOE BIDEN is the guy he wants in the room with him. And I think that choice was extraordinarily inspired because no one can bring the breadth of knowledge and experience, not only with respect to the Senate but with respect to domestic policy and indeed international policy, as JOE BIDEN.

The other thing JOE brings to this great challenge of the country is his profound decency and sense of fairness and his commitment to make sure

America is still a place of opportunity for all citizens. Those values were shaped in Scranton, PA, where he grew up. They were shaped by his mother and father. His mother, Jean Finnegan Biden, is still an inspiration to him today, and I am sure one of the reasons he is the guy who should be in the room with the President is because if he needs advice, his mother is still there, and I think that is something he cherishes.

JOE has served in this body for many years. He was the author of the Violence Against Women Act to ensure that our criminal justice system, our system of law, recognized the particular dangers posed to women. He was the chief architect of the COPS bill, which put hundreds of thousands of police officers on the street, recognizing that the basic responsibility of government is to provide safety and security to its citizens. There are a lot of people who talked about that, but JOE recognized that if there are more police on the streets, that would happen, and indeed it has. We have seen that statistic over the last few years.

As the preeminent expert on foreign relations, he has traveled the world and brought his wisdom to foreign leaders but also sought their candid advice with respect to our leadership in the world, and he will continue to do that. He has just concluded a trip to Iraq and Afghanistan. I had hoped to be with him, but duties here prevented me. But that is typical of JOE—hands-on, go to the source of the issue, examine the problem, and move forward.

He has had an illustrious career. Beyond his success as a Senator, his success as a master of foreign relations, a leader in terms of domestic policy, has been his extraordinary family: his wife Jill, an extraordinarily gifted professional in her own right; Ashley, Hunter, and Beau; and I know the five grandchildren are particular joys to JOE. We are particularly respectful that today his son Beau serves in the uniform of the United States overseas and is someone JOE thinks of constantly. Once again, in those tough decisions in the White House, I think JOE will have a special equity because his son serves along with the sons and daughters of other Americans, and he will recognize that when they make difficult decisions regarding the deployment of our forces.

It has been an honor to serve with him. It is an honor to call him a colleague and a friend.

HILLARY CLINTON

Mr. President, I also wish to say a few words about our other colleague who is departing, Senator HILLARY CLINTON, an extraordinarily gifted lady. I had the privilege of traveling with her to Afghanistan and Iraq in 2003. I was impressed with her knowledge of international affairs and her personal knowledge of so many leaders;

it was a first-name basis. So I think we have, in the presence of HILLARY RODHAM CLINTON, an extraordinary asset to the State Department.

Senator Obama made a wise choice. She brings not only great experience with great recognition but a tenacious attitude toward work and service. She is one of the hardest working people I have ever met. All of these skills are going to be important at this moment in our history. We have to reform and transform, indeed, our national security posture away from the unilateral military force, which I think was the wrong approach of this administration, to a much more nuanced, broader embrace of diplomacy, backed up by a strong military force. HILLARY CLINTON can and will do that, working together with President-elect Barack Obama and Vice President-elect JOE BIDEN.

She has been a friend to me, she has helped me, she has inspired me, and indeed, perhaps the true test, she has taught me a great deal about not only substantive issues but about how one conducts one's self to a higher standard. I believe she will continue to maintain those standards as she goes forward.

So we are losing several dear colleagues—KEN SALAZAR, JOE BIDEN, and HILLARY RODHAM CLINTON. The good news is that America still has their extraordinarily valuable services.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

ENERGY

Ms. CANTWELL. Mr. President, I join my colleagues in congratulating the new Member from Delaware just sworn in this morning and wish him well in his tenure here in the Senate. I look forward to working with him as we move forward on an important stimulus bill.

Everyone knows our economy is in tough shape, and that includes the folks in my home State of Washington where we have seen too many housing foreclosures and too many jobs cuts. That is why it is very important, as we start the discussion on the stimulus next week, that we get our priorities right, that find a way to inject capital and confidence and construction back into our economy.

Although we must act urgently, I believe we must also take care to get things right in the stimulus package and take the time necessary to make sure we are getting it right. Getting it right means maintaining a laser focus on job-creation activities in the short term and over the next few decades. This should be our top priority when putting together the stimulus package and making sure we are providing businesses with the certainty they need in the Tax Code to make investments

now. That is why I believe now is the time to put all of the good ideas on the table. I was so happy to hear President-elect Obama stating a willingness to embrace any good ideas Members or America had for this critical stimulus package.

Well, to me, there is no better idea or opportunity than ensuring this stimulus provides a bold and definitive step toward a clean energy future. Clean energy will create millions of family-supporting jobs that cannot be outsourced and can provide a secure foundation for a very prosperous future for the United States.

Investing in clean energy also reduces a lot of risk that is in the marketplace right now. Whether it be the billions of dollars we spend overseas on foreign energy, or the fuel price volatility we saw last year, or the fear of supply shock that comes on a regular basis. And obviously there is uncertainty about global warming and the crisis it might lead to here and across the world.

South Korea understands this. Last Tuesday, the country's Prime Minister announced that South Korea would invest \$38 billion over the next 5 years on environmental projects to stimulate the economy and create nearly 1 million jobs. Now, \$38 billion may not sound like a lot here in the United States given some of the numbers people have been throwing around lately, but \$38 billion for a country with a GDP less than one-tenth of our size—that would be like the United States putting up \$400 billion just to match the downpayment South Korea is investing in its clean energy future.

South Korea understands that a nation that manages to win the international race to develop clean energy technologies and industries will have a leg up in determining the energy platform and all of the other solutions that will follow. South Korea knows this because it has already been a leader in lithium-ion battery technology made for cell phones and for laptops, and now they are utilizing that knowledge base to come up with lithium-ion battery solutions for cars.

Early movers will have the edge in the largest new industry of the 21st century—clean energy. The question is, Are we going to put up the resources to make sure the United States has that first-mover advantage? Well, I would say that the Government lately has spent or put at risk an incredible amount of tax dollars—or I should say future tax dollars. In the last 16 weeks or so, some people have estimated that number as high as \$10 trillion. If you think about it, how do you add up \$10 trillion? Well, about \$2 trillion in FDIC assurances, about \$1.75 trillion in Federal Reserve commercial paper purchases, about \$900 billion in term auction facility lending, about \$600 billion to insure money market funds, about

\$600 billion to cover Fannie Mae and Freddie Mac, about \$550 billion for discount Federal Reserve loans, about \$500 billion to insure FDIC deposits, about \$300 billion for FHA mortgage relief, about \$250 billion for CitiGroup debt, about \$225 billion for security loan facility lending, about \$200 billion for continued debt, about \$112 billion for AIG, and a few more items that are not only in the billions of dollars.

So while I can quibble about how some of this money was spent, I do believe the Government should take bold action. I think there are many things agencies should be doing to help our economy. But my point is, in light of those obligations on future taxpayers and the amount of money we are spending, spending just \$100 billion to make our Nation's energy system cleaner and more diverse and more distributed is a no-brainer.

In my opinion, stimulus, such as clean energy investment, should get a gold star. If we are looking for avenues to create jobs and secure our future, there is no better stimulus than clean energy. A recent study from the University of Massachusetts shows that a \$100 billion investment in this area would create 2 million jobs in the next two years—2 million jobs. That rate of jobs generated per dollar investment is far higher than other types of infrastructure investment. That is to say, when you are looking at stimulative activity and return on investment, the clean energy infrastructure does better than most types of other infrastructure investment.

So I come to the floor today to discuss four ideas that I believe are critically important for job creation and should be part of a stimulus package when we start to put pen to paper and actually see some of these ideas before our committees next week.

First, many of my colleagues have talked about the incredible promise of plug-in electric vehicles. But substituting electricity for gasoline and diesel fuel, plug-ins can reduce political and economic exposure to oil markets and spur a broad range of economic activity. If this stimulus bill is about figuring out ways to create jobs and economic growth in both the short term and sustainable jobs in the long term, then plug-ins are a big winner.

For consumers, charging up a plug-in hybrid at our current national average electricity rates would cost on average the equivalent of \$1 per gallon. Now, imagine that compared to what many people have been paying over the last year. Moreover, our current electricity grid could fuel about 70 percent of the passenger vehicles we are driving in America today. So fully utilizing the grid in this way could displace about 6.5 million barrels of oil, that is the equivalent of about 50 percent of our imported oil. That translates into hundreds of billions of dollars staying

right here at home, helping our economy instead of OPEC's.

Now, how do we get there? Before we can take advantage of this opportunity, we need to seize the opportunity in the United States to build better batteries for cars. Battery technology is the principal factor limiting the potential of the electric plug-in vehicle to displace gasoline-powered vehicles. But for battery-powered vehicles to perform comparable to gasoline, batteries must become lighter, more energy dense, and recharge more quickly.

While the United States continues to lead in the research and development of lithium-ion technology batteries, it is countries such as China and Korea and Japan that are the ones that are commercializing and producing this technology.

China has over 120 companies involved in the production of lithium-ion battery technology, and their battery manufacturing industry today supports over 250,000 jobs. We have no comparable lithium-ion battery facility in the United States.

U.S. auto executives have warned that without home-grown suppliers, this country could become as dependent on Asian-made battery technology as it is today on Middle East oil. So I think now is not the time to be timid. If we do not push our Nation into making sure we lead this transformation into changing the world's transportation system, other nations will take the lead in that transition.

It reminds me of a U.S. company, Intel, that led the development of the microprocessor chip. While it is a global company today, it continues to have its latest and greatest technology developed in the United States.

About 2 years ago, Senator HATCH, President-elect Obama, and I sat down with automakers, battery manufacturers, and utilities to figure out how to jump-start this development in the domestic production of plug-in electric vehicles.

The result was a multitiered tax incentive strategy designed to accelerate the domestic development, manufacturing, and sale of a full range of plug-in electric drive vehicles. The good news is our proposal received a 93-to-2 vote in the Senate and now consumers can access tax credits of up to \$7,500 for the first 250,000 plug-in made and sold in the U.S. I do believe that incentive for consumers is a vital first step to bringing this game-changing technology to the marketplace.

But we also have to make sure the U.S. also maintains global market leadership in plug-in manufacturing components. To do that, we need to make sure we are incentivizing and creating a domestic manufacturing base for plug-in vehicles. That is why yesterday Senator HATCH and I introduced legislation to continue to pro-

mote this idea. Our 100-percent expensing provision would allow private companies to build or retool factories that will put American-made plug-ins in showrooms across the United States. I would like to thank Senators KERRY, ALEXANDER, STABENOW, and BILL NELSON for being original cosponsors of this legislation.

Manufacturing these game-changing technologies in the United States will create jobs now, and it will sustain jobs for the long term. I am not just talking about in Michigan, but all over the country. It is an investment we need now more than ever.

If what I have said so far does not sway my colleagues, I hope they will consider it will probably not be the GM Volt to be the first plug-in in our marketplace. It will not even be a modified Toyota Prius. Last month, China's BYD Auto brought the first production lithium-ion, plug-in electric car to the market. So I hope my colleagues will renew their interest in this idea and review this bill and support including these manufacturing credits in a stimulus package.

Second, I think we have a tremendous opportunity in stimulus by infusing more intelligence into America's electricity grid. A smarter grid will help ensure that those plug-ins become a stabilizing and efficient energy source rather than a burden on the grid. For example, with smart grid metering and control devices, you could allow drivers to "fill up" their vehicles automatically, in their garage overnight when the electricity loads and prices are lowest.

Eventually, with a smart grid, plug-ins could also become their own "virtual mini powerplants," allowing consumers to link their vehicles with millions of others and sell stored battery power to the electricity grid during periods when their vehicles are not in use.

But right now we are a long way from that promising future. Even though our Nation's electricity grid is vital to our economy and our way of life, it has been called one of the most complicated machines on Earth, it is outdated and one of the biggest roadblocks to fully incorporating all the renewable energy and energy efficiency that the 21st-century commerce can deliver.

Smart grid technology can change that and make our grid more efficient and reliable. A recent Department of Energy report found that a smart grid could improve the efficiency of power delivery by as much as 30 percent. And infusing intelligence into the grid enables real-time electricity pricing. It allows efficiency. It makes distributed generation work, and it makes the grid more resilient and empowers homeowners and businesses to take advantage of all those savings.

Now, in my home state, the Pacific Northwest National Lab did a demonstration project that found that consumers could save 10 percent on their current electricity bills basically by understanding how power was being used in their homes and then making decisions that were convenient for them to make.

The study found there were no technical hurdles standing in the way of wide-scale adoption of grid-friendly technologies, and these technologies are projected to reduce the need to build about \$70 billion of new generation, transmission, and distribution systems over a 20-year period.

I for one cannot think of another source of energy that could quickly come to the market that could provide us 10 percent more fuel, but that is what a smarter grid could do for us, provide us 10 percent more fuel.

Now, how do we get there? Because many of these smart grid technologies are ready to go. According to a recently released report, if the Federal Government would invest \$16 billion over the next 2 years—if we would invest \$16 billion over the next 2 years—we would drive a \$64 billion investment in related projects by the private sector, resulting in 280,000 direct jobs across a variety of categories. So I believe the opportunity for stimulative activity by building an intelligent electricity grid should be one of the top priorities of our stimulus package.

Mr. President, 150,000 of those jobs could be created by the end of this year. As we look at more companies announcing layoffs, it is important we prioritize within the stimulus package those types of jobs that will be created in the very near future. And out of those 150,000 jobs, 140,000 would become permanent positions after smart grid deployment.

In 2007 I was very happy to have the chance to write a section of the Energy bill dealing with getting into place smart grid language. I know and realize many of my colleagues now want to appropriate resources to that section of the bill. I hope we can, in this package, because the more we incent development of smart grid technology and smart meters, the faster we are going to reach that deployment and savings of 10 percent to consumers and help in the creation of that 280,000 jobs.

I also believe as we look at the grid, we need to build out our transmission lines. While there is language providing the Western Power Marketing Association with resources to expand the grid, I also support giving the Bonneville Power Administration \$5 billion in new borrowing authority, which they pay back to the Treasury with interest, to allow 4,700 megawatts of renewable energy to come on line in the Pacific Northwest for States such as Washington, Oregon, Idaho, and Montana. This additional access to capital,

over the next 2 years, will create 50,000 jobs. So we know immediately that more jobs can be created in the other Washington by making the right grid investment decisions here in Washington DC.

The third area—besides plug-ins, besides a smarter grid—that I think can help us and provide a stimulating effect to our economy is to establish a 30-percent investment tax credit for construction or reequipping renewable energy or smart grid technology manufacturing facilities. So this incentive would go to anyone investing capital to produce the components of a clean energy economy, such as wind turbines and solar panels and grid technology. That will help us create jobs at home, and it will help us with new industries that can support entire communities and can help transform our energy system.

The solar industry is a good case study of why we need this incentive. First Solar is a leading American photovoltaic module maker. They built their first pilot plant in 2005 in Ohio. But when they needed to scale up production, generous manufacturing incentives and market demand drove them to Germany and Malaysia, leading them away from the United States.

If we can get a clean energy manufacturing incentive into the stimulus bill, it will launch a wave of new clean energy manufacturing facilities in the United States instead. Just the effect of this on the solar industry alone, it has been estimated, would create 315,000 jobs. So ensuring this kind of a manufacturing credit is critical.

The stimulus should also address one of the clean energy industry's most urgent challenges how to get the renewable production investment tax credits to work, again, given what has happened to the capital markets.

Vital investments in American infrastructure should not have to wait for Wall Street to get their house in order. There is something wrong when these companies that are key to our energy independence are unable to get financing because of the financial meltdown that has occurred. This situation is not only hurting our opportunities for clean energy, but it is hurting our opportunities for job creation.

Florida Power and Light, the largest owner of wind power projects in the United States, announced a 25-percent reduction in capital expenditures on wind in 2009. LM Glasfiber, a global leader in wind blades, is laying off 150 workers in Arkansas. OptiSolar, a maker of cutting-edge, thin-film solar cells, announced last week they had to lay off 300 people—almost half of its employees—and they are going to delay construction of what was to be the largest PV manufacturing facility in North America.

I know there are many people who are thinking about this now and how to

put more flexibility into the Tax Code for these effected businesses, and I want my colleagues to understand that most of these proposals that I hope will make it into the stimulus bill have little or no cost to the U.S. Treasury. So I think this area is another opportunity to help fix the damage created by the financial markets, which has already hurt the hard work we did getting a clean energy incentive package that we passed last October.

I also believe we should expand a very successful initiative called the Clean Renewable Energy Bonds program, which provides publicly-owned utilities and states and municipalities an alternative to the production or investment tax credit which they cannot use. An expansion to CREBs would allow 6,000 megawatts of shovel-ready renewable energy projects to proceed, translating to over \$15 billion in economic activity.

I also believe the last area we should focus on is making sure we have tax credit parity in our energy laws. One of the areas that has been an ongoing concern to many of my colleagues on both sides of the aisle has to do with the fact that many promising renewable energy technologies only receive half the production tax credit of mainstream technologies such as wind. It has inhibited a number of projects in my State, especially in biomass. This could be a great opportunity to correct this longstanding grievance and provide a lot more market predictability for other energies by giving everybody the same credit of about 2 cents a kilowatt hour. That way, we would be bringing all technology onto a level playing field and providing certainty about the kind of treatment those energy resources would get from the tax code.

So I believe these areas I have just outlined are very positive energy stimulus. I know for me, and I think for many of my colleagues, clean energy has become post-partisan; that is to say, everyone appreciates it is a game-changing technology and it can help us environmentally, with our national security, and the economic changes that are facing our Nation. The question is, how do we make sure these crucial energy measures get into the stimulus package we will be voting on in the next few weeks?

I plan to work with the President-elect and many of my colleagues both here in the Senate and in the House to make sure these energy provisions do become reality. We know as we face this financial crisis, we need to make the right decisions to put the few pillars in place that will be the strength we can lean on as our country faces these difficult times.

I can think of nothing more simple and game-changing than a \$100 billion investment in clean energy to get us on the right track, and to make us the

leaders in what is likely to be the largest industry of the 21st-century, producing jobs long into the future.

I thank the President, and I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC CRISIS

Mr. DORGAN. Mr. President, yesterday's paper and today's paper describes some pretty ominous news. And yesterday's action in the Senate was prompted as a result of the financial crisis that exists in this country.

Each day the paper brings us another chapter of this sad saga.

"Bank of America to Get Billions in U.S. Aid." That was the Wall Street Journal's headline.

"Bank of America to Get More Bailout Money," the New York Times.

Yesterday, this Senate voted to proceed with \$350 billion in additional funding for what is called TARP, Troubled Asset Relief Program. In fact, TARP is not being used to purchase trouble assets, but that is what the program is called.

I did not support that proposal yesterday. I didn't support the proposal of releasing another \$350 billion, but that is not surprising perhaps. I didn't support the proposal on the \$700 billion last October.

I didn't support that, not because I didn't think there was a crisis—I think there is a financial crisis in this country. But I didn't think there was the foggiest notion of how that was going to be used effectively to address this country's financial problems. It turns out, I believe, I was right.

Since the \$700 billion was authorized last October, we have seen the first \$350 billion made available spread around in almost every direction. It is almost as if you turned a ceiling fan on to a stack of money. The Secretary of the Treasury said: We have a financial crisis. And he said: Here is a three-page piece of legislation, and I want you to pass a \$700 billion bill in 3 days.

The Congress didn't do that, but in relatively short order, the Congress authorized \$700 billion for the Treasury Secretary to do as he wanted to do: buy

troubled assets from the largest financial firms in the country.

He got the money. But it turns out that he did not want to buy troubled assets after all. Instead, he wanted to invest in bank capital. So he began investing in bank capital. The investments in bank capital at one point was \$125 billion to nine banks, some of which did not ask for it and did not need it, no strings attached.

He said: We are doing it to expand lending because we want to incentivize expanding lending and we want to try to unfreeze these credit markets. Well, \$125 billion with no strings. So was lending expanded? Probably not. Nobody knows. Ask the banks what they did with the money and they will say: None of your business; money is fungible; we are not going to tell you.

Now the question is the other \$350 billion. One of the reasons I was not even interested in starting on the \$700 billion or the \$350 billion is we don't have any regulations that will close the gate and stop the very kinds of practices that steered this country's economy into the ditch in the first place.

I come from a ranching background raising some horses and cattle in a farm State. I understand the notion about closing the gate. You have to close the gate. There is nothing here that closes the gate to stop the kinds of practices that put us in the position we are now in.

I talk about these headlines with Bank of America. Let me start out by saying Bank of America apparently has been a good bank. It is an FDIC-insured bank. I don't have particular problems with Bank of America. But I have serious problems with what has happened with respect to government-sponsored failure, and government-sponsored failure is not something of which we ought to be particularly proud. Government-sponsored failure is to stand behind failed financial institutions with taxpayers' money.

Winston Churchill once said success is the ability to go from failure to failure without losing your enthusiasm. There sure ought to be a lot of enthusiastic people around because we are going failure to failure.

Let me describe what I mean. You take an FDIC-insured bank—in this case, Bank of America—and the Federal Government watches while the FDIC-insured bank buys the biggest mortgage company in this country which was failing, Countrywide Mortgage.

I have described that Countrywide was led by a man named Mozilo, largely celebrated as one of the great CEOs in America. He received the Horatio Alger Award. By the way, he got out of Countrywide with about \$200 million, it appears, and Countrywide was failing. So Bank of America buys Countrywide, an FDIC-insured bank that the tax-

payers are responsible for, is allowed to buy a failed mortgage company called Countrywide.

By the way, I have shown this many times. Let me show you what Countrywide was doing and why it was a spectacular failure. This big mortgage company was advertising this to the American people all the time they were running up this unbelievable amount of speculation and debt:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us . . .

"Call us." You wonder why a business such as this fails—advertising if you have bad credit, trouble paying your bills, call us, let me give you a loan.

So Bank of America bought Countrywide. I don't have the foggiest idea why they bought Countrywide. But 8 months later, the Federal Government encouraged Bank of America to buy Merrill Lynch, a failing investment bank, that was about to go bankrupt, we guess, on about the same weekend Lehman went bankrupt.

The Federal Government helped an arranged marriage, apparently, without even any dating—at least you would think they would date a little bit. On a weekend, Bank of America, one of the biggest FDIC-insured banks in America that had picked up, 8 months earlier, a bad mortgage company that helped steer this country into the ditch, was now told: We want you to pick up a failed investment bank, Merrill Lynch. So they did.

What is the result? This arranged corporate marriage now gives us headlines and a deal overnight last week by which that parent company, Bank of America, needs billions more in order to keep going. What otherwise had been a healthy bank and what we are told this morning in news accounts that without Countrywide and without Merrill Lynch, Bank of America would be fine, now they need \$20 billion. That is on top of another \$25 billion last fall. This company now needs to be bailed out by the American taxpayers. Why? Because they put together FDIC-insured banks with more risks coming from, in this case, Merrill Lynch and Countrywide.

You think that is success? I don't. The question is: When do we stop doing things that fail?

So we wake up in the morning, and we discover that as a country, we have \$20 billion less money in our hands, we have \$20 billion less because somebody decided this company that bought Countrywide and Merrill Lynch now needs \$20 billion to keep going.

By the way, last month, the CEO for Merrill Lynch was trying to get Merrill Lynch to give him a big million bonus for 2008. It was reported there was a proposal somewhere in that system to give him a \$30 million bonus. The CEO was apparently trying to get Merrill

Lynch to give him a bonus after he sold Merrill Lynch to the Bank of America but before the bank actually took over Merrill Lynch.

Not only that, that CEO of Merrill Lynch had just joined Merrill Lynch the year before and received a \$15 million signing bonus and a pay package valued at between \$50 million and \$120 million. I didn't know failure paid so well in this country.

The reason I am describing this specific case, and I have talked about this at length, and I am going to talk about it again, this all results from now almost 10 years ago on the Senate floor. Our friend from Texas, Senator Phil Gramm, authored a piece of legislation called Gramm-Leach-Bliley and, to be fair, supported by the Clinton administration, supported by the then-Treasury Secretary and some of the same people who are now being consulted on this crisis, they got something called financial modernization passed through this Congress.

What was financial modernization? Financial modernization was legislation that said: You know what, we have all these old-fashioned rules around here, for God's sake; let's dump them so we can move into the future with some modernization. Why should we still, 70 years after the last Great Depression, have on the books the laws that were put in place after the Great Depression that prevent banks from being involved in real estate and securities and insurance? Let's get rid of those laws. Let's allow our banks to be modern. Why can't our banks be involved in real estate and securities and so on?

That was the sermon that was being preached on the floor of the Senate and elsewhere.

What was a stimulant for it, by the way, was Citicorp wanted to buy Travelers Insurance, one of the biggest merger acquisitions in history, but they couldn't do it because the law prevented it. Why did the law prevent it? Because after the Great Depression, where banks failed all across this country, because in the roaring twenties, everybody was making lots of money doing stupid things, a lot of speculation, everybody was getting rich, like hogs in a corncrib, they were all making all this money and loading up banks with risks. Banks were up to their necks in risky real estate. They were up to their necks in risky securities. And then the whole thing came tumbling down and banks failed in large numbers.

So after the Great Depression, Franklin Delano Roosevelt came in and said: By the way, we are going to fix this. We are going to put in things that prevent that from ever happening again. We are going to separate banks from risky enterprises. Banks are not going to be engaged in real estate and securities. Banks are about FDIC-in-

sured deposits of the American people, and you are not going to be engaged in those kinds of risks. We will prevent it. We will pass something called the Glass-Steagall Act, saying to banks you can't do it.

In 1999, Senator Phil Gramm and a whole lot of others who joined a big chorus to sing the same song said: You know what, those things are hopelessly old-fashioned. We have to get rid of those restrictions. Those were put in place in the 1930s. They don't apply in this modern age.

Eight of us on the floor of the Senate voted no. I wish to describe what I said on the floor of the Senate in 1999, when I opposed that legislation. I said:

Fusing together the idea of banking, which requires not just safety and soundness to be successful, but the perception of safety and soundness, with other inherently risky speculative activity is, in my judgment, unwise . . .

That is what I said on the floor of the Senate almost 10 years ago.

I also said this:

I say to the people who own banks, if you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you, do it with your own money. Don't do it through the deposits that are guaranteed by the American people and by deposit insurance.

I said this 10 years ago:

This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts.

I sure wish I had not been right. This bill will raise the likelihood of massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers and others.

And I said this during the debate; that we will look back in 10 years' time and say: We shouldn't have done that because we forgot the lessons of the past.

I take no pride in believing, 10 years ago, that what was preached on this floor—and, yes, in the administration and elsewhere—about modernization was something that I felt would undermine this country's interest. But it has, and it will continue to.

The point I make today is none of these lessons has been learned. If when we went to bed last night someone was working to tell us this morning that \$20 billion of American taxpayers' money has been taken in order to shore up a bank, one of the biggest banks in America because they are in trouble because they were allowed to buy an investment bank with toxic assets, if that is the lesson we learned from waking up this morning of what the people in charge of our money are doing with our money, I tell you, we haven't learned any lessons at all. Is there anything that will remind us of the absurdity of fusing together basically risky things with banking, which requires just the perception of safety and soundness? If people think a bank isn't

safe and sound, it doesn't matter how much money that bank has, there will be a run on that bank and the bank will fail. Perception of safety and soundness is critical.

How do you retain that perception—in fact, more importantly, how do you have the reality of safety and soundness—if you have the biggest banks in the country merging through corporate marriages with some unbelievably bad mergers—in this case a very good bank, Bank of America, buying Countrywide Mortgage, and then purchasing Merrill Lynch? How do we justify that?

The reason I voted against the proposition of releasing the \$350 billion yesterday is I am not prepared to move forward with any of these things until and unless there is a commitment by the people running these operations that they have learned the lesson and they are going to close the gate and this sort of thing can't happen.

Now, I have a chart to show you that we have now committed \$8.5 trillion of the taxpayers' money—\$8.5 trillion—and here is how it has been committed. There is nothing in the U.S. Constitution that describes this kind of governing—nothing. The Federal Reserve has contributed about \$5.5 trillion. They have opened their window for the first time to loan money directly to investment banks. Never been done before in the history of the country. And if you try to find out who got the money and how much, you can't—\$5.5 trillion. FDIC programs, \$1.5 trillion, Treasury Department programs, \$1.1 trillion, and Federal Housing Administration, \$300 billion. All this taxpayer money shoved out the door with no accountability, no transparency, and much of it without strings. I am not willing to be a part of that.

If I felt that those who steered us into this ditch were going to show up with an ambulance, or if those who steered us in this ditch had learned their lesson that you can't continue to do this sort of thing, I would feel differently. But yesterday's and today's newspapers tell me they haven't learned a thing.

So my notion is that we are still going down the same road. And to believe that while America sleeps we will keep throwing money at failure—because we merge banking with risk—and somehow people will believe that we don't have this risk attached to banking is not going to work.

Let me talk for a second about Citigroup. One of the largest banking institutions in America—in the world, in fact—is coming apart. It lost \$8.2 billion in the last 3 months, and it lost \$18.7 billion in 2008. Citigroup is a bank. It is an investment bank, it is a brokerage business, it is an insurance company. It is almost everything. How does all that happen? It happened because in 1999 the Financial Modernization Act said: You know what, to be

modern you have to allow big holding companies and gather all this stuff together in one place. You put it in a big holding company and then you can build firewalls. It turns out they were tissue paper firewalls, but nonetheless we have all these mergers and holding companies, and now Citigroup is completely coming apart. In the meantime, these companies are judged by our country—by the Federal Reserve and others—to be too big to fail. It doesn't matter how incompetent they might be, they are too big to fail. Interestingly, they have not been big enough to regulate. I am talking about the investment banks. It seems to me if you are too big to fail, you surely are not too small to regulate.

Why would we not have regulatory authority to prevent this sort of thing? Five banks that are deemed too big to fail, by the way, hold \$171 trillion in what are called derivatives. Most people don't understand the lexicon of derivatives, CDOs, collateralized debt obligations, swaps, or credit default swaps. Most of that doesn't even sound like the English language. It is like some foreign language. In fact, some is so complicated that those engaged in it don't understand it. But again, these banks—too big to fail—hold a notional value of \$171 trillion in derivatives.

Going back to the mid 1990s, I have offered five pieces of legislation here in the Congress to regulate derivative trading and also to regulate hedge funds. Obviously, there is enormous resistance by Wall Street and others to anybody who wants to regulate anything they do, and so I have not been successful. It is not because I haven't tried, but there is a massive amount of dividends out there. And what prompted me to do that is that banks—FDIC-insured banks—were trading on derivatives on their own proprietary accounts. They might as well have put some craps tables or blackjack tables right in the lobby of the bank because that is what you are doing exposing that kind of risk to basic banking.

But everybody was fat and happy around here. Regulators were willfully blind. They would come to town and say: Let me be a regulator so I can put blinders on. Or as one of them said at the SEC: There is a new sheriff in town. This is a business-friendly place now, which meant that those who were supposed to look out for the public interest didn't give a rip. In fact, Alan Greenspan was right in front of the parade. He believed in what is called self-regulation. Isn't that interesting. If we don't look, don't pay attention, don't worry, and be happy, self-regulation will be fine. Well, it is about \$8.5 trillion short of being fine.

And the question is, When—when—at last, at long, long last—will this Congress, this administration and the new administration, decide that we are going to regulate these activities in

the future; that we are going to close the gate; that this cannot happen again. When will we decide if you want to trade in derivatives, then it will have to be not in the dark—no more dark money—it will have to be transparent and regulated. If you have an FDIC-insured bank, you are not going to be able to buy a Merrill Lynch because you can't fuse risky enterprises with FDIC insured banks.

Now, let me say that is not unbelievable criticism of Bank of America because, as I said, that was a corporate sponsored marriage. Apparently, the folks down at Treasury went to Bank of America and said: You know what, we have this pretty little corporation called Merrill Lynch that is in some trouble and we would like you to marry it. So as I said, with apparently not too much thought, they decided to hitch up. Turns out to have been a pretty bad marriage. My point is it is not only this. I mention Citi and I have mentioned Bank of America. The fact is this river runs deep, the river of failure here. And the question is, When—when—will we get to the point where we are going to say yes, that we are willing to make investments to steer us out of this problem in exchange for regulation and in exchange for coming back to pass a piece of legislation similar to Glass-Steagall, similar to the protections that were put in place after the Great Depression.

Unbelievably, there are a whole lot of folks who are not even willing to entertain that. They say: No, no, no, you don't understand what you are talking about. We still need to be modern, we still need to compete, and we still need these new financial, exotic instruments. What they are is a new wrapper; kind of like sheep intestines, a new casing for sausage. They wrapped around something called a securitized product that began securitizing everything. All of them did. They were giving bad mortgages to people who couldn't pay them, no documentation of income, teaser rates at maybe 2 or 3 percent that will triple or quadruple in 3 years and lock in prepayment penalties, and then wrap them in a security and sell them upstream with everybody making fat bonuses and lots of income.

The problem is, the whole thing was a Ponzi scheme. The Ponzi scheme is not just Mr. Madoff having breakfast in his \$7 million apartment jail in Manhattan. Yes, that was a Ponzi, apparently by \$50 billion. But this whole approach was a Ponzi scheme—wallpaper the country with credit cards. Wallpaper everything with credit cards.

The other day I talked about my son, when he was 12 years old, getting a credit card solicitation from a dozen different companies. They offered him a Diner's Club card to go to Europe. In fact, I brought a bunch of those solicitations to the floor of the Senate at

that point. And I said, I am sure my son would love to go to Europe at some point, but he is only 12, and he ought not get a credit card. But these companies wallpapered America with credit cards and then they securitized credit card debt and sold securities upstream. Is there any reason these assets are toxic? Securitized credit card debt, much of which won't be repaid; securitized mortgages by Countrywide and others—Zoom Credit, which says in their advertisements: Is your credit in the tank? It is like money in the bank. Come to us.

It seems to me you don't effectively repair a house unless you first begin to strengthen the foundation. And the foundation for all of this, to try to put this country back on track, in my judgment, is to go back and revisit what was done in the last dozen years or so under the rubric of financial modernization—modernization of the financial system, modernization of commodity trading. If we don't go back and revisit that, this country will not be able to steer itself out of this problem.

This is a pretty significant financial wreck that has happened in this country. It is one thing for people to put on blue suits and come and talk about it; it is another thing for over a half million people last month to go home and tell the person they love or go home and tell their family they have lost their job—perhaps the same people who had to tell them a month or two ago they lost their home. These are tough times. A lot of people are hurting badly. We need to find a way to steer this country back to economic growth and prosperity again. But it will not happen unless we fix the foundation and reconnect those things that were taken apart over a decade ago.

Let me finally say again, while I have talked about this at some length on a number of times, despite it all, if we keep pushing in the right direction, I have hope that this country will prevail. This country has done so many terrific things against the odds, and we will again. But it requires people to be smart and tough. You cannot have a wall of debt out there that you don't care about, an unbelievable wave of speculation that you say doesn't matter. You can't have regulators who refuse to regulate. You can't have an avalanche of dark money that no one can see. The fact is you have to fix all these things, and we can.

This problem was created by public policy here and by corporate policy there, and we can fix it and put this country back on a better course, a course that will grow and provide jobs and opportunity and hope once again.

But it won't happen by itself. It is going to happen when we as a country decide that we are going to work together to be part of something bigger than ourselves, and steer a legislative

course and steer some more responsibility on the corporate side to work together and fix these fundamental problems. I believe that is possible, and it is why I come to the floor so often to talk about what has caused these problems and what we ought to do to fix them. It is not hopeless. I am hopeful. But it is going to take a lot of work.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY LEDBETTER FAIR PAY ACT

Mrs. HAGAN. Mr. President, I rise today in support of the Lilly Ledbetter Fair Pay Act. Before I do so, please allow me to thank my colleagues in the Senate, so many of whom have gone out of their way to help welcome me into this body. Both Majority Leader REID and Senator DURBIN have made these first days in the Senate as smooth as possible, as has the entire Democratic leadership: Senators SCHUMER, MURRAY, DORGAN, and STABENOW. These first few weeks in the Senate are an exercise in thinking on your feet, adapting quickly, and soaking it all in. I appreciate all they have done to help me hit the ground running. Their advice and guidance have been so important to me.

My colleagues on the other side of the aisle, including Leader MCCONNELL and especially the senior Senator from North Carolina, RICHARD BURR, have also been very helpful both to me and my staff. There is too much to be done in this country to differentiate a Republican idea from a Democratic idea. We just need good ideas. I hope to work with all of my colleagues to identify and implement as many as I can.

Thanks also to the primary sponsor of this bill, Senator MIKULSKI, whom I was honored to have walk with me as I was sworn in as one of 100 Senators and one of 17 female Senators in this body. I wish to thank Senator MIKULSKI, who has led the way for women her entire career, for her leadership in this body and on this important bill. I am honored to be one of the 16 other women for whom she has paved the way.

I look forward to working with my colleagues on both sides of the aisle to help deliver for those in our country who are struggling to provide for themselves and their families. A few days before our new President is sworn in, there is a sense of urgency but also a sense of optimism. I am so honored to be a part of this body at this historic time.

As I said, I rise in support of the Lilly Ledbetter Fair Pay Act, which

will restore protections against pay discrimination in the workplace. This bill would reestablish a fair rule for filing claims of pay discrimination based on race, national origin, gender, religion, age, or disability.

A few months ago, this bill's namesake, Lilly Ledbetter, joined me at several roundtable events in North Carolina. Her courage and determination were inspiring. She is committed to this cause even though it is too late to do anything in her own case.

In North Carolina, families are facing a serious enough challenge trying to make ends meet on a full paycheck, never mind trying to do so on a paycheck reduced by discrimination. Women in my home State make an average of 78 cents for every dollar that men make for similar jobs and responsibilities. In these tough economic times—when families are being forced to choose between putting food on the table and filling a prescription; can no longer afford the payments on their house, their own small part of the American dream; are being forced to dip into their savings to help pay their bills—why would anyone find it acceptable for women to make less than men or white workers to make more than African Americans or someone to be discriminated against based on national origin, religion, or disability? Why would we allow it to be more difficult for working families instead of less?

When someone is discriminated against in the workplace or anywhere else, surely they feel the impact of that discrimination for longer than 180 days. This bill would restore a reasonable time limit for filing pay discrimination claims, reestablishing the longstanding rule currently applied by 9 courts of appeals and the Equal Employment Opportunity Commission in pay discrimination cases before this unfortunate Supreme Court decision in May 2007.

Importantly, this bill does not hold employers responsible for decades and decades of back pay. Current law limits back pay awards to 2 years before the worker filed the claim. This bill does not change that. It is limited to 2 years of back pay. When discrimination in the workplace results in a lower wage for those discriminated against, the people responsible should be held accountable. This bill helps them to do that. It does not place an undue burden on employers, nor does it open them up to decades-old litigation. It simply says, for all of the legal jargon, that it is not acceptable for women to make less than men on the same job with the same qualifications and with the same performance. In 2009, that is not too much to ask.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION BEGINS AT HOME ACT

Mr. BOND. Mr. President, our families are struggling in the worst economy since the Great Depression. It is a difficult time for many who do not have jobs or who have seen their savings shrink or are in danger of losing their homes. We are working very hard on many fronts to try to get the economy going again.

During this time, I think it is important we not lose sight of our long-term priorities. We have to build a better safety net for our children and families. We must think about the long-term educational prospects and tools for success our children need, regardless of the economy.

Today, I highlight two bills that address educational needs of children.

First, research tells us that the first months and years of life are critical in laying the foundation for later success in school and social interaction. As a matter of fact, some people say that half of a child's learning intelligence is developed by 3 years old. For too long, we have thought those wonderful little people under 3 were just to be loved and ignored in terms of education. Much of the time is spent in the home, and parents are the most influential part of a child's life. It is my view that they must be the child's best first teacher. During these early moments, with the parents and other family members, children establish their social, emotional and intellectual health that will continue to grow throughout their lives. Enhancing these early critical moments further enhances the later years of a child's education.

You know, the key to education is exciting their curiosity. If you can make a child curious, then you can begin to teach them because you can respond to what their curiosity seeks. I think it makes sense to equip the parents with the skills they need to help maximize the child's health and development. This is exactly what a program that I have worked on in Missouri does. It is called Parents as Teachers—or PAT—and that is precisely what it focuses on. It focuses on primarily those first 3 years of life, when half the learning intelligence, when the socialization and interaction are developing, and when the curiosity is excited.

The curriculum of PAT is designed to build a foundation for later learning, to provide early detection of developmental delays, as well as health, vision, and hearing problems, to prevent child abuse and neglect and to increase a child's school readiness and success.

Actually, we found that detecting those early childhood developmental delays probably saves more money in avoiding special education or remedial education needs later on. The way we finally got the bill passed in the Missouri General Assembly was when a commission I had set up as Governor studied ways to lessen child abuse. They came back and said: You know, the best thing you can do is to equip a parent with the tools to deal with a child's frustration and keep them from pushing you to the point where you are abusive.

My Bond theorem is that if you have a 2-year-old child and that child isn't driving you nuts on a regular basis, either, A, you are not normal or, B, the child is not normal. Parents as Teachers gives the parent a means of dealing with those frustrating and challenging times.

Twenty-five years ago, I pushed the Early Childhood Education Act through the Missouri General Assembly and signed it into law. It was my second term and I had to fight for 4 years to get the bill passed, but it mandates that Parents as Teachers be offered in every school district in the State. In other words, to every family; whether they were going to home school their children, whether they had their children at parochial or private school or in a public school.

That was 4 long years of work, and I don't know that I have ever had a more satisfying 4-year-long battle with that success. I was on a mission because the year I started pushing it was the year my son was born. I was anxious to be a new father and shared the same feelings of anxiety and confusion many new parents still feel today. I had bought a new car before my son arrived, and it came with a handbook. We took Sam home from the hospital, and they told us to use a car seat and gave us diapers. Well, children's schooling is a key component of a child's success in school, and that is why we began working on it.

PAT made a positive difference in my family, through sleepless nights, teething, and learning the ABCs. My son was probably one of the first to benefit from the Parents as Teachers materials and books, but countless others have benefited since. And after I passed it, I found that parents would stop me on the street or in my office and say: You would not believe what I learned when the parent educator came to visit us. Every time it was something new and different and it gave the parents a feeling of power that they could deal with the opportunities this new child gave them.

What began as an experiment in Missouri has expanded to more than 3,000 sites in all 50 States and 8 foreign countries. Countries all over the world are investing in PAT because the results are positive and the cost is low.

We have about 150,000 Missouri families—200,000 children—participating in PAT now. I have had the anecdotal results, but scientifically we have determined, through sound research, that at age 3, PAT children are more advanced in language, social development, problem solving, and other cognitive abilities than their peers; and parents who participate in PAT are more confident about their parenting and more involved in the children's schooling, which is a key component of a child's success in school.

I can tell you also that when you talk to an elementary school educator or administrator they can tell you which children have been in the Parents as Teachers program because it is that obvious from the start. A 2008 published, peer-reviewed study of almost 8,000 Missouri children found that 82 percent of low-income children who participated in both Parents as Teachers and preschool entered kindergarten ready to learn, as compared to only 64 percent of similar children who had no involvement in either service.

At third grade, 88 percent of low-income children who participated in both Parents as Teachers and preschool received a benchmark level of performance on the Missouri Assessment Program Communication Arts test, compared to 77 percent of similar children with no involvement.

These results confirm what I know from personal experience and have heard from so many parents in PAT—it is a tremendous benefit to them and their children.

To date, more than 2 million families nationwide have received the education and support of PAT programs. These are accomplishments of which we can be proud, but we need to do more. There are more families that can and should be reached by this life-changing program, which is why I have introduced the Education Begins at Home Act with Senators MURRAY and CLINTON. This legislation will establish the first dedicated Federal funding stream to support the expansion of PAT.

Our bill has had strong bipartisan support in the past, and I expect it will continue. It would authorize \$400 million over 3 years to States to expand access to Parents as Teachers. It would provide \$50 million over 3 years to fund innovative ideas and partnerships at the local level to expand access to PAT in communities with limited English proficiency, and it would provide \$50 million over 3 years to reach more military families by expanding access to PAT in schools and community organizations that serve military families.

As a side note, we have established the program at several military facilities in Missouri where one parent is often gone overseas, and the family may not have any normal family network to help them. This brings the par-

ents together and it also provides them some of the resources that they might get from a grandmother or an aunt or even an uncle.

Parents as Teachers builds on the principle that babies are born to learn and that the child's parent is the first and most important teacher. PAT gives parents the tools they need to prepare children for success in school and life, and helps parents become more active participants in their child's education. I believe the expansion of Parents as Teachers is a sound investment in the future of our children and our families, and I hope my colleagues will join me in it.

VISION CARE FOR KIDS ACT

I, also, wish to add comments about another extremely important act to ensure the success of children—the Vision Care for Kids Act. Eighty percent of what kids learn in their early years is visual, but one in four children has a vision problem that can interfere with learning, and only one in three children receives any form of preventive vision care before school.

As I said, children have tremendous potential to learn and succeed, but untreated vision disorders can lead to permanent vision loss. I know that, personally, because I suffer from a permanent vision loss due to a previously undiagnosed condition which wasn't learned about until it was too late. If the condition had been discovered and treated before I entered school, I could have avoided a lifetime of vision loss—and I might have done a much better job of catching fly balls in the outfield.

The Vision Care for Kids Act, which I have reintroduced with Senator DODD, establishes a grant program to complement and encourage existing State efforts to improve children's vision care. Ensuring good vision for kids will help them see bright futures ahead of them. I invite my colleagues to join us in supporting children and families through these important bills.

For the vision care, talk with Senator DODD or me. For Parents as Teachers, talk with Senator MURRAY or me. We would love to have you on these two important bills.

I thank the Chair and I thank the staff for according me this opportunity.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHRISTOPHER G. SMITH

Mr. SALAZAR. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Christopher Smith. Staff Sergeant Smith, a member of the 4th Infantry Division at Fort Carson, died in Baghdad, Iraq, on December 24, 2008, from injuries sustained when his military vehicle overturned into a canal. He was 28 years old.

After spending 2 years at Kellogg Community College in Michigan studying for a career in sports medicine,

Staff Sergeant Smith joined the Army in 2001. He served in Iraq from March 2005 to February 2006 in support of Operation Iraqi Freedom and returned to the country for his second deployment in September of last year. As a cannon crewmember, Staff Sergeant Smith played an integral role operating high technology weapons systems. He distinguished himself as a strong leader within "Bulldog" Company and would lead his unit in his captain's absence. His extraordinary bravery and talent earned him more than 11 awards and commendations during his service.

Staff Sergeant Smith is remembered by those who knew him as a true patriot who always looked out for his fellow soldiers and believed strongly in his mission. He was deeply admired by his men, so much so that five members of his squadron incurred hypothermia in a dogged and heroic effort to rescue him from the canal. He was often hunting and fishing, rooting for the University of Michigan Wolverines, and grilling brisket and ribs for his friends. Most of all, he was a devoted husband and father.

Mr. President, Teddy Roosevelt famously said, "it is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Staff Sergeant Smith sacrificed his life for this Nation as a man who knew that his country needed him to be "in the arena," helping others. He accepted the risks of his job with extraordinary professionalism and served with honor and a dedication to duty that was second to none. We cannot repay our debt nor replace his loss.

To Staff Sergeant Smith's mother Donna, his father Virgil, his wife Bobbi Jo, his son Adler, his brother Phillip, and all his friends and family, I know no words that can assuage the pain you must feel. I hope that in time your grief will give way to the pride you must feel for Chris for all he accomplished and for all the lives he touched. His country will always honor his legacy.

SAVING KIDS FROM DANGEROUS DRUGS ACT

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator FEINSTEIN, in reintroducing the Saving Kids from Dangerous Drugs Act. I believe we have an ongoing moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This bipartisan legislation comes in response to the recent warnings issued by the Drug Enforcement Administration, DEA, and the White House's Office of National Drug Control Policy about highly addictive and dangerous drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children. As cochairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you can keep a child drug free until they turn 20, chances are very slim that they will ever try or become addicted to drugs. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and now grandparent, this is extremely troubling.

These drug dealers are flavoring drugs with additives to make them taste like candy. For instance, some drugs that have been recovered by the DEA and local law enforcement have been flavored to taste like strawberry and are known as "Strawberry Quick." Other flavors, such as lemon, coconut, cinnamon and chocolate are clearly being used to make highly addictive drugs like meth and cocaine seem less harmful and more appealing. These flavored drugs are also being marketed in smaller amounts, making them cheaper and more accessible to children. According to an article in USA Today, at least eight States have reported instances involving candy flavored drugs, and many law enforcement officials are expecting these deadly substances to infiltrate their States in the near future.

The DEA recently arrested three men in an undercover operation in California where candy flavored cocaine was being distributed. The DEA seized at least four different flavors of cocaine along with other dangerous substances. The estimated street value of the flavored cocaine seized in this operation was \$272,400. The DEA also arrested 12 people in connection to a marijuana-laced candy and soft drink operation in 2006. The marijuana-laced candy that was seized in this operation was packaged to look like well known brand name candy bars. These drug busts further illustrate the fact that

drug dealers will stop at nothing to hook a new generation on these deadly substances.

Currently, Federal law enhances the criminal penalties that apply when a person sells drugs to anyone under the age of 21. When this occurs, the Federal penalties are doubled—or tripled for a repeat offense—and a mandatory minimum of at least 1 year must also apply. However, this penalty applies only to someone who actually sells drugs to someone under 21.

The Saving Kids from Dangerous Drugs Act would expand the circumstances under which these enhanced penalties apply to cover the entire operation. Under our bill, the enhanced penalties that already exist would also apply to anyone who knowingly or intentionally manufactures, creates, distributes, dispenses or possesses with the intent to distribute a controlled substance that has been flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 21 years of age. The DEA busts are prime examples of why we need this bipartisan bill to keep drug dealers from peddling their poison to our children. I am pleased that the National Narcotics Officers Association Coalition is strongly supporting this measure. This organization represents 69,000 law enforcement officers who encounter these terrible substances on a daily basis and work endlessly to keep our children and communities safe.

The fight against deadly drugs is an ongoing struggle. We must do all we can to protect the most vulnerable among us. We must send a clear message to those wishing to prey on our youth that you risk serious prison time when you target our future.

Although this bill was passed out of the Judiciary Committee unanimously last year, the Senate never passed the bill in the 110th Congress. I ask that my colleagues join us in support of this important legislation and pass the Saving Kids from Dangerous Drugs Act.

EARLY CHILDHOOD EDUCATION

Mrs. MURRAY. Mr. President, I began my career as a preschool teacher back in my home State of Washington. That background has given me valuable insight into how important early childhood education is throughout a person's life.

As a preschool teacher, I could tell from the first day which kids in my class had parents at home who read to them. At 4 years old, those kids were already ahead of their classmates because they had been introduced to words and books, and they were interested in learning.

I have been proud to work here in the Senate to support education programs like Head Start that help more kids get an equal start in school. So I rise today

to talk about two bills I reintroduced this week with my colleague on the other side of the aisle, Senator BOND, as well as Senator CLINTON.

The bills—the Education Begins at Home Act and the Ready to Learn Act—are a pair designed to help prepare children for school by focusing on their learning at home and at pre-school and childcare programs.

Both of these bills are based on research, and they expand on programs and efforts we already know work. They also have one component I especially like—they don't just focus on teachers—they support parents learning how to give their kids a healthy start. So I would like to spend a moment describing them.

The first—the Education Begins at Home Act—would create the first Federal stream of money to help teach parents how to care for their kids, starting at birth.

The bill would enable State and local governments to create programs that teach parents about healthy parent-child relationships, about boosting child development, about the demands and stress associated with caring for babies, about how to deal with difficult behavior, and about how to recognize postpartum depression.

Most of us here know how difficult it is to be a new parent—especially when you are under stress because of work or military service. The programs this bill would create will help prevent child abuse and teach parents about how their children grow and develop emotionally and intellectually.

I know how important the Parents as Teachers Program is to families in Washington State with young children, and I believe we need to expand on the success of this program and others around the country.

The second bill builds on the first by creating a competitive matching grant program within No Child Left Behind. It would fund high quality early childhood programs aimed at promoting school readiness for low-income children, particularly 4 year olds. And it would help reduce class sizes, increase teacher salaries, and require States to report regularly on the effectiveness of these programs.

Research shows that children who get good prekindergarten education are less likely to fall behind or need special education services—and they are more likely to graduate from high school.

To give you just one example, kids who learn the names and sounds of letters before they enter kindergarten are 20 times more likely to read simple words by the end of kindergarten. And children who don't learn the same skill before they start school often fail to catch up—ever.

In other words, the early childhood education programs—like those we fund in this bill—are a great invest-

ment that will pay off in dividends later. They save money in the long run and help kids get the best possible start in life.

As I said at the beginning of my remarks, I have been a strong supporter of early childhood education for my entire career. But given our economic crisis, investments like the ones I am talking about today are more important than ever before.

I believe that strengthening our schools and making sure our kids are prepared for tomorrow's workplace are going to be the keys to economic recovery. We need to build a workforce that is the most competitive in the world so that we can recruit and hold onto good-paying jobs. And we can't do it unless all of our children get the strongest possible start in life.

So I urge my colleagues to support these bills and help our kids get on a path to learn and succeed.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:30 p.m., recessed subject to the call of the Chair and reassembled at 2:34 p.m. when called to order by the Presiding Officer.

The PRESIDING OFFICER. In my capacity as the Senator from the State of Oregon, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes.

ADDITIONAL STATEMENTS

TRIBUTE TO ELIZABETH SELLERS

• Mr. CRAPO. Mr. President, I would like to recognize Elizabeth Sellers on

her retirement from the Department of Energy after 26 years. Beth most recently spent 6 years as DOE's Idaho Site Manager at the Idaho National Lab, INL. During her time there, the INL was created as the lead nuclear research and development laboratory for DOE, and a separate project, the Idaho Cleanup Project, was created to manage and clean up the radioactive waste at the site. Since 2003, Beth has overseen the work of 300 Federal employees and approximately 6,500 contractors. Beth's leadership and vision has helped further the critical energy and national security missions of INL and the Advanced Mixed Treatment Project with a commitment to excellence and safety. She has been at the helm as significant state milestones have been met through the Idaho Cleanup Project, and she will be missed at the lab.

Beth was not satisfied simply leading efforts at the lab. She knows the importance of community and maintaining strong community ties, both as the DOE Site Manager and on a personal level. She immersed herself in the Idaho Falls community life, volunteering in a number of different organizations, giving back to her host community. She not only leaves big shoes to fill in her professional life, she leaves a hole in the community as well.

I wish Beth well in her future endeavors overseas and have appreciated working with her during her time at INL.●

TRIBUTE TO NORRIS O'NEIL CHANDLER

• Mrs. McCASKILL. Mr. President, today I recognize Mr. Norris O'Neil Chandler and his lifetime of service to his country and his community. Mr. Chandler was born in Chaffee, MO, on August 11, 1923, and enlisted in the Regular Army at Jefferson Barracks. Following basic training he was assigned to a special amphibious engineering unit activated for World War II—the 149th Engineer Combat Battalion.

Mr. Chandler bravely participated in the monumentally important invasion of France on Omaha Beach on June 6, 1944, as a demolition specialist for the 149th. He would fight alongside his brethren, all of whom have rightfully become known as the Greatest Generation, from those Normandy beaches all the way to Germany, enduring hardship, tragedy, and triumph along the way. His efforts were one small part of changing the world as the forces of evil that sought to exterminate an entire religion and to deny freedom to so many were defeated. Mr. Chandler returned home, and like so many of his fellow veterans never stopped doing his small part to serve his country nor ever asked for anything in return for his humble service. This type of character cannot be taught, but it certainly

can be appreciated. It is the finest exemplar of American values, and I honor Mr. Chandler and his American values today.

More specifically, following his service in WWII, Mr. Chandler became part of the newly activated Organized Reserve Corps, which developed into what is known today as the U.S. Army Reserve. Mr. Chandler continued his service in the Reserve Corps from December 1945 until October 1951, at which point he entered civilian service with the Missouri Military District, 11th Army Corps, St. Louis, MO, where he held various positions. Over 40 years later, Mr. Chandler remains employed by this organization, now known as the Directorate of Logistics-Washington's Media Distribution Division. This sort of longevity, commitment and humble service is hard to even comprehend in today's world, but it is easy to understand when you think of the values of the Greatest Generation that Mr. Chandler exudes.

It is because of people like Mr. Norris O'Neil Chandler that I am so proud to be a Senator representing the State of Missouri. I have even been told that he has more than 3,300 hours of unused sick leave, and has donated much of his annual leave to other employees through the leave donation program. It is because of the generosity and dedication of people like Mr. Chandler that the United States of America is the great Nation that it is.

For 60 years, Mr. Chandler has given so much to his country, his community, and his family, yet demanded so little back. I wish today to give my simple, humble thanks to this American hero. I have the utmost respect and gratitude for those who live their lives like Mr. Chandler. As we honor him today, he is a reminder to all of us of the true value of selfless service, and the impact of that service in our communities, our States, and our country. ●

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

ECONOMIC REPORT OF THE PRESIDENT DATED JANUARY 2009 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2009—PM-7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

The American economy has consistently proven its strength and resilience in the face of shocks such as natural

disasters, high energy prices, and the terrorist attacks of September 11. The economy experienced 6 years of uninterrupted expansion, which included a record stretch of 52 consecutive months of job creation. The past year saw this growth cease as several forces that developed over many years in the credit and housing markets converged. The combination of these factors, coupled with a sustained period of rising energy prices, was sufficient to threaten the entire financial system and generated a shock so large that its effects have been felt throughout the global economy.

Under ordinary circumstances, it would be preferable to allow the free market to take its course and correct over time. But the Government has a responsibility to safeguard the broader health and stability of our economy. Under the extraordinary circumstances created by the financial crisis, the potential damage to American households and businesses was so severe that a systemic, aggressive, and unprecedented Government response was the only responsible policy option.

The actions taken by my Administration in response to the financial crisis have laid the groundwork for a return to economic growth and job creation, and they are beginning to show some early results. A measure of stability has returned to the financial system. There will, of course, continue to be challenges. Temporary Government programs must remain temporary and be unwound in an orderly manner as soon as conditions warrant. Financial regulations must be modernized to reflect the realities of the 21st century, and these efforts should ensure that the objective of protecting consumers and investors does not come at the expense of the flexibility required for innovations to come to the market. We must also continue to trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market by helping creditworthy homeowners avoid foreclosure.

As the country navigates through this trying period, we must never lose sight of the enormous benefits delivered by the free enterprise system. Americans have good reasons to be confident about the long-term health of our economy. Despite the current difficulties, there are a number of positive economic factors. Inflationary pressures have moderated as record high prices for oil and gasoline have retreated. Productivity growth, which helps to increase our standard of living and improve our international competitiveness, remains solid. The American economy continues to be the largest and most dynamic in the world, and its solid foundation of flexible labor markets, low tax rates, and open trade and investment policies all contribute to its ability to recover fairly quickly

from shocks. Over the past 8 years, my Administration has worked to strengthen this foundation by adopting pro-growth, market-oriented policies, and our policies will position the economy for a strong rebound and continued long-run growth.

Sound economic policy begins with keeping taxes low. The tax relief enacted by my Administration was the largest in a generation. Tax rates have been lowered for every American who pays income taxes. More than 13 million Americans had their Federal income tax liability completely eliminated, and individuals and businesses have kept \$1.7 trillion of their own hard-earned money. Raising taxes at any time reduces our international competitiveness and further distorts the decisions of individuals and businesses; doing so in the current environment would have serious consequences for the economy. This tax relief has been a key factor in promoting the economic growth and job creation of recent years, and it should be made permanent. Unless the Congress acts, most of the tax relief that we have delivered over the past 8 years will be taken away, and 116 million American taxpayers will see their taxes rise.

The Government also has a responsibility to spend the taxpayers' money wisely. Over the course of my Administration, the rate of growth in nonsecurity discretionary spending has steadily decreased from more than 16 percent in 2001 to below the rate of inflation today. While the financial crisis has required significant taxpayer investments that will increase the budget deficit, we expect that most or all of those investments will be paid back to taxpayers over time. The greatest challenge to the fiscal health of the country remains the unsustainable growth in entitlement programs such as Social Security, Medicare, and Medicaid. I have laid out responsible, innovative solutions to address these challenges, which will otherwise only grow more difficult to solve over time. The Congress has an obligation to confront these issues.

Government does have a role to play in health care, but a robust private market is critical to ensuring that health care is affordable and accessible for all Americans. My Administration has sought to balance public and private roles in health care with market-oriented policies that increase the efficiency of health care delivery, encourage competition, and leave decisions in the hands of individuals and their doctors. For example, enactment of the Medicare prescription drug benefit program has provided more than 40 million Americans with better access to prescription drug coverage, expanded competition in Medicare, trusted consumers to make their own health care decisions, and the costs have been much lower than originally estimated.

The introduction of Health Savings Accounts has also provided consumers with greater access to affordable health care plans. There is much more that can be done to improve health care, such as adopting medical liability reform, eliminating the bias in the tax code against those who do not receive health insurance through their employers, and increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would help reduce frivolous lawsuits that increase patients' costs, promote the use of health savings accounts, and encourage competition among health plans across State lines.

To be competitive in the global marketplace, the United States must remain open to international trade and investment and reject the false promise offered by protectionist policies. American workers and businesses can compete with anyone in the world, as evidenced by the remarkable performance of American exports in recent years. When I took office, the United States had free trade agreements (FTAs) in force with only three countries. Today, we have FTAs in force with 16 countries. I thank the Congress for its approval of these agreements and strongly encourage prompt approval of the agreements with Colombia, Panama, and South Korea that will benefit our country. These agreements will provide greater access for our exports, support good jobs for American workers, and promote America's strategic interests. We also have an unprecedented opportunity to reduce barriers to global trade and investment through a successful conclusion to the World Trade Organization Doha Round negotiations. In addition, the Congress should reauthorize and reform trade adjustment assistance so that we can help those workers whose jobs are displaced to learn new skills and find new jobs.

The rapid increase in energy prices in the past year exposed just how dependent our economy is on oil. We must continue taking steps to increase our energy security. The Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 were major steps toward this goal, but in the short term, our country will continue to rely on fossil fuels for most of its energy supply. I am pleased that the Congress recognized this reality and agreed to remove restrictions that will allow responsible oil and gas exploration on the Outer Continental Shelf and expanded access to oil shale to help meet America's energy needs. In the long run, our energy security will require advances in clean and renewable energy technologies. My Administration has worked to reduce gasoline consumption and promote alternative fuels to transform the way Americans power their cars and trucks.

We have also worked to develop cleaner energy sources to power Americans' homes and places of work, such as clean coal, nuclear, solar, and wind power. At home, we are on the path to slow, stop, and eventually reverse the growth of greenhouse gas emissions, but substantial reductions in global greenhouse gas emissions are only possible with the concerted action of all countries. The Major Economies Process launched by my Administration in 2007 has brought all major economies together to discuss a common approach to a global climate agreement that includes the meaningful participation of all major economies.

The creativity, ingenuity, and resourcefulness of the American people is our country's greatest strength, and a vibrant education system is key to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Workers who invest in their education and training enjoy higher incomes and greater job security. The No Child Left Behind Act has succeeded in bringing greater accountability to schools, and the results are clear; as one example, African American and Hispanic students are posting all-time high scores in a number of categories. The Congress should reauthorize this vital law, and our Nation must continue to demand results and accountability from our educational system. To be competitive in the global economy, American workers also need to continually update their skills. To that end, my Administration has invested nearly \$1 billion in new job training initiatives to ensure our workforce has the skills required of 21st century jobs. We have also nearly doubled support for Pell Grants to help millions of low-income Americans afford college tuition. The technological innovation that drives our global economic leadership depends on continued scientific discoveries and advancements, and I am pleased that the Congress authorized the doubling of basic research in key physical science and engineering agencies as I proposed in my American Competitiveness Initiative (ACI). I urge the Congress to appropriate these ACI funds promptly to help sustain our economy's long-term competitive position.

Many of these issues are discussed in the 2009 *Annual Report of the Council of Economic Advisers*. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. Free market policies have lifted millions of people out of poverty and given them the opportunity to build a more hopeful life. By continuing to trust the decisions of individuals and markets and pursuing pro-growth policies, Americans can be confident that the economy will emerge stronger than ever from its current challenges, with greater oppor-

tunity for prosperity and economic growth.

GEORGE W. BUSH. *The White House.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 275. An original bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 274. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to hire unemployed veterans; to the Committee on Finance.

By Mr. BAUCUS:

S. 275. An original bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Mr. CORNYN):

S. 276. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HATCH, Ms. MIKULSKI, Mr. MCCAIN, Mr. DODD, Mr. COCHRAN, Mr. REID, Mr. GREGG, Mr. DURBIN, Mr. WICKER, Mrs. MURRAY, Ms. SNOWE, Mr. KERRY, Mrs. LINCOLN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. BAYH, and Ms. LANDRIEU)):

S. 277. A bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. COCHRAN):

S. 278. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employee services; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. KERRY, Ms. SNOWE, and Mr. SCHUMER):

S. 279. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 280. A bill to develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. KOHL:

S. 281. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to United States citizenship; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. BROWN, Mr. KENNEDY, Mr. SESSIONS, Mr. ALEXANDER, and Mr. COCHRAN):

S. Res. 15. A resolution acknowledging the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia and to the United States; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. COLLINS):

S. Res. 16. A resolution designating the week of February 2 through February 6, 2009, as "National School Counseling Week"; considered and agreed to.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. HAGAN, Mr. BURR, Mr. KOHL, and Mr. FEINGOLD):

S. Res. 17. A resolution recognizing and honoring Captain Chesley "Sully" Sullenberger III, his co-pilot Jeffrey Skiles, the crewmembers of U.S. Airways Flight 1549, and the first responders, ferry operators and tug boat drivers of New York City, for their heroic and intuitive roles in the safe emergency landing of U.S. Airways Flight 1549; considered and agreed to.

ADDITIONAL COSPONSORS

S. 84

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 84, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 95

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 95, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. FEINSTEIN (for herself and Mr. CORNYN):

S. 276. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator CORNYN to introduce legislation that will address one of the most serious problems facing our Nation—the long-term health of Social Security and Medicare.

Today we propose a bipartisan, independent and permanent commission to return these essential programs to solid financial footing for generations to come.

Our legislation mandates the periodic, comprehensive review of Social Security and Medicare to ensure their present and future solvency.

By a year from the date of enactment, it requires the Commission to devise and recommend to Congress and the President a benefit and revenue structure that allows Social Security and Medicare to become, once again, stable and effective over the long-term.

The problem we face is astronomical. President-elect Barack Obama is well aware of this, and said so on the front page of today's Washington Post.

He recognizes the growing threat this problem represents to the long-term health of our economy, and to the American people. So I look forward to working with him to find ways to ensure the long-term health of these great American institutions.

He recognizes, as Senator CORNYN and I do, that inaction is dangerous.

The Congressional Budget Office announced last week that the fiscal year 2009 deficit is projected to reach \$1.2 trillion, a new record.

The three largest entitlement programs, Social Security, Medicare, and Medicaid, are expected to grow by at least 8 percent this year.

Meanwhile, the Social Security funding shortfall has ballooned to roughly \$4.3 trillion—the amount necessary to continue full benefits being paid past 2083.

Medicare is in far worse shape, needing \$12.4 trillion over the next 75 years to close the gap and remain in balance.

The numbers tell the story: growing cash flow deficits will exhaust the Medicare trust fund in 2019, and Social Security reserves will be overcome in 2041, according to the most recent Trustees report.

Our legislation takes a new approach and is bipartisan to the core.

Fifteen experts, some of whom are Members of Congress from the committees of jurisdiction, are appointed. They take a full year to conduct town hall meetings nationwide, assess these trillion dollar programs from top to bottom, and rationalize their cost structure through intensive evaluation.

We advocate an open and transparent process, where all American voices can be heard.

Too often during my time in the Senate I have seen approaches that rely strictly on elected officials meeting privately and out of the public view fail. A workable solution to these problems must be transparent.

In the 110th Congress alone, there were no less than six proposals to reform Social Security. The Commission we propose would not be offering one-time solutions that get tossed aside and collect dust.

Far from it: the Commission's detailed analysis, nonpartisan recommendations and findings are provided in writing and take the form of legislation that Congress formally considers.

The Senate and House, in turn, through expedited legislative procedures, will hopefully be poised to amend if need be and then enact the changes into law. To be clear, this legislation will not prevent our colleagues from the opportunity to improve the Commission's proposals.

We do not hold out, today, certain ideas that we believe the members of the commission ought to consider.

We rely on their independent expertise and motivation to derive what is best for the Nation. Then we let the chips fall where they may from there.

President-elect Obama's choice to lead the Office of Management and Budget, Peter Orszag, agrees that Social Security is one of America's most successful Government programs.

But failure to act on real reform, in his words, "merely exacerbates the painful choices that will ultimately be necessary."

While such reforms will be difficult, he ultimately argues that, "Social Security can be mended in a safe, realistic way, while protecting the most vulnerable beneficiaries."

I believe Mr. Orszag is correct. It will be only a matter of time before we must implement real Social Security reform.

That's because 51 million people, or 1 out of every 6 Americans, depend on it.

And by 2034, an astounding 74 million Americans will receive this guaranteed benefit. At that time there will be only 2.1 workers for every one beneficiary.

For more than 20 percent of retirees, Social Security is it: their only source of income.

For half of those 51 million, Social Security keeps them out of poverty. And for almost two-thirds, Social Security makes up more than half of their total income.

Six and one half million widows and widowers rely on Social Security, as do 7.5 million disabled workers and their 1.6 million children.

The long-term challenges are significant. It's not a crisis; we have time to implement gradual reform over time, but we need to get started.

However, the current economic crisis leads me to believe that nothing is for certain.

While the projected shortfall for Social Security amounts to about \$4.3 trillion, the fact of the matter is that 100 percent of benefits can be paid until 2041 by some estimates, Social Security Administration, or 2049 by others, CBO. Beyond that time horizon, 78 percent of benefits can be paid.

So the bottom line is that there is the time, the know-how, and the resources to, be able to maintain the current system, with phased adjustments occurring over many years to the Social Security Trust Fund.

The key, of course, is coming to a rational consensus—Democrats and Republicans united—in the effort to to make Social Security solvent from this day forward.

Most budget experts agree that the Social Security problem pales in comparison to the enormous shortfall facing Medicare Trust Fund, Part A—over the next 75 years a total of \$12.4 trillion. The various technical estimates are that Medicare is projected to become insolvent far sooner than Social Security.

In fact, the most recent Medicare Trustees report confirms that the trust fund will be exhausted in 2019.

Closing the trust fund gap demands action.

Pressure on Medicare will only grow as the Baby Boom generation ages yet the number of beneficiaries skyrockets upwards—from 44 million now, a number which will double by 2030—as the Baby Boom generation ages.

Compounding the problem, the Congressional Budget Office projects that Medicare spending will rise to 10.8 percent of the gross domestic product by 2082, up from 3.2 percent of GDP today.

Because the program is financed through payroll taxes and general tax revenue, the pressure is building now on working Americans given the huge demographic changes we expect as Baby Boomers retire.

The plain truth is that surging health care costs exceed economy growth. This health care spending must be controlled or Medicare faces a dire situation.

In closing, I should note that Congress is debating a historic stimulus initiative, designed to pull our economy out of this current downturn. While these investments are likely necessary, I strongly believe that they should be coupled with the framework to return to long-term fiscal sanity.

I know the incoming administration recognizes the gravity of this situation.

I look forward to working with the new President, and my colleagues, to advance positive solutions to address the looming entitlement crisis.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. COCHRAN):

S. 278. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employees services; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to speak on the reintroduction of the Serve America Act. I, along with my good friend, the senior Senator from Massachusetts first introduced this legislation in the waning days of the 110th Congress, and I am proud to lend my support to the bill during this session. We are currently joined by 20 cosponsors, both Republican and Democrat.

I have long been a supporter and advocate for volunteer service. I believe that, when private citizens offer their time and talents to serve in their communities, they benefit along with those they have helped. Furthermore, I believe that, if we can encourage people to volunteer their services in their towns and neighborhoods, we can better address our Nation's most pressing problems.

The Serve America Act does many things. Most apparently, it creates new national service corps that will enlist the help of our people to address specific areas of national need, including education, energy efficiency, access to health care, economic opportunity for the disadvantaged, and disaster relief. It also encourages individuals and non-profit groups to come up with new and innovative ways to encourage volunteerism and to use the help of volunteers effectively. In addition, it enlists the help of the private sector in addressing important needs in our nation and community.

As in the 110th Congress, Senator KENNEDY and I have agreed that, when this bill goes through the HELP Committee, we will work together to ensure that the spending authorized in the bill will be offset. In this way, the bill will be budget-neutral, providing much needed assistance to the non-profit sector without adding to the Federal deficit. Indeed, the American people have made it clear time and again that they desire fiscal responsibility in Congress. Due to this agreement, the Serve America Act meets those demands.

Senator KENNEDY and I are also reintroducing the Incentive to Serve Tax Act as a companion piece to the Serve America Act. This bill would provide tax incentives to encourage companies to allow their employees to volunteer their services on company time. Specifically, the bill would provide companies a tax credit equal to 25 percent of the compensation paid to an employee who performs at least 160 hours of a specified charitable service.

As you might know, a handful of large corporations presently have programs to provide managerial and educational workers to schools and community organizations. This tax incen-

tive would encourage these companies to do even more as well as encourage other companies that, up to now, may not have been able to afford to provide such service. This will allow businesses to utilize their employees with various skills and knowledge to target specific areas that need to be addressed in the communities where those workers live and work. In the end, everyone will benefit.

These two bills represent a bipartisan effort to harness the talents, generosity, and ingenuity of the American people. I believe that this is an effort that Members from both parties can and should support. I urge all my colleagues—Republicans and Democrats alike—to support this important legislation.

By Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. KERRY, Ms. SNOWE, and Mr. SCHUMER):

S. 279. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Municipal Bond Market Support Act of 2009. This bill is similar to one that Senator CRAPO and I introduced in the 110th Congress, and I am grateful for Senator CRAPO's continued leadership on this issue, as well as the cosponsorship of Senators KERRY, SNOWE, and SCHUMER.

One of the most unfair—but least discussed—impacts of the credit crisis is its severe disruption of the municipal bond market. By reducing state and local governments' access to financing, increasing interest costs, and shrinking the universe of available investors, this disruption is threatening critical infrastructure investments that generate significant economic activity, just when the need for infrastructure enhancements could not be more apparent.

Municipal bonds have long played an essential role in financing the construction, expansion, and repair of schools; highways, roads, and bridges; affordable housing; hospitals; public transit; water and sewage systems; and community-owned utilities. But currently, the municipal bond market is significantly impaired. This situation has been caused by reasons completely extrinsic to events in the municipal bond market; indeed, municipal bonds remain among the safest securities in the world, with extremely low default rates.

Because of this market impairment, states, municipalities and authorities have been and are continuing to face unreasonably high debt issuance costs. Due to these high costs, many other state and local governments are finding themselves suddenly unable to issue debt. For instance, in the fourth

quarter of 2008, bond issuance fell 33 percent compared to the fourth quarter of 2007, representing a \$35 billion drop.

The pain is being felt by States and municipalities across the country, which have had to curtail new bond issuances, delay, or withhold borrowing altogether from the capital markets. For instance, in Connecticut, the state sought to sell \$500 million in General Obligation bonds, but was only able to sell \$99 million. As an indication as to how interest rates have increased significantly, secondary market trading data indicates that, for instance, through the beginning of 2009 a Clayton, New Mexico, revenue bond series saw a 230 basis point increase. This increase is indicative of the increase in costs that the city would incur if they had to issue new bonds today, a rate of 7.60 percent, whereas a year ago the same issue would likely have been issued at 5.29 percent.

Infrequent issuers are experiencing an even more difficult time accessing the markets. A study by Municipal Market Advisors found that for issuers that borrow once a year or less, borrowing costs increased by at least 200 basis points during the last half of last year; in many cases, the increase exceeded 250 basis points. For a state or locality issuing \$100 million in 30-year bonds, a 200 basis point increase translates to \$60 million in additional interest payments over the 30 years. Ultimately, these higher costs will be the responsibility of taxpayers, through higher taxes and/or reductions in other investments or services.

As Congress looks to legislation that will spur a national economic recovery, we should enhance demand for municipal bonds by liberalizing restrictions on banks' ability to acquire municipal debt.

Since the enactment of the Federal income tax in 1913, Congress has supported the municipal bond market by exempting municipal bond interest from taxation. Tax exemption is an effective means of conferring Federal assistance on state and local capital investments; it also recognizes that decisions about which projects to fund are most appropriately made at the State or local level. Historically, banks were significant purchasers of tax-exempt debt. But the Tax Reform Act of 1986 severely curtailed banks' participation by automatically disallowing deductions for interest expense whenever municipal bonds are purchased. The Act left an exception only for bonds purchased from smaller municipalities, those selling no more than \$10 million of bonds each year. In contrast, non-bank corporations are permitted to hold up to 2 percent of their total assets in tax-exempt bonds, regardless of the size of the issuer, without jeopardizing interest expense deductibility.

Given the severe challenges affecting the municipal bond markets, now is

the time to modify these limitations and thus help channel additional capital to critical infrastructure projects.

First, the Act will extend the 2 percent de minimis rule to banks, placing them on the same footing as other corporate investors.

Second, the Act will raise the \$10 million small issuer exception to \$30 million. Because the \$10 million level was not indexed to inflation, its purchasing power has eroded significantly since 1986, leaving many smaller governments either to defer projects to comply with this low limit or find non-bank purchasers.

Finally, the Act will ensure that the small issuer is made applicable at the ultimate borrower level, so that bonds benefiting non-profit universities and hospitals will not exceed the limitation merely because they issue bonds through statewide authorities.

Taken together, these steps promise to significantly boost municipal bond demand, adding liquidity to the market. For instance, Municipal Market Advisors projects that extending the 2 percent de minimis rule to banks would increase their municipal debt purchasing power by \$56 billion. Additional demand will enable municipalities across the nation, and particularly those in small and rural communities, to finance the critical infrastructure projects that play an important role in growing our national economy.

Ten national organizations representing state and local governments are supporting the Act. I urge my colleagues to do the same.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Bond Market Support Act of 2009".

SEC. 2. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking "\$10,000,000" and inserting "\$30,000,000".

(b) REPEAL OF AGGREGATION RULES APPLICABLE TO SMALL ISSUER DETERMINATION.—Paragraph (3) of section 265(b) of such Code is amended by striking subparagraphs (E) and (F).

(c) ELECTION TO APPLY LIMITATION AT BORROWER LEVEL.—Paragraph (3) of section 265(b) of such Code, as amended by subsection (b), is amended by adding at the end the following new subparagraph:

"(E) ELECTION TO APPLY LIMITATION ON AMOUNT OF OBLIGATIONS AT BORROWER LEVEL.—

"(i) IN GENERAL.—An issuer, the proceeds of the obligations of which are to be used to

make or finance eligible loans, may elect to apply subparagraphs (C) and (D) by treating each borrower as the issuer of a separate issue.

"(ii) ELIGIBLE LOAN.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'eligible loan' means one or more loans to a qualified borrower the proceeds of which are used by the borrower and the outstanding balance of which in the aggregate does not exceed \$30,000,000.

"(II) QUALIFIED BORROWER.—The term 'qualified borrower' means a borrower which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a) or a State or political subdivision thereof.

"(iii) MANNER OF ELECTION.—The election described in clause (i) may be made by an issuer for any calendar year at any time prior to its first issuance during such year of obligations the proceeds of which will be used to make or finance one or more eligible loans."

(d) INFLATION ADJUSTMENT.—Paragraph (3) of section 265(b) of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subparagraph:

"(F) INFLATION ADJUSTMENT.—In the case of any calendar year after 2009, the \$30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), (D)(iii)(II), and (E)(ii)(I) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$100,000."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 3. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS AND BROKERS.

(a) FINANCIAL INSTITUTIONS.—Subsection (b) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

"(A) IN GENERAL.—In applying paragraph (2)(A) there shall not be taken into account tax-exempt obligations issued during 2009 or 2010 (and paragraph (3)(A) shall be applied without regard to section 291(e)(1)(b) with respect to such obligations).

"(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the amount determined under paragraph (2)(B)."

(b) BROKERS.—Subsection (a) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

"(A) IN GENERAL.—In applying paragraph (2) to any broker (as defined in section 6045(c)(1)) there shall not be taken into account tax-exempt obligations issued during 2009 or 2010 (and paragraph (3)(A) shall be applied without regard to section 291(e)(1)(b) with respect to such obligations).

"(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the taxpayer's assets."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 15—ACKNOWLEDGING THE LIFELONG SERVICE OF GRIFFIN BOYETTE BELL, A LEGAL ICON, TO THE STATE OF GEORGIA AND TO THE UNITED STATES

Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. BROWN, Mr. KENNEDY, Mr. SESSIONS, Mr. ALEXANDER, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 15

Whereas Griffin Boyette Bell was born on October 31, 1918, in Americus, Georgia, to Thelma Leola Pilcher and Adlai Cleveland Bell, a cotton farmer;

Whereas Griffin Boyette Bell died on January 5, 2009, at Piedmont Hospital in Atlanta, Georgia, after enduring long-term kidney disease and a battle with pancreatic cancer;

Whereas Griffin Boyette Bell was raised in the Shiloh community outside of Americus until his family moved into Americus to establish a tire retail store;

Whereas Griffin Boyette Bell proved himself a superior student in the Americus public schools, and later, at Georgia Southwestern College, also in Americus;

Whereas in 1942, Griffin Boyette Bell was drafted into the Army, where he served in the Quartermaster Corps and Transportation Corps;

Whereas Griffin Boyette Bell, while stationed at Fort Lee, Virginia, met and married Mary Powell, who also had family ties to Americus, Georgia, and they later had one son, Griffin Jr.;

Whereas in 1946, Griffin Boyette Bell, after being discharged from active duty in the Army with the rank of major, enrolled in Mercer University School of Law in Macon, Georgia;

Whereas Griffin Boyette Bell worked at the law firm of Anderson, Anderson, and Walker while in law school;

Whereas Griffin Boyette Bell, while still a law student, passed the Georgia bar examination and was appointed city attorney of Warner Robins, Georgia;

Whereas Griffin Boyette Bell, after graduating with honors from Mercer University School of Law in 1948, practiced law in Savannah, Georgia and Rome, Georgia;

Whereas in 1953, Griffin Boyette Bell accepted an offer to join the Atlanta law firm of Spalding, Sibley, Troutman and Kelley, later renamed King and Spalding;

Whereas in 1958, Griffin Boyette Bell was appointed chief of staff to Governor Ernest Vandiver and, while serving in that capacity, was influential in organizing the Sibley Commission, which mapped Georgia's approach to school desegregation;

Whereas Griffin Boyette Bell, while chief of staff to Governor Ernest Vandiver, helped moderate State policy concerning civil rights and was instrumental in keeping Georgia's schools open during that turbulent period;

Whereas in 1961, Griffin Boyette Bell was appointed by President John F. Kennedy to the United States Court of Appeals for the Fifth Circuit, where he served for 14 years

and often played an instrumental role in mediating disputes during the peak of the United States civil rights movement;

Whereas in 1976, President Jimmy Carter nominated Griffin Boyette Bell to be the 72nd Attorney General of the United States, and he was confirmed to that position on January 25, 1977;

Whereas Griffin Boyette Bell brought independence and professionalism to the Department of Justice during his tenure as Attorney General by daily posting his third-party contacts, including meetings and calls with the White House, Members of Congress, or other individuals who were not in the Justice Department;

Whereas Griffin Boyette Bell, in his capacity as Attorney General, advised the Carter administration and helped to increase the number of women and minorities serving on the Federal bench, including by recruiting Wade McCree, an African-American judge for the United States Court of Appeals for the Eighth Circuit, to serve as Solicitor General of the United States and Drew S. Days III, an African-American lawyer for the NAACP Legal Defense Fund, to head the Civil Rights Division of the Department of Justice;

Whereas Griffin Boyette Bell led negotiations to divide his former appellate court, the United States Court of Appeals for the Fifth Circuit, then spanning from Georgia to Texas, into two courts: a new United States Court of Appeals for the Fifth Circuit based in New Orleans and the United States Court of Appeals for the Eleventh Circuit based in Atlanta;

Whereas Griffin Boyette Bell, upon resignation as Attorney General in August 1979, was appointed by President Jimmy Carter as the Special Ambassador to the Helsinki Convention;

Whereas Griffin Boyette Bell served as a member of the Secretary of State's Advisory Committee on South Africa from 1985 to 1987;

Whereas in 1989, Griffin Boyette Bell was appointed by President George H. W. Bush as the Vice Chairman of the President's Commission on Federal Ethics Law Reform;

Whereas Griffin Boyette Bell served as counsel to President George H. W. Bush during the Iran-Contra affair investigation;

Whereas in September 2004, Griffin Boyette Bell was appointed Chief Judge of the United States Court of Military Commission Review; and

Whereas, during Griffin Boyette Bell's career as a lawyer, he specialized in corporate internal investigations, many of which were high profile, including investigations of E.F. Hutton following Federal indictments for that firm's cash management practices, Exxon Valdez after an oil spill in Alaska, and Procter and Gamble after rumors circulated that that company's moon-and-stars logo was a satanic symbol: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia and to the United States; and

(2) commends Griffin Boyette Bell for his tenure as Attorney General of the United States and his commitment to the United States civil rights movement.

SENATE RESOLUTION 16—DESIGNATING THE WEEK OF FEBRUARY 2 THROUGH FEBRUARY 6, 2009, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself and Ms. COLLINS) submitted the following reso-

lution; which was considered and agreed to:

S. RES. 16

Whereas the American School Counselor Association has declared the week of February 2 through February 6, 2009, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are among the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 2 through February 6, 2009, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 17—RECOGNIZING AND HONORING CAPTAIN CHESLEY "SULLY" SULLENBERGER III, HIS CO-PILOT JEFFREY SKILES, THE CREWMEMBERS OF U.S. AIRWAYS FLIGHT 1549, AND THE FIRST RESPONDERS, FERRY OPERATORS AND TUG BOAT DRIVERS OF NEW YORK CITY, FOR THEIR HEROIC AND INTUITIVE ROLES IN THE SAFE EMERGENCY LANDING OF U.S. AIRWAYS FLIGHT 1549.

Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. HAGAN, Mr. BURR, Mr. KOHL, and

Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 17

Whereas Chesley Sullenberger III is a native of Danville, California;

Whereas Chesley Sullenberger III has a bachelor of science degree from the United States Air Force Academy, a master of science degree from Purdue University, and a master of the arts degree from the University of Northern Colorado;

Whereas Chesley Sullenberger III has been named a Visiting Scholar at the University of California, Berkeley;

Whereas Chesley Sullenberger III bravely served his country as a United States Air Force fighter pilot;

Whereas Chesley Sullenberger III has committed his career to aviation safety by serving as an instructor, safety chairman, accident investigator, and national technical committee member of the Air Line Pilots Association;

Whereas Chesley Sullenberger III has played an active role in numerous accident investigations by the United States Air Force and the National Transportation Safety Board;

Whereas Chesley Sullenberger III has played an important role in the development and implementation of the Crew Resource Management course used at U.S. Airways, and has educated hundreds of his colleagues in the course;

Whereas Chesley Sullenberger III is a veteran pilot who has flown for more than 40 years;

Whereas Jeffrey Skiles is a native of Orono, Wisconsin;

Whereas Jeffrey Skiles has been flying planes since he was 15 years old;

Whereas Jeffrey Skiles has been an employee of U.S. Airways for 25 years;

Whereas, on January 15, 2009, Chesley Sullenberger III and his co-pilot Jeffrey Skiles averted a devastating disaster by safely and masterfully landing U.S. Airways Flight 1549 on the Hudson River in New York, New York;

Whereas Chesley Sullenberger III did not deplane his aircraft until all 150 passengers and 4 other crewmembers were safely evacuated;

Whereas the crewmembers of U.S. Airways Flight 1549 and the first responders, ferry operators, and tugboat drivers of New York City played critical roles in ensuring that the passengers and crewmembers on the airplane were expeditiously taken to safety, and that there were no fatalities in the accident;

Whereas Chesley Sullenberger III, Jeffrey Skiles, U.S. Airways Flight 1549 crewmembers, and the first responders, ferry operators, and tugboat drivers of New York City are true American heroes and are deserving of the praise and gratitude of the Nation: Now, therefore, be it

Resolved, That the Senate recognizes and honors Chesley Sullenberger III, Jeffrey Skiles, the crewmembers and passengers of U.S. Airways Flight 1549, and the first responders, ferry operators, and tugboat drivers of New York City for their heroic efforts in the safe emergency landing of U.S. Airways Flight 1549, which saved 155 lives.

AMENDMENTS SUBMITTED AND PROPOSED

SA 28. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S.

181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table.

SA 29. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 28. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 22, strike “adopted,” and all that follows through “including” on page 4, line 1, and insert “adopted or when an individual becomes subject to a discriminatory compensation decision or other practice, including”.

SA 29. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 6, strike “adopted,” and all that follows through “including” on page 5, line 10, and insert “adopted or when a person becomes subject to a discriminatory compensation decision or other practice, including”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to continue the hearing on the nomination of Eric H. Holder, Jr., to be Attorney General of the United States on Friday, January 16, 2009, at 10 a.m.,

in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that the following interns in my office be granted the privilege of the floor for the duration of today's session of the Senate: Greg Innocent and Matt Hanson.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2008 fourth quarter Mass Mailings is Monday, January 26, 2009. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

2009 KOREAN AMERICAN DAY

Mr. REID. Mr. President, I rise in honor of Korean American Day, a time we set aside to commemorate the arrival of the first Korean immigrants to the United States, more than 100 years ago. Since those original 102 immigrants set foot on our shores on January 13, 1903, the population of Korean Americans has grown to almost 2 million, bringing a wealth of talent, rich cultural heritage, and innovation to our Nation. In particular, Korean Americans have demonstrated tremendous bravery and skill in our country's armed forces, serving with distinction during both World Wars and the conflict in Korea.

Around 12,000 Korean Americans live in our own great State of Nevada, where they form a substantial part of Nevada's growing Asian community—in fact, Nevada's percentage of Asian Americans is now nearly 2 percent greater than the national average. Their entrepreneurial spirit has especially made significant contributions to Nevada's business sector, and I personally greatly admire and share their emphasis on the importance of strong family ties. As someone whose own life was transformed by education, I also commend the drive to academic excellence and pursuit of higher education which has led many Korean Americans to our country. As the Nevadan Korean-American community continues to increase, they enrich our state with

this emphasis on close-knit families, a focus on cooperation, and a strong work ethic that has contributed to so much of their success.

Beyond our borders, the United States and South Korea share a long-standing, harmonious friendship. Our strategic partnership has brought substantial benefits to both our countries, and I look forward to a continued future of mutual cooperation.

I add my congratulations to all those joining together at events and ceremonies across our country to recognize and honor Korean Americans' vibrant role in our society. The United States and Nevada have benefited greatly from their contributions, and I look forward to continuing to serve my Korea-American constituents as the senior Senator from Nevada.

UNANIMOUS CONSENT REQUEST— DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY ACT OF 2005

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the Digital Television Transition and Public Safety Act of 2005; further, that the bill be read three times, passed, the motions to reconsider be laid on the table, and that there be no intervening action or debate.

To more specifically define the bill, it is for the consideration of the Rockefeller bill which is at the desk, a bill to delay the Digital Television Transition and Public Safety Act of 2005 until June 13 of 2009.

The PRESIDING OFFICER. Is there an objection to the request?

Mr. REID. Mr. President, we alerted the minority that we were going to offer this, and because there are some problems with time, I understand there would be an objection to this request. As a result, I will withdraw my request and renew it probably on Tuesday or Wednesday.

The PRESIDING OFFICER. The request is withdrawn.

ACKNOWLEDGING THE LIFELONG SERVICE OF GRIFFIN BOYETTE BELL

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 15.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 15), acknowledging the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia, and to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to,

and the motions to reconsider be laid on the table.

The resolution (S. Res. 15) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 15

Whereas Griffin Boyette Bell was born on October 31, 1918, in Americus, Georgia, to Thelma Leola Pilcher and Adlai Cleveland Bell, a cotton farmer;

Whereas Griffin Boyette Bell died on January 5, 2009, at Piedmont Hospital in Atlanta, Georgia, after enduring long-term kidney disease and a battle with pancreatic cancer;

Whereas Griffin Boyette Bell was raised in the Shiloh community outside of Americus until his family moved into Americus to establish a tire retail store;

Whereas Griffin Boyette Bell proved himself a superior student in the Americus public schools, and later, at Georgia Southwestern College, also in Americus;

Whereas in 1942, Griffin Boyette Bell was drafted into the Army, where he served in the Quartermaster Corps and Transportation Corps;

Whereas Griffin Boyette Bell, while stationed at Fort Lee, Virginia, met and married Mary Powell, who also had family ties to Americus, Georgia, and they later had one son, Griffin Jr.;

Whereas in 1946, Griffin Boyette Bell, after being discharged from active duty in the Army with the rank of major, enrolled in Mercer University School of Law in Macon, Georgia;

Whereas Griffin Boyette Bell worked at the law firm of Anderson, Anderson, and Walker while in law school;

Whereas Griffin Boyette Bell, while still a law student, passed the Georgia bar examination and was appointed city attorney of Warner Robins, Georgia;

Whereas Griffin Boyette Bell, after graduating with honors from Mercer University School of Law in 1948, practiced law in Savannah, Georgia and Rome, Georgia;

Whereas in 1953, Griffin Boyette Bell accepted an offer to join the Atlanta law firm of Spalding, Sibley, Troutman and Kelley, later renamed King and Spalding;

Whereas in 1958, Griffin Boyette Bell was appointed chief of staff to Governor Ernest Vandiver and, while serving in that capacity, was influential in organizing the Sibley Commission, which mapped Georgia's approach to school desegregation;

Whereas Griffin Boyette Bell, while chief of staff to Governor Ernest Vandiver, helped moderate State policy concerning civil rights and was instrumental in keeping Georgia's schools open during that turbulent period;

Whereas in 1961, Griffin Boyette Bell was appointed by President John F. Kennedy to the United States Court of Appeals for the Fifth Circuit, where he served for 14 years and often played an instrumental role in mediating disputes during the peak of the United States civil rights movement;

Whereas in 1976, President Jimmy Carter nominated Griffin Boyette Bell to be the 72nd Attorney General of the United States, and he was confirmed to that position on January 25, 1977;

Whereas Griffin Boyette Bell brought independence and professionalism to the Department of Justice during his tenure as Attorney General by daily posting his third-party contacts, including meetings and calls with the White House, Members of Congress, or

other individuals who were not in the Justice Department;

Whereas Griffin Boyette Bell, in his capacity as Attorney General, advised the Carter administration and helped to increase the number of women and minorities serving on the Federal bench, including by recruiting Wade McCree, an African-American judge for the United States Court of Appeals for the Eighth Circuit, to serve as Solicitor General of the United States and Drew S. Days III, an African-American lawyer for the NAACP Legal Defense Fund, to head the Civil Rights Division of the Department of Justice;

Whereas Griffin Boyette Bell led negotiations to divide his former appellate court, the United States Court of Appeals for the Fifth Circuit, then spanning from Georgia to Texas, into two courts: a new United States Court of Appeals for the Fifth Circuit based in New Orleans and the United States Court of Appeals for the Eleventh Circuit based in Atlanta;

Whereas Griffin Boyette Bell, upon resignation as Attorney General in August 1979, was appointed by President Jimmy Carter as the Special Ambassador to the Helsinki Convention;

Whereas Griffin Boyette Bell served as a member of the Secretary of State's Advisory Committee on South Africa from 1985 to 1987;

Whereas in 1989, Griffin Boyette Bell was appointed by President George H. W. Bush as the Vice Chairman of the President's Commission on Federal Ethics Law Reform;

Whereas Griffin Boyette Bell served as counsel to President George H. W. Bush during the Iran-Contra affair investigation;

Whereas in September 2004, Griffin Boyette Bell was appointed Chief Judge of the United States Court of Military Commission Review; and

Whereas, during Griffin Boyette Bell's career as a lawyer, he specialized in corporate internal investigations, many of which were high profile, including investigations of E.F. Hutton following Federal indictments for that firm's cash management practices, Exxon Valdez after an oil spill in Alaska, and Procter and Gamble after rumors circulated that that company's moon-and-stars logo was a satanic symbol: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia and to the United States; and

(2) commends Griffin Boyette Bell for his tenure as Attorney General of the United States and his commitment to the United States civil rights movement.

NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to the consideration of S. Res. 16.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) designating the week of February 2 through February 6, 2009, as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I know the day is late, but I can't help but comment on this legislation. One of the big problems we have in America today is a total shortage of counselors. Most of

our elementary schools have no counselors and high schools have just a few.

Speaking personally, I went to a relatively small high school in Henderson, NV, when I was a boy, and we had a part-time counselor in my high school. Her name was Mrs. Robinson. She taught government and also counseled. Mrs. Robinson called me out of class—I was a junior in high school—and she said: We have looked at all your records, and you should go to law school. Well, Mr. President, I had never met a lawyer, never been to a courthouse, and I knew nothing about lawyers and all that stuff, but because Mrs. Robinson told me that is what I should do, from that minute that was what I was going to be.

That is how important counselors are. I think this resolution is so indicative of some of the problems we have in education today. We know all the problems that teachers have. Their job would be made so much easier if schools had adequate numbers of counselors to help teachers, parents, and children work through the problems that kids have growing up.

So, Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 16

Whereas the American School Counselor Association has declared the week of February 2 through February 6, 2009, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are among the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 2 through February 6, 2009, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

HONORING CREW OF U.S. AIRWAYS FLIGHT 1549 AND NY CITY EMERGENCY RESPONDERS

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 17. The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 17) recognizing and honoring Captain Chesley "Sully" Sullenberger, III, his copilot Jeffrey Skiles, the crewmembers of U.S. Airways Flight 1549, and the first responders, ferry operators, and tug boat drivers of New York City, for their heroic and intuitive roles in the safe emergency landing of U.S. Airways Flight 1549.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 17) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 17

Whereas Chesley Sullenberger III is a native of Danville, California;

Whereas Chesley Sullenberger III has a bachelor of science degree from the United States Air Force Academy, a master of science degree from Purdue University, and a master of the arts degree from the University of Northern Colorado;

Whereas Chesley Sullenberger III has been named a Visiting Scholar at the University of California, Berkeley;

Whereas Chesley Sullenberger III bravely served his country as a United States Air Force fighter pilot;

Whereas Chesley Sullenberger III has committed his career to aviation safety by serving as an instructor, safety chairman, acci-

dent investigator, and national technical committee member of the Air Line Pilots Association;

Whereas Chesley Sullenberger III has played an active role in numerous accident investigations by the United States Air Force and the National Transportation Safety Board;

Whereas Chesley Sullenberger III has played an important role in the development and implementation of the Crew Resource Management course used at U.S. Airways, and has educated hundreds of his colleagues in the course;

Whereas Chesley Sullenberger III is a veteran pilot who has flown for more than 40 years;

Whereas Jeffrey Skiles is a native of Oregon, Wisconsin;

Whereas Jeffrey Skiles has been flying planes since he was 15 years old;

Whereas Jeffrey Skiles has been an employee of U.S. Airways for 25 years;

Whereas, on January 15, 2009, Chesley Sullenberger III and his co-pilot Jeffrey Skiles averted a devastating disaster by safely and masterfully landing U.S. Airways Flight 1549 on the Hudson River in New York, New York;

Whereas Chesley Sullenberger III did not deplane his aircraft until all 150 passengers and 4 other crewmembers were safely evacuated;

Whereas the crewmembers of U.S. Airways Flight 1549 and the first responders, ferry operators, and tugboat drivers of New York City played critical roles in ensuring that the passengers and crewmembers on the airplane were expeditiously taken to safety, and that there were no fatalities in the accident;

Whereas Chesley Sullenberger III, Jeffrey Skiles, U.S. Airways Flight 1549 crewmembers, and the first responders, ferry operators, and tugboat drivers of New York City are true American heroes and are deserving of the praise and gratitude of the Nation: Now, therefore, be it

Resolved, That the Senate recognizes and honors Chesley Sullenberger III, Jeffrey Skiles, the crewmembers and passengers of U.S. Airways Flight 1549, and the first responders, ferry operators, and tugboat drivers of New York City for their heroic efforts in the safe emergency landing of U.S. Airways Flight 1549, which saved 155 lives.

ORDERS FOR TUESDAY, JANUARY 20, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Tuesday, January 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING SENATOR MERKLEY

Mr. REID. Mr. President, it is nice to see the Presiding Officer. I know presiding over the Senate is a unique experience. This is his first time. But having had legislative experience in the State of Oregon, being in a legislative chamber is not new to the Senator. He has an exemplary record in the State of Oregon, working his way through the

system, becoming Speaker of the Assembly. The State of Oregon and the country is very fortunate to have the Senator now representing the State of Oregon and the country in the Senate.

ADJOURNMENT UNTIL TUESDAY,
JANUARY 20, 2009, AT 3 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 2:52 p.m. adjourned until Tuesday, January 20, 2009, at 3 p.m.

EXTENSIONS OF REMARKS

COMMEMORATING DAVE
BENGSTON FOR HIS OUT-
STANDING CONTRIBUTION AS
MENDOCINO COUNTY AGRICUL-
TURAL COMMISSIONER AND
SEALER OF WEIGHTS AND MEAS-
URES

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 16, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Dave Bengston upon the occasion of his retirement after 37 years of outstanding service to the people of Mendocino County. During his tenure as Agricultural Commissioner and Sealer of Weights and Measures, Mr. Bengston's distinguished career includes many milestones.

He was instrumental in the eradication of the Ribes mite, which was not previously known to occur in North America. Mr. Bengston wrote a new quarantine for Grape Leaf Skeletonizer to protect the wine grape industry and succeeded in keeping the pest out of the county. He instituted an annual county-wide pesticide container recycling event. And he coordinated a hazardous materials collections process.

Dave Bengston, born in Modesto, in the heart of California's fertile Central Valley, was drawn at an early age toward agricultural pursuits. His first jobs as a teenager were picking peaches and working in canneries. While attending Modesto Junior College he developed a "love for botany." From there he attended Stanislaus State before transferring to the University of California at Berkeley.

In addition to his more than fulltime work schedule, Mr. Bengston developed a passion for mycology. In 1972 he already had a license in Apiary Inspection when he got a job with Mendocino County as a weights and measures inspector. A benefit to his move to Mendocino was the myriad variety of wild mushrooms, for which he has become an expert in identification.

He met his wife Christy, who was the 4-H secretary for the University of California Extension Service, in 1974. They were married 2 years later and have two grown sons, Brett and Logan.

Since 1989, when he became Mendocino County's Agricultural Commissioner and Sealer of Weights and Measures, Mr. Bengston has been instrumental in the success of keeping Mendocino free of such invasive pests as the Mediterranean fruit fly, vine mealybugs, and the Gypsy moth. He also made contributions to the glassy-winged sharpshooter, national organic, and West Nile virus programs and was instrumental in enforcing the ordinance banning genetically modified organisms in Mendocino County.

As is true of extraordinary public servants like Mr. Bengston, he also gave back to his

community. He was a member of the Ukiah Kiwanis Club, a board member of the Mendocino County Promotional Alliance and director and education chair of the Peregrine Audubon Society, to name a few. Bengston also found time to be a charter member of the Dorothy King Young Chapter of the California Native Plant Society. He coached youth soccer and basketball and played men's league soccer and was a soccer referee until 1993. He also has served as an advisor to the Ukiah Association of the Handicapped and the Regional Occupational Horticultural Program.

Madam Speaker, through his visionary leadership, technical expertise and quiet persuasion, Dave Bengston has made a long-lasting positive impact on the resources of the county of Mendocino. For these reasons and for the widespread respect of his colleagues and community, it is appropriate at this time that we honor Dave Bengston.

HONORING THE WORK OF DR. KENNETH STOCKING

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 16, 2009

Ms. WOOLSEY. Madam Speaker, I rise today with sadness to honor Dr. Kenneth Stocking, who passed away on November 17, 2008, at the notable age of 97. Dr. Stocking dedicated his life and his work to education and the environment.

Dr. Stocking was a pioneering environmentalist and professor emeritus at Sonoma State University, SSU, who spent nearly half a century committed to environmental and political activism. A steward of plants, he was lauded for his advocacy work to preserve and protect native California species.

After graduating from the College of the Pacific in Stockton, Dr. Stocking began his teaching career and subsequently taught at several elementary and high schools. He later obtained a master's degree from the College of the Pacific and a doctorate degree at the University of Southern California in 1950.

In 1964, Dr. Stocking began teaching at what was then the Sonoma State College. Under his nurturing and forward-thinking leadership as professor and chair of the biology department, the department blossomed into the School of Environmental Studies and Planning. In addition to offering degree and certificate programs, Dr. Stocking's creation also serves as the home for the innovative Environmental Technology Center, ETC, and the Institute for Community Planning Assistance. Today, ETC is a model for green design in our nation.

Dr. Stocking's legacy continues to thrive today at SSU. He founded a botanical garden in 1973 at SSU to showcase the diverse Cali-

fornia plant communities and provide a tranquil place for education and relaxation. In recognition of his plentiful contributions to the environmental sciences, faculty and students, this garden is named the Kenneth M. Stocking Native Plant Garden.

During his tenure at SSU, Dr. Stocking was appointed by then-Governor of California Ronald Reagan as the central coast representative for the California Coastal Commission. He was also president of Sonoma County Tomorrow, chairman of the Sonoma County Conservation Council, board member of the Sonoma Land Trust and an active member of the Audubon Society, Sierra Club, California Native Plant Society and many other organizations.

Dr. Stocking and his wife of 69 years, Mary, who preceded him in death, resided in Sonoma County for about 40 years. After his retirement from SSU in 1979, Dr. Stocking and Mary traveled to England, Europe, Africa and Asia. He is survived by a son and daughter, grandchildren and great-grandchildren.

Madam Speaker, Dr. Kenneth Stocking's unbridled passion for protecting our environment and commitment to education will continue to inform and inspire residents of Sonoma County and beyond.

PAUL CUFFE: VOTING RIGHTS PIONEER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 16, 2009

Mr. FRANK of Massachusetts. Madam Speaker, Saturday, January 17, is the 250th birthday of Paul Cuffe. He is not well known, but he should be. I was not myself familiar with his important role in our history and as one of those who fought against the terrible racist pattern that mars our early history until it was called to my attention by a constituent, Brock N. Cordeiro of the Town of Dartmouth. Mr. Cordeiro wrote to me and called my attention to Mr. Cuffe's role. As Mr. Cordeiro notes, in 1781 "Paul Cuffe sought the franchise or relief from taxation without representation" and he played a major role in the fact that this happened in Massachusetts in 1783. Many years later, in 1864, as the Town of Dartmouth, Massachusetts, celebrated its centennial, people noted that "it was his determined and manly efforts, and his refusal to pay the taxes assessed upon him, on the grounds that he had no voice or vote with his neighbors, that finally secured from the Legislature of Massachusetts equal rights of suffrage for the colored man with the white man."

Madam Speaker, I am very proud as an American of the role that America has played as the first vibrant self-governed Nation, but the racism that marked our early years is the source of trouble which we are still fighting to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

overcome. It is therefore entirely appropriate to recognize as his 250th birthday approaches the pioneering work of Paul Cuffe. It is very difficult to imagine from our safe haven today what moral and physical courage it took for Mr. Cuffe to defy the racist consensus which confronted him, and his example should be widely hailed.

I am grateful to Brock Cordeiro for calling this to my attention. Mr. Cordeiro noted in his letter to me that he came to this through his academic studies, and because of his own history in the need to confront our racist past and to mark the progress we have made in overcoming it, he wrote a master's thesis on Mr. Cuffe.

Madam Speaker, as you know, and as I advised Mr. Cordeiro, we do not issue proclamations on people's birthdays, but given the great historical example that Paul Cuffe has given, I am very proud to insert this tribute to him on his 250th birthday into this RECORD.

INTRODUCTION OF THE SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2009

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 16, 2009

Mr. OBERSTAR. Madam Speaker, my colleagues and I join together today to introduce the Smithsonian Institution Facilities Authorization Act of 2009.

I thank my colleagues, including Committee on House Administration Chairman BRADY, Committee on Transportation and Infrastructure Ranking Member MICA and Subcommittee Chairwoman NORTON, Majority Leader HOYER, and the Congressional Regents of the Smithsonian Institution, Mr. BECERRA, Ms. MATSUI, and Mr. SAM JOHNSON of Texas, for joining me as cosponsors of this important legislation and for their continued efforts to move these authorizations of critical Smithsonian facilities forward.

This bill authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center, SERC, in Edgewater, Maryland, and to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute, STRI, in Gamboa, Panama. The bill also authorizes the Board of Regents to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

Section 2 of the bill authorizes the Board of Regents to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland. The bill authorizes \$41 million to design and construct the facility. SERC is a global leader in the study of ecosystems in the coastal zone. The 52,000-square-foot replacement laboratory will be connected to the existing structure to provide an operationally efficient and environmentally sustainable laboratory facility for SERC's research programs. The project will eliminate the use of temporary, un-

safe trailers, address substandard, inefficient laboratory facilities, and will substantially reduce the facility's energy use and maintenance costs.

Section 3 of the bill authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama. The bill authorizes \$14 million to construct the 53,283-square-foot facility. STRI is the principal United States organization devoted to research in tropical biology. Tropical biology is critical to finding untapped resources to add to the important supply of food, pharmaceuticals, and fiber of tropical regions. STRI has outgrown the space available at its current facilities and this bill provides for construction of a new lab in Gamboa, Panama, on the east bank of the Panama Canal. Gamboa is protected by geography from the encroachment of civilization and pollution. The terrestrial research program is critical to understanding the role that tropical plants and soils play in global climate change models and for enriching knowledge of tropical biodiversity.

Section 4 of the bill authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland. This bill authorizes \$12 million for the construction of a new greenhouse facility. This facility will support the Office of Facilities Engineering and Operations, OFEO, of the Horticulture Services Division, HSD. This office provides services for the Smithsonian museums and units through planting for exhibits and special events, and through development and management of the Smithsonian public gardens.

In the 110th Congress, I introduced two bills to authorize the facilities authorized by this legislation. The Committee on Transportation and Infrastructure reported H.R. 6627, the Smithsonian Institution Facilities Authorization Act of 2008, a bill to authorize the SERC and STRI facilities on September 15, 2008. The House passed this bill by voice vote on September 17, 2008. The Committee reported H.R. 5492, a bill to authorize the greenhouse facility in Suitland, Maryland, on March 10, 2008. The House passed this bill by voice vote on March 11, 2008. Unfortunately, the Senate did not complete action on these bills in the 110th Congress.

I look forward to continuing to work with the Smithsonian as the Committee on Transportation and Infrastructure moves to address the enormous repair and maintenance backlog of the Smithsonian Institution facilities and to ensure that its facilities meet the highest standards of energy efficiency and conservation.

I urge my colleagues to join me in supporting the Smithsonian Institution Facilities Authorization Act of 2009.

INTRODUCTION OF "THE INTERNATIONAL WOMEN'S FREEDOM ACT OF 2009"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 16, 2009

Mrs. MALONEY. Madam Speaker, today I introduce "The International Women's Free-

dom Act of 2009" along with my friend and colleague, Representative CHAKAH FATTAH. I am also pleased that Senator BOXER has introduced the companion measure in the Senate.

This legislation establishes an "Office of International Women's Rights" within the State Department headed by the appointed Ambassador at Large, and additionally, would create a United States Commission on International Women's Rights.

The International Women's Freedom Act condemns violations of women's rights and gender equality while advocating for the improvement of the status of women of the world and the achievement of their equality with men. It also seeks to channel U.S. security and development assistance to governments other than those found to be engaged in gross violations of the rights of women.

I modeled this bill after another piece of legislation that created the United States International Commission on Religious Freedom in 1998. The Commission on International Religious Freedom has made substantial progress towards expanding religious freedom in Saudi Arabia and Turkmenistan, among others. In addition to religious freedom, we require the State Department to issue reports on battling international bribery, sex trafficking, and narcotics control and these reports make a difference in people's lives. It is my hope that this bill will make a similarly profound difference in women's lives. I strongly believe that we owe it to the women of the world to shine a spotlight on the status of their rights in an effort to improve them.

RECOGNIZING MARILYN HORNE ON THE OCCASION OF HER 75TH BIRTHDAY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 16, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to a treasure of American cultural life and music, Marilyn Horne who is celebrating her 75th birthday. Ms. Horne has had a long and distinguished career that has spanned the globe and endeared her to music-lovers everywhere.

Ms. Horne has always demonstrated a passion for music, first performing publicly at the age of 2. After studying voice and song/recital works at the University of Southern California, she has gone on to perform in more than 1300 recitals, made over 100 recordings and received three Grammy Awards including the Lifetime Achievement Award in 1989. She has lent her mezzo-soprano voice to some of the most challenging roles in music and has been a fixture in the world of classical music for the last four decades.

She has also shown a commitment to sharing her passion with the next generation of vocalists through her work as a visiting professor at some of the Nation's great music programs and as director of the Voice Program at the Music Academy of the West in Santa Barbara, a program she has led since 1997. When Ms. Horne became concerned about the diminishing recital opportunities for promising young

vocalists, she founded the Marilyn Horne Foundation in 1993 to ensure that young singers would continue to have the opportunity to excel and to preserve vocal recital as a treasured and living art form in the United States. Since its inception, the Foundation has reached over 55,551 children via 649 school programs, supported 262 recitals of promising young vocalists in 26 States, and helped to share the gifts of these young people with millions of others by promoting radio broadcasts of these recitals. Many of the foundation's alumni can now be seen performing on some of opera's most famous stages, including Car-

negie Hall, The Met and the New York City Opera.

The honors that Ms. Horne has received in her lifetime are too numerous to list here. But, most prominent among them are the National Medal of the Arts in 1992, being named a Kennedy Center Honoree in 1995, and being inducted into the American Classical Music Hall of Fame. She has also attracted international acclaim and her worldwide honors include the Commander of the Order of Arts and Letters from France's Ministry of Culture, Commendatore al Merito della Repubblica Italiana, and the Fidelio Gold Medal from the

International Association of Opera Directors. She was also the inaugural winner of Italy's Rossini Medaglia d'Oro, which was created especially to recognize her contribution to reviving many of Rossini's greatest operas.

Madam Speaker, it is appropriate at this time that we honor Marilyn Horne for her lifetime of achievements, her passion for music, and her dedication to future generations of vocalists. We wish her the best of luck in her continuing work, and I am so honored to call her my friend.

SENATE—Tuesday, January 20, 2009

The Senate met at 3 p.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You have been our dwelling place in all generations. Before the mountains were brought forth, or even before the Earth was framed, even from everlasting to everlasting, You are God.

On this historic day we ask Your richest blessings upon President Barack Obama, Vice President JOSEPH BIDEN, and the members of the Cabinet. O God, in these challenging times, help them to trust You with all their hearts and to depend upon Your providence to lead and guide them to Your desired destination.

In a special way today, we ask for Your healing hands to be placed upon Senator TEDDY KENNEDY. O, God, You are a healer and we claim Your promise that, if we will ask in faith, You will respond.

We thank You for what our eyes have seen and what our ears have heard on this great day.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a letter to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BERNARD SANDERS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANDERS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INAUGURAL AND VILSACK NOMINATION

Mr. HARKIN. Mr. President, I take to the floor right now to talk about my good friend, the former Governor of Iowa and our soon to be Secretary of Agriculture, Tom Vilsack.

Before I do, I would be remiss if I did not at this time talk about what it was like to be at the inauguration of the 44th President of the United States. This is my ninth inauguration. My first was Jimmy Carter when I was a freshman Congressman in 1977 and then two Reagans, Bush, two Clintons, two more Bushes. And so this is my ninth.

I can tell you, I have never seen anything such as this. To be out there today, I mean this is once in history that something such as this happens. I was watching a television program yesterday, a news program, and JIM CLYBURN, our colleague on the House side, was talking about the importance of today and what it meant to him.

He went on to talk about not only himself but so many people from where he is from in South Carolina and other places, elsewhere. He said, I remember my grandparents telling me about their parents being slaves and how close the connection was. And to think that today America saw inaugurated as our 44th President an African-American.

Not only does this say a great deal about Barack Obama, but it says a

great deal about America and how far we have come. Someone asked me what I thought earlier about his speech. I thought three things: uplifting, sobering, and challenging. I think that is what we want from a President. We want a President who will lift us up, a President who will be honest and square with us but a President who also challenges us.

That is what I thought President Obama did in his speech today. So it was a great day, not only for President Obama and Michelle and their family, for our great friend, JOE BIDEN, now our Vice President, and Jill and his family, a great day for America, a real turning point, I think, in our history.

So we look forward with confidence and with optimism to the future. I wished to take the floor today to say a few words about my friend, Tom Vilsack, who I hope the Senate today will concur in his being passed through for being Secretary of Agriculture.

I have known Tom well since the 1980s. He was a lawyer in Mount Pleasant, IA, at that time. We had a terrible catastrophe in agriculture; farmers were going broke, a lot of suicides were being committed in my State and around rural America.

Tom Vilsack was a small-town lawyer. I did not know him from anybody. But he took upon himself the job of defending a lot of these small farmers, helping them to work through their problems, and getting them through these hard times.

That is the first time I ever came in contact with him. I thought he was one of those rare individuals who saw something that was wrong which needed to be done and he would involve himself in it. He did not make any money doing this. There was no money to be made. But he got involved in it, and I can tell you, he helped many small farmers hang onto their farms.

Well, later on, by then a tragedy happened in Mount Pleasant, IA. Tom Vilsack was then on the city council. There was a terrible tragedy in which the mayor had been murdered, and they asked Tom to take over as mayor—again, another catastrophe in that small community. So Tom Vilsack then took over as mayor of Mount Pleasant, pulled the city together, kept it going, and lifted it up.

Shortly after that then, he ran to be a State Senator and was elected as a State Senator. He served very admirably there. He then later ran to be Governor and served for two terms as the Governor of our State of Iowa. He had a great two terms—8 years, 4 years each—as our Governor. Again, he

showed he could bring people together. That is why I think he is going to be good with our former colleague, now President Obama.

For the entire 8 years Tom Vilsack was Governor, he had a Republican legislature, but he worked with them. They worked together. We got some good things done in the State of Iowa, both with a Republican legislature and a Democratic Governor. I think that showed his method. That, plus what he had done earlier, I think showed the true mark of this individual.

So I could not have been happier when I found that President Obama had picked him to be Secretary of Agriculture. Tom Vilsack knows production agriculture. He knows what is happening out on the farms. He also is one of the strongest proponents of the conservation of natural resources and clean water and clean air. Suffice to say, I think all my friends at Pheasants Forever and Ducks Unlimited and all the people I go hunting with every year love Tom Vilsack because of all he has done to encourage wildlife habitats and the conservation of our natural resources—something, again, I feel very strongly about.

Then, again, in his hearing before our Agriculture Committee, he talked about nutrition and the role nutrition plays in health care reform and how we have to think about prevention and wellness. That starts with our kids. And what starts with our kids? School lunches and school breakfasts and the foods they eat in school, the women, infants, and children's supplemental feeding program, what kind of food are they getting?

Now, before the Agriculture Committee this year, Senator CHAMBLISS and I will be working together on our committee to reauthorize the Child Nutrition Act. That is the school lunch, school breakfast, and the WIC program, the women, infants, and children's supplemental feeding program. We have to do better for our kids. We have to get better food, locally grown foods, healthier foods, fruits and vegetables, and things such as that for our kids to eat. He talked about this in his hearing before our committee.

So I do not wish to take any more time of the Senate. I see our distinguished leader is in the Chamber. But I wished to thank President Obama for asking Governor Vilsack to be Secretary of Agriculture. I have asked Senator CHAMBLISS. We know of no objections—not one objection on our committee—to his nomination.

So I hope the Senate will, this afternoon, by unanimous consent, clear him so tomorrow he can be at the door. He said: As soon as I am confirmed, the first thing I want to do is go to the Department of Agriculture and stand outside at 7 o'clock in the morning to greet all the people coming in because I want them to know I care about

them, that I honor their work and look forward to being Secretary of the Department. The one Department I always say, of all the Secretaries we have—the Secretaries of State and Treasury get all this publicity, and they travel around the world and all that and get a lot of publicity—the Secretary of Agriculture hardly gets any publicity. But no Department—no Department—touches every American every day as closely and as intimately as the Department of Agriculture: the food you eat, the clothes you wear, the food safety programs. Things happen to our kids in school, what they eat—all this is in the Department of Agriculture.

So I hope the Senate will, by unanimous consent, follow the lead of the Agriculture Committee in unanimously approving Tom Vilsack to be our next Secretary of Agriculture.

Mr. President, I ask unanimous consent that a letter, dated January 20, 2009, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, January 20, 2009.

Re Nomination of Thomas J. Vilsack to be Secretary of Agriculture

Hon. HARRY REID,
Majority Leader.

Hon. MITCH MCCONNELL,
Republican Leader.

DEAR LEADERS: On December 17, 2008, President-elect Obama announced his intention to nominate Thomas J. Vilsack, of Iowa, to be Secretary of Agriculture.

The Committee on Agriculture, Nutrition, and Forestry forwarded the Committee's nomination questionnaire to Secretary-designate Vilsack. The Committee requires each nominee to complete a questionnaire relating to the nominee's qualifications and potential conflicts of interest. Governor Vilsack's responses to the questionnaire provided basic biographical and financial information.

As part of the confirmation process, the Committee received the nominee's Public Financial Disclosure Report and a copy of Governor Vilsack's letter to Mr. Raymond J. Sheehan, Designated Agency Ethics Official, U.S. Department of Agriculture. This letter details the steps that Governor Vilsack will take to avoid potential conflicts or the appearance of a conflict of interest.

In anticipation of the nomination, the Committee conducted a hearing on January 14, 2009, in public session, to carefully review the credentials and qualifications of Secretary-designate Vilsack. Governor Vilsack was the only witness at this hearing.

After the hearing and after Committee Members had the opportunity to review responses to written questions submitted for the record, the Committee polled all Members of the Committee to ascertain their positions regarding this nominee. We are pleased to report that the Committee on Agriculture, Nutrition, and Forestry unanimously supports the nomination of Thomas J. Vilsack for the position of Secretary of Agriculture.

TOM HARKIN,

Chairman.
SAXBY CHAMBLISS,
Ranking Member.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business, with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes today.

SENATOR TED KENNEDY

Mr. REID. Mr. President, we have just left the memorable inauguration of Barack Obama. But as President Obama said a few minutes ago, our minds are not on the events of today but for the fact that Senator KENNEDY took ill during the lunch. Senator KENNEDY is now in a Washington hospital. He and I sat together at the inauguration. We had such a wonderful time visiting about where we were and where we are.

So I would ask all, within the sound of my voice, to pause for a brief moment with our thoughts and, for those who feel it appropriate, our prayers for Senator KENNEDY and his lovely wife Vicki.

(Moment of silence.)

INAUGURAL ADDRESS OF PRESIDENT BARACK OBAMA

Mr. REID. Mr. President, it is very cold in Washington today, but our Nation's heart is warm. From every corner of our country and the furthest crevices of the Earth, people came together at the apex of our democracy to be a part of an American renewal.

President Barack Obama's inaugural address appealed to our better angels, as Abraham Lincoln called them, and our best intentions. President Obama reminded us no matter how daunting our challenges may seem, America always answers the call of history.

The millions who came together, lining our National Mall for miles and miles, were not merely observers to this memorable day; they were participants, ready to work with our new President in service to a common cause.

Our great country is ready to join our new President to answer that call to service. That is why we are in session now, a few short hours after the swearing in. Faced with some of the great challenges of our lifetimes and challenges in the history of our country, there is no time to waste.

In the coming days, weeks, and months, we will work with President Obama and our Republican colleagues to revive our economy, protect homeowners and consumers, bring our country closer to energy independence, strengthen our national security, and improve access to health care and education for all Americans.

These challenges require a President with a full arsenal of tools and experts. President Obama has nominated a Cabinet of exceptionally bright and capable people, as indicated by support from all over America—Democrats and Republicans and Independents talking about these great Cabinet nominees. These Cabinet nominees represent a cross-section of our country, geographically and politically.

So it is up to us, Democrats and Republicans in the Senate, to confirm these worthy nominees quickly so they, along with our new President, can hit the ground running.

I express my appreciation to my distinguished counterpart, Senator McConnell, for working with us today to move on to some of these nominations. For those who are not going to be approved today, we are going to work to approve them shortly.

Mr. President, I ask unanimous consent that a document entitled "Employment Guidelines for Potential Presidential Appointees in Subcabinet Positions" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMPLOYMENT GUIDELINES FOR POTENTIAL PRESIDENTIAL APPOINTEES IN SUBCABINET POSITIONS

An individual may be employed as an advisor or counselor to the Secretary prior to announcement, nomination and confirmation but after being selected as a potential nominee.

The advisor/counselor must:

Act in a manner consistent with that of an advisor preparing for additional duties and responsibilities and not presume any authority that could come only as a result of Senate confirmation. For example, do not use the office space, dining facilities, etc. that are available only to a confirmed appointee in that position.

Comply with all applicable ethics rules.

The advisor/counselor may:

Consult within the Department on current policy topics, receive briefings, and become familiar with relevant issues.

Offer informed advisory views on policy issues, but on a strictly informal basis.

The advisor/counselor must not:

Serve as an official Department representative in meetings or on travel.

Have access to classified materials until a security clearance is issued.

Sign any documents that give the appearance of having assumed official duties or take any actions that give the appearance of issuing authoritative guidance. Must not originate an action, receive routing of official actions of the Department or approve/disapprove any actions of the Department. However, the advisor may receive informational copies of action proposals and other official memoranda.

Undertake to hire, transfer, or terminate members of a potential future organization or otherwise reorganize its management. It is permissible, however, to meet and interview applicants and to informally advise confirmed appointees on personnel and organizational issues.

Use the term "designate" prior to nomination by The President of the United States. Meet with anyone outside the Department unless accompanied by a "reasonable official" of the Department who can speak for the Department. The limited role as a consultant to the Department, and not an official of the Department, should be made clear.

Attend a meeting with a contractor.

Meet with foreign officials or interest groups to any great extent.

Represent or speak for a component of the Department, or a prospective component, in a meeting within the Department.

Meet or speak with the press, other than in connection with the confirmation process and then only after consultation with Public Affairs.

Give speeches or make any appearances outside the Department on any issue relating to the business of the Department.

EXECUTIVE SESSION

NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider nominations received today: Steven Chu to be Secretary of Energy; Arne Duncan to be Secretary of Education; Janet Napolitano to be Secretary of Homeland Security; Peter Orszag to be Director of OMB; KENNETH SALAZAR to be Secretary of Interior; Eric Shinseki to be Secretary of Veterans Affairs; Thomas Vilsack to be Secretary of Agriculture. I ask consent that the Senate proceed to their consideration en bloc; that the nominations be confirmed, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order, and that any statements relating to the nominations be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Thomas J. Vilsack, of Iowa, to be Secretary of Agriculture.

DEPARTMENT OF EDUCATION

Arne Duncan, of Illinois, to be Secretary of Education.

DEPARTMENT OF ENERGY

Steven Chu, of California, to be Secretary of Energy.

DEPARTMENT OF HOMELAND SECURITY

Janet Ann Napolitano, of Arizona, to be Secretary of Homeland Security.

DEPARTMENT OF THE INTERIOR

Kenneth Lee Salazar, of Colorado, to be Secretary of the Interior.

DEPARTMENT OF VETERANS AFFAIRS

Eric K. Shinseki, of Hawaii, to be Secretary of Veterans Affairs.

EXECUTIVE OFFICE OF THE PRESIDENT

Peter R. Orszag, of Massachusetts, to be Director of the Office of Management and Budget.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

NOMINATION OF ARNE DUNCAN

• Mr. KENNEDY. Mr. President, I am pleased to voice enthusiastic support for the nomination of Arne Duncan to serve as Secretary of Education, and I urge my colleagues to join me in supporting his nomination. Mr. Duncan brings inspiration, dedication, and ability to the field of education, and I am confident that his leadership will help move America forward to tackle the challenges present in our educational system.

Last week, Mr. Duncan appeared before our Education Committee for his confirmation hearing. He was met with broad bipartisan support from members across our committee for his vision and his commitment to move American education forward at all levels—from early education through college.

Mr. Duncan shared with us his very personal connection to the field of education, which first developed with his work alongside his mother in an after-school tutoring program for needy students. Since then, he has worked to confront challenges and advance reforms as head of Chicago's schools. We are all aware of the demands on superintendents of large city school systems, which is why the average tenure of an urban school chief is less than 3 years. In Chicago, Arne Duncan has given 7. In each of those years, he focused with relentless determination on closing achievement gaps, improving teacher quality, reducing dropout rates, and better engaging communities in schools.

Throughout his career, Arne Duncan has brought an impressive, can-do pragmatism to the complex challenges present in our education system. He is a leader who will bring people together, put children first, support teachers and focus on results. Each of those traits will serve all of us well as he takes the helm of the U.S. Department of Education.

Today's nomination should also remind us all of the importance of education to America's future.

Education is the key to opportunity and a strong economy, and America's schools and teachers are the catalysts for change. The ability of each of our young people to compete and succeed in this new, global economy depends on our ability to ensure that they receive a high-quality education.

Education is also key to our national security. Skills and knowledge are the pathway to protecting America and maintaining our progress in the world.

Most of all, education is key to maintaining America's greatest ideals and values, and to ensuring the vitality of our democracy.

My friend and colleague, the late Claiborne Pell, used to say that the real strength and security of our nation lies in the education and character

of our people. Our Founding Fathers agreed, and so did many school reformers after them, from John Dewey to Horace Mann. As Americans, we have an obligation to provide everyone—regardless of their background, economic means, disability, or language skills—with the best possible education that enables them to develop their talents and participate fully and actively in their communities and in their country.

In order to achieve this goal, we need a new, major effort to confront and address the persistent challenges that are present in our educational system. This effort must span from the early years through high school, into college and beyond, and it must focus on building outstanding schools and institutions that deliver opportunity for every American to learn and succeed. Today's inauguration of our President-Elect marks our chance to write a new and better chapter in American education—one that will harness innovation, cultivate solutions, and invest wisely toward reaching our goals.

Our work must begin in the early years, by recognizing that what we do for our children in their first years has a profound impact on their later learning and success. The healthy development of children depends on the relationships they build with those around them—in any early learning setting.

Today, 38 States support prekindergarten programs for children, and invest more than \$3.7 billion in such programs. More than a million children attend State-funded preschool, comprising 22 percent of all 4-year-olds in the Nation. Nearly 1 million more low-income children are served by the Federal Head Start and Early Head Start programs. And 12 million children under the age of 5 are in some form of child care every week—1.7 million of which receive Federal assistance to attend such programs.

We must focus each of our early learning investments—at the Federal, State, and local level—on a shared goal of school readiness and quality, regardless of the child care center, preschool classroom, or early learning program in which a child participates. In the early years, quality is the key. We need a new effort to build an early education system that provides opportunities for every child to arrive at school ready with the skills necessary to succeed in kindergarten, and with a strong foundation from which to build and grow in their later academic experiences.

In elementary and secondary education, we must strengthen and modernize our public schools, and move quickly to address the inequities in our system that enable persistent achievement and opportunity gaps. No Child Left Behind started us down the road of accountability and high expectations for all students. But we need a new, national strategy to implement

the changes needed to better achieve the law's goals.

Any effort at improving public education must begin by supporting and strengthening America's teachers, who reside on the front line of school reform. We need new avenues to attract talented individuals into the teaching profession, and better supports to ensure that they remain in the classroom. We need new ways to encourage our best teachers to serve in the neediest schools, new mechanisms for recognizing and rewarding teacher successes, greater chances for teachers to develop and share their practice, and better opportunities for teachers to become leaders and decisionmakers in their own schools.

We cannot afford for America's students to be outcompeted and outpaced in this 21st century economy. We must support new efforts to increase the rigor and relevance of the school curriculum, more efficient and effective methods of testing and using school data, greater supports for disabled students and English learners, and a better-organized school schedule that maximizes learning time and provides new connections for students to develop knowledge and skills in their communities.

Unlocking the doors of higher education is more important today than ever before, and the dream of a college education should be available to any student with the talent, desire, and commitment to pursue it. Yet many of America's students still lack the help and assistance they need to prepare for college. A dollar sign still bars the doors of college opportunity for too many. For others, the path to college is blocked by heavy student loan debt and unmet financial need.

In the 110th Congress, we responded to these challenges by enacting the College Cost Reduction and Access Act and the Higher Education Opportunity Act. We committed to provide an unprecedented lifeline of need-based grant aid to students, to upgrade essential programs that prepare students for college, to reforming our student loan programs, and to simplifying the application process for college aid.

Yet far more remains to be done to address college access and affordability, and to bring the promise of a college degree to many more students. We must make greater strides in expanding the Pell grant for America's neediest students. We need new efforts to ensure that our Federal student aid programs protect students and taxpayers from risk, new mechanisms to contain and reduce soaring college costs, and new efforts to bolster the educational pipeline by strengthening community colleges and investing in college persistence and completion.

In each of these areas—early childhood education, elementary and secondary education, and higher edu-

cation—there are great challenges to be met. We must forge ahead with an urgency to confront each of them head on, and improve educational opportunities for all Americans.

Today is a great day that reminds us of all that's possible in the days ahead. Our work to help others achieve the American dream begins by improving education across our country. We should each dedicate ourselves to that goal, with a renewed spirit of innovation and a resolve for change. And I believe that Arne Duncan is just the person to lead us forward as our next Secretary of Education.●

Mr. ENZI. Mr. President, I support the pending nomination of Mr. Arne Duncan to be Secretary of Education. I had the opportunity to meet with Mr. Duncan earlier this month, although I have been aware of his work in Chicago for a number of years. What struck me the most is his focus on doing what is best for the children and his belief that every child can succeed regardless of their background.

During his confirmation hearing in the Health, Education, Labor and Pensions—HELP—Committee, Mr. Duncan was asked about what he had accomplished in Chicago as the CEO of the Chicago Public Schools. His support for charter schools, public school choice, performance pay for teachers and school leaders was highlighted at the hearing. He described how he had closed low-performing schools in Chicago because they were not providing children the education they needed. He also spoke of the important role teachers have and how we need not only to attract but retain quality teachers. He believes that children have one chance to get a good education, and as adults we need to make sure they have that opportunity to learn and achieve.

Historically, education has been a bipartisan issue. The HELP Committee has an excellent track record for getting bills passed and signed into law as a result of a strong bipartisan process. Mr. Duncan did not hesitate to commit to establishing and maintaining a cooperative working relationship with all Senators on the HELP Committee, Democrat or Republican, by promptly responding to any written or phone inquiries, sharing information as soon as it becomes available, and directing his staff to do the same. He also agreed that regulations promulgated under his direction should be based on legislative authority. Despite the recognition that it is easier to start something than to end it, he also pledged to target resources on programs that work and to eliminate those programs that don't. The members of the committee were impressed with his answers to our questions, and it was evident from our comments that he enjoys strong bipartisan support. I am hopeful that support will show itself by our vote today.

Mr. Duncan is no stranger to the challenges that he will face as Secretary of Education. He understands the important issues that will affect every child and every schoolroom throughout the United States. His track record with a major urban school district is well known. However, I did caution Mr. Duncan that I will remind him regularly and often of the unique challenges that rural and frontier schools and students face. Congress and the Department of Education need to work together to make sure that every school has the tools and the flexibility needed to help students develop the knowledge and skills required to be successful in the 21st century.

We cannot afford to have students leaving high school—and college—without completing their programs of study. Mr. Duncan and I agree that we have to build upon the successes of No Child Left Behind, coordinate efforts across programs including Head Start, career and technical education and workforce programs under the Workforce Investment Act, and reduce the barriers nontraditional students face to obtaining education that will provide the knowledge and skills they need to be successful in the 21st century. Our country's future depends on our ability to reach this goal.

It is no secret—good skills lead to good jobs. Maintaining those skills through a lifetime of learning will lead to a good career. Mr. Duncan understands this and the fact that the workplace isn't what it used to be. In this global, technology-driven economy, school is never out. Today's workplace demands an ever-changing workforce that can adapt to the requirements and skills of the new high-tech jobs that are in such high demand. Keeping workers' abilities current will be vital if they are to continue to find the kind of good jobs they will need to support their families and maintain a consistently high standard of living. I was pleased to see that Mr. Duncan supports the role community colleges can play in providing this education and training and understands the need to support and accommodate the growing population of nontraditional students in our postsecondary education institutions.

I am pleased to be able to join the distinguished chairman of the committee, Senator KENNEDY, in supporting the confirmation of Mr. Duncan to be the next Secretary of Education. Today, this body has the opportunity to confirm an excellent nominee with the skills, experience, and commitment to help students of all backgrounds throughout their lives achieve their own version of the American dream. By confirming Arne Duncan as the next Secretary of Education I am confident that we will have an effective advocate for education and who will work to meet the lifelong education

needs of our children and students of all ages.

I intend to vote in favor of Mr. Duncan's nomination to head the Department of Education, and I urge my colleagues to do the same.

NOMINATION OF PETER R. ORSZAG

Ms. COLLINS. Mr. President, I wish to support the nomination of Dr. Peter R. Orszag to be the Director of the Office of Management and Budget.

As our Nation wrestles with the economic crisis, the next Director of the Office of Management and Budget, OMB, must be prepared to tackle serious fiscal and budgetary crises. The Federal budget is under stress from the impact of a deep recession and the costs of rescue and stimulus packages. Spiraling, out-of-control health-care costs are driving long-term budgetary imbalances. And the next few years will also see cresting waves of baby boom retirements, with enormous impacts on Social Security and Medicare expenditures, as well as the Federal workforce.

Pointing to these trends and to the estimated \$1.2 trillion deficit for the current fiscal year, President Obama has prudently warned that unless strong measures are taken, the outlook is for "red ink as far as the eye can see." That is, of course, an unacceptable and unsustainable scenario for the Government, for the economy, and for the households and business owners who pay the Government's bills.

OMB is the leading player for the incoming administration as it formulates policy to deal with a grim present and uncertain future. OMB also serves as a critical link between Congress and the executive branch as we work toward a consensus on a sustainable path forward.

Dr. Orszag brings an impressive set of skills and experiences—and apparently boundless energy—to OMB. As a former Director of the nonpartisan Congressional Budget Office, he is familiar with the legislative branch and the intricacies of budgets and policy analysis. Earlier service as an economics adviser in the Clinton administration, as a scholar at the Brookings Institution, and as a consultant will also provide important perspectives.

Dr. Orszag will need to draw on every ounce of his knowledge and experience as he takes the reins of OMB.

Dr. Orszag has already indicated that the economy and stimulus measures portend a near-term rise in the deficit. But as he knows, recent years' outlays and the growth of unfunded entitlements are unsustainable.

We desperately need a realistic plan to avoid having the Federal budget become a mammoth drag on opportunities for job growth and higher personal income—and for people's ability to decide what to do with their own money. The public also expects aggressive oversight and careful stewardship of

the Troubled Asset Relief Program and of any future economic-recovery package.

Dr. Orszag will also need to focus intensely on the management challenges confronting the Federal Government. OMB must provide sustained leadership to build upon contracting reforms Senator LIEBERMAN and I championed in the last Congress. Improving transparency and accountability in Government operations and enhancing agency performance will also be Dr. Orszag's responsibility.

These and other pressing challenges will confront Dr. Orszag as Director of Office of Management and Budget. I look forward to working with him as we confront the financial problems our Nation faces.

NOMINATION OF JANET NAPOLITANO

Mr. President, I also support the nomination of Arizona Governor Janet Napolitano to be the Secretary of the Department of Homeland Security.

As the Department nears its sixth anniversary, those of us who participated in its creation can take some measure of satisfaction in its progress. The men and women of the Department have helped detect and prevent terrorist attacks.

Our Nation's ability to prepare for and respond to disasters—whether natural or manmade—has also improved dramatically with the changes this committee made in the structure and operations of FEMA. Nonetheless, constantly evolving terrorist threats and the forces of nature demand further improvements at the Department and strong and skilled leadership.

I believe Governor Napolitano will provide that leadership.

I have had the opportunity to closely examine the record of Governor Napolitano and talk with her about a wide range of issues, including security at our borders and seaports, cooperation with State and local law enforcement, and the myriad tests that DHS must confront in the coming years.

The Governor's law enforcement background and knowledge of homeland security issues are impressive.

Her experience as a border-State Governor enables her to bring an important perspective to the Department. Arizona, like my home State of Maine, is a border State with extensive cross-border and tourism. Residents of border communities work, shop, worship, and visit friends and family on both sides of the boundary, complicating the challenge of border security.

Governor Napolitano understands that we have to let our friends in, while keeping our enemies out—enforcing border regulations in a practical manner that accommodates legitimate trade and travel.

One emerging challenge the new Secretary will face is the need to enhance security at the Nation's biological laboratories. The recent report of the

Commission on Weapons of Mass Destruction predicted a terrorist attack with a biological weapon within the next 5 years. The Commission pointed to lax security at biological labs as one of the bases for that chilling assessment.

Another threat that the Department must address is the security of our Nation's cyber-infrastructure. The Department must fully understand the cyber threat and establish and enforce best practices across the executive branch, as well as redouble its efforts to work with the private sector on cyber-security.

We must also continue to focus on the security and resiliency of our Nation's critical infrastructure. With more than 85 percent of those assets in private hands, this is a daunting task. Seaports and chemical facilities have been made more secure through legislation that I coauthored. In addition to extending these two important programs, the Department must develop a strategy to promote the best practices developed through the National Infrastructure Protection Plan.

In the last 6 years, DHS has helped improve our all-hazards preparedness and response capabilities. Homeland security grant funding for our State and local first responders has certainly played a key role in that effort. Funding levels in the last few years, however, have been under attack from the executive branch, and DHS has not yet fully complied with the requirement to establish an all-hazards risk formula. The Department must also improve information sharing and cooperation with our State and local partners.

The Federal Emergency Management Agency forms the core of the Department's ability to perform its preparedness, response, and recovery missions. After Hurricane Katrina, Senator LIEBERMAN and I authored vital reforms of FEMA. Subsequent disasters like wildfires, tornadoes, and severe storms and floods have demonstrated FEMA's new and improved capabilities, bolstered by increased coordination with State and local governments and military resources.

FEMA's documented improvements and the logical combination of all-hazards prevention, preparedness, response, and recovery in a single department underscore the need to keep FEMA within DHS. Detaching FEMA in the vain hope of recapturing mythical halcyon days would weaken its effectiveness, reduce the ability of DHS to carry out its all-hazards planning mandate, cause needless duplication of effort, and foment confusion among State and local first responders during a disaster. That is why our Nation's leading first responder organizations, like the International Association of Fire Fighters, the International Association of Fire Chiefs, the Congressional Fires Services Institute, the

International Association of the Chiefs of Police, and the National Troopers Coalition, all strongly support keeping FEMA as part of DHS.

As a relatively new Department, DHS still suffers from significant integration and management challenges. The effective operation of the Department's 22 legacy agencies requires a strong Departmental culture, close collaboration between the Department's components, and effective cooperation with other Federal, State, local, tribal and private-sector partners. From the Department's program management and resource allocations, to the basic need for a consolidated headquarters, the next Secretary must focus intently on removing obstacles to effective integration and improved performance.

To continue its growth, the Department must have a skilled executive to lead its dedicated workforce. I believe Governor Janet Napolitano has the ability to meet these and other challenges facing the Department of Homeland Security in the years to come. I look forward to working with her and urge support for her nomination.

NOMINATION OF ERIC SHINSEKI

Ms. MIKULSKI. Mr. President, I rise to discuss the nomination of GEN Eric Shinseki for Secretary of Veterans Affairs.

I have three criteria that I use to evaluate all executive branch nominees: competence, integrity, and commitment to the core mission of the Department. Based on these criteria, I wholeheartedly support General Shinseki to be our next Secretary of Veterans Affairs.

In his 38-year Army career, which culminated at Chief of Staff of the Army, General Shinseki was always first and foremost an advocate for the soldiers—he was a soldier's general. As a veteran of combat in Vietnam, during which he suffered life threatening and life altering injuries, General Shinseki understands firsthand the obstacles our returning troops face. He knows what it is like to be made whole again in the military health care system. I know General Shinseki will focus on transforming the Department of Veterans Affairs into an agency for the 21st century with the same fortitude and tenacity he has shown throughout his military career.

This is a critical time for the Department of Veterans Affairs. Historically high percentages of wounded soldiers are surviving their wounds. For this we should be thankful. However, many of them are grievously disabled with debilitating, visible wounds of war, or with equally debilitating wounds that do not bleed—like post-traumatic stress disorder and traumatic brain injury. Our veterans' health systems must be updated and adapted to care for this new generation. Our country has made a 50-year commitment to our wounded warriors to care for them. We

must streamline the red-tape that prevents wounded warriors from receiving the care they need. We must shorten the months of waiting for the benefits claims process to unfold. We must better integrate the DOD and VA health care systems to create a single system with uniform rating processes and standards. We owe our veterans nothing less. General Shinseki is the right choice to lead the VA to a higher state of readiness to care for this new generation of veterans.

The Department of Veterans Affairs challenges don't end with our immediate obligations to our wounded veterans, but must persist in addressing our long-term promises to our veterans. This means maintaining affordable health care for our retired servicemembers. Making it responsive. Providing the best care. Ensuring our promises made are promises kept.

The Department of Veterans Affairs challenges also include aiding members with the transition into civilian life. I am proud of the recent steps we have taken in Congress to help veterans. Last year we passed the post-9/11 Veterans Educational Assistance Act to make badly needed updates to the G.I. bill. This legislation will provide educational benefits to help a new generation of veterans and servicemembers so they can better themselves through education, better their ability to serve our Nation as soldiers and citizens, and better provide for themselves and their families. I am also proud of the wounded warrior legislative provisions Congress passed in 2007. These provisions mandated a modernization to the military health care system's approach to post-traumatic stress disorder and traumatic brain injury care. I will look to General Shinseki not just to ensure the implementation of these groundbreaking legislative accomplishments is a priority, but also to identify meaningful and comprehensive steps to build on this foundation to ensure that our veterans health care system delivers the world class care our veterans have earned.

I look forward to working with GEN Eric Shinseki as the Secretary of Veterans Affairs and have full confidence in his honesty, his integrity, and his ability to stand up for our veterans. The next Secretary of Veterans Affairs will face many challenges. I look forward to meeting those challenges with him as he leads the Veterans Affairs Department in this time of change.

Mr. REED. Mr. President, with respect to the nominations confirmed today, I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

INAUGURAL CEREMONY

Mr. REID. Mr. President, I ask unanimous consent that the Inaugural Ceremony proceedings be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INAUGURAL CEREMONY

Inauguration of Barack Hussein Obama, January 20, 2009, 11:30 a.m.

The Joint Chiefs of Staff assembled on the President's platform.

The Diplomatic Corps assembled on the President's platform.

The Governors of the United States and its territories and the Mayor of the District of Columbia assembled on the President's platform.

Members of the 111th House of Representatives of the United States, led by majority whip James E. Clyburn and Republican whip Eric Cantor, assembled on the President's platform.

Members of the Senate of the United States assembled on the President's platform.

Former Speakers of the House of Representatives, Thomas Foley and Newt Gingrich, accompanied by Mrs. Foley and Mrs. Gingrich, assembled on the President's platform.

Former Vice Presidents Walter Mondale, Dan Quayle, and Al Gore, accompanied by Mrs. Mondale, Mrs. Quayle, and Mrs. Gore, assembled on the President's platform.

Mr. William M. Daley, Ms. Penny Pritzker, Mr. John W. Rogers, Jr., Mr. Patrick G. Ryan, and Ms. Julianna Smoot, cochairs of the 56th Presidential Inaugural Committee; and Mr. Emmett S. Beliveau, executive director of the 56th Presidential Inaugural Committee, assembled on the President's platform.

The President-elect's Cabinet and agency designees assembled on the President's platform.

The Chief Justice of the United States, the Honorable John G. Roberts, Jr., and the Associate Justices of the Supreme Court of the United States assembled on the President's platform.

The 39th President of the United States, Jimmy Carter, and Mrs. Rosalynn Carter assembled on the President's platform.

The 41st President of the United States, George H.W. Bush, and Mrs. Barbara Bush assembled on the President's platform.

The 42nd President of the United States, William Jefferson Clinton, and Senator Hillary Rodham Clinton assembled on the President's platform.

The children of the Vice President-elect, CPT Beau Biden, Hunter Biden, and Ashley Biden, accompanied by House Chief Administrative Officer Dan Beard, assembled on the President's platform.

Mrs. Marian Robinson and the daughters of the President-elect, Malia and Sasha Obama, accompanied by Assistant Secretary of the Senate Sheila Dwyer, assembled on the President's platform.

The First Lady, Mrs. Laura Bush, and the wife of the Vice President, Mrs. Lynne Cheney, accompanied by Secretary Chao, Mrs. Bennett, Mrs. Boehner, and Republican staff

director of the U.S. Senate Committee on Rules and Administration, Mary Suit Jones, assembled on the President's platform.

Mrs. Michelle Obama and Dr. Jill Biden, accompanied by the Secretary of the Senate, Nancy Erickson; the Clerk of the House of Representatives, Lorraine Miller; Mr. Blum, Mr. Pelosi, and Mrs. Reid, assembled on the President's platform.

The President of the United States, the Honorable George Walker Bush, and the Vice President of the United States, Dick Cheney, accompanied by Senate Republican leader Mitch McConnell, Senator Robert Bennett, House Republican leader, Representative John Boehner, and Secretary for the minority David Schiappa, assembled on the President's platform.

The Vice President-elect of the United States, Joseph R. Biden, Jr., accompanied by the inaugural coordinator for the Joint Congressional Committee on Inaugural Ceremonies, Jennifer Griffith; Senate Deputy Sergeant at Arms Drew Wilson; House Deputy Sergeant at Arms Kerri Hanley; Senate majority leader, Senator Harry Reid; House majority leader, Representative Steny Hoyer, assembled on the President's platform.

The President-elect of the United States, Barack H. Obama, accompanied by the staff director for the Joint Congressional Committee on Inaugural Ceremonies, Howard Gantman; the Senate Sergeant at Arms, Terrence W. Gainer; the House Sergeant at Arms, Wilson Livingood; chairman of the Joint Congressional Committee on Inaugural Ceremonies, Senator Dianne Feinstein; Senator Robert Bennett; the Speaker of the House of Representatives, Nancy Pelosi; the Senate majority leader, Harry Reid; House majority leader, Representative Steny Hoyer; House Republican leader, Representative John Boehner, assembled on the President's platform.

Mrs. FEINSTEIN. Mr. President and Vice President, Mr. President-elect and Vice President-elect, ladies and gentlemen, welcome to the inauguration of the 44th President of the United States of America.

(Applause.)

Mrs. FEINSTEIN. The world is watching today as our great democracy engages in this peaceful transition of power. Here on the National Mall, where we remember the founders of our Nation and those who fought to make it free, we gather to etch another line in the solid stone of history. The freedom of a people to choose its leaders is the root of liberty. In a world where political strife is too often settled with violence, we come here every 4 years to bestow the power of the Presidency upon our democratically elected leader.

Those who doubt the supremacy of the ballot over the bullet can never diminish the power engendered by nonviolent struggles for justice and equality like the one that made this day possible. No triumph tainted by brutality could ever match the sweet victory of this hour and of what it means to those who marched and died to make it a reality. Our work is not yet finished, but future generations will mark this morning as the turning point for real and necessary change in our Nation. They will look back and remember that this was the moment when the dream that once echoed across history from the steps of the Lincoln Memorial finally reached the walls of the White House.

(Applause.)

Mrs. FEINSTEIN. In that spirit, we today not only inaugurate a new administration, we pledge ourselves to the hope, the vision,

the unity, and the renewed call to greatness inspired by the 44th President of the United States, Barack Obama.

(Applause.)

Mrs. FEINSTEIN. Thank you, and God bless America.

(Applause.)

Mrs. FEINSTEIN. At this time I call upon Dr. Rick Warren, pastor of the Saddleback Church in Lake Forest, CA, to provide the invocation.

Pastor WARREN. Let us pray.

Almighty God, our Father, everything we see and everything we can't see exists because of You alone. It all comes from You. It all belongs to You. It all exists for Your glory. History is Your story. The scripture tells us: Hear, O Israel, the Lord is our God, the Lord is one. And You are the compassionate and merciful one, and You are loving to every one You have made. Now, today, we rejoice, not only in America's peaceful transfer of power for the 44th time, we celebrate a hinge point of history, with the inauguration of our first African-American President of the United States. We are so grateful to live in this land, a land of unequalled possibility, where the son of an African American can rise to the highest level of our leadership. And we know today that Dr. King and a great cloud of witnesses are shouting in heaven.

Give to our new President Barack Obama the wisdom to lead us with humility, the courage to lead us with integrity, the compassion to lead us with generosity. Bless and protect him, his family, Vice President Biden, the Cabinet, and every one of our freely elected leaders. Help us, O God, to remember that we are Americans, united not by race or religion or blood but to our commitment to freedom and justice for all.

When we focus on ourselves, when we fight each other, when we forget You, forgive us. When we presume that our greatness and our prosperity is ours alone, forgive us. When we fail to treat our fellow human beings and all the Earth with the respect that they deserve, forgive us.

As we face these difficult days ahead, may we have a new birth of clarity in aims, responsibility in our actions, humility in our approaches, and civility in our attitudes, even when we differ. Help us to share, to serve, and to seek the common good of all. May all people of goodwill today join together to work for a more just, a more healthy, and a more prosperous nation and a peaceful planet. And may we never forget that one day all nations and all people will stand accountable before You.

We now commit our new President and his wife Michelle and his daughters, Malia and Sasha, into Your loving care. I humbly ask this in the name of the one who changed my life, Yeshua, Issa, Jesus, Jesus, who taught us to pray: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on Earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation but deliver us from evil. For thine is the kingdom and the power and the glory forever. Amen.

(Applause.)

Mrs. FEINSTEIN. I am so pleased to introduce world renowned musical artist Aretha Franklin to sing "My Country 'Tis of Thee."

(Performance by Ms. Aretha Franklin.)

Mrs. FEINSTEIN. Please join me in welcoming my colleague from Utah, the Honorable Robert Bennett.

Mr. BENNETT. It is my great honor to introduce Associate Justice of the Supreme

Court of the United States John Paul Stevens, who will administer the oath of office to the Vice President-elect. Will you all please stand.

Associate Justice JOHN PAUL STEVENS administered to the Vice President-elect the oath of office prescribed by the Constitution, which he repeated, as follows:

"I, JOSEPH ROBINETTE BIDEN, JR. do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of my office on which I am about to enter. So help me God."

(Applause.)

Mrs. FEINSTEIN. It is my pleasure to introduce a unique musical performance: Mr. Itzhak Perlman, violinist; Anthony McGill, clarinet; Yo-Yo Ma, cellist; and Gabriela Montero, pianist, performing "Air and Simple Gifts," a composition arranged for this occasion by John Williams.

(Performance by Mr. Yo-Yo Ma, Mr. Anthony McGill, Ms. Gabriela Montero, and Mr. Itzhak Perlman.)

Mrs. FEINSTEIN. It is my distinct honor to present the Chief Justice of the United States, the Honorable John G. Roberts, Jr., who will administer the Presidential oath of office. Everyone, please stand.

The Chief Justice of the Supreme Court, JOHN G. ROBERTS, JR., administered to the President-elect the oath of office prescribed by the Constitution, which he repeated, as follows:

"I, BARACK HUSSEIN OBAMA, do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So Help me God."

THE CHIEF JUSTICE. Congratulations, Mr. President.

(Applause.)

Mrs. FEINSTEIN. Ladies and gentlemen, it is my great personal honor to present the 44th President of these United States, Barack Obama.

(Applause.)

THE PRESIDENT. Thank you. Thank you. My fellow citizens, I stand here today humbled by the task before us, grateful for the trust you bestowed, mindful of the sacrifices borne by our ancestors. I thank President Bush for his service to our Nation, as well as the generosity and cooperation he has shown throughout this transition.

Forty-four Americans have now taken the Presidential oath. The words have been spoken during rising tides of prosperity and the still waters of peace. Yet, every so often, the oath is taken amidst gathering clouds and raging storms. At these moments, America has carried on not simply because of the skill or vision of those in high office but because we, the people, have remained faithful to the ideals of our forebears and true to our founding documents. So it has been. So it must be with this generation of Americans.

That we are in the midst of crisis is now well understood. Our Nation is at war against a far-reaching network of violence and hatred. Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some but also our collective failure to make hard choices and prepare the Nation for a new age. Homes have been lost; jobs shed; businesses shuttered. Our health care is too costly; our schools fail too many; and each day brings further evidence that

the ways we use energy strengthen our adversaries and threaten our planet. These are the indicators of crisis, subject to data and statistics. Less measurable but no less profound is a sapping of confidence across our land, a nagging fear that America's decline is inevitable, that the next generation must lower its sights.

Today I say to you that the challenges we face are real. They are serious, and they are many. They will not be met easily or in a short span of time. But know this, America—they will be met.

(Applause.)

On this day, we gather because we have chosen hope over fear, unity of purpose over conflict and discord. On this day, we come to proclaim an end to the petty grievances and false promises, the recriminations and worn-out dogmas that for far too long have strained our politics. We remain a young Nation, but in the words of scripture: The time has come to set aside childish things. The time has come to reaffirm our enduring spirit, to choose our better history, to carry forward that precious gift, that noble idea passed on from generation to generation, the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.

(Applause.)

In reaffirming the greatness of our Nation, we understand that greatness is never a given. It must be earned. Our journey has never been one of shortcuts or settling for less. It has not been the path for the faint-hearted, for those who prefer leisure over work or seek only the pleasures of riches and fame. Rather, it has been the risk takers, the doers, the makers of things, some celebrated but more often men and women obscure in their labor who have carried us up the long rugged path towards prosperity and freedom. For us, they packed up their few worldly possessions and traveled across oceans in search of a new life. For us, they toiled in sweatshops and settled the West, endured the lash of the whip, and plowed the hard earth. For us, they fought and died in places like Concord and Gettysburg, Normandy and Khe Sahn.

Time and again, these men and women struggled and sacrificed and worked until their hands were raw so that we might live a better life. They saw America as bigger than the sum of our individual ambitions, greater than all the differences of birth or wealth or faction.

This is the journey we continue today. We remain the most prosperous, powerful Nation on Earth. Our workers are no less productive than when this crisis began. Our minds are no less inventive, our goods and services no less needed than they were last week or last month or last year. Our capacity remains undiminished, and our time of standing pat and protecting narrow interests and putting off unpleasant decisions—that time has surely passed. Starting today, we must pick ourselves up, dust ourselves off, and begin again the work of remaking America.

(Applause.)

For everywhere we look, there is work to be done. The state of our economy calls for action, bold and swift. And we will act, not only to create new jobs but to lay a new foundation for growth. We will build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together. We will restore science to its rightful place and wield technology's wonders to raise health care's quality and lower its cost. We will harness the Sun and the winds and the soil to fuel our cars and run our fac-

tories. And we will transform our schools and colleges and universities to meet the demands of a new age. All this we can do. All this we will do.

Now, there are some who question the scale of our ambitions, who suggest that our system cannot tolerate too many big plans. Their memories are short. For they have forgotten what this country has already done, what free men and women can achieve when imagination is joined to common purpose and necessity to courage. What the cynics fail to understand is that the ground has shifted beneath them, that the stale political arguments that have consumed us for so long no longer apply.

The question we ask today is not whether our Government is too big or too small but whether it works—whether it helps families find jobs at a decent wage, care they can afford, a retirement that is dignified. Where the answer is, yes, we intend to move forward. Where the answer is no, programs will end. Those of us who manage the public's dollars will be held to account—to spend wisely, reform bad habits, and do our business in the light of day—because only then can we restore the vital trust between a people and their Government.

Nor is the question before us whether the market is a force for good or ill. Its power to generate wealth and expand freedom is unmatched. But this crisis has reminded us that without a watchful eye, the market can spin out of control and that a nation cannot prosper long when it favors only the prosperous. The success of our economy has always depended not just on the size of our gross domestic product but on the reach of our prosperity, on the ability to extend opportunity to every willing heart—not out of charity but because it is the surest route to our common good.

(Applause.)

As for our common defense, we reject as false the choice between our safety and our ideals. Our Founding Fathers, faced with perils that we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man, a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience sake. And so to all the other peoples and governments who are watching today, from the grandest capitals to the small village where my father was born, know that America is a friend of each nation and every man, woman, and child who seeks a future of peace and dignity and that we are ready to lead once more.

(Applause.)

Recall that earlier generations faced down fascism and communism not just with missiles and tanks but with sturdy alliances and enduring convictions. They understood that our power alone cannot protect us, nor does it entitle us to do as we please. Instead, they knew that our power grows through its prudent use. Our security emanates from the justness of our cause, the force of our example, the tempering qualities of humility and restraint. We are the keepers of this legacy. Guided by these principles once more, we can meet those new threats that demand even greater effort, even greater cooperation and understanding between nations.

We will begin to responsibly leave Iraq to its people and forge a hard-earned peace in Afghanistan. With old friends and former foes, we will work tirelessly to lessen the nuclear threat and roll back the specter of a warming planet. We will not apologize for our way of life, nor will we waiver in its defense. And for those who seek to advance

their aims by inducing terror and slaughtering innocents, we say to you now that our spirit is stronger and cannot be broken. You cannot outlast us, and we will defeat you.

(Applause.)

For we know that our patchwork heritage is a strength, not a weakness. We are a nation of Christians and Muslims, Jews and Hindus, and nonbelievers. We are shaped by every language and culture, drawn from every end of this Earth. And because we have tasted the bitter swill of civil war and segregation and emerged from that dark chapter stronger and more united, we cannot help but believe that the old hatreds shall someday pass; that the lines of tribe shall soon dissolve; that as the world grows smaller, our common humanity shall reveal itself; and that American must play its role in ushering in a new era of peace.

To the Muslim world, we seek a new way forward based on mutual interest and mutual respect. To those leaders around the globe who seek to sow conflict or blame their society's ills on the West, know that your people will judge you on what you can build, not what you destroy.

(Applause.)

To those who claim power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history but that we will extend a hand if you are willing to unclench your fist.

(Applause.)

To the people of poor nations, we pledge to work alongside you to make your farms flourish and let clean waters flow; to nourish starved bodies and feed hungry minds. And to those nations like ours that enjoy relative plenty, we say we can no longer afford indifference to the suffering outside our borders, nor can we consume the world's resources without regard to effect. For the world has changed, and we must change with it.

As we consider the role that unfolds before us, we will remember with humble gratitude those brave Americans who at this very hour patrol far off deserts and distant mountains. They have something to tell us, just as the fallen heroes who lie in Arlington whisper through the ages. We honor them not only because they are the guardians of our liberty but because they embody the spirit of service, a willingness to find meaning in something greater than themselves. And yet at this moment—a moment that will define a generation—it is precisely this spirit that must inhabit us all. For as much as Government can do and must do, it is ultimately the faith and determination of the American people upon which this Nation relies. It is the kindness to take in a stranger when the levees break, the selflessness of workers who would rather cut their hours than see a friend lose their job which sees us through our darkest hours. It is the firefighter's courage to storm a stairway filled with smoke but also a parent's willingness to nurture a child that finally decides our fate.

Our challenges may be new. The instruments with which we meet them may be new. But those values upon which our success depends—honesty and hard work, courage and fair play, tolerance and curiosities, loyalty and patriotism—these things are old. These things are true. They have been the quiet force of progress throughout our history. What is demanded, then, is a return to these truths; what is required of us now is a new era of responsibility—a recognition, on the part of every American, that we have duties to ourselves, our Nation, and the world, duties that we do not grudgingly accept but, rather, seize gladly, firm in the knowledge

that there is nothing so satisfying to the spirit, so defining of our character, than giving our all to a difficult task.

This is the price and the promise of citizenship. This is the source of our confidences—the knowledge that God calls on us to shape an uncertain destiny.

This is the meaning of our liberty and our creed—why men and women and children of every race and every faith can join in celebration across this magnificent Mall, and why a man whose father, less than 60 years ago, might not have been served at a local restaurant can now stand before you to take a most sacred oath.

(Applause.)

So let us mark this day with remembrance of who we are and how far we have traveled. In the year of America's birth, in the coldest of months, a small band of patriots huddled by dying camp fires on the shores of an icy river; the capital was abandoned, the enemy was advancing, the snow was stained with blood; at a moment when the outcome of our Revolution was most in doubt, the Father of our Nation ordered these words be read to the people:

Let it be told to the future world . . . that in the depth of winter, when nothing but hope and virtue could survive . . . that the city and the country, alarmed at one common danger, came forth to meet [it].

America, in the face of our common dangers, in this winter of our hardship, let us remember these timeless words. With hope and virtue, let us brave once more the icy currents and endure what storms may come. Let it be said by our children's children that when we were tested, we refused to let this journey end, that we did not turn back, nor did we falter; and with eyes fixed on the horizon and God's grace upon us, we carried forth that great gift of freedom and delivered it safely to future generations.

Thank you. God bless you. And God bless the United States of America.

(Applause.)

Mrs. FEINSTEIN. I have the distinct pleasure of introducing an American poet, Elizabeth Alexander.

Ms. ALEXANDER. "Praise Song for the Day."

Each day we go about our business, walking past each other, catching each other's eyes or not, about to speak or speaking.

All about us is noise. All about us is noise and bramble, thorn and din, each one of our ancestors on our tongues.

Someone is stitching up a hem, darning a hole in a uniform, patching a tire, repairing the things in need or repair.

Someone is trying to make music somewhere, with a pair of wooden spoons on an oil drum, with cello, boom box, harmonica, voice.

A woman and her son wait for the bus. A father considers the changing sky. A teacher says, "Take out your pencils. Begin."

We encounter each other in words, words spiny or smooth, whispered or declaimed, words to consider, reconsider.

We cross dirt roads and highways that mark the will of some one and then others, who said I need to see what's on the other side.

I know there's something better down the road. We need to find a place where we are safe. We walk into that which we cannot yet see.

Say it plain: that many have died for this day. Sing the names of the dead who

brought us here, who laid the train tracks, raised the bridges, picked the cotton and the lettuce, built brick by brick the glittering edifices they would then keep clean and work inside of.

Praise song for struggle, praise song for the day. Praise song for every hand-lettered sign, the figuring-it-out at kitchen tables.

Some live by love thy neighbor as thy self, others by first do no harm or take no more than you need. What if the mightiest word is love?

Love beyond marital, filial, national, love that casts a widening pool of light, love with no need to pre-empt grievance.

In today's sharp sparkle, the winter air, any thing can be made, any sentence begun.

On the brink, on the brim, on the cusp, praise song for walking forward in that light.

Mrs. FEINSTEIN. And now it is my privilege to introduce the Reverend Dr. Joseph E. Lowery to deliver the benediction.

Reverend LOWERY. God of our weary years, God of our silent tears, Thou who hast brought us thus far along the way, Thou who has by the might, led us into the light, keep us forever in the path we pray. Lest our feet stray from the places, our God, where we met Thee; lest our hearts drunk with the wine of the world we forget Thee, shadowed beneath Thy hand, may we forever stand true to our God and true to our native land.

We truly give thanks for the glorious experience we have shared this day. We pray now, O Lord, for your blessing upon thy servant, Barack Obama, the 44th President of these United States, his family and his administration. He has come to this high office at a low moment in the national and, indeed, global fiscal climate. But because we know you have got the whole world in Your hands, we pray for not only our Nation but for the community of nations. Our faith does not shrink, though pressed by the flood of mortal ills, for we know that, Lord, You are able and You are willing to work through faithful leadership to restore stability, mend our brokenness, heal our wounds, and deliver us from the exploitation of the poor, the least of these, as well as favoritism toward the rich, the elite of these.

We thank You for the empowering of Thy servant, our 44th President, to inspire our Nation to believe that, yes, we can work together to achieve a more perfect Union. While we have sown the wind of greed and corruption and even as we reap the whirlwind of social and economic disruption, we seek forgiveness and we come in the spirit of unity and solidarity to commit our support to our President by willingness to make sacrifices necessary to respect Your creation, to turn to each other and not on each other.

And now Lord, in the complex arena of human relationships, help us to make choices on the side of love not hate, on the side of inclusion not exclusion, tolerance not intolerance. And as we leave this mountain-top, help us to hold on to the spirit of fellowship, of koinonia, and the oneness of our family. And take that spiritual power back to our homes, our workplaces, our churches, our temples, our mosques, wherever we seek Your will.

Bless President Barack, First Lady Michelle, look over our little "angelics," Sasha and Malia. We go now to walk together, children, pledging that we won't get weary in the difficult days ahead. We know You will not leave us alone with Your hands of power and Your heart of love. Help us, then, now Lord, to work for that day when

nation shall not lift up sword against nation, when tanks will be beaten into tractors, when every man and every woman shall sit under his or her own vine and fig tree, and none shall be afraid; when justice will roll down like water and righteousness as a mighty stream.

Lord, in the memory of all the saints who from their labors rest, and in the joy of a new beginning, we ask You to help us work for that day when Black will not be asked to get back, when Brown can stick around, when Yellow will be mellow, when the Red man can get ahead man, and when White will embrace what is right. Let all those who do justice and love mercy say amen. Say amen. And amen. Amen.

(Applause.)

Mrs. FEINSTEIN. Ladies and gentlemen, please rise for the singing of our national anthem by the U.S. Navy Sea Chanters Chorus. Following the anthem, please remain in place while the presidential party exits the platform. Thank you very much.

(Performance by the U.S. Navy Sea Chanters.)

(The Inaugural ceremony was concluded at 12:36 p.m.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ADDITIONAL COSPONSORS

S. 249

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 249, a bill to amend the Internal Revenue Code of 1986 to qualify formerly homeless youth who are students for purposes of low income tax credit.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, I also express my appreciation to my Republican colleagues for the unanimous-consent request I am going to offer at this time, which has been approved, as I understand it, by the Republican leader and the other Senators.

Mr. President, as in executive session, I ask unanimous consent that tomorrow, January 21, at the hour of 12 p.m., the Senate proceed to executive session to consider the nomination of HILLARY CLINTON to be Secretary of State; that there be 3 hours of debate,

with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination of Senator CLINTON; that upon confirmation, the motion to reconsider be laid upon the table; that no other motions be in order; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

ORDER FOR RECESS

Mr. President, I further ask unanimous consent that the Senate stand in recess for our usual party luncheons, and that the recess begin, if it is appropriate with the distinguished Republican leader, at 12:45 p.m., rather than at 12:30, so some debate can move forward.

Mr. McCONNELL. Mr. President, if the majority leader would yield for a question?

Mr. REID. Mr. President, I would be happy to.

Mr. McCONNELL. Is the Senator suggesting that the time on Senator CLINTON's nomination run through the luncheons?

Mr. REID. Well, what I would like to do: We would stop at a quarter to 1 and come back at 2:15 to complete that debate at that time.

Mr. McCONNELL. That is fine.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

THANKING SENATOR ALEXANDER

Mr. REID. Mr. President, I express my appreciation to the distinguished Senator from Tennessee for his usual courtesies. He had to wait for me to get here, and I appreciate his withholding until the Republican leader and I got here. The Senator from Tennessee is always a gentleman, and even though he and I do not agree once in a while on political issues, we always agree he is a gentleman.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the majority leader for his remarks. Unless the Republican leader has some remarks, I would like to say a couple things.

AMERICA: A REMARKABLE COUNTRY

Mr. ALEXANDER. Mr. President, in August 1963, I was a law student and a summer intern in the U.S. Department of Justice here in Washington. I was standing at the back of a huge crowd on a hot day when Dr. King spoke of his dream that one day his children would be judged not "by the color of their skin, but by the content of their character."

The inauguration of our former colleague, Barack Obama, the day after

Dr. King's birthday, symbolizes both remarkable progress on America's most intractable problem—race—and a reaffirmation of our country's most unique characteristic—a fervent belief that anything is possible.

I thought about this in the same way 4 years ago at almost this time. I formed a speech in my head that I wanted to make, but I did not make it. Senators are rarely guilty of unexpressed thoughts. I have said many things I wish I had not said, but this is one time I wish I had said, 4 years ago, what I was thinking. So I wish to say it today, right after President Obama's inauguration. And I am especially delighted Senator MARTINEZ happens to be here too.

What I was thinking 4 years ago as the new Senators were sworn in was that here were three Members of the new class who had especially unique characteristics, and they had special people in the gallery that day.

I, with Senator CARPER and some others, had been asked by the leaders to work on the orientation for the new Senators. So we had gotten to know the new Senators, including SALAZAR and Obama and MARTINEZ, during that period of time.

So here is what I was thinking that day—and let's take them one by one. Here was Senator SALAZAR from Colorado with a Spanish surname, but he will be quick to tell you that his family has been here for 14 generations and helped to found Santa Fe. He has had a distinguished career here now. On that day 4 years ago, his mother was in the gallery.

Senator MARTINEZ was sworn in 4 years ago as a new Member of the Senate, in this case from Florida. His story, which he has just published in a remarkably good book which I have given to many of my friends, is the story of a young boy growing up very happily in Cuba whose parents took him to the airport one day, after having bought him a new suit, when he was 14 years of age, and put him on an airplane to Miami, not knowing if they would ever see him again. He was in a foster home there, then moved to Orlando. The story is all in the book. He went to Florida State, met his wife Kitty, became the mayor of Orlando, then became a member of President Bush's Cabinet, then a Member of the U.S. Senate. A very remarkable story. His mother, who put him on the airplane in Cuba, was here that day.

These same 4 years ago when we swore in these new Members of the Senate, we also had the Senator from Illinois. We all now know his story very well: a father from Kenya, a mother from Kansas. I don't need to repeat that extraordinary story, about which he has written so well in his autobiography. But what struck me was that his grandmother was in the gallery that day. It was either his

grandmother or his grandfather, but I believe it was his grandmother. His father's parent was in the gallery that day on the first trip, I believe, from Africa to this country to see the son of an immigrant sworn into the U.S. Senate.

So I thought 4 years ago, and I think again today on this day on which we swear in Barack Obama as President, what a remarkable country this is. Here in this Senate 4 years ago, the 14th-generation American KEN SALAZAR is now going into President Obama's Cabinet as Secretary of the Interior. MEL MARTINEZ, having had a long career in public life as mayor in Orlando, as Secretary of Housing and Urban Development, as U.S. Senator, is going on to other things in his life. Former Senator Obama, of course, is now the President of the United States. But what was remarkable to me was 4 years ago they came to this Senate, and in that gallery were their parents—and in one case a grandparent—reaffirming what I think Barack Obama's inauguration represents for us today. It was historic in the sense that it helped us symbolize the overcoming of one of our most intractable problems, the problem of race. But just as important, it symbolized once again the characteristic that makes this country more remarkable than any other country, the idea that anything is possible.

People in other parts of the world look at the United States, and they don't always approve of us, but they know one thing is different about us: that we are not a country based on blood or race or the color of our skin or where our grandparents came from; that we are based upon our common belief in a few ideas, most of which are incorporated in two founding documents, the Declaration of Independence and the Constitution. But one of those ideas is just in our character, and that is this irrational, fervent belief that in this country, anything is possible. Senator MARTINEZ, Senator SALAZAR, and former Senator Barack Obama all represent that beautifully, and that makes this a very special day.

I thank the President, I yield the floor.

ORDERS FOR WEDNESDAY, JANUARY 21, 2009

Mr. REED. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow, Wednesday, January 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session as under the previous order.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

PROGRAM

Mr. REED. Mr. President, tomorrow the Senate will consider the nomination of HILLARY CLINTON to be Secretary of State, with up to 3 hours for debate prior to a vote. Under a previous order, the Senate will recess for the weekly caucus luncheons from 12:45 until 2:15 p.m. Senators should expect a rollcall vote on confirmation of the Clinton nomination around 4:30 p.m., if all time is used.

Following executive session, the Senate will resume consideration of S. 181, the Lilly Ledbetter Fair Pay Act. Additional rollcall votes are possible throughout the afternoon in relation to the Lilly Ledbetter bill.

ADJOURNMENT UNTIL TOMORROW

Mr. REED. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 3:58 p.m., adjourned until Wednesday, January 21, 2009, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

THOMAS ANDREW DASCHLE, OF SOUTH DAKOTA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF THE INTERIOR

KENNETH LEE SALAZAR, OF COLORADO, TO BE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE TREASURY

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE SECRETARY OF THE TREASURY.

DEPARTMENT OF JUSTICE

ERIC H. HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE ATTORNEY GENERAL.

ENVIRONMENTAL PROTECTION AGENCY

LISA PEREZ JACKSON, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

RONALD KIRK, OF TEXAS, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DEPARTMENT OF TRANSPORTATION

RAY LAHOOD, OF ILLINOIS, TO BE SECRETARY OF TRANSPORTATION.

DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

EXECUTIVE OFFICE OF THE PRESIDENT

CHRISTINA DUCKWORTH ROMER, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE EDWARD P. LAZEAR.

DEPARTMENT OF LABOR

HILDA L. SOLIS, OF CALIFORNIA, TO BE SECRETARY OF LABOR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF AGRICULTURE

THOMAS J. VILSACK, OF IOWA, TO BE SECRETARY OF AGRICULTURE.

DEPARTMENT OF VETERANS AFFAIRS

ERIC K. SHINSEKI, OF HAWAII, TO BE SECRETARY OF VETERANS AFFAIRS.

EXECUTIVE OFFICE OF THE PRESIDENT

PETER R. ORSZAG, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF HOMELAND SECURITY

JANET ANN NAPOLITANO, OF ARIZONA, TO BE SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF EDUCATION

ARNE DUNCAN, OF ILLINOIS, TO BE SECRETARY OF EDUCATION.

DEPARTMENT OF STATE

HILLARY RODHAM CLINTON, OF NEW YORK, TO BE SECRETARY OF STATE.

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

DEPARTMENT OF ENERGY

STEVEN CHU, OF CALIFORNIA, TO BE SECRETARY OF ENERGY.

DEPARTMENT OF COMMERCE

JANE LUBCHENCO, OF OREGON, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE CONRAD LAUTENBACHER, JR., RESIGNED.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

DENNIS CUTLER BLAIR, OF PENNSYLVANIA, TO BE DIRECTOR OF NATIONAL INTELLIGENCE, VICE J. MICHAEL MCCONNELL, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT L. NABORS II, OF NEW JERSEY, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE STEPHEN S. MCMILLIN, RESIGNED.

CECILIA ELENA ROUSE, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE DONALD B. MARRON, RESIGNED.

SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2014, VICE CHRISTOPHER COX, RESIGNED.

DEPARTMENT OF STATE

JAMES BRAIDY STEINBERG, OF TEXAS, TO BE DEPUTY SECRETARY OF STATE, VICE JOHN D. NEGROPONTE.

EXECUTIVE OFFICE OF THE PRESIDENT

NANCY HELEN SUTLEY, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE JAMES LAURENCE CONNAUGHTON.

FEDERAL RESERVE SYSTEM

DANIEL K. TARULLO, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2008, VICE RANDALL S. KROSZNER, TERM EXPIRED.

DEPARTMENT OF STATE

JACOB J. LEW, OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES, (NEW POSITION)

DEPARTMENT OF DEFENSE

JEH CHARLES JOHNSON, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, VICE WILLIAM J. HAYNES II, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN P. HOLDREN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE JOHN H. MARBURGER, III.

DEPARTMENT OF DEFENSE

ROBERT F. HALE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER), VICE TINA WESTBY JONAS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

AUSTAN DEAN GOOLSBEE, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHERINE BAICKER, RESIGNED.

COMMODITY FUTURES TRADING COMMISSION

GARY GENSLER, OF MARYLAND, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE REUBEN JEFFERY III, RESIGNED.

GARY GENSLER, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2012, VICE REUBEN JEFFERY III, RESIGNED.

DEPARTMENT OF DEFENSE

MICHELE A. FLOURNOY, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE ERIC S. EDELMAN, RESIGNED.

WILLIAM J. LYNN, III, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF DEFENSE, VICE GORDON ENGLAND.

DEPARTMENT OF AGRICULTURE

THOMAS J. VILSACK, OF IOWA, TO BE SECRETARY OF AGRICULTURE.

DEPARTMENT OF EDUCATION

ARNE DUNCAN, OF ILLINOIS, TO BE SECRETARY OF EDUCATION.

DEPARTMENT OF ENERGY

STEVEN CHU, OF CALIFORNIA, TO BE SECRETARY OF ENERGY.

DEPARTMENT OF HOMELAND SECURITY

JANET ANN NAPOLITANO, OF ARIZONA, TO BE SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF THE INTERIOR

KENNETH LEE SALAZAR, OF COLORADO, TO BE SECRETARY OF THE INTERIOR.

DEPARTMENT OF VETERANS AFFAIRS

ERIC K. SHINSEKI, OF HAWAII, TO BE SECRETARY OF VETERANS AFFAIRS.

EXECUTIVE OFFICE OF THE PRESIDENT

PETER R. ORSZAG, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

CONFIRMATIONS

Executive nominations confirmed by
the Senate: Tuesday, January 20, 2009

HOUSE OF REPRESENTATIVES—Tuesday, January 20, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COSTELLO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 20, 2009.

I hereby appoint the Honorable JERRY F. COSTELLO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God and Father of us all, divine Providence has led this Nation in the past and guides all human affairs to this very day. As a Nation, we are in need of wisdom to make right decisions, perseverance to build upon the hopes of Your people, and patience, because the times bear an urgency. So, today, the American people join Congress as we call upon Your holy name and pray in silence for a moment for JOSEPH BIDEN to be Vice President and on behalf of Your servant Barack Obama, our incoming 44th President of the United States of America.

May Your Holy Spirit descend upon him that he may see things as You see things. May he be strengthened in his work and grow in understanding as he proves ever attentive to the people. May he respond to the Nation's deepest needs and lift up all of us to higher standards of equal justice, true goodness and peaceful union. Grant him health and protection, sincere collaboration and renewed faith. Lord, may the people of this Nation and the people around the world stand with him to face any challenge, endure any difficulty without fear, learn how to accept every success and every failure with grace, and support him with encouragement and prayer, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. HARE) come forward and lead the House in the Pledge of Allegiance.

Mr. HARE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION AS MEMBER OF COMMITTEES ON TRANSPORTATION AND INFRASTRUCTURE AND VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Transportation and Infrastructure and Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 16, 2009.

DEAR SPEAKER PELOSI AND REPUBLICAN LEADER BOEHNER: With my recent election to the Committee and Energy and Commerce, I resign, effective immediately, from the Committee on Transportation and Infrastructure and the Committee on Veterans' Affairs. It has been an honor serving with my colleagues on these valued Committees, and I look forward to working for the citizens of Louisiana's First Congressional District on the Committee on Energy and Commerce.

Sincerely,

STEVE SCALISE.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 16, 2009.

Speaker NANCY PELOSI,
United States Capitol,
Washington, DC.
Republican Leader JOHN BOEHNER,
United States Capitol,
Washington, DC.

DEAR SPEAKER PELOSI AND REPUBLICAN LEADER BOEHNER: With my appointment as ranking member on the Committee on House Administration, I resign, effective immediately, from the Committee on the Budget. It has truly been an honor to serve on this committee for the last four years representing the people of California and our great Nation.

Thank you for your attention to this matter.

Sincerely,

DANIEL E. LUNGREN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that in order to be seated on the platform, sitting Members of the 111th Congress must have an official pin, which they will be given as they leave the Chamber.

Members are advised there are no extra seats available on the platform. Therefore, only sitting Members will be seated on the platform. Under no circumstances will former Members, former House officers, spouses or children be able to join the procession or be seated on the platform.

The Sergeant-at-Arms will precede the procession bearing the mace.

Members will be escorted to the west terrace in order of seniority. At this time, Members, the Resident Commissioner and Delegates should congregate in the well by class.

Pursuant to House Resolution 61, upon completion of the ceremony, the House will stand adjourned until noon tomorrow.

Pursuant to House Resolution 23, Members will now proceed to the west front to attend the inaugural ceremonies for the President and Vice President of the United States.

Thereupon, at 10 o'clock and 7 minutes a.m., the Members of the House, preceded by the Sergeant-at-Arms and the Speaker, proceeded to the west front of the Capitol.

ADJOURNMENT

At the conclusion of the inaugural ceremonies (at 12 o'clock and 47 minutes p.m.), the House, without returning to its Chamber, adjourned until tomorrow, Wednesday, January 21, 2009, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

169. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting the results of a public-private competition, in accordance with 10 U.S.C. 2462(a); to the Committee on Armed Services.

170. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Projects (DRRPs) — received January 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

171. A letter from the Safety Engineer, Occupational Safety and Health Administration, transmitting the Administration's final rule — Clarification Safety and Health Administration [Docket No. OSHA-2008-0031] (RIN 1218-AC42) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

172. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No.: FDA-2000-N-0011] (formerly Docket No. 2000N-1596) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

173. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final

rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Huntsville, Alabama) [MB Docket No.: 08-194] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

174. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i) Final DTV Table of Allotments, Television Broadcast Stations. (Hayes Center, Nebraska) [MB Docket No.: 08-193] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

175. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's intent to sign a Project Arrangement among the Australia, Canada, Denmark, Italy, Norway, the United Kingdom, and the United States, concerning Co-Operative Software and Systems Upgrade Requirements Management: C-130j Blocks 9 & 10, Transmittal No. 20-08, pursuant to Section

27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

176. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. SCHAKOWSKY.

HOUSE OF REPRESENTATIVES—Wednesday, January 21, 2009

The House met at noon and was called to order by the Speaker pro tempore (Ms. DEGETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 21, 2009.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, yesterday, proud to be Americans, became a memorable day of celebration.

A conversion of history does not mean history is overturned or undone. Its true meaning calls for a new way of living. Because the future is no longer to be feared, we can be open for every confirmation of hope realized.

The historic past can be drawn upon for lessons yet to be learned. But now truly free, we are to act as Your people with a new spirit of responsibility, able to respond to the demands of every moment given us.

It is now upon us as a government and as a Nation to make history, to take our time, and make it a time worth celebrating.

So it ever was, is now, and ever will be, generation after generation here in America.

Lord God, be with us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Madam Speaker, by the direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Holden, Mr. McIntyre, Mr. Boswell, Mr. Baca, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall, Ms. Herseth Sandlin, Mr. Cuellar, Mr. Costa, Mr. Ellsworth, Mr. Walz, Mrs. Gillibrand, Mr. Kagen, Mr. Schrader, Ms. Halvorson, Ms. Dahlkemper, Mr. Massa, Mr. Bright, Ms. Markey of Colorado, Mr. Kratovil, Mr. Schauer, Mr. Kissell, Mr. Boccieri, Mr. Pomeroy, Mr. Childers, Mr. Minnick.

(2) COMMITTEE ON THE BUDGET.—Ms. Schwartz, Ms. Kaptur, Mr. Becerra, Mr. Doggett, Mr. Blumenauer, Mr. Berry, Mr. Boyd, Mr. McGovern, Ms. Tsongas, Mr. Etheridge, Ms. McCollum, Mr. Melancon, Mr. Yarmuth, Mr. Andrews, Ms. DeLauro, Mr. Edwards of Texas, Mr. Scott of Virginia, Mr. Langevin, Mr. Larsen of Washington, Mr. Bishop of New York, Ms. Moore of Wisconsin, Mr. Connolly of Virginia, Mr. Schrader.

(3) COMMITTEE ON EDUCATION AND LABOR.—Mr. Kildee, Mr. Payne, Mr. Andrews, Mr. Scott of Virginia, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Mr. Grijalva, Mr. Bishop of New York, Mr. Sestak, Mr. Loebsack, Ms. Hirono, Mr. Altmire, Mr. Hare, Ms. Clarke, Mr. Courtney, Ms. Shea-Porter, Ms. Fudge, Mr. Polis of Colorado, Mr. Tonko, Mr. Pierluisi, Mr. Sablan, Ms. Titus.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks of New York, Ms. Watson, Mr. Smith of Washington, Mr. Carnahan, Mr. Sires, Mr. Connolly of Virginia, Mr. McMahon, Mr. Tanner, Mr. Gene Green of Texas, Ms. Jackson-Lee of Texas, Ms. Lee of California, Ms. Berkley, Mr. Crowley, Mr. Ross, Mr. Miller of North Carolina, Mr. Scott of Georgia, Mr. Costa, Mr. Ellison, Ms. Giffords, Mr. Klein of Florida.

(5) COMMITTEE ON THE JUDICIARY.—Mr. Ber- man, Mr. Boucher, Mr. Nadler of New York, Mr. Scott of Virginia, Mr. Watt, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Delahunt, Mr. Wexler, Mr. Cohen, Mr. Johnson of Georgia, Mr. Pierluisi, Mr. Gutierrez, Mr. Sherman, Ms. Baldwin, Mr. Gonzalez, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez of California, Ms. Wasserman Schultz, Mr. Maffei.

(6) COMMITTEE ON NATURAL RESOURCES.—Mr. Kildee, Mr. Faleomavaega, Mr. Abercrombie, Mr. Pallone, Mrs. Napolitano, Mr. Holt, Mr. Grijalva, Ms. Bordallo, Mr. Costa, Mr. Boren, Mr. Sablan, Mr. Heinrich, Mr. George Miller of California, Mr. Markey of Massachusetts, Mr. DeFazio, Mr. Hinchey, Mrs. Christensen, Ms. DeGette, Mr. Kind, Mrs. Capps, Mr. Inslee, Mr. Baca, Ms. Herseth Sandlin, Mr. Sarbanes, Ms. Shea-Porter, Ms. Tsongas, Mr. Kratovil, Mr. Pierluisi.

(7) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Mr. Wu, Mr. Baird, Mr. Miller of North Carolina, Mr. Lipinski, Ms. Giffords, Ms. Edwards of Maryland, Ms. Fudge, Mr. Lujan, Mr. Tonko, Mr. Griffith, Mr. Rothman of New Jersey, Mr. Matheson, Mr. Davis of Tennessee, Mr. Chandler, Mr. Carnahan, Mr. Hill, Mr. Mitchell, Mr. Wilson of Ohio, Ms. Dahlkemper, Mr. Grayson, Ms. Kosmas, Mr. Peters.

(8) COMMITTEE ON SMALL BUSINESS.—Mr. Moore of Kansas, Mr. Shuler, Ms. Dahlkemper, Mr. Schrader, Ms. Kirkpatrick of Arizona, Mr. Nye, Mr. Michaud, Ms. Bean, Mr. Lipinski, Mr. Altmire, Ms. Clarke, Mr. Ellsworth, Mr. Sestak, Mr. Bright, Mr. Griffith, Ms. Halvorson.

(9) COMMITTEE ON VETERANS' AFFAIRS.—Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Michaud, Ms. Herseth Sandlin, Mr. Mitchell, Mr. Hall of New York, Ms. Halvorson, Mr. Perriello, Mr. Teague, Mr. Rodriguez, Mr. Donnelly of Indiana, Mr. McNerney, Mr. Space, Mr. Walz, Mr. Adler of New Jersey, Ms. Kirkpatrick of Arizona, Mr. Nye.

Mr. LARSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

Ms. FOXX. Madam Speaker, reserving the right to object, could the gentleman please tell us the committees. Is it just the Committee on Agriculture, Madam Speaker?

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentlewoman. As I indicated, this is a privileged resolution from the Democratic Caucus, and the Committees are on Agriculture, Budget, Education, Foreign Affairs, Judiciary, Natural Resources, Science and Technology, Small Business, and Veterans' Affairs.

Ms. FOXX. Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut (Mr. LARSON)?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE FINAL BAILOUT FUNDS MUST BE USED TO ADDRESS FORECLOSURE CRISIS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, let's discuss our system of checks and balances.

Congress writes hundreds of billions of checks to the banks, and the banks, it turns out, don't know their own balances. Banks are not lending the money Congress gave them because most banks don't know their own balance sheets. We throw in countless dollars into a bottomless pit, and we're wondering why new lending is not happening.

Our Nation's motto is "In God we trust," not "In banks we trust." We must verify what the banks are doing with the money we gave them. We must get concrete assurances that the rest of the bailout funds be used to address the center of the financial crisis in America: That's foreclosures. Foreclosures are devastating the American families. A 41 percent increase in foreclosures in the past year.

We must get concrete assurances from the new administration that the final bailout funds will be used to address the foreclosure crisis and help keep millions of Americans in their homes. We must help Americans save their homes.

A DOZEN FUN FACTS ABOUT THE HOUSE DEMOCRATS' MASSIVE SPENDING BILL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, much is being said about the proposed "stimulus" package that is being considered by the Democrats right now, but I think we need to talk a little bit about the facts of the matter.

As others have said, the government, in this case the Federal Government, cannot give to anyone anything that it does not first take from someone else. So here are some of the facts about the proposed stimulus:

It will cost each and every household in America \$6,700 in additional debt paid by our grandchildren and children. This legislation will spend about \$275,000 per job if the stimulus package creates or saves 3 million jobs. The average household income in the United States is \$50,000 a year. The House Democrats' bill provides enough spending, \$825 billion, to give every man, woman, and child in America \$2,700.

There are many more facts about this bill that need to be presented, and we will be doing that in the next few days.

ACKNOWLEDGING THE SERVICE OF THE CINCINNATI POLICE DEPARTMENT IN THE INAUGURATION

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute.)

Mr. DRIEHAUS. Madam Speaker, I rise today to acknowledge the service of the Cincinnati Police Department in yesterday's inaugural celebration. The men and women of Cincinnati proudly served as a security detail for yesterday's events, as did thousands of officers from across the United States.

As one traveled the streets of Washington yesterday, the presence of our police and military was reassuring. They were courteous, respectful, and extremely professional as they assisted millions of visitors to our Nation's Capital.

Let this be a reminder to all of us of the tremendous dedication of our men and women in uniform serving our communities here at home as well as those serving abroad. It is their dedication and commitment to service that ensures our freedoms, the freedoms celebrated yesterday in the inauguration of our 44th President.

Let these brave officers be a model for all Americans as we heed the call to service and renew our democracy.

COMMUTATION FOR POLITICAL PRISONERS RAMOS AND COMPEAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, as a final act by President Bush, border agents and political prisoners Jose Compean and Ignacio Ramos were granted a commutation of their harsh prison sentence.

Thanks to the work of many Members of Congress, some in the media, and, most importantly, the American people, this case would just not go away. The agents were relentlessly prosecuted for doing their job on the violent Texas-Mexico border when they tried to stop a drug smuggler from escaping after bringing in \$750,000 worth of drugs. They received 11 and 12 years in the penitentiary while the drug dealer was given immunity.

But this case is not over. President Obama will be asked by some Members of Congress to grant a full pardon. Also, legislation will be introduced to make it clear to Federal judges and rogue prosecutors that the requirement to add additional prison time to a person that carries a weapon in a crime shall not apply to peace officers because they have to carry weapons. Also, justice will not occur until the American people find out why our government was on the wrong side of the border wars and prosecuted this case in the first place.

And that's just the way it is.

STRONG AMERICAN SUPPORT FOR BIKE/PED-ALTERNATIVE TRANSPORTATION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, last week the Republican leader went on CBS to state that the American people don't want beautification projects or bike lanes in the economic stimulus program. Instead, Mr. BOEHNER felt American families want larger and expanded highways.

He's just wrong on the facts. A 2009 survey by the National Association of Realtors and Smart Growth America reported that three-quarters of Americans believe that smarter development and improved public transit are better long-term solutions for reducing traffic congestion, better than building new roads. An overwhelming 80 percent believe it's more important to repair existing highways and public transit rather than build new highways.

The transit, bike, pedestrian and road repair work are more labor intensive and are ready to go in all 50 States, supporting local engineering and construction firms.

The Republican leader is wrong; the American public is right. Bikes, transit, fixing-it-first projects make communities more livable, put more people to work faster, and make our families safer, healthier, and more economically secure.

□ 1215

THANK YOU, PRESIDENT BUSH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday we witnessed an achievement of democracy, the peaceful transfer of power and welcoming our new President, Barack Obama. I want to congratulate President Obama and wish him well.

I wish to thank President George W. Bush for his service to this Nation and, most importantly, his support of our brave soldiers, sailors, airmen and marines, along with their intelligence services and first responders. As a veteran and father of four military sons, I believe President Bush should always be appreciated for defeating terrorism overseas to protect American families at home. The Bush success is clear today. We have not been attacked in the last 7 years.

Today I look forward to working with President Obama as we have a respectful debate on the future of our Nation. We must work together for prosperity and security for all Americans.

In conclusion, God bless our troops, and we will never forget September the

11th. My deepest sympathy to the family of the late Camilla Knotts Williams, 100 years of age, of Orangeburg, South Carolina.

TRUTH LIES SOMEWHERE IN THE MIDDLE

(Mr. KRATOVIL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRATOVIL. Madam Speaker, I come to Congress as a career prosecutor, someone whose job it has been to sort through facts in search of the truth. In my career, I have found that usually the truth lies somewhere in the middle. Running for Congress gave me the opportunity to meet with people with divergent opinions.

But what I found was that as differing as their opinions may have been, more often than not they shared the same goals for their families and communities. Most wanted more financial stability. They wanted to send their children to college, and they wanted a government that didn't interfere with their small business, but provided incentive and opportunity to grow. People agreed that a clean and healthy Chesapeake was vital to our region, whether they valued the bay for sport, commerce or tourism, and they wanted a Congress that applied oversight to every penny they appropriated.

The long and short was that my constituents there were just as different, they shared the same goals. In my first days as a Member of Congress, I found the same to be true of my colleagues. I pledged to my constituents that I would work with both sides of the aisle in order to help accomplish these common goals, and that is the same promise I make to my colleagues. No party has a monopoly on good ideas, and, as always, if we work in a bipartisan manner, we will find that the truth is somewhere in the middle.

PEACEFUL TRANSFER OF POWER

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, yesterday we once again witnessed the greatest of American traditions, the peaceful transfer of power from one democratically elected President and leader of our Nation to another.

Whether in times of peace or prosperity or war and economic difficulty, this great Nation has never wavered from its commitment to democracy and to the power of the American people to choose our leaders. This model of how a free people govern themselves is truly America's greatest gift to the world.

At a time of great challenges facing our Nation, our new President was met

with a sense of hope and an outpouring of support from the ever optimistic American people. And whether you consider yourself a Republican or a Democrat, Barack Obama today is a President for every American.

It is now time for us, in this Congress, to work together to help our new President govern through these troubled times. Throughout our Nation's history, Madam Speaker, we have proven that united we can overcome any hardship and defeat any foe.

I extend best wishes to our new President and my colleagues as we work together to do our best on behalf of the American people.

HONORING HOUSTON METRO POLICE OFFICER ELIOT SWAINSON

Ms. JACKSON-LEE of Texas. Madam Speaker, yesterday the theme "One America" rose to the highest mountain tops as we celebrated the inauguration of President Barack Obama and Vice President BIDEN. There were many great heroes yesterday, those in the audience and those working for us.

I rise today to congratulate one of my own, Houston Metro Police Officer Eliot Swainson, who, with his quick reaction, saved a 68-year-old woman who fell on a train station. With his attention to detail, seeing the Red Line train coming very fast, he directed the woman to get under a cove area and remain there because they could not pull her up in time.

Officer Swainson exhibited quick service, a quick attitude and a great deal of hope, and I am grateful that there were many from my community who were here to observe and congratulate Officer Eliot Swainson, a 15-year Houston Metro Police veteran. They were Rev. Samuel Smith, Rev. Harvey Clements, Bishop James Dixon, Rev. Lightfoot, Rev. Marcus Crosby, Rev. Kirby John Caldwell, Rev. Edwin Davis and many others who are so very proud of the idea that we are, in fact, our brothers' and sisters' keeper.

Thank you, Houston Metro Police Officer Eliot Swainson. We wish you well, and we wish you the continued attitude that in America we are all our brothers' and sisters' keepers.

MEDIA'S DOUBLE STANDARD ON INAUGURATION COSTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, yesterday we witnessed the hallmark of democracy of the peaceful transfer of power. And, like President Obama, we all wish our country a prosperous future.

Although the national media strongly criticized President Bush for the cost of his inauguration in 2005, such

criticism has been predictably scarce for President Obama, even though his inauguration was more than twice as expensive as President Bush's. For example, a New York Times editorial in 2005 suggested that the war in Iraq should dictate restraint for President Bush's inauguration.

We now face two wars and serious economic challenges, yet the Times offered no similar criticism of yesterday's event. Expensive inaugurations are nothing new, and I am sure many who faced traffic congestion and long lines yesterday wished even more had been spent on this year's celebration.

But we need the media to be evenhanded in its treatment of Republican and Democratic inaugurations, not guilty of a double standard.

SEIZE THIS MOMENT IN TIME

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Madam Speaker, some among us believe that government holds the keys to our prosperous future. Some have argued that only government can solve our challenges.

I beg to differ. Our freedom, our liberty, indeed, our ability to live as free people and thrive is directly proportionate to the limiting of government in our lives and in our pocketbooks.

We established a Constitution to "secure the Blessings of Liberty." Our country was founded on the principle of limited government.

Let us not mistake the need for a more promising economic future as an excuse to allow further encroachment of government in our lives. Let us seize this moment in time to secure our liberties by limiting our government. More government, more taxes, more spending of the people's money will not solve our challenges. Securing liberty will.

The United States of America is the greatest country on the face of the planet, but liberty, not bigger government, will allow us to prosper.

TAXPAYER DOLLARS MUST BE SPENT WITH ACCOUNTABILITY AND TRANSPARENCY

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Madam Speaker, taxpayer dollars must be spent with accountability and transparency. To date, the Troubled Asset Relief Program, commonly known as TARP, has failed to meet the commonsense standard of fiscal responsibility.

TARP was established last fall as an emergency plan to prop up the ailing financial markets, but, today, we have far more questions than answers. Taxpayers have already lost \$64 billion on

the first round of investments made through TARP. The new administration has asked this Congress to double down on TARP and rubber stamp another \$350 billion without credible assurance of future results.

With a \$1.2 trillion deficit on the books and a nearly \$1 trillion stimulus package looming, these are resources we cannot afford to spend without responsible oversight.

Western New York's economy is in a perilous state. What we need right now is swift bipartisan action that creates jobs and spurs future economic growth, not another bloated Washington program that overpromises and underdelivers.

I hope my colleagues will reject any attempt to rubber stamp the TARP Program and ensure taxpayer dollars are spent wisely, not wastefully.

CONGRATULATING OUR NATION'S 44TH PRESIDENT, BARACK OBAMA

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Madam Speaker, I rise today to join in congratulating our Nation's 44th President, Barack Obama, on his inauguration. This is truly a historic moment for our Nation.

We are all Americans first and, as Republicans, stand ready and willing to work with the President in restoring economic growth, creating jobs, restoring physical integrity and protecting our Nation's security.

In the weeks and months ahead, we will surely have honest differences on what the best direction is for us as a country.

But all of us start this Congress with tremendous hope for President Obama's success. Madam Speaker, some of us grew up at a time of segregation and division in our Nation. But with President Obama's election and inauguration as President, all of us better understand what Dr. King told us when he said, "Occasionally in life there are those moments of unutterable fulfillment which cannot be completely explained by those symbols called words. Their meanings can only be articulated by the inaudible language of the heart."

WILLING AND READY TO WORK TOGETHER

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, yesterday was an absolutely glorious day. We watched the peaceful transfer of power from one President to the next. Standing there, I had the great honor of looking out at millions of my fellow countrymen and women who came together to stand there be-

side our great memorials to watch this event.

Everything went so beautifully that I felt that I wanted to thank those who were involved in making the process happen. I would like to thank all of the security that came and the men and women here who work every single day as our guards and our fire department and others who committed themselves to such a day.

So it was a day to celebrate and, certainly, we have turned a page in history. And we are willing and ready to work together to move this Nation forward.

DESIGNEE FOR SECRETARY OF TREASURY POSES PROBLEM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, as Members of the House of Representatives, we don't get a vote on confirmation of Cabinet appointments. But at the same time, that does not absolve us of the responsibility to speak out when we see a problem and, currently, the designee for the Secretary of the Treasury poses an enormous problem for this House and for the Senate.

Now, Madam Speaker, my constituents have trouble with taxes, just as all of our constituents have trouble with taxes, and sometimes they get into real difficulty. But it doesn't, it doesn't absolve them of their obligation to pay their taxes and their interest and their fines because, of course, we have many thousands of people who paid their taxes honestly. I speak to you about that as someone who ran their own business and had to pay payroll taxes.

Whether this was a mistake or an evasion, yesterday, when President Obama spoke about a call to service but also underscored a call to competence, mistake or evasion, it certainly doesn't underscore either.

HONORING DR. DAVID LAND FOR HIS CONTRIBUTIONS TO THE COMMUNITY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, today I rise to honor the life of Dr. David Land, a gracious contributor to the Third District of Arkansas, who passed away earlier this year.

Dr. Land was the superintendent of Omaha schools for more than 22 years, but he wasn't just an administrator. He was a mentor and a friend to the staff and students who knew him as "Doc." Doc spent his life as an educator and showed that actions do speak louder than words. He fixed tiles in the cafeteria, jump-started students' cars,

drove the bus to field trips and wrote grants for the small school district. These actions weren't out of the ordinary for this extraordinary man.

He was named the Arkansas Rural Association's 2005 Northwest Arkansas Superintendent of the Year. Doc spent his life as an administrator, but it wasn't just a job, it was something that he loved.

When a friend talked to him and asked about retirement, Doc said, "What else would I do? This is my life."

Madam Speaker, Doc will certainly be missed. I thank my colleagues for the opportunity to honor and celebrate the life of this wonderful man.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1230

OBSERVING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 73) observing the birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr., and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 73

Whereas Reverend Doctor Martin Luther King, Junior, was born January 15, 1929;

Whereas Dr. King attended segregated public schools in Georgia, and began attending Morehouse College in Atlanta, Georgia, at the age of 15;

Whereas in February of 1948, Dr. King was ordained in the Christian ministry at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas Dr. King was awarded a Bachelor of Arts degree in 1948 from Morehouse College, a Bachelor of Divinity degree in 1951 from Crozer Theological Seminary in Pennsylvania, and a Doctor of Philosophy degree in theology in 1955 from Boston University;

Whereas in Boston, Massachusetts, Dr. King met Coretta Scott, his life partner and fellow civil rights activist;

Whereas on June 18, 1953, Dr. King and Coretta Scott were married and later had two sons and two daughters;

Whereas in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor from September 1954 to November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas Dr. King led the Montgomery, Alabama, bus boycott for 381 days to protest the arrest of Rosa Parks and the segregation of the bus system of Montgomery, during which time Dr. King was arrested and the home of Dr. King was bombed;

Whereas Dr. King responded to arrests and violence with non-violence and courage in the face of hatred;

Whereas the Montgomery bus boycott was the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas on December 13, 1956, the Supreme Court declared laws requiring segregation on buses unconstitutional;

Whereas between 1957 and 1968, Dr. King traveled more than 6,000,000 miles, spoke more than 2,500 times, and wrote five books and numerous articles supporting efforts around the country to end injustice and bring about social change and desegregation;

Whereas from 1960 until his death in 1968, Dr. King was co-pastor with his father at Ebenezer Baptist Church;

Whereas on August 28, 1963, Dr. King led the March on Washington, DC, the largest rally of the civil rights movement, during which, from the steps of the Lincoln Memorial and before a crowd of more than 200,000 people, Dr. King delivered his famous "I Have A Dream" speech, one of the classic orations in American history;

Whereas Dr. King was a champion of non-violence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and in 1964, at age 35, became the youngest man to be awarded the Nobel Peace Prize in recognition for his efforts;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the United States as a whole, to act cooperatively and courageously to restore tolerance, justice, and equality between people;

Whereas on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas Dr. King dedicated his life to securing the fundamental principles of the United States of liberty and justice for all United States citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s and earning worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that people have the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the United States and used his message of hope to bring people together to build the "Beloved Community", a community of justice, at peace with itself;

Whereas in 1968, Representative John Conyers introduced legislation to establish the

birthday of Martin Luther King, Jr. as a Federal holiday;

Whereas Coretta Scott King led the massive campaign to establish Dr. King's birthday as a Federal holiday;

Whereas in 1983, Congress passed and President Ronald Reagan signed legislation creating the birthday of Martin Luther King, Jr. holiday, which is now observed in more than 100 countries;

Whereas Dr. King's wife and indispensable partner, Coretta Scott King, was a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Coretta Scott King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the United States toward greater justice and equality, traveling the world on behalf of racial and economic justice, peace and non-violence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and non-violence that guided Dr. and Mrs. King's dream for America will be celebrated and preserved by the Martin Luther King, Jr., National Memorial on the National Mall between the Lincoln Memorial and the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located in the shadow of the Washington Monument;

Whereas Dr. King's actions and leadership made the United States a better place and the American people a better people;

Whereas 45 years after Dr. King delivered his historic "I have a dream" speech, millions of United States citizens gathered on the National Mall on January 20, 2009, to witness the historic Inauguration of the 44th President of the United States, Barack Obama, the first African-American President of the United States; and

Whereas the historic Inauguration of President Barack Obama dramatized the change that Dr. King helped to usher in for the creation of a more perfect union: Now, therefore, be it

Resolved, That the House of Representatives—

(1) observes the 80th birthday of Martin Luther King, Jr.;

(2) pledges to advance the legacy of Dr. Martin Luther King, Jr.; and

(3) encourages the people of the United States to—

(A) observe the 80th birthday of Martin Luther King, Jr., and the life of Dr. King;

(B) commemorate the legacy of Dr. King, so that, as Dr. King hoped, "one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal'"; and

(C) remember the message of Dr. King and rededicate themselves to Dr. King's goal of a free and just United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legisla-

tive days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, last Thursday, January 15, marked the 80th birthday of Dr. Martin Luther King, Jr., who was born in 1929. On Monday, January 19, the Dr. King Federal holiday was observed. I commend my colleague, the gentleman from Georgia, Mr. JOHN LEWIS, for introducing again this bipartisan House Resolution that calls upon all Americans on this occasion "to advance the legacy of Dr. Martin Luther King, Jr."

I also acknowledge the many colleagues of the Judiciary Committee on both sides of the aisle that have joined us in supporting this resolution; in particular, the ranking member from Texas, our friend, Mr. SMITH.

For over 40 years now, we have commemorated the life and work of the Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. Since 1986, we have recognized Dr. King with a Federal holiday in his honor, a holiday that I and others here have worked so hard to achieve.

Last year, we paid tribute to Dr. King upon the 40th anniversary of his assassination. Today, we once again celebrate Dr. King on the event of his birthday. On these anniversaries, the Congress has called upon the Nation's citizens to practice justice, equality, and peace in all aspects of his life, the very principles that Dr. King stood for.

Today, we make the same request of not just our colleagues, but of our citizens, recognizing that today is very different. We advance Dr. King's legacy by realizing that some of Dr. King's dream has been achieved.

Just yesterday, our Nation witnessed the first African American in history to take the oath of office for President of the United States. Our 44th President, President Obama, is a testament to Dr. King's pursuit and struggle for equality. And in his short life, Dr. King laid the foundation for a society that would guarantee that all men are created equal. It is on the shoulders of Dr. King and Rosa Parks and Andrew Young and Harry Belafonte, all close colleagues of Dr. King, who were in the forefront of the civil rights movement. And that is why we stand here today, witnesses to history, with our first African American President.

President Obama spoke movingly yesterday when he asked that we mark his inauguration in remembrance of who we are and how far we have traveled; why men and women and children of every race and every faith can join in celebration across the magnificent Mall; and why a man whose father, less

than 60 years ago, might not have been served at a local restaurant, can now stand before you to take the most sacred oath that was given to him yesterday.

In celebrating the great legacy of Dr. King's work, we must recognize that his legacy does not end here. Continuing his mission of justice means bringing an end to racial and economic injustices, like those we have seen in so many aspects of the current financial and fiscal crisis that we are confronted with.

Advancing his mission of equality means eliminating the disparities that exist in so many aspects of our society; health care, housing, education, employment. And so pursuing his mission of peace means bringing an end to the wars that still persist and allowing our Nation to be an example of a peaceful democracy.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the first thing I want to say is that it's good to be on the House floor with the chairman of the Judiciary Committee to talk about the subject at hand. This bill commemorates the 80th anniversary of the birth of Dr. Martin Luther King, Jr. Dr. King was the leader of a historic nonviolent revolution in the United States. Over the course of his life, he fought for equal justice and led the Nation toward racial harmony.

While advancing this great movement, Dr. King's home was bombed and he was subjected to relentless personal and physical abuse. Despite this violence, Dr. King responded in peace and with strong conviction and sound reason.

As a pastor, Dr. King's religious beliefs were essential to the success of his nonviolent efforts. It is doubtful that such a long and enduring movement could have survived without the power of religious inspiration behind it.

From 1957 to 1968, Dr. King traveled over 6 million miles and spoke over 2,500 times about justice and equal freedom under the law. During that time, he led large protests in Birmingham, Alabama, that drew the attention of the world.

On August 28, 1963, Dr. King led a peaceful march of 250,000 through the streets of Washington, D.C. And it is here in this city where he delivered a speech that spoke for all Americans, regardless of the color of their skin. In his "I Have a Dream" speech, Dr. King called the march the "greatest demonstration for freedom in the history of our Nation."

"I have a dream," he said, "that my four little children will one day live in a Nation where they will not be judged by the color of their skin, but by the content of their character." Dr. King

opened the door of opportunity for millions of Americans. He lived for the causes of justice and equality.

On the evening of April 4, 1968, while standing on the balcony of his hotel room in Memphis, Tennessee, Dr. King was assassinated. But a single vicious act could not extinguish Dr. King's legacy, which endures to this day. Because of him, America is a better, freer Nation.

I urge all my colleagues to join us in celebrating and honoring the life of Dr. King on the occasion of the 80th anniversary of his birth.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to recognize the gentleman from Georgia, who I met before he became a Member of this distinguished body. As a matter of fact, before I became a Member of this distinguished body, I am pleased now to recognize the gentleman from Georgia (Mr. LEWIS) for such time as he may consume.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the chairman and the ranking member for supporting this resolution.

Madam Speaker, yesterday, the American people shared and participated in a historic moment, the inauguration of Barack Obama as the 44th President of the United States. What the American people witnessed yesterday would not have been possible without the leadership and the vision of Dr. Martin Luther King, Jr. The teaching and philosophy that Dr. King believed in and lived by brought us to this moment in history. Without Martin Luther King, Jr., there would be no President Barack Obama.

Martin Luther King, Jr. was a man I knew personally, and regarded as a brother, a friend, a colleague, a prophet, my hero, and just a simple human being, filled with love, peace, and compassion for all humankind.

I will never forget my first impression of him. As a black child growing up in the heart of rural Alabama, I tasted the bitter fruits of segregation and racial discrimination, and I didn't like it. I saw those signs that said, "White Men, Colored Men; White Women, Colored Women; White Waiting, Colored Waiting." I used to ask my parents, my grandparents, and my great grandparents, Why segregation? Why racial discrimination? They said, That's the way it is. Don't get in trouble. Don't get in the way.

But one day, when I was only 15 years old, I heard the voice of Martin Luther King, Jr. on an old radio. He was talking about the discipline and the philosophy of nonviolence; he was talking about the Montgomery bus boycott and the ability of a committed and determined people to make a difference in our society. I felt like he was talking directly to me, saying, John Lewis, you

too can make a difference in our society.

In 1958, at the age of 18, I traveled from Troy to Montgomery to meet with him and Reverend Ralph Abernathy, and that was the beginning of a long and beautiful relationship. After that, our paths, which would cross often, in the sit-ins; during the Freedom Rides in 1961, the year that Barack Obama was born; as a board member of the Southern Christian Leadership Conference, his organization; organizing the 1963 march on Washington, and in Mississippi during the summer of 1964; in the march from Selma to Montgomery in 1965; at the Riverside Church in New York City in 1967, Mr. Chairman, when you spoke out against the war in Vietnam; and in preparation for its ultimate course, the Poor People's Campaign in 1968, when he was planning to come to Washington.

As I grew to know Dr. King and the life of the movement, my admiration for the man also grew. He was a spokesperson not just for blacks, but for all of those who had been left out and left behind. He spoke to the hearts and consciences of all of us who believed nonviolence and love offer a more excellent way.

This good man, this God-fearing man, gave us hope in a time of hopelessness. This good man, this man of God, this son of America, this citizen of the world, produced light in dark places. Martin Luther King, Jr. had the ability to bring the dirt and the filth from under the American rug, out of the cracks and the corners, into the open light, in order for us to deal with it.

Martin Luther King, Jr., more than any other American of the 20th century, had the power to bring people together, more people together, to do good; black and white, rich and poor, young and old, Protestant, Catholic, and Jews. His message was love, his weapon was truth. His message was creative nonviolence. His goal was the beloved community, a community of justice, a community at peace with himself.

This man that I marched with, worked with, and went to jail with, this man that I got to know, was so sensitive and so caring. He personified the very best of humankind. He was a gentle man who used the teaching of the Great Teacher and the tools of Gandhi. In a sense, he spoke a strange language, the philosophy of passive resistance to evil and the use of nonviolence in a struggle for good.

In a sense, he was a radical, far too advanced in his concepts of love and peace for the violent times in which he lived.

Dr. King taught us that the method of nonviolence was the key to building a Beloved Community, a society based on simple justice that values the dignity and the worth of every human being.

I say to you, my friends, 41 years ago, Martin Luther King was taken from us by an assassin's bullet. But murder could not kill the dream of peace. It could not kill the dream of an open society. It could not kill the dream of a Beloved Community. The movement that Martin Luther King, Jr. led, the movement that he sustained, was too necessary, too noble, too right to ever die.

We know that his voice is stilled today, but perhaps today more than ever before we know that his message still rings in the hearts of America.

Forty years later, we must rededicate ourselves to the struggle that was his struggle and continue to seek the goals that were his goals.

□ 1245

I want to close, Madam Speaker, by saying, as we assemble here we must understand that his dream has not yet been fulfilled. We have come a distance, but we still have a distance to go before we build a beloved community in America.

If Dr. King were here today, I believe he would have said that the election of Barack Obama is not an end, it is not even a beginning, it is a significant down payment on making his dream a reality.

Mr. SMITH of Texas. Madam Speaker, this bill came up a little earlier than we expected and we are waiting for additional speakers to arrive on the floor, so I will reserve the balance of my time.

Mr. CONYERS. How much time is left?

The SPEAKER pro tempore. The gentleman from Texas has 17 minutes, and the gentleman from Michigan has 8½ minutes.

Mr. CONYERS. I yield 4 of those 8½ minutes to the distinguished gentlelady from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Speaker, this is a moment to pause as we speak on the floor of the House in this enormously symbolic year, a very special time to honor Dr. Martin Luther King.

I would like to thank my chairman, JOHN CONYERS, for the role he has played, both in the fact that Dr. King saw fit to endorse him in his first run for Congress out of the great city of Detroit; he probably envisioned a man that would be a fighter for justice, and he has not been disappointed. My colleagues have just listened to JOHN LEWIS, who remains the conscience of this Nation and of this Congress. Oh how he must have felt yesterday as he saw the continuum of a dream.

I stand here as a former staffer of the Southern Christian Leadership Conference, having had the opportunity to work under the tutelage of the soldiers, the foot soldiers of Dr. Martin Luther King, being reminded of traveling up

and down Auburn, and finding that almost storefront building that represented and embodied all of the cerebral thought, all of the brain power, all of the love, all of the courage, all of the strength of those who found guidance in Dr. King. And so this is a particularly important resolution, for many have asked those of us who look like me whether or not the dream has been completed.

I will say that there is a man that now sits in the White House who holds the dream, and he has given us our roadmap. And that roadmap is that we are in this together, that we are the wind beneath his wings, that America has always been and should be a One America. And we are reminded of Dr. King's words in 1963, where he talked about not looking at anyone for their color or their religion. Isn't this great and wonderful that we have now come full circle to have the words and his dreaming come to a point where we are now comfortable with not looking at each other by the color of our skin or our ethnicity.

And so, yes, the dream is continuing. But Dr. Martin Luther King, and the reason I rise today, was a prophet in his time. For many, they are not used to using that term. He told us about economic hard times and the desire to give everyone an opportunity for education and their day in the sun and the economic opportunity, and look at us today. Our President is now trying to lead us in the message of Dr. King; that as long as anyone suffers, any of our brothers and sisters are not able to have food on the table or a job, to look into the bright future, to give a child a chance to be an astronaut or a president or a teacher, then Dr. King's dream must continue.

And as I have talked to Martin Luther King III and visited with the sister of Dr. King and the daughter of Dr. King, they agree that we are in this fight together; that the Judiciary Committee has its role in this Congress to ensure that the rule of law is followed, that we torture no more.

Oh what a great day yesterday was and the day before, the commemoration of Dr. King's birthday. But isn't it greater now that America stands one and united, not off in the shopping centers on his birthday, but now understanding what it truly meant that those who suffered and bled did not do so for themselves, but honestly did so, so that all of my friends, from Texas and Georgia and New York and Mississippi and Washington State, Michigan and Illinois, and the deep parts of Georgia and, yes, Texas could look at each other as friends, brothers and sisters, even our sisters and brothers who yet have not learned the English language but they are striving to become a great part of this great Nation. So I am celebrating this resolution that recounts the history of Dr. King.

Madam Speaker, isn't it great that we end that this is one Nation, one America, and Dr. King told us so.

Madam Speaker, I rise in strong support of this resolution supporting the observation of the birthday of Dr. Martin Luther King, Jr. and encouraging the people of the United States to observe the birthday of Dr. Martin Luther King, Jr. and the life and legacy of Dr. Martin Luther King, Jr. I thank my colleague Representative JOHN LEWIS for authoring this resolution. I urge my colleagues to support this resolution also.

Madam Speaker, a few days ago, the Nation observed for the 21st time the Martin Luther King, Jr. holiday. Each year this day is set aside for Americans to celebrate the life and legacy of a man who brought hope and healing to America. The Martin Luther King holiday reminds us that nothing is impossible when we are guided by the better angels of our nature. We must continue to recognize the life and legacy of Dr. King. We must continue to honor his legacy by serving on the day that we have set aside to observe his life.

Dr. King's inspiring words filled a great void in our Nation, and answered our collective longing to become a country that truly lived by its noblest principles. Yet, Dr. King knew that it wasn't enough just to talk the talk; he knew he had to walk the walk for his words to be credible. And so we commemorate on this holiday the man of action, who put his life on the line for freedom and justice everyday.

Every January 19th, this Nation honors the courage of a man who endured harassment, threats and beatings, and even bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway.

Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

When Martin talked about the end of his mortal life in one of his last sermons, on February 4, 1968, in the pulpit of Ebenezer Baptist Church, even then he lifted up the value of service as the hallmark of a full life. "I'd like somebody to mention on that day Martin Luther King, Jr. tried to give his life serving others," he said. "I want you to say on that day, that I did try in my life . . . to love and serve humanity."

Madam Speaker, during these difficult days when the United States is bogged down in a misguided and mismanaged war in Iraq; calamities on Wall Street—Main Street—and in the American automobile industry; we should also remember that the Rev. Dr. Martin Luther King, Jr., who was above all, a person who was always willing to serve to help his fellow man.

This year thousands of Americans across the country will celebrate the national holiday honoring the life and work of Martin Luther King, Jr. by making the holiday "a day on, not a day off."

The King Day of Service is a way to transform Dr. Martin Luther King, Jr.'s life and teachings into community service that helps solve social problems. That service may meet

a tangible need, such as fixing up a school or senior center, or it may meet a need of the spirit, such as building a sense of community or mutual responsibility. On this day, Americans of every age and background celebrate Dr. King through service projects that:

Strengthen Communities—Dr. King recognized the power of service to strengthen communities and achieve common goals. Through his words and example, Dr. King challenged individuals to take action and lift up their neighbors and communities through service.

Empower Individuals—Dr. King believed each individual possessed the power to lift himself or herself up no matter what his or her circumstances—rich or poor, black or white, man or woman. Whether teaching literacy skills, helping an older adult surf the Web, or helping an individual build the skills they need to acquire a job, acts of service can help others improve their own lives while doing so much for those who serve, as well.

Bridge Barriers—In his fight for civil rights, Dr. King inspired Americans to think beyond themselves, look past differences, and work toward equality. Serving side by side, community service bridges barriers between people and teaches us that in the end, we are more alike than we are different.

These ideas of unity, purpose, and the great things that can happen when we work together toward a common goal—are just some of the many reasons we honor Dr. King through service on this special holiday. I urge my colleagues to join me in supporting this legislation and the man who epitomized community service—Dr. Martin Luther King, Jr.

Just yesterday, January 20, 2009, this Nation witnessed a historic moment. We stood in awe and watched the inauguration of this Nation's first African American President. We have come a long way since Dr. King's "I Have a Dream" speech. Yesterday, we have seen another part of the "dream" fulfilled. I am hopeful and expectant that America's future will be bright, and that it will be even brighter under the helm and leadership of President Barack Obama. President Obama has taught us that yes we can! I am delighted to be living the dream.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Michigan, Congressman VERN EHLERS.

Mr. EHLERS. I thank the gentleman for yielding.

It is a great honor to speak about Martin Luther King. I don't have a prepared statement because I was not aware this resolution was coming up, but over the years I have just been tremendously impressed by him, by his talent, by his ability, and particularly the way in which he handled himself and his movement. And I use the term "his movement" advisedly, because he became the leader of it, the right man, at the right time. I am always amazed at how the Lord seems to provide the right leader at the right time for good causes such as this.

Monday morning, I went to the annual breakfast in Grand Rapids, Michigan where we honor Martin Luther King. The room was filled with people

honoring him and just joyous about his contributions to our Nation and its future. That evening, close to 3,000 people joined in another celebration. You may think this is a little surprising in the frozen North, which was not heavily involved in the Civil Rights program, but we feel very strongly about it in our community. We have an excellent community in Grand Rapids, Michigan. In particular, Mr. Walter Brame, who heads the Urban League in our area, has been a strong leader for years in providing equal opportunity for minorities in the workplace, in schools and other places.

Martin Luther King started something wonderful, which ended up being even more wonderful, and for that I am grateful to him. I am also grateful to God for sending us the right man at the right time to resolve a major national crisis.

Mr. SMITH of Texas. Madam Speaker, I would like to thank the gentleman from Michigan for his heartfelt comments.

I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

The point that I would like to make in closing on our side is that one of the most important things that President Obama made to me was something I had never heard a President say before, and that was that he wanted all of the people that voted and that may or may not have supported him to continue to advise him. Normally, Presidents get elected and say, "Well, I am grateful to my supporters," and then remove to inside the Beltway with the Cabinet and the Capitol and the people in the three branches of government, and that's it. He asked for continuing advice. Some said, he did not have to make that statement because he was going to get that anyway, but others have said, "This is wonderful and this is great." And I think it ties in with the people's moment that undergirded the King civil rights legacy; that is, that everybody has a continuing responsibility to perfect this democratic system of constitutional government that we have.

It is so important that we all feel we have a role to play over and above voting, and it is that King-like theory that the President now publicly extols that is so very important. And, I think, we embark here in the second day of this new administration on a new path that encourages citizen participation; I think it brings us all here in government closer together, and I think that it augers well for the challenges that we all face here in the 111th Congress and a new President currently in his second day in office.

And so in this moment of remembering Dr. King and his legacy, celebrate his life and contributions, I am very pleased that this resolution is brought at this highly opportune mo-

ment. I thank the author of this legislation.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 73, a resolution that promotes the observance of the birthday, life, and legacy of Martin Luther King, Jr.

It is a historic time in our Nation's Capital with yesterday marking the swearing-in of Barack Obama, our Nation's first African-American President.

As we listened to President Obama's inaugural address we were all reminded of how far our Nation has come. This resolution is also a reminder that without Dr. Martin Luther King, Jr., there would be no President Obama.

Dr. King was a beacon of change on whose shoulders we all stand. His leadership, courage, and conviction helped pave the road for all of us.

He understood government has a fundamental responsibility to meet the needs of all Americans regardless of race or economic class.

He gave people the faith and courage to work peacefully for change to stop racial discrimination, and promote equality and opportunity across America.

Most importantly, Dr. King called upon each of us to truly commit ourselves to changing and working to bring about change for all Americans.

President Obama reminded us of that call yesterday when he said that we each have a responsibility to rebuild our country and get us out of this storm. Let us heed this call to action and work hand-in-hand to help bring prosperity back. Together we can do it. Yes we can! I urge my colleagues to support H. Res. 73.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 73.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. LOEBACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 39) honoring the contributions of Catholic schools.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 39

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2007–2008 academic year was nearly 2,300,000 and the student-teacher ratio was 14 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 25 percent of school children enrolled in Catholic schools are from minority backgrounds, and over 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas the Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: “Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.”; and

Whereas January 25, 2009, to January 31, 2009, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America’s thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 39 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1300

Mr. LOEBSACK. I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 39, which recognizes the

achievements of Catholic schools across the Nation. I am pleased to honor these outstanding elementary, secondary and higher learning institutions. I commend them for their commitment to academic excellence and moral values. In doing so, I support January 25 to January 31 as Catholic Schools Week.

In the late 19th century, Catholic schools emerged as an alternative to public schools and to traditional private schools. As private institutions, Catholic schools were able to design their own academic curriculum by teaching religious values and ethics while maintaining high academic standards. And after 100 years of existence, Catholic schools remain very popular and respected institutions.

Last year, Catholic schools served over 2 million students while maintaining a 14 to 1 teacher-student ratio, giving students the benefit of a small-classroom environment. Catholic schools also boast a diverse enrollment; 25 percent of its students nationwide are from minority backgrounds and 14 percent are non-Catholics. The schools provide unique experiences where students can excel. Catholic high schools have a 99 percent graduation rate with 80 percent of their graduates advancing to 4-year colleges, while 17 percent pursue 2-year colleges. It’s clear that Catholic schools are encouraging their students to pursue higher education opportunities, and I applaud them for their efforts. There are 7,500 Catholic schools across this Nation. With modest tuition rates, Catholic schools are affordable for most working and middle-class families. As Congress salutes these religious educational institutions, we reaffirm our commitment to education, excellence and diversity.

Madam Speaker, I support the Catholic Schools Week, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. EHLERS. It is with great pleasure that I rise today in support of House Resolution 39 offered by a good friend of mine, the gentleman from Illinois (Mr. LIPINSKI). This resolution increases our awareness of Catholic education while honoring the contributions of America’s Catholic schools. I am also very pleased to be a cosponsor of this resolution. I have a long background with education and religious schools. My father was a pastor, and our denomination has supported Christian day schools for a considerable length of time and shares the approach and the ideas of the Catholic schools. Our schools were very effective in educating students. Emphasis was on academics, but also on how that applied to the world today and what responsibility we as students, and later adults, had to use our religious beliefs in the benefit of our fellow human beings and our Nation. Catholic schools have followed in this tradition.

I am pleased that January 25 through January 31, 2009, has been designated Catholic Schools Week, an annual tradition in its 35th year, and jointly sponsored by the National Catholic Education Association, as well as the United States Conference of Catholic Bishops. With this resolution, we recognize the vital role Catholic elementary and secondary schools play in providing an education with high standards of quality and excellence to the nearly 2.3 million students enrolled in Catholic schools across the country.

One thing I have always admired when I visit Catholic schools and speak to their students is the tremendous discipline in the classroom. And I wish all of our schools in this Nation had this discipline and that attention on learning.

According to the U.S. Conference of Catholic Bishops, Catholic schools have a graduation rate of over 98 percent, and about 97 percent of Catholic high school graduates go on to post-secondary training at 4-year colleges, community colleges or technical schools. This success can also be attributed to the importance Catholic educators place on character and morals. By making the development of moral and social values an integral part of the curriculum, Catholic schools are ensuring that their students are not only good academicians, but also good citizens.

The theme for Catholic Schools Week this year is “Catholic Schools Celebrate Service.” This theme highlights the mission of Catholic schools to provide a faith-based education that supports the whole child academically and spiritually and impresses upon them the importance of civic engagement. Catholicism has a long and rich tradition of direct service to those in need. Catholic schools incorporate service projects into the curriculum, teaching students the value of helping others as an expression of faith and good citizenship.

Catholic schools demonstrated an enormous amount of character and compassion in their response to the devastating hurricanes that hit the gulf coast nearly 4 years ago. In the wake of this national disaster, more than 300,000 students were displaced from their homes, schools and communities. Catholic schools opened their doors and hearts and welcomed these students into their classrooms. They provided these children with the opportunity to continue their studies without stopping to consider how to cover the cost of that education. Instead, the Catholic schools knew their first priority was to educate these children and worry about the financing later on.

I appreciate the great work being done by Catholic schools, their administrators and teachers as well as their parents and volunteers. Catholic schools carry out their servant mission

by building the academic achievement, character and values of their students.

Again, I commend the gentleman from Illinois for introducing this resolution and urge my colleagues to support it.

I reserve the balance of my time.

Mr. LOEBSACK. Madam Speaker, I'm very pleased today to recognize a good friend, the gentleman from the Third District of Illinois, Mr. DAN LIPINSKI, for 6 minutes.

Mr. LIPINSKI. Madam Speaker, I would like to thank the gentleman from Iowa for yielding.

Today I rise in support of H. Res. 39, honoring Catholic Schools Week and recognizing the outstanding contributions that Catholic schools have made to America.

As a product of St. Symphorosa Grammar School and St. Ignatius High School and a strong supporter of Catholic education, I am proud to sponsor this resolution again this year. And I would like to thank my colleague from New Jersey (Mr. SMITH) for joining me in working on this resolution.

Since 1974, Catholic Schools Week has celebrated the positive impact that Catholic schools have had on our country and recognize their outstanding contributions in providing a strong academic and moral education, as well as teaching the importance of responsibility to one's family and community.

As we heard in President Obama's inauguration address yesterday, responsibility is critical to our Nation's success, and responsibility requires service to others. Very appropriately, the theme for next week's Catholic Schools Week is "Catholic Schools Celebrate Service." President Obama rightfully sees public service as a way to unify the country, to bridge divisions and to teach responsible citizenship.

This is nothing new to America's Catholic schools. They have always taught the intrinsic value of service to others. Nearly 95 percent of Catholic schools have a service program, and the average student completes approximately 80 hours of public service. My strong desire to serve was fostered by my dedicated teachers at Catholic schools. Nearly 95 percent of Catholic schools have a service program, and the average student completes approximately 80 hours of public service.

Today, almost 2.3 million elementary and secondary students are enrolled in nearly 7,500 Catholic schools. These schools have more than 160,000 full-time professional staff. Through individual attention and quality education, Catholic school students, on average, surpass other students in math, science and reading in the three grade levels tested by the NAEP test. The graduation rate for Catholic high school students is 99 percent, and 97 percent of Catholic high school graduates go on to college or technical schools. These are truly remarkable statistics in a coun-

try where we read all-too-many reports of deep problems in our educational system and worrying declines in our student's international competitiveness.

Catholic schools are known for embracing students from all walks of life and are highly effective at providing excellent educational opportunities for minority students and disadvantaged youth. Almost one in seven students of Catholic schools is not Catholic. And over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled. And the success of Catholic schools does not depend on selectivity, accepting nine out of every 10 students who apply.

In addition to producing well-educated students with a commitment to service, Catholic schools save American taxpayers billions of dollars every year by lessening the number of students in already overburdened public schools. In fact, it is estimated that taxpayers save over \$1 billion from students attending Catholic schools in the Chicago area and approximately \$20 billion nationwide. This savings is crucial to American taxpayers, especially during these harsh economic times.

Unfortunately, the current economic turmoil combined with much longer travails of middle class in our country have been hard on Catholic schools in some areas. Just like me, my wife Judy attended Catholic schools for 12 years. She went to St. Patrick's Grade School and Bishop McCort High School in Johnstown, Pennsylvania. Unfortunately, less than 2 weeks ago it was announced that St. Patrick's would be closing. This closing is a great loss not just to the students of St. Patrick's, but the entire community of Moxham, demonstrating just how important Catholic schools are to the greater community.

I was born and raised and lived in the Chicago Archdiocese, which still has one of the most successful school systems in the country. More than 98,000 students attend 256 schools. In my district alone, there are seven Catholic high schools and approximately 50 grammar schools, including one of the best in my home parish of St. John of the Cross in Western Springs.

My experiences have taught me the important spiritual, moral and intellectual foundation that Catholic schools provide to students. Catholic education has granted me the knowledge, discipline, desire to serve, and a love of learning that enabled me to achieve my doctorate degree and become a teacher before being elected to Congress. In recognizing Catholic Schools Week, we pay a special tribute to dedicated teachers and administrators who sacrifice so much, in most cases working for much less than they could earn elsewhere. Many of my formative memories are of teachers who taught me the values of faith and

service. After 35 years, I can still fondly remember Sister Diane, my Student Congress coach when I was in high school, and from Sister Mildred in first grade to Sister Xavier in eighth grade at St. Symphorosa. Throughout the United States, millions of others have similar memories of their dedicated sisters, priests and lay teachers who gave their hearts and souls to touch the lives of their students.

Madam Speaker, American Catholic schools deserve our praise, our support and our gratitude. I would like to thank everyone who has cosponsored this resolution. And to share our praise and support for Catholic schools, I urge my colleagues to pass this resolution.

Mr. EHLERS. I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I rise today in strong support of H. Res. 39, which recognizes and honors the exemplary contributions of Catholic schools across our Nation. The resolution salutes the commitment, professionalism and faith of the teachers and administrators as well as the achievements in the classroom and in the lives of the students. And we commend today the support of the Catholic Church itself in making this educational opportunity possible.

I would also like to thank Mr. LIPINSKI for his leadership in bringing this resolution to the floor and ask that my colleagues join us in supporting its passage.

Madam Speaker, Catholic education has and continues to make a tremendous impact in the lives of students, families and communities across America and in my home State of New Jersey. Last year, more than 2.3 million children were enrolled in over 7,000 Catholic schools nationwide. The performance of Catholic schools is impressive. More than 99 percent of its students graduate high school, and approximately 97 percent go on to college. The record clearly shows that students at Catholic schools receive a quality education with an integrated focus on the transcendent importance of God, academic excellence, advancement beyond high school and fundamental morals.

Next week, January 25 to 31, marks the 36th annual celebration of Catholic Schools Week. And this year's theme is to live the Gospel with an emphasis on service. Students are encouraged to help others and generously give of themselves expecting nothing whatsoever in return. In the 25th chapter of Matthew's Gospel, Jesus admonished believers to live a life of selfless service to others and specifically asked that we feed the hungry, give drink to the thirsty, clothe the naked, care for the sick and disabled, visit the prisoner and welcome the stranger. Identifying with the disenfranchised, the vulnerable and the weakest among us, our

Lord said, and I quote, whatsoever you do to the least of My brethren, you do unto Me.

This year's theme celebrates service, encourages students to embrace Matthew 25 and make a positive difference in the lives of others. Many of America's poor and at risk will benefit from the students' benevolence.

Catholic schools, Madam Speaker, are indeed an integral part of our Nation's fundamental commitment to education and serve a cross-section of American students. Catholic schools have a rich history of welcoming, serving and educating new immigrants. With over 25 percent of Catholic school enrollment from minority backgrounds and approximately 14 percent actually being non-Catholics, it is evident that this extraordinary institution meets the needs of a highly diverse group of young people.

Finally, Madam Speaker, a 1972 pastoral message by the National Conference of Catholic Bishops concerning Catholic education summed up the unique and extraordinary vision of Catholic education. They said in pertinent part, and I quote: Education is one of the most important ways by which the church fulfills its commitment to the dignity of the person and the building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his or her solitary destiny, but also the destinies of the many communities in which he or she lives.

□ 1315

Again, I ask my colleagues to join me in supporting this important element of faith-based education which serves alongside America's public and private schools to strengthen and reinforce our educational system.

Mr. LOEBSACK. Madam Speaker, I am pleased to recognize the gentleman from Michigan (Mr. STUPAK) for 3 minutes.

Mr. STUPAK. Madam Speaker, I rise in support of House Resolution 39, honoring Catholic Schools Week. Since the beginning of our Nation's history, Catholic schools have played an important role in American education. Catholic schools have an excellent reputation for providing a strong academic and moral education, as well as teaching social responsibility.

The Catholic schools in my district work hard to create an environment where academic excellence and value-driven pride can be fostered and embraced.

My wife Laurie and I and our two sons, Ken and B.J., attended Catholic schools in northern Michigan, and realize the benefits of the Catholic education system.

This week, let us pause, reflect and congratulate the administrators, faculty, staff, students, and parents as we celebrate the dedicated tradition of promoting education through our Catholic faith.

The long rich history of Catholic education would not be possible without the financial commitment of those who make up our local parishes and dioceses across our Nation.

H. Res. 39 acknowledges the hard work and dedication that Catholic schools have contributed to building our local communities and our Nation.

I am proud to cosponsor House Resolution 39, and support the many Catholic schools in my district and across our Nation. I urge all of my colleagues to support this resolution.

Mr. EHLERS. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong support of H. Res. 39, to honor the contributions of Catholic schools across the country, and in honor of National Catholic Schools Week from January 25 through January 31.

I want to thank my colleagues, Mr. LIPINSKI from Illinois and Mr. SMITH from New Jersey, for their leadership in bringing this resolution to the House floor today.

As a graduate of Catholic elementary and high schools, Sacred Heart Academy and Aquinas High School in Augusta, Georgia, I am keenly aware of the contributions that they provide to the 2.3 million students educated in Catholic schools across the country every year. These include close to 1,200 students at three Catholic schools in my district: St. Catherine of Siena in Kennesaw, St. Joseph's in my hometown of Marietta, and St. Mary's in Rome, Georgia.

Not only do Catholic schools, like Sacred Heart and Aquinas, provide a strong and competitive academic environment, they also teach moral and ethical standards, skills for living and self-esteem, discipline and respect for authority, and a Christian integration of spirit, mind and body in each of their students.

Upon graduating from Aquinas, I thought that the Catholic school curriculum would be what best prepared me for my future. However, I must admit that I was wrong about that. While the strenuous academics at Sacred Heart and Aquinas did lay the foundation for my success at both Georgia Tech and The Medical College of Georgia, it was the faith and ethical standards taught at these schools that truly prepared me for any of life's struggles.

Madam Speaker, while opening and running my medical practice, the respect for life taught at Sacred Heart and Aquinas led me to value and care

for life at all stages, indeed from the moment of conception until natural death. Now that I have left my medical career to serve as a Member of Congress, I find the lessons learned from my days at Catholic schools more valuable now than ever. On a daily basis, I am confronted by difficult questions that affect millions of lives. If it were not for the moral standards and faith in God taught at Sacred Heart and Aquinas, I do not believe I could properly represent the people of northwest Georgia.

Madam Speaker, our education system is only made stronger by Catholic schools in northwest Georgia and throughout the Nation which fully prepare their students for a brighter future.

I urge all of my colleagues to support H. Res. 39.

Mr. LOEBSACK. Madam Speaker, I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, while in my district in North Carolina we are blessed with excellent public schools, many districts across the country are not as fortunate. Some places, though, are fortunate to have the choice of having charter schools and Catholic schools. It is important that citizens continue to have these choices, particularly because of the excellent record that Catholic schools have in this country.

Catholic education is a vital linchpin in America's education system. Catholic educators, with their emphasis on academic excellence, as well as the development of each student's character and spiritual well-being play a vital role in cultivating the next generation of leaders in the Nation.

There are two Catholic schools with a strong reputation for education excellence in the Fourth Congressional District of North Carolina: Bishop McGuinness Catholic High School and St. Leo the Great Catholic School.

Bishop McGuinness Catholic High School was founded in 1959, and has been recognized by the Catholic High School Honor Roll as one of the top 50 Catholic high schools in the United States. This coed college prep high school is located in Kernersville, North Carolina, in the heart of the Triad.

St Leo's is a K-8 Catholic school located in Winston-Salem, North Carolina, built in 1953. St. Leo's is the oldest Catholic school in Winston-Salem, and has a reputation for educating students who are not only academic achievers but also people of sterling character.

It is an honor to represent these two fine schools in Congress, and I look forward to seeing the lives they change in the coming years through their emphasis on high quality Catholic education.

It is a pleasure to join my colleagues here today in congratulating Catholic schools, students, parents and teachers across the Nation for their ongoing contributions to education and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

Mr. LOEBSACK. Madam Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I thank you for your competent and professional manner in presiding today, and I yield myself the balance of my time in wrapping this discussion up.

I am very pleased to participate in this discussion today because I believe that Catholic schools and religious schools play an extremely important part in our American educational system.

I often deplore the fact that the Catholic schools and other religious schools, Christian and otherwise, do not get a fair shake in this Nation as compared to many other nations. I know when I lived in Europe for a year you could designate on your income tax how much you wanted to be delegated to schools of your choice, and they could be private schools, public schools, religious schools, what have you. That struck me as an eminently fair system. I don't expect we will ever have that in this country, but I do regret, given the excellent work that the Catholic schools do, and that other Christian and religious schools do in educating students who are troubled, that we do not call upon these schools more often to help educate more of the children of this Nation.

I recall years ago when I joined some others in helping to raise money for scholarships for children who were troubled in their public schools, and who had great difficulties with their fellow students, and were getting into fights. We raised scholarship money so they could attend the Christian schools. Then a remarkable transformation occurred. Many of them became far better students and graduated and went on to good careers. I am convinced we can multiply this effort many times over, and I hope that the people of this country continue to contribute to these schools.

I was sorry to hear Mr. LIPINSKI say that the school that his wife attended is closing. That is a story that we are hearing far too often across this land. We are losing something very important when we have schools this good, with the superb records that we heard outlined by several speakers here, that they are closing while at the same time the students who would go there are going to other schools which are not serving them as well.

So I just want to do a little editorializing here because I do think that the Catholic schools, and many other schools in this country, do so much for

our Nation, and yet do not receive the recognition and certainly do not receive any financial support from either Federal or State governments. I think it is our loss if they close and are no longer able to help the students that they do help so well.

Mr. AKIN. Madam Speaker, I rise today in recognition of Catholic Schools Week.

Next week, the Nation's nearly 8,000 Catholic schools will celebrate Catholic Schools Week. Catholic schools have made many significant contributions to the education of our Nation's children.

In the Greater St. Louis region, Catholic schools have had a longstanding and proud tradition in the Archdiocese of St. Louis. The percentage of Catholic families who choose Catholic schools for their children is among the highest in the country. Currently, there are about 51,000 students enrolled in our Catholic elementary and high schools.

Catholic schools foster an atmosphere of mutual respect. Students learn to value God, themselves, and others. As Pope Benedict XVI noted in his remarks at Catholic University during his Apostolic Visit to the U.S. last spring, "Education is integral to the mission of the Church to proclaim the Good News. First and foremost every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth. This relationship elicits a desire to grow in the knowledge and understanding of Christ and his teaching. In this way those who meet him are drawn by the very power of the Gospel to lead a new life characterized by all that is beautiful, good, and true; a life of Christian witness nurtured and strengthened within the community of our Lord's disciples, the Church."

Today I would like to recognize and commend our Catholic educators who are committed to a living and vibrant faith community founded on the Catholic tradition of academic excellence and thank them for enriching the lives of the children they teach spiritually, academically and socially.

I strongly support the goals of Catholic Schools Week 2009 and laud their efforts to educate students dedicated to their faith, families, and values.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 39, a resolution honoring the contributions of Catholic schools.

I thank my colleague from Illinois, Representative LIPINSKI, for sponsoring this important resolution.

Catholic schools are a true treasure—not just in my district in the Inland Empire of California—but throughout the United States of America.

Teachers and administrators in America's Catholic schools work tirelessly to educate students of all backgrounds, in communities across the Nation—including some of our most impoverished neighborhoods.

They do a tremendous job of teaching and imparting critical values, while often working under the most difficult school funding circumstances.

In a time when the No Child Left Behind Act has failed too many of America's best and brightest—the vast majority of Catholic school

students not only graduate from high school, but also go on to college.

I commend the men and women who make America's Catholic schools a reality and thank them for the commitment and faith they place in the well being of their students.

I urge my colleagues to honor the positive impact of Catholic schools on the children of the United States, and support H. Res. 39.

Mrs. BACHMANN. Madam Speaker, I rise today in support of H. Res. 39 to honor the immense influences and contributions that Catholic schools have made on their students and their surrounding communities. For centuries, Catholic schools have provided families with a strong alternative to the public school system, offering a vital faith component that enhances a child's overall education sadly unwelcome in the halls of our local public schools.

A Catholic education prepares our Nation's youth to lead lives of commitment to the message of Jesus Christ while at the same time fostering an environment for academic success. It continuously challenges its students to a life-long pursuit of intellectual growth both in and outside the classroom while also stressing the need to take an active role in the betterment of their neighborhood and community. But most importantly, Madam Speaker, Catholic schools instill in their student body the precious ideal of setting one's heart upon things above, not merely on goods on earth—a much needed lesson in a society that is quick to get caught up in the latest gadget and the never-ending chase for dollars.

Madam Speaker, I stand today to humbly honor the contributions Catholic schools make to the betterment of our society, and pray for their continued success.

Mr. REYES. Madam Speaker, I rise today in honor of Catholic Schools Week and express my support for the vital contributions of America's thousands of Catholic elementary and secondary schools. In my eyes, Catholic schools have had a powerful impact on our nation's history.

Teaching and instilling the values of service to others, faith, and the pursuit of justice, Catholic schools have shaped the lives of people for generations. Indeed, I myself have been guided by my Catholic faith and the idea of serving others.

Be it a student growing up in New York City or a Mexican immigrant growing up on a bordertown, Catholic schools have been actively educating our youth since our country's founding. In recent history, Catholic schools have been instrumental in the lives of many young Latino students whose families seek an education enriched with moral values, supported by faith, and combined with the highest of academic standards.

The 16th District of El Paso, Texas is fortunate to have fourteen Catholic primary and secondary schools teaching these values to our students including Cathedral High School, Loretto Academy, Blessed Sacrament, Father Yermo, Holy Trinity, Our Lady of the Assumption, Our Lady of the Valley, St. Joseph's, St. Mathew's, St. Patrick's, Saint Pius the X, and St. Raphael's.

Today, I want to thank all of the priests, nuns, brothers, sisters, and lay people, who take on the commendable task of teaching our

children. I also want to thank our Most Reverend Armando X. Ochoa, Bishop of the Catholic Diocese of El Paso, Texas for his leadership and guidance during these tumultuous times.

Again Madam Speaker, I want to take this opportunity to honor Catholic schools across the country and thank the men and women who take part in this great work.

Mr. SOUDER. Madam Speaker, I rise today in support of H. Res. 39, and specifically in support of the work being done at St. Charles Borromeo in Fort Wayne, Indiana.

According to the 1972 statement by National Conference of Catholic Bishops: "The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."

Madam Speaker, since its founding the St. Charles Borromeo school has been enriching the lives of individuals across Northeastern Indiana. With its emphasis on the traditions and principles of the Catholic faith, the school seeks to infuse in its students a sense of obligation to their community.

Elementary and Middle School are the early steps many individuals take on their way to academic achievement and lifelong learning. With its focus on math, computer training and science, St. Charles Borromeo equips students with the skills needed to thrive in a 21st century economy. Furthermore, by requiring all seventh and eighth grade students to study a foreign language, the school helps prepare students for the globalized marketplace.

As the mission of St. Charles Borromeo states, "all children deserve a safe, loving, and respectful environment where children and faculty can grow spiritually and academically." Madam Speaker, I second these thoughts and am grateful for the contributions the faculty and staff at St. Borromeo make in the lives of young people. I urge my colleagues to join me in support of this resolution and the efforts of Catholic schools across the country.

Madam Speaker, I rise today in support of H. Res. 39, and especially in support of Bishop Luers High School in Fort Wayne, IN.

Madam Speaker, Catholic schools are an incredible asset to our country. Throughout much of our history, Catholic schools have provided a solid moral and intellectual education to millions of students, and served as a crucial stabilizing force for many immigrants to our great Nation. Catholic schools have been able to build communities of character in a way unique to much of the rest of our educational system, testified to by the untold amounts of service that have been performed by their graduates.

Bishop Luers is no different. In its mission statement, Bishop Luers pledges to equip each graduate with the spiritual, academic, and social tools they need to serve God and others—that they may be light to the world, so that, in the words of Matthew, others "may see your good deeds and glorify your heavenly Father."

Madam Speaker, Bishop Luers does this incredibly well. The school has many successful graduates, an excellent graduation rate, and

impressive athletic achievements. In fact, Bishop Luers has been named one of the Nation's leading Catholic high schools by the national Catholic High School Honor Roll. The men and women of Bishop Luers who each day serve students and families deserve our deep gratitude.

Let me also take a moment briefly to note the incredible work Catholic schools have done and continue to do for minorities, often non-Catholic, and often for very low cost. Indeed, in many poor neighborhoods, the Catholic school is the only good option available to parents. In this way, Catholic schools play a crucial role in the pursuit of justice by building communities that respect the dignity of all people. They deserve our support.

Madam Speaker, I ask that my colleagues join with me in honoring Bishop Luers and other Catholic schools across the country. It is no exaggeration to say that such schools are critical to the future of our country.

Mr. EHLERS. Madam Speaker, I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I want to thank speakers on both sides of the aisle for supporting this resolution, it is a wonderful resolution, and I urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 39.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SCHOOL COUNSELING WEEK

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 56) expressing support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 56

Whereas the American School Counselor Association has declared the week of February 2 through February 6, 2009, as "National School Counseling Week";

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them

through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors provide support for students whose family members have been deployed to conflicts overseas;

Whereas school counselors help students cope with serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut, especially in tough economic times;

Whereas the average student-to-counselor ratio in America's public schools, 475 to 1, is almost double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, and other organizations;

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 2 through February 6, 2009, would be an appropriate week to designate as "National School Counseling Week": Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe "National School Counseling Week" with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 56 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LOEBSACK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 56 which honors and recognizes the contributions of school

counselors in our Nation's education system.

Nearly 100,000 people serve as school counselors, and I am grateful for their commitment to our Nation's youth. I support February 2 through February 6 as National School Counseling Week.

School counselors work tirelessly to ensure every child has the opportunity for personal and educational growth. They provide essential academic, college prep, career, and emotional support for students. But in many situations, school counselors are overlooked, overworked, making it nearly impossible to give every child the time and attention they deserve to meet their national potential.

Nationally, the current student to counselor ratio is 475 to 1, while the American School Counselors Association recommends at most a 250-to-1 student to school counselor ratio.

Today, not only are children dropping out of high schools at alarming rates, but anywhere from 10 to 15 percent of students report feeling depressed. From dealing with death to addressing learning disabilities, school counselors provide emotional support for students, but the need for additional school counselors has never been more pressing. Though I am honored to recognize and celebrate School Counselors Week, our country still needs more school counselors.

National data prove that school counselors improve teacher quality, bolster student achievement, and lower dropout rates. Despite limited resources, counselors work to enhance educational opportunities for our youth. They inspire students to reach for the stars while working through their academic and social obstacles.

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They may not get a lot of credit, but quality school counselors dramatically improve students' and teachers' lives.

I thank the American School Counselor Association and the National Education Association for supporting this resolution. National School Counseling Week reminds us of the crucial role school counselors play in students' lives.

Madam Speaker, again, I support this resolution, and I urge my colleagues to support this bill as well.

I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 56 offered by the Representative from California, Ms. LINDA SÁNCHEZ, and I am very pleased to join her as the lead Republican cosponsor of this important resolution.

National School Counseling Week is celebrated annually the first full week of February to help focus public attention on the unique contribution of professional school counselors. School

counselors are employed in school districts in public and private schools of all levels across America to help students reach their full potential. They are actively committed to helping students explore their abilities, strengths, interests and talents as these traits relate to academic success and career awareness and development.

School counselors serve as a vital resource for parents by helping them focus on ways to further the educational, personal and social growth of their children. They work with teachers and other educators to help students explore their potential and set realistic goals for themselves. They often seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs that help students become productive members of society. These comprehensive developmental school counseling programs are considered an integral part of the educational process which enables all students to achieve.

National School Counseling Week highlights the impact that counselors can have in helping students achieve academic success and plan for a career. It is particularly important that school counselors encourage students to pursue challenging academic courses to prepare them for college majors and careers in science, technology, engineering and mathematics. This year's theme, "School Counselors: Making a Difference," truly sums up the results of the efforts they put forth daily to ensure that no child is left behind.

I have a personal interest in this aspect of counseling. As many here know, I have spent a good deal of my time trying to improve elementary and secondary school math and science education because that is going to be crucial for the jobs of the future. And if the students do not take math and science, they are not likely to get good and meaningful jobs in the future. School counselors can make a huge difference by making students aware of the need for those subjects in their future workplace, but, secondly, to assure them that, regardless of the reputation of these courses as being tough, the students can make it through and they can improve their learning.

I wish to close by expressing my sincere gratitude to all school counselors, not only from my State of Michigan, but from across this great Nation.

Again, I thank the Representative from California, Ms. SÁNCHEZ, for her work bringing this resolution forth today. And I also want to thank Chairman GEORGE MILLER's and senior Republican BUCK MCKEON's staff, especially Chad Miller, for their input and assistance in bringing this resolution to the floor in a timely manner.

I urge my colleagues to support school counselors and this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LOEBSACK. Madam Speaker, I am pleased to recognize the gentlewoman from the 39th District of California (Ms. LINDA T. SÁNCHEZ) for 3 minutes.

Ms. LINDA T. SÁNCHEZ of California. I thank the gentleman.

Madam Speaker, I rise in strong support of House Resolution 56 and support the goals of National School Counseling Week.

I want to thank Chairman GEORGE MILLER and Ranking Member BUCK MCKEON, as well as Representative VERNON EHLERS, for their support of this very important resolution.

This resolution aims to highlight the very important work that school counselors do in our schools every single day. The best counselors inspire young people to dream big. They help young people get on the road to accomplish their dreams. And, when necessary, they enlist the support of parents, teachers, mentors, tutors, and anyone else that it takes in order to keep our children moving along that path to accomplishment.

As I know from visiting schools in my district, counselors—though there are far too few of them—play a critical role in student success. Unlike teachers, who often only get to know students one semester or year at a time, counselors follow students throughout their many years at an elementary, middle or high school.

They are adept at spotting long-term trends in student progress or behavior and arranging the appropriate intervention or enrichment. They assist teachers in developing instructional and behavioral programs tailored to meet the individual and unique needs of a particular student.

I want to recognize all the dedicated counselors from my district who accomplish amazing things every day that they go to work. Lisa Torres from Cleveland Elementary and Brian Kamper of Artesia High School are just two of the many exceptional counselors that I have heard of. Lisa and Brian help their students to believe in themselves and achieve their goals, and their reputations are well known. Parents are rightly proud of these counselors and secure in the knowledge that Lisa and Brian are looking out for their children's academic achievement as well as their emotional well-being. I want to applaud the work of all those like Lisa and Brian, who are an integral part of the education team.

I also hope that this year, as Congress continues to address No Child Left Behind and the role of our Federal Government in our local schools, that we can find a way to encourage schools to invest in counseling. The nationwide average student-to-counselor ratio of 475-to-1 is simply inadequate to provide students, teachers, and parents with the counseling services that they need.

Just think of all the students who are considering dropping out who need extra help from a literacy coach or who don't think that they can pay for college who could be reached if we simply had the counselors in those schools dedicated to those students.

I urge my colleagues to support this resolution.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

Let me conclude by giving a personal example of why counseling is so important, even though I was not counseled by a school counselor, but my example illustrates the importance.

When I was a senior in high school, I had no idea what I was going to do with my life and my career. I didn't even intend to go to college; fortunately, my father persuaded me to do that. But I had no idea what I wanted to do. That summer I was driving a truck. I ended up sitting in a diner next to another person. We began speaking, and he told me that he was a mechanical engineer at Ford Motor Company. He talked to me about what he did, and it sounded really interesting and it sounded like fun. So when I got to college, I went through the registration line and at one point someone said, what is your major? I said, I don't know, I have no idea. They said, well, you have to declare a major. I said, well, I'm not sure. So they said, well, you have to pick something. I said, okay, I'm going to be a mechanical engineer. And I found it amazing that based on a 10-minute conversation with a total stranger I decided what the rest of my life was going to be like.

That illustrates the important impact that a school counselor—or for that matter a teacher—can have in advising students on what to do with their lives. As it so happens, after one year as a mechanical engineering student, my physics professor persuaded me to be a physicist instead, but nevertheless, the point is still made: Counseling is crucial, and counseling must be done and must be done well and professionally if we're going to provide a good service for the students of this Nation. And because of that, I am pleased to be a principal cosponsor of this resolution, and I urge its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I am very, very pleased to recognize “mi amigo” from Texas, the gentleman from the 15th District of Texas, who also, of course, serves as the Chair of the House Education and Labor Committee Subcommittee on Higher Education, Mr. RUBÉN HINOJOSA, for 3 minutes.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of House Resolution 56, expressing support for National School Counseling Week.

I thank Congresswoman LINDA SÁNCHEZ of California and Congress-

man VERN EHLERS of Michigan as well as Congressman DAVID LOEBSACK for bringing this important resolution to Congress.

Madam Speaker, effective school counseling programs are critical to boosting academic achievement and eliminating achievement gaps in our Nation's schools. School counselors work with the whole child, providing guidance and support for their academic, personal, social and career development. And they can advise parents to invest in Children's Early Reading Plus Writing Equals Success in Education programs. RIF is a good example of reading literacy, and it is being used in my congressional district with great support from our school counselors.

For many first generation college students, the school counselor is their lifeline to information about preparing for, applying to, and paying for college. In many schools, the counselors office is the safe haven where students can turn for help with challenges at home or at school.

Our best counselors see themselves as student advocates. Unfortunately, school counselors are not always treated as mission-critical faculty or staff in our schools; they're often the first to be downsized in economic hard times. We can already see what's happening as local schools are forced to cut staff to make up for school budget shortfalls.

The American School Counselor Association recommends a student-to-counselor ratio of 250 to 1. Today, the national average is 475 to 1. In my own home State of Texas, the ratio is 437 to 1. And across the Nation, only four States meet the target ratio. Some States have ratios in the range of 1,000 students per counselor, and we must do better than that.

As we celebrate School Counseling Week, we should thank our school counselors for their work to prepare our next generation for success. We should also acknowledge our national failure to provide adequate counseling for our students. Most of all, we should also pledge to do something about it.

I urge all my colleagues on both sides of the aisle to support House Resolution 56, supporting National School Counseling Week.

Mr. LOEBSACK. Madam Speaker, I just want to thank Mr. EHLERS from Michigan and all the other speakers on this particular resolution. It's a wonderful resolution. As someone who has introduced legislation designed to call for more resources to support exactly what we're talking about here, I am very happy to support this resolution and call on my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 56, “Expressing support for designation of the week of February 2 through February 6,

2009, as ‘National School Counseling Week.’” I would like to thank my colleague Congresswoman LINDA SÁNCHEZ for highlighting such essential education staff with this important resolution.

This resolution brings public attention to the unique contribution of professional school counselors within our Nation's school systems. National School Counseling Week highlights the tremendous impact school counselors can have in helping students achieve school success and plan for a career.

It recognizes that school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development. They play a vital role in ensuring that students are aware of financial aid and college opportunities as well as encouraging students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields.

School counselors provide support for students whose family members have been deployed to conflicts overseas and help students cope with serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, and problems in the home.

School counselors are among the few professionals in a school building that are trained in both education and mental health. Despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut, especially in tough economic times.

The average student-to-counselor ratio in America's public schools, 475 to 1, is almost double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, and other organizations.

As chair of the Congressional Children's Caucus, I understand how important school counselors are for our youth. Madam Speaker, today many youth face temptations that often lead them down destructive paths and it is vitally important that we provide guidance that helps them make good decisions.

Why do we need to highlight the work of school counselors?

There are 35.2 million young people ages 10–18 in the U.S. today; of those young people: 1 out of 4 lives with only one parent; 1 out of 10 was born to teen parents; 1 out of 5 lives in poverty; 1 out of 10 will not finish high school.

Madam Speaker, a school counselor is sometimes the only person to whom our young people can go for advice and guidance. Imagine how many young lives could be positively impacted if we increased the number of school counselors and remembered their important role when budgets are cut.

School counselors can help give those youth living in poverty to strive towards a brighter future for themselves. Every child could benefit from having someone in his or her life to turn to for advice and help in the time of need.

The positive relationships and reinforcement that school counselors provide is clearly effective. Young people today are confronted with many challenges in life. They can find the confidence to overcome many of these challenges through quality counseling.

I urge my colleagues to join me in supporting this legislation.

Mr. LOEBSACK. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 56.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LOEBSACK. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING UNIVERSITY OF FLORIDA GATORS FOR WINNING BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 58) commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 58

Whereas, on January 8, 2009, the University of Florida Gators defeated the Oklahoma Sooners 24-14 in the Bowl Championship Series National Championship Game in Miami, Florida;

Whereas the Gators have become one of the premier athletic and academic institutions in the country;

Whereas this BCS National Championship is the University of Florida's 22nd national championship in all sports;

Whereas the Gators' victory over Oklahoma was the third football national title for the University of Florida and the second in the past three seasons, the others being won in 1996 and 2007;

Whereas the Gators are the fourth school in the modern era to win two outright national titles in three years;

Whereas the Gators improved their BCS Championship game record to 2-0;

Whereas Florida made its 18th-straight bowl appearance to extend their current school record, the longest active streak by a Southeastern Conference (SEC) team representing the second-longest in the Nation;

Whereas the Gators finished the 2008 season with a 13-1 record, matching the single-season school record for wins (also 13-1 in 2006);

Whereas the Gators become the second team in the 11-year history of the BCS to win two titles;

Whereas the Gators' victory is the fifth BCS championship for the SEC;

Whereas head coach Urban Meyer became only the fifth coach since 1936 to win two national championships in his first four seasons at a school;

Whereas Coach Meyer becomes the fifth active Division I coach with multiple national titles;

Whereas Coach Meyer became the 14th youngest head coach to win a pair of national titles since 1950;

Whereas the Gators' quarterback Tim Tebow was named the game's Most Valuable Player, with 340 yards of total offense, the third-best pass-rush total in a BCS Championship game;

Whereas Tim Tebow showed why he is one of the most versatile quarterbacks in college football history by completing 18 of 30 passes for 231 yards and 2 touchdowns and rushing for 109 yards, the third highest ground total by a quarterback in a BCS title game;

Whereas Tim Tebow became only the 5th player since 1950 to win two national titles and a Heisman Trophy;

Whereas Percy Harvin, after returning from an ankle injury, ran nine times for 122 yards and a touchdown, marking the third-best rushing total in a BCS Championship game, caught five passes for 49 yards, and proved once again to be the fastest player on the field;

Whereas Tebow and Harvin became the first set of teammates to each rush for 100 yards or more in the same BCS National Championship game;

Whereas the Gators' defense shut down the highest-scoring team in modern football history and held Oklahoma to only 14 points and 363 total yards, 40 points and 199 yards below the Sooners' season average;

Whereas Florida's defense held Sooner quarterback and Heisman Trophy winner Sam Bradford to 256 passing yards, his third-lowest of the season and his first two-interception game since October 11, 2008;

Whereas the Gators' players and coaches football team represent the University of Florida and the State of Florida with honor and integrity; and

Whereas residents of Florida and Gator fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Florida Gators for winning the Bowl Championship Series National Championship;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Florida President J. Bernard Machen and head coach Urban Meyer for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

Mr. EHLERS. Madam Speaker, I ask unanimous consent that Mr. STEARNS from Florida control the time on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 58 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LOEBSACK. Madam Speaker, I rise today to congratulate the University of Florida football team for their victory in the 2009 NCAA FedEx BCS National Championship game.

On January 8, football fans all across the country were treated to an exceptional game as the University of Florida Gators defeated the University of Oklahoma Sooners and clinched their third national title.

Defeating a tough Oklahoma Sooners team by a score of 24-14, the Florida Gators became the fourth straight second-ranked team to defeat the number one team in the Nation in the BCS National Championship.

The University of Florida serves as a premier academic institution, and is now emerging as an athletic powerhouse. The school has fielded 22 national championship teams, with the last four coming from the men's football and basketball teams.

This year's football team finished the season with a 13-1 record, matching the single season school record for wins. The outstanding players and coaches produced a great season, winning numerous awards and praise throughout the country.

I would also like to congratulate Tim Tebow, the game's most valuable player. He threw for 231 yards and two touchdowns while rushing for 109 yards. His 340 yards of total offense was the third best pass-rush total in BCS Championship history. He won the Heisman Trophy Award last year, and is a leader for his team.

And congratulations to Percy Harvin, one of the most electric and skilled athletes in America. Harvin rushed for 122 yards and caught five passes for 49 yards.

□ 1345

This was quite a feat after returning to play from a devastating ankle injury last month.

Averaging 50 points per game, Florida's defense held the University of Oklahoma's offense to just 14 points. The hard work of the outstanding defense and coaching staff clearly paid off.

And, finally, I want to extend my congratulations to Head Coach Urban Meyer. In only 4 years with the team, he has brought incredible success. Meyer became the fifth coach since 1936 to win two National Championships in his first four seasons as a head coach. He is the 14th youngest head coach to win a pair of national titles

since 1950. His leadership and commitment to this team have given him fame and a place in college football history.

The extraordinary achievement of this team is a tribute to the skill and dedication of many players, coaches, students, alumni, families, and fans that have helped to make the University of Florida a premier football program. Winning the National Championship, finishing the season with a 13-1 overall record, and leading the SEC to another championship has brought national acclaim to the University of Florida. I know the fans of the university will revel in this accomplishment as they look forward to the 2009 season. And they should. After all, Tim Tebow, an inspiration for fellow college athletes, will return for his senior year in the hopes of leading his team to their fourth National Championship.

Once again I congratulate the University of Florida football team for their success.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

I thank my colleague from Iowa for his generous comments, for his very perspicuous and insightful observations and his personal commendation, particularly in light of the fact that now I have the great honor to represent the University of Florida. And I stand today with a great deal of humility because I have been on this floor a couple times before obviously when they won the national basketball championship, that is this National Championship twice, and they have won now this second football National Championship, twice in 3 years. So I am very, very honored to represent the university and to ask my colleagues obviously to consider this resolution.

On the evening of January 8, the Florida Gators won their second BCS National Championship title, two in the past 3 years. But, my colleagues, they faced a very tough opponent: the Oklahoma Sooners. I think we all know how powerful a football program that is. We had our star quarterback, as mentioned by the gentleman from Iowa, Tim Tebow. He led the way and the Gators won the game 24-14. The Gators' defense was able to hold Oklahoma, the highest-scoring team in modern football history, to only 14 points and 363 yards. This was 40 points and 199 yards below their season average. Furthermore, my colleagues, Florida's defense held the Sooner quarterback, and this is the same quarterback that was the Heisman Trophy winner, Sam Bradford, to the third lowest number of passing yards of the season and his first two-interception game since October.

On offense, as mentioned, Florida quarterback Tim Tebow showed why he is the best dual threat quarterback in

college football by finishing with 231 passing yards and 109 yards of rushing, the third highest ground total by a quarterback in a BCS title game. Mr. Tebow is also just the fifth player since 1950 to win two national titles and the Heisman Trophy. Gators wide receiver/running back Percy Harvin was also instrumental in the Gators' victory over the Sooners by running nine times for 122 yards, catching five passes for 49 yards, and scoring a touchdown himself. Together, Tebow and Harvin made history by becoming the first set of teammates to each rush for 100 yards or more in the same BCS National Championship game.

With back-to-back basketball championships, 2006 and 2007, along with national football titles in 1996, 2007, and 2009, it's clear why the city of Gainesville is now called the "City of Champions."

While the University of Florida clearly has an outstanding athletic program, I would be remiss today if I didn't mention a few of the university's notable academic accomplishments. The University of Florida is one of the four largest universities in the United States and is also one of the largest research universities, housing more than 150 research centers and institutes. It's been the recipient of hundreds of millions of dollars in research grants and is home to the world's largest citrus research center. UF is also currently partnering with Spain to create the world's largest telescope, which will be located in the Canary Islands. The university's latest endeavor is the building of a brand new 50,000-square-foot research center which will focus on treatment and cures for diabetes, cancer, and genetic research.

Now, notably, the University of Florida contributes almost \$6 billion each year to Florida's economy and is responsible for the creation of 75,000 jobs.

And, finally, my colleagues, I am proud to report the University of Florida has been ranked 5th among all the universities in the Nation by Kiplinger's magazine's "Top 100 Public Colleges," with the university's 2005 incoming freshmen class having an average of over a 4.0 GPA and a 1306 SAT score. UF is also proud to have a high number of scholar athletes on its campus, and this is very impressive, boasting an 89 percent graduation success rate for all of its athletes.

So today, Madam Speaker, I'm pleased to congratulate Coach Urban Meyer and all the Gator football players and coaches for their incredible accomplishments and for representing the University of Florida and the State of Florida with honor and integrity. It's been a continuous honor to represent this fine university in the United States House of Representatives.

I would like to conclude by commending the University of Florida for

being one of the premier athletic and academic institutions in the country and to thank all the Gator fans worldwide for their longstanding support and pride in their team, and I look forward to more exciting football and basketball seasons, particularly football. Go Gators.

Mr. MICA. Madam Speaker, I wanted to join others in congratulating the University of Florida on winning the recent National College Football Championship. As a 1967 graduate of the university, I am proud of the athletic accomplishments of my alma mater. Fellow Gators have much to be proud of in the many achievements and honors gained by students, faculty, staff and graduates of this great institution of higher learning.

While we salute this athletic win it is important that our university, the State of Florida and all those interested and supportive of quality education programs work together to improve and restore our College of Education Historic Norman Hall. As a graduate of the U.F. College of Education, I urge our State legislature and Congress to aid in renovation of this principal building and center of our College of Education. While numerous other colleges have restored important campus structures, Norman Hall remains neglected. If one of our major institutions devoted to training educational professionals remains in tatters how can we accommodate the faculty, staff and future quality teachers for our State and Nation?

So let's not sit on our athletic laurels but recommit to winning one for quality education at the University of Florida, and go Gators!

Mr. BILIRAKIS. Madam Speaker, I rise in strong support of H. Res. 58, commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game. As a loyal Gator fan since I was a child, I can remember sitting at the kitchen table and talking about how wonderful it would be for the Gators to just win a Southeast Conference title. We accomplished that feat. Then, in 1996, our football team won their first national championship. The momentum hasn't stopped since we won it again in 2006 and 2008.

The University of Florida was founded in 1853. Fifty-three years later, their football program was born. Since the team's inception, they have played in 34 bowl games, won eight Southeast Conference titles, and produced three Heisman Trophy winners.

Florida's most recent Heisman Trophy winner, quarterback Tim Tebow, made numerous influential plays leading the Gators past the University of Oklahoma by a score of 24 to 14 at Dolphin Stadium in Miami. He was named most valuable player of the game.

I would also like to recognize and congratulate the Gators' head coach, Urban Meyer. Coach Meyer became Florida's head football coach in 2005. This past year, he led the Gators to a 13 and 1 season, bringing them their second national championship in three years. Mr. Meyer is the first coach in school history to win two BCS championship games.

The University of Florida has proven itself both on the football field and in the classroom. It is on the cutting edge for research and technology. The university is currently home to 17

colleges and more than 150 research centers, educating and training future generations of Americans.

As one of our Nation's largest research institutions, the University of Florida is also making great contributions to our economy. It is estimated that it contributes \$6 billion annually to Florida's economy and is responsible for producing an astounding 75,000 jobs.

Madam Speaker, I am certainly proud to call the University of Florida my alma mater. I congratulate them on yet another national championship victory, and I look forward to watching their continued success athletically, academically, and economically.

I urge all of my colleagues to support H. Res. 58.

Ms. WASSERMAN SCHULTZ. Madam Speaker, as a proud University of Florida alumna who bleeds orange and blue, I am delighted to be an original cosponsor of H. Res. 58, Commending the University of Florida Gators for winning the 2008 Bowl Championship Series National Championship Game.

The University of Florida Gators football team squarely defeated the Oklahoma Sooners 24–14. This tremendous victory is nothing but extraordinary on all counts. The Gators' win over Oklahoma was the third football national title for the University of Florida and the second in the past three seasons.

This victory makes the University of Florida the fourth school in the modern era to win two outright national collegiate athletics title in three years. Additionally, Gators' quarterback Tim Tebow was named the game's Most Valuable Player, with 340 yards of total offense, the third-best pass-rush total in a BCS Championship game.

While this victory is among the many reasons to be proud of the University of Florida, I am most proud of that the excellence of its academic, athletic, and research programs is beyond compare. It is both a premier public research university and a top contender in the athletic arena.

With so much to be proud of, it is no wonder that the Gator nation includes millions of people from all over the world—students, alumni, faculty, staff, administrators, sports fans, and anyone who shares the values and spirit of the University of Florida. It goes without saying that the Gator nation has continued to make its mark and make her alumni and the Gator family proud.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to commend the University of Florida's 2008 football team for winning the 2008 NCAA National Championship on January 8, 2009, over the Oklahoma Sooners.

The 2008 Florida Gators football team represented the University of Florida exceptionally well in the 2008 college football season. The team was coached by Urban Meyer and finished the season ranked as the number one team in the Associated Press poll and USA Today Coaches poll. After clinching the Southeastern Conference Eastern Division, the team defeated the then number one-ranked Alabama Crimson Tide 31–20 in the 2008 SEC Championship Game to win the EC title. The Gators closed their season after the 2009 BCS National Championship Game, where they defeated the Oklahoma Sooners for the BCS National Championship with a score of 24–14.

In over 100 years of play, Florida has been recognized as SEC champions eight times—finishing first in the conference an additional three times—and were national champions of the 1996, 2006, and 2008 college football seasons. The University of Florida is the winningest college football team in the Nation since 1990.

Understandably so, I know that Congressman STEARNS and the other Representatives from the State of Florida are quite proud of this amazing feat, just as I had the opportunity to rejoice when the pride of Texas, our University of Texas Longhorns, celebrated their national championship victory at the Rose Bowl since 1990.

Madam Speaker, this commendation today recognizes this exceptional team and the University of Florida's athletic program's rich winning tradition. This resolution also notes the extraordinary commitment and daily sacrifices made by these outstanding young men. I would also like to commend the "Pride of the Sunshine" Fightin' Gator Marching Band who performed magnificently and one of their alumna and an important member of my staff, Erin Dominguez.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LOEBSACK. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 384.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Thursday, January 15, 2009, amendment No. 7 printed in House Report 111–3 offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) had been disposed of.

AMENDMENT NO. 8 OFFERED BY MRS. MYRICK

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–3.

Mrs. MYRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. MYRICK: Page 7, after line 11, insert the following:

“(4) PROHIBITION ON USE OF TARP FUNDS FOR FOREIGN CUSTOMER SERVICE POSITIONS.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009, no assisted institution that became an assisted institution on or after October 3, 2008, may enter into a new agreement, or expand a current agreement, with any foreign company for provision of customer service functions, including call-center services, while any of such assistance is outstanding.”

The Acting CHAIR. Pursuant to House Resolution 62, the gentlewoman from North Carolina (Mrs. MYRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, my amendment is very simple. Any company that accepts or has accepted TARP funds would be prevented from outsourcing any new customer service or call center jobs to a foreign company.

I'm not aware of any companies that have participated in the TARP that have entered into any new contracts with foreign-based customer service centers, but I do know that our constituents have a great deal of skepticism about the TARP program and how their money is being spent. And if a company that has been propped up with taxpayer dollars were to outsource these types of jobs, it would create further cynicism.

I understand this is a global interconnected economy. However, given the amount of Federal dollars pouring into U.S. companies from TARP and given the fact that the U.S. unemployment is now above 7 percent, I don't think it's unreasonable to demand that American workers are used to fill any new customer service jobs for the companies who are assisted with American taxpayer dollars.

I urge support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to meet the formal requirement that someone rise who is in opposition, although that is not, as you know, highly enforceable.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I think the amendment is a good one. Any doubts I had were assuaged since I listened to the gentleman.

But I do want to point out a difficulty that Members of this House should contemplate. We run the risk here that this may violate our obligations under the World Trade Organization. As someone who voted against joining, and I say that without any embarrassment, I would say to Members who will be joining, I believe, virtually every Member of this House in supporting the gentleman's amendment that perhaps it should lead them to rethink to having so enthusiastically subscribed to the WTO agreement without some changes. It certainly seems to us that while we do know the government is directly involved, spending its own money, you can have a requirement for domesticity. It is unclear what the interpretation will be here. The interpretation will not be purely an American one. It will be in the dispute resolution procedures of the WTO.

So as we go forward in this Congress and we are told about the advantages of a multilateral approach to trade, and I agree that, properly done, that is very advantageous, I hope Members who more enthusiastically than I embraced this principle will stop to think about it.

Some of us who were worried about the job impact of international economic relations have been derided as the reincarnation of Smoot and Hawley. Well, I guess Smoot and Hawley would have been with us on this one because it says companies who do business in America cannot go overseas for hiring. That's not trade in the old way because they didn't have the option of doing this in the old way with technology. But it is a restraint on international economic activity. It is the government's saying to the market you may not do this because it will have a negative impact on our employment.

□ 1400

Now, I think that's legitimate, especially here, since it will only apply to companies that are receiving this assistance. But understand the principle. Those who say it's always a good thing to allow the market to totally run because it will enhance capacity are agreeing that in this case, because we have the hook on which to hang it, we can undercut that.

But the fact that we have the hook in the TARP doesn't change what the economics would be. So I welcome what I think is a renewed recognition for some and a belated recognition for others that a regime in which none of these considerations of local employ-

ment can be considered is not necessarily in our best interest.

I yield back the balance of my time. Mrs. MYRICK. I understand the gentleman's concerns regarding the WTO, and I know there are concerns there with what's been done with the automakers, too, so this isn't the only one.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mrs. MYRICK).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-3.

Mr. FRANK of Massachusetts. Mr. Chairman, I note that the author of this amendment is not now on the floor. Could we get unanimous consent to pass over without his forfeiting his chance so he could do it when he comes?

The Acting CHAIR. That request would have to be made in the full House.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Is there any way under the rules to preserve the right of the gentleman from Minnesota who offered this?

The Acting CHAIR. A designee could offer it at this time.

Mr. FRANK of Massachusetts. Well, then I offer it as his designee.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANK of Massachusetts:

In subsection (e) of section 113 of the Emergency Economic Stabilization Act of 2008, as proposed to be added by section 101(a) of the bill, add at the end the following new paragraph:

“(4) ONLINE PUBLICATION OF PERIODIC REPORTS.—The Secretary shall make publicly available on the Internet each report made in accordance with paragraph (1).”

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer this amendment on behalf of our colleague from Minnesota (Mr. WALZ) who has been diligent in trying to see that money allocated under the TARP Program is fully accounted for, and, obviously, many of us feel that has not happened with the first half of the money.

Let me make a point that may have escaped some Members. We are not

used to this, and so it may be hard for Members to assimilate, but last week the Senate acted decisively. The Senate voted under the bill that we passed last fall and defeated the resolution of disapproval.

The procedures adopted that called for the resolution of disapproval to assure Members that there would be no tricks in both Houses ruled out any motion to reconsider. So the Senate defeat of the resolution of disapproval last week is final and it is dispositive.

We, under a statute that could have been drafted better, will still vote on that resolution, but the outcome of the vote in the House is irrelevant, because the Senate has legally acted to trigger the second \$350 billion.

So it's a fact that the \$350 billion, the second \$350 billion, will be at the disposal of the Obama administration. It isn't even yet there because the Bush administration, at the request of the Obama administration, requested the funds last Monday. I believe they probably won't ripen until a week from yesterday. It's a 15-day period. But as of next week sometime, the Obama administration now has the legal right to deploy the \$350 billion.

What our colleague from Minnesota (Mr. WALZ) has thoughtfully put forward as an amendment will require the Treasury to make available on the Internet all of the reports that are required under the bill. The bill requires reports, but they will now be made immediately available on the Internet.

There is a great deal of understandable public dissatisfaction at the failure of this information to be made available. And the gentleman from Minnesota, by insisting that we use the most appropriate contemporary technology, has helped with that problem.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, as I look at this amendment, I think the amendment is probably a good one, adding to the transparency and accountability, to the underlying legislation, but I still believe that I have a number of concerns.

And to the extent that this facilitates passage of the underlying bill, again, what I perceive that we have here is buyers' remorse for many with respect to the underlying TARP Program. And what many Members, I believe, saw was, either, one, they didn't see a plan, or, number 2, the plan they thought they saw was not the plan that they saw implemented, and whatever they saw implemented they didn't see too clearly because of the transparency and accountability that most Members would want was not present. I feel that because of the exigent circumstances the legislation was, perhaps, drafted in haste.

Now, the underlying legislation to which the gentleman's amendment would apply continues to have a number of underlying problems. Now, I do want to compliment the Chairman of the Financial Services Committee, who I think has added some very important accountability and transparency provisions to the underlying legislation.

I think almost all Members agree that it's absolutely insane to be investing taxpayer money in these companies with no reporting requirement whatsoever, and I compliment the chairman for including that in the underlying legislation. The reporting requirement on new lending attributable to TARP is another good provision.

But, Mr. Chairman, I have three major concerns dealing with the underlying legislation.

Number one, if legislation still puts us on the road to picking winners and losers in our economy, express language dealing with the auto bailout, it doesn't do anything for the arts and crafts supplier in Athens, Texas, that I represent. I don't see language in the bill that's going to help them.

It doesn't do anything for the aluminum and zinc die caster in Jacksonville, Texas, in my district. I don't see any express language in the legislation that helps them.

On this side of the aisle, Mr. Chairman, we want to help everybody in the economy. Again, name me three industries that aren't hurting in this economy.

Why, again, Mr. Chairman, does the bill pick winners and losers?

Second of all, Mr. Chairman, it specifies a rather questionable foreclosure mitigation plan, one that apparently will take at least \$40 billion of taxpayer funds, roughly patterned after the FDIC plan, if you read the language, one that even the FDIC admits may cost \$25 billion.

Mr. Chairman, people on this side of the aisle support foreclosure mitigation, too. It's called preservation of your job, expand your job opportunities, and expand your paycheck through middle-income tax relief. That's the foreclosure mitigation plan that we need to see.

Then finally, Mr. Chairman, I am concerned about a provision that would permit the Secretary of the Treasury to put, quote-unquote, observers into assisted institutions.

Again, I think this may speak to the haste in which the underlying legislation has been drafted. It didn't go through any markup. We didn't have any formal hearing on it, but on page 11 of the base bill, it states that the Secretary may require the attendance of an observer at, quote-unquote, any assisted institution.

Well, on page 8 of the bill it defines an assisted institution as any such institution that receives directly or indirectly assistance or benefit that derives from the funds that are available.

My concern, Mr. Chairman—and I don't believe it was the intent of the author of the legislation—but seemingly you could be giving the Secretary of the Treasury power to put an observer in any small business that does business with a community bank and gets a loan.

We may be on the precipice of having a Secretary of Treasury, who admittedly doesn't pay his own taxes, and yet he will have the right to put an observer into small businesses to make sure they pay theirs.

Again, I doubt it was the intent of the drafter of the underlying bill for that to happen, but it concerns me, Mr. Chairman, that we would have that in the base bill. And I hope Members would clearly take a look at that before approving the underlying legislation.

With that, Mr. Chairman, I would like to reserve the balance of my time.

The Acting CHAIR. The time of the gentleman from Texas has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee, I now yield the remaining 2½ minutes to my designator, the author of the amendment, the gentleman from Minnesota.

Mr. WALZ. Mr. Chairman, I rise today to offer this amendment and, interesting, listening to my colleague on the other side of the aisle, while I did not support the underlying bill in the first place, I think we may part company at that point, because I want to thank the chairman for the work that he has done.

Because the one thing I hear is, and I heard it yesterday as we watched our new President be sworn in, now is the time to put the childish political bickering aside. Offer us something that works.

If you don't want someone in the boardroom, don't take the money. But the American public is asking us and the economists are asking us what needs to be done to move this economy.

I do not support the money going. I do not believe that the American public was served well in it. It does not mean that I am not willing to offer changes to improve it overall.

So my amendment, and what I ask the chairman to accept in this amendment, is to ask for the oversight that needs to be there. Not for the Members of this body and not for the accountants, but for the American public.

If an institution is going to take this money, then have the courage to publish it online so every person in every library and every home can go and see where their taxpayer dollars are being spent. And if that is simply an intrusion into the private sector, simply don't accept the money.

But I see them beating down the doors of this Congress and beating down the doors to try and get them. So my goal, and I believe the chairman's goal all along has been, it was working

with the previous administration who put these proposals forward. The chairman did the time-honored practice of this body of reaching compromise for the good of the American public.

So what I ask, Mr. Chairman, is looking retrospectively into the \$350 billion that was spent and then forward, that these institutions be required, through the Secretary of the Treasury, to put and post online how each and every dollar of this money is being spent.

And what I believe is you will get transparency, you will get the accountability, and I think in the spirit of what my colleague is saying, you will have a great incentive for the market then to work fairly on an even playing field, making sure that we, once again, put those things in place that actually make our financial system work, actually free up credit and get our economic system moving.

So we are here to work on those problems that most affect average Americans. We may disagree on how to get there, but there is no denying we are at a point in our Nation's history where political bickering won't get us there, where nontransparency to the public is the wrong way to go.

Mr. Chairman, I thank you for having this opportunity to put forward this amendment. The amendment is very simple, and it simply states online publication of periodic reports. The Secretary shall make publicly available on the Internet each report made in accordance with paragraph one. That simply says, at least quarterly, they will put out how they are spending our money.

I want to thank the chairman for giving me this opportunity. I want to thank the ranking member for coming today and debating this issue. We owe it to our constituents to solve this.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-3.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of title I, insert the following:

SEC. 108. BROADENED INSPECTOR GENERAL AUTHORITY.

Section 121(c) of the Emergency Economic Stabilization Act (12 U.S.C. 5231(c)) is amended by striking "the purchase, management, and sale of assets" and all that follows through "under section 102" and inserting "any action taken by the Secretary of the Treasury under this title (except sections 115, 116, 117, and 125), as the Special Inspector General determines appropriate".

In the table of contents in section 1(b), insert after the item relating to section 107 the following new item:

Sec. 108. Broadened Inspector General Authority.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment is pretty straightforward. It simply allows the special inspector general for TARP to review any action tied to the distribution of TARP funds. The position of the special inspector general for the TARP Programs was created by section 121 of the Emergency Economic Stabilization Act, which was signed into law in October.

This legislation initially provided enough authority for the special inspector general, but because the purview for TARP, the scope expanded so significantly, this special Inspector General really didn't have the authority to look at these other items as well. It now includes, for example, TARP. The scope of TARP includes propping up a number of banks, bailing out AIG and Citicorp and providing assistance to U.S. automakers.

Under the initial act, it wasn't clear that the special inspector general had the authority to look over these issues as well. This amendment will ensure that it does.

In a November article in the Washington Post, the Treasury's Inspector General described the oversight of the current situation of TARP "a mess." We need to make sure that the inspector general has sufficient authority to look over these other areas where TARP has gone.

With that, I will reserve the balance of my time.

□ 1415

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the 5 minutes that goes to someone in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I thank the gentleman from Arizona for his careful legislating. He is a careful legislator. He is exactly right. This amendment does make sure that the inspection IG's oversight purview is equivalent to that of the TARP.

There have been concerns about the oversight, which we understand. I wanted to divide this in two as we talk about the oversight. The problem has been that they have not required enough of the—*the Treasury hasn't required enough.* The oversight mechanisms we put in there haven't seem, to me, to have done some good. The special IG was created. He was held up until the Senate acted. He recently issued an example of his plan to go forward.

We have also had very good oversight by the Government Accountability Of-

fice. When Members read about the failure of Treasury to require the recipients of the capital infusions to do any re-lending, or at least to tell they were going to do it, that was documented by the Government Accountability Office in a very effective report, which we had a hearing on. And then the panel of appointees by the congressional leadership, which includes the gentleman from Texas, the former Senator from New Hampshire, and three other very energetic citizens, they have also put out good reports.

So we have gotten some good oversight that tells us what they did wrong. But oversight, of course, only highlights that. It doesn't correct it. This legislation is in fact informed to some extent by that oversight, and hopes to build on it. The gentleman from Arizona's amendment will make sure that the oversight continues to be equal to the test.

I reserve the balance of my time.

Mr. FLAKE. I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. I thank the gentleman. Hearing what I have just heard, I would like to thank the chairman of the full committee. It is clear that we will for months, years to come, be looking at the failures of TARP; the failures to properly consider the allocation of these funds before they were delivered and to lock down appropriately the ways in which it could be spent. Notwithstanding failures in our hurried legislation, it is also very clear that the effectiveness, or lack thereof, the honesty, or lack thereof, of the expenditure of these funds, is critical if we are going to regain confidence by the American people that in a future emergency situation we will be able to quickly allocate resources to a problem and then have those resources used properly.

So I thank the gentleman for offering this amendment. I thank the chairman for his willingness to accept this amendment that will allow the IG to report to the committees of jurisdiction so that we can in fact look for the waste, fraud, and abuse in this legislation and its carrying out. Thank you.

Mr. FLAKE. I reserve the balance of my time.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 3½ minutes remaining and the gentleman from Arizona has 2½ remaining.

Mr. FRANK of Massachusetts. I yield myself 2½ minutes.

Let me inquire of the gentleman from Arizona, is he his remaining speaker?

Mr. FLAKE. I just plan to close.

Mr. FRANK of Massachusetts. Do I have the right to close as a member of the committee?

The Acting CHAIR. The gentleman does.

Mr. FRANK of Massachusetts. I yield myself 2 minutes just to say, as has been pointed out, we have been given indications that the Senate does not plan to act on this. Of course, I can recall a number of times when people on both sides have said we are going to go ahead whether they do or don't.

I will say this. Much of what we put in this bill can be done even if it doesn't pass. And I regard this as a very important vote that we will have later to strengthen our hand in making sure that Treasury does what we think is necessary, even if it doesn't become law. Almost everything in the bill could be done even without statutory change. This may be one of the few things that requires statutory change.

So I would say this to the gentleman from Arizona. If I am correct and this is one of the few pieces that would require statutory change to expand the special IG's authority, we will work together to get a suspension bill through that will do that, that is abstracting from some of the rest of it. Because, again, it's now a given that the second \$350 billion will be spent. So I just wanted to give the gentleman that assurance, that while almost everything else in this bill can be done, and we are really insisting they should use authority that they have, to the extent this requires statutory change, I believe we can do a very quick, noncontroversial suspension.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman. My understanding is the Senate has already acted on language identical to this in a free-standing piece of legislation. This, I think, is certainly a priority of theirs as well, to make sure that the special IG has the authority to look over all disbursements of the TARP funds.

I think it's incumbent on us in Congress to take better care here. I have been simply amazed at how jealous we guard our spending prerogatives here in the House, rightly so, but then when it came to TARP, we simply let them run with whatever they wanted to spend it on. We clearly did not contemplate here, those of us who are considering this in the House, that this money would be used for a bailout of the auto industry, for example.

So I just want to make sure that the tools are there to make sure that proper accounting is done and proper review is made of the expenditure of funds. I am grateful the chairman has agreed to support the amendment.

With that, I yield back the balance of my time.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes.

Mr. FRANK of Massachusetts. First, on the auto issue, let me say I agree that it would have been a mistake to have taken the original TARP vote and

then said, Okay, use that to go to the aid of the three American automobile manufacturers. And this is why Speaker PELOSI correctly insisted that we vote on it. Now it turned out because the Senate didn't act, that it didn't become law. But what this House voted on had a major influence on what the Bush administration did.

I was not prepared to support the use of TARP funds if it did not receive the vote of this House for the autos. So with regard to autos, the House has already, by a fairly large vote, decided to do that. That is the model I have in mind for this bill. There's probably some ambiguity as to whether or not the gentleman's amendment would require statutory change. I am in favor of resolving the ambiguity. I'd rather be redundant than ambiguous, as people might know from listening to my speeches.

So I will work with him to get that bill passed. But on the basic point, here we are. It is true the Senate at this point says they are not going to pass it. It is true we are doing things here that we wish the Bush administration had done, but didn't do them. I believe that the Bush administration and the Obama administration are correct that it's in the interest of the economy for the second \$350 billion, and they are very strongly agreed on that, both administrations, if it can be done well, it would be to the advantage of the economy in helping with the economic problems. But we are insisting that they do some things they didn't do at first.

Even if it does not become law, as Members know, I will be talking with the Secretary of the Treasury, I will be talking, as will other Members, with the administration. When we tell them to do something about foreclosures, when we say to look at the problems of municipalities, if we have the force of a large majority of the House of Representatives behind us, it will make us even more persuasive.

None of us, I think, have enough confidence in our mellifluous tones to think that on our own we can do things that we couldn't do when we are speaking for a majority of the House of Representatives.

So passing this bill with these specifics will be adding greatly to our ability to get the administration to do these things. I should say it's already clear that under the Obama administration, unlike the Bush administration, there will be significant funds for foreclosure relief.

I understand the dilemma some of my conservative friends have, because two leading journals of conservative opinion, the Wall Street Journal and the Heritage Foundation, have said, Don't do anything about foreclosures. Well, this bill will ensure that they do, to their disappointment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. HINCHEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-3.

Mr. HINCHEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HINCHEY: Page 4, after line 9, insert the following new paragraph:

“(4) USE OF 2008 ASSISTANCE.—

“(A) COLLECTION OF INFORMATION.—Effective upon enactment of this paragraph, The Secretary shall require any assisted institution which received assistance under this title before January 1, 2009, to provide sufficient information with regard to such assistance as to inform the Secretary of the precise use of such assistance by the institution and the purpose for the use.

“(B) ANALYSIS.—The Secretary shall conduct an analysis of the use of the assistance for which information was received under subparagraph (A).

“(C) REPORT TO THE CONGRESS.—Within 30 days after the enactment of this paragraph, the Secretary shall promptly submit a report containing the findings and conclusion of the Secretary on the use of the assistance referred to in subparagraph (A), together with such recommendations for legislative or administrative action as the Secretary may determine to be appropriate, to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.”.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, since the bailout bill was passed last year, about \$350 billion of the \$700 billion that was allocated in that legislation has been authorized and effectively spent through the Treasury Department. However, there's very little information with regard to who are the recipients of that \$350 billion and for what purpose they receive that money and how they spend it.

So this amendment just asks and makes it clear that upon the passage of this legislation, that the Secretary must provide information with regard to where that money has gone and how that funding was spent. And then, 30 days later, within 30 days after the enactment of this paragraph, the Secretary shall promptly submit to the appropriate committees here in the Congress that information: Where the money was allocated and for what purposes it was spent.

I think this is a very essentially important piece of information. I expect that it will be passed by the House.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Thank you, Mr. Chairman. Again, I have similar concerns I had with one of the earlier amendments. I think, frankly, the gentleman from New York has a very good amendment. I will support it. I do, again, believe that there needs to be increased transparency and accountability for how these funds are used.

But, again, Mr. Chairman, I have concerns, and I agree with our distinguished chairman of the Financial Services Committee that this is an important vote that we will take on the underlying legislation. But I continue to have concerns that I feel have not been addressed.

Number one, although the underlying legislation—and the gentleman from New York is certainly adding more accountability and transparency to the process—although my friends on that side of the aisle take a few steps forward, they unfortunately take a number of steps backwards as well. As I look at the underlying legislation, particularly with respect to the HOPE for Homeowners program which, by the way, the Congressional Budget Office estimates is a 15 percent subsidy cost, and that could cost \$675 million over 10 years, that the legislation, the underlying legislation actually eliminates borrower certifications. That a borrower has not intentionally defaulted on the mortgage or any other debt, has not knowingly or willfully and with actual knowledge furnished material information known to be false for the purpose of attaining an eligible mortgage. I mean, Mr. Chairman, that is clearly a step backwards when it comes to adding accountability and transparency to the process.

In addition, the underlying legislation eliminates the requirement that an individual receiving assistance under that program verify their income by providing tax return information.

So I have heard all of the wonderful words about our accountability and transparency increases within the legislation, but I haven't heard a whole lot though about the steps the underlying legislation has taken in the wrong direction.

In addition, Mr. Chairman, I still am concerned about this provision that I hope that perhaps the distinguished chairman will address, the provision in the underlying bill allowing the Secretary to place board observers into “assisted institutions.” I mean assisted institution is defined on page eight of the base bill and it includes any institution that receives directly or indirectly, or indirectly, any assistance or benefit.

I still question, again, whether or not a small business in a rural community

who does business with a small community bank receiving TARP funds, all of a sudden are they going to end up having a Federal observer in their small business? Now maybe some Members would like to go down that road. Maybe they think that is a good thing. I, for one, do not. I don't believe that was probably the intention of the author of the bill. But, again, I am reading the definition in the legislation.

I think it's a great concern, and Members need to pay very careful attention before they vote on the underlying legislation.

With that, Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. HINCHEY. Mr. Chairman, I think the amendment that we have here is very clear and puts forward some necessary information which must be received by the Congress, especially prior to the enactment of the remaining \$350 billion, just making it clear that we need to know how much money has been spent and where it has been spent and for what purpose, and it stipulates that the Secretary of the Treasury must submit that information within 30 days after the enactment of this legislation.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, might I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining, and the gentleman from New York has 3 minutes remaining.

Mr. HENSARLING. I yield myself the balance of my time.

Mr. Chairman, again, I want to compliment the gentleman from New York for his amendment. I think it certainly improves the underlying bill. My main concerns remain with the underlying bill; and I am still fearful that this institution is about to, essentially, commit the same error that many feel was committed a few months ago.

I myself did not vote for the underlying TARP legislation; I voted against it twice. I supported an alternative plan. Now, these continue to be very serious challenging, serious economic times that need thoughtful plans. But we are essentially saying to the incoming administration: Here is a \$350 billion bank account. Well, I say, where is the plan? And Congress isn't going away. Congress can come, and when the need is presented and the plan is presented, can vote for this money.

There is the Federal Reserve. We are already up to \$7 trillion to \$8 trillion of taxpayer liability exposure that includes their various lending facilities. It is not like, if Congress goes to bed at night, that no one is there to aid in an emergency situation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I would be happy to yield to the chairman.

Mr. FRANK of Massachusetts. I appreciate what the gentleman is saying. He knows we are going to have a hearing in our committee on the Federal Reserve; but because of what the Senate did, whether or not they spend the \$350 billion is no longer an open question. They are going to spend it. The Senate guaranteed that.

Mr. HENSARLING. Reclaiming my time, I understand that, to the distinguished chairman; but I also understand, as I believe you said, to paraphrase, this sends an important signal. I don't want to send the signal that the vote on the underlying legislation would provide that, here is \$350 billion, without a plan.

With that, I yield back the balance of my time.

Mr. HINCHEY. I yield to the chairman.

Mr. FRANK of Massachusetts. I have to differ with my friend from Texas when he says it sends a signal that they shouldn't have \$350 billion without a plan. They know they have the \$350 billion. This is an effort to strengthen our hand when we impose some constraints on them.

But the signal it sends is we care about these substantive issues: Foreclosure, requiring a disclosure, et cetera. It does not send a signal that they have \$350 billion, because they have it. They don't need a signal. \$350 billion is better than a signal; it is now legally theirs to spend without any constraint, except what we are able to impose on them through our efforts. I understand the gentleman disagrees with some of the specifics. Those were entirely reasonable points to make. But the notion that we shouldn't send them a signal to spend the money misses the point that they are about to spend the money next week whatever we do, and all we can do at this point, given what the Senate has done, is to try to impose some of the concerns we have on them.

Mr. HINCHEY. And it is unclear to me whether the gentleman is opposed to putting this information forward or not. I think that everybody here should be in favor of addressing this issue in a responsible way, saying we need to know where the money has been spent, who it has been allocated to, and what has been the result of the expenditure.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HINCHEY) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1505

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at 3 o'clock and 5 minutes p.m.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 384.

□ 1506

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in House Report 111-3 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

AMENDMENT NO. 11 OFFERED BY MR. HINCHEY

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 1, not voting 11, as follows:

[Roll No. 23]

AYES—427

Abercrombie Cole
Ackerman Conaway
Aderholt Connolly (VA)
Adler (NJ) Conyers
Akin Cooper
Alexander Costa
Altmire Costello
Andrews Courtney
Arcuri Crenshaw
Austria Cuellar
Baca Culberson
Bachmann Cummings
Bachus Dahlkemper
Baird Davis (AL)
Baldwin Davis (CA)
Barrett (SC) Davis (IL)
Barrow Davis (KY)
Bartlett Davis (TN)
Barton (TX) Deal (GA)
Bean DeFazio
Becerra DeGette
Berkley Delahunt
Berman DeLauro
Berry Dent
Biggert Diaz-Balart, L.
Bilbray Diaz-Balart, M.
Bilirakis Dicks
Bishop (GA) Dingell
Bishop (NY) Doggett
Bishop (UT) Donnelly (IN)
Blackburn Doyle
Blumenauer Dreier
Blunt Driehaus
Boccheri Duncan
Boehner Edwards (MD)
Bonner Edwards (TX)
Bono Mack Ehlers
Boozman Ellison
Boren Ellsworth
Boswell Emerson
Boustany Engel
Boyd Eshoo
Brady (PA) Etheridge
Brady (TX) Faleomavaega
Braley (IA) Fallin
Bright Farr
Broun (GA) Fattah
Brown (SC) Filner
Brown, Corrine Flake
Brown-Waite, Fleming
Ginny Forbes
Buchanan Fortenberry
Burgess Foster
Burton (IN) Foxx
Butterfield Frank (MA)
Buyer Franks (AZ)
Calvert Frelinghuysen
Camp Fudge
Campbell Gallegly
Cantor Garrett (NJ)
Cao Gerlach
Capito Giffords
Capps Gillibrand
Capuano Gingrey (GA)
Cardoza Gohmert
Carnahan Gonzalez
Carney Goodlatte
Carson (IN) Gordon (TN)
Carter Granger
Cassidy Graves
Castle Grayson
Castor (FL) Green, Al
Chaffetz Green, Gene
Chandler Griffith
Childers Grijalva
Christensen Guthrie
Clarke Gutierrez
Clay Hall (NY)
Cleaver Hall (TX)
Clyburn Halvorson
Coble Hare
Coffman (CO) Harper
Cohen Hastings (FL)

Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Loftgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)

Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler

Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Sablan
NOT VOTING—11

Bordallo
Boucher
Crowley
Harman

Herseth Sandlin
Neugebauer
Platts
Solis (CA)

Tiberi
Watson
Young (AK)

□ 1537

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PLATTs. Mr. Chair, on rollcall No. 23 (Hinchey Amendment to H.R. 384), I was delayed en route to the Capitol due to two traffic accidents (not involving my vehicle) and then not able to record my vote on said amendment. Had I been present for rollcall No. 23, I would have voted "aye," in favor of the amendment.

Ms. BORDALLO. Mr. Chair, on rollcall No. 23, traffic delays. Had I been present, I would have voted "aye."

Mr. SABLAn. Mr. Chair, during rollcall vote No. 23 on H.R. 384, I mistakenly recorded my vote as "no" when I should have voted "aye."

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and pursuant to House Resolution 62, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.

GOHMERT

Mr. GOHMERT. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOHMERT. Yes, I do oppose the bill, Madam Speaker.

Mr. FRANK of Massachusetts. Madam Speaker, I reserve a point of order against the recommittal motion.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gohmert moves to recommit the bill H.R. 384 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SUSPENSION OF EMPLOYMENT TAXES.

(a) TAX ON EMPLOYEES.—Section 3101 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended by adding at the end the following new subsection:

“(d) SUSPENSION.—In the case of wages received for service performed during the 2-month period beginning with the first full month after the date of the enactment of this subsection, the percentage under subsections (a) and (b) shall be zero percent.”.

(b) TAX ON EMPLOYERS.—Section 3111 of such Code (relating to rate of tax) is amended by adding at the end the following new subsection:

“(d) SUSPENSION.—In the case of wages paid for service performed during the 2-month period beginning with the first full month after the date of the enactment of this subsection, the percentage under subsections (a) and (b) shall be zero percent.”.

(c) TAX ON SELF-EMPLOYMENT INCOME.—Section 1401 of such Code (relating to rate of

tax) is amended by adding at the end the following new subsection:

“(d) **SUSPENSION.**—In the case of self-employment income for service performed during the 2-month period beginning with the first full month after the date of the enactment of this subsection, the percentage under subsections (a) and (b) shall be zero percent.”

(d) **EFFECTIVE DATES.**—

(1) The amendments made by subsections (a) and (b) shall apply to remuneration paid or received after the date of the enactment of this Act.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

SEC. 2. SUSPENSION OF INCOME TAXES.

(a) **IN GENERAL.**—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139B the following new section: “**SEC. 139C. WAGE AND SELF-EMPLOYMENT INCOME.**

“In the case of an individual, gross income shall not include—

“(1) any remuneration for service performed during the 2-month period beginning with the first full month after the date of the enactment of this section, by an employee for his employer, including the cash value of all remuneration (including benefits) paid in any medium other than cash wages (as defined in section 3121), and

“(2) any self-employment income (as defined in section 1402) derived by such individual during such period.”

(b) **CLERICAL AMENDMENT.**—The table of sections for such part is amended by inserting after the item relating to section 139B the following new item:

“Sec. 139C. Wage and self-employment income.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 2008.

SEC. 3. FUNDING OF SOCIAL SECURITY TRUST FUNDS WITH REPEALED TARP FUNDS.

(a) **REPEAL OF FINAL \$350 BILLION PURCHASE AUTHORITY UNDER TROUBLED ASSETS RELIEF PROGRAM.**—Section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended—

(1) in subsection (a), by striking paragraph (3); and

(2) by striking subsections (c), (d), (e), and (f).

(b) **TRANSFER TO SOCIAL SECURITY TRUST FUNDS.**—

(1) **ESTIMATE OF SECRETARY.**—The Secretary of the Treasury (in consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, as appropriate) shall estimate the impact that the enactment of this Act has on the income and balances of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund.

(2) **TRANSFER OF FUNDS.**—If, under subsection (a), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of any of such funds, the Secretary shall transfer from the general revenues of the Federal Government such sums as may be necessary so as to ensure that the income and balances of such funds are not reduced as a result of the enactment of this Act.

SEC. 4. IMMEDIATE TERMINATION OF TARP PURCHASE AUTHORITY.

(a) **IN GENERAL.**—The authorities provided under section 101(a) of the Emergency Eco-

nomics Stabilization Act of 2008 (12 U.S.C. 5211), excluding section 101(a)(3) of such Act, shall terminate immediately upon the enactment of this Act.

(b) **RULE OF CONSTRUCTION.**—The termination under subsection (a) shall apply to any authority of the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 to purchase preferred or other stock or equity in any financial institution.

(c) **CONFORMING AMENDMENT.**—The Emergency Economic Stabilization Act of 2008 is amended by striking section 120 (12 U.S.C. 5230).

Mr. GOHMERT (during the reading). Madam Speaker, I ask unanimous consent to waive the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

POINT OF ORDER

Mr. FRANK of Massachusetts. Madam Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his point of order.

Mr. FRANK of Massachusetts. Madam Speaker, having read the motion, I insist on my point of order.

It is not germane calling on spending under the jurisdiction of the Committee on Ways and Means and other matters entirely outside the jurisdiction of the Financial Services Committee and mandating spending not covered by this bill.

The SPEAKER pro tempore. Does the gentleman from Texas wish to be heard on the point of order?

Mr. GOHMERT. Yes, I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GOHMERT. Madam Speaker, I applaud the chairman's efforts to try to rein in some of the actions by the Secretary of the Treasury. I think it's well intentioned. But it directs the Secretary of the Treasury to take action. So does the motion to recommit.

The bill itself attempts to direct the Treasury Secretary to take certain actions and to be more accountable, whereas the motion to recommit directs the Treasury Secretary in a different direction and says he must put the \$350 billion back in the Treasury and allow a 2-month tax holiday so the American taxpayer can bail out the economy, not a Treasury Secretary. We've seen enough of that for the last 3 months.

So, Madam Speaker, I understand the chairman's point of order. I believe it's inappropriate. But if there were a vote, even on a vote to table, the American taxpayers understand it's a vote on whether the Treasurer gets to trickle down on them or whether they get to spend the money that they themselves

earned and prop up the economy by whom they select.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. FRANK of Massachusetts. Madam Speaker, the argument is that because the bill directs the Secretary of the Treasury to do certain things that are within the jurisdiction of the Financial Services Committee, it is therefore allowed if you want to direct the Secretary of the Treasury to do anything. Now, it might, I suppose, be that the Secretary of the Treasury could declare war on somebody under that theory, except my colleagues there don't believe having any check on the executive power to declare war; so they wouldn't vote that. There is a clear violation here of the rules.

The gentleman from Texas then says, well, if you don't vote to totally disregard the rules of the House, because this isn't even a clear question by getting into Ways and Means jurisdiction, then you must not like what I want. The notion that people who believe that the rules ought to be followed are somehow disagreeing with the substance, of course, makes no sense. And, in fact, if there were a real intent to do this, I would assume a bill to do it would have been introduced and made available to the appropriate committees. No bill's been introduced. No serious effort has been made to do this.

I hope that the point of order is sustained.

The SPEAKER pro tempore. The Chair is prepared to rule.

The amendment offered by the gentleman from Texas, in pertinent part, seeks to transfer funds to the Social Security trust funds.

The bill, as amended, addresses the distribution of TARP funds but does not broach the issue of the solvency of the various Social Security trust funds.

As such, the amendment fails the subject-matter test of germaneness.

The point of order is sustained. The motion is not in order.

Mr. GOHMERT. Madam Speaker, I would appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. FRANK of Massachusetts. Madam Speaker, I move to lay that appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOHMERT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 176, not voting 6, as follows:

[Roll No. 24]

AYES—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith

Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)

Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Salchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—176

Aderholt
Akin
Alexander
Austria
Bachmann

Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart

Bilbray
Billakis
Bishop (UT)
Blackburn
Blunt

Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger

Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick

Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—6

Boucher
Herseth Sandlin

Neugebauer
Solis (CA)

Tiberi
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1605

Mrs. SCHMIDT, Messrs. PUTNAM, JOHNSON of Illinois, GRAVES, FLAKE, and CUELLAR changed their vote from "aye" to "no."

Mrs. HALVORSON, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Ms. BERKLEY, Messrs. HASTINGS of Florida, JACKSON of Illinois, McMAHON, RANGEL, and WEXLER changed their vote from "no" to "aye."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR. BARRETT OF SOUTH CAROLINA

Mr. BARRETT of South Carolina. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARRETT of South Carolina. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Barrett of South Carolina moves to recommit the bill H.R. 384 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 2, after the table of contents, insert the following new title (and redesignate subsequent title, sections, and cross references accordingly:

TITLE I—TARP TERMINATION AND FULL REPAYMENT PLAN

SEC. 101. REPEAL OF 3RD TRANCHE OF TARP FUNDS.

(a) IN GENERAL.—Section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended by striking subsections (c), (d), (e), and (f).

SEC. 102. TAXPAYER REBATES.

(a) PLAN AND TIMETABLE REQUIRED.—The Secretary of the Treasury shall develop a plan and establish a timetable for the repayment to the United States Government of all assistance provided under the Emergency Economic Stabilization Act of 2008 to any institution.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit a report to the Congress on the plan developed and the timetable established under subsection (a).

Mr. BARRETT of South Carolina (during the reading). I ask unanimous consent to waive the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. BARRETT of South Carolina. Madam Speaker, this is a common-sense motion to recommit that is very straightforward and simple. The motion would repeal the third and final payment of the funds to the Troubled Assets Relief Program, or TARP. It will require the Secretary of the Treasury to develop a plan and a timetable for all TARP recipients to pay back the taxpayer. Let me say that again. It would require the Secretary of the Treasury to develop a plan and a timetable for all TARP recipients to pay back the American taxpayer.

Given that the Senate has already rejected this Joint Resolution of Disapproval, President Obama will receive his final \$350 billion. Voting for this motion to recommit is the only way to stop a new, expanded TARP program, which has spun out of control.

Like many of my colleagues, Madam Speaker, I voted for the Emergency Economic Stabilization Act to restore liquidity and stability into America's financial system, allowing American businesses access to credit that they needed to obtain inventory and purchase needed supplies and make a payroll. Simply put, the program, as it was

sold to Congress, was necessary to prevent an even greater economic disaster, and I am glad we haven't seen the widespread financial turmoil that I believe was certain, had the government not taken unprecedented measures during the extraordinary times.

However, at the same time, I agree with my colleagues that the first \$350 billion was spent too hastily and haphazardly and without the proper oversight. I have not yet seen that there was a credible plan in place to assure the taxpayer money was spent effectively and efficiently. I appreciate the fact that we are facing an unprecedented emergency economic situation, but trial and error, Madam Speaker, is simply not an acceptable strategy for spending taxpayers' hard-earned dollars.

Now, a brand new administration is asking for more taxpayer money to see if they can do a better job. While I appreciate that we should not punish the new TARP implementation team for the poor planning of the prior group, we owe it to the American taxpayer to take our time and examine their plans more closely before we throw more money in an unsuccessful foreclosure mitigation program. I think it's only fair that we take a step back before we further expand TARP to prop up more failing businesses.

Madam Speaker, I hope my colleagues agree that before continuing down a path toward greater government intervention, we fully consider all of our options. We need to stop the expansion of the TARP, and considering the actions of the Senate last week, this motion to recommit is our best, the House's best, and only option.

Our economic situation, while still critical, has stabilized from where it was this fall. We now have the time and the responsibility to fully consider whether this program is the best way to get our troubled financial sector working and allow our economy to recover.

In closing, Madam Speaker, I ask my colleagues to join me in protecting the American taxpayer by voting for this motion to recommit to stop the next \$350 billion from going out the door and to make sure that we are paid back for the first \$350 billion.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I rise to speak in opposition to the motion to recommit and in defense of George Bush.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I would have thought my Republican colleagues would have waited a little bit more than 28 hours to so thoroughly repudiate George Bush. What this motion says is that George Bush used the authority to deploy \$350 billion "so badly"—direct quotes—"so hastily, so haphazardly, so without a plan, that nothing will fix it."

Basically, we are told that President Bush drove the car so recklessly that we have to junk it. That because President Bush so misused these tools, we have to deny them to a new President.

Let's be very clear. The TARP has taken on in the minds of some of my colleagues on the other side an odd shape. It has become alive. It's sort of a horror movie in their minds. The TARP is this thing that has its own will.

No, the TARP is not something with its own will. It's a set of policies. George Bush's administration used them badly. Not, I think, as badly as my Republican colleagues say. That is why I think I am defending them. He didn't permanently destroy this.

There are a number of things that the past President did that I don't like. I was not a great fan of the Bush foreign policy. But I don't think we should repeal the State Department. I think Obama should have a chance to have a good foreign policy. So that is the first part of this. The criticisms made of the Bush administration, wholly irrelevant to what the Obama administration will do.

As to the timing, the Bush administration acceded to the wish of the Obama administration to release the funds. Apparently, the Bush administration agreed with the Obama administration that delay would be a serious problem. Had the Bush administration not waited, we might have had more time. The President, to his credit, President Bush, accommodated President Obama, unlike my colleagues who now want to cut him off at the knees early on.

I have another problem, Mr. Chairman. This motion today is a motion to end the program. Guess what we will vote on tomorrow? A motion to end the program. Having wasted the House's time with a blatantly nongermane rule, recommitment, they now come up with a blatantly unnecessary one because the exact vote we are having today, we will have tomorrow.

□ 1615

And so why do they do this? Why would they ask for the same vote? They have a dilemma.

Let's be very clear. Responsibility, which comes with it sometimes making decisions that can be in the short term difficult, in the minds of some—responsibility sits uneasily on the shoulders of many of my Republican colleagues, particularly the most conservative.

When they had a President they were supposed to support, they had to do things that made them uncomfortable. Not all of them, but their leadership and many of them voted for the TARP. They couldn't wait for George Bush to leave town so they can throw off the shackles of responsible public policy. Now they can simply revel in their negativism. They can vote to kill the pro-

gram today and tomorrow to show George Bush how much they don't like him.

And what particularly is their problem? Well, one of the things many of us on this side think was the greatest single problem of the Bush administration was not doing foreclosure mitigation. The Obama administration has committed that if they get this second \$350 billion, which the Senate vote means they will get, they will do foreclosure mitigation. But here is the problem of this conservative dominated Republican Party: The most recent paper from the Heritage Foundation says, don't do foreclosure mitigation; it is a waste of time and money. The Wall Street Journal editorial board, another source of great guidance for my colleagues over there, says, don't do foreclosure mitigation.

They are torn. They have to put in the recommit that they can find some reason to vote for because they don't want to have to choose between the demand of a large number of Americans for foreclosure mitigation and the arguments of the Heritage Foundation and the Wall Street Journal that they shouldn't do this. So what do they do? They advance the disapproval vote from tomorrow to today because they don't want to do this.

By the way, the Wall Street Journal and the Heritage Foundation also are critical of other things. The Wall Street Journal says, how dare we try to give money to community banks; how dare we talk about auto industry help or auto dealers, or loans to others in America.

The Bush administration—and I give the gentleman from South Carolina, it was better that we passed it than that we didn't. But the Bush administration made several errors: They didn't put any real controls on how the money that they infused was spent; they did too little on compensation; they didn't do anything about foreclosure.

President Bush agreed with President Obama that there was still a need for the money. We here want to pass a bill that instructs them to use it better. I do not think that your desire to disassociate from George Bush should lead you to cripple the Obama administration.

[From the Heritage Foundation's Web Memo, Jan. 14, 2009]

TARP: FRANK'S BILL UNDERScores WEAKNESSES OF THIS BAILOUT PROGRAM
(By David C. John)

More is not better. Efforts by Chairman Barney Frank (D-MA) of the House Financial Services Committee to "improve" the Treasury's Troubled Asset Relief Program (TARP) in the TARP Reform and Accountability Act of 2009 (H.R. 384) would unfortunately just make the program worse. Among other policy mistakes, it would explicitly approve the use of TARP to bail out the auto manufacturers as well as expanding the program into several other new areas.

Frank hopes that with his legislation, Congress will see fit to approve TARP'S second

\$350 billion for use by the incoming Obama Administration. However, there is no good reason to approve the request for additional TARP funding under any foreseeable circumstances, and Frank's bill only adds more reasons for the additional funding request to be denied.

H.R. 384 is a compilation of responses to congressional criticisms of the TARP program, fixes to previous attempts to address housing foreclosures, attempts to revive housing sales, and various other miscellaneous provisions. A few of those provisions are good policy moves, such as making permanent the temporary increase in FDIC and NCUA deposit insurance coverage to \$250,000. Unfortunately, most of the other provisions would only make matters worse.

POLICY ERRORS IN THE FRANK LEGISLATION

Increased Interference in Corporate Decisions: H.R. 384 authorizes the government to have an "observer" in the board meetings of financial institutions that have accepted TARP funds. This is a far step from pledges that any government investments through TARP funds would be passive, and it opens the way for additional political takeovers of financial institutions.

Expansion of TARP into New Areas: Frank's bill not only retroactively approves the highly questionable use of TARP into bailing out GM and Chrysler; it also expands the program into consumer loans, student loans, commercial real estate, and municipal securities. The language makes it clear that TARP will be held accountable for ensuring that these types of loans are made available. This is a further step toward government micro-management of lending decisions. Even worse, the Fed has already addressed some of these problems, and there is no evidence that the situation will be improved by additional TARP programs.

New Foreclosure Programs: Congress has already passed a wildly unsuccessful program to help homeowners who are facing foreclosure, and H.R. 384 attempts to both fix the earlier program and to set up another one. Last year's Hope for Homeowners program initially promised to help almost 2 million homeowners, but in operation, it has helped fewer than 500. The bill both tinkers with the existing program and promises at least \$40 billion for a new one to be managed by the FDIC. Unfortunately, both proposals still face the same problems, namely the diverse ownership of mortgages caused by securitizing them into mortgage-backed securities. The Frank bill lists several options for this program in the hopes that the new Treasury secretary can come up with a more effective approach, but all of them face such severe logistical obstacles that the provision is more wishful thinking than anything else.

Use the Fed for Future Crises. The financial market dangers that led to the TARP program, however, are far from over and could yet require additional governmental action. U.S. and international credit markets are still undergoing a wrenching restructuring and repricing of financial assets as markets adapt to the ending of excessive and risky borrowing. It is possible for another short-term crisis to once again cause financial markets to seize up.

However, the first line of defense against these dangers should be the Federal Reserve Board under its wide, existing powers—not TARP. While some of the Fed's actions in recent months have been disconcerting, it is still the most appropriate institution to address short-term dislocation in the financial system. The Fed is also insulated from the political and lobbying pressures that have

caused TARP to range far and wide from its original purpose. As the Frank legislation demonstrates, TARP is seen as almost a slush fund that is available both to respond to real crises and to address politically sensitive areas. However, the Fed has the ability to only focus on real situations that require its intervention while also avoiding political pressure. Rather than adding still more money to this increasingly untargeted TARP, Congress should just rely on the Fed to address any future emergencies.

Time to End TARP. Regardless of valid criticisms about its day-to-day management and many specific efforts, TARP did achieve its short term purpose of heading off a financial catastrophe. However, as the Frank legislation shows, its future use will be as an increasingly unfocused and under-supervised fund to help politically active constituencies. It is time to lay TARP to rest and to move onto other more urgent priorities.

[From the Wall Street Journal, Jan. 15, 2009]

LEADERSHIP AND PANICS

Stocks took another header yesterday, nearly 3% on the Dow this time, continuing their decline in the New Year since Congress has returned and as the federal government Once again revs up its bailout machinery. Maybe this isn't a coincidence.

With Barack Obama about to take the oath of office, this ought to be a moment for fresh, more consistent economic leadership. Instead, we're getting a new version of the same ad hoc policy and scare-tactics that marked 2008. No clear spokesman or leader has emerged with a strategy to rebuild the financial system, and now Mr. Obama's term may begin without a Treasury Secretary (see below). This is no way to start a recovery—or a Presidency.

Consider Fed Chairman Ben Bernanke, who used a London speech on Tuesday to pat the Fed on the back as the Horatio at the Bridge of this panic. This would have been appropriate for a Princeton seminar a couple of years from now. Amid the current uncertainty, however, he succeeded mainly in suggesting that the financial system is in even worse shape than we thought, the President-elect's "stimulus" isn't sufficient, and thus more of Mr. Bernanke's policy magic will be needed to save the day.

"With the worsening of the economy's growth prospects, continued credit losses and asset markdowns may maintain for a time the pressure on the capital and balance sheet capacities of financial institutions," he declared. "Consequently, more capital injections and guarantees may be necessary to ensure stability and the normalization of credit markets." Message: There's more mayhem to come, but don't worry, the Fed can keep printing money and buying private assets. No wonder the world is scared half to death.

The Fed has been creating new vehicles right and left for nearly 18 months, so the problem isn't a lack of liquidity. The problem is that too few people want to use the liquidity the Fed is creating. They don't want to lend money, or take risks, in part because they never know what Mr. Bernanke and the government might do next.

Then there's the Treasury's request for the second \$350 billion in Troubled Asset Relief Program (TARP) cash. This commitment to backstop the financial system ought to be reassuring, especially for financial stocks. Yet in requesting the funds, Obama transition aide Larry Summers indulged in familiar scare rhetoric about "a potential catastrophe."

Congress also seems eager to use TARP II to bail out any and all industries that have powerful enough patrons. The car makers are already in line for a bigger chunk, and Barney Frank's draft bill orders Treasury to line up community banks for a taste—whether they pose a larger risk to the banking system, or not.

Democrats are also insisting that as much as \$100 billion go to prevent more home foreclosures, though this will have little impact on housing prices. The evidence from the last two years is that foreclosure mitigation often merely delays a reckoning because many of these homeowners never could afford the home in the first place. Meanwhile, Mr. Frank, the Dr. Kevorkian of capital injections, wants to impose new management and compensation restrictions on any institution that gets TARP money, whether it is well-managed or not. The bankruptcy "cramdown" now streaking through Congress will also impose more losses that will destroy more bank capital.

Mr. Obama has threatened to veto any Congressional vote of disapproval for TARP II, so Treasury will get its cash. But if the money is squandered on foreclosures and nonfinancial industries, the Obama Administration is setting itself up to need TARP III or TARP IV down the road. Asset values are going to continue to fall until they find a market bottom, and no declaration of Congress can make them stop in mid-descent. There are going to be more bank failures.

We supported TARP as a way to prevent a financial meltdown, providing public capital to help regulators manage problem banks, arrange mergers, and work off bad assets. TARP has since become a cash pool for all and sundry, casting a pall over the entire financial system. Mr. Obama would make more progress against recession if he steered the TARP back to the purpose that Paul Volcker and Eugene Ludwig first proposed on these pages—as a resolution agency on the model of the Resolution Trust Corp. of the 1990s. Working in tandem with the Federal Deposit Insurance Corp., such an outfit could close problem banks before they collapse, serve as a holding and workout agency for bad assets, and then sell them back over time into private hands.

A new TARP should also have a leader of recognized stature and independence—not a 30-something assistant secretary—who isn't afraid to take the heat and can also reassure the public. Mr. Volcker would be ideal for the job, and for that matter for overseeing the design of a new, sturdier financial system. Down the current road lies more uncertainty, and more market selloffs.

Mr. HOLT. Mr. Chair, I rise today to reiterate my support for H.R. 384, The TARP Reform and Accountability Act of 2009. President Obama supported the release of the second \$350 billion in funds authorized by the Emergency Economic Stabilization Act (Public Law 110-343), and it is incumbent upon us both to provide him with the same level of resources the outgoing Administration had to tackle this economic crisis, and to improve and strengthen the terms under which those resources will be deployed as compared to the terms under which the previous Administration was operating.

The legislation we approved would make many important improvements to the Emergency Economic Stabilization Act, EESA, and the Troubled Asset Relief Program, TARP. For example, the TARP Reform and Accountability Act focuses on the mortgage foreclosure crisis, which is central to the broader economic

crisis, by requiring the Treasury immediately to commit no less than \$40 billion and as much as \$100 billion on foreclosure mitigation efforts. The bill would mandate that at least \$20 billion be applied directly to a systematic program to guarantee loan modifications for families in danger of losing their homes, and requires that a foreclosure mitigation plan be developed and implemented quickly.

In addition, it would increase the availability of credit to consumers, municipalities and businesses. It would clarify that TARP authority includes authority to support the availability of consumer loans, including auto loans and student loans, and authority to support state and local governments through the purchase of or provision of credit enhancement for municipal securities. It would also provide additional assistance to auto manufacturers under the TARP as an extension of the emergency assistance provided by the outgoing Administration. Finally, it would add restrictions on executive compensation for institutions receiving TARP funding, and strengthen and expand accountability and oversight by requiring assisted organizations to report to Congress on a quarterly basis on their use of TARP funding, and requiring FDIC-insured depository institutions to report on changes in lending activity related to TARP funding.

For these reasons, I supported H.R. 384, which passed overwhelmingly in the House on January 21. I proposed a number of amendments to the bill, simply to strengthen it even further, and I was very pleased that one of those amendments was included in the Manager's Amendment before the bill went to the floor. My amendment went to the heart of the TARP program—the troubled assets—defined by the TARP as “residential or commercial mortgages and any securities, obligations, or other instruments that are based on or related to such mortgages” issued on or before March 14, 2008. These troubled assets are hard to value. An auction is one way to value them. My amendment would help us finally establish values for the troubled assets, liquidate them, and free up the credit markets, without using taxpayer dollars.

Indeed, even two weeks ago, the Treasury Department had little positive to say about lending activity. In his statement of January 13, 2009, Interim Assistant Secretary for Financial Stability Neel Kashkari noted that “we are still at a point of low confidence—both due to the financial crisis and the economic downturn. As long as confidence remains low, banks will remain cautious about extending credit . . . we should not be surprised that lending and borrowing will be lower during this current economic downturn [but we] absolutely need our banks to continue to make credit available.”

My amendment would require the Treasury Secretary to facilitate an auction of troubled assets, not using TARP funds for the purchase, but by soliciting bids from institutions that volunteer to participate. If the auction does not take place within three months of the enactment of the TARP Reform and Accountability Act, the Treasury Secretary is required to report to Congress with an explanation as to why, and a description of the mechanism by which the Secretary feels the troubled assets could most expeditiously be valued and liquidated.

My amendment protects taxpayer dollars because while the auction of troubled assets is required, no TARP funds would be used for the purchase. Further my amendment will give Treasury and Congress much needed information to help develop better-informed plans for addressing the issue going forward.

I would like to thank Chairman FRANK, again, for including this simple but important measure in the TARP Reform and Accountability Act. I would also like to thank Chairman FRANK for promising to work with me to implement another reform, which we both agree is needed to ensure fairness in the allocation of TARP funds. That measure would provide that an institution that has applied for but been denied TARP funding could appeal the denial to the Financial Stability Oversight Board. Such a measure would be valuable to banks such as the National City Bank of Cleveland, which had applied for TARP funds, had not received them, and was then taken over by another bank which had received TARP funds. The public is outraged that takeovers of that nature can occur on the government's dime. I thank Chairman FRANK for agreeing to work with me to provide additional protections for viable banks which applied for but have been denied TARP funds.

I supported the TARP Reform and Accountability Act, and if the Senate does not promptly take up and complete the measure, I will be eager to work with President Obama to address our economic crisis under terms and conditions that provide much better taxpayer protections than those that had been in operation under the outgoing Administration.

Ms. LEE of California. Mr. Chair, I rise in support of 384, the Troubled Asset Relief Program (TARP) Reform and Accountability Act of 2009.

Although I ended up supporting the bill establishing TARP last October, I was under no illusions about whether a bailout of the financial services industry would actually work to prevent an economic collapse.

Even though we had included a number of critical improvements in the bill to ensure accountability and transparency and protect the economic security of all individuals, not just corporations on Wall Street, the intent of Congress was ultimately ignored by the Bush administration.

As a result the TARP program as administered by President Bush has failed to stem the tide of foreclosures and has failed to track or explain how \$350 billion of taxpayer money has been spent to date.

That is why we are here today.

The bill that Chairman FRANK has developed would completely revamp the TARP program to ensure that funds are spent responsibly and transparently to help stabilize our economy and get credit flowing again. Most importantly, it would take significant steps to help Americans stay in their homes and ensure the continued availability of affordable housing.

By passing this significant overhaul of the TARP program combined and with the commitment of President Obama to properly administer the program according to the standards articulated in this bill, we can help millions of individuals keep their homes while providing liquidity to credit markets and accountability to taxpayers.

I want to thank Chairman FRANK for his work on this bill, and for agreeing to accept an amendment that Congresswoman WATERS, Congressman MEEKS, and I offered to ensure that minorities and women-owned business are included in the contracting activity and use of TARP funds. I also want to thank and acknowledge the work of both my colleagues in crafting this important amendment.

Among several objectives, the amendment that we offered would require:

(1) The Secretary of the Treasury to establish an Office of Minority and Women Inclusion;

(2) Each institution that receives TARP funds to develop and implement standards and procedures to ensure the inclusion and utilization of minorities and women-owned businesses in all business and activities, at all levels, including procurement, insurance, and all types of contracts; and

(3) A detailed report to Congress by the Treasury Department describing the actions taken by the Office and each assisted institution to ensure the participation of minority and women owned business in all contracts related to the use of TARP funds, including a statement of the total amounts paid to third party contractors and the percentage of such amounts paid to minority and women-owned businesses.

In making sure that minority businesses and woman-owned business are included as part of TARP activity, we are providing a level playing field for these businesses to compete and take part in the business activities of the Federal government.

So I want to again thank Chairman FRANK for accepting the amendment.

In conclusion, although I believe that the Bush administration mishandled the TARP program, I believe we must act to provide President Obama and his economic team with the opportunity to utilize the remaining money to ensure that we keep homeowners in their homes.

That is why I will vote in favor of this legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BARRETT of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 199, nays 228, not voting 6, as follows:

[Roll No. 25]

YEAS—199

Aderholt	Arcuri	Barrett (SC)
Akin	Austria	Barrow
Alexander	Bachmann	Bartlett
Altmire	Bachus	Barton (TX)

Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert

Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary

NAYS—228

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carson (IN)

Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

Hirono
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern

NOT VOTING—6
Boucher Solis (CA)
Neugebauer Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1634

Mrs. HALVORSON changed her vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. COBLE was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE HORACE R. KORNEGAY, FORMER MEMBER OF CONGRESS

Mr. COBLE. Madam Speaker and colleagues, I regret to inform the House of the passing of a former Member of this body, Horace Kornegay. Horace was elected as a Democrat to the 87th Congress and the three succeeding Congresses. He did not seek reelection in 1968 and became the vice president and counsel, then president, and subsequently chairman of the Tobacco Institute. He returned to Greensboro, North Carolina, in January of 1987 and resumed the practice of law and remained there until his passing today.

Madam Speaker, I would ask the Chair to allow a moment of silence in memory of Horace Kornegay.

Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

The SPEAKER pro tempore. Members please rise to observe a moment of silence in respect to our departed colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 166, not voting 7, as follows:

[Roll No. 26]

AYES—260

Abercrombie	Diaz-Balart, M.	Kilpatrick (MI)
Ackerman	Dicks	Kilroy
Adler (NJ)	Dingell	Kind
Andrews	Doggett	Kissell
Arcuri	Donnelly (IN)	Klein (FL)
Baca	Doyle	Kosmas
Baird	Driehaus	Kratovil
Baldwin	Edwards (MD)	Kucinich
Barrow	Edwards (TX)	Lance
Bean	Ehlers	Langevin
Becerra	Ellison	Larsen (WA)
Berkley	Ellsworth	Larson (CT)
Berman	Engel	LaTourette
Berry	Eshoo	Lee (CA)
Bishop (GA)	Etheridge	Levin
Bishop (NY)	Farr	Lewis (GA)
Blumenauer	Fattah	Lipinski
Bocieri	Filner	Loeback
Boren	Foster	Lofgren, Zoe
Boswell	Frank (MA)	Lowey
Boyd	Fudge	Lujan
Brady (PA)	Giffords	Lynch
Braley (IA)	Gillibrand	Maffei
Brown, Corrine	Gonzalez	Maloney
Buchanan	Gordon (TN)	Markey (CO)
Butterfield	Grayson	Markey (MA)
Camp	Green, Al	Massa
Campbell	Green, Gene	Matheson
Capps	Griffith	Matsui
Capuano	Grijalva	McCarthy (NY)
Cardoza	Gutierrez	McCollum
Carnahan	Hall (NY)	McCotter
Carney	Halvorson	McDermott
Carson (IN)	Hare	McGovern
Castle	Harman	McMahon
Castor (FL)	Hastings (FL)	McNerney
Chandler	Heinrich	Meek (FL)
Childers	Herseth Sandlin	Meeks (NY)
Clarke	Higgins	Melancon
Clay	Hill	Michaud
Cleaver	Himes	Miller (MI)
Clyburn	Hinchey	Miller (NC)
Cohen	Hinojosa	Miller, George
Connolly (VA)	Hirono	Mitchell
Conyers	Hodes	Mollohan
Cooper	Hoekstra	Moore (KS)
Costa	Holt	Moore (WI)
Costello	Honda	Moran (VA)
Courtney	Hoyer	Murphy (CT)
Cuellar	Inslee	Murphy, Patrick
Cummings	Israel	Murtha
Dahlkemper	Jackson (IL)	Nadler (NY)
Davis (AL)	Jackson-Lee	Napolitano
Davis (CA)	(TX)	Neal (MA)
Davis (IL)	Johnson (GA)	Nye
Davis (TN)	Johnson, E. B.	Oberstar
DeFazio	Kagen	Obey
DeGette	Kanjorski	Oliver
Delahunt	Kaptur	Ortiz
DeLauro	Kennedy	Pallone
Diaz-Balart, L.	Kildee	Pascarella

Pastor (AZ)	Schakowsky	Thompson (CA)
Payne	Schauer	Thompson (MS)
Perlmutter	Schiff	Tierney
Perriello	Schock	Titus
Peters	Schrader	Tonko
Pingree (ME)	Schwartz	Towns
Polis (CO)	Scott (GA)	Tsongas
Pomeroy	Scott (VA)	Turner
Price (NC)	Serrano	Upton
Rahall	Sestak	Van Hollen
Rangel	Shea-Porter	Velázquez
Reichert	Sherman	Visclosky
Reyes	Sires	Walz
Richardson	Skelton	Wasserman
Rodriguez	Slaughter	Schultz
Rogers (MI)	Smith (WA)	Waters
Ross	Snyder	Watson
Rothman (NJ)	Souder	Watt
Roybal-Allard	Space	Waxman
Ruppersberger	Speier	Weiner
Rush	Spratt	Welch
Ryan (OH)	Stark	Wexler
Salazar	Stupak	Wilson (OH)
Sánchez, Linda T.	Sutton	Woolsey
Sánchez, Loretta	Tanner	Wu
Sarbanes	Tauscher	Yarmuth
	Teague	

NOES—166

Aderholt	Gallegly	Miller, Gary
Akin	Garrett (NJ)	Minnick
Alexander	Gerlach	Moran (KS)
Altmire	Gingrey (GA)	Murphy, Tim
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Nunes
Bachus	Granger	Olson
Barrett (SC)	Graves	Paul
Bartlett	Guthrie	Paulsen
Barton (TX)	Hall (TX)	Pence
Biggert	Harper	Peterson
Bilbray	Hastings (WA)	Petri
Bilirakis	Heller	Pitts
Bishop (UT)	Hensarling	Platts
Blackburn	Herger	Posey
Blunt	Holden	Price (GA)
Boehner	Hunter	Putnam
Bonner	Inglis	Radanovich
Bono Mack	Issa	Rehberg
Boozman	Jenkins	Roe (TN)
Boustany	Johnson (IL)	Rogers (AL)
Brady (TX)	Johnson, Sam	Rogers (KY)
Bright	Jones	Rohrabacher
Broun (GA)	Jordan (OH)	Rooney
Brown (SC)	King (IA)	Ros-Lehtinen
Brown-Waite,	King (NY)	Roskam
Ginny	Kingston	Royce
Burgess	Kirk	Ryan (WI)
Burton (IN)	Kirkpatrick (AZ)	Scalise
Buyer	Kline (MN)	Schmidt
Calvert	Lamborn	Sensenbrenner
Cantor	Latham	Sessions
Cao	Latta	Shadegg
Capito	Lee (NY)	Shimkus
Carter	Lewis (CA)	Shuler
Cassidy	Linder	Shuster
Chaffetz	LoBiondo	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (NJ)
Cole	Lummis	Smith (TX)
Conaway	Lungren, Daniel	Stearns
Crenshaw	E.	Sullivan
Culberson	Mack	Taylor
Davis (KY)	Manzullo	Terry
Deal (GA)	Marchant	Thompson (PA)
Dent	Marshall	Thornberry
Dreier	McCarthy (CA)	Tiahrt
Duncan	McCaul	Walden
Emerson	McClintock	Wamp
Fallin	McHenry	Westmoreland
Flake	McHugh	Whitfield
Fleming	McIntyre	Wilson (SC)
Forbes	McKeon	Wittman
Fortenberry	McMorris	Wolf
Fox	Rodgers	Young (FL)
Franks (AZ)	Mica	
Frelinghuysen	Miller (FL)	

NOT VOTING—7

Boucher	Poe (TX)	Young (AK)
Conyers	Solis (CA)	
Neugebauer	Tiberi	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1644

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONYERS. Madam Speaker, on rollcall No. 26, final passage of H.R. 384, I was unable to vote. Had I been present, I would have voted "aye."

Stated against:

Mr. POE of Texas. Madam Speaker, on rollcall No. 26, had I been present, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 384, TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 384, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings. We would not want inappropriate headings in our bill, Madam Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1645

RESIGNATION AS MEMBER OF COMMITTEES ON EDUCATION AND LABOR, OVERSIGHT AND GOVERNMENT REFORM AND AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Education and Labor, Oversight and Government Reform and Agriculture:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 15, 2009.
Speaker NANCY PELOSI,
U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: With my election to the Committee on Rules, I resign, effective immediately, from the Committees on Education and Labor, Oversight and Government Reform and Agriculture. I appreciate the honor of serving on these committees representing the people of the Fifth District of North Carolina and our great Nation.

Sincerely,

VIRGINIA FOXX,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 2009.

DEAR SPEAKER PELOSI: I resign, effective immediately, from the Committee on the Budget. I have appreciated the honor of service on this committee representing the people of Louisiana and our great Nation.

Sincerely,

RODNEY ALEXANDER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

CONGRATULATING GREEN VALLEY HIGH SCHOOL BAND

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to congratulate the Green Valley High School Marching Band and Flag Team on their magnificent performance yesterday in the inaugural parade. They joined with high schools from every State in the Union to welcome our new President, Barack Obama.

The countless hours of practice and hard work were evident during their wonderful performance that warmed the spirit on a cold Washington day. Led by director Diane Koutsulis, the Green Valley students livened up an already festive crowd with their rendition of Viva Las Vegas, bringing a hometown touch to our Nation's Capital.

I had the pleasure of welcoming the band to Washington on Monday, and saw the enthusiasm in their faces. For many, it seemed the performance was really the easy part. Early morning flights, cold weather and countless hours spent raising money for the trip were some of the challenges they overcame, exhibiting the same determination and perseverance they apply in the classroom to hone their musical talent.

It was with great pride that Nevadans in the audience and at home watched to see our students celebrate the inauguration and take their place in this historic moment.

I again congratulate them on their fine performance, and thank them for coming to Washington.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRIGHT). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Armed Services for printing in the CONGRESSIONAL RECORD. On January 14, 2009, the Committee on Armed Services adopted by a unanimous vote, a quorum being present, the following rules:

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereinafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., when the House of Representatives is in session, and at such other times as may be fixed by the Chairman of the Committee (hereinafter referred to as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee Chairman shall set meeting dates after consultation with the Chairman, other subcommittee Chairmen, and the Ranking Minority Member of the subcommittee with a view toward avoiding, whenever possible, simultaneous scheduling of Committee and subcommittee meetings or hearings.

RULE 4. JURISDICTION AND MEMBERSHIP OF COMMITTEE AND SUBCOMMITTEES

(a) Jurisdiction

(1) The Committee retains jurisdiction of all subjects listed in clause 1(c) and clause 3(b) of rule X of the Rules of the House of Representatives and retains exclusive jurisdiction for: defense policy generally, ongoing military operations, the organization and reform of the Department of Defense and Department of Energy, counter-drug programs, security and humanitarian assistance (except special operations-related activities) of the Department of Defense, acquisition and industrial base policy, technology transfer and export controls, joint interoperability, the Cooperative Threat Reduction program, Department of Energy nonproliferation programs, detainee affairs and policy, and interagency reform as it pertains to the Department of Defense and the nuclear weapons programs of the Department of Energy. While subcommittees are provided jurisdictional responsibilities in subparagraph (2), the Committee retains the right to exercise oversight and legislative jurisdiction over all subjects within its purview under rule X of the Rules of the House of Representatives.

(2) The Committee shall be organized to consist of seven standing subcommittees with the following jurisdictions:

Subcommittee on Air and Land Forces: All Army and Air Force acquisition programs (except strategic missiles, special operations and information technology programs). In addition, the subcommittee will be responsible for deep strike bombers and related systems, National Guard and Army and Air Force reserve modernization, and ammunition programs.

Subcommittee on Military Personnel: Military personnel policy, reserve component integration and employment issues, military health care, military education, and POW/MIA issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the base closure process, and energy policy and programs of the Department of Defense.

Subcommittee on Seapower and Expeditionary Forces: Navy and Marine Corps acquisition programs (except strategic weapons, space, special operations, and information technology programs) and Naval Reserve equipment. In addition, the subcommittee will be responsible for maritime programs under the jurisdiction of the Committee as delineated in paragraphs 5, 6, and 9 of clause 1(c) of rule X of the Rules of the House of Representatives.

Subcommittee on Strategic Forces: Strategic weapons (except deep strike bombers and related systems), space programs, ballistic missile defense, intelligence policy and national programs, and Department of Energy national security programs (except nonproliferation programs).

Subcommittee on Terrorism, Unconventional Threats and Capabilities: Department of Defense counter-proliferation and counter-terrorism programs and initiatives. In addition, the subcommittee will be responsible for Special Operations Forces; science and technology policy, including the Defense Advanced Research Projects Agency and information technology programs; force protection policy; homeland defense and consequence management programs within the Committee's jurisdiction; and related intelligence support.

Subcommittee on Oversight and Investigations: Any matter within the jurisdiction of the Committee, subject to the concurrence of the Chairman of the Committee and, as appropriate, affected subcommittee chairmen. The subcommittee shall have no legislative jurisdiction.

(b) Membership of the Subcommittees

(1) Subcommittee memberships, with the exception of membership on the Subcommittee on Oversight and Investigations, shall be filled in accordance with the rules of the Majority party's caucus and the Minority party's conference, respectively.

(2) The Chairman and Ranking Minority Member of the Subcommittee on Oversight and Investigations shall be filled in accordance with the rules of the Majority party's caucus and the Minority party's conference, respectively. Consistent with the party ratios established by the Majority party, all other Majority members of the subcommittee shall be appointed by the Chairman of the Committee, and all other Minority members shall be appointed by the Ranking Minority Member of the Committee.

(3) The Chairman of the Committee and Ranking Minority Member thereof may sit as ex officio members of all subcommittees.

Ex officio members shall not vote in subcommittee hearings or meetings or be taken into consideration for the purpose of determining the ratio of the subcommittees or establishing a quorum at subcommittee hearings or meetings.

(4) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee and participate during any of its hearings but shall not have authority to vote, cannot be counted for the purpose of achieving a quorum, and cannot raise a point of order at the hearing.

RULE 5. COMMITTEE PANELS AND TASK FORCES

(a) Committee Panels

(1) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(2) No panel appointed by the Chairman shall continue in existence for more than six months after the appointment. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman for a period of time which is not to exceed six months.

(3) Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority members so appointed who does not currently chair another subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(4) No panel shall have legislative jurisdiction.

(b) Committee and Subcommittee Task Forces

(1) The Chairman of the Committee, or a Chairman of a subcommittee with the concurrence of the Chairman of the Committee, may designate a task force to inquire into and take testimony on a matter that falls within the jurisdiction of the Committee or subcommittee, respectively. The Chairman and Ranking Minority Member of the Committee or subcommittee shall each appoint an equal number of members to the task force. The Chairman of the Committee or subcommittee shall choose one of the members so appointed, who does not currently chair another subcommittee of the Committee, to serve as Chairman of the task force. The Ranking Minority Member of the Committee or subcommittee shall similarly appoint the Ranking Minority Member of the task force.

(2) No task force appointed by the Chairman of the Committee or subcommittee shall continue in existence for more than three months. A task force may only be reappointed for an additional three months with the written concurrence of the Chairman and Ranking Minority Member of the Committee or subcommittee whose Chairman appointed the task force.

(3) No task force shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for a hearing or markup only when called by the

Chairman of the Committee or subcommittee, as appropriate, or by a majority of the Committee or subcommittee, as appropriate.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

(e) The Chairman, in consultation with the Ranking Minority Member, shall establish criteria for recommending legislation and other matters to be considered by the House of Representatives, pursuant to clause 1 of rule XV of the Rules of the House of Representatives. Such criteria shall not conflict with the Rules of the House of Representatives and other applicable rules.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee, or of any subcommittee, panel, or task force, shall make public announcement of the date, place, and subject matter of any hearing before that body at least one week before the commencement of the hearing. However, if the Chairman of the Committee, or of any subcommittee, panel, or task force, with the concurrence of the respective Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee, panel, or task force so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee, or any subcommittee, panel, or task force, to the extent that the respective body is authorized to conduct markups, shall be open to the public except when the Committee, subcommittee, panel, or task force in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no fewer than two members of the Committee, subcommittee, panel, or task force may vote to close a hearing or meeting

for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee, subcommittee, panel, or task force being present.

(b) Whenever it is asserted by a member of the Committee or subcommittee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no fewer than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade, or incriminate any person. A majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, only one member of that member's personal staff, which may include fellows, with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s), panel(s), or task force(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member or fellow at such hearings is subject to the approval of the Committee, subcommittee, panel, or task force as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public.

(e) The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum: (1) Reporting a measure or recommendation; (2) closing Committee or subcommittee meetings and hearings to the public; (3) authorizing the issuance of subpoenas; (4) authorizing the use of executive session material; and (5) voting to proceed in open session after voting to close to discuss whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) Subject to rule 15, the time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not more than five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five-minute limitation shall not apply to the Chairman and Ranking Minority Member of the Committee or subcommittee.

(b)(1) Members who are present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the Ranking Minority Member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the Majority to Minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(2) Pursuant to rule 4 and subject to rule 15, a member of the Committee who is not a member of a subcommittee may be recognized by a subcommittee chairman in order of their arrival and after all present subcommittee members have been recognized.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the respective Ranking Minority Member, may depart with the regular order for questioning which is specified in paragraphs (a) and (b) of this rule provided that such a decision is announced prior to the hearing or prior to the opening statements of the witnesses and that any such departure applies equally to the Majority and the Minority.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, panel, or task force hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of

this paragraph): (1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and (2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman and after consultation with the Ranking Minority Member of the Committee, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Committee.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House of Representatives.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains national security information bearing a classification of Secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present. In cases where a witness does not submit a statement by the time required under this rule, the Chairman of the Committee or subcommittee, as appropriate, with the concurrence of the respective Ranking Minority Member, may elect to exclude the witness from the hearing.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of the submitted written statement.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Com-

mittee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose according to rule 11 of the Committee.

(b) Members of the Committee or subcommittee who so desire shall have not more than five minutes to question each witness or panel of witnesses, the responses of the witness or witnesses being included in the five-minute period, until such time as each member has had an opportunity to question each witness or panel of witnesses. Thereafter, additional rounds for questioning witnesses by members are within the discretion of the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings conducted by the Committee, subcommittee, or panel will be published officially in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. The transcripts of markups conducted by the Committee or any subcommittee may be published officially in verbatim form. Any requests to correct any errors, other than those in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted. Any transcript published under this rule shall include the results of record votes conducted in the session covered by the transcript and shall also include materials that have been submitted for the record and are covered under rule 19. The handling and safekeeping of these materials shall fully satisfy the requirements of rule 20. No transcript of an executive session conducted under rule 9 shall be published under this rule.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

(e) The Chairman of the Committee or a subcommittee, as appropriate, with the concurrence of the Ranking Minority Member or the most senior Minority member who is present at the time, may elect to postpone requested record votes until such time or point at a markup as is mutually decided. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, the underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of

intention to file supplemental, Minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee, or the Staff Director's designee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the Committee report on the measure or matter.

RULE 19. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 20. PROTECTION OF NATIONAL SECURITY AND OTHER INFORMATION

(a) Except as provided in clause 2(g) of rule XI of the Rules of the House of Representatives, all national security information bearing a classification of Secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information that is received which is classified as Secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives, staff of the Committee, or staff designated under rule 9(c) who have the appropriate security clearances and the need to know, who has requested the opportunity to review such material.

(c) The Chairman of the Committee shall, in consultation with the Ranking Minority Member, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any proprietary information that is received by the Committee, subcommittee, panel, or task force. Such procedures shall be consistent with the Rules of the House of Representatives and applicable law.

RULE 21. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel or task force designated by the Chairman or chairmen of the subcommittees shall be subject to the Rules of the House of Representatives.

RULE 22. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the

House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 23. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

POLITICAL PRISONERS RAMOS AND COMPEAN, PART II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, well, it has finally happened. Mr. Speaker, President Bush, in one of his last acts as President of the United States, commuted the sentences of political prisoners Border Patrol agents Ramos and Compean who were just doing their job down on the violent Texas-Mexico border when they were prosecuted because they happened to shoot a drug dealer who was smuggling in \$750,000 worth of narcotics.

It is good that President Bush has commuted their sentence. We hope to press further with the new President, President Obama, and get a complete pardon for these two individuals. But there already has been an effect of this commutation. You see right away, the Mexican government, in its self-righteous indignation, disapproves of the commutation of Ramos and Compean. Obviously, if the Mexican government is opposed to it, President Bush did the right thing. And who cares what the Mexican Government thinks about the United States enforcing its dignity and enforcing the rule of law and keeping drug smugglers from Mexico out of coming into the United States. So that was obviously the right decision if the Mexican Government is opposed to President Bush's decision.

But also, it will have an effect, hopefully, on our border agents. You see, since this case and other cases where our Federal Government chooses to prosecute border protectors instead of prosecuting criminals who come into the United States, like drug smugglers, since that has occurred so often, our border protectors have been reluctant to enforce the rule of law. And when they see a situation on the border from San Diego to Brownsville, Texas, that may turn out to be violent, they have backed off. And the reason they have backed off is because our Federal Government refuses to protect them when they get themselves in a scrape protecting us and the dignity of the United States. Now maybe our Federal Government will prosecute criminals, drug smugglers, human smugglers who come into the United States, emphasize prosecuting them rather than em-

phasizing prosecuting Border Patrol agents who are doing their job just to protect the rest of us.

One statistic, Mr. Speaker. Last year, 2008, 1,097 violent assaults were committed against American Border Patrol agents on the southern border of the United States. Of course we don't read about that in the newspaper. We only read about the drug dealers who get shot by our Border Patrol agents. So 1,097 violent assaults against people who we send down to that violent border to protect us from criminals that are coming into the United States. Three a day occur, and we can suspect that probably three a day have occurred this year. It is important that our government prosecute those assaults, those people who commit crimes against our border agents when they sneak into the United States, many of them to commit crimes in the United States.

It has also gotten so violent on the Texas border that a local sheriff in Hildago County, Lupe Trevino, has issued automatic weapons to his sheriff's deputies, and has told them to use those weapons if they are fired upon. That is a new policy. That is how violent the border is, and they are all down there just protecting us.

One of the reasons they protect us is because of America's unfortunate but tremendous greed for illicit drugs. And because we have an appetite for narcotics in this United States, the drug dealers are willing to supply them. That is another issue. This country has to get around to solving that appetite that we have as a Nation for illicit drugs.

So we have that appetite and we send our Border Patrol agents down to the border to keep those drugs from coming into the United States, and then if one of them gets in a scrape, we prosecute them rather than the drug dealers. Maybe those times have changed because of this commutation. I certainly hope so.

And we certainly can't expect the Mexican Government to do their part. We hear constant reports of corruption in Mexico, especially with Mexican officials on the Mexican side of the Rio Grande River. That is unfortunate because they have an obligation to protect Mexican citizens as well as we on this side have an obligation to protect American citizens.

Border protectors need to know we support them. Back in the days of Vietnam, some of us remember those days when our troops came home, how they were treated. They were treated with utmost disrespect, unfortunately. And we have changed. Our country has changed. We show great respect to our troops that are in Afghanistan and Kosovo and Iraq, and we should because they are protecting us.

Our border protectors down on the border, our Border Patrol agents and

our border sheriffs, need to know that America stands behind them as well because they are fighting a war just as important and just as violent as those troops in Afghanistan and Iraq are fighting. And they need to know that we will support them when they do their job, when they enforce the rule of law to keep people out of this country that are coming over here to smuggle drugs. Our Federal Government needs to get on the right side of the border war.

And that's just the way it is.

EQUAL ACCESS TO HEALTH CARE

(Mr. MASSA asked and was given permission to address the House for 1 minute.)

Mr. MASSA. Mr. Speaker, I rise today to quiet a voice, to complete a commitment that I made to the 640,000 voters who sent me here.

Ten years ago this month, I completed a course of chemotherapy that saved my life under some of the best and most expert medical care available in the world.

I believe passionately and I believe strongly and I believe to the core of my soul that all Americans should have access to the same medical care that I had access to 10 years ago. And so today I stand to complete a promise and a commitment: I will personally, with malice towards none and negativity towards none, won't accept the Federal and congressional health care benefits policy until such time that all Americans have access to the same medical care that all of us in this exalted and honored Chamber have access to. It is not a pejorative, it is a one-person commitment to try to change the system we have today. And I will not rest until all Americans have access to quality health care.

COMMENDING THE NATIONAL CHAMPION UNIVERSITY OF FLORIDA GATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to congratulate my University of Florida football team for winning its second NCAA BCS championship bowl game in the last three seasons. Go Gators.

I want to congratulate the University of Florida not only for being the best academic school, but also athletic school in the country.

Their 24-14 victory over the Oklahoma Sooners showed off teamwork, sportsmanship, and one of the defense plays that I have seen. They held the team with the highest scoring offense to just 14 points. The Gators once again came back to prove that the University of Florida season was no fluke, and

that the Florida Gators are again a championship team that made history. Congratulations to their great players and outstanding coach, Urban Meyer, for coaching a remarkable group of guys.

Let's do a quick fact check.

The Gators won their second national championship in the past 3 years and the third in the school's history. Florida is the fourth school in the modern era to win two outright national titles in 3 years. Florida finished the 2008 season with a 13-1 record, matching the single-season school record for wins.

□ 1700

Tim Tebow became the fifth player since 1950 to win a Heisman Trophy and two national championships.

The win makes Urban Meyer the fifth active coach with multiple national titles and the fifth coach since the AP poll began in 1936 to win two national championships in his first four seasons at a school.

Tim Tebow, Florida's leader and quarterback, not only ran for 109 yards, but threw 18-for-30 and was flawless in the fourth quarter alone when it mattered the most and the pressure was on.

Percy Harvin, whose gutsy play won him the game ball, came back from an ankle injury and dashed for 122 yards on only nine carries. And it was his 52-yard run down the stretch that set up Jonathan Phillips' 27-yard field goal early in the fourth quarter for a 17-14 lead, which the Gators never lost and never looked back.

There has been some discussion in this body about having a national championship playoff. Let me be clear, we've had a playoff. And I hate to say it, that everything is just not all equal. We want to encourage all of our kids to participate in sports and activities because we know that it builds character, but it is clear that the Gators are superb to any other schools with the conferences that we play in.

So, in closing, I want to leave you again with the Gators' chant that I just love: "One, two, three, four, five, them there Gators don't take no jive."

APPLAUDING PRESIDENT BUSH'S COMMUTATION OF BORDER AGENTS' SENTENCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, on September 14, 2006, I first stood before this House to call attention to the case of two United States Border agents who were convicted in Federal court for shooting and wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our borders in 2005. Now, Mr. Speaker, more than 2½ years and more than 45 speeches later, I

stand before this House to thank President Bush for heeding the calls of the American people by commuting the sentences of Agents Ramos and Compean.

The agents entered Federal prison on January 17, 2007, to begin serving sentences of 11 and 12 years respectively. Both men are now due to be released from prison on March 20, 2009, after serving 26 months.

Like the millions of Americans who have followed the case over the past several years, I am so relieved to see the unjust imprisonment of these distinguished law enforcement officers finally come to an end. As these men sat in Federal prison for 2 years, my heart ached for them and their families. While I firmly believe that these agents never should have been prosecuted, I am very grateful that President Bush has used his authority to close this ugly chapter in their lives. I will do everything in my power to see that Ramos and Compean are able to reclaim their lives and in due time will be fully exonerated with a pardon.

The prosecution and imprisonment of Agents Ramos and Compean has been a black mark for the United States justice system. Its legacy will not be forgotten by those of us in Congress who have criticized the indictment of these two men.

The facts of this case have shown, as Judge E. Grady Jolly stated on December 3, 2007, during the agents' appeal, and I quote Judge Jolly, "The government overreacted here, and for some reason this one got out of hand."

The truth of why this indictment was able to move forward and get out of hand still deserves to be investigated. The truth of why this indictment was able to move forward and get out of hand still should be investigated. I repeat that, Mr. Speaker, because it should be investigated. However, it is clear that President Bush understood one of the most troubling aspects of this case, the agents were charged under a statute intended for violent criminals carrying guns, not for law enforcement officers acting in the line of duty. This statute, which carries a sentence of no less than 10 years, was enacted by Congress to discourage criminals from carrying guns. It was never intended to apply to law enforcement officers who are required to carry firearms on the job. This was clearly a sentence Ramos and Compean should never have been ordered to serve.

In closing, Mr. Speaker, my thoughts and prayers are with the agents, Ramos and Compean, as they are finally able to return home to their families and their children. And may God continue to bless America.

AMERICA "CAN LEAD ONCE MORE"

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to give my 288th Special Order on the subject of the occupation of Iraq. The first 287 cited the terrible death and destruction that the occupation was causing and the damage that it was doing to America's moral standing in the world. But this Special Order, number 288, is different from all the rest. That's because we woke up this morning with new leadership in the White House, President Obama.

President Obama is meeting with his military advisors today. He is planning for the withdrawal of our troops from Iraq, something that the American people have been demanding for many years. And today, the Senate is meeting to confirm the nomination of Secretary of State HILLARY CLINTON, who firmly believes that America should emphasize peace and diplomacy over war.

President Obama has pledged to withdraw our troops within 16 months. He must not hesitate for a moment to make good on that pledge. He must make sure that the withdrawal is complete, that it is safe, and it is meaningful. There must be no residual forces, no military contractors left behind. And if his advisors urge him to change his mind about withdrawal, he must not waiver or go wobbly. I don't think President Obama will. Just listen to yesterday's inaugural address.

President Obama said that it is time to "leave Iraq to its people." I've said for years that Iraq must have its national sovereignty and must have it back soon, so those words were very welcome to this Member of Congress.

He said, "To the Muslim world, we seek a new way forward based on mutual interest and respect." After showing the Muslim world nothing but shock and awe for nearly 6 years in Iraq, those were very healing words.

He said that "earlier generations faced down fascism and communism with sturdy alliances," and he called for "greater cooperation and understanding between neighbors," a clear repudiation of the previous administration's disastrous decision to go it alone in Iraq and elsewhere in the world.

He also said that America must choose "hope over fear," and that we must reject the false choice "between our safety and our ideals." This was another clear repudiation of the previous administration, which used fear to get us into Iraq in the first place and then used it to tear the Constitution to shreds.

President Obama also said that "power alone cannot protect us, nor does it entitle us to do as we please." He said our security comes from "the justness of our cause" and the qualities of "humility and restraint." President Obama understands that the true source of America's power is our moral authority.

The President also said that “we’ll work tirelessly to lessen the nuclear threat.” And he promised to work with the poor people of the world “to nourish starved bodies and feed hungry minds.” These are good words. They echo some of the most important parts of my national security plan known as SMART. SMART calls for ending nuclear proliferation, and it calls for giving poor people a better life because it’s the best way to stop terrorists from recruiting absolute new followers. It’s just the right thing to do.

In the most dramatic moment of his speech yesterday, President Obama promised that America will “lead once more.” That pledge has already inspired millions of people around the world. But now the challenge is to put the President’s words into practice. It won’t be easy. We know that there will be powerful forces that will try to push him in the wrong direction. That’s why he will need the support of the American people, he will need the support of the Congress to put our country back on the right track.

He must get that support, the support in the House, and I hope that it comes from both sides of the aisle. By working together, we can build a more peaceful, more congruent world, and we can show that America can lead once more.

LIVING BENEATH OUR MEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, it has been said, and all too often ignored, if you live beyond your means, you will be forced to live beneath your means.

Living and consuming on borrowed money always end. Lenders, even in an age of inflation, have their limits. When living extravagantly, it seems the good times will continue forever, but when the bills come due and the debt, with interest, needs to be paid, the good times end.

The fiction that the appreciating prices of houses and stocks and other assets serve as savings is always self-limited and ends with pain. Without a source of newly borrowed funds, once the value of stocks and houses depreciates, the individual comes to the realization that hard work and effort are required to produce sustained wealth. Working minimally is replaced with working maximally to survive, as well as to pay for the extravagance of previous years. The consequence is more work and a diminished standard of living.

A nation that has lived beyond its means for a long period of time must go through a similar process. Once the national debt grows to an extreme proportion, as ours has, there is no possibility of it being paid off in the conven-

tional sense. Default and liquidation are required, but sovereign states that enjoy the ruthless power to tax and create new money always resort to paying their pays by deliberately depreciating the currency. This makes it hard to identify the victims and the beneficiaries.

Today’s middle class and poor are suffering and the elite are being bailed out, and all the while the Federal Reserve refuses to tell the Congress exactly who has benefitted by its largesse. The beneficial corrections that come with a recession, of debt liquidation and removing the malinvestment, are delayed by government bailouts. This strategy proved in the late 1930s to transform a recession into a Great Depression and will surely do so again.

We have become the greatest debtor nation in the world. The borrowed money was not used to build our industries but was used mainly for consumption. The fact that the world trusted the dollar as the reserve currency significantly contributed to the imbalances of the world financial system. The fiat dollar standard that evolved after the breakdown of Bretton Woods in 1971 has ended. This is a consequence of our privileged position of living way beyond our means for too many years.

At present, all efforts worldwide are directed toward salvaging a financial system that cannot be revived. The only tool the economic planners have is the creation of trillions of dollars of new money out of thin air. All this does is delay the inevitable and magnify the future danger.

Central bank cooperation in the scheme will not make it work. Pretending the dollar is maintaining real value by manipulating the price of gold—the historic mechanism for measuring a currency’s value—will work no better than the effort of the 1960s to keep gold at \$35 an ounce. Nevertheless, Bretton Woods failed in 1971, as was predicted by the free market economists, despite these efforts.

This crisis we’re in is destined to get much worse because the real cause is not acknowledged. Not only are the corrections delayed and distorted, additional problems are yet to be dealt with—the commercial property bubble, the insolvent retirement funds, both private and public, state finances, and the university trust funds. For all these problems, only massive currency inflation is offered by the Fed. The real concern ought to be for a dollar crisis, which will come if we don’t change our ways.

Even massive bailouts cannot work. If they did, no person in the United States would ever have to work again. We need to wake up and recognize the importance of sound money. We need to reintroduce the work ethic. We must once again cherish savings over consumption. We must recognize that an overextended foreign policy has been

the downfall of all great nations. And, above all else, we need to simply believe once again in the free society that made America great.

HOW STIMULUS FUNDING COMPARES TO OTHER TOP GOVERNMENT EXPENDITURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise today because in this last week and next week, we are going to be considering in this Congress spending more than we’ve ever spent since World War II.

With the Troubled Assets Relief Program, otherwise known as TARP, and I like to call it the bailout, Mr. Speaker, the bailout is \$700 billion. The bailout was a mistake by the last President, and I believe it will be a mistake from this administration. Only \$350 billion is left of that bailout bill, and Congress is probably going to spend that also. Out of the first \$350 billion, we don’t even know where any of that went because the administration didn’t have to tell us.

The legislation being considered now for this bailout bill and this stimulus package is being considered under a false promise that more spending in the wrong places is going to help the economy. It’s being considered under the false promise that it’s going to create millions of jobs. It’s simply throwing bad money after bad programs.

The reality is that this plan does very little to help working-class families that are having to pay bills, that are having to make mortgages, that are having to make car payments. People are struggling day in and day out, some working two jobs to try to pay health care, raise the kids. This stimulus bill does not help them.

Instead of providing relief and jobs for Americans, this Democrat stimulus package, when combined with the bailout, totals over \$1.5 trillion, but it still contains things such as \$50 million for the National Endowment for the Arts. That’s not going to help anybody. That’s a waste of money, Mr. Speaker. The first half of this bailout bill has already been spent, and it would be a mistake to spend the second half of \$350 billion without knowing where that money is going.

But for me, everything has to be in perspective. And \$1.5 trillion is a lot of money. I don’t know how much money that is really. I have heard somebody say if you stack it up in \$10 bills, it would stretch over 4,000 miles. That’s \$1.5 trillion.

So to put it in perspective, Mr. Speaker, I created this graph here. This shows you how this stimulus bill, along with the bailout bill for Wall Street, compared to other American

expenditures since World War II. This is how it compares to it, Mr. Speaker:

What it shows is that the Vietnam War costs just under \$700 billion. That is the entire war. The Iraq War that we're fighting now, that we have been fighting since 2003: \$600 billion. Our entire interstate highway system that we drive on every day: \$42 billion. That's what it has cost for the roads that we drive day in and day out. That puts things in perspective for me.

Education spending since 1965, Federal education spending, this is all that we have spent compared to this bailout bill: under \$400 billion. Let me say that again. Our entire education spending since 1965 by the Federal Government: under \$400 billion. Congress is going to spend almost \$400 billion in one day and hardly any of that on education.

Lastly, I would like to say, Mr. Speaker, that if this money was spent now, if it was spent tomorrow and it all went into jobs and it all went into infrastructure, that would be different. But according to analysis of this bill, only \$3.8 billion of the \$1.5 trillion is going to be spent on infrastructure by

2010. That's only 12.7 percent of this money that is going to be spent on infrastructure.

So when you hear people talk about spending this money, creating jobs, does it really do that? Are we really spending that? Are we really injecting this much money into the economy so it will create jobs right away? That is not what we're doing, Mr. Speaker. What we are doing is creating government programs that my son and my daughters are going to be paying for for years to come.

Mr. Speaker, one of my colleagues said it best when asked why this TARP, this bailout bill to Wall Street fat cats, and this stimulus bill was a bad idea. And his answer was very simple: We simply don't have the money.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal years, in millions of dollars)

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	89	81	884	847	3,153	3,148
Ways and Means	1,853	1,843	5,794	5,714	–6,724	–5,034
Change in the Children's Health Insurance Program Reauthorization Act (H.R. 2):						
Energy and Commerce	0	0	10,625	2,391	50,000	32,604
Ways and Means	0	0	0	0	–260	–260
Total	0	0	10,625	2,391	49,740	32,344
Revised allocation:						
Energy and Commerce	89	81	11,509	3,238	53,153	35,752
Ways and Means	1,853	1,843	5,794	5,714	–6,984	–5,294

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year—		
	2008 ¹	2009 ^{1 2}	2009–2013
Current Aggregates: ³			
Budget Authority	2,564,244	2,532,592	⁴
Outlays	2,466,685	2,572,179	⁴
Revenues	1,875,401	2,029,659	11,780,493
Change in the Children's Health Insurance Program Reauthorization Act (H.R. 2):			
Budget Authority	0	10,625	⁴
Outlays	0	2,391	⁴
Revenues	0	3,724	32,518
Revised Aggregates:			
Budget Authority	2,564,244	2,543,217	⁴
Outlays	2,466,685	2,574,570	⁴
Revenues	1,875,401	2,033,383	11,812,811

¹ Current aggregates include spending covered by section 301(b)(1) (overseas deployments and related activities) that has not been allocated to a committee.

² Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

³ Current aggregates include impact of new allocations for enactment of H.R. 2095 (with updates to estimates to reflect final CBO scoring) and S. 3560.

⁴ Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

ABORTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of New Jersey. Mr. Speaker, President Barack Obama's eloquent inauguration speech yesterday was uplifting and historic. The 44th

President of the United States of America said in part: "The time has come to reaffirm our enduring spirit; to choose our better history; to carry that precious gift, that noble idea; passed on from generation to generation: The God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness."

Powerful rhetoric indeed, Mr. Speaker. Yet for many of us, even as the President spoke those wonderful words, something seemed amiss, disconnected, and inconsistent with what we understand his true agenda to be.

Clearly not all are free in America. All are not equal or have a chance at happiness.

Today, by direct government action and ongoing complicity, enabling or indifference, especially by Congress, those God-given promises President Obama spoke about are systematically denied to an entire class of American children: Unborn babies.

By reason of their age, dependency, immaturity, inconvenience, or unwantedness, unborn children have been legally rendered *persona non grata*, and expendable.

Let's be honest, Mr. Speaker. Abortion is violence against children. It dismembers and chemically poisons a child to death. It hurts women physically and psychologically and spiritually. There is nothing whatsoever compassionate, benevolent, ennobling, or benign about abortion. It is a violation of a child's fundamental human rights.

Which begs the question, will our new President extend the "God-given promise," as he put it, of hope and freedom, justice, respect, compassion, and protection and a simple chance at happiness to America's unborn children? Will the President's words be matched by deeds that rescue and save the most vulnerable among us?

Sadly, waiting in the wings, barely visible in the shadows, ready to pounce, lurks the most extreme pro-abortion agenda in American history. If even a portion of the Obama agenda advances by executive order, reinterpretation of existing law, or enactment of new laws like the so-called Freedom of Choice Act, millions of children will die and their mothers will be wounded. And President Obama will be remembered forever not just as a smart, savvy, gifted and eloquent man, but as the Abortion President.

Recently, more than 50 pro-abortion organizations conveyed a 55-page blueprint to promote abortion to the Obama transition team. The document, marching orders, will result in the death for millions of children in America and in foreign countries and will impose incalculable harm and pain on expectant mothers everywhere. The Obama administration and the pro-abortion nongovernmental organizations, or NGOs, that prepared it are, as of today, in lockstep. Indeed, many personnel from pro-abortion NGOs have already been embedded in strategic places in the administration where they can foment anti-child policies often undetected and with a degree of stealth.

What follows in the days and months ahead will be a highly choreographed, highly deceptive message amplified by a pliant supportive news media to market the agenda. The propagandists will try to sell the agenda by repeating ad nauseam that their goal is to reduce abortions.

Curiously, the very people who claim to want to reduce the number of abortions will seek to degrade, undermine,

and if they get away with it, repeal outright hundreds of Federal and State pro-life laws that have demonstrated over time to have saved millions of innocent human lives.

Both the pro-abortion Alan Guttmacher Institute and pro-life advocates agree on one thing, and that is that the Federal prohibition on taxpayer funding for abortion significantly reduces the number of abortions. According to the Guttmacher Institute, between 18 and 35 percent of Medicaid patients who would have had an abortion carry their babies to term when Medicaid funding is not available. Similarly, a recent study showed that when laws requiring one parent consent before a minor girl obtains an abortion were enacted, the minor abortion rate was reduced by 19 percent and 31 percent when parental consent was required from both parents. These time-tested policies that have already reduced abortion are now in jeopardy.

The Freedom of Choice Act, if enacted, would repeal taxpayer bans on funding for abortions, including the Hyde Amendment, which has been in effect for over 30 years. It would repeal parental notification for minors; women's right to know statutes; conscience protections for health care workers who want no part of this grizzly business; ethical safeguards for embryo-destructing stem cell research; the repeal of even the recently enacted ban on partial birth abortion, one of the most hideous methods of abortion imaginable, where the child is half born in the birth canal only to have his or her brain sucked out to effectuate the death of the child. A hideous method of child abuse. That would be repealed if the Freedom of Choice Act were to be enacted into law. Nearly every pro-life, life-affirming policy over the past three decades would be gone, nullified, vitiated if this extreme piece of legislation, sadly, backed by our President, were to be enacted.

Are these changes that we can believe in, Mr. Speaker? Hardly.

The administration, sadly, will also seek to enrich and empower pro-abortion organizations, most likely maybe today, tomorrow, the next day will repeal the Mexico City policy, which separates abortion from family planning and says that the U.S. taxpayer and our overseas population control programs will have nothing whatsoever to do with the promotion of abortion or the performance of abortion as a matter of family planning.

Much well-deserved respect, finally, Mr. Speaker, has been directed to the man and the legacy of the late Dr. Martin Luther King, this week especially. And for that reason we need to hear the courageous voice of another Dr. King: His niece, Dr. Alveda King, who has had two abortions and now speaks out for both victims of abortion: The unborn child and his or her mother.

□ 1730

As Dr. King has said, defending human life is part of the civil rights struggle; and as we remember the dream of Dr. Martin Luther King, Jr., let us also remember the words of Dr. Alveda King when she asks, how can the dream survive and we murder the children?

I would like to yield to VIRGINIA FOXX.

Ms. FOXX. I want to thank all of my colleagues who are here tonight, to remember the millions of unborn children whose blood has been shed in the abortion mills of America. I especially thank my colleague from New Jersey who has organized this Special Order.

Defending the defenseless is one of the most important duties that we have as Members of Congress. The pro-life cause has roots deep in the historic battles against all forms of injustice, brutality and equality and is today growing strong as we mark the infamous 36th anniversary of what one Supreme Court justice called an exercise in "raw judicial power."

Despite recent setbacks, such as the election of a stridently pro-abortion President, those who spend their days fighting for abortion on demand don't know what we know, that they are on the losing side. We are on the side of justice. We are on the side of the innocent and the defenseless, and we are on the side of equal dignity for every human life.

So as we mourn the holocaust of abortion and the grievous toll it has taken upon our Nation, let us not forget whose side we are on. Though the battle to protect every life, from unborn child to disabled elderly will be long and hard, it is a battle worth fighting.

As the late father Richard John Neuhaus, our dear brother and fellow soldier in this fight, said last year, "We have been at this a long time, and we are just getting started . . . We shall not weary, we shall not rest, until every unborn child is protected in law and welcomed in life."

And so today the fight continues. President Obama has promised the pro-abortion lobby that he will sign and support the Orwellian "Freedom of Choice Act" which, if it were to become law, would roll back almost every restriction on abortions in America and would even allow for taxpayer-funded abortion on demand.

Such an act will take this country in the wrong direction and send absolutely the wrong message to the world. That message is that we do not value life. That is not the message we need to be sending from this country. I believe we do value life, and that's the message we should be sending.

Mr. SMITH of New Jersey. I yield to the distinguished gentleman that serves as our conference chairman, Mr. PENCE, who has been a leader on behalf of all human rights around the world.

Mr. PENCE. I thank the distinguished gentleman from New Jersey for his moral leadership, not only for organizing this discussion tonight among our cherished colleagues but for a lifetime of standing in the gap on behalf of the defenseless. I commend CHRIS SMITH and to no less extent his wife for their work on behalf of the unborn.

Mr. Speaker, I come to this Chamber cognizant of the fact that tens of thousands of Americans will brave the elements tomorrow, as they do every year, on what will be the 36th anniversary of the worst Supreme Court decision since Dred Scott. I bristle at the term "anniversary" because, in my life, anniversaries are special things. We remember them at fondly remembered occasions, and this is certainly not the case.

This is the annual marking of that decision which 36 years ago tomorrow nullified all of the hard-fought bills and legislation over 100 years at the State level that put restrictions on the abortion of unborn children in *Roe v. Wade*.

It is accurate to say that life is losing in Washington, D.C., both in our judiciary among a pro-abortion majority in the House and the Senate and now with the election of a pro-abortion President of the United States.

But let me say with confidence that while life may be losing in Washington, D.C., I believe life is winning in America. Despite the best efforts of the pro-abortion movement, the defend abortion on demand, more Americans embrace the sanctity of life today than ever before, especially younger Americans.

While more than 50 million innocent human lives have been ended by abortion since *Roe v. Wade*, I am happy to report, Mr. Speaker, that abortions have declined by nearly 20 percent in the last 15 years. That actually figures out to be more than 881 lives saved per day, each a poignant reminder of why we can never relent in the defense of life.

Now there are many theories about why attitudes are changing about the sanctity of life in America. Some people believe that moments like this on the floor of legislative chambers have their good effect, and I would like to believe that, but I am not really sure that I do.

Now, some think that it's about political activism and people organizing and communicating. And while that plays a role, I am not sure that it's changing attitudes in America.

And even some much more plausibly believe that legions of organizations across the country that fall under the heading of crisis pregnancy centers, organizations have come alongside young women with unwanted pregnancies and provide them with resources and a message of hope and encourage them to choose life are changing hearts, and I

am much more prepared to believe that that's true.

But I actually believe in my heart of hearts that what's changing in America today is happening in the quiet counsels between mothers and daughters, between grandmothers and granddaughters, women who themselves were victimized by abortion. I believe we are telling the most cherished younger women in their lives the truth, and attitudes are changing across kitchen tables and over coffee in living rooms.

And that's why I believe that life is winning in America. But that doesn't obviate the need for us to take action here on Capitol Hill, and action we will take, not only as we prepare to respond to what may be an eminent executive order upending one of the most popular restrictions on foreign aid in recent American history. There are rumors, Mr. Speaker, that the so-named Mexico City Policy will be overturned by our new President, and we prepare to make a case on behalf of American taxpayers and on behalf of pro-life Americans of the wrong decisions if it comes to pass. We also prepare ourselves in the legislative process to both defend and advance the cause of life.

Just moments ago, with 63 original cosponsors, I reintroduced legislation that I brought to this floor in the last Congress, the Title X Abortion Provider Prohibition Act.

It comes as a surprise to many to learn that the largest recipient of non-abortion Federal taxpayer dollars through title 10 is the largest abortion provider in America. Most Americans don't realize that.

Let me say that again, that the largest recipient of Federal funding through title 10 is the largest abortion provider in America.

Now, Planned Parenthood, that recipient, will be very quick to say that, well, title 10 can't go to providing or promoting abortion services, and that is certainly true, but it doesn't change the fact that the largest abortion provider in America is also the recipient of literally tens of millions of dollars in Federal taxpayer money that go into their nonabortion related activities.

Our legislation, reintroduced today with broad support and in the last Congress, cosponsored by nearly 200 of our colleagues, would restrict any Federal family planning funds from going to organizations like Planned Parenthood, who perform abortions on demand or for any reason, and I urge my colleagues to support this measure.

With this I close. I believe that life is winning in America because there is a moral reawakening on this issue. It's happening in the quiet counsels of the home and the workplace and in faith communities. But that doesn't change the fact that we must take a stand on this floor, on the National Mall tomorrow and in all of our communities on behalf of the unborn.

It would be William Wilberforce who said famously of his long multi-decade struggle against the scourge of slavery, he said, "Never, never will we desist till we . . . extinguish every trace of this bloody traffic, of which our posterity, looking back to the history of these enlightened times will scarce believe that it has been suffered to exist so long a disgrace and dishonor to this country."

Strong words, but I believe they are words that resonate with the conscience of a Nation. America is great because America is good, and at the very center of the American experiment is the belief in the value and the sanctity of every human life. Until we restore that principle to the very center of the rule of law in this very Nation, we risk the ongoing vitality of the American experiment. I believe it with all my heart.

Mr. SMITH of New Jersey. I want to thank our very distinguished conference chair for his eloquent defense of innocent human life, for his steadfastness on this issue, and point out when my good friend and colleague mentioned Planned Parenthood, I think most Americans would be shocked and dismayed and even discouraged to learn that Planned Parenthood alone performs approximately 300,000 abortions in their own clinics every year, and that number is going up.

They seek even more money from the Federal Government, in part to expand their capability, their capacity. More clinics equals more dead babies and more wounded mothers.

I yield to my good friend and colleague from New Jersey (Mr. GARRETT), SCOTT GARRETT.

Mr. GARRETT of New Jersey. And I thank the gentleman from New Jersey for your leadership on this issue today and in the past so much and in the future as well.

Mr. Speaker, as you know, I also hail from the great State of New Jersey; and tonight I would like to begin tonight by talking about a woman who lived there, who had lived there in Tenafly, a town in my congressional district. You may have heard her name before. In fact, she is commemorated in a sculpture located right here in the rotunda of this building.

I am talking about Elizabeth Cady Stanton. Ms. Stanton was a leading social activist of her time and a champion of the women's suffrage movement. As a proponent of women's rights, some might assume she supported a women's ability to have an abortion. No.

Ms. Stanton actually took the opposite view. In a letter in 1873 written to Julia Ward Howe, who was a prominent abolitionist, she wrote "When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit."

She called abortion then what it was then and today as well, infanticide. Today, over 100 years later, women, of course, have won that battle of the women's suffrage movement and the right to vote, but we still allow some unborn infants to be classified as simply, with what she called it, unwanted nuisances and to be killed. You know, permitting this hypocrisy is really a promotion, you might say, of age-based discrimination, and I believe Ms. Stanton would be appalled to know that it continues today.

After all, murder is a direct violation of the very same rights that she was fighting for back then and as proposed by our Founding Fathers in original documents. You know, as the chairman of the Constitution Caucus, I have pledged to fight for the liberties recognized by our Founding Fathers. But I know, realistically, that we will have tough battles ahead in this term and years ahead on many different fronts.

The first skirmish will likely be waged in the executive branch. One of the executive orders that President Bush stated in his Mexico City Policy, and what it does is to ban U.S. funds from going to nongovernmental agencies that provide abortion services overseas. Now, just last week, I joined Representative LAMBORN and other Members of Congress in sending a letter at that time to President-elect Obama urging him to uphold that policy when he comes into office.

Now, the second combat zone is right here in this U.S. Congress. Now, due to the successful efforts of past legislators, particularly former Congressman Henry Hyde, Federal funds could not be used to pay for abortions. However, Members who support abortions will likely, very likely, seek to erode these key restrictions.

□ 1745

Even worse than that, some Members would like to pass something called the Freedom of Choice Act. So today, I have signed a letter to now-President Obama, urging him to withdraw his pledge to support any such legislation.

As bad as it is, fortunately, not all congressional clashes are on the offensive. So I applaud efforts of Members who have introduced legislation to protect the health of young mothers and restrict the number of abortions performed here in the United States.

Just today, I signed on, and I am proud to do so, of the original cosponsor of Mr. JORDAN's bill, which is the Ultrasound Informed Consent Act; Ms. ROS-LEHTINEN's Child Interstate Abortion Notification Act; and Mr. PENCE's, who was just speaking, Title X Abortion Provider Prohibition Act.

Thankfully, the battle for the unborn is not waged merely here in the Capitol, in the Congress, in the Executive, the walls of the White House, or the halls here of the Congress, or even at

the desks across the street at the Supreme Court Justices. The main struggle is fought in the towns and suburbs and cities across this United States.

Many Americans strive to promote life by supporting young mothers who cannot afford to raise their child. They do this by adopting children who do not have a home or a parent. They counsel men and women who chose to abort and now experience the very deep depression and regret.

Just closing, just yesterday, I thought for a split second that our new President would seek to protect this innocent life as well. As I listened to his inaugural address, I heard him say, and I quote, "All are equal, all are free, and all deserve a chance to pursue their full measure of happiness." It seems that President Obama really believes that some people are just too young or too small to deserve such rights or privileges.

Perhaps the new President should study the position of one of his predecessors, John Quincy Adams. Adams once wrote, "Americans, ask the Declaration of Independence and it will tell you that its authors held for self-evident truth that the right to life is the first of the unalienable rights of man, and that to secure and not destroy that right, that is the reason the governments have been created."

So, as I stand here as an elected official in this government, I pledge, along with my colleagues from New Jersey, and across this country, to follow John Adams' footsteps and uphold our basic fundamental right. For without this fundamental right, all other freedoms in this Nation shall perish.

Mr. SMITH of New Jersey. Thank you for that very compassionate and historical context that you bring to the floor today.

The gentleman now recognizes Mr. LATTA.

Mr. LATTA. I thank the gentleman for yielding. I appreciate your efforts today on putting together this Special Order. Tomorrow, we are going to have tens of thousands of Americans here. They are coming here to support the rights of those who can't speak for themselves, the right of the unborn. I know in my hometown of Bowling Green, at Bowling Green State University, I know that at least 40 college students will be coming down tomorrow to be out there on that Mall.

It's great that we had so many people here yesterday, but we also have young people coming out to talk about and support those who can't speak for themselves.

As already has been mentioned by other of the Members today, talking about their views on the Freedom of Choice Act and what that will do in this country, it will be a travesty. The world judges us by what we do, and they will judge us harshly when they see what we do if this bill would ever become law.

I have always been pro-life. When I was in the Ohio Legislature, I had the privilege of chairing the Senate Judiciary Committee and the House Criminal Justice Committee. Probably one of the toughest days that we ever had was when we had the partial birth abortion ban bill up. And when you sit on a committee that hears about all the gruesome crimes that are committed against the living, and I'd always have some of my constituents say to me, after they sat through some of our hearings after a long day, they would say, "Latta, how do you sit through that stuff day after day after day?" I'd say, "It's my job."

But then when we had the partial birth abortion bill come before our committee, it was kind of also very unique to sit there in that committee room and look out across that audience and looking down across the committee to the folks sitting in their chairs. There was a lot of squirming going on that day because of the testimony of the doctor that testified that day to explain exactly what partial birth abortion was.

It was one of those days that I had the initiative at times as the Chair that I can actually tell that we are not going to have anyone under the age of 18 in the hearing room because of what it might do to affect some of the kids that might be there.

But when we heard the testimony that day, I can look down on both sides, left and right, and see from my members on that committee that they had heard enough. And they wanted to vote. It was a bill that we were able to bring to the floor quickly. We got that bill passed in Ohio to ban that horrible, horrible procedure, as discussed a little bit earlier.

We do things in this country that, when you see what we try to do to save the living, it's time that we do what we can to save those who cannot speak for themselves.

According to the National Right to Life, since 1973, there have been 49,551,703 abortions performed in this country. In the State of Ohio, from the Department of Health, we have records showing that 32,936 abortions were performed in Ohio alone in 1 year.

And I will close on this, because we have to think about this. We have all these troubles and travesties that are coming before our country today. We have to ask ourselves, of those 49,551,703 lives, who among those could have found the cure for cancer? Who among those could be out there that found that energy cure that we have to have for this country? And, who in that number could have been the next President of the United States?

So I am very, very glad to be here to support those who cannot speak for themselves and stand before you and say that it's time for this country to remember those who cannot speak and defend themselves.

I yield back. Thank you.

Mr. SMITH of New Jersey. Thank you very much, Mr. LATTA.

I'd like to yield to MICHELE BACHMANN. The gentlelady is recognized.

Mrs. BACHMANN. I thank the gentleman from New Jersey (Mr. SMITH). I would like to just thank him for the years and years and years of commitment that he has had to the unborn here in America. The unborn have had a friend in CHRIS SMITH. I thank you. That through thick and thin, it seems like we got a lot closer to our goal. Right now, it seems like we are a lot farther away when you look at the way the winds are prevailing.

It has been 36 years since we have had the fateful decision of *Roe v. Wade*. In 36 years, we look at the fruit of that decision and what it has led to. Has it been freedom for women? Some might say so. Has it been enslavement for women? There are a lot of women who testify that yes, it has been enslavement for them, to years of depression, fighting perhaps alcoholism, drug addiction, because they had no idea what terminating the life of their little child would do to them in terms of ripping up their insides. They didn't really know what the decision would mean.

My husband has had the privilege of counseling women and men who have been in that decision, abortion-minded women, who have later deeply regretted that decision that they made. I know for my husband and I, we are just so grateful God gave us five biological children over the years that we are grateful for, and we lost one.

The baby that we lost taught us so much. When that baby died, it changed our lives. I know for me, personally, I couldn't speak for 3 days after I lost that baby. Something was touched in the center of my soul, something so deep, so fundamental about human life that I can't even put into words right now. But the one thing I do know is that we are created in the image and likeness of a holy God.

I just think that we should not be about the business of taking away something that is so precious and so life-giving and that can never be altered. It is a decision that, once it's made, can't be changed.

When we lost our own baby, my husband and I decided we wanted to open up our home to children that were in difficult circumstances. And so we brought in 23 children over the years, not all at once, but over the years, and it changed us for the better, bringing in kids who are in really some of the very tough, tough situations. But, you know what? I have often heard that phrase from Planned Parenthood that says, "Every Child a Wanted Child."

I just want the American public to know, every child is a wanted child. There's a foster parent out there that wants to take in a child in at-risk situ-

ations. There are adoptive parents out there that are crying tonight, literally crying themselves to sleep, because they want to take in a child.

No, we are not talking just perfect children. We are talking special needs children. Children with disabilities of every kind. There are parents that want to adopt those children.

And so when I look at the policy that is coming down the pike here in our Nation's Capitol or we are looking at reviving this policy of having the American taxpayer pay for international abortions, my heart breaks. It breaks because it's all so unnecessary. It's unnecessary because there is love. There are homes. There are men, there are women that want to offer the positive alternative.

For years, one of our colleagues from Pennsylvania, JOE PRTTS, offered legislation called the Positive Alternatives Act. He was gracious to allow me to offer that bill last year. I offer it again now this year. It says to the men and women of America who are in a pregnancy that maybe they didn't count on that there's another way. Abortion isn't the only answer. There's a positive alternative.

Can we allow tax money, your tax money, the American people, to go to pay for international abortions? Shouldn't we allow your tax money to go to offer to pay for positive alternatives for men and women, to offer them counseling, hope. Isn't this the time of hope and change? Let's offer true hope and change that will make an eternal difference in the lives of America's next generation.

We have lost 50 million. We have lost 50 million Americans. Part of the generation that would be up and working right now to build this country into a better Nation, but we have lost them to eternity. We have lost them.

I say we have a chance now for true hope and true change, to have a positive alternative so that tax money won't be spent just on death, but tax money now could be to offer life, a true positive choice. That is why I am so grateful to my colleague from New Jersey, the wonderful Representative CHRIS SMITH, because for years and years and years he has known, he has fought. He gets it.

The next generation needs us. They need our voice. And that is why I am so grateful that I can be a Member of Congress, to make that message now and to make that plea with my beloved colleague, just to beg our colleagues to join us. If we can offer death, certainly our country is good enough to offer life.

With that, I yield back.

Mr. SMITH of New Jersey. Mrs. BACHMANN, thank you so much for your not only eloquent, but your passion for innocent life, and especially for the women who are so seriously injured by each and every abortion. Very often it

doesn't manifest itself immediately. There's a post-traumatic stress element to this. And you certainly get it. And I think your passion and your voice is indispensable in this Congress. So I thank you for your leadership on behalf of all human life.

I yield to my good friend, Mr. LAMBORN.

Mr. LAMBORN. I thank the gentleman for yielding and, most of all, for his leadership on this vital interest of protecting life. So, thank you, Representative SMITH, for the years of dedication and for that of your wife as well.

Mr. Speaker, I rise today in honor of the sanctity of all human life. Last Friday, in a bipartisan effort that I initiated, 78 Members of Congress sent a letter urging President Obama to continue the Mexico City Policy, which separates abortion and family planning in America's foreign aid programs.

President Reagan first issued this Executive order in 1984. This policy, the Mexico City Policy, establishes a bright line between family planning activities and abortion, therefore ensuring that U.S. family planning funds are not co-opted by groups who promote abortion or provide abortion as a method of family planning.

□ 1800

Such activities sends a wrong message overseas that the United States promotes abortion. The Mexico City policy simply assures that taxpayer money is not used overseas to fund highly controversial abortion providers. The controversial debate of abortion has no business being included in foreign aid programs, and the Mexico City policy makes it clear that abortions are not to be funded overseas with U.S. tax dollars.

In these difficult economic times, the American people would not want taxpayers to fund groups that are trying to export abortions all over the world. Also, in a moral sense, it is simply wrong to make all Americans who pay taxes complicit in even the smallest degree with the funding of abortions overseas when tens of millions of Americans believe abortion, elective abortion, is immoral and wrong.

We strongly urge President Obama not to go down this road by forcing American taxpayers to pay for abortions overseas. We urge you, Mr. President, do not get rid of the Mexico City policy.

I thank you.

Mr. SMITH of New Jersey. I yield to Mr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, as an obstetrician/gynecologist for over 30 years, and I have delivered close to 5,000 babies, I strongly, very strongly, support the sanctity of life.

Using 3-D technology like the ultrasound has given us a window to

the womb that shows that the unborn child is a living, breathing person. We can see the heartbeat as early as 28 days post-conception. I have watched babies breathe, move their small fingers. They are human beings at that point of conception. I have looked through this window with my own eyes many, many times. I have seen human development from its earliest stages of a fetus all the way through birth, which strengthens my conviction in the right to life.

Life is a precious gift from God, and it begins at conception. It is our responsibility and privilege as legislators to protect those who do not have a voice. I will always fight for the right to life, because it is my conviction that we are all unique creations of God who knows us and loves us before we are ever conceived.

Tomorrow, in my opinion, will mark one of the most tragic, misguided Supreme Court cases in our Nation's history, *Roe versus Wade*. Since its decision in 1973, more than 50 million babies have been denied the right to life. We must make our laws consistent with our science and fully restore legal protections to all those waiting to be born. If the government has any legitimate function whatsoever, it is to protect the most innocent among us.

And, just to comment on the previous speakers, one of the most egregious procedures ever done is the third trimester abortion. I can tell you as a physician with over 30 years' experience there is no indication for that procedure for protection of the life of the mother. There are none. And my group that I practiced with for over 30 years has delivered over 25,000 children, and I can tell you right here and now, it breaks my heart to see that procedure, to know that it is done, and it is legal in this country. That is as wrong as it gets.

I am glad and privileged to be here on the floor of the House with other legislators fighting for the rights of the unborn, and I thank you very much, Mr. Speaker.

Mr. SMITH of New Jersey. I yield to JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, and I thank him for his many years of work on behalf of the pro-life cause and his work with the Pro-Life Caucus, in the bipartisan Pro-Life Caucus, here in Congress.

I just want to say quickly three thank you's to the thousands of people who will be here tomorrow and to the millions of pro-life people across this country: Thank you for getting involved in this most important issue about the sanctity of human life.

I spoke Sunday night back in our district to a banquet for a women's center in the town of Bell Fountain, Ohio, and I told them the same thing, thanking them for their effort in this cause for

so many years, but also specifically I thanked them for two other things.

First, I thanked them for taking the risk. There is always risk associated with stepping into public life and advocating for something so important. There is risk associated with getting off the sidelines and getting in the game to try to make a difference. We know that many times those in the press don't always give us a fair shake on this issue.

I am always reminded of Cal Thomas, a guy who was pro-life and a syndicated columnist, Cal Thomas, and what he said when he was talking about how sometimes the press doesn't always give us a fair shake. And he had a great line. He said, "I get up every morning; I read my Bible and the New York Times so I can see what each side is up to." And there is certainly some truth to that. We understand the risk that people take when they step forward and advocate for this, but the risk is worth taking, because this issue is so important.

And the last thing I would say to, again, the thousands who are going to be here tomorrow and the millions of pro-life people across this country, for the work you have done for years to help protect human life and protect the unborn, stay positive. I see the difference you make when you get a chance to talk with the folks who have helped these women's centers across the country, these crisis pregnancy centers across the country. They are so positive, when they can help a young lady who is in this position, help her with her unborn child and help her through the whole pregnancy. Stay positive. Positive people get things done; negative people are negative. Positive people accomplish things of meaning and significance; negative people are negative. Positive people accomplish real things, and they help a lot of other people accomplish them as well. So stay positive.

I will finish with this, Congressman. I am reminded of the story from Scripture we are all familiar with where the Israelites were camped against the Philistines, and every day the Philistine giant would walk out and issue the challenge: Who would fight Goliath? The Israelites' response was: He is so big, we can never defeat him. But David's response was: He is so big, I can't miss. And that is the attitude that pro-life people have had for over 30 years and that is the attitude that is ultimately going to allow us to win in this country and some day protect every single human being and make sure that unalienable right that our Founders talked about really applies to every single American.

Mr. SMITH of New Jersey. I thank you very much. And I think you very correctly pointed out how important it is to stay positive, and Dr. ROE certainly did the same, especially bring-

ing his expertise as a medical doctor to this very important fight for human rights and for protection of both the mother and the child. So I thank them both for their contributions.

And I yield to Dr. BROUN now such time as he might consume.

Mr. BROUN of Georgia. Congressman SMITH, I appreciate the opportunity to speak tonight.

Mr. Speaker, there is no greater moral issue in America than killing 4,000 babies every single day. We have killed 53 million unborn children since *Roe versus Wade*. God cannot and will not continue to bless America while we are killing these unborn children. He creates life. He is the only entity who has the right to take away innocent life.

I am a medical doctor. I have treated a lot of patients over many years of serving the public in that capacity as a physician, and I want to tell you that women suffer through abortion. When we look at a woman who is pregnant, we have two patients actually. That is truly a child.

We hear people, particularly the pro-abortion folks, talk about a woman should have the right to do with her body as she pleases. Well, I don't necessarily disagree with that statement. But what I do say to that person who is pro-abortion: She does not have the right to kill her unborn child. That unborn child should have constitutional protections, and there is no question about it, because it is a person. In fact, in the *Roe versus Wade* ruling, in the majority opinion it was stated: If any definition of the beginning of life was ever established legislatively, it would vacate *Roe versus Wade*.

But let me tell you, America, this is a person. It is a baby. It is a baby who has all of the genetic material that it needs to grow and be successful as a human being. It is totally different from its mother's genetic makeup. It is a separate human being. At the time of fertilization is the only time that we can say that we can draw lines scientifically and say that there is not life and that there is a separate life. That occurs at fertilization.

So we need to protect these children. It is absolutely critical as a Nation because, as I said, God cannot continue to bless America while we are killing 4,000 babies every day, and 1.2 million babies, it is estimated, on a yearly basis.

We have a President, a new President who has said that he would sign the Freedom of Choice Act. The Freedom of Choice Act would actually allow abortions throughout the pregnancy, for 9 months, all the way until the baby literally was born completely and started to breathe on its own. But this is a baby. It is a life prior to that birth. In fact, the D&X procedure, partial birth abortion, if you will, was developed solely, solely, folks, and I can tell

you this as a physician; it was developed by the abortionists solely to guarantee a dead baby.

They were faced with a dilemma. During these late-term abortions they were delivering babies that were alive, breathing, struggling for life. These abortionists would throw these babies on a stainless steel counter or in the garbage can and allow them to die. It tears my heart out just to think about that, but that is literally what they were doing. They had to develop a procedure that would guarantee them a dead baby, and that is the reason the partial birth abortion procedure was developed.

There is absolutely no—let me repeat—absolutely no medical reason to do that procedure except but to guarantee the abortionist a dead baby. That is what it is all about.

For many years, we have had the Mexico City policy that was put in place years ago during the Reagan administration, and what it says is that taxpayers' funds would not be given to foreign entities that promote abortion for family planning. Here in this country we have Planned Parenthood. The last statistics that I have here before me tonight were put forward in 2006. Planned Parenthood admits to performing 289,650 abortions, killing that many unborn children. They have a profit that year of \$112 million. Yet taxpayers' dollars went to that organization to the tune of \$336 million that hardworking taxpayers sent to the Federal Government in your tax dollars. We have to stop funding this organization that is killing these children.

They say, well, it is not used for abortion. It is used for family planning. It is used for other things. Well, this is just a shell game. It is transferring funds from one place to another so they can continue this culture of death that they promote. And it is about money for them. It is about power. For the abortionist, it is about making a lot of money, and that is what it is all about. I don't see how they can stand themselves to look in the mirror every morning after they have killed all these children, because I know within my heart that they have to know that that is a child, that that is a living human being. We intuitively as physicians know that.

In fact, when I graduated from medical school, from the Medical College of Georgia, I did a pledge. It is called the Hippocratic oath. And in that oath there are two things that I pledged to do. One was to do no harm. Abortion does harm to that child, a separate human being. It is not the mother's body. It is that child's body, and we are doing harm.

Secondly, more importantly, I pledged not to do an abortion. Sadly, medical schools don't do the Hippocratic oath anymore. Why don't they do it? For the two reasons I just stated:

Because the pledge in the Hippocratic oath says, I will do no harm, and I will not commit an abortion.

□ 1815

Doctors in medical schools today don't take that pledge any longer. But this is the most important issue we face morally as a Nation. We have to stop the killing of these kids. There is absolutely no question about it. We have to stop using taxpayers' dollars to fund Planned Parenthood. We have to stop funding abortions in military hospitals overseas and in other Federal facilities. We have to stop funding organizations around the world that use taxpayers' dollars to promote abortion for family planning and for other things.

As we look overseas at the Mexico City Policy that Barack Obama said he is going to overturn, those moms in those countries don't need an abortion. They need some help. They need a job. They need economic wellbeing. And abortion is not going to give it to them.

Madam Speaker, I just heard a story recently. It's a story about a married lady who had one child. She and her husband were struggling economically. And she had an unintended pregnancy. So she goes to her doctor and says, Doctor, I need to have an abortion. I cannot continue through with this pregnancy. I cannot afford a second child. The doctor said, okay, I will be glad to do it. She was shocked at the cavalier attitude that the doctor had. He said, but I will tell you what. Why don't we kill your 2 year old? Why don't we kill your 2 year old? This is a child. You have another child in your uterus. Why don't we kill your 2 year old today, and then you will have the rest of your pregnancy to be able to save some money and get back on your feet and be able to put things in order. And you will still just have one child. Well, she was shocked, absolutely shocked. How could he suggest such a thing?

But that is exactly the point he was trying to make, that this is a child. It's a human being. It's a life that is totally separate. Just like her 2 year old, that baby in her uterus is a child. It's a baby. It's a person, a whole, new human being who should have the right that we all have, the constitutional right of life, liberty and pursuit of happiness, as the Declaration of Independence says, that we are given those certain inalienable rights and that we are endowed by a Creator to have those rights.

We need to give those rights to these unborn children. We have to stop the culture of death in America. We have to stop this killing of these children, 50 million, 53 million, whatever it is. God cannot and will not continue to bless America if we do. And His judgment is going to fall upon this country if we

continue this heinous practice of killing these unborn children.

Mr. SMITH, Congressman CHRIS SMITH, I greatly appreciate your doing these special orders tonight. It is such an important issue. It is the greatest issue we face morally as a Nation. We have to stop it. And I'm happy to work with you and other members of the pro-life caucus in fighting to preserve the life of these unborn children that desperately want to live and that our country needs to desperately protect. And I thank you so much for the time, sir.

Mr. SMITH of New Jersey. Dr. BROUN, thank you very much for your very eloquent and passionate statement and bringing to bear your medical expertise on this very important issue. It is extraordinary. And I hope people are listening, especially Members of Congress.

Mr. BROUN of Georgia. Thank you, Congressman. And the thing is that as a physician, I know that is a life. There is no question. Scientifically, it is a life. It is a separate life. It is not the mom's life. It is not just a little glob of tissue that is amorphous—that is a medical term, by the way—that doesn't have form. By the time the mom knows she is pregnant, there is a heartbeat there. The baby is developing. It is a person. It is developing feelings. It is developing a central nervous system. That is why ultrasound has been so important in protecting the lives, because these moms who are in crisis pregnancies, when they go to a crisis pregnancy center with an ultrasound—a 3D ultrasound is even better—they look at that baby and say this is a child. And they realize that that is a child. And the American public needs to understand that it's a child. It's a baby. The word "fetus" is a Latin term. You hear the pro-abortion folks say that it is just a fetus. That term "fetus" means "baby." That is the definition of the word. It is a baby. And it truly is.

And I appreciate the long, hard fight that you have been doing for all these years to try to protect these children. And I'm glad to join you in that effort.

Mr. SMITH of New Jersey. Thank you so much, Dr. BROUN.

DANA ROHRABACHER.

Mr. ROHRABACHER. Thank you very much, Madam Speaker. And let me just note that I have worked with CHRIS SMITH now for 20 years. He is a heroic individual, a man who has come forth and put so much time and so much energy into protecting human rights throughout the world. Throughout the world, this man is known as the guy who will step forward and take the time and the effort to try to protect people who are under attack. Whether they are Montagnards or whether they are off in Africa or whether they are in South America or wherever out in the world that you have people whose human rights are

being abused and peoples' lives, innocent lives, are being lost, CHRIS always stands up for them. And I have tried my best to work with him. He has a lot more energy than I do. But it has just been an honor serving with him.

And it is so consistent with that position for people who claim to believe in human rights to also take a very close look at the issue of abortion and understand that we are talking about a human being which has rights.

Now let me note that I did not always hold the position on abortion that I do today. And for a great deal of time in my life, I didn't give it any thought at all in fact. And what convinced me, it was very interesting, I worked for Ronald Reagan years ago. And Reagan called me to the front of the bus one time. And he said, DANA, I want to talk to you about abortion, because he thought that I was disappointed in a decision that he had made to stand up against abortion. And I said, no, I'm not against it. I just don't know much about it, and I know there's a political price to pay for people who are so pro-abortion that they will come back to you on this issue. And he said, let me ask you this, DANA. If you had a close friend and she was pregnant, and perhaps a former boyfriend who hated her and wanted to get even with her for no longer being his girlfriend, then intentionally dragged her into an alley and kicked her in the stomach because he said, I know you're pregnant and I'm going to kill your baby.

The SPEAKER pro tempore (Mrs. HALVORSON). The time of the gentleman has expired.

GENERAL LEAVE

Mr. SMITH of New Jersey. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE INALIENABLE RIGHTS OF THE UNBORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. First, I want to thank Mr. ELLISON who has been waiting for some time to do his Special Order and has agreed in effect to cut the line here. People say that we don't do things in a bipartisan way, but we try to accommodate. And he has been very gracious, and I appreciate that.

I would like to yield 1 minute to Mr. FORTENBERRY from Nebraska.

Mr. FORTENBERRY. I thank the gentleman from Indiana for yielding as

well. I was watching the conversation back in the office and felt compelled to come down and speak as well. I wanted to commend my colleague, Congressman SMITH, for all of his leadership through the years on this essential American issue.

And Congressman SMITH, I wanted to relay a story to you of something that happened to me a few years ago. I was at our State fair. And there is a group of people there who actually hand out little plastic replicas of unborn children just as a positive reminder to all of us about what an unborn child looks like. And I took one and brought it home. And somehow it ended up on the floor in one of my children's room or the toy room. And our youngest child actually picked that little replica of an unborn child up and was carrying it around. And before she could hardly speak a word, she was saying the word "baby, baby." This little child herself recognized an immutable truth that the wisest of us on the Supreme Court and the legislatures here and throughout the land don't seem to be able to grasp. And I think this point is essential in the sense that I think we are entering a new phase in society where we have to confront this issue head on.

The pain, the trauma, the personal conflict, the psychological damage, the tearing apart of hearts that has occurred because of abortion I think could potentially lead us to a new day because America is built on a fundamental premise namely that all persons have inherent dignity and therefore rights. We have lived that imperfectly as a country because we had to fight a civil war and have a 100-year civil rights struggle because we didn't believe that at first if you were black. We didn't believe that at first if you were a woman, because at the beginning of last century women didn't have the right to vote. And we have not matured yet I think to this point. But I certainly believe we have the capacity to, because our philosophical premise is to accept the fact that the new civil rights struggle is for the unborn because women deserve better than abortion.

So Mr. SMITH, thank you so much for your leadership on this issue. And I'm very grateful to be a partner and colleague with you as we build toward a new way forward, a new day for America, and we can celebrate the beautiful gift of life and confront circumstances no matter how hard and difficult they are with a loving community response that helps get people through it. Thank you so much.

Mr. SOUDER. I wanted to share a few thoughts. Many years ago, I was a student at Indiana Purdue University in Fort Wayne. I'm old now. But in the late 1960s and 1970s, prior to Roe v. Wade, many of us were concerned about the liberalization of abortion laws in California and New York. And I

was then a graduate student at the University of Notre Dame on January 22, 1973 when the Supreme Court decision on abortion came through. Therese Willke, the daughter of Dr. and Mrs. Willke from Cincinnati, who founded the National Right To Life and came up with the little feet, and I formed an organization called Student Coalition for the Human Life Amendment with Dr. Charles Rice who wrote the original human life amendment who was a law professor at Notre Dame and was our faculty adviser. We worked for many years trying to overturn the decision. But it has been interesting to watch both my pattern at the personal level and to watch the pro-life movement evolve. When I was a young male student, quite frankly, I didn't know much about babies, didn't really care a whole lot about babies, thought that maybe when they became college age I would be able to relate well, so I can't say I was initially motivated by love. I was motivated by horror. Who would take the life of these innocent babies?

Probably my first eye-opening experience was in the Lamaze baby course as I was watching my own daughter, Brooke, develop in the womb, feeling the attachment of a parent, and then all of a sudden the love side comes in.

The pro-life movement started mostly as a frustration to overturn a law. But as the pro-life movement evolved, we still have many people trying to be a symbol to the Nation, a conscience in the march here tomorrow and marches all over the country, like in Fort Wayne on Saturday. But my wife now works at the Hope Center. We support women's care centers. Tonight she is on a hotline trying to deal with young mothers. Because for too long, all we were concerned about was stopping abortion and not helping the mothers involved. What do they do? All of a sudden, they're in a disastrous situation. They don't know how they are going to deal with school. They don't know how they are going to deal with their finances.

And what you see in the pro-life movement is not only a love for the baby, but increasingly a love for the parents. And that is part of our responsibility. We can't just point a finger. The question is how do we address poverty? How do we address it on an individual basis, not just conceptually? Are we open that when somebody is in need that will answer the phone, that will provide the food, that will provide the shelter, that will provide the clothing. And it is just amazing to watch these centers all over the country who aren't just talking the talk but are walking the walk.

Tomorrow we will see many of them here in Washington. And I want to thank all those millions of volunteers around the country for showing the true love that comes in the pro-life movement. We need to have political

action. But we also need to have this personal action.

I want to again thank Mr. ELLISON for yielding. And I yield back the remainder of my time.

THE CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, my name is KEITH ELLISON, and I do represent the great State of Minnesota. And tonight I'm coming to the floor to talk about the progressive message of the Progressive Caucus, the Congressional Progressive Caucus, dedicated to ideas that some might describe as liberal, but all must recognize have benefited the United States over the course of time.

To be liberal is to be open-minded, to be accepting of others, to listen to different points of view and to try to be tolerant and inclusive of all people. But the progressive community in the United States and throughout our whole land is entitled to have a body of people in Congress who will reflect their views. And tonight we are coming together to offer these views. I'm proud to be able to take the floor tonight with the cochair of the Progressive Caucus, Mr. RAÚL GRIJALVA from the great State of Arizona. We are proud to have him in our leadership.

But I want to point out before I hand it back to our Chair that the progressive promise is fairness for all. The Congressional Progressive Caucus offers progressive promise for all. We believe in government of the people, by the people and for the people. Our fairness plan is rooted in our core principles. And it also embodies national priorities that are consistent with the values, needs and hopes of all of our people, not just the powerful and the privileged.

□ 1830

We pledge our unwavering commitment to these legislative priorities, and we will not rest until they become law.

I want to throw it out to our co-chairman, RAÚL GRIJALVA from the great State of Arizona and ask him, what makes you come to the House floor tonight and commit yourself to talking about the Progressive Caucus and the principles that support our caucus?

Mr. GRIJALVA. Thank you very much, Mr. ELLISON, and thank you, Congressman, for your initiative in beginning to highlight and to talk to the American people about the Progressive Caucus, about the fact that the Progressive Caucus stands for more than

people have given us credit for, and stands for what I believe are the commonsense, rooted values of the American public in general.

Mr. ELLISON. Is fighting for economic justice and security in the U.S. and global economies, is that part of the Progressive message?

Mr. GRIJALVA. It is essential to the Progressive message as we look, as we try to spin our way out and as our President said yesterday, to come out of this long, dark night economically and socially in this country, and to get ourselves in a position where we are rebuilding America, its schools, its people, and its infrastructure. We are rebuilding its values, and we establish ourselves in a global sense, not only economically, but as leaders, that the American people have a shared responsibility in this. I thought those were very poignant and very important words. It was an historic inauguration, one that is fundamentally changing the scope and the tenor of this Nation.

President Obama called upon us to embrace a shared responsibility. He called upon us that this shared responsibility is going to be the cornerstone of how this country pulls itself out of its quagmire and begins a renewed and better future for all Americans. And I think the call for shared responsibility and sacrifice is a hallmark of our Nation's spirit, and it is a hallmark of its past.

I think today as we speak about the Progressive Caucus, it is also time to reflect on what we have been through and not to point fingers and not to malign anyone in particular, but to talk about the past, what went right and more importantly what went wrong, and how not to repeat those mistakes. I think the opportunity afforded to us tonight by yourself and others is a very important step in that direction.

Mr. ELLISON. In the beginning of our hour as we come together in this Special Order, I think you, as one of the leaders in the Progressive Caucus, have correctly identified economic justice as one of the critical things that the Progressive Caucus stands for, not only here at home but also abroad.

Congressman GRIJALVA, what does it mean to you that there are a billion people who go to sleep every night around the world who live on less than a dollar a day?

Mr. GRIJALVA. One of the tragedies for our Nation has been in the last 8 years our inability to not only export our products but export our values to the rest of the world. With the exportation of values comes the exportation of ideas, democracy, and I think the most important thing is that we have an association with other people, not by domination, not by exploitation, but a cooperation that we are going to work together. And for a billion people and children in the Third World and poor people, to wake up trying to fig-

ure out where they are going to live and survive that next moment and that next day is a tragedy upon all of us, and it is a tragedy upon all of us who have the privilege of living in this great Nation.

That is part of economic justice because it is part of the picture, as you well know, KEITH, that if we are going to have real security in this Nation, we share the common value of prosperity and opportunity for other people in the world. One of the breeding grounds for hatred and one of the breeding grounds for violence in this world, and to some extent in our Nation, is the lack of—

Mr. ELLISON. That's right.

Mr. GRIJALVA.—the lack of health, the lack of education, the lack of food and the lack of opportunity.

Mr. ELLISON. So when we are talking about fighting for economic justice, we are talking about universal health care and about preserving guaranteed Social Security benefits for all Americans, including protecting private pensions and corporate accountability.

We are talking about investing in America by creating new jobs in the U.S., by building affordable housing and rebuilding America's schools and physical infrastructure, just like you talked about a minute ago, about cleaning up our environment and improving our homeland security.

What we mean when we say "economic security" is about exporting more American products and not more American jobs, and we demand fair trade, not just free trade, and affirming freedom of association and enforcing the right to organize. You and I know that we will probably be coming here one day in the future to talk about the Employee Free Choice Act. That is the right to organize in the labor union, and also to ensure that working families can live above the poverty line with dignity by raising and indexing the minimum wage.

I would like to ask you about protecting and preserving civil rights and civil liberties. What does that mean to you, Mr. Chairman?

Mr. GRIJALVA. One of the hallmarks of this great country of ours has been and continues to be our personal freedoms, our liberties and freedoms guaranteed under the Constitution and the Bill of Rights, the rule of law. That is the example that the rest of the world looks to us not only as leaders but as examples of that. I think President Obama said it well, we are to lead by example. And our civil rights and our civil liberties being the fundamental right of every American, the rule of law a fundamental right, the ability to exercise our discretion and our choice in a democracy, to protect our Constitution, to eliminate discrimination, those are what this country is built on. That is why people have died for this Nation, to protect those

rights, and they are essential. And any part of what the Progressive Caucus does is to protect, as you well said, to protect, preserve those civil rights and liberties. They are part of what makes us American, what makes us unique and different, and, quite frankly, what makes us coveted. And to do what we need to do as a country and to continue that example, we need to protect number two in a big way and in an earnest way, and that is why the Progressive Caucus is so important to this Congress because we make that one of the platforms that we are united around.

Mr. ELLISON. Chairman GRIJALVA, as you know, the Progressive Caucus is dedicated to preserving civil rights and civil liberties. That means we believe in sunseting expiring provisions of the PATRIOT Act and bring remaining provisions into line with the Constitution. We believe in protecting the personal liberty of all Americans from unbridled police powers and unchecked government intrusion. That means unlawful surveillance, things like that, violation of the Foreign Intelligence Surveillance Act. We believe an extended Voting Rights Act could reform the electoral process.

We believe in fighting corporate consolidation of the media because if the people don't know, how can they do anything about it. And we also believe in ensuring the enforcement of all legal rights in the workplace. That goes again to OSHA and things like that so people don't get injured. We worked hard for those rights, isn't that right, Mr. Chairman?

Mr. GRIJALVA. Those rights were earned by people who came before us, by anonymous people, by people who worked hard to make sure that those rights were in place and protected. It is incumbent upon us to protect their legacy and their hard work. Without the sacrifices they made years ago in establishing those rights in this country, the right to vote, the right to free association, the freedom from discrimination, the right to know, to lose those, we have to honor that legacy, and that legacy is part and parcel, it is as American pie as being American, and we need to protect those. I appreciate that you have highlighted that as one of the three important cornerstones of our caucus.

Mr. ELLISON. Mr. Chairman, do you want to talk about the third thing that the American people can count on the Progressive Caucus to fight for?

Mr. GRIJALVA. Yes. Our caucus has long believed that promoting global peace and security is essential to the security and the peace here at home. We have pledged under our mission to honor and help our overburdened international public servants, both civilian and military, so it is not always the hammer that we use internationally but is extending the hand of support. And the international public servants,

God bless them, they sacrifice more than we can ever thank them for, but they need the support. They need the resources and the personnel, and they need the help.

And to bring home our troops, bring them home from Iraq as soon as possible, to make sure that the agreed-upon timetable, both by the Iraqis and by our new President, is upheld, followed through, that there are no permanent bases there, that there is no presence there, that we bring our troops home, thank them, give them the respect and support that they need, and begin a whole new era and a new dawn of how we do our international affairs and how do we really promote peace. And to rebuild all of the alliances around the world, to restore international respect for the American power and influence, and reaffirm our Nation's constructive engagement in the United Nations and other multilateral organizations. Rather than playing the role of reluctant partner in many of these alliances and organizations in the United Nations, we must be firmly and totally engaged, both with resource support to the United Nations and as a full participating partner in the enhancement of global peace and security.

And we need to enhance international cooperation to reduce threats posed by nuclear proliferation and weapons of mass destruction. The caucus is committed to nonproliferation of nuclear weapons. We are committed to the end of weapons of mass destruction, and one of the ways to do that, and possibly the most effective way to do that, is with international cooperation, treaties, and agreements. And to increase efforts to combat hunger, to fight the scourge of HIV-AIDS, tuberculosis, malaria, and other infectious diseases.

When 1 billion people wake up every morning wondering if there is going to be a next day, one of the ways that we can enhance our global peace and security for our Nation is to increase our efforts to combat the social and human ills that affect almost a full third of the world's population, and to encourage debt relief for poor countries and support the efforts of the U.N. to reach the Millennium goals for poor countries. That is the way that we feel, an important way, to enhance security globally and in turn enhance security for ourselves in this country.

Mr. ELLISON. I think it is important as we come together with the Progressive Caucus message, and it is our goal to come here week in and week out, that people know what the Progressive Caucus stands for, that they know what the Progressive Caucus will fight for, and that they have a chance to join and participate.

So now, I think, Mr. Chairman, we are ready to talk about the main subject we are going to be talking about

tonight and that has to do with a report that was recently issued called "Reining in the Imperial Presidency." This is a 500-page document that was drafted by Chairman JOHN CONYERS and his staff, the lessons and recommendations relating to the Presidency of George W. Bush, House Committee on Judiciary Staff to report to JOHN CONYERS.

In this report, it lays out a whole series of issues that need to be addressed. You know what, Chairman GRIJALVA, some people have said we don't want to look back, we don't want to dig up old dirt. We have a new President, why look back. But you know what, Chairman, I don't think we are looking back because you and I never want to have to deal with another President in the future who thinks, because George W. Bush did these things, they can do them, too.

We are looking to the future. We don't want to set a precedent around illegal wire-tapping, around domestic warrantless surveillance, around the U.S. attorney scandal, and things like that. We will get into this over the course of the next several minutes, and that is what we are going to be really talking about and digging into tonight.

Do you have any preliminary comments, Mr. Chairman?

Mr. GRIJALVA. Thank you very much, Congressman.

I can't add too much more to the fine introduction that you have just given to the subject. Again, my thanks to you for your effort and time that you are putting into making sure that our message is carried weekly before the American people, the Progressive Caucus's message.

□ 1845

You know, a new President was inaugurated yesterday. We turned an unbelievable corner in this country in so many ways. America's hunger for change, America's hopeful attitude and expectation that things will be better are historic firsts. An African American President, when perhaps his forefathers and his father could have never even voted in this country. It's a corner. It is a huge corner. And it speaks to the general goodness and the decency of the American people.

And, in doing so, all of us have the tendency or the desire to clean the slate. That's over. We need to move on. And I couldn't agree more. I could not agree more. We need to clean that slate and begin anew, begin to talk about this country in a different tone.

But, in cleaning the slate, we can't forget the past. The adage about history repeating itself is an important adage and a good thing to remember.

So when we look at this past administration, we want to forget it. We want to say that chapter in American life is over. Let's move on. Well, as we embark on this new political frontier

that promises to restore America's values of justice and speaking the truth to the American people and the world, then the cornerstone is our Constitution and the checks and balances the system created—Congress, executive, judicial. And I think we owe it to our forefathers and we owe it to all the American people and to all the future generations that we are empowering, as a consequence of this great election, to ensure that the most basic tenets of our system are not disregarded or ignored by past, current or future administrations.

Simply said, we owe the American people the truth, not to ignore the past, and to present them with the facts and the proposed policies that will move our country forward and assure that the intrusions into our civil liberties, the intrusions into privacy, the intrusions into the powers of Congress and to restoring that checks and balances do not occur again. And to do so it is not to rehash the past, it is to learn from the past. Without running from the past, we are not able to make the corrective steps that we can.

Many of the dark chapters in this Nation's history were corrected because we learned from the past—segregation, the treatment of certain people because of who they were, what they looked like or where they came from. We learned from that. We learned from wars and preemption. We learned that that is a chapter we don't want to repeat.

Those lessons were taught to us as a consequence of knowing history and correcting history. So what we are asking for, as the Progressive Caucus—and you can speak to that, Mr. ELLISON, with the report that Chairman CONYERS put out—and we're very grateful to his effort for this—is that we're not asking for us to be punitive, mean, harsh or vindictive to the Bush administration.

We are saying there is some accountability here. There is a consequence to your actions. And there is a reckoning point with the American people. And that reckoning point is not about retribution, that reckoning point is we will not repeat these mistakes again. And we cannot do that unless there is full disclosure, an investigative process, and a set of recommendations and policies that cement in place the thought and the policies that this cannot occur again.

Mr. ELLISON. Chairman GRIJALVA, did we do this after the tragedy of 9/11? Did we engage in a process where we tried to discover what the truth was?

Mr. GRIJALVA. Excellent. I think that commission brought to light what we should have done, what we didn't do, and what we need to do in the future to secure the safety of the American people. And I think your point is well taken. This is not a process of indictment. It is a process of correction.

And I think the 9/11 Commission did just that, took corrective steps so it would not occur again and to mitigate any of those occurrences in the future.

Mr. ELLISON. You know what? Chairman GRIJALVA, I'm holding in my hand a pretty thick piece of paper right here. This is 500 pages all documenting allegations regarding abuses of power by the Bush administration. This thing is not designed, as you said, to try to settle old scores but to get to the truth of the matter of what really happened.

I mean, don't the American people deserve to know what Karl Rove would have said if he would have honored the subpoena that was lawfully served on him? Don't the American people deserve to know what Harriet Miers and Josh Bolten would have said when the Judiciary Committee had a subpoena duly served on them, where they were summoned to give testimony before the Judiciary Committee and they simply refused to show up? What would they have said?

This is the kind of process we need to go into. And I think the American people deserve to know what the truth is. And I think that this very weighty report—you know, you could probably work out with this thing, this thing is heavy—and it details allegations and it details the facts and information that cry out for answers.

And so what we've done is not just come to talk about a problem but really to discuss a solution. H.R. 104 is a bill that calls for a panel to do an investigative process to figure out what the truth is behind the allegations right here. Now, if nobody did anything wrong, then there won't be any problem and nobody should be concerned. But if there is some facts tied up in here that can be confirmed in this voluminous document.

I think it only makes sense that we should pass H.R. 104 to really figure out what actually happened. What actually happened with regard to allegations of torture and the torture memos that were written authorizing the torture of detainees? What happened with the extraordinary rendition, when, Mr. Chairman, people were brought from the United States and sent to countries and were tortured in those countries, where these countries aren't squeamish about torture? What happened with warrantless domestic surveillance? What happened with the U.S. Attorney scandal? These are things that need to happen.

What do you think about that?

Mr. GRIJALVA. Well, I think if you look at this nearly 500-page report that you just indicated, Mr. ELLISON, I think you will see that there are 47 separate recommendations in the report. But I think central to it is the point that you made, as you made the comparison to the 9/11 Commission, and that is the establishment of such a bipartisan commission, a blue ribbon,

bipartisan commission of Congress to thoroughly investigate and make legislative recommendations to the standing committees, or, if necessary, to call upon the Attorney General to appoint a special counsel to investigate and follow through and prosecute, if necessary.

I mention those because I really believe—and let me just quote Chairman CONYERS, and I believe he's going to be here later so he can quote himself. But as part of the statement that he issued with this report he said, "Even after scores of hearings, investigations and reports, we still do not have answers to some of the most fundamental questions left in the wake of Bush's prece-

dency," CONYERS said. Pointing to allegations of torture and inhumane treatment, extraordinary rendition, warrantless domestic surveillance, the Valerie Wilson leak, the U.S. Attorney scandal, investigations are not a matter of payback or political revenge, Chairman CONYERS says. It is our responsibility to examine what has occurred and set an appropriate baseline of conduct for future administrations.

In the set of recommendations, the report contains a forward by the chairman in which he talks about the need for H.R. 104, that it is a step to begin to correct what has gone wrong, to rein in the excessive power, to restore Congress to its legitimate, necessary and constitutional role of oversight over the executive branch, and to assure the American people with transparency, truth and public information. Those are what we are asking for.

Many of us—yourself and I and many members of the Progressive Caucus—have co-sponsored this legislation. We feel strongly about it. This is not looking back to point fingers. It is looking forward so that we have a blueprint for the future generations that, as I said earlier, this is not to occur again.

Mr. ELLISON. Well, Mr. Chairman, I mean, Josh Bolten, Karl Rove and Harriet Miers were served with subpoenas to appear in front of the Judiciary Committee within the context of the law. We followed the rules when we authorized those subpoenas to be served upon them, and the White House told them not to come. Now, there may one day be a Republican administration, a Republican House, I mean, we're Democrats now, but one day things may change. Do we really want to set up a situation, no matter who's in charge, where an individual can simply scofflaw or skip over or just ignore a subpoena of the Judiciary Committee? I think it sets a horrible precedent, no matter who is in charge of our government.

And so I think you're right. This is a forward-looking process. This is not about settling scores. This is about setting the record straight. I think it's important that the American people

really know what happened. I mean, extraordinary rendition. I was in a committee hearing one day when a man named Maher Arar, who is a Canadian of Syrian ancestry, was explaining how he had come from Europe through New York and was on his way to Canada when he was scooped up by representatives of our government and then held incommunicado, sent to Syria, and was tortured and was eventually released.

The Canadian Government did a full investigation of the whole matter and came to the conclusion that they grabbed the wrong guy. Oops. Well, the fact is the Canadian Government gave him a monetary award, but he could not come to the committee hearing and explain to us what actually happened to him. He had to appear by teleconference. Why? Because even our State Department, after they had demonstrably said they made a mistake about who they had picked up, still refused to take him off of the watch list.

My point is, these kind of things need a full hearing; these kind of things need a full airing. The rest of the world needs to know this is not how America does business. It was something that happened. We're not happy about it, but it happened.

We've been joined, Chairman GRIJALVA, by one of our most outstanding public servants from the great State of Texas. SHEILA JACKSON-LEE has been putting it down for a long time. How are you, Congresswoman?

Ms. JACKSON-LEE of Texas. It is a pleasure to join two distinguished Members of not only this body but the Progressive Caucus. And I thank you so very much for yielding. And, as well, let me thank both of you for framing the issue and giving voice to what I believe represents a broad breadth of the American people.

And let me thank the distinguished co-chairman for jump-starting this session, for not taking for granted that we have a lot to celebrate—and we do. As the American people watch us, they still have in their memory what I thought was a day of reckoning, a day of reconciliation, a day of movement. But, at the same time, the Progressive Caucus wants to not only give voice—and I heard both of you speaking—but to give action, hearings and legislation.

And, Congressman ELLISON, I appreciate greatly the reach that you have shown, the breadth and the depth, the understanding of finite issues dealing with the rule of law. And I came to the floor today—and I thank you for allowing me—just to take one small corner. I've heard the discussion as you opened and you talked about our economy, and I think the important point is there should be a progressive voice on all of that.

Now, some would say that we're the guys that are anti-PAYGO. No. There

is no doubt that we have to balance our pocketbooks, our wallets just like anyone else. What we are for is to make sure that the voices of the people that ride the bus, that have to leave at 6 a.m. in the morning to get to work, that don't have childcare, that, in fact, are still waiting on lines to be employed, never having been employed, those who are underemployed, those who have gotten out of, as I said, the line and therefore are not even counted anymore, those who are making \$18,000 a year, such as a constituent in my constituency, who is trying to hold on to a home that obviously was given some years ago under the adjustable mortgage rate, so this is who we are speaking to.

And I am, frankly, a supporter of a balanced budget. I want to make sure that our monies are used well, that there is transparency. But again, I want to have a hand—or a handle, if you will—on making sure those dollars—the economic stimulus package, I've had people ask me, am I going to have an impact? Is it going to get to me down in fifth ward Texas? I imagine there are some neighborhoods both in your great State and that of our chairperson's to ask, is it going to get to the Indian reservations or pueblos that have been lost, if you will—even though a lot of people say that they get a big donation, but there are great needs on our Indian reservations.

So I come today to just take a corner of what you were speaking of called the rule of law. And I would like to, as well, thank Chairman JOHN CONYERS. And, of course, we organized today, and I'm very excited to have had my first time opportunity to be on the Constitution Subcommittee. Mr. ELLISON, we miss you, but as well you are going on to do great works, and I look forward to working with you and collaborating on a number of issues.

But this basic document suggested that, one, the continuation of congressional oversight. One of the criticisms we got over the last 8 years—though it was not accurate, we were in the minority, as Democrats—is that there was no oversight. But we were, we were sort of fighting in the darkness.

I was reminiscing about the vote on the Iraq war before you came. There was a corner of about 133 of us who just worked and whipped and worked and whipped, but the loud noise, the thunderous noise drowned us out. We were on the floor asking and begging that we not go to war, that it was the wrong direction.

□ 1900

So congressional oversight is key. The independent criminal probes by the incoming Justice Department must continue. I would almost suggest that we look at this issue called prosecutorial abuse, and you know what? I'm open minded. I would as well look at

the case in North Carolina. You remember that, with I believe it was not the soccer team but it was one of the sports teams of a university. It's coming to me. Everyone will remember that case. But they should also look at Jena 6.

Mr. ELLISON. The lacrosse team.

Ms. JACKSON-LEE of Texas. The lacrosse team. Thank you very much. You're absolutely right. I don't mind looking at that case or looking at the case of Jena 6, looking at the Sean Bell case in New York or wherever these cases might be. We must look at that. And then the creation of a blue ribbon commission to fully investigate the last administration's actions. I think we had a meeting and we thought that was a productive manner in which we should work.

But I want to focus on this FISA, the Restore Act, and just indicate that one of the areas that I was targeting was reverse targeting. For Americans what that means is I'm calling my aunt overseas and they use that call to then reverse target me. And what we have said is that that is such a significant breach of the Constitution, unreasonable search and seizure, that we wanted a warrant to issue. And, of course, we went back and forth and back and forth, and the language that we attempted to use was language that indicated that you must use a significant purpose as a basis for being able to do that. The language that finally got, I call it, watered down says when the government seeks to conduct electronic surveillance. That means if you just feel like fishing, they could surveil you here minding your business in the United States. The government wouldn't have to explain that it was a significant purpose. And, frankly, I think that much of the premise of our new President, and he made it clear—I congratulate him for some of the actions today indicating the closing of Guantanamo Bay. I heard you mention that. Most people think we'll be in danger, but I think we are in danger as it is now. And believe it or not, we have a rule of law and a system of law that will capture all of those who need to be captured in the system and will find all of those on the basis of our system innocent or guilty. I'm not interested in terrorists running free as well.

Mr. ELLISON. Reclaiming my time, could you speak on this critical issue. Some people might think that having a blue ribbon panel such as contemplated in H.R. 104 might be a backward-looking process and sort of be something about settling old scores now that the Dems have the White House and the Congress. But in your opinion as a lawyer of many years, what would such a process do in terms of signaling that such presidential behavior from a future President might not be permissible or might not be condoned if we were to have such a process?

Ms. JACKSON-LEE of Texas. I find it a constitutional necessity that will equate to the cleansing of this body and of this process or these processes that we've seen. A cleansing.

When we were engaged in the impeachment process that I was engaged in some years ago, we went back to the Madison Papers to be able to read as to whether or not we were on solid ground in the approach that we were taking. Many of us who opposed this impeachment believed that we were not on solid ground because it was not a governmental action, if you will.

What we want to do is to lay the record and make it clear and not have someone guessing whether or not waterboarding equates to torture. We want someone to not guess whether or not it is appropriate for the counsel to the President to go into the night in a hospital room and seek some action from a sick cabinet officer. It could be an action to go to war. It could be an action to eliminate Medicare. But we want to have a basis of refining and clearing up. I'm not looking to throw darts and call names. These are pointed issues. And let me lead into something that goes to this point.

Mr. ELLISON. Before you lead to this point, I just want to ask you another question.

You and I and Chairman GRIJALVA only a few days ago raised our hands up and we said we would swear an oath to support and defend. What did we swear to support and defend? Can you tell us?

Ms. JACKSON-LEE of Texas. The Constitution of the United States of America.

Mr. ELLISON. That's right. What does that mean to you?

Ms. JACKSON-LEE of Texas. I thank you for yielding. I think you have drawn for me, and that's a wonderful cross-examination, counselor, but you've drawn for me to say that that is a simple underpinning of a blue ribbon commission, to restore the understanding of the Constitution.

Might I tell my friends around America and my colleagues that are here that there is something called legislative history, and years down the road that legislative document will be used to help further interpret the actual law itself. That's why we're on the floor of the House, and this will be used to further interpret the understanding.

So the gentleman that was captured inappropriately by Canada, and there may be people now incarcerated here in the United States, they will look to the laws and its legislative history to assist them.

For example, two border patrol agents' sentences have been commuted. I happen to be a supporter of that. Why? I was a supporter of that because I found the facts needed to, in essence, provide mercy. It seemed like a contrary position by someone from the Progressive Caucus. But I also believe

there should be fairness to individuals who were dealing with drugs on the border and an incident happened. I would have preferred for them to be reprimanded and fired if they misused a firearm or some other handling of it. They were incarcerated, in jail. I happen to think that even their rights might have been somewhat short-changed. So the sentence was commuted. In the course of that, there was probably a statement of sorts, some explanation that can be used further down the road to say why the sentence was commuted.

So this blue ribbon commission, and I know you're about to drop and I hope to join with you, I think is a vital response to the cleansing of the last actions that occurred in the last 8 years but also to help support what the Constitution stands for. Our duty is to provide the eyes and ears of the American people.

Let me just finish with a point as well. I talked about FISA, but I wanted to also talk about the Congressional Lawmaking Authority Protection Act, which we are reintroducing, and it has to do with signing statements. And one would think we have this new President which we are so enthusiastic of supporting.

Mr. ELLISON. Forgive my reclaiming my time again, gentlelady, but if you could convey to the American people what is a signing statement? What is that?

Ms. JACKSON-LEE of Texas. I will be happy to do so because I think it really hit us over this last 8 years. The legislature, our body, the House and the Senate, would write a bill, and we would do our work teams. We would have what we call a conference, and that means that House and Senate Members would come to the conference. We'd finish that bill. It could be on the Medicare prescription drug benefit, of course, which was so controversial and went completely upside down and cost Americans millions and millions of dollars. That bill would go to the President's desk, and he would sign it with a signing statement saying you and the administration, my executives, my State Department, my Health and Human Services, my Department of Transportation, you don't have to pay attention to that at all. So they would completely have the authority or they would sense that their President has told them that the law that was passed by this body fairly representing the many millions of Americans in transparency—our hearings are open, the floor debate is open—did not matter. So the work that we might have done to create a summit jobs program, there might be a signing statement saying it's too costly or it is not a worthy program, ignore it. That means the Department of Labor could ignore it.

Mr. ELLISON. Now, did the President do a signing statement when it

came to the law that this body passed and he signed with regard to torture?

Ms. JACKSON-LEE of Texas. He obviously had in mind that he could overturn our position on that, as the PATRIOT Act and, of course, in others, yes. And, of course, we had the famous memo, the memorandum that came in one of the Department of Justice, if you will, lawyers who today still defend—

Mr. ELLISON. That's John Yoo and David Addington and people who worked for the Vice President?

Ms. JACKSON-LEE of Texas. Many of those who did likewise. And let me finish on these points because you raised a very good point.

In the redistricting case in Texas, the staff of the Department of Justice agreed with the kind of redistricting arguments that were being made by the congressional delegation of Texas, the legal arguments that were being made about diversity, representation, and the way the lines were drawn. The professional staff agreed with the State of Texas prior to the loss of seven or eight Members, who happened to be Democrats. Well, interestingly enough, the political folk came in and altered their presentation and representation, which significantly caused a completely opposite result, which, of course, is the result that lost eight Members of Congress, not on the fact that eight Members of Congress don't have a right to win or lose, but it was because we reconfigured the Voting Rights Act of 1965 to the contrary of how it should have been interpreted. So that wasn't necessarily a signing statement, but we found many incidences like that in the actions of those, and needless to say, the Judiciary Committee spent many, many days and hours, able work by able subcommittees, on this whole question of the U.S. attorneys and political appointments.

Let me close, and then I want as well to have you yield to my good friend from Arizona, just to simply say that this is an important journey that we are about to venture, and that is the cleaning and cleansing and restoring of the Constitution; the protecting of your rights of privacy; the questioning of the watch list, which, as a chairwoman of the Transportation Security Committee of the last Congress, we looked at and will forge ahead in the new Congress as well. But this is an important and vital opportunity for not only the Progressive Caucus, which will lead, but as I look at it, the body of this institution. The Madison Papers would not be what they are today if there was not a meticulous and interested body of lawmakers that wrote meticulously what the law should be in the early stages of this Nation's history.

I want to be part of the positive history that protects every boy and girl, every man and woman, every family

from the injustices that will come about through an unruly and a wrong-headed direction as it relates to the rule of law.

Let me thank you very much, Mr. Chairperson. Let me thank you again for yielding to me. And I think that we are making some important steps to help lead this Congress on issues that must be addressed to protect the American people and to work with the new President of the United States of America.

Mr. ELLISON. Thank you, Congresswoman. And we have only got about 15 more minutes; so we invite you to hang out with us a little bit.

But we have got to hear from our illustrious chairman, who has helped lead the way for the Progressive Caucus.

You've had a long time to reflect on what Congresswoman JACKSON-LEE has said and, of course, you have some thoughts on your own. How does any of this stuff strike you, Mr. Chairman?

Mr. GRIJALVA. Let me, first of all, thank our esteemed colleague from Texas (Ms. JACKSON-LEE). Her expertise and her voice is an ingredient that this Congress would sorely miss if it was not here. Her clarity and her honesty are something this body has come to depend on and those of us who work with her have come to rely on.

As we discuss this and particularly the resolution before us that you are discussing, Mr. ELLISON, let me thank you for the initiative. The Progressive Caucus in the past has spent too much time talking to itself and not enough time talking to the public and to the people we represent. So thank you for breaking that mold.

We are all proud Americans, all of us that serve here. And I think as Americans, and let me go back to the point that our colleague just made, we're about learning the truth in this body. And we're about making sure that that truth is given out to the American people that everybody knows. And I think as Americans we all have a sense of decency and fair play, that no one is above the law. And Ms. JACKSON-LEE made the point about the rule of law being the cornerstone of who we are. And she made the point about cleansing, and to Native people, cleansing is an important tradition. It is about taking body, the entity, and making it come to full circle and to removing things that are not natural to that body and to that circle. And if we refer that to the body of this institution, that's what we're asking for in a very simple way, to return us to that whole that we should be.

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We are all here for a short period of time. Whether we are here for 20 years or 2 years, we are a mere breath in the history of this Nation. And I think our legacies are going to be judged, and

this is why this discussion today is so important, by how we protect and preserve the rule of law and the Constitution.

So this is not about retribution. This is about moving forward. Because we need a blueprint to move forward, and I think this process of discovery, this process of letting the truth be known, can only lead to better policies, restored checks and balances and restoring to this body the oversight and authority that it gave away.

We are at that point now, and this is not a reflex on what is to come in the future, this is merely a discussion about the future with some milestones and markers about how we need to travel and still remain that Nation that everybody envies because we are governed by the rule of law.

Congressman, thank you so much. I am looking forward to these discussions. Again, thank you for the initiative, and I am looking forward to continuing to participate as the Progressive Caucus against this very important discussion, this talk, this communication with the American people.

Mr. ELLISON. Thank you, Mr. Chairman; and as we begin to wind down, I would like to invite Congresswoman JACKSON-LEE of Texas to maybe give us a few concluding remarks.

We are here, this hour, we like to call it the progressive message. It is a special order afforded to Members of Congress to talk about what the progressive message is, whether it's on issues of executive authority, reining in executive authority, the economy, whatever it is. We want to let the American people know what the Progressive Caucus is talking about.

Would you like to give a few remarks as we come to the end of our hour tonight?

Ms. JACKSON-LEE of Texas. Let me thank you very much.

Obviously, we have only been at the tip of the iceberg of what we have to talk about in the future. Certainly I want to make the point very clear that as it relates to the TARP and the economic stimulus package, the Progressive Caucus will be very much engaged, collaborating, of course, with a number of other caucuses, Hispanic Caucus, Women's Caucus and the Congressional Black Caucus and others, not from the perspective of isolation but from the perspective of ensuring, again, that voices that cannot speak for themselves are heard and particularly to go to places where others might not attempt to go.

Again, what does that mean? It means that as we rallied around our opposition for the Iraq war, it was a willingness to be able to stand in the eye of the storm on many of these issues, whether it be on the reform of health care, looking to not talk about socialized medicine but ensuring that everyone has access to health care.

That will be a progressive, if you will, challenge, to ensure that that happens.

Finally, let me say that we are here to shine the light on items that some may think was not necessarily an item or an issue that needed to be broadly affirmed or confirmed.

I am still questioning the administrative agreement that took place in the resolve of the Iraq war, not resolving it but establishing the role of our American soldiers, the soldiers that we love. The care and the nurturing of those soldiers in Iraq is an administrative document that this Congress has not had a chance to review.

So the Progressive Caucus is that light that is to shine, not for ourselves but for all of those who asked what is it that this government is doing and what are they doing for me as I am trying to do for my Nation.

So I thank you. We are patriots, and I hope that as our voices are heard, as you have made a commitment, we will be part of the cornerstone of legislation and laws, and we will therefore serve the American people even better.

Madam Speaker, I rise today in support of this special order. I would like to discuss the importance of America returning to the rule of law and respect for our Constitution in the immediate aftermath of the Bush-Cheney legacy. Madam Speaker, I thank you for the opportunity to address this issue.

Since 2001, the Bush Administration's policies impacting civil liberties have raised grave constitutional and legal concerns. After the myriad hearings and investigations last year, there is much we do not know about the Bush administration.

Last week, Chairman of the House Judiciary Committee released a report, entitled "Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush." This document contained nearly 500 pages. The report detailed numerous examples of these abuses by the administration from allegations of torture and inhumane treatment, extraordinary rendition, and warrantless domestic surveillance to the U.S. Attorney scandals. The report also contained over 45 pages of recommendations designed to restore our Constitution's traditional system of checks and balances. Chief among these recommendations are: (1) The continuation of congressional oversight; (2) independent criminal probes by the incoming Justice Department; and; (3) the creation of a blue ribbon commission to fully investigate the Bush administration's activities.

My office will work to put some of these into law. These included recommendation number 17 on pages 280 to 281, regarding the President, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the National Security Agency should implement policies to ensure that there is no "reverse targeting" used under authorities created by the FISA Amendments Act of 2008. Specifically, I have long championed the inclusion of language that would prohibit "reverse targeting."

Indeed, I worked on specific language that was included in an early version of the FISA

Act, the RESTORE Act, which was added during the markup and made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have is that there is an understandable temptation of national security agencies to engage in reverse targeting that may be difficult to resist in the absence of strong safeguards to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee Amendment provides a clearer, more objective, criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

I am also pleased that the chairman has accepted my recommendation for the President to end abuses of Presidential signing statements. I have re-introduced a bill to address this issue in the 111th Congress.

In an earlier Congress, I introduced the "Congressional Lawmaking Authority Protection Act" or CLAP Act of 2006, which: (1) prohibited the expenditure of appropriated funds to distribute, disseminate, or publish Presidential signing statements that contradict or are inconsistent with the legislative intent of the Congress in enacting the laws; and (2) bars consideration of any signing statement by any court, administrative agency, or quasi-judicial body when construing or applying any law enacted by Congress. I am proud to say that the chairman was one of the original co-sponsors of my bill.

In the 110th Congress, I introduced another bill substantially in the same form in the current Congress, except that the new bill, H.R. 264, makes clear that the limitations of the law do not apply to Presidential signing statements

that are consistent with congressional intent. This is not a hard test to administer. As the late Justice Potter Stewart said about obscenity: "it may be hard to define, but you know it when you see it."

I have now reintroduced this bill in the 111th Congress. Notwithstanding that we have a new President, my bill is still relevant.

If there be any question whether the Congress has the power to ban the use of appropriated funds to publish or distribute signing statements, the answer is simple: Regardless of whether it is wise to do so, if no one seriously can question Congress's constitutional authority to terminate the Executive's use of appropriated funds to wage military operations, a fortiori, Congress has the constitutional authority to withhold from the President funds needed to distribute a signing statement that undermines the separation of powers.

The problem with Presidential signing statements is that their use fosters abuse and misuse. Presidential signing statements seek to alter Congress's primacy in the legislative process by giving a President's intention in signing the bill equal or greater standing to Congress's intention in enacting it. This would be a radical, indeed revolutionary, change to our system of separated powers and checks and balances.

Bill signing statements eliminate the need for a President ever to exercise the veto since he or she could just reinterpret the bill he signs so as to make it unobjectionable to him. Such actions deprive Congress of the chance to consider the President's objections, override his veto, and in the process make it clear that the President's position is rejected by an overwhelming majority of the people's representatives. Since few Presidents wish to suffer a humiliation so complete and public they have strong incentive to work closely with the Congress and are amenable to negotiation and compromise. This is precisely the type of competitive cooperation the Constitution contemplates and which bill signing statements threaten.

Again, I thank the Chairman for including these two very important ideas in his very thorough and thoughtful report.

There is much work to be done by the Members of Congress to fix the mistakes that were made during the prior administration so that the proper foundation can be laid for a successful President Obama and his administration. It is my hope that we can wipe the slate clean from the Bush administration and start afresh for the current administration.

I agree that we must investigate the U.S. Attorney firings to determine what precisely happened. We need to determine why these firings occurred. Moreover, the incoming administration should limit the ability of Executive Branch officials to prevent victims of terrorism from recovering for their losses. The President should seek to resolve a dispute between victims of torture and the Government of Iraq committed during the Gulf War.

Because of the myriad of problems that we have seen at the Department of Justice, I recommend that the Department of Justice should issue guidelines to require transparency and uniformity of corporate deferred and non-prosecution agreements. These are agreements between the Federal Government

and individual corporations in which the Government agrees to not prosecute or defer criminal prosecution in exchange for the corporation agreeing to specific actions such as changes in corporate policies and payment of monetary penalties.

We should also consider whether we should consider legislation concerning the exercise of clemency involving government officials. This is important so that we can truly learn what happened during the Bush administration.

We should also enact changes in statutes and rules to strengthen protection for Executive Branch whistleblowers, Congress's contempt powers, and the incoming administration should establish procedures for asserting executive privilege. There are a myriad of laws that we must enact to set this Nation on the right track. We must roll up our sleeves and get ready to work with the new administration to restore the rule of law to America and its position of respect on the world stage.

Mr. ELLISON. Thank you, Congresswoman.

Let me just say, tonight we have come together, members of the Progressive Caucus, a caucus organized, not based on ethnicity, like the Black Caucus or the Hispanic Caucus, not based on things like that, but based on our commonality of views, our values, what we all believe in. The Progressive Caucus represents diverse members of our congressional body, people from all over the country, different religions, different ethnic groups, all coming to project a progressive vision for our Nation.

We believe in fighting for economic justice and security in the United States and global economies. We also believe in protecting and preserving civil rights and civil liberties. We also believe in promoting global peace and security. These are some of the essential core beliefs of the Progressive Caucus, and you can count on us to come, week in, week out, with the progressive message to talk about how these critical values impact you.

Tonight we have spent time, Congresswoman SHEILA JACKSON-LEE and Congressman RAÚL GRIJALVA, talking about the imperial presidency that we have just seen ushered out of the door. We have seen a 500-page report, this big, thick, giant, humongous, enormous report full of facts and information in detail about allegations that the Bush administration may have overstepped its constitutional bounds. We believe this needs to be looked into. We believe the groundwork has been laid for an inquiry for a blue ribbon panel.

The vehicle, we believe, that should be used to get to the bottom, to get to the truth, is H.R. 104. H.R. 104, which Members and their community can look it up and read it, but what it would tell you if you looked it up is it would contain 47 separate recommendations designed to restore our Constitution's traditional system of checks and balances.

Chief among the recommendations are, one, continuation of congressional oversight; two, independent probes by the Justice Department; three, creation of a blue ribbon commission to fully investigate the activities; and they go on and on and on. You can look up the report online. It's there for you to look at it, at judiciary.house.gov/hearings/printers/110th. You can look it up that way.

Finally, we want to look into and don't want the American people to forget that our constitutional system is delicate. It must be maintained. It is a three-part system of checks and balances, executive, judiciary and legislative. The legislative branch is the first one mentioned in the Constitution.

We are a coequal branch of government. We don't work for the President, not the President we just got, Barack Obama, although we support him and wish him well. He is not our boss. The people are our boss. Also, we don't work for the President. We have a duty and an obligation to provide oversight to the executive.

We need to get to the bottom of allegations of torture and inhumane treatment, extraordinary rendition, warrantless domestic surveillance, the U.S. Attorney General scandal, a contrived drive to go to war with Iraq, signing statements to override laws of the land, intimidation and silencing of critics. We need to get into what happened with Valerie Plame. Why didn't Rove, Bolton and Myers show up to the Judiciary hearing after they were duly served? These are issues the American people have a right to know, and we intend to get to the bottom of it.

This is going to conclude the Progressive Message. Mr. Speaker, it has been a wonderful hearing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. NEUGEBAUER (at the request of Mr. BOEHNER) for today and January 22 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FALOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mrs. LUMMIS) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 27 and 28.

Mr. PAUL, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. SCHOCK, for 5 minutes, today.

Mr. JONES, for 5 minutes, January 27 and 28.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MASSA, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

ADJOURNMENT

Mr. ELLISON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), the House adjourned until Thursday, January 22, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

177. A letter from the Secretary, Department of Agriculture, transmitting a document entitled, "Gasoline Savings From Ethanol Use by State"; to the Committee on Agriculture.

178. A letter from the Assistant Secretary for Global Security Affairs, Department of Defense, transmitting the Department's fiscal year 2008 report on the Regional Defense Combating Terrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; to the Committee on Armed Services.

179. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [44 CFR Part 67] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

180. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital; Deduction of Goodwill Net of Associated Deferred Tax Liability [Docket No.: OTS-2008-0019] (RIN: 1550-AC22) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

181. A letter from the Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Teaching American History Grant Program Catalog of Federal Domestic Assistance (CFDA) Number: 84.215X. — received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

182. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department's intent to sign a Project Agreement concerning the Development of Advanced Non-Acoustic Sensing Technologies

under the Agreement between the Department of Defense of the United States of America and the Government of the Kingdom of Sweden for Technology Research and Development Projects, Transmittal No. 22-08, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

183. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department's intent to sign a Project Agreement concerning the Joint Light Tactical Vehicle under the Memorandum of Understanding between the United States and Australia concerning Cooperation on Land Force Capability Modernization, Transmittal No. 18-08, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

184. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department's intent to sign a Project Agreement concerning the C-130J Block 7 and 8.1 Upgrade among Australia, Canada, Denmark, the Italian Republic, the Kingdom of Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America, Transmittal No. 21-08, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

185. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006; to the Committee on Foreign Affairs.

186. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Foreign Affairs.

187. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Actions Taken on Office of Inspector General Recommendations" for the period ending March 31, 2008, pursuant to the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

188. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Actions Taken on Office of Inspector General Recommendations" for the period ending September 30, 2008, pursuant to Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

189. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting notification that the Department has adopted and will fully follow the guidelines of the No FEAR Act; to the Committee on Oversight and Government Reform.

190. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's report on competitive

sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

191. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's strategic plan for fiscal years 2010-2015; to the Committee on Oversight and Government Reform.

192. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2008; to the Committee on Oversight and Government Reform.

193. A letter from the General Counsel, Government Accountability Office, transmitting a letter pursuant to the requirements of the Competition in Contracting Act of 1984, 31 U.S.C. 3554(e)(2)(2000); to the Committee on Oversight and Government Reform.

194. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

195. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

196. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007-2009 Specifications [Docket No.: 061228342-7068-02] (RIN: 0648-XM06) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

197. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific Crustacean Fisheries; Deepwater Shrimp (RIN: 0648-AV29) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

198. A letter from the Deputy Assistant Administrator, For Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Record-keeping and Reporting; Permits [Docket No.: 080302360-7686-03] (RIN: 0648-AT91) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

199. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No.: 0812081564-81568-01] (RIN: 0648-XM18) received January 7, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

200. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XM15) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

201. A letter from the Director, Department of Justice, transmitting the Department's report entitled, "Report to the Nation 2007" from the Office for Victims of Crime for fiscal years 2005-2007, pursuant to Section 1407(g) of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

202. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Voluntary Departure: Effect of a Motion to Reopen or Reconsider or a Petition for Review [EOIR Docket No.: 163; AG Order No. 3027-2008] (RIN: 1125-AA60) received January 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

203. A letter from the Secretary, Department of Veterans Affairs, transmitting a report for fiscal year 2005 through 2008 on expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department, pursuant to Public Law 102-86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

204. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification of action taken to extend the "Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material," pursuant to 19 U.S.C. 2602(g), section 303(g); to the Committee on Ways and Means.

205. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance under section 475A (Notice 2009-08) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

206. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Required Minimum Distributions for 2009 (Notice 2009-9) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

207. A letter from the Chief Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Postponement of Certain Tax-related Deadlines by Reason of a Federally Declared Disaster or Terroristic or Military Action [TD 9443] (RIN: 1545-BG16) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

208. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Postponement of Certain Tax-related Deadlines by Reason of a Federally Declared Disaster or Terroristic or Military Action (Rin: 1545-BG16 [TD 9443] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

209. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Ruling: 2009 Prevailing State Assumed Interest Rates received January 15, 2009, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

210. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification that the President intends to exercise his authority to waive the prohibition on the use of Economic Support Funds for Barbados, Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, St. Vincent and the Grenadines, Tanzania, and Trinidad and Tobago, pursuant to Public Law 110-161, section 671 Div. J; jointly to the Committees on Foreign Affairs and Appropriations.

211. A letter from the Program Manager ODRM, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients Providers Act of 2008 (MIPPA) [CMA-1561-IFC] (RIN: 0938-AP59) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOREN:

H.R. 611. A bill to provide for marginal well production preservation and enhancement; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES:

H.R. 612. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mr. JONES:

H.R. 613. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death; to the Committee on Armed Services.

By Mr. PENCE (for himself, Mr. SMITH

of New Jersey, Mr. PITTS, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. COLE, Mr. SENSENBRENNER, Mr. TERRY, Mr. BURTON of Indiana, Mr. INGLIS, Mr. HALL of Texas, Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. PAUL, Mr. LAMBORN, Mr. FLAKE, Mr. HOEKSTRA, Mr. FORTENBERRY, Mr. MILLER of Florida, Mr. TIAHRT, Mr. BOOZMAN, Mr. SHUSTER, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. POE of Texas, Mr. HERGER, Mr. BACHUS, Mr. NEUGEBAUER, Mr. AKIN, Mrs. MCMORRIS RODGERS, Mr. OLSON, Mr. KLINE of Minnesota, Mr. KING of Iowa, Mr. FLEMING, Mr. BARRETT of South Carolina, Mr. McKEON, Mr. THOMPSON of Pennsylvania, Mr. HARPER, Mrs. LUMMIS, Mr. CHAFFETZ, Mr. McHENRY, Mr. BROWN of Georgia,

Ms. FALLIN, Mr. BRADY of Texas, Ms. FOXX, Mr. GINGREY of Georgia, Mr. CASSIDY, Mr. LINDER, Mr. DAVIS of Tennessee, Mr. SOUDER, Mr. DAVIS of Kentucky, Mr. JORDAN of Ohio, Mr. ROE of Tennessee, Mr. GARRETT of New Jersey, Mr. BISHOP of Utah, and Mr. MCCLINTOCK):

H.R. 614. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself, Mr. MORAN of Virginia, Mr. ROHR-ABACHER, Mr. CROWLEY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COHEN, Mr. VAN HOLLEN, Mr. HARE, Mr. FILNER, Mr. SMITH of New Jersey, and Mr. MOORE of Kansas):

H.R. 615. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. MORAN of Kansas, Mr. ROGERS of Alabama, Mr. JONES, Mr. PAUL, Mrs. MCMORRIS RODGERS, Mrs. EMERSON, and Mr. WEXLER):

H.R. 616. A bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN:

H.R. 617. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. CUMMINGS, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. STARK, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. PLATTS, Mr. LEWIS of Georgia, Mr. COOPER, Mr. PAYNE, Ms. BORDALLO, Mr. HINOJOSA, Mr. YOUNG of Alaska, Mr. POLIS of Colorado, Mr. KUCINICH, Mrs. MALONEY, Mr. GRIJALVA, Mr. YARMUTH, Mr. WEXLER, and Mr. CARDOZA):

H.R. 618. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. GRIJALVA):

H.R. 619. A bill to amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid Program of items and services for patients in an institution for mental diseases; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 620. A bill to amend the Internal Revenue Code of 1986 to allow an increased work opportunity credit with respect to recent veterans; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself, Mr. SESSIONS, Mr. WU, Mr. BARROW, Ms. MCCOLLUM, Mrs. MALONEY, Mr. MCGOVERN, Mr. GOHMBERT, Mr. DUN-

CAN, Mr. WOLF, Ms. EDWARDS of Maryland, Mr. LEWIS of California, Ms. WASSERMAN SCHULTZ, Mr. MARSHALL, Mr. FRELINGHUYSEN, and Mr. DEAL of Georgia):

H.R. 621. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Financial Services.

By Mr. MICHAUD (for himself, Mr. PLATTS, and Mr. GORDON of Tennessee):

H.R. 622. A bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 623. A bill to provide for greater judicial discretion in sentencing for certain firearms offenses committed in exceptional circumstances; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 624. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEINER (for himself, Mr. FLAKE, Mr. BURTON of Indiana, and Mr. GONZALEZ):

H.R. 625. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to require, as a condition of receiving a homeland security grant, that a grant recipient submit reports on each expenditure made using grant funds; to the Committee on Homeland Security.

By Ms. LEE of California (for herself, Ms. WATERS, Mr. WAXMAN, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, Mr. HONDA, and Mr. MEEKS of New York):

H. Con. Res. 24. Concurrent resolution expressing the sense of Congress on the need for a national AIDS strategy; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H. Res. 74. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. MCNERNEY (for himself, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. LEE of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, and Mr. WAXMAN):

H. Res. 75. A resolution honoring Chesley B. "Sully" Sullenberger III and the crew of US Airways Flight 1549 for their heroism, calm under pressure, and dedication to the safety of passengers on board; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. ENGEL, Mr. MACK, Ms. ROSELEHTINEN, Mr. SIRES, Mr. WEXLER, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. HINOJOSA, Mr. BERMAN, and Mr. CROWLEY):

H. Res. 76. A resolution mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities; to the Committee on Foreign Affairs.

By Mr. WITTMAN:

H. Res. 77. A resolution congratulating the University of Mary Washington in Fred-

ericksburg, Virginia, for more than 100 years of service and leadership to the United States; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CONYERS and Mr. MCGOVERN.

H.R. 16: Ms. HERSETH SANDLIN.

H.R. 17: Mr. MCCLINTOCK and Mr. ROGERS of Alabama.

H.R. 31: Mr. FALEOMAVAEGA, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. HIGGINS, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. SPRATT, Mr. RODRIGUEZ, Mr. RUSH, Mr. LARSEN of Washington, Mr. CUELLAR, Mr. PASCRELL and Ms. CASTOR of Florida.

H.R. 85: Mr. LAMBORN.

H.R. 104: Mr. WU and Mr. DEFazio.

H.R. 106: Mr. SESTAK.

H.R. 135: Mr. CALVERT.

H.R. 147: Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. MOORE of Kansas, and Mr. GRIJALVA.

H.R. 150: Mr. BURTON of Indiana, Mr. BILBRAY, and Mrs. MYRICK.

H.R. 154: Mr. BILBRAY.

H.R. 155: Mr. BILBRAY.

H.R. 156: Mr. HALL of New York, Mr. AUSTRIA, and Mr. FLEMING.

H.R. 223: Mr. FARR, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Ms. SPEIER, Ms. ESHOO, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mrs. NAPOLITANO, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, and Mr. FILNER.

H.R. 225: Mr. KILDEE, Mr. TURNER, Mr. FARR, Ms. SHEA-PORTER, and Mr. SARBANES.

H.R. 227: Mr. COLE and Mr. LUETKEMEYER.

H.R. 253: Ms. SCHAKOWSKY.

H.R. 268: Mr. MCINTYRE.

H.R. 290: Mr. STARK, Mr. ELLISON, Mr. LEVIN, and Mr. WELCH.

H.R. 291: Mr. LEWIS of Georgia, Mr. STARK, Mr. HARE, Mr. GRIJALVA, Ms. HIRONO, Ms. EDWARDS of Maryland, and Mr. WELCH.

H.R. 292: Mr. BOSWELL.

H.R. 307: Ms. HERSETH SANDLIN.

H.R. 311: Mr. KLINE of Minnesota.

H.R. 328: Mrs. LOWEY.

H.R. 336: Mr. HARE, Ms. BORDALLO, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. FARR, and Mr. HINCHAY.

H.R. 383: Mr. GARY G. MILLER of California.

H.R. 385: Mr. YOUNG of Alaska and Mr. HOEKSTRA.

H.R. 389: Mr. ELLISON.

H.R. 450: Mr. BROUN of Georgia.

H.R. 461: Mr. SESTAK.

H.R. 464: Mrs. SCHMIDT, Mr. CALVERT, Mr. BOOZMAN, and Mr. SMITH of Nebraska.

H.R. 490: Mr. HOEKSTRA.

H.R. 500: Mr. DENT, Mr. BARTLETT, Mr. WHITFIELD, Mr. PETRI, Mr. LATOURETTE, Mrs. BIGGERT, and Mr. GERLACH.

H.R. 510: Mr. KAGEN and Mr. PETRI.

H.R. 525: Mr. BRADY of Texas.

H.R. 562: Mr. FARR.

H.R. 569: Mr. ACKERMAN, Mr. WEXLER, Ms. SCHAKOWSKY, and Mr. MCDERMOTT.

H.R. 594: Mr. FILNER.

H.R. 608: Ms. EDWARDS of Maryland.

H.R. 610: Mrs. MCCARTHY of New York, Mr. HOLT, and Mr. CUMMINGS.

H.J. Res. 3: Mr. POSEY.

H.J. Res. 11: Mr. DENT.

H. Con. Res. 18: Mr. BURTON of Indiana.

H. Res. 20: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.

H. Res. 22: Mr. FILNER, Mr. CONYERS, and Mr. MILLER of North Carolina.

H. Res. 31: Mr. MITCHELL, Mr. DOYLE, Mrs. MYRICK, Mr. WEXLER, Mr. FILNER, Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. MILLER of North Carolina, Mr. LATTA, Mr. CONNOLLY of Virginia, Ms. KILROY, and Ms. LEE of California.

H. Res. 36: Mr. VAN HOLLEN, Mr. HONDA, Mr. SCHRADER, Mr. McDERMOTT, Mr. CAPUANO, Ms. ZOE LOFGREN of California, Mr. GRAYSON, Mr. PERRIELLO, Mr. AUSTRIA, and Mr. ETHERIDGE.

H. Res. 39: Mr. DAVIS of Kentucky, Mr. DRIEHAUS, Mrs. BIGGERT, and Mr. JONES.

H. Res. 56: Mr. HINOJOSA, Mr. KENNEDY, Mr. LANGEVIN, Mr. HOLT, Mr. CONYERS, Mr. MILLER of North Carolina, and Mr. McDERMOTT.

H. Res. 57: Mr. SESTAK.

H. Res. 66: Mr. FILNER and Mr. CLEAVER.

H. Res. 70: Mr. PENCE, Mr. BURTON of Indiana, Mr. BUYER, Mr. McCOTTER, Mrs. MILLER of Michigan, Mr. OBERSTAR, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, Mr. ROONEY, Ms. CASTOR of Florida, Mr. PUTNAM, and Mr. YOUNG of Florida.

H. Res. 73: Mr. MICHAUD, Mr. KUCINICH, Mr. FARR, Mr. COURTNEY, Mr. SNYDER, Mr. EDWARDS of Texas, Ms. BORDALLO, Mr. DOYLE, Mr. SERRANO, Mr. FATTAH, Mr. JACKSON of Il-

linois, Mr. ELLISON, Mr. ISRAEL, Mrs. MALONEY, Mr. SIRES, and Ms. NORTON.

PETITIONS, ETC.

Under clause 3 of rule XII,

11. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 606 of 2008 requesting that the United States Senate pass legislation to prohibit the display of social security account numbers on medicare cards; which was referred to the Committee on Ways and Means.

SENATE—Wednesday, January 21, 2009

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, JR., a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the giver of true freedom, awaken in us a new appreciation for our Nation that we may apply ourselves to keeping alive a real sense of liberty.

Thank You for our Nation's Founders, their ideals, their principles, and their sacrifices. Thank You, Lord, for the long progression of statesmen and patriots who have guarded our rights and healed our land. Thank You for the peaceful transition of power that took place in our Capitol yesterday. Lord, we also thank You for the members of the Senate staff who serve behind the scenes and work into the evening sustaining our well-being. In an hour where great issues are at stake, may those who serve on Capitol Hill rise to meet the challenges and strive to be faithful.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, JR. led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, January 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, JR., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of HILLARY CLINTON to be Secretary of State. There will be up to 3 hours of debate equally divided and controlled between the two leaders or their designees. The designee I have on this side is the chairman of the Foreign Relations Committee, Senator JOHN KERRY.

The Senate will recess from 12:45 until 2:15 p.m. today to allow for the weekly caucus luncheons. We tried to make it clear last night, but if we did not, for further clarification I ask unanimous consent that the time during the recess not count against the time reserved for debate on the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, upon disposition of the Clinton nomination, the Senate will resume consideration of the Lilly Ledbetter Fair Pay Act and debate the pending Hutchison amendment. We hope to complete the vote on that today. I understand there are other Senators who have amendments to offer. I ask they be ready to offer them sometime this afternoon or this evening. In addition, the managers are working on an arrangement to consider additional amendments in order to complete any action on this bill. This bill is open for amendment when we finish the Clinton nomination, so I hope people are ready to work on that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION**NOMINATION OF HILLARY RODHAM CLINTON TO BE SECRETARY OF STATE**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of HILLARY RODHAM CLINTON, of New York, to be Secretary of State.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 3 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nomination: HILLARY RODHAM CLINTON of New York to be Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I further ask unanimous consent that if there are quorum calls to be placed during the course of this equally divided time, those quorum calls will be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, yesterday—a historic day—we swore in a new President who has the vigor and the vision to restore America's place in the world. I think we would all agree that yesterday he made very inspiring and bold statements about America and how we will invite the world to join us in the efforts to restore our values, in a sense, to the center stage of that debate, but also to join in a renewed effort to find peace and end conflict. I thought his words, particularly to the Muslim world, were very important. We hope, obviously, to be able to move on those initiatives as rapidly as possible. Already, the new administration is taking crucial, long-awaited steps to embark on a new era of moral leadership and global outreach.

It is an understatement to say these are challenging times. We are fighting two wars and the threat of terrorism, as we all know, is as strong as ever. As the President said, we labor under gathering clouds and raging storms of the severest economic crisis of our lifetime. At such a moment, it is essential that we provide the President with the tools and the resources he needs to effect change. That starts by making sure he has the national security team he has chosen in place as soon as possible. Even this afternoon, the President will follow through on promises he has made to sit down on day one with his national security team, particularly with the military leadership, in order to talk about Iraq, Afghanistan, Pakistan, and the wars we are involved in. That team includes HILLARY CLINTON as Secretary of State.

I think everyone can agree that at her confirmation hearing, Secretary-designate HILLARY CLINTON demonstrated an impressive grasp of the numerous complex foreign policy

issues we face and she demonstrated why she is going to make such an effective Secretary of State. She has the stature to project America's leadership globally and to help build alliances at home and abroad. That is going to be vital to our success in the years ahead.

Now, I understand the concerns that were raised about fundraising activities of the Clinton Foundation. Let me start by saying that Secretary-designate CLINTON and former President Clinton have voluntarily entered into an ethics review and disclosure process with respect to donations to former President Clinton's foundation that goes well beyond any requirements under the law or any applicable ethics regulations. This is an unprecedented situation none of us can contest, nor would we. There is no existing blueprint on which to draw here. Secretary-designate CLINTON and former President Clinton have gone to considerable lengths to create a new review process tailored to these particular circumstances.

Senator LUGAR, myself, and others on the Foreign Relations Committee expressed our own concerns about aspects of this new arrangement. We went through a thorough review of the relevant agreements that Senator CLINTON and former President Clinton have entered into. We submitted numerous questions for the record, and they were very direct and blunt questions. We examined this issue extensively in the lead-up to Senator CLINTON's nomination hearing, and then again at the hearing itself. Senator LUGAR at quite some length expressed why he saw some issues here and expressed some concerns, but at the same time could not have been more clear about his support—enthusiastic support—for Senator CLINTON assuming these responsibilities.

The conclusion we reached was whatever the concerns some in this body may have—and we don't contest the legitimacy of believing that, as Senator LUGAR said, perhaps going further would have cleared some of the questions that still exist—but that doesn't mean that on the other side there is an automatic—that there is a problem. So in essence, none of these questions call into question at all Senator CLINTON's fitness, readiness, and appropriateness in serving as Secretary of State. Senator LUGAR, in his very clearly stated view with respect to this issue, offered a series of well-thought-out additional proposals, and he made clear that notwithstanding those proposals—which in his heart and in his mind he felt would have simply made this much clearer—he nevertheless was clear about his intention, without those being put in place, that he felt it was important that Senator CLINTON be confirmed. It is noteworthy that after a very lengthy discussion about review and disclosure and after the full consideration by the

committee itself, the Foreign Relations Committee passed her nomination out and brought it here to the floor by a vote of 16 to 1.

Now, as we think about this issue, for anybody who is not yet decided about what they may or may not do, context is very important. The Clinton Foundation does extraordinary, worthwhile, lifesaving work in areas such as HIV/AIDS, global climate change, and economic development in some of the most impoverished corners of this planet. It is important to remember that the Clintons do not in any way personally benefit financially from the actions of the foundation. So there is none of the sort of traditional notion of financial conflict of interest. It doesn't exist because there is no personal financial interest by either of them. Moreover, according to Secretary-designate CLINTON, all donations to the Clinton Foundation, including donations to the Clinton Global Initiative, will be disclosed publicly. So nothing relevant to the measurement of a potential conflict is being withheld from the public. Transparency is critically important here, obviously, because it allows the American people, the media, and those of us here in Congress with an oversight responsibility to be able to judge for ourselves that no conflicts, real or apparent, exist.

Senator CLINTON was also very clear personally at the hearing and in her answers to the questions for the record in saying that she fully understands her obligation and her interest in avoiding any kind of unwelcome distraction. I take her at her word. I hope the rest of our colleagues will do so also.

I understand that Senator LUGAR and some others have requested that large donations from foreign entities ought to be disclosed more frequently than the once-a-year requirement outlined in the agreement. I happen to agree that that would have been preferable, but the bottom line is that the desired deterrent effect still exists, and the bottom line is the public will still know, albeit in a different time frame, but it will know what the situation is. Furthermore, all contributions by foreign governments will be subject to a review process by the State Department's ethics officials. This review will occur prior to the receipt of any such contribution, and Senator CLINTON has made it clear that the process has been designed to avoid even the appearance of a conflict of interest. As all of us know, the appearance of a conflict under the law is always as critical as the reality of a conflict. It stands at the same level of scrutiny and, therefore, I think her statement is a very important one.

It is important to note that the pledges for future contributions by foreign governments will also be subject to this same review process. That was

an issue of particular interest to me and some other members of the committee, and I appreciate the willingness of Secretary-designate CLINTON and the foundation to address the issues during the discussions we had over the memorandum of understanding leading up to the hearing. Again, I and others preferred that those pledges might have also been subject to disclosure requirements. Still, we take comfort in the fact that they are going to be subject to the ethics review process and subject also, frankly, to the stated interest Senator CLINTON expressed before the committee of avoiding any kind of conflict or perception issue, and I am confident she is going to bend over backward to try to make sure that happens.

So, in the end, I fully respect the questions that have been raised. I acknowledge that some members of the committee felt that perhaps the final product could have expressed more, but the final product is not contained entirely within the framework of the four corners of the agreement. It is contained in the framework of the hearings and it is contained also in the expressions made publicly by Senator CLINTON about what she intends to do as a matter of personal oversight in this effort to live up to the standards that have been expressed.

So I am confident that significant and sufficient checks and balances exist and that we should proceed forward and overwhelmingly—I hope unanimously but certainly overwhelmingly—confirm Senator CLINTON. She needs to assume these responsibilities and begin serving the country as our Secretary of State. And while the Senate ponders the ethical implications of Senator CLINTON's charitable work and President Clinton's charitable work, we need to remember that the world is moving at a fast pace. There isn't time to delay American engagement in ongoing crises. Gaza is waiting, the Middle East is waiting, Pakistan, Afghanistan, and a host of other issues, and our Secretary of State needs to be in place and empowered to engage in discussions that have been waiting all these months and weeks now, where President Obama has made so clear that we only have one President at a time. Well, now we have that President and that President needs and deserves his security team.

So I hope my colleagues will join me in appreciating the larger importance of this moment, put aside those concerns with an appropriate, obvious sort of further expression of them but move forward to allow President Obama and his Secretary of State to confront the multiple crises and challenges that are going to be the measure of our achievement as a country and as a Senate and Congress over the course of the next few years.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments of the distinguished chairman of the Foreign Relations Committee, and I find I agree with virtually all of them, so I wish to make clear at the outset that this is an opportunity for us, over the next few hours, to talk about what ought to be our goal and that is to confirm a new Secretary of State who will be able to do the Nation's work and be able to avoid any perceived conflict of interest as a result of the fundraising by her husband's foundation.

I appreciate particularly the good-faith acknowledgement of the concerns of the Senator from Massachusetts. They were also expressed by Senator LUGAR. I think the concerns were acknowledged by both the Clinton Foundation and by Senator CLINTON herself in entering into a memorandum of understanding with the transition team of the now President Obama administration.

I know we all realize this, but it is important to say again that yesterday was a historic day, with the inauguration of the 44th President of the United States. Among the many things President Obama said, and that I agree with, I was particularly glad to hear him say we should do our business in the light of day because only then can we restore the vital trust between the people and their Government. I am someone who has long believed that our Government is too opaque to most of the people we work for, and as an advocate of open government, I agree with him 1,000 percent. I pledge to him and to my colleagues across the aisle that if there are things we can do, such as working together, as Senator LEAHY and I have on Freedom of Information Act reform, to improve the openness and transparency of our Government, we ought to be all about that. As we know, the foundation of our legitimacy comes from the consent of the governed—the people of this country. If they do not know what their Government is doing or if certain things are hidden from their view, they cannot consent, and they operate in a less-than-legitimate way.

I wish President Obama and his administration well. His success will mean America's success. But if we are going to restore trust between the American people and their Government, we need to be careful that the reality matches the rhetoric. My concern is not whether our colleague, Senator CLINTON, is qualified to be Secretary of State—she is, and I intend to vote for her confirmation—but I believe it is very important to flesh out some of the concerns that have been raised, legitimately, by Senator KERRY, Senator LUGAR, and others that I think bear some public discussion and some debate in the Senate.

I argued to Senator CLINTON yesterday—or I didn't argue to her, but I ex-

plained my position to her; that I thought greater transparency would make it better for her as she enters this new job as Secretary of State because any cloud or question that remains because of the lack of transparency or lack of disclosure I think hurts her and hurts the Obama administration at a time when we want to see it succeed. Of course, the concern is that, as she explained to me, any rule we have should not just apply to her and the former President, and I told her that is fine with me; that we would be glad to work together to try to come up with something that would make this kind of disclosure across the board.

I agree with the Senator from Massachusetts, having a former President of the United States running a foundation such as this and to have his spouse as Secretary of State is an unusual and perhaps unprecedented event, giving rise to these unusual and unprecedented concerns. But many taxpayers make frequent disclosures to the Government on a monthly or quarterly basis. I don't see why the Clinton Foundation could not do so on a more frequent basis, as suggested by Senator LUGAR, the ranking member on the Foreign Relations Committee. I don't see any particular hardship for her—or, excuse me, for the foundation—to do something that taxpayers are required to do regularly—file monthly or quarterly reports. And, of course, all of us who run for office are familiar with the fact we have to file campaign finance reports so the public can know who is contributing to our campaigns and be attuned to any concerns that may arise.

I wish to be clear that my concerns are not with the charitable activities of the Clinton Foundation, which I and others admire. But we should not let our respect for Senator CLINTON or our admiration for the many good works of the Clinton Foundation blind us to the danger of perceived conflicts of interest caused by the solicitation of hundreds of millions of dollars from foreign and some domestic sources. The perception and reality must be that the office of the Secretary of State, as viewed around the world, is beyond reproach.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times, dated December 19, 2008, immediately following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. The title of that article is: "In Clinton List, a Veil Is Lifted on Foundation."

As many of our colleagues know, when this memorandum of understanding was entered into, for the first time the Clinton Foundation revealed

the source of its some \$500 million worth of contributions over the last 10 years. Many of them were unremarkable, but some of them were troubling, raising the very issue we are discussing today—contributions from foreign nations, for example, from the Kingdom of Saudi Arabia directly to the foundation. Clearly, Senator CLINTON, as Secretary of State, as our chief diplomat, is going to be dealing with the country and the Kingdom of Saudi Arabia.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the Clinton Foundation's select foreign sources of contributions following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CORNYN. Mr. President, that list includes the State of Kuwait, the State of Qatar, and various foreign individuals.

In the article I mentioned a moment ago from the New York Times, there is just one example of the perception of conflict of interest that I think ought to give all of us concern. Last year, in the last Congress, we voted to support a civilian nuclear technology arrangement with the country of India, and I voted for it. But one of the problems, for example, is that one of the individuals who was lobbying for that was a politician in India who gave between \$1 million and \$5 million to the foundation. That individual was actually lobbying Congress to pass that very same bill at the same time he is making a significant contribution to the foundation.

Now, I am not suggesting anything untoward or improper about that, but I am pointing out the very real example of a perception of conflict of interest, which is something that I think we all would hope to avoid.

There is also a list of other contributors, domestic contributors, including some of the financial services industry on Wall Street, which has been the beneficiary of various Government bailouts during the course of the last few months during the economic crisis.

Mr. President, I ask unanimous consent to have printed in the RECORD that list at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. CORNYN. Mr. President, Senator LUGAR, who is admired by all of us for his knowledge and experience on the Foreign Relations Committee, explained the likelihood of a conflict of interest. He said that the Clinton Foundation exists as a temptation to any foreign entity or government that believes it can curry favor through a donation, and obviously that creates a potential perception problem with any

action taken by the Secretary of State in relation to foreign givers of their country. I share Senator LUGAR's concerns, as I have explained here. I concur with his commonsense solution that during Senator CLINTON's tenure as Secretary of State, the foundation should actually refuse all contributions from foreign sources. That would take care of that particular problem outright.

Senator KERRY, as he said in those hearings and reiterated today, pointed out that Senator LUGAR wasn't speaking from a partisan perspective, he was speaking for the committee. In other words, this is not a partisan matter. This is a matter of serious concern regarding public policy. It is a matter of record that, as I said, the transition team, Senator CLINTON, and the foundation agreed to a memorandum of understanding. Of course, this does not require disclosure of past contributions with any sort of real detail, which would be helpful to the observer. It does require annual disclosure, and I think that was a very positive step in the right direction. But simply stated, the fundraising restrictions of disclosure statements I don't think go far enough. It is in the Nation's interest for the Clinton Foundation to refuse foreign-sourced donations while Senator CLINTON serves as Secretary of State.

If the foundation refuses to do so—and I realize Senator CLINTON has limited control, if any, over what the foundation does—I think there should be other options available that would reduce the likelihood of real or perceived conflicts of interest. Senator LUGAR himself has recommended several disclosure requirements. For example, he suggested that gifts of \$50,000 or more to the Clinton Foundation from any foreign source, including individuals, should be submitted to the agreed-upon State Department ethics review process.

I would alert my colleagues to the fact that the agreement between the Obama team and the foundation only commits the foundation to submit for State Department review those gifts from foreign governments and government-controlled entities. As Senator LUGAR aptly pointed out, in many foreign countries the tie between the government and private citizens is blurred. Individuals with close connections to the government or governing families often act as surrogates for those governments. Consequently, contributions from foreign governments or foreign-controlled companies are not the only foreign contributions that could raise serious conflicts of interest.

I would go further and require that every pledge or donation be made publicly available online within a short time—perhaps a week. If we did it on a monthly basis, that would be far better than what the MOU currently provides.

The foundation's agreement to make disclosures once a year is simply not enough in order to achieve that kind of transparency President Obama talked about yesterday that will help give the American people more confidence in their Government. That is not doing business in the light of day in a way that restores that vital trust, to do it only annually, after the fact. This is only one example of some of the improvements that could be made.

In short, I remain concerned that Senator—soon to be Secretary of State—CLINTON's diplomatic work will be encumbered by the global activities of the Clinton Foundation under these circumstances—not their good and charitable work, which I certainly support, but the contributions they raise from these various sources that are not transparent, not subject to prompt disclosure. Obviously, I think it is important that the Senate discuss and debate this in the context of her nomination, not wait until the inevitable conflict or crisis arises.

Mr. President, I also ask unanimous consent to have printed in the RECORD a New York Times editorial, a Washington Post editorial, and a Los Angeles Times editorial, which identify some of these same concerns, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. CORNYN. In short, I was encouraged by my conversation with Senator CLINTON yesterday in the Rotunda following the inaugural ceremonies where she said she would be open to a requirement that really was an across-the-board disclosure requirement that was not just targeted at her and the Clinton Foundation. I think there is a meaningful basis upon which to further discuss this, negotiate it, and it would be my intention, working with other colleagues here, to produce legislation, as we flesh that out, which might accomplish that in the days ahead.

EXHIBIT 1

[From the New York Times, Dec. 19, 2008]
IN CLINTON LIST, A VEIL IS LIFTED ON
FOUNDATION

(By Peter Baker and Charlie Savage)

WASHINGTON.—Former President Bill Clinton has collected tens of millions of dollars for his foundation over the last 10 years from governments in the Middle East, tycoons from Canada, India, Nigeria and Ukraine, and other international figures with interests in American foreign policy.

Lifting a longstanding cloak of secrecy, Mr. Clinton on Thursday released a complete list of more than 200,000 donors to his foundation as part of an agreement to douse concerns about potential conflicts if Senator Hillary Rodham Clinton is confirmed as secretary of state in the Obama administration.

The donor list offers a glimpse into the high-powered, big-dollar world in which Mr. Clinton has traveled since leaving the White House as he jetted around the globe making money for himself and raising vast sums for

his ambitious philanthropic programs fighting disease, poverty and climate change. Some of the world's richest people and most famous celebrities handed over large checks to finance his presidential library and charitable activities.

With his wife now poised to take over as America's top diplomat, Mr. Clinton's fundraising is coming under new scrutiny for relationships that could pose potential conflict-of-interest issues for Mrs. Clinton in her job. Some of her husband's biggest backers have much at stake in the policies that President-elect Barack Obama's incoming administration adopts toward their regions or business ventures.

Saudi Arabia alone gave to the foundation \$10 million to \$25 million, as did government aid agencies in Australia and the Dominican Republic. Brunei, Kuwait, Norway, Oman, Qatar and Taiwan each gave more than \$1 million. So did the ruling family of Abu Dhabi and the Dubai Foundation, both based in the United Arab Emirates, and the Friends of Saudi Arabia, founded by a Saudi prince.

Also among the largest donors were a businessman who was close to the onetime military ruler of Nigeria, a Ukrainian tycoon who was son-in-law of that former Soviet republic's authoritarian president and a Canadian mining executive who took Mr. Clinton to Kazakhstan while trying to win lucrative uranium contracts.

In addition, the foundation accepted sizable contributions from several prominent figures from India, like a billionaire steel magnate and a politician who lobbied Mrs. Clinton this year on behalf of a civilian nuclear cooperation agreement between India and the United States, a deal that has ruffled Pakistan, a key foreign policy focus of the incoming administration.

Such contributions could provoke suspicion at home and abroad among those wondering about any effect on administration policy.

Matthew Levitt, a senior fellow at the Washington Institute for Near East Policy, said donations from "countries where we have particularly sensitive issues and relations" would invariably raise concerns about whether Mrs. Clinton had conflicts of interest.

"The real question," Mr. Levitt said, "is to what extent you can really separate the activities and influence of any husband and wife, and certainly a husband and wife team that is such a powerhouse."

Mr. Clinton's office said in a statement that the disclosure itself should ensure that there would be "not even the appearance of a conflict of interest."

Stephanie Cutter, a spokeswoman for Mr. Obama, said the president-elect had chosen Mrs. Clinton for his cabinet because "no one could better represent the United States."

"Past donations to the Clinton foundation," Ms. Cutter said, "have no connection to Senator Clinton's prospective tenure as secretary of state."

Repugnians have addressed the issue cautiously, suggesting that they would examine it but not necessarily hold up Mrs. Clinton's confirmation as a result. Senator Richard G. Lugar of Indiana, the top Republican on the Foreign Relations Committee, which will consider her nomination, was in Russia on Thursday and unavailable for comment, according to Mr. Lugar's office.

But in an interview on Nov. 30 on "This Week" on ABC, Mr. Lugar said Mr. Clinton's activities would raise legitimate questions, adding, "I don't know how, given all of our

ethics standards now, anyone quite measures up to this who has such cosmic ties.”

Still, he indicated that he would vote for Mrs. Clinton and praised Mr. Obama's team for doing “a good job in trying to pin down the most important elements” in its agreement with Mr. Clinton.

To avoid potential conflicts, the Obama team, represented by its transition co-chairwoman, Valerie Jarrett, signed a memorandum of understanding on Dec. 12 with the William J. Clinton Foundation, represented by its chief executive, Bruce R. Lindsey. The five-page memorandum, provided to reporters on Thursday, required Mr. Clinton to disclose his past donors by the end of the year and any future contributors once a year.

The memorandum also requires that if Mrs. Clinton is confirmed, the Clinton Global Initiative, an offshoot of the foundation, will be incorporated separately, will no longer hold events outside the United States and will refuse any further contributions from foreign governments. Other initiatives operating under the auspices of the foundation would follow new rules and consult with State Department ethics officials in certain circumstances.

Federal law does not require former presidents to reveal foundation donors, and Mr. Clinton had until now declined to do so, arguing that many who gave expected confidentiality. Other former presidents have taken money from overseas sources, including President George Bush, whose son has sat in the Oval Office for the last years. The elder Mr. Bush has accepted millions of dollars from Saudi, Kuwaiti and other foreign sources for his own library.

Mr. Clinton's foundation has raised \$500 million since 1997, growing into a global operation with 1,100 paid staff members and volunteers in 40 countries. It said it had provided medicine to 1.4 million people living with H.I.V./AIDS, helped dozens of cities reduce heat-trapping gases and worked to spread economic opportunity.

Mr. Clinton's advocates said that the disclosure on Thursday showed he had nothing to hide and that most of his largest contributors were already known.

Yet while unprecedented, the disclosure was also limited.

The list posted on the foundation's Web site—www.clintonfoundation.org—did not provide the nationality or occupation of the donors, the dates they contributed or the precise amounts of their gifts, instead breaking down contributors by dollar ranges. Nor did the list include pledges for future donations. As a result, it is impossible to know from the list which donations were made while Mr. Clinton was still president or while Mrs. Clinton was running for president.

Many benefactors are well-known Americans, like Stephen L. Bing; Alfonso Fanjul; Bill Gates; Tom Golisano, a billionaire who ran for New York governor; Rupert Murdoch; and Barbra Streisand. Bloomberg L.P., the financial media empire founded by Mayor Michael R. Bloomberg of New York, contributed, as did Freddie Mac, the mortgage company now partly blamed for the housing market collapse.

Another potentially sensitive donation came from Blackwater Training Center, part of the private security firm hired to protect American diplomats in Iraq. Five of its guards have been indicted for their roles in a 2007 shooting that left 17 Iraqi civilians dead.

The potential for appearances of conflict was illustrated by Amar Singh, a politician in India who gave \$1 million to \$5 million. Mr. Singh visited the United States in Sep-

tember to lobby for a deal allowing India to obtain civilian nuclear technology even though it never signed the Non-Proliferation Treaty. He met with Mrs. Clinton, who he said assured him that Democrats would not block the deal. Congress approved it weeks later.

Other donors have connections with India, a potential flashpoint because of tensions with Pakistan. Among them was Lakshmi Mittal, a steel magnate and, according to Forbes magazine, the fourth-richest person in the world. Mr. Mittal, who donated \$1 million to \$5 million, was involved in a scandal in 2002 in London, where he lives. After Mr. Mittal made a large donation to the Labor Party, Prime Minister Tony Blair helped him persuade Romania to sell him its state steel company.

Another donor was Gilbert Chagoury, a businessman close to Gen. Sani Abacha of Nigeria, widely criticized for a brutal and corrupt rule.

Mr. Chagoury tried during the 1990s to win favor for Mr. Abacha from the Clinton administration, contributing \$460,000 to a voter registration group to which Democratic officials steered him, according to news accounts. He won meetings with National Security Council officials, including Susan E. Rice, who is now Mr. Obama's choice to be ambassador to the United Nations.

EXHIBIT 2

CLINTON FOUNDATION—SELECT FOREIGN SOURCES

\$10M–25M: Kingdom of Saudi Arabia.
\$5M–10M: Government of Norway.
\$1M–5M: Sheikh Mohammed H. Al-Amoudi—Saudi/Ethiopian businessman; Nasser Al-Rashid—Saudi businessman; Dubai Foundation—partnership between Harvard Med and Dubai; Friends of Saudi Arabia; Lakshmi N. Mittal—Indian businessman; State of Kuwait; State of Qatar; Taiwan Economic and Cultural Office; The Government of Brunei Darussalam; The Sultanate of Oman; Zayed Family—Zayed bin Sultan Al Nahyan was former president of UAE.
\$500K–1M: Walid A. Juffali—Saudi billionaire; Kjell I. Rokke—Norwegian businessman; Soros Foundation; The Swedish Postcode Lottery.
\$250K–500K: Abbas Al-Yousef; Carlos Bremer Gutierrez—CEO of Mexican corporation; China Overseas Real Estate Development; Gustavo Cisneros & Venevision—Venezuelan businessman and his company; Rolando Gonzalez-Bunster—CEO of Int'l power company; Ajit Gulabchand—Indian business executive; Vinod Gupta—Indian business executive; Hanwah Engineering and Construction Corporation—Chinese corporation; Hanwah L&C Corporation—Chinese corporation; Lalit Suri (deceased)—Indian hotel entrepreneur; US Islamic World Conference; Niklas Zennstrom—Swedish entrepreneur.
\$100K to 250K: Aker Kvaerner ASA—Norwegian corporation; Hamza B. Al Kholi—Saudi businessman; Alibaba.com Corporation—Chinese corporation; Credit Suisse—Swiss financial services corporation; India Today Group; Karlheinz Koegel—German businessman; Lata Krishnan—Indian entrepreneur; National Opera of Paris; The Monte dei Paschi di Siena—Italian bank; Poju Zabłudowicz—Finnish businessman.

EXHIBIT 3

\$1M to \$5M: Citi Foundation; Entergy; Sterling Stamos Capital Management, LP; The Wal-Mart Foundation.
\$500K to \$1M: Bank of America Foundation; Hewlett Packard Company; ICAP Serv-

ices North America; Pfizer Inc; Procter & Gamble; Sanyo North America Corporation; The Anheuser-Busch Foundation.

\$250K to \$500K: American International Group, Inc. (AIG); Energy Developments and Investments Corporation; Google; Microsoft Corporation; Orbitex Management Inc.; The Coca-Cola Company.

\$100K to \$250K: Charles Schwab & Co.; Citigroup Inc.; FedEx Services; Hyundai Motor America; Lehman Brothers Holdings Inc.; Merrill Lynch & Company Foundation, Inc.; Bay Harbour Management; Visa Inc.

\$50K to \$100K: General Motors Corporation.

EXHIBIT 4

[From The New York Times, Jan. 11, 2009]

BILL CLINTON'S DONORS

In the likely event that Senator Hillary Rodham Clinton is confirmed as secretary of state, the last thing she will need is a distracting ethics controversy.

That is why Mrs. Clinton's confirmation hearing, now scheduled to begin on Tuesday before the Senate Foreign Relations Committee, must cover wider terrain than pressing world issues. It should address the awkward intersection between Mrs. Clinton's new post and the charitable and business activities of her husband, former President Bill Clinton.

Last month, Mr. Clinton disclosed the names of more than 200,000 donors to his foundation. It was a positive step toward the transparency that Mr. Obama insisted on before selecting Mrs. Clinton. But it also reinforced concerns about potential conflicts of interest ahead.

The roster of donors to Mr. Clinton's presidential library and global foundation enterprises include million-dollar-plus contributions from governments in the Middle East, tycoons from India, Nigeria, Ukraine and Canada, and international figures with interests in the policies Mrs. Clinton will be helping to write and carry out.

The five-page accord signed by representatives of Mr. Clinton and Mr. Obama could use tightening. For example, the wording calls for disclosure of “new contributors” to Clinton Foundation programs. It does not necessarily require disclosing the size of their gifts or the dates they were made. Disclosure of Mr. Clinton's charitable fund-raising and relevant private fees should be done monthly, or at least quarterly, not just once a year.

The overarching principle should be prompt disclosure of the amount and source of all payments to any Clinton charity or to Mr. Clinton personally by any person or entity with a political or economic interest, real or perceived, in State Department decisions. Ideally, the White House counsel's office would be assigned a larger role than envisioned in screening Mr. Clinton's speaking and consulting deals before any check is received.

Mr. Clinton has agreed to reduce his fund-raising and administrative role in the Clinton Global Initiative. The international project will no longer accept contributions from foreign governments or hold big events outside the United States once Mrs. Clinton is installed. These are prudent moves. The committee must decide if they are sufficient, given Mr. Clinton's continuing ties.

During her confirmation hearing, Mrs. Clinton must make it emphatically clear that past and future supporters of her husband or his work will not get favored treatment by the State Department. Avoiding the appearance of favoritism will be as important as the fact.

We believe that Mrs. Clinton has the potential to be a superb secretary of state. We also value Mr. Clinton's work since leaving the White House to help advance the fight against AIDS, malaria, malnutrition and other global ills. He has agreed to greater transparency and more restrictions than any former president, going beyond what law requires. That does not alter the committee's duty to scour the plans for workability and loopholes.

Everyone should recognize that there is no perfect solution for Mrs. Clinton's particular spousal dilemma. And, realistically, no set of rules, however well-meaning or tightly drafted, can substitute for the exercise of sound judgment and proper restraint. But they can help.

[From the Washington Post, Jan. 9, 2009]

QUID PRO CLINTON?—POTENTIAL CONFLICTS OF INTEREST COULD HAUNT PRESIDENT-ELECT OBAMA

In a letter to the editor Tuesday, Bruce Lindsey, chairman and chief executive of the William J. Clinton Foundation, took us to task for an editorial last month suggesting that former president Bill Clinton suspend fundraising for his foundation upon the confirmation and during the tenure of his wife, Sen. Hillary Rodham Clinton (D-NY), as secretary of state. Mr. Lindsey called our suggestion "shortsighted and dangerous." But not to see the appearance of a conflict of interest is shortsighted and potentially dangerous for one person who has enough to worry about: President-elect Barack Obama.

The good works of Mr. Clinton or his foundation are not in question. His work to lessen or eliminate the suffering brought about by HIV/AIDS and to address the challenges presented by climate change is impressive. So is his ability to raise vast sums for his foundation to tackle these issues. The money comes from sources in the United States and abroad. What has always been worrisome is that such prodigious fundraising could set up the potential of someone looking to curry favor with Ms. Clinton by making a sizable donation to Mr. Clinton's organization. Even the appearance of a conflict could call into question the motives of both Clintons and the donor.

A prime example emerged this week as a result of Mr. Clinton disclosing his contributors as part of an agreement with Mr. Obama that smoothed Ms. Clinton's nomination. The New York Times reported Sunday that upstate New York developer Robert J. Congel gave \$100,000 to Mr. Clinton's foundation in November 2004, one month after enactment of a law, first supported by Ms. Clinton in 2000, that gave Mr. Congel access to tax-exempt "green bonds" to build the Destiny USA shopping complex in Syracuse. Nine months later Ms. Clinton secured \$5 million in funding for road construction at the complex. We hasten to point out that Ms. Clinton was joined by other members of the New York delegation in urging passage of both bills, including the state's senior senator, Charles E. Schumer (D).

While Mr. Clinton's fundraising has been an appearance of a conflict waiting to happen with his wife a senator, it will only get worse and more troublesome once Ms. Clinton is confirmed as secretary of state. Per the agreement with Mr. Obama, a list of who is bankrolling the foundation will be released once a year. Only new donations from foreign governments will be examined by government ethics officials. And there is no prior review of donations from foreign companies or individuals or those in the United

States with interests overseas. Mr. Clinton's continued globetrotting while collecting checks along the way could embarrass the administration on multiple, sensitive and dangerous fronts.

[From the Los Angeles Times, Jan. 14, 2009]

THE CLINTON CONNECTIONS—THE FORMER PRESIDENT SHOULD KEEP HIS FOUNDATION AT ARM'S LENGTH WHILE HIS WIFE HOLDS A CABINET POST.

Hillary Rodham Clinton, whose confirmation as secretary of State is a foregone conclusion after a three-hour love-fest of a hearing before the Senate Foreign Relations Committee on Tuesday, will probably do a fine job in the post—as long as her husband can keep his wallet zipped.

Former President Clinton's charitable foundation has the potential to haunt both his wife and the Obama administration, and not just because it has a history of accepting donations from tyrants and corrupt businessmen. Foreign governments, including Saudi Arabia, Australia, the Dominican Republic and Kuwait, have given millions to the Clinton Foundation, which might complicate Hillary Clinton's dealings with those countries—and could lead to a perception, justified or not, that one way to influence U.S. policy is to slip a few bucks to the secretary of States husband's charity. Given the importance of perception in international relations, that's no small concern.

Bill Clinton has a troubling history of doing favors for his political donors, and although his charity's work is beyond reproach—it has contributed millions to fighting AIDS and climate change around the world—the foundation's connection to enterprises that personally enrich both Clintons is murky. Many of its donors also have paid hundreds of thousands of dollars in speaking fees to the former president. Then there are highly questionable donations, such as the \$500,000 he was paid by a Japanese American business for a speech he never gave, and that he later donated to the foundation, as reported in Tuesday's Times by Andrew Zajak.

The Obama administration struck a deal with the foundation aimed at improving transparency and avoiding conflicts, but it doesn't go far enough. Though the names of future donors will be released, it will be on an annual basis, and foreign governments will be subject to review by federal ethics officers only if they're new donors.

The best way out of this mess would be for Bill Clinton to divorce himself from all of his foundation's fundraising activities for as long as Hillary Clinton is secretary of State; he can consider it partial atonement to his long-suffering wife. If he won't, the foundation should at least reveal its donors in real time, as the contributions are received, and should follow a suggestion made Tuesday by Sen. Richard G. Lugar (R-Ind.) and forswear new foreign contributions. That won't end potential conflicts from U.S.-based donors with international interests, but it's a start.

Mr. CORNYN. I see there are other colleagues here who wish to speak. I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Florida and then, after that, if I may yield to the Senator from Arizona and the Senator from Maine for comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, there is an example of another one of our Senators in this body who is now assuming a very high and important position in the Government. The President and the Vice President have sprung forth from this Chamber. How honored we are, it having just been announced that Senator SALAZAR has resigned since he has been confirmed as Secretary of the Interior.

The issue before us is Senator CLINTON. The Senator from Texas has laid out his concerns and has said he finds the arrangement unusual. I appreciate his remarks. He has noted the good works of the Clinton Foundation. This Senator would think this arrangement is unusually good—for reasons. What has the Clinton Foundation done? It is not as if the spouse of a high-level new Secretary of State is in a foundation or a corporation of some nefarious kind of activity. Indeed, this is the kind of activity, as noted by the Senator from Texas, that is extraordinarily good.

For example, the Clinton Foundation has helped millions of people around the world. Mr. President, 1.4 million people living with HIV/AIDS now have access to lifesaving drugs. Because of this foundation's efforts and the former President's efforts to lower the cost of those antiretroviral drugs, 71 countries have access to these lifesaving medicines, which represents more than 92 percent of the people living on this planet with HIV.

I will give another example: 425,000 Rwandans are served by four health facilities that have been strengthened by the Clinton Foundation.

Because of these efforts, they have increased countries' human resource capacity to deliver care and treatment to their people, and it has helped prevent the transmission of disease from mothers to their children.

Take for example the Clinton Climate Initiative. It is working with 40 of the world's largest cities, both in the United States and around the globe, to reduce greenhouse gas emissions and combat global warming—something in which the next speaker, the Senator from Arizona, has been so intimately involved. These Clinton programs are fostering sustainable development in Africa and Latin America.

As Americans, we can clearly applaud the efforts of the former President and his exceptional humanitarian work he has accomplished over the years that he has been a private citizen and that he has worked on through the Clinton Foundation.

We were reminded yesterday, with the inaugural celebration and the inaugural activities, of the importance of

getting the national security team in place and getting it in place fast. The President laid out the imminent crises he is having to face. We need a Secretary of State in place. Senator CLINTON's integrity and her record of service are clear. We should not delay any longer, and we ought to confirm her quickly to be our next Secretary of State.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, before I yield to the Senator from Arizona, Mr. LUGAR, who would normally be here as the ranking member, the distinguished ranking member, who is one of our most respected voices on foreign policy, is not feeling well, so he is not here right now. But he has asked me to personally make sure his comments are printed in the RECORD in full. I wish to share just 30 seconds here. He says:

In my judgment she is an extremely well qualified nominee who is deserving of confirmation. Her presence at the helm of the State Department could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States.

He goes on to talk about her relationship with world leaders at the time and her understanding of U.S. foreign policy.

• Mr. LUGAR. Mr. President, I wish to comment on the nomination of Senator HILLARY CLINTON to be Secretary of State. In my judgment she is an extremely well qualified nominee who is deserving of confirmation. Her presence at the helm of the State Department could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States. She has longstanding relationships with many world leaders that could be put to great use in the service of our country. Her time in the Senate has given her a deep understanding of how U.S. foreign policy can be enriched by establishing a closer relationship between the executive and legislative branches. She is fully prepared to engage the world on a myriad of issues that urgently require attention.

Given Senator CLINTON's remarkable qualifications, President Obama's strong confidence in her, and pressing global issues, which I do not need to enumerate, I favored having our friend confirmed yesterday by unanimous consent. Relevant points of concern about conflicts of interest arising from the fundraising of the Clinton Foundation were made during her confirmation hearing. In my judgment, only Senator CLINTON and President Clinton, themselves, have the ability to avoid these problems. At the hearing, I strongly urged Senator CLINTON to ensure that no conflict of interest problems arise. She stated that she would do so, and I am confident that she un-

derstands the importance of this commitment.

Nevertheless, I recognize that some colleagues who do not serve on the Foreign Relations Committee shared similar concerns about the potential for conflicts of interest. They wanted an opportunity to discuss these concerns, and the Senate gives them that right. The Foreign Relations Committee and the Senate have oversight responsibility over anything that might add or detract from U.S. foreign policy. The Obama Transition and Senator CLINTON implicitly recognized this Senate responsibility when they forwarded their memorandum of understanding addressing Clinton Foundation activities to the Foreign Relations Committee for its review.

I understand that the Clinton's are proud of the Clinton Foundation, and I applaud the work it has done. I also understand that the foundation is devoted to many ongoing projects and beneficiaries. President Clinton has given a great deal of time and energy to this enterprise, and he and other leaders of the foundation are reluctant to accept changes or restrictions that they perceive as potentially inhibiting its momentum.

But this understandable concern for the work of the foundation does not trump the vital business of U.S. foreign policy that will be directed by Senator CLINTON. The work of the Clinton Foundation is a unique complication for Senator CLINTON's service that will have to be managed with great care and transparency.

The point I attempted to make during the hearing and in other communications leading up to the hearing was that the Clinton Foundation exists as a temptation for any foreign entity or government that believes it could curry favor through a donation. As such, it sets up potential perception problems with any action taken by the Secretary of State in relation to foreign givers or their countries. There need be no wrongdoing on the part of anyone to generate controversy or misperceptions. Every new foreign donation that is accepted by the foundation comes with the risk that it will be connected in the global media to a proximate State Department policy or decision. Foreign perceptions are incredibly important to U.S. foreign policy, and mistaken impressions or suspicions can deeply affect the actions of foreign governments toward the United States. Moreover, we do not want our own Government's deliberations distracted by avoidable controversies played out in the media. The bottom line is that even well intentioned foreign donations carry risks for U.S. foreign policy.

At the hearing, I recommended that the only certain way to eliminate this risk would be for the Clinton Foundation to forswear new foreign contribu-

tions and rely on its large base of U.S. donors during Senator CLINTON's time as Secretary of State.

Alternatively, I suggested that the Clinton Foundation could enhance public confidence and minimize risks of conflict of interest with a few additional transparency commitments, none of which would threaten the operations of the Clinton Foundation. Inconveniences for the foundation or a reduction in some types of donations that have been accepted in the past are small prices to pay when balanced against the serious business of U.S. foreign policy that affects the security of every American. If there is the slightest doubt about the appearance that a donation might create, the foundation should not take it. If there are issues about how a donation should be disclosed, the issues should be resolved by disclosing the donation sooner and with as much specificity as possible.

In particular, I suggested three additional commitments that the Clinton Foundation could make in the interest of transparency. First, all donations of \$50,000 or more in a given year from any source should be disclosed immediately upon receipt, rather than waiting up to 12 months to list them in the annual disclosure. Second, pledges from foreign entities to donate more than \$50,000 in the future should be disclosed both at the time the pledge is made and when the donation eventually occurs. Third, gifts of \$50,000 or more from any foreign source, including individuals, should be submitted to the State Department ethics official for the same ethics review that will be applied to donations from foreign governments. This is especially important because the lines between foreign governments and foreign individuals are often blurred. For example, conflicts of interest could arise from a donation from a Gazprom executive or a member of the Saudi Royal family as easily as from the governments of Russia and Saudi Arabia.

Since the inception of the Clinton Foundation in 1997, 499 donors have given \$50,000 or more, an average of less than one per week. So the administrative burden of these additional transparency commitments would be minimal. But adopting them would yield substantial transparency benefits with regard to the donations that are most likely to raise issues.

In answers to questions for the record, Senator CLINTON offered no reasons why these additional disclosure items would not be beneficial. Instead, answers stated that the MOU went beyond what other spouses of cabinet officials have done to limit their Foundations and that there is no law or ethics regulations requiring further steps. These statements are true, but beside the point.

First, the issues surrounding the fundraising of the Clinton Foundation

and its impact on Senator CLINTON's service as Secretary of State are not primarily legal. The imperative here is protecting U.S. foreign policy, not satisfying a legal or ethical requirement. If a transparency measure would help guard against donations that could jeopardize Senator CLINTON's participation in some matters, prejudice foreign opinion against U.S. policies, or generate public controversies, it should be embraced. Each proposal should be judged on its own merits, rather than rejecting suggestions on the basis that enough has been done. Is it, or is it not a good idea to subject all foreign donations greater than \$50,000 to the State Department ethics review process, for example.

Second, following precedents established by other foundations is unsatisfying given that this case far exceeds previous cases in magnitude and risk. Senator CLINTON will be the Secretary of State—the top foreign policy official of the United States after the President. President Clinton is one of the most recognizable personages and prolific fundraisers in the world. As an ex-President, he is regarded as having personal influence with members of our Government and other governments. Moreover, we have already seen in the December disclosure of past donors that the Clinton Foundation has received tens of millions of dollars from foreign governments, government-controlled entities, foreign businesses and others who may have interests affected by State Department policy. Other cases lack this extraordinary confluence of a Secretary of State with responsibility for foreign policy, a globally recognized ex-President spouse who has raised money in every corner of the world, and a foundation that has implemented an aggressive foreign fundraising strategy.

Furthermore, we should be clear that the MOU is a negotiated, political agreement that involved both the Obama Transition and the Clinton Foundation exerting leverage and making compromises. There is nothing wrong with this. But we should not confuse it with a document produced by ethics experts seeking to construct the most effective arrangement for avoiding conflicts of interest. These negotiations produced a useful, good-faith agreement, but not one beyond improvement. It represents a beginning, not an end. Its success will require that all parties make the integrity of U.S. foreign policy their first principle of implementation.

I am hopeful that Senator CLINTON and the Clinton Foundation will take time to reexamine their position on these items. If they do, I believe they will see that they could reap substantial transparency and public confidence benefits by going beyond what the MOU requires them to do. More importantly, all involved should recognize

that protecting the foreign policy of the United States from conflict of interest appearances far outweighs the relatively minimal impact additional transparency measures might have on the operations of the Clinton Foundation.●

The ACTING PRESIDENT pro tempore. The senior Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my colleague, the distinguished chairman of the Foreign Relations Committee. I will speak briefly. I know the Senator from Maine would like to say a few words.

I really believe we should move forward with the nomination of our former colleague—I guess our still present colleague—Senator HILLARY CLINTON, to take up the urgent and important duties she holds, which are to meet some very serious challenges. We should not delay. I do not have to remind you, Mr. President, or anyone else in this body that we are in two wars. There is a very fragile cease-fire in the Gaza now between the Israelis and Hamas. The situation in North Korea seems to have deteriorated again with the paradoxical and unpredictable behavior of the North Korean dictator and Government. I think we need to immediately, or as soon as possible this morning, by voice vote, move forward with the nomination and confirmation of the Senator from New York to be the next Secretary of State.

I remind all my colleagues, we had an election and we also had a remarkable and historic time yesterday as this Nation has come together in a way it has not for some time. I, like all good politicians, pay attention to the President's approval ratings. They are very high. But more important, I think the message the American people are sending us now is they want us to work together and get to work. I think we ought to let Senator CLINTON—who is obviously qualified and obviously will serve—get to work immediately.

I ask unanimous consent that at the completion of the remarks any of my colleagues might have, we vitiate the vote at 4:30 and proceed by voice vote to a confirmation of Senator HILLARY CLINTON to be the next Secretary of State for the United States of America.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object, I am in a very strange position here of wanting to protect the prerogatives of the minority, which is an important part of how we work here but at the same time completely supporting the Senator from Arizona.

I will balance this out for a moment.

Mr. MCCAIN. Will the Senator yield? While the unanimous consent request is being considered, perhaps my other colleagues could speak?

Mr. KERRY. If we could ask for forbearance for the unanimous consent,

perhaps it would be more appropriate if Senator CORNYN or someone from the other side of the aisle were willing to lodge that objection because I am personally very uncomfortable doing so.

Mr. MCCAIN. Let me say to my colleague, I just had a conversation with Senator CORNYN. He does not object to that.

Mr. KERRY. I was going to ask for the same thing at the end of the comments, but I wanted to first see if he was prepared to clear it. Mr. President, could I ask if the Senator will withhold his unanimous consent request for a moment and if the Senator from Maine could be permitted to speak? We will see if we can jump through this hoop.

Mr. MCCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in strong support of the confirmation of Senator HILLARY CLINTON to be our next Secretary of State. Last Thursday, the Senate Foreign Relations Committee overwhelmingly approved Senator CLINTON to become our Nation's top diplomat. I rise today to echo the committee's approval and to urge my colleagues to vote in favor of her confirmation.

Senator CLINTON's many years of public service make her an outstanding nominee for Secretary of State. In her confirmation hearing, the ranking member of the Senate Foreign Relations Committee, Senator LUGAR, spoke of Senator CLINTON as "the epitome of a big leaguer," who has remarkable qualifications for the post of Secretary of State. The committee chairman, Senator KERRY, shared his faith in her qualifications and abilities, having seen her "diplomatic acumen up close." He also said that Senator CLINTON did an outstanding job in her testimony before the committee, as those of us who observed the hearings can affirm.

Senator CLINTON is the "first" First Lady of the United States elected to public office. As First Lady, she traveled the world for 8 years, visiting more than 80 countries. In doing so, she took an active role in helping to carry out our Nation's foreign policy and was an advocate for our Nation. She not only met with foreign leaders at the highest levels of government, but she made it a hallmark of her trips to visit villages, clinics, and other remote areas, learning firsthand the importance of a foreign policy founded at the most basic levels of humanity.

During my service in the Senate, I have had the opportunity to work very closely with Senator CLINTON on a number of issues, particularly since we both serve as fellow members of the Armed Services Committee. We have worked together tirelessly to improve the detection, assessment, and treatment of traumatic brain injury among wounded servicemembers.

We also cochaired the Alzheimer's Task Force and have worked together to increase funding for research into this devastating disease.

Senator CLINTON and I have had the opportunity to travel with Senator MCCAIN to Iraq and Afghanistan. I witnessed her world knowledge and authoritative approach to foreign policy. I have seen her tireless work ethic and intelligence up close, as well as her ability to engage with colleagues across the aisle to get the job done and to meet the needs of the American people.

I will always remember one meeting in particular that we had together in Afghanistan. Senator CLINTON and I broke off from the group to go meet with a group of Afghan women from all walks of life. I was so impressed with Senator CLINTON's engagement with these women, with her genuine interest and the details of their lives, whether it was their access to health care or the education for their children. She was very engaged in the conversations despite the fact that we had traveled all night and were extremely tired.

Her caring, her compassion came across in her conversations with these women. I know these qualities—her caring, her compassion, her commitment, her extraordinary preparation and intelligence—will serve her well and will serve our country well as Secretary of State.

Today our Nation faces many pressing challenges abroad. The challenges are many, not only in Afghanistan and Iraq but security in the Middle East and the safety of the people of Israel, and the dangerous situation in Pakistan. I am encouraged by Senator CLINTON's commitment to a foreign policy and a national security strategy that is built on bipartisan consensus and executed with nonpartisan commitment and confidence. She has promised a foreign policy based on principles and pragmatism, not rigid ideology; facts and evidence, not emotion or prejudice.

I urge my colleagues to join me in voting in favor of her confirmation, and I echo the suggestion of Senator MCCAIN that we get on with this as she is an extraordinary nominee and deserves our support.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona and the Senator from Maine for their important comments, with which I agree. I understand the Senate is under a prior order to actually recess.

I ask unanimous consent that we allow one more speaker, the Senator from South Carolina, at which time the Senate would recess for the caucus lunches and return, I believe, at 2:15.

Mr. MCCAIN. Mr. President, would the Senator yield for a question?

Mr. KERRY. I would be happy to yield for a question.

Mr. MCCAIN. Do you think it is possible, if we can get it cleared, to perhaps have this unanimous consent vote before breaking for lunch?

Mr. KERRY. I think it is possible if the Senator can persuade three members of his caucus that they do not need to speak on this issue. If that can happen in the next 5 minutes, I believe it is possible for us to move forward.

I think the Senator's cloakroom has those names and, obviously, to protect their right to be able to speak, we need to check with them. But that is the only thing standing between our ability to confirm the nomination before the recess.

Mr. MCCAIN. I will follow up with another question for my colleague; that is, if we are unable to do it in the next few minutes, perhaps we could, for sure, during the lunch break, be ready to go at the conclusion of the lunch break.

Mr. KERRY. I think that would be terrific. Again, if all three Senators would raise this issue at the caucus, at their caucus luncheon, we ought to be able to come back and expedite the confirmation. We are prepared to vote now. We were prepared to vote yesterday. I might add, Senator LUGAR was encouraging our moving by unanimous consent yesterday. So we are a day overdue, and we are ready to proceed.

With that, I would yield such time as the Senator from South Carolina might consume.

The ACTING PRESIDENT pro tempore. Without objection, the request is agreed to.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I thank the committee chairman. I want to recognize the work the committee did. I thought the hearings were very important for the country. They were well done. They were timely held. Any concerns about conflicts of interest, there will be a process in the future, if that happens to be a concern, to go through the committee. I have a lot of confidence in the committee to provide oversight.

But having said that, I have a lot of confidence in Senator CLINTON to be a good Secretary of State. We have a new President. We had a tough campaign. The campaign is over, but the wars are not. The challenges facing the country are enormous, domestically and internationally.

I think this new President deserves to have his team in place. I could not think of a better choice for Secretary of State, and he has many to choose from. So he has made his choice; the committee has acted. I do hope the Senate can act expeditiously after lunch. Everyone deserves to have their say. I respect the chairman preserving the ability of Senators to have their say.

I intend to vote for Senator CLINTON. I have had the pleasure of serving with

her, traveling throughout the world. I know she understands the world; people understand her. There is no place in the world that she cannot go that people do not have, I think, a very favorable impression of her. She will help execute a foreign policy that is going to be difficult. I want it to be bipartisan where it can.

If we can get this done today, it will be good for the country. She will do an outstanding job. I have a lot of confidence in the committee to make sure that any potential conflict of interests are fairly dealt with.

With that, I hope this afternoon we can do it by voice vote. But let's get it done. This country needs a Secretary of State right now, this minute, engaging the world because we have young men and women throughout the world in harm's way, and they need an advocate on the world stage.

There is no better advocate I can think of than Senator HILLARY CLINTON. She can do an outstanding job. I appreciate the chairman allowing me to speak on her behalf, and I enthusiastically will support her.

COMMUNICATION FROM SENATOR KEN SALAZAR

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the following communication, which the clerk will report.

The assistant legislative clerk read as follows:

U.S. SENATE,
Washington, DC, January 20, 2009.
Hon. JOE BIDEN,
Vice President of the United States, President of
the Senate, U.S. Capitol, Washington, DC.

DEAR VICE PRESIDENT BIDEN: I hereby resign as United States Senator for the State of Colorado immediately, in order to undertake the responsibilities of United States Secretary of the Interior. Enclosed is a letter to the Governor of Colorado concerning the same.

Sincerely,

KEN SALAZAR,
U.S. Senator.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN.)

EXECUTIVE SESSION

NOMINATION OF HILLARY
RODHAM CLINTON TO BE SEC-
RETARY OF STATE—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. May I ask how much time remains with respect to the Clinton nomination?

The PRESIDING OFFICER. There is 57 minutes on the majority and 76 minutes on the Republican side.

Mr. KERRY. It is my understanding the Senator from South Carolina wishes to speak.

We have had some discussion with a few of our colleagues on the other side of the aisle. I understand there are two or three folks who want to speak, at which point I am prepared to move forward immediately to a vote on this nomination. That is our current plan, unless somebody else had a reason they wanted to speak.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, the Senator is correct. I believe there are a few Republicans who wish to make comments, and I believe everyone is agreeable to move directly to the vote.

Senator CLINTON is uniquely and highly qualified for the job of Secretary of State. She has been very open and forthright in her answers to questions at the committee hearings and to my questions asked in private conversations and in the dozens of questions I submitted to her for written response. I believe she honestly wants what is best for the Nation. I will do my best to support her in that endeavor.

As a member of the Senate Foreign Relations Committee, I voted to send her nomination to the full Senate because I believe she has earned the right to an up-or-down vote. Senator CLINTON will be confirmed today. There is not much doubt about that. She will be sworn in and, when she is, she will have my prayers for her success. At the committee level, I said she not only had the potential to be a good Secretary of State but a great Secretary of State. But her success will be determined by more than just her considerable intellect and experience. It will also be determined by the policies she pursues. This is one area that concerns me.

Based on her testimony, her answers to questions and her public statements, I believe she will take our foreign policy in a direction that erodes our national independence and surrenders sovereignty to international powers. I am deeply concerned that she will take aim at decades-old policies intended to protect the sanctity of life. These policies ensure that our foreign assistance dollars do not fund abortion and are not used to lobby foreign nations to repeal laws that protect unborn children. The United States is certainly an economic, political, and military superpower. But we have also strived to be more, to be a moral superpower. Our unwavering adherence to principles of freedom and human dignity are what truly set us apart. These pro-life regulations contribute to that moral leadership.

Some will argue that we should expect these policies from Senator CLIN-

TON, given that President Obama has very strong views supporting unrestricted abortion. I understand that. To some degree, I believe he should be allowed to surround himself with individuals who share his views, even when they are misguided. Within reason, I may even support a nominee who has certain views I disagree with. I do not plan to slow up this nomination, but I find it difficult to support a nominee who I know will pursue policies so contrary to American sovereignty and the dignity of the human person. I will continue to try to persuade Secretary of State CLINTON and President Obama to modify their positions. That obviously will not happen before the vote today.

One matter I had hoped would be resolved before the vote today is the Clinton Foundation and its initiatives. I urged Senator CLINTON at the hearing, as others did, to do whatever she could to eliminate any doubt about the foundation's fundraising and a potential conflict of interest with foreign nations. I believe this problem can be very easily fixed, if the foundation agrees to refuse all foreign donations and fully discloses all contributions on line immediately, as long as Senator CLINTON is Secretary of State. To date, Senator CLINTON has not agreed.

Let's be clear. Senator CLINTON does not have to provide this disclosure to be confirmed. She already has the votes. As far as I know, the law does not require this disclosure. In fairness, the foundation plans to provide disclosure far beyond what is required legally, but we are in new waters today, the first time the spouse of a former President is stepping into such an important role. In a world where bribes, kickbacks, and pay-to-play are too often the normal way of doing business, the United States must stand apart. As President Obama said yesterday, those of us who manage the public's dollar will be held to account. We must do our business in the light of day, because only then can we restore the vital trust between a people and their government. That is why I believe additional steps should be taken to eliminate this potential conflict. This will help Senator CLINTON be a Secretary of State who is above reproach. It is essential that our Secretary be seen as treating nations fairly, and I have every belief that Senator CLINTON can be a fair Secretary of State. But it is not enough that we treat other nations fairly. They must know that they are being treated fairly. If there is suspicion that certain nations or international players are gaining advantage by virtue of contributions to the Clinton Foundation or its initiatives, that will compromise our new Secretary's effectiveness. This is why I believe only full and immediate public disclosure and refusal of all foreign donations is the only solution.

The memorandum of understanding signed by the foundation leaves a lot of discretion to Senator CLINTON. During her confirmation hearings, Senator LUGAR presented a request for more acceptable disclosures, and Senator KERRY, as chairman, supported these recommendations. Unfortunately, Senator CLINTON has not agreed to follow even these modest recommendations. For these reasons, I will be voting against the nomination today. But I will do so with nothing but sincere hope and goodwill toward our new Secretary of State and prayer for her success, as she takes the helm of the State Department.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator for his comments and for the concerns he has expressed which I think I have addressed earlier in my opening comments and which Senator LUGAR also has addressed.

It is my understanding that there was one other Senator who wished to speak.

I suggest the absence of a quorum, with the understanding, as before, that time will be charged against both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, Senator VITTER wanted to speak. I know he was scheduled for later, but it would be great if he was able to get down here. We have no other Members on our side who want to speak, so we could proceed to an immediate vote and hopefully do it by consent which would expedite matters here and make it simpler for colleagues. I hope our colleagues on the other side of the aisle will cooperate with us.

In the meantime, I yield such time as the Senator from New York may consume.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank Senator KERRY for his leadership on this issue. We look forward to continued leadership on many different issues from Senator KERRY.

I rise in favor of HILLARY CLINTON's nomination to be Secretary of State. It has been said: HILLARY CLINTON is the ideal candidate, particularly during these troubled times, for Secretary of State. I thank my colleagues on both sides of the aisle for the cooperation we are getting so that we can move this resolution quickly. These are difficult times. Yesterday our country entered a

new era in its relationship with the rest of the world. President Obama laid out a daunting task to return the United States to its historic role as a moral leader of the international community and HILLARY CLINTON is exactly the right person for the job. She has studied the issues of foreign policy over the years. She has outstanding relationships with the leaders of the world. She also has that internal gyroscope that will lead her to balance the very legitimate security needs of the United States along with the need to be a moral leader. That is not easy to do. But HILLARY CLINTON has shown her ability to synthesize different parts of a difficult problem in a way that produces real results.

The country and the world need a new U.S. foreign policy, one championed by a strong and consultative leader. HILLARY CLINTON is exactly the right person for the job. Her abilities as a prudent and effective policymaker have been proven in the dual crucibles of national scrutiny and international pressure. And through all of this time, she has demonstrated a steadiness of character, a soundness of judgment and strength that will make her an exceptional leader.

We can't wait too long. I would have hoped that we could have unanimously supported this nomination and moved it yesterday. But colleagues have the right to delay only for a short period of time. I am glad that delay is about to end. As a country, as a world, we need HILLARY RODHAM CLINTON as Secretary of State, given her intelligence, her strength, her compass, and her ability to get things done.

I urge my colleagues to move quickly. I don't want to delay this further. I remind them of her vast international experience, negotiating aid packages in Asia, pushing democratic reforms in the Soviet Bloc, promoting peace plans in Northern Ireland and Serbia. But HILLARY CLINTON will combine a fresh look at our foreign policy with lots of experience and the know-how to get it done.

I can tell my colleagues from serving with HILLARY for 8 years as Senator—and I will regret that our partnership as Senator is ending—there is no one better to do this job. We should move the nomination quickly. We should then all get behind Senator CLINTON and President Obama, and there will be a great foreign policy team.

In all of her many roles as a public servant, HILLARY has always shown the insight to see to the heart of a problem, the courage to tackle it, and the talent to solve it.

In her years as First Lady, Senator CLINTON was one of the country's most important and best-loved ambassadors.

She traveled to over 80 countries, meeting with heads of state from the Czech Republic to Nepal.

She served as a representative to the United Nations, addressing forums around the world.

She has negotiated aid packages in Asia, pushed democratic reforms in the former Soviet Bloc, and promoted peace plans in Northern Ireland and Serbia.

But HILLARY didn't just meet with world leaders. She has met with the private citizens around the world whose lives are shaped by international decisions.

She has met survivors of the Rwandan genocide, with advocates for social justice and women's rights in Pakistan, with the families of children kidnapped in Uganda.

And after serving her country 8 years as First Lady, when most people retire, HILLARY stepped up and has served as a vital and powerful advocate on behalf of the people of New York.

Going from the White House to White Plains, HILLARY has continued to show just as much acumen in her dealings with national and global leaders, as she shows empathy and interest in the needs of private individuals around New York.

From her time 30 years ago with the Children's Defense Fund, to her commitment while in the White House to improving women's rights at home and abroad, to her indefatigable efforts in the Senate to fight poverty and disease in the developing world, HILLARY has dedicated her career to improving the lives of the country's and the world's least fortunate people.

I cannot think of anyone who, as Secretary of State, could do as much as good for the people of the world, or as much to restore the world's faith in our leadership.

Senator CLINTON has important work waiting for her in Foggy Bottom, and the country and the world cannot afford to wait for her leadership any longer.

I am sad to see HILLARY leave the Senate, but I am confident that she will be a brilliant Secretary of State.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, I rise today to speak on the nomination of Senator HILLARY RODHAM CLINTON to be Secretary of State. I would like to make a few brief

points why I think her nomination is important and why I think she will do an outstanding job in this very important position. I want to begin, though, by saying something about President Clinton's charitable efforts and what they have meant to our State and to our region and what I think they have meant to the world at large.

We have seen in our own lifetime many Presidents come and go from the Oval Office. Many of them leave and you do not hear much from them. Some of them spend their time in very worthy causes. But, to my mind, no past President has taken on such an ambitious agenda as President Bill Clinton to help ease the suffering and pain in this world. He could have spent his time doing many things, but he has challenged himself and his contacts around the world—businessmen, philanthropists, women engaged in social organizational work around the world—to make this a better community. He has done it masterfully and with the strength and networking capabilities that perhaps only a President of this Nation has.

In the State of Louisiana, which I represent, we have seen firsthand the benefit of that work, as he has raised private dollars, foundation dollars to come to the aid of Katrina and Rita survivors: \$130 million in funding to the gulf coast region, which was devastated by not two storms but actually four counting Ike and Gustav; and not just for Louisiana and Mississippi but for the State of Texas, where JOHN CORNYN hails from, which has been particularly helped by the efforts not just of the Clinton Foundation but the Clinton-Bush foundation or the Bush-Clinton foundation that raised \$130 million for tremendously helpful causes.

Just a few notes: Mr. President, \$30 million was awarded to 38 higher education institutions to keep those doors open, when homes were destroyed, jobs were lost, and families were scattered to States all over America; \$40 million went to nonprofit groups working on reconstruction efforts; \$25 million was awarded to rebuild over 1,000 houses; and \$35 million was given to general nonprofits.

As of January 16, 2009, another one of President Clinton's funds—the Bush-Clinton Gulf Coast Fund—has raised over \$2 million for additional help to towns and neighborhoods.

In the aftermath of Hurricane Ike—the fourth of the storms that have struck our coast in these 3 years—the Clinton Climate Initiative helped to catalyze a cooperative effort between the public and private sector to transport 4.5 million gross cubic yards of green waste to 9 sites in order for it to be composted as opposed to dumped into landfills.

The Clinton Foundation, via the Clinton Global Initiative, has received

commitments valued at over \$103 million to work on climate protection initiatives and health technology initiatives in the State of Texas, as well as to enhance the quality of life of Texas-Mexico border residents.

As a Senator who represents the storm survivors of Louisiana, I am incredibly grateful for President Clinton's hard work for our communities.

Not only has Senator HILLARY RODHAM CLINTON herself been one of the first Senators on the ground to the gulf coast, sharing her expertise, her knowledge, and her passion for recovery, but President Clinton himself.

Mr. President, I know I have only been given 3 minutes. I ask unanimous consent for an additional 1 minute because I would like to add, I say to Senator KERRY, if I could, that I hear so many people from the other side coming down and expressing their philosophy that they are just appalled that Democrats sometimes rely on Government to do it all.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Well, here is an example of a former President who is not relying on Government to do it all, who realizes the combined treasuries of all the governments in the world cannot stop, perhaps, the AIDS crisis or lift women out of poverty or educate girls who have not been educated in centuries. So he has taken it upon himself to raise private dollars and foundations. Yet the same group who complains that Government cannot do it all—when somebody tries to leverage the strength of the private sector, they have to clobber him anyway. I think part of it is not so much the words they say, but perhaps this gives them an ability to do some fundraising they may have to do for the coming elections, which is really very disturbing based on the passionate comments of President Obama yesterday about how he would like to get past this partisan era we have been in.

Just a word about Senator CLINTON herself. Not only on the international front is she an expert, and our President needs a very smooth transition on the international front given the two wars we are facing, the crisis in the Mideast, and the economic crisis at home, but I want to spend my last minute saying how personally proud I am of the work she has done in this country and abroad helping women and children, particularly orphans, particularly children who find themselves, because of war or famine or disease or other terrible causes, separated from their families and in this country left for years in limbo in foster care or in a foster care system that is broken and is still yet to be fixed. Senator CLINTON herself has been a champion for these children, both foster care children and orphans around the world. I think as the Secretary of State, although she is

going to be busy with many great issues of the world, her heart is big enough to find a space and to keep a space for orphans and other children. As far as I am concerned, they may be an afterthought to many big policy leaders today, but I would like to paraphrase a quote that says: Children may be an afterthought today, but they are 100 percent of our future, and paying a little attention to them will help this world keep a steady course.

As First Lady, Senator CLINTON led numerous efforts to increase awareness about and support for youth aging out of foster care, and to increase the number of children who are adopted out of foster care. She partnered with the late John Chaffee and JAY ROCKEFELLER to develop and pass the Adoption and Safe Families Act in 1997. This law is credited for fundamentally shifting the U.S. foster care system away from the archaic notions that trapped children in foster care for years to child-focused policies that resulted in children finding safe, loving, and permanent homes. After the passage of that legislation, foster adoptions increased 64 percent nationwide—from 31,030 the year the law passed to 51,000 last year.

As a Senator she has continued to push for legislation that benefits children in foster care. Under her leadership, the 110th Congress took up and passed legislation that provides Federal support for family members who take on the responsibility of caring for children who would otherwise continue to live in foster care. She worked tirelessly to enhance efforts to incentivize States to continue their success in finding families for older children, children with special needs, and large sibling groups.

I have no doubt that she will carry these passions with her to her new assignment as Secretary of State and that the orphans of the world will be better for it.

President Obama took the oath of office with the U.S. fighting two wars, a simmering crisis in the Middle East and the need for a seamless transition to address the threats and challenges to the United States.

He needs his national security team confirmed and ready to work immediately.

The outgoing Bush administration understood the importance of a smooth national security transition and worked closely with the Obama administration towards that goal. Republicans in the Senate should do no less.

Yesterday, President Obama spoke eloquently about—and the American people responded so vigorously to—the need to set aside partisan posturing in these challenging times and come together to advance our collective interests. It is a shame that the President's call is being ignored at this critical time.

Any delay for partisan political purposes denies the President of the team

that he needs to preserve and protect our national security.

I look forward to Senator CLINTON becoming our new Secretary of State.

Mr. President, I ask unanimous consent that an article from Politico dated January 15, 2009, about President Clinton's charity work helping Senator VITTER's home State—our State of Louisiana that we represent—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Politico, Jan. 15, 2009]

BILL'S CHARITY WORK HELPED VITTER'S STATE

(BY GLENN THRUSH)

There's a small, but biting irony in David Vitter's solo "no" vote against Hillary, which was based on conflicts-of-interest concerns about Bill Clinton's foundation.

It just so happens that the ex-president's charitable efforts have been more focused on Vitter's home state of Louisiana than just about any other place in America, with \$130.6 million in funding flowing to the Gulf region through the Bush-Clinton Katrina Fund, according to records.

A partial breakdown: About \$30 million was awarded to 38 higher education institutions; \$40 million went to non-profits working on reconstruction in Alabama, Louisiana and Mississippi; \$25 million was awarded to 1,151 houses of worship and organizations assisting the faith community; and \$35.6 million was given to 42 other non-profits for various services.

Some noteworthy BCKF Louisiana grants: \$550,000 to the storm-damaged Delgado Community College in New Orleans and \$1.89 million to Xavier University, also in NOLA.

Ms. LANDRIEU. Mr. President, I thank my colleague from Massachusetts for giving me the opportunity to speak in this series of speakers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Senator from Louisiana for her personal and important observations. I know they will be much appreciated by her colleague and our friend, Senator CLINTON.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, could I ask, how much time is there still divided?

The PRESIDING OFFICER. The majority has 39 minutes, the Republicans have 64 minutes.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is such a pleasure to be here, and I want to say to my chairman, Senator KERRY, how much I wish him the best in his new position.

I am a very proud member of the Foreign Relations Committee, and I want to talk a little bit about HILLARY CLINTON and her qualifications to be Secretary of State and, more than that, our need to see her confirmed as swiftly as possible this afternoon.

Many of my constituents are visiting for the great inaugural celebration we witnessed yesterday. They played a role in it. Many of them have talked to me and asked: Well, why hasn't HILLARY CLINTON been confirmed already? Why has there been any delay? She is obviously so well qualified.

I answered: Well, several of my colleagues on the other side had some issues with disclosure of Clinton Foundation donations. And I believe we will deal with that.

I think it is important to point out that President Clinton has agreed to disclose so much regarding his foundation. Other Presidents do not disclose anything. I think if there is any problem, we will have transparency and we will know.

What my constituents are saying to me is this: Look, we need a strong and respected Secretary of State who is knowledgeable on day one. They basically say there are two reasons for that, and I agree with them. The first reason is, there are so many hot spots in the world and so many complicated issues out there for the next Secretary of State. HILLARY CLINTON—having run for President, having been a United States Senator, having served on the Armed Services Committee—is supremely ready for these challenges. Whether it is winding down the war in Iraq, which our President says he will do responsibly and soon; whether it is making sure we don't lose Afghanistan to the Taliban and set that nation back; whether it is the terrible crisis between Israel and the Palestinians; whether it is turmoil in Africa, genocide in Darfur, the war on terror in general, or the need to win over the hearts and minds of people around the globe, all of these things are out there for our new President, President Obama, to address. He needs someone to help him shoulder that burden. He is going to count on HILLARY CLINTON to do that. He is going to count on Senator KERRY in his new position, all of us on the committee and all of us in the Senate, as well as House leaders to do that.

HILLARY CLINTON understands all of these hot spots. She also understands the fact that there is one President and she will work with him and for him and for the American people. After all, she was in the White House and she knows

the President sets foreign policy. She understands that. So she is supremely ready.

The other reason my friends from California have stated is this: We need someone with that prestige, with that recognition, with that charisma because we have so many problems at home to which our President has to attend. And HILLARY CLINTON has that sense of, frankly, star quality, the ability to gain attention and respect. President Obama couldn't do the work himself. If he had to fly all over the world, he couldn't take the time he needs to fight this deepening recession.

President Obama is inheriting massive problems. These problems didn't happen in a day; they happened over the last 8 years. It is going to take time to get out of some of the mess. President Bush had a surplus; he has put us deeply in debt. Pay as you go is gone. Our new President has to deal with that.

President Bush made no progress on health care. Our new President has to deal with it. On the environment, we have gone backwards. I know the chairman understands this. He serves on the committee on which I am privileged to serve as well, the Committee on Environment and Public Works.

Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So where are we? We have this string of problems, and our new President has to focus on getting people back to work, on making sure that Social Security and Medicare are strong, that our kids are educated, and that global warming is addressed in the right way. That is just the partial list. We also want to make sure our small businesses thrive. President Obama is inheriting that list of problems: debt, deficit, unemployment, the worst economy since the Great Depression. He needs someone such as HILLARY CLINTON to help shoulder the burden on foreign policy.

So I hope we get a tremendous vote for HILLARY CLINTON. She deserves it. I wish to thank my chairman again for yielding me the time.

Mr. KERRY. Mr. President, I thank the Senator from California. I appreciate it very much.

It is my understanding the Senator from Tennessee wishes to speak, but he wishes to speak in morning business. On the other hand, we don't want to delay the march of the clock. So I ask unanimous consent that the time used by the Senator from Tennessee be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee is recognized.

THE ECONOMY

Mr. CORKER. Mr. President, I rise to speak as in morning business, and I

thank the chairman for allowing me to do so. If someone comes in to speak on the subject matter, I will defer.

As is the Senator from California, I am very concerned about our economy. I know there is going to be a stimulus package forthcoming. I am very concerned about that. I am afraid what we are doing right now as a country is addressing the recession—a severe recession—in the standard way people like to respond to recessions. I think we are potentially doing that without addressing the real issue, which is the credit markets in our country.

I know over the last 6 months we have wrestled with ways of dealing with the credit markets in our country. I wish to tell my colleagues it is my belief the boards of banks throughout our country are in boardrooms today and are in conversations throughout the country talking about the fact that their banks are actually insolvent. They know they are insolvent, but because of the way gap financing accrues to banks who make whole loans, they are able to actually meter those losses out over quarters into the future, knowing that today they are insolvent.

What we have done through TARP funding is put money through capital injection into these banks. In their intelligent self-interests they have hoarded that money because they know they have losses coming in the future that would cause their banks to be insolvent if they recognized those losses today.

What concerns me is our country is quickly getting to the point where our resources are limited more than they have ever been, where we are borrowing huge amounts of money—and certainly we have been doing that for some time—and we are getting to a point in time where there is not a lot of power left for us to solve problems. So what I hope will happen over this next 30 days as we wrestle with this issue—which is serious and which is affecting people throughout this country; which is harming households and people who are just trying to work for a living—is that we will solve the root cause of this problem, which is our credit problem.

It is my belief we have trillions of dollars that are going to be lost in the credit market. Much of that is being driven by housing. These two issues have to be dealt with together. I fear we are going to look at a spending package that candidly isn't going to make its way into the economy until long after many predict this may be over. In the interim, what we are going to do is create a zombie banking system where, in essence, banks are just there metering out losses but not doing the productive things that need to occur.

It is my belief we have a number of banks in this country—large banks, banks that we know and respect—that

need to be seized, that right now need to get down to a base level where normal investors would be willing to invest in these banks. The longer we put this off, the longer we are going to be away from actually solving the root cause of this problem.

This President is inheriting these problems. I in no way assess these problems to him. Many Presidents—most Presidents—deal with issues they had no idea they were going to deal with. I know this President is looking at a spending package. Candidly, there may be some need for capital investment in infrastructure. However, if we do not deal with the root issue—and that is the fact that much of our banking system is insolvent and recognize that as adults—and cause the assets to be written down to their real level as we do with derivatives, but we do not do that on whole loans—we give banks a break, if you will. We let them meter those out. If we do not deal with that, everything we do here to deal with our economy, in my opinion, will be for naught. It will be a total waste.

What concerns me is we are quickly getting to the point again where we are going to have fewer and fewer resources available to deal with that. The United Kingdom just recently realized that the policies they were putting in place were causing their currency to devalue rapidly.

I realize we are not there yet today as a country. I hope what we will do as a body—and as a country—is tell the American people we realize many of our financial institutions are insolvent. We realize the problem could be trillions of dollars, and until that issue is dealt with in a serious and real way, anything else we do for the economy is for naught.

It takes a functioning financial system for every small business—for every barbershop, beauty salon, for every large business—for all of us to get our payroll checks processed; it takes that for this economy to function. In order for our financial markets to stabilize, we have to deal with the issue of housing, which we have not yet done. It is my hope this body will take up this serious business.

I have to say, in deference to the chairman who has been on the floor talking about our new Secretary of State, I listened to his comments today in the Finance Committee and I thought his comments were dead on. I know he referred to some editorials that were written over the weekend that said exactly the kinds of things we are talking about right now. I talk to investors on Wall Street who are involved in these institutions in major ways. They know they are insolvent. They know we are just pushing this down the road.

I think we owe this to these young people up front whose last day is tomorrow. We owe this to Americans

across this country who depend upon us to do mature and adult-like things. We owe this to the country, to face up to the realities of these major losses, these major insolvencies, its effect on the economy for years to come, and do something about that first before we deal with things that will possibly stimulate the economy if, in fact, we actually had a functioning financial system. We all know of small businesses all across this country that are being denied loans. We know of businesses that are actually doing the right things, but banks are calling letters of credit and other things because they want the money in so they can again meter out the losses.

So I thank my colleague for allowing me to speak as in morning business. I know we have important business at hand. I look forward to supporting Secretary of State-designate CLINTON later today. I thank my colleague for his courtesy, and I yield the floor.

Mr. FEINGOLD. Mr. President, the next administration will be faced with the difficult task of building a smarter U.S. foreign policy that restores America's image abroad and security at home. Senator HILLARY CLINTON's distinguished record and testimony before the Senate Foreign Relations Committee demonstrate that she is the right person to lead this effort. Her experience, intelligence and thoughtfulness make her an excellent choice to be our most senior diplomat and to lead a stronger and more effective State Department.

I do share some of the concerns that have been expressed about the potential for a conflict of interest between her work as our incoming Secretary of State and the Clinton Foundation. I hope that Senator CLINTON will make every effort to avoid even the appearance of such a conflict of interest, if confirmed.

Senator CLINTON brings many strengths to this position, and I am pleased to support her nomination. It has been a pleasure working with Senator CLINTON as a Senate colleague, and I look forward to working closely with her in a new capacity.

Mr. DODD. Mr. President, today I rise in support of the nomination of our colleague, the junior Senator from New York, Mrs. HILLARY RODHAM CLINTON, as our next Secretary of State.

It is a position to which I am confident she will be confirmed shortly—and in which I know she will serve extraordinarily well.

Before I speak about the qualifications that Senator CLINTON brings to this most important position at such a crucial juncture in our history, I want say a few words about the spirit of openness and cooperation that she demonstrated throughout the confirmation process.

As a member of the Senate Foreign Relations Committee for more than a

quarter century—having closely reviewed her nomination—Senator CLINTON and her husband have taken unprecedented steps and gone above and beyond what we have asked of them. That she speaks not only to Senator CLINTON's personal integrity, but to her commitment to the office of Secretary of State.

Senator CLINTON will serve during a period crucial to restoring America's moral authority—making clear to the world our virtue, our noble intentions and—as we were reminded by our new President, Barack Obama, yesterday—all that we still represent to so many around the globe.

As we all know, Senator CLINTON has a history of redefining roles and inspiring people around the world. Certainly, she did when she first rose to the national stage as First Lady, taking on issues previously unfamiliar to that position, often in new ways—children's issues, healthcare, women's rights.

To those who had known her, none of that was surprising. Indeed, long before she became First Lady or Senator, she had been a tenacious legal advocate for children and families, fostering hope in a wide cross-section of the American people. Little wonder, then, that she gained that following of passionate supporters that we saw on the campaign trail last year.

For the last 8 years, Senator CLINTON has represented the State of New York and has given her constituents a daring and tenacious advocate in Washington, putting a special focus on improving her State's economy—specifically that of upstate New York which is not only hit harder by recessions but often remains a bystander during times of economic expansion.

That she so naturally became this kind of advocate speaks volumes about her affinity for the less fortunate—her beliefs about the nature of public service and the kind of priorities she will bring as Secretary of State.

I have said that it also is a testament to President Obama that he nominated his one-time rival to such a critical post. But perhaps it says more about the nominee herself—about her commitment to bringing change to this country.

I have been privileged to serve alongside Senator CLINTON. In assuming the position of Secretary of State, Senator CLINTON assumes a responsibility—that of being our representative to friends and enemies alike. Her judgment and temperament will be critical to restoring international relationships which have been so badly tarnished in recent years.

So, let me join my colleagues in saying thank you to the junior Senator from New York. I know her tenacity and talent will serve our country extraordinarily well in the coming years, as it has throughout her lifetime. I urge my colleagues to confirm her and I wish her the best of luck.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of HILLARY RODHAM CLINTON to serve as Secretary of State.

HILLARY CLINTON is a tireless and fearless public servant.

She is a woman of strength and compassion with a powerful voice.

And I look very much forward to confirming her as our next Secretary of State.

I have known HILLARY for 16 years—since the time when she was First Lady.

I was delighted to see HILLARY CLINTON sworn into our small but ever-growing cadre of female Senators in January 2001, and I have greatly admired her work here in the Senate.

Senator CLINTON has rolled up her sleeves and worked forcefully to represent the people of New York during the past 8 years.

She worked side-by-side with her Empire State colleagues to shepherd New Yorkers through the challenges of recovering from the tragedies of the attacks of September 11.

She has been an active and diligent member of the Senate Armed Forces Committee, doing her homework and asking the tough questions.

In 2004, she was asked by the Department of Defense to join the Transformation Advisory Group to the Joint Forces Command—the only Senator to serve in that capacity.

I know that Senator HILLARY CLINTON will leave behind a large void when she leaves the Halls of this Chamber.

But her next role—as Secretary of State—presents tremendous challenges and opportunities.

The new Obama administration will usher in a new era of American foreign policy, and help rebuild our image around the world.

HILLARY CLINTON understands the value, and very great need for, a foreign policy that is guided by smart, robust diplomacy—rather than belligerent threats.

She has already visited more than 80 countries, and has formed important relationships with a number of world leaders.

I am confident that she will ably continue to represent the values and interests of our great country in the capitals of the world as Secretary of State.

There is no doubt that the foreign policy challenges we face as a nation and global community are great: the wars in Iraq and Afghanistan, and the great need to transition our forces; a resurgent Iran; the long-simmering Israeli-Palestinian conflict, which boiled over in recent weeks with tragic consequences; threats of nuclear proliferation and terrorism; ongoing instability in Southeast Asia; the need to confront climate change; the terrible atrocities in Darfur and the Congo; millions of global citizens who face a grim reality of hunger, thirst, poverty,

and sickness; and the need to improve the plight of women around the world.

As HILLARY remarked during a press conference when her nomination was formally announced on December 1, 2008:

America cannot solve these crises without the world, and the world cannot solve them without America.

I am confident that HILLARY CLINTON will rise to the occasion—and work hand-in-hand with President Obama and his national security team to help address these tremendous challenges.

Ms. SNOWE. Mr. President, I rise today to voice my strong support for the confirmation of my highly esteemed colleague and good friend, Senator HILLARY RODHAM CLINTON, as the next Secretary of State.

When Senator CLINTON arrived in the U.S. Senate in 2001, she had very large shoes to fill—those of the late and admired Senator from New York, Daniel Patrick Moynihan—but filled them she did and with tremendous distinction and accolades from both sides of the aisle. And over time, our colleague was rightly lauded and recognized for her unwavering work ethic, her expansive and detailed command of the issues, and her care for her constituents. And in 2007, Senator CLINTON began what would become a historic, Presidential campaign that was an inspiration to many and especially women. The fact is, throughout her remarkable trajectory of public service, HILLARY CLINTON has encountered immense challenges with intelligence, resilience, and resolve—traits that will stand our colleague in great stead as our Nation's 67th Secretary of State.

Indeed, the international environment facing our next chief diplomat is daunting. The world today is rife with crises that, if inadequately addressed, could lead to geopolitical instability and human suffering that spans both the globe and generations. Continuing nuclear programs in North Korea and Iran threaten the very existence of some of our closest allies and undermine decades of nonproliferation efforts. A maelstrom of conflicts as bloody as it is complex stretches across the heart of Africa, compounding heartbreaking poverty with unspeakable acts of violence. And inaction on global climate change has stymied a long-overdue coordinated international response, imperiling every coastline, crop and country on the planet.

Tackling these desperate problems will be a difficult, and, at times, thankless job. But if there is a Senator within this body who is equal to that task, it is certainly Senator CLINTON. In her work on the Senate Committee on Armed Services, she has demonstrated an exhaustive understanding of the global security environment confronting the United States and its allies. As a fellow founding member of the Senate Women's Caucus on Burma

and in her tireless support for legislation urging intensive diplomatic efforts to halt the genocide in Darfur, Senator CLINTON has demonstrated not merely a deep-seated humanity, but a visceral and personal commitment to speak for the oppressed and fight for the defenseless.

On a personal note, today's vote is indeed a bittersweet moment—when we will offer our consent to President of the United States—also a former colleague, to tap another extraordinary Member to help guide our country and the free world at a perilous time. Senator CLINTON's counsel and exceptional commitment to public service will be sorely missed in this august Chamber. Yet we take heart and no small measure of pride in knowing that her indefatigable intellect is being called into service beyond these walls to the benefit of not just an administration, or one country, but an entire community of nations seeking peace and prosperity for their citizens.

And so, as we look ahead to the future success of our good friend, I wish her Godspeed.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I recognize the Senator from Mississippi for 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Senator HILLARY CLINTON to be Secretary of State. Her service as the Senator from New York for the past 8 years has been proof of her impressive ability to effectively and thoughtfully contribute to the governance of our Nation. I have enjoyed working with her in the Senate, and I look forward to continuing that relationship in her role as Secretary of State.

Our Nation is confronted with serious global challenges, and it is imperative that we work to develop comprehensive strategies and expand our diplomatic efforts in search of peace. President Obama has a tremendous task before him. The wars in Iraq and Afghanistan, stabilizing the Middle East, securing nuclear material from terrorists are all critical to our own national security. Senator CLINTON's experience as First Lady of the United States, her record in the Senate, and her commitment to the people of this Nation have demonstrated her capabilities to lead our Nation's foreign policy and diplomatic agenda.

I urge the Senate to approve her nomination. I thank the Senator, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the distinguished Senator from Mississippi, who has been here a long time and is a good judge of these issues and of character, and we appreciate his comments very much.

Mr. President, we are awaiting Senator SPECTER, who I understand wants to speak. So I ask unanimous consent that the time—since there is more of it now on the other side, without speakers—the time of the quorum call now be charged to the other side.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I yield 5 minutes to the distinguished assistant majority leader, the Senator from Illinois, and I ask unanimous consent that following his comments the subsequent quorum call be charged to the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I wish to thank the chairman of the Foreign Relations Committee, and I appreciate this opportunity to say a few words about the nomination of HILLARY CLINTON to be Secretary of State to our new President, Barack Obama.

It has been my good fortune to serve with Senator CLINTON for many years in the Senate, to have known her when she was our First Lady, and to have worked with her on many issues. There is no question of her competence, no question of her skill. As someone who supported our current President in the last Presidential campaign and witnessed the spirited contest between Senator CLINTON and then-Senator Obama, there is obviously no lack of determination or commitment when it comes to Senator CLINTON and the task that she assumes. So when President Obama made the decision to ask her to serve as Secretary of State, I felt it was a decision which would bring to this country a leader who could make a real difference.

I can recall a telephone conversation where I spoke to her and reminded her that there were many things she had said as First Lady and Senator which she would be able to follow through on as Secretary of State. She was one of the first I heard articulate a premise which I have come to accept as basic gospel when it comes to analyzing global issues. Senator CLINTON said, after returning from a trip overseas, she felt you could measure the likelihood that a country would be able to meet the challenges it faced economically and socially based on one question, and the question was very

straightforward: How do you treat your women? I have found, as I have traveled around the world, that standard is valid. If women are treated like chattel or slaves, if they have no voice in the government and little voice in the family or the village, most of the time the men will make a mess of it, and that has been the case. I told her she had a chance, as Secretary of State, to not only deal with global issues of peace around the world but also to deal with those issues at the local level that make a dramatic difference in the lives of poor people.

I also know of her passion for so many other issues that are timely. When I spoke to her on the floor last week, as she cast her last vote as a Senator, I wished her well because I felt she would be confirmed as our next Secretary of State, and she said it is unfortunate that we come to this moment in history when there are so many things unresolved in the world, but she looked forward to those moments where she would be able to meet with the President of the United States and the Vice President, who has his own resume when it comes to global issues.

A Member on the Republican side has asked for us to consider this nomination today and to have a little debate and perhaps a vote. I don't know if it will come to a vote, but other nominations went through without controversy and without debate yesterday. These are now men and women going to work immediately for the new administration—no time wasted—so they can tackle the real timely issues that face America. One of the issues raised earlier on the Republican side was former President Bill Clinton's foundation. It was an effort, after he left the Presidency, to gather the resources to make a difference around the world in a variety of different challenges, not the least of which was the global AIDS epidemic.

It is true former President Clinton has been very adept at raising the funds to help the poorest people in the world, and I think that is a good thing. But questions were raised: Would that present a conflict if his wife, Senator HILLARY CLINTON, became Secretary of State? At that point, the former President made full disclosure of all contributions and contributors and made it clear that he would go out of his way to avoid conflicts and continue this disclosure and transparency.

I can recall in Senator KERRY's committee Senator LUGAR of Indiana asked questions about this to try to make sure there would be clarity and transparency. And that is good. We don't want any embarrassment coming to either former President Clinton or Senator CLINTON when she is Secretary of State and certainly not to the Obama administration. That kind of disclosure is the way to reach that goal.

So I will be voting for her nomination today with the belief that HILLARY CLINTON will bring that skill set and those values to this most important job for the future of our country. She understands the safety and security of America begins, of course, with a strong military but, as President Obama has said, to try to avoid using that military so we don't engage in unnecessary wars and wars that have no end; to use the skills of diplomacy to solve the world's problems. I can't think of a better person to carry that message and that responsibility than Senator HILLARY CLINTON, and I am hopeful this afternoon this Senate will rise quickly to support her nomination, send her down to Foggy Bottom, where the Department of State is located, so she can begin her new role in representing the United States around the world.

Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the nomination of Senator HILLARY CLINTON to be Secretary of State. I believe Senator CLINTON brings extraordinary talent and an extraordinary record to this very important position. Her educational and professional background are sterling. I have a little parochial pride at the fact that she is a graduate of the Yale Law School and has carried forward that school's tradition for public service.

I got to know Mrs. CLINTON first when she was First Lady. Shortly after I had brain surgery, in 1993, I bumped into her at the carriage entrance, coming into the Senate Chamber, and we talked a little bit about my medical experience. She invited me to visit with her in the White House, which I did—as I recollect, on the second floor of the West Wing. I told her of the personal experience I had and also my ideas from serving on the subcommittee of Labor, Health, Human Services and Education for the 13 years that I had been in the Senate.

As First Lady, Mrs. CLINTON was an activist. The record speaks for itself on all that she undertook. Then, to maintain candidacy for the Senate in New York was very courageous, gutsy, reminiscent of Robert Kennedy leaving the Attorney General's job, going to a State not his home State to seek election to this body.

In the Senate she has had an extraordinary record. She was very accomplished here. I had the good fortune to

cosponsor a number of matters with her and to work on other matters with her. We most notably, perhaps, cosponsored the legislation of our Public Service Academy; that is, to have an academy such as West Point or Annapolis or the Air Force Academy, where young people interested in public service would go for training in those arts.

Then we all know of the phenomenal race she carried on for the Presidency of the United States, coming as close as she did in the historic year we just saw, 2008, with the election of an African American and the ascendancy of a woman into the finals of the Presidential contest.

When she was talked about for Secretary of State, I thought it was a 10-strike. I did something that was a first for me, that I had never done before. When I read in the newspaper that she was equivocating as to whether to take the job, I called her with some unsolicited advice. I cannot recall having done that before. If somebody asks for advice, OK, but I called her and urged her to take the job. I urged her to do so because I thought she was an extraordinary fit for it.

I think of all of the positions available at the moment—there are some very important positions. I have been delayed coming to the floor where we were having an executive session of the Judiciary Committee on the nomination of Attorney General-designate Holder, a very important position. But no position, aside from the Presidency, is more important than Secretary of State. Perhaps the Attorney General is close, with the heavy responsibilities for national security in the fight against terrorism, the balance with civil liberties, and the very important questions facing the economy with so many fraud cases looming with people misrepresenting balance sheets. But Secretary of State poses the big issues.

I have traveled extensively in my term in the Senate in connection with my duties on the Foreign Operations Subcommittee of Appropriations and the chairmanship of the Intelligence Committee, which I held in the 104th Congress. I believe there are tremendous opportunities today for an activist U.S. policy on the hot spots around the world.

I have visited Syria on many occasions, have gotten to know President Bashar al Asad and more extensively his father before he died in the year 2000, President Hafez Asad. I believe that Syria is the key to peace in the Middle East. There have been very extensive negotiations there. The parties, Israel and Syria, came very close in 1995 when Rabin was Prime Minister, on negotiations brokered by then-President Clinton, and again in the year 2000, when Ehud Barak was Prime Minister—very close. Turkey, for the last 18 months to 2 years, has been brokering for a long while behind the scenes, negotiations.

What Syria is looking for is the return of the Golan Heights and only Israel can decide whether it is in Israel's security interests to give up the Golan. But it is a very different world today from what it was in 1967 on the strategic interests and strategic value of the Golan Heights. If a deal can be struck, I think there is great advantage for Israel and for the region. I think that would induce Syria to stop aid to Hamas or funneling aid from Iran to Hamas; stopping them from aiding Hezbollah; stopping Syria from any activities to destabilize Lebanon. So an activist policy is a matter of the first magnitude.

With respect to Iran, there again I think dialog has some hope. Can it solve the problem? I don't know. But I do know the problems with Iran cannot be solved without dialog.

I asked questions of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates before the Appropriations Committee on the undertaking of dialog and negotiations. I asked Secretary Rice how it was realistic to ask Iran to stop enriching uranium as a precondition of talks when the object of the talks was to get them to stop enriching uranium. How do you do that? It seems to me a major failure of U.S. foreign policy for decades has been a lack of civility and dignity and respect that we damn Yankees—ugly Americans—don't accord other people, as a matter of basic dignity and respect.

I have had an opportunity to talk to the last three Iranian Ambassadors to the United Nations. They are very rational people to whom you can talk.

Ahmadinejad? A real problem, when he talks about wiping Israel off the face of the Earth. But he is not going to be President of Iran forever. I think there are forces besides President Ahmadinejad who have different views in Iran.

If you take a look at Muammar Qaddafi, there you have an example of someone who is arguably the world's worst terrorist in history—except, perhaps, for bin Laden and what al-Qaida has done. But Qaddafi and Libya blew up Pan Am 103, bombed the Berlin discotheque, killed Americans—and through negotiations, Qaddafi stopped developing a nuclear weapon, made reparations to the victims in Pan Am 103 and those who were victims in the bombing of the Berlin discotheque.

I had an opportunity to visit Muammar Qaddafi, about 30 months ago, with Congressman Tom Lantos. When you went to see Qaddafi, you would go to the desert. He lives in a tent and he meets you in plastic chairs. But you can talk to him and the talking has paid results.

With that success, I think it is an indicator, a precedent for talking to anybody. Nothing may come of it, but the dialog is an indispensable first step. We

know with the difficulties in North Korea—and there have been plenty—an agreement was made in the early 1990s. They breached that in 1993. We are back on track there.

But I think it takes bilateral talks. It takes representatives of the United States to stand up and be willing to talk to other people on an equal footing, with courtesy, with civility, and with dignity.

In August of 2005, I had a chance to meet President Hugo Chavez of Venezuela. The relationship between the United States and Venezuela has been very rocky for what President Chavez has undertaken. At that time the United States Ambassador was trying to meet with the Venezuelan Secretary of the Interior over the drug issue, where there were common interests between the United States and Venezuela. I believe it is accurate to say that as a result of the conversations which I had with Chavez, the Ambassador and the Minister of the Interior met.

It was kind of a rocky day because at the same time I had the meeting with President Chavez, Secretary of Defense Rumsfeld was in Peru, and he commented in a condemnatory way about Chavez. Gratuitous insults do not advance the pace or the cause of dialog. So I would say, even with President Chavez, we ought to make the effort.

President Obama had some comments about President Chavez on a Sunday news show last week, which have started some mild fireworks. Chavez, according to the press, retaliated that he had not thrown the first stone. It is my hope, even with Chavez, that we can engage in direct, civil, courteous dialog to see if there are some areas where we can find common cause.

I know, though, the occasions I have had to talk to Fidel Castro that there were issues on sea lanes and other air lanes where the United States could have cooperated on the interdiction of drugs. I have introduced legislation which passed the Senate on two occasions and was stymied in the House of Representatives. But I mentioned this as illustrative of where I think we can go with an activist, engaged Secretary of State. It is my projection that Senator CLINTON, soon to be Secretary of State CLINTON, will undertake those matters.

There is one additional comment I have to make, and that is on the potential conflict of interest between contributions which were made to former President Clinton's Foundation and the activities of Secretary of State CLINTON, if, as, and when she is confirmed. I think Senator LUGAR was exactly on target in the comments he made in the Foreign Relations Committee about what ought to be undertaken.

There has already been a memorandum of agreement that has been entered into on the subject of some substantial import. There is a memorandum of understanding which related to this issue which was signed on December 16 of last year, right after Senator CLINTON was in the running for this position.

It would be my hope that Secretary of State CLINTON would rethink some of the additional requests which Senator LUGAR made. I do not think they are disqualifiers, but I do believe it is a matter of concern if, for example, some foreign government makes a contribution to the Clinton Foundation, then there are interests which that foreign government has, I think we would understand and trust Secretary of State HILLARY CLINTON that, in the eyes of many, especially those in the Arab world, they may be suspicious of what would appear to them to be a potential conflict of interest.

But I trust HILLARY CLINTON's good judgment, and I think she will work through the issues and the memorandum of understanding which was executed on December 16 of last year, and the additions she has made go a long way, and it would be my hope that she would rethink what Senator LUGAR has suggested. She is a very ethical person and a wise person. I think she can undertake to handle this issue satisfactorily.

So for these reasons I am pleased to speak on her behalf, and I think the temper of this body is to give her an overwhelming vote of confidence so she can carry out the very important responsibilities of Secretary of State.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Senator from Pennsylvania. I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator and chairman of the Foreign Relations Committee from Massachusetts. It is interesting, this is the first day after the inauguration of President Barack Obama—my ninth inauguration, by far the most impressive—and I have the great pleasure to speak in support of the confirmation of my friend and colleague, HILLARY RODHAM CLINTON, to be our next Secretary of State.

Secretary-designee CLINTON's stature, intellect, her experience make her uniquely qualified to take on this role, a role which comes at a critical time in our history.

As chairman of the appropriations subcommittee that funds the State Department and our foreign assistance programs, I look forward to working closely with her and President Obama as they embark on the critical task of restoring America's leadership and image abroad.

I appreciate the conversations I have had with both of them in this regard. Some 8 years ago, President Bush inherited a balanced Federal budget. We were actually paying down the national debt. We had the biggest surplus in history. The U.S. economy was strong, and the country was at peace.

Now, 8 years later, his successor, President Obama, has inherited from him the largest deficit in our Nation's history, an economic crisis and unemployment rate unlike any this country has experienced since the Great Depression, a budget deficit greater than any nation on Earth has ever had, Osama bin Laden has yet to be captured, more than 180,000 U.S. troops are fighting wars in Iraq and Afghanistan, the Middle East peace process is in shambles, the country is more dependent than ever on foreign oil, and the country's international reputation has been badly damaged as a result of policies that were contemptuous of the values of which this Nation was founded. That is the good news for the new President and the Secretary of State-designee.

I do not envy President Obama for the multitude of misguided policies and problems he has inherited, but all the more reason he needs the best men and women to work with him. Secretary of State-designee CLINTON is going to serve him and the country well as they take on these challenges.

During the election, I remember saying to President Obama that we needed him to reintroduce America to the rest of the world. I have, in conversations with Senator CLINTON, told her, what better person to go around the world than HILLARY CLINTON as Secretary of State to reintroduce America and the great core values of this Nation. What better person to do it than HILLARY CLINTON?

In her confirmation before the Foreign Relations Committee last week, she discussed the need to use "smart power," including "the full range of tools at our disposal."

I am glad to see her support for foreign assistance reform. We need that, and we have learned over the past several years we cannot take for granted the unwavering allegiance of any country in the world. We have to work at keeping those relationships. It is not amateur hour, and I appreciate Secretary-designee CLINTON's recognition of the value and experience of dedicated international affairs public servants and her plans to support and enhance that capacity.

She is going to become immersed in the immensely difficult problems that were ignored or badly mishandled by the outgoing administration: The Middle East, Afghanistan, Pakistan, Iran, Sudan, Mexico, Somalia and central Africa. All these pose particularly vexing challenges which she has to confront immediately, and the sooner she is there, the better.

I will mention a couple of other items. The Federal law prohibiting U.S. assistance to units of foreign security forces that violate human rights was first enacted a dozen years ago. The State Department is still struggling with implementing it, particularly with regard to the monitoring of military equipment provided to foreign governments.

This law, known as the Leahy amendment, has been applied unevenly depending on the country, and I urge Secretary-designee CLINTON to review the Leahy amendment to ensure its vigorous and consistent implementation.

Ten years ago this March, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction came into force. Today, there are 156 countries that have signed this treaty. The most powerful Nation on Earth, the United States, has not.

The U.S. military has not used the types of antipersonnel landmines prohibited by the treaty since 1991, and it has no plans to do so. I would urge her to go back to that.

Mr. President, like President Obama, Secretary-designee CLINTON recognizes the need for strong United States leadership in an increasingly complex, dangerous, and interdependent world. She understands that most global and regional problems cannot be solved by the U.S. alone, that we need to act boldly and change the status quo when it no longer serves our interests or reflects our values, strengthen and expand our alliances, help the poorest countries develop effective and accountable institutions, and pursue policies that enhance our image abroad.

Today, as we leave the troubled policies of the past 8 years behind us, the American people should feel fortunate, as I do, that HILLARY RODHAM CLINTON will be our new Secretary of State.

I commend the distinguished Senator from Massachusetts. I will be joining with him proudly to vote for the confirmation of HILLARY RODHAM CLINTON to be our next Secretary of State.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Vermont for his clear summary of the task ahead, and those challenges are enormous. Indeed, as we all know, I particularly thank him as an old friend. And as the chairman of the appropriations subcommittee, we work in close partnership, and I am grateful that his values are where they are because it empowers us to put the muscle, the money, support, and the implementation of the policies that committee struggles to formulate. So we really appreciate the relationship. I thank him for his comments very much.

Mr. President, how much time remains on both sides? We are about to

propound a unanimous consent request. I think we are going to be able to have a vote around 4 o'clock, hopefully. I want to allow for the majority leader to get back to make a couple of comments himself. But I would like to get a sense of the time that remains.

The PRESIDING OFFICER. The Senator from Massachusetts controls 19 minutes, the Republicans control 27 minutes.

Mr. KERRY. Obviously, we intend to yield back on both sides. I thank the Chair. I know the distinguished Senator from Maryland has been waiting patiently. He would like to add a few thoughts. I yield him 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me thank our distinguished chairman for yielding me this time.

My colleagues have talked frequently about how our colleague, Senator CLINTON, is the right person at the right time to be the Secretary of State. We have talked a great deal about her experience. As First Lady of this Nation, she traveled frequently around the world. She knows firsthand the problems that America confronts internationally. With experience as the Senator for New York, serving on the Armed Services Committee, she understands the critical role the State Department plays in our national security. With her service on the Helsinki Commission, she knows firsthand the importance that the Department of State can play in human rights issues around the world. For all of those reasons, she is truly the right person to represent our Nation as Secretary of State. She is an iconic figure for American values and for hope for people around the world.

I wanted to comment about how President and Mrs. CLINTON have provided disclosure. It is unprecedented the amount of the financial information they have opened to the public.

I particularly want to thank our former President, Bill Clinton, for his humanitarian work. We all know that Government cannot do it alone. Yet he has been able to deal with the international humanitarian needs through the use of foundations and getting other people involved. But I particularly want to thank the former President and the foundation for which he is responsible for the unprecedented disclosures that they are making. We will know all the contributors. They have agreed that before new contributions are made it will be cleared through the Government ethics bureau to make sure there is not even the appearance of a conflict. So they are doing good things for our country. The foundation is doing good things for humanitarian needs. We know that.

The Clintons have taken extraordinary steps to do the right thing for this country in the disclosure and the

work they do. It is now time for us to do the right thing and confirm HILLARY CLINTON as the next Secretary of State for our Nation.

I thank the Chair for yielding me the time. I would yield back the remainder of my time to the chairman.

The PRESIDING OFFICER (Ms. STABENOW.) The Senator from Massachusetts.

Mr. KERRY. Madam President, for the sake of colleagues I reiterate, in about 15 minutes, after the majority leader has returned and had a chance to speak on this nomination, we will proceed to a vote.

It is my understanding—I was going to ask for unanimous consent—there is a request by someone on the other side to have a rollcall vote. So there will be a rollcall vote at that time.

We are going to be making that request in a few minutes. Let me speak for the couple of minutes we have left to share a couple of quick thoughts, if I may.

This is the beginning of the 25th year that I have had the privilege of serving on the Foreign Relations Committee. I have seen the ups and downs, the waves of opportunities and lost opportunities that we have lived through in the course of that time, the heady years of the 1980s, when arms control was the centerpiece of our focus and analysis, and we were in the middle of the Cold War. The committee contributed significantly to the dialog at that time about MX missile deployments and nuclear warheads, tactical, conventional weapons, how to count. Fundamentally, that was altered through the significant daring of President Reagan to meet with President Gorbachev in Reykjavik and negotiate a pretty remarkable reduction in nuclear warheads at that time. It was against the conventional wisdom, and it is proof of the opportunities we face today, many of which run against the conventional wisdom.

I am convinced President Obama and Secretary-to-be CLINTON—with the input and cooperation of the Congress and our committee—stand on the threshold of a new moment of those kinds of opportunities. If Richard Nixon had not dared to send his then-Secretary of State Henry Kissinger to China to meet with Mao Tse Tung and, indeed, even to cross the barrier to go to Red China, as we knew it, against the wishes of many of the people in his own party and the wing of his party which found it heresy, we would not have opened China and begun a process of that relationship. There is an opportunity at this moment for an even greater relationship with China. I don't think we have begun to forge the kind of cooperative effort that is available to us, if we will engage on a much more regular and intensive basis and look for the places of commonality and agreement of interest.

There are many, frankly. Most people who analyze and think about China come to the conclusion that there is a greater opportunity for a cooperative, respectful partnership than there ought to be any kind of fears of hegemony or other kinds of expansive desires on China's part. Most people interpret the current modernization of China's military as being a fairly normative modernization process within the scale of things and not something that should be translated by the United States or others into a new arms race. I am convinced there is a great deal more to be achieved with China, provided we are disciplined and thoughtful about the setting of priorities and that we have a clear set of priorities.

One thing is clear. In the management of our relationships with China or with Russia or some other countries, we can't do everything all at the same time. That is a bit of the way our diplomacy has been managed over these past years. For instance, even with Russia, if we are more thoughtful about the missile shield and more thoughtful about NATO expansion and if we engage in a greater dialog about the mutuality of interest in those regions, we can avoid significant misinterpretations and counterreactions that come as a consequence of not talking and not understanding the motives, intentions of another country.

Even as a child, when I was the son of a foreign service officer, I always heard people talking around me about how Americans are very good at seeing the rest of the world through their own lens but not particularly adept at looking at another country's aspirations, fears, threats, hopes through their eyes. The more we can foster a foreign service that is historically, culturally, linguistically, and otherwise immersed in the full culture of a particular country, the better we are, frankly, going to do in terms of determining our own foreign policy future and decisions. President Obama and HILLARY CLINTON clearly understand the imperative of changing how we have made some of those decisions.

When I became a member of the Arms Control Observer Group in the Senate, something now defunct but something we might wish to think about enhancing in the context of proliferation issues, one of the things that always struck me was the degree to which from the time we used the bomb at Nagasaki and Hiroshima, the only nation that, incidentally, has ever exploded an atomic weapon against another people, from that moment forward, almost every weapon transition, with the exception of two—it was either the long-range bomber and/or the silent submarine—almost every weapon advancement in the course of the entire Cold War, we were first in the development of the new, more technologically advanced weapon, whatever it

was. Almost without exception, our principal opponents at the time, the Soviet Union, came as quick as they could afterward and met that challenge. So we always ratcheted up, up until the point that we were at something like 30,000 warheads. Today we are somewhere in the vicinity of 5,000-plus warheads.

It is my firm belief that in this next year, we have an opportunity to negotiate an agreement with Russia, where we actually ratchet down to about 1,000 warheads, which would be the lowest we have had in the course of that period of time, since the beginning, and still be safe; in fact, be safer. Because if you have the kinds of controls with verification, inspection that get you to that level, then you begin to send a message to the rest of the world that you are serious about nonproliferation, and you begin to send a message that says to the world: The United States is taking the lead, and we will live by the standards we try to foist on other people. Most importantly, we make the world safer because we reduce the capacity for fissile material to fall into the wrong hands.

I will continue to press this thousand-warhead concept. My hope is it will become a centerpiece of the START talks and where we proceed. It is interesting because, even as we have these now 5,000-plus or so warheads—and that, incidentally, depends on accounting rules because we don't count the same weapons all the time—the fact is that China, according to public estimates, nothing classified but public estimates, has about 23 warheads. They may ratchet that up because of our lack of having moved from where we are and other reasons. The fact is, they have been pretty content to feel secure with 23. Most rational people, thinking about the use of warheads, understand the implications of using only a few.

One of the things I learned at nuclear, chemical and biological warfare school, when I served in the Navy, was the full implication of just one or two or three weapons. So when you think in terms of thousands and so forth, in today's world, where the principal conflict is religious extremism and terrorism associated with it, you have to put a huge question mark over the theories that continue to spend the amounts of money that we do and create the kinds of insecurity that we do as a consequence.

This is a moment of rather remarkable opportunity. I recently was in Pakistan and Afghanistan, India. India and Pakistan are still engaged in literally old-fashioned, mostly Cold War, old, bad-habit confrontation. In fact, both sides know the concept of war would be absurd, when the real threat to both of them comes internally from people who are disgruntled and disenfranchised and otherwise seduced into believing that by adopting one re-

ligious ideology or another or none, that they are somehow advantaging themselves. This is an opportunity to forge a new relationship across the world, as the President did yesterday. I thought one of the most important phrases he uttered in his speech was his outreach, his holding his hand out to the Muslim world to ask people to come together. One of the things that most struck me in these last years is the degree to which religious, fanatical, violent extremists have actually been able to isolate the United States within that world rather than us being able, together with modern Islam, to isolate them.

That is one of the things President Obama and this administration offers us, an opportunity to have a completely different kind of interfaith, global dialog that begins to empower modern Islam to take back the legitimacy of their religion. It is my hope and prayer that will be a centerpiece of this administration's foreign policy.

There is much to do. Obviously, Somalia and East Congo, the trouble of Darfur that remains, populations in Egypt and Saudi Arabia and elsewhere that grow at an astonishing rate so that perhaps 60 percent of Saudi Arabia and Egypt are under the age of 21, 50 percent under the age of 18, it is a stunning growth of young people who need a future. If that future is reduced to madrasas and to the distortion of the opportunities of life, we all pay a price. Our children in the future will pay a price. So these choices that President Obama and Secretary CLINTON will face, together with the Congress, are significant.

Then, of course, there is one issue many people don't always think of as a national security/foreign policy issue. That is global climate change. I have attended almost every major conference since the Rio conference of 1992. I remember going down there with then-Senator Al Gore, and Senator Gore and I and a few others had held the first hearings on global climate change in 1988. I have watched the progression of all these years as all the warnings of 1988 have come true and more. Now our scientists are revising their latest predictions. Only a year ago, 2 years ago, they were saying we could sustain 550 parts per million of greenhouse gases in the atmosphere. Now they have revised that, not just down to 450, but they are beginning to talk about 350 parts per million as being the acceptable level.

The latest science, regrettably, shows that Mother Earth is giving us feedback at a rate that is coming at us faster and in a greater degree than any of those scientific reports offered. The result is that challenge grows greater, not smaller. I regret to say we are emitting greenhouse gases at a rate that is four times faster than it was in the 1990s. We are not doing the job. No

other country is either entirely, but we are the worst because we, regrettably, are 25 percent of the world's global greenhouse gas emissions. Almost every country I have talked to in the last years, as we discuss how we are going to deal with this, looks back at us and says: We are waiting for your leadership.

I have communicated this to President Obama. He has indicated he intends to be serious about it. But the latest modeling shows that if you take every single current proposal of every country in the world that has a proposal—and that is not many—and you extend the curve out in the modeling to take all the input of today from the science and measure it against those current plans, we fall woefully short of what we need to do in order to meet this challenge. We will see an increase of somewhere between 600 and 900 parts per million which is insupportable with respect to life as we know it. We will see a degree of temperature increase of somewhere from 3.5 to 6 degrees centigrade. We have seen exactly what that means in terms of the migration of forests, the destruction of ocean currents, the increase of violent storms, the destruction of property, the movement of whole populations who will live with new drought, new water problems, and other issues.

So, Madam President, I think we are running out of time. I am sort of stalling here waiting for the majority leader.

THE PRESIDING OFFICER. The distinguished Senator's time has expired. Mr. KERRY. That is what I figured.

Well, on that inauspicious note, I ask unanimous consent that I be permitted to proceed now until he comes. Then I will put in a quorum call in a few moments.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. To finish that thought, the ice sheets in the Arctic are melting. We anticipate now, according to the science, we are going to have an ice-free arctic in the summer in about 10 years. The problem with that is that as more ice disappears, more water is evident, is available, and the water, unlike the ice sheet, which acts as a reflector for the Sun's rays, acts to absorb the Sun's rays. So the more the ice melts, the warmer the ocean becomes and the faster it begins to continue the rest of the melting.

The result is, we begin to change the entire ecosystem in ways that scientists cannot predict completely, but it has a profound impact on the ecosystem. Moreover, it adds to the melting of the Greenland ice sheet. The Greenland ice sheet, unlike the arctic ice sheet, which floats, and, therefore, does not change the displacement—the Greenland ice sheet is on rock.

Right now, you can go up there. The Senator from California went up there

last summer with a group. You can stare down a hole 100 feet deep, and you can see a torrent of a river running down off that ice into the ocean. Scientists are worried that the water layer underneath the ice actually creates a potential that a huge block of ice may slide off and fall into the ocean.

The rest of it continues to melt. The implication of the Greenland ice sheet melting is that is where you get your 16 to 23 feet of sea level rise.

Now, all I can tell you is, all of these impacts are irreversible—irreversible—so we are staring at an abyss of irreversibility. The best choice for people in positions of high responsibility like us and public people who make these choices is the whole precautionary principle. If we are told we can avoid it by doing X, Y, and Z, and the implications of not avoiding it are disaster, we have a responsibility to try to avoid it.

Now, we have to do this. It means a fundamental, profound change in our economy. That means shifting our energy grid, moving toward solar and renewables. People sort of scratch their heads and say: Well, is that kind of dreamy, goo-goo, crazy thinking? The answer is no. I had a venture capitalist in my office last week who wants to build a 600-megawatt solar powerplant in the Southwest of our country and they cannot get the financing right now.

So this economic crisis is, in fact, an economic opportunity that also has profound national security implications because to the degree we lead in our responsibilities to go to Copenhagen—where we have an international meeting next December, where we have an opportunity to fix the Kyoto treaty with a new agreement, which will have a huge impact on people all across the planet—that is one of the major challenges before the Obama administration.

I know the President is very committed to trying to move forward on this issue. But he and Secretary of State CLINTON are going to have a huge challenge to persuade countries to do difficult things, to persuade Americans to change some of our habits and do difficult things.

I am told by experts that you could produce six times the electricity needs of the entire United States of America—six times—from either concentrated solar photovoltaics or solar thermal in Utah, Colorado, California, New Mexico, and Arizona, and I think that is the heart of it. Those approximately six States or so could wind up providing us with the base from which we could provide that. I am confident the technology will move forward.

So I wholeheartedly support, as I have said in the committee, and as I have said earlier in my opening comments, the nominee. I believe Senator

CLINTON is in a position to provide a historical shift in American foreign policy where we reach out to the world with the best of our values and the best of our thinking and the best of our hopes and intentions. I think this can be a moment where we renew America's proud role as a global leader, where we touch the hearts and minds of people all across the planet, and where we have an opportunity to say to future generations, we met our responsibility.

Having said that, the distinguished majority leader is here and I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. REID. Madam President, I appreciate the leadership of the chair of our Foreign Relations Committee, Senator KERRY. In the short time he has assumed the responsibilities of that most important committee, he has done a remarkably good job, and the best is yet to come. He mentioned here briefly some of the things he wants to do dealing with the scourge we find ourselves in with global warming, and it is going to be remarkable, the work he does.

Madam President, we are moving forward on the vote on the nomination of Senator HILLARY CLINTON to be Secretary of State.

Senator CLINTON is uniquely capable and profoundly prepared to lead our State Department at a time of unprecedented global challenges, and at a time when quick confirmation of President Obama's national security team is critical to protect us here at home.

We face two wars abroad, a complex and unpredictable crisis in the Middle East, the nuclear ambitions of a volatile Iranian regime, together with the complexities of dealing with North Korea.

Senator CLINTON has earned the admiration and respect of the global community with her understanding that our international power must be both strong and smart, that the true measure of our influence is not just the size and strength of our military, but also how we use other tools, including diplomacy and foreign assistance, to make the world safer and more free.

Senator CLINTON's exemplary qualifications and wise world view were demonstrated in her confirmation hearings, where she showed a tremendous breadth and depth of knowledge on the major foreign policy issues we face in the world today.

We all remember HILLARY CLINTON's arrival in the Senate a few short years ago—8 years ago. Some wondered—and some out loud—whether a former First Lady who had become a favored target of the rightwing could forge the relationships necessary to be an effective Senator for the people of New York State. She answered that loud, and she answered it very clear.

Some questioned whether a person of such national and international acclaim would put in the time to get to know the inner workings of the Senate and the nitty-gritty of the legislative process. She answered that big time.

It took no time for Senator CLINTON to make believers from those doubters. She became an instant favorite of Democrats and Republicans alike, a forceful advocate for both smart foreign policies and domestic policies, and a remarkably effective student of bipartisanship.

In her time as First Lady of our country, serving as an American emissary to the world, and then in the Senate as a member of the Armed Services Committee, HILLARY CLINTON built the diplomatic skills and breadth of knowledge one needs to be our next Secretary of State. She has the full package.

All but one member of the Senate Foreign Relations Committee voted to approve this outstanding nominee. Democrats and Republicans alike stand in support of our friend and colleague, Senator CLINTON.

I want spread on the RECORD my appreciation for JOHN MCCAIN coming to the floor and saying: Let's approve her now. He tried to do that earlier today.

I ask all my colleagues to join me in sending the world a clear message that we stand behind President Obama and our new Secretary of State as they proceed together to the task of rebuilding our foreign policy to be stronger, smarter, and more able to effectively lead the world with moral strength once again.

Madam President, first, we yield back all time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the Senate now vote on confirmation of the nomination of Senator CLINTON to be Secretary of State, with the remaining provisions of the previous unanimous consent agreement in effect.

I would also say this: For all the new Senators and those who may have forgotten, we are starting this vote a little earlier, so we will be lenient here and not tie down the 15-minute rule. But in the future, we are going to start this Congress as we ended the last one. We are going to have 15-minute votes. There will be a 5-minute time period for people who are late getting here. But at the end of 20 minutes, the votes are going to be closed. This will be hard on Democrats and hard on Republicans, but it is a lot harder on everybody waiting around here for these people to come to vote. So some people are going to miss some votes, and I am sorry about that, but it is better for the body if we have votes that end when they are supposed to.

As soon as this matter is completed relating to the confirmation of HILLARY CLINTON, we are going to go back

to Ledbetter. We would hope that the Kay Bailey Hutchison amendment in the form of a substitute, which has been offered, can be debated today and that we can vote on that this evening.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

The Chair hears none, and it is so ordered.

The question is, Will the Senate advise and consent to the nomination of HILLARY RODHAM CLINTON, of New York, to be Secretary of State?

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. I would ask that there not be responses from the gallery. Thank you.

The clerk will continue with the call of the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—94

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (FL)
Begich	Gregg	Nelson (NE)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Bunning	Isakson	Sanders
Burr	Johanns	Schumer
Burriss	Johnson	Sessions
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden
Durbin	McConnell	
Ensign	Menendez	

NAYS—2

DeMint Vitter

NOT VOTING—2

Clinton Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Several Senators Addressed the Chair.

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY LEDBETTER FAIR PAY ACT

Mrs. HUTCHISON. Madam President, I am prepared to offer my amendment to the Ledbetter Act, the Mikulski bill. To proceed, I need to know if that is the order of business.

Mr. LEAHY. Madam President, I was seeking recognition when the quorum call was put in. I am still seeking recognition. Obviously—well, I would just note that, that I was—

Mrs. HUTCHISON. Madam President, I had been working with Senator MIKULSKI and the majority leader about moving to Senator MIKULSKI's bill and my amendment, which is pending, and I had offered to allow Senator VOINOVICH to speak on that. If the Senator has something to intervene, I would be happy to try to accommodate, but this is the pending business.

Mr. LEAHY. Madam President, I crafted the Ledbetter matter that is now before the Senate.

The PRESIDING OFFICER. That is the pending business.

Mr. LEAHY. Madam President, am I correct that I was seeking recognition when the Republicans suggested the absence of a quorum, and I was still seeking recognition—

The PRESIDING OFFICER. The Senator was standing to seek recognition, although the quorum call was placed without objection.

Mr. LEAHY. Again, I object to somebody asking for a quorum call to be placed, Madam President. Perhaps I don't understand the rules after 34 years here, but I was the first one seeking recognition.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mrs. HUTCHISON. Madam President, I would like to ask the Senator from Vermont, without relinquishing my right to the floor, if there is something he would like to do that would be short, and then we could go back to the business of the Ledbetter bill. I am happy to try to accommodate him.

Mr. LEAHY. Madam President, as I said when a similar question was propounded by the distinguished Senator from Texas, I wish to speak on the Ledbetter bill.

Mr. REID. Madam President, would the Senator from Texas yield without losing her right to the floor?

Mrs. HUTCHISON. I would be happy to yield.

Mr. REID. There is a lot of time. We are going to be in session as long as people want to talk. The issue before the Senate now is an amendment offered by the Senator from Texas. Senator MIKULSKI, who is managing this bill, has been trying to get a time as to how long the debate will take on this tonight. The distinguished Republican leader asked that we try to figure out what amendments are going to be laid down tonight, and we will try to set up a series of votes, if necessary, in the morning. So no one should feel they are being cut off. There is plenty of time. We are not going anywhere tonight. We are on the Ledbetter legislation. I would hope we could work our way toward a vision of completing this legislation sometime early tomorrow. I appreciate the Senator from Texas moving forward with this.

I know the strong feelings of the Senator from Vermont about this Ledbetter legislation. It is a legal issue, and he is chairman of the Judiciary Committee. But I hope everyone will be calm and relax. There is plenty of time for everyone to say whatever they want tonight.

Mr. LEAHY. Madam President, I ask unanimous consent—and, of course, the Senator from Texas can object and has every right to object—I ask unanimous consent that I be allowed to continue for all of 7 minutes, all on the Ledbetter bill.

Mrs. HUTCHISON. Madam President, reserving the right to object, let me ask the Senator from Ohio, whom I promised 12 minutes, whether he would be able to wait 7 minutes for Senator LEAHY, after which I would turn the floor over to him before I discuss my own amendment?

Mr. VOINOVICH. I am more than happy to do that as long as I have a guarantee that after 7 minutes, I have a chance to offer my voice about the amendment.

Mrs. HUTCHISON. Madam President, let me ask whether I could propose this: I move that the Senator from Vermont be allowed 7 minutes on whatever subject he chooses, after which the Senator from Ohio would have 12 minutes, after which I would have the floor to speak on my amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Vermont.

LILLY LEDBETTER FAIR PAY ACT
OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Pending:

Hutchison amendment No. 25, in the nature of a substitute.

Mr. LEAHY. Madam President, I thank the Senator from Texas, and I especially thank my dear friend from Ohio, whom we are going to miss around here.

Madam President, I held a hearing at which Miss Lilly Ledbetter testified before the Senate Judiciary Committee. It was one of the most moving hearings we have had. The fact that a very activist, very Republican Supreme Court had basically written new law to deny her rights was shocking to everybody before that committee.

I believe we have to pass the bipartisan Lilly Ledbetter Fair Pay Act so employers are not rewarded for deceiving workers about their illegal conduct and maybe signal to the Supreme Court to stop legislating, and stop being an activist Court, but to uphold the law as we write it.

One of the Justice Department's roles in our Federal system of government is to protect the civil rights of all Americans, including those that protect them against discrimination.

The Bush administration's erosion of longstanding interpretation of our antidiscrimination laws has created a new obstacle for victims of pay discrimination to receive justice. That was a mistake when it was advanced by the Bush-Gonzales et al. Justice Department. It was a mistake when five Justices on the Supreme Court adopted the Justice Department's erroneous interpretation of congressional intent. It culminated in an erroneous opinion written by Justice Alito.

I understand the Members on the other side of the aisle introduced partisan amendments to the legislation. They have that right. But it is my belief that the amendments should be opposed for one simple reason: they are going to allow illegal pay discrimination to continue.

We are going to hear that this might encourage workers who are being paid less as a result of discrimination to delay filing for equal pay. That argument defies logic. Anyone who heard Ms. Ledbetter's testimony before ei-

ther the Senate Judiciary Committee or the Senate Health, Education, Labor, and Pensions Committee knows that she, like other victims of pay discrimination, had no incentive to delay filing suit. But employers, based on the erroneous interpretation by the Supreme Court, the activist interpretation by the Supreme Court, now have a great incentive to delay revealing their discriminatory conduct: blanket immunity.

The reality is, many employers do not allow their employees to learn how their compensation compares to their coworkers'. They can hide it and hide it and hide it until these women finally retire, pray that they never find out how they were discriminated against, and then say when they are found out: Oh, my goodness gracious, you should have filed suit earlier. The fact that we had it all locked up and you couldn't possibly have known you were being discriminated against is your fault. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on.

It seems it is always the woman employee's fault. That is wrong. Workers like Ms. Ledbetter and her family are the ones hurt by the ongoing diminished paychecks, not their employers.

The bipartisan Ledbetter Fair Pay Act of 2009 does not disturb the protections built into existing law for employers, such as limiting backpay in most cases to 2 years. It does not eliminate the existing statute of limitations. Instead, it reinstates the interpretation of when the 180-day time limit begins to run, an interpretation that was run over roughshod by the Bush administration at its urging by their appointees on the Supreme Court. The bill corrects this injustice to allow workers who are continuing to be short-changed to challenge that ongoing discrimination when the employer conceals its initial discriminatory pay decision.

Opponents of the bipartisan Ledbetter Fair Pay Act may raise other excuses. They will no doubt claim that somehow trial lawyers will benefit, but the reality is the Supreme Court in the Ledbetter decision could actually lead to more litigation because people will feel they have to file premature claims so that time does not run out.

The Congressional Budget Office has concluded that this legislation "would not establish a new cause of action for claims of pay discrimination" and "would not significantly affect the number of filings with the Equal Employment Opportunity Commission" or with the Federal courts.

Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or na-

tional origin but the Supreme Court's Ledbetter decision goes against both the spirit and clear intent of our anti-discrimination laws.

It also sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps.

At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed.

The Lilly Ledbetter Fair Pay Act is the only bill that gives workers the time to consider how they have been treated and the time to work out solutions with their employers. Our bipartisan bill fulfills Congress's goal of creating incentives for employers voluntarily to correct any disparities in pay that they find. Most importantly, our bipartisan bill ensures that employers do not benefit from continued discrimination.

I will not support amendments that weaken this bipartisan bill. I support the ability of all employees to receive equal pay for equal work.

The Lilly Ledbetter Fair Pay Act is the only bill that gives workers the time to consider how they have been treated and the time to work out a solution with their employers. Our bipartisan bill fulfills Congress' goal of creating incentives for employers voluntarily to correct any disparities in pay they find. I am not going to support amendments that weaken this bipartisan bill. I support the ability of all employees to receive equal pay for equal work. It comports completely with what we learned in the Judiciary Committee.

I applaud the Senator from Maryland. I applaud her cosponsors. I am proud to be one of them.

Ms. MIKULSKI. Before the Senator from Ohio speaks as agreed upon, I thank the chairman of the Judiciary Committee for his compelling remarks and steadfast support for women generally and certainly for his longstanding advocacy that women should be paid equal pay for equal or comparable work. Thank you very much.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today in strong support of the Hutchison substitute amendment.

Before I discuss the merits of the Hutchison amendment, I wish to thank Senator MIKULSKI for her commitment to debate this legislation in a constructive manner. As Senator MIKULSKI said, we can disagree, without being disagreeable.

I thank the Democratic leader, the Senator from Nevada and the minority leader, the Senator from Kentucky, for agreeing that we will make our best efforts to return to the tradition here in

the Senate of debating bills and allowing amendments to be offered, and returning things to the point where I think it will enhance the reputation of this great body in terms of the body that is looking in on us. I hope this is the beginning of a new era here. I think the more we can work together, the better they are going to feel about the future of our country.

I would also like to thank my colleague, Senator HUTCHISON, who I know is extremely busy in her role as ranking member of the Commerce Committee. Her efforts to draft a solution are commendable. Senator HUTCHISON is in a strong position to speak on issues arising from both her substitute amendment and Senator MIKULSKI's underlying legislation. As Senator HUTCHISON said in her opening remarks, as a young lawyer coming out of law school, she experienced the nefarious consequences of gender discrimination. In addition, I think her experience as a small business owner and the general counsel of a bank provides Senator HUTCHISON with the unique perspective to understand the problems with Senator MIKULSKI's legislation.

There is one thing on which we all agree: Gender and other forms of discrimination are wrong, illegal, and they should not be tolerated. This debate should not be about whether one party condones illegal discrimination; rather, this debate must focus on how to strike the right balance to address the situation in which a person is subject to an individual act of discrimination but through no fault of their own has no way to know about it.

As I mentioned during my retirement announcement last week, one of the reasons I decided to retire in 2 years was the desire to spend more time with my family. I am the proud father of a daughter, Betsy, who graduated as a member of Phi Beta Kappa. When she was growing up, I said: Honey, the sky is the limit for whatever you want to do.

In addition to my daughter Betsy, I have seven grandchildren, and six of them are girls. I have said the same thing to them: The sky is the limit. My oldest granddaughter, Mary Faith, is 12 years old. One of these days, she is going to be out in that business world. I want Betsy, Mary Faith, and all my grandchildren, to have the opportunity to reach their full potential based on their God-given talents, and not be constrained by outdated prejudices.

Based on the debate so far, I believe there is a good deal of agreement between Members who support Senator HUTCHISON and Members who support Senator MIKULSKI's legislation. For example, we agree that discrimination based on gender is illegal and wrong. We also agree that the dynamics of the modern workplace may make instances of such discrimination difficult to de-

tect if the discrimination is reflected in pay decisions.

Unlike when someone is denied a job, a promotion, or is terminated, paycheck discrimination may not be obvious. The source of our disagreement is how to find a solution to address this specific issue.

Before I address the specifics of why I support Senator HUTCHISON's amendment over Senator MIKULSKI's legislation, I believe there are some misconceptions about the Supreme Court's *Ledbetter v. Goodyear* decision. Advocates of the *Ledbetter* legislation have continued to state that passing the Lilly *Ledbetter* Fair Pay Act will restore the law to what it was before the Supreme Court's decision. This is misleading. In its *Ledbetter* decision, the Supreme Court clarified a faulty interpretation of its early decision in *Bazemore v. Friday*. The Supreme Court did not change the underlying statute of limitations in title VII.

I think it is helpful to understand what the Court did in distinguishing these two cases. The Court's *Bazemore* decision held that if an employer's pay structure is facially discriminatory, that is, the pay structure sets different compensation on criteria like race or gender, then the paycheck is the last act of illegal conduct from which the 180-day filing period begins. The Court, rightfully in my opinion, distinguished this from the situation in *Ms. Ledbetter's* lawsuit.

With *Ms. Ledbetter's* lawsuit there was not a discriminatory pay structure in place, but rather allegations of specific acts of discrimination. The Court found those discrete acts occurred outside the 180-day filing period. I think that is an important distinction Members should understand.

Still, as some of my colleagues pointed out during this debate, specific and discrete acts of wage-based discrimination may be very difficult to detect within the 180-day filing period provided under title VII. This could lead to situations in which an employer escapes liability simply because the person did not know that a discriminatory act took place.

In such a situation, the 180-day filing rule appears to reward bad behavior and harm the person facing the illegal discrimination. I agree with Senator MIKULSKI that under this situation a strict 180-day filing rule is unfair.

As one of my colleagues supporting the *Ledbetter* legislation pointed out, the Supreme Court, in *TRW v. Adelaide* and in an opinion authored by Justice Ginsburg, interpreted a statute of limitations arising under the Fair Credit Reporting Act as starting "from the date on which the liability arises." Understanding this could unduly penalize victims of identity theft, Congress enacted a fix as part of the Fair and Accurate Credit Transaction Act of 2003. This fix extended the relevant statute

of limitations based on the "discovery by the plaintiff" of the impermissible conduct.

Unfortunately, this is not the approach the *Ledbetter* legislation takes. Rather, it would adopt a rule allowing for the filing of lawsuits 180 days after the last paycheck issued by the employer that was affected by a discriminatory act, even if it was a single act that occurred many years ago. Thus, the *Ledbetter* legislation could allow for the filing of lawsuits long after someone knew they were subject to a discriminatory act, effectively eliminating the statute of limitations from title VII in many cases.

As the Supreme Court noted in its *Ledbetter* decision, statutes of limitations serve an important policy of repose in our justice system. Under American legal principles, it has long been public policy that a person should not be called into court to defend claims that are based on conduct long past.

As many of my colleagues who have practiced law know, it can be very difficult to mount a defense in cases in which the underlying conduct occurred long ago because witnesses are difficult to locate, memories fade, and records are not maintained. In *Ms. Ledbetter's* case, the supervisor accused of the misconduct died by the time of the trial. Yet under the approach taken by the *Ledbetter* legislation, defendants could potentially find themselves facing lawsuits that are years, if not decades, old.

Because she recognizes that paycheck discrimination may not be obvious in the modern workplace and that a bad actor should not benefit from hiding such discrimination, Senator HUTCHISON crafted a sensible compromise. Under the Hutchison amendment, a person could bring a claim under title VII within 180 days after obtaining knowledge or information that the person is the victim of discriminatory conduct. In other words, you don't start the 180-day statute of limitations until the person knows or has reasonable suspicion that she is subject to a discriminatory wage. But once you know you have been discriminated against, then it is your obligation to bring that to the attention of the EEOC and start the process to obtain relief.

By allowing a person to bring a claim from 180 days after the discriminatory conduct is discovered, Senator HUTCHISON's amendment stops bad actors from benefiting, and addresses many of the concerns many of my colleagues raised.

Unfortunately, the *Ledbetter* legislation would swing the pendulum completely in the opposite direction and create an open-ended legal liability that could expose businesses, the very entities we need to help us lift our economy out of this recession, to expensive new legal liabilities.

While this may not be good for insurance companies who write policies and trial lawyers who bring lawsuits, I do not believe the legislation is sound public policy.

Finally, I want to address a related issue before I yield the floor. Besides disagreeing on the solution to the issues created by the Ledbetter decision, Senator MIKULSKI's legislation did not go through the HELP Committee during this Congress.

While I understand the HELP Committee held one hearing on the Ledbetter bill during the 110th, this hearing occurred before Senator HUTCHISON introduced her legislation, which is now before us as the pending amendment. As a result, the Senate is left without the wisdom of having testimony and information comparing the different approaches.

While I understand sometimes it is necessary to bypass committees, the Senate has started to bypass the committee process too frequently. So often, as a result of that committee process, compromises can be worked out so once the bill is out of committee in many instances you can get a UC and get that legislation passed, or at least people have had a chance to talk about it in terms of some compromise.

So I am glad to be involved in this debate, but I believe the Senate and our Nation would be better served if the Senate got back into the habit of taking up legislation after it has gone through the relevant committee. In fact, I believe if these two legislative proposals had been discussed in the HELP Committee, the committee might have crafted a compromise bill that had the support of most, if not all, of my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate very much the remarks of the Senator from Ohio who has much the same feeling about this I do. He wants to protect the employee who has known discrimination but also knowing that a business or small business needs to know what the liability might be and, hopefully, correct it if the notification is given in a timely way.

So I would look forward to talking about my amendment. At this time, I ask unanimous consent that my amendment be set aside in order for Senator SPECTER to be able to offer amendments, after which then Senator MIKULSKI will have the floor. Then when we get back to my amendment, I would like to debate my amendment.

Ms. MIKULSKI. Mr. President, I thank the Senator. We wish to follow the recommendations of our mutual leadership, which was to debate the Hutchison substitute tonight but to get as many amendments laid down tonight as we can. The Senator from

Pennsylvania has two amendments he wants to offer. So I agree with the plan of laying aside the Hutchison substitute, having the Senator from Pennsylvania, Mr. SPECTER, offer his amendment, and at such time we will return to our robust debate on the Hutchison substitute and, hopefully, we can get a regular order going back and forth.

Mrs. HUTCHISON. Mr. President, I think that is a good plan. I appreciate the accommodation of the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 26

(Purpose: To provide a rule of construction)

Mr. SPECTER. Mr. President, I call up amendment No. 26.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 26.

The amendment is as follows:

(Purpose: To provide a rule of construction)

Strike the heading for section 6 and insert the following:

SEC. 6. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 7. EFFECTIVE DATE.

Mr. SPECTER. Mr. President, I agree with the underlying approach that women ought to receive equal pay for comparable work. I voted for cloture on the Ledbetter bill in the last Congress. I had been a cosponsor of the bill. I had not cosponsored the legislation this year because of my interest in making two changes I think would improve the legislation and would reduce the opposition.

I begin by congratulating Senator MIKULSKI and Senator ENZI for the very important work they have done. I congratulate Senator HUTCHISON on the amendment she has offered, the substitute. I intend to support her amendment.

The time when the statute of limitations begins to run is when the employee knew or should have known. I think that is fair. I think it is reasonable to say to an individual where you are being discriminated against, and you know about it, or you should, in reasonable diligence, know about this. This is a standard used in the law in many areas: actual knowledge or constructive knowledge, where somebody should have known. That is fair to say, at that point a person is on notice, they ought to begin their lawsuit. It is fair for the statute of limitations to begin running at that time to give the defendant a fair opportunity to know about it.

The amendment I have offered is hand in glove with the concept of "should have known," that is, or ac-

tual knowledge, actual or constructive, to provide that the defendant will have the defense based on waiver or estoppel or laches. Waiver means you take an affirmative act and say: I do not want to assert my rights. That is a waiver. Estoppel means you are estopped from bringing the defense because of some conduct on your part which precludes you from bringing the action, or estopped. You are estopped from bringing the claim. And laches means too much time has passed, that you are barred by time. These are equitable doctrines which have more flexibility as opposed to a specific date. The essence of these defenses of waiver, laches, and estoppel was articulated in the dissenting opinion of Justice Ginsburg. She disagreed in the 5 to 4 decision which precluded women from claiming equal pay. She said that women ought to be able to claim equal pay and employers have a fair right to defend if they can assert these defenses.

So this is what Justice Ginsburg said: Allowing employees to challenge discrimination "that extends over long periods of time," into the charge-filing period, does not leave employers defenseless against unreasonable or prejudicial delay. Employers disadvantaged by such delay may raise various defenses. Doctrines such as "waiver, estoppel, and equitable tolling" "allow us to honor Title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer."

So what Justice Ginsburg lays out are the defenses which the employers would have in any event, but in putting it into the statute, it makes it conclusive. I think it is good so that you do not have an argument as to whether employers have these defenses. It allows the plaintiff to bring the claim, and allows a reasonable defense by the employer.

Mr. President, I now ask unanimous consent that the Hutchison amendment and my amendment be set aside so that I may lay down a second and final amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 27

Mr. SPECTER. Mr. President, I now call up amendment No. 27.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 27.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the application of the bill to discriminatory compensation decisions)

At the appropriate place, insert the following:

SEC. ____ . LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) **FINDINGS.**—In section 2(1) of the Lilly Ledbetter Fair Pay Act of 2009, strike “or other practices”.

(b) **CIVIL RIGHTS ACT OF 1964.**—In section 706(e) of the Civil Rights Act of 1964 (as amended by section 3), strike subparagraph (A) of paragraph (3) and insert the following:

“(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision is adopted, when an individual becomes subject to a discriminatory compensation decision, or when an individual is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.”.

(c) **AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.**—In section 7(d) of the Age Discrimination in Employment Act of 1967 (as amended by section 4), strike paragraph (3) and insert the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision is adopted, when a person becomes subject to a discriminatory compensation decision, or when a person is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.”.

Mr. SPECTER. Mr. President, the essence of this amendment is to strike the term “or other practices.” The core issue here is pay, and that is what I think we ought to deal with.

There are objections to this bill on the grounds that it is a lawyers bonanza and will allow a lot of litigation. Well, I do not think that is a sound argument, but I think there is merit in specifying that this legislation is aimed at pay, and if you talk about other practices it is going to produce a lot of litigation because there is no definition of what the “other practices” means.

For example, other practices might be promotion, might be hiring, might be firing, might be training, might be territorial assignment, might be transfer, might be tenure, might be demotion, place of business reassignment, might be discipline. All of these are possibilities when you talk about “other practices.” I do not purport to be making an exhaustive list. Those are only some of them, the possibilities on what might be included in other practices. When talking about pay, you know what you are talking about. Now, if it is the objective of the drafters of the bill to cover promotion or to cover hiring or to cover firing, fine; let’s say so. If there is an intent to cover any of these other specific items, let’s consider that. Let’s make an evaluation as to whether that is a practice which requires remedial legislation. But in order to have “other practices,” I think we have the potential of reaching a quagmire and have a lot of litigation

about what the intent was of Congress, a lot of questions as to what we intend to do.

Now, of course, in listing all of these items, if this amendment is defeated, I know lawyers will be citing this argument to say, well, if the amendment offered by ARLEN SPECTER was defeated, it must mean that all of those other practices are included, and then some, which is not my intent. But I do believe it would be a crisper bill, and we would know exactly what we are talking about.

Again, I say if anybody wants to include other practices, so be it.

Mr. President, I was advised that the senior Senator from Illinois was going to be here at 5:15. I want the RECORD to show that I finished my comments 1 minute early so as to allow the manager to maintain her commitment.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Let me thank the Senator from the Commonwealth of Pennsylvania for his gracious acknowledgment of my opportunity to speak on this legislation. I look forward to working with him. I hope we can get this passed.

Let me tell you what the issue is. Fundamentally, it is just basic. In the case of Lilly Ledbetter, here is what it is coming down to: Should women be paid the same for work as men? That is it. That is the basic question.

Lilly Ledbetter was a lady who worked at the Goodyear Tire plant in Gadsden, AL. You do not expect to find a lot of women working in a plant like that, do you? She went on to the managerial part of the plant, which meant she was on her way up in the managerial ranks. She worked there for years, 19 years, and at the end of the 19 years when she was near retirement, somebody said: Lilly, did you realize all of these years you were working there that men who had the same job you did were being paid more than you?

She said: That is not right. That can’t be true.

She checked it out, and it was true. All those years she had the same job classification, the same job responsibilities, and she was paid less.

She said: It is not fair. I think I ought to receive compensation because the company basically discriminated against me just because I am a woman. She takes her case and files it. In most cases, it is a pretty simple situation. What was the job; what did it pay. Did you pay women less than you paid men? These are basic fact questions. Then it made it all the way across the street to the U.S. Supreme Court. Then nine Justices sat down to take a look at the Ledbetter case. The Chief Justice of the Supreme Court, John Roberts, and Sam Alito, a recent appointee by the Bush administration to the Supreme Court said: We are sorry, Ms. Ledbetter. You cannot recover for this discrimination.

She said: Why?

They said: Well, you should have discovered this and reported it the first time you got a discriminatory paycheck. The first time you were paid less than a man who had the same job, you had 180 days from that point. When that different paycheck was given, you had to file your claim.

Of course, common sense and life experience would tell you that most people at work don’t know what their fellow employee is being paid. Lilly Ledbetter didn’t know. She didn’t know for 19 years that the men working right next to her were being paid more than she. But the Supreme Court said: Sorry, Lilly Ledbetter. Darn shame, but you should have filed this claim years ago. The fact that you are still being paid a discriminatory wage doesn’t work because you had 180 days from the first time they sent a different paycheck to a man than a woman to file your claim, and you didn’t do it. You are out of court. Thanks for dropping by. End of case.

I look back at these Supreme Court Justices’ answers when they appeared before the Senate Judiciary Committee. I particularly remember Chief Justice Roberts because he was the most impressive witness I had ever seen. He sat there for days and answered every question without a note in front of him. He is a brilliant man. He made a point of saying: I feel like a Supreme Court Justice is an umpire. I’ll call balls and strikes there. I am not supposed to make up new rules for the ball game. I’ll watch the pitches coming in, and I’ll call balls and strikes.

This is a foul ball. This decision by that Supreme Court ignores the reality of the workplace today. I asked Senator MIKULSKI, who is leading our effort, what is the basic discrimination between men and women in pay today? She said it is about 78 cents for the woman and a dollar for the man. As a father of daughters and sons, I think my daughters should be treated as fairly as my son. If they do the same work, they ought to get the same pay. What Senator MIKULSKI says in her basic bill, the Lilly Ledbetter Fair Pay Act, is we are not going to allow the Supreme Court decision to stand. It makes no sense. If the company is continuing to discriminate against you in its paycheck, that is good enough. You ought to be able to go to court, not the fact that the discrimination started 10 years ago, 12 years ago, and you didn’t know about it.

Basically, in the law, we have this matter called the statute of limitations. It says you get a day in court but only for a window of time for most things. If you don’t go to court in that window, you don’t get to go. You are finished. But we make an exception in most cases for what is known as fraud and concealment. If the person guilty

of the wrongdoing has concealed what they are doing and you don't know it, you can't say the time is running. It doesn't run in that circumstance because there is concealment. In this case, there is clearly a situation where you don't know what your fellow employee is being paid.

Senator HUTCHISON of Texas comes with an amendment. I am sure it is a well-intentioned amendment, and I am sure she is not going to defend pay discrimination. I am sure she doesn't stand for that; none of us do. But she adds a provision, and I wish to make sure I have the language right because it is important we take it into consideration. She says her amendment would only permit a victim to bring a discrimination claim if she "did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination." On its face it sounds: What is wrong with that? What is wrong with that is now Lilly Ledbetter and people such as she have a new burden of proof. They have to prove to the court they had no reason to suspect their employer was discriminating against them. It becomes subjective. It becomes difficult. It adds another hurdle. Why would we assert this hurdle? If anything happened yesterday in Washington, DC, it was an announcement of change in this town and in this Nation. With the election of Barack Obama as President, many of us believe we are going to start standing up for folks who haven't had a fighting chance for a long time. People who are being discriminated against in the workplace, folks such as Lilly Ledbetter, who spent a lifetime getting less pay than the man right next to her, are going to have their day in court, a chance to be treated fairly. That is what this bill says. That is why Senator MIKULSKI's leadership is so important.

We are saying to the Supreme Court, wake up to reality. You don't know what the person next to you is being paid. They don't publish it on a bulletin board. Maybe they do for public employees such as us, and that is right. But in the private sector, that doesn't happen. That is what this is all about. That is what the battle is all about.

Senator HUTCHISON comes here and says: Here is another thing Lilly Ledbetter should have had to prove; in her words, Lilly Ledbetter would have been required to prove that she should not have been expected to have enough information to support a reasonable suspicion.

I think it goes too far. We ought to look at the obvious. If a person is a victim of discrimination, once they have discovered those facts and assert those in court, they should have compensation. Employers ought to be given notice nationwide that we want people to be treated fairly, Black, White, and

Brown, men and women, young and old, when it comes to job responsibilities. If you do the work, you get the pay. If you get discriminated against because your employer is secretly giving somebody more for the same job, you will have your day in court.

I think it is pretty American, the way I understand it. It gets down to the basics of what this country is all about.

I salute Senator MIKULSKI for her leadership and urge my colleagues to oppose the Hutchison amendment and to pass the underlying bill.

Now I will quote a newspaper from Chicago which occasionally endorses me but not very often, the Chicago Tribune, no hotbed of liberalism. When they read the Ledbetter decision from the Supreme Court, they said:

The majority's sterile reading of statute ignores the realities on the ground. A woman who is fired on the basis of sex knows she has been fired. But a woman who suffers pay discrimination may not discover it until years later, because employers often keep pay scales confidential. The consequences of the ruling will be to let a lot of discrimination go unpunished.

Those who vote against the Ledbetter bill or vote for the Hutchison amendment will allow a lot of discrimination in America to go unpunished. President-elect Obama has said that passing this bill as one of the earliest items in his new administration is part of an effort to update the social contract in this country to reflect the realities working women face each day.

I urge my colleagues to help update the social contract with this new administration and this new day in Washington. Let us, after we have cleaned up the mall and all the folks have gone home, not forget why we had that election, made that decision as a nation, and why America is watching us to see if our actions will be consistent with our promises.

I yield the floor.

Mrs. HUTCHISON. Mr. President, is the pending legislation my substitute for the Mikulski bill?

The PRESIDING OFFICER. The pending amendments are the two Specter amendments.

AMENDMENT NO. 25

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Hutchison substitute be laid on the table and be the pending business.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Reserving the right to object.

Mrs. HUTCHISON. Mr. President, it was my understanding that when Senator SPECTER laid aside my amendment, we would return to my amendment, my substitute, after his two amendments had been offered. That was what we intended and that is what I was trying to restore.

Ms. MIKULSKI. I believe that clarifies it. I concur. I withdraw my reservation of objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment of the Senator from Texas will be the pending business.

Mrs. HUTCHISON. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise to speak in support of the Hutchison substitute amendment to the Lilly Ledbetter Fair Pay Act. I do believe this substitute amendment strikes a fair balance in ensuring that employees can be relieved of discrimination. I wish to say, at the outset of my comments, I am very pleased we are able to offer amendments to this legislation. I do intend to work with my colleagues to craft and support any other amendments that I believe will improve the legislation before us.

Before speaking directly to the Hutchison substitute, I wish to make very clear one point: Discrimination because of an individual's gender, ethnicity, religion, age or disability cannot be tolerated. No American should be subject to discrimination. If they are, they have the right to the law's full protection.

The heart of the Supreme Court's Ledbetter decision is the ruling that the law requires an employee to file a complaint within 180 days of when the discriminatory intent is first activated by paycheck. Last year, I had the opportunity to speak with Lilly Ledbetter. I know she made a visit to many offices. I had a good conversation. I believed her when she told me she didn't know her wages were lower than those of her male colleagues. I agreed it is often very difficult, perhaps impossible, to know how one's wages compare with another employee's, and that even if an employee does know that he or she is being paid less, that often it is very difficult to know for sure that the reason for the disparity is discrimination.

The best solution to this problem, though, is not necessarily to restart the clock at each paycheck. I believe the best solution is to clarify that if the employee did not know about the discriminatory action at the time it was supplied or could not have reasonably suspected discrimination, the clock starts when that knowledge is available to the employee or when it is reasonable for the employee to have known of the discrimination.

It is also reasonable to require that an employee file a complaint in a timely manner, once that knowledge or that suspicion is available. The Hutchison substitute is a good fix to the Ledbetter decision. Her amendment not only recognizes that many employees do not know what their colleagues are being paid or that any disparity is due to discrimination, the

Hutchison substitute amendment would also restore the reasonable requirement that the employee file a complaint in a timely manner.

We all know memories have a tendency to fade away. Paperwork may be lost or thrown away. People leave jobs. Requiring an employee to file a timely claim benefit benefits the employee in pressing his or her claim. How can the Equal Employment Opportunity Commission investigate a claim of discrimination and find the truth, if the discriminating supervisor has retired, moved away or, perhaps, even died? That is what happened to Lilly Ledbetter. The supervisor who made the original discriminatory decision about her wages died before she could even file her complaint. He wasn't even available to be questioned or cross-examined. How can the EEOC find out the truth, if the records were lost that show a woman or a minority or senior or disabled person's first paycheck was inordinately lower than the first paycheck of his or her peers?

So Senator HUTCHISON's amendment ensures that this clock does not start running on the 180-day statute of limitations until an employee finds out about, or could reasonably be expected to suspect, the possibility of discrimination. It ensures that workers can hold their employers accountable for pay discrimination.

Now, some have argued—or some will argue—Senator HUTCHISON's amendment would institute an unfair discovery rule. They argue it will force employees to file before they are sure of discrimination, when they may most fear retaliation. But I disagree. Senator HUTCHISON's amendment says the clock starts when the employee “did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.” It does not say the employee must file when they have a hunch. It says a “reasonable suspicion.”

Opponents of this amendment may also contend that the Lilly Ledbetter Fair Pay Act simply restores the paycheck accrual rule that was in place before the Supreme Court decision and that a discovery rule would be a new hurdle for employees to deal with. Again, I disagree with this. Prior to the Supreme Court's Ledbetter decision, the EEOC applied, through regulation, the concept—many attorneys are familiar with it—of “equitable tolling.” This concept basically means that a plaintiff may proceed with a complaint notwithstanding missing a deadline if the employee did not know he or she was being discriminated against.

The Hutchison amendment actually strengthens that familiar, often used legal concept that protects employees' rights by putting it in the statute.

Opponents of placing a so-called discovery rule in the law also allege it would lead to confusion in the courts. They call it an unclear and untested rule. Again, I would disagree. The EEOC and the courts are quite familiar with the concept of equitable tolling, and there is substantial case law in which it has been applied.

Opponents also claim a discovery rule will force plaintiffs to prove a negative—that the employee should not be expected to have known about the discrimination—before they even get to the question of whether there was discrimination. I believe it is fairly easy to prove that one did not have access to the pay records of other employees, that it is fairly easy to prove the piece of information that led the employee to file the complaint was not available to him or her earlier.

I believe the substitute amendment we have before us strikes the right balance in ensuring that employees can be relieved of discrimination. It recognizes employees often do not know their pay is different from their colleagues. It recognizes it is not always obvious that a pay disparity is based on discrimination.

For those reasons, I have cosponsored this amendment by my colleague, Senator HUTCHISON, and I urge my other Senate colleagues to support it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska for her support of my amendment.

I wish to lay out my amendment one more time, and then the long-suffering and ever-patient Senator from Maryland will have the chance to rebut. She has been so wonderful about making sure everyone got a chance to speak and knowing we would still be here to debate this amendment, and then setting a time agreement for the vote tomorrow, when the leaders have made that decision.

This is such an important issue. As the Senator from Alaska has said, and really everyone has said, we all want to make sure we give every opportunity to a person who has faced discrimination in the workplace to be able to have a redress of that discrimination.

The law, as it is today, gives 6 months for a person to be able to go forward to the EEOC, and then later to the courts, to say there has been an act of discrimination. Now, most of the time it is easy for an employee to know when a cause of action occurs. If it is age discrimination and someone has been demoted; if it is a firing, of course; any lessening of duties or responsibilities, that is a signal that perhaps there is some discrimination of some kind—whether it be based on age or gender or whatever might be alleged.

The harder issue is pay, there is no question because most people do not talk about what they make around the water cooler or in the break room. Most people hold that close because there are many factors that go into pay. Because of that, it is harder to do the fair thing. That is what I am trying to do with my amendment, to make sure there is a fair opportunity for an employee to have the right of redress and also a fair opportunity for the person in business to know if there is a liability or a mistake.

If the Mikulski bill passes, one would be able to sit on a claim because it would not matter if the person should have known of the alleged discrimination. They can pick their time, and it could be months, years, decades after a discrimination has occurred. This is a problem because the employer has to be able to have an opportunity to mount a legitimate defense with records that would be kept, with witnesses who would come forward, with memories that would be fresh, to give the employer the right to know what the liability is and be able to have witnesses or the person who is accused there to make the other side of the case.

In pay discrimination, what we are doing in my substitute is basically setting a standard that will be uniform across the country, in all courts. It is what the Supreme Court has said should be the test. In some districts, the court will say: Well, let's hear from the employee why she did not know or why he did not know. If the court says: Well, I think that is reasonable—maybe there is a policy in the company that if you talk about your salary, that is grounds for firing. Now, that would be a very strong presumption for the employee that maybe they were in the dark. So we want that employee to have the right to say there is no way I could have known. There was a policy against it. But we need to have that standard across the board in every district. Some courts will do it, but not every court will do it, which is why my substitute amendment is needed, because we need every employee to have the ability to make the case that person could not have known.

Now, the distinguished assistant majority leader said that puts the employee with the burden of proof. Well, the employee is the plaintiff. The plaintiff always has the burden of proof in our legal system. We would certainly—if it were something that would make a difference to the Senator from Maryland or the Senator from Illinois; if it would make a difference that we would establish a rebuttable presumption that would favor the employee but be allowed to be rebutted by the employer—we could talk about that, and I would be open to that suggestion.

But the plaintiff bringing the case in our system does have the burden of

proof. What we want is to assure that responsibility is codified in the law, that it is codified so that person has the right, but also the responsibility to press a claim. This is the important part of the substitute that says we want the right of the employee to be able to say they did not know, and why, and give courts the chance to apply a standard that would be set for everyone in this country to have the right to press the claim if they did not know.

On the other hand, the reason we have statutes of limitations—and we have had since the beginning of law in this country, and in other civil law countries—is that the defendant does have a right to be able to make the defense and be able to anticipate what the liability might be. A small business that has a person come forward who has a claim from 10 years ago, and they did not know the employer did not know this right was accumulating and could result in a catastrophic effect on a small business—when if the employee, when he or she suspected, brought forward this claim, perhaps it could be settled right then and there so everyone wins.

So I hope we can work on this bill so we do give fairness to both sides in a legal case. We wish to have the right of the employee to come forward when that person knew or should have known within 6 months of that right accruing; and we need to have the right for the business to be able to have evidence, records, witnesses, and fresh memories to mount an effective case in defense if they are going to rebut the charge. That is one part of the substitute.

The other part is, I think, also very important; and that is that in the bill before us there is a major change in common law and in tort law that has also been a part of our legal system and our case law since the beginning of law in our country and in other countries that have the types of laws we do; and that is that a tort accrues a right to the person who is offended or damaged or hurt by another action. It does not accrue to another person who is affected by or might be considered affected by this claim.

Now, there are exceptions to that. But in the main, it is, I think, essential, if we are going to have a statute of limitations that goes beyond the act itself—and in this case it would be 6 months, which is the law today—that it accrue to the person actually injured, the employee, and not some other person on behalf of the person who did not bring the case.

Under the Mikulski bill, the Ledbetter Act, a new right has been given to a person who may not be the person with the injury. So it could be a case where the person dies after working at a place of employment, a business. The person dies, and within 6

months of that person's last paycheck and subsequent death, some other person—an heir, a child, a mother, a father—could bring a case, which the person who has allegedly been discriminated against chose not to bring or did not bring. In such an absurd case, possible under the Ledbetter bill, you do not even have the person discriminated against to testify. I think this is a very big hole in the concept of fair play that our legal system tries to provide. By saying “other affected parties,” I think we have opened up a whole new right and possible class of plaintiffs that has not been contemplated before and could achieve an inequitable result.

So I hope very much that people will look at my substitute and try to get to the same end Senator MIKULSKI and I both want, by trying to shape the legislation so that it keeps the fairness in the process for a person who claims a discrimination and a person in the business that has hired this person to have a fair right for a defense. That should be our goal. I think my substitute does achieve that balance. I hope very much we can work this into a bill that all of us can support for people who have certainly known discrimination, as I have, and for people who want to make sure their children and grandchildren don't face discrimination, as well as for those who wish to make sure we don't discriminate against that small business owner who is all of a sudden, after 10 or 15 years, maybe looking at a liability that they didn't know about, couldn't prepare for because they don't know about it; maybe it is a mistake and maybe it could be corrected if we keep that statute of limitations that would say a person knew or should have known can have 6 months to file a claim so there can be an equitable, judicial remedy for this potential claim.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I yield the floor to the Senator from Maryland for such time as he may consume. He has been a longstanding advocate for women. He is a current member of the Judiciary Committee. He was the Speaker of the House in Maryland. He was a member of the House of Representatives, and now is a member of the Senate Judiciary Committee. He is a real leader and I think we can look forward to a thoughtful presentation.

The PRESIDING OFFICER. The Senator from Maryland does not control the time.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me first thank my colleague from Maryland for giving me the opportunity to speak, but also to thank her for her extraordinary leadership on behalf of gender equality in our Nation. Senator MIKULSKI is no stranger to this issue.

She has fought her entire life on behalf of equality for all people in this country. From her days as a social worker to her service on the City Council of Baltimore and now to the Senate, she has been our leader on speaking out for what is right on behalf of women, on behalf of all of the people of our Nation. So I thank Senator MIKULSKI very much for everything she has done, not just on this issue but on so many issues that affect equality for the people of our country.

This has been an extraordinary week. On Monday we celebrated the life and legacy of Dr. Martin Luther King, Jr. Dr. King had a dream that everyone in this country would have the equal opportunity of this great land, regardless of race, religion, sexual orientation, or gender. He had a dream. Then, yesterday, we saw this Nation take a giant step forward in reaching that dream with the inauguration of Barack Obama as the 44th President of the United States. We can take another giant step forward now by passing the legislation that my colleague from Maryland is bringing forward, the Lilly Ledbetter Fair Pay Act. It is so important that we do this.

Let me give my colleagues some of the facts. They know this, but it is worth repeating. Today in the workplace women are being discriminated against. On average, women make 77 percent of what a male makes for the same work. That is unacceptable and inexcusable. We need to change that.

Lilly Ledbetter worked for 19 years at Goodyear Tire Company. It was shown that she was making \$15,000 less than her male counterparts were making in the United States of America. Well, we passed legislation to make sure that could not happen and that there were rights to protect women who were discriminated against by that type of action by an employer. Lilly Ledbetter did what was right. She filed her case and it was found that, yes, she was discriminated against, but guess what. Her claim was denied by the Supreme Court of the United States by a 5-to-4 vote because she didn't bring her case within 180 days of the discrimination. She didn't know about the discrimination until a fellow worker told her about it, well past 180 days. She couldn't possibly have brought the case within 180 days.

Now it is time for us to correct that Supreme Court decision, and that is exactly what the legislation Senator MIKULSKI has brought forward will do. It will reverse the Supreme Court decision giving women and giving people of this Nation an effective remedy if an employer discriminates based upon gender.

I have listened to some of the debate on the floor. I don't want to see us put additional roadblocks in the way of women being able to have an effective remedy. I respect greatly my colleague

from Texas. She is very sincere and a very effective Member of this body. However, I don't want to have lawyers debating whether a person can bring a claim, as to whether they had reasonable cause or try to think of what someone was thinking about at the time. This is very simple. If you discriminate against your employee, they should have an effective remedy. The Supreme Court turned down that remedy. The legislation that is on the floor corrects it. It is our obligation, I believe, to make sure that is done.

So I wish to take these few moments to urge my colleagues to pass the legislation that is before us. Let's not put additional roadblocks in the way. Let's not pass amendments that will become ways in which employers such as Goodyear Tire could prevent their employees from getting fair pay. The time is now. Let's pass this legislation.

I again congratulate my colleague from Maryland for her leadership on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank my colleague for his eloquent and persuasive argument.

I rise to debate with my colleague from Texas her amendment. Before I go into the Hutchison substitute amendment, I wish to clear up two misconceptions. The first misconception is that there have been no hearings on this bill; somehow or another this is a fast-track, jury-rigged, gerrymandered process. That couldn't be further from the truth.

In 2008, we held two hearings on Ledbetter, one in January of 2008—just about this time—in the Senate Health, Education and Labor Committee, which was a very active committee. Second, we also held a hearing in the Senate Judiciary Committee to get the extensive legal commentary. That hearing was held on September 23. There are those who would say, But that was the last Congress. Well, that was last year, but the relevant facts are the same. So there have been extensive hearings in the Senate and in the House. I believe we are following a framework for getting views through the regular process.

Now, our new President, President Barack Obama, has said very clearly that he wants to create jobs in this country. If you don't have a job, you get a chance to get one, and if you do have a job, you get a chance to hold on to it. Additionally, he said that if you have a job or you are going to get a job, you will not face wage discrimination in the United States of America. That is why he wants not only in his first 100 days, but in his first 10 days, to pass legislation that closes a loophole on wage discrimination.

That takes me to the second misconception. The Lilly Ledbetter Fair

Pay Act, which I am the lead sponsor of—but I wish to acknowledge the role of Senator KENNEDY as the lead sponsor, and I am carrying this responsibility as a member of the committee. Now, the second misconception is that somehow or another the Fair Pay Act only deals with wage discrimination affecting women. Oh, no. It deals with wage discrimination affecting all people. So if you are discriminated against in your paycheck because of your race, ethnicity, religion, natural origin, or gender, this legislation will protect you. This loophole was created by the Supreme Court, and I will elaborate on that as well.

So we followed hearings. This bill, as part of President Obama's hope for America, makes sure that when you get a job or you keep your job, you will never be discriminated against in your wages. So I wanted to clear up those two misconceptions.

Now I wish to go to the Hutchison substitute. First, I wish to acknowledge the Senator from Texas, my truly very good friend, for her long-standing advocacy for women. We have worked together on a bipartisan basis for women. Her advocacy has been steadfast. She has been of particular help. We have worked together on the women's health agenda. We have mammogram standards in this country because of the Hutchison-Mikulski amendment. We have helped with breast cancer research funding because we have worked together, and I could give example after example.

I also wish to acknowledge that the Senator from Texas herself was discriminated against in the workplace. Maybe later on in the debate she will share her own very compelling personal story. So I wish to acknowledge that.

I also wish to acknowledge that we—the women of the Senate—can disagree, which she and I do tonight, without being disagreeable. There is no doubt that the Senator from Texas and I agree that we do not want wage discrimination against women. Where we disagree is not on the goal but on the means. She has her substitute, and I have, which I think is the superior framework, the Lilly Ledbetter Fair Pay Act. I wish to be clear that in this new Senate, we can offer amendments, we can have our shared goals, and we can do it in a way that is not prickly or rancorous and so on. So I wish to be able to say that. Although I disagree with her, my bill—the Kennedy-Mikulski bill—which has 54 cosponsors, simply restores the law before the Supreme Court decision. It is a legal standard that nine separate decisions in front of courts of appeal agreed with.

Let me elaborate. The Hutchison amendment acknowledges that the Supreme Court Ledbetter decision is unfair and it has closed the courthouse door for legitimate claimants. Unfortu-

nately, Senator HUTCHISON's effort to fix Ledbetter's problem is flawed. I think it is a well-intentioned but misguided attempt. Her amendment will not fix the problem caused by the Ledbetter decision. In fact, review of her amendment leaves the core of the Ledbetter's harsh ruling intact, creating only a very narrow and vague exception. Moreover, the exception creates significant legal hurdles for those workers who try to take advantage of it.

In the Ledbetter decision, the Supreme Court said an employee must challenge pay discrimination within 180 days of the employer's initial decision to discriminate or the employee will be forever barred from enforcing her rights. This decision gave employers a free pass to continue discrimination. By keeping in place the heart of the Ledbetter decision, the Hutchison amendment would allow such injustice to continue.

The Senator from Texas says her amendment would bring balance to our antidiscrimination laws, but in reality it imposes a very unreasonable standard on workers—a standard that would be almost impossible for someone to meet.

Under the Hutchison framework, a worker would have to prove not only that she did not know she was being discriminated against but also she "should not have been expected to have had enough information to support a reasonable suspicion of discrimination."

How can workers prove what someone else expects of them? How does a worker prove a negative, that she didn't suspect that something in the workplace wasn't quite right? And—again quoting the Hutchison recommendation—what is a "reasonable suspicion of discrimination"? That phrase, "reasonable suspicion of discrimination," is vague, and fuzzy, and I am concerned would even add to the already legal burdens. There is no similar standard in any other discrimination law.

Workers would have to prove they could meet this vague standard before they could even raise their allegations of discrimination. This means time and resources spent on what workers knew and when they knew it instead of on the conduct of unscrupulous employers.

Even conservative commentators are worried about the Hutchison amendment. Andrew Grossman of the Heritage Foundation noted that the Hutchison amendment would fail to provide the certainty of a hard statute of limitations.

By contrast, the Lilly Ledbetter Fair Pay Act would restore a bright line for determining the timeliness of pay discrimination claims. We know employers and workers can understand this rule and live with it because it was the

law of the land in most of the country for decades prior to the Ledbetter decision. Our bill would simply put the law back to what it was before the Supreme Court upended the law.

Although Senator HUTCHISON claims her amendment would protect employers from unreasonable lawsuits, it could cause an explosion in the number of lawsuits. If this amendment was adopted, workers would feel compelled to file claims quickly for fear that they would miss their statute of limitations. So the only way you can protect yourself is to file a claim because you might have a reasonable suspicion. Given the way women are treated in the workplace, you could have a reasonable suspicion every time you walk in somewhere. Workers have to run to the EEOC even if the only evidence of discrimination is rumor or speculation. This could create a very nasty and hostile work environment. Without any guidance of what constitutes a "reasonable expectation" or a "reasonable suspicion" of discrimination, workers will file a tremendous number of claims. That is just what we don't want to do. We want to return to the law.

They say the Lilly Ledbetter Fair Pay Act is only going to cause an explosion of lawsuits, but it didn't before the Supreme Court decision. In fact, we now know the Lilly Ledbetter Fair Pay Act would not cause an increase in lawsuits because it gives the workers the time they need to consider how they have been treated and try to work out solutions with employers before they get into filing complaints and also lawsuits.

You don't have to take my word for this. History proves it. The rule that workers can file claims within 180 days of receiving a discriminatory paycheck did not encourage any unreasonable number of lawsuits in the decade before the Ledbetter Supreme Court decision.

We turned to CBO, again, a pretty cut-and-dry, button-down crowd. They said this bill would not increase claims filed with the EEOC or lawsuits filed in court, meaning the Lilly Ledbetter Fair Pay Act, not the Hutchison amendment.

The best evidence the Hutchison amendment does not solve the problems caused by the Ledbetter decision is that the amendment would not have helped Lilly Ledbetter herself. Isn't that something. Under the Hutchison framework, this amendment would have tipped the scales of justice against her in favor of her law-breaking employer because it is virtually impossible to meet the reasonable expectation of a reasonable suspicion standard. Ms. Ledbetter would have been forced to spend all of her time and all of her money trying to prove that she had no reason to suspect discrimination before the EEOC or the courts could have even considered Goodyear's illegal and unfair treatment of her.

Discrimination claimants face enough difficult hurdles. Brave workers, such as Lilly Ledbetter, do not need more disincentives to stand up for themselves and their rights.

The Lilly Ledbetter Fair Pay Act is a bipartisan solution. It responds to the basic injustice of the Supreme Court Ledbetter v. Goodyear decision. I urge my colleagues to vote against the Hutchison amendment and vote for the Lilly Ledbetter Fair Pay Act.

I yield the floor.

THE PRESIDING OFFICER (Ms. CANTWELL). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I was going to engage in a discussion with the Senator from Maryland. I see the Senator from Minnesota is in the Chamber. Is it OK to proceed?

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I wish to talk about a couple of points that were made by the Senator from Maryland.

First, I want to say how much I appreciate her talking about how much we have done together in the Senate for women. We have made significant legislation that has improved the lives of women. She mentioned many of the bills we cosponsored.

The other one I want on the record, because I think it is so important for the homemakers of our country, is the homemaker IRA, which was the Hutchison-Mikulski bill that allows stay-at-home spouses, those who work inside the home, to put aside the same amount for retirement security that will accrue without being taxed as someone who works outside the home, which was not the case before Senator MIKULSKI and I passed our bill. It is one of the singular achievements, I think, in helping especially women who usually go in and out of the workplace to save, without being taxed every year, in a retirement account the same amount as if they work outside the home.

We have worked together, and I know we will work together on many other issues. And I hope we will end up working together on this issue because we do have the same goal, and that is to provide a fair legal process for people to have the right to sue for discrimination and the employer that is accused to have the right of defense.

I ask unanimous consent to print in the RECORD the report of the Heritage Foundation that was mentioned earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation, Jan. 7, 2009]

THE LEDBETTER ACT: SACRIFICING JUSTICE FOR "FAIR" PAY

(By Andrew M. Grossman)

Congressional leaders have said that they will fast-track the Lilly Ledbetter Fair Pay Act, a bill that would allow pay discrimina-

tion lawsuits to proceed years or even decades after alleged discrimination took place. Proponents say that the legislation is necessary to overturn a Supreme Court decision that misconstrued the law and impaired statutory protections against discrimination, but the Court's decision reflected both longstanding precedent and Congress's intentions at the time the law was passed.

In addition, eliminating the limitations period on claims would be bad policy. Since ancient Roman times, all Western legal systems have featured statutes of limitations for most legal claims. Indeed, they are so essential to the functioning of justice that U.S. courts will presume that Congress intended a limitations period and borrow one from an analogous law when a statute is silent. While limitations periods inevitably cut off some otherwise meritorious claims, they further justice by blocking suits where defensive evidence is likely to be stale or expired, prevent bad actors from continuing to harm the plaintiff and other potential victims, prevent gaming of the system (such as destroying defensive evidence or running up damages), and promote the resolution of claims. By eliminating the time limit on lawsuits, the Ledbetter Act would sacrifice these benefits to hand a major victory to trial lawyers seeking big damage payoffs in stale suits that cannot be defended.

The Ledbetter Act would also lead to myriad unintended consequences. Foremost, it would push down both wages and employment, as businesses change their operations to avoid lawsuits. Perversely, it could actually put women, minorities, and workers who are vocal about their rights at a disadvantage if employers attempt to reduce legal risk by hiring fewer individuals likely to file suit against them or terminating those already in their employ.

Rather than effectively eliminate Title VII's limitations period, Congress could take more modest, less risky steps to ease the law's restrictions, if such change is warranted. Most directly, it could lengthen the limitations period to two or three years to match the periods in similar laws. Another option is to augment the current limitations period with a carefully drafted "discovery rule" so that the time limit on suing begins running only when an employee reasonably suspects, or should reasonably suspect, that he or she has been discriminated against. While either of these options would sacrifice some of the benefits of the current limitations period, they are far superior alternatives to throwing the law wide open to stale claims and abuse.

THE LEDBETTER SUIT

For all the rhetoric about the Supreme Court's Ledbetter decision—the New York Times, for one, called it "a blow for discrimination"—it addresses not the substance of gender discrimination but the procedure that must be followed to assert a pay discrimination claim. Specifically, the case presented only the question of when a plaintiff may file a charge alleging pay discrimination with the Equal Employment Opportunity Commission (EEOC), a prerequisite to suing.

Lilly Ledbetter, who worked for Goodyear Tire and Rubber Co. from 1979 until 1998 as a factory supervisor, filed a formal EEOC charge in July 1998 and then a lawsuit in November, the same month that she retired. Her claim was that after she rebuffed the advances of a department foreman in the early 1980s, he had given her poor performance evaluations, resulting in smaller raises than she otherwise would have earned, and that these pay decisions, acting as a baseline,

continued to affect the amount of her pay throughout her employment. She said she had been aware of the pay disparity since at least 1992.

Initially, Ledbetter sued under the Equal Pay Act of 1963 (EPA) and Title VII of the Civil Rights Act of 1964, a more general anti-discrimination statute. The EPA, unlike Title VII, has been interpreted not to require proof that pay discrimination was intentional but just that an employer paid an employee less for equal work without a good reason for doing so. For such claims, the EPA imposes a two-year statute of limitations, meaning that an employee can collect deficient pay from any discriminatory pay decisions made during that period, whether or not the employer intended to discriminate in any of those decisions. Title VII, while imposing a shorter filing deadline of 180 days and requiring proof of intent to discriminate, allows for punitive damages, which the EPA does not. Perhaps for this reason, Ledbetter abandoned her EPA claim after the trial court granted summary judgment on it in favor of her former employer.

On her Title VII claim, however, Ledbetter prevailed at trial before a jury, which awarded her \$223,776 in back pay, \$4,662 for mental anguish, and a staggering \$3,285,979 in punitive damages. The judge reduced this total award to \$360,000, plus attorneys' fees and court costs.

Goodyear appealed, and the Eleventh Circuit Court of Appeals reversed the decision on the grounds that Ledbetter had not provided sufficient evidence to prove that an intentionally discriminatory pay decision had been made within 180 days of her EEOC charge. Ledbetter appealed to the Supreme Court, challenging not that determination but only the Court of Appeals' application of Title VII's limitations period.

In a decision by Justice Samuel Alito, the Supreme Court held that the statute's requirement that an EEOC charge be brought within 180 days of an "alleged unlawful employment practice" precluded Ledbetter's suit, because her recent pay raises were not intentionally discriminatory. Ledbetter argued that the continuing pay disparity had the effect of shifting intent from the initial discriminatory practice to later pay decisions, performed without bias or discriminatory motive. The Court, however, had rejected this reasoning in a string of prior decisions standing for the principle that a "new violation does not occur, and a new charging period does not commence, upon the occurrence of subsequent nondiscriminatory acts that entail adverse effects resulting from the past discrimination." For those familiar with the law, this appeared to be a rehash of a 1977 case that reached the same conclusion on identical grounds.

Thus, the Court affirmed the lower decision against Ledbetter.

THE PURPOSES OF LIMITATIONS PERIODS

That result did not speak to the merits of Ledbetter's case—that is, whether she had suffered unlawful discrimination years before—but only to the application of the statute's limitations period. Although it seems intrinsically unfair to many that a legal technicality should close the courthouse doors, statutes of limitations, as the majority of the Court observed, do serve several essential functions in the operation of law that justify their cost in terms of barred meritorious claims. In general, limitations periods serve five broad purposes.

Justice Story best articulated the most common rationale for the statute of limitations: "It is a wise and beneficial law, not de-

signed merely to raise a presumption of payment of a just debt, from lapse of time, but to afford security against stale demands, after the true state of the transaction may have been forgotten, or be incapable of explanation, by reason of the death or removal of witnesses."

Indeed, Ledbetter itself illustrates this function. Different treatment, such as pay disparities, may be easy to prove even after much time has lapsed, because the kinds of facts at issue are often documented and, indeed, are rarely in dispute. More contentious, however, is the defendant's discriminatory intent, which Title VII requires in addition to proof of disparate treatment. The evidence proving intent can be subtle—for example, "whether a long-past performance evaluation . . . was so far off the mark that a sufficient inference of discriminatory intent can be drawn." With the passage of time, witnesses' memories may fade, stripping their accounts of the details necessary to resolve the claim. Evidence may be lost or discarded. Indeed, witnesses may disappear or perish—the supervisor whom Ledbetter accused of misconduct had died by the time of trial. Sorting out the subtleties of human relationships a decade or more in the past may be an impossible task for parties and the courts, one at which the defendant, who did not instigate the suit, will be at a particular disadvantage. This seems to have been the case in Ledbetter.

Statutes of limitations, in contrast, require a plaintiff to bring his or her claim earlier, when evidence is still fresh and the defendant has a fair chance of mustering it to mount a defense. In this way, statutes of limitations also serve to prevent fraudulent claims whose veracity cannot be checked due to passage of time.

Second, statutes of limitations also help to effectuate the purposes of law. They encourage plaintiffs to diligently prosecute their claims, thereby achieving the law's remedial purpose. This is particularly the case for statutes such as those forbidding discrimination in employment practices, where Congress has created causes of action to supplement government enforcement actions. Litigation under such statutes is, in part, a public good, because the plaintiff in a meritorious suit secures justice not just for himself but for similarly situated victims, as well as the public at large, which has expressed its values through the law. Anti-discrimination law is the archetypical example of an area where private suits can promote far broader good. Other victims and the public are best served when workers who believe they have been subject to discrimination have the incentive to investigate the possible unlawful conduct, document it, and then challenge it in a timely fashion. This was an explicit goal of the Civil Rights Act of 1964, whose drafters reasoned that the short limitations period and mandatory EEOC administrative process would lead most discrimination complaints to be resolved quickly, through cooperation and voluntary compliance.

Third, time limits on filing lawsuits prevent strategic behavior by plaintiffs. In some cases, plaintiffs may wait for evidence favorable to the defense to disappear or be discarded, for memories to fade and witnesses to move on, before bringing claims. Particularly under laws that allow damages continuing violations or punitive damages, plaintiffs may face the incentive to keep quiet about violations as the potential pool of damages grows. Concerns that plaintiffs will game the system in this way are so prev-

alent that an entire doctrine of judge-created law, known as "laches," exists to combat certain of these abuses. Laches, however, is applied inconsistently, and courts often decline its exercise in enforcing statutory rights. A limitations period puts a limit on the extent to which plaintiffs can game the law by delaying suit.

Fourth, time-limiting the right to sue furthers efficiency. Valuable claims are likely to be investigated and prosecuted promptly, while most of dubious merit or value are "allowed to remain neglected." Thus, "the lapse of years without any attempt to enforce a demand, creates, therefore, a presumption against its original validity, or that it has ceased to subsist." Statutes of limitations, then, are one way that our justice system focuses its limited resources on the most valuable cases, maximizing its contribution to the public good.

Finally, there is an intrinsic value to repose. It promotes certainty and stability. Putting a deadline on claims protects a business's or individual's settled expectations, such as accounting statements or income. At some point, surprises from the past, in the form of lawsuits, cease to be possible. As with adverse possession of land, the law recognizes that, though a wrong may have been done, over time certainty of rights gains value.

For these important reasons, statutes of limitation are ubiquitous in the law and have been since ancient Roman times. Limitations periods necessarily close the courthouse doors to some potentially worthwhile claims—an outcome so harsh that it would be "pure evil," observed Oliver Wendell Holmes, if it were not so essential to the operation of law. That a single good claim has been barred, then, proves not that the deadline for suit is unfair or unwise but only that justice cannot provide a remedy in every case.

THE LEDBETTER ACT

Nonetheless, editorial reaction to Ledbetter was swift and almost entirely negative, with most writers drawing from Justice Ginsburg's bombastic dissent (which she read in part from the bench) calling the majority's reasoning "cramped" and "incompatible with the statute's broad purpose." Ginsburg's logic, repeated on the opinion pages, and often news pages, of countless newspapers, was that Ledbetter was a member of a protected class (women), performed work equal to that of the dominant class (men), and was compensated less for that work due to gender-based discrimination. End of story. Pay discrimination, Ginsburg argued, is different than other forms of discrimination and is more akin to a "hostile work environment" claim, which by its nature involves repeated, ongoing conduct. But this is creative reimagining of the statute: Nowhere in it is there any room for the limitations period present in the statute or indeed any of the other requirements that Congress crafted.

Unfortunately, though, it was Ginsburg's dissent, and her unseemly urging that "once again, the ball is in Congress' court," that spurred the drafters of the Lilly Ledbetter Fair Pay Act, which was introduced soon after the Court issued its decision and passed the House in short order. The bill would adopt Ginsburg's view, amending a variety of anti-discrimination laws to the effect that a violation occurs "each time wages, benefits, or other compensation is paid" that is affected by any discriminatory practice. In this way, the law would simply eliminate the limitations period as applied to many cases.

Under the Ledbetter Act, employees could sue at any time after alleged discrimination occurred, so long as they have received any compensation affected by it in the preceding 180 days. While this would certainly reverse Ledbetter, it goes much further by removing any time limitation on suing in pay-related cases, even limitations relating to the employee's learning of the discrimination—an approach that is known in other contexts, such as fraud, as a “discovery rule.” This new rule is also broader in that it would apply to any (alleged) discrimination that has had an (alleged) effect on pay, such as an adverse promotion decision. In addition, retirees could bring suits alleging pay-related discrimination that occurred decades ago if they are presently receiving benefits, such as pensions or health care, arguably effected by the long-ago discrimination.

In these ways, the Ledbetter Act would allow cases asserting extremely tenuous links between alleged discrimination and differences in pay, which may result from any number of non-discriminatory factors, such as experience. Employers would be forced to defend cases where plaintiffs present evidence of a present wage gap, allegations of long-ago discrimination, and a story connecting the two. As wage differences between employees performing similar functions are rampant—consider how many factors may be relevant to making a wage determination—a flood of cases alleging past discrimination resulting in present disparity would likely follow passage. In addition to investigatory and legal expenses, employers will face the risk of punitive damages and the difficulty of rebutting assertions of discriminatory acts from years or decades ago.

The flood of lawsuits would not be endless, however, because, as Eric Posner observes, employers can be expected to change their hiring, firing, and wage practices to reduce the risk of lawsuits. To the extent that disparities in treatment are the result of discrimination, this may undercut its effects. But if, as Posner puts it, businesses “start paying workers the same amount even though their productivity differs because they fear that judges and juries will not be able to understand how productivity is determined,” the law would impose significant costs on businesses and, by extension, consumers and the economy. The result would be a hit to employment and wages, combined with higher prices for many goods and services.

Perversely, the Ledbetter Act may actually harm those it is intended to protect. In making employment decisions, businesses would consider the potential legal risks of hiring women, minorities, and others who might later bring lawsuits against them and, as a result, hire fewer of these individuals. Even though this discrimination would violate the law, it would be difficult for rejected applicants to prove. Other employers might simply fire employees protected by Title VII—and especially those who are vocal about their rights under the law—to put a cap on their legal liabilities. Again, this would be illegal, but difficult to prove.

These kind of unintended consequences have been a chief effect of the Americans with Disabilities Act, which prohibits discrimination against individuals with disabilities and enforces that prohibition through civil lawsuits. Today, the disabled earn less and work far less than they did prior to enactment of the ADA, and a number of economists, including MIT's Daron Acemoglu, blame the ADA for reducing the number of employment opportunities available to the

disabled. In this way, by dramatically increasing employers' exposure to potential liability when they hire members of protected classes, the Ledbetter Act would put members of those classes at a disadvantage in the labor marketplace.

BIG PAYOFFS FOR THE TRIAL BAR

It is difficult to explain the hue and cry from parts of the bar that accompanied Ledbetter, given that the plaintiff clearly could have proceeded under the Equal Pay Act without running into a limitations period problem. One explanation is that Title VII, unlike the EPA, allows for punitive damages in addition to several years' worth of deficient pay. Had she proceeded under the EPA and prevailed, Ledbetter would have received deficient pay going back two or three years prior to filing a charge with the EEOC—about \$60,000 according to the trial court. But under Title VII, the case was worth six times that amount, due to a large punitive award.

That result becomes all the more alluring to the plaintiff's bar when one considers the possibility of follow-on lawsuits and, in limited instances, class actions. A single legal victory against an employer could provide the fodder for scores of lawsuits by similarly situated employees and former employees receiving benefits, each alleging a pattern of discrimination affecting pay, as evidenced by the previous lawsuits. In this way, each lawsuit becomes easier and cheaper to bring than the last. Employers, then, would face the choice of fighting every suit with all their might—because any loss could lead to scores more—or agreeing to generous settlements, even in marginal cases, to avoid the risk of high-stakes litigation.

This may account for the trial bar's keen interest in the Ledbetter Act—it is among the top priorities of the American Association for Justice (formerly the American Trial Lawyer's Association)—despite the existence of other, less attractive statutory remedies for those who are the victims of recent or continuing discrimination or unjustified pay disparities.

SAFER SOLUTIONS

It is true, as proponents of the Ledbetter Act have noted, that the statute of limitations for Title VII is shorter than most others. There are good reasons for this, though, considering the context in which it was drafted. Chief among them, many Members of Congress, when they considered the Civil Rights Act of 1964, feared that businesses would be overwhelmed with litigation. Others favored voluntary conciliation over litigation. Some might have been concerned that evidence of discriminatory intent would fade away if the limitations period were too long. A relatively brief limitations period certainly satisfies these concerns.

But if Congress believes that it is too short, it has far less drastic and disruptive options at its disposal than effectively eliminating the limitations period altogether. It could, quite simply, extend the period to two or three years to match the EPA. This would give employees more time to uncover possible discrimination and seek remedies, without allowing a flood of lawsuits premised on aged grievances. There is also more logic to matching the more specific statute's limitations periods than leapfrogging it so dramatically.

Another option was proposed in the last Congress as the “Title VII Fairness Act” (S. 3209, 110th Cong.). This legislation would maintain the current limitations period but augment it with a “discovery rule” so that

the period begins running only when the employee reasonably suspects, or should reasonably suspect, that he or she has been discriminated against. This approach has the benefit of encouraging employees to investigate and take action on worthwhile claims, while keeping many stale claims out of court. Some courts, however, might twist this looser rule to allow stale claims brought by sympathetic plaintiffs, such as Lilly Ledbetter, who learned about the possible discrimination fully six years before filing a charge. It would also undermine, somewhat, the clear bright-line rule that a hard statute of limitations provides. Nonetheless, this approach would provide far more certainty, and prove far less disruptive, than eliminating the limitations period.

A PERFECT STORM

It was a surprise to many legal observers a year and a half ago that the Ledbetter case—an unremarkable application of a rule settled 20 years prior—would attract any interest at all. But on closer examination, the course of events leading up to the Supreme Court's decision, and the reaction since, have not been by chance but by design, part of a “perfect storm” orchestrated by trial lawyers, wrongheaded civil rights organizations, and labor groups to achieve a radical shift in employment law. These special interests have an extensive agenda planned for the current Congress. Yet Members should consider each plank of it on the merits.

Far beyond reversing the result of a single Supreme Court decision—one that, viewed fairly, was consistent with precedent and fairly represented Congress's intentions—the Lilly Ledbetter Fair Pay Act would open the door to a flood of lawsuits, some frivolous, that employers would find difficult or impossible to defend against, no matter their ultimate merit. Rather than help employees, the bill could end up hurting them by reducing wages and job opportunities—at a time when unemployment is rising and many are nervous about their job prospects. Instead, Congress should recognize that statutes of limitations serve many important and legitimate purposes and reject proposals that would allow litigants to evade them.

Mrs. HUTCHISON. Madam President, it is very important that we have the whole legal memorandum on the Ledbetter Act and my substitute amendment. I want to read a couple of paragraphs from it. The Heritage Foundation report says:

Another option was proposed in the last Congress—

My bill—

as the “Title VII Fairness Act.” This legislation would maintain the current limitations period but augment it with a “discovery rule” so that the period begins running only when the employee reasonably suspects, or should reasonably suspect, that he or she has been discriminated against. This approach has the benefit of encouraging employees to investigate and take action on worthwhile claims, while keeping many stale claims out of court. Some courts, however, might twist the looser rule to allow stale claims brought by sympathetic plaintiffs, such as Lilly Ledbetter, who learned about the possible discrimination fully six years before filing a charge. It would also undermine, somewhat, the clear bright-line rule that a hard statute of limitations provides. Nonetheless, this approach would provide far more certainty, and prove far less disruptive, than eliminating the limitations period.

Which the underlying bill does. I added for emphasis those last words. It goes on to say:

Far beyond reversing the result of a single Supreme Court decision—one that, viewed fairly, was consistent with precedent and fairly represented Congress's intentions—the Lilly Ledbetter Fair Pay Act would open the door to a flood of lawsuits, some frivolous, that employers would find difficult or impossible to defend against, no matter their ultimate merit. Rather than help employees, the bill could end up hurting them by reducing wages and job opportunities—at a time when unemployment is rising and many are nervous about their job prospects. Instead, Congress should recognize that statutes of limitations serve many important and legitimate purposes and reject proposals that would allow litigants to evade them.

The full reading of this legal memorandum by the Heritage Foundation, I think, makes the case for my substitute as the right approach, giving more rights to the plaintiff but not eliminating or discriminating against the business to defend itself.

Let me make two points. My amendment codifies the employee's right to establish what he or she didn't know. It is so necessary that we have this right, and it is necessary to know when the person should have known and make that part of the record. Otherwise, it would allow a person to knowingly sit on a claim, to run up the amount that might be added to the discriminatory act in punitive damages. That should not be a part of our legal system.

There is one other point I want to make about the Supreme Court case that the Mikulski bill will overturn.

The Supreme Court separated a discriminatory pay policy from a single discriminatory act. That was their intention. It is the law today, and it would be the law under my substitute, that if there is a policy of discriminatory pay, every paycheck would be a discriminatory act. So it would continue if it were a policy. That is the law, and it should be the law, and it will be the law if my substitute is adopted.

What the Supreme Court did in the Ledbetter case was say when it is a single act of discrimination, not one that is discriminatory in policy, that should have a statute of limitations. But perhaps we could have a reasonable rebuttable presumption that the person should have known, and when the person brings the claim, that person can establish: I could not have known because we weren't allowed to talk about our pay. That could be a reason the court would say is legitimate, and it would uphold the statute of limitations.

The Senator from Pennsylvania was here earlier. He has several amendments. The Senator from Wyoming, Mr. ENZI, has an amendment. I think we can make this a good bill that everyone will think is fair, that will give more rights to the plaintiff but does not keep the defense from having a fair

chance to defend the business. And I believe that is the right approach.

I hope we can pass my substitute. I hope we can continue to work on this bill so that everyone will feel good about voting for it and our businesses won't be subject to a lawsuit 10 years after an act is alleged to have occurred and have a bill run up, when maybe if we have a statute of limitations that is reasonable and you have the ability to bring it, it could even be settled right then and there so that the employer is not going to have a big expense that might even close the business and lay off more people, which is not a result any of us would want. So I hope we can write the law carefully to avoid that eventuality.

Madam President, I yield the floor.

Ms. MIKULSKI. Madam President, I know the Senator from Minnesota wishes to speak, and I also know the Senator from New Jersey is here. I believe we are going to turn next to the Senator from New Jersey.

Madam President, while the Senator from New Jersey, who just arrived, is still organizing, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, is there a time limitation?

The PRESIDING OFFICER. There is not.

Mr. MENENDEZ. Madam President, I rise today to support the Lilly Ledbetter Fair Pay Act in order to defend the Civil Rights Act of 1964 and to protect all Americans from the evils of discrimination.

Yesterday, millions of Americans rejoiced as Barack Obama was sworn in as the 44th President of the United States. Hope for a more inclusive America, a more unified America, a more just America swept across this land from our biggest cities to our smallest towns. There was a sense of wonder that someone who wouldn't have been allowed to eat in certain restaurants or drink from certain water fountains over 40 years ago had just become the freely elected leader of the greatest country on Earth. We should be incredibly proud of the progress we have made since the errors of slavery and Jim Crow.

But while we believe our Union can be perfected, we know it still isn't perfect. We know that equal opportunity and impartial justice for all have yet to be attained. And we know what the consequences are, for, as Dr. King so eloquently put in his letter from a Birmingham jail, "Injustice anywhere is a threat to justice everywhere."

Despite the progress we have made, we live in a country where women still earn 78 cents for every dollar a man makes, where African Americans earn only 80 cents for every dollar a White man makes and Latinos earn only 68 cents for every dollar a White man makes. Our country, therefore, is still far from perfect.

Today, the Senate has a historic opportunity to narrow the gap between our ideals and our practices. We have the opportunity to say that women should be treated the same as men. We have the opportunity to say that people should be fairly paid for their labor. We have the opportunity to loudly proclaim in a unified voice that discrimination will not be tolerated in America.

As of last year, after a misguided Supreme Court decision overturned what had been the law of the land for decades, a worker can't bring an action for wage discrimination if the original decision to discriminate happened more than 180 days beforehand. The Supreme Court said employers can get away with discrimination if they hide it long enough, even though the effects of that bigotry have no expiration date.

The Lilly Ledbetter Fair Pay Act would recognize the long-term, continuous, systemic discrimination as it really is and not let offending companies get away with it through loopholes and disinformation. If a woman sees her wages continuously fall behind those of her male counterparts or a worker gets paid a wage far lower than the company average just because she is Black, they should be able to challenge their employers even if the original decision to discriminate was made years ago.

Narrowly defining discrimination as merely the original decision to discriminate makes no sense at all. Let's say, for example, that a criminal hacks into your bank account and decides to steal a portion of your paycheck every 2 weeks. If we were to apply a precedent similar to the Ledbetter case, if the hacker doesn't get caught 180 days after the initial decision to hack in, he can keep stealing forever with no fear of prosecution. Current discrimination law makes about that much sense.

Now, some of my colleagues on the other side of the aisle will ask why workers often don't file their claim within 180 days from the first instance of discrimination. Well, there are several reasons. To begin with, workers generally find it difficult to compare their salaries to coworkers, and many businesses actually prohibit it. Even if a worker sees her pay is lower than her coworkers, she might not recognize it was a result of discrimination. And if workers do recognize it as discrimination, they often wait to contact the EEOC—the Equal Employment Opportunity Commission—or decide not to due to feeling ashamed or more often

they fear retaliation by their company. They fear the consequences of "rocking the boat" and figure a job in which they are discriminated against is better than being fired and having no job at all. And certainly, in these incredibly tough economic times, that is a rising reality. To make matters worse, skyrocketing unemployment rates have only put these vulnerable workers in a more precarious and often helpless position.

Some of my Republican colleagues will also argue that this legislation will open the floodgates, leading to thousands of lawsuits claiming wage discrimination. But this argument simply has no merit. For over 40 years, the courts have interpreted the Civil Rights Act of 1964 to be consistent with the Lilly Ledbetter Fair Pay Act. Eight out of nine appellate courts interpreted it that way, and yet there was no flood of litigation then, nor will there be after we enact this vital piece of legislation into law.

Some of my conservative colleagues will argue that this legislation will make companies liable for decades of backpay and will encourage workers to intentionally delay and file claims years later when those accused might no longer be around to defend themselves. Again, these arguments simply ignore the facts. Under this legislation, backpay would be capped at 2 years regardless of how long the victim was discriminated against and the burden to prove discrimination took place is borne by the worker. Any lack of witnesses available to testify would only hurt the worker's efforts to prove their case.

Critics who say this legislation will cripple businesses miss the point. The fact is that companies following the law are currently put at a competitive disadvantage compared to those who exploit their workers. The executive director of the U.S. Women's Chamber of Commerce—a strong business advocacy group—succinctly noted:

The Lilly Ledbetter Fair Pay Act rewards those who play fair—including women business owners—unlike the Supreme Court's decision, which seems to give an unfair advantage to those who skirt the rules.

So we have a strong business advocacy group saying treat those who are obeying the law as it was intended and as it, in fact, has been pursued for over four decades in a way that doesn't put them at a competitive disadvantage. The vast majority of businesses that practice legal hiring procedures will not have to change anything and will no longer be punished for doing the right thing.

Wage discrimination is real. The Fair Pay Act would strike a clear blow against it. So we have to make sure to keep the legislation strong. Unfortunately, I am afraid the amendment offered by our colleague from Texas, Senator HUTCHISON, would severely under-

mine it. That amendment would require people to prove they had no reason—no reason—to suspect their employer was discriminating against them in 180 days. The amendment is pretty confusing just on its face. I have to ask, how does an employee prove she doesn't suspect discrimination? And when should she have to? In general, I don't see how it is relevant whether a victim suspects discrimination; the issue is whether there is discrimination. If it is happening, it has to be stopped, plain and simple. You can't ultimately be in a position in which you are allowed to discriminate and get away with it. If we send that message in our society, then all the progress we have made will be rolled back.

Madam President, I would like to believe that every Member of this body champions principles of equality, justice, and liberty as much as I do. But principles are meaningless without practice. Without vigilantly ensuring that no person is discriminated against because of their gender, their race, their religion, their ethnicity, or their sexual orientation, our principles become just empty words.

I would like to remind my colleagues that inaction on this issue is akin to tacit acceptance. And as Dr. King said:

We will remember not the words of our enemies but the silence of our friends.

I urge my colleagues to remember those wise words and put their votes where their values are by supporting this vital piece of civil rights legislation.

I thank my distinguished colleague from Maryland for leading the charge. She has been an exceptional fighter on this issue, and I know she will soon see the fruits of her labor, not for herself and her advocacy but for millions of women, Latinos, and African Americans who find themselves discriminated against and who deserve the ability for all to be able to enjoy the fruits of their labor without such discrimination.

Madam President, I thank my distinguished colleague from Minnesota for allowing me to move forward in this time, during this process, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I am proud to join with Senator MIKULSKI and so many others in calling for the Senate to take up and pass the Lilly Ledbetter Fair Pay Act and to do it as soon as possible.

Many here have told Lilly Ledbetter's story, so I am not going to go through it again. But I will tell you, sometimes when you get to know someone, as I have gotten to know Lilly Ledbetter as a person, it means more to you. It is like when someone is arguing against a change in the law, and they suddenly find it happens to their own wife or their own daughter,

they start to feel a little differently about it. So that is why I believe it is very important to do this and to make this as simple as possible and as easy as possible in order to make sure there is not discrimination in the workplace, because it is a sad reality, that still, 88 years after the 19th amendment gave women equal voting power, and 45 years after the passage of the Equal Pay Act, it still takes women 16 months to earn what men can earn in 12 months.

I have been listening to some of the arguments made today. I was picturing what would happen if, in fact, that Supreme Court decision stayed in place, which basically said that you are supposed to somehow figure out you are being discriminated against. It says it doesn't matter if you knew or not. If it happens, you have to sue right away. I was thinking how that would work in reality, how you are supposed to find out and how Lilly Ledbetter was supposed to find out. It would be as if Senator MENENDEZ and I worked in the same company and we were doing the same job and both doing it well and he was paid more than I was. How would you know that, if you are an employee at a workplace? Are you supposed to start snooping through their paychecks and opening them and trying to figure out how much he is paid? I don't think a normal person would do that.

Are you supposed to start getting to know the people who work around him to find out how much money he makes, see if he told anyone, start asking around about your fellow employee? This doesn't make sense in the real world workplace, and it certainly, as has been pointed out, is not consistent with 40 years of law in this area.

Today we have before us the Hutchison amendment. I appreciate the work of Senator HUTCHISON in so many areas, how the women of the Senate work on a bipartisan basis, but I believe in the end this amendment is wrong. What this amendment basically says is you are not going to be able to bring any kind of claim of discrimination, even a valid one, without having to go through a bunch of hoops and dot a bunch of I's and cross a bunch of T's that is very hard to do. Again, if you want to make sure this discrimination doesn't take place, make it a clear rule, make it a bright-line rule, as we do in so many other employment cases.

Under the Hutchison amendment, our workers are subject to that Supreme Court decision in Ledbetter, unless they can prove they had no reason to suspect that their employer was discriminating against them.

Again, I believe this is done for good motives, in the spirit of some kind of compromise. But, again, I try to look at the real world and think: How would you be able to prove this? Maybe things happen in the real world, maybe one of your work colleagues—if Senator MENENDEZ and I were working in

the same factory and maybe someone else, maybe you, the Presiding Officer, also worked there and maybe sometime at a coffee break you said: You know, I think he is making more money than you are, and it goes away and nobody talks about it. Would that be enough? Would that be enough to show a suspicion that you thought you were being discriminated against, that he was making more money?

What if he bought a new car, a nice new car. He is driving around in that nice car and people are starting to think: I wonder if he got a raise. Is that a suspicion that he is making more money? What if you just think he is making more money and you tell one person on the phone, but you don't know for sure?

When you start thinking this through, you realize why this standard, this "reasonable suspicion" standard, doesn't appear in our employment statutes. It is because it is simply unworkable as a standard, despite the good motivation to try to come up with some understanding, some kind of compromise. It doesn't make any sense. It is based on rumor.

I believe there are enough rumors around this place without starting to put them into law. A rumor starts somewhere. It changes someplace else. By the time it comes back to you, it is totally different, and I would rather not write rumors and suspicions into the law. I prefer a bright-line rule.

As has also been mentioned by some of my colleagues, we have not seen this unfair rush of litigation under the existing law. In fact, under this, if you have suspicions, it would force you to try to rush to file your claim. I think a good argument could be made—we don't know for sure, but a good argument could be made it would actually lead to more claims. This idea that it would force a worker, put the burden on the worker to spend time and money trying to meet this complicated standard that does not appear anywhere else in the law deprives employers and employees of a clear bright-line rule for determining the timeliness of claims.

I know from my work in the private sector for 13 years, people prefer bright-line rules. It makes it easier for everyone.

One of the arguments made is that somehow this would allow some raving employee, some mad employee to go back—they would simply hide their case so no one would know about it so they could keep getting backpay. This argument defies the actual rules. What are the actual rules? It says you can go back for only 2 years. Look what happened in the Lilly Ledbetter case. She went to her trial. The jury awarded her a big amount, but then it had to be reduced because the law acknowledged this, the argument made of the difficulty, and said you can only go back

for 2 years. The law also has caps on damages for major employers. I think it is something like \$300,000. There are caps. There are look-back rules that get to the argument that was made here. You can see it right in the Ledbetter case, if you do not believe me. The money was reduced because of those rules that are in place.

Why suddenly we would put in a standard that we do not have in the law today, when, in fact, we have that 2-year backpay rule to protect against exactly the arguments that were being made, and we have caps in place?

The Lilly Ledbetter Fair Pay Act is the only bill that gives employees the time to consider how they have been treated and try to work out solutions with their employers. That often happens. We encourage that. We would like that to happen. You don't want everyone running into court. It fulfills Congress's goals, creating incentives for employers to voluntarily correct any disparity in pay they find, and it ensures that employers do not benefit from continued discrimination. That is all it does. It is simple.

Let me tell you a little story from the State of Minnesota to end here, why I care about this so much. That is that my grandpa was a miner up in northern Minnesota. He worked hard his whole life. He never graduated from high school, saved money in a coffee can to send my dad to college. He worked hard in those mines. It was a rough-and-tumble world up in the mines of northern Minnesota.

In the mine next door to where my grandpa worked, there were a number of women—decades later, after my grandpa worked there—who started working in the mines. It was not an easy life. If anyone has seen the movie "North Country," that was the basis of the movie. It happened in the mines. My relatives were right next door.

The women there were discriminated against. I am not sure of all the details. Maybe some of it was pay, but some of it was just discriminatory treatment. It went on and on. It was an example, if you have seen that movie, of how difficult it was for them to get the gumption to stand and finally file suit because they liked these guys. They were their coworkers. They worked with them. They wanted to fit in and they tried so hard. Eventually, they brought a lawsuit, but it took time for them to be able, in that hard, rough-and-tumble world of those iron ore mines, to bring that lawsuit.

They eventually did and they eventually won that suit at great personal sacrifice to them, as documented in that movie, "North Country."

Things changed as a result of that lawsuit at the mines. It was not a popular thing they did. It is not even popular right now. But things changed in those mines. When I ran for the Senate, the first endorsement I got was from

the United Steelworkers. The guy who gave it to me was the guy who was the union steward, the same guy, Stan Daniels, at that mine at that time, that was the subject of the lawsuit.

I got elected the first woman Senator from Minnesota. The world changes. That is why this bill is so important, to maintain that right of workers. I know in my State there is lots of the discriminatory treatment going. The world changes as people realize and understand the law and employers are educated on the law, but we still need that safety valve in place. We still need those protections in place so workers can get paid fair pay for what they do.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, we are awaiting the arrival of the distinguished ranking member of the Health, Education, Labor, and Pensions Committee because he wishes to offer an amendment this evening. We wish to accommodate him. The Senator from Wyoming has been the soul of civility on this issue and has helped us to move the bill thus far. But it is our intention to ask all speakers to come now because the Senator from Texas and I would like to be able to conclude this debate for this evening—not to conclude the debate, but for this evening—around 7. I am not making a unanimous consent request, I just wish to put a few things out there.

While we are waiting for the arrival of our colleague from Wyoming, I would like to have printed in the RECORD an excellent monograph put out by the National Women's Law Center on the Hutchison amendment. It is a very lawyer-like paper, but it is also done in plain English. That outlines some of the real issues the Hutchison substitute could present.

I ask unanimous consent that this paper in its entirety be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. MIKULSKI. Just to give a few highlights, they advise us that the Hutchison bill allows clear pay discrimination to continue without a remedy. That is why we are doing this Lilly Ledbetter Fair Pay Act in the beginning. They make that point because they say:

The Hutchison bill prevents employees from challenging discrimination to which they continue to be subject. [It] perpetuates the basic problem created by the Ledbetter decision.

That is what I argued earlier in the evening.

Under the bill, employers are left without any remedy against present and continuing pay discrimination if they do not file a government complaint within 180 days of the first day when they "have or should be expected to have" enough information to suspect discrimination.

One of the main arguments, the differences we have with our colleague from Texas, is the should have, we should have, we should have known—how should you have known?

When you go into a workplace, one of the few things that is not discussed is pay. I commented in an earlier debate, you can talk about anything in the workplace. You can talk about religion at the water cooler. You can talk about politics at the Xerox machine. But you cannot talk about pay. This could have, should have—we don't want to have a framework where everyone who has been discriminated against by our culture and by our practice in the workplace goes into a new job with a chip on their shoulder. We are going to presume people are fair-minded. That is the way most people show up every day. This Hutchison amendment, could have, would have, should have, I think is going to create a nightmare. It is going to do exactly what the Senator doesn't want. I think it is going to generate more lawsuits and not only more lawsuits but more lawyers arguing about could have or should have suspected.

The Hutchison bill permits employers to escape accountability for continuing pay discrimination. Like the Ledbetter decision, the Hutchison substitute immunizes an employer from any challenge to pay discrimination, even where the employer continues to profit from it. Under the Hutchison bill, an employer is off the hook for, and can continue to gain a windfall from, continued pay discrimination. . . .

You know, when you discriminate, you don't usually just discriminate against one person in the company. It is usually more than one—others. Again, we are back to this would have, should have, could have.

The Hutchison bill deprives employees of the chance to assess the extent of the discrimination and work voluntarily with their employers to address any disparities.

[It] forces employees to forfeit their claims if they take the time to work out disputes amicably.

That is exactly what we want. We want to be able to work out disputes amicably, to go to maybe some alternative dispute resolution mechanism, have time to find out the facts: What is the situation? Particularly because pay disparity may start small and grow over time. Employees may want to give their employers the benefit of the doubt hoping the employers will voluntarily remedy that gap or may want to work actively with the employer to resolve the dispute. This is especially true for employees new on the job. The Hutchison amendment denies employees this opportunity, forcing them from the get-go to file adversarial Government complaints immediately upon suspecting discrimination or risk losing the right to any relief.

Now, not only is this bad law, it is bad policy, and it is going to be bad budget. I chair the Appropriations

Committee which funds the EEOC. Under the administration that left town, they were revenue starved. They have a tremendous backlog right this minute of a variety of discrimination cases. Some were wages, some dealing with gender or race or ethnicity or religion. Many of those workers really feel under siege with the workload they are going to carry. Under the Hutchison amendment, as soon as you walk into your workplace and you have a whiff, a rumor, gossip, or, oh, gee, wonder what is going on, then you have to run right to the EEOC and file a complaint.

I do not think that is good common sense. It sure is not good money sense from the strain it is going to put already on an overburdened EEOC. I think we are headed in the wrong direction.

This Hutchison bill creates burdensome and expensive, time-consuming distractions from the fundamental issue of whether an employee has been subject to pay discrimination. I fear that the Hutchison bill will increase the number of lawsuits filed against employers, and it is going to result in very protracted and very expensive minitrials in those cases that are brought.

We want to get into making sure we end wage discrimination. This bill will result in confusion for the courts and for employers. This bill rejects the bright-line familiar rule in effect before the Ledbetter decision in favor of a standard that raises numerous thorny legal and factual issues.

I like the Ledbetter Fair Pay Act, which is my bill, and also is sponsored by 54 other Members of the Senate which simply restores the familiar role for assessing the timeliness of discrimination claims that prevailed in virtually every court in this country prior to the Ledbetter decision. The Hutchison bill creates an entirely new legal regime.

The bill raises innumerable questions, including when an employee could have been found to have a "reasonable suspicion of discrimination."

Madam President, I have more arguments to make, but at the end of the day, why is the Lilly Ledbetter Fair Pay Act so excellent? Well, the bill from the viewpoint that I am advocating and the legislation that I am sponsoring would give employees the time to evaluate their suspicions of discrimination and work toward solutions with their employers, including voluntarily.

It would ensure that employers are held accountable for continued discrimination and, most of all, it would provide certainty in assessing the timeliness of pay discrimination claims and restore the law before the outrageous Supreme Court decision.

Congress should reject the approach of the Hutchison bill and instead act expeditiously to enact the Lilly Ledbetter Fair Pay Act.

EXHIBIT 1

[From the National Women's Law Center]

THE TITLE VII "FAIRNESS" ACT, S. 3209,
ALLOWS PAY DISCRIMINATION TO CONTINUE

On May 20, 2007, in *Ledbetter v. Goodyear Tire & Rubber Co.*, the Supreme Court held that employees must file claims with the government for compensation discrimination within 180 days of an employer's initial decision to discriminate or be barred from future challenges—no matter how long the discrimination has continued. The Court's decision upends decades of prior precedent and is fundamentally unfair to those subject to pay discrimination. Under the *Ledbetter* rule, employees have no recourse—and employers have no accountability—for continuing discrimination once 180 days have passed from the initial pay decision.

In July, 2007, the House of Representatives passed the Lilly Ledbetter Fair Pay Act to overturn the *Ledbetter* ruling. The Act would restore the law that applied virtually everywhere in the country before the Supreme Court's decision—that each discriminatory paycheck constitutes an act of discrimination that can be challenged. The Senate's vote on a motion to advance the *Ledbetter* Fair Pay Act fell just three votes short of passage in April of 2008.

In June, Senator Hutchison (together with other Senators who voted against advancing the *Ledbetter* Fair Pay Act) introduced S. 3209, an alternative titled the Title VII Fairness Act. But unlike the *Ledbetter* Fair Pay Act, the Hutchison bill fails to restore prior law or solve the problems created by the *Ledbetter* decision; it instead creates damaging new legal hurdles for people receiving discriminatory pay to overcome. Indeed, the Hutchison bill stands to set back basic anti-discrimination protections in the workplace even beyond equal pay.

The Hutchison bill allows clear pay discrimination to continue without a remedy.

The Hutchison bill prevents employees from challenging discrimination to which they continue to be subject. The Hutchison bill perpetuates the basic problem created by the *Ledbetter* decision. Under the bill, employees are left without any remedy against present, continuing pay discrimination if they do not file a government complaint within 180 days of the first day when they "have or should be expected to have" enough information to suspect discrimination.

The Hutchison bill permits employers to escape accountability for continuing pay discrimination. Like the *Ledbetter* decision, the Hutchison bill immunizes an employer from any challenge to pay discrimination even where the employer continues to profit from it. Under the Hutchison bill, an employer is off the hook for, and can continue to gain a windfall from, continued pay discrimination that is not immediately challenged when the employee first "should have" suspected it.

The Hutchison bill deprives employees of the chance to assess the extent of the discrimination and work voluntarily with their employers to address any disparities.

The Hutchison bill forces employees to forfeit their claims if they take the time to work out disputes amicably. Particularly because pay disparities may start small and grow only over time, employees may want to give their employers the benefit of the doubt, hoping that the employers will voluntarily remedy the pay gap—or may want to work actively with their employers to resolve the dispute over time. This is especially true if an employee is new on the job. But the Hutchison bill denies employees this

opportunity, forcing them to file adversarial government complaints immediately upon suspecting discrimination or risk losing the right to any relief.

The Hutchison bill denies employees adequate time to assess the merits of their claims. Particularly because employees subject to pay discrimination may be in an ongoing relationship with an employer, they are likely to want to be sure that they have meritorious claims before filing a government challenge to their employers' practices. But the Hutchison bill limits employees' ability to take the time necessary to confirm their suspicions of discrimination or act when the problem reaches serious proportions.

The Hutchison bill creates burdensome, expensive and time-consuming distractions from the fundamental issue of whether an employee has been subject to pay discrimination.

The Hutchison bill will increase the number of lawsuits that are filed against employers. Employees who suspect discrimination will be forced to file preemptive claims to avoid forfeiting their rights. The Hutchison bill will thus increase the amount of litigation that occurs.

The Hutchison bill will result in protracted and expensive mini-trials in the cases that are brought. Employers and employees will be forced to engage in costly battles before even getting to the merits of a discrimination dispute—that is, whether a pay decision was, in fact, based on sex, race, disability or another prohibited ground. A court will have to resolve multiple threshold issues, including what the employee suspected about pay discrimination and when s/he suspected it. On top of that, even if an employee in fact had no suspicion of discrimination, she will have to prove that her failure to suspect was reasonable. These time-consuming battles will only add to the cost and burdensomeness of litigation—and will increase the difficulty employees denied equal pay will have in getting the wages they have earned.

The Hutchison bill will result in confusion in the courts and for employers.

The Hutchison bill rejects the bright-line, familiar rule in effect before the Ledbetter decision in favor of a standard that raises numerous thorny legal and factual issues. Unlike the Ledbetter Fair Pay Act, which simply restores the familiar rule for assessing the timeliness of pay discrimination claims that prevailed in virtually every court in the country prior to the Ledbetter decision, the Hutchison bill creates an entirely new legal regimen. The bill raises innumerable questions, including when an employee can be found to have a "reasonable suspicion of discrimination."

The Hutchison bill will result in inconsistent standards for employers in different parts of the country for years to come. Because courts will likely reach different conclusions on the many legal and factual questions raised by the bill, employers in different parts of the country will likely be subject to conflicting rules, making it difficult, if not impossible, to understand their legal obligations. It will be years, if not decades, before these questions are authoritatively resolved by the Supreme Court.

The Hutchison bill could limit protections for employees in contexts beyond pay discrimination.

The Hutchison bill is not restricted to pay discrimination. The so-called Title VII Fairness Act applies to any unlawful employment practice under the anti-discrimination laws. As a result, it goes well beyond the tar-

geted, restorative approach of the Ledbetter Fair Pay Act.

The Hutchison bill could have particularly troubling impact on harassment claims. Under current law, employees can bring harassment claims as long as any incident of ongoing harassment occurs within 180 days prior to the complaint—regardless of how many incidents have occurred previously. It is predictable that some employers would use this bill's broad scope to try to escape their responsibility for sexual harassment and other types of discrimination.

The Hutchison bill responds to a purported "problem" that is, in fact, wholly invented.

Employees have no incentive to delay filing pay discrimination claims. Because employees typically cannot afford to struggle without pay to which they are legally entitled, it is simply a red herring to suggest that they will delay filing pay discrimination for years, or even decades. Furthermore, because Title VII has a two-year limit on the back pay that any plaintiff can receive, that means that if they delay they will lose compensation for all but the last two years of pay discrimination they suffer. Therefore, there is every incentive for an employee to file a pay discrimination complaint as soon as reasonably possible. It is the employer, not the employee, who benefits from any delay.

Employers were satisfied with the rules in place before the Ledbetter decision. Prior to the Ledbetter decision, employers were not asking for a change to the longstanding rules relating to the timeliness of pay discrimination claims that the Ledbetter Fair Pay Act restores. There is no evidence that the operation of the rule prejudiced employers or resulted in the success of non-meritorious claims. In fact, employers benefited from the certainty of the rule in place before Ledbetter.

The Lilly Ledbetter Fair Pay Act is the only bill that will address the basic pay discrimination that Lilly Ledbetter, and others like her, suffer.

The Ledbetter Fair Pay Act is the only bill that would have helped Lilly Ledbetter. Under the Hutchison bill, Lilly Ledbetter—to whom a jury awarded more than \$3 million in damages for the egregious discrimination she endured—would have been embroiled in protracted arguments about what she knew about her workplace and when. A court would have had to decide, for example, whether idle gossip and boasting by her co-workers—who had harassed and lied to her in the past—were sufficient to give Ms. Ledbetter a "reasonable suspicion" of discrimination. By contrast, the Ledbetter Fair Pay Act creates a bright line rule that would ensure the timeliness of claims like Ms. Ledbetter's, when the pay continues into the present.

The Ledbetter Fair Pay Act is the only bill that corrects the problems with the Supreme Court opinion. Unlike the Hutchison bill, the Ledbetter Fair Pay Act would:

Give employees the time to evaluate their suspicions of discrimination and work toward solutions with their employers;

Ensure that employers are held accountable for continued discrimination;

Provide certainty in assessing the timeliness of pay discrimination claims;

Restore the law.

Congress should reject the approach of the Hutchison bill and should instead act expeditiously to enact the Lilly Ledbetter Fair Pay Act.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I know the Senator from Rhode Island wants to speak. I will take a minute and say a couple of things.

We are going to codify a right that is not in the law today. It is sometimes applied by judges and sometimes not. We do clarify so that there is fairness for the employee as well as for the small business owner to know if something is occurring.

Our standard is, should have known, and that is what the person can show, that they had no way to know that a discrimination was occurring. We are clarifying and trying to make it more fair and more clear and more uniform across all the districts in our country.

That is our goal, and I do hope we will be able to have this amendment that will make it a law that is better for employees who might have been discriminated against, but also give the fair right to an employer not to have a right sat on and built up so that it becomes something that could hurt the small business and be unexpected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOUNTABILITY

Mr. WHITEHOUSE. Madam President, I rise as we celebrate a new President, a new administration, a new mode of governing, and a new future for America.

Even in the gloom of our present predicaments, Americans' hearts are strong and confident because we see a brighter future ahead. President Obama looks to that future. Given the depth and severity of those present predicaments, we need all his energy to look forward to lead us to that brighter day, forward to what Winston Churchill in Britain's dark days called "broad and sunlit uplands." But as we steer toward this broad and sunlit future, what about the past?

As the President looks forward and charts a new course, must someone not also look back to take an accounting of where we are, what was done, and what must now be repaired? Our new President has said, "America needs to look forward." I agree. Our new Attorney General-designate has said: We should not criminalize policy differences. I agree, and I hope we can all agree that summoning young sacrificial lambs to prosecute, as we did after Abu Ghraib, would be reprehensible.

But consider the pervasive, deliberate, and systematic damage the Bush administration did to America, to her finest traditions and institutions, to her reputation, and integrity. I evaluate that damage in history's light. Although I am no historian, here is what

I believe: The story of humankind on this Earth has been a long and halting march from the darkness of barbarism and the principle that to the victor go the spoils, to the light of organized civilization and freedom.

During that long and halting march, this light of progress has burned, sometimes brightly and sometimes softly, in different places at different times around the world.

The light shone in Athens, when that first Senate made democracy a living experiment, and again in the softer but broader glow of the Roman Empire and Senate. That light burned brightly, incandescently, in Jerusalem, when Jesus of Nazareth cast his lot with the weak and the powerless.

The light burned in Damascus, Baghdad, Cairo, and Cordoba, when the Arab world kept science, mathematics, art, and logic alive, as Europe descended into Dark Ages of plague and violence.

The light flashed from the fields of Runnymede when English nobles forced King John to sign the Magna Carta, and it glowed steadily from that island kingdom as England developed Parliament and the common law and was the first to stand against slavery.

It rekindled in Europe at the time of the Reformation, with a bright light flashing in 1517 when Martin Luther nailed his edicts to the Wittenberg Cathedral doors, and faced with excommunication stated: "Here I stand. I can do no other."

Over the years, across the globe, that light, and the darkness of tyranny and cruelty, have ebbed and flowed. But for the duration of our Republic, even though our Republic is admittedly imperfect, that light has shown more brightly and more steadily in this Republic than in any place on Earth as we adopted the Constitution, the greatest achievement yet in human freedom; as boys and men bled out of shattered bodies into sodden fields at Antietam and Chickamauga, Shiloh, and Gettysburg to expiate the sin of slavery; as we rebuilt shattered enemies, now friends, overseas and came home after winning world wars; and as we threw off bit by bit ancient shackles of race and gender to make this a more perfect Union for all of us.

What has made this bright and steady glow possible is not that we are better people, I believe, but that our system of government is government of the people, by the people, and for the people. Why else does our President take his oath to defend the Constitution of the United States of America? Our unique form of self-government is a blessing, and we hold it in trust, not just for us but for our children and grandchildren down through history; not just for us but as an example out through the world.

That is why our Statue of Liberty raises a lamp to other nations still engloomed in tyranny. That is why we

stand as a beacon in this world, beckoning to all who seek a kinder, freer, brighter future.

We hold this unique gift in trust for the future and for the world. Each generation assumes responsibility for this Republic and its Government, and each generation takes on a special obligation when they do. Our new President closed his inaugural address by setting forth the challenge by which future generations will test us: Whether "with eyes fixed on the horizon and God's grace upon us, we carried forth that great gift of freedom and delivered it safely to future generations."

There are no guarantees that we will. This is a continuing experiment we are embarked upon and a lot is at stake. Indeed, the most precious thing of man's creation on the face of this Earth is at stake. That is what I believe.

So from that perspective, what about the past? No one can deny that in the last 8 years America's bright light has dimmed and flickered, darkening our country and darkening the world. The price of that is incalculable. There are nearly 7 billion human souls in this world. Every morning, the Sun rises anew over their villages and hamlets and barrios, and every day they can choose where to invest their hopes, their confidence, and their dreams.

I submit that when America's light shines brightly, when honesty, freedom, justice, and compassion glow from our institutions, it attracts those hopes, those dreams, and the force of those 7 billion hopes and dreams, the confidence of those 7 billion souls and our lively experiment is, I believe, the strongest power in our national arsenal, stronger than atom bombs. We risk it at our peril.

Of course, when our own faith is diminished at home, this vital light only dims further, again, at incalculable cost. So when an administration rigs the intelligence process and produces false evidence to send our country to war; when an administration descends to interrogation techniques of the Inquisition of Pol Pot and the Khmer Rouge, descends to techniques that we have prosecuted as crimes in military tribunals and Federal trials; when institutions as noble as the Department of Justice and as vital as the Environmental Protection Agency are systematically and deliberately twisted from their missions by odious means of institutional sabotage; when the integrity of our markets and the fiscal security of our budget are open wide to the frenzied greed of corporations, speculators, and contractors; when the integrity of public officials, the warnings of science, the honesty of government procedures, and the careful historic balance of our separated powers of government are all seen as obstacles to be overcome and not attributes to be celebrated; when taxpayers are cheated and

the forces of government ride to the rescue of the cheaters and punish the whistleblowers; when a government turns the guns of official secrecy against its own people to mislead, confuse, and propagandize them; when government ceases to even try to understand the complex topography of the difficult problems it is our very purpose and duty to solve and instead cares only for those points where it intersects with party ideology so that the purpose of government becomes no longer to solve problems but only to work them for political advantage; in short, when you have pervasive infiltration into all the halls of government—judicial, legislative and executive—of the most ignoble forms of influence; when you see systematic dismantling of historic processes and traditions of government that are the safeguards of our democracy; and when you have a bodyguard of lies, jargon, and propaganda emitted to fool and beguile the American people, well, something very serious in the history of our Republic has gone wrong, something that dims the light of progress for all humanity.

As we look forward, as we begin the task of rebuilding this Nation, we have an abiding duty to determine how great the damage is. I say this in no spirit of vindictiveness or revenge. I say it because the thing that was sullied is so precious. I say it because the past bears upon the future. If people have been planted in government in violation of our civil service laws to serve their party and their ideology instead of serving the public, the past will bear upon the future. If procedures and institutions of government have been corrupted and are not put right, that past will assuredly bear on the future.

In an ongoing enterprise such as government, the door cannot be so conveniently closed on the closets of the past. The past always bears on the future. Moreover, a democracy is not just a static institution. It is a living education, an ongoing education in freedom of a people.

As Harry Truman said, addressing a joint session of Congress back in 1947:

One of the chief virtues of democracy is that its defects are always visible, and under democratic processes can be pointed out and corrected.

Entirely apart from tentacles of the past that may reach into the future are the lessons we as a people have to learn from this past carnival of folly, greed, lies, and sabotage, so that it can, under democratic processes, be pointed out and corrected. If we blind ourselves to this history, if we pull an invisibility cloak over it, we will deny ourselves its lessons. Those lessons came at too painful a cost to ignore. Those lessons merit discovery, disclosure, and discussion. Indeed, disclosure and discussion is the difference between a valuable

lesson for the bright upward forces of our democracy and a blueprint for darker forces to return and do it all over again.

A little bright, healthy sunshine and fresh air so that an educated population knows what was done and how can show where the tunnels were bored, when the truth was subordinated, what institutions were subverted, how our democracy was compromised; so this grim history is not condemned to repeat itself; so a knowing public, in the clarity of day, can say: Never, never, never again; so we can keep that light, that light that is at once America's greatest gift and greatest strength brightly shining. To do this, I submit, we must look back.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Wyoming is recognized.

AMENDMENTS NOS. 28 AND 29, EN BLOC

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the current amendment so that I may offer two amendments, amendments Nos. 28 and 29, and then return to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes amendments en bloc numbered 28 and 29.

The amendments are as follows:

AMENDMENT NO. 28

(Purpose: To clarify standing)

Beginning on page 3, line 22, strike "adopted," and all that follows through "including" on page 4, line 1, and insert "adopted or when an individual becomes subject to a discriminatory compensation decision or other practice, including".

AMENDMENT NO. 29

(Purpose: To clarify standing)

Beginning on page 5, line 6, strike "adopted," and all that follows through "including" on page 5, line 10, and insert "adopted or when a person becomes subject to a discriminatory compensation decision or other practice, including".

AMENDMENT NO. 25

Mr. ENZI. Mr. President, I rise to speak in support of the Hutchison amendment. Before I do that, I want to voice some concern, again, about the process we have gone through on this bill and that we might be going through on others. I just came from a health care meeting where we are, in a bipartisan way, trying to reform health care. That is being done the right way. We have a task force and the task force has set down principles and questions. Those of us on the task force are returning to Members of our side of the aisle and gathering their input, answers, and additional questions. We will keep going through this process until we have hammered out the principles. Then we will start putting substance in it. Then it will go to the two

committees of jurisdiction. That makes it a lot more difficult than most bills. It will go to both the HELP Committee for the health policy portion, and then it will go at the same time to the Finance Committee for the way to finance what we are talking about in the policy.

We did this on the pension bill. That was a 1,000-page bill that only took up an hour of floor time while we debated two amendments, had those two votes, and a final vote. That is the simpler way of doing bipartisan work that winds up with an actual result. So often here we spend all of our time debating the 20 percent we don't agree on and fail to look for any kind of a third way of doing something that solves the problem we started out on originally. This is not a very conducive atmosphere to negotiate anything. It is not a negotiation. It is a lay down your amendment, have it voted up or down, and because there can't be any nuances in it, the hundred voices are not heard. The voices of the constituents of the 100 people who serve here are not heard. We vote down a lot of things. Occasionally, we vote for something. But usually, what is brought to the floor is done so without any kind of a real set of principles, let alone consensus, and thus, never makes it through the body.

I know there have been some changes in majority and minority. That will still hold true, and I appreciate the majority agreeing that there will be amendments and that I got to offer two amendments that we will be debating and voting on later, I hope. This is kind of a test to see if we are going to do anything in a bipartisan way, and to see if we can do it from the floor of the Senate rather than in committee. This has not had a committee markup. This has not had the voice of the 23 people working, in some detail probably, through a couple hundred very detailed amendments, and that would be resolved between the Members. That is the most effective way to address the issue and to get it resolved.

The issue that was raised is, what if an employer discriminated against an employee because she was female and paid her less than male colleagues doing the same job with the same skills and experience? That is terrible. Such conduct by an employer has been illegal for 45 years under one statute and 46 under another. But like virtually all rights of action, it has to be exercised within a statute of limitations. So this bill's supporters ask: What if the employer hid the information the employee needed to realize she was the victim of discrimination and she missed the deadline to sue? We don't want that to happen, and courts have dealt with that issue by extending the statute of limitations on a case-by-case basis through the use of estoppel and equitable tolling. The reason this was

not applied in the Lilly Ledbetter case was because there she stated in court proceedings that she was aware of the pay disparity many years before she brought the lawsuit. But putting her case aside, I can certainly agree that the statute of limitations should be extended, particularly in cases where an employer has deliberately hidden the fact of discrimination.

Senator HUTCHISON's amendment does just that. It codifies the discretion courts have applied for years. Under the Hutchison amendment, individuals who, because of conscious concealment or simple lack of information, are not aware of discrimination are not prevented from filing and pursuing their discrimination claim, even if it is well beyond the statute of limitations. Here we have an amendment that would provide some statute of limitations but takes care of that case where somebody illegally hides information or where it isn't the normal course of business to get that information.

I wish to review what the Hutchison amendment does not do. It does not eliminate the statute of limitations for all employment discrimination cases and thereby create a litigation bonanza. It does not eliminate the incentive for employees to air and resolve concerns about whether they are being treated fairly in the workplace. It does not open up standing to bring employment discrimination cases to individuals other than the affected employee. That is an important part right there. In the bill we are talking about, I know we would have extensive committee discussion about other affected parties. Who would they be? How long could they make a claim? Can it be generations later? Does it have to be at the time of death, while the person is still working there? We can't tell from the bill, but other affected persons is anybody the person may or may not be related to who could be affected by the decision.

Can you think of anything broader than that? Don't you think that ought to be pulled back a little bit? Again, we didn't talk about principles. We didn't go through committee. We didn't put in multiple amendments that could have brought up some of these points, so here we are on the floor of the Senate kind of doing up-or-down amendments and I am sure arriving at things that, even if they pass, will come to raise a lot of questions in a very short period of time. That is not what we are supposed to be getting done for the American people.

The Hutchison amendment does not present a direct threat to our already struggling defined benefit pension system. The more strain we put on that, the less people are going to do it, and we want people to have pensions. So for all of those reasons, I will support Senator HUTCHISON's wise and effective approach, one that could probably be negotiated finer and done more carefully,

but that would be committee work. I will support it because I think it is a wise and effective approach that will ensure that no one loses the right to sue because they didn't have the information to realize they were being mistreated. That is our goal.

While I am expressing strong support of S. 166, which is the Hutchison alternative, and I spoke on this matter earlier, I continue to express my deep concern shared by most of my colleagues about the way the bill has been handled. I will keep bringing that up on this and every bill that skips the process.

By circumventing the regular order and not subjecting this legislation to the committee amendment process, I believe it has inadequate review and debate and no opportunity for a measured consideration of other means of achieving its same stated legislative goals. That is a process which should be done in committee, not attempted to be done on the floor. However, that is the route that is being forced on us, the minority, so that is the route we will have to follow now. We hope this is not a precedent-setting bill—or precedent-setting process. It definitely will be a precedent-setting bill regardless of whether it is S. 181 or S. 166. Yet when we compare the substance of S. 181 with that of the Hutchison bill, it should be clear the legislation has suffered from a lack of process and the review and scrutiny it needs and could bring.

Now, we should begin by first keeping clearly in mind the harm which S. 181 was purportedly designed to address. The problem is a simple one. Title VII requires that the victims of employment discrimination must commence a legal claim within 180 days of the act of discrimination, or in the case of a series of discriminatory acts, within 180 days of the last act in the series.

I should note that in most States the limitations period is actually 300 days. But in Mrs. Ledbetter's home State of Alabama, it is 180 days, so I will use that number in my statement today.

When title VII was drafted, Congress consciously used the 180-day period because they wanted to ensure that all claims of employment discrimination were raised immediately and remedied quickly—get the relief to the person right away. However, what happens if the victim does not know he or she has been discriminated against? There are a lot of possible examples of this. Suppose an individual who is a member of a racial minority applies but is not selected for a job bid or a promotion yet learns, more than 180 days after being denied the job, that it was awarded to a White applicant with the same or lesser qualifications? Or suppose a female worker receives a wage increase but does not learn until well beyond 180 days from when she gets the wage in-

crease that she has received less than her male peers? She may not know she is being compensated less because her employer has intentionally hidden those facts or simply because employees may simply not know such information. In either case, the result is the same—the employee, through no fault of his or her own, simply does not know they may be the victim of discrimination until well beyond the 180 days from the time they received their wage increase or lose their job bid.

Let us be completely clear. I do not believe there is anyone who believes an employee in any of those or similar circumstances should lose the right to file a discrimination claim because they did not have the necessary facts and did not have any reason to know they were being discriminated against before the 180 days passed. This was precisely the problem that S. 181, the Ledbetter bill, was allegedly designed to address. If that were actually the case, I would vote for the Ledbetter bill. But the Ledbetter bill goes way beyond addressing the kind of situations I have outlined here—so far beyond that it creates new problems that make supporting it impossible for me and many other fair-minded Members.

By contrast, the Hutchison bill directly addresses and solves the very problems I have outlined. Under the Hutchison bill, the denied job applicant who did not learn the facts until long after his bid was denied or the female worker who did not know her wage differential compared to her male peers, either because of conscious concealment or simple lack of information, are not prevented from filing and pursuing their discrimination claim, even if it is well beyond the 180 days from when they got the raise or did not get the job. The Hutchison bill does this by making the 180-day period a flexible one that can be readily extended in the kind of cases I have mentioned.

On the other hand, the Ledbetter bill does this by eliminating the 180-day limitation period completely. The Hutchison bill is a rifle shot to solve a problem that everyone agrees must be solved. The Ledbetter bill is a shotgun blast that causes collateral damage to important safeguards in our system of laws.

Limitation periods, such as the 180-day period for Title VII employment discrimination claims, are a feature in every law that grants the right to someone to bring a legal action against someone else. They are universal because such limitations serve two very important purposes.

First, the existence of a limitations period is an inducement to those who have claims to seek redress promptly. All of us have an interest in a society where the laws are promptly enforced and, where the beneficiaries of those laws are promptly protected and promptly compensated. This is particu-

larly true in the area of discrimination where society benefits best when discrimination is immediately exposed and immediately remedied. It may affect more than just the one person.

Second, limitations periods serve to ensure fairness in our litigation process. The simple truth is that the more removed in time an event is, the less likely anyone is to remember it clearly or accurately. In a work setting, those who made compensation decisions 5, 10, 20 years ago, may no longer be around. And even if they are around, how could they possibly remember with any accuracy the basis for the decisions? Under our Tax Code, records are not kept nearly that long for individuals or for businesses.

The inability to fairly defend against a claim and the inability to develop reliable evidence are the exact reasons why laws invariably contain a limitations period. Limitations periods are why someone cannot come along and try to sue you over an automobile accident that took place 20 years ago, or commence a legal action to take your house away because of a claimed defect in the title that is decades old, and why the Government cannot pursue actions against citizens that have become stale with time.

But S. 181 would do away with such limitation periods in employment discrimination cases and allow individuals to reach back in time to raise claims about which there is no fair chance to defend, no evidence of any value, and possibly nobody who was even there. We do not have to do this to address the concerns raised by the proponents of S. 181. Senator HUTCHISON's bill addresses those concerns completely.

S. 181 has a number of other problems which will be explained by my colleagues as we proceed to this bill, such as the potential to severely destabilize defined benefit pension plans and the expansion of individuals with standing to sue under civil rights laws. These are normally the kind of discussions we would have in the committee of jurisdiction, which in this case would be the Health, Education, Labor, and Pensions Committee, where our members and staff are well-versed in employment laws. However, the majority's actions will require us to have those discussions on this floor. It is not the way I want to do it, and it is not the way the American people expect us to do business, and it is not the way we will get things done.

Now, on this bill a vast number of people voted to proceed to the bill, and we all waived the 30 hours that could have been required before we could even make the first amendment. It was a nice concession on both sides; speeds up the process. But there are a number of opportunities—if the process were to get jammed—that huge hours can be added to the deliberations on this bill

that do not need to be, that would not have been, probably, had it gone through the committee amendment process.

I just cannot emphasize enough how important that is to me. I made sure it happened when we were in the majority. I am hoping it will happen on future bills while I am in the minority. Cooperation around here gets a lot more done, and that is what the American people expect of us.

I yield the floor.

Mr. SANDERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATION FROM SENATOR HILLARY RODHAM CLINTON

The PRESIDING OFFICER. The Chair lays before the Senate the following communication.

The assistant legislative clerk read as follows:

U.S. SENATE,

Washington, DC, January 21, 2009.

Hon. JOSEPH R. BIDEN, Jr.

President, U.S. Senate,

U.S. Capitol, Washington, DC.

DEAR MR. VICE PRESIDENT: This letter is to inform you that I resign my seat in the United States Senate effective immediately in order to assume my duties as Secretary of State of the United States.

Sincerely yours,

HILLARY RODHAM CLINTON.

MORNING BUSINESS

THE INAUGURATION OF PRESIDENT OBAMA

Mr. MCCONNELL. Mr. President, yesterday the Nation and the world witnessed the peaceful transfer of power from one President to the next.

While this now seems normal and fair, the idea that a head of state would relinquish his power willingly amazed many when George Washington willingly stepped down as commander-in-chief.

Two centuries later, that idea serves as one of the strongest principles of our democracy.

I congratulate President Obama, Vice President BIDEN, and their families.

I am proud to say that the Commonwealth of Kentucky was well represented during this week's historic celebration.

My office received thousands of requests from Kentuckians for inauguration tickets. While we only had about 400 tickets to give out, many more came for the event and for the celebrations.

The inauguration of the country's first African-American President is truly a reason for the whole country to celebrate.

It is no secret I wish he were a conservative Republican, but regardless of party, this is a proud moment for our country, and I congratulate him and his family. And I hope his beautiful daughters come to like their new home.

America certainly will face many challenges ahead, and the Congress will work with our new President to find solutions.

Where the President seeks to cut wasteful spending, reduce the national debt, provide tax relief for working Americans, or work towards energy independence, he will have Republican support.

When he works to tackle big issues, and does so by listening to and taking into account all sides he will find enormous support here in the Capitol.

And to help get his administration off to a smooth beginning, the Senate yesterday confirmed seven Cabinet-level positions.

Today we will consider the nomination of a fellow Senator, Mrs. CLINTON, as Secretary of State; more nominations will be considered in the days ahead.

It is my intent that Congress and the new administration can work together to find solutions that are equal to the moment. Confirming these administration nominees is a good step in that direction.

Now that the balls and parades are behind us, the hard work of governing lies ahead. I am eager to get started doing the business of the American people.

NOMINATION OF WILLIAM LYNN

Mrs. MCCASKILL. Mr. President, on Tuesday our Nation witnessed the historic swearing in of President Barack Obama. President Obama has nominated Mr. William Lynn to the position of Deputy Secretary of Defense. In this time of war and economic crisis, the U.S. Senate has endeavored to rapidly take up the nomination of Mr. Lynn, as well as many other senior nominees to the Obama administration, to provide our new President the ability to begin his work with key members of his team from the outset.

Last week, Mr. Lynn faced the members of the Senate Committee on Armed Services in a hearing conducted to vet Mr. Lynn. I attended that hearing and posed questions to Mr. Lynn. The day prior I also visited privately with him to discuss his nomination.

I have significant concerns about the message the nomination and confirmation of Mr. Lynn will send within the Department of Defense and across the Federal Government. While I will not object to Mr. Lynn's confirmation by

the U.S. Senate today, I feel it important for me to express my concerns as a matter of record.

Following service in various defense "think tanks" and as a Senate aide, in 1993 Mr. Lynn joined the Department of Defense as an executive, first as Director of Program Analysis and Evaluation. In 1997 he was promoted to be the Department's Comptroller, where he served until 2001 when the Clinton presidency concluded.

After a short stint as a consultant, Mr. Lynn made a decision that many DOD executives before him have made. He decided to accept a senior position in defense industry, where his expertise, experience and contacts within DOD were greatly sought after and valued. Specifically, Mr. Lynn joined the defense giant Raytheon as a senior executive handling management and government relations.

Mr. Lynn has served with Raytheon since that time and continues there pending his confirmation today. Importantly, it appears that Raytheon substantially improved the integrity of its government contracting operations during Mr. Lynn's tenure, a time when Raytheon also built itself into the fourth largest defense contractor in the U.S. and the fifth largest in the world.

On repeated occasions in this body, I have expressed my deep concerns with the revolving door between industry and government. Those concerns are amplified when I speak of DOD, which is well known for its wealth of "insiders" and its closeness to the military-industrial complex. It is not uncommon to hear people speak of the fact that DOD is an insider's game. Some try to explain away this insider's notion by claiming that the complexity of DOD and its weapons and services buying operations require these types of relationships. Even as I acknowledge the complexity of the DOD operation, I tend to believe this "special knowledge" concept is a double-edged sword which at a minimum can lead to an appearance of impropriety.

Returning to Mr. Lynn, it is clear that his case presents a strong example of this industry-government executive revolving door phenomenon. Frankly, we live in a time when many Americans, not just those who watch DOD closely, know of concerns about the relationship of DOD with contractors. More specifically, many believe that defense contractors have the ability to influence DOD decisions for the profit of the contractor but not necessarily for the best interest of DOD or, for that fact, the taxpayer. With this backdrop, setting aside Mr. Lynn's merits, the narrative of his story alone is problematic. Further, it comes at a time when we are vigorously endeavoring to restore public confidence in government.

My concern perhaps might be mitigated were it not for the fact that Mr. Lynn is nominated to what is fairly

characterized as the most critical management position within DOD and perhaps the most important position in the making of significant decisions on major defense acquisition programs. In other words, Mr. Lynn will have possibly the most powerful position in the Department to influence how the Department does business with private industry and, in some cases, to influence with whom the Department does business.

To be frank, the way DOD does business with defense contractors must change because the status quo is unacceptable. In part because of Mr. Lynn's recent past, I am concerned that he will not bring the sense of urgency to or, worse yet, see the need for substantial reform in DOD's weapons and services procurement practices. Further, in my limited interaction with Mr. Lynn to date, I have not sensed a strong commitment to this type of change, although I understand he has communicated such a commitment to others with greater vigor.

To be clear, I am not questioning Mr. Lynn's integrity. His integrity has been testified to by many of his present and former colleagues. He is clearly highly regarded by our incoming President and his administration. And I am encouraged by the historic ethics guidelines that President Obama has put in place just today for officials in his administration. I am confident that Mr. Lynn will fully meet the letter of these new rules and act much more broadly in living up to their spirit both in his individual actions and in his oversight of other DOD officials.

Let me close by making mention of the exchange I had with Mr. Lynn at the Committee on Armed Services. I put much of what I have discussed here in regards to my concerns with the revolving door at DOD before Mr. Lynn. I further discussed concerns that he may face a conflict of interest because his former employer Raytheon is a major defense contractor. Mr. Lynn offered a limited response to my question, committing to meet every ethical requirement of the Department of Defense. I have no doubt that he will meet these requirements and frankly exceed them. But Mr. Lynn did not discuss his views on the revolving door at DOD, of the adequacy of the ethical controls at DOD or of any willingness to further study these issues if confirmed. I hope nonetheless that he will take these issues up during his tenure at DOD. I firmly believe that business as usual must come to an end at DOD, both as to these matters and in regards to many more. The chief management Officer at DOD, of which Mr. Lynn will serve, must be a reformer, a disciplinarian, a person committed to change and a person willing to challenge the system in order to drive change.

As stated earlier, I will not oppose the nomination of Mr. Lynn. Even as I

have expressed my concerns today, I respect Mr. Lynn and the views of so many of my colleagues and of his former colleagues about his abilities and his commitment to improving the state of affairs in business operations at DOD. I am excited by the opportunity he has before him. And I am optimistic about what he will accomplish alongside many others on the team that will form at DOD. But I will be watching closely because this is my duty to the people of Missouri, to the people of America and to the command of our constitution.

TRIBUTE TO SENATORS

BARACK OBAMA

Mr. FEINGOLD. Mr. President, today I want to take a moment to thank President Obama for his service in the Senate. Our new President has some very difficult challenges ahead, as he faces a serious economic downturn, and many critically important national security issues. But he has already shown his ability to handle tough challenges through his outstanding work here in the Senate since his election in 2004.

From the moment he arrived, Barack Obama showed himself to be an outstanding legislator and public servant. I was very pleased to work with him on ethics and lobbying reform issues, first authoring a bill together, and then working together to pass the Honest Leadership and Open Government Act. Passing that landmark legislation took a determined, focused effort over many months, and then-Senator Obama showed that he was both a deeply principled, and very effective, member of this body. I was also pleased to work with him on a number of other issues, including the presidential public funding legislation, and I look forward to his continued support on that issue in this new Congress.

I was proud to support his efforts, along with many other members, on the efforts to support our wounded warriors, which he championed. And, finally, I thank him for his support of my bill, authored with Majority Leader HARRY REID, to safely redeploy our troops from Iraq. His support helped to build momentum for our effort to redeploy the troops from Iraq and move toward a better national security strategy, and I thank him for it.

We will miss his presence here in the Senate, but of course the Nation needs his unparalleled skills, and deep commitment to public service, more than ever as he is now President of the United States. I look forward to continuing to work with him on issues important to the American people, and I thank him once again for his service here in the Senate.

JOSEPH BIDEN

Mr. President, it has been a pleasure to serve with Senator JOE BIDEN for the last 16 years. He is an outstanding col-

league and a good friend, and I know that he will make a terrific Vice President. I have been pleased to work with him on so many issues over the years. For instance, I was proud to support him in his tremendous work on the COPS program. In turn I appreciate his steadfast support of campaign finance reform issues over the years.

Most of all, I want to say how much I have enjoyed serving with Senator BIDEN on the Foreign Relations and Judiciary Committees. I also can attest to his mastery of the complicated issues he faced in both committees. It is a huge challenge to take on the chairmanship of a Senate committee, and to do it well, but to serve with such distinction as chair of two of the Senate's most important committees is very rare, and it speaks volumes about JOE BIDEN's service in this body.

I have always found Senator BIDEN to be someone who I could talk with seriously about issues of mutual concern, or when we disagree. He is open-minded and he really listens. That quality will surely serve him well in his new position. He also, in my view, can be uniquely persuasive. He is one of the few Senators who I have actually seen change people's minds during a committee debate. In a policy fight involving complex issues, JOE BIDEN is someone who you want to have on your side.

Now Senator BIDEN becomes Vice President, and I know he will serve the Nation with the same outstanding commitment and skill with which he served the people of Delaware. I thank him for his many years of distinguished service in the Senate, and look forward to continuing to work with him, and President Obama, in the years to come.

HILLARY RODHAM CLINTON

Mr. President, I am pleased to join my colleagues in thanking Senator HILLARY RODHAM CLINTON for her outstanding service in the Senate, and wishing her our very best as she becomes our Secretary of State. One of the many reasons I strongly support her nomination for Secretary of State is because I have had the pleasure of working with Senator CLINTON, and I know what a skilled legislator and committed public servant she is. We have worked on a number of issues together over the years, including fighting for family farmers and especially the dairy farmers that are so important to both New York and Wisconsin. Finding common ground, we worked together to make sure dairy markets functioned properly, to improve the milk income loss contract or MILC program, and pushing for country-of-origin labeling, or COOL, legislation for dairy products. I was also proud to support the Paycheck Fairness Act, which she authored, and to work with her on many other issues.

I also had the opportunity to travel with Senator CLINTON and a number of

other senators on an official trip to Afghanistan, Iraq, Kuwait and Pakistan, where we listened to service men and women on the ground, as well as local leaders. On that trip Senator CLINTON deeply impressed me with her depth of knowledge on foreign relations and national security issues. Later I was very pleased to have her support for my effort with Majority Leader HARRY REID to safely redeploy our troops from Iraq, and I look forward to continuing to work with her on these critically important issues as she becomes our next Secretary of State. Once again, I thank her for her service in this body, and I wish her all the best as she continues her service to the American people.

KEN SALAZAR

Mr. President, I join my colleagues in thanking KEN SALAZAR for his outstanding service to the people of Colorado over the last 4 years. It has been a pleasure to work with him on a number of issues; he is extremely easy to work with, both someone of integrity and great personal decency. In particular, he has been one of the Senate's leaders when it comes to protecting the rights and freedoms of the American people as we work to strengthen our national security. I was proud to work with him and a bipartisan coalition of Senators on the SAFE Act to change flawed provisions of the PATRIOT Act. I also appreciated his critical support of the NSL Reform Act, to address the serious misuse of the FBI's national security letter authorities. I also know Senator SALAZAR's deep commitment to public lands and energy resources issues, and I think he will be an excellent Secretary of the Interior. Again, I thank him for his service in this body, and I look forward to continuing to work with him as he assumes the leadership of the Interior Department.

Mr. DODD. Mr. President, I want to say a word of good wishes to the senior Senator, albeit very briefly, from Colorado, KEN SALAZAR, as he leaves the Senate to become Secretary of the Interior.

As the son of 11th generation immigrants, from a family that farmed Colorado's San Luis Valley for a century and a half, no one has a deeper, more powerful connection to what opportunity means in this country than KEN SALAZAR.

I can remember one of the first times I met Senator SALAZAR. After we had exchanged greetings, I said to him, "My family came to America in the 1800s. When did your family come here?"

He replied, "Oh, about 500 years ago."

Indeed, it is remarkable to think that the descendant of a family that settled in the American West almost half a millennium ago will soon be a Member of the cabinet of first African-American President of the United States.

Only in America.

Indeed, though his parents, who served their country in World War II, were not college-educated themselves, they made sure that KEN, his brother, John, and their six brothers and sisters all graduated from college.

To be sure, Senator SALAZAR is a son of Colorado—a small businessman who owned ice cream stores and radio stations and a farmer for more than 30 years. Indeed, he practiced water and environmental law. Our colleague's affection for the pristine, majestic beauty of the Silver State and its people is embedded in his DNA.

Senator SALAZAR also made a mark instantly on this institution. In 4 years, he developed a reputation for bringing people together in common purpose—whether it was advancing renewable energy policy, confirming judges, standing up to abuses at the Justice Department, or championing the State Children's Health Insurance Program.

And I would add that as we work to expand that latter program today, his leadership will be missed.

His time in this institution was short, but he has made those moments count. As Senator SALAZAR seeks to find a balance between renewables and fossil fuels in the administration's energy choices, protect our public lands, and restore integrity to what has been a deeply troubled Department, I am confident that as Interior Secretary he will bring the same temperament to the job that he has brought to his responsibilities in the Senate, never forgetting those who came before us—whose sweat and heart remain at the very foundation of this great country of ours.

And so, today, we thank Senator SALAZAR for his service and wish him well. As he has throughout his life, I have no doubt he will do a remarkable job for our Nation.

TRIBUTE TO MICHAEL CHERTOFF

Mr. LIEBERMAN. Mr. President, I rise to express my deep gratitude to Secretary Michael Chertoff for the service he has given his country over the past 4 years as head of the Department of Homeland Security.

Secretary Chertoff came to the job in February 2005, upon the retirement of the Department's first leader, Pennsylvania Governor Tom Ridge, with an impressive record of public service as a Federal judge, an assistant attorney general, and a prosecutor. He leaves office in the next few days with even greater distinction for shepherding the Department through the growing pains of, shall we say, its toddler years, making great strides to turn the amalgam of 22 agencies—all with different cultures and missions—and 200,000 employees into a single, focused Department. His commitment to the security of the American people remains un-

swerving, for which he deserves the Nation's appreciation.

Leading the Department of Homeland Security is one of Washington's toughest jobs and probably one of the most thankless. The Department of Homeland Security carries with it the awesome responsibility for safeguarding the Nation against terrorist attacks and natural disasters. It incorporates many different agencies, with missions critical to the American people, ranging from emergency management; to immigration and border security; to air, rail, and highway travel security; cybersecurity; science and technology; biological and chemical security; and infrastructure protection. Unfortunately, the Secretary gets no credit for terrorist attacks that have been averted and, of course, would be blamed if an attack were to occur. Let me say that I believe our country is safer than it was when Secretary Chertoff began his tenure at the Department, and it is in part due to his attentive and forceful leadership—and the dedicated service of the men and women he had led—that the country has been spared from another terrorist attack. His contribution toward efforts to disrupt the plot to destroy airplanes en route from Great Britain to the United States in August 2006 is especially noteworthy.

Secretary Chertoff brought a rigorous, clear-eyed intensity to the Department's many challenges. He has worked hard to set priorities for the Department and lay out a roadmap to achieve goals. While we in Congress have not agreed with all of his decisions, he has spoken clearly about his goals and been honest with us and the American people about the difficult tradeoffs involved in many aspects of homeland security.

Obviously, the Department is still a work in progress with many challenges ahead. But the Secretary has made an indelible mark in a number of areas. I will mention just a few that are of deep importance to me. First, I would note that it has been under Secretary Chertoff that the serious work of protecting the government's information technology infrastructure began. Our enemies and economic competitors are highly skilled at using computer systems to try to gain advantage over us. Secretary Chertoff realized this, took the threat seriously, and moved to secure government networks in a coordinated, comprehensive way through the creation of the comprehensive national cybersecurity initiative, CNCI. CNCI is still in its nascent stages and many other agencies have responsibility for its success, but I am pleased the Secretary moved with resolve to improve our defenses against cyberintruders.

Under Secretary Chertoff's leadership, DHS has made important strides in improving its financial management. DHS has taken important steps toward improving its grades from OMB

on information security, and, I am told OMB's latest data will show that the morale of the Department's employees has definitely improved.

To his credit, Secretary Chertoff learned from his Department's mistakes responding to Hurricane Katrina and set to work to recreate FEMA, and enable it to leverage DHS' many other significant resources, so that it can become, for the first time in its history, an emergency management agency capable of responding to a catastrophic disaster.

The fact is that today, FEMA is not the same agency it was in 2005. That's because the Secretary has been an instrumental ally in implementing legislation I was honored to draft with my colleague on the committee, Senator COLLINS, to transform FEMA into a stronger, more accountable, and more coordinated agency. It is now elevated to a special status within DHS—like the Coast Guard—so that its authorities and assets cannot be changed without congressional approval and its administrator is the President's principle adviser in an emergency. Key FEMA officials now are required to have relevant emergency management experience; its preparedness duties are united with its response functions so that the same people who prepare for emergencies also respond to them. FEMA now has responsibility for dispensing \$2 billion in homeland security grants and its 10 regional offices are getting stronger by the day. To the Secretary, I would say that the Department's much improved internal coordination and coordination with State and local officials during the 2008 hurricane season attests to the improvements that have been made.

There are many other areas in which Secretary Chertoff's leadership has been instrumental, including border and port security, chemical security, information-sharing, and developing the architecture to protect the nation of terrorist attacks using weapons of mass destruction. And, of course, all Americans who travel by air have been made safer by the Secretary's focus on improving the Transportation Security Administration.

I cannot talk about all of the Secretary's accomplishments today. But I would be negligent if I did not thank him for his assistance in achieving a goal that has a very low national profile, but which has significant ramifications for the 200,000 employees at the Department. I am talking about efforts to consolidate most of the Department's headquarters under one roof at St. Elizabeths Hospital campus in southeast Washington. The Department's headquarters is spread throughout more than 70 buildings across the Washington area, making communication, coordination, and cooperation between its component parts a real challenge. A unified headquarters would

allow employees to work more efficiently and interactively and is a critical cornerstone of the efforts to improve management and integration at the Department. I am pleased the National Capital Planning Commission recently approved a master plan for a consolidated headquarters at St. Es. I expect construction to begin later this year. And I thank Secretary Chertoff for his leadership in this effort.

In the short time since it was created in 2002, the Department of Homeland Security has become an equal among the most important government agencies responsible for our national security, such as the Department of Defense. Secretary Ridge launched the process and admirably led the Department through the initial challenge of merging scores of agencies and programs—the largest government reorganization in half a century. Secretary Chertoff has moved the Department to the next level, where it now has a focused, long-term strategy clarifying the Department's priorities, roles, and responsibilities, as well as those of other key Federal, State, and local partners. He has worked tirelessly to ensure an integrated and overarching vision of how the government will tackle its role of defending the homeland.

We have much work ahead to transform the Department into a mature agency whose whole is greater than the sum of its parts. But we have made steady progress. The threat of natural disasters is ongoing and the threat of terrorism remains with us. As I have often said, these are not ordinary times. They demand extraordinary commitment from those who have chosen public service. Secretary Chertoff has given our country his extraordinary commitment, and he will be well and gratefully remembered for it.

75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

Mr. GRASSLEY. Mr. President, I would like to take a moment today to recognize the 75th anniversary of Hostelling International USA. Since 1934, Hostelling International USA has helped facilitate travel within the United States by the world's youth and promoted intercultural understanding. As part of the international hostelling movement, this organization has helped Americans to experience different parts of their own country and helped international travelers to better understand our unique and proud history, people, and way of life.

The sharing of cultures that naturally occurs in a hostel helps people to better understand and identify with others of various backgrounds. Instead of retreating to a hotel room every night, travelers in a hostel are literally living beside and interacting with fellow travelers from other countries.

Several of my staff have stayed in hostels while traveling, and I know their experiences have helped shape their ability to appreciate different cultures and points of view. In this respect, it is the small, everyday human interactions that can have the biggest impact, like encountering someone who may not speak English and learning to communicate or sharing favorite foods among an international group of travelers.

In my home State of Iowa, the Northeast Iowa Council of Hostelling International USA has provided activities for youth and adults alike in Postville and surrounding communities since 1975. I am glad that Iowans have the benefit of this programming to give a greater understanding of the world and its people to residents who may not have had a chance to travel widely. I am also glad that Hostelling International USA continues to provide the opportunity for people from around the world, and especially young people, to see the real America firsthand and meet the American people. This is the best way to build good will across the globe, and I congratulate Hostelling International USA for its 75 years of service.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am an Idaho youth, currently learning how to drive, but due to the ridiculously high gas prices it is not as much fun as I was expecting it to be. Because of these prices I feel bad about doing something I need to know how to do. I am also a musician and because of that I am constantly going to rehearsals and performances and need to drive in order to get where I need to be. I do in fact carpool but because most of the people I would carpool with also have very busy

schedules it is extremely hard to coordinate. Not only must I travel to get to my rehearsals and performances but I am also a transfer student at my school due to their spectacular music program. Because I am not in the school's boundary it is quite a distance for me to travel two ways every day. Simply because I have a passion for music and want to pursue a career in it I must break not only my own but also my parents' wallets. Due to my age many people will not hire me so it is quite a financial strain seeing as how I do not make an income, and only so many people need a babysitter.

I personally would greatly appreciate if the government would take the time and money to look into alternative renewable energy sources. Not only can we do that on a national level but on a more local level we could create more public transportation systems. The only place we have anything is in Boise, and I, as well as many others, live in Meridian. If there was a bus or light rail that I could get on in my town and travel to Boise or Nampa, and anywhere in between, I assure you I would use it. And, I'm pretty positive that I'm not the only person who would. Not only would this save many people's wallets but it would also be very handy for those of us who are yet to be licensed. Not to mention that the reduced number of cars would lower pollution levels greatly. Please look into a public transportation system locally. It would be greatly appreciated by many, and thank you for finally giving the people more of a voice on the issue and for bringing attention to the Congress.

BRITTAN CHASTAINE.

I assume you have already seen this website dollargas.us. It seems to me that as a nation we are not only in serious debt, but we are allowing ourselves to be put in "bondage" by other countries needlessly. I am angry and frustrated that we are not more assertive in addressing this problem.

We have a family of nine children all are on their own. Some are married and have young families as well as trying to get through college. As you know, job wages are not very substantial in college towns for students. The increase in the cost of fuel is driving other costs up as well. These young adults are trying very hard to make ends meet and it is becoming more difficult for them to live within their means. Wages are not keeping up with the cost of living. This is forcing mothers out of the home and children which is not in the best interest of the family.

The rising cost of fuel is also precluding their visits to our home as well as our visits to their homes. The visits are the short range effect but the long range effect is grandchildren having less interaction with grandparents which further weakens the family structure. The family is the basic unit of society and as the family weakens the values of society and our nation are also weakened. There is strength, honor, value and a sense of duty in knowing personal heritage.

Our livelihood is farming, luckily we have enough fuel which was bought two years ago and hopefully will finish out the needs for this year. It is a tragedy that farms are being sold and subdivisions are taking over good Idaho farm ground. Rising fuel costs and fertilizer prices are becoming a serious burden.

I do hope you will strongly support opening and drilling domestic oil resources as well as other technologies that provide efficient energy alternatives.

Thank you for your time. Thank you for listening. Please represent the state of Idaho in finding ways to cut rising fuel and energy costs.

CHERYL OKELBERRY.

My husband is a Viet Nam veteran who retired after 30 years with the Boise Police Department. I have worked all my life so when he was eligible for retirement, we had saved and planned and we were in a good position to do so. In the five years since he retired, we have seen our insurance premiums rise over \$400 per month to \$1,020 per month, and we know that is a bargain! Because of oil prices, grocery prices are rising, Idaho Power just raised their rates, the gas company is sure to follow and fuel prices have made it almost prohibitive to travel except in necessity. We have a little place in the mountains and to get there now costs \$90+ just to enjoy a weekend away from the heat and noise in Boise. Our nest egg is dwindling, and we are stuck in the house watching it disappear! And we are far luckier than most—we don't have to choose between food and gas, yet.

Saudi Arabia says they make money at \$70 per barrel; why is the price \$130? The government has so mismanaged its own affairs that we find ourselves at the mercy of speculators and oil shieks who don't like us much anyway. We have been so short sighted that we haven't the refineries to process oil even if you do allow drilling in the Arctic or offshore. While France gets 80% of its power from nuclear plants, we languish and waste costly oil to light and power our homes when Nuclear power would do the job for pennies comparatively. We need a "Manhattan Project"—throw the weight of the government and the best minds behind getting nuclear facilities on line, build new refineries, develop methods for cleaner burning coal. Stop arguing about which side of the aisle is the right side, and do something for the people you were elected to represent.

PENNY TAYLOR, Boise.

Thank you for taking the time to hear my input on fuel prices. I hope this letter reaches the ears of your fellow Senators. I own and operate a small business with one truck. I spend approximately \$700 each time I fill my truck with diesel. This occurs about 3-4 times per month. I also own and operate heavy equipment which costs about \$800 to \$1,000 per month to fuel. I have raised my prices slightly, however, work is scarce. Raising prices too high will result in loss of work. It appears that many people in government do not care about their constituents. Do you pay for fuel? How about health care? Maybe we ought to vote on whether you and your fellow senators should receive a fuel allowance and free health care on taxpayers' money. Maybe then, you can get your heads back out where the sun is shining! It is time to tell the environmentalists to cram it. Start drilling in our own country, providing jobs to our own people, and supplying our own nation with energy. By the way, how is the government going to tax electric cars? Let me guess, raise our electric rates? I guess I could use biodiesel, but it costs more than regular diesel. Oh yeah, big oil cannot profit from biodiesel. Are you going to do anything about the oil speculators? No. Reducing speculation would cut into the retirement accounts of 90 percent of Senators and Congressman. After all, you already have free health care and fuel allowances. Why is it okay for other countries to drill off our coastline, but we cannot? Quite frankly, Senator, no disrespect, but something needs to

be done. Enough already. Tell your fellow Senators to do something.

DEVIN.

Gasoline Prices at the Pump—I am sure there are many watch dog groups out there looking at the record breaking profits of the large oil companies, but does DOE or DOJ investigate price fixing, price gouging and record profits of the large oil companies? I am not talking about regulating the oil industry, but just watching out for the average Joe who has no option but "has to grin and bear it" at the pumps.

Miles Per Gallon—Before the fleet MPG average included light trucks and SUVs the automakers call a lot of cars "SUVs" as to not include them in the car category, now that light trucks and SUVs are included in the average, maybe automakers will be forced to work on raising Fleet MPG averages. But the MPG mandates that the government set for Auto Makers to establish for their fleets is still not high enough. Maybe it needs to be revised each and every year and not on the Washington average for change—Ten Years.

On a personal level, I cannot run out and buy a new vehicle that gets 10 percent better MPG. That would cost me 20K in order to save \$500 per year in gas. Maybe if all vehicles had a Green rating (scale of 1-10, one being a ¼ ton PU and 10 being a 40 MPG car) and you got a tax rebate of \$100 times the Green rating of your primary family vehicle.

Example: \$100 times a Green rating of 8 lets you deduct \$800 from your taxes.

Nuclear Power—There is a reason why France generates 80 percent of their electricity from Nuclear Power, it is a national initiative. In the US, it's left up to large electrical companies to decide whether they can make it work economically before they decide to build the next generation power plants. Remember, what killed the US nuclear industry is not safety, fuel recycling, waste disposal but economics. Look at Seabrook Nuclear Power Plant, its construction was stalled to the point with legal red tape until it would never make a profit for its owners and it never will. What you and other politicians need to do its step forward and mandate DOE to fund, build and operate the next generation nuclear power plant as a National Strategic Initiative. It is essential to the Nations Security as any Military Base, Port Security Effort or any other effort to keep this country safe in the world. If the government does it "strong arm method" and it gets done (on time and with in budget) and it is demonstrated how safe and economically feasible it is, commercial Nuclear Power Plant Building will follow.

Alternative forms of electrical generation either need an increase in their incentives (they almost did not get extended this year) or Carbon Producers (Coal and Oil Power Plant) need higher "Carbon Taxes".

Electrical Reduction at Home—I would love to install new windows in my home, but at \$6,000 to replace all my windows, I need help in the form of tax credits in order to afford it. If the government reinstituted many of its programs from the 70's to help pay for home improvements, it would help.

JOHN K., Ammon.

I have been traveling back and forth from Burly every weekend for the past couple of years. My ex-husband took my kids from me in the divorce because I could not afford to pay for a lawyer. He then moved from Boise to Burly to be closer to his parents who had moved back to Burly a couple of years earlier. The trip used to cost about sixty dollars

to get them and then take them back later. I make the trip so my parents and I can spend time with my children. I have been forced to cut that back to every other week because it costs us almost a hundred dollars each time to go and get them. It breaks my heart.

Now solutions to high gas prices:

For one drill our resources in and around the US. Open up everything: Alaska, the coast, outer continental shelf, everywhere. We need to have both Congress and the President lift their moratoriums on this issue. We must start now because the problem will still exist in five and even ten years. It may get better for a time but it will come back again and again if we don't solve it.

Secondly we need to begin to convert coal and shale to oil. Converting coal to oil is more than sixty-five year old technology. My understanding is that shale is a more recent technology, but very reasonable. We need to have Congress back companies to convert these products to oil with a subsidy that in the event that prices drop below profitable levels that these companies will not be out billions of dollars. OPEC dropped prices last time we attempted to become oil independent. They will do it again. We need to be energy independent regardless of what OPEC does with prices this time or this will happen again.

Lastly develop nuclear power. We need to take our expendable resources away from electric production. Nuclear power is a viable alternative especially considering recent technology advances in this field.

We must take control of our own destiny. Take the power away from foreign countries.

ANGELA.

I am disgusted with our legislators in the federal government. They aren't acting in our best interests, nor have they for many years. I do not trust them to do right by the U.S. citizens; collectively, greed and the lust for power have become commonplace and acceptable behavior among many legislators.

I retired last year but am going to have to find a part time job to help make ends meet, as prices in general are escalating faster than my fixed income in retirement. I do not have the answers, but I am sure that our legislators own stock in the major oil companies, and that pretty much says it all. Americans are just a big cash cow for our ravenous government to feed upon.

Additionally, I wanted to add something regarding the transit system in the Treasure Valley. I am from Seattle and have seen the problems the Puget Sound area has experienced as a result of rapid growth. The transit system in the Treasure Valley is way behind in its development. The City and county fathers had better do something soon. But the transit system issue doesn't seem to be holding a place of great importance in the development of this area. That's worrisome. There should be more advertising and incentives for people to use the transit system, and more routes made available. Encouraging ridership is important, but it needs to be (and can be) made more convenient and attractive.

Thanks for your time.

GRETCHEN, *Nampa*.

Thank you for your concern about our high energy costs. We are very concerned about this issue because it is hitting our household in two ways. We own a small trucking company and to be truthful, we don't know how much longer we will be able to run. The rising price of diesel is making our profit mar-

gin shrink and our own household budget is struggling to make ends meet. It is difficult to expand our budget for the rising energy costs, because the money just isn't there. We are doing the best we can, but it is so frustrating when we feel that our own country is not utilizing its own energy sources. It is time to allow drilling offshore and in our own country for oil and natural gas. We also can further knowledge in alternative energy sources at the same time. Those two ideas should not oppose each other, they can and should both be explored.

Please vote for those measures that would allow both pursuits

Thank you,

RALPH and JULIE MILLER.

I feel very depressed that our country is going down the tubes all being done by the left wing special interests. I would like to see a full blown debate on global warming. Just because the father of the Internet, Al Gore, says it so and the UN agrees does not mean that it is true. We are told all kinds of things that are happening and are suppose to agree when one simple question should be asked: Has it happened before? Why not ask this simple question ask when pictures showing glaciers melting, hurricanes, cyclones, etc.? We need to put all these doomsday projections into perspective. In college I took geology 101 and one of the things that I remember is the world is always changing.

I was also an economics major and was taught about supply and demand. I was taught that if the demand went up and the supply stayed the same, the price went up. I guess that I should have been taught you demagogues it. Do the liberals have one idea on how to increase the supply. I would like to see Republicans stand up and take a strong position that we need to secure our future by drilling. We need to get back to what made the country great. The one thing that makes a country great verses a socialist country is a free market that will sort out the problem if left free. Republican Party used to stand for something and it needs to again. What happened to small government, sound economic policies, stay out of our way? We have a drug benefit plan but would it be better if they allowed a free market to bring prices down. I used to get my US manufactured meds from Canada but now pay a little less under a Medicare plan. If they can sell in Canada and make money, why not in the US? Why not free trade and competition?

By the way, because of the lack of sun spots we might be going into a little ice age, then what will the politicians do?

Thank you for reading this.

BOB.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-498. A communication from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting, pursuant to law, a report entitled "DoD IG Report to Congress on Section 357 of the National Defense Authorization Act for Fiscal Year 2008; Review of Physical Security of DoD Installations"; to the Committee on Armed Services.

EC-499. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-500. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Default Swaps" (RIN3235-AK26) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-501. A communication from the Executive Director of the Board of Directors, HOPE for Homeowners Program, transmitting, pursuant to law, the report of a rule entitled "HOPE for Homeowners Program: Program Regulations: Upfront Payment Incentive for Subordinate Mortgage Lien Holders and Other Program Changes" (RIN2580-AA01) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-502. A communication from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Safety Enforcement Procedures; Enforcement, Appeal and Hearing Procedures for Rail Routing Decisions" (RIN2130-AB87) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-503. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to an annual plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC-504. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spiromesifen; Pesticide Tolerances" (FRL-8398-8) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-505. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Propylene Carbonate and Dimethyl Carbonate" (RIN2060-AN75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-506. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Nevada; Vehicle Inspection and Maintenance Program" (FRL-8748-7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-507. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Required State Implementation Plan Revision for 1-Hour Ozone Standard, California—San Joaquin Valley—Reasonably Available Control

Technology" (FRL-8763-5) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-508. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard; North Carolina and South Carolina" (FRL-8764-8) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-509. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Non-Transportation Related Onshore Facilities" (RIN2050-AG49) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-510. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Operating Permit Programs; Flexible Air Permitting Rule" (RIN2060-AM45) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2006; to the Committee on Finance.

EC-512. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of Phase I of Medicare Health Support Pilot Program Under Traditional Fee-for-Service Medicare: 18-Month Interim Analysis"; to the Committee on Finance.

EC-513. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance under Section 457A" (Notice 2009-8) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC-514. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-2) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC-515. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2009 Prevailing State Assumed Interest Rates" (Rev. Rul. 2009-3) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC-516. A communication from the Staff Attorney, Office of Chief Counsel for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations" (RIN0625-AA79) received in the Office of the

President of the Senate on January 16, 2009; to the Committee on Finance.

EC-517. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prohibitions and Conditions for Importation of Burmese and Non-Burmese Covered Articles of Jadeite, Rubies, and Articles of Jewelry Containing Jadeite or Rubies" (RIN1505-AC06) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC-518. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Certain Archaeological Material from China" (RIN1505-AC08) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC-519. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's financial report for fiscal year 2008; to the Committee on Foreign Relations.

EC-520. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards" (RIN0938-AM50) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-521. A communication from the Deputy Director for Management, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to competitive sourcing activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-522. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "2008 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Homeland Security and Governmental Affairs.

EC-523. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to competitive sourcing activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-524. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "National Security Personnel System" (RIN3206-AL75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-525. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Commerce in Explosives—Amended Definition of Propellant Actuated Device" (RIN1140-AA24) received in the Office of the President of the Senate on January 16, 2009; to the Committee on the Judiciary.

EC-526. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine" (Docket No. ATF 27P) received in the Office of the President of the Senate on January 16, 2009; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Susan E. Rice, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

*Susan E. Rice, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 282. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. DODD, and Mr. KERRY):

S. 283. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 284. A bill to amend the Internal Revenue Code of 1986 to allow a new refundable credit for equipment used to manufacture solar energy property, to waive the application of the subsidized financing rules to such property, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 286. A bill to provide for marginal well production preservation and enhancement; to the Committee on Finance.

By Mr. INHOFE:

S. 287. A bill to amend the Internal Revenue Code of 1986 to provide for the full deduction allowable with respect to income attributable to domestic production activities, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 288. A bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 289. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 290. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. ROBERTS, and Mr. BOND):

S. 291. A bill to provide for certain requirements related to the closing of the Guantanamo Bay detention facility; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. VITTER, Mr. INHOFE, Mr. ISAKSON, Mr. VOINOVICH, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 292. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. SPECTER:

S. 293. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

By Mr. SPECTER:

S. 294. A bill to amend the Internal Revenue Code of 1986 to extend and modify the special allowance for property acquired during 2009 and to temporarily increase the limitation for expensing certain business assets; to the Committee on Finance.

By Mr. BINGAMAN:

S. 295. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multi-level providers of services and suppliers for hospitalization episodes associated with select, high cost diagnoses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 18. A resolution making majority party appointments to certain Senate committees for the 111th Congress; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 19. A resolution making minority party appointments for the 111th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 4, a bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 225

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 225, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 256

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of S. 256, a bill to enhance the ability to combat methamphetamine.

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 256, *supra*.

S. 274

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 274, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to hire unemployed veterans.

S. 281

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 281, a bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook.

AMENDMENT NO. 26

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 26 proposed to S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 27 proposed to S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. DODD, and Mr. KERRY):

S. 283. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. SNOWE. I rise today to speak on a bill I am introducing with my colleagues, Senators DODD and KERRY, to improve the Northeast Home Heating Oil Reserve program to ensure that when our country experiences the next energy crisis we are better prepared. Specifically, I believe that this legislation will provide flexibility as well as certainty that heating oil currently sitting in New England will be used when it is most essential to the region's population.

Through Senator DODD's leadership in 2000, Congress created the Northeast Home Heating Oil Reserve, which put in place a critical tool to reduce supply disruptions. At that point, heating oil prices were \$1.49 per gallon, and while the situation has improved since the price spikes this past summer, it is clear that the Northeast remains dangerously reliant on a commodity that has shown extreme volatility in recent years. The need for the Heating Oil Reserve was clearly demonstrated this past summer when a catastrophe was emerging for our region with heating oil reaching the unprecedented level of \$5 per gallon. Thankfully, the Northeast Home Heating Oil Reserve provided a basic level of assurance that heating oil could be provided if supplies were dramatically interrupted.

However, the trigger mechanism for the release of the funds is convoluted to the point that the program's functionality is in question. Indeed, under the law, the President does not have the ability to release heating oil from the reserve even if the health and safety of the population is at risk. Rather, the current threshold for release is when the differential between crude oil and heating oil is 60 percent

higher than the 5 year average. As a result, neither the overall price of heating oil nor the plight of our constituents has any factor on the release of the reserve. The formula trigger in statute is flawed to the point that the actual trigger has come close to being met not when crude oil prices are rising, but actually falling. This is clearly not the intent of the reserve.

The legislation that I am introducing with Senators DODD and KERRY today streamlines the federal law to provide the President the discretion to release the reserve if the health and safety of the population is at risk. Furthermore, if heating oil prices are above \$4 per gallon during the critical winter months, the heating oil automatically will be distributed for sale. I believe this will dramatically improve the functionality of the reserve program and I look forward to working with Chairman BINGAMAN and Ranking Member MURKOWSKI of the Energy Committee to enact this legislation.

By Mr. FEINGOLD:

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, for 2009, the mileage reimbursement level permitted for businesses is 55 cents per mile, nearly four times the volunteer rate.

During this economic downturn we are asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, but the 14 cents per mile limit is imposing a very real hardship for charitable organizations and other nonprofit groups. This was an even harsher constraint on volunteer activity when gasoline prices spiked last summer.

I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit. One of the first organizations that brought this issue to my attention was the Portage County Department on Aging. Volunteer drivers are critical to their ability to provide services to seniors in Portage County, and the Department on

Aging depends on dozens of volunteer drivers to deliver meals to homes and transport people to their medical appointments, meal sites, and other essential services.

As many of my colleagues know, nutrition is one of the most vital services provided under the Older Americans Act and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. As I discovered during my ten years as Chair of the Wisconsin State Senate Committee on Aging, the senior nutrition programs not only provide needed nutrition services, but in many cases, the congregate meals program provides an important community contact point for seniors who may live alone, and the meals program may be the point at which many frail elderly first come into contact with the network of services that can help them. For that reason, the senior nutrition programs are often at the heart of the aging services network, and as such are essential for many critical services that frail elderly may need.

Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years, increasing pressure on local programs to leverage more volunteer services to make up for that lagging Federal support. The 14 cents per mile reimbursement limit has made it far more difficult to obtain those volunteer services. Portage County reported that at 14 cents per mile, many of their volunteers cannot afford to offer their services.

If volunteer drivers cannot be found, either those services will be lost, and those most vulnerable in our society will go wanting, or the services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services. The same is true for thousands of other nonprofit and charitable organizations that provide essential services to communities across our Nation.

By contrast, businesses do not face this restrictive mileage reimbursement limit. As I noted earlier, for 2009 the comparable mileage rate for someone who works for a business is 55 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees nearly four times the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents

per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 109th Congress and the 110th Congress, and largely the same as the version I introduced in the 107th and 108th Congresses. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses, and provides an offset to ensure that the measure does not aggravate the budget deficit. The most recent estimate of the cost to increase the reimbursement for volunteer drivers is about \$1 million over 5 years. Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. That provision increases the criminal monetary penalties for individuals and corporations convicted of tax fraud. The provision passed the Senate in the 108th Congress as part of the JOBS bill, but was later dropped in conference and was not included in the final version of that bill.

I also extend my thanks to the senior Senator from New York, Mr. SCHUMER, for including my bill in his larger omnibus volunteer driver relief measure, the GIVE Act, last year, and the junior Senator from Maryland, Mr. CARDIN, for including my bill in this year's version of the GIVE Act. Both Senators are keenly aware of the need for the change provided by this bill, and I thank them for their leadership on this issue.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the tax code both for nonprofit groups and the volunteers themselves.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139B the following new section:

“SEC. 139C. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

“(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

“(1) by using the standard business mileage rate established under such section, and

“(2) as if the individual were an employee of an organization not described in section 170(c).

“(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

“(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139B and inserting the following new item:

“Sec. 139C. Reimbursement for use of passenger automobile for charity.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking “Any person who—” and inserting “(a) IN GENERAL.—Any person who—”, and

(2) by adding at the end the following new subsection:

“(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.”.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$100,000” and inserting “\$250,000”,

(B) by striking “\$500,000” and inserting “\$1,000,000”, and

(C) by striking “5 years” and inserting “10 years”.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of such Code is amended—

(A) in the first sentence—

(i) by striking “misdemeanor” and inserting “felony”, and

(ii) by striking “1 year” and inserting “10 years”, and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) of such Code (as redesignated by subsection (a)) is amended—

(A) by striking “\$100,000” and inserting “\$250,000”,

(B) by striking “\$500,000” and inserting “\$1,000,000”, and

(C) by striking “3 years” and inserting “5 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

By Mr. SPECTER (for himself, Mr. VITTER, Mr. INHOFE, Mr. ISAKSON, Mr. VOINOVICH, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 292. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Withholding Tax Relief Act of 2009, which would repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. Section 511 will require a 3 percent withholding on all Government contracts beginning on January 1, 2011.

This legislation was sponsored in the 110th Congress by Senator Larry Craig, S. 777, and with his retirement, I have decided to continue to press for its passage to protect small businesses, contractors, and State and local governments who will be unfairly burdened by this onerous provision.

In 2006 Congress enacted tax relief on capital gains, dividends, and the Alternative Minimum Tax, AMT, as part of the Tax Increase Prevention and Reconciliation Act of 2005. These provisions provide important incentives for small businesses by encouraging investment that can lead to job creation and economic growth. At the same time, the Section 511 withholding tax provision was inserted at the last minute by conferees as a revenue raiser. As a result, the legislation which was intended to provide tax relief ended up containing a \$7 billion tax penalty on Government contractors.

If no action is taken to repeal this provision, Section 511 will institute a 3 percent tax withholding on all local, State, and Federal Government payments, effective on January 1, 2011. This will apply to Governments with expenditures of \$100 million or more, and will affect payments on Government contracts as well as other payments, such as Medicare, grants, and farm payments. Impacted firms will ultimately get a refund when they file their tax return if the amount withheld is in excess of what is actually owed.

The proponents of Section 511 argue that it will be an effective tool to close the tax gap—the difference between what American taxpayers owe and what they actually pay. However, an examination of the mechanics of the provision support a different conclusion. At the time of passage, Section 511 was estimated to increase revenue by \$7 billion from 2011 to 2015. However, \$6 billion of that amount is attained solely because of the initial collection on contracts in 2011, not because of an actual revenue increase from increased tax compliance. Estimates show that Section 511 will only generate \$215 million in 2012 and increases slightly in each of the 3 years thereafter.

While I support efforts to close the tax gap, those efforts must be weighed

on a case-by-case basis against the unintended harm that is done to those impacted. For example, the 3 percent figure is an arbitrary amount and does not take into account the company's taxable income or tax liability. As a result, an honest taxpaying contractor in a loss year could be without access to the withheld capital for a significant period of time, only to see it returned when it files its taxes. Many of these firms do not have extra capital on hand to get by and, because some file yearly returns as opposed to quarterly returns, will not receive a refund on the amount withheld for 12 to 18 months. In many cases, businesses operate with a profit margin that is smaller than 3 percent of the contract; and in some cases, there is no profit at all. In these cases, Section 511 will effectively withhold entire paychecks—interest free—thereby impeding the cash flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount.

Section 511 will also impose significant administrative costs on the Federal, State, and local governments who are required to create, or expand, collections staffing to comply. The Congressional Budget Office, CBO, said the provision constitutes an unfunded mandate on the State and local governments. According to CBO, the projected costs of Section 511 will exceed the \$50 million unfunded mandate annual threshold. On a Federal level, there is evidence that the high cost of preparation is unnecessary. For example, the Department of Defense estimated that the costs to comply with the 3 percent withholding requirement could be in excess of \$17 billion over the first 5 years, which is more than any estimated revenue gains.

There is strong support from a number of stakeholders for repeal of the Withholding Tax requirement, including the Associated Builders and Contractors, U.S. Chamber of Commerce, National Association of Manufacturers, National Federation of Independent Business, and American Farm Bureau Federation.

I am pleased that this legislation garnered the support of 260 cosponsors in the House of Representatives, H.R. 1023, in the 110th Congress, with a broad mix of support from both parties. For example, cosponsors from the Pennsylvania delegation included Representatives ALTMIRE, BRADY, CARNEY, DOYLE, ENGLISH, GERLACH, HOLDEN, MURPHY, PITTS, PLATTS, SESTAK, and SHUSTER. In the Senate, I will seek to build on the efforts of Senator CRAIG and the 15 other cosponsors, including myself.

At the time of passage of the Tax Increase Prevention and Reconciliation Act of 2005, Congress had not adequately debated the merits of the withholding requirement in a committee

hearing or with debate in either body. An issue of this magnitude deserves proper debate, and had that occurred, it is difficult to believe that Congress would have included Section 511. For these reasons, I urge my colleagues to support repeal of this unfair tax penalty.

Mr. President, I ask unanimous consent that a list of supporters to this bill be provided in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

GOVERNMENT WITHHOLDING RELIEF COALITION

Aeronautical Repair Station Association; Aerospace Industries Association; Air Conditioning Contractors of America; Air Transport Association; America's Health Insurance Plans; American Bankers Association; American Concrete Pressure Pipe Association; American Congress on Surveying and Mapping; American Council of Engineering Companies; American Farm Bureau Federation; American Heath Care Association; American Institute of Architects; American Moving and Storage Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Shipbuilding Association; American Society of Civil Engineers; American Subcontractors Association; American Supply Association; American Trucking Associations.

Associated Builders and Contractors; Associated Equipment Distributors; Association of National Account Executives; Business and Institutional Furniture Manufacturers Association; Coalition for Government Procurement; Colorado Motor Carriers Association; Computing Technology Industry Association; Construction Contractors Association; Construction Industry Round Table; Construction Management Association of America; Contract Services Association; Design Professionals Coalition; Edison Electric Institute; Engineering & Utility Contractors Association; Federation of American Hospitals; Financial Executives International's Committee on Government Business; Financial Executives International's Committee on Taxation; Finishing Contractors Association; Gold Coast Hispanic Chamber of Commerce; Independent Electrical Contractors, Inc.

Information Technology Association of America; International Council of Employers of Bricklayers and Allied Craftworkers; International Foodservice Distributors Association; Management Association for Private Photogrammetric Surveyors; Mason Contractors Association of America; Mechanical Contractors Association of America; Messenger Courier Association of the Americas; Modular Building Institute; National Association for Self-Employed; National Association of Credit Management; National Association of Manufacturers; National Association of Minority Contractors; National Beer Wholesalers Association; National Burglar and Fire Alarm Association; National Defense Industrial Association; National Electrical Contractors Association; National Federation of Independent Business; National Italian-American Business Association; National Precast Concrete Association; National Office Products Alliance.

National Roofing Contractors Association; National Small Business Association; National Society of Professional Engineers; National Society of Professional Surveyors; National Utility Contractors Association; Na-

tional Wooden Pallet and Container Association; North Coast Builders Exchange; Office Furniture Dealers Alliance; Oregon Trucking Association; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Professional Services Council; Regional Legislative Alliance of Ventura and Santa Barbara Counties; Santa Rosa Chamber of Commerce; Security Industry Association; Sheet Metal and Air Conditioning Contractors National Association, Inc.; Small Business & Entrepreneurship Council; Small Business Legislative Council; Textile Rental Services Association of America; The Associated General Contractors of America.

The Association of Union Constructors; The Distilled Spirits Council of the U.S.; The Financial Services Roundtable; U.S. Chamber of Commerce; United States Telecom Association; Women Impacting Public Policy.

By Mr. SPECTER:

S. 293. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to expand a widely-used business tax benefit whereby business owners balance-out net losses over prior years when the firm has a net operating gain. Spreading out this tax liability helps a business to decrease the adverse impact of a difficult year. At the current time, there is a critical need for pro-growth policy initiatives to ensure an economic recovery.

Specifically, this legislation increases the general net operating loss, NOL, carryback period from 2 years to 5 years in the case of an NOL for any taxable year ending during 2007, 2008, or 2009. As an example, a company could offset NOLs in 2008 against positive income it earned in 2003-2007; resulting in a refund paid in 2009. NOLs represent the losses reported by a company within a taxable year and, under current law, generally may be carried back 2 years and forward 20 years for tax purposes.

Under current law, NOLs are not allowed to reduce Alternative Minimum Tax, AMT, liability by more than 90 percent. My legislation would eliminate this limit. This second provision is necessary for this bill to achieve its goal of allowing firms dollar-for-dollar access to their NOLs. This is because firms with temporarily low income are more likely both to create NOLs and to find themselves subject to the AMT.

From an economic standpoint, the key impact of the bill will be to lower the user cost of capital for firms and to encourage business fixed investment for those firms that were profitable in the past 5 years but are not profitable at the current time. Such firms will receive an immediate refund for their current costs.

The U.S. Chamber of Commerce, National Association of Manufacturers, and National Federation of Inde-

pendent Business, NFIB, have all been supportive of this proposal in previous years.

Similar legislation was considered in the 110th Congress, but was not enacted. During consideration of the Recovery Rebates and Economic Stimulus for the American People Act of 2008, an amendment drafted by the Senate Finance Committee leadership included this important provision, as well as other items. On February 6, 2008, the Senate rejected this broader package on a procedural vote, leaving it just 1 vote short of the 60 that were required. Ultimately, that bill included tax rebates for individuals and capital investment incentives for businesses. Following that debate, I introduced the NOL carryback provision as a stand-alone bill, S. 2650, with 7 cosponsors.

Over the long-term, this is a low cost proposal for the taxpayer that can stimulate economic growth. According to a February 2004 report entitled "Stimulating Job Creation and Investment: Economic Impact of NOL Carryback Legislation," by Kevin A. Hassett, Ph.D, and Brian C. Becker, Ph.D, "If enacted, this expansion of the carryback period would result in current-year refunds for many companies that otherwise would have to wait until future years to apply NOLs. Having done so, however, would reduce the quantity of losses that are carried forward, and hence increase, relative to baseline, tax revenue in the future. As such, the tax revenue implications are negative initially, but positive in the future." The Joint Committee on Taxation estimated that passage of a similar provision as part of the Senate Finance Committee Stimulus package, which I referenced earlier in my statement, would have cost \$15 billion in 2008 and \$5.1 billion over 10 years.

I urge my colleagues to support this important legislation that will help numerous industries that are currently struggling to survive in a harsh economic downturn.

Mr. SPECTER:

S. 294. A bill to amend the Internal Revenue Code of 1986 to extend and modify the special allowance for property acquired during 2009 and to temporarily increase the limitation for expensing certain business assets; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to extend two important provisions that were enacted as part of the Economic Stimulus Act of 2008: 50 percent Bonus Depreciation; and Increased \$250,000 limit for the Small Business Expensing Allowance.

I introduced S. 2539 and cosponsored S. 269 similar legislation in the 110th Congress.

I support tax policies to spur new business investments through the use of partial and full expensing. When a

company buys an asset that will last longer than one year, the company cannot, under most circumstances, deduct the entire cost and enjoy an immediate tax benefit. Instead, the company must depreciate the cost over the useful life of the asset, taking a tax deduction for a part of the cost each year. By allowing firms to deduct the cost of a new asset in year one, expensing spurs new investments quickly and drives immediate job creation.

As part of the Economic Stimulus Act of 2008—passed by Congress and signed by the President on February 13, 2008—I successfully included my legislation, S. 2539, to allow for an immediate 50 percent “bonus depreciation” on new equipment purchases. This provision only applied to purchases made in 2008 and my legislation would extend the benefit for an additional year.

The Economic Stimulus Act of 2008 also provided a 1-year boost in the Section 179 Small Business Expensing Allowance. This provision, which also applies to equipment, was increased to a \$250,000 limit for 2008. Absent further action, the benefit reverts to \$125,000 in 2009 and will expire at the end of 2010 and revert to \$25,000. On January 25, 2008, I cosponsored legislation, S. 269, to increase the Small Business Expensing Allowance and to make it permanent. This legislation I am introducing today would extend the \$250,000 limit for an additional year.

Both of these provisions merely accelerate a benefit that will be given to firms over a longer span. To that end, the cost will be higher in year one, but tax revenue will be higher in the years thereafter. According to the Joint Committee on Taxation, the cost of the “bonus depreciation” provision as part of the Economic Stimulus Act of 2008 was \$43.9 billion in 2008, but just \$7.4 billion over 10 years. The Small Business Expensing Allowance provision was scored at \$900 million in 2008, and only \$100 million over 10 years.

These provisions were included in a broader package drafted by Senators BAUCUS, GRASSLEY, KENNEDY, and ENZI at the end of the 110th Congress. I look forward to working with these Members to seek extension of these expiring provisions in the 111th Congress.

Enactment of these provisions was an important step in the direction of allowing full expensing of new equipment. I urge my colleagues to support these pro-growth policies that create incentives for business expansion and long-term economic growth.

By Mr. BINGAMAN:

S. 295. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multilevel pro-

viders of services and suppliers for hospitalization episodes associated with select, high cost diagnoses; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medicare Quality and Payment Reform Act of 2009. This legislation will help improve the quality and efficiency of the Medicare program by analyzing readmission and resource use and adjusting Medicare payments accordingly. In addition, the legislation develops a large scale pilot project to allow for episodic payments to organized groups of multispecialty and multilevel providers for select, high cost diagnosis. Reforms such as these have been recommended by the non-partisan Medicare Payment Advisory Commission or “MedPAC,” the Commonwealth Fund and many other experts. In their December 2008 Budget Options report, the Congressional Budget Office, CBO, estimates reforms such as these could result in more than 28 billion dollars in savings to the Federal Government over 10 years.

For several years, growth in healthcare spending, including in the Medicare program, has far exceeded the rate of inflation for all other goods and services without a concomitant rise in health care quality. According to the 2007 report of the McKinsey Global Institute, “Accounting for the Costs of Healthcare in The United States,” the U.S. spends almost half a trillion dollars more on healthcare than other similarly situated countries, when adjusted for population and income. Moreover, according to a 2008 Dartmouth report, total waste in the U.S. healthcare system accounts for approximately \$700 billion. These data are startling and deeply troubling to me and many of my colleagues in the Congress. As we move to consider comprehensive healthcare reform legislation in the 111th Congress, it is critical that we consider bold and decisive reforms to incentivize quality and efficiency in the U.S. healthcare system.

Many experts tell us that the present fee-for-service payment system does little to encourage the prevention of readmissions or control the volume of care and cost of services delivered. MedPAC, CBO, and others believe this fee-for-service distortion is a major driver of excess spending in the healthcare system. Consequently, per-beneficiary spending varies between regions by as much as one-third without any measurable difference in patient outcomes. In addition, à la carte health care delivery focuses on individual procedures and patient interactions without much regard for the integration of care and appropriate mix of services necessary.

For example, MedPAC reports that within 30 days of discharge, 17.6 percent of Medicare admissions are readmitted for which Medicare spent \$15 billion in 2005. The Commonwealth

Fund Commission on a High Performance Health System found that Medicare 30-day readmission rates varied from 14 percent to 22 percent with respect to the lowest and highest decile of states.

MedPAC and other expert groups report that the bundling of Medicare payments around episodes of care will align financial incentives within the program to maximize quality and efficiency for Medicare beneficiaries. It is critical to note that such reforms not only lower overall healthcare costs but also have the potential to lower Medicare beneficiaries out of pocket expenses while improving their health. For example, the Medicare Participating Heart Bypass Center Demonstration conducted from 1990 to 1996 explored the utility of payment bundling. In this demonstration, participating centers were reimbursed with a bundled payment for episodes of care related to heart bypass cases. The demonstration resulted in reduced spending on laboratory diagnostics, pharmacy services, intensive care, and unnecessary physician consults while still maintaining a high quality of care. In the end, the demonstration saved the Medicare program approximately 10 percent on cost of bypass treatments.

There is considerable agreement in the health policy community about a move toward “episodic” or bundled payments. The 16th Commonwealth Fund/Modern Health Care Opinion Leaders Survey, released November 3, 2008, found that more than ¾ respondents reported that the fee-for-service system is not effective at encouraging high quality and efficient care. More than ¾ of respondents prefer a move toward bundled per patient payments. Shared accountability for resource use also was favored as a means for improving efficiency, and ¾ of the experts surveyed supported realigning provider payment incentives to improve efficiency and effectiveness.

This legislation makes three broad reforms to the Medicare program leading to higher quality and more efficient care. First, the legislation requires the U.S. Department of Health and Human Services, HHS, to report on risk adjusted readmission rates and resource use to Medicare providers, and over time, to the public. Second, the legislation establishes risk-adjusted benchmarks based upon these data that, over time, will be utilized to adjust Medicare payments. Finally, the legislation institutes a voluntary “episodic payment” pilot program.

Readmission will be defined by the Secretary of HHS and will include a time frame of at least 30 days between the initial diagnosis and readmission, insure that the readmission rate captures readmissions to any hospital and not be limited to the initial health care

provider entity, and verify that the diagnosis for both initial and readmission are related. Within 1 year from enactment, HHS will be tasked with confidentially reporting to provider entities risk adjusted for readmission rates and risk adjusted resource use for select high-volume diagnosis-related groups, DRG, associated with high-rates of readmission. After 3 years, HHS will publically release these reports with an annual review of the list of DRGs reported. The data reported will be risk adjusted taking into account variations in health status and other patient characteristics. Physician's not reporting these data to HHS for analysis will be penalized; although physicians do have the ability to apply for hardship exceptions.

The legislation requires HHS to establish benchmarks for risk adjusted readmission rates and resource utilization for a given DRG and within 2 years of enactment, report to Congress on methodologies used to develop such benchmarks. Three years from the date of enactment, the base operating DRG payment to hospitals not meeting the established benchmarks will be reduced by 1 percent or an amount that is proportionate to the number of readmissions exceeding the benchmark. The Secretary of HHS will devise a mechanism to allocate accountability among providers associated with the episode of care with regard to penalty distribution. The benchmark and penalty will be evaluated and updated annually.

The legislation goes further and establishes a voluntary pilot program to allow for bundled episodic payments to organized groups of multispecialty and multilevel providers for select high cost interventions. Payments would be risk adjusted and would cover all Medicare Part A and B costs associated with a hospitalization episode including care delivered 30 days after discharge. Payments would be issued to the participating provider group which, in turn, would reimburse negotiated payments to all individual providers associated with episode of treatment. The pilot would include testing models in a variety of settings including rural and underserved areas. The initial pilot will begin 2 years from date of enactment and continue for a period of 5 years. If the pilot proves successful, the Secretary of HHS will have the authority to expand the payment mechanism to a larger set of providers.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Quality and Payment Reform Act of 2009".

SEC. 2. FINDINGS.

(a) FINDINGS RELATING TO MEDICARE REPORTING OF READMISSION RATES AND RESOURCE USE AND THE MEDICARE FEE-FOR-SERVICE PAYMENT SYSTEM.—Congress makes the following findings:

(1) The Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) does not publically or privately report to health care providers on resource use and, as a result, many health care providers are unaware of their practices with respect to resource use.

(2) In 2008, the Congressional Budget Office reported that areas with higher Medicare spending scored lower, on average, on a composite indicator of quality of care furnished to Medicare beneficiaries.

(3) Feedback on resource use has been shown to increase awareness among health care providers and encourage positive behavioral changes.

(4) The Medicare program pays for all patient hospitalizations based on the diagnosis, regardless of whether the hospitalization is a readmission or the initial episode of care.

(5) The Medicare Payment Advisory Commission reports that within 30 days of discharge from a hospital, 17.6 percent of admissions are readmitted to the hospital. In 2005, the Medicare program spent \$15,000,000,000 on such readmissions.

(6) The Commonwealth Fund Commission on a High Performance Health System found that Medicare 30-day readmission rates varied from 14 percent to 22 percent with respect to the lowest and highest decile of States.

(b) FINDINGS RELATING TO THE BUNDLING OF MEDICARE PAYMENTS TO HEALTH CARE PROVIDERS.—Congress makes the following findings:

(1) Bundled payments incentivize health care providers to determine and provide the most efficient mix of services to Medicare beneficiaries with regard to cost and quality.

(2) The Medicare Payment Advisory Commission reports that bundled payments around a given episode of care under the Medicare program would encourage collaboration among providers of services and suppliers, reduce fragmentation in health care delivery, and improve the accountability for cost and the quality of care.

(3) The Medicare Participating Heart Bypass Center Demonstration which was conducted during the period of 1990 to 1996 found that bundled payments for cardiac bypass cases were successful in reducing spending on laboratory diagnostics, pharmacy services, intensive care, physician consults, and post-discharge care while maintaining a high quality of care. The Medicare program saved approximately 10 percent on bypass patients treated under the demonstration.

(4) The 16th Commonwealth Fund/Modern Healthcare Health Care Opinion Leaders Survey, released November 3, 2008, found that more than ¾ of respondents reported that the fee-for-service payment system under the Medicare program is not effective at encouraging high quality and efficient care and more than ¾ of respondents reported preferring a move toward bundled per patient payments under the Medicare program. Respondents favored shared accountability for resource use as a means for improving efficiency, and at least ¾ of respondents supported realigning payment incentives for providers of services and suppliers under the Medicare program in order to improve efficiency and effectiveness.

SEC. 3. PAYMENT ADJUSTMENT FOR READMISSION RATES AND RESOURCE USE.

(a) PAYMENT ADJUSTMENT.—

(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"PAYMENT ADJUSTMENT FOR READMISSION RATES AND RESOURCE USE

"SEC. 1899. (a) REPORTING OF READMISSION RATES AND RESOURCE USE.—

"(1) ANNUAL REVIEW.—Beginning not later than 1 year after the date of enactment of this section, the Secretary shall conduct an annual review of readmission rates and resource use for conditions selected by the Secretary under paragraph (5)—

"(A) with respect to subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers); and

"(B) with respect to the program under this title.

"(2) REPORTING.—

"(A) TO HOSPITALS AND AFFILIATED PHYSICIANS.—Beginning not later than 1 year after the date of enactment of this section, taking into consideration the results of the annual review under paragraph (1), the Secretary shall provide confidential reports to subsection (d) hospitals and to affiliated physicians (or similarly licensed providers of services and suppliers) that measure the readmission rates and resource use for conditions selected by the Secretary under paragraph (5).

"(B) TO THE PUBLIC.—Beginning not later than 3 years after such date of enactment, taking into consideration the results of such annual review, the Secretary shall make available to the public an annual report that measures the readmission rates and resource use under this title for conditions selected by the Secretary under paragraph (5). Such annual reports shall, to the extent practicable, be integrated into public reporting of data submitted under section 1886(b)(3)(B)(viii) with respect to subsection (d) hospitals and data submitted under section 1848(m) with respect to eligible professionals.

"(3) DEFINITION OF READMISSION.—The Secretary shall define readmission for purposes of this section. Such definition shall—

"(A) include a time frame of at least 30 days between the initial admission and the applicable readmission;

"(B) capture readmissions to any hospital (as defined in section 1861(e)) or any critical access hospital (as defined in section 1861(mm)(1)) and not be limited to readmissions to the subsection (d) hospital of the initial admission; and

"(C) ensure that the diagnosis for both the initial admission and the applicable readmission are related.

"(4) PENALTIES FOR NON-REPORTING.—The Secretary shall establish procedures for the collection of data necessary to carry out this subsection. Such procedures shall—

"(A) subject to subparagraph (B), provide for the imposition of penalties for subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers) that do not submit such data; and

"(B) include a hardship exceptions process for affiliated physicians (and similarly licensed providers of services and suppliers) who do not have the resources to participate (except that such process may not apply to more than 20 percent of affiliated physicians (or similarly licensed providers of services and suppliers)).

"(5) SELECTION OF CONDITIONS.—

“(A) INITIAL SELECTION.—The Secretary shall select conditions for the reporting of readmission rates and resource use under this subsection—

“(i) that have a high volume under this title; or

“(ii) that have high readmission rates under this title.

“(B) UPDATING CONDITIONS SELECTED.—Not less frequently than every 3 years, the Secretary shall review and update as appropriate the conditions selected under subparagraph (A).

“(6) TIME PERIOD OF MEASUREMENT.—The Secretary shall, as appropriate and subject to the requirements of this subsection, determine an appropriate time period for the measurement of readmission rates and resource use for purposes of this section.

“(7) RISK ADJUSTMENT OF DATA.—The Secretary shall make appropriate adjustments to any data used in analyzing or reporting readmission rates and resource use under this section, including any data used to conduct the annual review under paragraph (1), in the preparation of reports under subparagraph (A) or (B) of paragraph (2), or in the determination of whether a subsection (d) hospital or an affiliated physician (or a similarly licensed provider of services or supplier) has met the benchmarks established under subsection (b)(1)(A)(i) to take into account variations in health status and other patient characteristics.

“(8) INCORPORATION INTO QUALITY REPORTING INITIATIVES.—The Secretary shall, to the extent practicable, incorporate readmission rates and resource use measurements into quality reporting initiatives for other Medicare payment systems, including such initiatives with respect to skilled nursing facilities and home health agencies.

“(b) PAYMENT ADJUSTMENT FOR READMISSION RATES AND RESOURCE USE.—

“(1) IN GENERAL.—

“(A) BENCHMARKS.—

“(i) IN GENERAL.—The Secretary shall establish benchmarks for measuring the readmission rates and resource use of subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers) under this section.

“(ii) REPORT TO CONGRESS ON METHODOLOGIES USED TO ESTABLISH BENCHMARKS.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the methodologies used to establish the benchmarks under clause (i).

“(iii) RISK ADJUSTMENT OF DATA.—In determining whether a subsection (d) hospital has met the benchmarks established under clause (i) for purposes of the payment adjustment under this subsection, the Secretary shall provide for risk adjustment of data in accordance with subsection (a)(7).

“(B) PAYMENT ADJUSTMENT.—Not later than 3 years after the date of enactment of this section, in the case of a subsection (d) hospital that the Secretary determines does not meet 1 or more of the benchmarks established under subparagraph (A)(i) during the time period of measurement, the Secretary shall reduce the base operating DRG payment amount (as defined in subparagraph (C)) for the subsection (d) hospital for each discharge occurring in the succeeding fiscal year by—

“(i) 1 percent or an amount that the Secretary determines is proportionate to the number of readmissions of the subsection (d) hospital which exceed the applicable benchmark established under subparagraph (A)(i), whichever is greater; or

“(ii) in the case where the Secretary updates the amount of the payment adjustment under paragraph (3), such updated amount.

“(C) BASE OPERATING DRG PAYMENT AMOUNT DEFINED.—

“(i) IN GENERAL.—Except as provided in clause (ii), in this subsection, the term ‘base operating DRG payment amount’ means, with respect to a subsection (d) hospital for a fiscal year—

“(I) the payment amount that would otherwise be made under section 1886(d) for a discharge if this subsection did not apply; reduced by

“(II) any portion of such payment amount that is attributable to payments under paragraphs (5)(A), (5)(B), (5)(F), and (12) of such section 1886(d).

“(ii) SPECIAL RULES FOR CERTAIN HOSPITALS.—

“(I) SOLE COMMUNITY HOSPITALS.—In the case of a sole community hospital, in applying clause (i)(I), the payment amount that would otherwise be made under subsection (d) for a discharge if this subsection did not apply shall be determined without regard to subparagraphs (I) and (L) of subsection (b)(3) of section 1886 and subparagraph (D) of subsection (d)(5) of such section.

“(II) HOSPITALS PAID UNDER SECTION 1814.—In the case of a hospital that is paid under section 1814(b)(3), the term ‘base operating DRG payment amount’ means the payment amount under such section.

“(2) SHARED ACCOUNTABILITY.—The Secretary shall examine ways to create shared accountability with providers of services and suppliers associated with episodes of care, including how any penalty could be distributed among such providers of services and suppliers as appropriate and how to avoid inappropriate gainsharing by such providers of services and suppliers.

“(3) ANNUAL UPDATE.—The Secretary shall annually update the benchmarks established under paragraph (1)(A)(i) and the payment adjustment under paragraph (1)(B) to further incentivize improvements in readmission rates and resource use.

“(4) INCORPORATION OF NEW MEASURES.—In the case where the Secretary updates the conditions selected under subsection (a)(5)(B), any new condition selected shall not be considered in determining whether a subsection (d) hospital has met the benchmarks established under paragraph (1)(A)(i) for purposes of the payment adjustment under paragraph (1)(B) during the period beginning on the date of the selection and ending 1 year after such date.”.

(2) CONFORMING AMENDMENT.—Section 1886(d)(1)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(A)), in the matter preceding clause (i), is amended by striking “section 1813” and inserting “sections 1813 and 1899”.

(b) VOLUNTARY PILOT PROGRAM FOR BUNDLED PAYMENTS FOR EPISODES OF TREATMENT.—

(1) INITIAL IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall establish a pilot program to provide episodic payments to hospitals and other organizing entities for items and services associated with hospitalization episodes of Medicare beneficiaries with respect to 1 or more conditions selected under subparagraph (B).

(B) SELECTION.—The Secretary shall initially implement the pilot program for hospitalization episodes with respect to conditions that have a high volume, high readmission rate, or high rate of post-acute care

under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as determined by the Secretary).

(C) PAYMENTS.—

(i) IN GENERAL.—Under the pilot program, episodic payments shall—

(I) be risk adjusted; and

(II) cover all costs under parts A and B of the Medicare program associated with a hospitalization episode with respect to the selected condition, which includes the period beginning on the date of hospitalization and ending 30 days after the date of discharge.

(ii) COMPATIBILITY OF PAYMENT MECHANISMS.—The Secretary shall, to the extent feasible, ensure that the payment mechanism under the pilot program functions with payment mechanisms under the original Medicare fee for service program under parts A and B of title XVIII of the Social Security Act and under the Medicare Advantage program under part C of such title.

(iii) PROCESS.—Under the pilot program, episodic payments shall be made to a hospital or other organizing entity participating in the pilot program. The participating hospitals and other organizing entities shall make payments to other providers of services and suppliers who furnished items or services associated with the hospitalization episode (in an amount negotiated between the participating hospital and the provider of services or supplier).

(iv) SAVINGS.—The Secretary shall establish procedures to ensure that the Secretary, participating hospitals or other organizing entities, providers of services, and suppliers share any savings associated with higher efficiency care furnished under the pilot program.

(D) INCLUSION OF VARIETY OF PROVIDERS OF SERVICES AND SUPPLIERS.—In selecting providers of services and suppliers to participate in the pilot program, the Secretary shall establish criteria to ensure the inclusion of a variety of providers of services and suppliers, including providers of services and suppliers that serve a wide range of Medicare beneficiaries, including Medicare beneficiaries located in rural and urban areas and low-income Medicare beneficiaries.

(E) DURATION.—The Secretary shall conduct the pilot program under this paragraph for a 5-year period.

(F) IMPLEMENTATION.—The Secretary shall implement the pilot program not later than 2 years after the date of enactment of this Act.

(G) DEFINITION OF ORGANIZING ENTITY.—In this subsection, the term “organizing entity” means an entity responsible for the organization and administration of the furnishing of items and services associated with a hospitalization episode of a Medicare beneficiary with respect to 1 or more conditions selected under subparagraph (B).

(2) EXPANDED IMPLEMENTATION.—

(A) ESTABLISHMENT OF THRESHOLDS FOR EXPANSION.—The Secretary shall, prior to the implementation of the pilot program under paragraph (1), establish clear thresholds for use in determining whether implementation of the pilot program should be expanded under subparagraph (B).

(B) EXPANDED IMPLEMENTATION.—If the Secretary determines the thresholds established under subparagraph (A) are met, the Secretary may expand implementation of the pilot program to additional providers of services, suppliers, and episodes of treatment not covered under the pilot program as conducted under paragraph (1), which may include the implementation of the pilot program on a national basis.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 18—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 111TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 18

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 111th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Brown, Mr. Casey, Ms. Klobuchar, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson of Nebraska, Mr. Pryor, and Mr. Tester.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall of Colorado, Mrs. Hagan, Mr. Begich, and Mr. Burr.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Tester, Mr. Kohl, Mr. Warner, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Inouye, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Udall of New Mexico, Mr. Warner, and Mr. Begich.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, Mr. Bayh, Ms. Stabenow, Mr. Udall of Colorado, and Mrs. Shaheen.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson of Florida, Mr. Menendez, and Mr. Carper.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Ms. Shaheen, Mr. Kaufman, and Majority Leader designee.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burr, and Majority Leader designee.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Mr. Wyden, Ms. Klobuchar, and Mr. Kaufman.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mrs. Feinstein, Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Durbin, Mr. Nelson of Nebraska, Mrs. Murray, Mr. Pryor, Mr. Warnert, and Mr. Udall of New Mexico.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairperson), Mr. Kerry, Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, Mrs. Hagan, and Mrs. Shaheen.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Sanders, Mr. Brown, Mr. Webb, Mr. Tester, Mr. Begich, and Mr. Burr.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Nelson of Florida, Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall of Colorado, Majority Leader designee, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, and Mr. Merkley.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mr. Tester, Mr. Udall of New Mexico, and Majority Leader designee.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson of Florida, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SENATE RESOLUTION 19—MAKING MINORITY PARTY APPOINTMENTS FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 19

Resolved, That the following be the minority membership on the following committee for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Republican Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Specter, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mrs. Hutchison, Mr. Brownback, Mr. Alexander, Ms. Collins, Mr. Voinovich, and Ms. Murkowski.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Martinez, Mr. Wicker, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Martinez, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, and Mrs. Hutchison.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Grassley, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, and Mr. Alexander.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Vitter, Mr. Brownback, Mr. Martinez, and Mr. Johanns.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Burr, Mr. Barrasso, Mr. Brownback, Mr. Risch, Mr. McCain, Mr. Bennett, Mr. Bunning, Mr. Sessions, and Mr. Corker.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Voinovich, Mr. Vitter, Mr. Barrasso, Mr. Specter, Mr. Crapo, Mr. Bond, and Mr. Alexander.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Ms. Snowe, Mr. Kyl, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Republican Leader designee, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, and Mr. Wicker.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. McCain, Mr. Hatch, Ms. Murkowski, Mr. Coburn, and Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Republican Leader designee, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, and Mr. Coburn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Alexander, Mr. Roberts, and Mr. Ensign.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Republican Leader designee, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, and Mr. Wicker.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Specter, Mr. Isakson, Mr. Wicker, and Mr. Johanns, and Mr. Graham.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Crapo, and Mr. Johanns.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Hatch, Ms. Snowe, Mr. Chambliss, Mr. Burr, Mr. Coburn, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Specter, Republican Leader designee, Mr. Corker, Mr. Hatch, Mr. Brownback, and Mr. Graham.

ECONOMIC COMMITTEE: Mr. Brownback, Mr. DeMint, Mr. Risch, and Mr. Bennett.

AMENDMENTS SUBMITTED AND PROPOSED

SA 30. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table.

SA 31. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 32. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 33. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 34. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 35. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 181, supra; which was ordered to lie on the table.

SA 36. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 30. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, lines 21 and 22, strike “a discriminatory compensation decision” and insert “an intentional discriminatory compensation decision”.

On page 3, lines 23 and 24, strike “a discriminatory compensation decision” and insert “an intentional discriminatory compensation decision”.

On page 3, line 25, through page 4, line 1, strike “a discriminatory compensation decision” and insert “an intentional discriminatory compensation decision”.

On page 5, lines 5 and 6, strike “a discriminatory compensation decision” and insert “an intentional discriminatory compensation decision”.

On page 5, line 7, strike “a discriminatory compensation decision” and insert “an intentional discriminatory compensation decision”.

On page 5, line 9, strike “a discriminatory compensation decision” and insert “an in-

tentional discriminatory compensation decision”.

SA 31. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RIGHT TO WORK.

(a) NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided, That*” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 32. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

“SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

“(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initi-

ation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

“(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.”.

SA 33. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. STATUTES OF LIMITATIONS FOR SUITS AGAINST LABOR ORGANIZATIONS.

(a) CIVIL RIGHTS ACT OF 1964.—Section 706(e) of the Civil Rights Act of 1965 (as amended by section 3 of this Act) (42 U.S.C. 2000e-5(e)) is further amended by adding at the end the following:

“(4) Notwithstanding paragraph (1), a charge filed by or on behalf of an individual claiming to be aggrieved against a labor organization shall not be subject to the timing requirements of such paragraph, and the individual may file a charge at any time after the alleged unlawful employment practice has occurred.”.

(b) AGE DISCRIMINATION IN EMPLOYMENT ACT.—Section 7 of the Age Discrimination in Employment Act of 1967 (as amended by section 4 of this Act) (29 U.S.C. 626) is further amended by adding at the end the following:

“(g) STATUTES OF LIMITATIONS FOR SUITS AGAINST LABOR ORGANIZATIONS.—Notwithstanding subsection (d), a charge filed by or on behalf of an individual alleging that a labor organization committed unlawful discrimination against the individual shall not be subject to the timing requirements of such subsection, and the individual may file a charge at any time after the alleged unlawful employment practice has occurred.”.

(c) APPLICATION TO OTHER LAWS.—Section 5 of this Act shall be applied by substituting “sections 3 and 7” for “section 3” each place the term occurs.

SA 34. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GOVERNMENT NEUTRALITY IN CONSTRUCTION.

(a) PURPOSES.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.—

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(II) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) APPLICATION OF PROHIBITION.—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction

manager acting on behalf of a recipient or party described in subparagraph (A) do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient, or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) EXEMPTIONS.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) SPECIAL CIRCUMSTANCES.—For purposes of subparagraph (A), a finding of “special circumstances” may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of paragraphs (1) or (2) if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this subsection applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION CONTRACT.—The term “construction contract” means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 105 of title 5, United States

Code, except that such term shall not include the Government Accountability Office.

(C) LABOR ORGANIZATION.—The term “labor organization” has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SA 35. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 11 through 20 and insert the following:

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision or other practice; and

(2) the discriminatory compensation decision or other practice is adopted on or after that date of enactment.

SA 36. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 21 and all that follows through page 5, line 9 and insert the following:

in compensation in violation of this title, when an intentional discriminatory compensation decision or other practice is adopted, when an individual becomes subject to an intentional discriminatory compensation decision or other practice, or when an individual is affected by application of an intentional discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided

in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;

(2) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(3) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when an intentional discriminatory compensation decision or other practice is adopted, when a person becomes subject to an intentional discriminatory compensation decision or other practice, or when a person is affected by application of an intentional discriminatory compensation decision or other

“Where Were the Watchdogs? The Financial Crisis and the Breakdown of Financial Governance.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Wednesday, January 21, 2009, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. RES. 18 AND S. RES. 19

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. Res. 18 and S. Res. 19, submitted earlier today; that the resolutions be agreed to, and the motions to reconsider be laid upon the table en bloc. They have been approved by the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolutions (S. Res. 18 and S. Res. 19) were agreed to, as follows:

S. RES. 18

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 111th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Brown, Mr. Casey, Ms. Klobuchar, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson of Nebraska, Mr. Pryor, and Mr. Tester.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall of CO, Mrs. Hagan, Mr. Begich, and Mr. Burris.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Tester, Mr. Kohl, Mr. Warner, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Inouye, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Udall of New Mexico, Mr. Warner, and Mr. Begich.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, Mr. Bayh, Ms.

Stabenow, Mr. Udall of Colorado, and Mrs. Shaheen.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson of Florida, Mr. Menendez, and Mr. Carper.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Ms. Shaheen, Mr. Kaufman, and Majority Leader designee.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, and Majority Leader designee.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Mr. Wyden, Ms. Klobuchar, and Mr. Kaufman.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mrs. Feinstein, Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Durbin, Mr. Nelson of Nebraska, Mrs. Murray, Mr. Pryor, Mr. Warner, and Mr. Udall of New Mexico.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairperson), Mr. Kerry, Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, Mrs. Hagan, and Mrs. Shaheen.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Sanders, Mr. Brown, Mr. Webb, Mr. Tester, Mr. Begich, and Mr. Burris.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Nelson of Florida, Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall of Colorado, Majority Leader designee, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, and Mr. Merkley.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mr. Tester, Mr. Udall of New Mexico, and Majority Leader designee.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson of Florida, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

S. RES. 19

Resolved, That the following be the minority membership on the following committee

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 2 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 2 p.m. to conduct a hearing entitled

for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Republican Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Specter, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mrs. Hutchison, Mr. Brownback, Mr. Alexander, Ms. Collins, Mr. Voinovich, and Ms. Murkowski.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Martinez, Mr. Wicker, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Martinez, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, and Mrs. Hutchison.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Grassley, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, and Mr. Alexander.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Vitter, Mr. Brownback, Mr. Martinez, and Mr. Johanns.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Burr, Mr. Barrasso, Mr. Brownback, Mr. Risch, Mr. McCain, Mr. Bennett, Mr. Bunning, Mr. Sessions, and Mr. Corker.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Voinovich, Mr. Vitter, Mr. Barrasso, Mr. Specter, Mr. Crapo, Mr. Bond, and Mr. Alexander.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Ms. Snowe, Mr. Kyl, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Republican Leader designee, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, and Mr. Wicker.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. McCain, Mr. Hatch, Ms. Murkowski, Mr. Coburn, and Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Republican Leader designee, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, and Mr. Coburn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Alexander, Mr. Roberts, and Mr. Ensign.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Republican Leader designee, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, and Mr. Wicker.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Specter, Mr. Isakson, Mr. Wicker, Mr. Johanns, and Mr. Graham.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Crapo, and Mr. Johanns.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Hatch, Ms. Snowe, Mr. Chambliss, Mr. Burr, Mr. Coburn, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Specter, Republican Leader designee, Mr. Corker, Mr. Hatch, Mr. Brownback, and Mr. Graham.
JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. DeMint, Mr. Risch, and Mr. Bennett.

MAINTAINING THE SCHEDULE

Mr. REID. Mr. President, we have made good progress on this legislation today, the Ledbetter legislation. I am not filing cloture tonight. I am very confident we will be able to finish this bill tomorrow. If we do not, I will file cloture on it for a weekend cloture vote because we have to finish this bill this week. If people need more time, they want to have some more debate and amendments on Friday, that is fine with me too.

I think this legislation sets a good tone that we can legislate here, people can offer amendments, with no restrictions on the amendments. I think this is the way we need to move forward.

The simple fact that we have 58, 59 Senators should not in any way give us any idea that we can move through here without bipartisan support. So I hope we can do that. But we still have a schedule to maintain. If that cannot be done, we will do some things over the weekend.

Progress is being made with the nominations. I hope once we get some more reported out of the committees, we can move some of them out of here quickly.

We have so much work to do in just a short period of time. Four weeks, basically, is all we have left of this work period, and we are going to finish a number of items. I have announced what they would be. We are going to do that or we are not going to have our Presidents Day recess.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAY FORWARD

Mr. SANDERS. Mr. President, I wish to begin by congratulating Senator MIKULSKI on her continued efforts in fighting for pay equality for women workers. This is a struggle that has gone on for decades. We are making some progress, but we have a long way to go and it is imperative that we pass the Ledbetter legislation.

Yesterday, as everybody in the world knows, Barack Obama was sworn in as the President of the United States. I can tell my colleagues that in my State of Vermont, and I expect all over this country and, in fact, in virtually every country in the world, there was great anticipation and great joy, not

only because we have made history in our country by electing the first African American ever elected President, but also because the people of this country demand that we begin moving America in a very different direction than where we have been going for the last 8 years. Unfortunately, as President Obama assumes office, the Congress, the American people, and he are looking out at a set of the most serious problems that our country has faced since the Great Depression. Let me take a very few minutes to give a broad outline of some of those problems and some of the efforts I personally will be making in order to address these crises.

As a result of the outrageous greed and recklessness and dishonesty on the part of a few hundred or a few thousand speculators on Wall Street, our entire financial system is in danger of collapsing. That impacts not only the United States but, in fact, the financial markets all over the world. At this point, the American taxpayer—primarily the middle class—has already put into the TARP bailout some \$700 billion, but in addition to that, the Fed has lent out trillions of dollars with virtually no transparency and certainly no accountability. This is a crisis we have to deal with in a number of ways. I will tell my colleagues as somebody who voted against the original bailout and who voted against the second bailout, we have to develop a mechanism that does more than pump hundreds and hundreds of billions of dollars to bail out Wall Street. This is a difficult issue, it is a complicated issue, but it is an issue that we have to address.

Furthermore, in my view, we need an investigation to get at the root of the problem. I reject the idea, as some suggest, that this was a problem caused by everybody; all of us are guilty in causing this financial crisis. That is wrong. The fact is there are a relatively small number of people—by and large people who in the last 5 to 10 years have made hundreds of millions of dollars; in fact, in some cases have accrued billions of dollars of wealth for themselves, who have operated in utter recklessness and, in my suspicion, in illegal maneuvers in order to make these incredible profits and to bring our financial system to the edge of collapse. We need to know who these people are, how they did it, hold them accountable, and create legislation which makes sure that we never, ever again are placed in the position we are in today.

The truth of the matter is that while the financial crisis of the last few months has exacerbated the economic problems that we are facing as a Nation today, for many years, despite the assertions of the Bush administration, the middle class has been in a significant state of decline, poverty has been increasing, and millions of people have

lost their health insurance and their pensions. What is happening today as a result of the financial crisis and the huge increase in unemployment is a situation where when people lose their jobs, they are losing their health insurance; when they are losing their income, they are losing their ability to maintain their homes and they are losing their homes; when they are losing their income, they are unable to take care of their parents, they are unable to send their kids to college, and the dreams many people have fought for their entire working lives are now disappearing. I can tell my colleagues that in the State of Vermont we have received many e-mails and communications from elderly people, elderly workers who have told me that they have spent their whole lives working so they would have a secure retirement, and now that retirement is disappearing with the decline of the stock market. We are in the midst of a grave crisis and we are going to need some bold thinking in order to get out of it.

Not only are we seeing a huge increase in unemployment, people losing their health insurance, poverty increasing, the reality is we continue to have—and we do not talk about this enough—by far the highest rate of childhood poverty of any major Nation on Earth. During my years in the House and my time in the Senate, I have heard some of my colleagues talk about family values. Well, let me say very clearly that having the highest rate of childhood poverty in the industrialized world is not a family value, it is a national disgrace. Every psychologist in the world will tell us that when kids grow up in poverty, when kids do not have early childhood education, when kids go to poor schools, there is a direct correlation between that reality and the fact that we have more people behind bars today, more people in jail than any country in the world, including China. How does that happen, that millions of Americans end up in jail more so than in an authoritarian country such as China? If one thinks it does not have a relationship to the high rate of childhood poverty in this country and the fact that we are not investing in our kids, I think you would be wrong.

Last year, we continued the process of seeing a growing gap between the very rich and everybody else. I know this is not an issue that many people in the Congress choose to talk about, but it is an issue that must be talked about, not only from a sense of morality but from a sense of basic economic well-being. In my view, it is not acceptable that the top one-tenth of 1 percent earn more income than the bottom 50 percent. It is not acceptable that the top 1 percent own more wealth than the bottom 90 percent. The whole issue of greed is something that we as a Congress and as a Nation have to be talk-

ing about. Do people need billions and billions and billions of dollars in personal wealth when we have children in this city and all over this country who are living out in the streets and who are denied basic, decent quality childcare? Is that the kind of Nation that we are about?

Since 2000, since the year 2000, nearly 6 million Americans have slipped out of the middle class and into poverty, the median income for working age families has gone down by over \$2,300, over 7 million Americans have lost their health insurance, more than 4 million decent paying manufacturing jobs have been lost, and over 4 million workers have lost their pensions. All of those figures will get worse because of the statistics we have seen in recent months because of the financial crisis. The dream of a college education is fading away for many working families in my State and all over this country as college costs go up while incomes go down. We are seeing a situation where hundreds of thousands of qualified students are unable to go to college because they simply don't have the money to do that, and many others are coming out deeply in debt and have to take jobs which they would rather not take in order to pay back their student loans. Meanwhile, in the last 8 years, despite the bailout of Wall Street, with ongoing tax breaks for the very wealthy, and with the war in Iraq, we now have a national debt of over \$10.5 trillion.

Another issue this Congress has to deal with is to address the reality that the United States of America remains the only major country on Earth that does not provide health care to all of its people. Yet we end up spending substantially more per capita on health care than any other Nation. But 47 million Americans have no health insurance. Almost 20,000 Americans die every single year because they don't have access to decent primary health care—they can't find a doctor when they need it—and we pay the highest prices in the world for prescription drugs.

With a new President, with a new Congress, the American people are asking whether finally we will have the courage to stand up to the lobbyists who are outside of this building every single day, who are walking the corridors; can we stand up to the insurance companies, can we stand up to the drug companies so that we finally—finally—will provide quality health care, low-cost prescription drugs to every man, woman, and child as a right of citizenship? Will we have the courage to do that? I certainly hope we will.

As we speak, we are currently involved in wars in Iraq and Afghanistan which have cost us not only the lives of thousands and thousands of wonderful young men and women, but they cost us over \$10 billion every single month.

These wars are also stretching the Army and our National Guard to the breaking point. My hope is that in the next several months we will be developing policy to bring our troops home from Iraq as soon as we possibly can. I hope very much that we will have not only a debate right here in Congress but a national conversation about how we deal with the very difficult issues of Afghanistan.

Despite the reality of global warming, our Nation still, despite decades of talk, has not yet broken our dependency on fossil fuel and foreign oil. In fact, every single year we are spending more than \$500 billion bringing in oil from abroad. We have only begun—just begun—to make the advances we need to make in terms of energy efficiency and sustainable energy. As a member of both the Environmental Committee and the Energy Committee, it is my view that we have the potential to create millions of good-paying jobs as we transform our energy system away from fossil fuel to energy efficiency and sustainable energy. We can do that. We must do that.

As my colleagues well know, the major issue that this Congress is going to be dealing with in the next several weeks is an economic recovery program. I strongly support the basic outlines of that program. Obviously, there is going to be a lot of debate about the details within it and the hope that we can target that money in such a way as to create good-paying jobs as quickly as possible in the most cost-effective way imaginable. What I can tell my colleagues is that in my State—and I expect in the other 49 States in this country—our infrastructure is collapsing. We have roads in the State of Vermont which have huge problems. We have all kinds of bridges that are in need of repair in our small towns. We have water systems that are simply inadequate. We have wastewater plants that need to be rebuilt. All of these are very expensive propositions. So in the stimulus package, my hope is that we are going to put substantial sums of money into rebuilding our roads, our bridges, our water systems. I hope we begin to make the investment we need in public transportation—certainly rural public transportation in the State of Vermont—as one of many needs. If you are a worker in one part of the State and you want to go 50 miles to your job, in almost every case there is no public transportation to get you there. If you are a senior citizen and wish to go to the hospital or the grocery store, it is very hard to get there if you do not have a car. I suspect that is true all over rural America. In addition, our rail system is far behind, where Europe, Japan, and even China are now advancing forward. So I hope for and will support a major increase in funding to create a substantial number of new jobs as we rebuild our infrastructure.

In addition—I know President Obama has been very strong on this issue, and I agree with him—we need to invest heavily in energy efficiency. I can tell you that in the State of Vermont and, again, all over this country but especially in cold-weather States, you have older homes where energy is just going through the roof—literally going through the roof and the windows—because of poor insulation. We can create jobs making our homes, our offices, our schools more energy efficient.

We need to be extremely aggressive, as I mentioned a moment ago, in terms of public transportation.

Also, right now we are on the cusp of major breakthroughs in such renewable technologies as wind, solar, geothermal, and biomass. I suspect that in 20 years, people will see a very different energy system than we have right now. It will be a cleaner system. It will be a system not emitting greenhouse gases.

There is a lot of work that stands in front of us. There was an election in November where the people said: We want change. That is what that election was all about. Unless we are bold, unless we are prepared to take on the big money interests that have dominated legislation for the last many years, there will be a great deal of disappointment all over this country.

Now is the time. There is a lot of enthusiasm in the work President Obama has been doing since he has been elected. There is an enormous amount of hope and confidence in the air that we can move America in a new direction. I hope that with new national leadership, with strong grassroots participation, with a Congress prepared to stand up and take on the powerful special interests that have dominated us for so many years, we can fulfill the faith the American people have expressed in us in recent years and that, in fact, we can move America in a very different

direction and become the country all of us know we can become.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 181

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 181, the Lilly Ledbetter Fair Pay Act, on Thursday, January 22, there be up to 60 minutes of debate equally divided between Senator HUTCHISON and Senator MIKULSKI or their designees on the Hutchison amendment No. 25 prior to a vote in relation to the amendment; further, that no amendment be in order to the Hutchison amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JANUARY 22, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, January 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to

10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate resume consideration of S. 181, the Lilly Ledbetter Fair Pay Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANDERS. Mr. President, the first vote of the day will begin around 11:30 a.m. That vote will be in relation to the Hutchison amendment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Thursday, January 22, 2009, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

HILLARY RODHAM CLINTON, OF NEW YORK, TO BE SECRETARY OF STATE.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, January 21, 2009:

DEPARTMENT OF STATE

HILLARY RODHAM CLINTON, OF NEW YORK, TO BE SECRETARY OF STATE.

EXTENSIONS OF REMARKS

RECOGNIZING THE GREECE ROTARY CLUB FOR 50 YEARS OF TREMENDOUS SERVICE TO THE TOWN OF GREECE

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to commemorate the Greece Rotary Club for working for the betterment of the Greece community for 50 years.

The Greece Rotary is made up of more than 100 leaders from the community who volunteer their time and resources to help others and advance goodwill.

The Greece Rotary Club has undertaken many important volunteer projects, including giving out more than 1,600 dictionaries to help bolster children's interest in reading.

The impact of the Greece Rotary has been felt throughout the world as well. Last year, the Rotary worked in conjunction with Rotarians in Africa to complete two community service projects: donating books to Ethiopia and installing clean water systems for elementary schools in Nigeria.

Through its numerous good deeds and unselfish acts, the Greece Rotary has made good on Rotary International's mottos of "Service above self" and "They profit most who serve best." Rotary International works to bring business leaders together for humanitarian service projects and to build trust, goodwill and peace around the world.

Thus, Madam Speaker, in recognition of 50 years of tremendous service to the Town of Greece, I ask that this Honorable Body join me in honoring the Greece Rotary Club.

PINELLAS COUNTY, FLORIDA VOLUNTEERS HONORED FOR THEIR WORK TO PROTECT ENVIRONMENTAL LANDS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. YOUNG of Florida. Madam Speaker, I rise today to honor the more than 500 volunteers with the Pinellas County, Florida, Environmental Lands Division, which help manage and preserve Pinellas County's natural resources. These volunteers, whom I have the privilege to represent, are a diverse group that range from the age of 12 on up.

These volunteers make a vital contribution to the county's environmental protection efforts, ensuring that all citizens and visitors are able to enjoy Florida's native environment. They supplement the efforts of the Environ-

mental Land Division's staff, helping to oversee the nearly 16,000 acres managed by the division. In the first half of 2008 alone, these volunteers provided over 13,605 man hours in a wide range of activities.

The division's conservation efforts were recently honored both regionally and nationally. In April 2008, the National Association of Counties awarded the program with an Act of Caring Award for community improvement. Additionally, in March 2008, the Tampa Bay Regional Planning Council recognized the division for its community service, as well as environmental and public education efforts. Following my remarks, I will include for my colleagues the full story of the volunteer effort as reported by Mariana Minaya of The St. Petersburg Times as well as an editorial from the same paper.

Madam Speaker, the spirit of volunteerism and giving back to the community is alive and well in Pinellas County, Florida and I am honored to represent those who make such an invaluable contribution to the protection of Florida's natural resources. Their hard work and dedication allow the natural beauty of the land to be accessible to all visitors and I would ask my colleagues to join with me today in recognizing their outstanding achievements and to thank them for a job well done.

[From The St. Petersburg Times, July 30, 2008]

500 ENVIRONMENTAL GEMS

(By Mariana Minaya)

Thirty years ago, before development swallowed up swaths of Florida, Pinellas County had the foresight to begin setting aside thousands of acres of land for environmental protection.

Now, a robust corps of volunteers is striving to protect the county's natural resources. The Environmental Lands Division, which manages the county's preserves and other protected areas, has seen its ranks swell to more than 500 people. It is the fastest-growing sector of volunteerism in Pinellas County government.

The division's conservation efforts were recently honored both regionally and nationally. The volunteers are an "invaluable resource" to managing the nearly 16,000 acres under the department's care, said division director Dr. H. Bruce Rinker. Without the volunteers, the division's staff of 34 people would be seriously disadvantaged.

So far this year, volunteers have provided more than 13,605 man hours, equaling more than \$263,433. These numbers are up from the 1,387 hours of volunteer service in 1998, the year the division was founded within the department of Environmental Management.

The volunteers care for 30 different ecosystems. They staff educational centers at the Brooker Creek and Weedon Island preserves, maintain trails and grounds, survey flora and fauna, perform clerical work, lead hikes and help with research.

The sheer number of volunteers, the hours of labor they've donated, and the variety of duties they performed impressed judges of

two awards programs this year. In April, the National Association of Counties recognized four counties from about two dozen entrants with an Acts of Caring Award for community improvement, said spokesman Bill Cramer.

In March, the Tampa Bay Regional Planning Council recognized the division for its community service, as well as environmental and public education efforts. The division received a \$2,500 grant for its volunteer program from the Community Foundation of Tampa Bay.

Judges "were amazed . . . to have a program that has that many volunteers," said Wren Krah, spokeswoman for the Tampa Bay Regional Planning Council. "The other thing they were impressed with is how much they've accomplished with the stringent budget that they've had."

Over two years, as the division's staff has shrank by 14 positions, the volunteers recognize that the need for them "is real, not feigned," Rinker said. The division wants to grow by 10 percent more volunteer hours each year to offset the effects of staff and budget cuts.

To keep the ranks full, the division keeps the red tape to a minimum, said Kristin O'Meara, the land division's volunteer site coordinator. Once a background check clears, volunteers are open to the wide range of activities. They accept anyone age 12 and up.

Interest appears to be as strong as ever from both young and old. About half the volunteers are retired. About 15 percent are under age 18. Some do it for school requirements; others have a passion for wildlife and nature.

"How can you resist being able to work in the great outdoors?" Rinker said. "Driving down our driveway is like going back in time is what I've heard from people."

That is the appeal for Bill Brown, 62, of East Lake, who lived in Groveland as a child, spending time at his grandmother's boarding house for orange grove workers, living off the land.

"I can remember eating things on the endangered species list," Brown said.

Volunteering gives Brown the freedom that 30 years of office work as an Army Corps of Engineers spokesman never afforded him.

"You don't have a timetable," he said. "They give us a job to do and then turn us loose, which I kind of like."

On Tuesday mornings, he spends about four hours with his buddy, Ty Miramonti, 65, of Tarpon Springs. As a former Navy man and firefighter, Miramonti is the more adventurous and the more experienced, having started in 1993. But once in a while, his wild streak has gotten him literally stuck in the mud, and his partner's caution adds some balance to the team, which has worked together for seven years.

Together, the pair cruises through the Brooker Creek Preserve on a four-wheel drive Ranger, clearing trails with machetes in hand. It's hard work for old men, Brown said, but it lets them stop to soak in the scenery or debate the identities of the critters crawling on them when they need a break.

"It's the type of thing you think an old man wouldn't be interested in doing, but it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

really is invigorating because you are totally immersed in the environment," Brown said. "It really is cathartic to get out there."

[From The St. Petersburg Times, Aug. 10, 2008]

PRESERVATION REQUIRES VOLUNTEERS

Without an army of volunteers, Pinellas County's environmental lands would become impenetrable jungles dominated by exotic, invasive species.

In no time, these lands that were preserved so residents could always observe native Florida would look nothing like native Florida.

Just how large an army is working at the task was revealed in a recent story in the St. Petersburg Times. Several hundred volunteers have been helping the county's Environmental Lands Division maintain the almost 16,000 acres for which it is responsible.

The sad fact is, even that number of people can scarcely scratch the surface of the work that needs to be done in the county's preserved lands. If more don't help, the battle eventually will be lost.

It is clear that government will not be able to take up the slack, at least not as it is currently configured. Because of budget cuts, the staff of the county's Environmental Lands Division has been reduced by 14 positions and now numbers only 34. And only a handful of those are assigned to full-time maintenance duties in the preserves.

The lands division now is hoping to grow its volunteer ranks by 10 percent each year to offset its staff cuts. All ages are welcomed—even youths from 12 to 18 can volunteer with parental involvement.

A variety of tasks is available to volunteers, from the hard but essential job of removing invasives such as air potato and Brazilian pepper, to leading hikes, doing research and staffing educational centers.

The problem, of course, with relying so heavily on volunteers is that they don't generally spend as many hours at the tasks as paid employees, and they usually insist on flexibility. Some, like Bill Brown of East Lake, can offer a half-day every week to the effort. Few spend as many hours as Reggie Hall, a volunteer who devotes much of his life to maintaining the Ozone Preserve in North Pinellas.

The combined effort of all those environmental volunteers led to recent recognition for the program from the National Association of Counties and the Tampa Bay Regional Planning Council.

The role of volunteers will be even more important in the next few years, as budgets continue to tighten and the pressure on Pinellas environmental lands grows. If you are over 12, and you have a few hours to spare helping to preserve these precious open spaces, consider signing up as an environmental lands volunteer.

HONORING THE WINDSOR HIGH SCHOOL MARCHING BAND FOR THEIR PERFORMANCE IN THE 56TH INAUGURAL PARADE

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Ms. MARKEY of Colorado. Madam Speaker, I rise today to honor and congratulate the Windsor High School Marching Band for being

selected to march in President Barack Obama's inauguration parade.

In May of 2008, a mile wide tornado cut a 35 mile path through northern Colorado. The tornado resulted in one death and displaced hundreds of residents in the Windsor community. It would be easy to focus on the tragedy of the Windsor tornado when acknowledging the successes of the Windsor High School Marching Band, but to do so would overlook the extraordinary achievements of the band under any circumstance. In 2008, the WHS Marching Band won division first place in three different regional competitions, as well as "High Musical Performance," "High General Effect," and the 2008 Colorado Bandmasters Association Class 3A "State Marching Band Championship."

For President Barack Obama's inaugural parade, the WHS Marching Band performed an original composition by Frank Sullivan entitled "The Four Freedoms." This piece is a musical interpretation of President Franklin Roosevelt's 1941 State of the Union Address to the United States Congress. In the "Four Freedoms" address, FDR made the case for American assistance in World War II by enumerating the four universal freedoms worth fighting for: Freedom of Speech, Freedom from Want, Freedom of Worship, and Freedom from Fear. The state of Colorado and I were privileged to be represented by the Windsor High School Marching Band at the historic inauguration of our 44th president, and I congratulate them on their much deserved success.

A TRIBUTE TO THE MOHONK MOUNTAIN HOUSE, A NATIONAL HISTORIC LANDMARK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to the Mohonk Mountain House, a National Historic Landmark located in Ulster County, New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 140th anniversary of the founding of the Mohonk Mountain House, and I am delighted to have the opportunity to recognize the resort's rich historical heritage, continued vitality, and its many important contributions to our local community.

Founded as a modest retreat in 1869 by Albert Smiley with his purchase of 280 acres of land and a 10-room tavern, the Mohonk Mountain House has grown into a world renowned resort with over 2,200 acres and 265 guest rooms. Adding to the splendor of this mountaintop resort are an array of award-winning amenities including a state-of-the-art, eco-friendly spa, an outdoor ice-skating pavilion, and a warm and welcoming professional staff. The Mohonk Mountain House is also acclaimed for its many charming attributes such as the numerous and stately wood-burning fireplaces, balconies with glorious views and the 19th century tradition of afternoon tea. Also, during a stay at the Mountain House, guests can get a glimpse of the resort's his-

toric past in the enhanced museum located in the National Historic Landmark Barn.

Not surprisingly, some of the most remarkable attributes of this Victorian castle retreat are not inside the resort but surrounding it. The Mountain House is situated at the heart of a 26,000-acre natural area which is comprised of private preserves, a state park preserve and the resort property, all within the majestic Shawangunk Mountain range. Equally beautiful during all four seasons, this extraordinary landscape affords resort guests the opportunity to swim in a glacial lake, horseback ride on miles of natural trails, enjoy the bountiful gardens and hike the many and varied trails, both on the resort property and throughout the surrounding preserves. In addition, guests and local residents alike can enjoy opportunities to participate in rock climbing, caving, golfing, cross-country skiing and snowshoeing.

Since its inception, Mohonk Mountain House and its owners, the Smiley family, have been active stewards of the land. In 1963 the Smileys, working with Mohonk Mountain House guests, established the non-profit Mohonk Trust. The goal of this trust was to protect and manage the land for public use. Renamed in 1978 as the Mohonk Preserve, the mission of the Smiley family has continued, and, in fact, sets the standard for mountain stewardship by using science to guide land management. These efforts have helped to ensure that this remarkable landscape is preserved for generations to come.

Madam Speaker, it gives me great pleasure to recognize the Mohonk Mountain House as it enters its 140th year as a family owned and operated resort. I am confident that the Smiley family will not only continue to be outstanding stewards of the land, but also leaders in the hospitably industry and in the management of this National Historic Landmark.

RECOGNIZING DR. JOHN B. WEBB'S 90TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today in recognition of a lifetime of service and community involvement from Dr. John B. Webb, who, on January 24, 2009, celebrates his 90th birthday.

The past 90 years have seen many changes in Dr. Webb's life, most of which was spent practicing veterinary medicine. After graduating from Auburn University in 1957, Dr. Webb returned to his hometown in Pensacola, Florida, to begin his own practice. When he opened his first clinic, Dr. Webb was the fifth veterinarian to begin practicing in Escambia County, Florida, and the 575th to begin practicing in the state of Florida. Today, Dr. Webb serves as one of the oldest licensed veterinarians in Escambia County.

Over the years Dr. Webb has received numerous awards for his ongoing role in the northwest Florida community. He served 15 years on the Escambia County Board of Directors for the Florida Farm Bureau as well as 25 years on the board of trustees for the Langley

Bell 4-H Center. He is also a past president of the Escambia County Extension Council as well as the Pensacola Interstate Fair.

I have had the pleasure of knowing Dr. Webb for many years now and I am honored to call him a friend. A strong supporter of conservative principles and values, Dr. Webb has always offered his support and friendship to Vicki and me. As he celebrates his 90th birthday, I have much to thank him for from our years of friendship.

For many years to come, the northwest Florida community will continue to benefit from the lasting impression made by Dr. Webb, whose involvement in the community has expanded opportunities to the surrounding area. Madam Speaker, on behalf of the United States Congress, I am proud to recognize Dr. John B. Webb upon his 90th birthday and for his exemplary service in the First District of Florida.

A TRIBUTE TO BISHOP JOHN J.
MCRAITH

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Bishop John J. McRaith for his faithful service to the Catholic Diocese of Owensboro, Kentucky. He has served the church and his community with distinction for over 26 years. Bishop McRaith, the third bishop of Owensboro, resigned from his position on January 5, 2009.

Bishop McRaith graduated from St. John's Prep School in Collegeville, Minnesota, and Loras College in Dubuque, Iowa. Then, he graduated from the School of Theology, St. Bernard Seminary, Dubuque, Iowa, in 1960 and was subsequently ordained a priest of the Diocese of New Ulm, Minnesota, on February 21, 1960.

Bishop McRaith began serving the Diocese of Owensboro on December 15, 1982. The diocese encompasses 32 counties and covers approximately 12,500 square miles. It includes 79 parishes, three high schools, two middle schools, and 13 elementary schools. In a testament to Bishop McRaith's dedication, he would typically log more than 25,000 miles a year traveling across the diocese.

Known for his humble spirit, Bishop McRaith is quick to credit others with the successes over the last 27 years, including one of the highest church attendance rates in the Nation. Last week he said, "The good things that have happened while I was here, many, many people made them happen."

Beyond his service to the Catholic Church of Western Kentucky, Bishop McRaith serves the community as a board member for Brescia University, the Daniel Pitino Center, the McAuley Free Clinic in Owensboro, and Lourdes Hospital Foundation in Paducah.

Bishop McRaith's devotion is an example for all Kentuckians to follow. I thank Bishop McRaith for his many years of service and commitment to western Kentucky.

HONORING MICHAEL TOLLEFSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Michael Tollefson upon his retirement as the Superintendent of Yosemite National Park. After thirty-six years with the National Park Service, Superintendent Tollefson will be honored on Saturday, January 17, 2009 at a party to be held at Curry Village Pavilion, in Yosemite National Park.

Michael Tollefson was raised in Seattle, Washington and graduated from the University of Washington in 1970 with a Bachelor of Arts degree in marketing and finance. He later returned to graduate school to study park management. As a young adult he served in the United States Army Reserves for eight years, attaining the rank of Captain. His introduction into the National Park Service began early in his career. Mr. Tollefson served as the Chief of Interpretation at Virgin Islands National Park. He also spent time as the Chief of Operations at Lake Clark National Park and Preserve, as a District Ranger at Denali National Park and Park Ranger at Katmai National Park all in Alaska. His time in Alaska provided unique challenges in dealing with Alaskan brown bears, fragile coral reefs and endangered humpback whales. He officially began his National Park Service career as a seasonal ranger at North Cascades National Park in 1972.

In 1983, Mr. Tollefson attained his first superintendency position at Glacier Bay National Park and Preserve in Alaska. He managed the 3.3 million acre park for four years. While there, he implemented regulations guiding cruise ship operations in the park for the protection of the Humpback Whales. After four years, he became the Associate Regional Director for Operations in the National Park Service's former Pacific Northwest Region. He was stationed in Seattle and provided support for all aspects of operations to the twenty national park units in Washington, Oregon and Idaho.

In 1995, Superintendent Tollefson moved to Sequoia and Kings Canyon National Parks in California's Southern Sierra Nevada. During his tenure, he was responsible for guiding the restoration of over two hundred acres in the Giant Forest Sequoia Grove to protect the world's largest organism, the Giant Sequoia Tree. The project involved the removal of over two hundred buildings, and the development of a new hotel complex built outside the grove to replace the visitor facilities. After completing the project, he then served as superintendent of Great Smoky Mountains National Park, the largest federally protected mountain ecosystem in the Eastern United States, spanning between Tennessee and North Carolina. The primary issues emphasized during his tenure included air quality, traffic congestion, educational programs and scientific studies.

In January 2003, Superintendent Tollefson made his way to Yosemite National Park as Superintendent. Over the past six years he has worked tirelessly to guide a major construction program to repair the old infrastruc-

ture, improve visitor services, provide increased resource protection and expand gateway partnerships and outreach educational programs. Some of the projects that have been completed under Supervisor Tollefson include new viewing facilities at the foot of Yosemite Falls, improvements to landmark areas such as the famous view spots near the Wawona Tunnel and at Olmsted Point on the Tioga Road, overhauling the valley visitor center, and replacing a fleet of diesel buses with hybrid busses. With the assistance of the Yosemite Fund, the Superintendent has been able to complete a \$13.5 million restoration of the approach to Yosemite Falls, a \$1.5 million restoration of Olmsted Point and a \$13.5 million campaign to improve trails in Yosemite Valley, Mariposa Grove of Redwoods and in the backcountry. Most recently the \$3.2 million Tunnel View Restoration Project was completed.

Madam Speaker, I rise today to commend and congratulate Superintendent Michael Tollefson upon his retirement from Yosemite National Park. I invite my colleagues to join me in wishing Superintendent Tollefson many years of continued success.

REMARKS HONORING THE 100TH
ANNIVERSARY OF THE HERALD-
DISPATCH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. RAHALL. Madam Speaker, Thomas Jefferson famously observed that were it left up to him "to decide whether we should have a government without newspapers or newspapers without a government," he would "not hesitate a moment to prefer the latter."

Fortunately, Americans have never been forced to make that choice. Jefferson and his fellow Founding Fathers bequeathed us a democratic government that has made us the envy of the world. And, at the same time, the Nation's free press has shown itself fully worthy of the confidence Jefferson voiced in it.

This year, a great newspaper in my native West Virginia, The Herald-Dispatch, marks a major milestone in its long and distinguished history—its 100th anniversary—and I am proud to offer this salute to it.

The Herald-Dispatch published its first issue in Huntington on January 17, 1909.

The newspaper's roots actually stretch back to 1871, the very year of Huntington's birth, when printer O.G. Chase arrived by riverboat and soon was publishing the young city's first newspaper. Known as The Independent, Chase's publication merged in 1875 with the Cabell Press to form a new publication called the Weekly Advertiser. When it later became a daily paper, the name was shortened to The Advertiser.

A rival daily, The Huntington Herald, was launched in 1890. Three years later, in 1893, printer Joseph Harvey Long, arrived in Huntington determined to purchase The Huntington Herald, which he did—paying \$100 down and pledging to pay a balance of \$1,700. Long published The Herald for only 18

months before selling it and purchasing The Advertiser.

Floyd S. Chapman, a future several-term mayor of Huntington, was first the city editor of The Advertiser, then editor of The Herald. In 1904, he left to begin his own newspaper, The Huntington Dispatch. In 1909, The Herald and The Dispatch merged to become The Herald-Dispatch.

Flash forward two decades and another historic merger occurred in 1927 when The Advertiser and The Herald-Dispatch merged to form the Huntington Publishing Co., with J.H. Long as president. Known to one and all by his honorary title of "Colonel," Long would go on to become the undisputed dean of West Virginia newspapermen.

The staff of The Herald-Dispatch moved into The Advertiser's handsome new building on the corner of Fifth Avenue and Tenth Street, but the two staffs remained separate and highly competitive. The building's presses published The Advertiser each afternoon, The Herald-Dispatch each morning and a combined edition, The Herald-Advertiser, on Sundays.

Over the years, Colonel Long not only made The Advertiser and The Herald-Dispatch the region's leading newspapers, he and his sons also branched out into broadcasting. In 1923, the company purchased WSAZ Radio and in 1949 founded WSAZ-TV, one of the Nation's first television stations.

Colonel Long died in 1958 at age 95.

In 1971, the Gannett Co., one of the Nation's largest newspaper chains, purchased the Huntington Publishing Co. newspapers.

Under Gannett, the newsroom's typewriters gave way to computer terminals, and the noisy Linotype machines that once spit out lines of hot metal type were consigned to the junkyard.

In 1979, The Advertiser became one of many afternoon newspapers to cease publication, a victim of changing tastes on the part of readers who now prefer morning newspapers. At the same time, the Sunday Herald-Advertiser nameplate was retired and The Herald-Dispatch became a seven-day-a-week publication. Many long-time staffers on The Advertiser moved over to The Herald-Dispatch.

Gannett published The Herald-Dispatch for 36 years, until May of 2007 when the company sold it to another national chain, Gatehouse Media. A month later, Gatehouse in turn sold the newspaper to a Huntington company, Champion Printing, thus returning it to local ownership.

And indeed, the heart and spirit of America's free press, from the beginning, have been individuals dedicated to keeping the public informed, communities educated, and discourse alive and well. Throughout its century of living, the Herald Dispatch's corps of employees has kept the interest and needs of its neighbors foremost in their writing, coverage and opining.

On this, its 100th anniversary, I extend my hearty congratulations to The Herald-Dispatch. May it continue to inform and entertain its thousands of readers for many, many years to come.

HONORING VENTURA COUNTY ECONOMIC DEVELOPMENT ASSOCIATION 60TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mrs. CAPPS. Madam Speaker, today I rise to honor the 60th anniversary of the Ventura County Economic Development Association, VCEDA.

In the past two decades, VCEDA has been actively involved in a myriad of projects aimed at maintaining the economic vitality of the county, including BRAC '95 and '05 to protect our military bases; mediating air quality issues to resolve differences and prevent costly court battles; working with schools, businesses and corporate executives to determine needs for a skilled trained workforce; and working with local governments to remove unwarranted obstacles to the growth of business and industry.

VCEDA has played an important role in bringing and continuing to support Channel Islands State University in Ventura County. And it has set a goal of working with all educators at all levels to ensure that the upcoming workforce is ready to meet the needs of business in the 21st century.

Most recently, VCEDA has been recognized as "The Champion of Job Growth" by the Workforce Investment Board of Ventura County, "The Small Business Advocate" by the Pacific Coast Business Times and received "The Distinguished Business Leader Award" by the Ventura County Leadership Academy.

I commend VCEDA for its outstanding leadership and commitment in serving the needs of its members and the surrounding community.

HONORING THE LIFE OF T.D. STEINKE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. EDWARDS of Texas. Madam Speaker, I rise today to honor the memory of T.D. Steinke.

I will deeply miss our friend. T.D. Steinke. It has been a blessing in my life to have had T.D. as a friend for 26 years.

T.D. always stood up for the dignity of average working families. In doing so, he inspired me and so many others to remember the people who are the heart and soul of our Nation's economy and our values.

I guess it's a surprise to no one that T.D. was a Democrat's Democrat.

That is why my prayer today is that St. Peter is not a Republican. However, if I am wrong, I have no doubt that T.D. is working to convert him.

As I listened to President Obama's inaugural address yesterday, I couldn't help but think about T.D. and how much he would have savored a Democrat being sworn in as our new president.

Then, as I looked out at the crowds of over 2 million people, I realized that T.D. had just

decided he would rather watch the inauguration from a better place.

Ruth, I want to thank you and your family for sharing T.D. with all of us, who will always be part of our family.

I thank God for giving us the blessing of T.D. and pray that He will give you strength and comfort in the years and days ahead.

HONORING DR. LUIS CONTE-AGUERO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize the life and work of Dr. Luis Conte-Aguero who has devoted himself to fighting communism in Cuba and spreading democracy throughout the entirety of Latin America.

While Dr. Luis Conte-Aguero is not a native-born American, he has served as a shining example of patriotism for all in our community. Since his arrival to the U.S. in 1960, he has worked tirelessly for freedom and democracy around the globe.

As a young philosophy student at the University of Havana, Dr. Conte-Aguero befriended another student named Fidel Castro. However, after the fall of President Fulgencio Batista, Castro revealed his true intentions for Cuba. Dr. Conte-Aguero vehemently fought Castro in hopes of preventing Cuba from becoming a communist state.

In 1960, Dr. Conte-Aguero was forced to flee Cuba, leaving his home and everything that he knew and loved. He took with him nine handwritten notes in his pocket which Fidel Castro wrote him while in prison in the 1950's. The Prison Letters of Fidel Castro has since served as a platform from which Dr. Conte-Aguero could expose the atrocities committed by Castro to the world.

The Prison Letters of Fidel Castro was only the beginning for this storied and well-celebrated poet whose honors are numerous, meritorious, and well-deserved. The Dominican Republic has honored him as "The Highest Voice in America"; in Uruguay, he was selected by delegates from 14 nations to be the President of Alliance for Freedom; and his contributions to the Dominican Republic and its quest for freedom were recognized by the country's armed forces in 1965 when he was awarded the title of "Continental Leader and Standard Bearer of Democracy in America."

I pray that many more in America and around the world will choose to follow the example of Dr. Luis Conte-Aguero. It is a blessing that the elegance of his pen will preserve his legacy for future generations so that they may also choose to expose the crimes of tyrants and fight for the freedom of all people.

Thank you, Dr. Conte-Aguero.

AMERICA MUST STAND WITH
HUMAN RIGHTS DEFENDERS**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues an editorial in the New York Times highlighting the case of Iranian human rights activist, and Nobel Prize laureate, Shirin Ebadi, who faces harassment and intimidation at the hands of the Iranian government.

She is not alone.

According to the most recent State Department Human Rights Report, "[Iran's] poor human rights record worsened, and it continued to commit numerous, serious abuses . . . Security forces arbitrarily arrested and detained individuals and held political prisoners and women's rights activists. There was a lack of judicial independence and of fair public trials. The government severely restricted civil liberties, including freedoms of speech, press, assembly, association, movement, and privacy. The government placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted."

We must continue to stand with human rights defenders like Shirin Ebadi, who is bravely confronting her own government's injustices.

[From the New York Times, January 2, 2009]

THE WOMAN THE MULLAHS FEAR
(Editorial)

Men hold all of the meaningful levers of political power in Iran, but it is a woman they fear. If not, why is the mullah-led government trying to shut down the operations of Shirin Ebadi?

Ms. Ebadi, a lawyer and her country's leading human rights activist, is the first Muslim woman to win a Nobel Peace Prize. On Monday, the authorities stormed her private office, seizing her computers and her clients' documents. A week earlier, they closed her Center for Defenders of Human Rights, a coalition of human rights groups and other activists whose members had planned to celebrate the 60th anniversary of the United Nations' Universal Declaration of Human Rights.

When she was awarded the peace prize in 2003, the Nobel committee called Ms. Ebadi "a courageous person" for standing up against Iran's bullying government. In the years since, she has endured repeated death threats from radical groups and regular government intimidation. That courage has never faltered.

With presidential elections scheduled for June, President Mahmoud Ahmadinejad and his allies apparently decided they could not risk letting Ms. Ebadi continue the work she has done with distinction (and without pay) for the past 15 years—exposing government violations of human rights and defending human rights and democracy activists.

No doubt the authorities were unhappy with a report produced by her center that was cited recently by the United Nations' secretary general, Ban Ki-moon, when the General Assembly approved a nonbinding resolution condemning Iran's human rights record. But we suspect their ambitions go far beyond trying to suppress one report. They

are clearly hoping to intimidate Ms. Ebadi and all other independent voices in Iran. That must not be allowed to happen.

We condemn Tehran's mistreatment of this woman of extraordinary honor and courage. We urge the United States, Europe and other major powers to keep pressure on Iran to ensure that no further harm comes to Ms. Ebadi and that she remains free to do her essential work.

If Tehran wants relief from international criticism about its human rights record, it must start by adhering to the Universal Declaration of Human Rights and respecting the rights of all of its citizens.

JACK HAMILTON AND THE COMMUNITY ACTION AGENCY OF SOMERVILLE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to my friend and constituent, Jack Hamilton, who is retiring after almost three decades as Executive Director of CAAS, the Community Action Agency of Somerville. Jack is the man who made both "community" and "action" a reality in the day to day work of the agency. He fought poverty and discrimination every day of his adult life. He communicated a sense of urgency to his staff and inspired both colleagues and clients with his deep commitment to the dignity and well-being of every person.

Under his leadership an anti-poverty agency grew to offer services ranging from early childhood education and parenting support, to help for tenants, access to health care, and advocacy for the disabled. He was an active citizen, far beyond what would have been expected of him as CAAS Executive Director, and he encouraged others to become involved. He never shied away from personal involvement in electoral politics, for and against those candidates whom he saw as worthy, or unworthy, of support, but he never let petty political differences limit his effectiveness.

Jack worked with elected officials and with me when I served as Mayor, collegially and constructively, but he never withheld his criticism when he felt a rebuke was necessary. Above all, he was determined to work with anyone and everyone engaged in an important issue, to cooperate and to understand such honest differences as might arise. He is a man of compassion and integrity, capable of righteous indignation and generous anger. I am proud to be his friend and I am grateful for his service to the city we both love.

ISRAEL'S RIGHT TO DEFEND
HERSELF FROM ATTACK**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. HENSARLING. Madam Speaker, as a Member of Congress it is a high honor to cast my vote in the people's House. In my career,

I have exercised that privilege over 4,200 times. While my record is not perfect, I am proud that last year I participated in 99 percent of all votes.

That is all the more reason why I am filled with regret that I unintentionally missed my opportunity to cast a vote last Friday on Rollcall No. 10, the resolution recognizing Israel's right to defend herself against attacks from Gaza. As a longtime supporter of Israel and her right to exist, I want to inform the House that were I present for the vote, I would have voted in favor of this important resolution.

Madam Speaker, I offer my strong support of Israel and H. Res. 34. Since the withdrawal of Israeli troops from Gaza in 2005, Hamas has continually launched thousands of rockets into southern Israel, killing innocent civilians, destroying vital infrastructure and private property, and holding hostage virtually all southern Israel's residents.

Though the Egyptian-brokered ceasefire of June 2008 reduced the number of rocket attacks from Gaza, the attacks never fully ended. Instead, Hamas and its foreign allies used this opportunity to smuggle more weapons into the region. Once the ceasefire expired on December 19, 2008, Hamas resumed its daily attacks on Israel with increased ferocity using its new and improved longer range Iranian-made rockets smuggled in during the ceasefire. Israel was left with little choice but to retaliate against these attacks by targeting Hamas' military forces and weapons stockpiles.

While any loss of life is deplorable, the fact remains that it was Hamas who forced Israel to resort to a military solution. Thus, I offer Israel my full support in the efforts to protect her citizens. If America fell under the same daily barrage of rocket attacks, we would not hesitate to strike back with military force, nor would we seek permission to take the necessary steps to protect our citizens.

Madam Speaker, Israel has a legal, moral, and historical right to exist in peace with secure and defensible borders. While it is my earnest prayer that this current conflict may be resolved shortly through a durable and sustainable ceasefire, Israel cannot put at risk the security of her people by allowing Hamas to continue to export violence from Gaza.

The loss of innocent civilian life is tragic and it is deplorable that Hamas complicates Israel's attempts to avoid civilian casualties by stockpiling weapons in homes and in mosques and using public places like schools to launch their sinister attacks on Israel. The Palestinian people deserve better.

Peace can never be achieved so long as terrorist groups like Hamas continue to operate. Israel has been our staunchest ally in the Middle East and a full partner in the global war against radical jihadists—individuals who would destroy our Nation, our children, our values, and the very existence of Western civilization. We must continue to support Israel's right to defend herself against those who seek to destroy her and continue to support efforts to bring a lasting peace between Israel and her neighbors.

Madam Speaker, I support H. Res. 34 and Israel's right to defend herself from attack.

AFFIRMATION OF SUPPORT
TOWARDS THE STATE OF ISRAEL

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. CHILDERS. Madam Speaker, I rise today to affirm that Hamas's continued and violent attacks against Israel have again undermined the potential for peace under already tenuous conditions, harming both Palestinians and Israeli civilians in an unprovoked assault. I join many of my fellow Americans in calling for Hamas to end its attacks, recognize Israel's right to exist, dismantle its terrorist infrastructure, and accept previous agreements between Israel and the Palestinians. I was proud to vote last week with a bipartisan majority of my colleagues in support of H. Res. 34, expressing our continued commitment to the welfare and survival of Israel, and recognizing its right to act in self-defense.

HONORING MARY ANN RIOJAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleagues, Representative JIM COSTA and Representative DEVIN NUNES, to commend and congratulate Mary Ann Riojas upon being selected by ABC's reality television show, "Extreme Makeover: Home Edition." Ms. Riojas and her family were surprised by Ty Pennington and his crew on January 8, 2009 at their home in Fresno, CA.

Mary Ann Riojas was born without legs and with only one fully developed arm. As a child, Ms. Riojas was placed into the foster care system, and was faced with an unstable home life. She began to gain her independence when she was introduced into the Easter Seals program and they provided her with her first wheelchair. With this wheelchair she was able to attend Easter Seals Camp Harmon in the Santa Cruz Mountains. At Camp Harmon she learned how to swim and was able to participate in camp activities. The summer camp program provided her an opportunity to meet new people, try new things and continue to gain her independence.

As a young adult, Ms. Riojas decided to stay at home and raise her four children. For a short time she was receiving public assistance to keep her family afloat. In spite of her

disabilities, and financial struggle, she was determined to become the first in her family to earn a college degree; she graduated in 2002 from San Joaquin Valley College with an Associate of Arts degree in business administration. To further her independence, she obtained her drivers license, and with the assistance of Easter Seals, she purchased her first fully-equipped, hand-controlled vehicle.

When she was unable to find a job because of her disabilities, Ms. Riojas became an employee of Easter Seals. Her first job was as the office manager at the Child Development Center at Children's Hospital Central California. In 2005, she became the National Ambassador for Easter Seals and travelled all over the country spreading her joy and enthusiasm for life. Ms. Riojas eventually changed jobs, and in 2006, she began working for the Fresno Housing Authority as a counselor. This position has allowed her to assist families in her community that are facing housing and financial problems.

Ms. Riojas does not see herself as disabled, but rather as a mother and an advocate for those with special needs. She is a strong woman who has raised four children; Nichole, Victoria, Angel and Jessie. She continues to inspire others on a daily basis. Being selected for the show is a tribute to Ms. Riojas' dedication to her community and personal commitment to overcome all of life's adversities.

Madam Speaker, we rise today to commend and congratulate Mary Ann Riojas upon being selected for the ABC reality show "Extreme Makeover: Home Edition." I invite my colleagues to join me in wishing Ms. Riojas and her family many years of happiness and success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD

on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 22, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine challenges facing the Department of Defense.

SD-106

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine investment securities fraud, focusing on regulator and oversight concerns.

SD-538

Health, Education, Labor, and Pensions

To hold hearings to examine access to prevention and public health for high risk populations.

TBD

Judiciary

To hold hearings to examine health information technology (IT), focusing on protecting Americans' privacy in the digital age.

SD-226

JANUARY 28

9:30 a.m.

Foreign Relations

Business meeting to consider the nominations of James B. Steinberg, to be Deputy Secretary, and Jacob J. Lew, to be Deputy Secretary for Management and Resources, both of the Department of State.

SD-419

Veterans' Affairs

To hold an oversight hearing to examine veteran's disability compensation, focusing on the appeals process.

SR-418

10 a.m.

Budget

To hold hearings to examine federal response to the housing and financial crisis.

SD-608

Foreign Relations

To hold hearings to examine global climate change.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine lessons from the Mumbai, India terrorist attacks.

SD-342

Judiciary

Business meeting to consider the nomination of Eric H. Holder, Jr., to be Attorney General.

SH-216

HOUSE OF REPRESENTATIVES—Thursday, January 22, 2009

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, You alone are ever present. All of us, Your creatures, are ever-changing, always limited, and measured by beginning and end.

Since time itself seems to be only measured motion, it is immaterial, yet most important. All around the world, everyone in this Chamber can agree upon what time it is—here—now. Yet we can do nothing to stop its relentless movement.

Lord, help the 111th Congress to accept the time in which it is constituted. As public servants and distinguished Members, empower them to be creative and achieve all that is possible for Your people.

Do not allow them to be distracted by the inconsequential. Rather, bring them together, for time is precious and cannot be wasted. Their moment is now to make decisions that will move the future.

Lord, be with them every moment and in every motion. The consequences will be judged later, yet last forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolved, That the following members are, and are hereby, elected to the following standing committees:

COMMITTEE ON AGRICULTURE—Mr. Cassidy.
COMMITTEE ON THE BUDGET—Mr. Aderholt of Alabama, to rank after Mr. Nunes of California, and Mr. Harper.

COMMITTEE ON ENERGY AND COMMERCE—Mr. Scalise.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Schock.

COMMITTEE ON SCIENCE AND TECHNOLOGY—Mr. Smith of Nebraska, to rank after Mr. Bilbray.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Guthrie. Mr. Cao, Mr. Schock, and Mr. Olson, all to rank after Mr. Latta.

COMMITTEE ON VETERANS' AFFAIRS—Mr. Lamborn, to rank after Mr. Bilbray, and Mr. Roe of Tennessee.

Mr. PENCE (during the reading). Mr. Speaker, I would ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore (Mr. TIERNEY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side.

WERE ISRAEL'S SECURITY NEEDS INFLUENCED BY THE U.S. CALENDAR?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Were Israel's security needs influenced by the U.S. calendar? Between the Christmas season and the inauguration, Israel's attack on Gaza killed over 1,300 Palestinians, many of them women and children, with U.S. planes, helicopters, white phosphorus and Congressional support causing over \$2 billion worth of destruction.

Now that this holiday war is over against Gaza, let our new administration and Congress work for the security and peace for both the Israelis and the Palestinians. Let us support full restoration of humanitarian aid and the reconstruction of Gaza. Let us support an end to the blockade, an enforceable cease-fire, and adherence to international law by both Israel and Hamas.

It's time to work for peace in the Middle East through the rule of law,

not the rule of arms, through diplomacy, not force.

WHAT THE STIMULUS BILL DOESN'T MENTION

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. The economy is hurting and we should act. A stimulus bill that backed improving highways and airports would blunt the recession. If you look at the stimulus bill the Appropriations Committee approved, you would find 11 appropriations totaling \$65 billion that would put 2 million Americans to work, but the bill spends hundreds of millions more. It spends more money than the entire GDP of Australia. Of the 151 appropriations, only 34 even have claims of reporting jobs.

The bill claims to save 3.7 million jobs, but does so at a cost of \$222,000 each. Private sector jobs only cost \$50,000 each. The bill quotes one economist, Mark Zandi, six times, but doesn't mention the Congressional Budget Office. CBO reports that only \$26 billion of this trillion dollar bill can be spent in 2009.

CBO says over \$70 billion of the spending will not be spent during the entire 4 years of the Obama administration. And one last thing, there is no mention of the \$2 trillion congressional leaders plan to borrow or how our kids will pay it back.

PS-14—A BLUE RIBBON SCHOOL

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, today I rise to congratulate Bayonne Public School No. 14. PS-14 was recently honored as a National Blue Ribbon School for its innovative gifted and talented program. The school not only prepares students for the technological challenges of the 21st century, but they also offer an accelerated academic program and provide exposure to the arts.

In addition to national recognition, New Jersey Department of Education recognized PS-14 as a "star school" because it implements cutting-edge policies, allows parents, local businesses and the community to get involved, and has not lost focus on student achievement, which is most important.

I want to congratulate principal Janice Lo Re and the Bayonne school superintendent, Dr. Patricia McGeehan, for this outstanding recognition.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ECONOMIC STIMULUS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, we've heard a lot this week about what the Democrats' \$825 billion stimulus package should do or may do or what Democrats hope it will do. Let's look at what it really will do:

It will bill every American household with a \$6,700 tab. That's the cost of the Democrats' plan for every American family. Put another way, it will cost every American—every man, woman and child in this country—\$2,700. The cost of this bill is almost as much as the amount the Federal Government spends every year in discretionary spending.

The bill will spend millions of dollars in digital TV coupons. The bill will spend \$200 million to plant grass on the National Mall. And the bill will ensure our children, grandchildren and great grandchildren will encounter not necessarily a great economy, but an enormous national debt. This is totally irresponsible and should not be allowed to pass.

CONGRESS MUST ACT

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, last weekend, I met with constituents and local leaders. In my district, like districts across the country, families are struggling, parents are losing their jobs, and communities are worried about their future. During these tough times, we can and we must work to create good jobs to turn our economy in a new direction, the right direction.

People across our great Nation have entrusted and empowered us to do our part to get America back on track. They asked for action, and we have to responsibly act.

The people of my district—all across the 16 counties of New Mexico's Third—need clean water for their homes and farms, rural development in our smallest and most isolated communities, renewable energy generation that creates highway jobs, and infrastructure projects that repair roads and create opportunity.

I take this responsibility seriously. And I will work hard to make my district's priority a priority in this Congress.

□ 1015

BIG BROTHER TAKETH AWAY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, they say the economy is going into the

abyss because government doesn't spend enough money.

Even though the stimulus packages of last year didn't work and the billions to bail out the elite robber baron banks hasn't been effective, the government solution is "Let's spend more money," like \$850 billion. That's almost a trillion dollars. A trillion dollars stacked up in \$20 bills is 3,000 miles high. That's the distance from D.C. to Peru. All this money will be forcibly taken away from taxpayers.

This bill gives earmarks to special interest groups like millions of dollars for the National Endowment of the Arts, millions for fancy cars for government bureaucrats.

Why not do this: Don't spend taxpayer money! Don't go into debt with China. Cut taxes for everybody that pays taxes, and let Americans decide how to spend their money and not our greedy, big bloated brother, the government.

Government cannot tax, borrow, and spend our way into prosperity. It has never happened. This bill isn't economic stimulus. It's old fashioned squeaky piglet, pork barrel politics that will poison the pocketbook of every American.

And that's just the way it is.

DEFICIT SPENDING WILL NOT
EXPAND THE ECONOMY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I stand today in agreement with the gentlewoman from North Carolina, the gentleman from Texas, and the gentleman from South Carolina. As this body considers whether to burden future generations of Americans with more debt in the name of improving the economy, it is imperative that we look at the facts.

The proposed legislation will create or save 3 million jobs. At \$825 billion, the economic stimulus bill, in its current form, will spend \$275,000 per job. Additionally, deficit spending will not expand the economy. If that were true, then the current \$1.2 trillion deficit, the largest in history, would already be rescuing the economy. We wouldn't need another \$825 billion.

Trade groups state that every \$1 billion in highway "stimulus" can create 35,000 new construction jobs. But Congress must borrow that \$1 billion out of the private sector, costing the private sector the same number of jobs. Any type of effective stimulus cannot create jobs for some while costing jobs for others.

Ladies and gentlemen, we do not need to continue down the path of wasteful spending. If we are going to steady the U.S. economy, we must stimulate American enterprise while returning to the practice of making fiscally responsible decisions on behalf of the American people.

URGING SUPPORT FOR TITLE X
ABORTION PROVIDER PROHIBITION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, today, millions of Americans from the National Mall to prayer services in small-town churches will mark the sad 36th anniversary of Roe versus Wade, the worst Supreme Court decision since Dred Scott.

As most Americans know, it is simply morally wrong to end an unborn human life by abortion. But it's also morally wrong to take the taxpayer dollars of millions of pro-life Americans and use it to promote abortion at home or abroad. As many Americans fail to recognize, the largest abortion provider in America is also the largest recipient of Federal taxpayer dollars through title X. This should not be.

Yesterday, with more than 60 cosponsors, I reintroduced the Title X Abortion Provider Prohibition Act, a bill that would deny any Federal funding to Planned Parenthood of America.

On this dark anniversary, let us rededicate ourselves to protecting the unborn and to protecting taxpayers on matters of conscience. I urge my colleagues to join me in bipartisan spirit in cosponsoring the Title X Abortion Provider Prohibition Act.

APPOINTMENT OF MEMBERS TO
JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mrs. MALONEY, New York
Mr. BRADY, Texas

COMPREHENSIVE IMMIGRATION
REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise to speak on behalf of the 14 million undocumented immigrants who would otherwise not have a voice.

Immigrants are not only a valuable part of our country's workforce, but they also add to America's rich diversity. Sadly, immigration raids tear apart immigrant families, instill fear, and disrespects America's core family values.

We are a Nation devoted to family. No one should live in fear of being taken away from their homes. Strong border enforcement is necessary, but this only addresses part of the situation. Together, we must work to address the 12 to 14 million undocumented immigrants. Every day that we

do nothing, a family is torn apart by this broken immigration system.

Our current immigration system is outdated. We need a system that addresses the needs of the current immigration situation in America.

I urge my colleagues to join me in passing real comprehensive immigration reform.

Mr. Speaker, Mr. President, the honeymoon is over. Let's begin to address comprehensive immigration on behalf of the 12 to 14 million people here in the United States.

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to section 2 of House Resolution 62 and as the designee of the majority leader, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the House proceed to consider the joint resolution (H.J. Res. 3) relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

The SPEAKER pro tempore. Pursuant to section 115 of the Emergency Economic Stabilization Act of 2008, the motion is not debatable.

The question is on the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the title of the joint resolution.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the obligation of any amount exceeding the amounts obligated as described in paragraphs (1) and (2) of section 115(a) of the Emergency Economic Stabilization Act of 2008.

The SPEAKER pro tempore. Pursuant to section 115 of the Emergency Economic Stabilization Act of 2008, the joint resolution is considered as read, and the previous question is considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate, equally divided and controlled by the gentleman from North Carolina (Ms. FOXX) as the proponent and the gentleman from Massachusetts (Mr. FRANK) as the opponent.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I will be discussing the substance of this later, but I want to explain what is

a somewhat complicated legal and parliamentary situation. First, I do want to note that it is a refutation of the skeptics that this process is going forward.

In September, we were asked by the Bush administration's top economic appointees to pass a bill giving them the authority to deploy \$700 billion to repair the credit markets, without any hindrance. I agreed with them that action had to be taken, and, in fact, even if you did not think the action was necessary, when at a time of economic trouble the two chief economic advisers to the President of the United States tell us that if you don't do something there will be problems, there are going to be problems. I don't think they self-created this. I don't think it was a self-fulfilling prophecy. But it was a self-reinforcing one. So we felt we had to act.

But we were able in the negotiations to get one major concession, namely, to say that we would vote the ultimate authority for \$700 billion but that after the first \$350 billion had been deployed, and I don't want to say "spent" because most of it has been lent or invested in ways that it will come back, but we said that at that point if the administration wanted to spend the second \$350, and I just misspoke when I said "spent"—deploy it—they would have to notify Congress. Fifteen days would then be a waiting period during which the money was not available and during which time Congress would get to vote on resolutions to cancel the program. And to reassure Members that they would have a chance for those votes, procedures were drafted by the appropriate Rules Committees in both branches so that neither the House Rules Committee nor the Senate-extended debate could have interfered with this.

Now, we did have one drafting error because for this to work, it would have had to have been passed by both Houses and either signed by the President or have a veto overridden.

The two Chambers that drafted this, the leadership, the rules groups, did a very good job of protecting Members to make sure the bills could come to the floor. That's why we're here. But they did them in isolation. So there's a certain futility to what we are doing today because the Senate has already defeated the Senate version of this; so no matter what happens in the House today, the program goes forward.

People should understand President Bush, at the request of President Obama, asked for the second \$350 billion a week ago Monday. That means, I believe, next Tuesday this will be available to the Obama administration because the Senate voted down the resolution of disapproval. The House will still vote, and there will be some indication of what Members think about going forward, but it will not have

binding effect. And I think that was a drafting error. It should have been that if one House defeated it, it didn't come up in the other House. But here we are.

There is one other distinction to be drawn. Yesterday, the House passed a bill by a fairly large vote that said that if the second \$350 billion is deployed, it should be done with the following conditions: significant money for foreclosure relief; restrictions on the money being used for acquisitions by a receiving bank of another bank; a requirement that there would be an agreement in which banks would specify what they were going to do with the money before they got it; greater restrictions on compensation; a request that the administration do some things to come to the relief of cities, other entities, small businesses; a requirement that this funding be distributed in a way that was equitable to smaller banks. We voted on that yesterday.

Now, my Republican colleagues in particular had a dilemma there. A number of the things that we had in the bill yesterday are popular and indeed many of them agree with. They, I think, were reluctant to have to vote on this because on the other side, you had some of the leading conservative journals of opinion, the Wall Street Journal editorialist, a major paper from the Heritage Foundation, denouncing the notion of helping reduce foreclosures, criticizing the effort to put in community banks. And so my Republican colleagues offered a recommittal motion yesterday which would have, if it had succeeded, in essence wiped out the conditions we are seeking to impose and made yesterday's vote simply on whether or not to repeal the 350. The problem with that is that they did it in a way that really meant to avoid taking a stand on these conditions.

Now, the recommittal motion was defeated. And my conviction that the recommittal motion had, as one of its goals, avoiding a vote on whether or not to be for foreclosure relief and community banks is reinforcement of the fact that unusually in a bill that many of them had criticized, when the voice vote was called in favor, they did not ask for a roll call. We had a roll call yesterday because I asked for one because I wanted to have a large majority of Members on record so that when we talk to the Obama administration, we have a large majority of Members saying do foreclosure relief, lend to community banks, go to the aid of municipalities. The Republicans wanted to avoid that vote. They didn't want to take it because they didn't want to choose between foreclosure and the Wall Street Journal or foreclosure mitigation and the Heritage Foundation.

□ 1030

That's why they offered the recommittal. I say that for this reason. There

were people who voted against the recommittal motion yesterday because they did not want to dilute the impact of our insistence that this be used for foreclosure relief, for aid for smaller banks and for other important purposes, and that there be a restriction on the ability of banks to take the money and then do whatever they wanted with it.

That recommittal motion was defeated, so the House did go on record by a large majority in favor of those conditions, and that will be very important as we make the Obama administration understand that. Today is a separate vote. Today we have a vote in which Members will express their opinion on whether or not the \$350 billion should go forward. It is simply an expression of opinion. It's kind of a big public opinion poll for the House, because the Senate has already defeated the bill.

But they are two separate issues. The vote on yesterday's recommittal motion was, in my judgment, a rejection of an effort to keep the House from speaking out strongly on the question of foreclosure relief and smaller banks. We have now spoken, as the House of Representatives, by a significant majority and said to this administration, since this is going forward now that the Senate has voted against a disapproval motion, here is what we want. Today Members simply express their opinion on whether or not they want to disapprove it.

I will close by saying for me, the argument that because the Bush administration misused this means that the Obama administration should not be given the chance to do it better, proves too much. If I believed that every instrumentality of government misused by the Bush administration should be denied to the Obama administration, we would have a lot of empty, vacant office space in Washington. We could rent out the Justice Department, the State Department, EPA, HUD and a number of other agencies, because I believe that they misused many of them.

TARP has no independent will. It is a set of policy choices. George Bush used them, in my judgment unwisely, although I think we were better off having even that than nothing, but that has zero to do with whether or not the Obama administration ought to have the right to do it going forward.

I reserve the balance of my time.

Ms. FOXX. I yield myself, Mr. Speaker, 12 minutes.

I thank Mr. FRANK for explaining why we are here this morning, but I would like to say that there is a difference between suggesting to the Obama administration what they should do through Mr. FRANK's bill, which he knows is not going to pass the Senate, and that if the Democrats in charge wanted to really have control over how the next batch of money is

going to be spent, then they would be serious and put into that bill restrictions. I don't think any of us have ever seen a time when the Congress has let go of so much money to the executive branch with no more restrictions on how it was going to be spent.

I have seen committees argue over minor expenditures, but yet have appropriated \$350 billion to the Bush administration and now are going to do the same thing to the Obama administration. I would say that there are a lot of the clichés that can be used in discussing this bill today, but I would say two wrongs don't make a right, that's one, I would say. But, again, I appreciate his taking the time to explain to people why we are here.

In fact, the first legislation, the bailout legislation, as it was called, had within it the mechanism for stopping the money. What I have done is simply used the mechanism that was given to us, to do my best to stop it, and I want to give thanks to my legislative director, Brandon Renz, for his great help in this effort.

It's really unfortunate that we have to meet today to consider this legislation under these circumstances. But since October, when Congress granted the previous administration unfettered access to taxpayer blank checks, we have seen a steady stream of reports outlining mismanagement, waste, and lack of oversight that was all too predictable during the initial consideration of the TARP/megabank bailout. And let me point out again that it was supported by President Obama and by the Democrats in the Congress. So you can't blame all of this on the Bush administration.

The Members of Congress and the public were scared by a doomsday scenario that promised Armageddon if this singular proposal was not approved immediately. Deliberation, patience, prudence, yielded to panic, and the product of those poor decisions has led us to where we are today. Another cliché, "Act in haste, repent at leisure," has assumed a new and expensive meaning.

Americans are \$350 billion poorer, and their sacrifices are about to double, as the Senate rejected S.J. Res. 5, which is the companion to the measure before us today. What is particularly troublesome is that President Obama was elected on the promise of bringing change, but another \$350 billion is not change.

Does President Obama think that if the bailout isn't working he must need a bigger bucket? The reasoning seems to be that since President Bush got his slush fund, it's only fair to grant the same to the incoming administration. But as I say, two wrongs don't make a right. This is just as big a mistake as the original bailout.

The truth is that no administration, Republican or Democrat, should be al-

lowed to nationalize a private company or industry, as we have witnessed with each successive bailout. This failed and expensive approach to trying to stabilize the economy is simply borrowing on the good credit of our children, our grandchildren and our great grandchildren, and now the government has an ownership stake. Now that the government has an ownership stake, the independent decisionmaking of nationalized entities will certainly take a back seat to political correctness and pork-barrel politics.

Given my passionate opposition to the bailout mania, I am often asked what I support instead of more bailouts. At the time TARP was originally considered, I joined a bipartisan working group of Congresswomen in writing to Speaker PELOSI and Republican Leader BOEHNER expressing our concerns and offering reasonable alternatives for consideration.

I also personally delivered proposals offered by President John Allison of BB&T directly to bailout negotiators, and I cosponsored legislation, H.R. 7223, prepared by the Republican Study Committee containing a comprehensive approach to dealing with this crisis.

But at this point it's clear that less is more. The Federal Government has done enough, I would say too much, and even many supporters of the initial TARP/megabank bailout are now saying these efforts should be given time to work. After all, it was unwise Federal policies that prompted the excesses at the root of the financial collapse. In that respect, as George Mason University Professor Russell Roberts has put forward, "Don't just do something, stand there."

At the same time reasonable alternatives have been offered up to stimulate our economy by some of the finest minds in our nations. These alternatives have merit that I believe would be recognized if Congress would only pursue prudent deliberation instead of a hasty rush to judgment.

For example, H.R. 470, of which I am a cosponsor, is a broad-based proposal that helps free up private capital that can be used as medicine to heal the ailing economy. Free-market solutions such as this are preferable and more effective than the Keynesian approach being discussed in Congress today.

In fact, many people have compared what's happening now to what happened in the Great Depression, and many people are reading the book, "The Forgotten Man," which talks about the Depression and the failures of the Democrat administration in particular. I want to quote one sentence from it: "But the deepest problem was the intervention, the lack of faith in the marketplace." I think that is the big problem that we are facing in this country today.

We need to trust the marketplace. It is not the government. This is not a failure of capitalism and savior by the government. It's really a failure by the government, and we are doomed to repeat what happened in the Depression, I am afraid.

I am sure, though, that today we are going to hear without the TARP/megabank bailout we would be much worse off than without it. That's what Congressman FRANK has already said. But not only is this argument speculative and untrue, it's a real tough sale to those struggling to find a job, credit or means to pay their bills.

As the old adage goes, "Fool me once, shame on you. Fool me twice, shame on me." We just seem incapable of learning the lessons of the past and destined to see history repeat itself. I urge our Members to join me today and do the right thing. Support this resolution and send a signal to the Obama administration that the bailout mania has to stop.

And I would add one more thing. I did introduce this bill in the last session, so it would have applied to the Bush administration as well as to the Obama administration.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Well, I yield myself 30 seconds to say I agree with the gentlewoman that this was appropriate to restrain the Bush administration. My objection is visiting the sins of the Bush administration, or the errors, on the Obama administration.

I now yield 1 minute to the gentleman from Maryland, the majority leader.

Mr. HOYER. I thank the distinguished chairman of the committee for yielding time, and I rise in opposition to this resolution of disapproval.

I listened to the gentlelady from North Carolina's debate, and it occurs to me that there must be real parallels in 1929, 1930, 1931 and 1932 and, yes, even in 1933 and 1934 as the government responded, as the American people responded to what had not been responded to during the 4 years of the Hoover administration, to try to staunch the fall of the economy, which led ultimately to 25 to 30 percent unemployment and long food lines.

I am sure we are going to be hearing rhetoric which will blame the Obama administration which has, after all, been in office for some 36 hours, for the problems that confront our country. But, in fact, no President in recent memory has inherited conditions here and around the world more difficult than this President has inherited.

The majority of President Bush's party did not support it in trying to respond to the crisis that confronts us. In fact, less than half voted for the original TARP, and, as the gentlelady from North Carolina has pointed out, she

was not one of them. She did not believe that a response was appropriate, or at least that this response is not appropriate. That, I think, is a philosophically defensible position which she defends. I disagreed then and disagree now.

We, in a bipartisan way, supported the Bush administration's request for, not 350, but the \$700 billion. We are the ones, however, who put constraints on that and we said you need to come back.

We are the ones who also, notwithstanding the failure of the Bush administration to request it, put, yesterday, in a bipartisan vote, additional constraints for accountability and transparency and for focusing on those folks who are at risk of losing their homes.

The gentlelady, I know, did not vote for that either. Today I think that every Member of the House is thinking back to words we said in a similar debate 4 months ago when the TARP was originally in front of us and wondering whether we can still stand by them.

Mr. Speaker, I know I can stand by mine. Here is what I said first time the TARP came to the floor, and I would remind people this was a proposal by President Bush and by Secretary Paulson, supported by Federal Reserve Chairman Bernanke appointed by President Bush.

The Democrats listened to the President, a Republican President, but our President of our country, and we responded, and I said this: "Imagine that we do nothing today. Millions more homes will likely be foreclosed on. Banks would likely be unable to lend. Credit, the lifeblood of any economy, might dry up across America."

That was my quote. We responded. We responded with a \$700 billion bill, half of which has now been allocated and promised in ways different than the Bush administration originally said it was going to do it, because it saw the facts changing.

The vote on TARP was one of the most difficult any of us have taken, certainly one of the largest commitments that this country has taken. I noted that none of us, whichever way we voted, are completely happy with TARP's results so far.

However, a principal adviser to John McCain, Mr. Zandi, has opined both on this and on the stimulus package, this is necessary. It may not be desirable from a voting standpoint, but it is necessary from our country's standpoint, from our economy's standpoint, the worst we have seen since the Hoover administration.

I stand by my words, because I remain convinced that inaction would have been far more dangerous and far more costly. Since the House took that unpopular vote, the flow of necessary lending has begun to resume, not fast enough.

□ 1045

It was not in a way that has staunched the loss of jobs. But every economist that I talked to, from Marty Feldstein, conservative economist, Republican economist; to Larry Summers; Paul Volcker in the current administration, much more work will be needed before our economy has recovered. But restoring credit is an essential step toward that goal. That is why both President Bush and President Obama agreed that this action was necessary.

I don't want to be deluded by the fact, and I don't want any American deluded by the fact, that President Bush would have asked for this simply because President Obama asked for it. After all, he could have easily replied, very frankly, You're going to be in office pretty soon. You can ask for it.

No. President Bush felt that this was a critical item to move forward as quickly as possible. Why? Because Secretary Paulson, his principal financial advisor; Ben Bernanke, his appointment to the Federal Reserve chairmanship, all believed it was necessary to move. That is why we must vote down this disapproval resolution and release the remaining \$350 billion.

Now, our American public, our constituents, may be confused because this action will not mean anything. Why will it not mean anything? Because the Senate has already acted. And the Senate has acted in a bipartisan vote to defeat a motion for disapproval because the majority in the Senate, in a bipartisan fashion, concluded that it was necessary. Not that it was desirable, but that it was necessary.

None of us want to be in this position, but we owe it to the American public and to our economy and to our families to have the courage of doing that which is not desirable but that which is certainly necessary.

It should strengthen our confidence to know that President Obama has learned from the mistakes that were made during the Bush administration in administering this sum of money. That is not a criticism. Mistakes are made. But we can learn from those mistakes, and we will learn from those mistakes.

As the new President promised, "We are going to fundamentally change some of the practices in using this next phase of the program." We voted to do that yesterday, as well. That means finally fighting the wave of foreclosures at the source of this crisis. It means tracking how TARP funds are spent and assuring that banks are using them for the intended purposes. It means stronger oversight from Congress and detailed reports from the recipients of taxpayers' money. And it means guaranteeing that taxpayers are not subsidizing million-dollar Park Avenue apartments for CEOs.

The TARP Reform and Accountability Act set all of those conditions,

and I congratulate Chairman FRANK for his leadership in bringing that to the floor, and congratulate my colleagues for passing it. President Obama has made it clear that he will hold to those principles.

I understand before I got on the floor that the gentlelady observed that that bill may not be passed by the Senate. Therefore, why should we have passed it? One could respond with equal, I think, intellectual honesty. The Senate's already acted. Why should we now act? I think the response would be because we have a responsibility to state our opinion on an issue of great importance.

Ms. FOXX. Mr. Speaker, would the gentleman yield for a question?

Mr. HOYER. I am almost finished, and I will yield to you as soon as I'm finished.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Maryland controls the time.

Mr. HOYER. That is the diligence we would expect from any lender—and how much more so when the source of the funds is the American taxpayer, when the principal runs in 12 digits and when the stakes are so high.

That is why we acted yesterday. I am hopeful the Senate will act as well, but I am even more hopeful that President Obama will follow the principles incorporated in yesterday's legislation.

With TARP funds already beginning to take effect, and with these new safeguards in place, I ask my colleagues to release the remaining funds.

Votes like these are never easy, and I understand we can rationalize that our vote will have no effect, whether we approve or disapprove the resolution of disapproval. But we need to stand with, frankly, President Bush and President Obama, two leaders elected by our country, in different elections, who have both said to us, This program may not be something we want to do, but it is something that we must do.

And, because of that, I urge my colleagues to vote "no" on the resolution of disapproval.

I am pleased to yield to my friend, the gentlelady from North Carolina.

Ms. FOXX. I thank the distinguished majority leader for yielding to me. I would just like to ask a couple of questions. Is it not true that we are dealing with this bill today not just because we want to be nice, but because in the original legislation that was written there was a procedure for doing this, and that we are exactly following the procedure or else I would have been able to have offered a point of order related to it?

Mr. HOYER. The gentlelady is absolutely correct, and of course that provision was included by Chairman FRANK in the original legislation, and it was included by Chairman FRANK so that we would have this opportunity to make a second judgment.

My proposition is simply that given the necessity of this action, that our judgment ought to be the same as it was before.

Mr. FRANK of Massachusetts. If the gentleman would yield, the question that the majority leader asked was, if you take the position that unless we know the Senate is going to do something, we shouldn't do it, then we wouldn't be debating this.

Now, I agree with him, it's important for us to have a chance to express our opinion. In this case, though, unlike yesterday, we passed a bill yesterday that is still pending in the Senate and, if events change, could be brought up. Under the procedures, this bill is dead. It cannot be reconsidered because the Senate killed it.

The gentlewoman points out that it is the law we passed last year that allows us to do it, but it permits us to do it. It doesn't mandate it. What we are trying to do is say to the gentlewoman we agree that it's reasonable to have this on the floor, but the logic that says we shouldn't have acted yesterday because the Senate said they're not going to do it would apply with even greater force when you're talking about doing something the Senate has already killed.

Ms. FOXX. Will the gentleman yield?

Mr. HOYER. I would be glad to yield to the gentlelady for a second question.

Ms. FOXX. Thank you. Isn't it true that, again, we are doing what is right and proving that we are a Nation of laws because this was written into the original bill. I commend the majority for doing that. I think it's very important that we not try to circumvent a law that we have passed. I think it's very, very important in terms of the messages we send to the American people.

It's true that in the Rules Committee Mr. FRANK said he did not think that the bill that we were passing would be taken up by the Senate. Is it the majority's intention in the House to ask the Senate to take up Mr. FRANK's bill and to say we are not just asking the Obama administration to do these things but, like this bill, we are going to put into law what should be done, rather than petitioning the administration?

Mr. HOYER. Reclaiming my time, I know the gentlelady voted against yesterday's bill. But in response to the gentlelady's question, it's certainly my intent as the majority leader, dealing with the majority leader in the Senate, to urge him to take up the bill, to pass the bill, and it will be my recommendation to President Obama that he sign the bill, because I believe it is a bill which responds to the concerns of the American public regarding the accountability for their money, transparency in how it is spent, and a focus on some of the issues on Main Street that were, frankly, not addressed by the previous TARP money.

So, for all of those reasons, I am hopeful the Senate will pass it, I am hopeful the President will sign it, I am hopeful that it will be law. But, as I said earlier, the good news from my perspective is that in discussions, as I understand it, with Mr. FRANK, and I'll yield to him in just a second, that the administration has indicated that even if the Senate doesn't pass it, they intend to focus on those, I think, very important and salutary requirements in Mr. FRANK's bill.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just say this. I certainly want them to take it up. Realistically, I don't think they will, unless the Obama administration fails to live up to the things in the bill. I believe that if the Obama administration surprises me, because I don't expect this, it doesn't go ahead with foreclosure diminution, it doesn't lend to community banks, it doesn't do better restrictions on compensation, then you will see pressure in the Senate to take it up.

So there is one difference with regard to Senate action between the resolution the gentlewoman offers, as authorized, although not mandated by the bill, and where we are today. The bill we passed yesterday is pending in the Senate. They don't now intend to take it up. But, if things change, pressure would build to do it.

The resolution we will be voting on today is already dead, the Senate has already killed it, and it does not allow for reconsideration. In both cases, I think it's reasonable for us to go forward. But to argue that it makes sense for us to pass a bill the Senate has already killed but not to pass a bill that will be pending in the Senate, subject to pressure, baffles me.

Mr. HOYER. Reclaiming my time, and I want to close.

Ms. FOXX. Mr. Majority Leader, can I ask one more question?

Mr. HOYER. I would be pleased to yield to the gentlelady for one more question, then I want to close, because I know Mr. PENCE wants an opportunity to say the majority leader is wrong.

Ms. FOXX. Again, I appreciate the explanation that both you and Mr. FRANK have given, but would you agree that the first bailout that was given to the Bush administration had absolutely no accountability in it, and unless the bill that was passed here yesterday is passed out of the Senate before the money is given to the Obama administration, that there is no guarantee of any accountability and that we will be asking for a report after the fact?

The original bill had no oversight in it. It had after sight in it, but no oversight. And, again, I appreciate the fact that the majority has brought this bill up, and I think it was the right thing

to do, but I would like to see that other bill passed, because I think we need accountability, whether it's on the Democrat side or the Republican side, and isn't it true that there is no accountability for how that money is going to be spent, unless the Frank bill is passed?

Mr. HOYER. Reclaiming my time, I do, however, tell the gentlelady in the kindest terms possible that I find it somewhat ironic that she is so interested in that bill being signed, so there will be accountability, but yesterday she voted against it. I find that somewhat ironic.

But, in any event, in answer to your question, I think we have learned that we needed greater accountability. Very frankly, we thought the Bush administration would exercise more accountability and oversight. We provided, as I am sure you know, significant oversight. Now you call it after sight, and that may be an apt term to it, but we provided significant oversight, including the GAO, which has said it was not done as well as it should have been done, which led to Mr. FRANK's legislation, which was on the floor yesterday. So we think that was very positive.

In closing, I appreciate the gentlelady saying this was the appropriate thing to bring to the floor. We provided legislation that would be brought to the floor. It is here.

I would, in closing, urge all of the Members, notwithstanding the fact that it's on the floor, notwithstanding that their vote will be of no effect. I understand it will be a statement to our constituents where we stand on the issue. And this is an unpopular program. But, across the board, liberal and conservative economists, the Secretary of the Treasury, present and future, President Bush and President Obama, have both concluded that if we are to meet the economic crisis that confronts us, moving forward with the additional second phase of TARP is essential.

I urge my colleagues to vote against the motion of disapproval.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

In just one second I am going to recognize my colleague from Indiana, but I want to say that I appreciate the argument that has been made that both Presidents, Secretaries of the Treasury, and all these brilliant people, supposedly, have asked for this money and said it has to be done to save our Nation. But we know that in the Roosevelt administration, Henry Morgenthau and all those brain trust people who were there, said that, after 8 years, what the Roosevelt people did was a complete failure. I think this is the direction we are going.

□ 1100

I now yield 4 minutes to my colleague, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I rise in support of the resolution of disapproval.

Our Nation is confronted by a serious financial crisis; it is a crisis of confidence in our financial markets and, let's be honest, it is a crisis of confidence in our government. While many are anxious about how we will confront these times, many more face this moment with faith, not fear. We will get through this. We have confronted greater challenges than this. I am confident we will restore our markets and renew our government. But, as I said last fall in the original debate, we must do so in a manner that is consistent with the principles that make America great.

As the distinguished chairman of this committee said following last week's action in the Senate: No matter what happens here today, the second half of the bailout funding will go forward, adding \$350 billion to the national debt and burdening future generations of Americans with the mistakes of Wall Street, and Capitol Hill during the present day, despite sincere efforts at reform.

This legislation remains the largest corporate bailout in American history, forever changes the relationship between government and the financial sector, and passes the costs along to the American people.

I did not come to Washington to expand the size and scope of government. I did not come to Washington to ask working Americans to subsidize the bad decisions of corporate America. Therefore, I did not support the Emergency Economic Stabilization Act last fall, and I cannot support the legislation before the Congress that would send good money after bad. As I said then, while this bill promises to bring near-term stability to our financial markets, I ask my countrymen, at what price?

The decision to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupted a basic truth of our free market economy: Government can't control outcomes in an economy without eroding the independence and the integrity of our free-market system. When the government chooses winners and losers in the marketplace, every American loses.

Now, some say this crisis was too acute to rely on what they call antiquated notions about the role of government in the private sector, but I disagree. I believe the principles of limited government, free enterprise, and representative democracy and personal responsibility are as relevant today as they were in 1776.

Now, there are no easy answers to these times, but the American people deserve to know that there were and are alternatives. Last fall, House Republicans offered an alternative that would have required Wall Street, not

Main Street, to pay the costs of this recovery. And today, House Republicans are preparing fast-acting tax relief instead of more bailouts and more spending to get this economy moving again.

President Theodore Roosevelt said, "An American must face life with resolute courage, win victory if he can, and accept defeat if he must, without seeking to place on his fellow man a responsibility which is not theirs." With this legislation, we again, by second half, place upon the American public a responsibility which was not theirs, bailing out financial institutions after they made irresponsible business decisions. This, we should not have done. This, we should not do again. Instead, we should confront this crisis with resolute courage, faith in God, faith in the American people, and the ideals of freedom and free enterprise.

I urge my colleagues to join me in opposing further funding of the Emergency Economic Stabilization Act of 2008.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. SHERMAN) controls the time.

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield myself 3½ minutes.

The TARP program is highly flawed. It is up to us to pass good statutory provisions, not to give blank checks to the last administration, or even this administration. We ought to improve the program. The bill we passed yesterday is just a down payment or, since the Senate may not act on it, just an attempt at a down payment on the statutory changes we ought to adopt. But the question is, how do we vote on this resolution today?

If the Senate had voted to block funding, then today's vote would be entirely different. Effectively blocking funding might be the first step in forcing statutory changes; but that is not where we are today. Instead, we are here voting on a bill that both sides agree has no statutory significance. Under the existing statute, this administration will get \$350 billion subject only to the very limited restrictions imposed by the bill that we passed, and I voted against, last fall. This vote is nothing more than a nonbinding resolution. It is a joint press release. It does not trigger any statutory provision; it does not write any statutory provision.

So how should we vote on this joint press release? Is it an accurate press release? Will the press understand it, or is it written in such a way that the press will misunderstand? In order to determine that, we have to understand the press.

I would hope that we would have a press in this country that, if we had voted for this resolution, would say: "The House demands statutory improvements in the TARP program. It

demands the passage of the Frank bill and far more." Unfortunately, we know that will not be the headline.

It makes no sense to provide this press release to a press corps that instead will interpret it as saying: "House repudiates President Obama on the second day of his term." But we know the press. They will put personality over substance, politics over policy. They will write this story, ignoring the problems with the TARP bill. They don't want to write about statutory provisions; they will write about politics not policy. So signing on to a joint press release knowing that the press will misinterpret it is a bad idea.

What is a good idea is using every vehicle we have to demand that we improve the TARP program, and that starts with passing the Frank bill and putting it on appropriations bills, putting it on the stimulus bill, making it clear to the Senate that nothing moves until that bill moves. But that is just the beginning. We need statutory provisions that say, if you get TARP money, then there will be no dividends, no stock repurchases. You can't take our money, and then give your money to your own shareholders. That we require the administration to get the maximum number of warrants, so that we participate in the upside of those companies that survive. That the statute does not authorize overpaying for toxic assets or buying bad bonds held by foreign investors. And, that we have real limits on executive compensation and perks, not just for those bailed out companies that are in Detroit, but those that are in New York as well.

We have got to communicate in every way we can to our leadership and to this country that we need massive improvements in the statutory provisions of TARP. Voting "no" on this resolution is the first step in making that clear. Voting "yes" would just be confusing.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

I think it is important to point out that my colleague from California made some great comments; however, he says the bill has no statutory significance. Let me point out to him, the majority leader, and the chairman of the committee that the bill that the Senate rejected was their own bill, Senate Joint Resolution 5.

This bill would have statutory significance if it passes because it would be alive and eligible for the Senate to consider, and I think it is very important that we point that out. It was the Senate bill that was rejected, not this bill.

Mr. Speaker, I yield 3 minutes to Mr. McCLINTOCK, my colleague from California.

Mr. McCLINTOCK. I thank the gentlelady for yielding.

Mr. Speaker, this resolution presents this House with its last chance to

admit that the Bush bailout has not worked, and it will not work, because of a simple and self-evident truth: government cannot inject a single dollar into the economy that it has not first taken out of the economy. It is true that if I take a dollar from Peter and give it to bail out Paul, Paul has got one more dollar to spend; that dollar will ripple through the economy. But we forget the other half of that equation: Peter now has one less dollar to spend, meaning one less dollar to ripple through the economy. In short, it nets to zero. In fact, it nets to less than zero, because you are shifting enormous amounts of capital from investments that would have been made strictly by economic calculations to investments that are being made entirely by political calculations. We are not helping the economy with these bailouts; we are hurting it. If they actually worked, we would be now enjoying a period of unprecedented prosperity and economic expansion.

I have heard it said today, well, it is just the way that the Bush administration administered it. Well, let me pose to them this simple question: When in the entire history of civilization have such bailouts actually worked? They didn't work in Japan in the 1990s, they didn't work in America in the 1930s, and they aren't working today.

Fortunately, we know what does work. Reductions in marginal tax rates and reductions in taxes on investment consistently do stimulate the economy. They worked when John F. Kennedy used them in the early 1960s, they worked when Ronald Reagan used them in the early 1980s. When taxes are reduced on productivity, productivity increases. But how typical of government to resist what we know works and embrace what we know doesn't work.

This resolution offers the House one last fleeting chance to admit its mistakes, to step away from rigid adherence to failed policy, and to offer the change that the people of this Nation deserve.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts (Mr. FRANK) controls the time.

There was no objection.

Mr. FRANK of Massachusetts. I yield myself 3 minutes.

First, I want to respond to the gentlewoman from North Carolina's estimate of the Senate parliamentary situation. She is wrong. If this resolution passes, it will not be pending in the Senate. The Senate will always have the right to bring up a new and different bill to repeal the \$350 billion. But this resolution is dead, not on arrival, but before arrival. And the difference is this:

This resolution comes to the House floor, as its counterpart came to the Senate floor, under expedited procedures; that is, the filibuster extended

debate was not available. The Rules Committee was not available to stop this. The Senate, having defeated the one resolution that they were allowed under expedited procedures, cannot revive it. In fact, it said in the bill as a protection, frankly, for those who are likely to be opposed to the TARP, that it couldn't be reconsidered; that is, it was a protection against pressures being applied by a combination of leaderships on either or both sides and the administration. So this bill is dead. The Senate killed it. This is an exercise.

It is true that the Senate could start all over again with a new bill subject to extended debate, et cetera; and that, of course, nobody could take away from them. But to be very specific, this resolution's counterpart cannot come up in the Senate under the rules, and the Senate Parliamentarian has so ruled, appropriately, if you read the legislation.

So what is available now here is exactly what we have with the bill we passed yesterday, if the Senate wants to take it up under nonexpedited procedures. And when it comes to nonexpedited procedures, the United States Senate has no equal. Nobody can nonexpedite procedures like the Senate. So both of these bills could come up in the Senate under those rules.

Now, the other thing I would say is this, and to the gentleman from California, yeah, there is a philosophical difference here. I do think the gentleman from California was a little harsh in his criticism of the Bush administration in denouncing this, because this is, after all, the Bush administration's creation.

We also have, by the way, and let me address this, under the appointees of President Bush at the Federal Reserve a massive expansion of authority that was granted during the Depression and has rarely been used since for the Federal Reserve to make loans. And I want to be clear, Mr. Speaker, to people that much of what they have read about, for instance, the intervention with AIG primarily and some others, did not come under the TARP primarily; they came from the Federal Reserve using a statutory power from the thirties. It had not been used very much. The Federal Reserve used it somewhat earlier in 2008, and then in September of 2008 began to use it in large numbers. People are understandably concerned about this and what is being done. The Financial Services Committee will be having a hearing within a couple of weeks in which we will begin examining what the Federal Reserve is doing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield myself an additional 1 minute.

□ 1115

I do want to make clear the policies that the gentleman from California describes as failed and as doomed are George Bush's. Now you may think that Obama will do no better. But I do want to be clear. It was the Bush administration officials that asked us to do this. We did modify it some.

The only other point I would make is this about oversight. We did write oversight into the bill. The gentleman says, well, oversight was after the fact. But oversight is always after the fact. The oversight function is to see what has been done and report on it. That is what the Oversight Committee does.

In this case, we put in good oversight. The Government Accountability Office reported early on that they weren't monitoring how the loan money was being spent. And we had a hearing to talk about that. And then the Elizabeth Warren panel talked about it. So our decision to tell the Bush administration to stop and not even ask for the \$350 billion until we got a new shot at it came based on information we got from the oversight panels that we put into the bill.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

I have the greatest respect for Mr. FRANK and his experience and his knowledge of the workings of this body and the Senate. But I have to say, you are wrong about whether this bill is dead on arrival. It is not dead before it. It is possible to be heard in the Senate. It doesn't have to be heard under expedited processes. You're absolutely right. But it is not dead. It is not dead before it goes there. It is not dead on arrival. So I think that has to be corrected. And I want to say that—

Mr. FRANK of Massachusetts. Will the gentlewoman yield on my time?

Ms. FOXX. No, not on my time.

Mr. FRANK of Massachusetts. On my time.

Ms. FOXX. On your time?

Mr. FRANK of Massachusetts. I yield myself 30 seconds.

The SPEAKER pro tempore. The gentlewoman from North Carolina controls the time. Her 30 seconds has expired.

Mr. FRANK of Massachusetts. Will the gentlewoman let me yield 30 seconds?

The SPEAKER pro tempore. The gentlelady from North Carolina controls the time.

Ms. FOXX. Mr. Speaker, what I would like to do is recognize Mr. PAULSEN from Minnesota. And then when it is Mr. FRANK's time, I will yield to a question.

The SPEAKER pro tempore. For how much time?

Ms. FOXX. Mr. PAULSEN, 2 minutes.

Mr. PAULSEN. I thank the gentlelady. Mr. Speaker, I rise also in

support of the resolution that is before the body here today to oppose the release of the second tranche of TARP funds.

We are being asked here today to spend another \$350 billion of American taxpayer money. Now the lapses right now that we have already seen in accountability and in transparency in the first tranche of bailout funds have not been remedied. And we don't even know exactly how that first \$350 billion was spent just a few months ago. Furthermore, the scope of how future funds will be spent has moved beyond the intended purpose of TARP in the first place. That program now has turned into a grab bag for a variety of special interests that are lining up to attain more taxpayer money.

Congress is not being strategic. It is not being smart or prudent. We owe it to the American people to analyze and to scrutinize where the first tranche of bailout money went so that we don't throw good money after bad.

Just one day ago, our new President in his eloquent inaugural address called for a "New Era of Responsibility." I completely agree. And I believe that Congress needs a new era of responsibility as well, especially in how it spends taxpayer money. The release of these new funds will only add to our massive budget deficit, which is going to be passed on to future generations.

Mr. Speaker, enough is enough. The House should strongly oppose, on a bipartisan basis, another \$350 billion because it lacks the appropriate transparency, oversight and accountability. And we shouldn't borrow and spend and bail out our way to get our economy back on track.

Mr. FRANK of Massachusetts. I will yield myself 30 seconds to point out that the gentlewoman from North Carolina was incorrect. She said this bill would be alive in the Senate. That is wrong. This bill is the expedited procedures proposal. Its Senate counterpart has been killed. If this bill passes or fails, it makes no difference. Now it is true, the Senate has the right under the Constitution to pass a brand new bill. But if it did, it would have to come over here to be passed. This expedited procedure resolution would not meet the bicameral test. So the point is that when she talks about this bill, it has no effect. If the Senate passes a bill, as they would have a right to do under the normal rules subject to filibuster, it would then come over here and be subject to normal rules—

Ms. FOXX. Would the gentleman yield?

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I yield myself 15 seconds to say to the gentlewoman, just as she wouldn't yield to me, I will now yield to the gentle-

woman from Illinois. The gentlewoman from Illinois is recognized for 2 minutes.

Ms. BEAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 3, which would eliminate an essential tool for our government to maintain stability in our financial markets during this time of economic strain.

Last fall, this Congress faced a difficult decision. We were asked to provide the Treasury with \$700 billion to stabilize the financial markets. Federal Reserve Chairman Ben Bernanke warned that the U.S. economy was on the verge of collapse if we did not act. Fortunately, Congress wisely put stipulations in place to protect taxpayer dollars. We also instructed the Treasury to provide foreclosure avoidance resources. Most important, we withheld half of the TARP money to allow Congress to review the use of the first half before releasing further funds.

While it was vitally necessary to stave off the collapse of our Nation's financial system and remains so today, I appreciate the frustration many of my colleagues and Americans have with the execution thus far of the TARP program. Of particular concern, the past administration did not follow congressional instruction to utilize a portion of funds to address rising foreclosures. There have been many changes in strategy taken by Treasury and the Federal Reserve in response to evolving economic challenges that are not well understood. These actions have led to a perceived ineffectiveness that stems from confusion in both the process and purpose of these funds. The TARP was intended to provide tools to stabilize our financial system to prevent collapse. It was not intended to be used as an economic stimulus. However, without it, the congressional stimulus package that is pending would have diminished effectiveness. And our Nation continues to face unprecedented crisis that requires quick and decisive action.

We can and should provide the new administration with the resources to both stabilize our financial system and reduce the foreclosures that continue to undermine it. Yesterday, we passed H.R. 384, which directs the Obama administration to act with greater transparency and accountability on how our funds are being used to stabilize markets and provide multitiered options to foreclosure avoidance for creditworthy families.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

Ms. BEAN. In 2008, 8,200 homeowners filed for foreclosure each day. One in six homeowners are currently upside down, meaning that their mortgage debt exceeds current home value. Currently, 45 percent of real estate on the

market is foreclosed properties, which continues to depress home values and adversely impact average Americans who want to refinance or sell their homes.

In addition, slumping consumer spending is driving many retailers and small businesses under. And as they vacate their properties, commercial foreclosures will likely increase. That means even more toxic assets on the books of our financial institutions, further limiting credit. And U.S. banks continue to write off enormous losses, and several are reporting severe fourth quarter losses.

Given this data, it would be irresponsible for this Congress to deny the new administration the tools needed to prevent a further collapse of our markets and credit availability. Without these tools, the upcoming stimulus will have a reduced effect in igniting economic growth.

I urge my colleagues to oppose today's resolution to disapprove the release of these funds so American families and businesses can count on our financial system in the future.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentlelady for yielding.

Mr. Speaker, this fall when my colleagues and I voted to pass the Emergency Economic Stabilization Act, our banking sector was facing an unprecedented and immediate threat that affected the ability of all American businesses, large and small, to get credit to obtain inventory, purchase needed supplies or even make payroll. Our credit markets were effectively frozen, and our economy faced extraordinary peril that required exceptional measures.

Our financial system and larger economy still have enormous problems. But the threats to our economy are shifting and rapidly evolving. The situation that we are facing today is critical and urgent. But our economy has different challenges from when we passed the Emergency Economic Stabilization Act. And frankly, I'm not sure whether the Troubled Assets Relief Program, TARP, is the right tool to combat these problems. It concerns me to see that TARP is spinning out of control with rapidly expanding goals. I did not vote to provide a fund to prop up failing companies or expand government interference into companies' business decisions. I supported the Emergency Economic Stabilization Act to give us the tools to fight our immediate and critical economic threats this fall. And I'm glad that it worked to prevent even greater economic turmoil.

But now, we need to stop and re-evaluate where we are. We need to take a measured approach. We need to be better stewards of the taxpayers' money. And we're talking about billions of dollars here. We need to figure

out exactly what problem we are trying to fix and whether we are using the right tool.

Now yesterday, when I came down to the House floor to offer a motion to recommit that was similar in the nature of the resolution today, but with one fundamental difference, if passed by the House and Senate and signed into law, the bill as amended with my motion would have actually stopped the \$350 billion from going to TARP. In his rebuttal to my motion to recommit, I was told by the distinguished Chair of the House Financial Services Committee that my Republican colleagues and I were getting our marching orders from the Heritage Foundation and the Wall Street Journal on disapproving the final \$350 billion payment from TARP. Now, I can only speak for myself, Mr. Speaker, but I'm here to protect the American taxpayer. And spending this money right now is not the right thing to do.

I urge my colleagues to send a clear and convincing message to the American taxpayer that we want to stop TARP's expansion and to vote "yes" on disapproving of the final \$350 billion to the program.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman has 39¼ minutes remaining. The gentlelady has 41½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 3 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a very important debate. I want to thank the chairman of the Financial Services Committee. I would imagine that this was the vision of the Founding Fathers when they created the basic infrastructure of our constitutional government that the people of this Nation should have the opportunity to hear the truth and hear us speak the truth. And so today I think it is important that the truth be known and told. And frankly, I think the real question for my good friends on the other side of the aisle is, what did the previous administration do with that money? That is the angst. That is the reason why we have this controversy. Because those of us who in good intentions and goodwill responded to the pending crisis, even as the administration was leaving, the lights are being turned out, we said we had to do something for the American people. We begged them to respond to the mortgage foreclosure, the collapse of the market. It was not done. There was no reporting as to what happened to the money.

And so, as Mark Zandi has said, chief economist of Moody's economy.com, the global financial system has effectively collapsed, undermining investor,

household, and business confidence and pushing the economy into a lengthy and severe recession. The proximate cause, he says, of the crisis was a collapse of the U.S. housing market and the resulting surge in mortgage loan defaults. We asked the former Secretary, we asked and begged him to deal with the mortgage foreclosure of the American people. They did not do it.

Now, we come full circle with a new administration who has articulated their commitment to addressing this mortgage foreclosure collapse. We have to do it with the money that is pending today. That is why I rise in opposition to this legislation.

In the requirements that have been dictated by this House, we are setting aside money that is specifically for the use of hardworking Americans who bought into mortgages that were, through no fault of their own, smoke and mirrors. And so today we have \$100 billion set aside so that your mortgages, your homes can be saved. Is that not the responsibility of the Federal Government? Is that not the reason why we are here? We must give these monies to the Obama administration for them to give them to the American taxpayer. That is what this is about.

In addition, we will be providing more dollars to what we call private banks, many of them in your home towns where you know your bankers, who have not been able to get these dollars. We want the small businesses, minority, women, and others that are just simply small, the backbone of America, to be able to get the credit that you need for your payroll. That is what this is about. This is a complete 180-degree turn. We want to do what was not done.

In addition, we have language that is requiring the banks to give us a point-by-point, dot-by-dot, line-by-line explanation of the use of these moneys.

The SPEAKER pro tempore. The time of the gentlewoman from Texas has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

□ 1130

Ms. JACKSON-LEE of Texas. So line by line to be able to report to you, the American people, what is this money going for.

I know a pastor in Houston, Texas, Reverend Samuel Smith, who has a church that has remained in an inner city area. He has rebuilt his church. He did it because he got credit, he got money so that his parishioners could come to that area that needed redevelopment so he could continue to provide life to that area. That is what these funds can be used for if they go to the banks of the community. The big banks will not be able to use these dollars to buy up little banks. The money will go to these little banks and help

the inner cities and rural communities of America and so you know your banker and know they have money to lend to you. This is what is happening today.

And by the way, my friends, in this language it says so more of these big bonuses and compensation and grandstanding resort packages, no more of that. A number of other restraints are in the package that we passed last week.

Please provide us with the hope and spirit of our new President who said we can do this. This is a bad bill, and I stand opposed to it because I stand with the American people.

Mr. Speaker, I rise today in opposition to H.J. Res. 3, relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008 (EESA). This resolution disapproves the use of the second \$350 billion of the funds that were made available to the Secretary of the Treasury under the EESA.

Under the "fast track" consideration provisions of EESA, such a resolution is in order upon the transmittal by the President of a plan to use the second \$350 billion.

Passage of this resolution would prevent the new Administration, unless vetoed by the President, from using the second \$350 billion. Already the Senate has rejected its resolution of disapproval last Friday when it was offered in the Senate. This body should do the same. Likewise, the House should also join me in rejecting this resolution.

We cannot hold the present Administration accountable for the missteps and misdeeds of the past Administration. It is my firm belief that this Administration must be given the most latitude in its decision regarding how the monies will be dispensed and used. The current Administration should not be fettered but should be free to use the monies as it sees fit, using judiciousness, practicality, and common-sense.

Moreover, this body voted to pass H.R. 384 TARP Reform and Accountability Act, which provided greater accountability and oversight in the use of TARP. Therefore, there is no reasonable, articulable basis to deny the Administration access to the TARP monies.

Just yesterday, the House of Representatives voted on a bill that would amend the TARP provisions of the Emergency Economic Stabilization Act of 2008 (EESA) to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation, which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to worsen, despite hundreds of small banks having already applied.

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can. While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the 8 largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

I worked diligently with Chairman FRANK and the financial services Committee to ensure that language was included to assist private banks such as Unity Bank and Amegy Bank in Houston to shore up their liquidity and ability to extend credit to local businesses and families.

This legislation also provides funds for foreclosure counseling, legal assistance to homeowners facing foreclosure and training for foreclosure counselors. I have been a long-time advocate for foreclosure mitigation working with state and local government and nonprofit organizations to help families in need. Last year, I championed setting aside \$100 billion to address homeowner foreclosure prevention. I also fought to amend bankruptcy provisions to allow individual homeowners to be able to modify their home mortgages to prevent foreclosure.

As I look at this revised legislation I feel a sense of vindication. I kept sounding the alarm to provide language that explicitly addressed homeowner foreclosure prevention and loss mitigation. As it now appears, my efforts were not in vain.

Foreclosure prevention-loss mitigation programs have given millions of Americans, who face foreclosure, the opportunity to get back on track and save their homes from foreclosure.

Every year there are millions of Americans who find themselves in a pre-foreclosure situation. Most feel that they are alone when they face a foreclosure situation. This legislation will allow Americans to get them help they need to stop foreclosures and ultimately help people stay in their homes.

The Manager's Amendment requires that the Treasury Department act promptly to permit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have had to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation.

We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the Manager's Amendment will effect this change.

In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. I sought the creation of such an office and I am pleased it was included in this legislation. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This Office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending (or reduction in decrease of lending) and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the Act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary federal regulator must specifically examine use of funds and compliance

with any program requirements, including executive compensation and any specific agreement terms.

Mr. Speaker, I am pleased that this legislation has strong requirements regarding executive compensation.

Mr. Speaker, the Act provides that the second \$350 billion is conditioned on the use of up to \$100 billion, but no less than \$40 billion, for foreclosure mitigation, with a plan required by March 15, 2009. By that date, the Secretary shall develop (subject to TARP Board approval) a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than required minimum \$40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

(1) Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor;

(2) Bringing costs of Hope for Homeowner loans down (beyond mandatory changes in Title V below), either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both;

(3) Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any write-down by existing lender Treasury may require;

(4) Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and

(5) Purchase of whole loans for the purpose of modifying or refinancing the loans (with authorization to delegate to FDIC)

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act (maximize the net present value (NPV) of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure).

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the Act to pay the servicers' court costs and legal fees. It also requires Servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope and results of the servicer's modification activities.

In addition to the above requirements, an Oversight Panel is required to report to Congress by July 1st on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans.

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve.

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities.

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA Deposit Insurance Limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to \$250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

I strongly urge my colleagues to join me in opposition to this resolution. The reforms of the bill that we voted upon just yesterday adds greater accountability and oversight to the EESA. I do not believe that the President should be fettered in his use of the monies allotted to his Administration and the Treasury in the EESA. The previous Administration was able to use the monies in an unfettered fashion, there is no articulable reason why the present Administration must undergo a different process or procedure than its predecessor Administration.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentlelady for yielding, and Mr. Speaker, I rise in support of this resolution because I don't believe the bailouts can work, and more spending isn't the answer.

Actually, we should have talked more about prevention of a problem like we have today than trying to deal with the financial cancer that we are dealing with. But the prevention could have come many decades ago. And many free-market economists predicted, even decades ago, that we would have a crisis like this. But those warnings were not heeded, and even in the last 10 years there have been dire warnings by people who believe in sound money and not in the inflationary system that we have that we will come to this point.

Over those decades we were able to bail out to a degree and patch over and keep the financial bubble going. But today, we are in a massive deflationary crisis, and we only have two choices. One is to continue to do what we are doing: inflate more, spend more, and run up more deficits. But it doesn't seem to be working because it won't work because the confidence has been lost. The confidence in the post-Bretton Woods system of the dollar fiat standard, it is gone. This whole effort to refinance in this manner just won't work.

Now, the other option is to allow the deflation to occur, allow the liquidation of bad debt and to allow the removal of all of the bad investments; but that politically is unacceptable, so we are really in a dilemma because nobody can take a hands-off position. Politicians have to feel relevant. And, therefore, they have to do something. But there is no evidence that this is going to work.

Now we hear that there is a proposal, and we read about it in the paper, and I don't know who came up with this, but it is the idea of having a bad bank. Let us create a government bad bank, and this bad bank is to take the bad debt from the bad bankers and dump these assets onto the good citizens. Well, I think that is a very bad idea. I mean, it doesn't make any sense for the innocent American citizen to bear the burden.

But others will say no, we will bail out the citizens as well. But ultimately, it is the little guy that loses on this. The bankers got \$350 billion, and we can't account for it and their assets don't look that much better, and yet the American people are still suffering. It didn't create any more new jobs. The attempt now will be maybe to redirect this. But, unfortunately, it will not be any more successful.

The fallacy here is we are trying to keep prices high when prices should come down. What do we have against poor people? Lower the price of houses, get them down. A \$100,000 house, get them down to \$20,000. Let a poor person buy these houses. That is what we want.

But this is a remnant of the philosophy of the 1930s when it was thought we were in trouble because the farmers weren't getting enough money for their crops. So people were starving in the streets, and guess what the policy was that came out of Washington: plow under the crops and then maybe the prices will go up. Diminish the supply, and it will solve our problem. It didn't work then, it won't work today.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, as I stand here, it is very important for us to remember the words of our first Secretary of the Treasury, Alexander Hamilton, for it was Alexander Hamilton who said the greatness of a strong, centralized government shines at its most brilliant at the moment and time of a nation in crisis.

We are in a crisis. We are in an agonizing, convoluting, economic crisis of staggering magnitude. It is going to take us to have the wisdom and the smarts, just like our Founding Fathers did, to be able to respond.

Now I want to just bring this into perspective so the American people will know exactly what it is we are doing, in a most responsible way, because I take great umbrage with some of my friends on the other side of the aisle, some of my Republican friends, who want to question the actions of us on the Democratic side of not being good stewards of the taxpayers' money. We are being good stewards of the taxpayers' money. Unlike the first batch of the \$350 billion that the previous administration had, you talk about not being good stewards of the taxpayers' money, there you go, no strings attached. Nothing. The Secretary of the Treasury comes over and says he wants to use that \$350 billion to get the toxic assets, and does nothing but change his mind in the middle of the stream before we can get out of town, before we can even put the oversight and put the inspector general in, and changes the direction of the money away from that, putting it into direct injections into the banking system, which one would

say had some effect, but it was not being good stewards of the taxpayers' money.

So now we come with a brand new administration, the Obama administration, whose first order of business is to deal with the significance of this economic crisis. He is asking for this tool, a tool, by the way, which is the same tool that we gave to the previous administration. And I say to you, this is surely, as we honored the request of the previous administration, President Bush, because we knew that we had a crisis, we know that crisis is 10 times worse today and we should be moving 10 times faster to give it to the Barack Obama administration.

Let me say this because there has been a whole lot of talk about we need to make sure that we do it right and we have the proper tools in place of oversight. Under the leadership of Chairman FRANK we have done that with the TARP bill we passed yesterday. Here is what it has got. It has got the oversight in it. It has got the quarterly reporting. And yes, to the dismay of some of our friends on the other side of the aisle, we have a requirement in here that we will have Federal observers sitting in the boardrooms when the decisions are made because we found out they are not going to do as we say. Just like the Super Bowl, you have got to have the referees and umpires on the field to make sure that they follow the rules of the game. We have that in.

And more significantly, right to the core of my heart, I tried as hard as I could on the last bailout, the first \$350 billion, I tried to get moneys in to deal with the core of the problem, which is home foreclosures. Under the leadership of our Financial Services Committee, we made sure that up front, we are saying to the Obama administration, make sure that you use up to \$100 billion to make sure that we can keep folks in their homes. Put the moneys into the community banks and the small businesses which create most of the jobs in this country.

This is an important day. It is an important time. I ask you to remember the words of Alexander Hamilton and let us vote down this obstructionist piece of legislation and move forward.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to an outstanding new Member of Congress, Mrs. LUMMIS, from Wyoming.

Mrs. LUMMIS. Mr. Speaker, it is daunting, indeed, to follow such an articulate speaker on the floor of this House, but I rise today to express my support for House Joint Resolution 3 and my opposition to the decision to release the second half of the TARP bailout funding.

Washington, DC, has often been described as 70 square miles surrounded by reality, and I think that description, particularly today, is right on target. Only in this town can people ac-

tually believe that throwing more money down a rabbit hole during these harsh economic times will produce positive results.

Wyoming people are right to express their frustration about how the taxpayer dollars were spent under TARP. I believe and they believe their hard-earned money has gone to waste due to a lack of accountability and transparency under this program.

TARP funding was originally meant to stop the downward spiral of the banking industry. And while I opposed it from the beginning, I am even more appalled by how the funding has been redirected. The Reform Act the House passed yesterday, for example, would direct the second half of TARP funds to go towards the auto industry, foreclosures assistance, and even student loans. While some of these programs may have independent validity, the original intent of TARP funding was not directed towards them and should not now be directed towards them.

With a possible trillion dollar stimulus package just over the next hill, we as a Congress and we as a Nation need to assert some fiscal discipline. The release of the additional \$350 billion, especially after the lack of knowledge on how the first half has been spent, is not fiscal discipline. It is inexcusable. It is poor planning on our part, on the part of Congress.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. FOXX. I yield the gentlewoman 30 additional seconds.

Mrs. LUMMIS. It is poor planning on our part to release this money without giving real consideration to how it will be used or whether its goals will be met.

I stand in support of House Joint Resolution 3, and ask my colleagues to stand with me for fiscal discipline and support this resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate his leadership on this.

I just listened to our new colleague from Wyoming, and I am trying to track her logic. I was one of the people who had deep reservations about the original bailout proposals. I had even more skepticism about the people to whom bailout money was going to be entrusted in the White House. But most, I was concerned that it was not addressing the various things that she is disparaging, like homeowners in economic free fall, people dealing with student loans. We were throwing all of that money at large financial institutions while not dealing with millions of Americans in a desperate circumstance that is, after all, fueling the problem of the economic spiral. I thought that was misguided.

I rise today to oppose the resolution which would take away one of the tools to be given to the new administration to address it properly.

I have watched, under the leadership of Chairman FRANK, as we have tried to redirect, to prod and push and probe to make sure that there is greater transparency and coax greater performance out of the Bush administration while dealing with the criteria by which we will be going forward.

□ 1145

This is the work that the Congress should be doing, and I think we are doing it in a reasonable fashion. It's coming in the context of other tools that the new administration has sought and desperately needs. I came to the floor, leaving a markup from the Ways and Means Committee, where we will be looking at several hundred billion dollars of targeted tax relief that's going to make a difference for those American families.

There will be a significant package coming forward for economic stimulus dealing with rebuilding and renewing America, energy efficiency, with roads and bridges, transit and bikeways; things that will make a difference over the course of the next few months and next few years to re-start the economy.

We are taking stock. We are exercising not just oversight of a new administration—and I have no doubt, no doubt that the Financial Services Committee, under the chairmanship of Chairman FRANK, will make sure that the directions, that the accountability, the transparency that has been promised, we will follow through.

Most important, before we get to oversight, is this notion of partnership—partnership with the new administration, partnership with Congress and the American public—as we deal with the things that make the biggest difference for Americans; their homes, their jobs, their communities.

I urge rejection of this resolution to move forward with giving the new administration the tools they need.

Ms. FOXX. Mr. Speaker, may I inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore. The gentlelady has 36 minutes remaining. The gentleman from Massachusetts has 28¼ minutes remaining.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my colleague from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentlelady for yielding.

I must admit, Mr. Speaker, I find it quite ironic that many of my friends on the other side of the aisle who for weeks, if not months, have come to condemn the TARP program, to tell us all of its woes and shortcomings only to come now and say I'm going to vote for the next \$350 billion.

And it's clear to me, listening to the debate, that my friend, the distin-

guished chairman of the Financial Services Committee, must be number one on the list of Members of Congress who will miss President George W. Bush. Everything that has happened in our land apparently is the responsibility of the former President, from the TARP program to bad breath and everything in between. But if every press account in the Western World is correct, it would appear that the distinguished chairman of the Financial Services Committee was largely responsible for writing the legislation. Now, again, I know him to be an honorable man, I know him to be a principled man, but this is legislation that I believe was written in haste. Maybe the circumstances caused it to be written in haste.

But since then we have something different, Mr. Chairman. We have the Federal Reserve now has committed almost—between the Federal Reserve, the FDIC and the Treasury and FHA under the HOPE for Homeowners program, we are now looking at almost \$8 trillion of potential taxpayer liability. I'm curious, number one, what is it that's going to be achieved with this extra \$350 billion where there is no plan—no plan has been presented by the administration. I mean, you know, he just took the oath of office, we were all there; there is no plan that has been presented.

And what is it on an emergency situation that the Federal Reserve cannot do with their various and sundry auction facilities that are already set up? And if this money is needed on a very urgent basis, what is it that prevents this body from coming and acting upon a specific request of the administration? And the answer is: Nothing.

Well, Mr. Speaker, what we have to look at is, this is an extra \$350 billion that's going to be added on top of the single largest federal deficit that we've ever seen. Since my friends on the other side of the aisle have taken control of this House, we have seen the Federal deficit go from less than \$200 billion to something 800 percent higher, I mean, \$1.2 trillion. And sooner or later, Mr. Speaker, somebody has to pay for that.

We need an economic growth plan that will preserve jobs and grow jobs. We need an economic growth plan that will expand family's paychecks so they can pay their mortgage payments—our version of foreclosure mitigation. And we need a plan that doesn't send unconscionable, immoral debt to our children and grandchildren. Granting an arbitrary number of \$350 billion to an incoming administration without a plan does not meet that test.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes to respond, in part.

One, I got more credit than I deserve for writing the legislation; we had the Senate participating. I did succeed in

getting some constraints written in. The problem, however, was not with the legislation, it was the way in which it was administered.

By the way, I do want to make one point. There were complaints yesterday—and I have heard complaints from the Republicans—that they had no chance for input into this legislation. That is, of course, patently untrue. If Members will remember, a large number of Republicans voted against this Bush request the first time. A number switched, still less than a majority, but a large number of Republicans switched because they achieved a major amendment.

The fact is that there was added to the President's proposal a plan for an insurance operation which was written by the Republican leadership and put into the bill at the request of the Republicans. Now, the problem was that the Secretary of the Treasury under George Bush thought it was silly and had no intention of using it. And I think the Republicans knew that, and maybe there was a little self-delusion there, but the fact is that there was a major amendment of that bill entirely generated in the Republican Party. They had a chance to put other things in there.

Now, I will concede I was disappointed. The gentleman said we wrote the bill. I tell you what I take some pride in; we wrote in there specific instructions to them to use some of the money to reduce foreclosure. They refused to use it. And under the American system of government, it is virtually impossible to force an executive branch to carry out the legal authority they are given, just as Alan Greenspan refused years ago, until fairly recently, to use the authority Congress had given him to stop bad subprime mortgages.

So, yes, there was that flaw. And if, in fact, we still had the Bush administration, no legislation, in my judgment, would succeed. But given the commitment of the Obama administration—the gentleman said there is no plan. In fact, there are very specific plans, including some from Sheila Bair, the head of the FDIC, and some approved by the outgoing Secretary of HUD, Mr. Preston, to reduce foreclosure.

Now, the gentleman has said leave it to the Fed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield myself an additional minute.

I understand that was the argument I read also arrived at by the Heritage Foundation. The notion that we should leave it to the Federal Reserve to do it and not try to do it here means that any effort by us to put some conditions on there, we should give up. And, in fact, the difference between simply allowing the Federal Reserve to do these

things and having this is—and this is a certainty, given the Obama administration's commitment—we will get, under this \$350 billion, a substantial amount of money for diminishing foreclosures. There are Members who don't think we should try to do that, I understand that philosophical difference, but it's a factual difference. Under the Federal Reserve authority, which we have to examine, nothing is done to deal with foreclosures. This specific instruction here is to use a substantial part of the money—\$100 billion, we hope, of the \$350—for foreclosure diminution that will not happen if the \$350 billion is not released.

Speaking of foreclosure, there are two Members of this House who have done the most to keep before us the need to diminish foreclosures, one of them is the gentlewoman from Ohio (Ms. KAPTUR). I yield the gentlewoman 4 minutes.

Ms. KAPTUR. Thank you, Chairman FRANK, very much for the time and for your generous comments, and effort you have made to fix a tragic economic meltdown in our country. I rise today to urge my colleagues to vote for no more money for Wall Street.

Today, the House will vote on whether to disagree with the \$350 billion in additional funding for Wall Street banks. Those of us who are here on the floor today say "no more money." I urge my colleagues to withhold further taxpayer funding to Wall Street.

The housing foreclosure crisis is at the crux of our economic meltdown. And until we fix that, more money to Wall Street is but a massive diversion and a ruse. Treasury took our taxpayers' money in the last-minute raid before last November's election as it stamped Congress into hasty, misguided and wrong action. The argument was, we better do something because we don't want to be blamed for whatever might go wrong. There was little thought, there was a lot of fear.

Well, plenty continues to go wrong. The Dow has dipped below 8,000. Homeowners are losing their homes at an accelerating rate. The latest foreclosure numbers underscore the need. Nationally, foreclosure filings surged to 303,000 last month, 303,000 families—that's probably close to a million people, an increase of 17 percent over the prior month and 41 percent from the same month the prior year. These are staggering numbers.

All that Wall Street has done with our money is try to cover its tracks, allowing big wrongdoers to benefit by coming under the protection of the Bank Holding Company Act—they think we don't notice—by giving those gambling houses deposit insurance which they never paid for. Worst of all, our homeowners weren't helped. They're still being bilked and losing their homes.

How has Wall Street bilked the public? Let me count the ways. First, predatory

loan practices have squeezed out equity from homeowners across our country by over-leveraging the market, earning Wall Street hundreds of billions of dollars while the good times lasted. And then, second, when the bubble burst, they placed the trillion dollar burden of their schemes and massive losses onto the U.S. taxpayer that our children and grandchildren are being asked to pay.

Third, Wall Street banks further enriched themselves by refusing to do loan workouts, which was the original purpose of TARP. And fourth, instead, banks are using the money to buy banks and further concentrate financial power in the hands of very few who you can track right back to Wall Street.

Meanwhile, at the Main Street level, the suffering continues. Fifth, as Wall Street contracts with absentee auction houses to auction foreclosed properties at fire sale prices in Toledo and Sandusky and Cleveland, indeed all across this country, while booking any tax losses on those properties due to declining property values on their Federal taxes for 2008. Another bonanza to them.

Banks are ensuring they will benefit on the upside too as the mortgage market recovers as the taxpayer-insured Federal Housing Administration's capabilities are enlarged to buy up those very mortgages. And they're hoping that as families might fall into bankruptcy, that maybe the courts will take care of this too. All the burden is on the homeowner, nothing to hold accountable those who have done the real wrong.

Believe it or not, Wall Street is now luring cash-strapped local governments into schemes to avoid loan workouts to earn money at the local level from high fees through quick recovery of tax liens owed while Wall Street fails to inform homeowners of taxes owed. And those Wall Street firms are earning huge profits—are you ready for this? Eighteen percent on this scheme alone.

You know, a bank's power, unlike any other organization in our country, is to create money. They don't print it. Instead, through loans, they create money through transactions that earn money and then reloan that.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. FOXX. Mr. Speaker, I yield Ms. KAPTUR an additional minute.

Ms. KAPTUR. I thank the gentlelady and I thank the gentleman.

It is an awesome power, the power to create money. None of us have that power unless one considers fraud or forgery. But the gambling houses on Wall Street did exactly that, they created money recklessly, using mortgages way beyond what the underlying asset could return. They don't deserve any reward.

Vote "no" on the second Wall Street bailout. It's just more of the same.

Treasury and Wall Street broke their promise the first time, why reward them again? Let's use the appropriate agencies—the Federal Deposit Insurance Corporation, the Securities and Exchange Commission and HUD—to do the workouts that are necessary. Stop the suffering that I see every week when I return home to my district and places across this country where the American people have had the door slammed in their face.

What a difficult time is being experienced by millions and millions of our families. How can we possibly reward Wall Street again when they've turned their backs on the very people they're asking to pay the bill?

But what the gambling houses on Wall Street did was create money recklessly, leveraging mortgages way beyond what the underlying asset could return. Wall Street bankers are so powerful—and arrogant—and breed such special relationships inside our federal government, that they are not only spared the disciplined rules of the market we must live by, they are spared prosecution, so far.

They are so powerful, they repeatedly abuse their power—and then run to our taxpayers about every ten years to bail them out. Wall Street banks have special pull up here in Washington through the Treasury and Federal Reserve, their campaign contributions, and the revolving door between Washington and Wall Street.

They consistently enrich themselves by indebting the American people for their excess. They've committed crimes much larger than the last excesses of the savings and loan crisis of the 1980's and 1990's. The cost of those massive excesses too was thrown onto the public and became the third largest component of America's long term debt. Then, Wall Street bankers make plenty of money selling those U.S. debt bonds too. It's a win-win for them.

Some would say they make money coming and going! So we have another fraudulent meltdown with another Congress and now another President. We run the risk of being cowed again by their power, rather than holding them accountable for their abusive behavior. They are rewarded again in this bill . . . transferring \$350 billion more in taxpayer bailout today to paper over the losses.

Yet nothing has been done to turn a face to the taxpayers and mortgage holders who are bearing the personal cost of Wall Street's chicanery. Who will pay Wall Street's bills?

Without our imposing rigor, before more \$ is showered on them, a culture of excess will flourish and become the norm. America cannot afford more excess and more greed. The latest group of victims—homeowners—got shunted aside in the first \$350 billion Wall Street bailout. Nothing, nothing was done to help them, even though it was promised, promised, promised as the key reason for passage of the bailout last year.

The first objective should be expedited workouts as the mortgage foreclosure crisis is driving our economy into ruins. You fix that by doing those mortgage loan workouts, one by one, using the tried and true FDIC, its bank

examiners along with the SEC accounting authorities. That isn't being done. I'm saying families being foreclosed not leave their houses—to squat—unless Wall St. bailout services can produce a full mortgage audit. Who holds your loan? Let them disclose they have followed truth in lending and RESPA laws.

Treasury—Wall Street's biggest advocate—has been charged with mortgage workouts. It has failed our people miserably. Why? It is not capable of being the mortgage workout instrumentality of our government. The appropriate agencies are the FDIC, SEC, and HUD.

Vote “no” on the second Wall St. bailout. It's just more of the same. Treasury and Wall Street broke their promise the first time. Why trust them again? Let the new President use the agencies that have the rigor to solve the home foreclosure crisis, not the one that is Wall St. biggest advocate to cover up Wall Street's abuses and greed.

□ 1200

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentlewoman for yielding.

And I want to say that I agree with a great deal of what Ms. KAPTUR just said. She is a very thoughtful legislator.

One of the things that hasn't been addressed today is something I think we should really pay attention to, and that's history. Back in the 1970s, we spent ourselves into a real hole and we had what was called hyperinflation. Interest rates were supposedly a solution to the problem. We had inflation that was about 14 percent. We had unemployment that was 10 or 11 or 12 percent. So they brought Mr. Volcker in, who was the head of the Fed at the time, and they raised the interest rates to 21½ percent because that was the only way they thought they could get inflation under control. And it put a hammer on the economy.

Now, the reason I bring this up is because we are heading toward hyperinflation again. We're spending so much money that we don't have that they're going to have to print it. We are spending \$700 billion on the TARP plan. We don't know where the money's going. We have got another 825 or 830 billion coming up in the next couple of weeks. We're going to be looking at \$2 to \$3 trillion of additional spending that we don't have.

And where do you think that money is going to come from? It's going to come from the taxpayer, and it's going to come from the hides of the people of this country because they're going to have to print that money, and when they do, we'll have more money chasing fewer goods and services, which means we are going to have very high inflation. And what will happen then? They'll come back with a hammer and they'll say the only way to stop inflation is to raise interest rates, which

will put us into another economic decline. It will be like a rubber band. We'll be going like this.

The best way to deal with the problem today is to cut taxes, to stimulate economic growth by helping the private sector and giving the American people more disposable income, not by printing more money and just throwing money at these problems. It's not going to solve the problem. It's going to cause severe economic problems down the road that we don't even visualize yet it will be so bad.

So I would just like to say to my colleagues let's think about the kids of the future that are going to have to bear the responsibility for this. They're the ones that are going to be paying the price because we're spending so much money we don't have right now.

We are heading toward hyperinflation.

Mr. FRANK of Massachusetts. Mr. Speaker, I think I may be my final speaker, so I will reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my colleague from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I would like to thank my colleague for yielding me the time.

On September 19, 2008, then Secretary of the Treasury Paulson called for a “temporary asset relief program” to take bad mortgages off the books of many of the country's financial institutions. This plan was hastily negotiated in the halls of Congress and passed on the belief that if we did not act, the capital markets would come crashing down, bringing down the American economy along the way.

I opposed the passage of the original package because I felt it was being negotiated too quickly, there was too little oversight, and it provided too great a risk to the taxpayer.

There's no doubt that our Nation is facing significant economic challenges. However, there is significant doubt whether this TARP program has been the answer. Since passage of the TARP, the plan has changed numerous times. In fact, we're still waiting for the troubled assets to be purchased. So far the Treasury has used the majority of funds for injecting capital funds into our financial institutions in hopes that they will utilize their increased capitalization to free up lending to consumers. But there is little evidence that the \$190 billion that was provided to banks has had the desired effect of freeing up credit.

Despite this lackluster track record, the request has been made for the second tranche of \$350 billion. Once again the Congress is being forced to make a hasty decision that will affect our children and grandchildren for years to come.

The inherent problems with the TARP program remain. The request for additional funds is being made too

hastily, there's not enough oversight, and as we have seen, there is no guarantee that this will work.

I urge my colleagues to support the Foxx resolution and to deny the release of the second tranche of funds.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank my colleague from North Carolina (Ms. FOXX) for yielding me the time, and I also thank her for introducing this resolution of disapproval.

This resolution reflects the sentiments of my constituents in Illinois regarding TARP. Simply put, they don't believe that their money has been spent wisely and neither do I.

When Congress passed the financial rescue package, it was to stave off an immediate and dire threat to our entire economy. But before the taxpayers are asked to spend another \$350 billion, shouldn't we examine where the money has gone? Shouldn't we be satisfied that the funds are being used as intended, to get credit flowing again, not just to financial institutions but to consumers and small businesses?

Now the money is being used to bail out auto companies, but it's still not getting to the homeowners in my district struggling with foreclosure.

Treasury needs to provide much greater transparency and show us where the American taxpayers' money is going before requesting more. I don't believe that's too much to ask.

In recent remarks Interim Assistant Secretary for Financial Stability Neel Kashkari said, “Treasury has been working with banking regulators to design a program to measure the lending activities of banks that have received TARP capital.” He also said they “plan” to study changes in how TARP recipients are altering their bank balance sheets and refinancing activities.

Unfortunately, we have yet to see this plan executed. Why would the American taxpayer choose to write another check when the Treasury Department has yet to establish any kind of tracking mechanism to determine where the last \$350 billion has gone? In addition, neither Treasury nor Wall Street has demonstrated an immediate need for the second round of funds.

I will continue to support the amendments of my colleague Mr. LATOURETTE of Ohio to bring more transparency and accountability to the TARP program. And I commend Chairman FRANK for his efforts on that front as well. Unfortunately, for the American taxpayer, the Senate has given no indication that it will pass such legislation.

I would also like to add that our committee, the Committee on Financial Services, needs to hold more oversight hearings regarding this program. Why have the financial executives never been asked to testify before our

committee about their use of TARP funds? Many House Republicans have asked for this hearing, and it has yet to happen. Where is the oversight?

I urge my colleagues to support this resolution to ensure that taxpayers aren't simply throwing good money after bad.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes to respond to the very disappointing remarks from the gentlewoman from Illinois.

In fact, we have had several oversight hearings on this issue. We called Mr. Kashkari before us when the Government Accountability Office reported that they had not done the lending. The gentlewoman talked about Mr. Kashkari. We had a hearing last fall on specifically that subject. We had Mr. Paulson before us on the question of oversight. We have had Ms. Warren. So we have had a number of oversight hearings.

The gentlewoman then specifically, I believe, may have forgotten something. She said that we haven't yet had a hearing with the executives. She knows that it's scheduled. I am disappointed that she would do that without referring to the fact that it's scheduled. And, in fact, it would have been this week. We decided after the election that we would do this in the new Congress. That's what I was asked for by the ranking member: Let's do this in the new Congress.

We had a hearing set when it was pointed out to us by the chief executives that they were in a quiet period under SEC rules because they were about to report profits, and they pointed out that if we were to ask them publicly some of these questions, they would be in conflict with SEC rules. So we postponed the hearing and set a date. So we were asked by the minority to have this hearing with the executives, and we had several other oversight hearings. Maybe the gentlewoman couldn't make them. Maybe she forgot we had them. But we had several oversight hearings. In fact, what people know about the failures of this program came from the oversight we wrote into the bill and the hearings we then had with the overseers.

Then we were asked, let's in the new Congress schedule a hearing with the chief executives. We said yes. We had it scheduled when it was called to our attention that there would be a conflict with SEC rules; so we postponed it.

And I'm glad to be able to give a fuller picture of what has happened here than the gentlewoman from Illinois unfortunately gave.

Ms. FOXX. Mr. Speaker, I would like to yield the gentlewoman from Illinois 30 seconds to respond.

Mrs. BIGGERT. Mr. Speaker, with due respect to the chairman, I know that there have been a couple of oversight hearings. The problem is that

even in those hearings, we never got any answers. We still don't know where the money has gone. We haven't had any answers. And I think that not being able to have the executives come and testify, then I think we should have postponed TARP until we really got those answers.

Mr. FRANK of Massachusetts. I would yield myself 30 seconds to say that the decision that triggered TARP came from the Bush administration at the request of the Obama administration. So that was simply not something within our control.

And I would point out the gentlewoman had said that we hadn't had the oversight hearings, that we've had them. It's true. The Bush administration in those hearings didn't give us the answers we wanted. But oversight doesn't mean you can make people say things they don't want to say. You can expose their failure to say them and act accordingly.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentlelady for yielding.

I have heard a long parade of Members come up here and talk about how somehow the fact that the financial markets did not collapse in October is somehow *prima facie* evidence that the rescue program was not needed. In fact, precisely the opposite is true. These financial markets would have collapsed in October or November were it not for the rescue program, or the TARP program as we know it today, in conjunction with very aggressive action by the Federal Reserve.

I believe we are beyond the collapse scenario now. But the banking sector is far from healthy. In fact, it's considerably less healthy than perhaps we thought it was even a couple of months ago. You've seen the news with Citibank. You've seen the news with Bank of America. Many of my colleagues are criticizing the original TARP that it hasn't resulted in more bank lending. I would like to suggest that in many cases the money from the TARP merely gave banks enough capital to sustain the lending they already had because their capital was in such jeopardy.

No matter what side of the aisle you sit on here, everyone wants this economy to recover. Everyone wants us to come back and create jobs and businesses and keep people in their homes. But, Mr. Speaker, we will not do that without a healthy banking sector because until we can have regular lending again to people who want to buy homes and cars, who want to finance their businesses, we will not recover and we will not get healthy. We need a healthy banking sector, and we cannot do that without additional capital and help

from the Federal Government. But, in fact, I hope that the Treasury Department uses this money to leverage in private capital because, in fact, the \$350 billion is probably not enough, and we should have more private capital in these banks. And I hope that there is leverage used, that the Treasury says if you want some Federal money, you have to raise some private money to get it, so we, in fact, double the effect on their capital.

So, Mr. Speaker, we need this to recover. And in a very strange double negative, I urge my colleagues to vote "no" on the rejection of the additional money for the TARP program.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to the distinguished gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, I appreciate the opportunity to rise in support of this resolution.

Fiscal discipline, limited government, accountability, these are things that the American people demand and that we deserve.

It's interesting to me that we have a \$3.1 trillion budget and somehow that's not enough to stimulate the economy. Our government spending is so out of control that we added since January, 2007, roughly \$2.8 billion per day to our national debt. Certainly, if deficit spending was the way to our prosperity, we would be experiencing quite a revival.

It's not the way to succeed. Putting more money on the government credit card is not the way to succeed.

I have been opposed to the TARP. I wasn't around here to vote for it originally. I'm a freshman. But I can tell you the people I chat with are fundamentally opposed to this because it's fundamentally flawed. It will not solve the underlying challenges.

We need to look at debt. We need to look at tax relief. We need to look at the fact that manufacturing is good in this country, and we need ways to improve the economic atmosphere for manufacturing in this country. But throwing more money at it is not the way to solve this problem.

I appreciate the time. I would urge my colleagues to vote in favor of the Foxx resolution.

□ 1215

The SPEAKER pro tempore. Without objection, the gentleman from Georgia will control the time.

There was no objection.

Mr. SCOTT of Georgia. I will reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding.

At a typical track meet you see the sprint, the 100-yard dash, or the 100-

meter dash now, and then you see the victor take a victory lap. In this case, with the TARP, you see the reverse. We saw people claiming credit. We saw the victory lap back when they passed it the first time, and now we have those who are involved with this passage doing the 100-meter sprint out of the stadium as far away from this as possible.

It was the last administration, they say. We had no role in it. I have never seen Congress so willing to give up its authority that I have seen here. Usually, we jealously guard our congressional, our constitutional prerogatives, the power of the purse.

Yet with the TARP, we appropriated money, or authorized money, and said spend it on this, the Troubled Assets Relief Program. And then the administration took it and did something completely different, completely different, and then went on further and said we even have authority to bail out the auto industry with it. And we sit back in Congress and say, well, that seems to be okay with us.

I mean, we are not potted plants here. We never have been and we shouldn't be, but in this case we have given away authority that should rest here with the Congress and simply going ahead and giving the other \$350 billion seems to me folly.

Right now with the stimulus bill nearing \$1 trillion coming up, all of this money, all of this spending is somewhat fungible. We know that it is because the administration seems to be able to do whatever they want to with it, and Congress doesn't raise a peep.

So we ought to look at this as \$350 billion in spending, plus at least \$825 billion to come, and say where does it end. At what point do we recognize that every dime we spend here is borrowed? At what point do we say there are better uses for money here?

Wouldn't it be better to allow people to keep the money that they have earned, rather than send it to Washington, only to have some of it come back in a way that picks winners and losers in the economy.

Mr. SCOTT of Georgia. I would take 1 minute to respond just very briefly. I think what the gentleman is referring to is exactly what we are doing. No one has given up authority. We, in fact, yesterday, passed a bill that reclaimed that authority that we thought we had had when we attempted to put some of these same measures in place with the first \$350 billion. And as you so eloquently articulated, the Bush administration disavowed all of that.

We had many of the oversight measures we have got in this. We said it would go for the spoiled assets. But as you said, it didn't. Because of what we have learned from that experience, we have done exactly what you are asking here. The banks wouldn't lend, and this measure that we passed out yesterday

to accompany this, we have got a mechanism in place in which we can measure the difference between the decrease and the increase of how much money these banks are lending, that we would get to that.

As far as oversight is concerned, we made one step with AIG. It worked out when we put Federal observers in the boardroom, and we have incorporated that feature throughout, Mr. Speaker. So we have responded exactly to what the gentleman is saying.

Ms. FOXX. Mr. Speaker, I yield to the gentleman from Arizona an additional minute.

Mr. FLAKE. I thank the gentlelady.

Just to respond, it seems to me that what we have done is not to basically say we didn't like what the last administration did with the funding, therefore, we are going to take this authority back. But we basically said, we saw what you did with it, that seems to be okay. We aren't taking back authority to bail out the auto industry, or we aren't taking back authority to go into the banking sector, as we did. We basically are saying, well, you did this, we didn't authorize it, but we are letting you off with a warning here, I guess, until the new administration comes in.

It seems to me that we ought to jealously guard our prerogatives here, the power of the purse. And when we authorize funding, we ought to ensure that the administration, whether it be the last Republican administration or the Democratic administration to come, adheres to those strictures.

I thank the gentleman for his response, and I am glad to see some more controls put on here. There was an amendment accepted yesterday that I had offered, and I appreciate the fact that it was adopted. But I still think that we ought to approve the resolution.

Mr. SCOTT of Georgia. I would yield myself 30 seconds just to say to the gentleman and to the people of this country that we have a new administration in place, and the Obama administration has met and has communicated with us, and we are in concert with what is involved in the TARP measure, with the oversight, with the monies going to foreclosures, and so there is an agreement on how the fund should be used going in. We think the measure we passed yesterday will act as a good guide for that.

With that, Mr. Speaker, I would yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I would say that, as one of the individuals who from the beginning spoke against this whole idea of giving the banks money to bail themselves out, I think we have to look at where we are in this country, \$350 billion given to banks with no strings attached, they can't really report how they used the money, although we now will require that of

them. But the next \$350 billion that would be given by virtue of the Senate action, even though we are kind of cut out of this, leaves us in a position where we are still not addressing the central problem of trying to keep Americans in their homes.

This isn't the end of it, by the way. There are analysts on Wall Street who say that the banks, because they are essentially hiding their balance sheets, that the banks are going to come back for another \$1 trillion behind the \$700 billion.

There is a massive transfer of wealth going on, from taking money out of the pockets of the American people and putting it into these banks. This has to stop. We have to help people save their homes, get America back to work, rebuild the infrastructure, and I am hopeful our new administration is going to take us in that direction.

Ms. FOXX. Mr. Speaker, I want to say how much I appreciate all of my colleagues who have come to speak today and the points that they have made, but I want to tie in particularly to what Mr. FLAKE said, since he was the last speaker.

I think it's a point I have made before, but it bears repeating, and that is that the Congress in this bill really abrogated its responsibility in terms of oversight. I will contend that in the original bill there was no oversight, there is no real oversight in the bill that was passed yesterday, no accountability.

The American people expect the Congress to hold the executive branch accountable.

When I speak to students about the Constitution, I say to them it is no accident that article I is about the Congress. That's what our Founders believed, the Congress was the most important branch of our government, and we have abrogated that responsibility. So I think it's important that there should have been a plan in the first bill, and I would say there is no plan in the bill that was passed yesterday.

I think another point that needs to be made is that we are treating this money as if it's a silver bullet, but the original amount allocated for TARP was arbitrary. There was no correlation between the number the Treasury Department asked for and either the amount of troubled assets that needed to be bought, or the amount of capital injection that would be needed to stabilize the financial system.

In fact, at the time, a Treasury spokesman said it's not based on any particular data point. We just wanted to choose a really large number. That goes along with the fact that the bill started out as three pages when it came from the Treasury Department and gave unlimited responsibility or authority to the Treasurer and became a 450-page bill.

But even with that, with the fact the Democrats were in charge of the Financial Services Committee that wrote that bill, they wrote no accountability. They want to blame the Bush administration, but it's the Congress that has the responsibility for saying how money should be spent.

We can't blame the Bush administration for this. It was our responsibility to say how it should have been spent. I want to say, in the bill that was passed yesterday that Mr. FRANK keeps saying a lot of us voted against, even though we want more responsibility, this is what it says. There is no plan there. We didn't get a plan from the Bush administration, we don't have a plan from the Obama administration.

This is not a partisan issue on my part nor on the part of all of us who voted against this. We voted against it when we were giving the money to the Bush administration, we are opposed to it under the Obama administration.

Here's what it says in the bill that was passed yesterday: Allows TARP funds to be used for an auto bailout, greatly increases Federal involvement in the financial services sector. It will allow the Federal Government to tell companies how much they can pay employees, what mergers and acquisitions are acceptable.

Is that a plan? That's not a plan to me. It expands the allowable uses of the TARP money. It supports State and local municipal bonds, consumer loans, commercial real estate loans, automobile companies.

But it gives the Treasury Secretary very broad authority, again, with no accountability. That is not the direction in which we should be going. The Congress has the responsibility for accountability.

The other thing that I think needs to be said is what we have heard over and over and over again by this administration, the current administration, and it's in a letter from Mr. Summers that was sent to the leadership here on January 12: "We start 2009 in the midst of a crisis unlike any other we have seen in our lifetime." That is simply not true, and it's time that people started saying so.

As Mr. BURTON said earlier, the seventies were a much worse time than this is. I am tired of their feeling like they are going to save us from this terrible crisis that we are in, and come in riding on white horses and say we are going to save the United States with government intervention. They want to say that capitalism has failed and the government is saving us.

I reject that argument, I reject it, and I will always reject it. It's not the government that's going to save us; it's the market that will straighten out this mess that we are in, mostly caused by the government.

I want to set the record straight on one other issue. If this joint resolution

passes the House, it is just as likely to be considered by the Senate as Mr. FRANK's bill that passed the House yesterday.

With that, I yield 2 minutes to Mr. MANZULLO from Illinois.

Mr. MANZULLO. Mr. Speaker, this issue can be boiled down to orders. We need to help businesses create orders and make sales. Currently all sectors of our society in the economy face oversupply.

The place to start moving products is by offering substantial tax credits or vouchers for part of the purchase of automobiles and homes. That is one simple consumer-driven trickle-up theory that, if deep enough, can jumpstart the economy without continuing to spend trillions of dollars on blank-check solutions.

Unfortunately, most of the plans submitted deal with bailing out people's mistakes and using taxpayers' dollars to buy up bad loans. That's called trickle-down economics. People also talk about creating new jobs but don't understand there are plenty of jobs already in existence, that people just need orders in order to go back to work.

Here's something that at \$75 billion is considerably less expensive for the taxpayer than current proposals and will begin to restore our economy immediately. First, in 2007, 17 million new cars were sold in America; a year later, 10 million. A net loss of 7 million cars means \$175 billion was directly eliminated from the economy.

If we can get back to 15 million new cars sold, that would add \$125 billion directly into the economy. Economic multipliers could bring that to \$1 trillion.

When cars and trucks start selling, it moves inventory from dealers and factory lots. It restores sales tax coffers for State and local governments, it increases State and Federal tax revenue and restarts the manufacturing chain which is absolutely necessary to get this country moving economically again.

□ 1230

By offering a tax credit or, better than that, a voucher for \$5,000, the dealer cashes that in directly with the government and somebody can then buy a brand new car, such as a Patriot, probably made in the 16th Congressional District, for not \$20,000, but \$15,000, which is only \$200 a month for 5 years.

Mr. SCOTT of Georgia. Mr. Speaker, I just want to make note that we certainly have reserved the right to close on this debate.

I'd like to just respond very briefly to a couple of points that have been made by the distinguished gentlelady from North Carolina, as well as Mr. MANZULLO. Apparently, I am sort of reminded at this time of the great movie,

starring Paul Newman, called *Cool Hand Luke*. There was that enormous scene where the jailer says, "What we have here is a failure to communicate." I think that what we have on each side of us here is a failure to communicate.

Ms. FOXX, you continually point out that we don't have accountability. And, in the bill that we passed, the TARP bill we passed on yesterday, are clearly pointed out mechanisms in place for accountability, for transparency, quarterly reports on how the money is spent, and agreements on how the funds are spent.

We have a requirement that, in spite of all that we have said, that we will have Federal observers in the boardrooms where the decisions are made on how the money is spent. How much more transparency, how much more accountability can we have?

We didn't have this in the first section. We found out that it worked, as you know so well, with the AIG agreement. We have Federal observers there. We know how that is done. It keeps individuals honest. And on the three most important areas that there was failure on the first \$350 billion, not a dime going to help foreclosures. We have more than made up for that by writing into the TARP law that up to \$100 billion will be going out of this \$350 billion to deal with the most pressing problem, the most pressing problem that caused the problem in the first place, and that is home foreclosures and getting help in a variety of different ways to sustain people to stay in their homes.

The other area of concern was that there was no way we could measure or determine the banks would lend the money. Well, we have got a mechanism in place here that will measure the difference between the increase and the decrease of the amount of moneys that the banks are lending under the program. So, to say that there's no accountability, that there is no oversight here, is totally, totally misleading.

Mr. MANZULLO. Will the gentleman yield?

Mr. SCOTT of Georgia. I say that respectfully to Ms. FOXX, because I have great respect for her.

Yes, I yield to the gentlemen.

Mr. MANZULLO. All I'm saying is why have a bunch of bureaucrats trying to oversee where the money is going? The problem with housing foreclosures is that the people are losing their jobs. So we can have all the remedies that we want for foreclosures, but unless people get back to work, they will fall behind again.

What we are saying is restart the economy through priming the manufacturing process, get the people back to work, get the money coming in, then the other problems will be easier to solve. I agree there is a communication. We are agreed on a lot of things.

Mr. SCOTT of Georgia. Yes, we do. I am sure the gentleman would agree that not only are Federal observers there to see that the money is going to foreclosures, but they are also there to see that the banks are lending, to see that it's going to community banks, to the smaller banks, to see that it's going to small businesses.

We have got car dealerships that are going out of business, which are job-sensitive. That is basically what they do, create jobs and have jobs there. So we want the money to be in a position where we have access and we have direct attention and observance to make sure this money is going to the places where it's needed most, which is keeping folks in their homes and keep folks in their jobs.

Mr. MANZULLO. If the gentleman would further yield. The car dealers need orders now. Once the orders come in, the cars move off their showroom floors, they can pay their debt. And the lines of debt for car dealers doing floor financing have really reopened again, not entirely, but enough that they can get enough credit to sell their automobiles.

I appreciate the gentleman for yielding.

Mr. SCOTT of Georgia. I appreciate the gentleman as well.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Members are reminded to address their remarks to the Chair.

Ms. FOXX. I yield 1 minute to the distinguished and capable Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from North Carolina for yielding, and say to my colleagues that we all understand the severe economic consequences that we are dealing with. American families are short of cash, some are losing their homes, others losing their jobs, other fighting to keep their jobs. And this became very apparent last September when the Treasury Secretary and the Chairman of the Federal Reserve came to the Capitol to outline how serious the consequences were of the tightening of the credit markets and the consequences from that for our Nation's financial institutions.

I worked with the gentleman from Massachusetts and the other leaders to craft a bill to help provide that money so that our economy could be saved. But, I have got to tell you, I have been disappointed ever since.

I have raised questions in October, November, and December, about how this money was being spent, who was getting the money, under what conditions, and the kind of transparency and accountability that we thought we were going to have, but we didn't have.

And so now, here we are, where they are looking for the second half of the

\$700 billion of financial rescue, and I as a Member who supported that decision because I thought we had to do it for our economy, and I would do it again, but, my goodness, I can't stand here as a Member of Congress and vote to release the second half of this money without knowing what happened to the first half of it; and, what is the need for the second half; what are the dire consequences if we don't do the second half of this money? And, if there are dire consequences, what is the administration's plan to actually spend this next \$350 billion?

I, as a Member, don't know any of that. And so how can I be responsible to American taxpayers in approving the second half of this money without answers?

Yesterday, the gentleman from Massachusetts, the chairman of the Financial Services Committee, passed a bill that does bring more transparency and accountability to the process. Also, in the same bill, it should be noted, expanded the ability for the Treasury Secretary to spend this money on foreclosures, on autos, and almost anything they want to do with it, which causes me great concern.

But there will be some more transparency. But I don't have it today. Nobody can tell me where the first \$350 billion went. Nobody can tell me what the conditions were. Nobody has outlined why we need the second half, nor what their plan is to spend it. And I think at the end of the day we have a responsibility, a responsibility to the American people, who pay the bills, who pay the taxes.

At some point, somebody has got to pony up the money for the financial rescue. Somebody has got to pony up the money for the trillion-dollar economic rescue plan that is moving through this body. It won't be us. It will be our kids, their kids, and their kids who pay for this.

And so, at some point in this process, while we are trying to help American families, small businesses, entrepreneurs, and the self-employed, get the economy going again, somebody has to pay the bill. And I have great concerns that we are stacking debt on top of debt on the backs of our kids, and it's not fair. It's not fair to burden them. Frankly, I don't think that we can borrow and spend our way back to prosperity.

And so, for me, the answer is simple. My vote today will be in opposition to the second half of this money until the questions that have been posed are answered.

Mr. FRANK of Massachusetts. I am sure, to the approbation of Members, I am prepared to announce that I am our last speaker. So I will withhold, and when the other side is through, we can get out of here.

Ms. FOXX. Our Republican leader was very eloquent in his comments. I

think it's important to say one more time: Any money that Congress spends is taken from hardworking Americans who pay taxes, or is borrowed from foreigners.

In the inauguration much has been made of President Lincoln. And this is the 200th anniversary of his birth. It was Lincoln who said, and I will paraphrase, but I will get the original quote for the RECORD, "You cannot borrow yourself into prosperity."

I think that as we talk about honoring Lincoln in this 200th anniversary of his birth, we should honor him by honoring his precepts and his values, because they are very important ones for us to remember.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 12 minutes remaining.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

Mr. Speaker, first, I want to address this basic issue again about what the Senate is likely to do. Technically, there is no likelihood that this bill will be taken up in the Senate because it is the expedited procedure of resolution that has been killed in the Senate.

The Senate could pass a bill rescinding the TARP. Having voted by 52-42 not to pass the disapproval resolution, it seems unlikely that 42 will become 60 in the near term, but there is that possibility.

But I would say this to the gentleman. When she said that both bills, the one we passed yesterday and this one, are as likely to be taken up, in some sense, that is true. But that makes our point. I didn't say don't do the bill yesterday. When I talked about this bill being already killed in the Senate, I wasn't saying don't do it. I welcome this debate. I was refuting the arguments from my Republican colleagues that yesterday was a waste of time. I agree that it is a good thing for us to give our views today and yesterday.

I did notice in today's Washington Post that they note that the passage by a large majority in the House yesterday, we got a larger majority for this bill than the partisan breakdown. It was largely a partisan vote, but not entirely. And more Republicans supported the bill than Democrats opposed it, I think because of the power of the desire to help minimize foreclosure and get money to community banks. But my argument, she's now embracing. The fact that the Senate may or may not be able to pass a bill is no reason for us not to do something.

Now I want to address an important aspect of this, and I am talking now to people in the Obama administration, to the people in the Bush administration,

to the people in the financial community. We have in this country, obviously, as you have in any country, a certain degree of stratification along various lines. There are people who are at the top of the ladder in terms of economic power, in terms of influence.

There's an element that would think of themselves as elite opinion. It's not a value term here, but opinion of a fairly small number of people with a great deal of power. Then there is the opinion of the great majority of Americans.

I want to address now the people at the top of the economic ladder, the people in the financial institutions, and I think here I am speaking, to some extent, for almost every Member of this House. There is a dangerous and deeper split between the views of the economic elite on what should be done in the current crisis and those of the average American than I have ever seen.

We heard some Members there say—the gentleman from South Carolina (Mr. BARRETT) say, and I appreciated his saying it—that the passage of the TARP last fall helped. The Republican leader said that. I think it did. My criticism is that I don't think it helped nearly as much.

But I have two criticisms. I think it helped avoid something worse. And one of the things we know as elected officials is this. Some of the hardest jobs we do are to prevent bad things from happening, and we can expect to get no credit for it. Disaster averted is nobody's political platform. That helps in economic analysis, but you can't go before your voters with what economists call the counterfactual and explain to them how things would have been worse if you hadn't acted and expect cheers if they're still pretty bad. And that is appropriate. The public should have that high demand to make of us.

□ 1245

But while I and, I think, most people who are at that higher level of the economic ladder, economists, while most of them think it was a good thing that we passed the bill last year and that \$350 billion was deployed, the American people overwhelmingly think it wasn't. And that is one of my criticisms of the Bush administration and of Secretary Paulson, a man whom I admire, with whom I am proud to have worked, with whom we accomplished a great deal in the areas of financial regulation and housing, et cetera. But here was the mistake:

By not listening to public concern about the \$350 billion, by refusing to follow the congressional mandate to do something about foreclosures, by indulging the arrogance of some of the banks who said, "We will take that money and we won't tell you what we do," they have discredited the notion of intervention of that sort. And I think that is a mistake, because I

think we are at a point where some of that intervention is still needed.

Now, there are philosophical views that say the other, but there is a division. And, again, the gentleman from South Carolina (Mr. BARRETT) very thoughtfully said, "We averted a greater disaster by passing this." The Republican leader said he is glad he voted for it. I think they are both right, and I think it is important that we acknowledge that.

I have two criticisms to make of the way in which the administration carried it out. One, they didn't do some of the good they could have done. And I do think they made a fundamental macro-economic mistake by not diminishing foreclosure. I believe, until you begin to diminish foreclosure, you not only deny some people some relief, but probably, more importantly, you don't get the country out of the bind that it is in, because the continued rapid deterioration in those assets is at the root of a large part of the problem.

But what we also had was a degree of alienation on the part of the average American who saw banks getting money, in one case apparently using them for an acquisition of a smaller bank that was very important to the community where it existed, in Ohio. We saw bankers saying, "I got the money. It's none of your business what we do with it." We saw bonuses given that shouldn't be given. I am confident that the Obama administration has learned from that. But I go beyond that.

There is in this country today a very sharp divide on a number of issues, not just whether or not you intervene. Here is the problem with intervention. When you have a financial system that is in such difficulty, I think it is important to try to keep these institutions from collapsing en masse, not that we are at that point, but from not collapsing. But remember, as an institution's assets deteriorate, its capacity legally to lend, if it is a bank, deteriorates. We want to reverse that cycle. Let's not overstate it. But I think we need to intervene in this way. The public says no, because the immediate beneficiary of these interventions are people they don't like, are people who in fact made some mistakes.

Now, it turns out that you can't help the whole economy in some cases without some help—you know, we talk about sort of incidental victims. These are incidental beneficiaries. This is kind of, not casualties, civilian casualties, but civilian beneficiaries. You can't get from here to there without helping some of these people. But it ought to be done in a way that reassures the average American. Part of it has to do, I believe, with the weakness of the social safety net. People who lose their health care because they lose their jobs will react particularly angrily when a financial institution is benefited.

So I make this plea now to the people in the financial institutions, to people at the upper levels of economic decision-making, and they should understand that this Congress representing the people is under enormous pressure to deny them some of the things they think are necessary. By the way, not just here; in trade, in international trade. This is not a Congress that is ready to go forward with that.

We had an amendment yesterday offered by the gentlewoman from North Carolina (Mrs. MYRICK) that said none of the recipients of TARP funds can do customer service outsourcing. I believe that most people who are CEOs of corporations, most economists, or many economists, many of the people at the top levels of the administrations, Bush and Obama, and go on back now, probably think that is unwise economic policy, but we didn't have a roll call on it, because that is a totally irresistible impulse here. It may put us in some trouble with the WTO. We will have to deal with that.

People who don't like the Myrick amendment—and I supported it. People who don't like the Myrick amendment had better understand that amendments like that will proliferate until they join us in giving the average American a better sense that he or she will benefit from this prosperity. Now, that is part of where we are today.

Look, the Senate has already killed this resolution. Why are we still voting on it? Because there is a degree of anger in the American public at what they think is a very unfair system that gives benefits, unduly and disproportionately, to some of those who caused the problem, while denying health care and unemployment compensation and decent higher education for working class people.

I mean, Mr. Speaker, to caution the people who are deeply involved in running this financial system in this country, work with us to alleviate this. As long as the average American thinks that a small group is getting help when they are not getting anything, then that small group pretty soon won't be getting the help. And there may be some cases when, as I said, benefiting that group is the only way to get broader benefits. That is why we did the bill yesterday, because we think it is a very important way of getting the Obama administration—and I believe, by the way, many in the Obama administration do agree with that understanding. They will be running into pressures from the other side of the people they are dealing with in the financial community. But it is a broader political point.

For those of us who think, and there are some who philosophically don't want any government intervention in the market whatsoever. They don't want a minimum wage and they don't want an injection of capital to a failing

financial institution. I disagree with that as a matter of economic philosophy. I respect its intellectual integrity. That makes sense. What I disagree with is the view that says it is okay to help AIG and not worry about their wages, but criticize the wages of auto workers. It is the view of too many in the financial community that they need some direct help because that is the only way to help the economy, and I think that is often the case, but, no, you don't have unions; no, you don't have health care. As I said, there is a consistent and honorable philosophical view that says "no" to all of that.

What I am addressing now are those in the sector that would be designated as the elite, who understand the need for an intervention of which they are the direct beneficiaries because that is the only way to help the whole economy, but then resist some of these other things.

One of the things that gives me optimism about the next 2 years, Mr. Speaker, is that I believe we have in place a President and majorities in the House and the Senate who understand that there has got to be some consistency in this approach. And let me just say in closing, and I hope this resolution is defeated, because I do not think that the Obama administration should be denied the right to use tools simply because the Bush administration misused them. And that is the only issue here today, if this were to have binding effect. But we are here today because of that anger that must be alleviated, because it must be recognized as based in reality.

Mr. KUCINICH. Mr. Speaker, I rise today in support of the resolution of disapproval and in opposition to any more spending by the U.S. Treasury unless we have concrete assurances that the money will be spent to reduce foreclosures and keep American families in their homes.

Economists across this Nation of every political and ideological stripe agree that subprime mortgages initiated a foreclosure epidemic that is the epicenter of our current financial crisis. An \$8 trillion housing bubble has burst. Foreclosure rates continue to skyrocket—a 41-percent increase since this point last year—leaving families devastated and searching for stable housing. We are fond of saying that government's primary job is providing for the common defense. How successful are we in this endeavor if we cannot ensure that all Americans can secure the most basic of human needs: shelter.

After Congress passed the Emergency Economic Stabilization Act at the end of the year, the Committee on Oversight and Government Reform held six hearings on the causes of our financial crisis. If we took away one lesson from those hearings, it was this: the people and agencies that were charged with regulating the financial markets and protecting the interests of the American people were utterly asleep at the switch. Regulators trusted corporations to police themselves and then re-

acted in disbelief when those same corporations manipulated and lied to pad their profit margins and hoodwink investors.

But the best part is this: they were not gambling with their own money, or even their employers' money. They were gambling with American houses; American pensions; American college savings accounts; American retirement savings.

Even Alan Greenspan himself admitted that his fundamental trust in the efficiency of free markets was shaken. When then-Chairman WAXMAN remarked to Mr. Greenspan that "you found that your view of the world, your ideology, was right, it was not working," Mr. Greenspan responded, and I quote, "Precisely."

So here we come today to throw more money into a system that even Alan Greenspan himself agrees is broken, with very little discussion on how to fix that system, no regulatory reform, and no improved oversight of the people and corporations that dragged us into this financial catastrophe. Just: "Trust us." Mr. Speaker, I for one was not fooled the first time, and I will not be fooled again. I appreciate the efforts of my friend from Massachusetts to try to outline the appropriate spending conditions, and I supported H.R. 384 yesterday, but even he acknowledges that those efforts will not bear fruit.

Our vote here today, on this resolution of disapproval, technically is moot since the Senate already defeated a resolution of disapproval last week. But with this vote this Chamber can send a strong message to our constituents that we refuse to stand by and let the Treasury throw money at a problem without addressing the cause. With our vote we can demand that the money protect American homeowners and stem the tide of foreclosures that continues to overwhelm this country. We can demand that the money be used for infrastructure, jobs, and health care, instead of padding the balance sheets of banks. Let's get the money to the American families and American communities that are the backbone of our economy and our country.

Mr. POSEY. Mr. Speaker, I rise in strong opposition to an additional \$350 billion in bailout funding and in strong support of House Joint Resolution 3. Passage of House Joint Resolution 3 is the only way to stop the additional \$350 billion in bailout funding. Last year, before I came to Congress, I went on record opposing the \$700 billion Troubled Asset Relief Program. Today we know that the first \$350 billion is gone. But what we don't know is where all that money went, except that it is safe to say that the Treasury did not actually buy troubled assets as originally intended. As we know, the Treasury purchased equity stakes in banks. In their report to Congress 2 weeks ago the Congressional oversight panel reported that it "... does not know what the banks are doing with taxpayer money." The report also notes that the Treasury seems to have allocated most of the funds to healthy banks.

Where is the accountability? Outside the Washington Beltway, my constituents and other Americans watch in disbelief as their elected representatives in Washington continue to spend their hard-earned money at astonishing levels. They are concerned that

Washington is on a spending spree with no accountability. Last week the House approved—over my objections, over \$75 billion in new spending. Today, the President wants \$350 billion. And next week House Democrat leaders plan to bring an \$850 billion spending bill to the House floor. When does the accountability begin and when will this body pause and think about the debt burden that they are saddling our children and grandchildren with? The cost to them won't be \$350 billion, \$700 billion, \$850 billion, \$1.5 trillion. It will be much, much more with interest.

We should not rubberstamp this \$350 billion Wall Street bailout. Sadly, when the Congress approved the first part of this spending last fall, they set it up so that it would take a supermajority of the Congress to stop the additional \$350 billion. The process is turned on its head. Rather than making it easier we should be making it more difficult to run up the tab for our grandchildren.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H.J. Res. 3, relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008, EESA. This resolution disapproves the use of the second \$350 billion of the funds that were made available to the Secretary of the Treasury under the EESA.

Under the "fast track" consideration provisions of EESA, such a resolution is in order upon the transmittal by the President of a plan to use the second \$350 billion.

Passage of this resolution would prevent the new administration, unless vetoed by the President, from using the second \$350 billion. Already the Senate has rejected its resolution of disapproval last Friday when it was offered in the Senate. This body should do the same. Likewise, the House should also join me in rejecting this resolution.

We cannot hold the present administration accountable for the missteps and misdeeds of the past administration. It is my firm belief that this administration must be given the most latitude in its decision regarding how the monies will be dispensed and used. The current administration should not be fettered but should be free to use the monies as it sees fit, using judiciousness, practicality, and common sense.

Moreover, this body voted to pass H.R. 384, TARP Reform and Accountability Act, which provided greater accountability and oversight in the use of TARP. Therefore, there is no reasonable, articulable basis to deny the administration access to the TARP monies.

Just yesterday, the House of Representatives voted on a bill that would amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation, which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time

perhaps for a lot of big banks; however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to worsen, despite hundreds of small banks having already applied.

According to recent reports, the Treasury Department has yet to issue the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the Government in exchange for capital injections, as other banks can. While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

I worked diligently with Chairman FRANK and the Financial Services Committee to ensure that language was included to assist private banks such as Unity Bank and Amegy Bank in Houston to shore up their liquidity and ability to extend credit to local businesses and families.

This legislation also provides funds for foreclosure counseling, legal assistance to homeowners facing foreclosure and training for foreclosure counselors. I have been a long-time advocate for foreclosure mitigation working with State and local government and nonprofit organizations to help families in need. Last year, I championed setting aside \$100 billion to address homeowner foreclosure prevention. I also fought to amend bankruptcy provisions to allow individual homeowners to be able to modify their home mortgages to prevent foreclosure.

As I look at this revised legislation I feel a sense of vindication. I kept sounding the alarm to provide language that explicitly addressed homeowner foreclosure prevention and loss mitigation. As it now appears, my efforts were not in vain.

Foreclosure prevention-loss mitigation programs have given millions of Americans, who face foreclosure, the opportunity to get back on track and save their homes from foreclosure. Every year there are millions of Americans who find themselves in a pre-foreclosure situation. Most feel that they are alone when they face a foreclosure situation. This legislation will allow Americans to get the help they need to stop foreclosures and ultimately help people stay in their homes.

The Manager's Amendment requires that the Treasury Department act promptly to permit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have had to TARP funds and loans. Small businesses represent more than the American dream—they represent the Amer-

ican economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation.

We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever-worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the Manager's Amendment will effect this change.

In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. I sought the creation of such an office and I am pleased it was included in this legislation. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This Office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending (or reduction in decrease of lending) and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is re-

quired to meet so as to advance the purposes of the act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

Mr. Speaker, I am pleased that this legislation has strong requirements regarding executive compensation.

Mr. Speaker, the act provides that the second \$350 billion is conditioned on the use of up to \$100 billion, but no less than \$40 billion, for foreclosure mitigation, with a plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than the required minimum \$40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives: (1) Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor; (2) bringing costs of Hope for Homeowner loans down (beyond mandatory changes in Title V below), either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both; (3) program for loans to pay down second lien mortgages that are impeding a loan modification subject to any write-down by existing lender Treasury may require; (4) servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and (5) purchase of whole loans for the purpose of modifying or refinancing the loans, with authorization to delegate to FDIC.

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act—maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the act to pay the servicers' court costs and legal fees. It also requires servicers who modify loans under the

safe harbor to regularly report to the Treasury on the extent, scope and results of the servicer's modification activities.

In addition to the above requirements, an Oversight Panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, it includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans.

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve.

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities.

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA Deposit Insurance Limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to \$250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to re-

member that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

I strongly urge my colleagues to join me in opposition to this resolution. The reforms of the bill that we voted upon just yesterday adds greater accountability and oversight to the EESA. I do not believe that the President should be fettered in his use of the monies allotted to his administration and the Treasury in the EESA. The previous administration was able to use the monies in an unfettered fashion, there is no articulable reason why the present administration must undergo a different process or procedure than its predecessor administration.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to this resolution of disapproval and will vote no today so that Congress can continue working proactively with President Obama to get our fragile economy back on track.

Earlier this week, the House passed the TARP Reform and Accountability Act, which reflects criticism I share over how the first tranche of TARP funds has been administered and imposes significant transparency and accountability reforms on the use of TARP funds going forward.

However, if there is one thing economists across the country and political spectrum are now telling us, it is that inaction in the face of our current financial crisis is not an option. The Obama administration, and the reforms outlined in the TARP Reform and Accountability Act, now give us the opportunity to deploy this second tranche of TARP funds more wisely. We should do so.

Mrs. LOWEY. Mr. Speaker, although I have deep misgivings about the Bush Administration's handling of the first \$350 billion tranche of the Emergency Economic Stabilization Act, I rise in opposition to the resolution of disapproval.

When Congress passed the rescue package, it was with the understanding that doing so would prevent the stock market from collapsing, inject enough cash into the market to facilitate the flow of credit, and give the Department of Treasury the authority to require mortgage holders to renegotiate troubled mortgages. While stock indexes have lost value, the rescue package restored enough investor confidence to stabilize markets, avoiding the economic calamity predicted by many.

However, the Bush Administration did too little to ensure that the funds were used to achieve the other two goals. For example, many small business owners in my district can no longer access loans with reasonable terms. Even some with good credit must rely on credit cards with interest rates that can range from 20 to 35%. Banks receiving federal assistance should be compelled to continue to lend.

With regard to homeownership, I also have not seen adequate progress. Treasury claims it is helping more than 200,000 homeowners avoid foreclosure each month, but I have yet to hear from a constituent who has received assistance. The Troubled Asset Relief Program (TARP) gave Treasury the authority to require lenders to renegotiate troubled mortgages, a process that can benefit all parties, but President Bush did not use that authority.

Independent TARP overseers have found numerous problems in every report. From changing the central strategy of the program to providing inadequate justification for decisions, the Bush Administration did not meet its responsibilities. However, we cannot use the Bush Administration's failures as an excuse to deny these funds which continue to be needed. That is why yesterday, the House passed legislation, H.R. 384, to set stringent conditions on the remaining \$350 billion.

Fortunately, President Obama has made assurances that he will implement tough reforms including directing at least \$50 billion toward foreclosure mitigation, using his full arsenal of tools to get credit flowing to American families and small businesses, increasing transparency in the financial system, and creating stronger reporting requirements for firms receiving funds. These conditions were included in H.R. 384.

I oppose the resolution because the reforms included in the House bill and proposed by President Obama, along with a recovery package, an end to abusive credit card practices, and regulatory reform, will help aid American families, save small businesses, and revitalize our economy.

Mr. POMEROY. Mr. Speaker, Our nation's economy continues to be challenged by tight credit markets and the long-term unwinding of the housing bubble. In light of the serious economic situation, I am voting against H.J. Res. 3 which involves the second half of the funds for the Troubled Asset Relief Program (TARP) for three reasons:

The first reason is that the economy is in truly terrible shape. During 2008, the economy lost 2.6 million jobs, with more than 1 million jobs lost in the last two months alone. Economists now project that the unemployment rate might rise to over ten percent in the coming year. Congress needs to do what it can to respond to the situation. When Congress initially authorized the TARP funds in late September the crisis in the financial markets had not hit main street business across the country. Today as we consider releasing the second half of the TARP funds, the circumstances that compelled that response last fall are even more dire.

The second reason for my opposition to the resolution of disapproval is based upon a belief that the second half of TARP funds will be used more strategically and effectively. Simply put, appointees of the Bush administration that oversaw the flawed administration of the program are no longer in charge of its operation. We have a new President and economic team that will need all of the presently available tools and more to address our cratering economy. The Obama administration has committed to get credit flowing to families and businesses while launching a sweeping effort to address the foreclosure crisis and establishing a full and accurate accounting of the uses of TARP funds.

The third reason is safeguards for taxpayer funds that were contained in the detailed conditions the House approved for the TARP funds when it overwhelmingly passed H.R. 384. It is very unfortunate that TARP was mishandled. This bill, TARP Reform and Accountability Act, turns around the discredited "no strings attached" way the prior administration

invested the funds. In addition to the explicit protections to taxpayers that had been reasonably expected in the program's administration to date, the bill requires Treasury to reach agreement with recipients of future TARP fund on exactly how the funds will be used and places limits on executive compensation and bonuses. The bill's provisions expand the oversight of the program and direct specific dollars to address housing foreclosures. The written pledges of the Obama administration to operate TARP with firm conditions, greater oversight and transparent accountability abide with the conditions passed by the House.

For the above reasons and because we do not know yet where this downturn in the economy will reach bottom, I voted against the resolution to disavow the release of the second part of the TARP funds to be administered by a new Treasury Secretary committed to protecting the interest of American taxpayers while providing needed assistance to the financial markets.

The SPEAKER pro tempore. Pursuant to the statute, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the joint resolution will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 56 and House Resolution 58, both de novo.

The vote was taken by electronic device, and there were—yeas 270, nays 155, not voting 9, as follows:

[Roll No. 27]

YEAS—270

Aderholt	Boehner	Cardoza
Adler (NJ)	Bonner	Carney
Akin	Bono Mack	Carter
Alexander	Boozman	Cassidy
Altmire	Boren	Castle
Arcuri	Boustany	Chaffetz
Austria	Boyd	Chandler
Bachmann	Brady (TX)	Childers
Bachus	Bright	Coble
Barrett (SC)	Brown (GA)	Coffman (CO)
Barrow	Brown (SC)	Cole
Bartlett	Brown-Waite,	Conaway
Barton (TX)	Ginny	Connolly (VA)
Berkley	Buchanan	Conyers
Berry	Burgess	Costa
Biggert	Burton (IN)	Costello
Bilbray	Buyer	Courtney
Bilirakis	Calvert	Crenshaw
Bishop (UT)	Camp	Cuellar
Blackburn	Cantor	Culberson
Blunt	Cao	Dahlkemper
Boccieri	Capito	Davis (AL)

Davis (KY)	Kline (MN)	Putnam
Davis (TN)	Kosmas	Radanovich
Deal (GA)	Kratovil	Rangel
DeFazio	Kucinich	Rehberg
Delahunt	Lamborn	Reichert
Dent	Lance	Richardson
Diaz-Balart, L.	Latham	Rodriguez
Diaz-Balart, M.	LaTourette	Roe (TN)
Doggett	Latta	Rogers (AL)
Dreier	Lee (NY)	Rogers (KY)
Driehaus	Lewis (CA)	Rogers (MI)
Duncan	Linder	Rohrabacher
Ehlers	Lipinski	Rooney
Ellsworth	LoBiondo	Ros-Lehtinen
Emerson	Lucas	Roskam
Fallin	Luetkemeyer	Ross
Filner	Lujan	Royce
Flake	Lummis	Ruppersberger
Fleming	Lungren, Daniel	Ryan (WI)
Forbes	E.	Salazar
Fortenberry	Lynch	Sanchez, Linda
Fox	Mack	T.
Franks (AZ)	Maffei	Sanchez, Loretta
Frelinghuysen	Manzullo	Scalise
Galegry	Marchant	Schauer
Garrett (NJ)	Markey (CO)	Schmidt
Gerlach	Massa	Schock
Gillibrand	Matheson	Schrader
Gingrey (GA)	McCarthy (CA)	Scott (VA)
Gohmert	McCauley	Sensenbrenner
Goodlatte	McClintock	Serrano
Granger	McCollum	Sessions
Graves	McCotter	Shadegg
Grayson	McDermott	Shea-Porter
Green, Gene	McHenry	Shimkus
Griffith	McHugh	Shuler
Guthrie	McIntyre	Shuster
Hall (TX)	McKeon	Simpson
Halvorson	McMahon	Slaughter
Hare	McMorris	Smith (NE)
Harman	Rodgers	Smith (NJ)
Harper	McNerney	Smith (TX)
Hastings (WA)	Meek (FL)	Space
Heinrich	Melancon	Speier
Heller	Mica	Stark
Hensarling	Michaud	Stearns
Herger	Miller (FL)	Stupak
Herseth Sandlin	Miller (MI)	Sullivan
Hill	Miller, Gary	Taylor
Hodes	Minnick	Teague
Hoekstra	Mitchell	Terry
Holden	Moran (KS)	Thompson (PA)
Hunter	Murphy, Tim	Thornberry
Inslee	Myrick	Nunes
Issa	Napolitano	Titus
Jenkins	Nye	Turner
Johnson (GA)	Olson	Upton
Johnson (IL)	Paul	Visclosky
Johnson, Sam	Paulsen	Walden
Jones	Pence	Walz
Jordan (OH)	Perriello	Wamp
Kagen	Peterson	Welch
Kaptur	Petri	Westmoreland
Kilroy	Pingree (ME)	Whitfield
Kind	Pitts	Wilson (SC)
King (IA)	Platts	Wittman
King (NY)	Poe (TX)	Wolf
Kingston	Posey	Young (FL)
Kirkpatrick (AZ)	Price (GA)	
Kissell		

NAYS—155

Abercrombie	Clarke	Fattah
Ackerman	Clay	Foster
Andrews	Cleaver	Frank (MA)
Baca	Clyburn	Fudge
Baird	Cohen	Giffords
Baldwin	Cooper	Gonzalez
Bean	Crowley	Gordon (TN)
Becerra	Cummings	Green, Al
Berman	Davis (CA)	Grijalva
Bishop (GA)	Davis (IL)	Gutierrez
Bishop (NY)	DeGette	Hall (NY)
Blumenauer	DeLauro	Hastings (FL)
Boswell	Dicks	Higgins
Brady (PA)	Dingell	Himes
Braley (IA)	Donnelly (IN)	Hinchee
Brown, Corrine	Doyle	Hinojosa
Butterfield	Edwards (MD)	Hirono
Campbell	Edwards (TX)	Holt
Capps	Ellison	Honda
Capuano	Engel	Hoyer
Carnahan	Eshoo	Inglis
Carson (IN)	Etheridge	Israel
Castor (FL)	Farr	Jackson (IL)

Jackson-Lee	Murphy, Patrick	Sherman
(TX)	Murtha	Sires
Kanjorski	Nadler (NY)	Smith (WA)
Kennedy	Neal (MA)	Snyder
Kildee	Oberstar	Souder
Kilpatrick (MI)	Obey	Spratt
Kirk	Oliver	Sutton
Klein (FL)	Ortiz	Tauscher
Langevin	Pallone	Thompson (CA)
Larsen (WA)	Pascarell	Thompson (MS)
Larson (CT)	Pastor (AZ)	Tierney
Lee (CA)	Payne	Tonko
Levin	Pelosi	Towns
Lewis (GA)	Perlmutter	Tsongas
Loebuck	Peters	Van Hollen
Lofgren, Zoe	Polis (CO)	Velázquez
Lowey	Pomeroy	Wasserman
Maloney	Price (NC)	Schultz
Markey (MA)	Rahall	Waters
Marshall	Reyes	Watson
Matsui	Rothman (NJ)	Watt
McCarthy (NY)	Roybal-Allard	Waxman
McGovern	Rush	Weiner
Meeks (NY)	Ryan (OH)	Wexler
Miller (NC)	Sarbanes	Wilson (OH)
Miller, George	Schakowsky	Woolsey
Moore (KS)	Schiff	Wu
Moore (WI)	Schwartz	Yarmuth
Moran (VA)	Scott (GA)	
Murphy (CT)	Sestak	

NOT VOTING—9

Boucher	Neugebauer	Tanner
Johnson, E. B.	Skelton	Tiberi
Mollohan	Solis (CA)	Young (AK)

□ 1322

Ms. SCHAKOWSKY, Messrs. MORAN of Virginia, BUTTERFIELD, YARMUTH, PALLONE, REYES, Ms. DEGETTE, Mrs. TAUSCHER, Messrs. SARBANES, PATRICK J. MURPHY of Pennsylvania, BERMAN, ABERCROMBIE, LEWIS of Georgia, Ms. KILPATRICK of Michigan, Messrs. DICKS, BOSWELL, MOORE of Kansas, KIRK, BRALEY of Iowa, MEEKS of New York, GRIJALVA, RAHALL, KENNEDY, GORDON of Tennessee, OBERSTAR, THOMPSON of Mississippi, RYAN of Ohio, Ms. CORRINE BROWN of Florida, and Ms. WATSON changed their vote from "yea" to "nay."

Messrs. SMITH of Texas, SCOTT of Virginia, COSTA, MCNERNEY, Mrs. DAHLKEMPER, Ms. KILROY, Mrs. McMORRIS RODGERS, Messrs. JOHNSON of Georgia, CUELLAR, and DAVIS of Tennessee changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. MEEK of Florida. Mr. Speaker, during the vote today on House Joint Resolution 3, rollcall vote No. 27, I inadvertently voted "yea." My intention was to vote "nay."

Mr. KIND. Mr. Speaker, during rollcall vote No. 27, I mistakenly recorded my vote as "yea" when I should have voted "nay." As American families and our economy continue to struggle, it is imperative that we give the Secretary of the Treasury the tools he needs to help put out economy back on track. With the improved accountability and transparency measures the House passed yesterday in H.R. 384, I believe that is necessary to release the second \$350 billion for the Troubled Assets Relief Program.

NATIONAL SCHOOL COUNSELING
WEEK

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 56.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 56.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 28]

YEAS—417

Abercrombie	Calvert	Donnelly (IN)
Ackerman	Camp	Doyle
Aderholt	Campbell	Dreier
Adler (NJ)	Cantor	Driehaus
Akin	Cao	Duncan
Alexander	Capito	Edwards (MD)
Altmire	Capps	Edwards (TX)
Andrews	Capuano	Ehlers
Arcuri	Cardoza	Ellison
Austria	Carnahan	Ellsworth
Baca	Carney	Emerson
Bachmann	Carson (IN)	Engel
Bachus	Carter	Eshoo
Baird	Cassidy	Etheridge
Baldwin	Castle	Fallin
Barrett (SC)	Castor (FL)	Farr
Barrow	Chaffetz	Fattah
Bartlett	Chandler	Filmer
Barton (TX)	Childers	Flake
Bean	Clarke	Fleming
Becerra	Clay	Forbes
Berkley	Cleaver	Fortenberry
Berman	Clyburn	Foster
Berry	Coble	Fox
Biggart	Coffman (CO)	Frank (MA)
Bilbray	Cohen	Franks (AZ)
Bilirakis	Cole	Frelinghuysen
Bishop (GA)	Conaway	Fudge
Bishop (NY)	Connolly (VA)	Gerlach
Bishop (UT)	Conyers	Giffords
Blackburn	Cooper	Gillibrand
Blumenauer	Costa	Gingrey (GA)
Blunt	Costello	Gohmert
Boccieri	Courtney	Gonzalez
Boehner	Crenshaw	Goodlatte
Bonner	Crowley	Gordon (TN)
Bono Mack	Cuellar	Granger
Boozman	Culberson	Graves
Boren	Cummings	Grayson
Boswell	Dahlkemper	Green, Al
Boustany	Davis (AL)	Green, Gene
Boyd	Davis (CA)	Griffith
Brady (PA)	Davis (IL)	Grijalva
Brady (TX)	Davis (KY)	Guthrie
Braley (IA)	Davis (TN)	Gutierrez
Bright	Deal (GA)	Hall (NY)
Broun (GA)	DeFazio	Hall (TX)
Brown (SC)	DeGette	Halvorson
Brown, Corrine	Delahunt	Hare
Brown-Waite,	DeLauro	Harman
Ginny	Dent	Harper
Buchanan	Diaz-Balart, L.	Hastings (FL)
Burgess	Diaz-Balart, M.	Hastings (WA)
Burton (IN)	Dicks	Heinrich
Butterfield	Dingell	Heller
Buyer	Doggett	Hensarling

Herger	McClintock	Rush
Herseth Sandlin	McCollum	Ryan (OH)
Higgins	McCotter	Ryan (WI)
Hill	McDermott	Salazar
Himes	McGovern	Sanchez, Linda
Hinchey	McHenry	T.
Hinojosa	McHugh	Sanchez, Loretta
Hirono	McIntyre	Sarbanes
Hodes	McKeon	Scalise
Hoekstra	McMahon	Schakowsky
Holden	McMorris	Schauer
Holt	Rodgers	Schiff
Honda	McNerney	Schmidt
Hoyer	Meek (FL)	Schock
Hunter	Meeks (NY)	Schrader
Inglis	Melancon	Schwartz
Inslee	Mica	Scott (GA)
Israel	Miller (FL)	Scott (VA)
Issa	Miller (MI)	Sensenbrenner
Jackson (IL)	Miller (NC)	Serrano
Jackson-Lee	Miller, Gary	Sessions
(TX)	Miller, George	Sestak
Jenkins	Minnick	Shadegg
Johnson (GA)	Mitchell	Shea-Porter
Johnson (IL)	Moore (KS)	Sherman
Johnson, Sam	Moore (WI)	Shimkus
Jones	Moran (KS)	Shuler
Jordan (OH)	Moran (VA)	Shuster
Kagen	Murphy (CT)	Simpson
Kanjorski	Murphy, Patrick	Sires
Kaptur	Murphy, Tim	Smith (NE)
Kennedy	Murtha	Smith (NJ)
Kildee	Myrick	Smith (TX)
Kilpatrick (MI)	Nadler (NY)	Smith (WA)
Kilroy	Napolitano	Snyder
Kind	Neal (MA)	Souder
King (IA)	Nunes	Space
King (NY)	Nye	Speier
Kingston	Oberstar	Spratt
Kirk	Obey	Stark
Kirkpatrick (AZ)	Olson	Stearns
Kissell	Oliver	Stupak
Klein (FL)	Ortiz	Sullivan
Kline (MN)	Pallone	Sutton
Kosmas	Pascrell	Tauscher
Kratovil	Pastor (AZ)	Taylor
Kucinich	Paul	Teague
Lamborn	Paulsen	Terry
Lance	Payne	Thompson (CA)
Langevin	Pence	Thompson (MS)
Larsen (WA)	Perlmutter	Thompson (PA)
Larson (CT)	Perriello	Thornberry
Latham	Peters	Tiahrt
LaTourette	Peterson	Tierney
Latta	Petri	Titus
Lee (CA)	Pitts	Tonko
Lee (NY)	Platts	Towns
Levin	Poe (TX)	Tsongas
Lewis (CA)	Polis (CO)	Turner
Lewis (GA)	Pomeroy	Upton
Linder	Posey	Van Hollen
Lipinski	Price (GA)	Velázquez
LoBiondo	Price (NC)	Visclosky
Loeback	Putnam	Walden
Lofgren, Zoe	Radanovich	Walz
Lowe	Rahall	Wamp
Lucas	Rangel	Wasserman
Luetkemeyer	Rehberg	Schultz
Luján	Reichert	Waters
Lummis	Reyes	Watson
Lungren, Daniel	Richardson	Watt
E.	Rodriguez	Waxman
Lynch	Roe (TN)	Weiner
Mack	Rogers (AL)	Welch
Maffei	Rogers (KY)	Westmoreland
Maloney	Rogers (MI)	Wexler
Manzullo	Rohrabacher	Whitfield
Markey (MA)	Rooney	Wilson (OH)
Marshall	Ros-Lehtinen	Wilson (SC)
Massa	Roskam	Wittman
Matheson	Ross	Wolf
Matsui	Rothman (NJ)	Woolsey
McCarthy (CA)	Roybal-Allard	Wu
McCarthy (NY)	Royce	Yarmuth
McCaul	Ruppersberger	Young (FL)

NOT VOTING—16

Boucher	Michaud	Solis (CA)
Gallegly	Mollohan	Tanner
Garrett (NJ)	Neugebauer	Tiberi
Johnson, E. B.	Pingree (ME)	Young (AK)
Marchant	Skelton	
Markey (CO)	Slaughter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1330

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MARKEY of Colorado. Mr. Speaker, I was unavoidably detained and missed rollcall vote 28 on H. Res. 56 titled, "Expressing support for designation of the week of February 2 through February 6, 2009, as 'National School Counseling Week.'"

If I had been present, I would have voted in favor of this resolution.

COMMENDING UNIVERSITY OF
FLORIDA GATORS FOR WINNING
BOWL CHAMPIONSHIP SERIES
NATIONAL CHAMPIONSHIP GAME

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 58.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. POLIS of Colorado. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayeas 399, noes 5, answered "present" 7, not voting 22, as follows:

[Roll No. 29]

AYES—399

Abercrombie	Bilirakis	Brown-Waite,
Aderholt	Bishop (GA)	Ginny
Adler (NJ)	Bishop (NY)	Buchanan
Akin	Blackburn	Burgess
Alexander	Blumenauer	Burton (IN)
Andrews	Blunt	Butterfield
Arcuri	Boccieri	Buyer
Austria	Boehner	Calvert
Baca	Bonner	Camp
Bachmann	Bono Mack	Campbell
Bachus	Boozman	Cantor
Baird	Boren	Cao
Baldwin	Boswell	Capito
Barrett (SC)	Boustany	Capps
Barrow	Boyd	Capuano
Bartlett	Brady (PA)	Cardoza
Bean	Brady (TX)	Carnahan
Becerra	Braley (IA)	Carson (IN)
Berkley	Broun (GA)	Carter
Berman	Brown (SC)	Cassidy
Biggart	Brown, Corrine	Castle
Bilbray		Castor (FL)

Chandler	Hill	Miller (MI)	Smith (NE)	Thompson (PA)	Watson
Childers	Himes	Miller (NC)	Smith (NJ)	Thornberry	Watt
Clarke	Hinchee	Miller, Gary	Smith (TX)	Tiahrt	Waxman
Clay	Hinojosa	Miller, George	Smith (WA)	Tierney	Weiner
Cleaver	Hirono	Minnick	Souder	Titus	Welch
Clyburn	Hodes	Mitchell	Space	Tonko	Westmoreland
Coble	Hoekstra	Moore (KS)	Spratt	Towns	Wexler
Coffman (CO)	Holden	Moore (WI)	Stark	Tsongas	Whitfield
Cohen	Holt	Moran (KS)	Stearns	Turner	Wilson (OH)
Cole	Honda	Moran (VA)	Stupak	Upton	Wilson (SC)
Conaway	Hoyer	Murphy (CT)	Sullivan	Van Hollen	Wittman
Connolly (VA)	Hunter	Murphy, Patrick	Sutton	Velázquez	Wolf
Conyers	Inglis	Murphy, Tim	Tauscher	Visclosky	Woolsey
Cooper	Inslee	Murtha	Taylor	Walden	Wu
Costa	Israel	Myrick	Teague	Walz	Yarmuth
Costello	Issa	Nadler (NY)	Terry	Wasserman	Young (FL)
Courtney	Jackson (IL)	Napolitano	Thompson (CA)	Schultz	
Crenshaw	Jackson-Lee	Neal (MA)	Thompson (MS)	Waters	
Crowley	(TX)	Nunes			
Cuellar	Jenkins	Nye	NOES—5		
Cummings	Johnson (GA)	Oberstar	Altmire	Berry	Kingston
Dahlkemper	Johnson, Sam	Obey	Barton (TX)	Flake	
Davis (AL)	Jones	Olson	ANSWERED “PRESENT”—7		
Davis (CA)	Jordan (OH)	Olver	Bishop (UT)	Culberson	Poe (TX)
Davis (IL)	Kagen	Ortiz	Bright	Johnson (IL)	
Davis (KY)	Kanjorski	Pallone	Chaffetz	Matheson	
Davis (TN)	Kaptur	Pascarell	NOT VOTING—22		
Deal (GA)	Kennedy	Pastor (AZ)	Ackerman	Marchant	Solis (CA)
DeFazio	Kildee	Paul	Boucher	Michaud	Speier
DeGette	Kilpatrick (MI)	Paulsen	Carney	Mollohan	Tanner
DeLauro	Kilroy	Payne	Gallegly	Neugebauer	Tiberi
Dent	Kind	Pence	Garrett (NJ)	Pingree (ME)	Wamp
Diaz-Balart, L.	King (IA)	Perlmutter	Johnson, E. B.	Rogers (AL)	Young (AK)
Diaz-Balart, M.	King (NY)	Perriello	Larsen (WA)	Skelton	
Dicks	Kirk	Peters	Manzullo	Snyder	
Dingell	Kirkpatrick (AZ)	Peterson	ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE		
Doggett	Kissell	Petri	The SPEAKER pro tempore (during		
Donnelly (IN)	Klein (FL)	Pitts	the vote). There are 2 minutes remain-		
Doyle	Kline (MN)	Platts	ing in this vote.		
Dreier	Kosmas	Polis (CO)	□ 1338		
Driehaus	Kratovil	Pomeroy	Mr. MELANCON changed his vote		
Duncan	Kucinich	Posey	from “no” to “aye.”		
Edwards (MD)	Lamborn	Price (GA)	Mr. MATHESON changed his vote		
Edwards (TX)	Lance	Price (NC)	from “no” to “present.”		
Ehlers	Langevin	Putnam	So (two-thirds being in the affirma-		
Ellison	Larson (CT)	Radanovich	tive) the rules were suspended and the		
Ellsworth	Latham	Rahall	resolution was agreed to.		
Emerson	LaTourette	Rangel	The result of the vote was announced		
Engel	Latta	Rehberg	as above recorded.		
Eshoo	Lee (CA)	Reichert	A motion to reconsider was laid on		
Etheridge	Lee (NY)	Reyes	the table.		
Fallin	Levin	Richardson	PERSONAL EXPLANATION		
Farr	Lewis (CA)	Rodriguez	Ms. EDDIE BERNICE JOHNSON of Texas.		
Fattah	Lewis (GA)	Roe (TN)	Mr. Speaker, on the afternoon of January 22,		
Filner	Linder	Rogers (KY)	2009, I was unable to vote due to illness and		
Fleming	Lipinski	Rogers (MI)	missed three rollcall votes. Had I been		
Forbes	LoBiondo	Rohrabacher	present, I would have voted “nay” on rollcall		
Fortenberry	Loebback	Rooney	No. 27, H.J. Res. 3, a resolution to disapprove		
Foster	Lofgren, Zoe	Ros-Lehtinen	the use of the second \$350 billion of the funds		
Fox	Lowe	Roskam	that were made available to the Secretary of		
Fox	Lucas	Ross	the Treasury under the Emergency Economic		
Frank (MA)	Luetkemeyer	Rothman (NJ)	Stabilization Act of 2008; “yea” on rollcall No.		
Franks (AZ)	Lujan	Roybal-Allard	28, on agreeing to H. Res. 56, expressing		
Frelinghuysen	Lummis	Royce	support for designation of the week of Feb-		
Fudge	Lungren, Daniel	Ruppersberger	ruary 2 through February 6, 2009, as “Na-		
Gerlach	E.	Rush	tional School Counseling Week”; and “yea” on		
Giffords	Lynch	Ryan (OH)	rollcall No. 29, on passage of H. Res. 58,		
Gillibrand	Mack	Ryan (WI)	commending the University of Florida Gators		
Gingrey (GA)	Maffei	Salazar	for winning the Bowl Championship Series Na-		
Gohmert	Maloney	Sanchez, Linda	tional Championship Game.		
Gonzalez	Markey (CO)	T.	ELECTING MEMBERS TO A CER-		
Goodlatte	Markey (MA)	Sanchez, Loretta	TAIN STANDING COMMITTEE OF		
Gordon (TN)	Marshall	Sarbanes	THE HOUSE OF REPRESENTA-		
Granger	Massa	Scalise	TIVES		
Graves	Matsui	Schakowsky	Mr. LARSON of Connecticut. Mr.		
Grayson	McCarthy (CA)	Schauer	Speaker, by direction of the Demo-		
Green, Al	McCarthy (NY)	Schiff	cratic Caucus, I offer a privileged reso-		
Green, Gene	McCaul	Schmidt	lution and ask for its immediate con-		
Griffith	McClintock	Schock	sideration.		
Grijalva	McCollum	Schrader	The Clerk read the resolution, as fol-		
Guthrie	McCotter	Schwartz	lows:		
Gutierrez	McDermott	Scott (GA)	H. RES. 80		
Hall (NY)	McGovern	Scott (VA)	<i>Resolved</i> , That the following named Mem-		
Hall (TX)	McHenry	Sensenbrenner	bers be and are hereby elected to the fol-		
Halvorson	McHugh	Serrano	lowing standing committee of the House of		
Hare	McIntyre	Sessions	Representatives:		
Harman	McKeon	Sestak	(1) COMMITTEE ON STANDARDS OF OFFICIAL		
Harper	McMahon	Shade	CONDUCT.—Ms. Zoe Lofgren of California,		
Hastings (FL)	McMorris	Shea-Porter	Chairman; Mr. Chandler, Mr. Butterfield, Ms.		
Hastings (WA)	Rodgers	Sherman	Castor of Florida, Mr. Welch.		
Heinrich	McNerney	Shimkus	Mr. LARSON of Connecticut (during		
Heller	Meek (FL)	Shuler	the reading). Mr. Speaker, I ask unani-		
Hensarling	Meeks (NY)	Shuster	mous consent that the resolution be		
Hерger	Melancon	Simpson	considered as read and printed in the		
Herse	Mica	Sires	RECORD.		
Herse	Miller (FL)	Slaughter	The SPEAKER pro tempore. Is there		
Higgins			objection to the request of the gen-		

cratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 80

Resolved, That the following named Members be and are hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Ms. Zoe Lofgren of California, Chairman; Mr. Chandler, Mr. Butterfield, Ms. Castor of Florida, Mr. Welch.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. CANTOR. Mr. Speaker, I object and would like the resolution to be read.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk continued to read.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42-43), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. BECERRA, California

Ms. MATSUI, California

Mr. SAM JOHNSON, Texas

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding. I'm glad I am here for him to yield to.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and 12 p.m. for legislative business.

On Wednesday, the House will meet at 10 a.m. for legislative business.

On Thursday and Friday, no votes are expected due to the House Republican Issues Conference.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by close of business tomorrow.

We also expect to consider the American Recovery and Reinvestment Act of 2009. We anticipate as well the Senate taking action on the Lilly Ledbetter Fair Pay Act. And if they do, our hope is to consider the legislation as early as next week.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, the Democrat congressional stimulus bill will add nearly \$1 trillion to the Nation's debt. That is roughly \$2,700 in additional debt for every man, woman and child in the United States. Republicans are hopeful, Mr. Speaker, that this stimulus bill will be considered openly so as to ensure there is no waste of taxpayer dollars.

Unfortunately, Mr. Speaker, the public has not been given an extra day to review the congressional Democratic proposal prior to committee consideration. Further, committees are rushing as we speak to consider their respective portions of the bill, completing markups in a single day.

Mr. Speaker, as has been announced, we are going to be hastily considering the bill next week. I would ask the gentleman from Maryland, will all Members and the American people be given 48 hours to review the committee report prior to a vote next week as the House rules dictate?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding.

First let me say I appreciate the gentleman's comments. Clearly we have come into this Congress with an economy in crisis. That economy, very frankly, was not affected by anything the Democrats did over the last 2 years because, on economic policy, of course, we couldn't pass anything either through the Senate or over the President's veto. So the economic crisis that confronts us we believe is the result of 8 years of, in some respects fiscal irresponsibility and economic irresponsibility, and taking the referees off the field and with no regulation I tell my friend.

Having said that, I continue to believe the gentleman's point is a good point, a point with which I agree. It is my hope that the committee markups will be completed tonight, maybe early this morning. As you know, the Appropriations Committee yesterday had a full markup, adopted six Republican amendments and a number of Democratic amendments. I don't know what the amendment status is in Energy and Commerce or Ways and Means, but I expect all those markups to be completed late tonight. It is my hope that once those markups are complete, that by tomorrow night we will post the results on the Web and that they will be available not 48 hours, but either Friday night or Saturday so that we will have 4 days to review those items.

□ 1345

But I want to reiterate my hope and my expectation, to state it even more strongly, that you and the minority Members, the country, and the majority Members will have 48 hours to review the product that is reported out of the committee after their markups.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his response. I appreciate the spirit in which he responds to the inquiry and will set aside the supposition that perhaps we have to rush because of some policies that were in place over the last 8 years and would point out to the gentleman that, again, it is his party that has served in the majority over the last 2 years building up to the current situation that we are in.

But I would ask the gentleman, specifically does he know what day the actual stimulus bill will be considered on the floor of this House?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. My expectation is it will be Wednesday.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, President Obama has actively solicited Republican ideas to be included in his stimulus package. I would like to ask the gentleman from Maryland, and I yield to him to respond to the question, will congressional Democrats allow all ideas to be considered as amendments on the House floor without restriction?

I yield.

Mr. HOYER. I thank the gentleman.

As the gentleman knows, a very large portion of this bill will be tax cuts. Almost half of this bill is going to be tax cuts for working Americans and for business. As the gentleman knows as a member of the Ways and Means Committee, rarely, if ever, I'm not sure that I can remember a Ways and Means tax bill that came to the floor as an open rule, which is what the gentleman suggests. So you would be shocked if I said, yes, that's the way the bill is going to come to the floor because your bills never come to the floor that way, whether they're Democratic Chairs or Republican Chairs.

So my expectation is it will not come as an open rule, but I do not want to prescribe right now exactly—I have not talked to the Chair of the Rules Committee nor have the markups been complete, so I don't want to prejudge what the rule will be. But I certainly understand the gentleman's proposition that you would like alternatives considered, perhaps not to the tax provision. I don't know your particular position. I do know the position of the Republican leadership of the Ways and Means Committee historically and the Democratic leadership of the Ways and Means Committee historically. There has been bipartisan agreement that once a tax bill is forged, amending it

on the floor becomes very complicated and very risky.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would just respond by saying that perhaps because of the expedited nature of the process, given the severity of the crisis, that we would have an opportunity to change that tradition and open up Ways and Means bills. But I accept the gentleman's response, although I may not agree with the outcome.

Mr. Speaker, President Obama has asked that 40 percent of the stimulus bill be reserved for tax relief. Republicans agree on the need for fast-acting tax relief for families and small businesses. Unfortunately, it seems the Democrat majority in its proposal includes far less tax relief than what President Obama requested. Some estimates say there is only 10 percent tax cuts. The estimates that I have had that seem reasonable and accurate is that there is only 33 percent of this proposed bill that includes tax cuts and the rest, the 66 percent, is just pure government spending.

I'd also note that the nonpartisan Congressional Budget Office reported that less than half of the spending on infrastructure in the congressional Democrat proposal will be spent by the end of 2010. That hardly seems stimulative. By contrast, Mr. Speaker, our position would be tax cuts can have an immediate impact.

So I would like to ask the gentleman from Maryland, the majority leader, will Democrats allow amendments to be considered for a vote on the floor that increase the tax relief in this bill, as President Obama has requested?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

I'm not sure that President Obama has requested specifically what you suggest he requested. He did say that he wanted a very significant portion of this bill to be tax cuts for working Americans. He promised that in his campaign. He promised that he was going to give 95 percent of taxpayers in America a tax cut. This bill will do that. And I'm not sure of the exact percentage, but I think probably between 30 and 40 percent. You're correct in that approximate range.

I think, as I have said before and maybe being redundant, as you know, and you're a member of the Ways and Means Committee, we appropriators sometimes felt constrained by this rule that your committee had, but, nevertheless, your committee has generally felt that tax provisions are very complicated and need to be worked on carefully and, once proposed, should be voted either up or down.

I don't think that your representation that President Obama's saying that it ought to be amended on the floor is necessarily accurate, I tell my friend. But he does want and we will

have and you will have the opportunity and every Member of this House will have an opportunity to vote for a tax cut for 95 percent of the taxpaying public. Not only in terms of individuals but also significant tax cuts for those in business to try to make sure that they can be more successful, that they can have an increased investment tax credit, and that they can have a look-back provision for applying to profits they made in the past, significant losses that are occurring now. The reason for that, obviously, is to try to keep them in business, keep those jobs able to remain with those businesses. So I can tell the gentleman that he's going to have a very significant tax cut for the American taxpaying public to vote for or against.

Mr. CANTOR. I thank the gentleman.

It's my understanding that the President has said he expects Washington to act differently, that we should and owe it to the public to have an open and transparent process, up-or-down votes in the light of day. That's simply our request, Mr. Speaker, that we be given an opportunity to propose and vote on our tax relief. Obviously, there are differences in what types of tax relief are appropriate in terms of a stimulus bill, and that's being the spirit of my question.

Mr. Speaker, the House just voted to stop the administration from spending another \$350 billion in bailout funds. However, I would like to clarify the outcome of that vote for the people that elect us. Last week the Senate voted to allow the additional \$350 billion to be spent. Therefore, the House and Senate are in disagreement about whether the \$350 billion should be spent or not under the TARP program.

So I would like to clarify, even though the House voted against the \$350 billion, the administration will still be allowed to spend that money. And I would ask the gentleman, is that correct?

And I yield.

Mr. HOYER. That is correct.

Mr. CANTOR. I thank the gentleman.

Mr. HOYER. Essentially, if I might clarify for our Members and their constituents, obviously the vote today was symbolic and everybody knew it was symbolic. Symbolic to the extent that the Senate voted last week, as the gentleman pointed out, to defeat a resolution of disapproval. Under the statute that was passed by this House and Senate and signed by President Bush, the process is that those funds are now available for expenditure because the House and Senate did not pass resolutions of disapproval. Very frankly, President Bush had indicated, if we had done this earlier, he would have probably vetoed such a resolution.

I want to say to my friend that, in a bipartisan way, President Bush sent this request to the Congress. He indicated he sent it to the Congress at the

request of President Obama. They both agreed that this request was necessary. So our two leaders, elected in 2000, 2004, and 2008, have said that given the crisis that confronts us, they believe that this money is absolutely essential if they are to have the ability to stabilize the economy. Secretary Paulson believed that was necessary, who was the Secretary of the Treasury under President Bush. Secretary Geithner, who was just confirmed by the Senate, has said he believes that is necessary.

So I say to my friend that the legislation passed, signed by President Bush, provided for a process which said that if either House voted against a motion for disapproval, the money would go forward. And as the gentleman has pointed out, in light of the Senate action, the money will, in fact, be available to President Obama and Secretary Geithner to try to continue to stabilize this economy, which is in such crisis.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, yesterday the House passed a bill to provide further restrictions on this next \$350 billion that, as the gentleman points out, the Senate has approved. Yet it is my understanding that the Senate has no intention of taking the House bill that was passed out yesterday.

So I would like to ask the gentleman, do you expect the bailout restrictions as passed by the House yesterday to become law?

Mr. HOYER. I would hope they would. I voted for it. I believe that they were a response to what we have seen is a lack of transparency, a lack of as much accountability as the taxpayer has the right to expect, and also the failure of the TARP funds already approved to help average people around this country who are faced with losing their homes, having their mortgages foreclosed on. The legislation that we passed yesterday, in a bipartisan vote, as you know, was legislation which said we ought to have greater accountability, greater transparency so the American public knows how their money is being spent and also that we need to have a greater focus on Main Street, not exclusively on Wall Street. I think the American public are for that legislation. I would hope the Senate would pass it.

Very frankly, I will tell my friend one of the problems that it has in the Senate is that there is a large number of Members in your party, I believe, who are not for money being diverted to mortgage relief. I disagree with that as a policy, but the issue is whether they can get 60 votes to take it up. I tell the gentleman I'm hopeful that they will.

In addition, as I said on this floor in response to Congresswoman FOXX, it is my understanding that Chairman FRANK and President Obama have had discussions and that President Obama

believes that conditions and transparency and focus on helping people whose mortgages are at risk is something that his administration is going to follow whether or not that legislation is passed into law.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I'd just like to say in closing that I would hope that the standard of transparency and openness that should be applied to the expenditure of the TARP moneys can be applied to the conduct of the proceedings of this House over the next 2 years during the 111th Congress. I think we owe it to the American people. We owe it to the American people to know what the Members that they elect are doing, what they're voting on, which is why I again say to the gentleman I hope that the proceedings next week on this unprecedented amount of money in the bill that is currently being marked up, this unprecedented amount can come to this floor in the most open, transparent way possible, giving the minority, the Republicans on this side of the aisle, the ability to make their proposals known, to have votes on those ideas because, after all, that is the spirit in which we would like to work not only with the gentleman and his party but certainly with the new President.

--- HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow; and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. LUJÁN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1400

--- SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HEINRICH). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

--- A RETURN TO JUSTICE FOR ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to applaud the bold leadership coming from our new administration. Today President Obama signed executive orders to put an end to destructive policies of the Bush administration. Americans and people all over the world will know, once again, that the United States rejects the use of torture

and that we will proceed with the rule of law.

With his announcements this morning, President Obama is taking an important step for undoing the damage that has been caused over the past 8 years. The prison at Guantanamo Bay and the horrors at Abu Ghraib have so stained the honor of the United States that it will take years to regain the trust of the international community.

Under the past administration the world saw a White House that operated in secrecy and was all too eager to bend and break the rule of law when it was convenient to do so. Progressives fought every step of the way and demanded an end to torture and the closure of Guantanamo Bay.

President Obama is living up to his campaign promises, and he is signaling to the world a return to the very values that have led our Nation to be viewed as the greatest democracy on earth, our unyielding commitment to the rule of law and profound respect for human decency.

This Congress stands ready to help the administration. Whether it's bringing an end to prisons like Guantanamo or bringing our troops home from Iraq, we pledge to help the President forge a new path for America and for the world. Again, Mr. Speaker, I applaud the administration's bold move forward, and I will commit to supporting our renewed role as world leader for justice and human rights.

NEWS FROM THE SECOND FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I bring you news from the second front. The second front is the border war on the southern border of the United States between America and Mexico.

It is important that America understand that there is a violent atmosphere in Mexico, our neighbors to the south. It's a possibility that the government may collapse. There is chaos, there is high unemployment, and much of the blame goes to the drug cartels that are operating in Mexico. They are violent; they are mean; they have a lot of money; and it makes no difference who they kill that gets in their way to smuggle that cancer into the United States.

This should concern all of us. We cannot wait for the reaction of the violence along the Texas-Mexico border, especially, to come into the United States. We must be proactive and not wait for Americans to be killed before our country does something about it.

You know, our country protects the borders of other nations, nations that many Americans don't even know where they are on the map. But the first duty of government is to protect

our Nation and protect our borders, especially from those narcoterrorists that come into the United States habitually.

Even the Department of Homeland Security now has actually admitted that there is a problem on the border. For so long, in my opinion, Homeland Security has done very little to protect our border in the southern part of the United States.

But Homeland Security has developed a plan involving the U.S. Northern Command to deploy the United States military to protect American citizens in the event the drug wars in Mexico spill into the United States.

Just last year, there were over 5,300 murders in Mexico, that's more murders in Mexico than the number of American troops killed in the wars in Iraq and Afghanistan put together, and it's all because of the drug cartels and the violence that has occurred there.

I have had the opportunity to be on the Texas-Mexico border and the border all the way to California that we have with Mexico. I have been there many times, and every time I go, it's worse. The violence is terrible.

There used to be a time when Americans would go to Nuevo Laredo across the river from Laredo. Not any more. The three drug cartels are fighting for turf in Nuevo Laredo to smuggle drugs into the United States.

I want to read, Mr. Speaker, a portion of a military report that I have obtained from November 25, 2008, from the United States Joint Forces Command. It states that Mexico "bear[s] consideration for a rapid and sudden collapse," because "its politicians, police, and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels." "Any descent by Mexico into chaos would demand an American response based on the serious implications for homeland security alone."

What this military report by our military says is the Mexican government could be on the verge of collapse because of the drug cartels. It should concern us that our neighbors to the south are having this problem. It's important to America that there be a stable government in Mexico and that we get a grip on the drug cartels and not wait for crimes to be committed in the United States, but immediately send our military to the United States-Mexico border so we can take care of those drug dealers that come into the United States.

A border sheriff once told me that the drug cartels that come into the country, have more money, have better equipment and more people than he has to fight them off. Now is the time to be prepared and send our military there to protect the integrity of the United States border.

It's important that we help Mexico, but, Mr. Speaker, I am not one that fa-

vors giving blanket checks to Mexico as we have done in the Merida Initiative, \$1.5 billion we have sent down there in equipment and money. Unfortunately, it may happen that that equipment be used by the drug cartels against our border protectors. It's important that we reinforce this side of the United States border and be prepared for any action of the drug cartels that come across the border from Mexico and figure out other ways to help Mexico.

Border security is the number one issue in this country. It is time to secure our borders. The fight has already begun. We have to be engaged in this and protect the people of this country from the drug cartels.

And that's just the way it is.

HONORING JOURNALIST LASANTHA WICKRAMATUNGA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in 2006 I cofounded the Congressional Caucus for Freedom of the Press, and since then this bipartisan, bicameral caucus has sought to highlight the importance of free expression around the world. I rise today to honor Lasantha Wickramatunga, a brave journalist who was gunned down while driving to work in the Sri Lankan capital of Colombo.

Threats, attacks and murders of journalists are becoming all too common in Sri Lanka. Mr. Wickramatunga knew the dangers too well but courageously continued reporting. Recognizing his work might cost him his life, Mr. Wickramatunga wrote a letter to be published in the event of his assassination.

Today I will read excerpts of his letter which was published by his paper, The Sunday Leader, on January 11, 3 days after he was killed.

He wrote, "No other profession calls on its practitioners to lay down their lives for their art save the armed forces and, in Sri Lanka, journalism. In the course of the past few years, the independent media have increasingly come under attack. Electronic and print media institutions have been burnt, bombed, sealed and coerced. Countless journalists have been harassed, threatened and killed. It has been my honor to belong to all those categories and now especially the last.

"Why then do we do it? I often wonder that. After all, I too am a husband, and the father of three wonderful children. I too have responsibilities and obligations that transcend my profession, be it the law or journalism.

"But there is a calling that is yet above high office, fame, lucre and security. It is the call of conscience.

"The Sunday Leader has been a controversial newspaper because we say it

like we see it: whether it be a spade, a thief or a murderer, we call it by that name. We do not hide behind euphemism. The investigative articles we print are supported by documentary evidence thanks to the public-spiritedness of citizens who at great risk to themselves pass on this material to us. We have exposed scandal after scandal, and never once in these 15 years has anyone proved us wrong or successfully prosecuted us.

"The free media serve as a mirror in which the public can see itself, sans mascara and styling gel. From us you learn the state of your nation, and especially its management by the people you elected to give your children a better future. Sometimes the image you see in that mirror is not a pleasant one. But while you may grumble in the privacy your armchair, the journalists who hold the mirror up to you do so publicly and at great risk to themselves. That is our calling, and we do not shirk it.

"If I seem angry and frustrated, it is because most of my countrymen—and all of the government—cannot see this writing plainly on the wall.

"It is well known that on two occasions I was brutally assaulted, while on another my house was sprayed with machine-gun fire. Despite the government's sanctimonious assurances, there was never a serious police inquiry into the perpetrators of these attacks, and the attackers were never apprehended. In all these cases, I have reason to believe the attacks were inspired by the government. When finally I am killed, it will be the government that kills me.

"As for me, I have the satisfaction of knowing that I walk tall and bowed to no man. And I have not traveled this journey alone. Fellow journalists in other branches of the media walked with me: most of them are now dead, imprisoned without trial or exiled in far-off lands.

"As for the readers of *The Sunday Leader*, what can I say but Thank You for supporting our mission. We have espoused unpopular causes, stood up for those too feeble to stand up for themselves, locked horns with the high and mighty so swollen with power that they have forgotten their roots, exposed corruption and waste of your hard-earned tax rupees, and make sure that whatever the propaganda of the day, you were allowed to hear a contrary view. For this I—and my family—have now paid the price that I have long known I will one day have to pay. I am—and have always been—ready for that. I have done nothing to prevent this outcome: no security, no precautions. I want my murderer to know that I am not a coward like he is, hiding behind human shields while condemning thousands of innocents to death.

"That *The Sunday Leader* will continue fighting the good fight, too, is

written. For I did not fight this alone. Many more of us have to be—and will be—killed before The Leader is laid to rest. I hope my assassination will be seen not as a defeat of freedom but an inspiration for those who survive to step up their efforts. Indeed, I hope that it will help galvanize forces that will usher in a new era of human liberty in our beloved motherland. I also hope it will open the eyes of your President to the fact that however many are slaughtered in the name of patriotism, the human spirit will endure and flourish. Not all the Rajapakses combined can kill that.

"People often ask me why I take such risks and tell me it is a matter of time before I am bumped off. Of course I know that: it is inevitable. But if we do not speak out now, there will be no one left to speak for those who cannot, whether they be ethnic minorities, the disadvantaged or the persecuted."

These were the words he wrote in anticipation of his own assassination.

Mr. Speaker, I submit the entire text of his letter for the RECORD.

The following editorial by Lasantha Wickramatunga, was published in *The Sunday Leader* on January 11.

No other profession calls on its practitioners to lay down their lives for their art save the armed forces and, in Sri Lanka, journalism. In the course of the past few years, the independent media have increasingly come under attack. Electronic and print-media institutions have been burnt, bombed, sealed and coerced. Countless journalists have been harassed, threatened and killed. It has been my honour to belong to all those categories and now especially the last.

I have been in the business of journalism a good long time. Indeed, 2009 will be *The Sunday Leader's* 15th year. Many things have changed in Sri Lanka during that time, and it does not need me to tell you that the greater part of that change has been for the worse. We find ourselves in the midst of a civil war ruthlessly prosecuted by protagonists whose bloodlust knows no bounds. Terror, whether perpetrated by terrorists or the state, has become the order of the day. Indeed, murder has become the primary tool whereby the state seeks to control the organs of liberty. Today it is the journalists, tomorrow it will be the judges. For neither group have the risks ever been higher or the stakes lower.

Why then do we do it? I often wonder that. After all, I too am a husband, and the father of three wonderful children. I too have responsibilities and obligations that transcend my profession, be it the law or journalism. Is it worth the risk? Many people tell me it is not. Friends tell me to revert to the bar, and goodness knows it offers a better and safer livelihood. Others, including political leaders on both sides, have at various times sought to induce me to take to politics, going so far as to offer me ministries of my choice. Diplomats, recognizing the risk journalists face in Sri Lanka, have offered me safe passage and the right of residence in their countries. Whatever else I may have been stuck for, I have not been stuck for choice.

But there is a calling that is yet above high office, fame, lucre and security. It is the call of conscience.

The Sunday Leader has been a controversial newspaper because we say it like we see

it: whether it be a spade, a thief or a murderer, we call it by that name. We do not hide behind euphemism. The investigative articles we print are supported by documentary evidence thanks to the public-spiritedness of citizens who at great risk to themselves pass on this material to us. We have exposed scandal after scandal, and never once in these 15 years has anyone proved us wrong or successfully prosecuted us.

The free media serve as a mirror in which the public can see itself sans mascara and styling gel. From us you learn the state of your nation, and especially its management by the people you elected to give your children a better future. Sometimes the image you see in that mirror is not a pleasant one. But while you may grumble in the privacy of your armchair, the journalists who hold the mirror up to you do so publicly and at great risk to themselves. That is our calling, and we do not shirk it. Every newspaper has its angle, and we do not hide the fact that we have ours. Our commitment is to see Sri Lanka as a transparent, secular, liberal democracy. Think about those words, for they each have profound meaning.

Transparent because government must be openly accountable to the people and never abuse their trust. Secular because in a multi-ethnic and multi-cultural society such as ours, secularism offers the only common ground by which we might all be united. Liberal because we recognise that all human beings are created different, and we need to accept others for what they are and not what we would like them to be. And democratic . . . well, if you need me to explain why that is important, you'd best stop buying this paper.

The Sunday Leader has never sought safety by unquestioningly articulating the majority view. Let's face it, that is the way to sell newspapers. On the contrary, as our opinion pieces over the years amply demonstrate, we often voice ideas that many people find distasteful. For example, we have consistently espoused the view that while separatist terrorism must be eradicated, it is more important to address the root causes of terrorism, and urged government to view Sri Lanka's ethnic strife in the context of history and not through the telescope of terrorism. We have also agitated against state terrorism in the so-called war against terror, and made no secret of our horror that Sri Lanka is the only country in the world routinely to bomb its own citizens. For these views we have been labelled traitors, and if this be treachery, we wear that label proudly.

Many people suspect that *The Sunday Leader* has a political agenda: it does not. If we appear more critical of the government than of the opposition it is only because we believe that—pray excuse cricketing argot—there is no point in bowling to the fielding side. Remember that for the few years of our existence in which the UNP was in office, we proved to be the biggest thorn in its flesh, exposing excess and corruption wherever it occurred. Indeed, the steady stream of embarrassing exposés we published may well have served to precipitate the downfall of that government.

Neither should our distaste for the war be interpreted to mean that we support the Tigers. The LTTE are among the most ruthless and bloodthirsty organisations ever to have infested the planet. There is no gainsaying that it must be eradicated. But to do so by violating the rights of Tamil citizens, bombing and shooting them mercilessly, is not only wrong but shames the Sinhalese, whose

claim to be custodians of the dhamma is forever called into question by this savagery, much of which is unknown to the public because of censorship.

What is more, a military occupation of the country's north and east will require the Tamil people of those regions to live eternally as second-class citizens, deprived of all self respect. Do not imagine that you can placate them by showering "development" and "reconstruction" on them in the post-war era. The wounds of war will scar them forever, and you will also have an even more bitter and hateful Diaspora to contend with. A problem amenable to a political solution will thus become a festering wound that will yield strife for all eternity. If I seem angry and frustrated, it is only because most of my countrymen—and all of the government—cannot see this writing so plainly on the wall.

It is well known that I was on two occasions brutally assaulted, while on another my house was sprayed with machine-gun fire. Despite the government's sanctimonious assurances, there was never a serious police inquiry into the perpetrators of these attacks, and the attackers were never apprehended. In all these cases, I have reason to believe the attacks were inspired by the government. When finally I am killed, it will be the government that kills me.

The irony in this is that, unknown to most of the public, Mahinda and I have been friends for more than a quarter century. Indeed, I suspect that I am one of the few people remaining who routinely addresses him by his first name and uses the familiar Sinhala address *oya* when talking to him. Although I do not attend the meetings he periodically holds for newspaper editors, hardly a month passes when we do not meet, privately or with a few close friends present, late at night at President's House. There we swap yarns, discuss politics and joke about the good old days. A few remarks to him would therefore be in order here.

Mahinda, when you finally fought your way to the SLFP presidential nomination in 2005, nowhere were you welcomed more warmly than in this column. Indeed, we broke with a decade of tradition by referring to you throughout by your first name. So well known were your commitments to human rights and liberal values that we ushered you in like a breath of fresh air. Then, through an act of folly, you got yourself involved in the Helping Hambantota scandal. It was after a lot of soul-searching that we broke the story, at the same time urging you to return the money. By the time you did so several weeks later, a great blow had been struck to your reputation. It is one you are still trying to live down.

You have told me yourself that you were not greedy for the presidency. You did not have to hanker after it: it fell into your lap. You have told me that your sons are your greatest joy, and that you love spending time with them, leaving your brothers to operate the machinery of state. Now, it is clear to all who will see that that machinery has operated so well that my sons and daughter do not themselves have a father.

In the wake of my death I know you will make all the usual sanctimonious noises and call upon the police to hold a swift and thorough inquiry. But like all the inquiries you have ordered in the past, nothing will come of this one, too. For truth be told, we both know who will be behind my death, but dare not call his name. Not just my life, but yours too, depends on it.

Sadly, for all the dreams you had for our country in your younger days, in just three

years you have reduced it to rubble. In the name of patriotism you have trampled on human rights, nurtured unbridled corruption and squandered public money like no other President before you. Indeed, your conduct has been like a small child suddenly let loose in a toyshop. That analogy is perhaps inapt because no child could have caused so much blood to be spilled on this land as you have, or trampled on the rights of its citizens as you do. Although you are now so drunk with power that you cannot see it, you will come to regret your sons having so rich an inheritance of blood. It can only bring tragedy. As for me, it is with a clear conscience that I go to meet my Maker. I wish, when your time finally comes, you could do the same. I wish.

As for me, I have the satisfaction of knowing that I walked tall and bowed to no man. And I have not travelled this journey alone. Fellow journalists in other branches of the media walked with me: most of them are now dead, imprisoned without trial or exiled in far-off lands. Others walk in the shadow of death that your Presidency has cast on the freedoms for which you once fought so hard. You will never be allowed to forget that my death took place under your watch. As anguished as I know you will be, I also know that you will have no choice but to protect my killers: you will see to it that the guilty one is never convicted. You have no choice. I feel sorry for you, and Shiranthi will have a long time to spend on her knees when next she goes for Confession for it is not just her own sins which she must confess, but those of her extended family that keeps you in office.

As for the readers of The Sunday Leader, what can I say but Thank You for supporting our mission. We have espoused unpopular causes, stood up for those too feeble to stand up for themselves, locked horns with the high and mighty so swollen with power that they have forgotten their roots, exposed corruption and the waste of your hard-earned tax rupees, and made sure that whatever the propaganda of the day, you were allowed to hear a contrary view. For this I—and my family—have now paid the price that I have long known I will one day have to pay. I am—and have always been—ready for that. I have done nothing to prevent this outcome: no security, no precautions. I want my murderer to know that I am not a coward like he is, hiding behind human shields while condemning thousands of innocents to death. What am I among so many? It has long been written that my life would be taken, and by whom. All that remains to be written is when.

That The Sunday Leader will continue fighting the good fight, too, is written. For I did not fight this fight alone. Many more of us have to be—and will be—killed before The Leader is laid to rest. I hope my assassination will be seen not as a defeat of freedom but an inspiration for those who survive to step up their efforts. Indeed, I hope that it will help galvanise forces that will usher in a new era of human liberty in our beloved motherland. I also hope it will open the eyes of your President to the fact that however many are slaughtered in the name of patriotism, the human spirit will endure and flourish. Not all the Rajapakses combined can kill that.

People often ask me why I take such risks and tell me it is a matter of time before I am bumped off. Of course I know that: it is inevitable. But if we do not speak out now, there will be no one left to speak for those who cannot, whether they be ethnic minorities, the disadvantaged or the persecuted. An ex-

ample that has inspired me throughout my career in journalism has been that of the German theologian, Martin Niemöller. In his youth he was an anti-Semite and an admirer of Hitler. As Nazism took hold in Germany, however, he saw Nazism for what it was: it was not just the Jews Hitler sought to extirpate, it was just about anyone with an alternate point of view. Niemöller spoke out, and for his trouble was incarcerated in the Sachsenhausen and Dachau concentration camps from 1937 to 1945, and very nearly executed. While incarcerated, Niemöller wrote a poem that, from the first time I read it in my teenage years, stuck hauntingly in my mind:

First they came for the Jews

and I did not speak out because I was not a Jew.

Then they came for the Communists

and I did not speak out because I was not a Communist.

Then they came for the trade unionists

and I did not speak out because I was not a trade unionist.

Then they came for me

and there was no one left to speak out for me.

If you remember nothing else, remember this: The Leader is there for you, be you Sinhalese, Tamil, Muslim, low-caste, homosexual, dissident or disabled. Its staff will fight on, unbowed and unafraid, with the courage to which you have become accustomed. Do not take that commitment for granted. Let there be no doubt that whatever sacrifices we journalists make, they are not made for our own glory or enrichment: they are made for you. Whether you deserve their sacrifice is another matter. As for me, God knows I tried.

□ 1415

TRIBUTE TO LANCE, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

Mrs. MYRICK. I rise today in tribute to Lance, Inc., a snack food company that is based in my district. Lance is the number one seller of peanut butter crackers in United States grocery stores. It operates manufacturing plants in seven States. The company's products are in grocery stores, convenience stores, hospitals, schools, and vending machines all across the country, and they have not been affected by the nationwide peanut butter recall caused by the salmonella outbreak.

Lance self-manufactures 100 percent of the peanut butter for all of its products, which include eight varieties of peanut butter and snack crackers. Their manufacturing process is held to the highest standard, and the company regularly tests its products to assure continued consumer health and safety. Lance has also been reviewed and okayed by the Food Safety Division of the North Carolina Department of Agriculture to ensure utmost quality and safety.

Parents pack Lance crackers in their kids' lunches every day, and every day countless people grab a handful of

Lance crackers as an on-the-go snack. This company is a trusted one because it has built its reputation on putting the consumer first.

The safety of Lance has not been compromised by this recall, and I urge consumers to continue to enjoy all of their favorite Lance products.

TARP: MORE OF THE SAME BAD POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the House of Representatives has spoken. We just disapproved sending out the next \$350 billion through the President to Wall Street. Of course, since the Senate does not agree, the taxpayer money will go out the door again, to the U.S. Treasury, to be used however the U.S. Treasury Secretary sees fit. Too bad. Indeed, tragic for our people.

They say the definition of insanity is doing the same thing over and over again, expecting a different result. Yet, that is exactly what is being done as we ship out the next \$350 billion of taxpayer money to Treasury to cover Wall Street's paper losses.

When will we have wise leaders who rise and understand that unless the mortgage foreclosure crisis tide is turned back, Wall Street will not heal? We must heal Main Street's mortgage real estate markets first. Congress is looking out of the wrong end of the telescope.

In the fall, some in Congress sent out the first \$350 billion of taxpayer money, hastily crafted, for a completely opaque bailout "plan" that proponents argued would stabilize our economy. Has that happened? Yesterday, the Dow dipped below 8,000. Last month's foreclosure filings were up 40 percent from the previous year. And nearly 700,000 more jobs were lost last month alone.

Our economy is still suffering, with more jobs lost every day, while the promise of the bailout has been broken. The bailout money was given through a hasty process, without enough thought, without any guidelines, and the proper Federal regulators to do the job. The Federal Deposit Insurance Company, the Securities and Exchange Commission, and HUD, were sidelined as Treasury was moved into the driver's seat.

Taking advantage of Treasury's boon, Wall Street's gambling casinos used the money to buy up other banks to build up their reserves and get bigger, rather than unfreezing credit so that local markets could work, or engaging in foreclosure workouts, which is the real congressional intent of the original bill.

U.S. Treasury nominee, Tim Geithner—he is the gentleman who didn't pay his taxes—noted in his con-

firmation hearing that there were serious concerns about transparency, accountability, and the goals of the bailout program. But he didn't say how he was going to fix it.

How does the administration even know that it needs \$350 billion more if it hasn't audited and doesn't know what happened to the first \$350 billion? Where did that money go?

Congress is taking the lazy man's way out, shirking the immense responsibility to appropriately and thoughtfully guide how the money is spent, ensuring our taxpayers' money is being used prudently.

When Secretary Paulson pushed for this additional bank bailout, he said, Well, the government might recoup some of its money. But now the truth becomes clearer. The Congressional Budget Office estimates that of the first \$247 billion in bailout payments made just through last December, they are saying taxpayers already will end up footing over \$64 billion, or 26 percent, of the bill. That is just where we are today.

So if we are on the hook for paying 26 percent of the first tranche, should the people paying the bill not be the beneficiaries of a comparable share of the total funds to do mortgage workouts at the local level? That would be about \$180 billion. But the bill that passed the House last night commits as little as \$40 billion to foreclosure workouts. In other words, the bottom line really doesn't add up.

The Treasury has been inappropriately charged with restoring the health of our markets. But their job is to sell U.S. debt on Wall Street and to collect our taxes. They really aren't designed to do bank regulation or examination or real estate lending or housing workouts or real estate accounting. That is the job of the FDIC, with its bank examiners; and the SEC, with its accountants; and the Department of Housing and Urban Development.

America cannot really afford to pay this next \$350 billion, just as we didn't pay for the first tranche. We borrowed it all. And we don't know if the Senate will take up the bill that the House passed last night to give some guidance on how those original dollars are to be spent.

So we know one fact is certain: Wall Street sure has a lot of power down here in Washington to put at the foot of the taxpayers the bill for all of their wrongdoing. Congress should not have sent out another \$350 billion.

But what the gambling houses on Wall Street did was create money recklessly by leveraging mortgages way beyond what the underlying asset could return. And those banks are so powerful and arrogant and they breed such special relationships inside our Federal Government, they are not only spared the discipline rules of the market we must all live by, they are spared pros-

ecution so far. They are so powerful, they repeatedly abuse their power, and then run to us, the taxpayers, about every 10 years, to bail them out of their excesses.

Wall Street banks do have special pull here in Washington through the Treasury and the Federal Reserve, their campaign contributions, and the revolving door between Washington and New York which, unless you have lived here, you really can't understand.

They consistently enrich themselves by indebting the American people for their excesses. They have committed crimes much larger than the last excesses this time from the old savings and loan crisis of the 1980s and 1990s, and they put those losses on the American people too, and it became the third largest component of our long-term debt.

The Wall Street bankers, meanwhile, make plenty of money enriching themselves. You know what? They win on both ends because they end up selling the U.S. Government debt through bonds that they issue. It's a win-win for them and it's a loss-loss for us.

I just want to say, Mr. Speaker, in closing, that we should use the proper agencies to restore rigor to our market—the FDIC and the SEC, with their examination powers and their accounting powers—and we shouldn't just put the money down the blind hole at the U.S. Treasury that leads directly through a tunnel to Wall Street.

WHERE IS TARP MONEY BEING SPENT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the House of Representatives just a few minutes ago voted to disapprove the \$350 billion in additional funds for the TARP bailout. But because of the way the original bill was passed, that won't do a thing to stop it.

That money is going to be given to the administration and it's going to be spent. We don't know where the \$700 billion is going. We know where part of it is going, but we certainly don't know where most of it's going.

That means the American taxpayers have given \$700 billion to the Congress of the United States and we have ceded the authority to spend that money to the administration without any real oversight. We don't know where that money is being spent and, as a result, we have abnegated our responsibility to oversee the power of the purse and make sure we are spending the money of the taxpayers wisely.

In addition to that, not knowing where we are going to spend it, where they are spending the \$700 billion, next week we are going to have another \$825 billion bill that is going to come to

this Congress, and we are not going to know what that bill is until the markup is finished tomorrow, which means that we will probably get the information on it Saturday, and Monday will be the first day that Congress will really take a hard look at it.

So we will have the afternoon of Monday, and Tuesday, and then vote on Wednesday on an \$825 billion supplemental stimulus package. That means in the last 3 or 4 weeks we will have spent almost \$1½ trillion of taxpayers' money and we don't know where it's going. We are ceding that authority to the executive branch. And it's an abnegation of our responsibility, for the most part. We know where some of it's going, but not all of it, not most of it. And it really, really bothers me.

When we come down here and speak, Mr. Speaker, we know from time to time there's an awful lot of young people that watch us in the gallery. And there's a lot of young people and parents watching from at home. And the thing that bothers me is we are spending this money like it's going out of style, without any accountability, and we are spending it in such large numbers that it has to have a long-term, terribly inflationary impact on the economy of the United States of America.

People in this country don't really know what hyperinflation is. But after World War II, Germany, people would get money and they would have to take a wheel barrel full of money to the store to buy bread or meat or something to live on, and if they didn't do it that day, the money would devalue that day and it would be worth less the next day.

I don't think that's going to happen here in the United States. But what will happen, in my opinion, is we will have very strong inflation like we had back in the seventies under Jimmy Carter when he was President. We had inflation that ran 14 percent. We had unemployment that was 10, 11, 12 percent. Because of that, the economy was really floundering. And so they brought in Mr. Volcker, who is once again in the administration.

Mr. WOLF. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague.

Mr. WOLF. I want to acknowledge what the gentleman is saying is accurate. I have here a \$100 billion bill, a Zimbabwe bill, which was printed by the Federal Reserve in Zimbabwe in June or July of 2008.

So what the gentleman is saying, this \$100 billion will not even buy a loaf of bread.

Mr. BURTON of Indiana. A \$100 billion piece of currency won't buy a loaf of bread. That's what happens when you have hyperinflation. It destroys the economy of a country. And we are spending this money so rapidly and without any accountability that it

really scares me. These young people who watch us and who hear us talk, they are the ones who are going to have to deal with this in the long-run because if the currency devalues, that means the cost of everything is going to go up and they are going to have to pay for it.

What happened back in the seventies was it got so bad that they brought Mr. Volcker in, who's in this administration now, and he raised interest rates to 21½ percent. Well, boy, that put the hammer on the economy. It slowed down inflation all right, but it increased the problems with unemployment, and it hurt the economy so desperately that Mr. Carter was saying, My gosh, we had to do with less. We had to handle our lives in a much more simple fashion because we couldn't afford to live well again.

And then Ronald Reagan came in and said the way to stimulate the economy is to cut taxes to give the American people more of their money back and let them spend it, to cut the taxes on business so there was more money for investment.

And, because of that, we came out of that recession and we had about 8 or 9 years of very positive economic growth. In fact, it was one of the longest periods of economic growth in the history of this country. But now we are spending money more rapidly than we did in the past. It's unbelievable the way they are going to have to print money to deal with this problem.

And so I am very concerned, and I am going to be down here talking about this a lot, that we have to do something to stop the spending, to control the spending, to be more accountable, because if we don't, there will be hyperinflation, there will be a rubber band effect on the economy, because once it gets so high, they are going to have to raise interest rates so high that you can't buy anything on time. And then the economy will go into a nose dive.

It just will not work. It's going to be very horrible for this economy long term if we continue down the path we are on. There needs to be accountability. And what we have done in the last couple of months and we are going to do this next week is not going to solve the problem. It's only going to make it worse.

□ 1430

H.R. 104

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, on Tuesday this country saw a marvelous event that occurs every 4 years, which is the inauguration of a President of the United States who was elected by the

people and who assumes power because of the vote of the people. That is the essence of democracy and what America is foremost at, not revolutions, not juntas, but elections, the rule of law and not terror or violence.

Just as we celebrated that great event with more people than ever here in Washington to witness it, it is important that we reiterate to the American public that we are a Nation of laws and not a Nation of men. It is for that reason that I joined with the chairman of the Judiciary Committee, JOHN CONYERS, as a cosponsor of H.R. 104, which seeks to set up an independent commission to investigate the Bush administration policies for having a claim of unreviewable war powers, for actions they took or might have taken that did damage to the United States Constitution and to the laws of this Nation. No person is above the law, no person should be considered above the law, and a commission of this sort is important to fulfill the duties of the Congress, which is an independent and separate branch of government, and to see if laws were violated.

There are many Americans that feel that there were violations of the law by the administration in the process of leading us to the war in Iraq and information that was given or not given to this Congress, that the PATRIOT Act and uses of that PATRIOT Act in investigating Americans and listening to phone conversations or interrupting other messages without securing subpoenas or going through the proper due process also violated the law.

In the Judiciary Committee we looked at several of these violations. We tried to subpoena individuals such as Harriett Myers and Karl Rove, and they rejected compliance with subpoenas. This is another area where we need to go forward, and we need to see that when a congressional committee issues subpoenas, that they are responded to by the executive and not under some blanket executive power. Harriett Myers, a private citizen, refused to comply. Karl Rove also refused to comply.

Torture, as used and defined in international law, was used by this administration. Attorney General Designate Eric Holder stated that water boarding is torture; and the former Vice President Dick Cheney said that they used water boarding and seemed somewhat boastful of it.

Again, if we use these type of tactics of torture of people detained without due process in particular, but with due process or not, we subject our own soldiers to such treatment, and that is a danger and a violation of the international laws that we should not allow.

It is important that we look into the activities of the Justice Department that were politicized during the days of Alberto Gonzales and others. Monica

Goodling told us in the Judiciary Committee, after being given a grant of immunity, that partisan associations of candidates played a role in the hiring of career officials in Justice. And the Justice Department's Office of Inspector General and Office of Professional Responsibility issued a joint report, concluding the Bush Department of Justice officials violated departmental rules and Federal law in considering political affiliations for the hiring of career attorneys.

There are many areas for investigations. I hope that the Congress will pass H.R. 104, and allow us to look into these and guarantee the American public that we are a Nation of laws and not a Nation of men, and, regardless of the position you hold, you are held to standards.

Just behind me there are words carved into the desk of the Clerk, and they include "justice." There is liberty, there is justice, there is tolerance, and other virtues. Justice is the highest.

IRAQI CHRISTIANS FACE EXTINCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, "The Christian owner of a car repair shop was killed execution-style in Mosul, police said Saturday, raising concerns about the possibility of new attacks against religious minorities in the northern city." This chilling excerpt was taken from a recent AP story, which went on to say that the attack "followed a pattern of violence and intimidation that sent thousands of Christians fleeing from their homes in Mosul this fall."

This is not the first time that we have seen targeted killings. We need to look no farther than the 2008 kidnap and murder of Archbishop Rahho of Mosul, an Assyrian Christian of the Chaldean Church, or Youssef Adel, an Assyrian Christian priest who was fatally shot in a drive-by attack in April of 2008.

These high-profile killings are indicative of wider-scale persecution and fear experienced by this suffering community. The numbers tell the story.

According to the U.S. Commission on International Religious Freedom, Iraq's Christian population has fallen from as many as 1.4 million in 2003 to between 500,000 and 700,000 at present. The report says that, "While Christians and other religious minorities represent only approximately 3 percent of the pre-2003 Iraqi population, they constitute approximately 15 percent and 20 percent of registered Iraqi refugees in Jordan and Syria respectively, and Christians account for 35 and 64 percent, respectively, of all registered Iraqi refugees in Lebanon and Turkey."

What we are witnessing here is the tragic extinction of an age-old faith community.

The patriarch Abraham came from a city in Iraq called Ur. Isaac's bride, Rebekah, came from northwest Iraq. Jacob spent 20 years in Iraq, and his sons, the 12 tribes of Israel, were born in northwest Iraq. A remarkable spiritual revival as told in the book of Jonah occurred in Nineveh. And the events of the book of Esther took place in Iraq, as did the accounts of Daniel in the Lion's Den.

For months, I unsuccessfully urged the Bush administration to develop a comprehensive policy to address the unique plight of Iraq's struggling ethno-religious minorities, specifically the Christian community. We have pressed for one person in the embassy to work on these. The Religious Freedom Commission has also asked for things like this, but now we are seeing that the creation and filling of this position must be, must be, among Secretary Clinton's first priorities.

In July of 2008, the U.S. Conference of Catholic Bishops Migration & Refugee Services said this about the minority religious community: "These groups, whose home has been what is now Iraq for many centuries, are literally being obliterated, not because they are fleeing generalized violence but because they are specifically and viciously victimized by Islamic extremists and, in some cases, common criminals."

These minority communities face marginalization or even extinction. U.S. policy must reflect the unique political and security reality of these minority communities. I urge Members of Congress, and I want to compliment Congresswoman ESHOO from California who has been very active on this, but other members, to weigh in with the newly confirmed secretary and ask her to take dramatic action to save the Iraqi Christians.

An article in Christianity Today by Philip Jenkins described what is happening in Iraq this way: "What we are seeing then is the death of one of the world's greatest Christian enterprises."

Just this week a delegation of Chaldean bishops urgently appealed to Pope Benedict XVI for the church to create a strategy to prevent Christians from leaving the region. I urge people of faith to stand, and I urge Members of Congress to press the secretary to appoint one person to deal with this issue.

And, lastly, I say where, where; oh where, oh where is the church? Oh where, oh where is the Christian church in the West when the Christians in Iraq are being slaughtered?

[From the Associated Press]

CHRISTIAN KILLED IN NORTHERN IRAQI CITY

(By Sameer N. Yacoub)

BAGHDAD.—The Christian owner of a car repair shop was killed execution-style in Mosul, police said Saturday, raising concern

about the possibility of new attacks against the religious minority in the northern Iraqi city.

The body of the 36-year-old man, who was shot in the head, was found Thursday, according to police and hospital officials, speaking on condition of anonymity because they were not authorized to talk to the media.

Another Christian man, an engineer in the city's water department, was kidnapped in early January but was released four days later after his family paid a \$50,000 ransom.

Nobody claimed responsibility for the killing or the kidnapping, but they followed a pattern of violence and intimidation that sent thousands of Christians fleeing from their homes in Mosul in the fall.

Bassem Balu, an official with the Democratic Assyrian Movement, sought to maintain calm, saying the motives for this week's killing were not yet known. The movement is the largest Christian party.

"For the time being, I do not think that this will slow the return of the Christians to Mosul," he said. "I hope that this murder won't signal the start of a new campaign against the Christians in Mosul."

Some Mosul residents have filtered back since the fall exodus, but others remain with relatives in the safer countryside or have sought refuge in neighboring Syria despite government pledges of financial support and protection.

Reflecting the continued fear, Christian candidates running for the Jan. 31 provincial elections have not been campaigning in Mosul but were limiting their activities to Christian areas outside the city.

Saad Tanyous, one of the candidates seeking a seat on the provincial council, said Christians were not even putting posters on the walls in Mosul.

Christians have frequently been targeted amid the fierce sectarian fighting that broke out after the 2003 U.S.-led invasion, although the attacks have ebbed with a sharp drop in overall violence.

Churches, priests and businesses of the generally prosperous, well-educated community have been attacked by militants who denounce Christians as pro-American "crusaders."

In an exodus which began after the 1991 Gulf War and escalated dramatically after the U.S.-led invasion in 2003, Iraq has lost more than half its Christian population of some 1 million.

The body of Paulos Rahho, the Chaldean Catholic archbishop of Mosul, also was found in March following his abduction by gunmen after a Mass.

Mosul, 225 miles northwest of Baghdad, remains one of the most dangerous cities in Iraq despite security gains.

Gunmen also killed two Iraqi soldiers on a foot patrol in the city Saturday afternoon, police said.

Tensions have been rising ahead of the provincial elections, which are aimed at more equitably distributing power and stemming support for the insurgency.

Haider al-Idadi, a Shiite lawmaker from Prime Minister Nouri al-Maliki's Dawa party, condemned Friday's assassination of candidate Hashim al-Husseini south of Baghdad.

"This crime should not go unpunished and we call upon security forces to chase the killers as soon as possible and put them on trial," he said, calling for stepped-up protection for candidates.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I know that another legislative day has come to an end and that sunset approaches fast in Washington, DC. So tonight, I want to stand before this House with what I call a Sunset Memorial.

You see, it is January 22, 2009, in the land of the free and the home of the brave. And before this sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That is just today, Mr. Speaker. That is just today, 36 years to the day from Roe versus Wade. That is more than the number of innocent lives lost on September 11th in this country, but it happens every day.

It has now been exactly 36 years to the day since the tragedy called Roe versus Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own unborn children. Some of them, Mr. Speaker, cried and screamed as they died. But because it was amniotic fluid going over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common, Mr. Speaker. First, they were just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever, Mr. Speaker.

Yet, even in the glare of such tragedy, this generation still clings to a blind invincible ignorance while history repeats itself over and over again and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it is time for those of us in this chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness, and not its destruction, is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No state shall deprive any person of life, liberty, or property without due process of law."

Mr. Speaker, protecting the lives of our citizens and their Constitutional rights is why we are all here. The bedrock foundation of this republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with unalienable rights, the rights of life and liberty and the pursuit of happiness.

Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world, Mr. Speaker. It is who we are. And yet today, another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So, Mr. Speaker, let me conclude this part of my remarks, this sunset memorial, in the hopes that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that it is time we stood up together again and looked to the Declaration of Independence; and, that we remember that we are the same America that rejected human slavery, and marched into Europe to arrest the Nazi Holocaust; and, we are still the courageous and compassionate Nation that can find a better way for mothers and their unborn babies than abortion on demand.

And, Mr. Speaker, it is such an appropriate time to discuss these things. Only a few hours ago, probably no more than 200 yards from this well, President-Elect Barack Obama put his hand down on the same Bible that Abraham Lincoln was sworn in and took his oath to the Presidency, and he took an oath that made him President Obama. And I just would remind the country somehow that we need to ask ourselves again, why do we respect Abraham Lincoln the way we do? Why have we made a monument to him down at the Potomac River? Because, you see, generations from now they will still be talking about Barack Obama putting his hand on the Lincoln Bible.

□ 1445

And I think that the significance of it and the symbolism is powerful beyond words. But many voices will also ask, did he hold in his heart those same truths that Abraham Lincoln held in his heart when he put his hand on the Bible? And when he found the courage as President of the United States in the days of slavery and the humanity within himself to reach out to slaves that the Supreme Court said were not human and that the tide of public opinion didn't recognize as protectable under the law, I can say to you, Mr. Speaker, this is one Republican that somehow hopes that history will find that Barack Obama found an epiphany in his own heart and soul and recognize that these little unborn children look to him now for help. And I hope that somehow he can recognize that just as Abraham Lincoln was a good steward of the deliverance and the hope that

was so necessary to protect innocent life in the days of slavery, that somehow Barack Obama will understand that it is now in his place to have the hope and deliverance in his own heart for these little unborn babies.

Mr. Speaker, I hope if nothing else that at least the President now can remember that the Bible in which he laid his hand, the pages beneath his hand, had the words written in red, inasmuch as you have done unto the least of these My brethren, you have done it unto Me.

It is still not too late for us to make a better world and for America to be the one that leads the rest of the planet, just as we did in the days of slavery, from this tragic genocide of murdering 4,000 of our own children every day.

Now, Mr. Speaker, as we consider the plight of the unborn on this 36th anniversary of Roe v. Wade, maybe we can each remind ourselves that our own days in this sunshine of life are all numbered and that all too soon each one of us will also walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day, may that day be the day when we will finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny little American brothers and sisters, from this murderous scourge upon our Nation called "abortion on demand." It is January 22, 2009, 36 years to the day since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, in the land of the free and the home of the brave.

Now, Mr. Speaker, since it is January 22, and since we have made a great transition in this country, I feel as if it is also appropriate for me tonight to say some words in tribute to one George Walker Bush who had the courage, the commitment and the compassion in his soul to stand up for these little babies who couldn't stand up for themselves. A few days ago, George Bush made his last Presidential speech. When he had finished, he graciously wished the Nation and the next President success. He said good night. And then he asked for God to bless America and all Americans. And he walked down the steps from the podium in the hall in the White House as President of the United States of America for the very last time.

And President Bush may be gone from us now, but there will always be so many of us who deeply honor him, as I try to here this moment, for the man he is and the President he has been to America.

As with many great Presidents, it will take a broader and more developed perspective of history for most to truly

comprehend the purpose and impact of the Bush administration. Mr. Speaker, I believe history, if it's unbiased, will be very kind to George Bush, not only because of his achievements, but because of the obstacles that he overcame.

In his Presidency, George Bush faced the catastrophic disaster of September 11, the deadliest terrorist attack or any other enemy attack against America in her entire history. He faced the calamity of Hurricane Katrina, one of the five deadliest storms to ever strike American soil. And then President Bush faced a worldwide financial crisis demonstrated by the largest 1-day drop in the Dow Jones in the history of the Nation.

Now, Mr. Speaker, any sane mind knows President Bush did not cause any of those disasters to happen. And any honest mind knows that his response to those disasters was due to trying to do what he truly thought was the right thing for the country instead of what was right for him politically.

There are, indeed, so many tangible threads to the noble legacy of President George W. Bush. President Bush, first of all, gave gallant and unwavering leadership to America, to our military forces and freedoms's march in the world. The men and women in our Armed Forces were honored to call President Bush their Commander in Chief. He implemented the largest reorganization of our national security apparatus in the history of our country. And for 7 years, the deadly 9/11-scale terrorist attacks against our country that all the experts said would follow September 11 were prevented.

The American people may never fully know the number of attacks on America that were thwarted because of the intelligence gleaned under the leadership of President George W. Bush. We may never know how many lives have been spared because, in those uncertain and fearful days following 9/11, President George W. Bush had the courage to defend us all from the virus of jihadist terrorism, whose proponents believe it is the will of God for America to be wiped from the face of the Earth.

Mr. Bush proactively protected America by taking the fight to the terrorists. He dismantled their networks and toppled two dangerous regimes in Afghanistan and Iraq. Their collective population of 50 million now live in a freedom that they have never known before. How can any of us forget the blue-tipped fingers on the hands held high in celebration by millions of Iraqis who had voted for the very first time in their lives in a nation that has not known freedom since before it was called Babylon, Mr. Speaker? I truly believe one of the great legacies of President Bush will be the kindled light of liberty in the eyes of those who once recognized that their future could only be an ever darkening, hopeless oppression. And now they are free.

Throughout his war on terrorism, and our war on terrorism, President Bush often had to walk like a knowing lion, like a knowing lion, Mr. Speaker, through the chattering of hyenas and endure the incessant insults and thoughtless criticisms of those whose vision only reached to the selfish partisan advance of the moment. But if those critics do not devour themselves in the meantime, Mr. Speaker, some day they may face the bared teeth of an enemy that will make us all wish the lion still walked among us.

But because President Bush did not capitulate to the voices of surrender and appeasement to terrorists, some of which came from this very Chamber, Mr. Speaker, today victory in Iraq has come, and a beachhead of freedom in the Middle East has been gained. And if that beachhead is maintained and protected in the days ahead, it may serve to inspire liberty in other nations in the Middle East and turn the whole of human history in freedom's direction, that because George Bush was once President of the United States of America.

President Bush was willing to fight, not because he hated what was in front of him, but because he loved what was behind him. He loved America. He loved freedom. And he loved the innocent.

Mr. Speaker, he was indeed a man of deep, abiding conviction and compassion. He launched the PEPFAR initiative, the President's Emergency Plan for AIDS Relief, and treating malaria victims which has brought lifesaving treatment and care to more than 10 million people worldwide, mostly mothers and their babies, who would otherwise never have had it. Mr. Speaker, I personally saw his tears when he looked at the pictures of children born in Third World countries with their faces severely deformed. I saw his tears again when he stood in the White House and watched John Roberts be sworn in as Chief Justice of the United States Supreme Court because he knew, Mr. Speaker, that the Constitution and its protections of the basic human rights of life, liberty and property for all of God's children would be safe in the hands of Chief Justice John Roberts.

Mr. Speaker, I believe the noble and faithful legacy of George Bush will be borne for generations to come by the judicial fidelity of John Roberts and Sam Alito to the plain and timeless meaning of the United States Constitution. Posterity will never be able to thank him enough.

President Bush also advocated fearlessly for human rights and for religious freedom for the literally one-third of the world's population that lives under oppression and human rights abuses. He doubled funding for veterans and worked to protect free trade and enacted the largest tax relief

in an entire generation. He supported numerous successful democratic revolutions in countries such as Lebanon, Ukraine and Georgia, all in the belief that the surest hope for peace and the protection of human dignity is still through liberty inherent to every person.

And Mr. Speaker, even though, as we talked about earlier, unborn children could never vote for George Bush, he stood unequivocally for their right to be born and to one day walk in the warm sunlight of freedom in America like the rest of us.

Now, Mr. Speaker, there are many reasons I will remember President George W. Bush. I will remember him for his courage. I will remember him for his patriotism, for his love of freedom, for his thankful heart and his commitment to human dignity and protecting, once again, those innocents that could not protect themselves. I will remember him because he vowed to keep us safe, and he did. I will remember him because he saw the greatness in America. And the greatness of America always lived in his own heart. I will remember him because he recognized that indeed there is a good and evil in this world. I will remember him because he rejected the liberal intelligentsia's posture that there was moral equivalence between murdering innocents to advance an ideology and liberating the innocent to advance freedom. I will remember him because he had both courage and conscience. And moreover, he had the courage to follow his conscious. I will remember him because he brought honor and dignity to the White House. I will remember him as a man who loved and honored his Savior, his wife Laura, his daughters Jenna and Barbara, his mother and father and brothers, his entire family. He loved his family with all of his heart, Mr. Speaker. And I will remember him for loving and holding the entire human family as his very own.

But the most touching thing I will forever remember him for, Mr. Speaker, was his tender and compassionate heart toward those whose only plea was mercy. It is something that God remembers about him, too, Mr. Speaker.

Like George Bush, Winston Churchill was used of God to protect the world from falling under the sway of a hateful ideology for what might have been generations. In the election that followed, the voters turned Churchill out of office. And when the press asked him, now what do you think, Mr. Churchill? He spoke words that I hope can speak to the heart of President Bush.

Mr. Churchill said, the only guide to a man in this life is his conscience; the only shield to his memory is the rectitude and sincerity of his own actions. And it is very imprudent to walk through this life without that shield,

because we are all so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, no matter how the fates may play, we march always in the ranks of honor.

And Mr. Speaker, like Winston Churchill, in the hearts of so many of us, George Bush will always march in the ranks of honor.

Now there are so many things I wish I could say directly to this President as he honorably steps away from public life and embraces the next great task God has for him on this Earth. Mr. Speaker, if I could just talk to him face to face, I think I would just say something like this, I would say, Mr. President, I encourage you to remember that popularity has been and will always be history's pocket change. It is courage, it is courage and love for humanity that are history's true currency, and these will always be the transcending hallmarks of your Presidency.

Mr. Speaker, I would say, thank you, Mr. President, for protecting the citizens of the United States from the dangers of jihadist terrorism. I would say, thank you, Mr. President, for protecting my two little babies, Joshi and Gracie. Thank you that they will live in a brighter, more hopeful future because you were once President of the United States. And then, Mr. Speaker, I would simply say to him, Mr. President, don't worry too much about America. You left us strong in so many ways, in the ways that really count. And I hope you will remember the words quoted by one of the wisest and most loving and noble Presidents as he spoke of America in the last line of his own inaugural address. He said, an angel still rides in a whirlwind and directs this storm.

God keep you forever, sir.

That is what I would say to him, Mr. Speaker.

And with that, Mr. Speaker, I would like to yield to Congressman MIKE PENCE for such time as he may consume.

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, it is very humbling to follow words of such eloquence and passion. But I will do my best in a few minutes. The old book says if you owe debts, pay debts; if honor, then honor; if respect, then respect.

And when I heard that the gentleman from Arizona had organized a modest tribute to the 43rd President of the United States today on the House floor, I felt this was such a moment to pay a debt of honor and gratitude to a man with whom I did not always agree and as I sometimes would joke at home, he almost always noticed.

□ 1500

The time as a freshman I opposed the President's signature legislation, No

Child Left Behind, the time I and other Republicans opposed other signature bills like the Medicare prescription drug entitlement, this was a President who would let you know when he had a difference of opinion, but always respectfully and never spitefully.

So I stand here today not as a vacuous apologist for George W. Bush. I have occasionally been referred to as a thorn in the flesh to the Bush administration, being a cheerful conservative on Capitol Hill who was fighting against big government spending during the Bush years, but I come here today, among other cherished colleagues, like the gentleman from Iowa, simply to say I truly believe that this Nation owes a debt of gratitude to George W. Bush.

I am struck, and I expect I will quote with attribution the gentleman from Arizona's missive about popularity being the pocket change of history. It is a wonderful line because it is my judgment, as Mr. FRANKS just suggested, that when the fullness of time arrives and the American people are able to see the contribution of this good and decent man in the context of history, they will know that George W. Bush served this Nation with integrity and with courage and was in effect the kind of President that America needed during such a time as this.

And I say that, and I told the President not long ago that it was one of the greatest privileges of my life that the first 8 years of my career in public service would coincide with his 8 years in the White House. I sensed a little emotion in his eyes when I said that, and the bear hug that followed gave evidence of it. But again, it was not because I always agreed with this President. It was because I saw when it mattered most, George W. Bush did what he thought was right, regardless of what the polls said, regardless of what may have been in his personal interest.

I want to cite two specific examples and then close with a word about the fundamental character of the Presidency and what character means to the office.

The two occasions that will always be burned into my mind because I lived them, I was here that day and in those days, were in effect a day in September 2001 and another day in the latter days of 2006 and early 2007.

In September 2001, I scarcely need to say to you, Mr. Speaker, or anyone looking in about the service this President rendered to America. In what at least matched her darkest hour, as the buildings fell, as the smoke was still rising from the Pentagon, as I had made my way home to hug my small children at our residence in Arlington, Virginia, and had worked my way back into this closed city for official meetings, as I crossed the 14th Street bridge, the two Marine One helicopters

blew past me maybe 50 feet off the deck, and our President went back to the White House that day. Shoulders back, he stood tall. A few days later he would literally stand amidst the rubble of September 11 at Ground Zero and drape his arm over a firefighter and speak into a bullhorn words that would echo American resilience around the world, and the Nation was no longer afraid.

I won't add any more to that because it seems to me in that moment when my great grandchildren look back at these times, more than any other aspect of George W. Bush's career, he will be judged in that moment and he will not be found wanting.

You talk about approval ratings, I think it was following that moment that a man who left office as one of the least popular Presidents in our history was for a time the most popular President in American history. But I can assure you, having spoken to him about it privately, none of that mattered to him. It didn't matter to him that he was unpopular. He did what he thought was right for the American people, and he did it with courage.

The second instance, and then I will close. I was called over to the White House, I believe it was in early 2007. His party has just experienced devastating losses in the midterm elections. A few of us who survived were invited over to the White House for a meeting with the President. Everyone who was anyone in the punditocracy of this town thought that the President would announce a retreat from Iraq.

The President called myself and about 15 other Members into the Cabinet Room, members of the Foreign Affairs Committee and the Armed Services. He looked at us across the table and said I have counseled with this general I am going to put in charge. His name is Petraeus. He says he has a new idea about how we can put things back together in Iraq. And he said I am going to give him what he is asking for, and I am going to put him in charge because, and he said words I will never forget, "I've decided not to lose."

As I told the President personally a year later, I believe in the fullness of time when the history of this time is written, that will go down as one of the most courageous decisions by an American President in a time of war. All public opinion suggested, all of the polling, rather, that was out, suggested a majority of Americans were ready to get out, regardless of the cost. Let it go to seed, forget about the sacrifices that have been made, but this President decided not to lose. And he looked for a way to make it work and he went to the American people. And as is undeniable today, the surge worked.

I believe the gentleman from Iowa recently mentioned that more people have died in accidents in Iraq since last

summer than have died in combat-related violence. Is it still a dangerous place; certainly. Are there challenging days ahead; of course. Is there lethal enemy there and in the region; yes. But it is not the way it was in 2006, and that is because of the character and resilience of this man.

So on those two occasions we saw character. I believe, even though I disagreed with the President on the bailout last fall and again today on the floor, I disagreed with the spending record, in those moments, the character that shown through was a service to the Nation, and my family was safer as a result.

Last thought. It has been a long time since the 1990s and people forget how embarrassed the American people were by what happened in the Oval Office by the predecessor of this President. And I have no desire to revisit the sordid and lurid tales that were displayed before our children during the last administration. But to me, the essence of the Presidency is character, and George W. Bush showed the courage of his convictions in defending this country and he also showed through his fealty to his wife, through his integrity in office, the administration of what it is to provide good and decent government and to be an example to the American people and to our families and our children. For that we owe him a debt, and I am pleased to rise today to pay some small amount toward that.

Mr. FRANKS of Arizona. I thank the gentleman from Indiana.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Arizona. It is an honor to stand here. And I reflect upon the time that Bob Hope and Sammy Davis, Jr., and others were on Johnny Carson's program. George Gobel was sitting there, and he looked around at the famous folks that were on either side of him, and he had this look of discomfort on his face. And finally he uttered: Did you ever think that the whole world was a tuxedo and you were a pair of brown shoes?

Well, I am the brown shoes here on this floor today. As I listened to Mr. FRANKS and Mr. PENCE, MIKE PENCE who inspired me through the lens of the C-SPAN camera well before I came to this Congress, and TRENT FRANKS who has continued to inspire me on a daily basis since I did arrive in this Congress with him in January of 2003.

We are here today, and it is a great privilege, Mr. Speaker, to address you and continue with the subject, and that is, let me say, the capping of some of the contemporary dialogue on the history of the Presidency of George W. Bush and the things that he has done and contributed.

Now some have said and called for a long period of honeymoon in this new administration because that's what we do in a free country. Well, it is what we

should do in a free country, respect for the office, reverence, the sense of a new beginning. However, that is not something that George W. Bush ever experienced, was not one minute of a honeymoon.

From the moment that the polls closed on election night, the churning began. And in the morning it carried on for 37 days while we sorted out, through a recount process and a Supreme Court, both the Florida Supreme Court and the United States Supreme Court came forth with rulings from all of those days that unfolded, 37 days, President Bush has been under attack from the left, that developed a visceral hatred for him that I could never connect with any rational thought process. I just couldn't track the logic. So that has been an anchor that he has had to drag and deal with. That was, I think, the hyenas that were referenced by Mr. FRANKS, how this lion walked among them.

I am here to say thank you to President Bush for the things that he has done when he has had his steady hand on the till of leadership, and especially with our national defense.

I wasn't here in this town on September 11, 2001. I came the next Congress, not that one. I was here for the beginnings of the liberations of Iraq. I was here for more completion of the buildup in Afghanistan. I have made six trips to Iraq and two to Afghanistan. I have engaged myself in our foreign policy as much as I can possibly do so. I have looked at the 50 million people between Iraq and Afghanistan that breathe free today that had not breathed free before and would unlikely have ever breathed free if it had not been for the solid, bold, courageous leadership on the part of President Bush, our Commander in Chief, who said our enemies will hear from us soon, and they did.

I know there were Iowa guard troops on the ground in Afghanistan, as well as many others, who guarded the polling places and guarded the pathways to the polling places in a land on real estate that had never seen an election before. Today, they have a government that is elected of, by, and for the people, controlled by the people. It is a long pathway to see Afghanistan where we would like to see it. But, Mr. Speaker, it is positioned today in such a fashion that we can see some light at the end of that tunnel and we can define the people in Afghanistan as free and in control of their own destiny, however precarious it might be with the enemies from without who are infiltrating within.

We need to continue to face those enemies with the vigor and the courage and the patriotism and the nobility that our military from Commander in Chief on down have done so each and every day since the beginning of the operations in Afghanistan.

In Iraq, Mr. Speaker, I'm going to make this statement. This statement is a general thank you to our Commander in Chief who issued the order to liberate Iraq and sent troops in March 19, 2003, and that is, Mr. President, I have looked at the metrics in Iraq and I have examined the statistics that come from there.

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I have evaluated the benchmarks that were imposed upon the President, Mr. Speaker—and with regard to the President, whom I hope catches this message—that the 18 benchmarks that were imposed upon the President—and he had to essentially sign the bill in order to maintain the funding to continue the operations—those 18 benchmarks, Mr. Speaker, 16 of them are all completely or substantially achieved.

The 17th benchmark is provincial elections, which are scheduled for—and we have no reason to believe they won't come off like the two previous elections in Iraq and the ratification of the constitution in Iraq—that date is January 31, just a few days from now. When that date is achieved, we will be able to say, analytically and objectively, 17 of the 18 benchmarks set by this Congress have been all completely or substantially achieved. The remaining benchmark is one that couldn't be possibly achieved in the time frame that we have had, and that is the one that sets up the Iraqi Security Forces to be completely independent from U.S. coalition support. That means no communications, no intel, no logistics, and no munition support coming from the United States other than that that they would write a check for and buy from us on the marketplace or the world. That's not something that you can do in a day or week or month or a year, Mr. Speaker; it's something that takes years to stand up a military that has that capability.

There are 609,000 Iraqis today in uniform stood up defending the security in that country, and they've done so in such a fashion that sectarian deaths in Iraq that were so serious that they numbered on a monthly basis more than 2,000 in a single month—and I take you back to about December of 2006, I believe that number was about 2,300 sectarian deaths—and as the surge began and unfolded, those sectarian deaths wound down to the point where there was a point last May where they actually were so low that they were statistically insignificant. Today, the sectarian deaths have been reduced by at least 90 percent.

Mr. Speaker, American deaths in Iraq. If you have a son or a daughter that is serving in Iraq today or are concerned about their safety—and this gives no solace to the people who have lost family members there, that solace we offer to them in our prayers—but statistically, as we have troops that

are deployed to Iraq, they have been, since the first day of July of last year, at greater danger of being killed in an accident than by the enemy. That has held up from the first day of July on, it stands today, and I pray it will stand for a long time. And I would like to see those numbers of course get to zero. But whenever you have men and women and machines moving, there are accidents. We lose an average of 510 Americans a year on-duty deaths, 510. That's in greater numbers now than the incidents of death in Iraq due to the enemy.

So we have made a lot of progress in the country. The Iraqis are governing much of their own country. The provinces that they have taken over the security have been significant. And additionally, we have handed over the security of the Green Zone to the Iraqis on the first day of January, and it hardly made the news.

Mr. Speaker, we have won the war in Iraq. George Bush's courage did that, the decision he made did that. When he got advice from his Joint Chiefs of Staff, the advice, which was, "we can achieve this victory, Mr. President; the advice that we have is let's redeploy from there." And the political advice was, "declare victory and retreat from Iraq." That was the echo of the incessant advice that came from the political advisors. And the military advisors didn't say "declare victory," they just simply said, "let's deploy out of there, we can't win this war."

President Bush looked for a way. And I sat in the Oval Office when he pointed at the picture of Abraham Lincoln and he said, Abraham Lincoln went through seven generals before he found his general. I've not been there yet, I think I've found my general, General Petraeus. The leadership that it took to have the courage to declare for victory in the face of all the advice for defeat echoes in me on this day with the leadership that it took for Abraham Lincoln, when every member of his cabinet, when called together to ask for their advice on whether to sign the Emancipation Proclamation, every member of the Cabinet said, Mr. President, no. Don't sign it because you don't rule over the slaves. You can't free the slaves because we don't occupy the South. They do. They will decide whether or not the slaves are free and they're not going to be released.

Mr. President, the next Cabinet member said, we have people fighting for the Union that don't care about slavery. You're sending a message that they won't like. So don't sign the Emancipation Proclamation. I could go on with a series of reasons or excuses, but in the end, after every Cabinet member said to Abraham Lincoln, don't sign the Emancipation Proclamation, President Lincoln said, "Well, gentlemen, the I has it," and he signed the Emancipation Proclamation. And

today, we give great honor to the liberation of the people who were created in God's image, all of them, those born and those not yet born, because Abraham Lincoln understood the sanctity of human life.

President Bush made a similar decision when he said we are going to declare for victory in Iraq and we are going to go forth with a surge. It took that same kind of courage in the face of advice to the contrary, and today we see Iraqis milling the streets in relative freedom, building their country together. And it is a country that I couldn't even go to a place like Ramadi or Fallujah a year and a half ago because it was too dangerous, even with security. But I've been back to those places and walked the streets of each of those towns and heard the Mayor of Fallujah declare, "We are a city of peace."

There is a victory achieved in Iraq, and it's a victory that George W. Bush deserves credit for. And this is also a man with a profound moral understanding of when his life began, at the instant of conception. And he has faced this issue with a number of big decisions in the Oval Office, decisions that had to do with the executive order that supports the Mexico City policy that forbids U.S. taxpayer dollars from being extorted from our pro-life citizens—of which I am one—to fund abortion services in foreign countries. That's an executive order that's balanced precariously perhaps on the desk of President Obama today. This man who called out for unity may not be doing so if he signs that executive order.

President Bush supports the Mexico City policy. It has protected millions of lives around the world and has protected the conscience of American taxpayers. President Bush burned many hours examining the embryonic stem cell research and finally decided the existing lines would be allowed to be utilized, but there would be no new lines that would interrupt innocent human lives with U.S. taxpayer dollars. It was a difficult and careful decision that he made. It has protected the lives of many little embryos. And I have held some of those snowflake babies in my arms—yes, they are people, they're warm, they're bubbly, they giggle, they laugh, they love just like the rest of us, having been frozen for 9 years as an embryo. President Bush understood that. There is a real humanity in this man. This is a pro-life President.

And right now, I can tell you that he's our last pro-life President so far, the most recent pro-life President. This is the man who appointed Justices Roberts and Alito, which resulted in justices that understand the text and the original understanding of the Constitution, who ruled to uphold the ban on partial birth abortion which has

saved lives in America, and it is one legislative victory that we have here.

And this is the 36th anniversary of *Roe v. Wade*. It is a profound time. So I want to say, in conclusion, Mr. Speaker, I want the message to be echoed to President Bush, thank you for the people in Iraq and Afghanistan, that they can go to the polls and vote and breathe free air and direct their national destiny and become our allies in this quest for freedom, the right of every man and every woman and every person to be free, the right to life that every man and every person has. And I ask, Mr. Speaker, that the President also be thanked for his stance for life and freedom.

I yield back to the gentleman from Arizona and thank him for his indulgence.

Mr. FRANKS of Arizona. I thank the gentleman from Iowa.

Mr. Speaker, it has been an absolute honor to serve with STEVE KING in this body. He and I came in as freshmen a little over 6 years ago. And time has a way of getting away from all of us, but I just want him to understand what a hero I think he is.

Today has been sort of a remembrance of heroes. We've talked a lot about George Bush, we've talked a lot about Abraham Lincoln. In a sense, it is so appropriate to do that on January 22, isn't it? Because we are reminded that, just as America was used after 6,000 years of rampant slavery in the world, we were the ones that had a moral conflict with it. And yes, we had a little disagreement called the Civil War over it, but we were used of God to change this tragedy of slavery, and now it is at least discredited all over the planet. And I believe that this country will be the country that will lead the world to discredit this tragic practice of killing our children before they're born.

And so, Mr. Speaker, I would just suggest, on this January 22, 2009, that all Americans remember what makes us special. And what makes us special is because we once held these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. And that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That's what made us special once. And if we look back to those great foundational truths that made us the greatest Nation in the world, our best days are still to come.

God bless George Bush. God bless Abraham Lincoln. God bless every little unborn child trying to come to this country and to walk in the freedom of American liberty. And God bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of illness.

Mr. TANNER (at the request of Mr. HOYER) for today on account of eye surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. EDWARDS of Maryland, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mrs. MYRICK) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mrs. MYRICK, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. COHEN, for 5 minutes, today.

ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 23, 2009, at noon.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

212. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's Green Procurement Program Strategy, pursuant to Section 888 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Armed Services.

213. A letter from the General Counsel (OFHEO), Federal Housing Finance Agency, transmitting the Agency's final rule — Freedom of Information Act (RIN: 2590-AA05) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

214. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Flood Insur-

ance (RIN: 2590-AA09) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

215. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Office of Public Health and Science: Institutional Review Boards; Registration Requirements (RIN: 0940-AA06) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

216. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations, (Grand Island, Nebraska) [MB Docket No.: 08-213] (RM-11500) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

217. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting notification that the Department intends to impose additional foreign policy controls on reexports to Iran and exports and reexports to certain parties pursuant to Executive Order 13382; to the Committee on Foreign Affairs.

218. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-30; Introduction [Docket FAR 2009-0012, Sequence 1] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

219. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2004-038, Federal Procurement Data System (FPDS) [FAC 2005-30; FAR Case 2004-038, Item I; Docket 2008-0001; Sequence 6] (RIN: 9000-AK94) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

220. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2000-305, Commercially Available Off-the-Shelf (COTS) Items [FAC 2005-30; FAR Case 2000-305; Item II; Docket 2000-0001; Sequence 1] (RIN: 9000-AJ55) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

221. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2001-004, Exemption of Certain Service Contracts from the Service Contract Act (SCA) [FAC 2005-30; FAR Case 2001-004; Item III; Docket 2007-0001, Sequence 6] (RIN: 9000-AK82) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

222. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-003, Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts-Section 844 of the National Defense Authorization Act for Fiscal Year 2008 [FAC 2005-30; FAR Case 2008-003; Item IV; Docket 2008-0001, Sequence 08] (RIN: 9000-AL13) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

223. A letter from the Senior Procurement Executive, GSA, Department of Defense,

transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-023; SAFETY Act: Implementation of DHS Regulations [FAC 2005-30; FAR Case 2006-023; Item V; Docket 2007-0001; Sequence 8] (RIN: 9000-AK75) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

224. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Buffalo, NY, and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL71) received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

225. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Commerce in Explosives-Amended Definition of "Propellant Actuated Device" (2004R-3P) [Docket No.: ATF 10F; AG Order No. 3032-2009] (RIN: 1140-AA24) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

226. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine (2008R-10P) [Docket No.: ATF 27P; AG Order No. 3030-2009] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

227. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Establishing U.S. Ports of Entry in the Commonwealth of the Northern Mariana Islands (CNMI) and Implementing the Guam-CNMI Visa Waiver Program [USCBP-2009-0001 CBP Dec. No. 09-02] (RIN: 1651-AA77) received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. DAVIS of Illinois, Mr. WOLF, Mr. HOYER, Mr. CLAY, Mr. TOWNS, Ms. DeLAURO, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. SARBANES, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FATTAH, Mr. FILNER, Ms. MCCOLLUM, Ms. WOOLSEY, and Mr. LYNCH):

H.R. 626. A bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Mr. JONES, Mr. KANJORSKI, Ms. WATERS, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. CAPUANO, Mr. ELLISON, Mr. DAVIS of Tennessee, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. OBEY, Mr. DEFazio, Mr. HINOJOSA, Mr. McGovern, Mr. YARMUTH, Mr. OLIVER, Ms.

EDWARDS of Maryland, Mr. COURTNEY, Ms. DELAUNO, Mr. KENNEDY, Mrs. LOWEY, Mr. BRADY of Pennsylvania, Mr. CHANDLER, Mr. LOEBACK, Mr. PASCRELL, Mr. BISHOP of New York, Mr. FILNER, Mr. CARNAHAN, Mr. WEINER, Mr. MARKEY of Massachusetts, Mr. GRIJALVA, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. MORAN of Virginia, Ms. SUTTON, Mr. HINCHEY, Ms. BORDALLO, Ms. LEE of California, Mr. WELCH, and Mr. HIGGINS):

H.R. 627. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Financial Services.

By Mr. ISSA (for himself and Mr. SCHIFF):

H.R. 628. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 629. A bill to provide energy and commerce provisions of the American Recovery and Reinvestment Act of 2009; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. FRANKS of Arizona, Mr. DANIEL E. LUNGREN of California, Mr. GALLEGLY, Mr. JORDAN of Ohio, Mr. POE of Texas, Mr. HARPER, Mr. COBLE, and Mr. ROONEY):

H.R. 630. A bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHESON:

H.R. 631. A bill to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Science and Technology.

By Mr. DOGGETT (for himself, Mr. BILIRAKIS, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. SRES, Ms. CLARKE, Mr. ORTIZ, Mr. SNYDER, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, and Mr. JOHNSON of Georgia):

H.R. 632. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. BILBRAY, and Mr. ISSA):

H.R. 633. A bill to prohibit the use of funds to transfer enemy combatants detained by the United States at Naval Station, Guantanamo Bay, Cuba, to the Naval Consolidated Brig, Miramar, California, or the Camp Pendleton Base Brig, Camp Pendleton, California, or to construct facilities for such enemy combatants at such locations; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS,

Mr. BARTLETT, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CAO, Mr. CHAFFETZ, Mr. COLE, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. MARIO DIAZ-BALART of Florida, Mr. EHLERS, Mr. ELLSWORTH, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRAVES, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. INGALLIS, Mr. JORDAN of Ohio, Mr. KING of New York, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATOURETTE, Mr. LATTA, Mr. LINDER, Mr. LUTHEMEYER, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, Mr. MICA, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OBERSTAR, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. PUTNAM, Mr. RADANOVICH, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SCALISE, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. WITTMAN):

H.R. 634. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 635. A bill to establish the National Commission on State Workers' Compensation Laws; to the Committee on Education and Labor.

By Mrs. BACHMANN (for herself, Mr. LAMBORN, Mr. PAUL, Mr. PITTS, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mr. BOOZMAN, Mr. TIAHRT, Mr. BARTLETT, Mr. MCCOTTER, Mr. ROE of Tennessee, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. FORBES, Mr. SMITH of New Jersey, and Mr. HERGER):

H.R. 636. A bill to amend part A of title IV of the Social Security Act to allow funds provided under the program of block grants to States for temporary assistance for needy families to be used for alternative-to-abortion services; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 637. A bill to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Natural Resources.

By Mr. CUMMINGS:

H.R. 638. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. ISSA):

H.R. 639. A bill to amend the National Security Act of 1947 to revise reporting requirements related to security clearances; to the Committee on Oversight and Government Reform, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 640. A bill to require the President to transmit to Congress a report on every program of the Federal Government that authorizes or requires the gathering of information on United States persons in the United States, established whether in whole or in part pursuant to the "all necessary and appropriate force" clause contained in the Authorization for Use of Military Force (Public Law 107-40); to the Committee on Foreign Affairs.

By Mr. FLAKE:

H.R. 641. A bill to limit the authority of the Secretary of Agriculture and the Secretary of the Interior to acquire land located in a State in which 25 percent or more of all land in the State is already owned by the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE:

H.R. 642. A bill to provide opportunities for continued recreational shooting on certain Federal public land; to the Committee on Natural Resources.

By Mr. FORTENBERRY (for himself and Mrs. MCMORRIS RODGERS):

H.R. 643. A bill to encourage and assist women to carry their children to live birth by providing services, during and after pregnancy, that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to abortion; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. HINCHEY, Mr. RAHALL, and Mr. PASTOR of Arizona):

H.R. 644. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida:

H.R. 645. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Ms. JACKSON-LEE of Texas, Mr. ACKERMAN, Mr. PAUL, Mr. FARR, Mr. DEFazio, Mr. VAN HOLLEN, Mr.

FRANK of Massachusetts, Mr. KUCINICH, Mr. GRIJALVA, Mr. NADLER of New York, Ms. SCHAKOWSKY, Mr. FILNER, and Ms. KILROY):

H.R. 646. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. ORTIZ, and Mr. CUELLAR):

H.R. 647. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments of the States of Arizona, California, New Mexico, and Texas for expenses incurred by such a government in designing, constructing, and rehabilitating water projects under the jurisdiction of such Commission; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, and Ms. BORDALLO):

H.R. 648. A bill to establish the Commission on Women's Business Ownership; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN of Ohio (for himself, Mrs. BLACKBURN, Mr. LAMBORN, Mr. BOOZMAN, Mrs. McMORRIS RODGERS, Mr. BURTON of Indiana, Mr. PITTS, Mrs. BACHMANN, Mrs. SCHMIDT, Mr. INGLIS, Mr. SCALISE, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. TERRY, Ms. FOXX, Mr. MCHENRY, Mr. GUTHRIE, Mr. LATTA, Mr. ALEXANDER, Mr. ROGERS of Alabama, Mr. BROWN of Georgia, Mr. MANZULLO, Mr. CAO, Mr. LINDER, Mr. POSEY, Mr. HARPER, Mr. OLSON, Mr. GINGREY of Georgia, Mr. PRICE of Georgia, Ms. FALLIN, Mr. HERGER, Mrs. LUMMIS, Mr. CANTOR, Mr. THOMPSON of Pennsylvania, Mr. MCKEON, Mr. SHIMKUS, Mr. BISHOP of Utah, Mr. FLEMING, Mr. KING of Iowa, Mr. PENCE, Mr. MARCHANT, Mr. LUETKEMEYER, Mr. GARRETT of New Jersey, Mr. BARTLETT, Mr. SMITH of New Jersey, Mr. FORTENBERRY, and Mr. SENSENBRENNER):

H.R. 649. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. KAGEN:

H.R. 650. A bill to amend the Internal Revenue Code of 1986 to increase the credit amount for new qualified alternative fuel motor vehicles weighing more than 26,000 pounds and to increase the credit for certain alternative fuel vehicle refueling properties, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself and Mr. PASCRELL):

H.R. 651. A bill to provide for certain tunnel life safety and rehabilitation projects for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. KING of New York:

H.R. 652. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 653. A bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H.R. 654. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. WU, Mr. PAUL, Mr. EHLERS, Mr. BAIRD, Mr. HONDA, and Mr. CASTLE):

H.R. 655. A bill to increase assessment accuracy to better measure student achievement and provide States with greater flexibility on assessment design; to the Committee on Education and Labor.

By Mr. PLATTS:

H.R. 656. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. SIREs (for himself, Mr. PAYNE, Mr. PALLONE, Mr. HOLT, Mr. PASCRELL, Mr. ADLER of New Jersey, Mr. FRELINGHUYSEN, Mr. LANCE, Mr. LOBIONDO, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. ROTHMAN of New Jersey, and Mr. GARRETT of New Jersey):

H.R. 657. A bill to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the "Bishop Ralph E. Brower Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. SIREs (for himself, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. ORTIZ, Mr. CARDOZA, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. STUPAK, Ms. WOOLSEY, Mr. SHERMAN, Mr. PASTOR of Arizona, Ms. LEE of California, Mr. COURTNEY, Mr. WU, Mr. SPACE, Mr. ACKERMAN, Mr. GRIJALVA, Mr. DEFAZIO, Mr. CONNOLLY of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MCGOVERN):

H.R. 658. A bill to amend title 39, United States Code, to modify the procedures governing the closure or consolidation of postal facilities; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. ISSA, Ms. DELAURO, Ms. SUTTON, and Mr. FILNER):

H. Con. Res. 25. Concurrent resolution supporting the goals and ideals of "National Sudden Cardiac Arrest Awareness Month"; to the Committee on Energy and Commerce.

By Mr. PENCE:

H. Res. 78. A resolution electing certain minority members to certain standing committees; considered and agreed to.

By Mr. ISSA:

H. Res. 79. A resolution honoring the life, service, and accomplishments of Lieutenant General Victor H. Krulak, United States Marine Corps; to the Committee on Armed Services.

By Mr. LARSON of Connecticut:

H. Res. 80. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. ELLSWORTH (for himself, Mr. DAVIS of Kentucky, Mr. DICKS, Mr. RAHALL, Mrs. GILLIBRAND, Mr. DONNELLY of Indiana, Mr. ROSS, Mr. SHULER, and Mr. BRADY of Texas):

H. Res. 81. A resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings; to the Committee on Agriculture.

By Mr. POE of Texas (for himself, Mr. COSTA, Ms. EDWARDS of Maryland, Mrs. MALONEY, Mr. MOORE of Kansas, Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. MARCHANT, Mr. MORAN of Virginia, and Ms. LORETTA SANCHEZ of California):

H. Res. 82. A resolution raising awareness and encouraging prevention of stalking by establishing January 2009 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PLATTS:

H.R. 659. A bill for the relief of certain aliens who were aboard the Golden Venture; to the Committee on the Judiciary.

By Mr. WAMP:

H.R. 660. A bill for the relief of Carlos Espinal Castillo-Reynolds; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Ms. PINGREE of Maine.

H.R. 21: Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, and Mr. BRADY of Pennsylvania.

H.R. 31: Mr. MARKEY of Massachusetts.

H.R. 80: Mr. MOORE of Kansas, Ms. LEE of California, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California.

H.R. 100: Ms. ROS-LEHTINEN.

H.R. 131: Mr. LATTA and Mr. MCCLINTOCK.

H.R. 138: Mr. BOOZMAN.

H.R. 141: Mr. MCHUGH.

H.R. 155: Mr. SESSIONS, Mr. REICHERT, and Mr. GRAVES.

H.R. 156: Mr. MOORE of Kansas.

H.R. 176: Mr. FILNER.
 H.R. 179: Ms. WASSERMAN SCHULTZ.
 H.R. 186: Mr. ACKERMAN.
 H.R. 206: Mr. WOLF and Mr. GOODLATTE.
 H.R. 207: Mr. HOLT, Mr. McCAUL, Mr. ORTIZ, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, Mr. PASTOR of Arizona, Mr. ETHERIDGE, Mrs. CAPPS, Mr. CARSON of Indiana, Mr. SMITH of New Jersey, Mr. SESTAK, and Mr. WHITFIELD.
 H.R. 208: Mrs. MYRICK, Mr. MOORE of Kansas, Mr. LATHAM, Mr. COURTNEY, Ms. HERSETH SANDLIN, Mr. YOUNG of Florida, Mr. BOUCHER, Ms. SCHWARTZ, Ms. ROS-LEHTINEN, Mr. BOOZMAN, Mr. ADLER of New Jersey, Mr. BUCHANAN, Mr. SOUDER, Mr. BOSWELL, and Mr. GRAVES.
 H.R. 213: Mr. KING of New York, Mr. CARSON of Indiana, Mr. CRENSHAW, Mrs. MYRICK, and Mr. JORDAN of Ohio.
 H.R. 216: Mr. BURTON of Indiana, Mr. BARTLETT, Ms. FOXX, Mr. PAUL, Mr. BOOZMAN, Mrs. MYRICK, Mr. CRENSHAW, and Mr. TAYLOR.
 H.R. 235: Mr. SESTAK, Mr. WEXLER, Mr. MCNERNEY, Mr. HOLDEN, Mr. RAHALL, Mr. SCHOCK, Ms. FOXX, Mr. TIBERI, and Mr. WESTMORELAND.
 H.R. 240: Mr. WITTMAN and Mrs. MYRICK.
 H.R. 305: Mr. MOORE of Kansas, Mr. JONES, Mr. MORAN of Virginia, Mr. RAHALL, and Mr. SERRANO.
 H.R. 333: Mr. HOLT and Mr. TERRY.
 H.R. 336: Mr. CONYERS.
 H.R. 343: Mr. McHUGH.
 H.R. 347: Mr. SESTAK.
 H.R. 362: Mr. WILSON of Ohio and Ms. JACKSON-LEE of Texas.
 H.R. 366: Ms. PINGREE of Maine.
 H.R. 385: Ms. ROS-LEHTINEN.
 H.R. 386: Mr. ETHERIDGE, Mr. ISRAEL, and Mr. REYES.
 H.R. 388: Mr. SNYDER.
 H.R. 420: Mr. MCHENRY.
 H.R. 430: Mr. CALVERT and Mr. MILLER of North Carolina.

H.R. 433: Mrs. MILLER of Michigan, Mrs. MYRICK, and Mr. ROHRABACHER.
 H.R. 461: Mr. BISHOP of New York.
 H.R. 470: Mr. POE of Texas, Mr. RADANOVICH, Mr. MCCLINTOCK, Mr. ADERHOLT, Mr. PAUL, Mr. WAMP, Mr. HENSARLING, Mr. OLSON, Mr. LATTA, Mr. DEAL of Georgia, Mr. BRADY of Texas, Mr. WESTMORELAND, Mr. POSEY, Mr. FLEMING, Mr. BISHOP of Utah, Mr. BURGESS, Mr. SMITH of Nebraska, and Mr. THORNBERRY.
 H.R. 482: Mr. BOSWELL.
 H.R. 502: Mr. PITTS and Mr. YOUNG of Alaska.
 H.R. 510: Mrs. BLACKBURN, Mr. PETERSON, and Mr. CHILDERS.
 H.R. 515: Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. WEINER, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. BERRY, Mr. NADLER of New York, Mr. PALLONE, Mr. HASTINGS of Florida, Ms. BEAN, Ms. SCHAKOWSKY, Mr. WU, Mr. KISSELL, and Mr. MITCHELL.
 H.R. 521: Mr. GENE GREEN of Texas.
 H.R. 565: Mr. WILSON of South Carolina.
 H.R. 569: Mr. FRANK of Massachusetts.
 H.R. 579: Mr. MCNERNEY and Mr. MASSA.
 H.R. 581: Mr. LOBIONDO.
 H.R. 593: Mr. BACA and Mr. PASTOR of Arizona.
 H.R. 610: Mr. GRIJALVA.
 H.R. 618: Mr. DAVIS of Illinois, Mr. FILNER, Mr. RUPPERSBERGER, and Mr. BERMAN.
 H.R. 622: Mrs. BLACKBURN.
 H.R. 624: Mr. SNYDER, Mr. ACKERMAN, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, and Mr. MOORE of Kansas.
 H.J. Res. 3: Mr. ROHRABACHER and Mr. MACK.
 H.J. Res. 11: Mrs. BLACKBURN and Mr. ROGERS of Alabama.
 H. Con. Res. 18: Mr. McCAUL.
 H. Con. Res. 20: Ms. WOOLSEY, Mr. FILNER, Ms. SLAUGHTER, and Mr. SESTAK.
 H. Res. 31: Mr. KISSELL, Mr. GENE GREEN of Texas, and Mr. MELANCON.

H. Res. 36: Mr. NADLER of New York, Mr. GUTIERREZ, Mr. BOCCIERI, Mr. SESTAK, Mr. CONNOLLY of Virginia, Mr. HOLT, and Ms. KIRKPATRICK of Arizona.

H. Res. 67: Ms. BORDALLO, Mr. OLSON, Mr. BILBRAY, Mr. HARE, and Mr. BARTLETT.

H. Res. 70: Mr. MEEKS of New York, Mr. POSEY, Ms. BERKLEY, Mr. BUCHANAN, Mr. WILSON of South Carolina, Mr. MACK, Mr. ROHRABACHER, Mr. DUNCAN, Mr. JORDAN of Ohio, Mr. HASTINGS of Florida, Mr. SCHAUER, Mr. KLEIN of Florida, Mr. COLE, Mr. SOUDER, Mr. SHUSTER, Mr. HELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. HERGER, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mr. PAULSEN, Mr. CASSIDY, Mr. PETERSON, Mr. JACKSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. HARE, Mr. WITTMAN, Mr. REICHERT, Ms. WATSON, Mr. WHITFIELD, Mr. HALL of Texas, Mr. KINGSTON, and Mr. MEEK of Florida.

H. Res. 75: Ms. LINDA T. SANCHEZ of California, Mr. LEWIS of California, Mr. CAMPBELL, Mrs. BONO MACK, Mr. NUNES, Mr. ROHRABACHER, and Mr. CROWLEY.

H. Res. 76: Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Ms. WASSERMAN SCHULTZ, and Mr. MICHAUD.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

12. The SPEAKER presented a petition of the American Bar Association, relative to a resolution stating the official policy of the Association; to the Committee on Financial Services.

13. Also, a petition of the American Bar Association, relative to a resolution containing the official policy of the Association; to the Committee on the Judiciary.

SENATE—Thursday, January 22, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

Lord, who has given Your servants diversities of gifts, bless all who love and serve humanity. May this time of change help us remember the importance of making Your priorities our own.

Lord, give wisdom and strength to our lawmakers as they seek to build bridges of consensus for the good of our land. Strengthen them with the assurance that the purposes of Your providence will prevail. Light up their small duties and routine chores with the knowledge that glory can reside in the common task. Reward them with Your peace and joy.

Lord, we ask Your rich blessings upon our Senate pages who will be leaving us tomorrow.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each during that period of time. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of S. 181. There will be 60 minutes for debate equally divided and controlled between Senators MIKULSKI and HUTCHISON. At approximately 11:30 a.m., the Senate will proceed to a rollcall vote in relation to the Hutchison amendment. There have been a number of other amendments laid down. Senator ENZI, it is my understanding, and Senator SPECTER have laid down some amendments. We are going to do our best to dispose of those as quickly as possible today and move on to other things.

We have a number of nominations we have to consider. We have at least one important piece of legislation we must deal with before we get to the economic recovery legislation. So we have a lot to do. We are going to do our best to not have a lot of procedural problems, and I am hopeful we can finish this legislation very quickly today and move on to other matters.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Arizona is recognized.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. KYL. Mr. President, for nearly half a century, the Equal Pay Act of 1963 and the Civil Rights Act of 1964 have made it clear that discrimination on the basis of sex with regard to compensation paid to women and men for substantially equal work performed in the same establishment is illegal. As do my colleagues on both sides of the

aisle, I strongly support both of these antidiscrimination laws.

Unfortunately, some of my colleagues are misleadingly stating in the debate about the legislation pending that it is about pay discrimination. That is not true. The only issue is the length of time of the statute of limitations that will apply in such cases.

In the case *Ledbetter v. Goodyear Tire & Rubber Company*, the Supreme Court considered the timeliness of the civil rights title VII sex discrimination claim that was based on paycheck disparities between a female plaintiff and her male colleagues. Under title VII, a plaintiff must file suit within 180 days of the alleged unlawful employment practice. In this case, the plaintiff attempted to argue that each paycheck constituted a new violation of title VII and consequently restarted the 180-day clock. The Supreme Court disagreed with that argument and held that:

A new violation does not occur, and a new charging period does not commence, upon the occurrence of subsequent nondiscriminatory acts that entail adverse effects resulting from past discrimination.

In other words, the Court held that the plaintiff's suit had not been filed in a timely manner since the 180-day statute of limitations had long since passed.

In the *Ledbetter* case, the Supreme Court restated its support for and the rationale behind a statute of limitations, stating they:

Represent a pervasive legislative judgment that it is unjust to fail to put the adversary on notice to defend within a specified period of time and that the right to be free of stale claims in time comes to prevail over the right to prosecute them.

In creating a 180-day statute of limitations period, Congress sought to encourage the prompt processing of all employment discrimination cases.

Now, there are some additional commonsense reasons why virtually every criminal and civil law articulates a timeframe within which the charge or the complaint must be filed. The loss of evidence, which is more likely to occur with the passage of time due to loss of documents, cloudier memories, or even death can have a significant impact on the defendant's ability to mount a fair defense in the case.

The other side has raised an interesting point, because information about an individual's paycheck is frequently a private matter, and the idea is, well, there was no way this plaintiff could have known she had, in fact, been discriminated against. So the argument is that there should be in effect no statute of limitations along the lines of the act today of 180 days but,

rather, should be tolled with each succeeding check.

While everybody agrees with the argument, the point is there is already an answer to this and it has been in the common law for hundreds of years. It has been in statutory law, and it has been adopted by courts. It is the doctrine of equitable tolling, which essentially is, when you should have become aware of something, that is when the statute begins to run. When an employee did not know and could not be expected to know about certain facts relating to alleged discrimination, then the Equal Employment Opportunity Commission, the EEOC, and the courts may "toll" or freeze the running of the clock as it relates to the filing of the deadlines.

In fact, there is a U.S. Supreme Court case square on point called *Cada v. Baxter Health Care Corporation* in which the Supreme Court clearly established the doctrine of equitable tolling which in the Court's words:

Permits a plaintiff to avoid the bar of the statute of limitations if, despite all due diligence, he is unable to obtain vital information bearing on the existence of his claim.

That has always been the law.

Senator HUTCHISON has introduced an amendment—an alternative to the bill that is before us—which preserves the balance between an employer's need for certainty with the right of an aggrieved employee to file a valid claim of discrimination. It does this by preserving the existing 180-day filing period for standard claims while offering employees the right to assert claims beyond the filing period in situations where they were unaware of the discrimination or where there were impediments to discovering the discrimination—exactly the allegation in this particular case. In essence, the Hutchison amendment codifies the doctrine of equitable tolling, which is the remedy to the alleged injustice in the *Ledbetter* holding, and makes sure that such tolling is applied more uniformly.

Unfortunately, the majority legislation goes far beyond the remedy to the particular problem I have just discussed. It arguably provides the greatest expansion of the Civil Rights Act since 1964. It does this in three specific ways. First, it effectively eliminates the statute of limitations, as I said, by imposing this arbitrary paycheck rule which eviscerates the statute of limitations. Second, it expands the class of people who may file a claim by applying the statute to "affected persons" without defining what the limitation on affected persons is. So this class expansion would allow not only the aggrieved plaintiff or employee but any spouse, children, or other individuals who might claim to be affected by the discrimination to file a claim. Finally, the expansion would not just apply to sex discrimination but to all protected classes of multiple employment laws

covering civil rights, age, disability, and so on. So it is a much broader statute than is being portrayed by some who are simply saying this is about employment discrimination and changing the statute of limitations.

So I wish to stand with all Members of this body who I am sure agree that we need to have laws such as the Civil Rights Act to protect our Nation's citizens. I believe Senator HUTCHISON's amendment strikes the right balance between the needs of employers for certainty and the need of an aggrieved employee to file a valid claim alleging discrimination. I hope my colleagues will be supportive of the Hutchison amendment as a good-faith attempt to combine these two doctrines and in a way that has already been blessed by the U.S. Supreme Court in the *Cada* decision.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Arizona as usual for his very clear explanation of the issues. He is one of the legal scholars in the Senate with a great deal of experience. There is no need for me to go through the details of what he has just explained, so let me think about it and talk about it in a little bit different way.

On Tuesday, a couple million people here and millions all over the world watched an eloquent ceremony from our Nation's Capital, the very moving speech by President Obama, and were reassured by his eloquence in a time of difficulty for our country. Among all of the difficulties we have, of course, the most important seems to be—or is—our economic troubles. The new President promised he would make his first order of business to get this economy moving again, get people working again, and to create new jobs. So it then becomes extremely important to say that is what the new President said, and we agree with him.

I think we agree with that on the Democratic side and on the Republican side. The Democrats are in charge of the Congress, so it is important to see what their priorities are for fulfilling the President's promise to get the economy moving again. Would it be cutting payroll taxes so people have more money in their pockets? Would it be building new roads and bridges to try to create new jobs quickly? Would it be to extend unemployment benefits? Would it be new investments in energy research and development? All of those, one might expect, would be priorities. The President has talked about many of those ideas. But no, it is none of those.

The first priority of the new Democratic Congress, which was already passed by the House and brought to the floor of the Senate without even being

considered by a committee, and which we are debating today, is a trial lawyer bailout. Let's give our friends the trial lawyers a big bailout as the first order of business in our effort to help the economy. That is exactly what the Democrats' bill does.

Why does it do that? The bill Senator KYL talked about attempts to regulate a solution that is fair to employees and fair to business about a pay discrimination lawsuit, whether you are a woman or whether you are a man. You need to have a reasonable amount of time for the employee to file the cause of action, the act of discrimination, but you have to have a reasonable amount of time for the employer to know that the chances of that lawsuit being brought are limited. That is a part of every aspect of our law, and we call it the statute of limitations. You cannot sit in your backyard for 20 or 30 years with a cause of action in your pocket and then run up to the courthouse and say: Oops, I should have brought this 30 years ago, but I noticed now all the witnesses are dead, nobody is around to defend this; I am going to bring it now. That is, in effect, what we are talking about today.

We have differences in our responses to the Supreme Court decision about what the reasonableness of a statute of limitations on a cause of action on pay discrimination might be. On this side of the aisle, Senator HUTCHISON's amendment on which we will be voting on later this morning says: Let's expand the current law and say that an employee should bring the lawsuit, not just within 180 days as the Supreme Court and the law now says, but whenever that employee could have known or reasonably should have known about the lawsuit. So that gives the employee even more fairness than the law exists today.

On the other side of the aisle the solution is: Let's, in effect, abolish the statute of limitations and have never-ending lawsuits.

What would the effect of this be in practical terms? I can speculate what the effect will be. I think it means that employers will have to keep more records. We are not talking about General Motors and General Electric here. They have big staffs who already keep lots of records and big law firms, in effect, that work for their companies. We are talking about the shoe shop owner, the filling station owner, and the small business owner who works 10 or 12 hours a day every day of the week. We are talking about the men and women in America on whom we are relying to create the largest number of jobs to spur the economic recovery that our new President talked about and that we all want.

What are we saying to them? We are saying: Mr. and Mrs. Small Business Person, we want you to keep a lot more records. That means you might have to

spend money you are earning to hire an employee to keep records going back interminably so you can defend a lawsuit. We want you to be careful about pay for performance, rewarding one person over another person, because under the law proposed by that side, years later, some son or daughter or relative of that person may say: Somebody wasn't fair to mama or daddy and bring a lawsuit after everybody is gone, particularly whoever knew about whatever this situation was.

So employers and small business people will be discouraged from being more competitive by saying to one employee over another employee that we are going to have pay for performance, which is never easy to do. The legitimate complaints, people who are real victims of real pay discrimination, also are going to be hurt. The Equal Opportunity Employment Commission had 75,000 or so claims and most of them were not meritorious. That means everybody is delayed in terms of the meritorious claims, and this will open the floodgates and slow justice for the real victims.

It will mean, if you are a small businessman in America and this law passes, if Senator HUTCHISON's amendment is not adopted, you better get ready to hire a recordkeeper, you better get ready to pay some settlements to lawyers because, for the interminable future, a lawyer and someone who used to work for you or is a relative of that person may come in and allege pay discrimination, even though it was 25 years ago and they knew it all the time.

What does that mean for you? You better set aside \$25,000, \$50,000, \$200,000 of money that you could use to hire more people or pay a dividend or get the economy moving again to bail out the trial lawyers.

I am disappointed with the proposal on the other side of the aisle. I fully support Senator KAY BAILEY HUTCHISON, who has a proposal that I hope we adopt at 11:30 this morning that is fair to employees and that is fair to small businesses.

I would think the majority would have something better to offer the American people in response to the new President's eloquent suggestion that it is time to get the economy moving again than a bailout for their friends, the trial lawyers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT of Utah. Mr. President, I rise to comment with respect to the proposed Lilly Ledbetter legislation, and I bring the perspective of a small employer, for I have presided over firms with as few as half a dozen employees. I have been fortunate enough to see some of those firms grow to larger firms. Indeed, one firm I joined as the fourth employee in the

history of that firm ended up listed on the New York Stock Exchange. So I have seen the travails employers go through as they deal with growth situations and creating jobs. The company with which I was involved grew from the original four employees to a staff of 4,000.

One of the challenges that comes with a company that is growing that rapidly and creating that number of jobs is you are always involved with change. You are always involved with uncertainty. It is not the same thing as presiding over a company that has been established for 60 or 70 years and has a degree of stability. Every month is a new adventure, a new challenge, and you are constantly changing your employee base. As new people are hired, the old people sometimes get resentful of the new people and say: We were here at the beginning; why aren't we getting these promotions? And you have to explain to them that the company has changed and we need new talents, we need to bring on board new skills, and, quite frankly, the small group that was with us in the beginning has to be augmented with new people.

There are resentments, there are concerns, and occasionally there are discrimination cases filed.

But if we were to take the position of the underlying legislation that says if there was genuine wage discrimination in a circumstance, everyone who was involved in writing a paycheck after that discrimination has committed the discrimination again and has effectively reset the clock for the statute of limitations.

As I consider the impact of this on a business, I realize this, in a way, is the asbestos fight all over again. We saw in the asbestos fight companies that were taken down for actions that occurred outside the company on the part of those who worked in other companies that were acquired decades later. Let's put it specifically.

Let's assume a business had a situation where there was, in fact, wage discrimination that took place. The individual against whom this discrimination was practiced did nothing with respect to it but continued to stay employed and continued to receive the paycheck.

Under the Lilly Ledbetter legislation, the clock would be reset for the statute of limitations. The individual who performed the discrimination, let us say, was discharged. The individual who supervised the situation was unaware that discrimination had occurred. The company in which it happened is later acquired by another company. And then the trial lawyers discover this had been going on years ago. They now sue the eventual company that acquired the first company for a great amount of money, perhaps even a class action suit is filed. You cannot

prove what happened because all the people involved have disappeared. They have gone away. They no longer work for the company. They have no memory of what happened. It is decades later.

It doesn't matter. Under this legislation, the statute of limitations that is crafted to deal with a situation where there are no available witnesses anymore somehow magically, by virtue of this bill, keeps getting set again and again going forward.

The Supreme Court got this one right. The attempt on the part of those who want to curry favor with the trial lawyers have got this wrong. What will happen? Will more people who have had wage discrimination receive benefits? There is no guarantee that will happen. Will trial lawyers who are looking for causes of action receive fees? There is a pretty good guarantee that will happen. Will small and medium-size businesses that cannot afford legal fees be faced with enormous settlement charges? I am pretty sure that will happen. Will jobs be destroyed as a result of this, as they were in the asbestos case? I guarantee that will happen.

Here we are, in the worst financial situation any of us can recall, talking about a circumstance that would destroy jobs among small businesses and that would discourage employers who are struggling to create new jobs in medium-size businesses. We are talking about putting out billions of dollars in the name of a stimulus while simultaneously discussing legislation that would destroy jobs and create chaos among those who are trying to survive in this financial circumstance.

This is bad legislation on its face and bad legislation on its merits. But the timing of this proposal is atrocious. To be making these kinds of proposals in this kind of financial circumstance is incomprehensible to me, unless I assume that there are those who say the trial lawyers played an important part in the election; the trial lawyers need to be rewarded for the important part they played in the election; let's have a bill that will line the pockets of the trial lawyers and look the other way in terms of the economic consequences.

I compared this to the asbestos litigation. I was in the Chamber when we dealt with what are called strike suits, where trial lawyers would file lawsuits on behalf of clients who were, in fact, not aggrieved but were simply posing in behalf of a class that the trial lawyer himself had put together.

We passed that legislation. It was vetoed by President Clinton. It was the only Clinton veto that was overridden in this Chamber, as everyone was outraged at the behavior of the trial lawyers who brought these strike suits.

There are those who said: Oh, you still don't get it, you who are picking on the trial lawyers. They do wonderful things. I agree that the ability to file a

grievance and have a trial lawyer carry it forward, even in a class-action suit, is a protection the American people need. But these lawyers were going far beyond anything that was good for the American people.

The position was summarized by Bill Lerach, known as the "king of the trial bar," when he said: I have the ideal law practice. I have no clients. He is now in jail because his practices finally caught up with him, as it was finally demonstrated that the people on whose behalf he was suing were, in fact, not real clients. They were paid by him to pose as people who were aggrieved.

We saw those kinds of abuses that came out of that situation. We finally saw his law firm destroyed, and this man, and others like him from the trial bar, went to jail for their activities.

Let's not create another circumstance where there is a temptation to once again take advantage of people who have been legitimately hurt, but by manipulating the law in such a way as to maximize the return to the plaintiff's bar, we see the economy hurt.

The Supreme Court, as I say, got this one right. We should stay with the Supreme Court decision and not try to give special advantage to a special group simply because of their activities in the last election.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. We are in morning business, and currently there is 3 minutes 45 seconds left of Republican time.

Without objection, the Senator may speak for up to 10 minutes.

ROE v. WADE

Mr. BROWNBACK. Mr. President, today is a sad day. We had a wonderful inauguration a couple of days ago, phenomenal crowd, a great celebration, and a peaceful transfer of power took place. It was amazing. I was there on the front steps of the Capitol watching it, participating in it, excited about the first African-American President of the United States; an amazing thing to take place within one generation of Martin Luther King's marches and what he did in this country. My State has been a big part of all of those things and what has taken place. Today is a sad day, though. Today, 36 years ago, the Supreme Court's ruling in *Roe v. Wade* banned all impediments to having an abortion in the United States and said abortion is a constitutional right that the individual carries in the United States and that it cannot be infringed upon, cannot be limited. It did later limit some of that and gave a few places where the State could act to limit—most recently partial-birth

abortions, where the Supreme Court has recently ruled that the State can limit partial-birth abortions. And there were a few minor areas in the *Roe* decision, but overall it made a constitutional right to abortion. That was 36 years ago.

The reason I say it is a sad day is there have been roughly—and nobody knows for sure—40 million children who are not here today because of that decision. It ratcheted up, escalated up substantially the number of abortions in the United States that took place after that. It moved forward to the point that most estimates are that one in four pregnancies in the United States will end in an abortion and a child dying. And it even gets worse from that point. When you look at children with special needs, such as Down syndrome children, the number is somewhere between 80 to 90 percent do not make it here, as I have stated on this floor previously, as they are aborted and they are killed because of their genetic type. They get a test, the amniocentesis test, which says they have an extra chromosome, and generally because of that extra chromosome they are aborted and they are killed, even though the fact is, if they would get here on the ground, life and the prospects for a Down syndrome child now have never been better. Life expectancy, quality of life issues, if that is your measure, have never been better than they are now. Plus, the families who have a Down syndrome child look at those children as the centerpiece of the family, an amazing person. Yet somewhere between 80 to 90 percent of these amazing people never make it here, and that is because of what happened 36 years ago this day in the Supreme Court of the United States.

That is why there will be hundreds of thousands, primarily young people, marching today in Washington, DC. They will get no mention. There will be very little press, if any, outside of some of the religious press that will be there. But outside of that, they will get virtually no coverage. There will be hundreds of thousands of young people here marching and asking for a change and something different, something that I hope President Barack Obama would embrace. He was empowered on the legs of young people and young enthusiastic minds looking for change, looking for something different. That same young generation is the most pro-life demographic in our country today. That age group that is below the age of 25 is the most pro life. They are looking for something different. They are looking for a sanctity of life. They are looking for us to protect all innocent human life. They are looking for us to work to make all human life better, whether that is a child in the womb or a child in Darfur. Whether it is somebody in prison or somebody in poverty,

they want that person's life to be better.

That is a beautiful pro-life statement. It is one that we need to see mirrored. It is one we need to see acted upon. It is one we need to see happen, rather than the repealing of things such as Mexico City language which says we can now use taxpayer dollars to fund groups overseas that work and support and fund abortion. Yet apparently that is what the Obama administration is going to do, it is going to repeal Mexico City language and say that taxpayer dollars can now be used for these purposes that most Americans disagree with. That is not the change people are looking for. Those are chains to the past. Those are things that bind us to a culture that doesn't affirm life, that doesn't see it as sacred and beautiful in all its places and dignity in every human life no matter who it is. Those are ones that say quality of life is your measure, as to whether you should be the recipient of such a gift of life.

It is a sad day. It is a tough day. I hope it is a day that doesn't go on as far as our having many future annual recognitions of the *Roe v. Wade* decision but, rather that in the future we will be a life-affirming place and that we will say, in a dignified culture every life at every place in every way is beautiful and it is unique and it is amazing and it is something that should be celebrated and it should not be killed. When we move to that, that will be real change. That is the sort of change that people can look at and say, that is what I want my country to be like.

You know, the sadness doesn't stop with the death of the children. We are now seeing more and more studies coming out about the impact on people who have abortions. In August this past year, 100 scientists, medical and mental health professionals, released a joint statement that abortion does indeed hurt women. The Supreme Court of the United States concluded some women do regret their abortions and can suffer severe depression and loss of self-esteem. These professionals have officially confirmed these facts. They say the number of women adversely affected by abortions cannot be overlooked by the medical community.

In looking at this in our own family situation, every one of our children is incredibly precious. If I think of one of them not being there, it is one of those stunning sort of thoughts of despair, and yet to think of the 40 million who aren't here and of the stunning amount of despair there must be in a number of people's lives and hearts as they think, I made that decision fast, or I did that under a lot of pressure, or I didn't think I had another choice. But other choices did exist. People want to adopt, and people want to adopt Down syndrome children. As TED KENNEDY and I recognized, in my bill we got passed

last year on prenatally and postnatally diagnosed diseases, which established a list of people who wanted to adopt Down syndrome children or children with special needs—some people look at a child in that situation and say, I can't handle that, and I understand. But there are people who believe they can handle it and they want to take a child and raise it.

So I hope as we look forward, we will work together and say, this is something that shouldn't be happening the way it is in the United States and we want to make it different. I hope we will recognize these young people who are marching out here now, who are hoping for change, and understand the change they want is quite valuable, it is beautiful, it is life affirming, and that ultimately it is going to happen.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT *pro tempore*. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT *pro tempore*. Without objection, it is so ordered.

THE ECONOMY

Mr. DURBIN. Mr. President, this is truly a historic week in Washington. Those of us who were among the millions who were on the Mall a few days ago witnessed a moment in history which I am sure we will talk about, and future generations will refer to, for a long time. Someone during the course of this lead-up, the few days of preinaugural activities, said it was the third chapter in America's social history.

The first chapter was when Thomas Jefferson announced, then wrote, that all men were created equal, endowed by their creator with certain inalienable rights, but living in a time when even in his own household there was slavery. That was the first chapter. In the second chapter, they referred to, of course, Abraham Lincoln, who said it is worth blood and war to fight for this right of equality and to preserve this union dedicated to that principle. And, of course, what happened this Tuesday was the third chapter, a graphic validation of the fact that America has made dramatic progress toward equality.

There is so much more to do, and I am particularly honored that the man who now leads our Nation is one whom I served with as a colleague in the Senate, a person I encouraged to run, and a person who I think has grown immeasurably to the position he has reached today.

America has so much faith in Barack Obama and what he can bring, but he is the first to caution us that we face un-

paralleled challenges. You have to go back 75 years to Franklin Delano Roosevelt, who came to the Presidency in the midst of the Great Depression, when the economic plight of the United States was even worse than today. People had lost hope, they had lost their savings, and they had lost their jobs. There was gloom across America. That man, with braces on his legs, staggering to the podium, brought a new confidence to the American people. He began a turnaround that literally took years but eventually succeeded in restoring the faith and the economy of America.

When Barack Obama took to the podium just last Tuesday to give his inaugural address, his message was reminiscent, telling America that we are facing difficulties that will require our best efforts on a bipartisan basis. We have to work together. All of the division in this Chamber and across Capitol Hill notwithstanding, the American people are tired of it. They expect us to come here and achieve something. They understand the momentous challenge we face.

President Obama spoke 2 days ago of gathering clouds and raging storms. He said we are in the midst of a crisis, and he spoke about our Nation at war on two fronts and our economy in disrepair.

Yesterday, I think we took an important step forward in addressing one of those challenges. It was the right, under the Senate rules, of the minority side to ask for a rollcall on the appointment of Senator Clinton as our new Secretary of State. I understand that and I respect it. I believe the fact that they allowed that rollcall to be brought to the floor in a timely basis is consistent with this new attitude that we will not give up the traditions of Congress, the traditions of our Government, but will understand that we face a special urgency in dealing with issues. The vote last night on the Senate floor was 94 to 2 in favor of the confirmation of Hillary Clinton as our next Secretary of State. I am so happy she is going to have that responsibility, and I know she will do an excellent job.

Today, President Obama has asked us to take up a measure of similar urgency. It is a measure known as the Lilly Ledbetter Fair Pay Act. You may have heard some of the debate on the floor, and the debate has been an important one. I do not question those who oppose this. I understand that they do not favor discrimination. But I have to say that I disagree with them.

We, those of us who I believe will show a majority vote for this measure, believe that when there is discrimination in the workplace, whether it is in pay or age or gender discrimination, that is not American, that is not consistent with our values, and that the person who is wronged, the person who

is the victim should have an opportunity to come to court for justice.

The Lilly Ledbetter case is a classic illustration. This woman, working in a Goodyear tire plant in Gadsden, AL, after 15 years, nearing retirement, in the management ranks, came to learn she had been underpaid for the same job the males at her establishment were being paid more. Naturally, when she learned this, after years of doing the same work for less pay, she believed it was unfair. I did too. Anyone would. She took her case to court asking for compensation, asking that the company pay for their discrimination.

The case went through the courts and eventually ended up across the street at the U.S. Supreme Court, and they came up with a decision which was nothing short of incredible. They said that from the first moment when the first discriminatory paycheck was given to Lilly Ledbetter, she had 180 days to file a claim. That overlooks the obvious: People who work in private sector jobs don't know the pay of the person at the next desk in a position similar to their own. It is not published. There is no way they would know it. In this case, to hold Lilly Ledbetter to an unreasonable standard to filing this case so quickly after the first discrimination is to overlook the obvious. The discriminatory activity continued beyond that first paycheck, and Lilly Ledbetter, when she brought this case, brought it within 180 days of the discovery of this discrimination. What we are doing through the leadership of Senator MIKULSKI is to finally right this wrong, and President Obama has asked us to send this to his desk. I hope we do it and do it quickly.

Then we are going to shift to an even larger undertaking as we work to address the troubles of our economy. We have to do this boldly and quickly—no excuses. It is a grim beginning for that administration in the fields of jobs, health care, and housing. Rarely has a new President been immediately confronted with an economic situation so grim.

This is just a sampling of the headlines, the job cut headlines, across the United States of America from Washington; St. Louis; Portland, OR; Hartford, CT; Detroit—all across the United States. We know these stories. Americans continue to wake up to headlines like these every day—another company decides to lay off or close.

Then, of course, we know what this toll means to us in terms of daily statistics. This is another one of these statistics which are hard for us to absorb; to think that 17,000 Americans will learn today that they have lost their job, and 17,000 tomorrow, and 17,000 the day after. That is what happened in December—over 500,000 Americans lost their jobs, and sadly, they think in this month of January the number may be 600,000. At the same

time, 11,000 Americans lost their health care coverage. They were told the company is in trouble, sales are not good, the people who run the company are going to have to cut back on benefits. Health care, one of the more expensive benefits, is one of the first to go. Mr. President, 17,000 out of work, 11,000 lost their health care. But then another 9,000 will go home and open the mail and be told they are facing foreclosure, they are about to lose their home. Think about that—17,000 losing their jobs, 11,000 losing their health insurance, and 9,000 losing their homes. You can understand the gravity of the economic crisis that faces us.

We are in the midst of one of the greatest economic crises since the Great Depression. For the middle class, working Americans, the current situation is hard to bear because they have gained so little over the past 8 years. It is not as if you are losing a job that was giving you a paycheck that allowed you to keep up with the pace of the cost of living. For the last 8 years, the average American family smack dab in the middle of the middle class has been falling further and further behind. We know why. For a time, the cost of gasoline was up over \$4 a gallon. We know the cost of utilities has gone up, the cost of daycare, the cost of health care, and wages have not kept pace. While some have pronounced prosperity over the last 8 years, the reality is that for real families facing the real world, prosperity has not been there despite their best efforts, and they have fallen further and further behind.

Eight years ago, we celebrated the turn of a new millennium with hope and optimism. Most people believed they and their children would be better off in the future. Those hopes have been shaken.

Unemployment has risen from 5.6 million people—that was 3.9 percent in December of 2000—to over 11 million people today, 7.2 percent. That is a doubling of the number of unemployed people over the course of the last administration. Mr. President, 5.5 million more Americans are unemployed today at the dawn of the 21st century.

Median or middle household income for working-age households—those headed by someone under the age of 65—has actually decreased over the last 8 years by \$2,000 adjusted for inflation. For those in the middle class who still have a job, workers are earning less for every hour they contribute.

The number of Americans not covered by health insurance has increased from over 38 million people—13.7 percent of our population—in 2000 to over 45 million people—15.3 percent of our population—in 2007, and the number obviously will grow when the statistics are reported for 2008. At least 7 million more Americans are uninsured than at the beginning of the decade.

In the year 2000, we first heard the phrase “subprime mortgage” spoken on the floor of the Senate and around our Nation. The boom and bust of irresponsible lending since that time has left us with a record number of foreclosures across America. In just the last 2 years, individual foreclosure filings have risen 226 percent.

I have looked at maps of the great city of Chicago which I am honored to represent. Many people who travel know Midway Airport. Midway Airport is surrounded by bungalows—which is kind of a traditional house for the city of Chicago—neat little brick bungalows, one after the other, that people are so proud to have. You see the backyards with the little swimming pools, the above-ground pools, as you fly into Midway, and the well-kept lawns. Many of these families are second or third generation, from Ireland and Poland and all over the United States. They come into this area because middle-class families see this as a great place to live and work in the city of Chicago.

Then somebody showed me a map. They took the ZIP code around this Midway Airport and they put in little red dots for every home under foreclosure in each block. There were maybe four or five blocks that did not have a home in foreclosure in that solid, middle-class neighborhood in the middle of the city of Chicago. It clearly is a situation almost out of control.

Some of the experts, such as Credit Suisse, predict that between 8.1 million and 10 million American families will lose their homes in the next 4 years.

I will just tell you point blank, I do not think we can come to grips with this recession, that we can really turn this economy around, until we do something bold, dramatic, and comprehensive about mortgage foreclosures. We have waited patiently for too long. We kept saying to the banks: We know you are going to lose a fortune when a home goes into foreclosure. Do the bankers want to start cutting the grass? Do they want to start making sure the place looks good for a real estate showing? Of course not. They are in the financial business. We say: Why doesn't the banking business step up and start to renegotiate the mortgages so people have a fighting chance?

I got on a plane flying back to Chicago just 2 weeks ago, and a flight attendant said: Senator, I need to talk to you. She came over and knelt down in the aisle next to me once the flight was underway and said: I want to tell you my story. I am a single mom. I have three kids, two in high school. I live in a suburb of Chicago. This is my job. It has been tough. Airlines have struggled, wages have not increased. But I keep coming to work because this is how we keep our family together. I am underwater with my mortgage.

Do you know what that means? That the value of her home currently is less than the principal balance of her mortgage. She is underwater.

She said: I am paying over 6 percent on my mortgage, and if I do not get this mortgage interest rate lower, I don't know what to do. Senator, what should I do?

You know, I can give her advice but not very good advice. I can tell her: If you go into foreclosure, maybe the bank will come in and talk to you, maybe you can renegotiate the mortgage. If you go any further along, though, who knows. You may end up losing the house and your kids will be out in the street.

That is the literal truth of life for many people in America. We have to do something about that. We have waited so long for the banks to get it together, to renegotiate these mortgages, and it has not happened.

I like Henry Paulson, our former Secretary of the Treasury. I really do. He has been a good friend, and I know he has tried through a crisis. But every time I bring this up to him, he says: We are going to try to do it on a voluntary basis. But it has not worked. He set up a plan called HOPE, and the plan was supposed to encourage banks to renegotiate mortgages. They said: Our goal is 400,000 mortgages are going to be renegotiated. At the end of the day, fewer than 400 were renegotiated.

We have to do more and, sadly, we are not. I hope we address this and address it soon.

I see the minority leader, the Republican leader is on the floor, and I know he wanted to speak at 10, so I am going to bring these remarks to a close by just saying this. We have to act and act quickly. We have to act together, Democrats and Republicans. We cannot do this alone. All Democratic votes cannot reach the magic number of 60 in the Senate Chamber. We need to hope that some of the Republicans who understand the gravity of this economic crisis in their own States and in our Nation, who understand the need to move quickly—which we hear from, basically, economists of all political stripes and backgrounds—who stood and listened to our new President challenge us to step up and act and act quickly—we need to hope they will join with us.

Then, in return, we have a responsibility in the majority, as President Obama has said, to listen to constructive suggestions and ideas, to try to put together a package that represents the best of Democratic thinking, the best of Republican thinking. That is what I heard then-President-elect Obama say to Senator MCCONNELL at a meeting we had just a few weeks ago.

It is in that spirit, with that approach, that I think we can start to solve these problems. But we have to get moving on it. We have to do it now.

We have to do it with a sense of urgency.

Senator REID, the Democratic majority leader, has said that before we leave in the middle of February—I think the date is February 14—we need to pass this economic recovery and re-investment plan. That means rolling up our sleeves and getting down to business. I know we can do it. I know the American people expect nothing less from this Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Republican leader is recognized.

LILLY LEDBETTER FAIR PAY ACT

Mr. MCCONNELL. Mr. President, we have heard a lot of debate over the past few days on the question of fairness. Every Member of this body supports equal pay for equal work. I could not find anybody who does not support that.

But this so-called Ledbetter bill is a trial lawyers' bailout. It is not about fair pay.

Pay discrimination has been illegal since 1963. Let me say that again. Since 1963. This bill is about effectively eliminating the statute of limitations on pay discrimination. It unfairly targets business owners who, in many cases, will no longer have the evidence they will need to mount a just defense.

As we all know, job creators have enough to worry about these days. We should not add the threat of never-ending lawsuits. Republicans have a better idea to ensure fairness in the workplace. Senator HUTCHISON has crafted a commonsense proposal that says the clock should not run out on someone who has been discriminated against until he or she discovers the alleged discrimination. That is fair to both sides.

If we are going to grow our economy, we need to focus on legislation that will create jobs, not put undue hardships on job creators. So we will have an opportunity to vote on the Hutchison amendment, which is absolutely fair to anyone who has been discriminated against in the workplace but also does not create a plaintiffs' lawyer bailout, which is what is at stake if we pass this bill without the Hutchison amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we are now in the 1 hour that has been determined to be equally divided to con-

clude the debate on the Hutchison amendment to the Lilly Ledbetter Fair Pay Act. It is the intention for us to be able to conclude the bill today, and we want to thank our colleagues for their cooperation in offering amendments, and we are willing to debate them.

We have heard much debate already—Mr. President, in our enthusiasm to move ahead, I neglected to say that we yield back our time in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time is yielded back. Morning business is closed.

LILLY LEDBETTER FAIR PAY ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate shall resume consideration of S. 181, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Pending:

Hutchison amendment No. 25, in the nature of a substitute.

Specter amendment No. 26, to provide a rule of construction.

Specter amendment No. 27, to limit the application of the bill to discriminatory compensation decisions.

Enzi amendment No. 28, to clarify standing.

Enzi amendment No. 29, to clarify standing.

The PRESIDING OFFICER. Under the previous order, there will be now be 60 minutes of debate equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Senator from Maryland, Ms. MIKULSKI, or their designees.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Well, thank you very much, Mr. President. It was in my enthusiasm that I neglected a few parliamentary housekeeping tasks.

On April 23, when we had the vote in the Senate to vote on the Lilly Ledbetter Fair Pay Act, we lost it by two votes. On that day, I said we would continue our fight and that we needed to—we the women of America and the men who supported us—square our shoulders, suit up to fight for a new American revolution. I called upon the other women of America to put their lipstick on and be ready to go. Well,

today is “go day.” And we are actively debating this amendment.

One of the arguments that is often made is that this Fair Pay Act we are advocating could trigger either needless and enormous volumes of lawsuits or it creates a shifting ball of the statute of limitations. Both of those criticisms are false.

First, the Lilly Ledbetter Fair Pay Act will not trigger more lawsuits. Because this bill the Democrats are advocating—and, oh, by the way, it is a bipartisan bill. We have over 54 cosponsors; Republicans are joining with us. It does not in any way trigger enormous lawsuits, because it simply restores the law, with greater clarity, that existed before the outrageous Supreme Court decision.

We were not flooded with volumes of lawsuits on wage discrimination. There was an orderly process that occurred.

The other is this floating statute of limitations argument. Well, that is a foggy term. But I tell you what is foggy is the Hutchison amendment.

Now, I so admire the gentlewoman from Texas. We have worked together, as I said, on many issues. I know her intentions are good, but her language is flawed. I should say, not her language, but the language of her amendment. It is foggy.

Let me go on to this a little bit. The amendment does not address the fundamental problem of the pay discrimination case, Ledbetter v. Goodyear, which created unreal and strict limitations for filing pay discrimination claims. It also fails to recognize that pay discrimination, unlike other kinds of discrimination, is repeated each time a worker receives an unfair paycheck.

I want to repeat that. The Hutchison amendment fails to recognize that pay or wage discrimination, unlike other forms of discrimination, is repeated each time someone receives an unfair paycheck. Instead, the Hutchison amendment creates a new confusing standard that requires workers to either be subject to the Ledbetter rule or prove they had no reasonable suspicion of discrimination when the employer first decided to pay them.

Well, you have to prove a negative. That is almost impossible. From the day you walk onto the job or the day your coworker who gets a raise, when the guys get it and the girls do not, you would have to be snooping around and creating a very hostile workplace, branded a troublemaker, because you were saying, well, you would have to every week say, well, what did you get paid, Mr. UDALL? What did you get paid, Mr. TESTER? What did you get paid?

Well, I know we get paid the same pay, and I know we are doing the same, equal work. But that is not true in the workplace. So we believe the Hutchison amendment actually creates more fog than solutions.

I want to continue the debate on this. I note that the gentlewoman from Texas has not come in, but I see the gentleman from South Carolina.

Mr. GRAHAM. Mr. President, I wish to speak on her time.

Ms. MIKULSKI. What I would recommend is kind of rotating back and forth every 5 minutes. That way everybody gets a chance to speak, everyone gets a chance to debate, and everyone will get a chance to vote at 11:30.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, if you would let me know when 4 minutes has expired.

I thank the chairwoman for allowing me to speak. I wanted to make the RECORD clear. I am not in a fog about the Hutchison amendment. I think it makes a lot of sense. The reason I am on the floor is I have a pretty good reputation of making sure that people have a fair day in court. There is nothing more important in a free democratic society than to be able to take your cause to court and have your day in court. But what we are doing here, in my opinion, is creating a statutory statute of limitations that we have not seen before, that, quite frankly, does not make a whole lot of sense to me, if we pass the bill that came out of committee.

Let me tell you why. The ability to create a job in America and keep a job here is very much at risk. The way we regulate, the way we litigate, and the way we tax will determine if the business will create a job in America or go somewhere else. We are on the verge, in my opinion, of having a taxation system, a regulatory system, and a litigation system that is going to drive people out of business and leave this country.

Quite frankly, if we go down the road this bill is charting, we are going to make it harder to do business in this country and we will not enhance fairness. The whole concept of the Hutchison amendment is that you have 180 days from the time you knew or should have known you are being discriminated against.

The Supreme Court case has a ruling that says you had 180 days from the event. That does not seem quite fair to me. But this idea that you could realize discrimination or know of it for 20 years and file a lawsuit 20 years later, based on the last paycheck, is not fair to the legal system, and not fair to business, because a lot of the people have left.

So this is not foggy at all to me. I think a fair process would be that within 180 days of the time you knew or should have known you are being discriminated against in the workplace, you should file a lawsuit to preserve the evidence, to allow people to come in and testify with a fresh memory of what is going on.

That is not what we are doing here. We are allowing people to file lawsuits decades, potentially, after they knew or should have known they were being discriminated against, and that would create legal chaos.

So we are not advancing fairness, we are creating a system that is going to make it harder to do business. And for those employees in the workplace who count on their employer opening the door, they are going to lose, and the people who have been discriminated against in a legitimate way are not going to be enhanced.

So to the Senator from Texas, I am not in a fog at all about what you are trying to do. I think you are trying to do a reasonable thing; that is, to protect the rights of people who have been discriminated against in a fair way, or have a claim that they think they may have been discriminated against in a fair way: 180 days from the time you knew or should have known of the act of discrimination, not decades after you knew or should have known.

I think this is the right balance. And if we do not watch it as a Nation—we live in a global economy. I want regulations that protect the air and the water and the worker. I want a taxation system that collects a fair amount from the American people to run this Government on which we all depend. I want a legal system that gives everybody their day in court with no bias, a fairminded jury or judge deciding the claim. If we don't watch it and we go down the road of this bill, we are going to make it hard to do business in America, harder than it ought to be, harder than fairness requires, and we are going to shut out some businesses because the ability to do business in this country is at risk in a global economy if we overtax and overregulate and we have unfair litigation rules. The idea is to be fair and balanced.

The Hutchison amendment achieves that, and the base bill does not. I will be supporting the Senator from Texas, opposing the bill coming out of committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from South Carolina. I believe he laid it out very well. I am very concerned about the broadening aspects of the underlying bill. As I have said on many occasions, Senator MIKULSKI and I have worked on so many issues to advance the cause of women, the rights of women, fair treatment of women. I would like to be able to support her bill, and I support the concept of her bill.

My concern is in two major areas: One is the inability for a legitimate defense to be raised if a person waits when they should have known there

was discrimination, to be able to address that immediately or within a reasonable amount of time. I want people to be able to raise the issue.

I have heard of company policies. I have worked in a place where it was company policy that one didn't talk about pay. That was when I was making \$600 a month. Maybe there was discrimination there. If there is a company policy or a feeling in the company that if you talk about pay, you are going to be punished or maybe even fired, then that makes the statute of limitations not function at that point. That, then, is a policy that is discriminatory. That is what we are trying to do: give the right of the plaintiff to show that he or she could not have known, didn't know, and could not have known.

The second area that is of great concern to me is the expansion of the right of the plaintiff to go beyond the plaintiff himself or herself, to allow a person affected by the alleged discrimination to file suit, which could even occur after the person is not even there or is dead. That is putting into our system a possibility that the person might not have filed the claim on their own, didn't file it, might not have wanted to, might have believed it wasn't the right thing to do, or might have believed there were other areas that made up for what the person might have thought was not right in one particular area, such as the area where he or she worked or the amount of pay.

I think you have to have a right yourself, but when it is a tort in our English law, in our American law, that does not accrue to another person generally. There are specific exceptions to that, but in general the tort claim goes with the person against whom the tort is committed. It should be that way in a discrimination area as well. So adding the ability for someone to sue on behalf of someone who isn't suing for something that happened to the person who isn't suing is a trail that is going to go way beyond the fairness that we try to put into our legal system.

I hope we can pass my amendment. I hope we can keep working on this bill. I wish there had been a markup in committee because there might have been more of a capability to shape this bill so that it would be something that would meet the test of adding to a plaintiff's claim, cause of action, opportunities, but without producing such an unfair disadvantage to anyone to be able to defend by having a statute of limitations that is not effective and by increasing the capability of someone to make a claim on behalf of someone who has chosen or doesn't make the claim.

I hope our colleagues will look at this issue. I hope we will be able to keep working on this matter. I would vote for this bill if my amendment passes. It will be a much harder decision if my amendment does not pass

because I know the struggles of small business. I have great admiration for people who are in small business. I have been in small business myself. I know many times margins are very thin, and you want to make sure you know what your liabilities might be and that you have the ability to plan for that. We want business to thrive. We want business to keep employees. We don't want to do anything that causes fewer people to be employed because of greater potential liabilities. We don't want to do anything that adds to the instability of the job market today. We want to help our businesses get through this time by keeping people working. I am afraid the underlying bill will be a deterrent in that respect.

I appreciate those who have spoken for this amendment. I hope we can continue to work on it together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, how much time remains in the debate?

The PRESIDING OFFICER. The Senator from Maryland controls 25½ minutes. The Senator from Texas controls 19 minutes.

Ms. MIKULSKI. Mr. President, I would like to comment on the arguments that have been made by the advocates for the Hutchison amendment. First, let me say this: If you are a business and you want to avoid a lawsuit, there is one clear remedy that does not require statutory action, and that is called give equal pay for equal or comparable work. If you don't want to end up in court, you don't want to end up at the EEOC, you don't want to end up with a tattered and tarred reputation, pay people equal pay. That is the way to avoid a lawsuit. Then you don't need a law.

But, no, there are those in our country who still think we are back in the 20th or 19th centuries, and we are not going to put up with it. We can talk about the 180-day rule and wage-setting decisions and so on. I am a pragmatic, pro-business, pro-fairness Senator. My grandmother ran a small bakery and was known as having the best doughnuts in Maryland—well, certainly in Baltimore. My father ran a small grocery store. We paid equal pay for equal work.

When we talk about small business, I know about small business.

I also know the Hutchison amendment would create more problems. For example, the discovery rule fails to hold employers fully accountable for ongoing discrimination. That is a very big deal. If workers suspect discrimination but delay filing the claim for fear of retaliation or hopes that things could be worked out without litigation, they should not be forced to suffer continued wage discrimination indefinitely. Wage discrimination continues with every new unfair paycheck. If

harm is ongoing, the remedy should be as well, regardless of when a worker learned of it.

Doesn't this rule make things better for employers? No. The Hutchison amendment is very vague and foggy. The rule encourages premature claims which is going to increase litigation. Workers are going to feel compelled to file formal claims with the EEOC or take legal action for fear that they will be accused of delay. That is what the Supreme Court accused Lilly Ledbetter of. They didn't accuse Goodyear of discriminating in their paycheck. They accused Lilly Ledbetter of delay and Lilly Ledbetter lost out.

There is a new day coming, including on the Supreme Court. I can't wait for those votes. Workers will feel compelled, as I said, to file formal claims quickly.

The Hutchison amendment adopts an uncertain legal requirement that will increase litigation costs for workers and employers alike. It also creates an environment that is hostile. It means if you are a worker, you have to act on rumor or speculation. My gosh, this is like the French Revolution and letters of cachet, and it was rumored that they were not faithful to concepts of the Revolution. We can't have that in our workplace. We have to have a workplace that we are all in together. So the Hutchison amendment is well intentioned but deeply flawed in the very objective that it seeks to accomplish.

I hope we defeat the Hutchison amendment and move on with debating other amendments.

I also want to say to the Senator from Texas, if I may have her attention, we are going to have a vote, up or down, on her amendment. I will not move to table. I think she deserves a clear vote, the way we are talking about a new style of civility and openness and so on. At the conclusion, that would be the process, rather than going through a tabling motion. Is that agreeable with the Senator?

Mrs. HUTCHISON. I appreciate that very much from the Senator from Maryland, as always, because I would like an up-or-down vote. This is an amendment that is the decision on this bill. I appreciate that. This whole debate has been sort of the test. HARRY REID said we would be able to have amendments. Our leader said we would take up the amendments that would be relevant to this labor issue. I think everyone has performed admirably. I hope we can keep going. I thank the Senator very much.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 31

Mr. DEMINT. Mr. President, in the interest of time, I have filed three amendments. I know the majority leader wants to move this through, so I am going to call up one of them and not speak on it at this time during the discussion and debate of the Hutchison amendment. I ask unanimous consent to set aside the pending amendment and call up the DeMint amendment No. 31 and ask for its immediate consideration.

Ms. MIKULSKI. Withholding the right to object pending an inquiry, is it the Senator's purpose simply to call it up so we can consider it later today?

Mr. DEMINT. I just want to get it pending. I will not speak on it right now.

Ms. MIKULSKI. I have no objection.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself and Mr. VITTER, proposes an amendment numbered 31.

Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities)

At the appropriate place, insert the following:

SEC. ____ . RIGHT TO WORK.

(a) NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided*, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (5), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 25

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that my amendment be reinstated for the debate and the vote as previously ordered.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mrs. HUTCHISON. Mr. President, I just want to say my distinguished colleague, the Senator from Maryland, said it is easy for an employer to know they will not have a liability; just pay equal. Simple: Pay equal. But let me give you an example of what an employer actually faces.

You take the situation where, say, an employer owns a bakery. One employee punches in at 8, leaves at 4, does an adequate job during that time, and that employee is paid one wage. Another employee always stays late when there is a need to stay late for a reason and comes in early if the employer has a big order and needs help early, and the second employee is paid more than the first one. But the first one believes there is discrimination for some reason—age, race, gender—and, therefore, believes they have a claim.

That is not a situation where the employer should have to pay exactly the same to two different people when one goes the extra mile and one does not. This is just one example a person who has been in small business can tell you happens every day in every business in our country. The people who go the extra mile, who do a little more, should be able to be rewarded. That is what ownership of a business thrives on.

So I think to just say: Just don't discriminate, is to say, well, if one person is doing more, adding more to the business, and becoming more productive, we should have the ability as an employer to allow that person to make a little more or do something extra. So I do not think we want to get into a situation where you are only to pay the same wage for two different people who bring different things to the table. That is why we have lawsuits. It is why we have EEOC, to make those judgment calls.

So I am trying to make sure we keep an equal and level playing field so people who own a business who are struggling in this very tough economy have the ability to make the decisions that will keep those employees employed and make the judgment calls so that an owner—who is the one signing the checks, the one signing the loan applications, the one putting forth their whole livelihood and their family's security—also has a fair chance in any kind of a dispute to do what is best for the business and for the employees of the business.

Thank you, Mr. President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from

Texas to speak on this issue. She has been an unabashed and—

Mrs. BOXER. The Senator from California, not Texas.

Ms. MIKULSKI. Excuse me. The Senator from California. It is the big State, with big gals here.

Mrs. BOXER. You got it.

Ms. MIKULSKI. The Senator from California has been such a long-standing and faithful advocate for those who have been left out and left behind and particularly an intrepid voice for women.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you so much, I say to Senator MIKULSKI.

The bill Senator MIKULSKI is urging us to vote for simply restores the law to what it was in almost every State in the country before the Supreme Court dealt us a very serious blow and said, in fact, you had to move from the minute the discrimination started.

Well, what if you had no clue you were being discriminated against, just like Lilly Ledbetter, who did not know until an anonymous note appeared from a male colleague, and he told her: The men who are doing the same work as you are getting paid far more. Well, she did not know that for years and years and years. Although the lower courts acted in the right fashion, the Supreme Court, in the tightest of decisions, destroyed what I consider to be the ability to recover damages when you have been blatantly and unabashedly discriminated against simply because you are a woman.

Now, I urge my colleagues to defeat these pernicious amendments that are coming. As to the one from my friend, Senator HUTCHISON, believe me, it is a wolf in sheep's clothing. If we adopt the Hutchison amendment, people such as Lilly Ledbetter simply would not be helped. The Hutchison amendment essentially adopts the flawed decision by the Supreme Court in the Ledbetter case. It creates a confusing new standard for employees. Let's not take my word for it or Senator MIKULSKI's word for it. Let's take the words of the National Women's Law Center. Their whole life has been spent fighting for women's rights.

What do they say? They say: Under the Hutchison amendment—and I am quoting—"employees are left without any remedy against present, continuing pay discrimination if they do not file a complaint within 180 days of the first day when they 'have or should have expected to have' enough information to suspect discrimination."

Well, take Lilly Ledbetter. If you never met her, she is the most hard-working, direct individual I have ever met. She worked so hard for Goodyear Tire. She had no clue, no time to think about whether she was getting equal pay. She got up in the morning, she got dressed for work, and she worked hard,

never suspecting her work would not be rewarded in an equal fashion to her male counterparts.

Under the Hutchison amendment, she is left out in the cold, and all those other women who have no clue. Sometimes discrimination is carried out in a way that you have no way of knowing that it is happening.

Now, in the Senate, we have open books. Everybody can see what I make, what my staff makes. It is clear. If there is any discrimination going on, you can ferret it out, figure it out, and, by the way, you have a cause to seek recompense. We do not have a situation as they do in the private sector where it is a totally private situation. So it could be you could be working for years and years and years and never know.

This bill on which Senator MIKULSKI is leading us is so important because it says every time you get a paycheck, that 180 days runs, so you have a chance to make up for this discrimination. So I say to my friends, you are going to see these amendments coming at you. Do not fall for them. Do not fall for them because they actually undermine, undercut, and destroy what we are trying to do for the women of America.

I say to my friend, Senator MIKULSKI, how proud I am to stand with her. She feels this issue in her heart of hearts. She is a working woman. She comes from a working-class family. I have to say, I came from a family where my mother never even went to high school. She could not graduate because she was forced to go to the workplace to support her parents. The thought of my mother working so hard every day and having someone in the workplace say: Don't worry about that little lady over there, she has no power, no clout; we can pay her less than we pay a man—and I am sure that occurred because this was a long time ago—the thought of my mother in the workplace being discriminated against and not having the opportunity to do anything about it really sets me off.

I think about all the moms out there in the workplace and I think about the grandmas in the workplace. I think about single women in the workplace. They have a right to be protected.

Vote no on Hutchison; vote no on Specter; vote yes on the underlying Mikulski bill.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I control the time.

Mr. President, I now yield 5 minutes to the Senator from Montana, a very good friend on this issue.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Thank you, Mr. President.

I thank the Senator from Maryland for her leadership on this issue. This is a critically important issue in this country today.

I would also like to welcome the Senator from New Mexico in the Chair. It is good to see you there.

Mr. President, I rise today in support of the Lilly Ledbetter Fair Pay Act. It is a fair, commonsense piece of legislation that honors the hard work and dedication of a great Montanan, that Montanan being Jeannette Rankin, who was America's first Congresswoman, an outspoken peace activist and a champion of equal rights.

Congresswoman Rankin would have voted yes today because she fought so hard for equality and fairness.

Every employee deserves to earn the same pay for doing the same work, regardless of artificial timelines. Lilly Ledbetter worked at Goodyear Tire Company for 19 years, and she discovered she was being paid significantly less than her male colleagues for doing the exact same amount of work. A jury agreed. The jury awarded Ms. Ledbetter significant—significant—damages. The U.S. Supreme Court said too much time had passed since her first paycheck, and the Court ruled that Ms. Ledbetter's claim was invalid and even took away that jury award. Thankfully, this legislation undoes that wrongheaded decision. It clarifies the law to make it fair to America's workers.

When he signed the original Equal Pay Act in 1963, President Kennedy said protecting America's workers against pay discrimination is "basic to democracy." Forty-six years after President Kennedy signed that historic piece of bipartisan legislation, American women still make only 77 cents for every dollar a man makes for doing the same work. African-American workers make 18 percent less, while Latinos make 28 percent less for doing the same work. American Indians make even less.

Nearly 100 years after Jeannette Rankin came to Congress, we cannot ignore this kind of discrimination. We have a duty to speak out against pay discrimination and to make sure the law is clear. Hard-working Americans deserve nothing less than equal pay for equal work.

Mr. President, I urge all my colleagues to pass the Lilly Ledbetter Fair Pay Act.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Maryland controls 9 minutes 35 seconds. The Senator from Texas controls 13 minutes 24 seconds.

Mrs. HUTCHISON. Mr. President, I wish to reserve my time. There is an-

other speaker coming down now on my side. The Senator from Maryland may wish to go forward or we may wish to wait and have the time equally divided.

Ms. MIKULSKI. Mr. President, while we are working this out, I suggest the absence of a quorum, with the time equally divided, while we establish our next steps forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we are in the closing minutes of the debate on the Hutchison substitute. We know there is one more speaker besides the Senator from Mississippi. This is not going to be my last say for this bill, but I do wish to offer my concluding arguments on the Hutchison amendment.

First, I ask unanimous consent to submit for the record a Q&A on the question of the Hutchison amendment because when all is said and done, I wish for there to be a very clear record on congressional intent so we won't have the type of Supreme Court decisions that brought us here today.

So I ask unanimous consent to have a Q&A on the Hutchison amendment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Q & A ON THE HUTCHISON AMENDMENT

Q: What does Senator Hutchison's amendment do?

A: The amendment doesn't address the fundamental problem of the pay discrimination case, *Ledbetter v. Goodyear*, which created unrealistic limits for filing pay discrimination claims. It also fails to recognize that pay discrimination, unlike other kinds of discrimination, is repeated each time a worker receives an unfair paycheck. Instead, the amendment creates a confusing new standard that requires workers to either be subject to the Ledbetter rule, or prove that they had no reasonable suspicion of discrimination when the employer first decided to pay them less than others.

Q: Would Senator Hutchison's amendment have solved the problems for Lilly Ledbetter?

A: No. The Hutchison amendment would have imposed additional burdens on Ms. Ledbetter and increased the costs of her litigation. It is impossible to show exactly when a worker would have known discrimination was occurring. Yet the Hutchison amendment forces workers to prove a negative—that they did not have information to suspect discrimination. This unnecessary requirement will lead to confusion and needless litigation. Goodyear argued that Ms. Ledbetter should have realized earlier based on workplace rumors that she was a victim of discrimination, even though they kept salaries hidden. Ms. Ledbetter would have had to spend time and resources litigating this issue, which has nothing to do with the real problem of discrimination.

Q: Isn't the Hutchison amendment a fair approach to the problem, since it gives a claim to workers who have no way of discovering discrimination within 180 days of an employer's pay-setting decision?

A: No. The discovery rule fails to hold employers fully accountable for ongoing discrimination. If workers suspect discrimination, but delay filing a claim for fear of retaliation or in hopes of working things out without litigation, they should not be forced to suffer continued pay discrimination indefinitely. Pay discrimination continues with every new unfair paycheck. If the harm is ongoing, the remedy should be as well—regardless of when a worker learned of it.

Q: Doesn't this rule make things better for employers?

A: Not at all. The rule encourages premature claims, which will increase litigation. Workers will feel compelled to file formal claims quickly, for fear that they will be accused of delay, even if the only evidence they have is based on rumors or speculation. In addition, the amendment adopts an uncertain legal requirement that will increase litigation costs for workers and employers alike.

Q: Is there a better way of fixing the problem created by the Ledbetter case?

A: The bipartisan Lilly Ledbetter Fair Pay Act creates a fair, bright-line rule that workers and employers can easily understand, and which was applied by most courts and the EEOC under both Republican and Democratic Administrations before the Ledbetter decision.

Ms. MIKULSKI. Now, let's get to the facts. The difference between the Hutchison alternative and the Lilly Ledbetter bill is this: The Lilly Ledbetter Fair Pay Act restores the law to the way it was before the Supreme Court decision, *Ledbetter v. Goodyear*. The Hutchison alternative creates a whole new legal standard which regrettably is very vague and I am concerned will trigger a tremendous amount of lawsuits and further add to hostility and suspicion in the workplace. The issue of triggering more lawsuits as an argument for the Hutchison alternative is flawed because the Hutchison substitute will create confusion in the courts and for employers trying to interpret when employees should have known they were being discriminated against. The Ledbetter Fair Pay Act establishes a legal framework that had been accepted by nine appellate courts and the EEOC, and it has been a standard that has stood essentially the test of time.

Let's go to the statute of limitations. The Lilly Ledbetter Fair Pay Act says it is 180 days from the last unequal paycheck, not from the initial point of hiring or the initial point of a discriminatory pay raise. The Hutchison alternative goes 180 days from when employees have or should have been expected to have knowledge that they were being discriminated against. This "expected to have" is really what is so foggy. Also, as long as employers are discriminating, employees can get justice. Under the Hutchison alternative, employees have no remedy if the claim is not brought when they should have

known. I don't know when you should have known.

Also, the Lilly Ledbetter Act gives workers a chance to figure out whether they are being discriminated against, approach the employer, and perhaps have an alternative dispute resolution on this before EEOC complaints, before going to court, and so on. I am concerned that the Hutchison amendment language "should have known"—this "should have known," where you would have to operate on rumor and speculation—will force many lawsuits as employees will sue before running out of time.

The Lilly Ledbetter Fair Pay Act also gives workers a chance to be able to resolve this. If an employer is currently paying women less than men, that is illegal. Under the Hutchison amendment, it forces employees to prove when they suspect discrimination. I have made that point over and over.

So in summary, I say to the private and nonprofit sector: If you don't want to be sued, don't discriminate. That is the best way to go. If you don't want to be sued, don't discriminate.

The other point I wish to make is that the Fair Pay Act doesn't only affect women, it affects anyone who might be discriminated against in wages. So that means yes for women, but this bill would cover you if you have been discriminated against on the basis of race, ethnicity, national origin, religion, and the traditional forms of discrimination that regrettably we have dealt with. So this bill is not a women-only bill. We women certainly wouldn't discriminate against other people.

The Lilly Ledbetter Fair Pay Act takes us to where we need to be to fully implement the Civil Rights Act of 1964. If we have a dream, I have one too: that we pass the Lilly Ledbetter Fair Pay Act.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, we are 5 minutes away from voting. The last speaker on my side was not able to make it, so I wish to close on my amendment.

What some courts around our country do is allow a plaintiff to say that he or she knew or didn't know, allow the person to say why they didn't know, and let the plaintiff go forward to give their defense or to give this statement as the reason why the statute of limitations should be tolled. In many jurisdictions, this is accepted and the statute of limitations is tolled.

What my substitute does is codify this so every jurisdiction will allow the plaintiff to have a right to say: I didn't know, and here is why I didn't know, and I need to be able to toll the statute of limitations to have my rightful

amount of pay or the job I have been denied. It codifies so that it is clear. It brings clarity to the law and a unification of all the districts' views that this plaintiff should be allowed to say: I could not have known, and that is why I didn't file my claim earlier.

The other part of my amendment that I think is very important is that it does not allow the added person who is not the person who alleges the discrimination to still file a lawsuit on behalf of that person who did not file the lawsuit. That is in the underlying bill. I think it is a huge increase in another area of litigation that we don't have in the law today. In fact, in most tort claims we don't allow that because it is important when a person has a claim that they make the decision to pursue that claim. Having another person who might claim to be affected by the discrimination against someone else really takes one into a whole other realm of "he said, she said." Well, why would an heir be able to file when the other person didn't? Maybe the person is gone, maybe the person is dead, maybe the person did not want to make this claim or would have had they been alive and they could make the decision. It just adds an element of instability in the system that I don't think we have seen really in any other area of the law.

I want to have a fair judicial system. I want there to be more rights for the plaintiff to be able to come forward and sue for discrimination if they feel they have been discriminated against and to be able to say: I didn't know, I couldn't have known, our company doesn't let us talk about what we make, and have that before the court because I don't want anyone in this country to be discriminated against.

I also want a businessperson—a small businessperson, a big businessperson, anyone who is creating jobs in our country and trying to make it so that we keep our economy strong and keep jobs from being let go—I want that person to have a fair chance too. If you have a person who files a claim when the supervisor who is alleged to have made the discrimination is dead, that is a problem for the company to be able to make a defense, and that is what this whole case is about.

I believe Lilly Ledbetter was a good employee. I think she probably put forward her claim believing she had a discrimination, and I believe she probably did. I believe she started at a lower level, and even though she was increased at the same level every year as her peers, because she started out at the bottom or at a lesser level, that did cause discrimination.

If she had brought the claim in a timely way when she first knew or should have known because of a note that she received that was anonymous, then she probably would have been able to prevail.

I think she is a good and nice person, but we are setting a standard in the law that is going to make it very difficult for businesses to know what their liability is if a person claims something that happened 6, 8, 10 years ago. Not being able to have the records, not being able to have the witnesses, not being able to have the memories of people is going to be a significant deterrent for the employer to run the business.

I particularly have a place in my heart for small businesses because I know it is very difficult for a small business to make the salaries and the payroll and to put their livelihoods on the line.

I want to make sure we are fair to everyone. I want a person who is discriminated against to have a right of action. I do. I have said it before, I have been discriminated against. I know how it feels to be on the lower level when you know you are working harder. I know. But it is so important that also the person I am working for have a chance to defend with their witnesses and their records and let the court have everything to make a fair decision.

In America, one of the things we have prided ourselves on that was put in the Constitution by our Founding Fathers is fairness, justice. We are a country that prides itself on fairness and justice. We have to make sure we continue to have equal rights of plaintiffs and defendants to be heard, and that is what my amendment does.

If my amendment is adopted, I know we will add to the plaintiffs' capabilities, but with a fair right for the defense to make their case. And that is what our justice system should be.

I hope we will adopt this amendment. I hope we can keep working on this bill. I am sure there are other things we can do. I would like for us to talk about the ability to have a negotiation. I tolled the statute of limitations when a point is brought up and there is a negotiation, an arbitration going on between an employer and an employee. When we go to conference, if my amendment is adopted, and we can work something like that out, I will be for it. I think it is a fair point because we do want to have the total ability of the plaintiff to be able to make his or her case, and we want to keep people employed in this country, and we do not want there to be a deterrent for small businesses to keep the people they have employed so we can get the economy going again in this country and go back to the full employment we had maybe 2 years ago and try to make sure we don't have in any way a deterrent for people to know what their liabilities are and start pulling back.

I hope we can adopt my amendment and continue to work on this bill.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, we have now concluded the debate on the Hutchison amendment. It is time for change. It is time to turn the page rather than turn back the clock. It is time to defeat the Hutchison amendment and proceed with the bill. We have five pending amendments. We are fired up, and we are ready to go.

I yield back my time, and if the Senator does so, I will ask for the yeas and nays and then vote.

Mrs. HUTCHISON. Mr. President, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is on agreeing to amendment No. 25 offered by the Senator from Texas, Mrs. HUTCHISON. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—55

Akaka	Hagan	Nelson (NE)
Baucus	Inouye	Pryor
Bayh	Johnson	Reed
Begich	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Snowe
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—2

Harkin Kennedy

The amendment (No. 25) was rejected. Ms. MIKULSKI. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have been making progress on this bill. People are cooperating. While we have a lot of Senators in the Chamber, I have to add that we have a lot of work to do. I mentioned briefly yesterday, and I will say briefly again today, when the time is up, the vote is going to be cut off. It will affect Republicans and Democrats, but maybe we will get here in time to vote. We cannot hold up this place, we have so much work to do. We are going to finish Ledbetter today or tonight. Whatever it takes, we will finish that. I think we have set a good tone. I hope I do not have to file cloture on this tonight for a Saturday cloture vote. I don't want to do that. We have a lot of other things we can do that we can get done and not have to mess with the weekend.

I am in touch with the Republican leader, and I think we have a way of moving forward next week, but everyone who has amendments to offer on Ledbetter should do it today and we can finish this early this evening, late this afternoon, or sometime tonight.

We have other things to do. We have nominations we have to move. I spoke to the Republican floor staff today. They said they are hotlining a number of nominations. President Obama is getting very anxious on the nominations that have not been approved. He wants to get that done as quickly as possible, to get the country moving with the Cabinet spots being filled.

The manager of the bill, Senator MIKULSKI, is in charge of this legislation, as she is in charge of everything in her life. I appreciate her good work, and we are going to move this bill. She understands we are going to finish this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Taking the lead from the majority leader, would now be an appropriate time to call up an amendment I have filed at the desk? I call up amendment No. 37.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. The only problem, I say to my friend from Georgia, is we do not have a copy of it. If we could see it, that would be terrific.

Mr. ISAKSON. The staff is copying it now.

Mr. REID. What we are trying to do, I say to Senator ISAKSON and the rest of the people in the Chamber, is, we

have a number of amendments that have been filed. We want to try to set them up. We want to try to set up a process to get rid of the amendments that have already been filed. We certainly look forward to the Senator from Georgia offering the amendment.

I see no reason we should not go ahead and have the Senator offer that now. Everyone should be alerted we are going to have the managers of this legislation clear the decks after Senator ISAKSON offers his amendment. If people want to offer amendments after that, certainly that is appropriate. But we are going to get rid of these amendments either by tabling them or having votes on them after people have had enough debate on them.

Mr. ISAKSON. Will the leader yield for a question?

Mr. REID. Sure.

Mr. ISAKSON. Mine is a short amendment. I can summarize with a one-compound sentence explanation. Do you want me to do it now or later?

Mr. REID. I saw it. Just lay it down now.

AMENDMENT NO. 37

Mr. ISAKSON. Mr. President, I would like to lay down amendment No. 37, the Isakson amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 37.

Mr. ISAKSON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the application of the Act to claims resulting from discriminatory compensation decisions, that are adopted on or after the date of enactment of the Act)

On page 7, strike lines 11 through 20 and insert the following:

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision and

(2) the discriminatory compensation decision is adopted on or after that date of enactment.

Mr. ISAKSON. Mr. President, would it be appropriate now for me to give that one-line explanation or wait until the manager of the bill is back? Shall I go ahead now?

Mr. President, amendment No. 37 is very simple. It says the provisions of this legislation take effect on the day the legislation becomes law and is not retroactive, which is obviously the intent of everything we do. So any incident that occurred in the past could not be reopened for litigation, but any case after the day of enactment would be governed by the provisions of the law as they are in the new legislation. I think it is a simple, straightforward amendment, and I urge its adoption at the appropriate time.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. HARKIN. Madam President, it is unbelievable to me that more than four decades after the passage of the Equal Pay Act and the Civil Rights Act women are only making 78 cents on the dollar for every dollar a man makes. Discrimination takes many forms. Sometimes it is brazen and in your face, like Jim Crow and apartheid, and sometimes it is silent and insidious. That is what is happening in workplaces all across America today.

Millions of female-dominated jobs—social workers, teachers, childcare workers, nurses, and so many more—are equivalent in effort, responsibility, education, et cetera, to male-dominated jobs, but they pay dramatically less. The Census Bureau has compiled data on hundreds of job categories, but it found only five job categories where women typically earn as much as men, five out of hundreds.

Defenders of this status quo offer all manner of bogus explanations as to why women make less. How many times have I heard the fairy tale that women work for fulfillment but men work to support their families? This ignores, first of all, so many single women who work to support themselves and their families, and married women whose paycheck is all that allows their families to make ends meet and educate their kids. It also ignores the harsh reality that so many women face in the workplace that they have to work twice as hard to be taken seriously or they get pushed into being a cashier instead of a more lucrative sales job. These acts of discrimination deny women fair pay, but they also deny women basic dignity.

Let me cite one example of what I am talking about. Last year, in a hearing before our Health, Education, Labor and Pensions Committee, we heard testimony from Dr. Philip Cohen of the University of North Carolina. Dr.

Cohen compared nurses' aides, who are overwhelmingly women, and truckdrivers, who are overwhelmingly men. In both groups the average age is 43. Both require "medium amounts of strength," and in some cases nurses' aides have to be stronger than truckdrivers. Truckdrivers now have power steering and power brakes and stuff like that. Nurses' aides have to pick up patients and turn them over and stuff like that. Nurses' aides on average have more education and more training than truckdrivers. But nurses' aides make less than 60 percent of what a truckdriver makes.

Given that this discrimination is so obvious and pervasive, you would expect that women would have no trouble obtaining simple justice through our court system, but in a major decision in June of 2007 in the case of Ledbetter v. Goodyear Tire & Rubber Company, the Supreme Court took us back. In a 5-to-4 ruling, the Court made it extremely difficult for women to go to court to pursue claims of pay discrimination, even in cases where the discrimination is flagrant. A jury acknowledged that Lilly Ledbetter, a former supervisor at Goodyear, had been paid \$6,000 a year less than her lowest paid male counterpart. But the Supreme Court rejected her discrimination claim. Why? The Court held that women workers must file a discrimination claim within 180 days of their pay being set when they were first hired, even if they were not aware at the time their pay was significantly lower than their male counterparts.

That is important to note. The Court said you have to file your discrimination claim within 180 days of your pay being set when you are hired, even if you don't know, even if you did not know that your pay was significantly lower than your male counterparts.

As Justice Ginsburg said in a forceful dissent, this is totally out of touch with the real world of the workplace. In the real world, pay scales are often kept secret, employees are often kept in the dark about coworkers' salaries. Lacking such information, how can you determine when your pay discrimination begins? Furthermore, the vast discrepancies are often a function of time. If your original pay was just a little bit lower than your colleagues' pay, but you worked there for 20 years and you all get pay raises, you can see over 20 years that gap widens and widens.

So what started out to be a small gap winds up being a big gap over a period of time. Now, in the case of Lilly Ledbetter, not only was she discriminated against for all of her lifetime of work at Goodyear because she started out at a lower pay scale, that gap widened over time, but she is also now going to be discriminated against for the rest of her life in terms of her pension. Because she is making so much

less than her male counterparts, her pension is going to be less.

But Lilly Ledbetter did not get discriminated against once, she got discriminated against for over 20 years, and now for the rest of her lifetime in terms of the pension she gets. So what the Supreme Court decision means is that once that 180-day window for bringing a lawsuit is passed, this discrimination gets grandfathered in. This creates a free harbor for employers who have paid female workers less than men over a long period of time. Basically, it gives the worst offenders a free pass to continue their gender discrimination.

Think about it. Once the 180 days has passed, the employer is home free. So you hire women, you pay them a little bit less than their male counterparts, but they do not know that because you do not publish the coworkers' salaries. After 180 days, you are home free. You can continue that discrimination for the next 10, 15, 20, 25 years, and there is not a darn thing a woman can do about it under that Supreme Court 5-to-4 decision.

Well, now, I also heard several businesses were complaining that if we peg, if we peg the 180-day limit to the continued payment of discriminatory paychecks, which is what this bill before us does, they will keep accruing liability. So the companies will continue to accrue liability.

Well, there is a simple answer to that. They can stop the clock anytime they want. Go through the books one day, make sure all the women are being paid fairly. On that day, you stop sending everyone discriminatory paychecks. On that day, everyone gets a fair deal. On that day, you stop accruing liability.

The very thought that an employer would say: Well, we cannot have this bill, the Lilly Ledbetter bill we are talking about, because, gee, you know, after 180 days I keep accruing liability. Well, stop it. Stop paying the discriminatory pay. Go through your books, find out what the discrimination is, if it exists, and pay everyone fairly.

Ledbetter was a bad decision. As Justice Ginsburg says, it ignores the reality of today's workplace. I am glad to work together with Senator KENNEDY and Senator MIKULSKI, champions of this effort, to reverse the damage done by that decision.

This bill would establish that the unlawful employment practice under the Civil Rights Act is the payment, is the payment, of a discriminatory salary, not the original setting of the pay level.

It would be a great miscarriage of justice for this Senate to tell Lilly Ledbetter that her 20 years of discrimination, and the resulting loss of income in retirement, in her pensions should go unchecked because she did not have a crystal ball telling her what

her coworkers were making at the time her pay was set. She had no way of knowing that.

While the need for the passage of this legislation is critical and immediate, it is not enough. It is not good enough to go back to the way the law worked 2 years ago, because at that time, women were still making only 78 cents on the dollar as compared to men. That should be intolerable in our society.

Moreover, if pay scales are kept secret, if there is not some transparency, how can women know if they are being discriminated against? That is why we need to pass the Fair Pay Act, which I have introduced in every Congress starting in 1996, the Fair Pay Act. Not only does that act require that employers provide equal pay for equivalent jobs, my bill also requires the disclosure of pay scales and rates for all job categories at a given company.

This will give women the information they need to identify discriminatory pay practices. This could reduce the need for costly litigation in the first place. Now, I am not saying a company has to publish the salary of every single person. That is not what I am saying. What our bill says, the Fair Pay Act says, is you have to make transparent what the pay scales are in categories, certain categories.

Now, I asked Lilly Ledbetter, when she appeared before our committee a year ago, I think it was, I asked her about the Fair Pay Act. I said: If you had had this kind of information when you first went to work, could you have negotiated for better pay and avoided the litigation? And she said: Yes. But she did not have that information. Well, there are countless more Lilly Ledbetters out there who are paid less than their male coworkers but will never know about it unless they have this kind of information. My Fair Pay Act amends the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on the basis of sex, race, national origin. Most importantly, it requires each individual employer to provide equal pay for jobs that are comparable in skill, effort, responsibility, and working conditions.

We know about the Paycheck Fairness Act. I support that also. But we have the Equal Pay Act that was passed in, I think, 1963—1963—which says that, if a woman has the same job as a man, equal pay for equal jobs, you have to pay them the same. That has been in law since 1963. To be sure, it has not been enforced enough, and that is why we need the paycheck fairness bill that is here, to enforce it more.

But the fact is, it has been the law since 1963, equal pay for the same job. What we now need to address 45, 49, 46 years later is equal pay for equivalent work because so many jobs in our society are kind of denoted as “women’s jobs.” Are they crucial to our society? You bet they are.

But for some reason, because they are “women’s jobs,” they get paid less. I used the example of a truckdriver. Philip Cohen, from the University of North Carolina, testified before our committee, and he gave this example. They did a large study. I will repeat it again for emphasis sake of truckdrivers and nurses’ aides.

Truckdrivers, overwhelmingly men; nurses’ aides, overwhelmingly women; medium age for all of them, 43. They both require median levels of strength. Truckdrivers do not need a lot of strength anymore; they have power steering and power brakes and everything else. Nurses’ aides still have to lift people and duties such as that. So a median amount of strength is required. Nurses’ aides actually have more education and more training than truckdrivers. Yet nurses’ aides are paid less than 60 percent of what a truckdriver makes.

Why is that? Is it somehow nurses’ aides are not as important as a truckdriver? I will be glad to debate that any day of the week. When you are ill or when you need long-term care, do you want a truck driver or a nurses’ aide? Answer me that question. I think a truckdriver is important, I do not mean to denigrate them, but I am saying nurses’ aides are every bit as important.

Childcare workers. What could be more important to our country than taking care of our country’s youngest children? Mostly women, grossly underpaid, compared to male workers in terms of skill, effort, responsibility, and working conditions.

A lot of people say: Well, you know, we cannot—this is all nice pie-in-the-sky stuff. We cannot do it. But 20 States, 20 States have fair pay policies in place for their State employees, including my State of Iowa. I would point out the State of Iowa passed a fair pay bill for all State employees in 1985, when we had a Republican governor and a Republican legislature.

Oh, the sky was going to fall. This was going to cost our taxpayers enormous sums of money. Well, the sky did not fall. Women are making more money, and our State is better for it. I might point out that our neighbor to the north, Minnesota, not only has fair pay policies for their State employees, they have it for their municipal and local workers also.

Twenty States have done this for State employees. So, again, this should not be any kind of partisan issue. Some people say: We do not need any more laws, that market forces will take care of the wage gap. But experience shows there are some injustices the market simply will not rectify. That is why we did pass the Equal Pay Act in 1963, why we passed the Civil Rights Act, the Family and Medical Leave Act, and the bill that has my name on it, the Americans with Disabilities Act.

Were there market forces out there pushing to end discrimination against people with disabilities? No. But we did it. We are better off. That is the same way market forces are not going to take care of this, this issue of unequal pay for women in so many jobs in our country.

I guess now that we are on the Enzi amendment, which would eliminate the language saying that those affected by discriminatory pay practices can sue—well, I am glad about one thing, that my colleagues are acknowledging discrimination hurts everyone because it does. It hurts everyone in two ways. First, an injury to one is an injury to all. But, second, I defy you to find a person in America who does not have a woman in their family, a person of color, someone with a disability, someone who observes a different or any religious practice. That is the point we have been trying to make all along.

But this bill, as written, does not allow all those very indirectly affected parties to bring suit. This is patterned after language in the 1991 Civil Rights Act, and that legislation has not resulted in all the people who are hurt by discrimination to bring suit.

It has been interpreted all those years to mean the party directly injured by the discriminatory practice. However, if we strike this language, we risk failing to fix the full extent of the problem caused by the Ledbetter decision.

It is important to use precise language to make sure all the employees affected by discriminatory pay decisions by their employer are covered, not just the one who was discriminated against but all those employees affected.

I would like to close with a story from a woman from my State, Angie. She was employed as a field office manager at a temp firm, temporary workers firm. The employees there were not allowed to talk about pay with their coworkers. Only inadvertently did Angie find out that a male office manager at a similar branch who had less education, less experience, was earning more than she was.

Well, in this case, the story has a happy ending. She cited this information in negotiations with her employer, and she was able then to get a raise. But the experience left her feeling bewildered and betrayed, and this ultimately led her to quit her job. Had she not inadvertently found this out, she would have continued to have been discriminated against.

So I think there is a twofold lesson in this true story. The first lesson is that if we give women information about what their male colleagues are getting, they can negotiate a better deal for themselves in the workplace.

The second lesson is that pay discrimination is a harsh reality in the workplace. Not only is it unfair, it is

also demeaning and demoralizing, and it should cease its existence in our society.

Individual women should not have to do battle in order to win equal pay. We need more inclusive national laws to make equal pay for equal work a basic standard and a legal right but also equal pay for equivalent work so that we don't discriminate against whole classes of people just because of the job they do. Childcare workers, social service workers, nurses aides, nurses, homemakers—why should people who are cleaning houses make less than janitors? People who clean houses are generally women and janitors happen to be men, but they are both doing the same kind of work.

We have to come to grips with this before we will ever really end discriminatory pay. The Lilly Ledbetter bill before us is a step in the right direction. But unless and until we pass the Fair Pay Act, which has been supported by the business and professional women of America since we first introduced it in 1996, until we pass that, discrimination against women will continue wholesale in America. We will continue to demean the kinds of jobs so important to us—childcare, nurses, nurses' aides, teachers, Head Start workers, the women who clean our homes, take care of our elderly in long-term care facilities. Go into any long-term care facility, go where your grandparents are or maybe your parents. Who is taking care of them? Nine times out of ten, it will be a woman. Their responsibilities are immense. Their effort, the training they need is important. They have to have all that. Yet they are making much less than their male counterparts in other parts of society.

The Lilly Ledbetter bill is important. We have to pass it, but we have to get the Fair Pay Act passed one of these years. As I said, I have been introducing it since 1996. Then they get the paycheck fairness bill up. We have to do that. That is important. Don't get me wrong, that is important. But the biggest discrimination in our society is the discrimination that occurs against women who have what has been denoted as "women's jobs" in our society. It is time to end that discrimination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, it is great to see you as our Presiding Officer. I might call to the attention of the Senate again that the Presiding Officer, the junior Senator

from North Carolina, has roots that go very deep in the State of Florida. Her family is one of the prominent families of our State. The Senator happens to have been raised in Lakeland, FL, in Imperial Polk County. It is a delight to have her come join the Senate family.

I wish to address the matter before us, which is the Lilly Ledbetter bill. We have a chance, with passage of this legislation, which is going to occur perhaps tonight, to have it as a major first step in the legislative process that will ultimately go to the new President for his signature into law to right a wrong, to bring justice where justice has not been because of an insidious kind of discrimination, discriminating in the employment workplace, by paying women less than men for the same task that is performed.

You would think that back in the 1920s, with America finally coming to realize that American women had the right to vote, the course would have been set back then in removing that discrimination. But here it is in the new century, in the dawn of a new age, and we still have to confront this inequity. We will do that. It is too bad we had to do that now as a result of a 5-to-4 decision in the Supreme Court that, for technical reasons, said Mrs. Ledbetter could not be made whole financially because she did not know of the discrimination that had happened to her some 15 years before. Whatever that technicality was, it was unfortunate that the Supreme Court, in that 5-to-4 decision, struck down her ability to get compensation, to get recompense for the injustice that had been bestowed upon her. But since we are a government of three separate branches, where there has been a mistake made, we have the opportunity to correct it. So we are going to do that today here in the Senate. I am certainly going to be a part of it because I will be voting for this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that at 1 p.m. the Senate resume consideration concurrently of the pending Enzi amendments No. 28 and No. 29, that they be debated concurrently for 1 hour, and that the time be equally divided between Senators ENZI and MIKULSKI or their designees; following the use or yielding back of time on the Enzi amendments, the Senate resume consideration concurrently of the Specter amendments No. 26 and No. 27; that they be debated concurrently for 1

hour, and that the time be equally divided between Senators SPECTER and MIKULSKI or their designees; following the use or yielding back of time on the Specter amendments, the Senate proceed to votes in relation to the Enzi and Specter amendments in the order listed below:

Specter No. 26, Specter No. 27, Enzi No. 28, and Enzi No. 29; further, that no amendments be in order to the pending Enzi and Specter amendments prior to the votes; that there be 2 minutes of debate equally divided between the votes; and that all rollcall votes after the first vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Who yields time?

The Senator from Oklahoma.

AMENDMENTS NOS. 28 AND 29

Mr. INHOFE. Mr. President, I yield myself such time as I may consume from the Enzi time on the Enzi amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, today, I have stated several times, and I again state, I am in opposition to S. 181, the Lilly Ledbetter Fair Pay Act, and reinforce my support for Senator HUTCHISON's alternative, S. 166 and amendment No. 25, the title VII Fairness Act.

What we are told by the other side of the aisle is that the Lilly Ledbetter Fair Pay Act is about protecting the right of employees who may not know they have been discriminated against. But in reality, this bill represents a tremendous burden on employers and a boon for trial lawyers across the country. It is an overly broad and cumbersome approach, essentially eliminating the statute of limitations.

Senator HUTCHISON's alternative, on the other hand, takes a measured approach and applies a targeted remedy by allowing claimants to bring suit within the statute of limitations, which runs from the time they should be expected to have enough information to support a reasonable suspicion that they are being discriminated against. The rationale for statutes of limitation is to ensure fairness and balance—balance between access to the courts for aggrieved parties while allowing certainty for those who may be called to defend themselves. S. 181 clearly steps beyond this, greatly reducing confidence in the civil discovery process and forcing businesses to stage a defense on decisions that were made years—perhaps dozens of years—before the action was brought.

There have been a lot of amendments. I did vote in favor of the Hutchison amendment and feel that would be one that was a very reasonable compromise. Tomorrow in Oklahoma I will be meeting with voters in

Clinton and Burns Flat and other areas in southern Oklahoma. It will be my unfortunate duty to tell them that this burden has been unfairly placed upon them and their businesses in this difficult economic time. But I will be proud to say that my vote did not contribute to the passage of S 181; rather, I stood with my colleague, Senator HUTCHISON, and we worked for a balanced approach that provides a remedy to those who have legitimate discrimination claims and at the same time allows employers, many of whom have never made a discriminatory compensation decision, to mount a defense based upon discovery of reliable evidence. I register my opposition to the Lilly Ledbetter Fair Pay Act because it is such a clear departure from previous legal principles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I rise this afternoon to speak about the bill that is before us, which is the Lilly Ledbetter Fair Pay Act.

It doesn't take a legal scholar to understand that the U.S. Supreme Court did get it wrong when they ruled against Lilly Ledbetter in 2007. In fact, I think the issue is rather simple. All I have to do is look out across my great State of Arkansas at the number of single mothers who are working hard to care for their families and who need equal pay and deserve equal pay.

In today's business environment, where women make on average 78 cents for every dollar their male counterparts make for the same work, it can be impossible for someone to know that they have been discriminated against until long after the fact. Employees are not privy to pay data in the workplace, as we are. Our pay is published, as well as for our staff, but in the regular workforce it is not published. In many instances, they can actually be disciplined or fired if they share pay information with one another.

In the case of Lilly Ledbetter, she was hired as a supervisor at a tire plant in Alabama nearly 30 years ago. For years, day upon day, she went to work next to her male counterparts working hard to do her job the best she could, doing the same job or an extremely similar job to what these gentlemen were doing. She received unequal pay for equal work to her male colleagues. She only discovered she was a subject of discrimination after she received an anonymous tip shortly before her retirement. Although an Alabama jury found in her favor, her employer appealed the decision and the U.S. Supreme Court ruled against her.

In a 5-to-4 decision, they overturned years of precedent and said that she should have filed a complaint every time she received a smaller raise than the men she served alongside, even though she didn't know what they were making or if the pay was discriminatory. How could she know? She was not privy to that information, and she was prohibited from asking.

In her very spirited dissent, Justice Ruth Bader Ginsberg said that the majority clearly misinterpreted the law and that "the ball is now in Congress's court" to correct this inequity. It is in our court. It is in our court to ensure that the women of this country are going to receive the equal pay that is due to them for the job they do working alongside their male counterparts.

So that is why we are here today, to pass the Lilly Ledbetter Fair Pay Act. It is a responsible and fair piece of legislation which ensures that all employees, regardless of their race, color, religion, sex, or national origin, are treated the same. That is what we have just celebrated in the inauguration of a new President: the values we hold dear as a part of this great country, the blessing of being American, and that we would have the same opportunity to reach our potential—each of us as individuals—whether we are men or whether we are women.

I know in some of the business communities they are concerned that this bill will extend the statute of limitations and expose employers to numerous lawsuits. However, I reject those arguments, because this bill provides little incentive for employees to sit on claims with only a 2-year limit on back pay. In addition, it does not create new grounds for filing lawsuits. In fact, the Congressional Budget Office expects that it would not significantly affect the number of filings within the EEOC. So I encourage my colleagues to support this important piece of legislation.

When I first came to the Congress in 1992, I came to the House representing the eastern district of Arkansas, and I remember my campaign vividly. I was a young single woman at the time. People thought I was crazy, not only because of my age and my gender, but because of the fact that I was unmarried, and it was unheard of for a young single woman to be out there running for the Congress.

I remember sitting next to a distinguished banker in one of my hometown communities. He looked quite conservative, and sitting next to him I got a little nervous. He started asking me about some women's issues that would probably be before me at one time or another if I were elected to the Congress. He started to quiz me pretty heavily. I got nervous, but I came back with what I felt were strong and concise and well thought out answers. At the end of our conversation, he looked

at me and he said: I have kind of been a little hard on you, but I wanted to know how you felt about these issues. I wanted to know how you truly, deep down felt about these issues, because I have three daughters who are in the workforce and one of them is a single mom. I want to know that you are going to be fighting for them and for their children.

So it is not just the women who are interested in what happens here; it is the fathers and grandfathers, it is the brothers of women who are out in the workforce doing their best, working hard to make a living for their families, to care for their children, or to help their aging parent. I found, when I came to the House and then to the Senate, my colleagues were always ready to work with me regardless of my gender or my age, if I came to the table prepared and ready to work hard, and if I was honest in where I was coming from on those issues and wanted to work hard to bring about results for the betterment of my constituencies in Arkansas. So I hope as we look at this, we will realize that is what we are talking about here: for American women across this great land who are working hard—many of them in the same job as a man; maybe supporting a family by themselves or taking care of an aging parent, financially and otherwise—that we would do the right thing, the thing this country is based on, which is equity and fairness and justice, and that we would provide for those women the reassurance that the principles we stand for are not lost in them or in their paycheck, but that we do see the importance of standing up and saying how important it is to who we are and what we stand for that they deserve to have that equal pay. It is a fair and responsible bill that restores the congressional intent and ensures that those responsible for discrimination are held accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. ENZI. Mr. President, can you tell me what the time agreement is?

The PRESIDING OFFICER. There is 1 hour equally divided for debate. The Senator from Wyoming has 26½ minutes remaining.

Mr. ENZI. Mr. President, I wish to call up amendment No. 28 and ask unanimous consent that as soon as we have disposed of amendment No. 28, that we will voice vote amendment No. 29 based on the decision of amendment No. 28, because there are two different sections of the law that say the same thing. So we have to have both pieces, but if one is acceptable, the other one ought to be acceptable. If one is not acceptable, the other one should not be acceptable. So I know it is a change in parliamentary procedure, but I am trying to speed things up by having as few votes as possible but still get the decisions made.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Amendment No. 28 is now pending.

Mr. ENZI. Mr. President, I have offered amendments Nos. 28 and 29 and they respond to the question many have asked about the underlying bill. Those of us who have looked at the bill have wondered what a particular provision means. This provision appears to greatly expand the number of people who can bring a Title VII lawsuit beyond those who have directly experienced discrimination.

As drafted, the bill extends the right to sue for employment discrimination, not only to the person who is discriminated against but also to any individual who is affected by application of a discriminatory compensation decision or other practice. This can clearly be read to include spouses, family members, and other individuals, depending on the employee's income or pension, or even more broadly. There is a lack of definition in this part of the bill. In this part of the bill that we are debating, I am trying to amend to add some clarity, and Senator SPECTER will be trying to amend if mine fails to again bring some clarity to this issue. These are steps to see how expansive we can make the trial lawyer bailout.

So S. 181 would not only allow decades-old claims to be suddenly revived, it doesn't even require that they be revived by the person who was discriminated against, even if that person won't bring the action or even if that person is no longer around. The language is so broad that the claim could be brought by virtually anyone. It is nothing more than an invitation to trial lawyers to litigate a situation compounded by the fact that such claims would be largely indefensible because of the passage of time, maybe not even having the person around who was discriminated against.

Do we really want to see employers forced to expend resources defending decades-old, stale claims that are not even being brought by the individuals who are the supposed objects of the discrimination?

What we are looking at here could be an exponential increase in lawsuits at a time when many employers are struggling to make their payroll and avoid laying people off. It was reported this week that a certain type of employment-related class of lawsuits have increased 99 percent over the last 4 years—just the last 4 years, a 99-percent increase. If enacted as drafted, this bill could make that increase seem minuscule.

Our new President has made some proposals intended to stimulate the economy. One proposal he made at one point was to offer a \$3,000 tax credit to employers who create new jobs. Perhaps that was a great idea, but if you couple that with increased litigation

liability such as that included in this bill, it will not only cancel each other out, it would make that tax credit seem minuscule, very small, particularly when you compare it to the cost of a lawsuit. A small businessman faced with a lawsuit that is going to cost him \$20,000, \$25,000, \$100,000 to defend cannot afford the time or the money to do that and may work harder at a settlement and encourage people to do lawsuits that may not have the same merit we are trying to achieve in this bill. I can tell you as a former small businessman, I would rather not have the tax credit and not get sued any day—not that the two are even related.

I hope the bill's sponsor can explain why this provision should be included in the bill. It is the sort of question that might have been sorted out more easily if the bill had gone through the proper committee process. But the majority has opted to circumvent that process again. My amendments would strike the provision entirely.

I understand there might be some, and I am sure we will hear some explanation of it, where there might be some instances where there were special circumstances. But this bill goes well beyond just special circumstances. It opens it up dramatically.

I look forward to a debate and vote on my amendment later today.

We also will be voting on two amendments that Senator SPECTER has offered to improve the underlying bill. I will use some of my time to speak in favor of those amendments as well.

Senator SPECTER's amendment No. 26 shows there is justifiable concern among many Members that allowing individuals to go far back in time and claim that pay decisions made years ago were discriminatory does place unfair burdens on employers.

Senator SPECTER's amendment No. 26 provides a small measure of potential relief to employers who must face the daunting task of trying to defend decisions made in the distant past by individuals who may not be available and based on documentation that no longer exists. We will have to increase the amount of time that we expect people to keep all of their records if this bill goes through the way that it is.

Senator SPECTER's amendment makes it clear that an employer in those circumstances may still raise traditional equitable defenses to those claims, such as the defense of laches. For example, if an employer can demonstrate an employee knew or should have known the allegedly discriminatory nature of a pay decision made years ago, but lets the claim slip, then it may be barred if the employer is hindered in mounting a fair defense because of the passage of time.

The proponents of S. 181 have said repeatedly that it is not their intent to limit employers in their use of equi-

table defenses. Accordingly, they too should support Senator SPECTER's amendment. It would restore a small measure of fairness in employment discrimination litigation. I commend Senator SPECTER for offering it. I support the amendment in full. I urge my colleagues on both sides of the aisle to look at it and support it.

Senator SPECTER's amendment No. 27 has also offered another amendment to improve the underlying bill which deserves full and fair consideration from colleagues on both sides of the aisle. We know Senator SPECTER has been very involved in judiciary work and that he does reasonable amendments and is concerned about some of the implications of the bill.

He has offered another amendment to improve the underlying bill. I hope we will give that a careful look. I have been clear that I am troubled by the fact that this bill effectively eliminates the statute of limitations from employment discrimination claims since I believe that statutes of limitations do serve an important function. They speed recovery to the victims of discrimination, as well as ensure fairness in our legal process and accuracy in the resolution of disputed claims. The important role they play demands that any effort to change or eliminate the statute of limitations be carefully defined and clearly targeted at the precise problem the legislation purports to address. As presently drafted, S. 181 does not come close to achieving this standard. Senator SPECTER's amendment does much to correct this very problematic lack of precision.

The proponents of S. 181 have been careful to note that the concern which they seek to address by this legislation relates to "discriminatory pay decisions." The language of the bill, however, is much broader. The bill would not only eliminate the statute of limitations with regard to discriminatory pay decisions, it would also do so with respect to any "other practice." However, this legislation nowhere defines what is meant by "other practice."

Virtually all personnel decisions—promotions, transfers, work assignments, training, sales territory assignments—affect an individual's compensation, benefits, or their pay. It appears that the other undefined "other practices" language would extend liability far beyond simple pay decisions to include anything that might conceivably affect compensation. This would include claims of denied promotions, demotions, transfers, reassignments, tenure decisions, suspensions, and other discipline, all of which could be brought years after they occurred and years after the employee left employment, and, without my amendments, be brought by other people. The phrase could also potentially embrace employment decisions with no discriminatory intent or effect.

This result is plainly an overreach and goes far beyond the publicly stated aims of this legislation's proponents. Defending a claim based upon a pay decision made years and years earlier is a heavy burden. Reaching back years and years to defend the dozens of other personnel actions an employer takes every day is an impossible burden. Senator SPECTER's amendment limits the reach of S. 181 solely to discrete pay decisions and makes clear that S. 181 does not apply to any other personnel decisions. While I believe it does not cure all the ills which S. 181 creates, it does put this very problematic interpretation to rest, and I support his effort and amendment.

I heard many on the other side of the aisle state that S. 181 has been fully vetted because two hearings were held on it last year. I point out that the HELP Committee hearing was held before Senator HUTCHISON offered her alternative legislation, her "better Ledbetter." Neither hearing covered this or any other alternative means to accomplish the goal on which we all agreed. If we had been able to explore alternatives in a hearing and have a markup—and a markup is a point I keep emphasizing—I believe we might have come to a change in the legislation that would more clearly state what is trying to be done and wind up with an agreement on both sides which would greatly reduce the amount of time that it takes to do amendments. The amendments, again, are done up or down rather than having slight revisions that could perhaps make them palatable to both sides.

Our side has turned in amendments that are relevant, that are designed to hopefully improve the bill, and do it in a way that it does not eliminate the purpose of the bill. There could have been a lot of constructive work in a committee markup, but that is not the choice, so we will continue to proceed and we have been proceeding with amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, I wish to thank the Senator from Wyoming, Mr. ENZI, for his cooperation in moving this bill on the floor. He has been a big help working with this side of the aisle and working with us and the respective leadership to line up these amendments so that we can actually offer them and discuss them, and we are going to be voting on them. I thank him for doing that.

Also, the distinguished Senator from Wyoming had a very content-rich presentation. He covered his amendments, the Specter amendments, and other comments. He even discussed the Hutchison amendment. What I am going to do is respond to sections 3 and 4 of the bill and his concerns about the words "affected by."

I oppose Senator ENZI's amendments to the Lilly Ledbetter Fair Pay Act. Those amendments strike the words "affected by" from sections 3 and 4 of the bill. These amendments, I believe, are not necessary, and I am concerned that they could lead courts to mistakenly read this legislation in too narrow a framework.

The Senator from Wyoming argues that his amendments are necessary because the bill somehow expands the category of persons who may sue for discrimination under the civil rights laws referenced in the bill. His concern and his claim is that the Lilly Ledbetter Fair Pay Act would allow spouses and other relatives of the workers who suffer discrimination to file their own lawsuits, claiming that they have been affected by the discrimination of their relative.

I appreciate his concern. What we want, though, is to assure him, and I say to my colleagues that his concerns are not valid, that if you look at the legislation, this argument ignores the plain language of the existing statutes and the actual language in the Ledbetter bill.

I am going to sound like a lawyer for a minute, but bear with me. The Ledbetter bill amends title VII of the Civil Rights Act of 1964 which outlaws job discrimination based on race, color, national origin, gender, and religion. The Ledbetter bill also amends the Age Discrimination in Employment Act of 1967 and applies those amendments also to the Americans with Disabilities Act and section 404 of the Rehabilitation Act.

These laws make crystal clear that the only persons who can file under the act are those who have suffered discrimination on the job or the Federal entities charged with enforcing the civil rights laws, not the relatives or friends of these workers.

I am going to make it crystal clear, I say unabashedly for legislative intent, that these laws make it crystal clear that the only persons who can file a suit under the act of discussion today are those who have suffered discrimination on the job or the Federal entities charged with enforcing these civil rights acts, not the relatives or friends of these workers. The citations are 42 U.S.C. 2000e-5(f)(1); 29 U.S.C. 626(c)(1); 29 U.S.C. 791(g), 794(d); and 42 U.S.C. 12117(a).

I also wish to elaborate that the bill amends only the provisions of the respective statutes regarding timeliness of job discrimination suits and leaves unchanged current law regarding who may file a suit.

So the only thing we are dealing with is timeliness. Nothing in the Ledbetter bill would change the basic requirements that job discrimination suits under title VII, the ADA, the ADEA, or the Rehabilitation Act must be filed by the workers personally affected by

workplace discrimination or by the Federal Government on their behalf.

In addition, for further clarification, the House Education and Labor Committee's report on this legislation states that the language in sections 3 and 4 of the bill is modeled on the text of section 112 of the Civil Rights Act of 1991, which was adopted with overwhelming support in both Chambers of Congress to overturn the Supreme Court's decision in *Lorance v. AT&T Technologies*. I repeat that decision: *Lorance v. AT&T Technologies*.

The Lorance fix has been around for nearly two decades, and it has not expanded the category of persons who can sue for job discrimination. Our bill will not change who may file the suit under the civil rights law it amends.

Finally, the Enzi amendments should be rejected because omitting the words "affected by" from the bill might actually lead a court to conclude that we intend the fix adopted in this legislation to be more narrow than the Lorance fix. Although the Ledbetter bill uses the term "affected by," where the Lorance fix used "injured by," the House report makes clear that this is a distinction without a difference. This is a distinction without a difference. Accordingly, if we followed the Enzi amendment, if we remove "affected by" from the Ledbetter bill, we run the risk that the courts might erroneously read this legislation as less comprehensive than the parallel provision of the 1991 act.

I urge my colleagues to oppose the amendments offered by our colleague from Wyoming. In a nutshell, the Enzi amendment only fixes half the problem, it does not cover discrimination, it has a delayed impact on workers' wages, and we know that anyone would not be able to sue even though they were still affected by this job evaluation business.

I am going to say more about this, but my initial argument is to lay to rest the concern that persons other than the one who is actually discriminated against would have standing to file under this bill, and I think I have clarified that.

I note that Senator SPECTER is here and he has his amendments, and I also note that there are other Senators on the other side of the aisle who wish to speak. So for now, I will conclude my arguments, and I yield the floor so that we may proceed with other Members.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield such time as the Senator from Georgia needs, but first I wish to make a very brief comment.

The Senator from Maryland kind of makes the point I have been trying to make through all of this. If there is wording that more clearly states the Senate's intention or Congress's intention, and since there is disagreement

over how widely this affects people, had we gone through a committee markup, we would have already covered this and would have found more careful wording that would have done what I think both of us are talking about. So again, that is why we should send them to committee.

I yield time to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I thank the distinguished Senator from Wyoming for yielding me this time, and I rise in opposition to the Lilly Ledbetter bill.

I oppose, just like everybody else, discrimination in the workplace, and I believe any worker who experiences discrimination should have their claim handled in a fair and timely way. But I would like to reiterate what several of my colleagues have already mentioned, which is that discrimination in the workplace has been outlawed since 1963.

This legislation, S. 181, the Lilly Ledbetter Fair Pay Act of 2009, did not go through the normal process. I think the Senator from Wyoming has just said that the issue we are talking about now is that this amendment might have clarified something that is not clear in the bill had it gone through the regular process.

This bill is not about supporting or opposing discrimination. This debate is strictly focused on when the statute of limitations on pay discrimination suits should begin. As a first-year law student, you learn the critical importance of the statute of limitations in our judicial system. Our judicial system is the envy of the free world, and one of the basic fundamental rights or issues involved in our judicial system is the accruing of a right and a point in time when that right dissipates. That is what we call the statute of limitations, and it truly is fundamental and should not be tinkered with in any way whatsoever.

What this bill would do would be to undermine fair and timely resolution of employment discrimination allegations.

We are facing difficult economic times today. According to the U.S. Department of Labor, 984 Georgians lost their jobs last week. This bill, should it become law, will have a devastating financial impact on already hindered employers and business owners. Businesses around the country are on the defense. They need more incentives to hire and retain employees. What this will do is to create incentives to take money that would ordinarily be used to either increase pay or to hire more employees and put that money aside because at some point in time they are going to have to defend litigation as a result of this piece of legislation. I believe the legislation would undermine the fair and timely resolution of employment discrimination suits.

I strongly support the amendment of my colleague, Senator ISAKSON. His amendment would make the legislation, should it pass, prospective only and would deny any rights on a retroactive basis. If we go to making bills such as this retroactive, what will we do to the business community?

I also rise in support of the amendment of Senator ENZI. What it says is that an action accrues only to an affected employee.

Those two amendments are common-sense amendments. Anybody who has ever been in the business world and who has hired employees knows and understands that there are certain guarantees you have to have if you are going to be successful in the business world. One of them is to know your exposure to litigation. What we are looking at here, unless the Isakson amendment is adopted, is that people who have been operating their businesses for years, in a way that they thought limited their exposure, all of a sudden may be exposed to what will amount to frivolous lawsuits that can be filed against them.

Again, the Enzi amendment makes such common sense that oftentimes people in this town have a difficult time understanding it. As I have heard the Senator from Maryland discuss this issue a minute ago, I think we agree that only "affected" employees are covered by this, and we ought to clarify that. I think Senator ENZI's amendment does that, and therefore I am in strong support of his amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Maryland has 13½ minutes remaining; the Senator from Wyoming has 8½ minutes remaining.

Ms. MIKULSKI. Mr. President, I just wanted to say a few words.

First of all, let's go to the remarks that were made that, somehow or another, by passing the Lilly Ledbetter Fair Pay Act, we are going to further undermine our economy and our ability to hire people. I find it surprising—first puzzling, then surprising—to say that the way we are going to get out of this economic mess is if we continue the status quo—or the stacking quo—

which is that if you have discrimination in the workplace, don't pass the law to do greater clarification. I think that is a flawed argument.

First of all, women of America already subsidize our economy. And you know what. We are mad as hell, and we don't want to take it anymore. Everyone needs to hear that: We, the women of America, are mad as hell, and we don't want to take it anymore. Now, why do I say that? We are already paid 77 cents for every dollar that men make, so we are already subsidizing the economy in the workplace. Then when you go into the home, our work is often undervalued and it is certainly not compensated. So somehow or another women's work doesn't quite count in the same way.

Well, we want to be counted, and we want what we do to be counted. We want the world to know that if we are doing equal work, we want equal pay. We do not want to subsidize the economy. We don't want any subsidies. We want fairness, we want justice, we want the law on our side, and we want the courthouse doors open to us.

Now, if business thinks the only way they can succeed is by continuing these practices, then business has a lot of lessons to learn. And by God, when you look at what the banks did, you can certainly see that. If business doesn't want lawsuits, there is one clear, right way of avoiding a lawsuit: don't discriminate. If you are an employer and you are paying equal pay for equal or comparable work, you will not be sued, you will not be challenged, and you have no need to fear.

If you want to have some economic stimulus, give us that 23-cent raise—all those single mothers out there; as Senator LINCOLN spoke about earlier, all those Norma Rays, all those Lilly Ledbetters, all those people who have lined up through the ages. So 23 cents might not sound like a lot, certainly in Washington where we give zillions to banks and they do not even say thank you. They don't even promise they will send out more or promise they will join with our President and work through this.

So we are very clear that we want to be paid equal pay for equal work, and we want it in our checkbooks. But we know we have to get to that by having the Ledbetter bill in the Federal lawbooks.

I can understand some of the fine points, the concerns raised by Senator ENZI. I think I have presented a sound legal argument that shows that the only thing we mean by the "affected party" is that person who is actually discriminated against, or if a Federal entity sues on their behalf. I think we have clarified it. But I believe we also need to be clear why we are doing this legislation. We are righting a wrong, we are addressing a grievance, and we

are ensuring those fundamental principles of our society, which are fairness, equality, and justice.

Mr. President, I am going to yield the floor, and I yield back my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Maryland. I have always appreciated working with her on issues. We probably wouldn't have completed the Higher Education Act if it had not been for her diligence and expertise and ability, and this is a bill on which she has expertise and ability. It hasn't gotten all of the viewpoints of all of the people on the committee, let alone all the people in this Chamber, and that is what we are trying to get to.

There isn't anybody in this Chamber or probably on the other end of the building who isn't for equal pay. That is the law. If anybody knows of a situation where that is not occurring, let any one of us know, and I bet you we would help to right the wrong. We are against discrimination.

But we are also against discrimination against the small businessmen who have to sometimes interpret our laws, figure out what we are saying, and become some of the precedent setters on some of the fine points that we don't even address. That should not happen. It is very expensive for them. What they are trying to do is put out a product or service and get compensated for it so they can compensate their employees. There are a lot of decisions they have to make to be able to do that. Fairness is one of them.

This 23-cent pay differential that keeps coming up—and that is wrong—is why we had a fantastic hearing in our committee about why that happens. That is because different jobs—not the same job, different jobs—pay different amounts. The ones with more risk apparently pay more. The ones with more risk are nontraditional jobs for women.

One of the people who testified had taken a course to become a mason, a rock mason, to do rock work. Her first rock work was, of course, at ground level. Later, she was installing big sheets of marble on the outside of skyscrapers. She went through how her compensation changed as she did these different jobs. That is a nontraditional job for a woman, but she is being paid more than most men in this country now.

That is what we have to do. We have to provide the encouragement, the skills, and the training to be able to perhaps do nontraditional jobs. I have tried to get this Workforce Investment Act through for the last 5 years. We passed it through the Senate once unanimously and were never able to get a conference committee on it with the House. Since that time, it has just languished. That would provide skills training to 900,000 people a year. It is

criminal we do not pass that. That would solve a lot of the 23-cent gap we are talking about. That is not equal pay for equal work, that is higher pay for different work. But we need to have people trained to do that work, and we need to provide the training to do that work. That will solve a lot of the 23-cent gap.

But as long as we are encouraging people to do the traditional jobs, and we are not providing them with the training, we are relegating them to a gap. I guarantee it is bigger than 23 cents. That is the average. That is the way it works out across this country, which means some are making more and some are making a whole lot less. We do not want that to happen. I want everybody to be clear. Nobody wants to have unequal pay for equal work.

What we have tried to do, since we can't, as in a markup, sit down with the people who have the common interests in some of the parts of this that we have questions about and work out something that everybody agrees with that, from the perspective of those people in the room, solves the problem we are talking about—we have been doing that in the HELP Committee. We have been doing that on a frequent basis. We have even been so agreeable in the committee that a lot of times we will have some amendments that people are concerned about, and we haven't been able to reach an answer by the time we get to markup, but we know that is a problem, and we say we will get that solved by the time it gets to the floor, and we do and it doesn't take much floor time.

The reason I brought up this amendment is that I think it is far too broad. I have not had a chance to review the specific cites that the chairman has brought up. I would like to be able to do that, but we are not going to have that time either which we would if we had a normal amendment markup—but S. 181 adds a new undefined term to title VII, and that is "individual"—this "affected individual" will be permitted to sue under S. 181. But we do not know what the term means. Does it include spouses, et cetera? Why didn't the bill's sponsor use a defined term such as "person."

This bill, as drafted, leaves the door open to lawsuits from people other than the employee. My amendment shuts that door. Maybe it is not the most effective way, but we have not had the opportunity to sit down and look at these different perspectives, look at these words, make sure we have it defined right, make sure we have the right ones in the bill.

That always disturbs me. We are trying to solve a problem, a problem that is real, and we are trying to do it in a way that is fair to everybody. "Everybody" means all the employees and the employers and do it in a way that we will get the right information. If this

opens the door to other people, even without the permission of the person who was affected in some cases—families take things much more personally than the individuals do usually. I know in campaigns it is the families who get upset when they see one of these terrible ads on television and they hold the grudge longer. They do not understand it the same way the candidate does. The same thing happens in the workplace—and I am sure it does. If a person comes home from work, and they are upset and they complain, the family takes it personally. That is a help to the employee. They need to be able to voice these things and have somebody who acts as a sounding board on it. But the family always continues the grudge longer.

I can tell you this bill allows those people to go ahead and open the door and sue on behalf of the person who came home with the grudge, even if that person is not willing to sue because they can be affected. There are ways to fix this, but I contend that just doing it through these votes on the floor probably is not going to do it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the Enzi amendment? The Senator from Maryland is recognized.

Ms. MIKULSKI. Did I yield back my time?

The PRESIDING OFFICER. The Senator yielded back her time, but we know how much time she had remaining.

Ms. MIKULSKI. I said, did I yield back my time?

The PRESIDING OFFICER. The Senator did yield back her time.

Ms. MIKULSKI. At that time I was unaware that Senator MCCASKILL was coming to the floor. I ask unanimous consent for 5 minutes for Senator MCCASKILL to be able to speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, there are certain things that just reflect common sense. One is the reality of the workplace, who has power and who does not. Generally, the people who are being subjected to unfair treatment—doesn't it make sense they are not the powerful ones? Doesn't it make sense they have the least information about what is going on in terms of policies and procedures?

The thing about the Ledbetter case that just defies common sense is that we are asking the least powerful people in the workplace to be all seeing and all knowing. We are asking them to know what clearly they cannot know because they are being discriminated against. How unfair is it that we are saying to a woman: You must know when they start denying you a promotion. It is not just about equal pay.

With all due respect to my friend and colleague from Pennsylvania, it is not just about pay. It is about promotions. It is about whether you are considered for the big job not just whether you are making the same amount when you get the big job. We cannot ask those people who have been kept in the dark because they are not considered as worthy as others to be the ones to know what the policies and procedures have been in the workplace.

I think it is important we defeat these amendments. I think it is important that we restore common sense to allow someone to take action when they have, in fact, been kicked to the curb in the workplace—not because of their job but because of who they are, because of whether they are a man or a woman, whether they are old or young, whether they are Black or White.

The secrecy in the workplace sometimes invades other places. There are so many rules around here that I respect, but I tell you, I do not get anonymous holds. I do not get anonymous holds. I do not understand why any Member of the Senate would not be proud to explain why they were willing to hold up someone's nomination.

Imagine my frustration when I look at the nominations that are being held now in secret. Do you know what is amazing about it? They are women, the same women who have suffered in the workplace because they do not get enough information. There are now four women who are secretly being held from doing their jobs: Lisa Jackson at EPA, Nancy Sutley at White House Environmental Council, HILDA SOLIS for the Department of Labor, and Susan Rice for the Ambassador to the U.N. Just like Lilly Ledbetter, they are being kept in the dark as to why they are not being allowed to step up to service.

I implore the Senators who are secretly holding these women—by the way, those are almost all the women who have been nominated. Proportionally, almost every woman who is being nominated is being secretly held, compared to the men who are nominated.

I urge everyone to defeat the amendments on Lilly Ledbetter. I urge its passage.

UNANIMOUS CONSENT REQUEST—EXECUTIVE SESSION

I ask unanimous consent the nominations of Lisa Jackson, Nancy Sutley, HILDA SOLIS, and Susan Rice be moved forward.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. McCASKILL. On behalf of those women, I am disappointed at the objection. I look forward to the passage of Ledbetter and the confirmation of those women so they can serve.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, what is the regular order?

The PRESIDING OFFICER. One minute remains for each side in debate.

Ms. MIKULSKI. Mr. President, I yield back my time. I know Senator SPECTER is waiting. He is also dealing with the nomination of Mr. Holder. We would like to move Mr. SPECTER along.

I yield my 1 minute back, if the Republicans yield back their minute.

The PRESIDING OFFICER. The time is yielded back. The Senate will now debate the Specter amendment.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 26

Mr. SPECTER. Mr. President, I call up amendment No. 26.

The PRESIDING OFFICER (Mr. BROWN). The amendment is pending.

Mr. SPECTER. Mr. President, this amendment provides that:

Nothing in this Act or any amendment by the act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or an estoppel or laches doctrine.

This amendment goes to the issue of giving the employers a fair opportunity for offering a defense. I have long supported equal pay for women. I have long supported breaking the glass ceiling as a matter of equitable fairness. In my book, "Passion For Truth," I wrote almost a decade ago:

The majority in a democracy can take care of itself while individuals and minorities often cannot. Moreover, our history has demonstrated that the majority benefits when equality helps minorities become part of the majority.

Last Congress I cosponsored two bills dealing with equal pay. I cosponsored the Fair Pay Restoration Act with Senator KENNEDY and the title VII Fairness Act with Senator HUTCHISON. Earlier today I voted with Senator HUTCHISON, which would have started the tolling of the statute of limitations when the employee knew or should have known.

The availability of the defense is very important. What the amendment does is to incorporate the language in the dissent of Justice Ginsburg in the Ledbetter case, where Justice Ginsburg pointed out that:

Allowing employees to challenge discrimination that extends over long periods of time into the charge-filing period . . . does not leave employers defenseless against unreasonable or prejudicial delay. Employers disadvantaged by such delay may raise various defenses. Doctrines such as waiver, estoppel and equitable tolling allow us to honor title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer.

So what we have, essentially, are equitable defenses. If you have waiver, where there is an affirmative act to give up a right, or where you have estoppel or laches, that means the party has waited an unreasonable period of

time, so those defenses may be asserted.

Now, it is my legal judgment that these defenses would be available without this amendment, but you never can tell what a court will do. One of the objectives of legislation is to cure any potential ambiguity, so it is plain what will happen in court. That is what this amendment does.

If I may have the attention of the distinguished senior Senator from Maryland, we had discussed first, if it is agreeable to the Senator from Maryland, who is managing the bill, I compliment her on her outstanding work and again repeat, I cosponsored her bill in the last Congress. I did not do so this year, not that I am opposed to the principle of equal pay, but I tried to work out these matters to make what I consider to be improvements.

The question I would ask of the Senator from Maryland, is: Do you believe that the defenses of waiver, estoppel, laches, and equitable tolling are available now or would be available if this bill were enacted, even without such a specific amendment such as I have offered?

I raise that question because there has been some discussion that we could have a colloquy. I think it is preferable to having it firmly in the statute. But I begin with the form of a colloquy. Do you agree the defenses of laches, waiver, equitable tolling—

Ms. MIKULSKI. First, let me say to my good friend from Pennsylvania, one, I wish to thank you for your cooperation on this bill. I wish to thank you for your cosponsorship in a previous Congress. We hope we do have the Senator's support at the conclusion of the amendment process.

I wish to say to my friend the bill does not change the law on the topics he has raised. But in all fairness, he is a superior lawyer. I am not a lawyer. Rather than me responding, kind of shooting from the lip, I would like to have a proper colloquy with the Senator at such time that I know we are on firm ground so we can clearly establish the legislative intent.

Could I suggest the absence of a quorum while the Senator and I discuss this and see how we can proceed?

Mr. SPECTER. Certainly.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, after a brief discussion with the distinguished Senator from Maryland and the distinguished majority leader, we decided to go ahead with the debate and a vote on the amendment.

At this time, I call up amendment No. 27.

The PRESIDING OFFICER. The amendment is pending.

Mr. SPECTER. This amendment would strike the language of "other practices." In the statute, the language reads: "pay or other practices." And this amendment would strike the language "other practices," focusing on the pay.

As I said before, I believe there ought to be equal pay for women. The glass ceiling ought to be broken and they ought to be treated fairly and equally.

But I am concerned about the language of "other practices," which might well engage and promote an enormous amount of litigation, as to whether "other practices" included such items as promotion, hiring, firing, training, tenure, demotion, reassignment, discipline, temporary reassignment or transfer and all those items.

That is not intended to be a dispositive list. There could be more items that someone might say "other practices" encompass. There have been objections to this legislation, that it is going to promote extensive litigation. I think the best way to approach this issue is to provide equal pay. If somebody wants to include one of those other items, such as promotion or hiring or firing or any of them, I would certainly be willing to consider them in the legislation.

But what I would like not to see is the language "other practices" with the vagueness and the ambiguity that is present in that kind of language. That is the essence of the argument.

In an extensive floor statement, I have set forth my general approach and my reasons for offering these two amendments. I ask unanimous consent that it appear at the conclusion of my extemporaneous remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. Specter. Mr. President, I seek recognition today to discuss a very important issue facing American workers—pay discrimination.

I have long been an ardent supporter of civil rights and have consistently supported legislation aimed at rooting out discrimination based on race, gender, disability, and economic disadvantage. "The majority in a democracy can take care of itself, while individuals and minorities often cannot. Moreover, our history has demonstrated that the majority benefits when equality helps minorities become a part of the majority."

We all agree that pay discrimination is insidious and unacceptable. Last Congress, I cosponsored two bills dealing with the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, 127 S. Ct. 2162 (2007)—the "Fair Pay Restoration Act" with Senator Kennedy and the "Title VII Fairness Act" with Senator Hutchison. I cosponsored both of these bills because I believed that the only way for a substantively fair bill to pass was to find a bipartisan compromise. I still believe that, and so in this Congress, I have

declined to cosponsor any legislation on this issue in an effort to foster a compromise.

I agree with Senators Mikulski and Hutchison that women should not be expected to challenge pay practices that they do not know about. I also agree with Senator Hutchison that no one—regardless of sex, race, age, or disability should be expected to challenge a decision or practice they do not know about. However, it was Congress' intent in passing Title VII and other anti-discrimination statutes that if employees know about such practices, they should file suit within a reasonable time; they should not sit on their rights. This is what Justice Ginsburg noted in her dissent in *Ledbetter*—that Title VII has a remedial purpose. Moreover, the notion that a statute of limitations begins to run from the time a person knows that they have been harmed is consistent with every other area of the law and is the reason for statutes of limitations.

This is not an easy issue, and there is no doubt this statute will lead to more litigation—some of which will have merit, and some of which will not. For small employers in particular, more litigation can cause serious economic hardship. But my view has always been that we should give maximum protection to women in the workplace. We all know the proverbial "glass ceiling" is more than just a catch phrase. It exists. And where there is discrimination, we must ensure that a technicality on an especially short statute of limitations does not preclude ending a discriminatory practice or recovery. A 180-day deadline may be a reasonable time period for filing claims challenging overt acts of discrimination, such as a termination or denial of promotion based on gender. Pay discrimination, however, is more subtle, and often goes unnoticed by an employee for a long time.

I voted for cloture on the motion to proceed to this bill. But that does not mean I believe that we as Senators should rubberstamp legislation, especially legislation that has bypassed the committee process. There is a great deal to be said for regular order, where we have the text of a bill, amendments are proposed, there is debate, there are votes, and the process moves ahead through the committee system. I believe that the bypassing of the committee process has, in the past, contributed to the ultimate failure of legislation.

It is imperative that, as the world's greatest deliberative body, we have an open debate on every issue that comes before us. Each Member should have the opportunity to offer amendments. Before today, it had been over 120 days since Republicans had an opportunity to offer an amendment to any bill on the floor. I am pleased that the Majority and Minority Leaders have reached an agreement to permit Members to offer amendments to this bill.

As Senator Hutchison said on the floor this week, a bill should be carefully drafted so that it does what the sponsors intend for it to do and so courts are not left trying to sort things out in a way that may contravene Congressional intent. That is my reason for offering amendments to this bill. My amendments will not alter the legislation significantly, but rather will clarify what I perceive to be two ambiguous aspects of the bill.

My first amendment would strike the phrase "or other practices" where it appears in the bill. The bill does not define the phrase and thus could be interpreted to mean that an employee is excused from filing a timely challenge to any employment decision that ultimately affects compensation,

not simply pay decisions. This could include promotions that the employee knows he or she did not receive, transfers, work assignments, or training. Such an interpretation would arguably expand the definition of liability under Title VII in a way that the authors of this bill did not intend. It could also potentially embrace employment decisions with no discriminatory intent or effect.

This phrase could also be interpreted as effectively vitiating the statute of limitations. An unfair employment decision, such as a failure to promote, could still affect an employee's pay decades later. Thus, an employee could potentially sit on his or her claim for years, regardless of the fact that he or she was on notice when the unfair employment decision was made. We want employees to challenge those decisions when they are aware of the unfair decision. And we want employers to have the opportunity to take prompt remedial action.

My second amendment would add a rule of construction to provide that nothing in the Act shall be construed to prohibit any party from asserting waiver, estoppel, or laches. These equitable doctrines allow courts to consider whether an employee had notice of discriminatory treatment but chose to do nothing for a long period of time. In her dissent in *Ledbetter*, Justice Ginsburg reasoned that "[a]llowing employees to challenge discrimination that extends over long periods of time . . . does not leave employers defenseless against unreasonable or prejudicial delay. Employers disadvantaged by such delay may raise various defenses. Doctrines such as waiver, estoppel, and equitable tolling allow us to honor Title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer." *Ledbetter*, 127 S. Ct. at 2186 (Ginsburg, J., dissenting) (internal quotations and citations omitted). This amendment makes clear that, under this bill, employers retain their right to assert those affirmative defenses.

I have voted against cloture in the past as a matter of principle. I do not think we ought to end a debate before a debate has even begun or before Members have had an opportunity to offer amendments. That has resulted, as I see it, in gridlock on the Senate floor and dysfunction. I am hopeful that this practice has ended with the new Congress.

I urge my colleagues to support this amendment. I thank the Chair and yield the floor.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share a few thoughts about this subject. The need to ensure that women are not discriminated against in the workplace is very real. Congress has acted on that more than once.

In fact, this litigation and legislation has arisen from statutory actions to make sure discrimination does not occur. The Supreme Court held that

one woman lost her suit because she brought it too late. Because of this her allies, friends and others have promoted the idea that we should change the statute of limitations in a historic way; in ways we should not in order to deal with this problem.

I think that is a mistake. I practiced law for a lot of years. I have seen the power of the statute of limitations. Clarity in that issue is important to me in the practice of law and for every American citizen.

For example, I was a federal prosecutor for many years. A lot of Americans may not know that a burglar, a robber or a thief can get away with his crime if, after 5 years, they are not arrested or charged. They are home free and cannot be prosecuted because of a statute of limitation.

There are only a few crimes, such as treason and murder, that have extended statutes of limitations. The entire legal system we have inherited, this magnificent legal system that began in England and we have worked with here serving us so well, has always recognized, as a matter of policy, that people ought not to sit on their claims.

If someone has a claim they have a responsibility to come forward and make it. Sometimes that makes for difficult choices. There was a case recently in Alabama where an individual who had a claim went to the local probate judge. In Alabama, the probate judge is more of a ministerial office. Some are not lawyers; most are. I am not sure if this probate was a lawyer. He told the individual they could file a lawsuit next Wednesday. He filed it next Wednesday, and the person who was sued went to court and moved to dismiss it, saying the man filing the suit waited too late. In truth, he was 1 day late. The Alabama Supreme Court said: The law says this much time. You file it late, you are out.

This is the nub of the matter. The statute of limitations means something. Before the Ledbetter case arose I had on more than one occasion objected to a special piece of legislation in this Senate. I think they finally got it passed through the House, but not the Senate. I was the only one who objected. It would give a law firm in one of the Nation's big cities a special law, a bailout, that would excuse them for missing the statute of limitations on a big, expensive matter. They said: "Well, you know, this is a lot of money. It is millions of dollars. We only missed it by 1 day." I think it was a 1-day thing. "Give us a new law that allows us to get in there and get around our mistake."

One time I suggested, well, would that law firm from hereafter commit to every client they have in their law firm, that if somebody files a lawsuit too late they will waive the statute of limitations defense; they won't raise

that defense, and let the other party go ahead and file a case? Of course not.

A statute of limitations is a part of the law. Every lawyer knows the best way to get sued for malpractice is to miss a deadline, which is what I said of this big law firm and its mistake. That is why you have malpractice insurance and why it exists in the first place. If you miss a statute of limitations or you advise your client wrong on the statute of limitations and filing deadlines, your client can sue you for malpractice. You better have insurance or a lot of money to pay for your mistake.

I want to say to my colleagues how deeply embedded in our legal system is the concept of the statute of limitations, the length of time in which you are entitled before you sue somebody.

Then there came another situation that is more difficult. Courts have worked their way through it, which is how these issues are resolved. Well, what if you are an average American citizen working and somebody cheats you or somebody mistreats you in the workplace and discriminates against you in the workplace. What if you are unaware? What if you had no evidence, you didn't know the true facts and you didn't know they had cheated you? What about that? Well, basically the courts have had an equitable relief that says you have a certain amount of time from the time you discover you have been mistreated in order to file a lawsuit. In other words, the statute of limitation is extended from the point of discovery to allow you to seek relief.

In the Ledbetter case the Supreme Court concluded that the person complaining about the mistreatment, the discrimination in the workplace, had known about it for years, several years, 4 or 5 years. They said: You can't wait that long. One of the key witnesses involved in the alleged discrimination had died. So the argument was: Well, I get a percentage of my wages in pension benefits from the company. And because I didn't get promoted, my pension benefits are not as much as they should be. And every time I get a check from the company I worked for, it is somewhat less than what I would have otherwise been entitled to and, therefore, that is a new cause of action that begins to run every time I get a new check.

This is not the way the law has been interpreted. Let me say with more clarity, the philosophy and the history of limitations on actions has never operated in this proposed fashion. If you head down that path of dealing with the issue there is virtually no limit on the statute of limitations. For this class of cases—and it goes beyond employment cases—a very broad piece of legislation here today, it provides an extension of the statute of limitations, a tolling of the statute of limitations to an almost indefinite time. That is not good.

We need to understand what we are doing. I know politically this has been ginned up into a big issue. It is complex and technical in some senses. A lot of people haven't taken the time to grasp what we are doing. But I urge my colleagues to consider the legislation moving forward and some of these amendments; that there are sound reasons that limit the time for which a party can file a lawsuit against you. And they are legitimate reasons. It has been a part of every action since the founding of the Republic, to my knowledge, unless it was an oversight. They all provide for a statute of limitations, even criminal cases. Criminals can walk free totally, if they cannot be charged for 5 years, usually. I say 5. Alabama and most States still have 5 years for burglary and larceny and assaults.

I support equal pay for equal work. I urge my colleagues to recognize that this evisceration of an historic principle of limitation of actions is not a way to fix it. It has ramifications far beyond these cases that have been discussed.

I urge my colleagues to spend some time in reviewing this, making sure that we realize what kind of hole we are knocking through the historic principle of the Anglo-American rule of law. If we do that, this legislation will not become law in its final form.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland may proceed.

Ms. MIKULSKI. Mr. President, earlier, I asked for a quorum call while the distinguished Senator from Pennsylvania and I had a discussion on what is the best way forward to clarify some of his questions on waivers, estoppels, and laches in this bill. We were looking, trying to have colloquies or amendments and so on. What we concluded was that the clearest way to do this so legislative intent is firmly established in the RECORD is for him to offer his amendments, present his arguments, and I would offer rebuttal to that on that matter.

He also raised another issue on striking the phrase "other practices." I would like to now talk about both of those amendments, but sequence them.

First, I will discuss the Specter amendment on adding a rule of construction on the equitable defense of waiver, estoppel, and laches.

Mr. President, I strongly oppose Senator SPECTER's amendment to add a rule of construction to the Lilly Ledbetter Fair Pay Act regarding employers' equitable defenses on just

what I said—waivers, estoppels, and laches. This amendment is unnecessary and unfair. These are technical legal terms, and I am going to be very clear that the language is unnecessary because nothing in the bill changes the availability of these longstanding equitable defenses. Parties have been able to raise equitable claims in employment discrimination cases, and nothing in the pending legislation would change that. Courts will be able to decide equitable claims under the same circumstances as they do now. I am going to repeat that. Courts will be able to decide equitable claims under the same circumstances as they do now, regardless of whether this legislation is passed. The bill does not mention equitable doctrines, and nothing in its language could fairly be implied to suggest that parties may not raise equitable claims.

In enacting legislation, Congress does not normally list all the things the bill does or does not or could or could not do. Doing so here could give courts the mistaken impression that Congress intended courts to look more favorably on equitable defenses than they currently do, thereby putting a thumb on the scale in favor of employers who raise such arguments.

Adopting the Specter rule of construction could also lead courts to conclude that Congress wanted to prevent assertions of equitable claims in other contexts not addressed in the bill, such as challenges to promotion, termination, or other benefits decisions. That result would hurt both employers and employees.

Neither of those interpretations is intended in this bill. The purpose of this legislation is not to upset the longstanding balance that courts have established regarding these equitable defenses. As explained in the findings, the bill's purpose is to overturn the Ledbetter Court decision—a decision that had nothing to do with equitable defenses.

This amendment is also unfair because it is one-sided. It mentions only equitable doctrines raised as defenses by employers, but ignores the arguments workers may raise based on equitable doctrines. Plaintiffs have always had the ability to raise equitable claims such as waiver, equitable tolling, and estoppel. The Supreme Court ruled long ago that the time limit in job discrimination cases is subject to equitable doctrines, and this legislation does not upset that ruling. See *Zipes v. Trans World Airlines, Inc.*, 455 U.S. 385, 398, 1982. Courts have ruled that employees may raise claims of equitable tolling when they were excusably ignorant of their duty to file a discrimination claim by a particular date.

In addition, courts have held that employers are estopped from asserting that a worker's job discrimination claim is untimely if the employer's

conduct reasonably can be concluded to have induced the employee to miss the filing deadline. For instance, when workers fail to timely file a charge of discrimination because their employer's misrepresentations caused them to believe they had waived their claims, the employer is estopped from arguing the charge was untimely. See *Tyler v. Unocal Oil Co. of California*, 304 F.3d 379, 5th Cir. 2002. Likewise, if the employer induces a worker to delay filing a charge by falsely stating that the employee was fired because his or her position would be eliminated, the employer may be estopped from complaining that the worker missed the filing deadline. See *Rhodes v. Guiberson Oil Tools Div.*, 927 F.2d 876, 5th Cir. 1991, holding that employer was estopped from arguing that worker's ADEA charge was untimely, where employer concealed facts and misled employee into believing he had been discharged because his position was being eliminated or combined with another position, and that he might be rehired.

Yet the Specter amendment ignores this history and does not say that equitable claims also may be raised by plaintiffs alleging discrimination. This could lead to the perverse result that courts would look less favorably on workers' equitable claims in pay discrimination cases than they do now. This legislation intends to restore workers' ability to fight unfair pay discrimination, and we must avoid erecting new hurdles by adopting an amendment that could undermine workers' arguments based on equitable doctrines.

For decades, the courts have been considering these and other equitable claims by plaintiffs in job discrimination cases, as well as equitable claims raised by defendants. We should do nothing in this legislation to upset the balance courts have established in this area.

So when we do have our votes, I will urge my colleagues to join me in defeating the amendment by the Senator from Pennsylvania, Mr. SPECTER.

Now, Mr. President, he also raises another issue related to "other practices." I also strongly oppose that. I strongly oppose the amendment offered by Senator SPECTER to strike the words "other practices" from section 3 of the Lilly Ledbetter Fair Pay Act. This amendment is unnecessary and would seriously undermine the bill's goal of protecting employees who, like Lilly Ledbetter, were denied a fair chance to challenge pay discrimination in the workplace.

This issue, too, involves a rather complex and detailed legal argument, complete with references and citations.

To summarize in somewhat plain English—because this issue is complicated, and the Senator from Pennsylvania has raised very important and solid questions, and I want to further

clarify why we oppose the amendment—Senator SPECTER's proposal to eliminate the term "other practices" from section 3 of the bill would defeat our legislation's purpose of overturning the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618, 2007. Lilly Ledbetter, the plaintiff in that case, was paid significantly less than her male colleagues. This difference in pay came about because Lilly's employer based her pay on a bad evaluation they gave her because she was a woman. Now, I am going to repeat that. The difference in pay came about because her employer based her pay on a bad evaluation, but the bad evaluation they gave her was because she was a woman. And this has been established. The discrimination continued every time Ms. Ledbetter received a paycheck, and the difference in pay between her and her male co-workers grew more severe over time. If you listen to her speak, you can see how it affected her pay, her pension, her 410(k), and her Social Security.

If we adopt the Specter amendment, this legislation will no longer cover situations like Ms. Ledbetter's, where a discriminatory difference in pay is tied to a practice like job evaluations that contributes to the employer's decision to set a worker's pay at a certain level. That result is simply unacceptable.

The rule we enact in this bill must be workable and it must accurately reflect how job discrimination occurs in the workplace. Ms. Ledbetter's case—and many others—show that salary determinations often rely on other discriminatory actions.

Unfair differences in pay may be brought about not only by discriminatory job evaluations, but also by discriminatory decisions to classify a job in a particular way, or by discriminatory assignments to a particular location. See, e.g., *Parra v. Basha's, Inc.*, 536 F.3d 975, 9th Cir. 2008. Latino workers were paid up to \$6,000 less annually than other employees performing the same duties based on their assignment to a store location with a predominantly Latino workforce; *Moorehead v. UPS*, 2008 WL 4951407, employer claimed that differences in starting salaries for men and women were due to its evaluation system.

Because the factors that contribute to pay scales are solely within employers' discretion, we must not adopt a rule that encourages employers to link pay setting decisions to other personnel actions, such as evaluations, in order to avoid the civil rights laws. That would create an unacceptable loophole in what is intended to be a comprehensive solution of the problems created by the *Ledbetter* case.

If we adopt the Specter amendment, we would only help some victims of pay discrimination—and leave countless workers such as Lilly Ledbetter without justice.

Senator SPECTER has said that his amendment is necessary because the bill, as drafted, is overbroad and could apply to discrete personnel decisions, like promotions and discharges. That's not true. The bill specifically says that it is addressing "discrimination in compensation." That limiting language means that it already only covers such claims—nothing more, nothing less.

Mr. President, I am going to yield the floor in order to recognize our colleague from North Dakota, Senator DORGAN.

Mr. DORGAN. Mr. President, I thank my colleague from Maryland for her leadership. It has been a long struggle and she continues that struggle on the floor of the Senate today. I was thinking that the struggle for women's rights has been ongoing for a long time. It was 150 years in this country before women had the right to vote. Think of it. This has been a long and tortured struggle.

I say to my colleagues that I think this is the easiest vote to cast. We come to this floor sometimes to cast wrenching, difficult, controversial votes. This is not one of them. This cannot be one of them. Requiring women who have been discriminated against to bring a lawsuit against their employer before they knew they were discriminated against is absurd, and yet that is what the Supreme Court said. It seems to me it is time to correct that Supreme Court decision.

Women have been fighting for equality and especially equal pay for a long time. In this Ledbetter case, she was discriminated against by being paid substantially less than a coworker working right beside her, doing exactly the same thing, and they underpaid her for years and years and years. Finally, in the disposition of the Supreme Court, she was told that her case didn't stand because she didn't file that claim within 180 days. She didn't know for 20-some years, let alone 180 days. Why should she not have been able to have the right to continue redressing that wrong? So we must, it seems to me, do the work of the committee here today and pass this legislation.

This struggle, as I said, has gone on for so long. Abigail Adams was urging her husband John Adams to protect the rights of women as early as 1776. This struggle has gone on since before the Constitution was written in this country. I was reading some while ago about the struggle of the woman's right to vote. This is about equal pay, but the so-called "night of terror" happened in Occoquan Prison. On November 15, 1917, 33 women were severely beaten by over 40 guards in Occoquan Prison. Why? What had they done? They were arrested for obstructing sidewalk traffic in front of the White House. Why were they there? Because they believed that women ought to

have the right to vote in this country. So they were arrested and hauled off to prison. Lucy Burn, one of the 33, they say was shackled around both arms and the chain between the shackles was hung on the top of a cell door and that was her position throughout the night as blood ran down her arms. Alice Paul finally went on a hunger strike and they shoved a tube down her throat and her vomit nearly killed her.

These women were tortured during the night of terror in Occoquan Prison because they obstructed traffic on a sidewalk? Why did they do that? They demanded, after 150 years, the right to vote. That is what they risked. They nearly died, some of them, to get this right to vote. Think of that struggle and how unbelievable that struggle was, and what heroes they were. But as always, there was push-back, people saying no.

My colleague from Maryland brings to us today an issue of fair play—another long struggle, and it is not even nearly over—but at least today we can take a step in the right direction with respect to the Lilly Ledbetter case. A Supreme Court that says a woman has no right to bring a pay discrimination case before the Court because she didn't know she was being discriminated against? That is an absurdity and one that must be corrected.

This long struggle for fairness for American women will not end on the floor of the Senate today, but this should not be a difficult vote at all. I can't conceive of someone who would say the Supreme Court decision has any sort of fairness attached to it. A woman who is working for 25 years or more, beside someone who is doing the same job but paid much more because of that person's gender, that woman doesn't have a right to seek redress? What an unbelievable injustice.

Lilly Ledbetter, by the way, was here this week attending the inaugural of a new President. We have tried to solve this problem before in the last Congress, but couldn't. We will solve it now, because it is right, it is fair, it is just, and this struggle ought to continue until we win. This is one right step in the direction of this struggle of fair pay, and it is a step we ought to take today.

Again, I thank my colleague from Maryland for being such a leader on this issue. My hope is at the end of this day—this day—we will have passed this legislation and taken a very large step in the direction of justice for women.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, before the Senator leaves the floor, first, he certainly knows his women's history and today he is going to help us write new history. We thank him for recalling—although it is a melancholy thing to recall—how brutal the retaliation was against women. Every time we have had to stand up, whether to exer-

cise our right to vote or as is the case now—the brutal retaliation that occurs in the workplace, often sexual harassment, further discrimination and so on, simply because we pursue being paid equal pay for equal work. So we thank the Senator from North Dakota for his eloquence.

Mr. DORGAN. Mr. President, if the Senator will yield for a moment, this issue is about discrimination, but it goes far beyond this case or discrimination in these circumstances. It goes to the fair pay issue which the Senator from Maryland has been fighting for here in this Chamber for months and years. Obviously, we are going to do much more, but today is the first step in the direction of justice for women, and I think it will be a good day today if we are able to pass this legislation.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator KAUFMAN of Delaware be added as a cosponsor of the Lilly Ledbetter Fair Pay Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair, and I note the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

AMENDMENT NO. 26

Ms. MIKULSKI. Mr. President, an inquiry: Has all time expired on the debate on the Enzi-Specter amendments?

The PRESIDING OFFICER. All time has expired.

Ms. MIKULSKI. Mr. President, I call up the Specter amendment on "other practices" and move that it be tabled. The amendment that I wish to call up is amendment No. 26, Mr. SPECTER's amendment.

The PRESIDING OFFICER. That is the regular order.

Ms. MIKULSKI. I call up the amendment.

The PRESIDING OFFICER. The amendment is pending.

Ms. MIKULSKI. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	

NAYS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Landrieu	Webb
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Kennedy

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that all the following votes be limited to 10 minutes in the agreed-upon sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 27

The PRESIDING OFFICER. The question is on amendment 27. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment strikes the language “or other practices.” I believe there ought to be equal pay, and the legislation would provide for equality of pay for women, break the glass ceiling, but would eliminate the surplusage language of “or other practices” because it is vague and ambiguous. It could in-

clude promotion, demotion, hiring, transfer, tenure, training, layoffs, or many other items. It may be some of these other items ought to be included, and I, for one, would be glad to consider them, but they ought to be specified so we do not have the vague and ambiguous term, “other practices,” which would lead to tremendous litigation. Let’s be specific, what we are looking for. We are looking for pay. If somebody wants to add something, fine, but “other practices” ought not to be part of the legislation which would just stimulate litigation.

The PRESIDING OFFICER. The Senator’s minute has expired. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, the Senator from Pennsylvania is a great lawyer, but his amendment is not. It only fixes half the problem. It does not cover personnel actions that still result in discriminatory wages. It strikes other practices which include job evaluations and classifications.

If we drop “other practices,” we leave out Lilly Ledbetter from getting the justice she deserves and all like her. I understand the Specter amendment is now pending.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUE), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—55

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Johnson	Reed
Begich	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Snowe
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (FL)	

NAYS—39

Alexander	Burr	Crapo
Barrasso	Chambliss	DeMint
Bennett	Coburn	Ensign
Bond	Cochran	Enzi
Brownback	Corker	Graham
Bunning	Cornyn	Grassley

Gregg	Lugar	Sessions
Hatch	Martinez	Shelby
Hutchison	McCain	Specter
Inhofe	McConnell	Thune
Isakson	Murkowski	Vitter
Johanns	Risch	Voinovich
Kyl	Roberts	Wicker

NOT VOTING—3

Feinstein	Inouye	Kennedy
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. We have scheduled at 4 o’clock the swearing in of the new Senator from Colorado. We are going to complete this vote before we do that.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 28

Mr. ENZI. Mr. President, I have made this point a number of times, that bills that go through committees have a markup and the amendments give us direction. We often get them worked out. That did not happen on this bill. So we are trying to get some clarification done.

I appreciate that the Senator from Maryland put some things in the RECORD that show legislative intent. I prefer to have it in the bill. That is why my amendment is in here. It is an attempt to remove some of the legal uncertainty this bill will create. It will clarify who is able to sue under title VII.

Under my amendment, only the person who has experienced discrimination can bring a lawsuit. Without my amendment the door is left open to any affected individual. This is an undefined term in the statute.

Senator MIKULSKI and I have had some back and forth about what the language means. The truth is, without my amendment the courts will be able to define the term any way they want to. If you want to ensure that only the person affected has standing to sue, then support my amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the Enzi amendment is unnecessary. The “affected by” language is not vague. Our bill only applies to workers and their employers.

Other parts of title VII that our bill does not change make this clear. The “affected” language is patterned after the Civil Rights Act of 1991. It has been around for 17 years and no one has tried to interpret it to apply to grandparents, spouses, or children, or anyone else other than the worker.

I understand the Enzi amendment No. 28 is now pending. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—55

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burr	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Webb
Cornyn	Lugar	Wicker
Crapo	Martinez	

NOT VOTING—1

Kennedy

The motion was agreed to.

AMENDMENT NO. 29

The PRESIDING OFFICER. The question is on amendment No. 29.

Ms. MIKULSKI. Mr. President, I understand amendment 29 is now the pending business. I thank Senator ENZI for allowing us to dispose of his amendment through a voice vote. I move to table the Enzi amendment No. 29.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the motion to table amendment No. 29.

The motion was agreed to.

Ms. MIKULSKI. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator Ken Salazar of Colorado. The certificate, the Chair is advised, is in the form suggested by the Senate.

Since there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Colorado, I, Bill Ritter, Jr., the governor of said State, do hereby appoint Michael F. Bennet a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Ken Salazar, is filled by election as provided by law.

Witness: His Excellency our Governor Bill Ritter, Jr., and our seal hereto affixed at Denver, Colorado this 21st day of January, in the year of our Lord 2009.

By the Governor:

BILL RITTER, JR.,
Governor.
BERNIE BUESCHER,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

Mr. BENNET, escorted by Mr. Salazar and Mr. UDALL of Colorado, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

(Applause, Members standing.)

APPOINTMENT

The PRESIDING OFFICER (Ms. KLOBUCHAR). Pursuant to the provisions of section 201(a)(2) of the Congressional Budget Act of 1974, the Speaker of the House of Representatives and the President Pro Tempore of the Senate hereby appoint Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office effective immediately for the remainder of the term expiring January 3, 2011.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY LEDBETTER FAIR PAY ACT OF 2009—Continued

Ms. MIKULSKI. Madam President, I ask unanimous consent that Senator

REED of Rhode Island be recognized for up to 5 minutes to speak on the bill; that following his remarks, the Senate resume consideration of the Isakson amendment No. 37, with up to 10 minutes equally divided between Senator ISAKSON and myself, or our designees; that upon the use or yielding back of time on the Isakson amendment, the Senate resume consideration of the DeMint amendment No. 31, with 20 minutes of debate, 10 minutes under the control of Senator DEMINT or his designee, 5 minutes each under the control of Senator MIKULSKI, me, and Senator ALEXANDER or our designees; that following the use or yielding back of time on the DeMint amendment, the Senate proceed to vote in relation to the following amendments: DeMint No. 31, and Isakson No. 37; further, that no amendments be in order to the pending DeMint or Isakson amendments prior to the votes; and that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I will yield the floor to Senator REED. I first thank Senator HARKIN for managing the bill during the Lilly Ledbetter press conference. His devotion to this issue is well known.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Thank you, Madam President. And I thank Senator MIKULSKI.

First, let me commend Senator MIKULSKI for her extraordinary leadership on this legislation, along with Senator HARKIN and also Senator KENNEDY, who have been a driving force to ensure this legislation came to the floor and is ready for passage.

I strongly support the Lilly Ledbetter Fair Pay Act of 2009. This bill is about ensuring that all Americans are protected from pay discrimination and treated fairly in the workplace, particularly during these tough economic times. After 8 years of enduring an economy rigged to benefit only the wealthy few, it is about time we reached out to try to help those struggling paycheck to paycheck, and this legislation will do that.

As an original cosponsor of this legislation, I am pleased this bill seeks to address and correct the Supreme Court's decision in Ledbetter v. Goodyear Tire & Rubber Co. It is a decision from 2007 that required employees to file a pay discrimination claim within 180 days of when their employer first began to discriminate, even if the discrimination continued after that 180-day period.

Under the Ledbetter ruling, a worker could face longstanding pay discrimination and yet be shortchanged of a remedy simply because they did not discover the discrimination within 180 days of their initial discriminatory paycheck.

The Ledbetter decision overturned established precedent in courts of appeals across the country and the policy of the Equal Employment Opportunity Commission under both Democratic and Republican administrations. In fact, it almost defies common sense and logic. Most employees, if they have a pay dispute, hope it will be resolved internally, and they will give their employer the benefit of the doubt probably for more than 180 days until it becomes readily apparent that this is systematic and discriminatory.

The legislation we are considering today reverses this erroneous finding but also restores a sense of common sense into the workplace. It returns the law to the pre-Ledbetter precedent by clarifying that each discriminatory paycheck restarts that 180-day period. As such, this bill does not modify the time limit for filing a claim or the 2-year limit on back pay but reestablishes when the statute of limitations begins to run.

This allows workers to demonstrate and detect a pattern or cumulative series of employer decisions or acts showing ongoing pay discrimination rather than simply reacting to any perceived notion of discrimination to fall within this 180-day period. As Justice Ginsburg noted in her Ledbetter dissent, such a law is "more in tune with the realities of the workplace." I entirely agree.

The Supreme Court majority failed to recognize these commonsense realities, including that pay disparities typically occur incrementally and develop slowly over time, and they are not easily identifiable and are often kept hidden by employers. Many employees generally do not have knowledge of their fellow coworkers' salaries or how decisions on pay are made.

Our Nation has certainly made progress on ensuring fairness, justice, and equality in the workplace. However, we know there are still significant barriers to overcome in closing the pay gap and making certain that an individual's gender, race, religion, national origin, disability, and age are not an impediment to their economic and employment growth and prosperity. The Lilly Ledbetter Fair Pay Act of 2009 is one important step toward achieving this goal.

Again, let me thank Senator MIKULSKI for leading the charge on this bill and, again, acknowledge the longstanding efforts of Chairman KENNEDY to seek passage of this and other legislative efforts to help workers. One of the great dilemmas we face today ensuring that Americans who are working—particularly wage earners—have sufficient income so they can provide for their families and for their future.

Because of the flat and, in some cases, the receding income of working Americans over the last 8 years, we have seen a situation where they have

to resort to their credit cards, where they have to put off important purchases, deny themselves opportunities, scale down access to colleges for their children because their income has not grown.

The great challenge—and it is not just an economic challenge but, I believe, it is a moral challenge—is to ensure that the income of every level of America grows; not just the very wealthy, but every level of Americans has a chance to use their talents and see those talents rewarded by increasing income, we hope, each year. This legislation is part of that effort. But much more must be done.

I strongly urge my colleagues to support this bill and to oppose any amendments that seek to dilute its intent.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, is the distinguished chairman prepared to move forward?

Ms. MIKULSKI. Yes.

AMENDMENT NO. 37

Mr. ISAKSON. Madam President, I ask unanimous consent that Senator SAXBY CHAMBLISS be added as an original cosponsor of amendment No. 37.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I grew up in the South when the civil rights era came and the civil rights laws were passed. After the passage of the Civil Rights Act, I ran a real estate brokerage company and saw the transition to fair housing from housing discrimination. I understand the ramifications of the Civil Rights Act, and I am proud and appreciative of what it has helped us to accomplish.

The 180 days in the statute of limitations applies to every facet of that act. It applies to housing discrimination and, obviously, in this case it applied to employment and pay discrimination. Obviously, with the votes that have taken place and the failure of the Hutchison amendment, it is pretty obvious which direction the bill is going.

So it is time we ask ourselves one question: Is it fair to reach back to the 1960s, repeal a statute of limitations that applied for over 45 years, and open the possibility of a plethora of cases that have not been filed to now being filed or, asked another way: Is it fair, after a game has been played, to change the rules in order to change the outcome?

Practically speaking, I would submit to you that this bill should be prospective and not reach back. It should say in the future that all the provisions apply to any case that may be filed on a future incident of discrimination. But to reach back without limitation and repeal the 180 days changes the rules of the game, changes the law under which people were trying to operate in running their business.

But, most importantly of all, let me tell you what it specifically does. I ran a company for 22 years. I am very familiar with what lawyers can do in terms of bringing in an alleged case, filing a case, taking you into depositions, and then saying: We can put a stop to all this if you will settle for \$5,000 or \$10,000 or \$15,000. It is using an opportunity open to them to intimidate or, in some cases, extort, in my judgment, a fee out of an unwitting and unwilling business.

So I ask the fairness question: Is it right to go back to the inception of the civil rights laws, take an established principle that applied to housing, pay, and employment of 180 days, and change the rules so people can reach back after the passage of this legislation and create new litigation under changed rules?

In the interest of fairness, I would submit it should be prospective, that all the applications of law should begin with the passage of the law and its enactment.

Madam President, I will be glad to yield the floor to the distinguished chairman who is managing the bill and urge the adoption of the Isakson amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I oppose the Isakson amendment because it would create an arbitrary and unfair cutoff for who gets the benefit of this fair pay bill.

The Isakson amendment No. 37 would limit application of the bill to only claims that arise out of discrimination that takes place after the bill passes.

There is no principled reason for applying the bill only to future cases. The point of this bill is to correct a terrible wrong done to victims of pay discrimination. We should be seeking justice for as many people as possible.

Applying this bill to pending cases would not be an unfair surprise for employers. This bill restores the law to where it was the day before the Supreme Court decided the Ledbetter case. There is nothing new in this bill.

If this amendment passes, it would create a 20-month gap in the law. Let me repeat: If the Isakson amendment passes, it would create a 20-month gap in the law. Those workers who were unfortunate enough to have been discriminated against during that 20-month period would be treated worse than those who came before them and those who came after them. That is arbitrary, and it is unfair.

As we work on this wage discrimination bill, we cannot fix only part of the problem. We have not come this far to leave some victims out in the cold. Yet that is what I am concerned the Isakson amendment would do.

Madam President, I will urge the rejection of the Isakson amendment, and when it comes time to call up the vote,

I will be making a motion to table. But I am not making that motion now.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Senator, you have 1 minute 50 seconds remaining.

Mr. ISAKSON. Madam President, with deference and respect for the chairman, this amendment would do nothing to a pending case. This amendment will only apply to a case that has not been filed and could have reached back all the way to the civil rights era of the 1960s. Please be aware it would not in any way obliterate anybody's rights on any pending case that has been filed since May of 2007. It would only affect those cases that haven't been filed all the way back to the Civil Rights Act.

So, again, I think it is a matter of fairness and equity. I appreciate the time that has been allotted. At the appropriate time I will ask my colleagues to vote against tabling if that is the motion.

I yield the floor.

Ms. MIKULSKI. Madam President, first I wish to say to my colleague from Georgia that I appreciate the tone of civility in which he has offered his amendment, and that has been characteristic of the whole day. I hope it signals a new tone.

Although I appreciate the tone, I still disagree with the amendment. The Lilly Ledbetter Act does not go back to the inception of the Civil Rights Act. It goes back only to the Supreme Court decision of May 28, 2007. So I continue to disagree with the Isakson amendment because I do believe it would create an arbitrary and unfair cutoff for those who would benefit from this bill.

I yield the floor.

The PRESIDING OFFICER. Do the Senators yield back their time on the pending amendment?

Ms. MIKULSKI. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 1 minute 45 seconds.

Ms. MIKULSKI. And how much time does the Senator from Georgia have?

The PRESIDING OFFICER. The Senator has 1 minute 10 seconds.

Ms. MIKULSKI. I would just inquire if the Senator from Georgia wishes to yield back his time. I would be happy to cooperate and we could move to the DeMint amendment.

Mr. ISAKSON. I yield back the remainder of my time.

Ms. MIKULSKI. I thank him. I yield back the remainder of my time, and we can proceed to the DeMint amendment.

AMENDMENT NO. 31

The PRESIDING OFFICER. The DeMint amendment is now pending.

Mr. DEMINT. Madam President, I am afraid the Ledbetter bill is another ex-

ample that the majority in the Senate doesn't understand the American economy or how businesses create jobs or how freedom works for all of us to create a better quality of life. Recessions are caused by uncertainty. This bill creates more uncertainty for the very businesses we need to create the jobs and to keep the jobs we have in our country today.

Why would we pass a bill, or even be talking about it, in the middle of a recession, that many have said is the worst we have ever seen in our lifetime? This bill will also create a lot of unintended consequences that will do the exact opposite of what it is intended to do.

I was in business for well over 20 years before I came to Congress. Once you create more liability for hiring a woman or know that liability is going to exist for years, employers are going to figure out a way to get around that. This is more likely to discourage the employment and the promotion of women because it creates an indefinite liability.

It seems that a lot of my colleagues have never been in business themselves. I remember being in the advertising business, and I was 1 of 15 account executives. I was about in the middle as far as salary. There were men and women who made less than I did. There were men and women who made more than I did. Some who made more than I did had less experience, but because of clients or some other factor—some other intangible—it made them worth more than I was, they were paid more. It was the same with those who made less. I was younger and in some cases less experienced than some of the men and women who made less, but I had demonstrated that I could help our company make a profit more than they had. The market was deciding our salaries. There is no way that anyone in this Senate or any government bureaucrat or Federal judge could come in and say that there was discrimination because I was paid less than someone who was making more money or the same with someone who was making less than I was.

For us to intervene and create a permanent liability is only going to create more uncertainty. This is not what we need to do with our businesses. So this whole bill should not even be considered now.

I have an amendment that gets at some of the issues that have been talked about with this bill, about fairness and about discrimination. One of the biggest forms of discrimination in this country today is when we force an American worker to join a union. My amendment is a right-to-work amendment. Right now in this country, we have a Federal law that forces American workers to join a union. States can pass a right-to-work law, as my State, South Carolina, has to protect

their workers, but this has proved very difficult for many States with powerful union bosses and union lobbies. My amendment, which is a national right-to-work amendment, would restore the right of every American not to join a union. It would eliminate the Federal requirement that workers pay union dues.

We are getting ready to hear from some opponents of this amendment that will use some very convoluted logic to defend their position. The same people who support Federal labor laws, including wage requirements that supersede State laws, will argue that my amendment violates States rights. Removing a Federal mandate on States could only violate States rights in the minds of politicians who have lost touch with our constitutional moorings. My amendment is not about States rights. It is not about Federal rights. It is not about business rights. My amendment restores basic unalienable, individual rights.

No law—Federal or State—should force an American to join a union in order to get a job in this country. No law—State or Federal—should allow an American worker to be fired because he or she does not want to join a union. This is about individual rights. There should not be a Federal law that discriminates against workers who choose not to join a union. This is about fairness and about stopping basic discrimination that is sponsored by this Federal Government.

I urge my colleagues to vote for this right-to-work amendment. It is very consistent with the theme of this Ledbetter bill. It is more likely to eliminate discrimination than the Ledbetter bill itself. I urge my colleagues to support it. I will reserve the remainder of my time and ask for a vote.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Under the consent agreement, the Senator from Tennessee has 5 minutes of his own time, and then I will have 5 minutes of mine.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I would appreciate being reminded when 4 minutes is up so that I may reserve the last 30 seconds of my time.

The DeMint amendment would take away from States the right to decide whether they want to be a right-to-work State or a State that allows for an agency shop or a union shop. Now, on this very Senate floor, in 1947, after World War II, Mr. Conservative, Robert A. Taft, the leader of the Republicans, stood before the American people and said the law that was passed in 1935—the National Labor Relations Act—was wrong because it took away from States the right to make that decision, and there was a tumultuous argument on the Senate floor.

Section 14(b) of the Taft-Hartley Act was passed, and it gave the States the right to decide whether an employee would have to pay union dues or join a union in order to have a job. Since then, 22 States, including the State of Tennessee, have decided, yes; we want to be a right-to-work State under the principles supported by the distinguished Senator from South Carolina, but he wants to make that a national law.

I don't trust Washington on this issue. What do you suppose would happen in the Senate if today we voted about whether to have a national right-to-work law or a national agency shop or a union shop? I think I know what the result would be, and I know what would happen.

Thirty years ago I was the Governor of Tennessee and we were the third poorest State and we had no auto jobs. Nissan wanted to come somewhere in the United States, and they chose Tennessee because we had a right-to-work law. Tennessee had the right to make that decision, even though other States chose not to have a right-to-work law. Then Saturn built a plant, and the Saturn employees chose to belong to the UAW and the Nissan employees said, no; we don't want to be in a union. Since that time, 13 major companies have come to the States that have right-to-work laws, including South Carolina, Tennessee, Georgia, Alabama, and Mississippi.

If we let the prevailing Washington view decide whether a State should have a right-to-work, union shop, open shop, or agency shop law, we wouldn't have had that advantage, and we might not even have had an auto industry in the United States today. That competition between the States brought the companies that came here, hired American workers, built cars in our country, and now build half of our cars. These companies are providing the competition that will help the Detroit part of our industry survive, I think, more so than Government bailouts.

So I say to my Republican colleagues especially, be careful what you ask for. Do you want to ask the Congress to vote on whether States have the right to choose a right-to-work law? I do not. I don't think you get any smarter about that issue by coming to Washington, DC. Democratic and Republican Governors and legislatures in Tennessee for a long time have thought we were perfectly capable of making that decision.

So I would urge my colleagues to say Robert Taft was right in 1947 and 1948. We don't want Washington telling Tennessee, North Carolina, Minnesota, or Maryland what their labor laws ought to be. Let Tennessee decide whether it wants a right-to-work law. I can think of nothing more fundamental to the prosperity of my State than preserving the principle that States have the op-

tion to decide whether or not to have a right-to-work law. So I respectfully oppose the DeMint amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I have a question for the Senator from Georgia. I just wish to clarify the sequence after we conclude our debate. Does the Isakson amendment come after the DeMint amendment? Is that his understanding?

Mr. ISAKSON. It was my understanding of the UC agreement that the Isakson amendment will follow the DeMint amendment in terms of a vote.

Ms. MIKULSKI. I thank the Senator. That clarifies it. I have a question of Senator DEMINT. Is the DeMint amendment to Lilly Ledbetter or are you amending another piece of legislation? Could you clarify what your amendment amends?

Mr. DEMINT. The Ledbetter bill.

Ms. MIKULSKI. Does the DeMint amendment amend the Ledbetter bill or the National Labor Relations Act and the Railroad Act? The Ledbetter Act is the pending one.

Mr. DEMINT. Right.

Ms. MIKULSKI. But the consequences are—aren't you amending the National Labor Relations Act? The Ledbetter Act is strictly a wage discrimination bill.

Mr. DEMINT. It is a discrimination and fairness bill, and my bill would change the National Labor Relations Act to remove a mandate on States.

Ms. MIKULSKI. I still have the floor. Madam President, I have the floor.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. I had a question for Senator DEMINT, and if the Senator will withhold, after I make my remarks, he can address the Chair.

The consequence of the DeMint amendment is that it amends the National Labor Relations Act. Let me tell my colleagues the consequences. First of all, let's go to the facts.

The Lilly Ledbetter Fair Pay Act is about pay discrimination, about wage discrimination. That is what we have been debating on both sides of the aisle. The debate has been focused, it has been targeted, it has been precise and, I might add, quite civil. It has nothing to do with right-to-work laws. This is not the time nor the place to debate whether we should have a Federal right-to-work law. We need to restore the ability of victims of pay discrimination to pursue justice. If we want to have a debate on a Federal right-to-work law, then I suggest to the Senator from South Carolina that he offer his own bill, let's put it through the committee, and let's vote on it, but let's not bring right-to-work laws into the wage discrimination focus of the Lilly Ledbetter Fair Pay Act.

So let's go now to the facts or the merits of the amendment being offered by Senator DEMINT.

No. 1, it reverses decades of established labor law and addresses the issues that have nothing to do with the Fair Pay Act. The DeMint amendment undermines States abilities to choose what labor laws work best for them. That is the point made by the Senator from Tennessee. It would also impose right-to-work laws on workers who do not want them. Federal labor policy has been neutral on right-to-work issues for over 60 years. That means States are free to decide whether they want to impose right-to-work laws. The amendment would impose right-to-work laws on States that do not want them, and it would even impose such laws in the railroad and aviation industry, which has never been subjected to them.

We have debated this issue before. A bipartisan majority of Congress rejected this approach in the 104th Congress, which was in 1996. We had a vote on a similar amendment, and it was defeated 31 to 68. I hope we defeat the DeMint amendment today.

Let's stick strictly to the Lilly Ledbetter discussion. We have been having an excellent discussion all day long.

Again, I urge defeat of the DeMint amendment.

Madam President, how much time do I have remaining, and, of course, answer the questions of our colleagues as to time.

The PRESIDING OFFICER. The Senator from Maryland has 36 seconds remaining. The other side has 4 minutes 36 seconds remaining.

Ms. MIKULSKI. I reserve the remainder of my time.

Mr. ALEXANDER. Madam President, how much time do I have remaining? I am supposed to have 30 seconds left.

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute 45 seconds.

The Senator from South Carolina.

Mr. DEMINT. Madam President, I think I mentioned some convoluted logic. I appreciate my colleague's civil discussion on this issue, but it is interesting to hear that removing a Federal mandate on States somehow violates States rights.

My colleague from Tennessee described a situation they have in their State—the same situation in South Carolina—where you can have a non-union shop. People can choose to be in unions or unionize an organization. Workers can decide whether they belong to a union. What that is called is freedom. Those are basic rights of Americans. What my amendment would do is restore that freedom for people who live in every State, not just in States where State legislators have been able to overcome union pressure and reestablish that freedom.

This is not about States rights, and this is not about the rights of the Federal Government. It is not about some

Federal bureaucrats or what judges decide. Every American should have a right to decide whether they are going to join a union. For us to have a law at the Federal level imposed on people around the country that they have to join a union, they have to pay union dues, that employers have a right to fire them if they don't join a union—this is not good for individuals, but it is not good for our country.

A few weeks ago, we had a debate about the American auto industry. Just about every expert recognizes that forced unionization has essentially run them out of business. There is a reason companies are leaving the forced compulsory union States and moving to Tennessee and South Carolina. It is because there is more freedom there. That is what this amendment is about. It is removing a Federal mandate that imposes on the freedom of every American.

It is very relevant to the discussion today. We are talking about fairness. We are talking about discrimination. We are talking about wages. But when we force an American to join a union, take part of their wages and give it to a union, that is not freedom. I cannot imagine anyone here who thinks through this issue saying it does not have something to do with fairness and discrimination and what we are about as a country. We should have a right to unionize, we should have a right not to unionize, but we should not force an American to join a union and make their job contingent on it. This is much greater discrimination than we are dealing with in this Ledbetter bill, and it is very appropriate, if we are going to talk about fairness in eliminating discrimination, that we include this amendment that would restore a basic freedom to every American. That is what this amendment is about, is doing exactly what my colleague from Tennessee said they enjoy there. Why shouldn't they enjoy those same freedoms in Michigan and other States?

I encourage my colleagues to set aside old ways of thinking and partisan politics, payback to unions. This is not about us. It is not about States. It is about people. It is about basic American rights. No American should be forced to join a union.

I urge my colleagues to support this amendment.

Mr. ALEXANDER. Madam President, if I were speaking in Tennessee, I would give the Senator from South Carolina an A-plus for his statement because it is exactly the law I want Tennessee to have. But what we are talking about here today is whether we want Washington to tell each State whether it can have a right-to-work law or agency shop or a union shop law. If Washington were to do that, Tennessee would not have a right-to-work law. We would not have permission to do that. We would not have an auto in-

dustry which is one-third of all of our manufacturing jobs.

So I want my Republican colleagues, if I may say so, to be very careful here. Do we really want Washington telling us that the principle is they are going to say whether we can have a right-to-work law? I don't want them telling me that.

Does that mean 1 minute?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ALEXANDER. When I was Governor of Tennessee—and I see the former Governor of Missouri here—nothing used to make me madder, to be blunt about it, than some Washington Congressman or Senator holding a press conference and telling me what to do because usually they would tell me what to do and not send the money, and then I would have to send the money on to the mayor, raise taxes, lower taxes. I would have to do something myself. We are perfectly capable of deciding whether we need a right-to-work law.

Last year, the Senator from New Jersey was trying to ship New Jersey's laws to Tennessee with a national law. I cannot stand up and say we want a national right-to-work law and then argue against having New Jersey's laws in Tennessee, for States and counties that don't want those laws. So we want to fit those to our own circumstances.

I greatly respect my colleague and friend, the Senator from South Carolina. On principle, he is right. There is another principle—federalism—that we can decide for ourselves. We would undermine that principle.

I urge my colleagues to vote against the DeMint amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 38 seconds.

Ms. MIKULSKI. The Senator from South Carolina has how much time remaining?

The PRESIDING OFFICER. The Senator has 1 minute 12 seconds remaining.

Ms. MIKULSKI. I don't know whether the Senator wants to yield back his time or use the time for further debate.

Mr. DEMINT. Madam President, if I may continue, I will use the rest of my time. I want to make sure we are clear.

Again, my good friend from Tennessee has said that somehow this amendment is going to take away the rights of States to have a right-to-work law. This is a right-to-work law. Every State in the country would have a right to work, a right to choose to be union or not to be union. This is not to restrict a State in any way at all.

Right now, if a State wants to be right-to-work, it has to override Federal legislation. Most of us continuously talk about protecting secret bal-

lots of workers. It is Federal legislation, it imposes a law on everyone, but it is protecting the rights of individuals because it is not about unions and it is not about the businesses for which they work. The Secret Ballot Protection Act would protect the individual and their rights. That is what this amendment is about. It is respecting the rights of individuals not to join a union. It does not take away any right from a State; it actually removes a Federal mandate on States.

I appreciate all the time that was given to this discussion. I, again, urge my colleagues to support my amendment.

Ms. MIKULSKI. Madam President, this amendment reverses decades of established labor law and addresses issues that have nothing to do with the Lilly Ledbetter Fair Pay Act. While the Senator from South Carolina debated right to work, I want to keep on fighting for the right to get equal pay for equal work.

I understand the DeMint amendment No. 31 is now the pending business. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—66

Akaka	Feinstein	Murkowski
Alexander	Gregg	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Begich	Inouye	Pryor
Bennet	Johanns	Reed
Bingaman	Johnson	Reid
Bond	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Martinez	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NAYS—31

Barrasso	Cornyn	Inhofe
Bennett	Crapo	Isakson
Brownback	DeMint	Kyl
Bunning	Ensign	Lugar
Burr	Enzi	McCain
Chambliss	Graham	McConnell
Coburn	Grassley	Risch
Cochran	Hatch	
Corker	Hutchison	

Roberts Sessions Shelby Thune Vitter Wicker

NOT VOTING—1

Kennedy

The motion was agreed to.

CHANGE OF VOTE

Mr. CORKER. Mr. President, on roll-call vote No. 11, I voted "aye." I ask unanimous consent that I be permitted to change my vote to "nay" since it will not affect the outcome of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 37

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on amendment No. 37, offered by the Senator from Georgia, Mr. ISAKSON.

The Senator will be in order.

Who yields time?

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, the bill as it is written applies to any claim back to May 28. But the way it is worded, it appears to me it is a claim filed and leaves it open for any past claim to be brought up that wasn't previously filed. The amendment simply ensures that the act couldn't be used for new claims to be filed retroactively all the way back to the passage of title VII of the Civil Rights Act. It is a mere matter of being clear that it doesn't retroactively open the opportunity to file new cases all the way back to the inception of the act.

Mr. ENZI. Mr. President, I would also like to speak in support of Senator ISAKSON's amendment No. 37. This amendment is about basic fairness. We have been talking a lot about fairness during consideration of this bill—fairness for employees who suffer discrimination and don't realize it before a legal deadline passes, and fairness for an employer who may have done nothing wrong but becomes a target of an ambitious trial lawyer eager to test new legal theories.

The question many people ask when looking at what the underlying bill would do is how is it fair to sue a businessperson over something that may or may not have happened in his or her company decades earlier? What is a businessperson to do if the person who is alleged to have committed the discriminatory act no longer works there or, perhaps, is deceased? Anyone can recognize the difficult position this creates. How do you prove something didn't happen years ago when the only witness other than the accuser is absent?

Senator ISAKSON has come up with a very equitable solution to this riddle. He recognizes that, if this bill is enacted, employers will have to keep a

far more detailed record of every employment decision, every performance review, every personnel action, and more. The bill retroactively re-opens liability for dozens of years of employment decisions. Upon enactment of this bill, employers will be on notice that the statute of limitations for title VII cases virtually never expires. But it simply isn't fair to apply this new open-ended statute of limitations to employment decisions that occurred decades ago.

Senator ISAKSON's amendment resolves this inequity by applying the new law on a prospective basis. As a former small business person myself, I believe this is the only fair way to apply a new and burdensome standard.

I urge my colleagues to support this amendment.

Ms. MIKULSKI. Mr. President, I object to the Isakson amendment. It would create an arbitrary and unfair cutoff for those who get the benefits of this bill. If the Isakson amendment is agreed to, it would create a 20-month gap in the law. Those workers who were unfortunate enough to have been discriminated against during that 20-month period would be treated worse than those who came before them or after them. It is arbitrary and it is unfair.

I understand that the Isakson amendment is now the pending business.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—59

Akaka	Feinstein	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burr	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—38

Alexander	Bennett	Brownback
Barrasso	Bond	Bunning

Burr	Grassley	McConnell
Chambliss	Gregg	Murkowski
Coburn	Hatch	Risch
Cochran	Hutchison	Roberts
Corker	Inhofe	Sessions
Cornyn	Isakson	Shelby
Crapo	Johanns	Thune
DeMint	Kyl	Vitter
Ensign	Lugar	Voinovich
Enzi	Martinez	Wicker
Graham	McCain	

NOT VOTING—1

Kennedy

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. REID. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that when the Vitter amendment is offered, which will be very quickly, there be 15 minutes for debate, 10 minutes for Senator VITTER, 5 minutes for Senator MIKULSKI; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendment be in order to the amendment prior to the vote; that upon disposition of the Vitter amendment, no further amendments be in order, the bill be read a third time, and the Senate proceed to vote on passage of the bill; that the vote on passage would be as if it were a cloture vote, and that if the threshold is achieved, the bill is passed, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I, on behalf of all Senate leadership, appreciate the way we have moved through this legislation. Now, were all of these votes easy? No, they were not easy. Some of them were difficult votes for a number of my Senators, I am sure on the other side of the aisle as well. But this is the way we need to operate as a Senate.

Were all of these amendments offered germane? No. But the people have a right to offer amendments. So I appreciate everyone's cooperation to this point. We are going to move forward, we hope, to work out, and we are going to clear, some of the nominations of President Obama tonight or tomorrow.

We also hope we can arrange to have, Monday night, a vote on Treasury Secretary-designee Geithner. We will try to do that at a time convenient. It has been suggested to me that time would be about 6 o'clock. We will probably come in sometime in the afternoon. It is my understanding that people who are for and against him want 2 hours of debate equally divided. But if people want to talk more, we can come in earlier in the afternoon and do some morning business, and people can talk about whatever they want during that time.

We also understand we are going to be able to move to the SCHIP bill without filing cloture. I was going to file

cloture on that tonight, but it is my understanding that we can start that Monday night and work through the amendments on that next week. We are going to finish that next week. I understand there will be a lot of amendments. I am sure that is the case.

The reason we have to complete work on it next week is that we must move to the economic recovery package. We only have 2 weeks to finish that. I want to spend a good, long, hard week finishing what we are doing before we send our product to the House because we need that final week to make sure we do conferences and messages and work out whatever differences we have between the two bills.

We are not going to be able to take our recess for Presidents Day unless we finish that legislation. I think everyone agrees, Democrats and Republicans agree, we need to get this done. The imperative of doing this every day becomes more pronounced, in my mind. We had our Democratic policy committee today where we had Alan Blinder, who is a Democrat; Martin Feldstein is a Republican; and Mark Zandi, who I think is a Republican. I am pretty sure he is. He was one of Senator McCain's chief advisers. They all agreed and, in fact, Mark Zandi said to me before the presentation: You are going to be hearing from dark, darker, to darkest. We have economic problems that have never been seen in this country or the world before and we have to work to see what we can do to help alleviate the problems that exist out in that difficult financial world in which we find ourselves.

So that is why people should not plan on next weekend going home. You should plan on being here. If there is a way we can work our way around that, I will be happy to do that. But I think the chances are quite slim that we would be able to do that.

Mr. SCHUMER. Mr. President, today we get a second chance to do the right thing.

Millions of American women and men understand that it is wrong for a woman to work, year after year, alongside a man and make less money simply because she is a woman.

Millions of American women understand—unfortunately many know first hand—that you don't always know when you are being discriminated against. Proof that you have been a victim of discrimination rarely boils down to one magic moment where the curtain is raised and it is all made clear. And of course, the curtain hardly ever comes up within 180 days of the actual "act" of discrimination.

All too often, discrimination based on gender happens exactly the way it happened to Lilly Ledbetter. Paycheck after paycheck, a woman receives lower pay than her male colleagues. But only after years does she discover that this was even happening. Only

after years does she discover that it has been the result of discrimination.

It is just as demeaning, and in many ways even more frustrating, than a single, concrete episode of bias.

Justice Ruth Bader Ginsburg, who took the unusual step of reading her dissent in Lilly Ledbetter's case from the bench, was outraged by her compatriots on the Supreme Court who held the passage of time against Lilly Ledbetter. You see, Justice Ginsburg understands what so many Americans also understand—that it is often a series of small and hidden decisions that add up to a lifetime of unequal pay. This kind of discrimination can't be tied to one definitive act. Instead, it comes from the cumulative effect of weeks, months, and sometimes years of bigotry and injustice.

Many of us have daughters and granddaughters who need us to vote for the Lilly Ledbetter Fair Pay Act. What will you say if your daughter or granddaughter calls you tonight and said, "Hey, I need some advice. I have had this job for 5 years. I have been working really hard and I have always had good reviews, my colleagues like me, and I love my job. I need this job to support my family. But I just found out that all along, I have been getting paid about 75 percent of what the guys here get paid for doing the same thing. I have been asking around and it turns out our supervisors have been doing this for a while—paying men more, and saying things about women that are negative. One guy even said that our workplace doesn't need women. What should I do?"

Do you want to tell your daughter or granddaughter, "Well, if the decision to discriminate against you was made more than 180 days ago, that is too bad, you should have complained earlier?"

I don't want to do that, and I don't intend to. I want to be able to say to my daughter, and all American daughters, wives, sisters, and granddaughters: There is something you can do about this. This behavior is wrong, and Congress gave you a way to make it right. Plain and simple.

It is un-American to work your whole life for a fraction of what your colleagues make, solely because you are a woman. It is un-American to tell a woman who just wants a fair shake in exchange for 20 years of work that she should have known what was going on, and now it is too late—that she should have filed a new claim after every paycheck.

Congress did not pass Title VII, not to mention the Equal Pay Act, 46 years ago only to lace it with traps and trip wires for the unwary worker.

Some critics of the Lilly Ledbetter Fair Pay Act have said that it will lead to an onslaught of lawsuits. But the Congressional Budget Office has said that this isn't true. I believe that is based on the obvious proposition that

most women don't want to sue their employers. They don't go out of their way to ruin their own lives with lawsuits. They didn't do it before the Ledbetter decision, and there is no reason to believe that they will do it after we restore the import of the law.

Lilly Ledbetter didn't want to sue. In fact she has said that she wouldn't have bothered if she thought the case was close, or the result of an oversight, or based on poor reviews. But, as all of the evidence showed, it wasn't. Lilly Ledbetter said: "It wasn't even close to being fair. I had no choice. I had to go to court. I had to stand up for what was right."

This bill isn't some windfall for women to sit on their hands without bringing claims during years of discrimination. All of an employer's normal defenses are untouched by this bill. We have discussed the legal defenses and the operation of various parts of this bill ad nauseum, but overlawyering this isn't going to change the fact that women make 78 cents on the dollar compared to similarly situated men.

The right to make a fair wage to support your family, regardless of gender, is not something that should be doubted in America. The right to equal paychecks is something that Congress thought it guaranteed 46 years ago, and which was not in doubt until Lilly Ledbetter's case reached the Supreme Court.

We must take the very simple step of restoring this right so that women in America can be assured that their hard work for their families and their country will be compensated on the same basis as men.

Mrs. BOXER. Mr. President, I rise in strong support of the Lilly Ledbetter Fair Pay Act.

As we begin our work this Congress to address the greatest economic challenge our nation has faced in a generation, the solutions we consider must focus on strengthening the middle class.

Last month the economy lost 524,000 jobs, and in 2008, 2.6 million jobs were lost—the most in one year since 1945.

Unemployment continues to climb—in some areas of my State of California, the unemployment rate is over twelve percent. Wages for many in the middle class have actually decreased over the last 8 years.

And 46 years after passage of the Equal Pay Act, workers throughout the nation still suffer pay discrimination based on gender, race, religion, national origin, disability and age.

When it comes to achieving the principle of equal pay for equal work, we still have a long way to go.

Women workers today earn only 78 cents for every dollar men earn. The pay disparity is still so great that it takes a woman 16 months to earn what a man earns in 12 months.

In 2006, an average college-educated woman working full time earned \$15,000 less than a college-educated male.

According to the American Association of University Women, working families lose \$200 billion in income per year due to the wage gap between men and women.

To put it simply, pay discrimination is hurting our middle class families and hurting our economy.

Unfortunately there is no easy solution that will eliminate all pay discrimination.

But what this bill will do is ensure that when an employer discriminates based on gender or race or other factors, the employee can have his or her day in court.

With its 2007 *Ledbetter v. Goodyear* decision, the Supreme Court reversed decades of legal precedent in the courts of appeals and long-standing Equal Employment Opportunity Commission policies, and effectively undercut a commonsense, fundamental protection against pay discrimination.

With its decision, the Court imposed significant obstacles for workers by requiring them to file a pay discrimination claim within 180 days of when their employer FIRST starts discriminating—an almost impossible standard.

This bill simply restores the law to what it was prior to the Court's decision in a workable and fair way that will protect people like Lilly Ledbetter from discrimination.

Mr. President, the story of Lilly Ledbetter makes it clear why this legislation is necessary.

The discrimination she suffered is not unfamiliar to many female and minority employees in manufacturing plants and office parks across the country.

Ms. Ledbetter was a female manager at an Alabama Goodyear Tire plant when she discovered after 19 years of service that she was earning 20 to 40 percent less than her male counterparts for doing the exact same job.

As Justice Ginsburg noted in her dissenting opinion, "the pay discrepancy between Ledbetter and her 15 male counterparts was stark."

In 1997, her last year of employment at Goodyear, after 19 years of service, Ms. Ledbetter earned \$5,608 less than her lowest-paid male coworker. She earned over \$18,000 less than her highest-paid male coworker.

Evidence submitted in her trial showed that Ms. Ledbetter was denied raises despite receiving performance awards, her supervisors were biased against female employees, and that in some cases, female supervisors at the plant were paid less than the male employees they supervised.

When Ms. Ledbetter discovered this, she took Goodyear to court and a jury awarded her full damages.

But Goodyear appealed the jury's decision, and in 2007, the Supreme Court

overturned the verdict and said that Ms. Ledbetter could not sue for back pay despite overwhelming evidence that her employer had intentionally discriminated against her because of her gender.

The Supreme Court threw out the case because it took her longer than six months to determine that she had been the victim of years of pay discrimination.

This is an unfair standard.

In most situations, if an employee suspects pay discrimination, it takes significant time to determine the facts.

As Justice Ginsburg pointed out, "compensation disparities are often hidden from sight for a number of reasons."

Ginsburg's point underscores the unreasonableness of the standard created by the Supreme Court.

Many employers do not publish employee salaries and employees are often not eager to discuss their wages with other employees.

Earlier this month the New York Times reported that "in the last 19 months, Federal judges have cited the Ledbetter decision in more than 300 cases . . ."

This decision has had significant impacts on the employees alleging pay discrimination, severely limiting their rights to equal pay. Some courts are also using the decision to limit rights in other areas of the law, like equal housing, equal education, and civil rights cases.

The Ledbetter decision was a giant step backward in the fight for equal opportunities and equal rights.

Goodyear engaged in chronic discrimination against female employees, but because of this decision, the courts must treat intentional, ongoing pay discrimination as lawful conduct.

Employers who can conceal their pay discrimination for 180 days are free to continue to discriminate with no redress for the employee.

We must ask ourselves: Is this a standard that Congress should support?

This bill simply restores the law to what it was in almost every state in the country before the Ledbetter case was decided. That law basically said you had 180 days to seek justice on equal pay for equal work each time that you were discriminated against.

It does so by eliminating the unreasonable barrier created by the Supreme Court and allows workers to file a pay discrimination claim within 180 days of each discriminatory paycheck.

For the Nation's working families and middle class to succeed and grow, the principle of equal pay for equal work must have teeth, it must have meaning, and this bill restores meaning to the equal pay principle.

Justice Ginsburg told us, "Congress, the ball is in your court."

The time is now to restore decades of legal precedent and prevent the narrow

Ledbetter decision from impacting more Americans facing discrimination.

We must restore this important protection and return the law to its intended meaning.

I urge my colleagues to vote for this bill.

Mr. DODD. Mr. President, I rise today to speak about an issue of fundamental economic fairness—an issue that affects the dignity and the security of millions of Americans: the right to equal pay for equal work.

Before I begin, let me thank Senator KENNEDY, the chairman of the HELP Committee, and Senator MIKULSKI, for their tireless work on this important issue.

The Lilly Ledbetter Fair Pay Act goes a long way toward ensuring that right to equal pay. In a perfect world, of course, we could take that right for granted—we could take it for granted that the value of work lies not in the race or gender of the person who is doing it but in a job well done.

Unfortunately, we don't live in that world. We know that, even now, some employers cheat their employees out of equal pay for equal work.

That's what happened to Lilly Ledbetter. For almost two decades, from 1979 to 1998, she was a hard-working supervisor at a Goodyear tire plant in Gadsden, AL.

And it is telling that she suffered from two types of discrimination at the same time. On the one hand, there was sexual harassment, from the manager who said to her face that women shouldn't work in a tire factory, to the supervisor who tried to use performance evaluations to extort sex.

And on the other hand, there was pay discrimination: by the end of her career, as the salaries of her male coworkers were raised higher and faster than hers, she was making some \$6,700 less per year than the lowest paid man in the same position.

Now, the two kinds of discrimination faced by Ms. Ledbetter have a good deal in common. Morally, each amounts to a kind of theft—the theft of dignity in work and the theft of the wages fairly earned.

Both send a clear message as well—that women don't belong in the workplace.

But there is a clear difference between sexual harassment and pay discrimination. The former is blatant. The latter far too often stays insidiously hidden.

In fact, Lilly Ledbetter didn't even know she was being paid unfairly until long after the discrimination began. Absent an anonymous coworker giving her proof, she might be in the dark to this very day.

And that is hardly surprising. How many Americans know exactly how much their coworkers make? What would happen if they asked? At some companies, you could be fired.

Armed with proof of pay discrimination, Ms. Ledbetter asked the courts for her fair share. And they agreed with her: she had been discriminated against.

She had been cheated.

And she was entitled to her back pay. Unfortunately, the Supreme Court ruled against her, and took it all away. Yes, she had been discriminated against—but she had missed a very important technicality.

She only had 180 days—6 months—to file her lawsuit—and the clock started running on the day Goodyear chose to discriminate against her.

Never mind that she had no idea she was even the victim of pay discrimination until years later. Figure it out in 180 days, the Court said or you are out of luck for a lifetime.

It is not hard to see how this ruling harms so many Americans beyond Ms. Ledbetter. In setting an extremely difficult, arbitrary, and unfair hurdle, it stands in the way of many, many Americans fighting against discrimination.

It also flatly contradicts what has been the standard practice of the Equal Employment Opportunity Commission, flies in the face of decades of legal precedent, and ignores clear congressional intent.

As Justice Ginsburg put it in her vehement dissent, the Court's Ledbetter ruling ignores the facts of discrimination in the real world. She writes:

Pay disparities often occur . . . in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view . . . Small initial discrepancies may not be seen as meet for a federal case, particularly when the employee, trying to succeed in a non-traditional environment, is averse to making waves.

"The ball," Ginsburg concluded, "is in Congress's court . . . The legislature may act to correct this Court's parsimonious reading."

That is precisely what we are here to do today. With today's passage of the Lilly Ledbetter Fair Pay Act, employees will have a fair time limit to sue for pay discrimination. They will still have 180 days, but the clock will start with each discriminatory paycheck, not with the original decision to discriminate. After all, each unfair paycheck is in itself a decision to discriminate—it is ongoing discrimination. Employees like Ms. Ledbetter will no longer be blocked from seeking redress, through no fault of their own, except a failure to be more suspicious.

This is an important moment and important bill. I do wish we were also strengthening the remedies available to victims of pay discrimination under the Equal Pay Act.

For this reason we must also pass into law the Paycheck Fairness Act, authored by my friend and colleague in the Connecticut delegation, Congress-

woman ROSA DELAURO, and championed in the Senate by Senator Hillary Clinton. Had paycheck fairness been law when Lilly Ledbetter decided to go to court, she may well have received just compensation for the discriminatory practices she endured. She certainly would have had a stronger case to make and a greater array of tools. So, as critical as the Lilly Ledbetter Fair Pay Act is, we certainly have more work to do.

Millions of Americans depend on the right to equal pay for equal work: to earn a livelihood, to feed their families, and to uphold their basic dignity. We ought to make it easier for Americans to exercise that right, not harder. We ought to get unfair roadblocks, hurdles, and technicalities out of their way. With passage of the Lilly Ledbetter Fair Pay Act, we take an important step toward eliminating these discriminatory roadblocks once and for all.

Ms. MURKOWSKI. Mr. President, I rise to speak about my vote on final passage of the Lilly Ledbetter Fair Pay Act.

I want to first reiterate a most important statement of the entire debate on this bill, with which we all agree. As I said yesterday, during debate on Senator HUTCHISON's substitute amendment, discrimination because of an individual's gender, ethnicity, religion, age, or disability cannot be tolerated. No Americans should be subject to discrimination, and if they are, they have the right to the law's full protection.

Having said that, I am pleased that we have had the opportunity to offer and vote on amendments that Members of the Senate believe would have perfected this legislation. I would also note that this opportunity is a welcome reversal from last year, when we did not have an opportunity to offer amendments, and it was for that reason that I voted against cloture last year.

As you know, I have had concerns about the Fair Pay Act's deletion of the statute of limitations. In my view, once an employee knows, or has a reasonable suspicion, that he or she has been the subject of discrimination, the employee has the responsibility to file a complaint within a reasonable amount of time. That responsibility benefits the employee first of all, but also benefits the employer, if a claim is pursued while records are available and memories are fresh. In addition, the employee is more likely to be able to recover the full amount of his or her lost wages rather than just the previous 2 years' wages.

For these reasons, I supported Senator HUTCHISON's substitute amendment. Her amendment recognized the important point that many employees do not know that their rate of pay is discriminatory. It would also have restored beneficial timeliness to the

process once the employee suspected or knew of discrimination. I am disappointed that this amendment failed.

At the end of the day, however, after the amendment process has concluded—a process that was not available to us last year—I believe it is more important to vote for legislation that will improve every American's ability to access full redress for any act of wage discrimination.

The Fair Pay Act provides that vital protection. For that reason, I will vote for this legislation.

Mr. LEVIN. Mr. President, I support the Lilly Ledbetter Fair Pay Act. This legislation is important to ensure that Americans from all walks of life have a realistic opportunity for recourse if they are victims of pay discrimination. We are considering this bill because of the Supreme Court's interpretation, in *Ledbetter vs. Goodyear Tire & Rubber Co.*, of title VII of the Civil Rights Act of 1964. The Court's 5 to 4 ruling makes it almost impossible for many victims of pay discrimination to find an adequate legal remedy under the Civil Rights Act. The legislation we are considering today will correct that.

The Civil Rights Act established the Equal Employment Opportunity Commission, EEOC, to enforce title VII. The EEOC is empowered to protect against employment discrimination based on sex, race, national origin, religion and disability by receiving complaints of discrimination, investigating discrimination, conducting mediations to settle complaints and filing law suits on behalf of employees.

Despite the efforts of the EEOC, the United States still suffers from significant pay inequities. Numerous studies using census data and controlling for work patterns and socioeconomic factors found that half or more of the wage gap between males and females is due to gender alone, demonstrating that discrimination based on gender is all too common in American work places. Over the past decade, the EEOC has averaged more than 24,400 complaints of sex-based discrimination each year.

One of those complaints was filed in 1998 by a woman named Lilly Ledbetter. She alleged that she was the victim of a sex-based pay disparity during her nearly 20-year career at Goodyear. Ledbetter sued Goodyear, and a jury awarded her back pay and damages after finding, among other things, that Ledbetter was being paid \$550 to \$1550 less per month than her male counterparts who were doing the same work. For almost her entire tenure at Goodyear, Ledbetter was not aware that she was being discriminated against because the pay levels of her coworkers were kept strictly confidential. In fact, she only learned that she was making less than males doing the same job as her because of an anonymous tip that she received shortly before her retirement.

Congress's intent in passing the Civil Rights Act and in passing subsequent updates to the Civil Rights Act in 1991 a bill which I supported was to help remedy the sort of discrimination that Lilly Ledbetter fell victim to. Although the validity of claims of pay discrimination filed within 180 days of receiving a paycheck reflecting discriminatory policies has been recognized by countless lower courts and was explicitly accepted under EEOC guidelines and by previous EEOC administrative decisions, the Supreme Court ruled that Ledbetter's claim of discrimination was not actionable under title VII. Their opinion stated that Ledbetter's claim was not filed within 180 days of the discriminatory act against her.

In ruling against Ledbetter, the majority's opinion stated that "it is not [the Supreme Court's] prerogative to change the way in which title VII balances the interests of the aggrieved employees against the interest in encouraging the prompt processing of all charges of employment discrimination." The majority concluded that "Ledbetter's policy arguments for giving special treatment to pay claims find no support in the statute" and that the Supreme Court must apply "the statute as written, and this means that any unlawful employment practice including those involving compensation, must be presented to the EEOC within the period prescribed in the statute."

The dissenters rightly characterize the majority opinion as "parsimonious." I believe that the majority put forth a misguided interpretation of unlawful employment practices, and in doing so incorrectly found that Lilly Ledbetter's claim did not fall within title VII of the Civil Rights Act. I also believe that the opinion of the Court required an unreasonable interpretation of Congress's intent in title VII. Their finding would make it next to impossible to file a successful claim of discriminatory pay, given the challenges in detecting such discrimination. The Supreme Court interpreted Congressional intent in a civil rights law in a way that is restrictive of peoples' civil rights and available remedies.

But the issue for us to decide is not what a previous Congress intended. We are to decide what the law should be, and what is right. This legislation determines that each discriminatory paycheck will qualify as an unlawful employment practice under title VII. Equitable remedies defendants can raise, including laches, are not disturbed by this bill.

The Lilly Ledbetter Fair Pay Act will restore the protections against discriminatory pay that Congress and the courts have previously endorsed, and provide a reasonable route through the EEOC and the court system for people

like Lilly Ledbetter to have pay discrimination corrected and remedied.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Lilly Ledbetter Fair Pay Act of 2009.

This bill is about equality, and it is about fairness. Although our country has made many important strides toward equality, when it comes to the week-to-week question of paychecks, or the day-to-day issue of financial security, women continue to lag behind.

Women simply are not paid as much as men, even when they do the exact same job.

Last summer, the U.S. Census Bureau reported that women who work full time earn, on average, only 78 cents for every dollar that men earn.

This is not an insignificant difference. It means that when a man is paid \$50,000 a year for a certain kind of work, a woman may receive only \$39,000. That is \$11,000, or 22 percent less.

But when women go to pay their bills, to buy groceries, or to try to find health care, they are not charged 22 percent less. They are charged the same and must stretch their finances as best they can to make ends meet.

Women's financial struggles do not affect them alone. They affect countless families across the country. According to the U.S. Census, as of 2007, approximately 20 percent of American households were headed by women, and other surveys of households have revealed that a majority of women report providing more than half of their household incomes, with over a third totally responsible for paying the bills.

Ensuring equality in pay is absolutely essential right now. While all Americans are concerned about downturns, layoffs, stagnant wages, and pay cuts, it is also true that in an economic downturn, women suffer disproportionately under almost every economic measure. Women lose their jobs more quickly than men, and in December 2008, 9.5 percent of women who were the heads of their households were unemployed. Women's wages fall more rapidly. Women are disproportionately at risk for foreclosure, and as of last year, 32 percent more likely to receive subprime mortgages than men. And women have fewer savings on average.

The Lilly Ledbetter Fair Pay Act takes an important step forward in protecting working American women's financial well-being. The bill reverses the Supreme Court's parsimonious reading of pay discrimination law in *Ledbetter v. Goodyear Tire & Rubber Co.* so that women will not be turned away twice—first by their employers when they seek equal pay for equal work, and second by the courts when they go to file claims of unfair treatment.

The bill is a necessary correction to a Supreme Court decision that was in-

correct. The bill ensures that when employers unlawfully pay women less for performing the same job, they can seek recourse in the Federal courts.

I also want to say a word about the amendments offered today. The Lilly Ledbetter Fair Pay Act does not change the substance of title VII discrimination law. What it does is make sure that women who have meritorious discrimination claims under that law are not unfairly denied the right to go to Federal court and recover compensation.

The bill says that women can file their claims within 180 days of their last discriminatory paycheck and can recover up to 2 years' back pay from that date. Any stricter timing requirement is simply out of touch with the realities of the workplace.

As Justice Ginsburg explained in her dissent in the Ledbetter case:

[I]nsistence on immediate contest overlooks common characteristics of pay discrimination. . . . Pay disparities often occur, as they did in Ledbetter's case, in small increments; cause to suspect that discrimination is at work develops only over time. . . . [A worker's] initial readiness to give her employer the benefit of the doubt should not preclude her from later challenging the then current and continuing payment of a wage depressed on account of her sex.

When women work the same jobs as men with the same skill, they should be paid the same amount. If they are not paid the same amount because of discrimination, they should be able to seek recourse in Federal courts. I urge my colleagues to support this bill and restore American fair pay law.

Mr. SANDERS. Mr. President, soon we will be voting on the Lilly Ledbetter Fair Pay Act, S. 181. The House of Representatives has already passed this legislation by a vote of 247 to 171. Passing this bill today will send a clear message that our country will not tolerate unequal pay for equal work.

As astonishing as it is, in the year 2009, women earn, on average, only 77 cents for every dollar earned by men in comparable jobs. What a truly unthinkable, and frankly disgraceful, circumstance—one that we must do everything within our power to change. Today we have the opportunity to take a small but very significant step in making sure that Americans have the legal opportunity to challenge pay discrimination.

Lilly Ledbetter was a loyal employee at Goodyear Tire and Rubber Company for 19 years. At first, her salary was in line with that of her male colleagues, but over time she got smaller raises creating a significant pay gap. Ms. Ledbetter was not aware of this pay discrimination until she received an anonymous note detailing the salaries of three male coworkers. After filing a complaint with the Equal Employment and Opportunity Commission, her case went to trial and the jury awarded her

\$3.3 million in compensatory and punitive damages due to the extreme pay discrimination she endured.

The Court of Appeals for the Eleventh Circuit reversed this verdict, arguing that Ms. Ledbetter filed her complaint too late. If you asked anyone on the street, they would tell you that this decision goes against the citizens of this country's sense of right and wrong. How was she to know that this discrimination was happening? Ms. Ledbetter was already facing sexual harassment at Goodyear Tire and Rubber Co. and told by her boss that he didn't think a woman should be working there. To argue that Ms. Ledbetter should have asked her male counterparts what their salaries were at the moment she suspected discrimination defies common sense. This topic was off limits, as it is in most work places. It is clearly not her fault she didn't discover this inequity sooner.

In 2007, the Supreme Court upheld the Eleventh Circuit ruling in *Ledbetter v. Goodyear Tire and Rubber Co.* and, as a result, took us a step back in time. It gutted a key part of the Civil Rights Act of 1964 that has protected hardworking Americans from pay discrimination for 45 years by making it extraordinarily difficult for victims of pay discrimination to sue their employers.

The bill before us overturns the Court's 5-4 decision and reinstates prior law. It ensures that victims of pay discrimination will not be penalized if they are unaware of wage disparities. I am happy to say that we will have the opportunity today to protect millions of hardworking Americans and reverse the unreasonable and unfair *Ledbetter* decision. I call on all of my Senate colleagues to vote in favor of this bill, which will send a clear signal that pay discrimination is unacceptable and will not be tolerated.

Ms. SNOWE. Mr. President, I come to the floor today to thank my Senate colleagues—particularly the persistent efforts of Senator MIKULSKI, but also to commend Senators KENNEDY and SPECTER for their willingness to address a controversial Supreme Court decision head-on. I am proud to see the Senate taking up an issue that is so fundamental to America—to the way we see ourselves, to the way we are perceived around the world, to the core principles by which our country abides. Equality. Fairness. Justice.

I believe everyone in this body is familiar with the story of Lilly Ledbetter. She spent 20 years diligently working at the same company, at the same facility in suburban Alabama, striving alongside her coworkers, both male and female. Unknown to her at the time, from her earliest days at the facility she had become a victim of gender discrimination. How? Over time, those male colleagues who rose through the ranks at the same rate as

Ms. Ledbetter were receiving considerably more compensation.

Then, one day in June of 1998, her eyes were opened by an anonymous individual who provided her with documentation finally alerting her to the discrepancy in wages. From there, her legal odyssey began. She filed a complaint with the Equal Employment Opportunity Commission, EEOC, in July, filed a discrimination lawsuit 4 months later and found herself at what she expected to be the end of her journey, the U.S. Supreme Court, 8 years later. But this was not the end of the journey.

As Justice Ginsburg indicated in her dissenting opinion, the majority did not sufficiently consider the broad array of case law that would have resulted in a decision in favor of Ms. Ledbetter. Yet we are here today not to argue the validity of the May 2007 Supreme Court decision. Rather, we are here to address the root of the problem, a role Congress must fulfill when the law clearly is lacking. In fact, in that same dissent, Justice Ginsburg urged Congress to act expeditiously to repair this inequity. Today, we are one step closer to doing just that.

The existing statute plainly indicates the discrimination must have occurred within 180 days of filing the complaint in order for the complaint to be considered timely. But as Ms. Ledbetter's case proves, this provision, now codified in title VII of U.S. law, is fundamentally flawed. With respect to a situation like that experienced by Ms. Ledbetter, and thousands of American women every day, the statute is not tailored in such a way to recognize long-term workplace discrimination. If a woman is terminated solely because of her gender—or perhaps passed over for promotions or increased compensation irrespective of merit, but instead based solely on the fact she is a woman, she typically would have the ability to meet the 180-day requirement.

But the kind of mistreatment we are attempting to rectify with this legislation is both subtle and longstanding, it is almost impossible to comply with the statute as written. Generally, women like Ms. Ledbetter enter a company on a lower pay scale than their peers, and starting with such a handicap continues to plague them throughout their careers. Over time, that gulf between her compensation and that of her male colleagues only widens. But why should they be penalized in law simply because they didn't have the information necessary to know they were being discriminated against? Do we really wish to say that justice should be arbitrarily decided merely by a date and time?

Now, opponents of the legislation have indicated the *Ledbetter* bill before us today will cost jobs, that it is a radical departure from the intent of

the law, that it will impose massive costs on employers, and encourage a deluge of lawsuits. But nothing could be further from the truth.

This bipartisan bill would simply restore the law of the land prior to the Supreme Court's 2007 decision. Nine courts of appeals followed the approach we endorse in this bill, and the EEOC used the same underpinnings included in the *Ledbetter* bill under both Democratic and Republican administrations. In fact, the legislation mimics language that Congress employed in the Civil Rights Act of 1991 to mitigate a Supreme Court decision that all but eliminated employees' opportunity to challenge seniority systems in the workplace.

Indeed, after 17 years, this language has not resulted in even a minimal spike in claims through the kind of broad interpretation we were warned against. That's why the nonpartisan Congressional Budget Office, CBO, has specifically stated it will not significantly increase the number of pay discrimination claims. What it will do is give workers who have reasonable claims a fair chance to have them heard.

In addition, this legislation does nothing to alter current limits on the amount employers owe. Under Senator MIKULSKI's bill, employers would not have to make up for salary differences that occurred decades ago. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim under title VII of the Civil Rights Act of 1964. The bill would do nothing to change this 2-year limit on back pay.

Some view this as a unique circumstance specific to Ms. Ledbetter. I wholeheartedly disagree. According to a Government Accountability Office presentation based on the 2000 Census data, 7 of the 10 industries that hire the majority of women in this country experienced a widening of the wage gap between male and female managers. In 1963, when Congress passed the Equal Pay Act, a woman working full-time was paid 59 cents on average for every dollar paid to male employees, while in 2005 women were paid 77 cents for every dollar received by men. Over the last 42 years, despite our best efforts, the wage gap has only narrowed by less than half of a penny per year.

In my home State of Maine, the situation is even harsher for women in the workplace. For women in Maine, the concern about equal pay is especially acute. In 2007, on average, women in my State working full-time year-round earned only 76 percent of what men working full-time, year-round earned. This is 2 percentage points below the nationwide average of 78 percent. Over recent years, the gender wage gap has plateaued—we are not making progress. The following point is particularly illustrative—the wage gap in

Maine persists, like it does across America, at all levels of education. Women in the State with a high school diploma earned only 62 percent of what men with a high school diploma earned. In fact, as is true nationwide, the average woman in Maine must receive a bachelor's degree before she earns as much as the average male high school graduate.

So, today, we have come here only to ensure that women who have been treated unfairly in the workplace have the opportunity to seek redress. In conclusion, Lilly Ledbetter's journey—indeed, the journey of all working women—continues. Like Ms. Ledbetter, many of us who followed the case all the way to the chambers of the Supreme Court considered it the final step. We were wrong—but now we have the opportunity to right that injustice. I urge my colleagues to support final passage for this legislation, and guarantee that the Senate's support for this legislation is indeed her final step on a decade-long journey.

Mr. FEINGOLD. Mr. President, I am pleased to support the Lilly Ledbetter Fair Pay Act of 2009, legislation that I have cosponsored for the past 2 years. This legislation simply seeks to protect American workers from pay discrimination based on factors such as race, gender, religion, and national origin. I am pleased that the Senate is on the verge of finally passing this important bill after we came so close to passing it last year. For over 2 years, Lilly Ledbetter, the victim of discriminatory pay based on gender, has worked tirelessly to move this legislation forward and today's Senate passage of the Ledbetter bill marks an important victory for her and the many advocates around the country who joined with her.

These are challenging economic times for many families in Wisconsin and around the country. Too many workers are struggling to hang onto their jobs, their homes, and provide for their children. We in Congress need to do all we can this year to help create solid family-supporting jobs, but we also need to make sure that people who already have jobs can support their families. We need to pass legislation like the Ledbetter bill to help ensure that workers are treated fairly and earn what they deserve.

I know many of my colleagues in the Senate share my disappointment and frustration that, despite all the gains women have made since gaining the right to vote 100 years ago, they still make 77 cents on the dollar compared to their male counterparts. It is hard to believe that this pay disparity continues to exist in the 21st century. Unfortunately, the pay disparity not only exists but is even larger in my State of Wisconsin. According to data gathered by the Institute for Women's Policy Research, IPWR, women's salaries were

only approximately 72 percent of men's salaries in Wisconsin. The wage gap gets even larger when you look at the earnings of minority women throughout Wisconsin. In 1999, African-American women's salaries were only around 63 percent of White men's salaries; while Hispanic women's salaries were only 59 percent of White men's salaries according to an analysis of Wisconsinites' wages by IWPR.

These troubling wage gaps exist throughout the country and, thanks to the flawed Supreme Court decision in Ms. Ledbetter's case, it is now even more difficult for hard-working Americans to seek legal redress for this inequity in the workplace.

As we heard in testimony before the Judiciary Committee last year, Lilly Ledbetter's experience "typifies the uphill battle that American workers face" in efforts to "right the wrong of pay discrimination." After she found out that she was being paid less than her male counterparts, she filed a complaint with the EEOC and then brought a lawsuit in Federal court in Alabama. The Federal district court ruled in her favor, but 2 years ago, the Supreme Court ruled that Ms. Ledbetter had filed her lawsuit too long after her employer originally decided to give her unequal pay. Under title VII of the Civil Rights Act of 1964, an individual must file a complaint of wage discrimination within 180 days of the alleged unlawful employment practice. Before the Ledbetter decision, the courts had held that each time an employee received a new paycheck, the 180-day clock was restarted because every paycheck was considered a new unlawful practice.

The Supreme Court changed this longstanding rule. It held that an employee must file a complaint within 180 days from when the original pay decision was made. Ms. Ledbetter found out about the decision to pay her less than her male colleagues well after 180 days from when the company had made the decision. Under the Supreme Court's decision, it was just too late for Ms. Ledbetter to get back what she had worked for. It did not matter that she only discovered that she was being paid less than her male counterparts many years after the inequality in pay had begun. And it did not matter that there was no way for her to find out she was being paid less until someone told her that was the case.

In Ms. Ledbetter's case, to put it simply, the Supreme Court got it wrong. It ignored the position of the Equal Employment Opportunity Commission and the decisions of the vast majority of lower courts that the issuance of each new paycheck constitutes a new act of discrimination. It ignored the fact that Congress had not sought to change this longstanding interpretation of the law.

The Court's decision also ignores realities of the American workplace. Per-

haps we lose sight of this in Congress, since our own salaries are a matter of public record, but the average American has no way of knowing the salary of his or her peers. As Ms. Ledbetter noted, there are many places across the country where even asking your coworkers about their salary would be grounds for dismissal.

The Lilly Ledbetter Fair Pay Act, which has been pending in the Senate since shortly after the Supreme Court's erroneous decision, reestablishes a reasonable timeframe for filing pay discrimination claims. It returns the law to where it was before the Court's decision, with the time limit for filing pay discrimination claims beginning when a new paycheck is received, rather than when an employer first decides to discriminate. Under this legislation, as long as workers file their claims within 180 days of a discriminatory paycheck, their complaints will be considered.

This bill also maintains the current limits on the amount employers owe once they have been found to have committed a discriminatory act. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim. This bill retains this 2-year limit, and therefore does not make employers pay for salary inequalities that occurred many years ago. Workers thus have no reason to delay filing a claim. Doing so would only make proving their cases harder, especially because the burden of proof is on the employee, not the employer.

Opponents say that this bill will burden employers by requiring them to defend themselves in costly litigation. This is simply not the case. Most employers want to do right by their employees and most employers pay their employees fair and equal wages. This legislation is targeted at those employers who underpay and discriminate against their workers, hoping that employees, like Ms. Ledbetter, won't find out in time. The Congressional Budget Office has also reported that restoring the law to where it was before the Ledbetter decision will not significantly affect the number of filings made with the EEOC, nor will it significantly increase the costs to the Commission or to the Federal courts.

The impact of pay discrimination continues throughout a person's life, lowering not only wages, but also Social Security and other wage-based retirement benefits. This places a heavy burden on spouses and children who rely on these wages and benefits for life's basic necessities like housing, education, healthcare, and food. This discrimination can add up to thousands, even hundreds of thousands, of dollars in lost income and retirement benefits. In these challenging economic times, Congress must do all it can to ensure that the wages and retirement savings of American men and women are protected and not subject to attack

by flawed court decisions or legislative inaction.

On matters of pay discrimination, this bill simply returns the law to where it was before the Supreme Court issued its misguided decision in 2007. We need to do more than just correct past mistakes, however we also need to examine the challenges facing working Americans and address those challenges in a constructive and thoughtful way. I look forward to working with my colleagues to strengthen and improve laws that help working families, including creating jobs, expanding access to health care, and improving educational opportunities for all Americans.

Mr. President, I am pleased that the Senate was finally able to prevent a filibuster of this important legislation and that we are now on the verge of passing this bill. I am a proud cosponsor of the Lilly Ledbetter Fair Pay Act, and I was disappointed when it failed in the Senate by just four votes last year. This is a significant victory for working families in Wisconsin and around the country. Of course, pay discrimination is not the only issue that women, minorities, people with disabilities, and other protected groups of workers confront, and we need to do more to strengthen and improve other employment conditions, like worker safety, as well. As this new Congress gets underway, I stand ready to work with my colleagues in the Senate to advance legislation that protects employment rights and strengthens job opportunities for all Americans.

Mr. GRASSLEY. Mr. President, let me first say, I adamantly oppose and abhor discrimination of any kind, whether it is based on gender, age, religion, disability or race. I am a father to two daughters. I have five granddaughters and two great-granddaughters. I want all of my granddaughters to know that their goals and achievements will only be limited by their own ambition rather than a despicable act of gender discrimination. There is no place for discrimination in our country, and all of my colleagues share this belief. No side in this debate is in favor of gender discrimination.

The matter before the Senate is the Lilly Ledbetter Fair Pay Act. The Lilly Ledbetter Fair Pay Act seeks to overturn a Supreme Court decision that the sponsors contend has removed statutory protections against discrimination, in this case, pay discrimination. The Court's decision in *Ledbetter v. Goodyear Tire* held that a plaintiff alleging pay discrimination under title VII must file a claim within the statutory filing period of the alleged discrimination.

It is unfair to individuals who were unknowingly discriminated against to have a strict statute of limitations that prevent them from bringing suit once they discover the discrimination.

I could not agree more. An individual should not be precluded from seeking justice simply because they were not aware of the discrimination. This is the situation that the proponents of the *Ledbetter* bill seek to address.

However, we must also ensure that the remedy to this injustice does not lead to allegations of discrimination that are years and, perhaps, decades old. A reasonable statute of limitations ensures that the discrimination is identified and reported and the employee receives a timely resolution if there is discrimination. Statutes of limitation have been part of our legal history for hundreds of years and further the interest of justice by ensuring claims are brought in a timely manner while evidence is still available. These limitations have long been recognized by courts as a way to balance the rights of plaintiffs against the rights of defendants. In the case of employment discrimination suits, the statute of limitations provides employers protection from having to defend allegations where records no longer exist or employees have moved on or passed away.

Statutes of limitations have always stood in some tension, and it is our job as the elected representatives of plaintiffs and defendants across this country to strike the necessary balance. We need to ensure that law does not sanction hidden discrimination nor effectively eliminate the statute of limitations.

The supporters of this bill have offered their version of a solution to this problem. The underlying bill would essentially reset the clock on the statute of limitations every time a new paycheck was received by an individual who was discriminated against in the past. They believe this is necessary regardless of how long in the past the claim of discrimination occurred. It would effectively eliminate the statute of limitations for discrimination claims.

The underlying bill also goes far beyond the stated objective of providing justice to those who have been subject to concealed discrimination. Instead, it could have the exact opposite effect of hindering efforts to quickly resolve discrimination claims. By pushing claims off indefinitely into the future, the bill creates a separation between the discriminatory act and the filing of a claim making cases harder to prove and more costly to defend. Simply put, the bill offered by Senator MIKULSKI greatly expands the existing statute further than it was before the Supreme Court decided the *Ledbetter* case.

While I believe the Mikulski bill goes too far, I do believe Congress should act to ensure discrimination claims are not simply ignored. As I said before, we need to find the right balance. I believe that balance is found with the alternative bill offered by my colleague, Senator KAY BAILEY HUTCHISON. Her

amendment essentially codifies a discretionary approach that courts and the Equal Employment Opportunity Commission have applied in these cases for years.

The fact is, the Supreme Court and the EEOC have long recognized that statutes of limitation or charge-filing periods can be extended or "tolled" in circumstances where the discrimination is hidden or concealed. Simply put, defendants shouldn't be able to run out the clock just because they hide the discrimination or it is unknown to the victim.

The Hutchison alternative simply codifies this doctrine of equitable tolling. The Hutchison amendment provides that the clock on the charge-filing deadline does not start running until an employee discovers the discrimination or should have discovered the discrimination. This thoughtful, balanced approach protects the rights of the employee if the discrimination was concealed, but also ensures that the claim can be resolved timely. The Hutchison amendment codifies the flexibility of the claim-filing deadline when the discrimination is concealed, rather than effectively eliminating the deadline outright. It is the type of balanced, measured approach we as legislators are elected to find.

While it is my sincere hope that in this day and age no employer treats individuals differently based on gender, I am a cosponsor and strongly support the Hutchison amendment and believe it is the best possible way to ensure that the rights of all individuals are protected from discrimination.

Unfortunately, this balanced amendment was rejected by the majority, as were a number of other thoughtful, balanced, and needed amendments offered by colleagues on my side of the aisle. Because those efforts to improve the bill and minimize unintended consequences were rejected, I must vote against the bill. I regret that the Senate was unable to work in a more bipartisan manner to address the serious issue of gender discrimination.

Mr. MARTINEZ. Mr. President, lawyers have a saying: "Bad facts make bad law." In my opinion, bad facts make even worse legislation. The proposal before the Senate, S. 181, assumes a number of erroneous facts directly related to the case of Ms. Lilly Ledbetter and how current law treats those wishing to file discrimination claims. I believe improvements are in order to the current law, but S. 181 goes well beyond what is reasonable and equitable.

Ms. Ledbetter was not prevented from asserting claims because she wasn't aware of her employer's alleged discrimination. She was prevented from asserting her claims because, as Ms. Ledbetter testified under oath in the case, she knew about the alleged discrimination for nearly 6 years before bringing her lawsuit.

While it is essential that employees be given an adequate period of time to press a discrimination claim, employers must also be protected from endless litigation.

Statutes of limitation serve an important function in our judicial system. By effectively eliminating the statute of limitation in employment discrimination cases, S. 181 would make it very difficult for an employer to mount a credible defense to a discrimination claim. Both small business owners and employees deserve a fair process. Although I support fair pay for equal work and oppose workplace discrimination of any kind, I oppose S. 181 and I am hopeful a balance can be reached before it becomes law.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, equal pay for equal work is a fundamental civil right. This principle is at the heart of our Nation's commitment to fairness. When President Kennedy signed the Equal Pay Act in 1963, he reminded us that protection against pay discrimination is "basic to democracy." Those words ring even truer today. When we inaugurated Barack Obama as our new President this week, our country strongly reaffirmed its commitment to a fairer, more just American society.

My good friend Senator MIKULSKI has taken an important step toward achieving this fairer, more just society by leading the debate in the Senate on the Lilly Ledbetter Fair Pay Act, and I thank her for her inspired leadership. She has truly been a passionate advocate for women and others who have suffered the injustice of discrimination. I also commend Senator HARKIN for the work he has done on this bill and on the Fair Pay Act. Senator Clinton has also been a champion for pay equity, and we pledge to continue her good work.

We must pass the Lilly Ledbetter Fair Pay Act. It will give American workers who are victims of pay discrimination based on race, age, gender, national origin, religion, or disability a fair chance to enforce their rights.

As a nation, we have often acted in recent years to expand and strengthen our civil rights laws in order to end discrimination, and we have always done so with bipartisan support. The result has been great progress towards increasing equal opportunity and equal justice for all our people, and we will never abandon this basic goal.

Despite our past efforts to end pay discrimination, too many of our citizens still put in a fair day's work, but go home with less than a fair day's pay. Women, for example, bring home only 78 cents for each dollar earned by men. African American workers make only 80 percent of what White workers make and Latino workers make only 68

percent. Many qualified older workers and workers with disabilities also bear the burden of an unlawful pay gap. They are paid less than their coworkers for reasons that have nothing to do with their performance on the job.

Confronting pay discrimination is about addressing the real challenges faced by real Americans to make ends meet. These challenges have been mounting in recent months, as millions of American workers struggle even harder each day to provide for their families in this troubled economy.

Pay discrimination makes their struggle even harder. In these dire economic times, workers and their families can't afford to lose more economic ground—but that is just what is happening to thousands of Americans who still face pay discrimination.

With the economy in a severe recession, we cannot afford to wait to fix this problem. With women and minorities still making less than White men for the same work, we can't be complacent. With thousands of workers facing discrimination because of their race, their sex, their national origin, their age, their religion, and their disability every year, we must continue the battle to end this national disgrace.

Lilly Ledbetter's own case demonstrates the financial toll that pay discrimination can take. Lilly made 20 percent less than her lowest paid, least experienced male colleague and almost 40 percent less than her highest paid male colleague. For Lilly and other victims like her, the cost of pay discrimination over time is large. A recent study estimates that women lose an average of \$434,000 over the course of their career because of the pay gap. Not only that, but their lower wages also mean their pension benefits and their Social Security benefits are lower as well. Unless we act, thousands of American workers will continue to face the same injustice that Lilly Ledbetter has endured.

It is our common responsibility to attack this problem with every tool at our disposal. Unfortunately, the challenge has been made more difficult because of the Supreme Court's decision last May that pulled the rug out from under victims of pay discrimination by making it harder for them to stand up for their rights.

In *Ledbetter v. Goodyear Tire & Rubber Company*, the Supreme Court reversed decades of established law by reinterpreting existing law on equal pay and ruling that workers must file claims of pay discrimination within 180 days after an employer first acts to discriminate. Never mind that many workers, such as Ms. Ledbetter, do not know at first that they are being discriminated against. Never mind that workers often have no way to learn of the discrimination against them or gather evidence to support their suspicions because employers keep salary

information confidential. Never mind that the discrimination continues each and every time an employee receives an unfair paycheck.

The Ledbetter decision means that many workers across our country will be forced to live without any reasonable way to hold employers accountable when they violate the law. Employers will have free rein to continue their illegal activity, and the workers who are unfairly discriminated against will have no remedy. This result defies both justice and common sense.

The American people have made clear that they are yearning for a government that promotes, not defies, justice and common sense. We can answer this call for change by quickly passing the Lilly Ledbetter Fair Pay Act and restoring a clear and reasonable rule addressing how pay discrimination actually occurs in the workplace. The 180-day time period for filing a pay discrimination claim begins again on each date when a worker receives a discriminatory paycheck.

By doing so, the Lilly Ledbetter Fair Pay Act ensures that employers can actually be held accountable when they break the law. Under this bill, workers can challenge ongoing discrimination as long as it continues. As long as the injustice and the damage of the discrimination continue, the right to challenge it should continue too.

The bill before us restores the rules that employers and workers had lived with for decades, until the Supreme Court upended the law in the Ledbetter case. We know these rules are fair and workable. They were the law in most of the land and had the support of the EEOC under both Democratic and Republican administrations until the Ledbetter decision. There won't be any surprises after this bill passes. As the Congressional Budget Office has stated, the bill will not increase litigation costs.

Congress must stand with American workers to reverse the Supreme Court's Ledbetter decision. Civil rights groups, labor unions, disability advocates, and religious groups from across the country support this legislation. Many responsible business owners also support it, especially, the members of the U.S. Women's Chamber of Commerce. The American people want us to act.

In her stirring dissent in the Ledbetter case, Justice Ruth Bader Ginsburg wrote that "Once again, the ball is in Congress's court." Nearly 2 years after she wrote those words, the ball is still in Congress's court. The House passed this important legislation last year, but the Senate dropped the ball. Now we have a new Congress and a new opportunity to master the challenge that Justice Ginsburg put to us, and we have a new President who is strongly committed to equal pay and to ending pay discrimination. I ask my

colleagues to enable the march of progress on civil rights to continue. Together, let us stand with working people. Let us pass the Lilly Ledbetter Fair Pay Act.●

LOST PAY

Mr. LEVIN. Assume that on January 1, 2007, a new employee is hired and knows that she will be paid less because she is a woman. She also knows that she is receiving less pay than a male who was hired on the same day for the same job, but she needs the job and is afraid to file suit. Two years go by and on January 15, 2009, she decides to fight the discrimination and files a complaint. Under current law, can she recover the lost 2007–2008 pay?

Ms. MIKULSKI. Under current law, as interpreted by the Supreme Court, she is not able to recover any lost pay because a claimant has 180 days to file a claim from the time that the employer first decided to discriminate, i.e. she had to file by July 1, 2007.

Mr. LEVIN. Under S. 181, would she be able to recover the 2007–2008 lost wages?

Ms. MIKULSKI. Under S. 181 she would be able to recover lost wages for the previous 2 years from her January 15, 2009, paycheck. This is because every paycheck is considered an act of discrimination and a claimant has 180 days to file a claim for that act of discrimination, and go back 2 years in determining damages.

Mr. LEVIN. Who has the burden of proof in intentional discrimination cases as to whether and when an act of discrimination occurred?

Ms. MIKULSKI. The claimant has the burden of proof.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 34

Mr. VITTER. Mr. President, I call up amendment No. 34.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 34.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects)

At the appropriate place, insert the following:

SEC. ____ GOVERNMENT NEUTRALITY IN CONTRACTING.

(a) PURPOSES.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal

Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.—

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organizations, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(II) refuse to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) APPLICATION OF PROHIBITION.—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A) do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party

to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient, or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) EXEMPTIONS.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) SPECIAL CIRCUMSTANCES.—For purposes of subparagraph (A), a finding of “special circumstances” may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of paragraphs (1) or (2) if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this subsection applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION CONTRACT.—The term “construction contract” means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) LABOR ORGANIZATION.—The term “labor organization” has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

Mr. VITTER. Mr. President, this is my amendment, No. 34 the Government

neutrality in contracting amendment. It is very simple; it is very straight forward. It would provide true equal opportunity and open competition in national contracting.

Congress has a duty to ensure that infrastructure projects paid for by taxpayers are free from favoritism, and these interests would not be served if Congress were to require union-only Project Labor Agreements or PLAs for construction projects in the 111th Congress.

According to a January 2008 report issued by the Bureau of Labor Statistics, only 13.9 percent of America's private construction work force belongs to a labor union. So this means that union-only PLAs discriminate against well over 8 out of 10 construction workers in America who would otherwise be able to work on those projects.

Given the debate on the current legislation, I believe this amendment is particularly important for the following reasons: Minorities are particularly negatively impacted by union-only PLAs. This discrimination is harmful to women and minority-owned construction businesses whose workers have traditionally been underrepresented in unions, mainly due to artificial and societal barriers to union apprenticeship and training programs.

Requirements under a PLA can be so burdensome that many women and minority-owned businesses are deterred from even bidding on construction projects. A PLA could force these employers to have to abandon their own employees in favor of union workers, to pay into union and pension health plans, even if they already have their own plans.

Not being able to bid on a public project because of a PLA is very detrimental to small disadvantaged companies who rely on these contracts for much of their growth.

Again, this amendment would provide equal opportunity and open competition in Federal contracting. It would codify the status quo right now, which is to bar Federal agencies from requiring union-only PLAs on Federal construction projects. This sort of equal opportunity nondiscrimination is important and certainly is consistent with the spirit of this underlying bill.

Let me also mention in closing that this amendment has the full support of many national groups such as Associated Builders and Contractors, The Associated General Contractors of America, the National Association of Minority Contractors, Independent Electrical Contractors, the National Association of Disadvantaged Businesses, the National Black Chamber of Commerce, the National Federation of Independent Business, Women Construction Owners and Executives, and others.

I ask unanimous consent to have printed in the RECORD a letter making clear that support from a broad-based group of organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 21, 2009.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The undersigned organizations call on you to support an amendment offered today by Senator David Vitter (S.A. 34) to the "Ledbetter Fair Pay Act of 2009" (S. 181) that eliminates discrimination and ensures fairness in federal procurement by forbidding union-only project labor agreements (PLAs) on federal and federally funded construction projects. In addition, this amendment protects taxpayers and ensures fair and open competition on contracts for all federal infrastructure projects. We urge you to support the Vitter Amendment to the "Ledbetter Fair Pay Act of 2009" (S. 181) when it comes up for a vote in the U.S. Senate.

Equal opportunity and open competition in federal contracting are critical issues to consider as the federal government explores various solutions, including significant infrastructure spending, to stimulate our ailing economy. Congress must ensure federal and federally funded infrastructure projects paid for by taxpayers are administered in a manner that is free from favoritism and discrimination while efficiently spending federal tax dollars. These interests would not be served if Congress were to require union-only requirements, commonly known as union-only PLAs, on federal construction projects. The Vitter Amendment would protect taxpayers from costly and discriminatory union-only PLA requirements on federal construction contracts.

A union-only PLA is a contract that requires a construction project to be awarded to contractors and subcontractors that agree to: recognize unions as the representatives of their employees on that jobsite; use the union hiring hall to obtain workers; pay union wages and benefits; obtain apprentices through union apprenticeship programs; and obey the union's restrictive work rules, job classifications and arbitration procedures.

Construction contracts subject to union-only PLAs almost always are awarded exclusively to unionized contractors and their all-union workforces. According to the most recent data from the U.S. Department of Labor's Bureau of Labor Statistics, only 13.9 percent of America's construction workforce belongs to a union. This means union-only PLAs would discriminate against almost nine out of 10 construction workers who would otherwise work on construction projects if not for a union-only PLA.

This discrimination is particularly harmful to women and minority-owned construction businesses whose workers traditionally have been under-represented in unions, mainly due to artificial and societal barriers in union membership and union apprenticeship and training programs.

In closing, we strongly urge you to eliminate discrimination and guarantee equal opportunity and open competition in federal construction procurement by supporting the Vitter Amendment (S.A. 34) to the "Ledbetter Fair Pay Act of 2009" (S. 181).

Sincerely,

Associated Builders and Contractors; Independent Electrical Contractors; National Association of Minority Contractors—Northeast Region; National Association of Small Disadvantaged Businesses; National Black Chamber of Commerce; National Federation of Independent Business; Women Construction Owners and Executives, USA.

Mr. VITTER. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to be clear that I object to the Vitter amendment. I do it on both policy and procedural grounds.

First, on procedure, this amendment has nothing to do with the Lilly Ledbetter Fair Pay Act. The Lilly Ledbetter Fair Pay Act focuses on wage discrimination. The Vitter amendment focuses on project labor agreements by Federal agencies. It deals with contracting. It deals with construction work. It does not deal with wages in that category.

The great thing about today is that we have not become locked in a debate on process. I thank my colleagues on the other side of the aisle for the amendments they offered. They were focused. They were clear. It was primarily about wage discrimination.

When we look at the Vitter amendment, it would prohibit Federal dollars from being used for something called project labor agreements. These agreements, which contractors and labor organizations establish to set the terms of employment for large construction projects, benefit both the Government and workers. History has shown they produce high-quality jobs, high-quality work that is completed efficiently and effectively, on time, and meeting the bottom line of the bid.

When we talk about project labor agreements, it is not true that PLAs require union-only labor. Project labor agreements have been used for years to help construction companies run effectively and efficiently. State and local governments often use these agreements because they know they are going to get a good job at the price that has been bid. These agreements help keep costs predictable and under control. That is critical for large Federal projects.

It is also a preventive strategy. Often, they prevent labor disputes and assure a steady supply of high-quality workers.

Project labor agreements benefit workers and communities. Now more than ever, we need to be creating high-quality jobs. Project labor agreements ensure that wages and benefits and working conditions are simply fair. Instead of embracing these benefits, the Vitter amendment would prohibit the use of it.

Then there is another issue—executive authority. This would take away longstanding executive authority. It would tie the hands of a President. I certainly don't want to tie the hands of our new President, but I don't want to tie the hands of any President under the Executive authority to do PLAs. Our Nation's Executive has always had the authority over Federal contracting. There is no reason to shift

the balance of power. That could result in all kinds of lawsuits, et cetera.

Senator VITTER says that project labor agreements restrict competition, but that is not true. Under President Clinton, both union and nonunion contractors were able to win bids. Non-union workers were not excluded. All construction workers could work on projects governed by project labor agreements. That is what I am going to repeat: Project labor agreements do not require union-only labor. That is a myth. It has no basis in reality. It has no basis in statute.

I know the time is growing late. I also thank the Senator from Louisiana for agreeing to a time agreement. I think I have made the essence of our argument. I will reserve the remainder of my time for a wrap-up statement and some individuals I would like to acknowledge, some of the people who have worked so hard on this bill.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Louisiana has just under 6½ minutes. The Senator from Maryland has 30 seconds.

Mr. VITTER. Mr. President, let me again underscore that it has been clearly demonstrated that project labor agreements, union-only project labor agreements, do hurt women and minorities and also hurt women- and minority-owned businesses. They are often shut out or disadvantaged through those agreements because of historical factors. That is one reason, among many, why all of those organizations I cited, including organizations representing minority- and women-owned businesses, strongly support my stand-alone bill and strongly support my amendment.

In addition, the distinguished Senator from Maryland talked about cost. PLAs do impact cost. They push up cost. If they make cost reliable, they only make them reliably high. A good example is the \$2.4 billion project right here to replace the Wilson Bridge between suburban Maryland and Virginia. When a union-only PLA requirement was pushed by former Maryland Governor Glendening, that threw a wrench into the project and drove costs up 78 percent. After that, President Bush issued an Executive order to do away with those PLAs, and phase 1 of the bridge project was rebid. Multiple bids were received, and the winning bids came in significantly below engineering estimates. Today, with that rule against the PLA requirement, the project is almost complete and substantially under budget. I have example after example such as that, where union-only PLAs do jack up the cost to the taxpayer.

In addition, since we are talking about discrimination issues, PLAs do

cut out and harm and put at a disadvantage many women and minorities, certainly including women- and minority-owned businesses.

With that, I urge all of my colleagues to support this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my remarks be extended by 1 minute for the purpose of acknowledgment and thanking people.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I thank someone who is not with us tonight for his steadfast work on this bill, our beloved Senator KENNEDY. We can't wait to have him back. I thank the distinguished ranking member, Senator ENZI, for his wonderful cooperation in enabling us to move this bill and to proceed with civility and focus and, I might add, timeliness. I thank all of my colleagues, Judiciary Committee as well as HELP Committee members. I thank the Kennedy staff who worked with me on doing this—Sharon Block, Portia Wu, and Charlotte Burrows—and my own staff: Ben Gruenbaum and Priya Ghosh Ahola.

I want to, then, proceed to the first bill the Senate will actually vote on since the inauguration of our new President. I think this debate shows we can change the tone. Let's keep that up.

I move to table the Vitter amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 34. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—59

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Begich	Feingold	Lincoln
Bennet	Feinstein	McCaskill
Bingaman	Hagan	Menendez
Boxer	Harkin	Merkley
Brown	Inouye	Mikulski
Burris	Johnson	Murkowski
Byrd	Kaufman	Murray
Cantwell	Kerry	Nelson (FL)
Cardin	Klobuchar	Nelson (NE)
Carper	Kohl	Pryor
Casey	Landrieu	Reed
Conrad	Lautenberg	Reid

Rockefeller
Sanders
Schumer
Shaheen
Specter

Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich

Warner
Webb
Whitehouse
Wyden

NAYS—38

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn

Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchinson
Inhofe
Isakson
Johanns
Kyl

Lugar
Martinez
McCain
McConnell
Risch
Roberts
Sessions
Shelby
Snowe
Thune
Vitter
Wicker

NOT VOTING—1

Kennedy

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the clerk will read the title of the bill for the third time.

The bill was read the third time.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—61

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Hutchinson	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—36

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning

Burr
Chambliss
Coburn
Cochran
Corker
Cornyn

Crapo
DeMint
Ensign
Graham
Grassley

Gregg	Lugar	Sessions
Hatch	Martinez	Shelby
Inhofe	McCain	Thune
Isakson	McConnell	Vitter
Johanns	Risch	Voinovich
Kyl	Roberts	Wicker

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. Under the previous order, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the bill is passed.

The bill (S. 181) was passed, as follows:

S. 181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lilly Ledbetter Fair Pay Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person’s right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or re-

lated to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;

(2) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(3) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e–5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)”;

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)”.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

“(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”.

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

Mrs. MURRAY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, today is a great day in the Senate. We have now overwhelmingly passed a bipartisan bill to correct an injustice that has been prevailing among people—women, minorities, and people with disabilities—in the area of wage discrimination.

What is so great about today is not only our overwhelming legislative victory, but we showed, No. 1, that we can change the tone. I thank Leader REID for the leadership he provided in creating the legislative framework where we can move ahead with open debate.

Notice that we did this bill in a well-measured, well-modulated, well-paced way. There was no need for cloture motions. There was no need for parliamentary quagmires. What it showed, though, is there is a need for civility and cooperation. We, as Americans, have to know, given this economic situation, that we are all in it together. When we work together, we now know each and every one of us makes a difference. But when we truly work together, we can make change.

Today we changed the law, we changed direction, we change history, and I thank all my colleagues and all the staff who have made this possible.

I also wish to say a special thanks to Senator TED KENNEDY. I hope he is watching tonight because, TED, we miss you. We know you are not on the floor; you are with us in spirit. There is more to be done. We cannot wait for you to be back. Let’s go and get the job done.

America is counting on us to do the kinds of things we have done today and act the way we did, the way we got the business done.

VOTE EXPLANATION

Mr. HARKIN. Mr. President, while I was necessarily absent for rollcall vote No. 7 on amendment No. 25, had I been present I would have voted “nay.”

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 301 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. GRASSLEY. I thank the Chair for the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ALASKA TERRITORIAL GUARD

Ms. MURKOWSKI. Mr. President, sometime this week letters will be mailed from the U.S. Army Human Resources Command in St. Louis, MO, to 25 elderly Alaskans. Those letters will tell these 25 elderly Alaskans that the Army has changed its mind—it has changed its mind—about whether their service in the Alaska Territorial Guard during World War II counts toward military retirement. The effect of this abrupt reversal in position is to reduce the monthly retirement payments to each of these 25 elderly Alaskans. These retirement payments will be reduced by an average of \$386 a month. Six will lose more than \$500 a month in retirement pay. These reductions will take effect on February 1.

So in less than 10 days, these individuals who have been receiving these payments—these elderly Alaskans who served us during World War II—will be receiving a letter, maybe before their benefits are cut off, but they will be receiving a letter saying: Sorry, your service doesn't count toward military retirement.

Mr. President, I state again: None of these 25 elderly Alaskans knows this is coming. It will come as a complete surprise to them, possibly, when they receive that letter. Whether they are tuning in to C-SPAN and hear my comments tonight, we don't know.

It is going to take a while for these letters coming out of St. Louis, MO, to reach their destinations because these letters are being sent to some of the remotest parts of our State, of rural Alaska. Four of these letters are destined for the village of Noatak. This is an Inupiat Eskimo village of 489 people in northwest Alaska. I would suggest, Mr. President, that outside of you and I, there is probably nobody in Washington, DC, who could identify Noatak on a map. Four of these letters are destined for the village of Kwigillingok. We call it Kwig because it is so difficult to pronounce. This is a Yupik Eskimo community of 361 people.

All told, these letters are being sent to elders in 15 Alaska Native communities in interior and western Alaska. The poster board that I have behind me indicates some of the elderly gentlemen who may be receiving these letters in the next several weeks.

This decision is tragic. It is tragic because it affects veterans who defended Alaska and who defended the United States from the Japanese during World War II. It is a tragedy because these people were led to believe they would be compensated for their service to our Nation. It is a tragedy because most of the people I am talking about, most of these gentlemen, are Eskimos—among the first people of the United States,

members of a class of people to whom the United States Government has broken its promises time and time again. It is a tragedy because they were misled into believing their retirement pay was increasing. It is a further tragedy because this bad news is going to be communicated in a letter signed by a branch chief in the Army Human Resources Command. These people deserve an apology from the Secretary of Defense. They do not need to be receiving this news about this error from a branch chief in the Army Human Resources Command.

It is also a tragedy because some of these people in the Department of Defense chose to implement this decision in the dead of an Alaska winter, when we know that our Native elders in rural Alaska are most vulnerable. Right now, in the village of Kwig and in Noatak and in the other communities, it is dark, it is cold, and resources are scarce. The increase in retirement pay, which was implemented just this last June, was very welcome news to those who were receiving it. It came at a time when the cost of fuel was rising to levels in our rural communities that people simply could not pay.

If you will recall, back home in June and July, in the cities, we were paying \$4.50, \$5 a gallon for our fuel. But out in the villages they were paying \$7, \$8 a gallon, and in some areas even higher than that. Throughout the State, but particularly in rural Alaska last summer, folks were anxious about whether they were going to be able to afford to heat their homes this winter.

Last week, in the Indian Affairs Committee, the Presiding Officer had an opportunity to join us, and I was able to put on the record the plight of some of the Native people in the community of Emmonak who have literally had to choose between buying stove oil to heat their homes or whether they should buy food for their families.

I guess some of the good news we have learned is that none of these letters informing these elders that they will see a reduction in benefits is going to the village of Emmonak, but I would suspect many of the villages to which these letters are going are no better off. You just have to ask the question: How can our government be so insensitive—taking money, taking retirement benefits out of the pockets of our elders, of our seniors, at a time of the year when they are absolutely the most vulnerable?

I hope I have gained the attention of some, and with the indulgence of my colleagues, I would like to fill in a little bit of the background. I will not be talking too long—I know one of our Senators is waiting—but it is an interesting story, and I think he will appreciate it.

The Alaska Territorial Guard was created in June of 1942 in response to

increasing Japanese activity and attacks on and around Alaska. At the time, the U.S. Army was reassigning our Alaska National Guard soldiers away from the State, and so there were no ground troops left to protect Alaska. So Earnest Gruening, who was the territorial governor at the time, called for volunteers to defend our great land up there in the north. Some 6,389 Alaskans answered the call. These volunteers came to be known as the Eskimo Scouts, but they were representative of all of Alaska. They were Inupiat Eskimos, Yupik Eskimos, Aleut people, Athabaskan and Tlingit Indians, and there were Caucasians.

With no pay and very little equipment, these volunteers—these Eskimo Scouts—patrolled 5,400 miles of coastline to fend off a possible Japanese invasion. They shot down Japanese air balloons carrying bombs and eavesdropping radios. They rescued downed airmen, they transported equipment and supplies, they constructed airstrips and support facilities, they manned the field hospital outpost, and they engaged the enemy in combat.

You see the picture behind me of the Eskimo Scout in his snowshoes standing guard, standing ready. These men answered the call of our country and they defended our homeland. The Territorial Guard stood as the first line of defense for the terrain around the Lend-Lease area, the route from America to Russia, and it was this vital lifeline that allowed the United States to supply our Russian ally with essential military aircraft and proved essentially crucial to Russia's defense against Hitler's Germany.

In March of 1947, the Eskimo Scouts were disbanded, but many of them went on to continue to serve our Nation in the Army and the Alaska National Guard. For more than half a century after the Territorial Guard was disbanded, these brave and truly dedicated volunteers received not one ounce of recognition from our Federal Government for the service they had performed. It wasn't until the year 2000 that Senator Stevens succeeded in adding language to the Defense appropriations bill to recognize the Territorial Guard, and that legislation required the Secretary of Defense to treat the Alaska Territorial Guard just like any other soldiers and to require them to issue discharge certificates to those who remain alive.

I was privileged to be at a couple of ceremonies where some of these elders received their official discharge certificates, and it was incredibly moving to be with them when, after decades, their Government finally recognized their service. The Secretary of Veterans Affairs was also directed to treat these people as any other veteran of the Armed Forces of the United States.

I do understand and we are told that the Department of Defense was slow to

implement the mandate of this legislation. I can tell you from my own experience in dealing with many of the veterans and their families, the efforts to get these discharge certificates in a timely fashion has been very frustrating—frustrating for the families, frustrating for those who have served, most certainly, and frustrating for those of us who have been trying to make it happen. Some former members of the Territorial Guard are still waiting to get their discharge certificates. We have been assisted by a wonderful volunteer, Bob Goodman, who lives in Anchorage. He helps the former members of the Territorial Guard document their service, and he tells me that unless we can get this turned around, unless we can kind of move through this roadblock, we are going to see more of these fine Americans who will pass on before they get their long-awaited recognition.

I just don't understand. I can't understand why it took nearly 8 years—8 years—for the Defense Department to recognize the Alaska Territorial Guard's service for military retirement benefits. But, as I mentioned, back in June of 2008, they did it. Apparently, that decision did not please some at the Defense Department. Between Thanksgiving and Christmas, we learned they made a case that the members of the Territorial Guard are not eligible for retirement benefits. This was all happening over there at the Department under the radar of Secretary Geren here in Washington. The Secretary says there is nothing we can do at this point in time; the retirement benefits have been reduced on the computers of the Defense Finance and Accounting Service and the payments are going to go down effective February 1.

I am not going to stand here and blame the lawyers for telling their clients that the policy of crediting Alaska Territorial Guard service toward retirement pay doesn't comport with the law. But at the same time, the Defense Department hasn't released that legal opinion, so I can't judge—the presiding officer can't judge—whether this conclusion is really compelled by the law. If the conclusion was compelled by the law, I suppose we can't call out the lawyers for saying so. But I do fault their clients, the leaders who knew this was coming. They knew it was coming, but they didn't bother to tell any of the members of the Alaska Congressional Delegation.

I was not notified; you were not notified, Mr. President; our Member in the House of Representatives—nobody came to us late last year and said: Hey, we have a problem. We have a problem, and it requires a legislative fix. Can we work together, can we do something either at the end of the 110th Congress or immediately at the outset of this new Congress?

The senior leaders in the Army and DOD didn't even acknowledge that

there was a problem until you and I contacted the Secretary of the Army and asked: Is there a problem? We hear there is stuff floating around. What is going on?

As far as I was concerned, the reason we suspected there was a problem was because the adjutant general of Alaska, after trying to work through this problem at his level and through the chain of command, told us something was coming and it was going to be coming imminently.

Then just last week, Army Secretary Geren confirmed those fears, the fear that it will be real, that the retirement pay will be cut effective February 1. He says there is nothing he can do about it.

This afternoon, the members of the Alaska Congressional Delegation are writing to the administration, asking that he intervene to ensure that those Native elders who are affected by this tragic series of events do not lose this safety net.

Senator BEGICH and I are also preparing legislation that clarifies that service in the Alaska Territorial Guard is to be regarded as Active-Duty service for purposes of calculating retirement pay. We need to clear up that vagueness in the statutes.

I would just say, as I am able to speak here on the floor of the Senate, to Secretary Gates, if you are within the sound of my voice, I believe you owe an apology to these people. It was just a month ago that the Army Chief of Staff sent a letter of apology to 7,000 surviving families of the global war on terror who received letters addressed to John Doe. The blunder I speak of today affects far fewer people, but it is certainly no less of a blunder. I think we recognize we have just gone through a transition, moving from one administration to the other. Things happen during a transition period—things just happen. Sometimes policy blunders can occur. These things do happen, and then it falls upon Congress and the administration to come back and fix things.

I pledge to the Alaskans, and I know the Presiding Officer and our colleague in the House, Representative YOUNG—I think we all make the commitment to do everything we can to clean up what we are dealing with here. But I am left to wonder, what kind of a government, what kind of a Cruella, could cut retirement benefits to a group of Eskimos in their eighties, in the dead of an Alaskan winter, and say: Sorry, there is nothing we can do.

It is time for some soul searching at the Pentagon. I am looking for answers. I know you are looking for answers. We are looking for solutions, and there is really very little time left.

I thank the Presiding Officer. Know that we will find positive solutions for those who have served us honorably.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, after listening to the Senator from Alaska, I certainly would love to have her advocating on my behalf, and I know you two will make a great team in advocating on behalf of the people in Alaska, certainly seeing that they have been sent an injustice. I thank you for the opportunity to listen to that. Again, it is great to be here with the two Senators from Alaska.

FAMILY PLANNING

Mr. DURBIN. Mr. President, today many of our constituents are in town for the annual March for Life. They are expressing their strong concerns about an issue that has divided our Nation for decades: abortion.

This issue divides legislatures. It divides churches and communities. It even divides families. Parents often disagree with their children. Two sisters or two brothers may see the issue differently. Even husbands and wives may not see eye to eye.

And yet, the American people look to their elected leaders to come together and address the issue.

My position on the fundamental issue is clear: abortion should be safe and legal, consistent with *Roe v. Wade*. A decision this personal is best left to a woman, her family, her doctor, and her conscience.

But I don't think the issue ends there. We may never reach a consensus on abortion itself, but we can go beyond the divisions, acknowledge that women have a right to an abortion in America, and still work together to reduce the number of abortions.

So I would like to take a step back and talk about some of the things we can do to prevent unwanted pregnancies, which is a goal I think all of us in this chamber share.

Nearly half of all pregnancies in the United States are unplanned that is almost 3 million times a year that a woman and a man are confronted with the news that, contrary to their intentions, the woman is pregnant.

We can make a greater effort to ensure that couples have access to the information and services they need to prevent unwanted pregnancies.

First, we need to invest in comprehensive evidence-based teen pregnancy prevention programs. Nearly 1 million teen girls become pregnant each year, and it's time we focus on helping them prevent those pregnancies.

Next, we need to ensure that women can afford contraception by expanding funding for the Title X family planning program, which provides a critical safety net that both improves women's health and saves taxpayers money.

Low-income women are four times more likely to have unintended pregnancies than their higher-income peers. Democrats have proposed that

women who are entitled to Medicaid-funded labor and delivery also be given access to family planning services through the Medicaid program. If we will cover the childbirth, why would we not cover the prevention services that would help avoid the unintended pregnancy?

And for women with private health insurance, we must ensure that FDA-approved prescription contraceptives are covered to the same extent as other prescription drugs and devices. If we want women and men to take the responsible steps to avoid unintended pregnancies, we must give them access to the family planning options that will empower them to do so. Ensuring that contraceptive coverage is a covered service in our health plans is a commonsense way to address that issue.

It is also time to restore common sense in other areas.

Women must have timely and medically accurate information about another alternative: emergency contraception.

This product is FDA approved, and can prevent pregnancy and thus the need for abortion. Greater awareness of it could substantially reduce the staggering number of unintended pregnancies.

The facts are also on the side of lifting the so-called "Mexico City" policy that controls how family planning organizations in other countries may use their own funds. The global gag rule requires that, as a condition for receipt of U.S. funding, private and international organizations must agree not to use their own non-American funds to perform abortions, provide abortion counseling, or even lobby to make or keep abortion legal in their countries.

By law, Federal funds cannot be used for abortions. Audits have demonstrated that, in the years when the Mexico City policy has been lifted, Federal funds have not been used for abortions. So this is not about abortion.

This is about whether international family planning programs will be allowed the same rights of freedom of speech and action that domestic programs have. We should not be dictating what groups do with their own independent funds as a condition of receiving U.S. family planning funding.

So often, the battle over abortion has been extended into unnecessary battles over contraception. But there are other policy areas where people who disagree over abortion should be able to come together.

First, we need to support pregnant women when they find themselves in a difficult situation.

We must work to ensure that they have access to health care both before and after the child is born; parenting programs; income support; nutrition assistance; and caring adoption alternatives.

Finally, we must look beyond the immediate crises and work to address the underlying conditions that can affect a couple's response to an unplanned pregnancy. Affordable health care, secure jobs with good wages, expanded child care options, and improved educational assistance can make it easier for a couple to welcome a child into the family. These, again, are areas where we should be able to come together and make progress.

TRIBUTE TO SENATORS

HILLARY RODHAM CLINTON

Mr. HATCH. Mr. President, I rise to speak today regarding the departure of my esteemed colleague from New York, Senator Hillary Rodham Clinton. I have known Senator Clinton for many years now, and I have worked closely with her since the time she served as First Lady of the United States and then as she so aptly served the people of New York in the Senate. Today, I am sure that I am joined by many of my colleagues in saying that her compassion, her skill, and her example in this institution will be missed.

As a former First Lady of the United States, I was very impressed with the work Senator Clinton did to increase the level of care for women and children from around the world. You may recall that her service in this capacity knew no boundaries or borders as millions of lives were touched both here in the United States and abroad by her care, by her understanding, and by her tenacity in helping people receive the level of care and attention they so justly deserved. Indeed, Senator Clinton reminded us all that women's rights are not to be separated from human rights and that through this empowerment we have the potential to improve relations, eradicate violence, and increase prosperity. This is the vision and compassion that served her so well as a former First Lady of the United States, and this is the same compassion that continued to highlight her time here in the Senate.

Although her time in this legislative body has been relatively brief, the accomplishments of Senator Clinton have been many. If I may, let me highlight just two contrasting examples. The first example comes from 2007 when I worked closely with Senator Clinton on the Biologics Price and Protection Innovation Act. It was through these tough negotiations, numerous committee meetings, and candid discussions that I again was privileged to witness Senator Clinton's skill in bringing large groups of affected parties together in the spirit of compromise. With so many competing interests and so much attention being drawn to this legislation, I was appreciative of Senator Clinton's skills in negotiation, in understanding competing interests, and in listening to all

of the parties involved in passing this important legislation out of the Senate.

The second example I would like to mention comes from 2008 with little fanfare. It is a simple resolution and one that probably did not receive much attention, but it was a resolution that meant something to me and it meant something to Senator Clinton. I speak of a Senate resolution designating a week in May as National Substitute Teacher Recognition Week. For helping me to pass this simple resolution, I am grateful to Senator Clinton. More importantly, however, I am grateful that Senator Clinton was more interested in doing what was right for substitute teachers across our Nation. Even though this resolution probably never made a headline, Senator Clinton was one of the first in line to sign on as a cosponsor because she knew it was the least we could do for men and women across our country who give so much to our children through their education.

In closing, I share these two examples simply to illustrate the skill and compassion that defined Senator Clinton's service while she was here in the Senate. From the large legislative issues to the small acts of kindness and recognition, I know that Senator Clinton strived to do what she thought was right and what was best for our country. It is this example that we will all miss in the Senate as she begins the next chapter of her service at the State Department. Truly, their gain is our loss, yet it is without hesitation that I extend my deepest gratitude to Senator Clinton for her countless hours of service, her incredible example of compassion, and the years of friendship that she has extended to me, my colleagues, and the people of the United States. I am excited for what the future holds for Senator Clinton. I am certain that many great things still lie ahead in this next chapter of her life, and it is to Senator Clinton that I extend my congratulations as she begins her journey at the State Department.

KEN SALAZAR

Mr. COCHRAN. Mr. President, the resignation of the distinguished Senator from Colorado, Mr. Salazar in order to undertake the duties and responsibilities of Secretary of the Interior, has left us with a sense of pride and loss. We are very pleased the Department of the Interior will have the benefit of his leadership, but we regret that he will not be able to continue his excellent record of distinguished service in this body.

It has been a personal pleasure to serve with my friend from Colorado. His warm personality and his seriousness of purpose as a Senator have enabled him to serve as a very successful U.S. Senator.

I wish my friend well as he undertakes his new duties. I am sure we will

see him often in the Senate working with us as we support him and the Department in carrying out their important responsibilities.

EXECUTIVE ORDER CLOSING DETENTION FACILITIES

Mr. DODD. Mr. President, I once again come to the floor to discuss an issue that goes directly to who we are as a country and what we stand for.

Specifically, I want to comment on the executive orders President Obama signed today to close the Guantánamo Bay detention facility within a year, close secret prisons operated by the CIA, and review the procedures for detaining and trying accused terrorists. In so doing, he sends a long-overdue message not only to the world, but also to the American people here at home, reaffirming our values as Americans and our commitment to the rule of law.

As we speak, some 245 individuals are still being held as enemy combatants at Guantánamo Bay, and about 100 in secret prisons around the world, though we do not even know for sure. Several independent sources have alleged that these detainees have suffered from abuse.

All of the information we have indicates that most, if not all, of these people have engaged in a host of violent actions directed at the United States. They are not misguided innocents, but rather men committed to harming us. I rise today not to defend them and their actions in any way; they must be punished to the full extent of the law.

Rather, I rise to urge exactly that, the application of our great body of law for dealing with dangerous people intent on harming us. Indeed, some in our Government have failed to apply the law and failed to obey it.

According to a Red Cross report, prisoners in Guantánamo Bay were subjected to "cruel, inhumane and degrading" treatment that is "tantamount to torture." FBI agents have reported that many of those held at Guantánamo Bay were chained to the floor in a fetal position for 18 hours or more, and were subject to 100-degree heat and freezing cold. The CIA's secret facilities have never been inspected, so we don't know how prisoners have been treated in them.

These abuses are not just morally wrong, they are violations of American and international law. They weaken respect for the rule of law abroad and subject American citizens to greater risks of unlawful detention and torture in foreign countries. And they weaken our security even as they undermine our democratic ideals.

Guantánamo and the CIA's secret prisons has been an international embarrassment, a symbol of abuse and the breakdown of law, which is why I and others have come to this floor so often to discuss our moral responsibility to close them.

To be absolutely clear, I repeat that those who are a threat to America, who are guilty of crimes, must and will be punished to the fullest extent of the law. They must be tried and prosecuted. This decision is not about protecting those who wish to harm us.

Rather, this decision says, as President Obama did in his inaugural address this week, that the choice between security and liberty is a false choice, and we reject it.

As General George Washington answered when his soldiers asked him for permission to beat their prisoners, "Treat them with humanity. Let them have no reason to complain of our copying the brutal example" of our enemies.

And so, I am grateful and relieved that President Obama has acted so quickly to remedy this very damaging policy.

This is, of course, only the first step. We must remain vigilant in working with the administration to implement these orders. And there remain many issues to be decided, from when and how Guantánamo and other detention facilities are closed to ensuring the interrogation methods employed by U.S. personnel never again cross the line into torture.

But this is a critical first step toward restoring not only the rule of law and our Constitution but also our moral authority. Today, we remind the world and ourselves that everyone is subject to the law and no one, not you, not I, stands above it.

I am convinced that today's orders will better secure our Nation and allow us to more effectively prevent, detain, and prosecute those who would seek to harm us.

I applaud President Obama for his decision to act without delay on these most important issues.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, from the start of his transition to the White House, I have urged President Obama to make a clear commitment to open government. By issuing his directive to strengthen one of our Nation's most important open government laws, the Freedom of Information Act, FOIA, the President is turning the page and moving away from the overreaching secrecy of the last administration. I commend President Obama for recognizing that our Government is accountable to the people it represents. I also commend the President for taking immediate steps during his first full days in office to send this important message to the American people.

I was delighted with the answer of the President's nominee to be the next Attorney General of the United States, Eric Holder, when I asked him at his confirmation hearing last week about how he intended to implement the

Freedom of Information Act. He, too, believes that the presumption should be toward disclosure and openness. In fact, that was the policy before Attorney General Ashcroft reversed it.

Today, our Government is more open and accountable to the American people than it was just a few weeks ago. With the President's new FOIA memorandum, the implementation of the first major reforms to FOIA in more than a decade in the Leahy-Cornyn OPEN Government Act, and the nomination of Eric H. Holder Jr., to be the Attorney General of the United States, the American people have more openness and accountability regarding the activities of the executive branch. I am pleased that the President also issued a Presidential Memorandum on Transparency and Open Government that will promote accountability and transparency in government and an Executive Order on Presidential records that will provide the American people with greater access to Presidential records.

The right to know is a cornerstone of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives. Without open government, citizens cannot make informed choices at the ballot box. Without access to public documents and a vibrant free press, officials can make decisions in the shadows, often in collusion with special interests, escaping accountability for their actions. And once eroded, these rights are hard to win back.

The Sunshine in Government Initiative has been vigilant and steadfast on behalf of open government. I have been pleased to work with this coalition of the American Society of Newspaper Editors, the Associated Press, Association of Alternative Newsweeklies, National Association of Broadcasters, National Newspaper Association, Newspaper Association of America, Radio-Television News Directors Association, Reporters Committee for Freedom of the Press, and Society of Professional Journalists in connection with these initiatives and correcting the government's presumption toward openness.

As we celebrate the inauguration of our new President and the start of a new administration, we are reminded that a free, open, and accountable democracy is what our forefathers envisioned and fought to create. I believe that it is the duty of each new generation to protect this vital heritage and inheritance. In this new year, at this new and historic time for our Nation, I am pleased that we have once again reaffirmed a commitment to an open and transparent government on behalf of all Americans.

COMMENDING MARGARET TYLER

Mr. LEVIN. Mr. President, today, the Committee on Armed Services unanimously passed a committee resolution

to express its appreciation to Margaret Tyler and to commend her for her many years of faithful and outstanding service to the men and women of the U.S. Army, to their families, and to the Senate of the United States.

Margaret Tyler has worked for the Federal Government for 57 years. She has served 45 of those 57 years in the Army Liaison Office—38 of those years in the Army Senate Liaison Office.

Through all those years, Mrs. Tyler has dedicated herself to helping those in need and in solving problems affecting the U.S. Army. She has always been professional, efficient, and effective in her work. Over the years, Senators and staff have learned that when they have a problem involving the Army the first step in solving the problem is calling Margaret Tyler. To many in the Senate family, she is affectionately known as the Army's Angel.

The men and women of our Armed Forces deserve the best support and assistance we in Congress can give them. Day in and day out, for the past 45 years, Margaret has helped us support the men and women of the U.S. Army and their families to the best of her ability. Thousands of soldiers and their families have been touched by her dedicated, professional, and personal care.

On behalf of all the members of the Committee on Armed Services, I ask unanimous consent that our committee's resolution commending Margaret Tyler on her service to the men and women of the U.S. Army, to their families, and to the Senate of the United States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES RESOLUTION 1
COMMENDING MARGARET TYLER ON HER SERVICE TO THE MEN AND WOMEN OF THE UNITED STATES ARMY, TO THEIR FAMILIES AND TO THE SENATE OF THE UNITED STATES

Whereas Margaret Tyler, a native of England who became a United States citizen on February 24, 1954, has worked for the federal Government for 57 years;

Whereas Margaret Tyler worked in the Army Liaison Office in the House of Representatives from 1964 to 1970, and in the Army Liaison Office in the United States Senate from 1971 to the present day, a total of 45 years of dedicated service;

Whereas Margaret Tyler has demonstrated an unwavering commitment to meeting the needs of members of the United States Army, their families, and the members and staff of the United States Senate for the past 38 years;

Whereas Margaret Tyler has earned the respect and gratitude of the Senators and their staffs for her dedication, her professionalism, her service and her good humor;

Resolved, That the Committee on Armed Services expresses its appreciation to Margaret Tyler and commends her for her lengthy, faithful and outstanding service to the men and women of the United States Army, to their families, and to the Senate of the United States.

Resolved, That the Clerk of the Committee shall transmit a copy of this resolution to Margaret Tyler.

EXECUTIVE ORDERS

Mr. KERRY. Mr. President, today is a very significant day for the rule of law in the United States of America, and a powerful statement that the United States again stands for the time-honored principles and values that have made us a beacon to the world.

This morning, the President of the United States signed Executive orders ordering the closure of Guantanamo Bay prison within a year; suspending all military commissions at Guantanamo Bay; closing secret third-country prisons; and placing interrogation in all American facilities for all U.S. personnel under the guidelines of the Army Field Manual.

In a season of transformational changes, these are among the most profoundly meaningful because they will sustain the long-term health of the most cherished ideals of our Republic: respect for the rule of law, individual rights, and American moral leadership.

The threat our Nation faces from terrorism is all too real. And we should all agree that sometimes, in the name of national security, it is necessary to make difficult ethical decisions to protect the American people.

However, I believe that the use of torture and indefinite detention have not only tarnished our honor but also diminished our security. In this global counterinsurgency effort against al Qaeda and its allies, too often our means have undercut our efforts against extremism. In this struggle, the people are the center of gravity. And too often we have wasted one of the best weapons we have in our arsenal: the legitimacy we wield when we exercise our moral authority.

Efforts to justify, explain away, or endorse the use of torture have played directly into a central tenet of al Qaeda's recruiting pitch: that everyday Muslims across the world have something to fear from the United States of America. From Morocco to Malaysia, people regularly hear stories of torture and suicide at Abu Ghraib, Guantanamo, and other overseas prisons. The result has been a major blow to our credibility worldwide, particularly where we need it most: in the Muslim world.

Torture and lawlessness are not easily contained. Once the strictures are loosened, the corner-cutting practices spread. The Pentagon used high-level Guantanamo detainees to test coercive interrogation techniques, but such techniques eventually found their way to low-level detainees at Abu Ghraib prison in Iraq. While images of Abu Ghraib have long faded from American minds and media, they remain fixtures, years later, across the Arab and Muslim world.

As Senator MCCAIN has argued, the use of techniques like waterboarding—invented in the Spanish Inquisition and

prosecuted by the American Government as a Japanese war crime after World War II—leaves its scars on a democratic society as well. Torture, which flourishes in the shadows, depends on lies—not just from those who seek to avoid torture, but from those who seek to conceal it. After years of Orwellian denials and legalistic parsing, what a relief it was to hear our new Attorney General-designee Eric Holder finally acknowledge on behalf of the United States Government what we all know to be true: that yes, “waterboarding is torture.”

As we move forward, President Obama is wise to “reject as false the choice between our safety and our ideals”—but moving beyond this framework does not mean that this administration will not face real and difficult choices about how best to keep Americans safe while honoring our values.

The American people should know that closing Guantanamo will not be easy. Conceived to be outside law, reclaiming the prison and its inhabitants into our legal system from what Vice President Cheney called “the dark side” will be an enormous challenge and a thicket of thorny legal and policy issues.

However, we are already seeing the international system reorganize itself around an America that is willing to be a moral leader. Countries such as Portugal and Ireland have made welcome offers to join Albania in resettling detainees who cannot be returned to their home countries. Already we are seeing the fruits of a good-faith effort with our allies.

Still, it will take time and effort to overcome numerous hurdles. The new administration faces tough challenges handed over from the previous administration. Looming questions must be addressed about the inadmissibility of evidence improperly coerced. It is difficult or impossible in some cases to return detainees—including many cleared for departure—who would face torture or worse in their home countries; and we already know that some released from Guantanamo have returned to the battlefield. In some cases we simply lack evidence to charge men we know to be extremely dangerous and threatening to the American people. And we owe it to those we believe made grave mistakes to acknowledge the urgency of the moment they inherited, the sacred responsibility to protect American lives, which they strove to honor, and the humbling reality that there are no easy answers when it comes to such life-and-death matters.

But the American story is one of perfectibility and striving for ever-greater fidelity to our ideals—it is a journey from Colony to Republic, from slavery to freedom, from sexism to suffrage, from stark poverty to shared prosperity. The President himself famously

said, "the union may never be perfect, but generation after generation has shown that it can always be perfected."

It is true that today we face unprecedented, unorthodox, and vastly destructive enemies that respect neither borders nor rules of war. But it is equally true that we have done so before. This is not the first new challenge America has evolved to meet. Sometimes that evolution requires us to admit mistakes, learn from them and grow as a nation. Our progress in response to new threats and new fears has been halting but real, and our setbacks have always been followed by a strong corrective impulse. The desire to do better has always been a core part of America's greatness.

Today Barack Obama and his administration wrote a new chapter in that old story. I commend them and look forward to helping them make good on their goals, keep Americans safe, and usher in a new era of America's moral leadership.

Today's Executive orders were a promising sign of things to come—America will again honor the values that make us strong.

36TH ANNIVERSARY OF ROE v. WADE

Mr. BURR. Mr. President, today, January 22, 2009, marks the 36th anniversary of the U.S. Supreme Court's *Roe v. Wade* decision.

Today, concerned Americans, including many North Carolinians, are gathering on the National Mall to March for Life, and I would like to take this opportunity to welcome them to Washington, DC.

On January 17, 2009, in anticipation of today's events, North Carolinians gathered for their annual Rally and March for Life in Raleigh.

I congratulate them on their successful event, and I would like to thank them for their efforts to promote a culture of life in America.

In recent years we have made great strides in protecting the unborn through various measures, such as passage of the partial birth abortion ban, Lacey and Connor's Law, and tax incentives to enable more families to adopt.

These achievements are a testament to the advocates who work tirelessly every day to remind us of the value of life.

With these achievements and others, it is my sincere hope that my colleagues in the Senate will continue to work together to protect our children.

Mr. MARTINEZ. Mr. President, today marks the 36th year since the Supreme Court issued its decision in the case of *Roe v. Wade*, a court decision that evokes strong emotions all across America. Today, thousands of Americans who support life have taken time out of their busy schedules to

travel to Washington to take part in the "March for Life," an annual event on the National Mall. I share their hope for seeing the day where the sanctity of life is cherished, valued, and affirmed under the law.

This morning, I had the opportunity to meet with some of these individuals, students from Cardinal Newman High School in West Palm Beach, and I expressed my gratitude for their steadfast commitment to protecting innocent human life.

As a Nation, we have made significant progress in creating a culture that respects life in recent years. As someone who believes that every life is sacred, I encourage President Obama to follow the lead of his predecessor, and continue to restrict the use of taxpayer funding for organizations that perform abortion services or refer patients to abortion providers.

This policy, known as the Mexico City Agreement, was first signed into order by President Ronald Reagan in 1984. Over the years, the policy has been wrongly attacked and falsely characterized as a restriction on foreign aid for family planning. The truth is that the policy has not reduced aid at all.

Instead, it has ensured that family planning funds are given to organizations dedicated to reducing abortions instead of promoting them. If the policy were to be reversed, it would blur the line that has been drawn between funding organizations that aim to reduce abortions, and those that promote abortion as a means of contraception. President Obama should make the right choice in keeping the Mexico City Agreement in place.

In conclusion, on this 36th year since the Supreme Court handed down its decision, I commend the leaders of "March for Life." Supporters are in Washington today, marching down Pennsylvania Avenue, reminding lawmakers of the importance of preserving and protecting life. Their voices are heard. They are heard year after year. I hope there is a day when their voices are heard in celebration that life is preserved and protected by the rule of law.

U.S. AIRWAYS FLIGHT 1549 HEROES

Mr. BURR. Mr. President, I rise today to recognize the heroic efforts of the pilots, crew, passengers, emergency responders, and volunteer organizations that led to the extraordinary outcome of U.S. Airways flight 1549, which was bound for Charlotte, NC, on January 15, 2009.

U.S. Airways flight 1549 departed New York's LaGuardia Airport on the afternoon of January 15 with 150 passengers and 5 crew, including 2 pilots and 3 flight attendants, aboard. Charlotte was the final destination of 104 of the passengers, many of whom are my constituents.

Within minutes of take-off, the aircraft experienced engine trouble forcing the pilot, Captain Chesley B. "Sully" Sullenberger, to perform an emergency landing on the Hudson River.

I understand that a water landing of this sort is rare and technically challenging, making it extremely dangerous for all aboard. But Captain Sullenberger executed the difficult landing expertly. His skill and decisiveness have been heralded with saving the lives of all on board.

As passengers emerged from the plane onto emergency life rafts and the wings of the still buoyant aircraft, boats were on the scene to assist with the rescue in minutes. Vessels were dispatched from the New York police and fire departments, the Port Authority of New York and New Jersey, the U.S. Coast Guard, and the New York Waterway, which reportedly sent all 14 of its boats to the scene.

Without the immediate assistance of these boats, I am certain the passengers and crew on board would not have fared as well as they did, given the extreme temperatures in New York City on the day of the incident. All participating rescue parties are to be commended for their swift and professional response.

In fact, the tales of heroism emerging from this event are numerous. For example, I was moved by the story of Josh Peltz, a Charlotte resident, husband, and father of two. Flying home to Charlotte from a business meeting, Josh was seated in the emergency row's window seat. Not only was Josh integral in opening the emergency hatch after impact, but he was also helpful in reassuring passengers and assisting others, including a mother and her 9-month-old baby, up the ladder and onto the awaiting ferry. And as rescuers assisted passengers, I understand that Captain Sullenberger continued to demonstrate true heroism as he refused to deplane until all others onboard had been safely evacuated.

I again commend all who contributed to making this disastrous event a true miracle, including the first responders; volunteer organizations, such as the American Red Cross and the Salvation Army; and most of all the crew and passengers of 1549. The acts of heroism and the stories of selflessness that have emerged from this event are truly inspiring.

TRIBUTE TO MELVIN DUBEE

Mr. ROCKEFELLER. Mr. President, Melvin Dubee, one of the Senate's most highly valued staff members and one to whom I am personally grateful, will soon conclude two decades of government service in order to apply his considerable talents in the private sector. While I do not, for a moment, believe that this is the end of Melvin's public

duties—one day a wise official will certainly summon him back to public service—it is fitting to note his accomplishments to date.

As evident to even casual observers, particularly around key Longhorn or Cowboy games, Melvin has roots in Texas, where he received at the University of Texas at Arlington a Bachelor of Business Administration degree in finance. His path to public service then included a Masters degree in international affairs from George Washington University in 1988 and two years as a Presidential management intern between 1987 and 1989.

The Presidential Management Intern Program was established by President Carter to attract to Federal service, through a national competition, outstanding individuals from a variety of disciplines who are interested in a career in Federal service. During the internship Melvin worked in the Office of the Inspector General in the Department of Defense, where he began to build expertise in defense issues that carried into his Senate work. During that time he received a congressional fellowship, which introduced him to the Senate in the office of the Senate's master teacher, my senior Senator, ROBERT BYRD, where Melvin continued to work on defense management issues.

It doesn't take long for those with whom Melvin works to be impressed by his considerable skills and calm demeanor. His audition as a Congressional Fellow led to 5 years of service as national security assistant to Senator BYRD, between 1989 and 1994. In that capacity, he advised Senator BYRD, who was then in the midst of his distinguished leadership of the Senate Appropriations Committee, on foreign policy and defense issues. This included serving as Senator BYRD's staff representative to the Armed Services Committee, during which Melvin complemented his growing knowledge of defense issues with his impressive legislative process skills concerning hearings, markups, floor action, conference committee negotiations, and negotiations with other congressional offices and with the Executive Branch.

In 1994, Melvin began his service on the Senate Intelligence Committee. This service continued until now with brief interruptions, including a year during President Clinton's administration in the Office of National Drug Policy where he advised Director Barry McCaffrey on that office's interaction with Congress.

Melvin has contributed to the committee in a variety of positions.

As a professional staff member, which is the general entry point for our staff, Melvin developed expertise in a number of key intelligence community oversight issues, including counterdrug, counterterrorism, international organized crime issues, as well as area expertise concerning Latin America

and Southeast Asia. As a professional staff member, he also served as an adviser and liaison to Senator JOHN KERRY and then to me, during the early part of my service on the committee in 2001.

One of Melvin's particular contributions during that time was leadership of the committee's investigation of the tragic April 2001 shoot-down of a U.S. missionary plane in Peru. Our report, entitled "Report on a Review of United States Assistance to Peruvian Counter-Drug Air Interdiction Efforts and the Shootdown of a Civilian Aircraft on April 20, 2001," S. Rpt. 107-64, bears witness to a number of his skills. They include an ability to gather and carefully analyze facts, write accurately and clearly, help the Committee draw sound conclusions and make needed recommendations, and do so in a manner that draws bipartisan support. And, I should add, also to do all that expeditiously so that the committee was able to report publicly within 6 months of the incident.

The skills that Melvin amply demonstrated as a professional staff member led to his selection to fill two key staff management positions.

From mid-2001 through 2002, Melvin served as the committee's budget director. Our budget director post is an immensely important responsibility. The total national intelligence budget when Melvin was budget director is classified. But we have declassified the top line for the last 2 fiscal years. The most recent figure, \$47.5 billion in fiscal year 2008, conveys the importance of the task of reviewing, making recommendations about, and monitoring implementation of the Nation's intelligence budget. As budget director, Melvin led the committee's budget monitors for each of the individual intelligence community elements in scouring the President's budget numbers and evaluating the broad span of human and technical collection, analytical, acquisition, and management issues they involve. The budget director arranges for the presentation of these issues at classified hearings of the committee, their consideration at committee markups, coordination with the Senate Armed Services and Appropriations Committees, and negotiation with the House and also with the Executive Branch. This work is at the heart of the committee's responsibilities.

Confidence in Melvin, starting with former Vice Chairman Richard Bryan in 2000 and then myself from 2003 through the 110th Congress, also led to Melvin's designation as deputy staff director, initially on the minority side and then beginning in 2007 as the committee's deputy staff director. There are two aspects of that responsibility. One is leadership within the staff, helping it to maintain the high level of professionalism and effectiveness that has been the hallmark of our Intelligence

Committee staffs. The other is being a close adviser to the chairman or vice chairman, as the case may be, on the full breadth of issues relating to the oversight of the U.S. intelligence community.

In both respects, as a partner with the staff director in managing the committee and as a close adviser to me, Melvin performed magnificently. On a daily basis, I most often saw Melvin as a trusted adviser. In that role, Melvin combines key capabilities and attributes.

Melvin knows his material. This includes current intelligence and historical background. It includes detailed knowledge of the elements of the intelligence community, from the CIA, to components of the Defense Department, to intelligence elements in the State, Treasury, and Energy Departments, as well as the FBI. And it includes knowledge of the functioning of the Senate, with respect not only to the Intelligence Committee, but also to the committees with which we work, and its leadership and floor proceedings.

Melvin has an admirable ability to express his considerable knowledge succinctly and clearly. He has no hesitation in expressing disagreement or dissent, respectfully but clearly, particularly when a matter of principle is involved, as is often the case when addressing sensitive matters. When a decision is made, he has an uncanny ability to find and recommend the right words for remarks in committee, on the floor, in letters or press releases, or in speeches outside the Senate. And, in all of our endeavors, Melvin has been forever guided by a deep commitment to the protection of our Nation and our values.

It would be incomplete, however, to talk only about Melvin at work. A glance at his wall of photographs, an opportunity to hear him talk about his family, and the chance to meet his wife and two daughters, make it clear that Melvin and his wife Kristine Johnson are loving and imaginative parents, and that Melvin's priorities have always been right on the mark. As may often be the case when someone leaves the Senate for the private sector, daughters Katrina and Eliza may find that Dad is able to get home a little earlier to join them at dinner.

With gratitude for his service to the Senate and the Nation, for myself and the many others who have benefited from it, I wish Melvin the best in the time ahead.

RETIREMENT OF H. JAMES SAXTON

Mr. MENENDEZ. Mr. President, I am honored to rise today in recognition of the Honorable H. James Saxton, on the occasion of his retirement from the U.S. House of Representatives after 24

years of remarkable service to our country.

As a Representative for New Jersey's diverse Third District, Mr. Saxton was truly an advocate not only for his constituents but for New Jersey's interests, as well. Throughout his tenure, he remained an exceptional voice for environmental protection and conservation, and was a fervent advocate for our service men and women and the military bases situated in his district.

Encompassing the Jersey Shore, Pinelands Preservation, suburban communities, and countless areas of open space, the landscape of the Third District is special and complex. Mr. Saxton was a tireless fighter for protecting our waterways, preserving our open spaces, and maintaining the health of our oceans.

While New Jersey is now home to the Nation's first Mega Base, including Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station, such an installation would not be possible without the contributions of Mr. Saxton. Twice the Defense Base Closure and Realignment Commission chose to close down one of our bases and twice Mr. Saxton defended and defeated the measure. With the many jobs that were saved as a result of this reversal, the new Mega Base will reenergize our communities by adding even more opportunities to the area.

In addition to these and many more accomplishments, Mr. Saxton honorably served on the Armed Services Committee, the Air and Land Forces Subcommittee, the Terrorism and Unconventional Threats and Capabilities Subcommittee, the Natural Resources Committee, the Subcommittee on Fisheries, Wildlife, and Oceans, and the Joint Economic Committee. His dedication and commitment on behalf of his constituents has earned him the respect and admiration of his peers and colleagues.

Mr. President, I would like to recognize, commend, and applaud Mr. Saxton in light of his extraordinary service to the U.S. House of Representatives and his unwavering dedication to the people of New Jersey's Third District.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL

RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Why are we still paying foreign aid to the oil-rich [countries]? First, cut off all foreign aid, then charge them \$136 a bushel for the grain we sell them at the present price of \$7. One fact is for certain—when the food starts disappearing from our supermarket shelves, the politicians will see just how fed up we the people really are. I predict that this will be the year of the lowest voter turn-out in the history of this country, as we have no one to choose from for the office of President. Why anyone would want to lead this country into disaster is beyond me. Our government is far too big and corrupt to be changed by a mere vote. Big oil money under the table, personal agendas and the Golden Fleece retirement plan for politicians rule this country. The average citizen has been led to believe that his or her vote matters when it does not. As a sixty-year-old male who has no vision of retirement, and will surely lose my home due to foreclosure, and who will never see Social Security, I, for one, am fed up with this country and [those who seem not to care] about their voters.

GARY, Boise.

The idea of exploring and using our own energy resources is a fantastic idea and should have been done long ago. If we use our own resources, in which we have many (capped oil wells all over Texas, drilling in Alaska, Shale oil (which, by the way, is not as expensive as the oil companies claim; they just do not want to lose the revenue they are getting from the failing and antiquated system they are now using, a better Idea would be to reinstitute government control over energy and utility sectors.) I, for one, would feel a great deal better by keeping American dollars at home instead of paying billions to the oil-rich sheiks of the Mideast (in which I have no doubt what so ever that some of those funds end up in terrorists hands.) It is far past the time for American and Americans to take control of our economic and energy future. We have the reserves and resources to do this. The big oil companies have made billions in profit the past couple of years and yet we have not seen nor have we heard anything about refitting the system so the devastation that happened with Katrina does not happen again. Our economy is driven by fuel. Fuel prices go up and the manufacturer pass that cost to the consumer, the consumer is then left with the burden of paying \$3.50 for a gallon of milk, \$2 for a dozen eggs. It was not too long ago that a gallon of gas was \$1.20. Regrettably we will never see that price again. It seems that gas prices do go down but never lower than what it was a year ago.

The big oil companies are making billions while we sit by and "watch" our economy crumble. If measures are not taken to stop this, and I mean measures in the very very near future (not five years down the

road as Sen. McCain is suggesting) I fear that we will find ourselves in the midst of another great depression. Mark my words, sir, the writing is on the wall, but this time we, and by we, I mean the American people, the Senate, and Congress can do something about it. We can start using our resources and support our economy rather than stuffing the linings of those that already have more money than God. When and where does it stop. Foreign countries already own more of America the America does. We are about to have a rude awakening and it will not be a pretty one if steps are not taken to prevent a hostile takeover of American commerce by foreign companies. All driven by the ridiculous and unnecessarily high price of fuel. I believe that it is only 14 percent of all imported fuel is turned into gas and heating oil. If that is true, why is not the cost of plastics and other petroleum-based products not skyrocketing at all? Natural gas is plentiful yet the energy companies say it costs too much to transport it. Solar power is abundant and never-ending, and the technology is fairly inexpensive, yet people do not use it. Idaho has great expanses to set up solar and wind farms. A nuclear energy company is willing to build a plant in Elmore or Owyhee County (I cannot remember which). The nuclear power plant would supply as much as 75 percent of the states, mind you, the state, not a couple of counties but the entire State of Idaho, power needs. Yet no one wants it because of all the disinformation and propaganda. The French had found a way to recycle the spent fuel rods years ago; yet, we still bury ours. The technology is out there and available. We just need to get the big oil companies hands out of the cookie jar so to speak.

I am sorry if it sounds like I am rambling on. I am just a frustrated citizen who is tired of getting the run around from the government as well as big business. Then time for talk has been over for a long time. Now is the time for action.

Thank you and God bless,

JOSE.

I work out of my home/office and not as directly impacted as 99 percent of the folks in America who commute, but our food prices are going up due to the ethanol failed policies as it do not make sense to appease mid-west farmers when more efficient Idaho sugar is better (less votes though for liberals). Here is a good summary from Center for individual freedom: (Please be a Fighter.)

When it comes to the price Americans are paying for gasoline at the pump, will conservative in Congress fight tooth and nail to increase domestic production or will they allow liberals to choke off your supply of oil and increase gas prices even higher?

That is the question that hangs like a storm cloud over each of us . . . over our children . . . and over our grandchildren. Some in Congress have already tried repeatedly to increase the price we pay at the pump, even as the price of a gallon of gasoline rose to more than \$4.00!

As you know, Harry Reid and others in the Senate tried to sneak the Boxer Climate Bill past the American people. That legislation, according to Senate Minority Leader Mitch McConnell would have raised the price at the pump as much as \$1.40 a gallon—that is on top of the more than \$4 you are already paying!

When the Boxer Climate bill failed, liberals tried again last Tuesday to ram through additional taxes on gasoline. On Thursday, Representative John Peterson proposed a

measure that would have lifted the ban on oil exploration in areas between 50 to 200 miles off the United States coast, a restriction that had been in place since 1981! On a straight party-line vote, Democrats on the House Appropriations Subcommittee killed the measure dead!

Then, on Saturday, Senator Barack Obama joined with other Democrats and called for a "windfall profits tax" on gasoline—a tax for which consumers will undoubtedly end up footing the bill!

And make no mistake—some in Congress, bowing to the radical environmental groups that openly support higher gas prices will not quit! They will not stop until they have raised the price of gasoline even more!

But what about conservatives? And what about the American people for that matter? As prices continue to rise at the pump, will they cave to the opposition that is simply using this situation as an excuse to tax us even more? Or will they finally fight?

BRUCE.

I live in rural eastern Idaho. I work a fulltime job to which I commute and I also operate a small cattle ranch. The energy crisis is greatly reducing my expendable income as travel costs have more than doubled and is putting me out of the agricultural business.

The oil prices have increased my operating costs in several aspects. The cost of fertilizer has tripled since last year, so this year I could not afford to put fertilizer on my pasture. The cost of electricity is up 50 percent due to the loss of the BPA credits and increased power generation costs and the cost of gasoline for the trucks and tractors has more than doubled.

Then to make things worse, the nation's efforts to turn corn into fuel have resulted in a reduction in the amount of hay being grown with the result being that the cost of hay to feed my cattle through the winter has more than doubled in the last year to over \$200 dollars a ton.

With the cost of feed up, the cost of cattle has dropped. When all this is added up, there is no profit in my operation. I am at the point where I have to decide if I can subsidize my operation from my salary in hopes that things will even out or I will be forced out of business entirely. I have been in the livestock business for over 30 years, producing food for this nation, and this is the first time I have been faced with going completely out of business.

I saw this crisis coming several years ago and I wonder why my government did not. This country has let the environmental extremists and political expediency push us into the current situation. We have not built a nuclear reactor for decades. We have not built enough refineries, we have not developed our oil and coal deposits. Now we are in a crisis that will continue to get worse because it will take a decade or more to develop the resources and build the infrastructure if we started today. Projects of this magnitude take forward planning and anticipation, they aren't done over night.

We cannot survive a decade unless something is done quickly, because the costs will continue to go up and bring the economy to a standstill!

The menial efforts at alternative sources of energy are doing very little and are not the solution. Ethanol is reducing our food production, driving food costs up and still has to be subsidized to make it worth doing. Wind power is noble in the view of some, but will not make a large enough difference to reduce the cost of power.

The oil companies, U.S. and foreign, fertilizer companies and ethanol producers are posting record profits as they rape the income of U.S. citizens. CEOs across the nation are receiving record income, while the average people are lining up at soup kitchens just to stay alive. What is wrong with that picture?

The spineless Congress needs to take on the environmentalists, get past the global warming scare and start drilling off shore and in ANWAR instead of worrying about future elections. An aggressive effort also needs to be taken to build nuclear reactors and coal fired plants with clean coal technologies. The technology exists to develop these resources without significant environmental impact. Doing so would help us take control of our destiny instead of being held hostage forever.

Science knows that the volcanic eruptions across the planet are spewing much more greenhouse gasses into the atmosphere than is being produced by people. I am also amazed that legislators are actually listening to studies about cattle belching.

I am just one small operator in the agricultural world, but the economics are the same for the large operators. No one will miss me when I go out of business this year, but a flood starts with a few drops of rain, and the flood is coming if something is not done soon! If this nation does not act soon, the U.S. will be at the mercy of other countries for food just as we are for oil and life as we know it will never be the same.

It is time that Congress gets off their posteriors and shows some leadership! Take definitive action and do it now, while we have a chance to salvage this situation!

Congress apparently has no effective influence over the ever increasing cost of oil or gasoline at the pump. As a Senior Companion, I am compelled to drive as far as necessary to visit the elderly clients. The Public Health Service attempts to reimburse us for fuel mileage driven at a reasonable rate to compensate us for the fuel used. We understand that the reimbursement rate is going to have to be reduced because of budgetary constraints. Well, if it is as impossible as it appears to be to control fuel costs, perhaps it would be possible to find the funds to increase the mileage rate to compensate those of us who have to provide service to our clients despite high fuel prices.

GEORGE.

As the wife of a farmer, the economy is strong in the sense of commodity prices, but yet they are at their weakest when it comes to our fuel prices. Several of our neighbors have had to sell their semis that they used to use to haul grain for themselves and others in the community, just to pay their fuel bills for those trucks. With the price of fuel as well, my husband is not able to take as much income off from the farm, because there is not much left. There are 3 families that depend upon the farm to support them.

On the home front, I have had to make the choice for a while now, whether to buy groceries, or put gas in our vehicles. I drive a minivan that averages 23–25 miles to the gallon. At the current cost of gas right now, it costs me on average \$90 to fill it up. That is one week's worth of groceries at our house. There are four of us in the home, 2 adults and 2 children with another due in November. We have a limited income right now, because of the weather our growing season has been affected. So for the last few months, we have lived off of about \$1800 a month. We do not drive the newest vehicles, our newest vehicle is my 1998 minivan that we purchased

in 2007 after our other vehicle was totaled in a car accident. My husband has his 1995 farm truck which is gas, and the family truck which is diesel. We are only paying on one of these vehicles. Sad to say, but the 1995 diesel truck is the one we are paying on, even though with the price of diesel, it sits in the driveway, unless we have to haul hay or cattle. We have our mortgage payment which is not outrageous, \$646 a month. With me expecting, my doctor's appointments are over an hour away, about 100 miles plus roundtrip once a month for right now. I am also the parts pickup person for our farming operation. In the last week, I have made 3 trips out of town for parts to different stores, because not all of them carried the same parts. My brother has been in and out of the hospital for cancer treatments to get rid of a tumor that is otherwise inoperable. I have had to help my mother out with his care as well, as he needs someone with him 24/7. Living in a rural community as I do, our grocery prices have been affected by fuel costs as well. I pay \$4 a gallon for milk, where elsewhere it is about \$3.00. Bread is about \$3.00 a loaf, whereas elsewhere I have purchased the same bread for \$1.59 a loaf. Cheese is currently a want and not a need at our house, with a 2 pound loaf of cheese costing \$10 where a year ago, it was \$6.99. Those are our main staples in our home, especially the milk with two young kids at home ages 4 and 5. We could apply for WIC, but then someone else has to foot the bill to feed our family, and I was not raised that way. There is no money leftover at the end of the month for savings for just in case circumstances, which is very unsettling for me and my husband.

The best thing that Congress can do is to allow more options for drilling in the U.S., and quit depending on the foreign oil. There are numerous opportunities in the United States, which would create jobs, instead of sending them across the border to Mexico, as well as force the price of oil down. The other thing too, is if Congress would put the control of prices back into the oil companies' hands, I feel they would do a much better job at forcing the prices lower. Our country is rich in abundance of oil, if Congress would allow it. Why do you think that in Saudi Arabia, and Iraq fuel prices have not affected their country! They have an over abundance of oil. We have more than them, but yet we aren't allowed to utilize it because of such ridiculous restrictions Congress has imposed on companies. Which is fueled by environmentalists who are still using more energy than the average American family (Al Gore and his followers). We would not be destroying anything by drilling in these locations, obviously if we weren't meant to have the oil that is there, the good Lord would not have put it there for our responsible use!

TANSY. *Malad.*

Because of the huge rise in gas prices it now costs me \$90 to fill up my gas tank not to mention my husband's van. We now have no money for emergencies or any extras because of the huge increase in the price of gas. It has hurt our income a lot more than we had anticipated. I would suggest having incentives for gas preservation and I appreciate everything you plan on doing to help keep the cost of gas prices down. You have my vote this year because you really care. What happens to the people of Idaho including finding ways to keep gas prices from continuing to rise.

Keep up the good work, Senator.

CARLA.

I appreciate you asking for thoughts on energy. I believe we need to embrace and pursue alternatives to oil. Honda today unveiled

a hydrogen powered car. What does Detroit offer? Something that really galls me is that the U.S. gives billions to countries that hate us, why? I am not a fan of welfare, but every dollar going to the poor in this country is spent here, how much of the money given to foreign countries is spent here? I know it is not that simple. I appreciate your efforts for Idaho and the U.S.

JACK, Boise.

ADDITIONAL STATEMENTS

60TH ANNIVERSARY OF THE AIR FORCE JUDGE ADVOCATE GENERAL'S CORPS

• Mr. GRAHAM. Mr. President, I wish to congratulate the men and women of the Air Force Judge Advocate General's Corps on the occasion of its 60th anniversary. On January 25, 1949, under the authority of the Air Force Military Justice Act, the Air Force issued General Order 7 creating the Air Force Judge Advocate General's Department, later changed to Judge Advocate General's Corps.

Since that time, the men and women of the Judge Advocate General's Corps have become the living embodiment of their guiding principles of wisdom, valor, and justice. They have provided countless commanders, policymakers, and clients with the benefit of invaluable professional, candid, and independent counsel. Further, they have done so while living the core values of the Air Force: integrity, service before self and excellence in all they do.

The hallmark of their service to this great country is a profound respect for, and adherence to, the rule of law. Their steadfast dedication to the rule of law allows the U.S. Air Force to conduct itself in the best traditions of America and retain the highest moral ground.

The men and women who currently serve in the Judge Advocate General's Corps, and those that came before them, can be exceptionally proud of their service and the contributions they have made to our national security. As a former active duty Judge Advocate and current reserve Judge Advocate, I am intensely proud of my association with the Judge Advocate General's Corps. I am pleased to acknowledge this great achievement and congratulate the Corps for their service to this Nation.●

HONORING SIVAD PRODUCTIONS, INC.

• Ms. SNOWE. Mr. President, this week, our country celebrated two historic events. On Monday, we commemorated the life and accomplishments of Dr. Martin Luther King, Jr., on what would have been his 80th birthday. The following day, January 20, our Nation's first African-American President, Barack Obama, was inaugurated on the west front of the U.S. Capitol.

During this special and remarkable week, I rise to celebrate an African-American owned small business in my home State of Maine that has consistently sought to make a difference in people's lives, and has succeeded every step of the way.

Sivad Productions, Inc., located in Portland, offers its clients a wide variety of general contracting services. From administrative services and video production, to real estate and information technology, Sivad provides customers with superior quality and years of knowledge and experience. In March of 2008, Sivad Productions was named a Small Business Administration certified 8(a) firm. The 8(a) program is a business development tool that assists small disadvantaged businesses to compete in the Federal marketplace by helping them gain a myriad of procurement opportunities.

One of the most innovative projects that Sivad Productions' president, Dudley Davis, has been a part of is the Youth News & Entertainment Television, or YNETV. YNETV produces youth programming, and involves young adults in the process of producing, directing, and creating the shows. In nearly a decade and a half, students of high school and college age have created over 600 television episodes seen on many of the Maine affiliate stations of major networks.

Of YNETV's television shows, its most popular is Youth in Politics. Area high school and college students from across Maine debate the pressing issues facing Maine and America by engaging in thoughtful and substantive discussions and hosting candidate forums. The show's goal is the civic education and wider political participation of Maine's young adults. YNETV frequently features an equal number of college Democrats and college Republicans to provide balance, and deals with issues as varied as the war in Iraq to academic freedom.

Mr. Davis has forged a reputation as someone who has contributed immensely to the betterment of the community in southern Maine. He has long been associated with the YES! Summer Basketball League and The Basketball Academy, which seek to provide young athletes with an outlet to participate in sports in a positive environment. Parents and students alike have praised Mr. Davis's "exceptional ability to inspire, motivate and teach," and commended his admirable contributions to Maine's children. Mr. Davis has also been honored by the Maine Commission for Community Service for his motivated and exceptional service to Maine youth programs.

President Obama has made a passionate and eloquent plea for increased community service on the part of all Americans. It is a call that Dudley Davis heard long ago. Mr. Davis's de-

termination to effectuate positive change for the youth of southern Maine is laudable, and his tremendous work has certainly not gone unnoticed. I thank Mr. Davis for his passion and dedication, and wish everyone at Sivad Productions, Inc., much success in the years to come.●

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 384. An act to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program.

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42-43), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. BECERRA of California, Ms. MATSUI of California, and Mr. SAM JOHNSON of Texas.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mrs. MALONEY of New York and Mr. BRADY of Texas.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 384. An act to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-527. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations" (Docket No. APHIS-2007-0052) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-528. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the funding transfers made during fiscal year 2008; to the Committee on Armed Services.

EC-529. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Michael D. Maples, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-530. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Responsible Prospective Contractors" (RIN0750-AG20) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC-531. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; List of Firms Owned or Controlled by the Government of a Terrorist Country" (RIN0750-AG22) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC-532. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; DoD Law of War Program" (RIN0750-AF82) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC-533. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Removal of North Korea from the List of Terrorist Countries" (RIN0750-AG18) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC-534. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Strategies for the Commercialization and Deployment of Greenhouse Gas Intensity Reducing Technologies and Practices"; to the Committee on Energy and Natural Resources.

EC-535. A communication from the Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "National Water Quality Inventory: Report to Congress, 2004 Reporting Cycle"; to the Committee on Environment and Public Works.

EC-536. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule" (RIN2050-AD75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC-537. A communication from the Deputy Under Secretary for International Affairs, Department of Labor, transmitting, pursuant to law, a report entitled "Progress in Implementing Capacity-Building Provisions under the Labor Chapter of the Dominican Republic—Central America—United States Free Trade Agreement"; to the Committee on Finance.

EC-538. A communication from the Director, Defense Procurement, Acquisition Pol-

icy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; U.S.-International Atomic Energy Agency Additional Protocol" (RIN0750-AF98) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Foreign Relations.

EC-539. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Citizens' Report: FY 2008 Summary of Performance and Financial Results"; to the Committee on Health, Education, Labor, and Pensions.

EC-540. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Investment Advice—Participants and Beneficiaries" (RIN1210-AB13) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-541. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties Under ERISA Section 502(c)(4)" (RIN1210-AB24) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-542. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interpretive Bulletin Relating to Exercise of Shareholder Rights" (RIN1210-AB28) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-543. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interpretive Bulletin Relating to Investing in Economically Targeted Investments" (RIN1210-AB29) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-544. A communication from the Director, Office of Counternarcotics Enforcement, Department of Homeland Security and the Deputy Associate Attorney General, transmitting, pursuant to law, a report relative to the Southwest Border Counternarcotics Strategy due to Congress by April 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-545. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's compliance with the Sunshine Act during calendar year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-546. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2008; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Lisa Perez Jackson, of New Jersey, to be Administrator of the Environmental Protection Agency.

*Nancy Helen Sutley, of California, to be a Member of the Council on Environmental Quality.

By Mr. BAUCUS for the Committee on Finance.

*Timothy F. Geithner, of New York, to be Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS (for himself, Mr. CORNYN, Mr. COBURN, and Mr. ISAKSON):

S. 296. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 297. A bill to amend the Act entitled "An Act authorizing associations of producers of aquatic products" to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. CONRAD, and Mr. CHAMBLISS):

S. 298. A bill to establish a Financial Markets Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 299. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Mr. GREGG:

S. 300. A bill to enable the Assistant Secretary for Communications and Information of the Department of Commerce to resume timely processing and distribution of TV converter box coupons by increasing its fiscal authority to make payments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Ms. KLOBUCHAR):

S. 301. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Finance.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 302. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments for expenses incurred by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project; to the Committee on Foreign Relations.

By Mr. VOINOVICH (for himself, Mr. LIEBERMAN, and Mr. CARPER):

S. 303. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 304. A bill to amend the Internal Revenue Code of 1986 to stimulate business investment, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. VITTER):

S. 305. A bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska (for himself, Mr. CRAPO, Mr. WYDEN, Mr. THUNE, Mr. BROWN, Mr. JOHANNIS, and Ms. STABENOW):

S. 306. A bill to promote biogas production, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 307. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. TESTER, Mr. THUNE, Mr. CONRAD, Mr. CRAPO, and Mr. BROWN):

S. 308. A bill to amend title 23, United States Code, to improve economic opportunity and development in rural States through highway investment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. TESTER, Mr. THUNE, Mr. CRAPO, and Mr. CONRAD):

S. 309. A bill to amend title 23, United States Code, to improve highway transportation in the United States, including rural and metropolitan areas; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 310. A bill to amend the Public Health Service Act to ensure that safety net family planning centers are eligible for assistance under the drug discount program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 311. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself and Mr. ENSIGN):

S. 312. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 45, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 85

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 96

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 98

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 98, a bill to impose admitting privilege requirements with respect to physicians who perform abortions.

S. 138

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to repeal alternative minimum tax limitations on private activity bond interest, and for other purposes.

S. 144

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 167

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 167, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 169

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 169, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 181

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the oper-

ation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 250

At the request of Mr. SCHUMER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

S. 252

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care for veterans, and for other purposes.

S. 253

At the request of Mr. ISAKSON, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 253, a bill to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes.

S. 271

At the request of Ms. CANTWELL, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 271, a bill to amend the Internal Revenue Code of 1986 to provide incentives to accelerate the production and adoption of plug-in electric vehicles and related component parts.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself,

Mr. KOHL, and Ms. KLOBUCHAR):

S. 301. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise to introduce a bill today. Over the past several years, I have worked to establish greater transparency in the financial relationships and financial disclosure requirements between physicians and manufacturers of drugs, of biologicals, and medical devices.

In the last Congress, the 110th, Senator HERB KOHL of Wisconsin and I introduced what is entitled the Physician

Payments Sunshine Act, which is intended to bring some much-needed transparency to these relationships between physicians and manufacturers.

To explain why this bill is so important, let me point to a number of investigations I have conducted in the depth and scope of these relationships between physicians on the one hand, and manufacturers of drugs, biologics, and medical devices on the other hand.

My findings to date are troubling and reveal significant undisclosed financial ties between physicians and industry. Some examples: These relationships, at times, resulted in annual incomes of over \$1 million to individual physicians from just one company.

Another example. My investigations determined that several prominent physicians at major universities had failed to disclose large sums of money to their research institutions. That was despite institutional as well as Federal requirements that these reportings take place.

This was also despite these physicians' involvement with Federal research study products made by the various drugmakers with whom they have financial relationships.

This Federal research has involved billions of dollars in taxpayers' money to fund this research.

My oversight has confirmed the need for a consistent, easy-to-understand national system of disclosure, as opposed to a patchwork of disclosure requirements at State and institutional levels, although I compliment States that have such laws on the books.

Today I am here to introduce, along with Senator KOHL, the Physician Payment Sunshine Act of 2009. The Physician Payment Sunshine Act would require that manufacturers of drugs, biologics, and medical devices disclose, on an annual basis, any financial relationships that they have with physicians. That information would be posted online by the Secretary of Health and Human Services in a format that is searchable, that would be clear and easy for the public to understand.

Whether the relationship is as simple as buying a doctor's dinner or as complex as a multimillion-dollar consulting arrangement, these relationships may affect prescribing practices and may influence research.

More importantly, they can obscure the most important issue existing between doctors and patients, and that is a question every doctor and patient has to consider: What is best for the patient?

This legislation Senator KOHL and I are introducing today closely parallels the version I circulated last year and follows some recent MedPAC recommendations.

MedPAC recommended a lower annual reporting threshold of \$100—in the previous bill, it was higher—no de minimis exceptions for payments and a tighter preemption provision.

MedPAC will publish their final recommendations in their March report to Congress. I will take those recommendations into consideration and intend to continue pursuing policies that go beyond the transparency in health care than even the existing bill does.

There is a greater need for this legislation, and that greater need is demonstrated by a witness testifying at the Finance Committee hearing on health reform last year that industry and physician relationships are pervasive.

Drug and device companies spend billions and billions every year on marketing, product development, and research, and much of this money goes directly to doctors.

Last year, the Des Moines Register wrote:

Your doctor's hand may be in the till of a drug company. So how can you know whether the prescription he or she writes is in your interest or the best interest of a drug company?

That is a pretty good question that we all ought to be looking at.

Many of these relationships are beneficial and appropriate. That is why we don't outlaw any of these relationships. What we do is make them be reported. And some of these should be reported on a more regular basis than they are even without this legislation.

Physicians play important roles in inventing and refining new devices or in conducting medical research. They are hired to educate other doctors. We don't do anything in this legislation to end those professional relationships.

But as is often the case, a few bad apples can spoil the whole barrel. It is clear Congress needs to act now to pass disclosure legislation.

Currently, drug and device makers have to comply with a number of State requirements, each State giving its own definition and own rules.

Patients as well as other doctors have no way to learn about these important relationships. This information should not only be available to those few Americans lucky enough to live in a State already requiring some level of disclosure.

Even in the States currently requiring disclosure, most do not apply that law to medical device companies. Some States do not even make public the information they collect, which is of little value to patients who might want to know if their doctors have a relationship with a drug company or a medical device company about which they ought to know.

Now, this bill isn't adding new burdens to the industry. By creating a central reporting system, the legislation actually relieves burdens. In addition, I am hopeful that this bill will enjoy the same wide-ranging support as the prior legislation that Senator KOHL and I put in during the 110th Congress.

I want to be clear—and this is the second time I am being clear on this

point—this legislation does not regulate the business of drug and device companies. Let the people in industry do their business since they have the training and the skills to get the job done. But keep the American people apprised of the business you are doing and how you are doing it. After all, what is at risk isn't merely private interest but the health and well-being of all Americans who depend upon the drugs and medical devices to sustain and to improve their lives.

In this process of what we call transparency, in this process that we call sunshine legislation, I often quote from an opinion of Justice Brandeis, I think in 1914, where he said: "Sunlight is the best disinfectant." And that is what Senator KOHL and I are aiming to accomplish with this Physician Payment Sunshine Act, just a little sunlight so the public is better informed.

Mr. KOHL. Mr. President, I rise today to reintroduce the Physician Payments Sunshine Act, along with my colleague Senator GRASSLEY. This legislation will be a great step forward in increasing transparency of the relationships between pharmaceutical and medical device companies and our Nation's physicians, for the benefit of their patients.

I want to begin by underscoring the fact that industry payments to physicians for research purposes or products they have helped develop are completely legitimate. Medical breakthroughs as a result of research have saved countless lives and could not have been achieved without the diligence of these medical professionals. We must acknowledge, however, that conflicts of interest do exist in some cases. Transparency will help to illuminate the difference between legitimate and questionable relationships.

It has been estimated that the drug industry spends \$19 billion annually on marketing to physicians in the form of gifts, lunches, drug samples and sponsorship of education programs. Americans pay the price as through unnecessarily high drug costs and skyrocketing health insurance premiums. Rising drug prices hurt us all by undermining our private and public health systems, including Medicare and Medicaid.

Even more alarming is the notion that these gifts and payments can compromise physicians' medical judgment by putting their financial interest ahead of the welfare of their patients. Recent studies show that the more doctors interact with drug marketers, the more likely doctors are to prescribe the expensive new drug that is being marketed to them.

As a businessman, I understand that companies have the right to spend as much as they choose to promote their products. But as the largest payer of prescription drug costs, the Federal

Government has an obligation to examine and take action when companies attempt to manipulate the market.

I believe the Physician Payments Sunshine Act presents a long overdue solution to combat this potentially harmful influence. The legislation would require manufacturers of pharmaceutical drugs, devices and biologics to disclose the amount of money they give to doctors through payments, gifts, honoraria, travel and other means. These disclosures would be registered in a national, publicly accessible online database, managed by the U.S. Department of Health and Human Services. Those companies who fail to report will be subject to financial penalty.

In the year and a half since the Sunshine bill was first introduced, several States have passed their own laws forcing disclosure, and several leading pharmaceutical companies have voluntarily implemented disclosure guidelines. A comprehensive national bill would create a one-stop information vault, here patients could easily gain access to data about these relationships. It is my hope that this online database will encourage patients to discuss any concerns they may have with their doctors.

A great deal of money changes hands in the health care field, and a good percentage of it is helping Americans live healthier lives. The Physician Payments Sunshine Act will provide the transparency necessary to raise that percentage. We deserve nothing less.

By Mr. VOINOVICH (for himself, Mr. LIEBERMAN, and Mr. CARPER):

S. 303. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Federal Financial Assistance Management Improvement Act of 2009 with Senator LIEBERMAN and Senator CARPER.

When I came to the Senate in 1999, I introduced the Federal Financial Assistance Management Improvement Act of 1999 with Senators LIEBERMAN, Thompson and DURBIN because as a former mayor and governor, I had seen first-hand the problems and complications that existed in the federal grant making process.

Congress enacted our legislation to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, improve the delivery of services to the public and coordinate the delivery of those services, and progress was made under the law, which is commonly known as "P.L. 106-107." A 2005 Government Accountability Office, GAO, report noted that

"[m]ore than 5 years after passage of P.L. 106-107, cross-agency work groups have made some progress in streamlining aspects of the early phases of the grants life cycle and in some specific aspects of overall grants management" However, GAO also noted that work remained to be done and in 2006 suggested that Congress consider reauthorizing the Federal Financial Assistance Management Improvement Act of 1999, which expired in 2007.

I believe that Congress should heed GAO's advice and reauthorize this important law, so last year I introduced S. 3341 with Senator LIEBERMAN to reauthorize the Federal Financial Assistance Management Improvement Act and make improvements to that Act based on the 2005 and 2006 recommendations of GAO. The bill passed the Senate in September 2008.

Today we are reintroducing that legislation, which requires the Director of the Office of Management and Budget, OMB, to improve the grants.gov website or develop another public website that allows grant applicants to search and apply for grants, report on the use of grants, and provide required certifications and assurances for grants. I believe such a website will enhance the transparency required by the Federal Funding Accountability and Transparency Act that Congress enacted in 2007.

The bill also requires the Director of OMB to develop a strategic plan for an end-to-end electronic capability for non-Federal entities to manage the Federal financial assistance they receive and requires each Federal agency to plan actions to implement that strategic plan. Each federal agency would be required to report to OMB on progress made in achieving its objectives under the OMB strategic plan, and the Director of OMB would be required to report to Congress biennially on progress made in implementing the Federal Financial Assistance Management Improvement Act.

In 1999 I said the Federal Financial Assistance Management Improvement Act was an important step toward detangling the web of duplicative Federal grants available to States, localities and community organizations. Last year I said that while some progress was made under that law to detangle the web, work remained to be done. I hope that Congress will quickly reauthorize this law so that OMB and Federal agencies continue their efforts to simplify and streamline the Federal grant process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 2009".

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking "and sunset"; and

(2) by striking "and shall cease to be effective 8 years after such date of enactment".

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

"(e) WEBSITE RELATING TO FEDERAL GRANTS.—

"(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

"(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

"(A) the grant announcement;

"(B) the statement of eligibility relating to the grant;

"(C) the application requirements for the grant;

"(D) the purposes of the grant;

"(E) the Federal agency funding the grant; and

"(F) the deadlines for applying for and awarding of the grant.

"(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practical, allow grant applicants to—

"(A) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

"(B) apply for a Federal grant using the website;

"(C) manage, track, and report on the use of Federal grants using the website; and

"(D) provide all required certifications and assurances for a Federal grant using the website."; and

(3) in subsection (g), as so redesignated, by striking "All actions" and inserting "Except for actions relating to establishing the website required under subsection (e), all actions".

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

"SEC. 7. EVALUATION OF IMPLEMENTATION.

"(a) IN GENERAL.—Not later than 9 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

"(b) CONTENTS.—

"(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

"(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

“(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

“(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

“(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

“(E) a list of all Federal agencies exempted under section 6(d);

“(F) for each Federal agency listed under subparagraph (E)—

“(i) an explanation of why the Federal agency was exempted; and

“(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

“(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

“(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

“(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives of non-Federal entities during the implementation of the requirements under this Act;

“(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

“(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

“(2) **SUBSEQUENT REPORTS.**—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

“(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

“(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

“(c) **DEFINITION OF APPLICABLE PERIOD.**—In this section, the term ‘applicable period’ means—

“(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

“(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.”.

SEC. 5. STRATEGIC PLAN.

(a) **IN GENERAL.**—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following:

“SEC. 8. STRATEGIC PLAN.

“(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

“(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

“(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

“(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

“(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

“(5) provides plans, timelines, and cost estimates for—

“(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

“(i) apply for Federal financial assistance;

“(ii) track the status of applications for and payments of Federal financial assistance;

“(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

“(iv) provide required certifications and assurances;

“(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

“(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

“(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

“(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

“(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

“(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies; and

“(H) minimizing the number of different systems used to disburse Federal financial assistance.

“(b) **CONSULTATION.**—In developing and implementing the strategic plan under subsection (a), the Director shall consult with

representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

“(c) **FEDERAL AGENCIES.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

“(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

“(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

“(2) **CONSULTATION.**—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

“(3) **REPORTING.**—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting “, until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)” after “subsection (a)(7)”.

By Mr. DORGAN:

S. 304. A bill to amend the Internal Revenue Code of 1986 to stimulate business investment, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing legislation called the Main Street Recovery Act to boost business investment and help jumpstart the ailing U.S. economy. We are facing our most serious financial challenge since the Great Depression and we must respond aggressively. Our financial services sector is in shambles and other business sectors are suffering.

Employers have been slashing jobs at an alarming rate—including 2.6 million jobs last year—to reduce operating costs. Some economists are predicting that the unemployment rate could jump to 10-percent or more this year in many parts of the country.

The manufacturing and construction sectors have been particularly hard hit during this downturn. The manufacturing sector laid off 791,000 workers in 2008. The unemployment rate among construction workers in December was 15.3 percent, eight percentage points higher than for the economy as a

whole. More than 1.4 million experienced construction workers are currently unemployed.

I believe immediate action is needed to prevent our economy from sliding into a deeper recession that would lead to more bankrupt businesses and massive layoffs of workers across the country. That is why I will support a stimulus program that will create jobs by investing in infrastructure projects such as roads, bridges, water projects and more.

But I also think we need to provide some targeted tax incentives to encourage the business community to consider making capital investments even during the economic slowdown. The legislation I am introducing today includes the following tax incentives that I believe can stimulate business investment: a temporary 15-percent investment tax credit. To encourage manufacturers and producers not to wait on making crucial equipment and machinery purchases, we should give them every incentive to make these purchases now or in the near future when these investments will most benefit the economy.

We can accomplish this by offering a temporary, 15-percent tax credit through June 30, 2010 for businesses that purchase new equipment and machinery that is used as an integral part of manufacturing or production. Investment tax credits have been proven to work and will help generate growth and jobs in the nation's manufacturing and construction sectors.

Enhanced 50-percent bonus depreciation. To promote business investment now, when the economy needs it most, we should extend the expiring 50-percent bonus depreciation for eligible assets placed in service over the next 18 months. This will help businesses make capital investments during the economic downturn by allowing businesses to write-off a larger share of their eligible business investments more quickly from their federal income taxes.

Increased \$250,000 small business expensing. To help small businesses buy the equipment and machinery they need to weather this economic storm and begin to grow again, we should extend the expiring expensing provision that allows small businesses to expense, i.e. immediately deduct, up to \$250,000 of their equipment and machinery purchases over the next year and a half.

In addition, there are many business owners that do not require new equipment or machinery but instead want to build a new business—maybe a restaurant, perhaps a retail shop or make interior and other improvements to such properties. Expanding the bonus depreciation and small business expensing provisions outlined above to cover investments in commercial real property will help provide business owners with the financial assistance

they need to build that building or make long overdue improvements.

I am very pleased to have the support of the U.S. Chamber of Commerce and the National Restaurant Association for my proposals as part of a robust economic stimulus package.

The Senate is working on a large economic recovery package and I am optimistic that the package will include these important provisions. I am told that the Senate Finance Committee plans to mark up the tax portion of this package next week, and I am pleased that Chairman BAUCUS has recognized the need to help our Main Street businesses. In my judgment, including the tax incentives I have proposed will help stimulate much-needed economic activity and get our economy growing and creating jobs once again.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 307. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased to be joined today by my colleague Senator MIKE CRAPO, to introduce this important piece of legislation for America's rural hospitals. I first introduced this legislation in 2007 with Senator Smith, and I am proud to continue our fight for rural hospitals in this Congress. Today, my fellow Oregonian, Representative GREG WALDEN, is introducing this same bill in the House of Representatives.

The Medicare program is turning rural communities into "health care sacrifice" zones. Under current law, critical access hospitals either have to risk their financial viability or their patient's health if a 26th patient walks in their door. Rural hospitals need greater flexibility from the Medicare program to fulfill their obligations to their communities—especially, but not limited to, their veterans—in times of public health emergencies.

The Balanced Budget Act of 1997 merged a Montana initiative, the medical assistance facility demonstration, and the Rural Primary Care Hospital program into a new category of hospitals called critical access hospitals CAH. By design, the Critical Access Hospital program in Medicare ensures that rural communities have access to acute care and emergency services 24 hours a day, 7 days a week.

In order to obtain this designation, hospitals must meet certain requirements, such as being located more than 35 miles from any other hospital, or receiving certification by the state to be

a "necessary provider." Critical access hospitals must also provide 24-hour emergency care services.

As a designated critical access hospital, Medicare pays these hospitals based on its reported costs. Each critical access hospital receives 101 percent of its costs for outpatient, inpatient, laboratory, and therapy services. There are nearly 1,300 hospitals across the United States in 47 states that operate under a critical access hospital designation. Twenty-five of them are in Oregon.

One requirement of this program is that there be no more than 25 beds occupied by patients at any one time. This requirement has proven to be too constricting for facilities during times of unexpected need, such as during an influenza outbreak or an influx of tourism to the community.

Critical access hospital administrators in Oregon, especially Dennis Burke from Good Shepherd Medical Center in Hermiston and Jim Mattes at Grande Ronde Hospital in LaGrande, have expressed to me how this restriction has led to unnecessary risks to patient safety and health. Hospital administrators have been forced to divert the 26th and 27th patient in their hospitals to a hospital much farther from their homes and families.

This legislation makes two important changes to the Medicare Critical Access Hospital Program. First, this bill will provide the flexibility necessary for a critical access hospital to either choose to meet either the 25-bed-per-day limit or work with a limit of 20-beds-per-day averaged throughout the year. During times of spikes in public health need, these hospitals would be able to care for more patients even if the hospital would exceed the use of 25 beds.

Second, this bill exempts beds used by veterans whose care is paid for or coordinated by the Department of Veterans Affairs, VA, from counting against the 25-bed limit or 20-bed yearly average. This change gives CAHs the flexibility they need to treat America's military veterans at a time when the VA has divested in hospital care for our rural veterans, forcing them into these already tightly restricted community hospitals.

This bill also ensures that these hospitals are meeting the requirements under the law without breaking the bank. This new yearly average of 20 beds is set lower than the daily limit, 25 beds, to ensure that Medicare does not inappropriately expand this program. For example, Grande Ronde Hospital would save Medicare an average of \$100,000 each year for ambulance transfers of Medicare/Medicaid patients, all of whom could be treated within their facility had it been able to be flexible on counting bed days.

I believe that these simple changes in the current law are critically important to keeping our rural hospitals

open and their communities' health care needs served. As we look to expand access to health coverage, this bill will ensure that the nearly 1,300 critical access hospitals in the country have the flexibility they need to remain open for the millions of Americans who depend on them.

I hope my colleagues will join me in supporting this bill, and I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY and other members of the Finance Committee to secure passage of this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Critical Access Hospital Flexibility Act of 2009".

SEC. 2. FLEXIBILITY IN THE MANNER IN WHICH BEDS ARE COUNTED FOR PURPOSES OF DETERMINING WHETHER A HOSPITAL MAY BE DESIGNATED AS A CRITICAL ACCESS HOSPITAL UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1820(c)(2)(B) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)) is amended—

(1) in clause (iii), by inserting "(or 20, as determined on an annual, average basis)" after "25"; and

(2) by adding at the end the following flush sentence:

"In determining the number of beds for purposes of clause (iii), only beds that are occupied shall be counted."

(b) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

SEC. 3. CRITICAL ACCESS HOSPITAL INPATIENT BED LIMITATION EXEMPTION FOR BEDS PROVIDED TO CERTAIN VETERANS.

(a) IN GENERAL.—Section 1820(c) of the Social Security Act (42 U.S.C. 1395i-4(c)) is amended by adding at the end the following new paragraph:

"(3) EXEMPTION FROM BED LIMITATION.—For purposes of this section, no acute care inpatient bed shall be counted against any numerical limitation specified under this section for such a bed (or for inpatient bed days with respect to such a bed) if the bed is provided for an individual who is a veteran and the Department of Veterans Affairs referred the individual for care in the hospital or is coordinating such care with other care being provided by such Department."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 37. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities

Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

TEXT OF AMENDMENTS

SA 37. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; as follows:

On page 7, strike lines 11 through 20 and insert the following:

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision, and

(2) the discriminatory compensation decision is adopted on or after that date of enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 22, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 22, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet,

during the session of the Senate, to conduct a hearing entitled "What States are Doing to Keep us Healthy" on Thursday, January 22, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 22, 2009 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that on Monday, at 4 p.m., the Senate proceed to Executive Session to consider the nomination of Calendar No. 3, Timothy Geithner to be Secretary of the Treasury; that there be 2 hours of debate with respect to the nomination, equally divided and controlled between the chair and the ranking member of the Finance Committee or their designee; that at 6 p.m., with no intervening action or debate, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; that there be no further motions in order, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Geithner nomination and resuming legislative session, the Senate proceed to Calendar No. 18, H.R. 2, the Children's Health Insurance Program Improvements Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—NOMINATIONS DISCHARGED

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider Calendar Nos. 1, 2, 4 and 5, and that the Banking Committee be discharged of PN64-4, PN65-14; that the Commerce Committee be discharged of PN64-10; that the Senate proceed to their consideration, en bloc; that the nominations be confirmed, and the motions to reconsider be laid upon the

table, en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate return to Legislative Session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Susan E. Rice, of the District of Columbia, to be the Representative of the United States of America to the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Susan E. Rice, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

ENVIRONMENTAL PROTECTION AGENCY

Lisa Perez Jackson, of New Jersey, to be Administrator of the Environmental Protection Agency.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Helen Sutley, of California, to be a Member of the Council on Environmental Quality.

HOUSING AND URBAN DEVELOPMENT

Shaun L.S. Donovan, of New York, to be Secretary of Housing and Urban Development.

SECURITIES AND EXCHANGE COMMISSION

Mary L. Schapiro, of the District of Columbia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2014.

DEPARTMENT OF TRANSPORTATION

Ray LaHood, of Illinois, to be Secretary of Transportation.

NOMINATION OF SHAUN DONOVAN

Mr. DODD. Mr. President, today we are considering the nomination of Mr. Shaun Donovan, Commissioner of the New York City Department of Housing Preservation and Development to become the Secretary of the Department of Housing and Urban Development, HUD.

Mr. Donovan, has been nominated for a job fraught with significant challenges yet, for that very reason, imbued with great opportunities.

For the past 3 or 4 years, the country has been facing a growing housing problem that had its origins in the scourge of predatory lending that has resulted in record high foreclosure rates.

This housing crisis has been a primary cause of the deepening recession to which none of us are immune. Across the country, between 9,000 and 10,000 homeowners face foreclosure every day. Foreclosures in my State were up over 71 percent since last year, and it is expected that we will have more than 13,000 subprime foreclosures

in the next two years. Nationwide, cities such as Bridgeport, which had inordinately high rates of subprime loans, are struggling to keep themselves afloat as those loans reset one-by-one and families find themselves with nowhere to turn.

I recently met with leaders in my State where I heard about the toll this crisis is taking on our minority communities. Some say this crisis will result in a net loss in homeownership rates for African Americans, wiping out a generation of wealth, gains and opportunities.

But let there be no doubt that this crisis today affects every American in one way or another. In all, by some counts, we can expect some 8 million homes to go into foreclosure absent some form of additional action.

Unfortunately, the previous administration was slow to acknowledge the housing problem, and when it finally did, timid in its response. Even as we witnessed foreclosures tear apart neighborhoods and wreak havoc upon our economy, the Administration refused to use the authority or funds we gave it in the Emergency Economic Stabilization Act to tackle the foreclosure crisis head on—despite the Congress's crystal clear intent in writing that law.

Surprisingly—and unfortunately, in my opinion—HUD has not played a central role in addressing the housing crisis. Frankly, it has been, to quote *National Journal*, “at best, a second string player . . .” following in the wake of other government departments with far less expertise in housing than the professionals at HUD (January 10, 2009).

Indeed, as the cover page of *CQ Weekly* says, “The housing crisis remains at the core of the economy's woes . . .” (January 12, 2009).

Put simply, we cannot address our economic crisis until we address the underlying housing crisis.

And to do that, we need an active, aggressive, and well-run HUD with leadership that is confident in its mission and unafraid to act. As President Obama has himself said, “HUD's role has never been more important.”

Unfortunately, HUD has been mismanaged and ridden with scandal in the last several years. Let me be clear that these problems did not arise under the able leadership of our colleague, then-Secretary Martinez. I would also say that in recent weeks, Secretary Preston has made some improvements.

But fundamentally, HUD has been left adrift at a time when bold leadership and a clear direction were never more important.

Just a week or two ago, we learned about the Wrights—a middle-class family in Windsor, Connecticut in danger of losing their home. Like thousands of families across the country, the Wrights were lured into a mortgage

they were assured they could afford but couldn't—not because they acted irresponsibly but because they became pregnant with their second child, and Mrs. Wright ran out of the paid sick time she was afforded as a teacher.

This is the kind of story being repeated in every community across America today. With the right leadership, I believe HUD can be an effective partner in helping families like the Wrights. That is the opportunity Mr. Donovan has—to restore HUD as a leading voice in addressing the crisis facing our country today.

I would say to my colleagues that Mr. Donovan is the most experienced nominee for HUD secretary that Senate has considered in my long experience. In addition to his degrees in architecture and public administration from Harvard, Mr. Donovan has run the multifamily program at the Federal Housing Administration and was, for a time, the Acting Housing Commissioner. He has worked in the private nonprofit sector as a housing developer and he has worked as a managing director of a large, multi-family mortgage company.

Since 2004, Mr. Donovan has been the commissioner of New York City's Department of Housing Preservation and Development. In that role, he managed 2,800 employees and helped develop and manage Mayor Bloomberg's “New Housing Marketplace Plan,” one of the most ambitious local housing plans in the nation. The \$7.5 billion plan calls for the creation or preservation of 165,000 units of affordable housing, about half of which has been accomplished to date.

Beyond the statistics and the numbers that so dramatically underscore Mr. Donovan's accomplishments, I want to welcome him for the kind of leadership and vision I am confident he will bring to the Department at a time when such leadership is needed so desperately.

For example, as early as 2004, long before most of the rest of the country was focused on the subprime crisis and the foreclosures they would lead to, Mr. Donovan told a *Newsday* reporter that he was worried about the coming “flood of foreclosures” and the impact it would have on homeowners and neighborhoods.

Mr. Donovan sees the role of HUD as being more than a caretaker for physical housing structures, or as a mortgage insurance company. He understands the danger of stove-piping within this arena, and sees HUD as the Federal Government's primary tool to help build communities—an agency that helps to provide housing opportunities for homeowners and for renters along a

spectrum of incomes and ages. He understands the need to coordinate housing with transportation, including public transportation and transit, to improve access to jobs and other economic opportunities—and we need someone with that vision at the helm.

Finally, Mr. Donovan is a man of the utmost integrity who has shown a proven ability to work constructively with all interested parties. His nomination is being supported, enthusiastically, I want to add, by a wide variety of housing groups, from the Realtors, to the Homebuilders, to the Low Income Housing Coalition, to many non-profit organizations and many, many others.

I want to express my thanks to Mr. Donovan for the leadership he will bring to this critically important department and, more importantly, the hope he will offer to millions of families at this uncertain moment.

I urge my colleagues to support the nomination of Mr. Donovan to be Secretary of the Department of Housing and Urban Development.

CONFIRMATION OF RAYMOND LAHOOD

Mrs. HUTCHISON. Mr. President, I come to the Floor today as the ranking member of the Senate Commerce, Science and Transportation Committee in support of the nomination of Raymond LaHood to be the 16th Secretary of Transportation.

As a former 7-term Member of Congress representing the 18th District of Illinois, and a former member of the House committee on Transportation and Infrastructure, Congressman LaHood is well-qualified for this position.

This week, the Commerce Committee held a full committee hearing to consider his nomination. To Congressman LaHood's credit, and with the cooperation of Chairman ROCKEFELLER, our committee quickly discharged his nomination in order to fill this important Cabinet position.

I am pleased that our committee moved expeditiously on Congressman LaHood's nomination and I am hopeful the full Senate will move just as quickly.

As my colleagues know, the range of problems confronting the new Secretary of Transportation are amongst the most difficult that any new department leader has faced in quite some time.

In a few short months, important policy, budgetary and regulatory decisions will need to be made on several transportation and infrastructure issues. I am confident that Congressman LaHood is up to the task and will hit the ground running.

As my colleagues know, the existing highway program expires at the end of September. Until then, Congress and the new administration will have to work very hard on a reauthorization. This will be a very difficult process due

to the current fiscal state of the highway trust fund and because of the current formula's disparate treatment between the States.

In addition, we desperately need to create stability in our aviation infrastructure programs by passing a full fiscal year 2009 FAA extension, along with completing a multiyear FAA Authorization bill. I have encouraged Representative LaHood to support a full fiscal year extension of the current FAA Reauthorization bill, through September 30, 2009, along with committing to work with him on a new FAA Authorization bill.

Without congressional and administration cooperation, the FAA's plan to modernize our air traffic control system—known as NextGen—could squander precious time and resources. Our Nation's skies and airports are severely congested; we need a Secretary in place immediately to oversee and manage the funding, implementation, and transition to NextGen.

I am also confident the DOT will have a renewed focus and appreciation for our Nation's Amtrak and high speed rail system. This is an area we have neglected too long. While the Amtrak reauthorization that was just signed into law was an important step, we need strong leadership at the Department to ensure that we have a national passenger rail system that works. Congressman LaHood is a strong advocate for Amtrak and I look forward to working with him to implement the priorities of that important legislation.

I encourage my colleagues to support Representative LaHood's nomination.

Mr. DURBIN. Mr. President, one of the nominations just confirmed was that of Ray LaHood, former Congressman from the State of Illinois who, by this action, will become our next Secretary of Transportation in the Obama Cabinet. It was my great honor to introduce Congressman LaHood to the Senate Commerce Committee yesterday, along with former House Republican Leader Bob Michel. I had asked President Obama to consider this nomination because of my high regard for Ray LaHood, both personally and politically.

We served together for many years. He has represented my hometown of Springfield. Despite our clear partisan differences, we have become not only fast friends but real allies. Ray LaHood is an extraordinary person. Born and raised in Peoria, IL, he served as a schoolteacher before coming to work for Bob Michel in Washington, where he served as his chief of staff. He then succeeded Bob Michel as a Congressman from the district which had Peoria as its major city and proceeded to represent large portions of north central Illinois and most of the former congressional district of former Congressman Abraham Lincoln.

Ray LaHood is a person whom I not only respect but like very much. His word is good. He is a hard worker. He has the right values and politics. When politics in Washington became so corrosive and divisive, Ray LaHood led an effort in the House to establish dialogue between Democrats and Republicans. When I have worked with him on issues such as the Abraham Lincoln Presidential Library in Springfield, the future of the 183rd Air National Guard unit in Springfield's capital airport, and a variety of other issues, I have found him to be hardworking, diligent, and committed to the public good.

I believe President Obama has made an extraordinarily good choice for Secretary of Transportation. It is a department which will be very busy because the new Recovery and Reinvestment Act understands that we need new bridges, roads, airports, and mass transit so that America's economy can get back on track and grow. Ray LaHood is a great person to be heading up that department.

His wife Kathy and family were with him yesterday before the Commerce Committee. They are a great group. He is very proud of his children and should be. They have done extraordinarily good things in their lives as well. I am glad we moved quickly on this nomination for Ray LaHood as Secretary of Transportation. I know he is probably following this proceeding, and I wish him the very best. I know he is going to be exceptional in his service not only to President Obama in the Cabinet but also to the United States of America.

UNANIMOUS CONSENT AGREEMENT—S. RES. 18

Mr. DURBIN. Mr. President, I ask unanimous consent that with respect to S. Res. 18, the following be the order of listing:

Rules: names will be listed as: SCHUMER, DODD, BYRD, INOUE, FEINSTEIN, DURBIN, NELSON of Nebraska, MURRAY, PRYOR, UDALL of New Mexico, WARNER; Small Business: the last two names appear SHAHEEN and HAGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as a member of the Commission on Security and Cooperation in Europe during the 111th Congress: the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as Chairman of the Commission on Security

and Cooperation in Europe during the 111th Congress: the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints the Senator from Mississippi, Mr. COCHRAN, as a member of the Board of Regents of the Smithsonian Institution for the 111th Congress.

ORDERS FOR MONDAY, JANUARY 26, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. Monday, January 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 4 p.m. the Senate proceed to executive session as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, under the previous order, at 6 p.m. Monday

the Senate will proceed to a rollcall vote on the confirmation of the executive nomination of Timothy Geithner to be Secretary of the Treasury.

ADJOURNMENT UNTIL MONDAY, JANUARY 26, 2009, AT 2 P.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Monday, January 26, 2009, at 2 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

RAY LAHOOD, OF ILLINOIS, TO BE SECRETARY OF TRANSPORTATION.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2014.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, January 22, 2009:

DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ENVIRONMENTAL PROTECTION AGENCY

LISA PEREZ JACKSON, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

NANCY HELEN SUTLEY, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF TRANSPORTATION

RAY LAHOOD, OF ILLINOIS, TO BE SECRETARY OF TRANSPORTATION.

SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2014.

EXTENSIONS OF REMARKS

ABIGAIL SELDIN OF TIERRA VERDE, FLORIDA EARNS PRESTIGIOUS RHODES SCHOLARSHIP

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. YOUNG of Florida. Madam Speaker, it is with great pride that I rise today to honor Abigail Seldin, a constituent from Tierra Verde, Florida I have the privilege to represent, who has earned a prestigious Rhodes Scholarship.

Abigail has studied anthropology at the University of Pennsylvania and plans to graduate in May with both a Bachelor's and Master's Degree. She put her studies to use in the field of anthropology to amass an in-depth knowledge about the little-known Lenape Indian Tribe of Pennsylvania. Because of her dedication, Abigail was also named the first undergraduate curator of an exhibit at the University of Pennsylvania's Museum of Archaeology and Anthropology.

With 769 applicants this year, the Rhodes Scholarship is a revered prize awarded only to those with the highest level of academic success and Abigail is one of only 32 students nationwide to receive this award. She joins a long history of distinguished Americans who have made the journey overseas to participate in international study at England's prestigious Oxford University.

Madam Speaker, I would also like to congratulate Abigail's parents and sisters as well as all of her past and present teachers for inspiring her to reach her goals and beyond. Following my remarks, I will include for my colleagues a story about Abigail's accomplishments as reported by Rita Farlow of The St. Petersburg Times.

At a time when we are encouraging students to strive for educational excellence, I would urge my colleagues to join me in paying tribute to Rhodes Scholar Abigail Seldin as she is a symbol of what is right about our nation's schools and universities and to wish her luck in her future studies at Oxford University.

[The St. Petersburg Times, November 24, 2008]

PINELLAS WOMAN A RHODES SCHOLAR

(By Rita Farlow)

A University of Pennsylvania student from Tierra Verde is among this year's winners of the prestigious Rhodes Scholarships.

Abigail P. Seldin, a 20-year-old anthropology student, organized an exhibit about the previously unknown history of Lenape Indians that is now on display at the University of Pennsylvania Museum.

Seldin is one of 32 men and women from across the United States to win the scholarships for study at England's Oxford University. Winners were officially announced Sunday, but Seldin received the news after an interview with a selection committee on Saturday.

"I was shocked," Seldin said. "I didn't say anything for about five minutes. I managed 'Thank you' and 'I'm honored' but my mind was blank."

Seldin, who plans to graduate in May with a bachelor's and a master's degree in anthropology, became the first undergraduate to curate an exhibit at the university's Museum of Archaeology and Anthropology.

History books say the Lenape tribe left Pennsylvania by 1803, Seldin said, but there were some who stayed behind, intermarrying with whites but quietly continuing their indigenous ways through the generations.

Seldin said she admired the survival of cultural traditions despite the difficulty involved in maintaining them in secret.

Seldin said she will postpone plans to co-author a book with Chief Robert Ruth of the Lenape Nation of Pennsylvania while she studies social anthropology abroad.

Though her family lives in Tierra Verde, Seldin attended a boarding school at Phillips Academy Andover in Massachusetts. She graduated in 2005.

She is not the only 2008 Rhodes winner with Florida ties.

Florida State University college football star safety Myron Rolle, who had to miss part of Saturday's game against Maryland for his Rhodes interview, also received the award.

Rolle, of New Jersey, is a pre-med student and hopes to become a neurosurgeon.

"It was a very exciting day, and I'm thrilled to have the opportunity to study at Oxford," Rolle said after arriving in College Park, Md., to play in the second half of the game.

Well-known Rhodes scholars from the United States include former President Bill Clinton, former basketball star and Sen. Bill Bradley, author and social critic Naomi Wolf and former Gen. Wesley Clark.

The winners were picked from 769 applicants endorsed by 207 colleges and universities nationwide. The students will enter Oxford University in England—the world's oldest English-language university—next October.

Created in 1902, the scholarships are the oldest of the international study awards available to American students and provide for two or three years of study. The scholarships have an estimated value of \$50,000 for each year of study.

Since the program's inception, 3,164 Americans from 309 colleges and universities have won Rhodes Scholarships.

This report includes information from the Associated Press and Times archives. Rita Farlow can be reached at farlow@sptimes.com or (727) 445-4162.

RECOGNIZING HOSTELLING INTERNATIONAL USA'S 75 YEARS OF SERVICE

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. MCCOTTER. Madam Speaker, today, I rise in recognition of Hostelling International

USA's 75 years of service to intercultural understanding and youth travel.

Founded in 1934, Hostelling International USA is a nonprofit organization promoting hostels and related programs in our nation, so our youth may experience the personal enrichment of foreign and domestic travel. Throughout the world, interest in hostel stays has increased to the point where, now, nearly 1 million travelers stay at hostels every year.

Established in 1943, the Michigan Council of Hostelling International USA endures as a resource providing exciting programs to Michigan's youth. These programs, known as "Opening Doors, Opening Minds", facilitate student's experiences of our nation and the world. The Michigan Council also conducts travel workshops in local libraries to encourage adults and youth alike to expand their knowledge and understanding through travel.

I congratulate Hostelling International USA for their 75 years of service and for their continued commitment to opening doors for our nation's youth.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MR. K. CYRUS MELIKIAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor Mr. K. Cyrus Melikian of Haverford, Pennsylvania, who died of heart failure on November 27, 2008.

Mr. Melikian's parents escaped the 1919 Armenian massacre and immigrated to Philadelphia shortly before he was born. After graduating from Northeast High School, he attended the University of Pennsylvania and then served in the military.

Mr. Melikian developed the concept of a coffee vending machine while serving in the Army Air Force at Wright Field in Ohio during World War II. He and an officer, Lloyd K. Rudd, were annoyed that the PX was not serving coffee. After their discharge in 1946, Mr. Melikian and Mr. Rudd successfully devised and created an automatic coffee dispenser to the delight of the many football fans who purchased their coffee for 10 cents a cup outside of Shibe Park in Philadelphia, Pennsylvania.

As their success grew, Mr. Melikian and Rudd sold their company in 1967. Then with the help of his sons, he established Automatic Brewers & Coffee Devices. At ABCD, Mr. Melikian developed pods for single or double orders of espresso, coffee-pod packaging machines and brewers, and coffee-bean grinders integrated into brewers.

His other inventions included a commercial microwave oven and an ice dispenser for soda cups in vending machines. He was responsible for numerous patents.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In addition to his successes as an inventor, Mr. Melikian was also an award-winning marksman, helping to found the trapshooting program at Aronimink Golf Club.

Mr. Melikian was a member of several gourmet societies and was the founder and chairman of the Philadelphia chapter of the International Bacchus Society. In 1961, he and Mr. Rudd coauthored *The Wonder of Food*. In the 1970s, Mr. Melikian wrote a syndicated newspaper feature about the history of famous dishes and, in the 1990s, he established and taught at a chef training school.

Madam Speaker, I ask that my colleagues join me today in honoring Mr. K. Cyrus Melikian, an innovative entrepreneur who made coffee drinking a convenient pastime. May his life be an inspiration to all fellow citizens and we extend our utmost respect and condolence to his family.

IN REMEMBRANCE OF CHARLES
WALTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Charles Walters, a profoundly respected writer and prolific advocate of organic and sustainable farming, and in honor of his outstanding dedication to this country.

Charles Walters was born a few years prior to the Great Depression on June 18, 1926. He grew up in a time of great challenge and great change and he dedicated his life to serving his country. During World War Two, Charles served in the Army Air Corps and later served in the Korean War in the Air Force cartography unit. He attended Creighton University and Denver University, earning a master's degree in Economics.

Charles was one of the earliest contributors to discourse on organic farming and authored thousands of articles on the topic over the past 40 years. An accomplished writer, he served as editor for the National Farmers Organization, authored a number of books on economics and agronomy, and published two novels. He was also the founder and editor of *Acres U.S.A.*, America's oldest monthly magazine on organic and sustainable farming. Charles was the recipient of the American Monetary Institute's Lifetime Achievement Award, in recognition of his invaluable contributions to the field of economics. In addition to his love of writing, he enjoyed history, poetry and foreign travel. He is survived by his wife Ann, his three children, Fred, Tim and Jennifer and his three granddaughters, Emily, Diana and Kara.

Madam Speaker and colleagues, please join me in celebrating the life of Charles Walters—an accomplished and innovative writer and in honor of his leadership and advocacy for organic and sustainable farming.

THE CREDIT CARDHOLDERS' BILL
OF RIGHTS ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mrs. MALONEY. Madam Speaker, I am introducing today the Credit Cardholders' Bill of Rights Act of 2009. This legislation is the same bill that passed the House on a vote of 312 to 112 in the 110th Congress as H.R. 5244, except that we have made it effective 3 months from enactment.

This legislation would amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan. The Credit Cardholders' Bill of Rights prohibits certain unfair and deceptive credit card practices and provides consumers with tools to manage their credit card debt responsibly. The bill prohibits retroactive rate increases on existing balances except under limited circumstances, including where the consumer is over 30 days late in making payment, and requires creditors to provide consumers with a reasonable time to pay off the balance. It requires creditors to provide a written notice of any rate increase at least 45 days before the increase takes effect, and to send periodic statements to consumers no less than 25 days before the due date. The bill prohibits double cycle billing and requires creditors to allocate payments among balances so as to allow consumers to take full advantage of promotional rates and to make payments towards balances with higher rates. The bill limits overlimit fees and bans fees on interest-only balances. It prohibits creditors from knowingly issuing a credit card to a minor who is not emancipated. For credit cards on which fees in the first year exceed 25 percent of the credit limit, the bill prohibits such fees from being paid from the credit available under the card account agreement (except late or overlimit fees). The bill also provides for additional data collection to enable better oversight and regulation.

INTRODUCING THE NATIONAL
EMERGENCY CENTERS ESTAB-
LISHMENT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to reintroduce the National Emergency Centers Establishment Act, a bill that I first introduced in the 109th Congress.

Many of us share the belief that the Federal Government's response to Hurricane Katrina was disorganized and inadequate. The Federal Emergency Management Agency, FEMA, was far too slow to respond and evacuees were left stranded in massive shelters with egregious standard-of-living conditions.

Sixteen months following the devastation wreaked by Hurricane Katrina, more than 13,000 residents who were displaced by the storm were still living in trailers provided by

FEMA. Eighteen months after Katrina, half of the homes in New Orleans still did not have electricity. Shortly thereafter, FEMA informed Congress that 60,000 families in Louisiana still lived in 240 square foot trailers—usually at least 3 people to a trailer.

The sluggish and derisory reaction of our Federal Government to disaster victims affects me personally. In 2004, four hurricanes ravaged my home State of Florida, all of which literally destroyed parts of the counties in my district. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. More than 18 months after Hurricane Wilma struck in 2005, citizens were still residing in trailers labeled on the outside "FEMA."

The lack of natural disaster preparedness efforts and temporary housing options for disaster-stricken citizens only exacerbated an unbearable situation. Deficient recovery responses have led to elongated recovery rates in my district and across this Nation.

Two main problems—increasing the availability of temporary housing in times of national emergencies and improving training and preparedness for national emergencies—must be resolved to ensure that the humanitarian catastrophe that occurred in the gulf coast and continues to happen today will never occur again.

We have an obligation to better prepare and more adequately respond to the needs of communities hit by natural disasters. We have a responsibility to ensure that basic needs of disaster victims are met immediately following the devastation.

My legislation establishes six National Emergency Centers throughout the United States. The Centers will be used, first and foremost, to provide temporary housing, medical and humanitarian assistance, including education, for individuals and families displaced due to an emergency. The Centers will also serve as a centralized location for the training and coordination of first responders in the instance of an emergency. In addition, the Centers will improve the coordination of preparedness, response, and recovery efforts between governments, private companies, not-for-profit entities, and faith-based organizations.

The National Emergency Centers will be located on military bases, with a preference wherever possible for those installations closed during the most recent Base Realignment and Closures, BRAC, round. I am proposing these sites because the necessary infrastructure to house, feed, educate, and care for evacuees over an extended period of time is already in place, thus limiting the cost and time needed to construct these facilities.

Madam Speaker, our Nation was not prepared for the disastrous hurricanes that struck Florida and the gulf coast in 2004 and in 2005. The establishment of National Emergency Centers will go a long way to ensuring that our response to national emergencies are not as disastrous as the disasters that created the emergencies in the first place.

I ask my colleagues to support this legislation and urge the House Leadership to bring this bill to the floor for its swift consideration.

IN HONOR OF GERTRUDE PINTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mrs. Gertrude Pintz, upon the recent celebration of her 100th birthday.

Gertrude Pintz was born on December 29th, 1908 in Austria-Hungary. She has been blessed over her lifetime with strength, joy, her family and friends. She is known for seeing only the good in others and beauty in life. Mrs. Pintz lives every day with a grateful heart, warm smile and positive outlook.

Mrs. Pintz married the love of her life, Sebastian, and together they raised three sons—Sebastian, Adam and the late Henry. She remains close with her sons, seven grandchildren and ten great-grandchildren. As the matriarch of her family, Mrs. Pintz hosted the family's annual Thanksgiving dinner at her Cleveland home, continuing this tradition until the age of 88. In her early seventies, following the passing of her beloved husband, Mrs. Pintz embarked on pursuing her artistic talents. She enrolled in a four-year art school, where she studied oil painting. To this day, her artwork adorns the homes of numerous family members and friends.

Madam Speaker and colleagues, please join me in honor of Mrs. Gertrude Pintz upon the joyous occasion of her 100th birthday. Her love of family, love of life and youthful soul all serve as an inspirational example for all of us to follow. I wish Mrs. Pintz an abundance of peace, health and happiness today, and throughout the years to come.

CORPORAL JOSEPH HERNANDEZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great respect and deep sadness that I wish to commend United States Army Corporal Joseph M. Hernandez for his bravery and his willingness to fight for his country. Corporal Hernandez, who was assigned to 1st Battalion, 4th Infantry Regiment out of Hohenfels, Germany, was killed in the Zabul Province of Afghanistan when an improvised explosive device detonated near his vehicle on Friday, January 9, 2009. His sacrifice will be forever remembered by those he fought to protect.

A native of Hammond, Indiana, Joseph graduated from Mount Carmel High School in Chicago, Illinois, in 2003. Known for his patriotism and his commitment to serving others, it was no surprise to anyone close to him that he decided to join the Army.

Joseph's family remembers him as a warm-hearted individual who loved boxing, building model airplanes, fishing, and working on cars. Quite the talented young man, he also loved to sing, as well as play the piano and the guitar, and he played soccer in high school. A person of a strong faith, Joseph was active in his church as an altar server and cantor, and

at one point, even considered entering the priesthood.

Corporal Hernandez leaves behind a loving family that misses him very much. He is survived by his devoted wife, Alison (nee Gordon) Hernandez, and their two sons, Jacob and Noah, whom Joseph truly treasured. Joseph also leaves to cherish his memory his adoring parents, Elva Hernandez and Jesse (Vicki) Hernandez, and his brothers, Jason and Jessie (Chrissy) Hernandez, as well as his loving grandparents, Josephine and Salvador Pompa. He also leaves behind many other friends and family members, as well as a saddened but proud community and a grateful nation.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Corporal Joseph M. Hernandez. Corporal Hernandez sacrificed his life in service to his country, and his passing comes as a setback to a community already shaken by the realities of war. Corporal Hernandez will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

A TRIBUTE TO RIMBAN GEORGE T. MATSUBAYASHI ON THE OCCASION OF HIS RETIREMENT FROM THE BUDDHIST CHURCHES OF AMERICA AFTER NEARLY 50 YEARS OF SERVICE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Rimban George T. Matsubayashi. After almost 50 years of serving as a minister for the Buddhist Churches of America, including more than nine years as head priest of the Los Angeles Honpa Hongwanji Buddhist Temple in Downtown Los Angeles in the 34th District, Reverend Matsubayashi will retire on January 31, 2009.

Rev. Matsubayashi, who is also fondly known as Rev. George or Matsubayashi-sensei, graduated Summa Cum Laude from Ryukoku University in Kyoto, Japan in 1960. Later that year, he began his ministerial service in the Jodo Shinshu tradition of Buddhism in the United States at the Honpa Hongwanji Mission of Hawaii at the Honolulu Betsuin Buddhist Temple. While in Hawaii, Rev. George studied at the English Language Institute at the University of Hawaii. In 1963, he enrolled in the doctoral studies program at the University of Wisconsin. In 1964, he transferred to the PhD program in the Department of Oriental Languages at the University of California, Los Angeles.

In 1965, Matsubayashi-sensei was appointed to the Venice Hongwanji Buddhist Temple in Los Angeles. When the temple became independent in 1976, Rev. George served as its first resident minister. He remained there until 1999. During his 34 years at Venice Hongwanji, Rev. George was active in a wide variety of community organizations.

He served on the board of United Way's Western Region. He was a member of the Clergy Council for the Pacific Division of the Los Angeles Police Department. He also gave his time as a Reserve Chaplain for LAPD's Central and Pacific divisions.

In 1999, Rev. George was appointed as the Rimban, or head priest, of the Los Angeles Honpa Hongwanji Buddhist Temple, which is also referred to as "Nishi" to the local Japanese American community. During his tenure, Rev. George oversaw the 100th Anniversary of the temple in 2005. The event featured the addition of the new Wisteria Chapel and the Muryo Koku-do (nokotsudo-columbarium) built to commemorate the temple's pioneering members and to continue the proud legacy of the Issei—first generation Japanese Americans—for future generations.

Since joining the Los Angeles Honpa Hongwanji Buddhist Temple, Rev. George's community involvement extended well beyond the church's walls. He serves on the Little Tokyo Coordinating Council, the Los Angeles Buddhist Federation and as a volunteer chaplain at several hospitals on the west side of Los Angeles.

In addition to his spiritual and community work, Rev. George is also a devoted husband, father and grandfather. Rev. George and his wife, Kiyoko "Kay" Matsubayashi, have four children: Craig and his wife, Raquel; Dean and his wife, Kim; Tina and her husband, Howard; and Erik and his wife, Cindy. They are also the proud grandparents of Jared, Lindsay, Chase and Emma.

Madam Speaker, on the occasion of Rev. George's retirement, I ask my congressional colleagues to please join his dutiful congregation, his family and me in thanking him for his many years of service to the Buddhist Churches of America and our community. While we wish him well in this new phase of his life, Rev. George will always be Sensei, or teacher, in the hearts and minds of the generations of families whom he has touched during his many years of ministerial service.

HONORING MR. JOE PANIAGUA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. GRANGER. Madam Speaker, I rise today to pay tribute to the loyal service rendered to the City of Fort Worth, Texas by Mr. Joe Paniagua from 1986 until his retirement in December 2008.

As a former member of the city council and Mayor of Fort Worth, I had the opportunity of working directly with "Joe P.," as he is known by all at City Hall.

Although a native of Corpus Christi, Joe P. joined the City of Fort Worth's employment rolls in 1986 as a Municipal Courts customer service representative. He held a series of positions before being promoted to be the city's chief state and federal legislative program coordinator and grants manager. In that capacity, he faithfully and tirelessly represented the city through six Texas Legislative Sessions, from 1991 through 2001.

Joe P. spent countless hours driving that long and lonely stretch of I-35 back and forth each week between Fort Worth and Austin in loyal service to our city. I have heard stories of his sleeping on friends' couches in Austin in the early days in order to save the city money.

His hard work paid off on many issues that benefitted our community including the successful passage of legislation creating a revenue-sharing program between Fort Worth and Dallas, which supports DFW Airport, one of the busiest airports in the world. Joe P. also worked to streamline Texas crime district laws and to secure legislation allowing municipalities to include "best value" as consideration for purchases.

Joe P. was promoted to Assistant City Manager in September 2001 and retired as First Assistant City Manager on December 31, 2008.

Not only has Joe P. been a loyal public servant to our city, but he and his wife Elsa and their two children, Jose Francisco and Elissa, are well known and beloved citizens of our community.

In closing, I can say without reservation that the City of Fort Worth, Texas and our community at large have benefitted from the service of Joe Paniagua. I invite my colleagues to join me in honoring Joe Paniagua and his family upon the occasion of his retirement.

IN RECOGNITION OF RODEL RODIS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, Rodel Rodis, attorney, author and educator, has been a dedicated member of the Board of Trustees of San Francisco Community College District for eighteen years from 1991–2008. Since his appointment in 1991, Rodel was elected and re-elected by San Francisco voters in 1992, 1996, 2000, and 2004. During his tenure, he was chosen by his peers to serve as President and Vice President of the Board three times.

In addition to his service on the Board, Rodel has volunteered his limited additional time but abundant energy to serve as Chairman of the Association of Community College Trustees, National President of the Association of Asian/Pacific Islander Community College Trustees, founder and Northern California Chair of the National Federation of Filipino American Associations and President of the Filipino Bar Association of Northern California.

A natural leader, Rodel previously served two terms as President of the San Francisco Public Utilities Commission where he was instrumental in the decision to transfer fifteen acres of SFPUC property in the South Balboa Reservoir to City College where it will be put to great use for the benefit of the general public, hosting, among other projects, a Joint Use Facility and Performing Arts Center.

Rodel Rodis' achievements are many. While a Trustee, he worked with the Board to advance equality of opportunity through the Latina/Latino Services Network; African American Scholastic Program; Asian Pacific Amer-

ican Student Success; Women's Resource Center and Multicultural Infusion Project. He was also instrumental in passing local bond measures for renovating campus facilities and expanding the use of technology throughout the system.

As we both know, Madam Speaker, San Francisco is a community of diverse neighborhoods. Mr. Rodis recognizes this and has been a strong advocate for the new Mission Campus, the Chinatown/North Beach Campus and the Wellness Center.

Throughout Rodel's career, he has been far more than just an elected representative. His passion for education and his commitment to fairness, equality and the expansion of opportunities for all San Franciscans has made Rodel something of a community touchstone—a person whose wisdom, good humor and professionalism remind us all of what it means to be a citizen.

Madam Speaker, the good work of the San Francisco Community College District makes all of us proud. I am confident that it will continue to provide excellent educational opportunities and career training even without Rodel Rodis' leadership, but his shoes will no doubt be hard to fill and his nearly two decades of public service will long be appreciated.

TRIBUTE TO HRANT DINK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor the memory of Hrant Dink, a beloved journalist, activist, and a man of conscience. Two years ago, on January 19, 2007, Mr. Dink was assassinated in front of his office building in Istanbul.

As a Turkish Armenian, he worked tirelessly to unite the Armenians and the Turks. Serving as the editor-in-chief of *Agos*, Turkey's only bilingual Armenian and Turkish newspaper, Hrant Dink was a leader. When it came to the Armenian Genocide, he rejected the Turkish government's subversion of history. Instead of accepting state denial of the Armenian Genocide, he advocated for truth and battled Turkey's strangling grip on freedom of speech.

For these convictions, Hrant Dink was tried for insulting Turkishness under Article 301 of the Turkish Penal Code. For these convictions, Hrant Dink was brutally assassinated.

Two years later, Turkey's citizens who speak honestly about the Armenian Genocide still face potential prosecution and imprisonment for publicly denigrating the Turkish Nation or Turkish Republic. This ultra-nationalism hijacks history at the expense of freedom of speech, stifling discussions by the Turkish people.

Two years later, the investigation into Hrant Dink's murder is in disarray, corruption in the judicial and police system runs deep, and Turkey's moral authority is weakened. The many involved in Hrant Dink's killing, from members of the gendarmerie to extremist nationalists, have been charged or imprisoned for their actions, but it has become apparent that Istanbul and Trabzon's security departments had infor-

mation that Hrant Dink would be killed, but failed in their duty to protect him. Turkey should act swiftly to bring justice to the memory of Hrant Dink.

This hate and denial produces an environment of fear. This environment produces extreme nationalist organizations that manipulate young men to kill in the name of the Turkish Republic. The law enforcement community was tainted by officers who portrayed Hrant Dink's assassin as a proud Turkish citizen, placing a Turkish flag in his hand and flashing photographs to celebrate a murder.

Now, more than ever, Turkey must shun this behavior and embrace the lessons that Hrant Dink taught—the need for reconciliation between the different realities in Turkey.

There are those on the extreme fringe who stone Armenian Churches and in the midst of soccer matches chant in jubilation the name of Hrant Dink's killer. These individuals may be extreme, but the Turkish government fosters their existence through laws like Article 301.

But there also exists the people in Turkey who see past government intimidation and chant "We are all Armenian, we are all Hrant's," as they gather in thousands upon thousands to celebrate his life.

On the wake of the 60th anniversary of the United Nations Convention on Genocide, thousands of Turkish intellectuals signed on to a letter apologizing to the Armenian people for the genocide. This promising show of empathy amongst the Turkish people is welcome.

The apology states, "My conscience does not accept the insensitivity showed to and the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915. I reject this injustice and for my share, I empathize with the feelings and pain of my Armenian brothers and sisters. I apologize to them."

Unfortunately, the Turkish state remains set on its same path to impede reconciliation. A probe launched by a Turkish state prosecutor will investigate the apology campaign to decide if it violated Article 301. As the judicial system continues to assault freedom of speech, elected officials also hamper progress. Recently, Parliamentarian Canan Aritman employed racism against Armenians. Angered by President Abdullah Gul's response to the campaign, she suggested that "Abdullah Gul should be the president of the whole Turkish nation, not of his ethnic origin." She then encouraged fellow parliamentarians to "investigate the ethnic origin of the president's mother."

On behalf of Hrant Dink's memory, I call on Turkey to come to terms with its own history and shed the shackles of suppression. In honor of Hrant Dink these actions would be an apt call to conscience.

INTRODUCTION OF THE ASSESSMENT ACCURACY AND IMPROVEMENT ACT OF 2009

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. PETRI. Madam Speaker, as Congress considers the reauthorization of the No Child

Left Behind Act this year, we have an obligation to listen closely to the students, parents, and educators that we represent to ensure that our efforts result in responsible and pragmatic improvements. While we have made great strides in the areas of assessment and accountability over the last 7 years, this reauthorization provides a critical opportunity to learn from our experiences and fine-tune the law.

One example of a lesson my constituents have learned, and have vigorously shared with me, is that we should be encouraging States to move towards better assessment models. As I have met with educators over the past year, one of the primary concerns that I have heard is that the State assessment fails to provide information of value to educators and administrators. Even more disturbing, it often takes 4 to 6 months before scores are returned to schools, which leaves little or no time for teachers to use the information to address student performance before they advance to the next grade.

However, I believe there is a sensible solution that Congress can adopt to address these concerns and give States more options in assessment design. Today, Representative DAVID WU and I are introducing the bipartisan Assessment Accuracy and Improvement Act of 2009 to give States the option to use adaptive testing as their statewide assessment measuring reading, math, and science to fulfill No Child Left Behind requirements. I believe that this legislation will give States the ability to truly track the academic growth of every child and provide more accurate information to teachers, parents and school administrators through the use of an adaptive test.

For those who may be unfamiliar with adaptive testing, it is a test that changes in response to previously-asked questions. For example, if a student answers a question correctly, the test presents a question of increased difficulty. If a student answers incorrectly, the test presents a question of decreased difficulty. As you can see, an adaptive test customizes itself to a student's actual level of performance with a great degree of accuracy.

Giving States the flexibility to use an adaptive test and to ask questions outside of grade level will improve the accuracy of student assessment and enable educators to target appropriate instruction for each child based on performance at, above, or below grade level. In addition, using an adaptive test over time will allow accurate measurement of the performance growth of each individual student.

In my district in Wisconsin, nearly a third of school districts currently use their own funds to participate in adaptive testing in addition to the State assessment required by NCLB. Educators and administrators appreciate the diagnostic information it yields and the efficiency that it provides. I believe that school districts nationally are already "speaking with their wallets" by spending scarce resources to voluntarily participate in this testing because it provides valuable information that the State assessment does not. And, although our bill does not require States to adopt adaptive testing, it gives them the freedom to do so should they decide it is a better model for their students and educators.

Madam Speaker, adaptive testing and growth models are the key to putting the "child" back into No Child Left Behind. I hope that our colleagues will join us in this pragmatic and responsible improvement to the law as we work towards a bipartisan reauthorization this year.

TRIBUTE TO JON W. DUDAS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. CONYERS. Madam Speaker, I rise today on behalf of myself, Mr. SMITH of Texas, Mr. COBLE, Mr. SENSENBRENNER, Mr. BERMAN, and Mr. WOLF to honor Jon W. Dudas, a distinguished public servant who is leaving the helm of the United States Patent and Trademark Office ("USPTO") on January 20, 2009. Jon has served as Under Secretary of Commerce for Intellectual Property and Director of the USPTO since July 2004. He previously served as acting Under Secretary and Director, and Deputy Under Secretary and Deputy Director from 2002 to 2004.

As head of the world's leading intellectual property ("IP") office, Jon developed and articulated administration positions on patent, copyright, and trademark issues, both domestic and foreign and effectively steered the operations of the USPTO, an organization of approximately 9,000 employees dedicated to providing and maintaining the intellectual property protections that promote innovation and technological advancement.

Under Jon's leadership, the USPTO's university-style examiner training academy, peer review pilot, electronic filing and processing, and accelerated examination programs were developed and implemented. Additionally, the USPTO's hoteling programs for its patent and trademark examiners serve as a gold standard for other Federal agencies and the USPTO continued to be recognized as the leader in Federal Government telework initiatives.

In the critical area of appropriations for the USPTO's vital operations, Jon worked tirelessly with the Congress and the administration to ensure USPTO's full access to all collected fees over the last 4 years, breaking a streak of fee diversion. His assistance and counsel were also greatly valued and appreciated during the House's development of patent reform and other pieces of important IP legislation.

Prior to joining the Bush administration, Jon served 6 years as Counsel to the U.S. House Judiciary Subcommittee on Courts and Intellectual Property, and Staff Director and Deputy General Counsel for the House Judiciary Committee. He guided enactment of major patent, trademark, and copyright legislation, including the 1999 American Inventors Protection Act and the Digital Millennium Copyright Act. He was also instrumental in the passage of the 1996 Trademark Anti-Counterfeiting Consumer Protection Act, a law making it more difficult for seized counterfeit merchandise to re-enter the consumer marketplace.

I know that our colleagues and the intellectual property community join Mr. SMITH of

Texas, Mr. COBLE, Mr. SENSENBRENNER, Mr. BERMAN, Mr. WOLF and me in commending Jon for the USPTO's substantive achievements during his tenure.

We are honored to have this opportunity to publicly commend a truly dedicated public servant. We wish Jon all the best in his future endeavors.

HONORING MCCROSSAN BOYS RANCH HITCH TEAM

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to honor members of the McCrossan Boys Ranch Hitch Team in Sioux Falls, South Dakota for their participation in the 2009 Presidential Inauguration Parade. The inauguration of President Barack Obama marked a defining moment in history and these young men were excellent ambassadors for South Dakota at an event of such magnitude.

McCrossan Boys Ranch is a unique program, which reaches out to educate troubled youths from across the region. The ranch provides a vital opportunity for young men who face conflict in their lives and who wish to seek a more positive direction. The ranch's purpose is to give students outlets to explore, allowing them to grow as individuals and to serve the community around them. The ranch teaches important skills such as horsemanship, trade skills and agricultural methods that are applied toward community service projects like Habitat for Humanity.

Additionally, McCrossan Boys Ranch youth are members of numerous extracurricular groups, such as 4-H, the Boy Scouts of America and the Fellowship of Christian Athletes. The ranch and its students give back to the community in many ways and display the dedication, purity of purpose and selfless service that personified the spirit of the 2009 Inauguration Parade.

The educational and service mission of McCrossan Boys Ranch is an admirable and worthy cause. It is an organization that instills American values in young men and helps them make valuable contributions to the fabric of our society.

Madam Speaker, it is because of its mission, as well as its achievements, that I rise today in recognition of the McCrossan Boys Ranch Hitch Team for their participation in the 2009 Inauguration Parade.

IN RECOGNITION OF KENDRA KASTEN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, I ask my colleagues here in the House of Representatives to join me in bestowing our sincere thanks to Kendra Kasten, a woman who has devoted

thousands of hours of volunteer service to her community and personally helped countless children better their reading skills.

After devoting her professional life to teaching children and her precious free-time to lifting others up and never seeking recognition herself, Kendra is being duly honored by the Town of Hillsborough, California with their "Community Care Award".

The Community Care Award "honors a person in a salaried position with the School District or Town of Hillsborough or other vital community role." Ms. Kasten is the embodiment of the criteria set forth for the award, specifically in regard to having "made a sustained and significant contribution that has broadly touched the lives of our children. These contributions are widely recognized as having lasting impact to our community."

As both a parent and teacher, Kendra Kasten has given her all to the betterment of her community. A reading specialist, she currently works with Kindergarten to Second Grade students in small groups to help with the development of crucial literacy skills. Kendra also teaches weekly whole-class lessons to 2nd graders in the area of syllabication.

Kendra's lesson plans come from years of teaching experience. She formalized and organized her experience at the urging of her colleagues and used it to benefit all teachers in her school district.

Madam Speaker, in addition to teaching, this vibrant and amazing woman has volunteered in her children's classrooms and the Town Library and served on more committees than any one person could possibly squeeze into a single lifetime. Her husband, Hillsborough Town Councilman Tom Kasten, and children Jeff and Alyssa are fortunate to have such a dynamic partner and role model and also deserve our thanks for loaning their wife and mother to the community.

It is with a great deal of pride that I recognize a true community leader and selfless volunteer—Ms. Kendra Kasten.

INTRODUCTION OF THE FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mrs. MALONEY. Madam Speaker, today, I proudly join in a bipartisan effort with Representatives FRANK WOLF, STENY HOYER, DANNY DAVIS, ED TOWNS, GEORGE MILLER, LYNN WOOLSEY, CHRIS VAN HOLLEN and many others to reintroduce the Federal Employees Paid Parental Leave Act. I am also pleased that Senator WEBB will be introducing the companion bill in the Senate as well. This bill will provide four weeks of paid leave to federal employees when they have a new child.

The House passed this important legislation in the 110th Congress with a strong bipartisan majority and I am hopeful that we will be able to promptly pass the bill in both houses and send it to President Obama for his signature.

More than ever, families need access to paid parental leave. In the face of rising unem-

ployment and falling home and equities values, families cannot afford to risk losing a job or going without pay after the birth of a new child. Families are already squeezed like never before and the cost of raising a child is only growing. USDA estimates that a family will spend an additional \$11,000 in the first year of having a new child.

Few families can afford to forgo a month's pay which is why this bill is so critical. If we truly believe in the value of family, then we need to value the work that families do. This means that we need to stop asking parents to choose between a paycheck and caring for a new child. Unlike a generation or two ago, today both parents work outside the home and both need time off from work when they have a new child. Yet, most do not have access to paid family leave.

By providing paid parental leave to Federal employees, the Federal Employees Paid Parental Leave Act establishes the Federal Government as a model employer. This landmark bill is the first to provide paid family leave for new parents. It is good for the Federal agencies, is good for Federal employees, and is cost effective. Finally, this bill signals our commitment to valuing our employees and their families.

Madam Speaker, I am hopeful that together we can work to value families and the work they do and demonstrate our commitment by passing this important bill.

HADLEY, MASSACHUSETTS, TO CELEBRATE 350TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to celebrate the 350th Anniversary of Hadley, Massachusetts. I would like to share some local history as provided by the Hadley guide into the official record.

Hadley was founded by a dissenting Connecticut congregation under the leadership of Rev. John Russell in 1659. As an agricultural community on the east bank of the Connecticut River, John Pynchon purchased the site of the new settlement from the Indians on behalf of the settlers. The first settlers laid out this area, formerly known as the Norwottuck Meadow, as the center of the new settlement before their arrival, with the Town Common, referred to as "the Broad Street," as the central feature. The common measured 20 rods wide and one mile long, with the Connecticut River defining both ends, and was reportedly based on the original plan of Wethersfield, Connecticut. Eight-acre home lots were ranged along both sides of the common, with farmlands behind.

In 1675–76, during King Philip's War, to guard against Indian attacks, a palisade that ran far enough behind the houses to include most of the barns and farm buildings enclosed the street and common. One such attack occurred on June 12 of 1676. Legend has it that the town was saved from destruction when, at a critical moment, one William Goffe showed up in the midst of the townspeople, warned

them of the danger, and led the town in fending off the assault, disappearing shortly afterward. Goffe, later known as "The Angel of Hadley," became the subject of many legends.

Through the years, the common remained the focus of town life. The meetinghouse occupied a prominent site, animals were pastured on the open land, militia drills were held periodically, and Hadley's Liberty Pole was erected there during the Revolutionary War. Taverns at the north and south ends and at the center of the common served the needs of passengers on the ferry, stagecoach, and riverboat routes.

By the 1670s, the town rapidly developed northward. The North Hadley Mill Pond, also known as Mill River, became the site of the Hopkins Corn Mill, and millers and farmers settled in Hopkins Meadow. The rent paid by mill workers to live here went to support the Hopkins School, which was founded by Edward Hopkins of England, a former governor of Connecticut.

Hadley has long been the subject of much folklore, especially when it came to witchcraft. The most notable "witch" in the town of Hadley was Mary Webster, who, although acquitted of "familiarity with the devil" in a Boston Court in 1683, was nonetheless hanged, unsuccessfully, by young Hadley men in 1685.

As the number of settlers south of Mount Holyoke grew, the desire for a local place of worship also grew. As an answer to the problems of settlers traveling many miles to church, the towns of Hatfield, Granby, South Hadley and Amherst formed from the sprawling town of Hadley. The town continued to grow as an agricultural town during the 1700s. While subsistence farming was most common during this time, the exporting of everything from produce to beef to furs grew. Most of the products were taken by flatboat down the Connecticut River and to the Boston area as well. It was around 1792 that broomcorn became the dominant crop in Hadley. So abundant was this crop that Hadley would come to be known as the Nation's broomcorn and broom manufacturing capital. Broom and brush making became a thriving industry here, exporting all across New York and New England, and as far as Ohio.

Over time the soil that produced so much broomcorn slowly depleted. By 1840, tobacco would take its place as the major crop as well as seed onions and other vegetables. The Massachusetts Central Railroad crossed the northern half of the common in 1887, providing a faster way for Hadley farmers to ship their produce to market. The Connecticut Valley Street Railway lay out along Russell Street about 1900 made local travel to Northampton and Amherst easier.

It was during the late 1800s that, because of labor shortages and a drop in land values, Hadley experienced somewhat of a decline in farming. It was also about this time that a large number of Irish and, later, Polish immigrants that were recruited from Ellis Island for labor purposes settled in Hadley. It was the Polish immigrants that are credited with saving Hadley's farmland as they worked the fine Hadley soil back into fertility. By 1920, asparagus became the popular crop in Hadley, soon making the town the asparagus capital of the world. Most recently, a shipment of Hadley

asparagus from Alligator Brook Farm was shipped to former President Bush at the White House in July 2008 after the President had remarked how "fabulous" German asparagus was during his visit with German Chancellor Angela Merkel. Once again, Hadley was able to claim its rightful title of "The asparagus capital of the world."

Today, in spite of commercial development along Route 9, Hadley remains largely agricultural and residential. It has the largest number of acres in agriculture in the Pioneer Valley, which includes crops of corn, potatoes, tobacco and scores of other vegetables. Malls and commercial businesses now lie along Russell Street on Route 9 to the east of the town's center.

Hadley is a beautiful place to live. I am proud to represent this town which is rich with history and join with its citizens in celebrating Hadley's 350th Anniversary.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in a vote on the floor of the House of Representatives yesterday.

The vote was on an amendment offered by Representative MAURICE HINCHEY of New York to H.R. 384, the TARP Reform and Accountability Act. Had I been present, I would have voted "aye" on that question.

H.R. 4156, THE SECURITY CLEARANCE OVERSIGHT AND ACCOUNTABILITY ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. ESHOO. Madam Speaker, today I am proud to introduce the Security Clearance Oversight and Accountability Act. This Act is the result of the work the Subcommittee on Intelligence Community Management of the House Permanent Select Committee on Intelligence. I'm pleased, Mr. ISSA, the Ranking Member of the Subcommittee during the 110th Congress, has again joined me as a co-sponsor of this legislation. I hope we will move this legislation quickly, given the strong bipartisan support that it enjoys. It will improve our insight into the security clearance process, and by doing so, improve the process itself.

Security clearances are the gateway to serving our Nation in national security, homeland security, and many foreign policy positions. Over time, the number of Federal employees and contractors holding clearances has stretched into the hundreds of thousands, clogging the clearance system and creating tremendous backlogs. Following the tragic attacks of September 11, 2001, our country faced an urgent need to expand its national security workforce, but hiring was hampered,

and continues to be hampered, by our clearance system. It is imperative, especially as we transition to a new Administration, that security clearances not be a hindrance to our national security.

In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act, IRTPA, which contained many provisions to improve the security clearance process. During the last Congress, our Subcommittee undertook a thorough review of the process and the progress toward meeting the goals of the Act. We had round-table meetings with representatives of industry and representatives of the Intelligence Community agencies. We carefully reviewed all reports submitted in response to the Intelligence Reform Act as well as GAO reports on security clearance reform in the Department of Defense. We held a series of open hearings with Administration witnesses and GAO to discuss accomplishments and areas where progress was lacking and we intend to continue that oversight in the 111th Congress. This bill will assist us in that task while improving the quality of our security clearances.

In addition to our own oversight, we requested that the GAO review the security clearance processes inside the Intelligence Community and report its findings. GAO brings decades of experience and deep expertise to this task. For more than 20 years its experts have examined the personnel security practices in the Department of Defense. This is the first time that Intelligence Community security practices will be subjected to such scrutiny. We look forward to Intelligence Community's cooperation with the GAO and to reviewing the results of GAO's work.

This bill is designed to remedy the shortcomings we identified last Congress. It takes a new approach to reform by requiring agencies to report to Congress annually on certain metrics related to the security clearance process. The metrics in this bill would enable Congress and HPSCI to perform effective oversight, would allow both branches to track improvements from year to year, and would allow agencies to judge the effectiveness of each other's security clearance process, improving confidence in the system. In a few areas where adequate metrics have not been developed, the Administration is required to propose metrics to Congress.

Just a few weeks ago, the Administration's Joint Security and Security Reform Team issued its proposal for security clearance process transformation. Their vision of a transformed process includes consolidated databases, interactive electronic applications, investigative techniques tailored to individual cases, automated investigation tools, automated clearance adjudication, and a more aggressive reinvestigation schedule for individual holding security clearances. Many of these reforms were required by the IRTPA and I am pleased to see their long-delayed implementation.

The security clearance process is a key to our national security establishment and we must make sure that it works as efficiently as possible. An effective security clearance system keeps out those who pose a security risk, while quickly identifying those who are trustworthy to work in the system. For too long it

has been a troubled system. This legislation will allow us to confirm the necessary progress we must make in this critical area.

TARP DISAPPROVAL VOTE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. HARMAN. Madam Speaker, today I voted to disapprove the release of the second half of the so-called TARP funds. The Senate has already approved the release, so mine is essentially a protest vote. But it is a protest that should be heard.

The Bush Administration presented the \$700 billion Troubled Asset Relief Program to Congress as an asset purchase program. We were told that the Treasury Department would use the funds primarily to purchase mortgage-backed securities and other toxic assets, and then banks and credit unions would use their cleaned-up balance sheets to free up credit while the government helped renegotiate home mortgages. The focus was supposed to be about keeping people in their homes.

But looking back, it feels more like a classic bait and switch. Rather than spend the money as promised, the Bush Administration took advantage of loopholes in the law to funnel money directly to banks, who have been loathe to part with it. And the Bush Administration did this with scant oversight or accountability. We still have little idea how the first \$350 billion was spent, or whether much of it made any difference.

What is clear is that little of the funds went to the small banks and credit unions that actually keep our communities growing. I understand that only one bank holding company in my district, out of dozens of struggling community banks and credit unions, has received any help under the TARP.

The TARP has essentially become a \$350 billion bank consolidation fund. And in the meantime, the key driver behind this crisis—home foreclosures—has been all but ignored.

My constituents have noticed, and they continue to express overwhelming disapproval of the way the program has been run thus far.

Yesterday, I voted for H.R. 384, Chairman FRANK's TARP Reform and Accountability Act, which I believe would have made vital changes to the TARP—including the adoption of a home foreclosure program modeled after the one proposed by FDIC Chair Sheila Bair.

But I understand that the Senate has no plans to take up the Frank Bill, and instead will rely on assurances from NEC Chairman Larry Summers that the Obama Administration will use the second \$350 billion responsibly.

Larry Summers is a friend and an enormous talent, and I have great respect for President Obama and his team. But Congress is the constitutionally designated steward of taxpayer dollars. We should insist on the limitations in the Frank bill before releasing another \$350 billion.

I expect to support a robust and effective stimulus bill. I wish the second tranche of TARP had been totally revamped and added to the stimulus proposal.

TRIBUTE TO DR. RAYMOND
ORBACH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to our country are exceptional. The United States has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent to make our Nation a better place to live and work. Dr. Raymond Orbach is one of these individuals. On January 23, 2009, Dr. Orbach's term serving as the first Under Secretary of the Office of Science at the U.S. Department of Energy will come to an end.

Dr. Orbach began his academic career as a postdoctoral fellow at Oxford University in 1960 and became an assistant professor of applied physics at Harvard University in 1961. He joined the faculty of the University of California, Los Angeles, UCLA, 2 years later as an associate professor and became a full professor in 1966. From 1982 to 1992, he served as the provost of the College of Letters and Science at UCLA.

From 1992 to 2002, Dr. Orbach served as chancellor of the University of California (UC), Riverside, located in the 44th Congressional District of California. Under his leadership, UC Riverside doubled in size, achieved national and international recognition in research, and led the University of California in diversity and educational opportunity. In addition to his administrative duties at UC Riverside, he sustained an active research program; worked with postdoctoral, graduate, and undergraduate students in his laboratory; and taught the freshman physics course each year. As the Distinguished Professor of Physics, Dr. Orbach set the highest standards for academic excellence.

Dr. Orbach was nominated by President Bush to serve as the first Under Secretary for Science at the U.S. Department of Energy (DOE) on December 13, 2005. He was confirmed unanimously by the U.S. Senate on May 26, 2006, and was sworn in by Secretary of Energy Samuel Bodman on June 1, 2006.

In his capacity as under secretary, Dr. Orbach's primary responsibility was to serve as chief scientist for DOE, providing advice to the Secretary of Energy on all scientific and technical programs in DOE. Serving as chief scientist within DOE, Dr. Orbach advised the Secretary of Energy on a variety of topics, including the annual assessment of the reliability and safety of the U.S. nuclear warhead stockpile, which is developed each year by the Secretary of Defense and Secretary of Energy for the President of the United States. As Under Secretary for Science, he was responsible for the department's implementation of the administration's American Competitiveness Initiative to help drive continued U.S. economic growth. He also was responsible for leading the department's efforts to transfer technologies from DOE national laboratories and facilities to the global marketplace, serving as the department's technology transfer coordinator, in ac-

cordance with the Energy Policy Act, and was chair of the DOE Technology Transfer Policy Board, responsible for coordinating and implementing policies for the department's technology transfer activities.

Dr. Orbach's tireless passion for science has contributed immensely to the betterment of the Department of Energy and the United States of America. I am proud to call Dr. Orbach a fellow American and friend. I know that many people around the country are grateful for his service and salute him as he ends his term.

IN HONOR OF "CLUB"

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, I have often said that women working together can accomplish great things. I rise this evening to pay tribute to such a group of women, born and raised in the depression in our favorite city, San Francisco, who have helped, consoled, networked, laughed, cried and raised their families together since meeting as school-children some 70 years ago. This special group of ladies is known to themselves and in excess of 100 sons, daughters, grandchildren and great-grandchildren by the simple name: "Club."

The original eight members met as children in the Excelsior District. Marie Regalia (later Kennealy), Anne Desmond (Cordes), Ann Espinosa (Sanchez), Connie Slevin (Voreyer), Mary McBrady (Ghiorso) and Rose Damonte (Larsen) were students at Epiphany Catholic School and Grover Cleveland Elementary but played together at Crocker Amazon Park and remained together through High School and into adulthood.

Along the way, they picked up new members Irene and Janet Loretto, Gena O'Brien, Shirley Kennealy, Jeanne McKevitt, Barbara Dykstra, Elli Morris and Lori Carlin. The group has raised 58 children between them, trading used clothes, toys and baby furniture and providing moral, psychological and baby-sitting help long before modern innovations like the internet, self-help books and Oprah.

Madam Speaker, the women of "Club" represent the finest of America. Each has made a profound mark on her community—from serving on boards of charities, presiding over parish women's guilds, coaching and teaching young girls, and unselfishly passing on their hard-earned wisdom to anyone looking for guidance.

After graduating from high school in 1950, the women pledged to meet regularly to compare notes and ideas on how to navigate their rapidly changing world. Most are daughters of immigrants who were raised in the customs and traditions of "the old country" and were now charged with charting their own course. For nearly six decades, they have stayed in constant touch, sharing lunches, laughs and the kind of camaraderie that comes only with a lifetime of mutual experiences. Together, they have celebrated births and weddings, grieved at funerals, offered support during di-

vores and other setbacks and lent a hand whenever any of them needed a lift. In addition, "Club" has held more than 100 showers for births, weddings and ordinations to the priesthood.

The families of these confident and outgoing women know all-too-well the far-reaching influence of "Club". Indeed, few important decisions are made without running it by the group and woe to the husband who does something foolish or insensitive enough to top the agenda at a monthly get-together.

Madam Speaker, you and I have both said that it is San Franciscans that make San Francisco such a special place. I can think of no greater example to illustrate this point than the vibrant, beautiful and passionate ladies known to all who have made their acquaintance as "Club."

THE ADVANCING ONE COMMUNITY
AWARD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. CONYERS. Madam Speaker, today, Iowa State University will host its celebration of the life and legacy of Dr. Martin Luther King, Jr. The Advancing One Community Award given in his name will recognize the laureates' commitment to an inclusive multicultural community and efforts to reduce injustice and inequity. Receiving this award will be Mary de Baca, who has never shied from that struggle.

Mary de Baca coordinates diversity programs for the world-renowned College of Agriculture at Iowa State University. She is the program and financial advisor to the George Washington Carver Internship Program. She is the faculty advisor to the Iowa State University chapter of Minorities in Agriculture, Natural Resources, and Related Sciences (MANRRS). She has built that club into a national powerhouse: it has been National MANRRS Chapter of the Year three of the last four years. She has established linkages between Iowa State and historically Black land grant colleges, Hispanic serving institutions, and tribal colleges so that they can share faculty, laboratory equipment, and resources, and bring talented minority students into the academic pipeline. As a result, Iowa State is a leader in training minority graduate students and professors, although Iowa is not often thought of as the most diverse state in the Union.

Mary de Baca's commitment to diversity is in the long tradition of the University. This is, after all, the school which admitted George Washington Carver when no other school would allow him to study at all, much less achieve a PhD. This is the school whose football stadium is named after the man who integrated its sports teams in 1923, Jack Trice. Trice followed in Dr. Carver's footsteps. He came to Iowa to study agriculture so he could go South and help the community. But he never got the chance; he was tragically killed on the football field by the opposing team.

Iowa State also took a chance on one of the few Latinos to receive a Doctorate in the

1950s, her late husband, Robert C. de Baca, who Mary de Baca met when he was a young professor of animal science. She joined him in postings abroad, where she did some of the first home economics studies on the lives of rural Latin American women. With him, she built up a renowned herd of Black Angus cattle on the farm where she still lives. In her own family life, Mary de Baca has done her part to increase the number of minority professionals: she is the proud mother of three children, doctor Monica, businesswoman Suzanna, and civil rights lawyer Luis, who is a valued member of our Judiciary Committee team.

Between college and graduate school, Mary de Baca returned home to Southern Indiana to teach high school home economics. As a young teacher, she stubbornly overrode the protests of white parents to ensure that African-Americans could participate in cheerleading, the homecoming court, and other extra-curricular activities. Vernon Jordan described the State at the time in this way: "Although Indiana is above the Mason-Dixon line, it has a tough history regarding race. For a time it had the largest and most active chapters of the Ku Klux Klan in the country. It was a mess in the 1920s and 1930s. When I was there in the 1950s, it wasn't exactly a racial utopia." But one can imagine the young Mary de Baca mentoring those students and helping them reach their potential without fanfare or drama, just as she does today.

As an educator for over 50 years, Mary de Baca has helped to move us toward the more inclusive and equal world for which Dr. King fought. I congratulate her on receiving this honor in his name from her students, her colleagues, and her University.

THE INTRODUCTION OF THE
SHORT SEA SHIPPING ACT OF
2009 (H.R. 528)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. McHUGH. Madam Speaker, on January 14, 2009, I introduced H.R. 528, the Short Sea Shipping Act of 2009. This measure would provide the tax incentive necessary to increase the transportation of freight via coastal and inland waterways, which would have significant environmental and economic benefits.

Specifically, the Short Sea Shipping Act of 2009 would exempt from the Harbor Maintenance Tax, HMT, nonbulk commercial cargo that is loaded at a port in the United States mainland and unloaded at another port in the United States mainland after transport solely by coastal or river route or unloaded at a port in Canada located in the Great Lakes/St. Lawrence Seaway System.

Likewise, the bill's exemption would apply to nonbulk commercial cargo that is loaded at a port in Canada located in the Great Lakes Seaway System and unloaded at a port in the United States mainland. Of note, the bill defines the Great Lakes Seaway System as the waterway between Duluth, Minnesota, and Nova Scotia and encompasses the five Great

Lakes, their connecting channels, and the St. Lawrence River. In fact, this is the primary difference between my bill and legislation (H.R. 981) that I cosponsored in the 110th Congress. This change was made necessary by the progress made in the development of the proposed Melford International Terminal in Nova Scotia, which is projected to handle nearly 1.5 million 20 foot equivalent units, TEUs, annually by 2015.

The HMT is a levy that is imposed on the value of cargo that is imported to a port within the United States or that is transported between U.S. ports. The tax, which is assessed at a rate of 0.125 percent of the cargo value, including passengers, is assessed only once on cargo that is transported between one U.S. port and another, either at the point of departure or arrival but not both. However, cargo that is carried from a foreign port may be taxed twice, upon arrival at the initial U.S. port and again if transported to another U.S. port aboard a different vessel. Cargo that is transported along the inland waterways is subject to the Inland Waterways Fuel Tax instead of the HMT, but the Great Lakes are not considered part of the inland waterways system.

For too long, the imposition of the HMT has served as a barrier to the development of a robust United States short sea shipping industry. In fact, former Secretary of Transportation Mary E. Peters has stated that "the HMT is the most significant impediment under current law to the initiation of such services to Great Lakes ports" because the "avoidance of the HMT is a main motivation for shipping cargo from Canada to the United States by trucks instead of water."

By providing this exemption to the HMT, Congress can give cargo shippers an incentive to move cargo via marine. The increased viability of such a water transportation option would subsequently combat current highway congestion, a burgeoning problem facing our Nation's transportation infrastructure. The shift of cargo transportation from common domestic cargo routes to underutilized coastal and inland waterways would also improve the flow of commerce and reduce air pollution generated by ground transportation.

Additionally, by providing such an incentive to the enhancement of the short sea shipping industry, Congress has the opportunity to spur significant economic activity. Ships would have to be built and crews would have to be hired. In New York's 23rd Congressional District alone, which I am privileged to represent, illustrating just one example, the Port of Oswego would realize a significant expansion of traffic, resulting in millions of dollars in economic impact and the creation of dozens of jobs.

Madam Speaker, by enacting H.R. 528, the 111th Congress can eliminate roadblocks and promote the utilization of an efficient, economical, and sustainable means of cargo transportation, while addressing the growing need for reliable transportation alternatives and additional capacity. Accordingly, I ask my colleagues to work with me to enact this important measure.

TRIBUTE TO COLONEL JERRY
WARNEMENT

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of COL Jerry Warnement, whose dedication to excellence has earned him three separate colonel commands and two lieutenant colonel commands over the course of a career that has spanned more than 30 years.

Having studied extensively and earning two masters degrees, Colonel Warnement is an outstanding officer whose leadership and extraordinary command of logistics have made him a mainstay of combat service support for all of the Army. From 1988 to 1990, Colonel Warnement served as Commander of the 15th Forward Support Battalion, 1st Cavalry Division. Here, his logistical support during two NTC rotations, and his subsequent efforts to deploy his battalion to Desert Shield/Storm were especially praiseworthy and indicative of the colonel's dedication and self sacrifice.

Colonel Warnement's service to his country extended to the classroom as well as the field. As a professor of military science for the University of Pennsylvania and five satellite universities, Colonel Warnement was responsible for recruiting, retaining, and commissioning a highly competent, freshman class which resulted in 95 percent of his students being commissioned on time and prepared for active duty. While Assistant Chief of Staff for the Material, 19th Theatre Army Area Command, the colonel consistently demonstrated his multifunctional leadership capabilities as he accomplished a diversity of missions on time, within budget, and always with the best interest of the soldiers at heart. From 1995 to 1997, as Commander of Anniston Army Depot, Colonel Warnement managed 2,900 personnel, a \$266 million operating budget—spread out over 25 miles—and accomplished every mission within budget. His unparalleled ability to manage money, material, and personnel ensured positive results, while his performance indicators within his area of responsibility were among the best in the world.

In his most recent and final assignment, Colonel Warnement exhibited brilliance in his ability to command one of the most unique and important colonel-level logistics organizations in the Army. His sound judgment and strong leadership guaranteed mission accomplishment. This coupled with his professional initiative to develop the Army's Logistics Integrated Database, while executing additional field training within budget, will have a long-term positive impact on the United States Army and the Nation as a whole.

Throughout his career, Colonel Warnement has faithfully executed his duties at home and abroad. He is a soldier's soldier and a consummate professional. Colonel Warnement's performance reflects great honor and credit upon himself, the Army, the Army Materiel Command, and our Nation.

HONORING MAYOR ALAN AUTRY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate and express my appreciation for the service of Alan Autry as mayor of Fresno, California. Alan's first term began in January 2001, and he served for 8 years as Fresno's mayor. During this time, Alan's leadership and passion for the community of Fresno led to an unprecedented turnaround in the city, which is evident from its infrastructure and aesthetic value to its safety and fiscal responsibility.

Alan had much success in his two terms, including bridging the gap between North and South Fresno, or "The Tale of Two Cities" according to Alan. He successfully brought insight and urban renewal and development to Fresno's poorest neighborhoods, by increasing infrastructure, sidewalks, gutters, and streetlights in many areas of the city previously neglected with regard to modern essentials.

Under Alan's service, downtown Fresno was visually transformed. He championed a movement to aesthetically improve many areas of Fresno, the largest project of which was modernizing the convention center.

The safety and security of Fresno's residents was vastly improved by Alan's city policies, which included bringing up-to-date police and fire stations, and improving, cleaning, and expanding public spaces like city parks, which provide places for families and students to engage in healthful and constructive activity.

Alan is also a true fiscal conservative and a vigilant guardian of taxpayer money. When he took office in January 2001, Fresno's ledger showed that the city was \$500,000 in debt. By January 2009, Fresno had a significant turnaround with a surplus of \$17.5 million.

Education was also an important element in Alan's "Tale of Two Cities" platform. He fought hard against multiple levels of government to seek to influence and improve Fresno's notoriously under-performing schools, because he believes that good, effective schools are foundational in a healthy community.

Alan possesses a concern and care for his community that characterized his terms as mayor and underlines his leadership style. He was often out within the community talking to and caring for people. This helped to make him a very popular and well-respected member of the community and an esteemed leader. I congratulate Alan on the job he did in his 8 years as Fresno's mayor; I am proud to call him my friend, and continue to look forward to sharing many ideas and projects with him in the future.

COMMEMORATING THE 36TH ANNIVERSARY OF THE ROE v. WADE DECISION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. HOLT. Madam Speaker, I rise today to commemorate the 36th anniversary of Roe v. Wade.

On January 22, 1973, Supreme Court Justice Harry Blackmun penned the historic majority opinion in the Roe v. Wade case. He wrote that "right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Justice Blackmun's words confirmed the 7-2 landmark decision that all women have the constitutional right to choose.

Roe v. Wade established that reproductive healthcare is a personal matter that should be left to individuals. The question of whether or not to have an abortion is not an easy one, it is one of the most difficult decisions that a woman can face. While a woman's doctor, clergy, friends, and family may have opinions, the ultimate decision rests solely with her. This is not a decision that should be forced upon a woman by any government.

Having the right to choose is an essential right that should be protected, however there is much that can and should be done to decrease the need for abortion. That is why I have consistently supported comprehensive sexual education in our schools. Our investment in abstinence-only education over the last 8 years has failed in giving our teenagers the medically accurate, life-saving information about birth control and sexually transmitted infections they need to make informed decisions. I also support overturning the "global gag rule." President Bush enacted the "global gag rule" 8 years ago today to prohibit international family planning organizations that receive funding from the United States from being able to advocate for choice. The global gag rule also bans foreign non-governmental organizations, NGOs, from being able, using their own funds, to engage in free speech and assembly activities on a woman's right to choose, and also prevented health care providers from counseling the world's poorest women about all their legal health care options. Reversing this policy will improve maternal and child health in developing countries, reduce infant mortality, lead to better diagnosis and treatment of sexually transmitted diseases and reduce the incidence of unintended pregnancy and abortion.

Roe v. Wade marked a drastic change in our national policy on reproductive rights and I urge my colleagues to commemorate the 36th anniversary of this ruling.

36TH ANNUAL MARCH FOR LIFE

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. HERGER. Madam Speaker, today is the 36th annual March for Life marking the anniversary of Roe v. Wade, the Supreme Court decision that denied the American people the ability to address the abortion issue through their ballot box. I commend the estimated 200,000 Americans who traveled to our nation's capital to proclaim the inalienable human rights of unborn children. The organizers of this important event never let this anniversary pass without calling on our Nation to promote an American culture where every child's right to life is emphatically defended.

I find hope and encouragement today because Americans increasingly agree that abortions occur too frequently in our nation. I believe people with different views about Roe v. Wade should build on this sentiment and work together to ensure that the alternatives to abortion are well known to women facing an unexpected pregnancy. In doing so, I believe we can dramatically reduce the number of abortions in our Nation and begin to create a culture where unborn children are universally welcomed by their parents and protected by law.

IN COMMEMORATION OF THE 36TH ANNIVERSARY OF ROE v. WADE

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize the 36th anniversary of the Roe v. Wade decision and in particular the efforts of those who have worked for the right to life that the decision made so tenuous. Today, as they have since 1974, thousands of people marched on Washington to show their dedication to a movement that has seen many gains in the past few years. These people march for a culture where 50 million innocent lives would be saved, and where people are valued beyond their simple worth as a thing. They also march to mourn these lives of the unborn. They march, ultimately, for the dignity of humanity which has been denied for too many people.

This year's march is particularly poignant, because these hundreds of thousands have come after millions, including myself, came to celebrate the election of American's first black President. We also celebrated the life and accomplishments of civil rights leader Dr. Martin Luther King, Jr. I'm proud of how far America's come, as we break down racial and ethnic barriers that many thought were invincible, but we know there's more to do. As Dr. King's niece, Alveda King commented after the election of President Obama, "[Dr. King's] dream of full equality remains just a dream as long as unborn children continue to be treated no better than property."

Madam Speaker, we've made many gains towards a culture of life in recent years. The

number of abortions has fallen every year since their peak in 1990, and there have been successes at both the state and federal level: federal funding for research requiring the destruction of human embryos has been restricted, we continued to observe the Mexico City Policy, "partial birth abortion" has been banned, and many states have policies requiring parental consent for minors. I hope that President Obama and this Congress will continue down this road, and remember the culture of life that we recognize today.

TRIBUTE TO SERGEANT MAJOR
CURTIS B. GREEN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of Sergeant Major Curtis B. Green, whose meritorious service to the United States Army has spanned thirty years and culminated with his distinguished service as Sergeant Major of Letterkenny Army Depot.

Throughout his career, Sergeant Major Green has been an exceptional leader and has served in numerous positions of great responsibility. Beginning his military career as a rifleman, he spent 9 years in the 82nd Airborne Division followed by assignments in Germany, Aberdeen Proving Ground, and Alaska. In the past 10 years Sergeant Major Green has compiled an exceptional record of achievement at Fort Sill, Camp Casey, and Camp Red Cloud, Fort Hood, and Letterkenny Army Depot. In each position he consistently produced exceptional results.

After 4 years as a unit first Sergeant, his exceptional record earned him the rank of Sergeant Major as well as immediate reassignment as the 2nd Infantry Division G4 Maintenance Sergeant Major. Here he led the Division maintenance inspection teams and became Division Readiness NCO. In 2003 he returned to the United States and was assigned as Support Operations Sergeant Major and was directly responsible for the coordination of external and internal support among division

battalions and COSCOM support units. And later, when deployed to Iraq—Sergeant Major Green left with an advance party and was responsible for preparing the area for the arrival of the 1st Cav.—his dutiful performance earned him the Bronze Star.

In 2005, Sergeant Major Green became the Letterkenny Army Depot Sergeant Major. His logistics background and strong military leadership skills facilitated a quick transition into a predominately civilian organization. Here, he identified with the Letterkenny workforce, and orchestrated rehabilitative transfers that dramatically improved soldier performance.

Sergeant Major Green's accomplishments were not limited to improving the depot's mission. He also reached out to the depot community and provided outstanding leadership for Armed Forced Week activities, the depot/community organizational day program, and increased support to the local Scotland School for Veteran's Children. Sergeant Major Green took the initiative to lead depot soldiers and workers to visit local veteran homes, and his work to clean up and repair local cemeteries is also noteworthy.

Throughout his career, Sergeant Major Green faithfully discharged his extensive duties at home and abroad. Over the last 30 years he has made great personal sacrifices for the good of the United States military. Sergeant Major Green is a soldier's soldier and a consummate professional. He has demonstrated great concern for our soldiers and their families, and his significant contributions will have a lasting impact upon our Nation. Sergeant Major Green's professional performance reflects great honor and credit upon himself and the United States Army.

IN RECOGNITION OF MAYOR
CHRISTINE KROLIK, HILLS-
BOROUGH ASSOCIATED PARENT
GROUPS' CITIZEN OF THE YEAR

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, Mayor Christine Krolik of the Town of Hillsborough, Cali-

fornia has served her community well, ever since moving there more than a decade ago. Now, the community is rightly honoring her with the Hillsborough School District Associated Parents Groups' "Citizen of the Year Award".

Mayor Krolik is a woman of boundless energy and keen intellect with a limitless can-do attitude. Her cheerful disposition and amazing ability to organize chaos into a cohesive plan are unmatched. To the benefit of her community and our country, Christine has used her awesome powers for good, volunteering for causes great and small, political and charitable, serious and fun.

Since beginning her professional career more than 20 years ago as an actor and director in New York, Ms. Krolik has shared her knowledge and enthusiasm with grateful students and peers in Glenside, Pennsylvania; Greenwich, Connecticut and Gulfstream, Florida as well as her adopted home, northern California.

As Literacy Manager and Special Project Producer for the beloved Magic Theater at San Francisco's Fort Mason, Christine again put her love for theater and impressive performance ability to work for the betterment of the greater community.

Christine's passion for helping others is aptly displayed in the many roles she has filled with the Concours d'Elegance, Hillsborough's principal fund-raising event to benefit its schools. She has also served on the Board of Directors of Hillbarn Theater and the Shelter Network, assuring that every segment of California's 12th Congressional District benefits from her hard work and considerable ability.

It is more than fitting for the Associated Parents' Groups to bestow this honor on Mayor Krolik. Long before she joined the Town Council in 2004, Christine served her community by devoting many hours of volunteer work and she is always the first person anyone calls when they need something done quickly, professionally and cheerfully.

Madam Speaker, I salute Mayor Krolik and thank her husband, Jeff, and sons John and Billy, for sharing Christine with a very appreciative community.

HOUSE OF REPRESENTATIVES—Friday, January 23, 2009

The House met at noon and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 23, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who enters into dialogue with Your people and receives our prayers and petitions, be with the people of the United States who have established through the Constitution three branches of government.

May this government by the people ever flourish with Your blessing and by Your divine guidance. May each branch of government be faithful to its constitutional duties and firm in its unique sovereignty.

Together, may the branches strengthen the tree of national unity so that all citizens may grow in peace and patriotism.

This we ask, placing all our trust in You, Almighty God, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 181. An act to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Commission on Security and Cooperation in Europe during the One Hundred Eleventh Congress:

The Senator from Maryland (Mr. CARDIN).

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Commission on Security and Cooperation in Europe during the One Hundred Eleventh Congress:

The Senator from Maryland (Mr. CARDIN).

The message also announced that pursuant to the provisions of sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Board of Regents of the Smithsonian Institution for the One Hundred Eleventh Congress:

The Senator from Mississippi (Mr. COCHRAN).

APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore. Pursuant to the provisions of section 201(a)(2) of the Congressional Budget Act of 1974, the Speaker of the House of Representatives and the President pro tempore of the Senate hereby appoint Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office effective immediately for the remainder of the term expiring January 3, 2011.

PUBLICATION OF THE RULES OF THE COMMITTEE ON EDUCATION AND LABOR, 111TH CONGRESS

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to Rule XI, Clause 2(a)(2)

of Rules of the House of Representatives, I respectfully submit the rules for the 111th Congress for the Committee on Education and Labor for publication in the CONGRESSIONAL RECORD. The Committee adopted these rules by voice vote, with a quorum being present, at our organizational meeting on January 21, 2009.

THE RULES OF THE COMMITTEE ON EDUCATION AND LABOR FOR THE 111TH CONGRESS

RULE 1. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) Regular meetings of the Committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chair determines that the Committee will not consider any bill or resolution before the Committee and that there is no other business to be transacted at a regular meeting, he or she will give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, written notice to that effect, and no regular Committee meeting shall be held on that day.

(b) The Chair may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business.

(c) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chair, those members may file in the offices of the Committee their written request to the Chair for that special meeting. Immediately upon the filing of the request, the staff director of the Committee shall notify the Chair of the filing of the request. If, within three calendar days after the filing of the request, the Chair does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. Immediately upon the filing of the notice, the staff director of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered. The Committee shall meet on that date and hour and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Legislative meetings of the Committee and its subcommittees shall be open to the public, including radio, television and still photography coverage, unless such meetings are closed pursuant to the requirements of the Rules of the House. No business meeting of the Committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice.

(e) The Chair of the Committee or of a subcommittee, as appropriate, shall preside at meetings or hearings. In the absence of the Chair of the Committee or of a subcommittee, members shall preside as provided in clause 2(d) of Rule XI of the Rules of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the House of Representatives. No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chair.

RULE 2. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be five standing subcommittees. In addition to conducting oversight in the area of their respective jurisdictions as required in clause 2 of Rule X of the House, each subcommittee shall have the following jurisdiction:

Subcommittee on Early Childhood, Elementary and Secondary Education.—Education from early learning through the high school level including, but not limited to, elementary and secondary education, education of the disabled, the homeless and migrant and agricultural labor. Also including school construction, overseas dependent schools, career and technical training, school safety and alcohol and drug abuse prevention, educational research and improvement, including the Institute of Education Sciences; and early care and education programs and early learning programs, including the Head Start Act and the Child Care and Development Block Grant Act.

Subcommittee on Higher Education, Lifelong Learning and Competitiveness.—Education and training beyond the high school level including, but not limited to higher education generally, postsecondary student assistance and employment services, the Higher Education Act; postsecondary career and technical education, training and apprenticeship, including the Workforce Investment Act, displaced homemakers, adult basic education (family literacy), rehabilitation, professional development, and training programs from immigration funding; pre-service and in-service teacher training, including Title II of the Elementary and Secondary Education Act and Title II of the Higher Education Act; science and technology programs; affirmative action in higher education; Title IX of the Education Amendments of 1972; all welfare reform programs including, work incentive programs, welfare-to-work requirements; the Native American Programs Act, the Robert A. Taft Institute, and Institute for Peace.

Subcommittee on Healthy Families and Communities.—Adolescent development and training programs, including but not limited to those providing for the care and treatment of certain at risk youth, including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; all matters dealing with child abuse and domestic violence, including the Child Abuse Prevention and Treatment Act, and child adoption; school lunch and child nutrition, poverty programs including the Community Services Block Grant Act, and the Low Income Home Energy Assistance Program (LIHEAP); all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; environmental education; all domestic volunteer programs; library services and construction, and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act, workers' compensation including, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, Family and Med-

ical Leave Act, Worker Adjustment and Retraining Notification Act, including training for dislocated workers, Employee Polygraph Protection Act of 1988, trade and immigration issues as they impact employers and workers, and workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety.

Subcommittee on Health, Employment, Labor and Pensions.—All matters dealing with relationships between employers and workers generally including, but not limited to, the National Labor Relations Act, Labor Management Relations Act, Labor-Management Reporting and Disclosure Act, Bureau of Labor Statistics, employment-related retirement security, including pension, health and other employee benefits, the Employee Retirement Income Security Act (ERISA); all matters related to equal employment opportunity and civil rights in employment, including affirmative action.

(b) The majority party members of the Committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 3. EX OFFICIO MEMBERSHIP

The Chair of the Committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chair or ranking minority party member has not been assigned.

RULE 4. SUBCOMMITTEE SCHEDULING

(a) Subcommittee chair shall set meeting or hearing dates after consultation with the Chair and other subcommittee chair with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings, wherever possible. No such meetings or hearings, however, shall be held outside of Washington, D.C., or during a recess or adjournment of the House of Representatives without the prior authorization of the Committee Chair. Where practicable, 14 days' notice will be given of such meeting or hearing.

(b) Available dates for subcommittee meetings during the session shall be assigned by the Chair to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chair shall not schedule simultaneous subcommittee markups, a subcommittee markup during a full Committee markup or any hearing during a markup.

RULE 5. SUBCOMMITTEE RULES

The rules of the Committee shall be the rules of its subcommittees.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chair of the Committee may, at the request of a subcommittee Chair, make a temporary assignment of any member of the Committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C. Any member of the Committee may attend public hearings of any subcommittee and any member of the Committee may question witnesses only when they have been recognized by the Chair for that purpose.

RULE 7. HEARING PROCEDURE

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of

hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chair or the subcommittee chair, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chair or the subcommittee chair shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as practicable after such public announcement is made.

(b) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the subcommittee.

(c) All opening statements at hearings conducted by the Committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chair of the Committee or any subcommittee determines that one statement from the Chair or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the Committee or subcommittee, such member shall be entitled to briefly introduce such witness at the hearing.

(d) To the extent practicable, witnesses who are to appear before the Committee or a subcommittee shall file with the staff director of the Committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the Committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the Committee pursuant to this rule.

(e) When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a Committee hearing or subcommittee hearing.

(f) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

RULE 8. QUESTIONING OF HEARING WITNESSES

(a) Subject to clauses (b), (c) and (d), a Committee member may question hearing witnesses only when the member has been recognized by the Chair for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chair, followed by

the ranking minority party member and all other members alternating between the majority and minority party. The Chair shall exercise discretion in determining the order in which members will be recognized. In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chair may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chair may permit Committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(d) In an investigative hearing or in an executive session, the Chair's authority to extend questioning under subsection (b) and (c) of this rule shall be equal for the majority and the minority party and may not exceed one hour in the aggregate, and shall only be conducted by counsel for the majority and the minority party when authorized under subsection (c) of this rule.

RULE 9. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chair of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chair shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chair shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chair shall notify in writing all members of the Committee of the issuance of the subpoena.

RULE 10. DEPOSITION PROCEDURE

(a) In accordance with the Committee receiving authorization by the House of Representatives for the taking of depositions in furtherance of a Committee investigation, the Chair, upon consultation with the ranking minority member, may order the taking of depositions pursuant to notice or subpoena as contemplated by this rule.

(b) The Chair or majority staff shall consult with the ranking minority member or minority staff no less than three business days before any notice or subpoena for a deposition is issued. After such consultation, all members shall receive written notice that a notice or subpoena for a deposition will be issued.

(c) A notice or subpoena issued under this rule shall specify the date, time, and place of the deposition and the method or methods by which the deposition will be recorded. Prior to testifying, a deponent shall be provided with a copy of the Committee's rules, the House Resolution authorizing the taking of the deposition, and Rule X of the Rules of the House of Representatives.

(d)(1) A deposition shall be conducted by one or more members or Committee counsel as designated by the Chair or ranking minority member.

(2) A deposition shall be taken under oath or affirmation administered by a member or a person otherwise authorized to administer oaths and affirmations.

(e) A deponent may be accompanied at a deposition by counsel to advise the deponent of the deponent's rights. Only members and Committee counsel, however, may examine the deponent. No one may be present at a deposition other than members, Committee staff designated by the Chair or ranking minority member, such individuals as may be required to administer the oath or affirmation and transcribe or record the proceedings, the deponent, and the deponent's counsel (including personal counsel and counsel for the entity employing the deponent if the scope of the deposition is expected to cover actions taken as part of the deponent's employment). Observers or counsel for other persons or entities may not attend.

(f)(1) Unless the majority, minority, and deponent agree otherwise, questions in a deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or counsel conducting the deposition agree to a different length of questioning. In each round, a member or Committee counsel designated by the Chair shall ask questions first, and the member or Committee counsel designated by the ranking minority member shall ask questions second.

(2) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. Deponent may refuse to answer a question only to preserve a privilege. When the deponent has objected and refused to answer a question to preserve a privilege, the Chair may rule on any such objection after the deposition has adjourned. If the Chair overrules any such objection and thereby orders a deponent to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the Committee and shall be provided to members and the deponent no less than three days before the ruling is enforced at a reconvened deposition. If a member of the Committee appeals in writing the ruling of the Chair, the appeal shall be preserved for Committee consideration. A deponent who refuses to answer a question after being directed to answer by the Chair in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chair is reversed on appeal. In all cases, when deposition testimony for which an objection has been made is offered for admission in evidence before the Committee, all properly lodged objections then made shall be timely and shall be considered by the Committee prior to admission in evidence before the Committee.

(g) Deposition testimony shall be transcribed by stenographic means and may also be video recorded. The clerk of the Committee shall receive the transcript and any video recording and promptly forward such to minority staff at the same time the clerk distributes such to other majority staff.

(h) The individual administering the oath shall certify on the transcript that the deponent was duly sworn. The transcriber shall certify that the transcript is a true, verbatim record of the testimony, and the transcript and any exhibits shall be filed, as shall any video recording, with the clerk of the Committee. In no case shall any video recording be considered the official transcript of a deposition or otherwise supersede the certified written transcript.

(i) After receiving the transcript, majority staff shall make available the transcript for review by the deponent or deponent's counsel. No later than ten business days thereafter, the deponent may submit suggested changes to the Chair. Committee majority staff may direct the clerk of the Committee to note any typographical errors, including any requested by the deponent or minority staff, via an errata sheet appended to the transcript. Any proposed substantive changes, modifications, clarifications, or amendments to the deposition testimony must be submitted by the deponent as an affidavit that includes the deponent's reasons therefore. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript, a copy of which shall be promptly forwarded to minority staff.

(j) The Chair and ranking minority member shall consult regarding the release of deposition transcript or electronic recordings. If either objects in writing to a proposed release of a deposition transcript or electronic recording or a portion thereof, the matter shall be promptly referred to the Committee for resolution.

RULE 11. QUORUMS

One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action other than amending Committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the Committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the Committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 12. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chair shall consult with subcommittee chair regarding referral to the appropriate subcommittees, of such bills, resolutions, and other matters, which have been referred to the Committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chair shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chair, at which time such proposed referral shall be made unless one or more subcommittee chair shall have given written notice to the Chair of the full Committee and to the chair of each subcommittee that he or she intends to question such proposed referral at the next regularly scheduled meeting of the Committee, or at a special meeting of the Committee called for that purpose, at which time referral shall be made by the majority members of the Committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. Upon a majority vote of the Committee, a bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled at any time for the Committee's direct consideration or for reference to another subcommittee.

(c) All members of the Committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the Committee; but this requirement may be waived upon determination, by a majority of the members voting,

that emergency or urgent circumstances require immediate consideration thereof.

(d) When a bill or resolution is being considered by the Committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee or subcommittee, as the case may be.

(e) In determining the order in which amendments to a matter pending before the Committee or a subcommittee will be considered, the Chair may give priority to:

- (1) The Chair's mark, and
- (2) Amendments, otherwise in order, that have been filed with the Committee at least 24 hours prior to the Committee or Subcommittee business meeting on said measure or matter.

RULE 13. VOTES

(a) With respect to each roll call vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(b) In accordance with clause 2(h) of Rule XI of the House of Representatives, the Chair of the Committee or a Subcommittee is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. Such Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 14. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the Committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the Committee or subcommittee for inspection by the public at reasonable times in the offices of the Committee or subcommittee and shall be made available on the Committee's website not later than 3 business days after conclusion of the markup. Information so available for public inspection and on the Committee's website shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII of the Rules of the House of Representatives, any official permanent record of the Committee (including any record of a legislative, oversight, or other activity of the Committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

- (1) any record that the Committee (or a subcommittee) makes available for public use before such record is delivered to the Ar-

chivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House of Representatives, any record of the Committee for which a time, schedule, or condition for availability is specified by order of the Committee (entered during the Congress in which the record is made or acquired by the Committee) shall be made available in accordance with the order of the Committee.

(c) The official permanent records of the Committee include noncurrent records of the Committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the Committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of Committee Rule 15(a)(2) have been met, a quorum consisting of a majority of the members of the Committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the Committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule VII of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b) (3) of this Rule.

RULE 15. REPORTS

(a) Reports of the Committee: All Committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(1) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House of Representatives. No material change shall be made in the report distributed to members unless agreed to by the ranking minority member; but any member or members of the Committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(2) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 4 of Rule XIII of the Rules of

the House of Representatives after the Committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(3) To the extent practicable, any report prepared pursuant to a Committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the Committee or subcommittee, as the case may be.

(b) Disclaimers: (1) The report on activities of the Committee required under clause 1 of Rule XI of the Rules of the House of Representatives shall include the following disclaimer in the document transmitting the report to the Clerk of the House of Representatives:

This report has not been officially adopted by the Committee on Education and Labor or any subcommittee thereof and therefore may not necessarily reflect the views of its members.

Such disclaimer need not be included if the report was circulated to all members of the Committee at least 7 days prior to its submission to the House of Representatives and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

(2) All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and therefore may not necessarily reflect the views of its members.

The minority party members of the Committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(c) Reports of Subcommittees. Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the chair of the subcommittee reporting the bill, resolution, or matter to the Committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the Committee. It shall be the duty of the chair of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(1) In any event, the report, described in the proviso in subsection (c) (2) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the Committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the Committee shall transmit immediately to the chair of the subcommittee a notice of the filing of that request.

(2) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full Committee unless it has been

delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration. A member of the Committee shall receive, upon his or her request, a paper copy of such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chair of the Committee so requires (in response to a request from the ranking minority member of the Committee or for other reasons), a comparison showing proposed changes in existing law.

RULE 16. APPOINTMENT OF CONFEREES, NOTICE OF CONFERENCE MEETINGS AND CONFERENCE MOTION

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chair shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other Committee members as the Chair may designate with the approval of the majority party members. Recommendations of the Chair to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chair shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 11 of Rule I of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chair shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

(c) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chair considers it appropriate.

RULE 17. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the Committee may not seek to suspend the Rules of the House of Representatives on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chair and ranking minority member of the full Committee.

RULE 18. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) Television, Radio and Still Photography.—(1) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography subject to the requirements of Rule XI, clause 4 of the Rules of the House of Representatives and except when the hearing or meeting is closed pursuant to the Rules of the House of Representatives and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chair of the Committee, the subcommittee chair, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House of Representatives.

(2) Personnel providing coverage by the television and radio media shall be then cur-

rently accredited to the Radio and Television Correspondents' Galleries.

(3) Personnel providing coverage by still photography shall be then accredited to the Press Photographers' Gallery.

(b) Internet Broadcast.—An open meeting or hearing of the Committee or subcommittee may be covered and recorded, in whole or in part, by Internet broadcast, unless such meeting or hearing is closed pursuant to the Rules of the House of Representatives and of the Committee. Such coverage shall be fair and nonpartisan in accordance with clause 4(b) of Rule XI of the House of Representatives and other applicable rules of the House of Representatives and of the Committee. Members of the Committee shall have prompt access to any recording of such coverage to the extent that such coverage is maintained. Personnel providing such coverage shall be employees of the House of Representatives or currently accredited to the Radio and Television Correspondents' Galleries.

RULE 19. COMMITTEE STAFF

(a) The employees of the Committee shall be appointed by the Chair in consultation with subcommittee chair and other majority party members of the Committee within the budget approved for such purposes by the Committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the Committee shall determine within the budget approved for such purposes by the Committee.

RULE 20. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chair, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the Committee, who may delegate such authority as they determine appropriate. All Committee staff shall be assigned to Committee business and no other duties may be assigned to them.

RULE 21. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved; the provisions of this rule shall govern travel of Committee members and staff. Travel to be paid from funds set aside for the full Committee for any member or any staff member shall be paid only upon the prior authorization of the Chair. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. The Chair shall review travel requests to assure the validity to Committee business. Before such authorization is given, there shall be submitted to the Chair in writing the following:

- (1) The purpose of the travel;
- (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;
- (3) The location of the event for which the travel is to be made; and
- (4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the

Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittees, prior authorization must be obtained from the Chair, or, in the case of a subcommittee, from the subcommittee chair and the Chair. Before such authorization is given, there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) The purpose of travel;
- (B) The dates during which the travel will occur;
- (C) The names of the countries to be visited and the length of time to be spent in each;
- (D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and
- (E) The names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chair or the chair of a subcommittee (except that individuals may submit a request to the Chair for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) The Chair shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chair covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House of Representatives and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(d) Prior to the Chair's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 22. BUDGET AND EXPENSES

(a) The Chair in consultation with the majority party members of the Committee shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chair shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted.

The Chair shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House of Representatives. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chair or the chair of any standing subcommittee may initiate necessary travel requests as provided in Rule 21 within the limits of their portion of the consolidated budget as approved by the House, and the Chair may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chair of the Committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) Out of funds budgeted and set aside for each subcommittee, not to exceed \$5,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) Out of funds budgeted for the full Committee majority, not to exceed \$5,000 for expenses of witnesses attending full Committee hearings; and

(3) Out of funds set aside to the minority party members,

(A) Not to exceed, for each of the subcommittees, \$5,000 for expenses of witnesses attending subcommittee hearings, and

(B) Not to exceed \$5,000 for expenses of witnesses attending full Committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of Committee funds shall be maintained in the Committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 23. CHANGES IN COMMITTEE RULES

The Committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the proposed change.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, January 26, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

228. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Huntsville, Alabama) [MB Docket No.: 08-105

RM-11444] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

229. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Sioux City, Iowa) [MB Docket No.: 08-109 RM-11452] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

230. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Omaha, Nebraska) [MB Docket No.: 08-115 RM-11445] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

231. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Kearney, Nebraska) [MB Docket No.: 08-199 RM-11486] received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

232. A letter from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers [CG Docket No.: 03-123 CC Docket No.: 98-67 WC Docket No.: 05-196] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

233. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — License Requirements Policy for Iran and for Certain Weapons of Mass Destruction Proliferators [Docket No. 0811241505-81513-01] (RIN: 0694-AE50) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

234. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-030, Electronic Products Environmental Assessment Tool (EPEAT) [FAC 2005-30; FAR Case 2006-030; Item VI; Docket 2007-0001, Sequence 9] (RIN: 9000-AK85) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

235. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-012, Combating Trafficking in Persons [FAC 2005-30; FAR Case 2005-012; Item VII; Docket 2006-0020; Sequence 25] (RIN: 9000-AK31) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

236. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-016; Trade Agreements-New Thresholds [FAC 2005-30; FAR Case 2007-016; Item VIII; Docket 2008-0001; Sequence 3] (RIN: 9000-AK89) received January 14, 2009, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

237. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Technical Amendment [FAC 2005-30; Item IX; Docket FAR-2009-0011; Sequence 1] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

238. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-30; Small Entity Compliance Guide [Docket FAR 2009-0013, Sequence 1] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. STEARNS, Mr. UPTON, Mr. TERRY, Mr. WALDEN, Mr. BLUNT, Mr. RADANOVICH, Mr. GINGREY of Georgia, Mr. SHIMKUS, Mr. WHITFIELD, and Mrs. BLACKBURN):

H.R. 661. A bill to provide additional coupons for the digital-to-analog converter box program and to expedite delivery of coupons under such program; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mrs. KIRKPATRICK of Arizona, Mr. MOORE of Kansas, Mr. SAM JOHNSON of Texas, Mr. SHULER, Mr. CALVERT, Mr. BILBRAY, Mr. KRATOVL, and Mr. ELLSWORTH):

H.R. 662. A bill to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW (for himself, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND):

H.R. 663. A bill to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself and Mr. GARY G. MILLER of California):

H.R. 664. A bill to make the 2001 and 2003 tax relief permanent law; to the Committee on Ways and Means.

By Mr. ROHRBACHER:

H.R. 665. A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, Mr. HALL of New York, Ms. BORDALLO, Mrs. MALONEY, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. MURTHA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SHEA-PORTER, Mr. BOYD, Mr. HARE, Mr. WOLF, Mr. LINDER, Ms. MARKEY of Colorado, Mr. SESTAK, Mr. CARDOZA, Mr. MCNERNEY, Mr. BOSWELL, Mr. ROSS, Mr. COSTA, Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, Mr. PERLMUTTER, and Mr. KLINE of Minnesota):

H.R. 666. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Mr. SALAZAR (for himself, Mr. PASCRELL, Ms. SUTTON, Mr. HALL of New York, Mr. HOLT, Mr. SESTAK, Mr. CAPUANO, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. HARE, Ms. MARKEY of Colorado, Mr. PERLMUTTER, and Mr. PLATTS):

H.R. 667. A bill to improve the diagnosis and treatment of traumatic brain injury in

members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN (for himself and Mr. KIND):

H.R. 668. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare Program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Mr. JOHNSON of Georgia, Mr. CLAY, Mr. TOWNS, Mr. BUTTERFIELD, Mr. WATT, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. GENE GREEN of Texas, Mr. DOGGETT, Mr. OLVER, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Ms. EDWARDS of Maryland, Mr. HINOJOSA, Mr. LANGEVIN, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFGREN of California, Mr. RUSH, Mr. RANGEL, Mr. CLYBURN, Mr. CONYERS, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia,

Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Ms. CLARKE, Mr. PAYNE, Mr. CUMMINGS, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Ms. WATERS, and Ms. LEE of California):

H. Res. 83. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. CRENSHAW.
H.R. 154: Mr. FRANK of Massachusetts.
H.R. 156: Ms. SHEA-PORTER.
H.R. 173: Mr. BOSWELL.
H.R. 174: Mr. PERLMUTTER.
H.R. 205: Mrs. MYRICK, Mr. JORDAN of Ohio, and Mr. MANZULLO.
H.R. 226: Mr. WITTMAN and Mr. GARY G. MILLER of California.
H.R. 293: Mr. MILLER of Florida.
H.R. 294: Mr. MILLER of Florida.
H.R. 295: Mr. MILLER of Florida.
H.R. 296: Mr. MILLER of Florida.
H.R. 297: Mr. MILLER of Florida.
H.R. 495: Mr. CUELLAR.
H.R. 578: Mr. HINCHEY and Mr. FILNER.
H.R. 607: Mr. JONES.
H. Res. 19: Mr. PLATTS.
H. Res. 49: Mr. DREIER, Mr. ISSA, Mr. ROYCE, Mr. BILIRAKIS, Mr. GARY G. MILLER of California, and Mr. LEWIS of California.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 23, 2009

Mr. SCHRADER. Madam Speaker, my vote against the Republican Motion to Recommit

reflected my commitment to maintaining a solid record of representation for my Congressional District, unclouded by political gamesmanship. This Motion stood in the way of passing a necessary accountability measure. I took this vote with the full knowledge that I would have the opportunity the next day to vote against releasing the second half of the bailout money for the financial industry.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Monday, January 26, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

Almighty God, by whose Providence our forebears brought forth a nation, conceived in liberty and dedicated to equal justice for all, give the Members of this body that same spirit as they seek to make a better world. May this quest for justice motivate them to eliminate those things that obstruct the coming of Your kingdom. Lord, each day may they give primacy to prayer, seeking Your guidance as they strive to make decisions that honor You. Guide them by Your higher wisdom so that they will not give in to disappointment, doubt or despair.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, January 26, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period for the transaction of morning business until 4 p.m. today. Senators will be permitted to speak for up to 10 minutes each.

At 4 p.m., the Senate will turn to executive session to consider the nomination of Timothy Geithner to be Secretary of the Treasury, with the time until 6 p.m. equally divided and controlled between the chair and ranking member of the Finance Committee, Senators BAUCUS and GRASSLEY, or their designees. At 6 p.m., the Senate will proceed to vote on the confirmation of the Geithner nomination.

Following executive session, the Senate will proceed to the consideration of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

At approximately 12:30 p.m. tomorrow, KIRSTEN GILLIBRAND will take the oath of office and become a Senator from the State of New York.

CHILDREN'S HEALTH INSURANCE

Mr. REID. Mr. President, in the last Congress, the Senate passed an extension of the Children's Health Insurance Program with an overwhelming majority of 69 votes. In a Congress too often marred by partisan divide, this strong vote last session in favor of healthy children briefly stood as a bright example of the good that comes from Government—putting people ahead of politics.

Regrettably, President Bush chose to veto our bipartisan children's health legislation and because of a few too many loyal House Republicans in a narrowly divided House, that veto was upheld.

In Nevada, low-income families have been forced to put their children on waiting lists for future health coverage. In the year and a half since the veto, millions of children have been shut out of regular checkups, medicine, and hospital trips.

From coast to coast, more than 4 million children who would have been covered if our legislation had passed are not getting regular checkups or the care they need when they get sick.

Jeopardizing the health of American children is not a political victory for anyone. It is a loss for everyone, and it is long past time we corrected it.

This week, we have the chance, beginning tonight, to keep our promise to America's children by passing a new Children's Health Insurance Program. With the support of Democrats and Republicans in Congress and a new President in the White House poised to sign this bill into law, we can ensure that more low-income families can provide

their children with the medical care they need to grow up strong and healthy.

Our legislation give States the resources and ability to insure an additional 4 million children. Our legislation covers the lowest income children first by giving States new tools to enroll uninsured children who qualify for Medicaid and rewarding States for successful enrollments in the Children's Health Insurance Program.

Our legislation doesn't just provide more children with health care but also improves the quality of care they receive.

In Nevada and across America, the number of uninsured children is rising. The Kaiser Family Foundation estimates that for every 1-point rise in our national unemployment rate, 700,000 more children join the ranks of the uninsured. In Nevada and across America, the number of uninsured is rising every day. The number of uninsured children is rising every day, which makes it seem so unbearable for America to have so many uninsured children. The number of children who are not getting checkups, medicine, and emergency care is rising every day.

This week, the Senate will engage in an open, fair, and lively debate on this critical legislation. There will surely be points where Republicans and Democrats disagree on specifics. Democrats would have written this legislation to cover more children, but we compromised to create a bill Republicans would support.

Republicans may raise points of concern during the debate, and Democrats will consider their differing views. But during this debate, we should remember that the overwhelming majority of Democrats and Republicans agree on the fundamentals of this legislation.

I look forward to a productive debate, and I look forward to President Obama signing into law an extension of the Children's Health Insurance Program that will allow children of Nevada and all 50 States to get the care they need and deserve.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee.

BIPARTISAN COOPERATION

Mr. ALEXANDER. Mr. President, on Friday, at the National Press Club, Senate Republican leader MITCH MCCONNELL delivered an important address that everyone concerned about the future of our country ought to read.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks Senator MCCONNELL's speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, Senator MCCONNELL congratulated the President for reminding many in Washington, including many Republicans, that the American people want their leaders to work together to solve problems, not to set traps. He suggested that among the issues on which we could cooperate are reducing the national debt, energy independence, and lowering taxes. Specifically, Senator MCCONNELL urged the President to follow up on his pledge to put the power of the Democratic majorities to work on entitlement spending, the automatic spending that threatens within just 9 years to consume nearly 70 percent of the Federal budget and to create a national debt that equals our Nation's annual gross domestic product. Already, each American's share of the national debt is \$35,000.

In order to do that, Senator MCCONNELL said the President will have to reject the hyperpartisanship that exists in some quarters of Congress and engage Republicans on the merits of our ideas.

Senator MCCONNELL said that as Republican leader of the Senate, he would make this a firm principle of his dealings with the new administration, and he said that if the new President follows up on his promise to address entitlement spending, Democrats can expect more consideration from the Republicans than the last President received from them.

This is a major statement by an experienced Senate leader who has proven he knows how to stop bad legislation but is offering to go to work with the new President to shape and improve good and needed legislation, if the new majorities will meet Republicans on the merits of our ideas.

Some time ago, Senator MCCONNELL invited President Obama to come to the Senate and meet with Senate Republicans. And we all hope that soon he may do that.

The kind of cooperation Senator MCCONNELL talked about in his speech on Friday did not happen often in the last few years. It did on energy, it did on American competitiveness, to some

degree on foreign intelligence issues. Earlier, it happened on education and some other issues. But when President Bush, for example, made reforming Social Security the major thrust of his second term, Democrats said no. Neither side moved off their position, and so deficit spending and our national debt kept going up.

If any subject over the last few years deserved cooperation, it was the war in Iraq. Senator Salazar and I assembled 17 Senators, 9 Democrats, and 8 Republicans, and there were 63 Members of the House almost evenly divided between the parties who sponsored a resolution to set as a goal for the country to end the war on the principles recommended by the Iraq Study Group.

President Bush would not support our legislation. The Democratic leaders refused to bring it to a vote. I remember telling both President Bush and Senator REID I believed we were the only ones who actually united them on Iraq. They were both against what we were trying to do. But if either President Bush had supported our resolution or if Senator REID had allowed it to come to a vote, I believe the resolution would have been enacted, sending a message to our troops, to our country, and to our enemy that we were united in bringing an honorable and successful end to that conflict.

Ironically, we are now headed in Iraq toward a conclusion that now seems to have the general support of both President Bush and President Obama, presided over by the same Secretary of Defense, who has served them both. That is approximately the same result that was recommended by the Iraq Study Group.

That is not just my opinion. Toward the end of last year I asked both Secretary Gates and Secretary Rice whether the path toward conclusion of the Iraq war that was agreed upon by the Iraqis and the United States and is now basically being recommended by President Obama, whether that was the path recommended by the Iraq Study Group, and each of them said yes.

There is a lesson here for the new administration. Technically, President Bush did not need Congress's approval to wage the war in Iraq. He is the Commander in Chief. But if he had won that congressional approval for the last 2 years of the war, that would have made the war easier, perhaps more successful, and certainly the Bush Presidency more successful.

Technically, President Obama, with large Democratic majorities in Congress, does not need Republicans to pass most legislation. "We won the election; we will write the bill," said Speaker PELOSI. That is the way to pass many bills, but as President Bush found out, it is not the way to have a successful Presidency.

The President and the Democratic majorities on their own can pass many

bills, and we Republicans, with 41 or 42 votes in the Senate, can block some things and slow down almost anything. But most of us Republicans agree with Senator MCCONNELL: That is not what we are here to do. And what President Obama said in his inaugural address is that is not the kind of Presidency he wishes to have.

The new President is off to a good start in his relationships with Republican Members of the Senate. Even the Senate Democratic majority is showing some encouraging signs of letting the Senate function as it is supposed to function, as a guardian against the tyranny of the majority, warned of by de Tocqueville, by allowing debates, by allowing amendments and rollcalls on major pieces of legislation. That is what we are here for; we are here to represent the men and women who live in our States on those issues.

Tomorrow morning, there is a bipartisan breakfast, the first one of this year. We had them during the last 2 years. At that breakfast, we will be discussing the resolution of Senator CONRAD and Senator GREGG to create a Bipartisan Task Force for Responsible Fiscal Action. In other words, to get serious about dealing with runaway entitlement spending. Already we have, I believe, 26 Members of the Senate, almost evenly split among Democrats and Republicans, who have accepted to come to that breakfast tomorrow morning. That is an unusual number of Senators for such an event.

Republicans and Democrats will not always agree. We emphasize different principles. We have different solutions. We are here because we were nominated in partisan conventions or partisan elections. We are here to contend, we are here to debate, we are here to offer our ideas. But to get here, almost all of us had to earn Independent votes and some votes from the other party.

When we got here, we all took an oath to represent all our constituents.

What will make this Presidency and this Congress different is if after we conclude delivering our sermons to one another, we put aside the 20 percent on which we disagree, and see if we can come to some result on the 80 percent on which we agree, as Senator ENZI of Wyoming likes to say.

This will not happen if the majority takes the position: We won the election, we will write the bill; or if the Democratic leader seeks to muzzle our constituents by not allowing amendments and debates and votes on the Senate floor. It can happen, as the Republican leader, Senator MCCONNELL, said in his address on Friday, if we in the Senate act like grownups and have the courage to put aside hyperpartisanship and reject the advice of groups that protect narrow interests and find ways to work together to solve the real problems that are facing our country today.

EXHIBIT 1

[From the Office of Senator Mitch McConnell, Jan. 23, 2009]

MEETING CHALLENGES: A WAY FORWARD FOR CONGRESS

Remarks of U.S. Senate Republican Leader Mitch McConnell (as prepared for delivery) National Press Club, January 23, 2009.

"Thank you, Donna. I also want to thank John Donnelly of Congressional Quarterly for inviting me here today. I'm delighted to be here, and I'm honored to be joined by such a distinguished group of reporters.

"For more than a century, the National Press Club has served a vital national purpose as a forum for newsmakers and those who cover them. A free press is essential to our Democracy. And today I thought I'd come over here to look for some free press.

"This past Tuesday, millions of Americans who are old enough to remember past inaugurations were reminded of one of the great hallmarks of our republic, and millions of young people experienced for the first time the rejuvenating effect of the peaceful transfer of power. Of all our civic rituals, few elicit the same feelings of national pride at home or more admiration abroad.

"But the inauguration of President Obama was somehow different, and not only because we were moved at seeing an African American take the oath of office from the steps of a building built by slaves. This year's inauguration was different because this year's election was different.

"For the first time in awhile, America has a president who isn't viewed by most people as an overly polarizing figure. Americans are intrigued by President Obama's promise of post-partisanship. And this afternoon I'd like to share some of my thoughts on the possibility of a new era of cooperation.

"As others have noted, the President does not govern alone.

He can't sign a bill Congress hasn't already passed. He can't spend money Congress hasn't appropriated. If President Obama's promise of post-partisanship is to be realized, he'll first need some cooperation from Congress.

"And so, in the spirit of overcoming divisions, let me start out by saying that I agree with President Obama's assertion on Tuesday that many of today's problems are simply too great for us to pass over in the interest of protecting narrow interests. The normal constituencies must be widened.

"On issue after issue, members of both parties have too often fallen into the habit of asking narrow interest groups what they think should be done about something before thinking about what the average American thinks should be done.

"This is how a group like CodePink could end up having so much influence in a national debate about the conduct of a war. This is why a prominent labor leader thinks he can tell a reporter that he expects 'pay-back' from Democrats for the support he gave them during last year's elections. And this is how vulgar insults hurled from overcaffeinated activists can suddenly pass for legitimate political discourse.

"When these things happen, it's easy to see why cynicism about government persists.

"And it's easy to see why something needs to change.

"Both sides are guilty. Republicans need to reevaluate the way decisions are made in Washington, and so do Democrats. But one thing is clear: every decision cannot be made based on a political calculation—because the usual interest groups so seldom agree.

"President Obama seems to understand this. His campaign was based on the notion

that ordinary Americans would have a seat at the table in his administration. And broadening the old constituencies is, as he has suggested, one sure way to uphold that pledge.

"Once we do this, there are many issues on which we can cooperate. President Obama mentioned several of them on the campaign trail: reducing the national debt, increasing energy independence, and lowering taxes. There are others.

But achieving any one of them will be impossible without cooperation between both parties in Congress and between Congress and the White House.

"Now, I realize that if you told most people Mitch McConnell was down at the National Press Club hoping for bipartisanship, they'd tell you that's like an insurance agent hoping for an earthquake. Most people don't exactly view me as the Mr. Rogers of the Senate. But, respectfully, I think reporters too often confuse being conservative with being partisan. And while my voting record clearly reflects my core values, it also reflects a long commitment to working with others.

"Senator Feinstein has been my closest collaborator in fighting human rights abuses in Burma. For years, I worked alongside Senator Dodd on the Senate Rules Committee, where we teamed up to pass the Help America Vote Act. And more recently, I took a lead role in brokering a bipartisan financial rescue plan just a few weeks before my own reelection bid in November.

"I fought for the rescue package because I thought the country needed it, even though my party could have done without it—and I ended up paying for my efforts. Soon after the deal was struck, one of the very people who had sat at the negotiating table with me ended up running ads against me on that very issue. He saw that it made me vulnerable back home, and tried to capitalize on it politically, which I certainly didn't expect. But these are the risks that politicians have to take from time to time in order to achieve something worthwhile. And it's a risk I was willing to take.

"There was, of course, a time when working on a bipartisan basis to achieve big things for the nation didn't mean exposing oneself to attack ads by one's own colleagues. For years, the Senate was a place where real friendships across party lines were common. One thinks of the breakfast meetings between Mike Mansfield and George Aiken; or Jim Eastland and Gaylord Nelson—men as far apart ideologically as you could find—spending time together after a long day's work. My Senate mentor, John Sherman Cooper, had a close relationship with President Kennedy.

"These friendships were always good for the Senate, and occasionally they paid major dividends for the whole country. One of the great examples of this in the modern era is the Social Security fix of 1983, brokered by Pat Moynihan and Bob Dole. And it's an example we could learn a lot from today.

"As Moynihan later recalled it, the genesis of that particular achievement came on the morning of January 3, 1983. Dole had published an op-ed piece in that day's edition of the 'New York Times' in which he said that Republicans were eager to accomplish big things in the coming year.

"He cited Social Security as a case in point, arguing that the looming insolvency of Social Security should overwhelm every other domestic priority. By accelerating already-scheduled taxes and reducing future benefit increases, Dole said, Social Security could be made solvent for decades.

"At some point later in the day, Moynihan approached Dole on the Senate floor. If Dole really thought Social Security could be saved, he said, why not try to do it together? Well, 13 days later, an agreement was reached, and the Social Security crisis had passed.

"Twenty years later, Bob Dole could say that he had been the longest serving Republican Leader in history and the Republican nominee for president of the United States. But when a reporter asked him what he considered his proudest accomplishments in a lifetime of public service, the first thing that came to mind was the Social Security fix of 1983. Dole explained it this way: 'Those things that are lasting are bipartisan. If you don't have a consensus, it's not going to last.'

"This kind of bipartisan consensus has been increasingly rare in recent years, and the nation has suffered as a result. We saw this four years ago, when President Bush, newly reelected and with expanded Republican majorities in Congress, had the courage to put Social Security reform on the agenda. When he asked for bipartisan help, not one Democrat in Congress stepped forward. Every single one of them turned his or her back, reflexively choosing politics over governing—and the nation lost out on an opportunity to fix a crucial program in desperate need of reform.

"Today, Democrats have substantial majorities in the Senate and the House. They control the White House. And now Democrats assume responsibility for a number of pressing problems—including the one they refused to face in 2005. The problem with entitlement spending has not gone away.

"On Social Security in particular, the situation is increasingly dire: in 1950, 16 workers paid for every one person who received Social Security benefits. Today, it's about 3 workers per beneficiary. And within 10 years times, more money will be coming out of the Social Security fund than going in.

"Looking at entitlements in general, Social Security, Medicare, Medicaid, and other programs will soon consume about twice the percentage of the federal budget they did four decades ago. If we don't rein this spending in, soon we'll have only have a fraction left for things like defense, roads, bridges, and special ed. And this is not a problem that raising taxes will solve. In order to meet all our current entitlement promises, we'd have to extract \$495,000 from every American household.

"The expansion of entitlement spending is a looming crisis that has been overlooked for too long. And with control of the White House and big majorities in Congress, Democrats now owe it to the American people to put their power to work on this vital issue. And here's my pledge: If they do so, they can expect more cooperation from Republicans than the last President received from them.

"President Obama has said he wants to tackle the entitlements crisis. But in order to succeed, he'll have to continue to reject the hyper partisanship that exists in some quarters of Congress. And he will have to engage Republicans on the merits of our ideas.

"The good news is that most people think ideas should be assessed on their merits, not on the senator or the president who proposes them. Our new President seems to think the same thing. And as Senate Republican Leader, I also pledge to make this a firm principle in my dealings with the Obama Administration.

"President Obama's campaign reminded many in Washington, including many Republicans, of the aspirations that the Americans people have about their government.

People want their leaders to work together to solve problems, not to set traps. The challenge now is for both parties to cooperate, not just in word but in deed.

"In all this, politics will have its place. But at this moment, achieving big things for the country is where my ambitions lie. Voters from both parties think Washington is broken. And that's a shame. But if both parties have helped create this cynical view of government, then both parties will have to work to correct it. And we can start, once the current debate over the Stimulus is through, by working to reform Social Security and Medicare.

"In this and in other efforts, there will be disagreements. But they can be principled disagreements, and the result of principled disagreement is often principled cooperation. The result won't satisfy everyone. As Bob Dole said of the 1983 Social Security fix, 'No one got everything, and everyone got something.'

"But many of the domestic problems we face are simply too great to kick the can down the road any longer. We need to summon the courage to act on issues that are of grave concern to our nation's future. And the long-term sustainability of entitlements is one of them.

"As Republicans look for common ground in this and other areas where legislative progress can be made, some will no doubt accuse us of compromise. But those who do so will be confusing compromise with cooperation. And anyone who belittles cooperation resigns him or herself to a state of permanent legislative gridlock. And that is simply no longer acceptable to the American people.

"President Obama has shown himself to be a man of legislative ambition. He reaffirmed this on Tuesday when he called on the country to recognize collective failures, and when he called on politicians to step up to the unpleasant tasks and seek first the interests of the whole.

"Make no mistake: Some of our new President's proposals will be met with strong, principled resistance from me and from others. But many of his ambitions show real potential for bipartisan cooperation. And if we see sensible, bipartisan proposals, Republicans will choose bipartisan solutions over partisan failures every time.

"Thank you very much."

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GEITHNER NOMINATION

Mr. BUNNING. Mr. President, I rise to speak in opposition to the nomination of Timothy Geithner to be Secretary of the Treasury. Of the many positions in the Federal Government about to be filled, the Treasury Secretary is among the most critical today. We are confronted by several financial panics and disasters, and one false move by the Secretary of the Treasury could result in years of stagnation and high unemployment.

Even before the disclosure of Mr. Geithner's tax problems, I had serious reservations about his nomination. Mr. Geithner has been involved in about every flawed bailout action of the previous administration. He was the front-line regulator in New York when all the so-called financial innovations that have recently brought our markets to their knees became widespread. He went along with all the flawed monetary policy decisions of Alan Greenspan and Ben Bernanke, and he stretched the law beyond recognition to bail out Bear Stearns and later AIG. All those actions, or failures to act, raise questions about the nominee's judgment, but his failure to pay his own Social Security and Medicare taxes, despite clear evidence he knew he owed the taxes, reflects negligence or worse toward the law he will be responsible for enforcing.

The financial crisis we are in the middle of today did not happen overnight and it could have been prevented. Easy monetary policy under former Federal Reserve Chairman Alan Greenspan provided the fuel for a speculative asset bubble that burst. Finally, it popped. Mr. Geithner helped Chairman Greenspan keep pouring that fuel on the fire from the day he got to the New York Fed.

More careful regulation by Mr. Greenspan, his successor Ben Bernanke, and other regulators could have better contained the damage from the bubble. Mr. Geithner sat at their side from 2003 until now. Yet he raised not one objection to their flawed regulations.

Even worse than supporting the flawed Greenspan and Bernanke policies, Mr. Geithner failed himself as a regulator. One of Mr. Geithner's most important jobs was to prevent the collapse of the largest and most important banks. One look at Citigroup today shows how he failed in that job. Although he talked about the great threat or the systemic risk, Mr. Geithner sat idly by as risk became more and more concentrated in the hands of a few large financial institutions and the pricing of risk became detached from reality. Trillions of dollars in savings held by Americans are being destroyed as a result.

When the crisis worsened last fall, Mr. Geithner helped craft the \$700 billion bailout presented to Congress. The Geithner-Paulson-Bernanke plan, as sold to Congress, was to buy toxic assets to bail out their Wall Street buddies—no strings attached. But soon, Treasury changed course, choosing to take equity in banks—an option explicitly rejected before Congress. Sadly, Mr. Geithner went along with all these decisions.

Finally, we have learned that Mr. Geithner is comfortable with giving tax dollars away, but not so much with paying them himself. Documents show

he repeatedly acknowledged his tax obligation and then ignored clear instructions to pay. I find Mr. Geithner's explanation that this was a careless mistake unconvincing and unsupported by the facts.

His failure to pay what he owed cost Social Security and Medicare more than \$34,000, part of which would never have been repaid if Mr. Geithner was not nominated to be Secretary of the Treasury, a position which oversees tax enforcement. And he was able to convince the IRS to refund the penalties they initially charged. I hope Mr. Geithner will remember this experience when considering the tax issues of ordinary Americans.

This is all the more unfortunate because America needs a strong and credible Secretary of the Treasury now more than ever. The most recent Secretary treated Congress with borderline contempt and hostility. He was not forthcoming with information or explanations, only marching orders. I do believe Mr. Geithner understands the important role Congress has to play in our economic policies, and until his evasive and unsatisfactory answers about his tax problems, I thought he would at least do a better job than Secretary Paulson at working with Congress. When Mr. Geithner is indeed confirmed—and I know he will be by this body—I hope he will follow through on his promises to be a responsive and respectful Secretary of Treasury to Congress.

Mr. President, for all these reasons I have discussed, I cannot, in good conscience, support this nomination.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to comment on Mr. Geithner's nomination to be the Secretary of the U.S. Department of the Treasury. Although I became a member of the Senate Finance Committee only Thursday, I have spent considerable time reviewing the nomination documents and testimony of Mr. Geithner. I also brought to bear my expertise as an accountant and long-time member of the Senate Banking Committee to make a determination on Mr. Geithner's qualifications. After thoughtful deliberation, I voted against his nomination in the Senate Finance Committee. I continue to oppose his nomination today, and urge my colleagues to do the same.

The position of Secretary of the Treasury is one of the most important

nominations this chamber considers. The Treasury executes the domestic and international economic policy of the United States; our trade policy, the purchase and sale of public debt, regulation of national banks, and of course our tax policy. All revenues of the Federal Government pass through the doors of the Treasury.

This position is even more meaningful when we consider the economic condition of the United States today. We are in the middle of a global financial crisis. The U.S. economy is slowing and Americans are losing their jobs, homes, and retirement savings at an alarming rate. The Secretary of the Treasury will be immediately tasked with turning our economy around. This challenge can only be met by the most capable and qualified candidate. Unfortunately, I do not believe that candidate is Mr. Geithner.

As chairman of the New York Federal Reserve, Mr. Geithner helped to orchestrate major bailouts for Bear Stearns, AIG, Citigroup, and others. These bailouts have cost American taxpayers billions of dollars. The AIG bailout alone cost \$85 billion in September, 2008. Many of the actions taken by the New York Federal Reserve, under Geithner's leadership, were beyond the purview of the Emergency Economic Stabilization Act and taken without the explicit consent of Congress.

The money used in these bailouts was spent without transparency or accountability. They were also spent on corporate retreats and executive compensation instead of loans to thaw our frozen credit markets. Mr. Geithner's career at the New York Fed should be described more as a financier of Wall Street than as a steward of American monetary policy. I am apprehensive about supporting the nomination of someone who puts shareholder interests above the needs of hardworking taxpayers.

Mr. Geithner has also failed to provide specifics about his plans to use the remaining \$350 billion in TARP funding. His testimony before the Senate Finance Committee last week displayed the same urgency and strong language as former Secretary Paulson's testimony before the Senate Banking Committee in September. Soon after, however, we saw that money spent in ways unaccountable to and unintended by the U.S. Senate and the American taxpayer. Measurable goals and clear direction are absolutely required if American taxpayers are to fully understand how and why their money is being spent to assist failing banks and companies. So far, Mr. Geithner has provided neither. I have not and will not support massive Government intervention to rescue private industry.

Finally, I believe Mr. Geithner's failure to pay \$34,000 in Social Security and Medicare taxes is inexcusable. The

Treasury Secretary is in charge of the Internal Revenue Service and the enforcement of our Nation's tax code. As one of my colleagues already noted, "How do I explain to my constituents that I voted to confirm someone who will make them pay taxes, but sometimes does not pay his own taxes?" This negligent behavior deserves more than a simple slap on the wrist or half-hearted apology before a Senate committee.

In previous years, nominees for positions that do not oversee tax reporting and collection have been forced to withdraw their nomination for more minor offenses. They have been ridden out of town on a verbal rail. They have been forced to withdraw. The fact that we are in a global economic crisis is not a reason to overlook these errors. It should be a reason to more closely scrutinize Mr. Geithner's record and his judgment.

The Treasury Secretary makes policy decisions every day that impact the global financial markets and put America on a new economic path. These decisions are often made without the explicit consent, or even knowledge, of those outside the administration. While the Senate cannot scrutinize and debate every decision the Secretary makes, it is our duty to ensure the President's nominee has the character and judgment necessary to perform these duties successfully. Mr. Geithner's past negligence casts doubt on his qualifications in this regard.

Some of my colleagues in the Senate have argued that, despite these concerns, President Obama should have his choice of economic counsel confirmed because he is the President. I respectfully disagree. We are charged with the advice and consent of nominees under the Constitution. Are we saying there is only one person in the whole world qualified to handle the situation as it is today? With the broad authority granted to the Treasury Secretary and the enormous challenge facing the new Secretary to right our country's economic ship, President Obama's choice impacts every American in a very personal way. The Senate would not be doing its duty if we simply confirmed this nominee without addressing these issues.

Many of my constituents are asking, "Are you seriously considering putting someone who failed to pay their taxes in charge of the department which controls the IRS? You couldn't find anyone better?" Yet that is exactly what we are doing. Many of your constituents are asking the same thing, but my voice seems to be one of the few of dissent. But that is not why we have a Senate. The Senate is not supposed to be a group of "yes men" rubber stamping everything the executive branch sends us. We are supposed to stand out, stand up and reason during the rush. We are supposed to think and then act

based on understanding and knowledge. We are not doing so today.

Mr. President, I intend to vote against the nomination of Mr. Timothy Geithner as Secretary to the U.S. Department of the Treasury. The Senate needs more time to fully address the problems I have identified and debate Mr. Geithner's qualifications. I respectfully urge my colleagues to vote no.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

SCHIP REAUTHORIZATION

Mr. KYL. Madam President, this week the Senate is considering the so-called SCHIP bill, the State Children's Health Insurance Program, which is what SCHIP stands for. It is a program that has been worthwhile to take care of kids who are from families of lower income and need help with their health insurance. Last year, we attempted to work in a bipartisan way to get a reauthorization of the so-called SCHIP bill. This year, however, the Democratic majority has decided to work it alone, to write a partisan bill without Republican input. In fact, every single one of the Republican amendments offered during the Finance Committee markup of this bill last week was defeated. There was one small amendment that was accepted; otherwise, they were all defeated.

It is my judgment that this is not the best way to start off the year—working together, bridging the partisan gap, all of the things President Obama talked about, trying to put the old politics behind us—if we are simply going to approach something this important on a partisan basis.

I rise to talk about four specific ways in which I hope we can come together and work in a more bipartisan way to improve the bill. It doesn't put low-income children first, and that should be the whole point of the SCHIP bill.

First, it expands SCHIP to higher income families—in fact, for two States and only two States, for families making \$88,200 a year. That is not for the State of the Presiding Officer or for my State. That is only for New York State. People in New York State would be able to make \$88,000 per year—actually, about \$40,000 even above that—and qualify. So it is not about helping low-income children.

Second, it removes about 2.5 million people who are already in private insurance programs with their employer. It will result in their leaving the employer's health care coverage to come

to a Government-sponsored program, something called the "crowd out" effect.

Third, it is actually not even paid for in the sense that we normally treat these authorization bills. We try to make sure that whatever new spending we provide is offset by some other spending. But there is a budget gimmick that is used to account for the spending in this bill.

Finally, for the first time it significantly expands the program to include not only citizens but legal immigrants, primarily green card holders. It eliminates most of the requirement for demonstrating eligibility for citizens, which would result in a lot of illegal immigrants getting coverage.

In these four important areas, we ought to work together and find a way to amend the bill before we end up voting on it, perhaps at the end of the week.

Let me first turn to the question of the budget gimmick. Sometimes you say how much something costs. In the Senate, our scoring always requires that we show a 5-year cost and a 10-year cost. That is a good thing to do. What they do in this bill is make it work, in effect, for about 4.5 years, then they slow the spending way down so that it doesn't look as if it is going to cost any more. The result would be that we would have to disenroll millions of children. Think about it. Are we being honest when we have a level of spending for 4.5 years and then it drops off a cliff to virtually nothing? Are we honest to say that is the 10-year cost of the bill when we know we would have to disenroll kids in order to make it work that way? No. The reality is, we are going to continue to keep the level of spending for the entire 10 years, and the bill, therefore, will cost about twice as much as we say it is going to cost. In fact, the Congressional Budget Office, which pays attention to these things, says the cost of the bill is going to be about \$115.2 billion over 10 years, of which only \$73.3 billion is offset. So the net result is a \$41.6 billion deficit spending bill for fiscal years 2009 through 2019. That is the first problem.

The second problem is that the bill is not limited to low-income families. In fact, it is extended to quite high-income families. It permits States to cover children from families earning as much as \$66,150 per year. That is 300 percent of poverty. That is well above SCHIP's original intent of 200 percent of poverty. Of course, the more you increase the income level, the more likely it is that you are going to crowd out people who already have insurance.

As I mentioned, there is even an exception for New Jersey and New York which would allow families in New Jersey earning approximately \$77,175 per year to qualify, and in New York, \$88,200 a year or 400 percent of poverty.

Let me put this in perspective. In Arizona, the Arizona KIDS Program covers families earning \$44,100 per year or 200 percent of poverty. That is low-income families. But under this bill, Arizona's hard-earned taxpayer funds will be sent to cover families who earn twice that much in New York State. That is not fair. It is not right.

To make matters worse, the committee acknowledged that States may intentionally disregard tens of thousands of dollars worth of income in order to make a child eligible. They could disregard, for example, \$20,000 a year in housing expenses, \$10,000 a year in transportation expenses, \$10,000 a year for clothing expenses. The net result is that if Congress sets this level of \$88,200 for New York and then allows \$40,000 worth of income disregards, children could actually come from families earning nearly \$130,000 and still be eligible for SCHIP. That does not comport with what either Senator Obama said he wanted or what most of us think would be fair.

Third, I talked about the crowd-out effect, especially by extending this to higher income families. We are going to replace a lot of private insurance with Government insurance. In fact, according to the Congressional Budget Office, about 2.5 million individuals will lose their private coverage under this bill.

It is interesting that last year we raised this problem. It was considered to be a serious problem. But my amendment to try to deal with that failed. Nevertheless, when the Democratic House leaders and Democratic Senate committee members got together, they wrote a provision to deal with the crowd-out, recognizing that it was a serious problem. They passed the bill. This was written in part by the chairman of the Finance Committee. That crowd-out provision, however, was dropped from this year's version of the bill. There is no crowd-out provision. So in the committee, I offered an amendment to insert their crowd-out language, the language drafted by the chairman of the committee, passed by the House and Senate last year. That amendment failed.

Well, maybe it is premature to deal with the problem of crowd-out. We know there is going to be crowd-out. The Congressional Budget Office says there will be, and the time to deal with it is before we adopt the legislation, not after.

Finally, let me close with the immigration-related section, section 214. This eliminates the current 5-year bar allowing Federal coverage of Medicaid or SCHIP coverage for legal immigrants. These are primarily green card holders. Not even the House bill goes this far. The Senate bill actually eliminates the requirement that sponsors of immigrants reimburse the Federal Government for immigrants' coverage.

This would be for the first time since actually 1882—our Federal law dates back that far—with regard to immigration.

We are a nation of immigrants. We invite immigrants to come here. My grandparents are immigrants. We want to make sure that when they come here, they don't immediately become a public charge or go on welfare. That is why, starting as far back as 1882, we said: You need to take care of yourself when you come here and not ask the Government to do it or at least have your sponsor affirm that he or she will take care of you. That was affirmed in 1996 when we updated the legislation.

This mark would eliminate that requirement, so that from now on legal immigrants, primarily green card holders, would be able to avail terms of this coverage. It is about 300,000 individuals estimated at a 5-year cost of \$1.3 billion. I don't have the CBO number for the 10-year cost. That number doesn't even begin to take into account people who are here illegally but who might actually make legal under some kind of immigration reform, if that were to happen. It is also estimated that about 100,000 of these 300,000 individuals would be crowded out from either private insurance or State insurance coverage. So we continue to have the crowd-out effect here.

The problematic section is section 211. This will likely increase the number of illegal immigrants and other ineligible individuals because it eliminates the current document verification to demonstrate that you are entitled to accept the benefits of the program. What this does is to say that all you have to do is provide a Social Security number. In my State, all of the illegal immigrants—virtually all of the illegal immigrants have Social Security numbers. In fact, they have a lot of Social Security numbers sometimes, most of which are probably not valid, some of which, however, are valid. So even if they are checked through the system, which this bill does not require, you would catch them. All you have to do is to say: Here is a Social Security number. Now let me avail myself of the benefits. That is the whole point of the immigration reform legislation. That Social Security number proves nothing with regard to eligibility. That would be substituted for the requirements already in the bill.

Are the requirements already in the bill onerous? I think not. There are four different levels of documentation you can provide. The last document, tier 4, is when you can't do any of the other things, you can simply have two individuals affirm your citizenship. You can do this by mail. You don't even have to show up in person. So it is not as if we have onerous requirements today to participate in the program.

Even with the very generous provisions we have, it is my understanding

from a GAO study in 2007 that we think most of the people who are eligible are signing up and we are not getting a lot of ineligible people signing up. In other words, people are not gaming the system, and that is a good thing. But why make it easier to game the system, especially to play into the hands of those who are here illegally, who use a Social Security number for work purposes and now could use it for this purpose, signing up for SCHIP.

We will have amendments that deal with each of these subjects. The bottom line is, we should get back to dealing with this subject in a way in which both Democrats and Republicans can have input into the bill and actually solve some of the problems. I know some of my Democratic colleagues were interested in this eligibility issue because they don't want a lot of people getting benefits who aren't entitled. It will only hurt those who are entitled. We need to have strong eligibility requirements.

We don't want to begin to expand this program to people who are not citizens of the United States and who have a contract with the United States when they come here as our guests, either on a temporary basis or on a green card. They understand their obligations when they come here. One of their responsibilities is not to begin to receive benefits of this kind from the taxpaying American citizen.

For these four reasons, I hope that when this legislation comes before us, we are able to not only amend the bill, work to amend the bill, but will actually have amendments adopted and that we can improve the legislation so that we can all be proud to support it at the end of the day. If not, an awful lot of Republicans, including myself, will not be able to support the legislation.

The PRESIDING OFFICER. The Senator from Florida is recognized.

GEITHNER NOMINATION

Mr. NELSON of Florida. Madam President, we all know because of what we have seen in our various States that our people are hurting; they are losing their homes; they are losing their jobs; they are falling behind in their mortgages; They are losing their businesses; and they are losing their life savings.

Now, we clearly have the mandate that, if it is humanly possible, we need to turn this economy around. So the people of this country are expecting to see us take some real action—real action—on trying to turn this economy around. We, in this position, representing our States, are very privileged to have the public's trust and the responsibility that comes with that trust. Part of that responsibility means when there is a problem, we have to shine light on the problem and find out what it is.

Take, for example, what we have seen recently on the Wall Street greed, when you have a former Merrill Lynch executive spending almost a million and a half dollars on his office renovations while his company was forcing layoffs as well as having huge losses and while the company that was acquired—his company—was asking for billions of dollars, and receiving it, from the public moneys. Well, there is obviously a problem.

A number of us have filed legislation that is going to try to get at this issue. Even with this being put in the law, a new law saying none of this bailout money can be used for office renovations and political contributions or to go off on all these extravagant conferences or for corporate aircraft or for entertainment and holiday parties or for executive bonuses—all of these things that have come forth when the light of day is shone on them, having so enraged our people and our constituents—well, even if we get this into the law—and I hope we will be able to pass this legislation a number of us have filed—it is still going to take the administration riding herd on this issue every day, and that means primarily the Secretary of the Treasury.

We are going to be voting on the confirmation of the Secretary of the Treasury at 6 o'clock today. It is this Senator's intention to vote for Timothy Geithner. But what is it going to take to get Wall Street's attention and to restore the American family's quality of life? It is going to take real accountability. That means the next Secretary of the Treasury is going to have to ride herd and, when he appoints an accountability board, to make sure that board is meeting—like the last Secretary of the Treasury did not. They did not meet once to see how that first tranche of \$350 billion of the bailout money was being spent—not once.

So I come from the sunshine State. We believe in letting the sun shine in. This means not getting ahead of ourselves when Wall Street comes crying that one of their unregulated financial schemes threatens to destroy our way of life, and then turns around and throws some party on some Caribbean island. It means putting in place regulations with the right carrots and sticks so we are not gambling with our country's future.

So as we are about to confirm the next Secretary of the Treasury, there is not a more important mandate than for him to crack the whip and make sure this Federal money, this public money, this taxpayer money, is being spent as it was intended, and holding people accountable, and reporting the results. If we do not get the accountability and the transparency, if we do not get what we expect from the banks that willingly accept this money, then we should demand the public's money back.

I have spoken personally to the nominee, and he has said—and I want to quote him—"I completely get it." So I am assuming he is going to be confirmed today. I will vote for him. I expect swift action to back up these words. The American people expect swift action by all of us to bring Wall Street and this economy back in line. We do not have any time to waste. There is simply too much at stake.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUES FACING AMERICA

Mr. DURBIN. Madam President, this is the first full week of our new administration, and many of us sense things have changed for the better, and we are hopeful. We can't assume anything because there is a lot of hard work ahead, and we are going to have to try everything we can to resolve some of the major issues that face our country that we can address in the Senate.

We were successful last week, in passing with 61 votes—bipartisan roll-call—the Lilly Ledbetter legislation. This was a bill which tried to cure a problem created by a Supreme Court decision that was questioned about whether women should be entitled to equal pay for equal work. Lilly Ledbetter, after 15 or 16 years working at a tire company in Alabama, discovered that within her job classification men were being paid more than she as a woman. She did not discover this until she was about to retire. So she filed a lawsuit and the Supreme Court across the street reached a conclusion which no other court had reached and said Ms. Ledbetter could not recover because she didn't report the first discriminatory paycheck paid to her in—I think it was 180 days. Her answer, which most people who work in the private sector would say, is, How am I supposed to know what the fellow next to me is getting in his paycheck? They don't publish these things. So when she did discover it and filed it, they said she was too late.

So we changed the law so, if there is discrimination, a person will have their day in court. They will have a fair hearing. The reasonable attempts to discover the information are enough. The Supreme Court standard was unreasonable. So that is the first thing

we will pass, sending that to our new President, President Obama. It is a bill which we considered before under President Bush but did not have the votes to pass before. So now a bipartisan group is sending it to the President.

This week we are on a new issue, and the new issue is another matter that has come before us in previous Congresses and is returning. It is the Children's Health Insurance Program. This was a program that was started back in 1997 under President Clinton and a Republican Congress. The object was a good one.

We know across America there are some 15 million children who are uninsured, and we need to find a way to bring them insurance. If these children are in the poorest families in America, we take care of them. The Medicaid Program for the poorest kids in America provides for these children. However, if they are not among the poorest and their parents are not lucky enough to have health insurance, they fall right in the middle.

Here are kids whose parents get up and go to work every day where the work does not provide health insurance. So we said to the States: We will give you a special deal because we think it is important for America to provide health insurance for as many kids as possible. What we will do is give you more Federal funds than usual as an incentive to bring these kids in, get them insured.

The States got involved, and it has been a success. More and more kids have been brought into the program. In my State of Illinois, about 65 percent of the cost is paid by the Federal Government, 35 percent by the State. So whenever a Governor comes up with an idea to bring more kids in, that Governor knows he has to put the money on the table, at least 35 percent of the cost, to bring in more kids.

Unfortunately, the program was expiring and many of the kids had not been reached. Currently, we have 9 million children under the age of 18 who are uninsured and 6 million of them are eligible for CHIP and a combination with Medicaid. We wanted to try to bring up this number. It costs money because we are putting Federal money into it. So we said: What is a reasonable way to pay for it? It happens to be a way I voted for consistently and that is raising the tax on tobacco products.

Some people may see this a little differently, but, by and large, I know, and our life experience proves, that when the cost of tobacco products goes up, fewer kids will buy them. If we can stop a kid from starting to smoke before the age of 18, there is a better than 50-50 chance they never will smoke. Expensive products with the taxes that are imposed discourage kids from buying them and provide the revenue for this program. So the 61-cent new Fed-

eral tax was going to be used to provide health insurance for kids.

I think it is a fair tradeoff. I will vote for that proposal. I have voted for it. We passed the bill twice and sent it to President Bush. He vetoed it both times. So now it is coming back.

We are going to consider this bill in this week's debate. I have had reports about my Republican colleagues who have come to the floor critical of this bill. It is their right to oppose it. I have opposed bills they supported in the past. That is what the Senate is all about. But I would like to address each of the arguments they are making.

First, there is no doubt in my mind this is important. How important is it for a parent to know their kids have access to a doctor? I think it is one of the most important things. If you have ever had a sick child, particularly one who needed care, it breaks your heart to know you cannot take them to the best doctor or hospital, maybe not to any doctor or hospital.

We all know that if you can reach a child with a problem such as asthma at an early age and start treating the child, it is less likely that child will have serious problems later on.

Most of us understand intuitively that providing health insurance for kids is not only compassionate, it is the smart thing to do. Those kids are more likely to be healthy. They are more likely to go to school and not be absentees. They are more likely to grow up to be healthy adults. That is a pretty good outcome for this country.

The opposite is true as well. Without health care, these kids may have little problems that grow into big problems. They will start missing school, and they may become chronically ill at a point where they become extremely expensive, not to mention compromising their quality of life.

So here we are trying to expand the Children's Health Insurance Program, and the argument on the other side is we should not do it, at least not the way we have proposed.

I think it is priority. I am glad President Obama has asked us to send him this bill as quickly as we can. I want to get these kids covered. The sooner we do, the better for them and their families and the better for our country.

We know when this policy was instituted 10 years ago, more and more kids received the basic care that people want them to receive.

There are some other considerations too. Here is how we define "eligibility." We say that if you are no higher than 200 percent of what we call the poverty income, then your kids are eligible. What does that mean? It is about \$42,000 a year in income. Then we say to the States: If you want to expand that to a higher level, up to 300 percent, a family income of \$63,000—each State has that option, but if you expand it, you have to put State money on the table. You do not get this free.

Some of the Republicans and columnist George Will have argued we are being too generous, that we are providing health insurance to families who ought to be able to pay for it themselves. I disagree, and I think some people making this argument are out of touch with what these families face.

Imagine if you are a family making \$42,000 a year, and by way of speculation, most people pay about 40 percent of their gross pay in FICA and taxes. So you are likely to see about \$26,000 a year in take-home pay out of \$42,000—maybe a little bit more but \$26,000. That comes out to a little more than \$2,000 a month to live on for everything—for your mortgage or rent, your utilities, putting gas in the car, automobile insurance, food, clothing—the list goes on. A little more than \$2,000 a month.

I have a niece who is a part-time worker. She works here and there where she can. She is a mother whose child is now an adult. I asked her recently: Paula, what do you pay? What would you pay for health insurance?

She said: It is \$400 a month. That is what they quote me. She said: I can't pay that. And I understand why she cannot pay it.

If we use that as a hypothetical figure, \$400 a month, out of a take-home pay of \$2,000 or \$2,200 a month, that is a big piece of the paycheck. So to help these people with children's health insurance, at least to cover their kids, is not unreasonable. It is not like we are giving a subsidy to rich people.

Elizabeth Warren is a Harvard professor of law whom I respect. She may be one of the best speakers for consumers, particularly middle-income consumers, across America. She took a look at people making about \$49,000 a year, smack dab in the middle of the middle class, and what happened to them over the last 8 years. What she found was their income did not keep pace with the cost of inflation. We know that is true. People were not getting paycheck increases to keep up with the cost of living.

She calculated that between 2000 and 2007, these people lost about \$1,100 because the cost of living went up and their paychecks did not go up. Food costs were up \$205; telephone bills \$142; appliance costs, gas bills—the list goes on and on, including mortgage payments, gasoline, and childcare costs.

It turned out those people smack dab in the middle of the middle class, making what middle-income families made at \$49,000 a year, had actually fallen behind over 7 years by \$5,000.

The point I am getting to is this: I think it is hard for us as Members of the Senate who get paid pretty nicely, I might add, and have some benefits to go with it, to stand here and say, if you have \$42,000 coming in, even if you have \$63,000 gross pay coming in, you don't

need any help in paying for health insurance. That is not true. I don't think it is accurate.

This program should be in a position where it can look at families and say: We will give you a helping hand to make sure your kids are covered. That is reasonable.

So as to needing the program, we certainly need it with 9 million uninsured kids under the age of 18. Whom it should reach: Certainly people making \$42,000 a year gross income are not wealthy or not well off, even up to \$63,000, 300 percent of poverty. It is hard to imagine they have so much money that they couldn't use a helping hand with health insurance.

The final point that is made is a tougher one, and it is one we are going to be debating this week. Here is what it comes down to: Should we cover the children of people who are in the United States legally but not citizens for the first 5 years they are here? We have had this debate back and forth for 10 or 12 years. We have decided from time to time to extend food stamps to these people legally here but not citizens. The question is: Should their children receive health insurance coverage if they are legally in the United States?

There will be some who will argue: No, don't do it. I am not one of those people. I honestly believe America is not better off with sick children. I do not believe we should be naive enough to think a sick child, who happens to be an American citizen sitting in the classroom with your own child, is not going to spread the germs, is not going to have problems that could reach other kids. I guess this betrays my own personal values. I would much rather see these kids healthy and given a chance. Yes, it is going to add some costs, but they are legally here. We are not talking about undocumented people. They are legally here, and they are in the status of on the way to citizenship or at least temporarily legal in the United States.

That is an issue we will debate. This law does not require them to be covered. Each Governor has to decide. It is the State's decision. If the States don't want to cover them, that is their decision.

These folks are likely to become tomorrow's citizens. Census data shows most immigrants who enter the United States when they are children become U.S. citizens. These are the children who will grow up to be the adults we need to be in our workforce and to be productive citizens, people who will make contributions to the U.S. economy, pay their taxes, start businesses, serve in the military, and participate in America's civic life.

There are 18,000 legal immigrant children in my home State of Illinois. These are future adults who will go to school, make a career, and create fami-

lies. How can we continue to support a policy that says to our future American citizens: You have to wait 5 years to see a doctor, to get your immunizations, to feel better. No child should have to wait 5 years for health care. Five years can be a lifetime to a little boy or girl.

In the 5-year waiting period, we may miss an opportunity to diagnose and treat asthma, autism, hearing impairments, or vision problems. These are conditions that may have lifelong consequences for a child's health, educational attainment, and well-being.

Our country is better than that. We will debate these amendments, as we should. That is what the Senate is about: deliberation, votes, and resolution of issues. Then I believe we will send this Children's Health Insurance Program to President Obama. Despite the two vetoes by President Bush, we are going to extend this program because our vision of America was articulated by President Obama at the beginning of his campaign. He used to talk—in fact, he spoke this way when he was a Senator from Illinois and even a candidate for the senate in Illinois—that the misfortune of a child in East St. Louis had an impact on his life in Chicago; the misfortune and lack of education of a child on the south side of Chicago affects people living in better-off suburbs.

Bottom line, in a few words, we are in this together. If we improve the quality of life for our children, give them a fighting chance to be healthy and well educated, to become participants in America, we will be a better nation. To turn our back on them, to shun and push aside millions of kids, for whatever reason, is not good for our country in the long run. It is not the value system we are all about.

We provide foreign aid, and I support that, to countries around the world to help kids who may never set foot in the United States. We do it because we are caring people. Shouldn't our care be extended first to our own children to make sure they have basic health insurance?

I am looking forward to this debate. I hope it is the beginning of a good debate and a good outcome and that this bill will be sent to President Obama, who will have a chance to sign it into law to give these kids a fighting chance for decent health care.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY F. GEITHNER TO BE SECRETARY OF TREASURY

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read as follows:

Department of Treasury, Timothy F. Geithner, of New York, to be Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise today to express my support for the confirmation of Timothy Geithner as President Obama's choice as Secretary of the Treasury. I am aware this nominee is not free of controversy. My office has received many calls from Utahns who are concerned about Mr. Geithner's admitted errors in initially failing to report and pay his own self-employment tax. Many of them brought up the valid point that the Secretary of the Treasury, the person who is ultimately in charge of collecting taxes from all Americans and who oversees the Internal Revenue Service, should be beyond reproach in his own tax filings. Many of our colleagues on both sides of the aisle are also uneasy about this problem. I understand and I share this concern.

The Senate has a solemn responsibility in confirming key officials in the executive branch, and the Treasury Secretary is among the very most important roles in the administration, both historically and particularly at this critical time. My guiding principle for approving the President's nominees has always been that the President, as chief executive of the Nation, should be entitled to the person he or she chooses, and that the Senate has an obligation to confirm those choices except in cases where it is obvious the nominee is either incompetent, corrupt, or unethical. While not all my colleagues share this view, I believe it is the correct one, and that it helps us stay above the petty partisanship that sometimes enters into these nomination processes and harms the effectiveness of our Government.

Upon careful examination of this nominee, it is obvious that Timothy Geithner is neither incompetent nor corrupt, and certainly not unethical, and that he should be confirmed as Secretary of the Treasury. I have reached this decision after weighing the facts of his tax situation with his impressive education, experience, and

intelligence, and keeping in mind the desperate financial crisis currently facing this country.

In announcing this conclusion, I believe I owe it to the people of Utah to explain that I view Timothy Geithner's tax issue as a very serious matter. He is the top tax officer in the United States of America and, I might add, next to the President himself, is the person who bears the ultimate responsibility for collecting the revenue this Nation needs in order to operate. As such, the Treasury Secretary must be an example to all Americans in tax and financial issues, and any shortcomings in this area can be an impediment to effective tax compliance. The fact Mr. Geithner has had this issue arise, and that he admitted committing serious oversights on several of his tax returns, is indeed regrettable. It has marred an otherwise singularly outstanding nominee's record and has given pause to some in the Senate about his fitness to serve.

At the same time, it is important to note that people make mistakes and commit oversights. Even the most intelligent and gifted—two adjectives that certainly apply to Mr. Geithner—make errors in their financial dealings. For his part, Mr. Geithner has corrected the problems by filing amended returns and paying the taxes due, with interest. I recognize he did not come forward and pay the taxes for the earlier 2 years which were not covered by the audit until shortly before his nomination was announced. This is true even though he was credited for those taxes by the International Monetary Fund, and I wish this were otherwise. But the nominee has stated that he wishes he had acted differently as well.

Mr. Geithner has admitted his errors and expressed regret for them. I believe he is sincere. I have had a number of meetings with him and I am convinced he is sincere, and that he was when he testified that these omissions were mistakes and were not intentional. I think anyone who would talk to him personally and go through this with him would come to the same conclusion. While these mistakes have, to some degree, cast a shadow on Mr. Geithner's selection, it is important that they not be allowed to overshadow his impressive credentials and the very real expertise he will bring to this job—an expertise that is sorely needed at the present time. And that is acknowledging that Mr. Paulson, our current Secretary of the Treasury, has tried to do a very good job, and has done a very good job under the very pressing conditions he has faced.

Let there be no mistake, Mr. Geithner is not merely acceptable for the job, he is highly qualified. Indeed, his portfolio, knowledge, and skills make him uniquely qualified to serve and are sorely needed by this Nation as we face the current economic crisis. He

is intimately familiar with all arms of U.S. policymaking.

For instance, he is no stranger to the Treasury Department, where he served in significant positions for 8 years. That means he knows the agency, the personnel, and the tasks that will face him when he is confirmed. It means he can hit the ground running on day one and has the know-how to get the economy moving again, although that is going to be a monumental job even for Mr. Geithner.

Moreover, Mr. Geithner has already been a major player in addressing the Nation's response to the economic situation. As head of the New York Federal Reserve—actually president of the New York Federal Reserve—he has worked closely with Secretary Paulson and Federal Reserve Chairman Ben Bernanke in crafting the Government's response to the financial crisis. He knows firsthand what has worked and what has not, and is therefore best equipped to apply the remedies that will be most successful. He knows the issues and he knows the landscape and the tools available to address these problems.

Have our actions to date in responding to this economic calamity been perfect? Almost certainly not. Have mistakes been made? Yes, they undoubtedly have. Unfortunately, it is too early to assess with complete accuracy the effectiveness of our response to this complex and unprecedented situation. However, the fact that Mr. Geithner recognizes mistakes have occurred makes him more valuable, in my view, in the continuing effort to right our economic ship. I would rather have at the helm a battle-hardened veteran who knows the shoals and whirlpools than a neophyte who has to wade into these churning waters for the first time. It is imperative to the Nation to have a Treasury Secretary who won't sink or merely tread water but will swim. In my estimation, Mr. Geithner is that man.

Because of his experience at the Treasury and the Federal Reserve, and the fact that he has been working arm in arm with Secretary Paulson and Chairman Bernanke, Timothy Geithner is more aware of the complexities of the issues facing us than probably anyone else the President might have chosen. Moreover, he knows the financial markets and the counterpart officials to the Treasury Secretary around the world. That is evident from his experience in the Clinton administration as Under Secretary for International Affairs and the critical role he played in devising the successful United States response to the Asian financial crisis—not an easy thing to handle, and he did it amazingly well.

I am comfortable that despite the blemishes of his tax problem, Mr. Geithner should be confirmed to this vital position. The fact that this is an

unprecedented and dangerous time makes it all the more imperative that we vote quickly on this nomination. I do not believe we have the luxury of leaving this position unfilled even another day. Rejecting this nominee would lead to a delay of weeks in getting our new executive branch economic team focused on the problems at hand. Such a delay could be hazardous to a timely turnaround to the financial and economic crisis. Moreover, rejection of Mr. Geithner brings about the very real risk that the next person the President might nominate could be less effective for the job, even if he or she had a spotless tax compliance record.

I might add for my fellow conservatives out there, who are very upset about this—some up in arms about it—you are not going to get a better person for this job than Mr. Geithner, and you better be darned happy that the President has been willing to go to somebody who is a lot less ideological than any of us ever expected in this very important position. It is one thing to raise the issues. It is one thing to decide to vote against him. It is another thing to not acknowledge that this is a man who could really help this country at this time.

Moreover, Mr. Geithner will not approach the job of Treasury Secretary from an ideological or partisan perspective. At least that is what he has told me, and I believe he is a man of honor. A less experienced and perhaps more partisan and ideological nominee could prove divisive here in the Senate, thus leading to even more delay, and, if confirmed, that person could find himself or herself engulfed in a maelstrom without the experience from which to navigate. Timothy Geithner, I am convinced, will steer clear of partisanship. I believe he will chart a course for bipartisan cooperation rather than embark on leftwing solutions that would divide the Congress and endanger our beautiful and wonderful country.

As I conclude my remarks, I feel constrained to point out what I see is a double standard, illustrated in this nomination. Having lived through the last 8 years with President Bush, I do not think there is any question that if this had been a Republican nominee with these same problems, many in the media and some on the left of this body would have reacted with such an outcry to the tax compliance issue that the President would have had no choice other than to withdraw the nomination. A Republican nominee in Mr. Geithner's position would not have even gotten a committee vote. We all have seen that. Time after time, some of the most qualified people were rejected, were not even given a chance. I do not believe that was the right thing done then, and I do not think it is the right thing now. I do think people in a principled fashion can vote one way or the other on Mr. Geithner, but I hope

for the sake of our country they will vote to support him.

I believe that if Timothy Geithner is confirmed, it will largely be due to the fact that many on my side were willing to put partisanship to the side for the sake of what is best for the country at this time.

Looking forward, I see a real need for continued cooperation on a bipartisan basis. The current financial downturn affects all of us—everybody in America. I hope all Americans and their elected representatives can continue to put politics aside in our pursuit to find the best policies to help us out of this quagmire.

I expect we will be working closely with Timothy Geithner if he is confirmed today, as I expect he will be. Our expectations of him are very high. A less qualified or talented person might not have expected to survive this confirmation process. Even an equally gifted veteran might not have made it through a less turbulent and risky time.

Mr. Geithner, I just have to tell you, as you resume work on solving our thorniest financial problems, we send with you our best wishes even as we recall your pledge to give it your all because we are going to need everything you have.

Madam President, I reserve the remainder of my time.

I ask unanimous consent that a quorum call be entered and that all quorum calls during this debate on Mr. Geithner be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I rise today to speak on President Obama's nomination of Timothy Geithner to serve in his Cabinet as Secretary of the Treasury. Over the weeks since Mr. Geithner has been nominated, I followed closely the information regarding his background reviewed and discussed by members of the Senate Finance Committee. Additionally, I have been hearing from Georgians who are seriously concerned with the failure of Mr. Geithner to properly pay his taxes.

In this time—a time of such economic volatility and severe fiscal challenges the likes of which we, as a nation, have not seen in decades—there is no more important official or role in our Government other than the President himself and the Secretary of the

Treasury. Furthermore, while facing these challenges, something our economy needs now is confidence in our leaders and in Government.

With the critical nature of the job, with the authority over the Internal Revenue Service, payment of necessary taxes in the required time parameters is essential.

I have listened to some of my colleagues who have indicated that but for these extraordinary economic times, they would find Mr. Geithner's mistakes disqualifying of his nomination. I believe extraordinary times call for extraordinary leaders, leaders who inspire and hold the confidence of the American people, a Secretary who must set the highest standard for the employees of the Department of Treasury and the Internal Revenue Service. For example, taken to its logical conclusion, taxpayers must know that the Internal Revenue agent with whom they are meeting has paid his or her appropriate taxes and that the agent's, ultimately, departmental superior, the Secretary, has paid his taxes fully and on time.

A week ago today, last Monday, I was coming through the Atlanta airport, and a gentleman walked up to me and introduced himself.

He said: I am a retired Internal Revenue Service employee who was going to send you an e-mail today, and you saved me from having to send you that e-mail. During my tenure at the Internal Revenue Service, I was called upon to fire three separate people who committed exactly the same offense as Mr. Geithner committed.

This is not a criminal offense, but there are certain standards that must be adhered to. I know Mr. Geithner is extremely qualified. He is bright. I don't know what kind of replacement the President may come up with in lieu of Mr. Geithner. But at this point in our history, at this point as we change administrations and the people are looking to Washington for some clear and distinct evidence that things are going to be different, here we are making an exception to the rule. I simply think it is not the time to make that exception.

Last, I would say that this weekend I spent part of my time filling out IRS documents relative to an employee on whom I have paid taxes for years and years. Every year at this time, I fill out a schedule H, and I also fill out a W-2 form for that employee. I pay the taxes on that employee. I am getting ready to pay them as soon as I file my tax return, exactly as I have done for decades. That is the law. That is what we are required to do.

When we ask the people in this country to write that check on April 15 every year, a lot of them do not like to do it, but they do it. We need for them to know that the leadership at the Department of Treasury is called upon

and does act exactly the way they have to act.

Needless to say, it is troubling to me that only after Mr. Geithner was nominated to this post did he realize his failure to pay his taxes while employed at the International Monetary Fund.

I, therefore, am standing here today to say that I am going to vote against this confirmation. Whether he is confirmed or not, I hope the President looks very closely at future nominees whom he sends to the Senate and insists that all of the individuals who are nominated comply with appropriate laws that they know exist.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, let me join my colleague from Georgia for some of the same reasons and for some reasons he did not mention. I declared some time ago that I would oppose the confirmation of Timothy Geithner for the position of Secretary of the Treasury.

First, I do not believe Mr. Geithner has been remotely candid about his tax issues. I think he has been less than forthcoming about all of the facts. For example, Mr. Geithner accepted compensation from his employer to offset taxes when he had never paid those taxes to begin with. And, having been informed about his oversight from the tax years 2003 and 2004, he never bothered to check for 2001 or 2002.

Now, I can tell you I am sure he did check, but he is denying he did. I can tell you for the people in Oklahoma and across the country, very much like the people in Atlanta who were referred to by the Senator from Georgia, that small businesses or an individual who made an honest mistake on their taxes have found their Government's treatment of them slightly more aggressive than they have seen in their treatment of Mr. Geithner, a man about to lead the IRS.

It is one of those things that makes people so angry about their Government. The man who wants to be in charge of the IRS messed up with his taxes and got a pass from the Senate. Now, for as much as we talk about leveling the playing field, it sure looks as if we do not walk the walk.

I was very proud of one of our Senators in the hearing; that is, JOHN KYL. He spent a long time—he tried; I counted about 20 different ways. He was trying to ask the same question to get an answer. He never got an answer. But he did everything he could.

I emphasize my objection to Timothy Geithner's nomination to head the Treasury Department is not just about what we have been talking about—his tax problems and the tax issues. The matter which compels my coming to the floor is far more serious in my mind.

I want Senators to realize what a vote for Mr. Geithner really is. It is

ratifying aggressive Federal Government intervention in the economy. It is the flippant use of billions of U.S. taxpayer dollars to prop up favored institutions and to pick winners and losers in the marketplace.

This has created a great uncertainty in the market, which is precisely what we do not want right now. I do not criticize anyone who voted in favor of the \$700 billion bailout. I looked at it. I saw we were giving the largest amount of money ever—you could use the word “authorized”—to one person, and that person being an unelected bureaucrat. There was no oversight responsibility from the Senate.

We were all criticizing Paulson. I criticized Paulson, the Secretary of the Treasury. But Geithner was there putting this thing together at the same time. Let me say not all Federal intervention during a financial crisis is created equal. The FDIC did a good job managing the biggest bank failure in U.S. history while we in Congress were all debating TARP.

What I object to is the midnight rescue packages, the ad hoc approach. I object to the “say one thing and do another thing” type of programs. I object to the complete lack of any policy framework, explanation of principles or coherent approach. I object to the absolute lack of any transparency whatsoever. I object to the indifference to the taxpayers’ interests. Put very simply, I object to the bailout mania we have all witnessed.

I can remember when we did this matter, the \$700 billion bailout. When I was opposed to it, I made some statements. I said: We start bailing people out, if that is the new policy of Government, who is going to be next in line? I think the airline industry; they have problems. I mentioned even the auto industry. Of course, we saw what happened. People got all ecstatic, even those who voted for the \$700 billion bailout. They were all upset about the fact that we were bailing out the auto industry.

That amounted to 2 percent of the \$700 billion. People lose sight when they hear big numbers. What I do when I am explaining it, so that I understand it and my 20 kids and grandkids will understand it and the people of Oklahoma will understand it, I try to put it in some kind of perspective to see how it affects us personally.

If you take the total number of families in America who file tax returns and divide that into \$700 billion, do your own math. It comes out to \$5,000 a family. That is huge. We have to understand we are not talking about their money when we talk about Government bailouts, we are talking about our money; and Geithner is all a part of this.

It all started with Bear Stearns a year ago. The initiator of the Bear Stearns deal was not Secretary

Paulson or Chairman Bernanke, though, of course, they signed off on it. It was Timothy Geithner.

After the deal was announced, Robert Novak reported in his column that an unnamed Federal official confided in him at the time that “we may have crossed a line” in bailing out Bear Stearns. Mr. Novak wrote that it was an understatement, and that we would not know the ramifications of this decision for a long time. Well, now we understand.

We are now trillions of dollars past that line, and we are beginning to comprehend the course on which that decision has set us. I personally believe we are trillions of dollars past that line, and we are not much better off. I would say enough; the Government has gone too far, and under Mr. Geithner all indications are that we are not going to slow down anytime soon.

We need a change of course, and we need to finally, trillions of dollars later, find the strength to let those who made poor decisions bear some of the consequences, instead of the taxpayers. Timothy Geithner may take the helm of the Treasury Department at a time, if he is confirmed, when the Government has entangled itself into the economy to an unprecedented extent.

Given his strong support, stronger than by many accounts Secretary Paulson himself, for ad hoc bailouts of big firms, I cannot support this nomination. I think those people, and I know the people I talked to in Oklahoma because I am back every weekend—I call this going back and talking to real people, and they all look at this and say: Only in Washington could something like this happen, could we start with the \$700 billion bailout.

I would say this: Anyone who supported that at the time, if they want redemption, this is the time to get it because you can be redeemed by opposing Geithner in his confirmation. So, anyway, there are several reasons I hold for opposing his nomination, and I will act accordingly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I thank my colleague from Oklahoma for yielding. What is the present business before the Senate?

The PRESIDING OFFICER. The nomination of the Secretary of the Treasury.

Mr. THUNE. Thank you. That is the subject on which I wish to speak. I

would start by saying our country is going through some very hard economic times. When you are going through hard economic times, you need several things to get through. You need the resolve and the resilience of the American people. You need the skill, the talents, and the creativity of America’s best and brightest thinkers when it comes to solutions. You need wisdom from your political leaders. You also need one other thing from your political leaders: you need the presence of character. You need leaders who will lead by example.

Unfortunately, the hard times in which we find ourselves were borne of excess. We spent too much, we borrowed too much, and we saved too little.

Corporate CEOs saw fit to pay themselves huge bonuses while running their companies into the ground. Some very clever people found ways to create new financial instruments, such as credit default swaps, making enormous amounts of money for themselves on every transaction while exposing their companies and their shareholders to trillions of dollars in liabilities.

At the same time, Fannie Mae and Freddie Mac were running amok, making risky home loans that helped cause this economic crisis in which we now find ourselves. It is because of the excesses of the few that all of the American people are left holding the bag and are being called upon to clean up the mess.

Today we vote on whether to confirm a very smart, able, and skilled business leader to help lead America out of the mess we are in. No one questions Tim Geithner’s intellect, his knowledge of financial markets, or his skill in managing complex business problems. He has, as many have said, the type of experience that is necessary to navigate the turbulent waters that lie ahead. I believe he is smart. I believe he is talented. I believe he is experienced. But, as I said earlier, that is not enough.

There are lots of smart, talented, and experienced people who got us into this economic mess. It will take more than smarts, talent, and experience to get us out. It will take leaders who have the trust of the American people because they are willing to lead by example.

I don’t know Mr. Geithner’s state of mind when he made the mistake of not paying his payroll taxes between 2001 and 2004. He said it was “careless mistakes, avoidable mistakes.” Perhaps so. But the one thing I do know is he should have known better, not just because he is a highly educated businessman who had prior service as a top-ranking official at the Treasury Department but because he was notified several times of his tax liability by his employer at the time and even signed documents acknowledging that he owed the taxes. Again, he should have known better. I don’t judge Mr.

Geithner as a person. None of us is perfect; we all make mistakes. We all need redemption. But as a Senator, I have a responsibility to vote. I have to vote on whether I believe Tim Geithner should serve as our next Treasury Secretary. As a Senator, I am concerned about the message Mr. Geithner's confirmation will send to the people. As Treasury Secretary, he will oversee the IRS and, therefore, be tasked with enforcing our Nation's tax laws. Yet for 4 years he failed to pay his lawful taxes after being informed of his obligation to do so. If I were to support this nomination, I don't know how I would explain such a vote to my fellow South Dakotans who work hard and pay their taxes every year, on time and in full.

As many of my colleagues have pointed out, these are extraordinary times, and they call for extraordinary leadership. I couldn't agree more. But leadership is about more than smarts; it is about more than skill. By all accounts, Mr. Geithner is a good man. I respect his willingness to serve. I expect he will be confirmed. And when he is, he faces a daunting challenge in stabilizing our financial markets and strengthening our economy. Once he is confirmed, I look forward to working with him to meet this challenge. I hope he is successful and we as a country are successful. But for the reasons I have stated, I cannot add my support to his nomination.

Mr. BYRD. Mr. President, the Senate has traditionally given the President, especially a new President, great leeway in choosing his Cabinet. I like to follow this practice when I can, as a matter of grace and in the spirit of cooperation, believing that a President has an understandable desire to want trusted advisors in his Cabinet who are sympathetic to his programs. But I also take very seriously the oath I swore to support the U.S. Constitution and to faithfully discharge the responsibility entrusted to each Senator in advising and consenting to the appointment of all officers of the United States.

Some very serious questions have been raised about the President's nominee to be Secretary of the Treasury, Timothy Geithner, and his failure to pay Social Security taxes on income he earned at the International Monetary Fund—IMF—between 2001 and 2004. According to documents released by the Senate Finance Committee, Mr. Geithner recently filed amended tax returns for the years 2001–2002, 2004–2005, and 2006, reporting additional taxes and interest totaling \$31,536. In addition to adjusting his claims for certain expenses and credits, Mr. Geithner paid Social Security taxes on income he earned at the IMF from 2001 through 2002. This follows an audit by the IRS in 2006, when Mr. Geithner was required to pay Social Security taxes for income earned in 2003 and 2004, totaling

an additional \$16,732 in taxes and interest. At the time of the 2006 audit, Mr. Geithner chose not to pay the Social Security taxes he owed for 2001 and 2002, apparently because he had been advised that the statute of limitations had expired requiring the payment of those taxes.

I believe Mr. Geithner when he expresses regret for his failure to pay these taxes, but that doesn't explain why the failure happened. This embarrassing "mistake" occurred despite Mr. Geithner receiving annual and quarterly documents from the IMF and signing annual tax allowance requests that were supposed to serve as reminders about his tax obligations. He also failed to pay these taxes despite having accountants review his tax filings, and despite using software to prepare his tax returns. He only paid these taxes in full after being selected to be Treasury Secretary.

Had he been nominated to head almost any other position, perhaps this might not seem so egregious. But this matter seriously undermines Mr. Geithner's credibility to be the Nation's top tax enforcement officer. It suggests serious negligence on his part and creates the impression of someone trying to game the system. Mr. Geithner showed poor judgement in waiting so long to pay these taxes, and then doing so only because it became a political necessity. Certainly most American taxpayers do not have that luxury.

Whatever his qualifications and talents for addressing the banking problems that are plaguing our economy, I cannot in good conscience vote to confirm this nomination.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Connecticut.

Mr. DODD. Madam President, I rise to speak in support of the nomination of Timothy Geithner to serve as our Nation's Treasury Secretary. I believe most Americans, regardless of political persuasion or how they voted in November, would agree that we are living in probably the worst economic crisis of their lifetime. You would have to have been alive in the 1920s to remember days that even resemble the ones we are in today. So this afternoon, in the moments before we are about to vote on this nomination, I rise to express my views.

I know Tim Geithner. I wouldn't ask my colleagues to support his nomination because I know this person, respect and admire him and think he is qualified to serve as Treasury Secretary. I am asking my colleagues to support him because he is one of the most talented people I have met in the area of financial services and in understanding the regulatory architecture that not only exists today but the one that we must create in order to get our

country back on its feet again. While there are certainly issues raised, including the one raised a moment ago about back taxes—and I don't minimize that—it is also extremely important that we keep this nomination in perspective and that we understand the issues at hand. While I have served here for the last quarter of a century, I can only count on less than one hand the number of nominations I voted against in Democratic and Republican administrations. Not because I have agreed with all of them but because I happen to believe that administrations that are elected deserve to have the official family they choose, barring disqualifying concerns about a nominee's ability to serve. To be sure, a nomination to the President's Cabinet is worthy of congratulations, and I congratulate Mr. Geithner. But with our economic trouble so severe and our future so uncertain, this nomination deserves less our congratulations than our very best wishes and commitment to work in partnership.

Mr. Geithner's arrival at Treasury could not come at a more critical moment for our Nation. It comes on the heels of excessive unchecked financial practices that have brought our economy and the world's economy to its knees. Next to the President himself, no single individual will bear more of a responsibility to steer our Nation out of this crisis than the new Treasury Secretary. Charting a course of recovery requires understanding the causes of the crisis in the very first instance. As chairman of the Banking Committee, I have convened more than 80 hearings and markups in the last 24 months to help diagnose and remedy our Nation's economic troubles. It is not a responsibility I sought, nor one which I relish. Certainly, I would much rather be talking about how to grow our economy than how to save our economy, but that is where we are today.

We have an obligation, all of us, regardless of party or ideology, not only to determine how we got into this situation, but also—and more importantly, in many ways—what is needed to get us out of it.

It is by now beyond dispute that the current crisis threatening our economy started several years ago in a relatively discrete corner of the credit market known as subprime mortgage lending. Federal Reserve Chairman Bernanke, previous Treasury Secretary Hank Paulson, and many other individuals have all agreed on that fact. There is no dispute about it. Mortgage market participants from brokers to lenders to investment banks to credit rating agencies exploited millions of unsuspecting, hard-working Americans seeking to own or refinance a home. It is clear that greed and avarice overcame sound judgment and prudent

lending. But what makes this crisis different from others was the abject failure of regulators to adequately police the markets. Regulators resisted the call to regulate new markets and financial instruments, even when they had the tools to do so.

The Federal Reserve, for example, ignored a power granted by Congress over 14 years ago to regulate mortgage markets, State-chartered and federally chartered lending institutions. Not a single regulation was ever promulgated under the Bush administration until the problem was well out of hand. This wasn't a matter of there not being enough laws on the books—quite the contrary—but, rather, a matter of regulators failing to enforce the ones they had been given. What resulted was a regulatory failure of historic proportions.

Of the many lessons learned from this crisis, the most revealing is that the failure to enforce consumer protections can lead to the failure of the entire financial system. For decades, ideology prevented regulators from acknowledging this fact. It takes a crisis, unfortunately, of global scale to understand the dangers of failing to protect consumers. It is now painfully clear that when American households are preyed upon in such systemic and abusive ways, our entire financial system is threatened. Never again should we allow financial regulators to treat consumer protection as a nuisance or of secondary importance to safety and soundness regulation. Never again should we permit the kind of systemic regulatory failures that allowed reckless lending practices to mushroom into a global credit crisis.

The safety and soundness of our financial system depends upon the well-being of the customers and investors who use that system every day. Unfortunately, most of the Government actions taken in recent months have largely ignored this fact and have addressed the symptoms of the credit crisis rather than its root causes. For nearly 2 years now, I have urged, along with others, forceful and definitive action to reverse the rising tide of foreclosures that began to chip away at American households in 2007. In fact, it was exactly 2 years ago next week, I had chaired the Banking Committee for only one month, when we held the very first hearings on the mortgage credit crisis, in February of 2007. For 2 long years, we had hearings and meetings and countless efforts to try and convince the administration of the seriousness of what was happening in the residential mortgage market. Not until last summer did we finally get some recognition, but it was far too late at that point.

All of my colleagues can recount in great detail the events that cascaded since July through the fall of this past year. Noted economists and analysts

from across the political spectrum have also sounded the alarm, including such distinguished individuals as former Carter and Reagan Fed Chairman Paul Volcker, Nobel Prize winners Joseph Stiglitz and Paul Krugman, former Reagan chief economic adviser Martin Feldstein, and American Enterprise Institute Resident Fellow Alex Pollack. These and other experts agreed that the key to our Nation's economic recovery is recovery of the housing market and that the key to recovery of the housing market is, of course, reducing foreclosures, of which nearly 9,000 occur every day.

Without addressing the cause of this crisis as swiftly, aggressively, and decisively as we have tackled the symptoms of the crisis, home prices will continue to fall. The value of assets based on mortgages—trillions of dollars of which are on the books of our major financial institutions—will continue to be virtually unknowable. The longer we allow foreclosures to erode family wealth, tear apart neighborhoods and freeze our markets, the longer our economy will take to recover from this crisis. However hard our regulators work, the result will be a continuation of volatility and paralysis in our economy. If ever there was a time that called for new thinking, this is that moment. As Tim Geithner takes the helm of the Treasury, he will be responsible for leading administration efforts to revitalize the credit markets and restore confidence and integrity in our financial system. It is a tall order, to be sure. No one could assume that one individual is going to solve all of this. But in my view, we can achieve these results for the American people through four key steps.

First, Mr. Geithner and the rest of the administration's economic team must develop and clearly communicate a long-term, comprehensive plan, a framework for using TARP funds to support the financial system and communicate effectively to the American people so they understand exactly where we are, how we got here, and what the intended steps are to move us out of it. The previous administration's piecemeal lurching intervention from one side to the next in the financial system contributed to the confusion and the volatility that has dragged down consumer and investor confidence. Outlining a clear direction as to how the Government will use taxpayer money going forward would provide families and businesses with the clarity and assurance they need to make important economic decisions.

Second, we must safeguard the use of taxpayer money through increased transparency and strengthened taxpayer protections. Instead of lending money to consumers and small businesses, TARP recipients have effectively been given a free pass to hoard taxpayer funds and pay lavish bonuses

to senior executives and handsome dividends to shareholders. In order to provide meaningful taxpayer protection, I believe at least the following conditions are necessary: stricter limits on executive compensation, additional limits on executive compensation, including restricting the payment of bonuses to executives; strictly limit dividends, prohibit the payment of dividends to shareholders beyond de minimis amounts; establish appropriate lending targets for recipients of TARP funding and the means of monitoring them; limit acquisitions, prohibit the use of TARP funds to purchase healthy institutions; increase transparency and accountability, require that TARP recipients submit regular reports no less than quarterly specifying how they are using TARP funds or otherwise furthering the purposes of the emergency economic stabilization law and how they are complying with these TARP conditions. These reports should include information about consumer and commercial loans, details about acquisitions, and the number and type of loan modifications. We must implement measures to prevent foreclosures, which I should have listed at the top of the list, require recipients of TARP funds that service or own mortgages to take measures to mitigate preventable foreclosures and use TARP funds to establish or support foreclosure prevention programs.

The Obama administration is already committed to making these changes and is working on a more detailed strategy. I look forward to reviewing that plan and to continuing the committee's close and detailed oversight of the implementation of this program. That is why I intend to hold hearings on the TARP in the coming weeks and to ask the very questions I am raising this afternoon.

Third in this list is to apply the same sharp and urgent focus to help individual homeowners whose plight is the root cause of this crisis. Stopping foreclosures must be our top priority, putting a tourniquet on this hemorrhaging that is occurring across the country. Failing to do so will have devastating consequences for the economy.

Finally, to fix the failures in the regulatory system that led to this crisis, if we are going to regain the confidence of investors, consumers, and businesses at home and around the world, we must have assurances that our financial institutions are properly capitalized, regulated, and supervised.

The Senate Banking Committee has already begun an ambitious schedule of meetings and hearings to understand the strengths of our regulatory system and to address forcefully its weaknesses. Senator SHELBY and I welcome diverse parties and points of view. I am guided by several core principles: Regulators must be strong cops on the beat

rather than turn a blind eye to reckless lending practices; regulators must stop competing against each other for bank and thrift "clients" by weakening regulations; regulators must be able to identify and, if necessary, take action against risks at the institutions they supervise; regulators and market participants need more transparency so they understand the risks present in the financial system and to prevent trillion-dollar markets from operating in the dark.

Each one of these steps—communicating a long-term plan for Government assistance, strengthening transparency and taxpayer protections, preventing avoidable foreclosures, and fixing regulatory failures—will help not only our economic recovery but also help restore, most importantly, the confidence of the American people. You cannot enumerate confidence, but it is critical. I can not tell you exactly the mathematical formula that will get you there, but in the absence of these steps, I do not believe confidence will be restored, and that is the intangible quality more than any other that we need to regain for investors and for the American people, who have been the driving force for our Nation's innovation and productivity.

I commend Tim Geithner for taking on this extraordinary responsibility. In many ways, you wonder why he is willing to do it, considering the incredible problems we face. But we are fortunate to have a talented individual who is willing to step up and assume this responsibility. Rather than decrying it and lambasting him, we ought to be thanking him. None of us are perfect. Every one of us has made mistakes along the way, and to suggest that Tim Geithner is unqualified for this job or should not be confirmed because of his tax issue is to fail to understand the value his nomination is to our country.

My hope is my colleagues will do what I have done over the years. I have been highly criticized by people in my party. When I voted for John Ashcroft to be the Attorney General, I was highly criticized. When I voted for John Tower to be the Secretary of Defense, I was highly criticized. But I happen to believe Presidents deserve their teams to be in place to do their job.

Tim Geithner is the kind of individual we need. He will listen to people. He will pay attention to different points of view. And he can make a difference for our country. In an hour such as this, we ought not to be divided in this Chamber, but to stand united, to give this young man a chance to get a job done for our Nation at one of the most critical periods in our history.

We have a lot of work to do, and we ought to get about the business of doing it, not as Democrats or Republicans but as Americans. I urge my colleagues to support this nomination. At this moment, communication, coopera-

tion, and consultation are not only preferable as we steer our country through these tough times, they are absolutely essential.

I look forward to Tim Geithner's confirmation and to working with him, as I do my colleagues, Democrats and Republicans, along with our new President. This is a defining moment in our history, and restoring our economy is our defining challenge. I believe Tim Geithner is the right person to begin this effort.

Madam President, I urge the confirmation of Tim Geithner, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, my good friend, the senior Senator from Iowa, has allowed me to go before him, and I appreciate it. He has been waiting here patiently on the floor. I have a few remarks I wish to make regarding Mr. Geithner.

In this time of economic crisis, I want to add my strong support for President Barack Obama's nominee for Secretary of Treasury, Timothy Geithner.

In the past month, some of our country's largest corporations have announced major layoffs numbering in the hundreds of thousands. On the news this morning, major layoffs have been announced throughout America. Today, it is hard to comprehend, but the Nevada Department of Employment reported unemployment in the State has jumped to 9.1 percent. The foreclosure crisis has not eased. The credit crunch persists. Uncertainty continues to reign on Wall Street, draining pension funds and individual investors of their savings and blocking the flow of credit for families and businesses that need it so badly.

This powerful economic storm that we have never seen before demands strong, decisive, and wise leadership. No one, in my opinion, is more qualified or prepared for the task than Tim Geithner. He has spent his entire career as a public servant. He has worked at the Treasury Department, the International Monetary Fund, and the Federal Reserve Bank of New York. With his experience and expertise, Tim Geithner could have written his own financial ticket to the private sector anytime of his choosing and made huge amounts of money. But in an age that has been tarnished by corporate greed, I think it is refreshing—and we should all feel that way—to see a man of obvious gifts choose to lead a life of public service. Has he made mistakes? He acknowledged that. Were there mistakes he made that any one of us could have made? Of course.

He was part of the core team that designed the Government's response to the Asian financial crisis in the late 1990s, as well as the current crisis. At the New York Fed, he worked with Sec-

retary Paulson and Chairman Bernanke. He has seen the crisis unfold, as well as the initial Bush administration's response. I think he is uniquely suited to know the difference between what has worked and what has failed. Some has worked and a lot has failed.

During his confirmation hearings and in meetings with Members in recent weeks, Tim Geithner has shown a calm temperament and an eagerness to listen and cooperate with Congress. He clearly recognizes that Congress is an equal partner and that it will take a unified effort to right our economy. Just as important, he understands that part of what we face is a crisis of confidence and that the public's confidence cannot be restored without transparency, oversight, and taxpayer protections.

There are few who envy the road ahead for the next Treasury Secretary. There will be no easy fixes or cheap answers, but no one is better prepared today than Tim Geithner to fill this critical role.

This nominee has my support, and once he is confirmed, I expect him to have the support of Congress in the difficult months and years ahead. I hope the support and I am confident the support will come from my colleagues on the other side of the aisle. There are some who may choose not to vote for him, but I would hope that after this confirmation takes place, we will all join to help this good man try to bring our country back to financial security once again.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, thank you. For at least as long as Chairman BAUCUS and I have served as the leaders of the Finance Committee, and certainly during those times I was chairman, all individuals nominated by the President who were subject to the jurisdiction of the Finance Committee have been subject to a thorough and nonpartisan vetting process. In addition to filling out a detailed committee questionnaire, all nominees submit tax returns and the committee is provided with financial disclosures. The review of these documents has nothing to do with the nominee's political affiliation or policy goals.

The Finance Committee's nomination process is there to ensure basic compliance with the law and to confirm that these individuals can be trusted with the incredible responsibilities that come with public service.

My vote on this nominee will be a vote of confidence in the Finance Committee's vetting process; it is a vote for the importance of character and integrity in those who serve; and, specifically, it is a vote for treating Presidential nominees, and all people, in a consistent manner.

This nominee is not the first nominee to run aground on the Finance Committee's vetting process. There are other individuals who, after lengthy discussions with Senator BAUCUS, me, and committee staff, decided to withdraw from consideration.

In these situations, the Finance Committee keeps details learned during the vetting process private. In cases where the nominee decides to go forward, such as that of this nominee, the committee makes details public in the interest of transparency and good government. I believe the public's business ought to be public. Sometimes when details are disclosed the nominee is confirmed and sometimes the nominee is not confirmed. In these situations, Members have to judge the seriousness of the issues at hand, and the nominees have to judge how far they are willing to go. Consequently, if the nominee decides to move ahead, the information will be released.

However, in the past, nominees who had tax issues as serious as this nominee's, and some who have had less serious issues, have not attained Senate confirmation.

I feel it is improper to judge this nominee by a different standard. I realize that economic times are tough right now, but, if anything, that should be an incentive for us to raise our standards and not lower them.

Finally, I believe we also need to treat all people in a consistent manner. The same Internal Revenue Code applies to everyone regardless of whether someone is a well-known Wall Streeter or a student earning minimum wage. Many people around the country who have not satisfied their tax obligations have been caught by the IRS, as this nominee was for tax years 2003 and 2004. Many people end up having their houses seized, bank accounts frozen, and other assets taken by the Government to pay their tax debts. Some people even go to jail.

There are many people who settle their liabilities without going to jail or having assets seized, but can this system operate with integrity if all parts of it report to someone who was unable for a long period of time to meet his own tax obligations and only did so as a condition of his nomination?

Finally, I want to mention differences of perception of different people who have been found to have unsettled tax liabilities. During last year's Presidential campaign, we read a lot about a man named Joe the Plumber who hailed from Ohio. When this man was found to have a tax lien for State taxes, some portrayed it as evidence that his opinions on national tax policy were irrelevant. However, this nominee's tax problems have been revealed to be much larger than Joe's, and this nominee's defenders still insist he is the only man for the job of Treasury Secretary.

Madam President, I ask unanimous consent that an article discussing this inconsistency by Jonah Goldberg appearing in National Review Online be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review Online, Jan. 23, 2009]

A FREE PASS FOR THE INDISPENSABLE MAN
(By Jonah Goldberg)

During the hothouse days of the presidential campaign, Joe Wurzelbacher became famous because he got Barack Obama to confess that he likes to spread the wealth around. Better known as Joe the Plumber, the Toledo, Ohio, laborer became the target of bottomless venom and scorn because he seemed like an obstacle to Obama's coronation.

One of the main talking points, particularly among left-wing bloggers, was that Wurzelbacher was a tax cheat because, it was revealed by ABC News, he had a tax lien of \$1,182 for back Ohio state taxes. This fueled the argument that he was a fraud, his opinion didn't matter. Nothing to see here, folks. Move along.

Fast-forward to today. Timothy Geithner, President Obama's choice to be the next treasury secretary, quite clearly tried to defraud the government of tens of thousands in payroll taxes while working at the International Monetary Fund. The IMF does not withhold such taxes but does compensate American employees who must pay them out of pocket. Geithner took the compensation—which involves considerable paperwork—but then simply pocketed the money.

His explanations for his alleged oversight don't pass the smell test. When the IRS busted him for his mistakes in 2003 and 2004, he decided to take advantage of the statute of limitations and not pay the thousands of dollars he also failed to pay in 2001 and 2002. That is, until he was nominated to become treasury secretary.

Obama defends Geithner, saying that his was a "common mistake," that it is embarrassing but happens all the time. My National Review colleague Byron York reports that, at least according to the IMF, Geithner's "mistakes" are actually quite rare. Indeed, it's almost impossible to believe that the man didn't know exactly what he was doing given that he would have had to sign documents, disregard warnings, and all in all turn his brain off to make the same "mistake" year after year. And keep in mind, Geithner is supposed to run the IRS. So maybe sloppiness isn't that great a defense anyway.

The bulk of Senate Republicans seem willing to green-light his appointment because, in the words of many, "he's too big to fail." Wall Street likes this guy and so does Obama. So, who cares if he breaks and bends the rules? Who cares that he took a child-care tax credit to send his kids to summer camp? He's the right man for the job, no one else can do it, he's the financial industry's man of the moment.

This strikes me as both offensively hypocritical and absurd. Obama has made much of Wall Street greed. He and his vice president talk about paying taxes like it is a holy sacrament. They both belittled Wurzelbacher for daring to suggest that the Democratic Party isn't much concerned with how the little guy can get ahead.

Heck, Obama and pretty much the entire Democratic party insist that they speak for

the little guy. But it appears they fight for the big guys.

You would think this is a perfect moment for Republicans to stand on principle, particularly since their votes aren't needed to confirm Geithner. What they will tell you is that Geithner is the indispensable man and, in the words of South Carolina Sen. Lindsey Graham, "These are not the times to think in small political terms."

Never mind that there's nothing small about the belief that paying taxes in an honest fashion is a minimal requirement for the job of treasury secretary. What's absurd is that Geithner, who helped regulate Wall Street as head of the New York Fed, is the indispensable man now. He may indeed be qualified to be treasury secretary, but is he really the only man who can do the job? Really? Everyone said the same thing about Hank Paulson not long ago. How'd that work out?

I thought the Democrats believed the financial implosion was caused by arrogant and greedy men who thought the rules didn't apply to them because they were so important. I guess they didn't mean it.

Mr. GRASSLEY. I don't make this decision lightly, but, as I have said, I must uphold the Finance Committee's vetting process; I must vote for the importance of character and integrity in those who serve in government; and I must vote for treating Presidential nominees, and all people, in a consistent manner. Therefore, I must vote against this nominee, Mr. Geithner.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Chair will so notify you.

Mr. SESSIONS. Madam President, I don't look forward to criticizing the nominee, Mr. Geithner, for the Secretary of the Treasury. It is not something I take any pleasure in. I will vote for 98 percent of the nominees of President Obama. I believe he is entitled to select good nominees to serve, and he gets to basically choose whomever he wants.

I would say the American people are unhappy. They are unhappy about Wall Street. They are unhappy about the way this financial system has been conducted, and one of the individuals at the very center of it is Mr. Geithner, the nominee to be the Secretary of the Treasury, a position that now has incredible authority and the power to distribute \$350 billion virtually any way that individual citizen wants to spend it. It was a mistake for Congress ever to give that kind of power to Mr. Paulson or to Mr. Geithner or whomever the Secretary of the Treasury would be.

Let me say quickly, as a former Federal prosecutor, I am not taken in by the idea that this tax problem is a minor matter. The Secretary of the Treasury supervises every Internal Revenue agent in America. The Treasury Department has the IRS inside it.

The International Monetary Fund, for which he worked starting in 2001, sent out this brochure about the tax allowance system that says: The Fund pays the difference between your U.S. self-employment tax, which is the Social Security tax that self-employed citizens pay. You pay the employee's share of the Social Security taxes as you would be required to do if you worked for any U.S. employer.

Then it says down here: And a tax allowance is added to help cover the income taxes you owe.

You get a special tax allowance. How do you get this tax allowance if you work for the International Monetary Fund? You make an application. The form says: Tax allowance application. You apply for it. You sign at the bottom that says you want the money. What does it say that you certify above your signature? You certify that I will pay taxes on my Fund income. I authorize the Fund of individual staff members designated by it for the purpose to ascertain from the appropriate tax authorities whether tax returns were received. I hereby certify that all the information contained herein is true to the best of my knowledge and belief and that I will pay the taxes for which I have received tax allowance payments from the Fund.

So he seeks a tax allowance application. He certified that any money he gets for this he understands is for tax purposes, and he will pay it. That is the certification form. I have blown it up on this chart. It says, again, I certify I will pay the taxes for which I have received the tax allowance.

Now, that was done four times. He personally signed it. That is his signature at the bottom, with his room number, in his hand, and his phone number, in his hand—4 different years.

I see Senator KYL, and I will yield to him because I am sorry we don't have much time. In his examination, Mr. Geithner left me with a feeling that he was not candid.

Finally, let me say this. I believe the American people want a Secretary of the Treasury who was not in the middle of the problem in New York as head of the Federal Reserve Bank when it occurred and who gave no warning to the American people whatsoever that this was about to happen. The Wall Street Journal recently had six investment experts on the front page who predicted this would occur. Where was Mr. Geithner? The same place as Mr. Paulson: asleep at the switch. Based on merit, I don't believe this is what the American people want. The American people desire to have a professional of

knowledge, an economically trained person with financial experience and impeccable integrity. I am sad to say, I don't believe Mr. Geithner meets that standard.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I thank the Senator from Iowa for allowing me to speak very briefly. I had intended to support Mr. Geithner's nomination. He is not the only person who can do this job, but he is the President's choice and is entitled to some deference and I actually believe he will give the President some good advice.

However, there must be an element of trust between us, based on candor and forthrightness. Secretary Paulson and I trusted each other and it benefited both of us for the benefit of the American people, I believe. Unfortunately, Mr. Geithner, in his appearance before the Finance Committee, I believe did not demonstrate the requisite candor in answer to our questions. As a result, I therefore regret I cannot support his confirmation.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I regret to say I will be voting against the nomination of Timothy F. Geithner to serve as Treasury Secretary in the new Obama administration. I say "regret" because I believe strongly that, save extraordinary circumstances, any President should have the right to select his own team and because I believe Mr. Geithner is a person of obvious talent and experience. I certainly bear no ill will toward him on a personal basis whatsoever. Moreover, I know President Obama believes Mr. Geithner is the best person for the job, and it pains me to go against the President's wishes on this matter. However, after careful deliberation, I simply have not been able to overcome my very serious reservations about this nominee.

As Treasury Secretary, Mr. Geithner would oversee the Internal Revenue Service and would be responsible for ensuring that Americans pay their taxes as required by law. Yet it has come to light that while he was serving as a senior official at the International Monetary Fund, Mr. Geithner failed to pay Social Security and Medicare taxes. He has stated this was an innocent mistake and that there was no intent to deliberately avoid paying the required taxes.

However, the IMF informs us that in order to avoid exactly this kind of situation, its U.S. citizen employees are fully informed of their obligation to pay Social Security and Medicare taxes and must sign a form acknowledging that they understand this obligation.

Moreover, the IMF gives its U.S. citizen employees quarterly wage state-

ments that detail their U.S. tax liabilities. The IMF pays its U.S. citizen employees an amount equal to the employer's half of the payroll taxes with the expectation that the individual will use that money to pay the IRS.

So a serious question is raised as to how a person of Mr. Geithner's financial sophistication could run the gauntlet of these many warnings and quarterly reminders and still somehow innocently overlook his obligation to pay these payroll taxes.

I am also troubled by the fact that when the IRS audited Mr. Geithner in 2006 and discovered that he had not paid his payroll taxes from 2001 to 2004, he, Mr. Geithner, repaid the taxes only for 2003 and 2004. After that audit, he chose not to repay the taxes for 2001 and 2002, years for which the statute of limitations had expired.

Surely, if the failure to pay the payroll tax was an innocent mistake and oversight, then Mr. Geithner would have been eager to make amends by willingly paying the payroll taxes for 2001 and 2002, regardless of the statute of limitations. But he chose not to do so until he learned he was going to be nominated for Treasury Secretary.

Given this record of failing to pay taxes, if confirmed as Treasury Secretary, how could Mr. Geithner speak with any credibility or authority as the Nation's chief tax enforcer? Would his admonition be: Do as I say, not as I do? That is not acceptable.

Unfortunately, on another point, Mr. Geithner has been equally unwilling to accept responsibility with regard to his role in the current financial meltdown. As president of the Federal Reserve Bank of New York, Mr. Geithner was a key regulator of the large, mostly New York-based financial institutions that have been at the center of this meltdown. Their reckless practices—reckless practices—have brought America's financial system to its knees, pitching our economy into what could be the longest, deepest recession since the Great Depression.

I am specifically concerned about Mr. Geithner's history vis-a-vis Citigroup, which has now received \$52 billion in taxpayer money. As a regulator of Citigroup, Mr. Geithner made a number of troubling decisions that relaxed oversight of Citigroup, including, one, lifting a prohibition against Citigroup's acquiring new firms; second, ending the requirement that Citigroup file quarterly risk management reports; and third, allowing Citigroup to use "hybrid capital," which, I might parenthetically say, was a product of the Greenspan Fed back in 1996—using hybrid capital to prop up its capital base. These decisions allowed Citigroup to increase its already sizable risks and allow Citigroup to claim that it had a healthier capital ratio.

I am troubled that instead of taking enforcement actions in the face of a

weakened capital ratio, Mr. Geithner chose only to write a letter to Citigroup criticizing its risk management practices. I bet they shuddered when they got that letter.

Given this action, it is clear that Mr. Geithner was aware that Citigroup's capital base was not sufficient. Yet he did not take the appropriate steps to correct this glaring problem; he wrote a letter.

While I would be much more supportive of the nominee if he had taken responsibility for these failed decisions, he has not done so. For example, in a written response to questions from Senate Finance Committee Chairman BAUCUS, Mr. Geithner wrote:

Citigroup's supervisors, including the Federal Reserve, failed to identify a number of their risk management shortcomings and to induce appropriate changes in behavior.

He says Citigroup's supervisors, including the Federal Reserve, failed. Why didn't he say "I"? Why didn't he say Citigroup's supervisors, including me as the head of the New York Federal Reserve Bank, I did, I failed to identify those risk shortcomings, and I failed to induce a change in their behavior? He says it is the Fed. He was the head, he was the person making those decisions. And yet he kind of brushed his hands and said: That was the Fed. No, Mr. Geithner, it was you.

We need to know what specific failures occurred under his supervision, what he has learned from those failures, and how the nominee believes he can correct them in the future. After all, again, Mr. Geithner was the key decisionmaker in the Federal Reserve on these points.

Without the answers to these questions, I am not convinced that Mr. Geithner is the right person to lead the Treasury Department at a time when we need a strong regulator in charge, one who will act with transparency and accountability and forcefulness.

I am sure these big bankers and these Wall Street people are nice people, but they are tough and they are going to protect their turf. Yet what they don't need is a Treasury Secretary who is going to write them a letter. We need a Treasury Secretary who will start banging some heads around and will stick up for our small bankers, our independent bankers, the people in your State, Madam President, and mine who are out there loaning the money for small businesses and small business expansion, who are getting mortgages on houses that have 30-year fixed rates, they are conservative about it. We don't need to focus all of our efforts and money on the big city banks and then allowing the big city banks to get bigger by buying up other banks with taxpayer money.

I want a Treasury Secretary, as I say, who is going to start banging some heads, who is going to call in these big city bankers and say: You know what,

you have had a free ride for many years. We have deregulated you. We deregulated all these financial institutions. We have allowed you to engage in what I call—this is my own term—"casino capitalism." But it is over. It is over. You are now going to be regulated, and I am going to lead the charge in imposing stiff new regulations. We are going to be looking over your shoulder, and we are going to make sure you are accountable to the taxpayers of this country.

The issues of responsibility and judgment are extremely important as we go forward. Two weeks ago, I voted in favor of releasing the second installment of the TARP funding, but it was after several phone calls with now-Vice President BIDEN when he assured me—and I spoke about this on the floor; he said I could say it publicly—that President Obama will sign off personally on any significant future disbursement of TARP money and Vice President BIDEN will be consulted and be a part of it.

So now at least we know where the buck stops with President Obama. I am glad he is willing to say the buck does stop there. Yet here is what bothers me. If Mr. Geithner is confirmed, he will be the principal person making recommendations to President Obama regarding TARP expenditures. In short, President Obama will sign off on future disbursements, but he would do so on the recommendation and judgment of Mr. Geithner.

I wonder, I really wonder what that means for some of these big city banks in New York and what is going to happen with Wall Street and what is going to happen to my small banks in Iowa or independent banks all over this country. What is going to happen to our farmers who need an adequate supply of low-cost capital coming up this spring. And they are having a hard time finding it, by the way. They are in a terrible cost-price squeeze right now.

Is all that TARP money going to be focused on the big banks or are we going to start thinking about the little guy out there?

Mr. Geithner made serious errors of judgment in failing to pay his taxes. He made serious errors in his job as chief regulator of the financial institutions at the heart of our current crisis. So at this point, I cannot vote to promote Mr. Geithner to the all-important post of Treasury Secretary. I cannot do so at this time.

As I told Mr. Geithner on the phone, I bear him no ill will. I do not know him personally. I have friends who say he is a very nice person, and I am sure he is. But I wonder, again, about his approach. As I told Mr. Geithner on the phone, I hope I can come back to the floor a year from now, 2 years from now and say my vote against him was wrong. I hope I can do that, but I will have to be shown.

There is no question Mr. Geithner will be confirmed by an overwhelming

vote in the Senate. As I said, I bear him no ill will personally or anything else. I wish him every success as Treasury Secretary. To repeat what I said, nothing would make me happier than for Mr. Geithner to prove me wrong by serving with distinction as Treasury Secretary and cracking down on some of this casino capitalism that is going on in this country. I will be joining those rooting for his success.

Mr. COLLINS. Madam President, I rise today to state my opposition to the confirmation of Timothy Geithner to be Treasury Secretary.

Our current economic crisis is, in part, a crisis of confidence. If we are to return to prosperity, the American people must have confidence in those who would chart our course. Mr. Geithner's professional background and experience should inspire that confidence. They are overshadowed, however, by the personal issues regarding his own tax returns.

When these issues first arose, they were cited as examples of the baffling complexity of our Tax Code and of the need for reform. They were described by the nominee himself as "careless mistakes." As more details have emerged, it has become clear to me that this is not merely a matter of complexity leading to mistakes, but of inexcusable negligence.

Mr. Geithner failed to pay self-employment taxes while working for the International Monetary Fund. He failed to make these tax payments despite the fact that the IMF repeatedly reminded him of this obligation. He signed paperwork acknowledging this obligation. He received extra compensation that he acknowledged at the time was for the purpose of paying this obligation. Yet when he filed tax returns for the years he was employed at the IMF, he did not pay self-employment taxes.

After working for the IMF for 3 years, Mr. Geithner was audited by the Internal Revenue Service in 2006, which discovered that he had failed to pay his self-employment taxes. Mr. Geithner was ordered to correct his tax returns for 2003 and 2004, and he paid the amount that he owed for those years.

But Mr. Geithner had made the same omission in 2001 and 2002, years that were outside the scope of the audit. Yet, having been informed by the IRS of his omission for 2003 and 2004, Mr. Geithner took no action to correct the deficiency from 2001 and 2002—years for which the statute of limitations had already run. In fact, Mr. Geithner chose not to make the payments until he was being considered for this position at the end of 2008.

A similar failure to correct omissions when informed of them occurred when the accountant who prepared Mr. Geithner's tax returns in 2006 informed him that certain deductions Mr. Geithner had taken for 3 earlier years

were not allowed. These deductions involved writing off overnight camps as childcare expenses. Mr. Geithner did not attempt to claim the deduction for 2006 but did not correct his returns for the previous years. And again, this deficiency was not addressed until late last year, when Mr. Geithner was being considered for this Cabinet position.

Madam President, throughout the State of Maine and indeed throughout the Nation, millions of hard-working Americans pay their taxes on time and in full. Our taxation system is essentially an honor system that depends on self-assessment and honesty. When taxpayers make mistakes, they are expected to correct them promptly and completely. How can we tell the taxpayers that they are expected to comply fully with our tax laws when these laws have been treated so cavalierly by the person who would lead the Treasury Department and, ultimately, the Internal Revenue Service, when he was applying them to himself?

Therefore, Madam President, I must oppose this nomination.

Mr. MCCAIN. Madam President, I regret that I must oppose the nomination of Timothy Geithner to be the next Secretary of the Treasury. I assure my colleagues, I did not reach this decision lightly but, rather after much thoughtful consideration. Next to the confirmation of Supreme Court Justices, the Senate has no more important duty than the confirmation of members of the President's Cabinet. Throughout my time in this body I have held the view that elections have consequences and that—barring any extraordinary circumstance—the President should be free to pick his team and surround himself with those he feels can best assist him in attaining his goals.

Mr. Geithner's involvement in the failed policies behind the misuse of hundreds of billions of taxpayer dollars in the Troubled Asset Relief Fund, TARP, has led me to conclude that an extraordinary circumstance exists in this situation. Mr. Geithner played a critical role in the creation of the TARP and should be held accountable for the fact that it has been terribly mismanaged and has not achieved its intended results. Unfortunately, I have come to believe that Mr. Geithner lacks the critical judgment necessary to be an effective Treasury Secretary and careful steward of taxpayer dollars.

To properly weigh a potential Cabinet member's qualifications, it is important to pay close attention to the committee hearings held to consider the nomination and the views expressed by both the nominee and members of the committee. After Mr. Geithner's testimony before the Senate Finance Committee, a very well-respected member of the committee stated that "I don't believe that the requisite candor exists for me to indicate

my support for him with an affirmative vote." Another member of the committee stated that, "Mr. Geithner has been involved in just about every flawed bailout action of the previous administration. He was the front-line regulator in New York when all the innovations that recently have brought our markets to their knees became widespread. . . . All those actions, or failures to act, raise questions about the nominee's judgment." I fully agree with my colleagues' sentiments.

I am deeply troubled by Mr. Geithner's role in the mismanagement of the TARP. He has enthusiastically supported failed policies that have cost the taxpayer hundreds of billions of dollars. Earlier this month, I voted with 41 of my colleagues in opposition to releasing the remaining \$350 billion TARP funds because I had seen no evidence that the additional and substantial taxpayers' money would be used for its intended purpose. TARP was created to allow the Treasury Department to purchase up to \$700 billion in "toxic assets" from financial institutions in order to help homeowners facing foreclosure and to stimulate the economy. The misuse of the first \$350 billion of TARP funds combined with the lack of transparency promised by the Treasury Department were reasons enough to oppose releasing additional funds. It is my strong opinion that no further TARP funds should be released until we are able to impose strict standards of accountability and ensure that the money is spent only as intended by Congress—to purchase mortgage-backed securities and other troubled assets.

Unfortunately, I have seen no evidence that Mr. Geithner shares that view. He has stated that more oversight and transparency are necessary but to date he has offered no specifics about how the remaining \$350 billion in TARP money would be spent and has laid out no criteria for serious oversight and accountability of such substantial sums of taxpayer dollars.

With no regard for congressional intent, and with the support of Mr. Geithner, the Treasury Department has used TARP funds to prop up the banking industry and to guarantee securities backed by student loans and credit card debt. But most troubling to me has been the use of TARP funds to help bail out the domestic auto industry—in direct defiance of Congress. Last month, after extensive discussion and debate, the Senate rejected a plan to pump billions of Federal dollars into the domestic auto industry because we saw no evidence of serious concessions from the industry and no assurance of the domestic auto manufacturers' long-term viability. When asked about the use of TARP funds to further assist the domestic auto industry, Mr. Geithner indicated he would support further funding as long as it was accompanied

by "a comprehensive restructuring" of the auto industry. Again—he offered no specifics.

Madam President, the American people can no longer afford ambiguous assurances of transparency, accountability, and reform. They need and want specifics and particulars—and the person leading the U.S. Treasury should be able to provide the American taxpayer with the details they seek.

Mr. FEINGOLD. Madam President, I will vote against the nomination of Timothy Geithner to be the next Secretary of the Treasury. I do so with some reluctance. President Obama, like any other President, is entitled to have the Cabinet he wants, barring a serious disqualifying issue. And Mr. Geithner is a very able nominee in many ways. Mr. Geithner is clearly a smart, capable individual, with the qualifications to be Treasury Secretary, and he has a host of distinguished individuals attesting to those facts.

While I am troubled by Mr. Geithner's track record on the issues that have contributed to the credit market crisis, I do not base my vote on what is, to a certain extent, a matter of policy disagreement. During the last year of the Clinton administration, Mr. Geithner reportedly participated in the Treasury Department's support for the elimination of the Glass-Steagall Act protections which had served to keep our banking system stable since the Great Depression, as well as the Department's opposition to the regulation of derivatives, the explosive financial instruments that helped trigger the financial market contagion. It those reports are accurate, Mr. Geithner's actions were not singular by any means. Indeed, while I opposed both moves, they each had broad bipartisan support in the House and Senate.

His more recent work as President of the New York Federal Reserve Bank also raises serious questions. At a minimum, he was one of the primary regulators of some of the largest financial institutions in the country at a time when their activities greatly contributed to the eventual meltdown of the credit markets.

As I have noted in the past, I give any President great deference with respect to his executive branch nominees, and the greatest deference regarding Cabinet appointments, even when I may have significant policy differences with the nominee. The matters surrounding the credit crisis largely fall into this category.

Mr. Geithner's tax liability is a different matter, however. I am deeply troubled by his failure to pay the payroll taxes he owed, despite repeated alerts from his employer at the time, the International Monetary Fund, that he was responsible for paying those taxes. It is especially troubling because Mr. Geithner signed documents at the

IMF promising to pay taxes, including the payroll taxes, in exchange for a special "gross-up" of his income intended to offset the cost of those taxes. Moreover, his earlier interactions with the Internal Revenue Service over his failure to pay sufficient payroll taxes for his household employees make Mr. Geithner's explanations of his failure to pay his own payroll taxes even less satisfactory.

The failure to comply with our Nation's tax laws would be problematic for any Cabinet nominee, but it is especially disturbing when it involves the individual who will be charged with overseeing the enforcement of our tax laws. Mr. President, surely that individual must meet a higher standard than a failure to establish they deliberately evaded their tax liability.

With the condition the economy is in today, and the state of our country's financial institutions, the stakes could not be greater for the next Treasury Secretary. And despite his failure to comply with the tax laws, the seriousness of our economic challenges may be the reason Mr. Geithner is confirmed. Indeed, that seems to be likely.

If he is confirmed, Mr. Geithner will be asked to oversee not only a faltering economy but also the rehabilitation of our financial markets. No Treasury Secretary has faced bigger challenges. I hope that if he becomes our next Secretary of the Treasury Mr. Geithner will be a bit humbled by his missteps, policy, and otherwise, and will revisit the positions he took when he was in the Clinton Treasury Department in light of the subsequent damage they did to our financial markets, as well as his actions or lack of action as President of the Federal Reserve.

Given the enormous challenges he will face and the great talent he appears to have Timothy Geithner has the ability to be a truly great public servant. I hope he will live up to that potential.

Mr. LEAHY. Madam President, I rise today to speak on the nomination of Timothy Geithner to be Secretary of the Treasury.

The next Treasury Secretary will face unprecedented challenges as the United States continues to deal with the greatest economic and financial crises since the Great Depression. Not only must the new Secretary oversee an economic recovery at a time when enormous Federal deficits threaten our country's long-term economic outlook, he will have responsibility over the \$700 billion Troubled Assets Rescue Program, TARP, to assist struggling homeowners and revitalize our capital markets.

While I was extremely disappointed in Mr. Geithner's failure to pay his taxes in a timely manner, I believe that first and foremost we need a Treasury Secretary who is eminently qualified to help steer the country

through this difficult period. In my opinion, Mr. Geithner's background as President and chief executive officer of the Federal Reserve Bank of New York and his previous experience at the Treasury Department has prepared him for this important position.

I have many problems with the ways in which the Treasury Department under the previous administration used the TARP funding. After a series of fits and starts, it shifted the intended focus of the program from homeowner relief to financial stabilization. In addition, there have been widespread reports of companies receiving funds and continuing to pay executive bonuses and dividends. Clearly, the Treasury Department has not been as transparent as it should be in detailing how these funds have been spent.

I have reviewed Mr. Geithner's testimony before the Finance Committee carefully, and I was pleased to see that he intends to reform the TARP to be more accountable and transparent—and to be more in line with the original intent of alleviating the housing crisis. Proper administration and accounting of the TARP funds is essential for helping facilitate an economic recovery. I expect Mr. Geithner to follow through on these important policy changes on how the TARP funding is distributed in the future.

Thus, after weighing all of the various factors, I intend to vote in favor of Mr. Geithner's nomination today. And I wish him well as he undertakes this significant endeavor.

Mr. CONRAD. Madam President, I will vote to confirm Timothy Geithner as Secretary of the Treasury. I do so with reluctance because of his tax history. For me, this vote is a very close call.

Quite simply, I find his failure to pay self-employment taxes completely unacceptable. I am a former tax commissioner. I have dealt with hundreds of cases like this one. And in normal times, that alone would lead me to oppose his confirmation.

But these are not normal times. Our country faces the greatest economic and financial crisis since the Great Depression. I personally don't think we can afford a further delay in filling this critically important position. I think we are not anywhere near out of the woods, that very serious days lie ahead of us, and that it is absolutely imperative that we get a Treasury Secretary in place. And Mr. Geithner does have the background to contribute to solving this crisis. For these reasons, I will support his confirmation.

Ms. SNOWE. Madam President, I rise with respect to the nomination of Timothy Geithner for Secretary of the Treasury.

This nomination comes at a tumultuous and precarious time, as our Nation's economy remains in the throes of an accelerating downturn—financial

markets have fallen precipitously and are threatening the retirement security of millions of Americans, credit markets are still failing to function normally, and the budget deficit regrettably is poised to reach record heights. And so, as Mr. Geithner well understands, this nomination could not arrive at a more consequential moment in our Nation's history.

The Department of the Treasury states its role as "the steward of U.S. economic and financial systems." And undeniably, today, we face a simultaneous crisis in both of these systems on a scale most appropriately described as monumental—as this recession approaches the longest and deepest since World War II. The cascading effect of our collapsing housing markets combined with irresponsible, unregulated and unchecked instruments and investments in our financial markets has resulted in an onrush of disastrous economic repercussions—most especially for hardworking Americans, 2.6 million of whom lost their jobs last year, with millions more looking forward to this year with a sense of profound dread. This is the morass out of which a course must be charted—and this is the challenge to which the next Secretary of the Treasury must be equal—bringing a breadth of experience combined with aggressive management, oversight, and leadership.

Given Mr. Geithner's record of achievement and reservoir of experience, which includes more than 5 years as president of the New York Federal Reserve Bank and service to five Secretaries of the Treasury, spanning three administrations, it is clear Mr. Geithner brings to this crucial post a high-caliber, comprehensive, and nuanced understanding of finance, policy, and process that will also prove invaluable at this pivotal moment. At the same time, Mr. Geithner must provide leadership along with the predisposition to turn vision into action and to execute solutions. He must also simultaneously concern himself with the financial security challenges presented by this perilous period.

Which brings me to the Troubled Asset Relief Program or the so-called TARP. The Bush administration committed the first \$350 billion of the \$700 billion Congress authorized last October to create TARP, and, now, the second half of the money will be released. I understand people's frustrations and concerns with the TARP program thus far—because I share those concerns. Indisputably, a lack of transparency and accountability in the first half of the TARP funding fostered an environment in which taxpayer dollars were invested in banks and other financial institutions that have refused to reveal how the money was used—and this is unacceptable.

At the same time, given the information I have as a member of the Senate

Finance Committee on the state of the economy and the undeniable seriousness of our circumstances, I believe exceptional measures can and must still be taken. President Obama conveyed to me personally that releasing the remaining TARP funds is essential for shoring up an economy that continues to plunge further into recession—and the President has also assured me that his administration would implement critical safeguards while addressing the foreclosure crisis that is plaguing our economy along with so many hard-working Americans.

Indisputably, it is time for TARP to cease operating in an ad hoc manner that allowed the Treasury Secretary to tell Congress funds would be used to purchase illiquid securities, before—with no congressional review—they were reprogrammed to inject capital into banks, other financial institutions, and automakers. Therefore, following the commitments articulated by the Obama administration in letters from Mr. Larry Summers delivered to Congress on January 12 and 15, I will, in the coming days be looking for Mr. Geithner to announce programs to assist credit-starved small businesses and consumers in obtaining the loans necessary to create jobs and purchase products and services. The bottom line is that Mr. Geithner must restore public confidence in TARP by explaining in detail how funds will be used and then delivering on those pledges—because what is at stake is the public's money and the public trust.

Additionally, increasing our Nation's financial security will require the infusion of TARP dollars to help forestall our foreclosure crisis that is at the root of our economic troubles. That is why I will be vigilant in making certain the Obama administration acts quickly on its pledge to use between \$50 billion and \$100 billion of TARP funds to help keep imperiled families in their homes. Already, we have regrettably witnessed 2.3 million foreclosure filings in 2008 or an astounding 81 percent increase from 2007, according to a January 15 report by RealtyTrac, an online real estate marketplace that publishes the Nation's largest and most comprehensive foreclosure database.

Therefore, we must redouble our efforts to prevent further erosion of our financial security in the housing market. Yet indicators tell us that this slide may only worsen. In fact, the proportion of consumers with mortgages that are 60 days or more past due will hit 7.17 percent in the fourth quarter of 2009, compared to an expected delinquency rate of 4.67 percent at the end of 2008, as stated by TransUnion LLC—a national credit reporting company. Mr. Geithner must not waste any time in establishing a program that will offer financial incentives to companies that agree to reduce monthly payments on mortgage loans.

Moreover, I am deeply concerned about the Government Accountability Office's—GAO's—December report that concluded that more oversight over the Troubled Asset Relief Program—TARP—is necessary. While Treasury and banking regulators have publicly stated that they expect institutions receiving capital injections as part of the TARP's \$250 billion to promote the flow of credit and modify the terms of residential mortgages to strengthen the housing market, Treasury has not yet established policies to ensure the funds are being used as intended. Indeed, the Associated Press reported on December 22, that when it contacted 21 banks that received at least \$1 billion in Government money, not one could provide specific answers on how the money is being used.

Equally disturbing, GAO found that while institutions receiving capital injections are subject to specific restrictions on dividend payments and repurchasing shares, the Department of the Treasury has no procedures in place to ensure adherence to these strictures. And while I am pleased that the Treasury Department on January 16 issued rules requiring the chief executive officer of a financial institution receiving funds to certify compliance with executive compensation rules, Treasury must review all such disclosures to assure their accuracy.

Indeed, if confirmed, Mr. Geithner must, as the Obama administration has pledged, take steps on day one to address this egregious lack of oversight, making the protection of taxpayer funds a top priority and holding healthy banks accountable for lending—not holding—the public funds they have received. Moreover, these rules should apply not only to banks receiving injections in the future, but also to those who have already obtained taxpayer dollars.

Because of the reasons just cited—in addition to deficiencies I learned about at the confirmation hearing last November of TARP inspector general Neil Barofsky—I introduced legislation on November 20, 2008, to strengthen the inspector general's authority to vouchsafe taxpayer dollars. Among other provisions, my bill would waive applicable hiring standards in order to enable the IG to swiftly acquire staff, allow the investigation of any program receiving TARP funding, and require a study of whether banks are indeed lending the taxpayer dollars they have been given. This measure represents the right course to demanding disclosure, and yet, frankly, it is patently absurd that we even have to divine such a course.

All of the provisions in my IG bill were incorporated into the Special Inspector General for the Troubled Asset Relief Program Act of which I am an original cosponsor and that the Senate unanimously passed on December 10,

2008, but regrettably that measure did not pass Congress. That is why I am joining with Senator McCASKILL in reintroducing this measure, which must be considered in short order and be one of the first measures approved by the 111th Congress.

In taking up the gauntlet of providing both economic and financial stewardship, Mr. Geithner must, in the process, work hand in glove with Congress to see to it that we are never again forced to vote on a financial rescue package. We must renew accountability and transparency from all of our financial products that have contributed to the meltdown to which we are now responding. And we must have more effective mechanisms to understand whether firms are creating systemic risks that could undermine the foundations of our financial system. To that end, last September, I introduced the Federal Board Certification Act of 2008, legislation that would better assess the risk characteristics of the mortgage-backed securities that led to the financial crisis. This bill would establish a voluntary Federal Board of Certification to certify the risk characteristics of mortgage-backed securities. I hope Mr. Geithner will work with me to make it law.

Not only should Mr. Geithner help Congress draft a proposal to ensure our system of regulation is viable, but he must also ensure that we do not find ourselves in the situation that occurred with the fall of Lehman Brothers, which was allowed to fail sending the financial system into a downward spiral—followed by disparate explanations of why exactly that failure was permitted.

Indeed, according to a December 14, 2008, New York Times editorial, Questions for Mr. Geithner, there are conflicting accounts as to how Lehman—an institution in existence before the Civil War—was allowed to collapse. In testimony before Congress on September 24, 2008, Federal Reserve Chair Ben Bernanke said that the Federal Reserve and Treasury declined to commit public funds to support Lehman. Bernanke testified that the failure of Lehman posed risks but that the firm's troubles had been well known for some time and investors recognized bankruptcy was a possibility. Thus, Bernanke concluded, “We judged that investors and counterparties had time to take precautionary measures.”

But the same New York Times editorial then said that Chair Bernanke changed his story and on December 1, 2008, said that “legal constraints” had prevented the Fed from rescuing Lehman. Additionally, the paper reports that a spokesman for the New York Fed, which Mr. Geithner led, also said that the Fed had no legal authority to intervene.

Regardless of which explanation is true, Federal Reserve Chair Bernanke,

former Treasury Secretary Paulson, and Mr. Geithner should have come to Congress for any additional authority necessary to prevent a calamity if they believed Lehman's failure was likely to wreak havoc on the Nation's financial system as it appears to have done, particularly as they saw the effects of such a downfall coming. As Treasury Secretary, Mr. Geithner cannot afford to allow such a mistake to occur once again. We are counting on him to go to President Obama and Congress when conditions warrant and not to stand on the sidelines.

Regarding Mr. Geithner's tax return mistakes, they are deeply troubling. After intense scrutiny by the Senate Finance Committee, of which I am a member, Mr. Geithner acknowledged that his errors were "careless" and "avoidable," and, frankly, should not have occurred—a sentiment I strongly share. I am confident this experience will make Mr. Geithner more sensitive to the struggles that average Americans face in dealing with the tax code, and that he will aggressively utilize his leadership position to advocate and advance tax simplification.

Looking at the totality of the record—Mr. Geithner's achievements and broad experience—and considering all of these factors within the context of the gravest economic times since the Great Depression, I believe that Mr. Geithner is well suited to serve as our next Secretary of the Treasury, and that President Obama should have his nominee confirmed. Indeed, a recent USA Today editorial echoes this sentiment, stating that "Mr. Geithner deserves rebuke on taxes, then fast confirmation." Our Nation deserves the best qualified individual to take the helm of the Treasury Department during these unprecedented times and to tackle these Herculean challenges to our modern economic system.

And so, for the reasons I have outlined, I will today vote to confirm Mr. Geithner as the 75th Secretary of the Treasury. I stand ready to work with Mr. Geithner and President Obama not only to help reverse this economic downturn, but at the same time to ensure vigilant and vital congressional oversight in the process—and that American taxpayer dollars are being spent wisely, effectively, and as intended by Congress and the American people.

Mr. LEVIN. Madam President, there is no question that our Nation's next Treasury Secretary will have a heavy burden: deregulation run rampant has shaken the foundation of our financial system and reverberated through our economy with devastating impact. I will support Timothy Geithner because I believe he has the expertise to meet the enormous challenges posed by this financial crisis and years of regulatory neglect.

Last week, Mr. Geithner provided responses to detailed questions that I

submitted to him as part of the confirmation process. His answers reflect some important new priorities and policy advances, including placing a priority on ending offshore tax abuses; preserving strong U.S. accounting rules; reinvigorating international anti-money laundering efforts; and imposing a 1-year cooling off period before financial regulators can take a job with a company they regulated. He also recognizes the need to overhaul our financial regulatory structure, including by strengthening regulation of hedge funds, derivative traders, and the over-the-counter derivatives markets; and strengthening capital and liquidity requirements for financial institutions.

Despite these positive indicators, I do have some reservations. Mr. Geithner is a strong nominee because of his extensive experience, but while he now indicates support for some regulation of swaps, he has been reluctant to acknowledge that prohibiting regulation of those instruments was a mistake in 2000, and has offered only tepid support for some of the strong regulatory controls needed. Mr. Geithner has also been a key decisionmaker in the flawed financial rescue effort which has failed to track the use of TARP funds and failed to mandate lending of those funds to creditworthy businesses and to addressing the foreclosure flood. He has been reluctant to support requiring TARP fund recipients to track and report on their use of taxpayer dollars and requiring those who receive more than \$1 billion in taxpayer assistance to provide written viability plans on how they intend to regain financial stability and repay the funds. Still, Mr. Geithner's apparent willingness to listen to and work with Congress and his openness to compromise is promising for future progress in these and other areas.

The job that awaits Mr. Geithner pending his confirmation is an extremely tough one. I hope that he is confirmed, and that he lives up to the promise of the Obama administration, including implementing the transparent, pragmatic, and thoughtful policymaking that is a hallmark of President Obama's approach to government. Our Nation's economic recovery requires nothing less.

Mr. BAUCUS. Madam President, a Congressman from Pennsylvania said:

I do believe we are now on the brink of a precipice, that will be dangerous for us to step too fast upon.

The Pennsylvania Congressman spoke not today, but more than 200 years ago, in the early days of our Nation.

We often forget that our young Nation was born not just in the glory of independence and democracy, but with the throes of a financial crisis. At its founding, America was so encumbered by debt that the annual interest on its debts alone was three times its foreseeable annual income.

Finding a way out of that financial mess fell largely to one man, our Nation's first Treasury Secretary, Alexander Hamilton.

Hamilton was not popular. His task was not easy. And he received little support. But ultimately he succeeded.

Again today, our Nation finds itself on the brink of a precipice. Again today, the way out of our financial mess falls substantially on one man. Again, his task will not be easy. And again, he may not be popular with all of my colleagues. But again, he must succeed.

Today, we are considering the nomination of Timothy Geithner to be America's Treasury Secretary, in a time of unprecedented crisis. Credit markets are broken. Nearly 3 million Americans have lost their jobs in the past year. Homeowners face foreclosure. And home values continue to fall.

Financial alchemy, carelessness, excessive leverage, and greed have crippled Wall Street and America's financial institutions.

Today, America does not face imminent bankruptcy, as it did in Alexander Hamilton's time. Our Nation's creditworthiness remains solid. And our currency and Treasury bonds anchor the world economy. Today's Treasury and Federal Reserve pack financial firepower and resources unmatched by any other economy.

But in many ways, it will be far more daunting to solve today's challenges than it was in Hamilton's day. The exotic financial innovations that set off today's crisis are unprecedented. And their consequences are therefore not fully known. Today's unconventional crisis will not be solved with conventional solutions.

We face this crisis integrated in a world economy through international trade, foreign direct investment, and global financial markets. We face this crisis relying on foreign nations to finance our current account deficit. And we face this crisis at a time when nearly every economy in the world appears headed for simultaneous—and in some cases rapid—recession.

President Obama has asked the Senate to confirm Timothy Geithner without delay. Our economic crisis demands it.

The Senate Finance Committee vetted Mr. Geithner thoroughly. We questioned him for 3 hours last week in a public hearing. And we examined him behind closed doors a week before.

My colleagues and I strongly support his nomination. And I believe that Mr. Geithner is uniquely qualified for this job, at this time.

Tim Geithner is a dedicated, lifelong public servant. He has not relied on money and political influence to rise to positions of responsibility. He did it the old fashioned way—with hard work, dedication, and competence.

Mr. Geithner began his career at the U.S. Treasury Department. He rose to become Under Secretary of the Treasury for International Affairs. There, he dealt effectively with financial crises of the past decade. There, he earned the respect and trust of policymakers around the world.

As president of the Federal Reserve Bank of New York, Mr. Geithner oversaw the execution of America's monetary policy, monitored financial institutions, and advised our economic partners around the world.

More recently, Mr. Geithner worked with Treasury Secretary Paulson and Federal Reserve Chairman Ben Bernanke on the series of initiatives aimed at thawing frozen credit markets and stabilizing our financial sector.

History will judge the wisdom of how this past administration handled our crisis. But I take comfort in knowing that Mr. Geithner will enter his new job knowing the scope, motivation, and effect of what was done. He will enter his new job knowing what worked, what did not, and what more needs to be done.

Mr. Geithner will surely make mistakes. We all do. But Mr. Geithner's experience will help him to avoid repeating the same mistakes that this past administration made.

Mr. Geithner also knows what we expect of him. He knows that we expect him to be a good steward of taxpayers' money. He knows that we expect vigorous oversight of all financial recovery actions. He knows that we expect Congress to be consulted and informed on all initiatives. And he knows that the well-being of America's small businesses must be part of every decision he makes.

When Alexander Hamilton became Treasury Secretary in the face of extraordinary crisis, he said:

I conceived myself to be under an obligation to lend my aid towards putting the machine in some regular motion.

With this vote, Mr. Geithner is under an obligation to lend his aid—every last ounce of it—to putting our economic machine in regular motion. America is counting on it.

Once again, we are on the brink of a precipice. Once again, our President calls upon one brilliant man to help to bring the Nation back.

Let us give him the person whom he has requested. And let us confirm our new President's choice for Secretary of the Treasury.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, how much time remains on each side?

The PRESIDING OFFICER. The majority has 13 minutes remaining. The minority has 1 minute remaining.

Mr. DORGAN. Madam President, I came to the Chamber and heard my colleague from Iowa speak about the nomination before us and speak about the culture of greed and other events that have resulted in the collapse of our financial system. I want to make a point that the Senator from Iowa is not alone. There are a number of us who feel very strongly about what has happened on Wall Street, what has happened since the financial collapse, and what is happening every single day. You wake up in the morning and you hear of thousands and thousands of people being laid off, with 2.6 million people losing their jobs last year and an estimated 2.5 million people expected to lose their jobs in the first 6 months of this year alone.

This is a very serious problem for our economy, which is perched on the edge of a cliff. The question is, Who is going to steer us out of this mess? My notion is that the same people who steered us into the ditch are not likely to show up with an ambulance to get us out. And my great concern is that there needs to be a culture change. I must say I am concerned as well that we have some people coming to Washington who were part of the culture that got us into this mess.

It was 10 years ago when the Financial Modernization Act was on the floor of this Senate. My colleague from Iowa voted against it, and so did I. There were eight of us who voted against it in the Senate. That is what caused these big holding companies, Citigroup, or Citicorp at that point, wanted to buy Travelers Insurance but the law wouldn't let them. So they got busy and changed the law. They got Glass-Steagall repealed—the protections put in place after the Great Depression—so that banks could get engaged in riskier enterprises, such as securities and real estate and merged it all together into a big holding company and said it would be fine.

I stood here on the floor of the Senate 10 years ago and said: Mark my words, within a decade, we are going to see massive taxpayer bailouts if we pass that bill. I have no pride in being right. But I said at the same time, if you want to gamble, go to Las Vegas.

Why on Earth should we have done in 1999 what we did to fuse banking with inherently risky enterprises? It created an unbelievable carnival of greed. People at the top were making money hand over fist, taking it home, and putting it in their big banks. Not everyone was making money, only folks at the top. The highest income in 2007 was \$3.6 billion for one person. Think of that. Incomes from outerspace.

So what do we have? Well, the fact is some of the same folks in 1999 preached

the gospel of deregulation—getting rid of those old-fashioned things put in place after the Great Depression—to get what they called one-stop financial service centers. You would have one-stop financial shopping. Now you would be going to one place to do your real estate and your securities and your banking. That is what they wanted. Well, they got it. Only eight of us voted no, so they got it. Now the American people bear the brunt of this colossal, unbelievable failure.

I have to say—and I have told the President this—that I worry some folks coming into this town now were part of the chorus supporting all of that deregulation in what was called modernization—the Financial Modernization Act and a couple of other pieces of legislation that occurred thereafter. So I am going to watch like a hawk the folks who show up around here who were part of the supporters back in 1999 who have taken apart the protections that had existed since the Great Depression. I am going to watch this like a hawk.

We have to fix this, but you can't fix it by tightening a few bolts here and there. We need financial reform. We need to ask basic questions: Was it ever in the public interest to begin securitizing everything and passing risk up the line and allowing the most unbelievable mortgages to be written—no documentation of income, you don't have to pay any principal at first or you don't have to pay interest for 12 months. All this sort of thing. And by the way, if you have a bankruptcy in your background, come to us, we want to give you a loan. If you are slow in paying, have bad credit, or a bankruptcy, come to us, we will give you a loan. That is the way it was advertised. Unbelievable.

This was a carnival of greed that has now toppled the financial structure of this country. And every single day American families around this country are bearing the burden and paying the price. Somebody is coming home and saying to their spouse, their loved ones, their friends, I lost my job today. It is not because I am a bad worker. It is because there were layoffs at the plant or the office. The price for this greed is unbelievable.

Now it has stopped because it has collapsed. But now we have to rebuild it. And the question is, who will be the architects who will give us confidence to rebuild a financial system in which underwriting is really underwriting; in which we soak out some of the greed and get back to basic values; you separate banking from risk; you begin to regulate, and you get rid of the folks around here who boasted about being willfully blind in terms of their responsibility to regulate behavior that long ago should have been regulated?

So I wanted to say that the Senator from Iowa speaks for a number of us—

certainly myself—in being very concerned and determined to watch like a hawk what happens from this day forward with respect to those who are charged with and asked to help us reconstruct this system—a financial system, a system of employment, a system of production in this country where we put America back on track and give it the opportunity to expand, to grow, and to allow the American people to have confidence in the future once again.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip is recognized.

Mr. DURBIN. Madam President, it is my understanding a vote is scheduled at 6 o'clock.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I have a statement I wish to make, but if Senator BAUCUS should come to the floor, or his designee, I will yield the floor at that point if they want to close the debate. But I want to make a statement in reference to the nomination of Mr. Geithner to be the Secretary of the Treasury.

Today's press reports were staggering. The largest manufacturer in my State, Caterpillar, is cutting 20,000 jobs—18 percent of their workforce; Pfizer is laying off 8,300 workers; Sprint Nextel, 8,000; Home Depot, 7,000; Corus, 3,500 workers. That is a shortened list of announced job losses—over 47,000 in total—in just today's newspaper. Last week, Harley-Davidson, 1,000 jobs; Microsoft, 5,000; Intel, up to 6,000; United Airlines, 1,000; Bose, 1,000; Clear Channel, 1,850 workers.

It is abundantly clear that our economy is in a tailspin, and it is clear to me as well that we will need leadership in the Department of the Treasury. Mr. Geithner, who is the nominee of this administration as Secretary of Treasury, has been the subject of hearings. There have been disclosures concerning taxes that he has paid in the past. He has acknowledged his own shortcomings when it comes to some of these issues. I would say at this point, now more than ever, we need a person with his background and his skills to lead us in the Treasury Department. When you take a look at the state of the economy, I hope the Senate will respond as quickly as possible—this evening—in appointing him to this position.

Then we should move quickly. Once we have finished the Children's Health Insurance Program this week—the ma-

jority leader, Senator REID, has said we will finish it this week—then we need to move into the recovery and reinvestment plan which President Obama is going to offer to Congress. Tomorrow, in historic meeting, President Obama is coming to Capitol Hill to meet with Republican Congressmen to talk about the plan. He is doing everything in his power to work together with Democrats and Republicans to put together the right investment for our Nation's future.

We know what is at stake. It isn't just the immediate job losses, it isn't just the unemployment rate we face, which is at a record high level for the last 16 years, but it also is a question of investment in this country. There are some who want this to be a temporary program. I hear that from Senator MCCONNELL—he wants this to be temporary. But we have to acknowledge some of the investments we want to make are long-term investments to stabilize the economy. When we decide to build classrooms, laboratories, and libraries for the 21st century, it creates jobs today and over the next several years, but it also creates an asset that will pay back over long periods of time. When we invest in information technology when it comes to health care, it is an investment that will pay off in bringing down the cost of health care and reducing the medical errors that result when we don't have accurate information. When we make investments in providing energy incentives for new green businesses to lessen the dependence of America on imported oil, it creates a job today, but it may be something that pays back over the long term.

I don't think the American people expect us to do something which will disappear in 18 months and have to be repeated. They want us to invest this money as best we can in those projects that have long-term value.

Mr. Geithner, the Secretary of the Treasury, will have important responsibilities when it comes to other aspects of this—financial institutions that will be brought into this equation to find ways to stabilize our economy and move us forward—but the key issue, over and over again, is the creation of jobs—jobs. We lost over 500,000 American jobs in the month of December, we are anticipating losing 600,000 this month, with no end in sight—17,000 Americans a day losing their jobs. We have to act quickly—not with haste and not without due consideration, but we have to act quickly to respond to this economic crisis.

I think the approval of Mr. Geithner as Secretary of the Treasury is a first step, and then the recovery plan which will follow. The House will take it up this week, and we will take it up in committee. We are going to finish it before we leave on February 14. It is a target date which all of us understand

is very serious because we are facing economic circumstances we have not seen in this country in over 75 years. I want to make sure we do this and do it quickly; that we act boldly and swiftly, and at the end of the day we create the jobs that are needed in this country, we cut taxes for working families so they will have more resources to cope with the expenses they face, and we invest in long-term investments that pay off and stabilize our economy. We are talking about roads and bridges and airports and schools, and we need transparency and accountability when it comes to this recovery program.

Madam President, I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 15 Ex.]

YEAS—60

Akaka	Feinstein	Mikulski
Baucus	Graham	Murray
Bayh	Gregg	Nelson (FL)
Begich	Hagan	Nelson (NE)
Bennet	Hatch	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Burris	Kaufman	Rockefeller
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Landrieu	Snowe
Conrad	Lautenberg	Stabenow
Corker	Leahy	Tester
Cornyn	Levin	Udall (CO)
Crapo	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Ensign	Merkley	Whitehouse

NAYS—34

Alexander	Enzi	McConnell
Barraso	Feingold	Murkowski
Bennett	Grassley	Risch
Brownback	Harkin	Roberts
Bunning	Hutchison	Sanders
Burr	Inhofe	Sessions
Byrd	Isakson	Specter
Chambliss	Johanns	Thune
Coburn	Kyl	Vitter
Cochran	Lugar	Wicker
Collins	Martinez	
DeMint	McCain	

NOT VOTING—4

Bond	Kennedy
Brown	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the consideration of H.R. 2 be for debate only during today's session. There will be no amendments in order tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. The author Lois McMaster Bujold wrote:

Children might or might not be a blessing, but to create them and then fail them was surely damnation.

Before 1997, we largely failed the children of the working poor. The Children's Health Insurance Program changed that. For millions of working families, the Children's Health Insurance Program has truly been a blessing.

Before 1997, kids of the working poor had nowhere to go to get health insurance—nowhere. Their parents' employers did not offer health insurance bene-

fits, and the individual market offered only low-quality insurance options at unaffordable prices. Without health insurance, kids could not see the doctor for a checkup, they could not get a prescription for an earache, and they could not get treatment for common chronic conditions such as asthma. Unhealthy kids cannot run and play, they cannot do well in school, and they cannot grow into healthy and productive adults.

In 1997, Congress took action to address this problem. We established the Children's Health Insurance Program. Today, we finally move forward to keep the program going. The Children's Health Insurance Program has bipartisan roots, and it has achieved what we created it to do; namely, it covers low-income, uninsured kids.

Congress enacted the Children's Health Insurance Program as a bipartisan compromise. Members of Congress wanted to address the rising number of children without health insurance, and Senator ROCKEFELLER, Senator HATCH, Senator KENNEDY, and the late Senator John Chafee led the way. I am proud to have helped write and pass the Children's Health Insurance Program 12 years ago. It has been a tremendous success.

The Finance Committee reached a compromise that allowed States to set up children's health insurance programs that would meet their unique needs. States can choose whether they want to participate in the program. Within 2 years of CHIP's creation, every State decided to participate. It was a no-brainer. Every State wanted to address the health care needs of our most vulnerable children.

In its first decade, CHIP cut the number of uninsured children by more than one-third. Today, because of CHIP, nearly 7 million children get the doctors visits and medicines they need. Those healthier childhoods will enable those 7 million kids to become healthy, productive adults.

Health insurance is important. It is more than important; it is critical. Children with health coverage are more likely to get the health care they need, when they need it. Because of CHIP, 7 million kids have regular checkups, see doctors when they get sick, and get the prescription medications they need.

The task before us is to reauthorize this important program. Many will recall that we started this process back in the year 2007.

Congress worked hard, very hard to pass a bipartisan reauthorization package. I can tell my colleagues, Senators HATCH, ROCKEFELLER and myself and Senator GRASSLEY worked hours on end. I cannot tell you the number of hours we met and how hard it was, but we worked together and got that compromise. We got it passed on the floor, passed the House. But President Bush vetoed it twice. Times have changed.

President Obama is looking forward to signing the Children's Health Insurance Program bill, and Congress is prepared to act.

Americans overwhelmingly support covering kids. The bill before us today will keep coverage for all children currently in the program, and we will start to reach more than 4 million additional uninsured, low-income kids. In drafting this legislation, we relied heavily on the two vetoed bills. We keep CHIP focused on kids. That is the focus. Childless adults whom CHIP covers today will transition out of the program. This is focused on kids. This bill will not allow new waivers for CHIP coverage of childless adults. Low-income parents whom CHIP covers today will ultimately transition out of CHIP to Medicaid, with its lower match rate. This bill precludes new waivers for coverage of parents in CHIP. We cover low-income kids first. We agree that low-income kids are our first priority, but we do not limit State flexibility in designing CHIP programs. States choosing to cover kids above 300 percent of poverty will receive the lower Medicaid match for those kids. If they want to do so, they can, but they will get the lower match rate. We also included bonuses for States that meet enrollment targets for kids in Medicaid. Nearly three-quarters of uninsured kids are eligible for either Medicaid or CHIP but have not enrolled. We encourage States to improve their outreach practices to streamline enrollment procedures to keep them enrolled. We maintain State flexibility. We have given States the option to cover legal immigrant children and pregnant women during their first 5 years in the United States. States can decide whether they want to cover those children. Currently, Federal law prevents States from covering legal immigrants on Medicaid or CHIP until they have been in the country for 5 years. But some States have found this provision to be too restrictive. Those States have chosen to use their own money to meet the needs of their residents.

In 2008, for example, 18 States chose to cover legal immigrant children, and 23 States chose to cover legal immigrant pregnant women, rather than deny them the health care they need for 5 years. The Federal Government should not penalize States for trying to help needy populations who are here legally. This bill would allow States the option to cover legal immigrant children and pregnant women in Medicaid or CHIP and receive the appropriate Federal match.

More broadly, we have also created a State option that allows States to designate CHIP funds to offer premium assistance. Premium assistance can help families to afford private coverage offered by employers or other sources. We improve the quality of children's health insurance. Discussions about

health insurance often get bogged down in talk about cost and coverage but we ignore quality. Discussions about quality often ignore the unique needs of children. Our CHIP bill launches a substantially new initiative to improve children's health quality. This initiative will invest \$45 million a year for 5 years to develop national core measures for children's health quality, improve data collection in CHIP and Medicaid, and promote the use of electronic records. These efforts will help to improve the quality of care available in CHIP and Medicaid.

We pay for what we do. Like the vetoed bills, this legislation will increase the Federal tax on a pack of cigarettes by 61 cents. We also make proportional increases for other tobacco products. Increasing the cigarette tax will discourage smoking, particularly among teens, and that will be good for kids as well.

The bill we are considering today is a good bill. In putting together the Finance Committee's bill, we worked to cover as many low-income, uninsured kids as possible. We respected our budgetary limits, and we made compromises in good faith with our Republican colleagues. In committee, we made further compromises which I hope have strengthened this bill even more. I prefer to be standing here today with all my colleagues beside me, especially my good friends, Senators GRASSLEY and HATCH. But we could not agree on everything. I hope the remaining disagreements do not prevent Senators from doing the right thing. Let us not fail the children of the working poor. Let us get these kids to doctors visits and medications they need, and let us continue the blessing that is the Children's Health Insurance Program.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, following along on the lines of the distinguished chairman of the Finance Committee, it has been a very long journey to reach this day. A year and a half ago both Houses of Congress passed two CHIP reauthorization bills with overwhelmingly bipartisan support. As I recall, the numbers were somewhere around 69 in the Senate on each bill. These two bills would have given 4 million more uninsured children a healthy start in life. For those of us in Appalachia and for those who live almost anywhere in the country, there are parts of their inner cities and rural areas where this is absolutely crucial.

No one was more disappointed or, frankly, angry than I was when our bipartisan legislation was twice vetoed by President Bush. I could not understand it. I didn't know what the reason was. But my anger toward that pales in comparison to the heartache and the anguish felt by the millions of children and families who would have directly benefited from this legislation had it passed in either of its forms. But it did not.

So today we are here once again to debate providing health coverage to 4 million uninsured children. But this time there is a big difference. President Bush no longer stands in the way of providing health care to children. President Obama decided, very early in his campaign, this is something he cared about. This time victory for children is guaranteed. All we have to do is pass it. We should all be extremely excited that this bill will finally be signed into law, and more than 11 million children will be enrolled in CHIP each year.

Unfortunately, some of my colleagues are less than thrilled about the bill before us. I want to put the 11 million children in context. People say there are anywhere from 42 to 48 million uninsured Americans. If we do our job, about a quarter of our uninsured will disappear and will be insured. So this is a monumental task on which we are, in fact, proceeding. Some of my colleagues have tried to raise suspicion and doubt about our intentions on this most recent CHIP bill. I regret that. I want my colleagues to know there is no reason for suspicion or doubt on any account. It was called by some "political." I will explain that in a moment and why it is a fallacious argument and should be understood by my colleagues as that. Our intentions are exactly the same as they were in 2007—to make sure that children in America have the health care they need and deserve.

I remember this very well, as the Presiding Officer knows, from my early days in West Virginia when I was working in coalfields of southern West Virginia where no children had any health care insurance. The legislation we are considering this week is virtually identical to the second and to the more conservative CHIP bill that we passed in the fall of 2007. However, this legislation also reflects the fact that our country is not in the same economic situation as was the case at that time. Working families at all income levels are hurting because of the economy. This bill gives the States additional Federal funding and the flexibility to cover children in need.

One important and necessary change in the legislation before us gives the States the option to eliminate the 5-year waiting period that prevents legal immigrant children and legal immigrant pregnant women from getting timely health care. Allow me to repeat

myself. This legislation gives States the option to eliminate the 5-year waiting period for legal immigrants. It is not, therefore, a requirement. It also does not provide health care for illegal immigrants or their children. Anyone who says differently is incorrect. Thence rises the argument that this is playing politics, as if God had some kind of a different view about children who are here and have been here for a number of years and are trying to live out their life as best they can but they have no health insurance. What is it? Where is it written that these are not children to the equal of yours or mine? It is not written, because it is not so. All of us are equal.

In fact, our legislation has language specifically prohibiting Medicaid and CHIP coverage for illegal immigrants. I could take it out of the bill and read it to you, but that would be unnecessary.

There is no acceptable reason for this 5-year waiting period to remain in place. All lawfully present children should have timely access to health care in the United States. We are doing our best to achieve that and will achieve that through this bill. Five years later, if we kept on that requirement, is a lifetime for young children who may have had teeth or early cases of cancer or any other life-threatening illness or disability, to make them wait 5 years because we don't think maybe they measure up. They measure up. They are kids. They are children. That is what we are fighting for.

Those who oppose removing this arbitrary waiting period will come to the floor and offer all sorts of unrelated arguments about immigration. This is not about immigration. It is about health care for kids who need it, something that a lot of us have been fighting for since the mid-1990s. These arguments are nothing more than a smoke-screen. The bottom line is that both U.S. citizen children and children in this country legally should have timely access to health care, period. This legislation covers both those objectives.

In closing, I hope we will have the same bipartisan commitment in passing this legislation as we did in 2007. Those who look upon one amendment, which is highly moral, highly deserved and entirely right, will pass it with the same margins we did in 2007. Four million children are waiting for us to finish the task at hand.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

SPADE-READY PROJECTS

Mr. INHOFE. Mr. President, we have some things that are going to happen this year that are very significant. In the committee I chaired when the Republicans were in the majority—it is now chaired by Senator BOXER—we have two major pieces of legislation coming up.

We have the Transportation reauthorization bill and we have the Water Resources Development Act reauthorization bill. In the case of the Transportation reauthorization bill, we had a good reauthorization in 2005. It is scheduled to be reauthorized again, and I would suggest we use that as somewhat of a pattern of what we are going to plan to go in this coming year, in 2009.

In spite of all of the things you are hearing about the inauguration and about the various confirmations, business is going to continue. The WRDA bill, the Water Resources Development Act, is something that should be done on an annual basis or every other year. Yet the last time we passed it was 7 whole years ago. We had a lot of making up to do. There is not one State represented on this floor that is not way behind in some of the programs that are dealt with in the Water Resources Development Act.

The reason I mention this at this time is we will be dealing with some type of a stimulus bill. When they talk about \$800 or so billion, I already, in my previous remarks, talked about how big \$700 or \$800 billion is to individual families in America.

We will be dealing with this, and I regret that of the \$800 billion, only \$30 billion has to do with highway construction. We have a great need in this country for bridge construction, highway construction, and, hopefully—Senator BOXER and I both cosigned a letter to try to get a much larger percentage of whatever amount we end up authorizing in a stimulus bill.

So I would hope—and I would ask each Member to look at their own States, as I have done in my State of Oklahoma—Senators look at State projects that are out there that we call spade-ready: they have had their environmental impact statement, they have had their AS statements, and they are ready to go. They would employ people immediately. For those like me who are conservative, who do not believe the ingredients in this stimulus package, or at least do not believe what they are looking at in the House is going to really stimulate very much, one thing we do know is that there is nothing that puts people back to work faster than to get something that has already passed all of the environmental prerequisites and is ready for construction to start. Then, after it

is over, you have something. You have bridges that are rebuilt. You have roads that are rebuilt.

So what I would encourage the Senate to try to do is get as much as we can out of the stimulus package that actually does provide jobs and provides things that otherwise we would have to do in the reauthorization bill.

There is no way in the world we are going to take care of the real need we have with infrastructure in America unless we get a very large amount in the front end of the stimulus bill.

CELEBRATING THE LUNAR NEW YEAR

Mr. REID. Mr. President, I rise today to join with the millions of Asian Americans around the country in celebration of Lunar New Year. Last year, I was pleased to introduce a resolution honoring the historical and cultural significance of this holiday, and today, I am equally delighted to recognize all those welcoming in the Year of the Ox.

The festivities surrounding the Lunar New Year are steeped in rich cultural tradition. The 15-day-long celebrations marks one of the most important times for Chinese Americans and Asian Americans from many backgrounds and ethnicities to gather together with family and friends. Mouth-watering aromas will fill their homes as families sit down to New Year's Eve meals, and children will eagerly await receiving lucky red money envelopes. Many will watch or participate in vibrantly colored dragon dances, a symbol of prosperity and good fortune.

In our State of Nevada, the festivities held in Las Vegas, in particular, draw thousands of visitors, where many of the city's hotels feature spectacular decorations, dragon dances, and restaurants serving traditional dishes. And all across our great State, families will flock to community festivals featuring dances, crafts, food, and fireworks—the sights, sounds, and smells that make Chinese New Year such a jubilant celebration.

This year marks the 4706th year in the Chinese calendar, based on the lunar cycles. As it unfolds, I hope those observing Lunar New Year will enjoy this special time to honor traditions, spend time with their families, and eagerly anticipate what blessings the Year of the Ox may bring. To the thousands of Chinese American Nevadans and many others celebrating today, I send my best wishes for a joyous celebration and a prosperous New Year.

TRIBUTE TO DR. HAROLD C. RELYEA

Mr. BYRD. Mr. President, on January 30, 2009, after more than 37 years of service at the Library of Congress, Dr. Harold C. Relyea will retire as a specialist in American National Govern-

ment at the Congressional Research Service, CRS. His service and devotion to the U.S. Congress will be greatly missed.

President Thomas Jefferson once observed that “information is the currency of democracy.” He also noted that “whenever the people are well-informed, they can be trusted with their own government.” Thanks to the fine work of Dr. Relyea and his colleagues at the Congressional Research Service, the people's representatives in Congress are well-informed—and, thus, well-armed—to preserve and defend the ideals, structure, and balance of our government as envisioned by our Founding Fathers.

As Senators and staff come and go, the best CRS specialists become repositories of institutional knowledge, deep wells of experience who offer perspective and thoughtful analysis. Such specialists tend to take a long view on issues, having seen issues and trends emerge and reemerge in varying forms. These public servants enlighten and educate Members, and sometimes testify before congressional committees. These men and women are steeped in their field of expertise, and though some come to be recognized for their published work and analysis, most labor in anonymity, satisfied by the pure reward of helping to inform and shape the public debate.

Dr. Relyea is, and has been, reliable, authoritative, and humble—a genuine example of the true public servant over the long years of his career. A native of Oneida, NY, Dr. Relyea earned his doctorate in government in 1971 from American University—my own alma mater. He joined the Congressional Research Service that same year, shortly after the enactment of the Legislative Reorganization Act of 1970 that provided the charter for the modern Congressional Research Service. Dr. Relyea was promoted to head of the Executive Organization and Administration Section at CRS in 1976. Twenty years later, he became the head of the executive and judiciary section of the government and finance division. As a Specialist in American National Government, Dr. Relyea garnered national recognition for his research and writings on the Presidency, and executive branch powers and organization.

I came to know Dr. Relyea in 2002, as the Bush administration attempted to expand its use of emergency and war-time powers, and I increasingly sought to defend and assert the rights and privileges of the Congress as a co-equal branch of government under the U.S. Constitution. I recall sitting across the table from Dr. Relyea in the Appropriations Committee hearing room, where I had asked several CRS specialists to brief me on the creation of a new Department of Homeland Security. I remember being impressed by Dr. Relyea's depth of knowledge, and his

timely and thorough responses to my requests for information. Dr. Relyea and others sacrificed their August recess that year, in order to help prepare for a long debate when the Senate returned in September.

I welcome this opportunity to thank Dr. Relyea, and to thank everyone at the Congressional Research Service for their hard work and dedication. As a source of necessary expertise for Members of Congress, CRS helps to provide a vital counterweight to a mighty and powerful Executive branch.

In a career that has spanned four decades and eight administrations, Dr. Harold C. Relyea has set a standard of superior service for the entire Congressional Research Service. It's clear that Dr. Relyea has earned the respect and appreciation of his colleagues. He is a patient and generous mentor and has assisted a full generation of CRS analysts in developing their skills. In 2008, his colleagues showered praise on Dr. Relyea as they nominated him for the prestigious Director's Award. I think their greatest tribute to him, however, would be to continue his outstanding legacy of scholarship.

I thank Dr. Relyea for his extraordinary dedication to the work and traditions of the U.S. Congress and to the country and the Constitution which we all revere.

REMEMBERING KAY YOW

Mr. BURR. Mr. President, I rise today to honor the life of Kay Yow, Head Coach of the North Carolina State University Women's Basketball Team.

I join North Carolina State University and the entire women's basketball community in mourning her passing.

My heartfelt thoughts and prayers go out to Kay's family—her sisters, Susan and Deborah and her brother Ronnie—and to the North Carolina State University community that adored her.

Coach Yow had countless accomplishments on and off the basketball court that I can't even begin to do justice to as I stand here today.

After 38 years of coaching, she had amounted many achievements that everyone in the women's basketball family will admire for generations to come.

A native of Gibsonville, NC, Coach Yow started the North Carolina State University Women's basketball team in 1975 and was the school's only head coach in its women's basketball team's 34 year history.

Compiling over 700 victories during the course of her career with a record of 737 wins and only 344 losses over 38 years, she led her teams to 20 NCAA tournaments, 11 of which made it to the "Sweet 16," and in 1998 she led the Lady Wolfpack to "Final Four."

Coach Yow also captured 5 Atlantic Coast Conference, ACC, regular season

championships and 4 ACC Tournament titles.

Off the court, Coach Yow was a friend, a mentor, and a leader. She was very active in the Kay Yow/Women's Basketball Coaches Association Cancer Fund, in partnership with the V Foundation, committed to finding cures for cancer.

She also was heavily involved in the creation of the "Hoops 4 Hope," a basketball game played to raise awareness and help find a cure for breast cancer.

The North Carolina State University student body embraced Coach Yow, and her colleagues recognized her instrumental contributions to the sport in which she became and remains an icon.

Coach Yow will be deeply missed, but the inspiration and the memories that she created will live forever.

Again, I send my sincerest condolences to Coach Yow's family, her athletes, her fans, and her friends.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hi Mr. CRAPO,

Thanks for inviting me to drop you a line on the gasoline farce.

In 2005 I was forced from my job with Alaska Airlines at age 60 with no explanation other than "we can do what we want without explaining to you why." That stopped my income—cold. Since then Donna and I have moved in with Donna's aging and widowed mother and have been able to care for her, while at the same time not having to make a house payment. Nobody but Walmart will hire a guy my age with my particular qualifications. So I still have no job. Fortunately we have no bills. We were making it OK drawing my Social Security early and making ends meet . . . until this gas thing—that was then—this is now.

Just this Monday, I filled my tank with 81 octane rating and 16 gallons cost me \$65. The

net result is that I now drink water instead of milk, I no longer can afford my vitamins, we cannot afford the better whole wheat bread but buy wonder bread because it's cheaper. (I quit eating bread so I guess that's not all bad.), cut back on eggs, buy 75 percent fat free hamburger rather than the 90 percent stuff at Winco. I had to cancel a Doctor's appointment for my blood pressure check because I have no insurance and ran out of money. Should I go on?

In short this gas thing is making life difficult. I cannot figure out why the Democrats are so obtuse. We cannot drill here because of some patch of slippery grass or there because we might melt the polar ice cap out from under some bear. Who cares about that stuff in this critical time anyhow? This is all really easy to figure out: Drill here, Drill now, and to blazes with the frog lickkers and tree huggers. It is because of them and their ilk that we have not built any new refineries or opened any new drilling fields in the past 30 plus years. Gee, I wonder how much we would be paying for our own gasoline drilled from our own wells and refined in our own refineries? I am not an educated man but I think I have got a handle on this. What is the matter with all your buddies in Congress?

Why is it that everybody else on God's Green Earth is drilling wherever they need (and want to) and we continue to buy oil from people who'd just as soon kill us as look at us. You know what? We have some of the largest oil reserves on Earth and we let some team of morons who think the bears and the slippery grass are more important than me, stop us from drilling in our own back yard?—I don't think so. I haven't slipped on any endangered grass or seen a polar bear face to face except in the zoo—and I do not expect I will in what remains in my life time. But I do have grandkids who don't live close by. What is more important than me seeing my grandkids down in Poky or Ogden? Bears or grass? No siree. I would sure like to be able to afford to go see my grandkids when they say "Gramp will you come and play with me?"—and I now cannot—because nobody with the horsepower will face down that bunch of friends of earth and the Audobon Society and stop this insanity.

I have a sweet little 3 year old granddaughter who cries because her Grandma tells her she cannot afford to come see her. Now that darn near tears my heart out.

CURTIS MAUGHAN.

We have owned and operated an electrical contracting business for 21 years and presently employ 18 people in the Treasure Valley. Like many, we feel our economy is in crisis, mostly fueled by the price of energy.

The prices of steel, copper, plastics and fuel all drive the cost of our end product up to the consumer. We believe we are reaching the tipping point where the consumer will simply have to make the choice between food/fuel or services such as we provide and that means the loss of jobs and income to families supported by businesses such as ours (for example—our employees, suppliers, other subcontractors, and other small businesses that support us). Two years ago our monthly fuel bill was \$1,200.00. Today our monthly fuel bill is over \$2,500.00. We can only absorb so many increases before we can no longer afford to do business.

Our society was built on free enterprise and the inaction of our government to address the energy needs of the country crushes our ability to produce and contribute to

the economy. The government has too long tried to appease special interests. For our government to shackle us to dependency on foreign energy when we have everything we need right here is a disservice to the people. We can pursue our own resources with negligible impact on our environment. We must go forward with the pursuit of energy independence, both green and fossil fuels. Free up Anwar, the Atlantic shelf, the Gulf and our natural gas. The government should aggressively subsidize solar, wind and other alternative energy options for the consumer.

The statement was made by Senator Obama that there is no immediate solution for high gas prices but when do we start? If we had started eight years ago we would be closer. We must begin now. If this does not change our lives in this country will be irreversibly damaged. As Americans we are being forced to sell pieces of our country to foreign interests in order to survive. This is not the American way. The actions of our government are giving our country away. If this continues, who will we be in ten years? What will be left of our distinct way of life? We Americans are unique in how we live. We choose to pursue happiness and independence and that pursuit has been good for the world, and yet the world criticizes us for having the freedom to do this and would like nothing more than to chain us to their ideals. If our quest for the American dream is smothered by the demands of the world then Democracy dies here and all the sacrifices of the generations before us are lost.

Please do all you can at the federal level to persuade the rest of Congress to secure our energy and our economy.

ALAN and CATHLEEN LUSK.

I wish I could just limit my story to just one. I could go on for days about the way the high energy prices are affecting me and my family here in Idaho. I will cite a few for your information.

Heating costs—Just last week, Jan. 14th, we had yet another snow storm—That makes 8 months of snow here in Idaho. But with that it means my home was being heated by Off-Road Diesel again. When I bought this house I was paying \$0.95 a gallon for fuel to heat my home for my wife, four kids, and police K-9. Through the last few years I have seen a very large increase in the cost to keep it very cold to just get by. I have had my home insulated and weatherized. I am the low income American. I worked hard to get off of state programs and CHIP. Now it seems that was done for no reason. I still make too much money for aid programs, but now I will have to give up these items I worked hard to get and get off of state programs. I got the American dream just to be priced back out of it. I now spend \$1400+ to fill my heating oil tank. As you know natural gas is not up here in Cascade. It is cheaper than oil, but we cannot get it. So I had to make a choice, health insurance or heating my home. I chose to keep my family warm. So now I pray no one gets sick or hurt. When I say warm I mean 64 degrees. I am not sure if you know what that feels like, but it is very cold during the winter. In the summer you would say that your AC was great.

Grocery Costs—Here is another area that has seen large price hikes to deal with the cost of transporting food. We live in Cascade and well it costs more to get food to us up here than in Boise. It is nothing new to spend a few more \$ on something that is cheaper in Boise. In the last two years milk has gone up over \$1.50 a gallon. Eggs almost

a \$1.00 too. Everything that I consider a must-have item has gone up and up. Know what? My pay has gone down in the same time frame. A slow economy means less hours of work and that means less money in my paycheck. I would not presume to complain to you over the cost of steak and lobster or stuff like that. I cannot remember what a steak taste like and what color is lobster again? I am talking about the things you cannot skimp on here: Milk for my four kids.

These higher energy costs are affecting everything that we buy. Because of that, we are having to make choices about what we spend our money on. You can use any inflation score you want, I believe they were set up to have numbers say whatever you want them to say. Like the four out of five doctors line. The proof is in the pudding. The inflation where the metal meets the meat is double digit. We are making choices that people who make six figures a year would never believe. We went from middle class to no class. Every penny at the pump means another though choice at the dinner table. We have to drive to go to work to keep the lights on. There is no choice. We have no buses, no subway, and I don't own a horse. So I get up and get in my American Made truck and drive to a pump where a company who posts record profits but says they are not making any money, gouges me. They should just stand there with a gun and rob me, at least I would feel like I was treated like a man. They would be up front and in my face. No, instead they hide behind Congressmen and a president they have bought with campaign cash.

The more and more I think about this as I write it, the more and more I think the system is broke. We cry out to our elected people in Washington for help. There is a lot of good talk about how they are going to help us, but nothing ever happens. We spend too much money on nothing getting done. If we were running Washington DC like a business we would be bankrupt.

Mike, I am not attacking you, I support you. You won me over when you came to my town when Boise Cascade left. But I feel you are a working man in a land of people that believe we are here so they can serve in Congress. I believe you know you are there because we put you there. I hope and pray you can find a solution to this madness. The fix has to come now not next year. Smaller countries set the fuel price and they pick up the difference. This is how the economy in those countries is not failing. When Ma Bell got too big you all regulated them. When the cable company got too big you regulated them. When the electric company got too big you regulated them. Where is the regulation on the oil companies? They have shown time and time again that they cannot police their own activities. They will root around in your pockets while you are filling up your car just to take the last bit of cash you have. Americans have more debt now than ever. I know I was debt free three years ago. Now, I am strapped. On the edge of losing it all. I don't have a flat screen TV, no gold silverware. Nothing big and new. Just trying to get by. Putting milk on a credit card. What are we to do? People say we are going to pull out of this soon. I say we will only pull out of this when the energy prices go down. How can anyone but big oil make any more money to pay its employees more money? They cannot, so if I cannot get paid more, then the costs have to go down for me to have more. Just my thoughts.

JASON SPEER, *Cascade.*

This may be late, however, I still think you should know my story. I am sure it is

not much different from many others across our state or America.

I own a small cleanup business that services new construction job sites. I started the business just over six years ago. I drive anywhere between 100 to 150 miles a day—most of which is miles driving to and from the Ada County landfill (2 to 3 trips a day). I am easily putting \$50+ a day of fuel into my truck. I drive a Chevrolet Silverado 2500 HD pulling a dump bed trailer. Basically, I am going through a lot of fuel. The prices are up considerably from a year ago. With the continued rise of fuel, I am given two choices. 1) Ask my builders for more money to pay for the fuel, or 2) Quit my business. Both choices will have a chain reaction in how it affects my life (well-being). My builders will complain. Some will understand and be willing to pay more, others will not want my business because my prices are too high. If I quit my business, I will then have to find other means of income for my family. Six plus years of building a business is a hard thing to give up on. The housing industry in Idaho is not very good right now and with the low amount of work, it affects my income. I currently am making just enough to meet costs. With the addition of high fuel costs it hits me twice as hard.

I do not know what the right answer is to make things better. Off shore drilling for the United States will not have an effect for many years. The people of Idaho and elsewhere need help now. I do not know much about law or the principles of supply and demand—but it would sure be nice if the government could somehow make a drastic cut in fuel prices. I too would like to take vacations around the state or to Utah to see family. This past weekend it cost \$110.00 for my family to make a round trip to Salt Lake City from Nampa. We have a Honda Accord. It will most likely be the only trip we take for the rest of the year.

Sorry for all the mistakes in my writing. I have so much on my mind when it comes to my family's well-being, my business, and fuel prices.

I'd be happy to share more information.

JONATHAN PLUMMER, *Nampa.*

Hello Mike, if you want the answer, here it is. I have traveled this nation throughout my life. I know that from Alaska to California there are thousands of oil wells that sit idle, not pumping at all, at current use over a 150 years of oil in the ground, already drilled no exploration needed, no problems with environmentalists, that is not to mention the millions of gallons of oil that is pumped from the Alaska pipeline directly on to tankers only to leave our country (USA) to be sold to BP or some other company. The Alaska pipeline in the 70's was promised to the American people (one-third of the oil pumped out of the ground in Alaska is pumped back into the ground because the line can't handle it). Now to talk about refineries, the American people have been told we do not have any refineries, we have them in Utah, Arizona, New Mexico, Texas, California . . . four of the major oil companies in the USA are held by one holding company, the last I heard, what they are doing is called price fixing (which is against the law, remember the breakup of Microsoft?). Our government chooses to buy our oil from terrorists, only to support further war, help to build indoor ski resorts (in the desert) and manmade islands some of the largest construction projects ever attempted, at the expense of the American people and our economy. When will we stand up for ourselves?

"Even China has." We need to use our own oil (reserves) say no more to the oil companies (break them up like in the 1900s) take control for our country and not let big business run it. "Regardless of greed" this is our country and our economy. If the economy fails, what good is money (we are on reserve note not gold standard)? Is not our government supposed to be by the people for the people? I can show a direct correlation between the down turn in the economy and fuel prices. Our soldiers are in the Middle East fighting a war we cannot win, and the Terrorists are winning the 911 war by destroying our core (economy) by controlling the cost of our energy (fuel) and we just sit idle. Our government says, in part, it is because we need to go green, but autos are less than 10 percent of the problem.

Here it is:

Use our reserves (oil in our ground).

Give the Alaska pipe line back to the people.

Take our pocket book out of it (political investors).

Tell OPEC what we will pay (not what they will have us pay).

Break up the oil companies (price fixing is against the law).

Let the Middle East take care of themselves. The only value they have is the value the world puts on them. If they are worth nothing then they are nothing.

Brazil is 100 percent self sufficient and fuel is less than \$1.50 a gallon.

We need to stand up and say no, we will use our own oil, you would be amazed how fast the prices would drop, but we would still need to say no, so we can control it and keep control of it (in our country anyway).

Of the people by the people we are the U.S.A.

RICHARD STEPHENS, *Caldwell*.

ADDITIONAL STATEMENTS

TRIBUTE TO OPERATION HOMEFRONT

• Mr. ISAKSON. Mr. President, I wish today to honor in the RECORD of the Senate an organization that is doing phenomenal work on behalf of military families across Georgia.

Operation Homefront Georgia is located in Marietta, GA, and is a charter member of the Operation Homefront national organization that was founded after the horrific attacks on 9/11. The organization provides emergency assistance and morale to our troops, to the families they leave behind and to wounded warriors when they return home. For example, if a military veteran is unable to pay his or her mortgage due to injury or stress from war, Operation Homefront Georgia finds the money needed for the mortgage. If a soldier needs a wheelchair lift in his or her home, Operation Homefront Georgia finds a company that will install it for free. The individuals who are a part of this organization are truly miracle workers.

Operation Homefront Georgia is made up mostly of women, some men, but mostly ladies that leave work every day knowing that they made a difference in somebody's life. My office

knows that when Operation Homefront Georgia calls, there is a dire situation on the line and we do all we can to help. They don't take no for an answer, and their insistence pays off.

Our men and women who are going off to fight should be able to know their loved ones at home are safe and sound. With Operation Homefront Georgia, they don't have to worry. This fine organization makes sure our soldiers return with dignity to a well taken care of family.

On behalf of a grateful Nation, I thank them for all they do.●

TRIBUTE TO DR. PHILLIP LEE ROBERTS

• Mr. ISAKSON. Mr. President, I wish to join with my colleague Senator CHAMBLISS to honor in the RECORD of the Senate Dr. Phillip Lee Roberts, oncologist and medical director of the Phoebe Cancer Center at Phoebe Putney Memorial Hospital in Albany, GA.

For decades, Dr. Roberts has diagnosed and treated patients in southwest Georgia with a record of care and devotion that is above and beyond the call of duty in his profession. In recognition of his remarkable work in the field of cancer treatment, Phoebe Putney Health System is dedicating its new cancer pavilion as the Phillip L. Roberts, M.D. Cancer Pavilion.

When Dr. Roberts began his practice in Albany in 1980, there were few oncologists south of Macon, GA. At that time, a diagnosis of cancer was often a death sentence. Dr. Roberts has seen the progression of cancer treatment from the earliest drugs and radiation treatment to the modern methods now used to fight the disease. Today, the progression of medicine and technology allows this remarkable doctor to deliver a message of hope rather than despair to his patients.

Through the years, as technology and cancer treatments have advanced, his steadfast dedication to his patients and his profession has remained strong. Well into his golden years, Dr. Roberts is still at the helm of one of the busiest cancer centers in the southeastern United States. He has yet to slow his pace or his professional battle against the disease he fights daily on behalf of his patients. Not only does he continue a full schedule with patients at Phoebe, he travels weekly to treat patients at clinics in outlying rural areas, where access to health care is still limited and unattainable for many due to economic and social roadblocks.

I am pleased to join Senator CHAMBLISS in acknowledging the great work that is done each day at the Phoebe Cancer Center and the efforts of Dr. Roberts over the past 36 years to provide high quality cancer care. Dr. Roberts certainly deserves this recognition, and we offer our sincerest

congratulations on the dedication of the Phillip L. Roberts, M.D. Cancer Pavilion.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 3. Joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 3. Joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL:

S. 313. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. HATCH:

S. 314. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. SANDERS):

S. 315. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. ALEXANDER, Mr. PRYOR, Mr. CORNYN, Ms. CANTWELL, Ms. LANDRIEU, Mrs. MURRAY, and Mr. VITTER):

S. 316. A bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 317. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY:

S. 318. A bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DURBIN):

S. 319. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 320. A bill to ensure that short- and long-term investment decisions critical to economic stimulus and job creation in clean energy are supported by Federal programs and reliable tax incentives; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. TESTER, and Ms. KLOBUCHAR):

S. 321. A bill to require the Secretary of Homeland Security and the Secretary of State to accept passport cards at air ports of entry and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. SPECTER, Mr. CARPER, Mr. MENENDEZ, Mr. KENNEDY, Mr. DODD, Mr. WYDEN, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. CARDIN, and Mr. LAUTENBERG):

S. 322. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself, Mrs. LINCOLN, and Mr. NELSON of Nebraska):

S. 323. A bill to provide infrastructure, nutrition, and housing assistance to rural areas of the United States; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. DURBIN, Ms. SNOWE, Mr. LAUTENBERG, Mr. WHITEHOUSE, and Mr. BROWN):

S. 324. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 325. A bill to amend section 845 of title 18, United States Code, relating to explosives, to grant the Attorney General exemption authority; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mr. KYL, Mr. VITTER, Mr. CHAMBLISS, Mr. BUNNING, Mr. GREGG, Mr. COBURN, Mr. BURR, Mr. ISAKSON, Mr. GRAHAM, Mr. INHOFE, Mr. CORNYN, Mr. BROWNBACK, Mr. COCHRAN, Mr. ENSIGN, Mr. THUNE, Mr. DEMINT, Mr. BENNETT, and Mr. BARRASSO):

S. 326. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2013, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 327. A bill to amend the Violence Against Women Act of 1994 and the Omnibus

Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. KERRY, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 328. A bill to postpone the DTV transition date; read twice.

By Mr. LEAHY:

S. 329. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit for property placed in service during 2008; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself and Mr. CASEY):

S. Res. 20. A resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 21. A resolution to authorize testimony in United States of America v. Vincent J. Fumo, et al; considered and agreed to.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 102

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 102, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 154

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 154, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 167

At the request of Mr. KOHL, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 167, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

S. 244

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 249

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 249, a bill to amend the Internal Revenue Code of 1986 to qualify formerly homeless youth who are students for purposes of low income tax credit.

S. 250

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 313. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, today I am pleased to introduce the White Mountain Apache Tribe Water Rights Quantification Act of 2009. The legislation would authorize and confirm the tribe's water settlement and authorize funding for a key drinking water project on the tribe's reservation in northern Arizona—the Miner Flat Dam and Reservoir. The legislation is the product of nearly 3 years of negotiation and the tremendous work of the settlement parties.

On behalf of the tribe, the United States filed substantial claims to water in the Gila River and Little Colorado River General Stream adjudications in

Arizona. The settlement of these claims would, among other things, resolve the tribe's claims to water by allocating to it a total annual water right of 52,000 acre-feet per year through a combination of surface water and Central Arizona Project water sources. Without a settlement, resolution of the tribe's claims would take many years, entail great expense, prolong uncertainty concerning the availability of water supplies, and seriously impair the long-term economic well-being of all of the parties to the settlement.

Late last year, the representatives of the non-federal water settlement parties indicated that a settlement was nearly finalized. The parties' representatives expressed their written support for the settlement and indicated that they will be submitting the settlement to their respective governing bodies for review and action. A number of the parties, including the White Mountain Apache Tribe, have already formally approved the settlement.

A major factor driving the settlement is the drinking water needs of the White Mountain Apache Tribe. Currently, a relatively small well field serves the drinking water needs of the majority of the residents on the tribe's reservation, but production from the wells has declined significantly over the last few years. As a result, the tribe has experienced summer drinking water shortages. The tribe is planning to construct a relatively small diversion project on the North Fork of the White River on its reservation this year. It indicates that when the project is completed it will replace most of the lost production from the existing well field, but will not produce enough water to meet the demand of the tribe's growing population. The Miner Flat Project would provide a long-term solution for the tribe's drinking water shortages.

A significant percentage of the water and funding for the White Mountain Apache settlement has already been set aside in legislation I sponsored, the Arizona Water Settlements Act. The Arizona Water Settlements Act, which became law in 2004, settled expensive and lengthy litigation concerning the Gila River Indian Community's rights to Gila River water and other water supplies, and the claims of the Tohono O'odham Nation for damages from groundwater pumping in southern Arizona. It also set aside 67,300 acre-feet of Central Arizona Project, CAP, water per year to resolve Indian water claims in Arizona and established a \$250 million fund for future Arizona Indian water settlements.

Under the White Mountain Apache Tribe's settlement legislation, a portion of the CAP water set aside in the Arizona Water Settlements Act will be used to settle the White Mountain Apache Tribe's claims and a portion of

the \$250 million will be used to construct the Miner Flat Project. While a potential scoring issue exists relating to the use of these funds, I am confident that these issues will be resolved as the legislation progresses.

In sum, not only would the legislation I have introduced today provide certainty to water users in the State of Arizona regarding their future water supplies, it would provide the tribe with a long-term reliable source of drinking water. Therefore, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Mountain Apache Tribe Water Rights Quantification Act of 2009".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) proceedings to determine the nature and extent of the water rights of the White Mountain Apache Tribe, members of the Tribe, the United States, and other claimants are pending in—

(A) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled In re the General Adjudication of All Rights To Use Water In The Gila River System and Source, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(B) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source and numbered CIV-6417;

(2) a final resolution of those proceedings might—

(A) take many years;

(B) entail great expense;

(C) prolong uncertainty concerning the availability of water supplies; and

(D) seriously impair the long-term economic well-being of all parties to the proceedings;

(3) the Tribe, non-Indian communities located near the reservation of the Tribe, and other Arizona water users have agreed—

(A) to permanently quantify the water rights of the Tribe, members of the Tribe, and the United States in its capacity as trustee for the Tribe and members in accordance with the Agreement; and

(B) to seek funding, in accordance with applicable law, for the implementation of the Agreement;

(4) it is the policy of the United States to quantify, to the maximum extent practicable, water rights claims of Indian tribes without lengthy and costly litigation;

(5) as of the date of enactment of this Act, the tribal water rights are unquantified vested property rights held in trust by the United States for the benefit of the Tribe; and

(6) in keeping with the trust responsibility of the United States to Indian tribes, and to promote tribal sovereignty and economic

self-sufficiency, it is appropriate that the United States participate in and contribute funds for the implementation of the Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and carry out all obligations of the Secretary under the Agreement;

(3) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States in its capacity as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants in the proceedings referred to in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The "Agreement" means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that are—

(i) made in accordance with this Act; or

(ii) otherwise approved by the Secretary.

(2) BUREAU.—The term "Bureau" means the Bureau of Reclamation.

(3) CAP.—The term "CAP" means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) CAP CONTRACTOR.—The term "CAP contractor" means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) CAP FIXED OM&R CHARGE.—The term "CAP fixed OM&R charge" has the meaning given the term in the repayment stipulation.

(6) CAP M&I PRIORITY WATER.—The term "CAP M&I priority water" means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) CAP SUBCONTRACTOR.—The term "CAP subcontractor" means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) CAP SYSTEM.—The term "CAP system" means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) CAP WATER.—The term "CAP water" means "Project Water" (as that term is defined in the repayment stipulation).

(10) CONTRACT.—The term "Contract" means—

(A) the contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529 and dated []; and

(B) any amendments to that contract.

(11) **DISTRICT.**—The term “District” means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) **ENFORCEABILITY DATE.**—The term “enforceability date” means the date described in section 12(c)(1).

(13) **INJURY TO WATER RIGHTS.**—

(A) **IN GENERAL.**—The term “injury to water rights” means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) **INCLUSIONS.**—The term “injury to water rights” includes—

- (i) a change in the groundwater table; and
- (ii) any effect of such a change.

(C) **EXCLUSION.**—The term “injury to water rights” does not include any injury to water quality.

(14) **OFF-RESERVATION TRUST LAND.**—The term “off-reservation trust land” means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(15) **OPERATING AGENCY.**—The term “Operating Agency” means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(16) **REPAYMENT CONTRACT.**—The term “repayment contract” means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(17) **REPAYMENT STIPULATION.**—The term “repayment stipulation” means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled Central Arizona Water Conservation District v. United States, et al., and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(18) **RESERVATION.**—

(A) **IN GENERAL.**—The term “reservation” means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the “Fort Apache Reservation” pursuant to the Act of June 7, 1897 (30 Stat. 62, chapter 3); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) **NO EFFECT ON DISPUTE OR AS ADMISSION.**—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; and

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(19) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(20) **STATE.**—The term “State” means the State of Arizona.

(21) **TRIBAL CAP WATER.**—The term “tribal CAP water” means the CAP water to which

the Tribe is entitled pursuant to the Contract.

(22) **TRIBAL WATER RIGHTS.**—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(23) **TRIBE.**—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(24) **WATER RIGHT.**—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(25) **WMAT RURAL WATER SYSTEM.**—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 7.

(26) **YEAR.**—The term “year” means a calendar year.

SEC. 4. APPROVAL OF AGREEMENT.

(a) **APPROVAL.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Agreement conflicts with a provision of this Act, the Agreement is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Agreement consistent with this Act.

(b) **EXECUTION OF AGREEMENT.**—To the extent that the Agreement does not conflict with this Act, the Secretary shall—

(1) execute the Agreement (including signing any exhibit to the Agreement requiring the signature of the Secretary); and

(2) execute any amendment to the Agreement necessary to make the Agreement consistent with this Act.

(c) **NATIONAL ENVIRONMENTAL POLICY ACT.**—

(1) **ENVIRONMENTAL COMPLIANCE.**—In implementing the Agreement, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) **EXECUTION OF AGREEMENT.**—

(A) **IN GENERAL.**—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **ENVIRONMENTAL COMPLIANCE.**—The Secretary shall carry out all necessary environmental compliance required by Federal law in implementing the Agreement.

(3) **LEAD AGENCY.**—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

SEC. 5. WATER RIGHTS.

(a) **RIGHTS HELD IN TRUST.**—The tribal water rights shall be held in trust by the United States on behalf of Tribe.

(b) **REALLOCATION.**—

(1) **IN GENERAL.**—In accordance with this Act and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an annual entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as de-

fined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firmed by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firmed by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an annual entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) **AUTHORITY OF TRIBE.**—Subject to approval by the Secretary under section 6(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) **WATER SERVICE CAPITAL CHARGES.**—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) **ALLOCATION AND REPAYMENT.**—For the purpose of determining the allocation and repayment of costs of any stages of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) **WATER CODE.**—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

SEC. 6. CONTRACT.

(a) **IN GENERAL.**—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) REQUIREMENTS.—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with a provision of this Act, the Contract is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Contract is authorized, ratified, and con-

firmed, to the extent that such an amendment is executed to make the Contract consistent with this Act.

(d) EXECUTION OF CONTRACT.—To the extent that the Contract does not conflict with this Act, the Secretary shall execute the Contract.

(e) PAYMENT OF CHARGES.—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) PROHIBITIONS.—

(1) USE OUTSIDE STATE.—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) USE OFF RESERVATION.—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this Act may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.—Nothing in this Act or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority established by section 45-2421 of the Arizona Revised Statutes (or any successor entity), in accordance with State law.

(g) LEASES.—

(1) IN GENERAL.—To the extent the leases of tribal CAP Water by the Tribe to the District and to any of the cities, attached as exhibits to the Agreement, are not in conflict with the provisions of this Act—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) AMENDMENTS.—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this Act, those amendments are authorized, ratified, and confirmed.

SEC. 7. AUTHORIZATION OF THE RURAL WATER SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Bureau, shall plan, design, construct, operate, maintain, replace, and rehabilitate the WMAT rural water system as generally described in the project extension report dated February 2007.

(b) COMPONENTS.—The WMAT rural water system under subsection (a) shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork White River near the community of Whiteriver;

(2) pipelines extending from the water treatment plants to existing water distribution systems serving the Whiteriver, Carrizo, and Cibecue areas, together with other communities along the pipeline;

(3) connections to existing distribution facilities, including public and private water systems in existence on the date of enactment of this Act;

(4) appurtenant buildings and access roads;

(5) electrical power transmission and distribution facilities necessary for services to rural water system facilities;

(6) all property and property rights necessary for the facilities described in this subsection; and

(7) such other project components as the Secretary determines to be appropriate to meet the water supply, economic, public

health, and environmental needs of the portions of the reservation served by the WMAT rural water system, including water storage tanks, water lines, and other facilities for the Tribe and the villages and towns on the reservation.

(c) SERVICE AREA.—The service area of the WMAT rural water system shall be as described in the Project Extension report dated February 2007.

(d) CONSTRUCTION REQUIREMENTS.—The components of the WMAT rural water system shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the WMAT rural water system service area during the period beginning on the date of enactment of this Act and ending not earlier than December 31, 2040.

(e) TITLE.—Title to the WMAT rural water system shall be held in trust by the United States in its capacity as trustee for the Tribe.

(f) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Tribe to plan, design, construct, operate, maintain, and replace the WMAT rural water system, including operation and management training.

(g) APPLICABILITY OF ISDEAA.—Planning, design, construction, operation, maintenance, rehabilitation, and replacement of the WMAT rural water system on the reservation shall be subject to the provisions (including regulations) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(h) CONDITION.—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land, as appropriate, that the Secretary identifies as being necessary for those facilities.

SEC. 8. OUTDOOR RECREATION FACILITIES, NATIONAL FISH HATCHERIES, AND EXISTING IRRIGATION SYSTEMS.

(a) IN GENERAL.—Subject to the availability of appropriations, on request of the Tribe, the Secretary shall provide financial and technical assistance to complete the Hawley Lake, Horseshoe Lake, Reservation Lake, Sunrise Lake, and Big and Little Bear Lake reconstruction projects and facilities improvements, as generally described in the Bureau report entitled "White Mountain Apache Tribe Recreation Planning Study—April 2003".

(b) ALCHESEY WILLIAMS CREEK NATIONAL FISH HATCHERY COMPLEX.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall operate, maintain, rehabilitate, and upgrade the Alchesay-Williams Creek National Fish Hatchery Complex on the reservation for the continued general and primary benefit of the Tribe and the White Mountain region.

(2) COMPLEX REHABILITATION.—The rehabilitation of, and upgrades to, the complex described in paragraph (1) shall include—

(A) raceway construction and rehabilitation, water quality improvements, a water recirculation system, supplemental water treatment capability, equipment acquisition, and building rehabilitation; and

(B) capital improvement and deferred maintenance facility needs identified in the reports of the United States Fish and Wildlife Service entitled "Facilities Needs Assessment" and "Merrick Report" and dated September 2000, as updated through 2008.

(c) TRIBE FISHERY CENTER.—Subject to the availability of appropriations, the Secretary shall plan, design, construct, operate, maintain, rehabilitate, and replace a fish grow-

out facility, to be known as the "WMAT Fishery Center", on the west side of the reservation for the benefit of the Tribe, consisting of—

- (1) a 10,000-square foot indoor facility;
- (2) circular fiberglass tanks;
- (3) plumbing and required equipment;
- (4) collection and conveyance water systems; and
- (5) raceways and ponds.

(d) **SUNRISE SKI PARK SNOW-MAKING INFRASTRUCTURE.**—Subject to the availability of appropriations, the Secretary shall plan, design, and construct snow-making capacity and infrastructure for Sunrise Ski Park, consisting of—

- (1) enlargement of Ono Lake;
- (2) replacement of snow-making infrastructure, as necessary; and
- (3) expansion of snow-making infrastructure and capacity to all ski runs on Sunrise Peak, Apache Peak, and Cyclone Peak.

(e) **EXISTING IRRIGATION SYSTEM REHABILITATION.**—Subject to the availability of appropriations, the Secretary shall operate, maintain, rehabilitate, and upgrade the Canyon Day and other historic irrigation systems on the reservation for the continued general and primary benefit of the Tribe.

(f) **APPLICABILITY OF ISDEAA.**—Planning, design, construction, operation, maintenance, rehabilitation, replacement, and upgrade of the projects identified in this section shall be subject to the provisions (including regulations) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 9. FEASIBILITY STUDY OF NEEDED FOREST PRODUCTS IMPROVEMENTS.

(a) **FEASIBILITY STUDY.**—Subject to the availability of appropriations and pursuant to the provisions (including regulations) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), on receipt of a request by the Tribe, the Secretary shall conduct a feasibility study of options for—

- (1) improving the manufacture and use of timber products derived from commercial forests on the reservation; and
- (2) improving forest management practices, consistent with sustained yield principles for multipurpose forest uses, healthy forest initiatives, and other applicable law to supply raw materials for future manufacture and use.

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary, with concurrence of the tribal council of the Tribe, shall submit to Congress a report describing the results of the feasibility study under subsection (a), including recommendations of the Secretary, if any, for the improvements described in that subsection.

(c) **IMPLEMENTATION.**—Subject to the availability of appropriations, the Secretary shall plan, design, and construct the improvements recommended under subsection (b).

SEC. 10. RECREATION IMPOUNDMENTS AND RELATED FACILITIES.

Subject to the availability of appropriations, on receipt of a request by the Tribe and pursuant to the provisions (including regulations) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall—

- (1) conduct a feasibility study of recreation impoundments throughout the reservation;
- (2) develop recommendations for the implementation, by not later than 1 year after the date of enactment of this Act, of feasible recreation impoundments; and
- (3) plan, design, and construct any recommended recreation impoundments and related recreation facilities.

SEC. 11. SATISFACTION OF CLAIMS.

(a) **IN GENERAL.**—The benefits realized by the Tribe and its members under this Act shall be in full satisfaction of all claims of the Tribe and its members for water rights and injury to water rights, except as set forth in the Agreement, under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) **USES OF WATER.**—All uses of water on lands outside of the reservation, if and when such lands are subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee lands within the reservation put into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) **NO RECOGNITION OF WATER RIGHTS.**—Notwithstanding subsection (a), nothing in this Act has the effect of recognizing or establishing any right of a member of the Tribe to water on the reservation.

SEC. 12. WAIVER AND RELEASE OF CLAIMS.

(a) **IN GENERAL.**—

(1) **CLAIMS AGAINST THE STATE AND OTHERS.**—Except as provided in subparagraph 12.6 of the Agreement, the Tribe, on behalf of itself and its members, and the United States, acting in its capacity of trustee for the Tribe and its members as part of the performance of their obligations under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based upon aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based upon aboriginal occupancy of land by the Tribe and its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of or relating in any manner to the negotiation or execution of the Agreement or the negotiation or enactment of this Act.

(2) **CLAIMS AGAINST TRIBE.**—Except as provided in subparagraph 12.8 of the Agreement, the United States, in all its capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-

reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner not in violation of the Agreement; and

(C) past, present, and future claims arising out of or related in any manner to the negotiation or execution of the Agreement or the negotiation or enactment of this Act.

(3) **CLAIMS AGAINST THE UNITED STATES.**—Except as provided in subparagraph 12.7 of the Agreement, the Tribe, on behalf of itself and its members, as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any claim against the United States, including agencies, officials, or employees thereof (except in the United States capacity as trustee for other tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe and its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, or develop water, water rights or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe and its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this Act;

(D) past and present claims relating in any manner to pending litigation of claims relating to the Tribe's water rights for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective upon the full appropriation and payment of such funds authorized by section 16(c)(4) to the Tribe;

(F) future claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective upon the full appropriation of funds authorized by section 16(b) and their deposit into the Rural Water System OM&R Fund; and

(G) past, present, and future breach of trust and negligence claims for damage to

the natural resources of the Tribe caused by riparian and other vegetative manipulation, including over-cutting of forest resources by the United States for the purpose of increasing water runoff from the reservation.

(4) **NO WAIVER OF CLAIMS.**—Nothing in this subsection waives any claim of the Tribe against the United States for future takings by the United States of reservation land or off-reservation trust land or property rights appurtenant to those lands, including any water rights set forth in paragraph 4.0 of the Agreement.

(b) **EFFECTIVENESS OF WAIVER AND RELEASES.**—Except where otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(c) **ENFORCEABILITY DATE.**—

(1) **IN GENERAL.**—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) to the extent the Agreement conflicts with this Act, the Agreement has been revised through an amendment to eliminate the conflict and the Agreement, so revised, has been executed by the Secretary, the Tribe and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 5 and 6;

(C)(i) the funds authorized in sections 13 and 16(a), have been appropriated and deposited in the Rural Water System Construction Fund; and

(ii) if applicable, the funds described in section 16(i) have been deposited in the Rural Water System Construction Fund;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the Rural Water System Construction Fund;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 7; and

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts.

(2) **FAILURE OF ENFORCEABILITY DATE TO OCCUR.**—If, because of the failure of the enforceability date to occur by October 31, 2013, this section does not become effective, the Tribe and its members, and the United States, acting in the capacity of trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) **NO RIGHTS TO WATER.**—Upon the occurrence of the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting in the capacity of trustee for the Tribe and its members for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(d) **UNITED STATES ENFORCEMENT AUTHORITY.**—Nothing in this Act or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

SEC. 13. USE OF LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.

(a) **USE OF AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), up to \$100,000,000 of amounts in the Lower Colorado River Basin Development Fund made available under section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)) may be used, without further appropriation, for the planning, engineering, design, and construction of the WMAT rural water system.

(2) **REQUIREMENT.**—If a loan is made to the Tribe pursuant to the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191), the Tribe shall use such amounts made available under paragraph (1) as are necessary to repay that loan.

(b) **OFFSET.**—To the extent necessary, the Secretary shall offset amounts expended pursuant to subsection (a) using such additional amounts as may be made available to the Secretary for the applicable fiscal year.

SEC. 14. TRUST FUNDS.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States—

(1) a fund to be known as the “Rural Water System Construction Fund”, consisting of—

(A) the funds made available under section 13;

(B) the amounts appropriated to the fund pursuant to subsections (a) and (i) of section 16, as applicable; and

(C) the funds provided in subparagraph 13.3 of the Agreement; and

(2) a fund to be known as the “Rural Water System OM&R Fund”, consisting of amounts appropriated to the fund pursuant to section 16(b).

(b) **MANAGEMENT.**—The Secretary shall manage the Rural Water System Construction Fund and the Rural Water System OM&R Fund, including by—

(1) making investments from the funds; and

(2) distributing amounts from the funds to the Tribe, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(c) **INVESTMENT OF FUNDS.**—The Secretary shall invest amounts in the funds in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(3) subsection (b);

(4) the obligations of Federal corporations and Federal Government-sponsored entities the charter documents of which provide that the obligations of the entities are lawful investments for federally managed funds, including—

(A) the obligations of the United States Postal Service described in section 2005 of title 39, United States Code;

(B) bonds and other obligations of the Tennessee Valley Authority described in section 15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4);

(C) mortgages, obligations, and other securities of the Federal Home Loan Mortgage Corporation described in section 303 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452); and

(D) bonds, notes, and debentures of the Commodity Credit Corporation described in section 4 of the Act of March 8, 1938 (15 U.S.C. 713a-4); and

(5) the obligations referred to in section 201 of the Social Security Act (42 U.S.C. 401).

(d) **EXPENDITURES AND WITHDRAWALS.**—

(1) **TRIBAL MANAGEMENT PLANS.**—

(A) **IN GENERAL.**—The Tribe may withdraw any portion of the Rural Water System Construction Fund or the Rural Water System OM&R Fund on approval by the Secretary of

a tribal management plan under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) **REQUIREMENTS.**—In addition to the requirements under that Act (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribe shall—

(i) use amounts in the Rural Water System Construction Fund only for the planning, design, and construction of the rural water system, including such sums as are necessary—

(I) for the Bureau to carry out oversight of the planning, design, and construction of the rural water system; and

(II) to carry out all required environmental compliance activities associated with the planning, design, and construction of the rural water system; and

(ii) use amounts in the Rural Water System OM&R Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the rural water system.

(2) **ENFORCEMENT.**—The Secretary may pursue such judicial remedies and carry out such administrative actions as are necessary to enforce the tribal management plan to ensure that amounts in the Rural Water System Construction Fund and the Rural Water System OM&R Fund are used in accordance with this section.

(3) **LIABILITY.**—On withdrawal by the Tribe of amounts in the Rural Water System Construction Fund or the Rural Water System OM&R Fund, the Secretary and the Secretary of the Treasury shall not retain liability for the expenditure or investment of those amounts.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the funds under this section that the Tribe does not withdraw pursuant to this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, the amounts remaining in the funds will be used.

(C) **APPROVAL.**—The Secretary shall approve an expenditure plan under this paragraph if the Secretary determines that the plan is—

(i) reasonable; and

(ii) consistent with this Act.

(5) **ANNUAL REPORTS.**—The Tribe shall submit to the Secretary an annual report that describes each expenditure from the Rural Water System Construction Fund and the Rural Water System OM&R Fund during the year covered by the report.

(e) **PROHIBITION ON PER CAPITA DISTRIBUTIONS.**—No amount of the principal, or the interest or income accruing on the principal, of the Rural Water System Construction Fund or the Rural Water System OM&R Fund shall be distributed to any member of the Tribe on a per capita basis.

(f) **FUNDS NOT AVAILABLE UNTIL ENFORCEABILITY DATE.**—Amounts in the Rural Water System Construction Fund and the Rural Water System OM&R Fund shall not be available for expenditure or withdrawal by the Tribe until the enforceability date.

SEC. 15. MISCELLANEOUS PROVISIONS.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—

(1) **IN GENERAL.**—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil

action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this Act or the Agreement.

(2) **DESCRIPTION OF CIVIL ACTION.**—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this Act or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) **EFFECT OF ACT.**—Nothing in this Act quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) **APPLICABILITY OF RECLAMATION REFORM ACT.**—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this Act;

(2) the execution of this Act; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) **TREATMENT OF TRIBAL WATER RIGHTS.**—The tribal water rights—

(1) shall be held in trust by the United States in perpetuity; and

(2) shall not be subject to forfeiture or abandonment.

(f) **SECRETARIAL POWER SITES.**—The portions of the following named secretarial power site reserves that are located on the reservation shall be transferred and restored into the name of the Tribe:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(g) **NO EFFECT ON FUTURE ALLOCATIONS.**—Water received under a lease or exchange of tribal CAP water under this Act shall not affect any future allocation or reallocation of CAP water by the Secretary.

(h) **AFTER-ACQUIRED TRUST LANDS.**—

(1) **REQUIREMENT OF ACT OF CONGRESS.**—

(A) **LEGAL TITLE.**—After the enforceability date, if the Tribe seeks to have legal title to additional land in the State of Arizona located outside the exterior boundaries of the reservation taken into trust by the United States for its benefit, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) **EXCEPTIONS.**—Subparagraph (A) shall not apply to—

(i) restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) **WATER RIGHTS.**—

(A) **IN GENERAL.**—Under this section, after-acquired trust land outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) **RESTORED LAND.**—Land restored to the reservation as the result of resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that are placed into trust, shall have water rights pursuant to section 11(b).

(3) **ACCEPTANCE OF LAND IN TRUST STATUS.**—

(A) **IN GENERAL.**—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable Federal law (including regulations) for such real estate acquisitions.

(B) **RESERVATION STATUS.**—Land taken or held in trust by the Secretary under paragraph (3), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

(a) **RURAL WATER SYSTEM.**—

(1) **PLANNING, ENGINEERING, DESIGN, AND CONSTRUCTION.**—

(A) **IN GENERAL.**—There is authorized to be appropriated for the planning, engineering, design, and construction of the WMAT rural water system \$126,193,000, as adjusted in accordance with subparagraph (B), less—

(i) the amount of funding applied toward the planning, engineering, design, and construction of the WMAT rural water system under section 13; and

(ii) the funds to be provided under subparagraph 13.3 of the Agreement.

(B) **ADJUSTMENTS AND INCLUSIONS.**—The amount authorized to be appropriated under subparagraph (A) shall—

(i) be adjusted as may be required due to changes in construction costs of the rural water system, as indicated by engineering cost indices applicable to the types of planning, engineering, design, and construction occurring after October 1, 2007; and

(ii) include such sums as are necessary for the Bureau to carry out oversight of activities for planning, design, and construction of the rural water system.

(2) **ENVIRONMENTAL COMPLIANCE.**—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out all required Federal environmental compliance activities associated with the planning, engineering, design, and construction of the rural water system.

(b) **RURAL WATER SYSTEM OM&R.**—There is authorized to be appropriated \$50,000,000 for

the operation, maintenance, and replacement costs of the rural water system.

(c) **REHABILITATION OF RECREATION FACILITIES, NATIONAL FISH HATCHERIES, AND EXISTING IRRIGATION SYSTEMS.**—There are authorized to be appropriated, for use in accordance with section 8—

(1) \$23,675,000 to complete the Hawley Lake, Horseshoe Lake, Reservation Lake, Sunrise Lake, and Big and Little Bear Lake reconstruction projects and facilities improvements;

(2) \$7,472,000 to the United States Fish and Wildlife Service for the rehabilitation and improvement of the Alchesay-Williams Creek National Fish Hatchery Complex;

(3) \$5,000,000 to the Bureau of Indian Affairs for the planning, design, and construction of the WMAT Fishery Center; and

(4) for the rehabilitation of existing irrigation systems—

(A) \$950,000 for the Canyon Day irrigation system; and

(B) \$4,000,000 for the Historic irrigation system.

(d) **FEASIBILITY STUDY OF NEEDED FOREST PRODUCTS IMPROVEMENTS.**—There are authorized to be appropriated—

(1) to the Bureau of Indian Affairs \$1,000,000 to conduct a feasibility study of the rehabilitation and improvement of forest products manufacturing and forest management on the reservation in accordance with section 9; and

(2) \$24,000,000 to implement the recommendations developed under the study.

(e) **SUNRISE SKI PARK SNOW-MAKING INFRASTRUCTURE.**—There is authorized to be appropriated \$25,000,000 for the planning, design, and construction of snow-making infrastructure, repairs, and expansion at Sunrise Ski Park in accordance with section 8.

(f) **RECREATION IMPOUNDMENTS AND RELATED FACILITIES.**—There is authorized to be appropriated \$25,000,000 to carry out section 10.

(g) **ENVIRONMENTAL COMPLIANCE.**—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out all required environmental compliance activities associated with the Agreement and this Act.

(h) **COST INDEXING.**—The amounts authorized to be appropriated under this section shall be adjusted as appropriate, based on ordinary fluctuations in engineering cost indices applicable for the relevant types of construction, if any, during the period beginning on October 1, 2007, and ending on the date on which the amounts are made available.

(i) **EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.**—Effective beginning on January 1, 2010, if the Secretary determines that, on an annual basis, the deadline described in section 12(c)(2) is not likely to be met because the funds authorized in sections 13 and 16(a) have not been appropriated and deposited in the Rural Water System Construction Fund, not more than \$100,000,000 of the amounts in the Emergency Fund for Indian Safety and Health established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (22 U.S.C. 7601 et seq.) shall be transferred to the Rural Water System Construction Fund, as necessary to complete the WMAT rural water system project.

SEC. 17. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out, subject to appropriations, under this Act (including any such obligation or activity under the

Agreement) if adequate appropriations for that purpose are not provided by Congress.

SEC. 18. REPEAL ON FAILURE OF ENFORCEABILITY DATE.

If the Secretary fails to publish in the Federal Register a statement of findings as required under section 12(c) by not later than October 31, 2013—

(1) effective beginning on November 1, 2013—

(A) this Act is repealed; and

(B) any action carried out by the Secretary, and any contract entered into, pursuant to this Act shall be void;

(2) any amounts appropriated under sections 13 and subsections (a) and (b) of section 16, together with any interest accrued on those amounts, shall immediately revert to the general fund of the Treasury; and

(3) any amounts paid by the State in accordance with the Agreement, together with any interest accrued on those amounts, shall immediately be returned to the State.

SEC. 19. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In carrying out this Act, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

AUGUST 29, 2008.

Senator JON KYL,
Phoenix, AZ.

DEAR SENATOR KYL: We the undersigned representatives of parties to the White Mountain Apache Tribe Quantification Agreement have reviewed the attached Quantification Agreement, Exhibits, and accompanying draft legislation ("Settlement Documents"). Based upon our participation in the negotiations and/or our review of the attached Settlement Documents, we, at this time, intend to express our support for the Settlement Documents and plan to submit them for our governing bodies' review and action. As of the date of this letter, we are not aware of any reason why our governing bodies would not support the Settlement Documents. The governing bodies, however, must conduct a final review of the Settlement Documents and make a decision.

The Settlement Documents may be revised as agreed upon by the parties. We understand that authorizations for appropriations included within the draft legislation are still subject to agreement between you and the White Mountain Apache Tribe.

Robert Brauchli, White Mountain Apache Tribe; John Weldon, Salt River Project; Frederic Beeson, Salt River Project; Lauren Caster, Arizona Water Company; David Brown, City of Show Low; Michael J. Pearce, Buckeye Irrigation Company/Buckeye Water Conservation and Drainage District; William Staudenmaier, Roosevelt Water Conservation District; Eric Kamienski, City of Tempe; Stephen Burg, City of Peoria; Elizabeth Miller, City of Scottsdale; Doug Toy, City of Chandler; Kathy Rall, Town Gilbert; Kathryn Sorensen, City of Mesa; Robin Stinnett, City of Avondale; Tom Buschatzke, City of Phoenix; Stephen Rot, City of Glendale; Gregg Houtz, Arizona Department of Water Resources.

CENTRAL ARIZONA PROJECT,
Phoenix, AZ, September 4, 2008.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: I am writing as counsel for the Central Arizona Water Conservation District regarding legislation to authorize a settlement of the water rights claims of the White Mountain Apache Tribe. As you know, my staff and I have been personally involved in the negotiations to settle the water rights claims of the Tribe. My staff and I have had the opportunity to review the most recent drafts of the authorizing legislation and the settlement agreement and we intend to recommend approval of the settlement to our governing Board. In our judgment, the proposed settlement is consistent with the Arizona Water Settlements Act and represents an important step forward in Arizona's efforts to resolve outstanding Indian water rights claims. We look forward to continuing to work with you and the other members of the Arizona congressional delegation in bringing this important settlement to fruition.

Sincerely,

DOUGLAS K. MILLER,
General Counsel, CAWCD.

By Mr. FEINGOLD (for himself
and Mr. SANDERS):

S. 315. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, Senator SANDERS and I are introducing the Veterans Outreach Improvement Act which will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs. I introduced similar legislation in the 108, 109, and 110 Congresses. I am also pleased to note that there is a companion bill in the House, H.R. 32, sponsored by Representative MCINTYRE. Last year, the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs approved the bill by a voice vote.

I would like to thank the junior Senator from Hawaii for working with me to improve outreach to veterans. This year, he has introduced an omnibus veterans health care bill, S. 252, which includes a provision creating a grant program for organizations that, among other things, perform outreach to veterans. At my request, this grant program was extended to include State and local agencies that conduct outreach to veterans, consistent with provisions of my outreach bill. I greatly appreciate the Chairman's willingness to consider the key role these agencies play in ensuring that veterans receive the benefits they have more than earned. I would also like to thank Senator SANDERS for working with me to expand the scope of this grant program.

Based on Senator AKAKA's recommendations, I have made a few changes to my outreach bill this year.

He has informed me of the special need to increase outreach to veterans in rural areas. I have modified my outreach bill to reflect this important need.

I was extremely troubled by revelations of gaps in care as servicemembers transition to the VA that emerged as a result of investigations of the Walter Reed Army Medical Center. I appreciate the Department of Defense and Department of Veterans Affairs' attempts to remedy these gaps, but more work remains to be done. It can be extremely difficult for veterans to navigate the VA's health care and benefits systems. This bill will increase congressional oversight of the VA's outreach activities and authorize the Secretary of Veterans Affairs to work with State, local and community-based organizations to perform outreach.

Several years ago, the Wisconsin Department of Veterans Affairs, WDVA, launched a statewide program called "I Owe You." The program encourages veterans to apply, or to re-apply, for benefits that they earned from their service in the U.S. military.

As part of this program, WDVA has sponsored several events around Wisconsin called "Supermarkets of Veterans Benefits" at which veterans can begin the process of learning whether they qualify for Federal benefits from the Department of Veterans Affairs, VA. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin's County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible. More than 11,000 veterans and their families have attended the supermarkets, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of Federal, State, and local agencies. I was proud to have members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and preregistration for internment in veterans cemeteries.

The Institute for Government Innovation at Harvard University's Kennedy School of Government recognized the "I Owe You" program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was also featured in the March/April 2003 issue of Disabled American Veterans Magazine.

In order to help to facilitate consistent implementation of VA's outreach responsibilities around the country, my bill would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of

the VA and its agencies, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration to ensure oversight of the VA's outreach activities. Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding. Finally, the bill would give the VA grantmaking authority to award funds to State, local and community-based organizations to conduct outreach activities such as the WDVAs' "I Owe You Program."

I look forward to working with Chairman AKAKA and the members of the Senate Veteran Affairs Committee to make the veteran outreach grant program a success. As we continue to deploy members of the Armed Services overseas at a staggering pace, it is essential that we ensure a smooth transition into the VA for all veterans in need of care. It is the least we can do.

By Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. ALEXANDER, Mr. PRYOR, Mr. CORNYN, Ms. CANTWELL, Ms. LANDRIEU, Mrs. MURRAY, and Mr. VITTER):

S. 316. A bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am very pleased to rise today to introduce the Timber Revitalization and Economic Enhancement Act II of 2009 with my good friend, Senator CRAPO of Idaho. I also want to say a special thanks to our cosponsors, Senators ALEXANDER, PRYOR, CORNYN, CANTWELL, LANDRIEU, MURRAY, and VITTER.

This legislation has commonly been referred to as the TREE Act. I appreciate that Congress understood the importance of the TREE Act with its inclusion and enactment in the Farm Bill last year. But, unfortunately, this tax policy is already set to expire in May. So today, my colleagues and I introduce the TREE Act II to make this important forest policy permanent.

In my home State of Arkansas, the forest products industry is a foundation of our economy and culture. More than 50 percent of Arkansas land is forested. Much of this is sustainably managed to create products we use every day. In addition, there are jobs associated with the growing of these forests and manufacture of these great products. More than 32,000 Arkansas men and women work in our woods, at our sawmills and in our paper mills. These are good jobs located in our small rural towns.

However, these jobs and this industry continue to face many challenges. During this economic crisis, the forest products industry has suffered greater dislocation than many others, and since 2006 has lost more than 181,000 jobs or roughly 14 percent of our workforce. The wood products industry has been particularly hard hit with 20 percent drops in employment. In Arkansas the impact is even greater, with a predicted 24 percent job loss in the wood products industry.

The TREE Act II helps address these challenges. Just as it is important to have diversity in our forests, it is also important to maintain diversity in our forestry industry, and we must ensure that all business forms have the necessary tools so they can be successful in the global marketplace. Timber companies that are organized as corporations continue to be under intensifying pressure to reorganize. In that case, a corporation that owns substantial manufacturing facilities would be forced to sell some of those facilities and to make other structural changes in order to comply with the relevant tax rules that it would newly become subject to. This would likely cause disruptions in many of these communities and would also make it harder for U.S. companies to compete internationally.

In Arkansas, like so many other States across our Nation, a strong forest product industry is essential to having a strong economy. A permanent solution to the TREE Act II is imperative for this industry and supporting the jobs it provides. I look forward to working with my colleagues on the Senate Finance Committee to ensure this important tax policy is made permanent.

By Mr. FEINGOLD.

S. 317. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation that would put an end to automatic pay raises for Members of Congress.

As I have noted when I raised this issue in past years, because Congress has the authority to raise its own pay, something that most of our constituents cannot do, it ought to exercise that authority openly, and subject to regular procedures including debate, amendment, and a vote on the record.

Regrettably, current law allows Congress to avoid that open debate and public vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts to prevent it.

This stealth system of pay raises began with a change Congress enacted in the Ethics Reform Act of 1989. On occasion, Congress has voted to deny

itself the raise, and the traditional vehicle for the pay raise vote is the Treasury or more recently the Financial Services Appropriations bill. But as I have noted before, that vehicle is not always made available to those who want a public debate and vote on the matter. Last year, for example, Congress enacted a consolidated appropriations bill in which all but three appropriations bills were included. The traditional vehicle for the pay raise vote, the Financial Services Appropriations bill, was included in the massive consolidated appropriations bill, along with funding for eight other appropriations bills. Amendments to that consolidated appropriations bill were effectively shut off, thus, in particular, preventing any amendment that would have stopped the automatic pay raise from going into effect three months later in January of 2009. I voted against the consolidated appropriations bill in part because it did not permit an up or down vote on the Member pay raise.

Sadly this is not an uncommon situation. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for 2 centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by ¾ of the States.

The 27th Amendment to the Constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened."

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or

a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th Amendment. At the very least, the stealth pay raises like the one that Congress allowed for 2009 certainly violate the spirit of that amendment.

This practice must end and this bill will end it. Senators and Congressmen should have to vote up-or-down to raise their pay, and my bill would require just that. We owe our constituents nothing less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;
(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2011.

By Mr. GRASSLEY:

S. 318. A bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Medicare Rural Health Access Improvement Act of 2009.

The purpose of this legislation is to continue ongoing efforts to ensure that Americans in rural areas have access to health care services. Much has been done in the past to improve access to rural providers such as hospitals and doctors. Much more still needs to be done. And it is even more important in light of the economic challenges we face.

I hold town meetings in each of the 99 counties in the great state of Iowa every year. As many know, Iowa is largely a rural state, and a significant concern that I consistently hear during these meetings is the difficulty my constituents experience in accessing health care services. As the former Chairman and currently the Ranking Member of the Finance Committee, it has therefore been a priority for me to improve the availability of health care in rural areas.

In Iowa, as in many rural areas across the country, hospitals are often not only the sole provider of health care in rural areas, but also employers and purchasers in the community. Moreover, the presence of a hospital is essential for purposes of economic development because businesses check to see if a hospital is in the community in which they might set up shop. As you can see, it is vital that these institutions are able to keep their doors open.

In previous legislation, Congress has been able to improve the financial viability of rural hospitals. For instance, the creation and subsequent improvements to the Critical Access Hospital designation have greatly improved the financial health of certain small rural hospitals and ensured that community residents have access to health care.

However, there are still a group of rural hospitals that need help. I am referring to what are known as “tweener” hospitals, which are too large to be Critical Access Hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. These facilities are struggling to stay afloat despite their tireless efforts. Like in many communities in across the country, the staff of tweneer hospitals and their community residents take great pride in the quality of care at these facilities. I have heard countless stories of the exemplary work tweneer hospitals in Iowa perform not only as providers of essential health care, but also as responsible members of their communities. It is for this reason that many provisions in this bill are intended to improve the financial health of tweneer hospitals and ensure that people have access to health care.

Most tweneer hospitals are currently designated as Medicare Dependent Hospitals and Sole Community Hospitals under the Medicare program. There are provisions, both temporary and permanent, included in this bill that would improve Medicare payments for both types of hospitals. This includes improvements to the payment methodologies so that inpatient payments to Medicare Dependent Hospitals would better reflect the costs they incur in providing care. Improvements are also proposed in this bill to Medicare hospital outpatient payments for both Medicare Dependent Hospitals and Sole Community Hospitals so they would both share the benefit of hold harmless payments and add-on payments.

Also, a major driver of the financial difficulties that tweneer hospitals face is the fact that many have relatively low volumes of inpatient admissions. This bill would improve the existing low-volume add-on payment for hospitals so that more rural facilities with low volumes would receive the assistance they desperately need.

Over the years, many have commented that it is simply unfair for

many rural hospitals to receive only a limited amount of Medicare Disproportionate Share Hospital, or DSH, payments while many urban hospitals are not subject to such a cap. This bill would eliminate the cap for DSH payments for those rural hospitals for a two-year period.

There are also other provisions that would continue to help rural hospitals. The rural flexibility program would be extended for an additional year. This essential program provides valuable resources for rural hospitals.

This legislation also seeks to improve incentives for physicians located in rural areas and increase beneficiaries' access to rural health care providers. It includes provisions designed to reduce inequitable disparities in physician payment resulting from the Geographic Practice Cost Indices, or adjusters, known as GPCIs. Medicare payment for physician services varies from one area to another based on the geographic adjustments for a particular area. Geographic adjustments are intended to reflect cost differences in a given area compared to a national average of 1.0 so that an area with costs above the national average would have an index greater than 1.0, and an area below the national average would have an index less than 1.0. There are currently three geographic adjustments: for physician work, practice expense, and malpractice expense.

Unfortunately, the existing geographic adjusters result in significant disparities in physician reimbursement which penalize, rather than equalize, physician payment in Iowa and other rural States. These geographic disparities in payment lead to rural states experiencing significant difficulties in recruiting and retaining physicians and other health care professionals due to their significantly lower reimbursement rates.

These disparities have perverse effects when it comes to realigning Medicare payment to reward quality of care. Let me put that into context. Iowa is widely recognized as providing some of the highest quality health care in the country yet Iowa physicians receive some of the lowest Medicare reimbursement due to these inequitable geographic adjustments. Medicare reimbursement for some procedures is at least 30 percent lower in Iowa than payment for those very procedures in other parts of the country. That is a significant disincentive for Iowa physicians who are providing some of the best quality care in the country, and it is fundamentally unfair. Congress needs to reduce these disparities in payment and focus on rewarding physicians who provide high quality care.

The inequitable geographic payment formulas have also exacerbated the problems that rural areas face in terms of access to health care. Rural America

today has far fewer physicians per capita than urban areas. The GPCI formulas are a dismal failure in promoting an adequate supply of physicians in states like Iowa, and more severe physician shortages in rural areas are predicted in the future.

The legislation I am introducing today makes changes in the GPCI formulas for work and practice expense to reverse this trend. It recognizes the equality of physician work in all geographic areas and establishes a national value of 1.0 for the physician work adjustment. It establishes a practice expense floor of 1.0 floor and revises the calculation of the practice expense formula to reduce payment differences and more accurately compensate physicians in rural areas for their true practice costs. These changes are needed to help rural states recruit and retain more physicians so that beneficiaries will continue to have access to needed health care.

Last year Congress enacted a number of other provisions to improve Medicare payment for health care professionals and providers in rural areas that will expire at the end of 2009. This bill extends the existing payment arrangements which allow independent laboratories to bill Medicare directly for certain physician pathology services through 2010. It extends and improves the rural ambulance payments enacted in the Medicare Improvements for Providers and Patients Act of 2008 by increasing payments from three to five percent and extending them an additional year, through 2010. The bill also includes several new provisions to improve beneficiary access to health care services. It permanently increases the payment limits for rural health clinics. It also allows physician assistants to order post-hospital extended care services and to serve hospice patients.

Finally, the bill would protect rural areas from being adversely affected by the new Medicare competitive bidding program for durable medical equipment. It would ensure that home medical equipment suppliers who provide equipment and services in rural areas and small metropolitan statistical areas, MSAs, with a population of 600,000 or less can continue to serve the Medicare program by exempting these areas from competitive bidding. We must ensure that rural areas continue to have medical equipment suppliers available to serve beneficiaries in these areas.

As you can see, we still have much to do when it comes to ensuring access to health care in rural America. I look forward to working with my colleagues on this important matter.

By Mr. BINGAMAN (for himself and Mr. DURBIN):

S. 319. A bill to amend the Public Health Service Act to provide grants to

promote positive health behaviors in women and children; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today, entitled the Community Health Workers Act of 2009, will help improve access to health education and outreach services to women and children in medically underserved areas, including the U.S. border region along New Mexico.

Lack of access to adequate health care and health education is a significant problem on the southern New Mexico border. While the problem of access is in part due to a lack of insurance, it is also attributable to non-financial barriers such as a shortage of physicians, hospitals, and other health professionals; inadequate transportation; a lack of bilingual health information and health providers; and a culturally insensitive system of care.

This legislation would help overcome these impediments by providing \$15 million in grants annually for a 3 year period to State, local, and tribal organizations, including community health centers and public health departments, for the purpose of hiring community health workers to provide health education, outreach, and referrals to women and families who otherwise would have little or no contact with health care services.

Factors such as poverty, language, and cultural differences impede access to health care in medically underserved populations; hence, community health workers are in a unique position to improve health outcomes and quality of care for groups that have traditionally lacked access to adequate services. They often serve as "community specialists" and are members of the communities in which they work. As such they can effectively serve hard-to-reach populations.

In a shining example of how community health workers serve their communities, a group of so-called "Promotoras", community health workers, in Dona Ana County were quickly mobilized during a recent flood emergency in rural New Mexico. These community health workers assisted in the disaster recovery efforts by partnering with the Federal Emergency Management Agency, FEMA, to find, inform and register flood victims for Federal disaster assistance. Their personal networks and knowledge of the local culture, language, needs, assets, and barriers greatly enhanced FEMA's community outreach efforts. The Promotoras of Dona Ana County demonstrate the important role community health workers could play in communities across the Nation, including increasing the effectiveness of new initiatives in homeland security and emergency preparedness, and in implementing risk communication strategies.

The positive benefits of the community health worker model also have been documented in research studies. Research has shown that community health workers have been effective in increasing the utilization of health preventive services such as cancer screenings and medical follow up for elevated blood pressure and improving enrollment in publicly funded health insurance programs. In the case of uninsured children, a study by Dr. Glenn Flores, "Community-Based Case Management in Insuring Uninsured Latino Children," published in the December 2005 issue of *Pediatrics* found that uninsured children who received community-based case management were eight times more likely to obtain health insurance coverage than other children involved in the study because case workers were employed to address typical barriers to access, including insufficient knowledge about application processes and eligibility criteria, language barriers and family mobility issues, among others. This study confirms that community health workers could be highly effective in reducing the numbers of uninsured children, especially those who are at greatest risk for being uninsured. Preliminary investigation of a community health workers project in New Mexico similarly suggests that community health workers could be useful in improving enrollment in Medicaid and the State Children's Health Insurance Program.

According to a 2003 Institute of Medicine, IOM, report entitled, "Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare," community health workers offer promise as a community-based resource to increase racial and ethnic minorities' access to health care and to serve as a liaison between healthcare providers and the communities they serve.

Although the community health worker model is valued in the New Mexico border region as well as other parts of the country that encounter challenges of meeting the health care needs of medically underserved populations, these programs often have difficulty securing adequate financial resources to maintain and expand upon their services. As a result, many of these programs are significantly limited in their ability to meet the ongoing and emerging health demands of their communities.

The IOM report also noted that "programs to support the use of community health workers . . . especially among medically underserved and racial and ethnic minority populations, should be expanded, evaluated, and replicated."

I am introducing this legislation to increase resources for a model that has shown significant promise for increasing access to quality health care and health education for families in medically underserved communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Health Workers Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Chronic diseases, defined as any condition that requires regular medical attention or medication, are the leading cause of death and disability for women in the United States across racial and ethnic groups.

(2) According to the National Vital Statistics Report of 2001, the 5 leading causes of death among Hispanic, American Indian, and African-American women are heart disease, cancer, diabetes, cerebrovascular disease, and unintentional injuries.

(3) Unhealthy behaviors alone lead to more than 50 percent of premature deaths in the United States.

(4) Poor diet, physical inactivity, tobacco use, and alcohol and drug abuse are the health risk behaviors that most often lead to disease, premature death, and disability, and are particularly prevalent among many groups of minority women.

(5) Over 60 percent of Hispanic and African-American women are classified as overweight and over 30 percent are classified as obese. Over 60 percent of American Indian women are classified as obese.

(6) American Indian women have the highest mortality rates related to alcohol and drug use of all women in the United States.

(7) High poverty rates coupled with barriers to health preventive services and medical care contribute to racial and ethnic disparities in health factors, including premature death, life expectancy, risk factors associated with major diseases, and the extent and severity of illnesses.

(8) There is increasing evidence that early life experiences are associated with adult chronic disease and that prevention and intervention services provided within the community and the home may lessen the impact of chronic outcomes, while strengthening families and communities.

(9) Community health workers, who are primarily women, can be a critical component in conducting health promotion and disease prevention efforts in medically underserved populations.

(10) Recognizing the difficult barriers confronting medically underserved communities (poverty, geographic isolation, language and cultural differences, lack of transportation, low literacy, and lack of access to services), community health workers are in a unique position to reduce preventable morbidity and mortality, improve the quality of life, and increase the utilization of available preventive health services for community members.

(11) Research has shown that community health workers have been effective in significantly increasing health insurance coverage, screening and medical follow-up visits among residents with limited access or underutilization of health care services.

(12) States on the United States-Mexico border have high percentages of impoverished and ethnic minority populations: border States accommodate 60 percent of the

total Hispanic population and 23 percent of the total population below 200 percent poverty in the United States.

SEC. 3. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399R (relating to the amyotrophic lateral sclerosis registry (42 U.S.C. 280g-7)) and the third section 399R (relating to support for patients receiving a positive diagnosis of down syndrome or other prenatally or postnatally diagnosed conditions (42 U.S.C. 280g-8)) as sections 399S and 399T respectively; and

(2) by adding at the end the following:

"SEC. 399U. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

"(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States or local or tribal units, to promote positive health behaviors for women and children in target populations, especially racial and ethnic minority women and children in medically underserved communities.

"(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers—

"(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and children and especially among racial and ethnic minority women and children;

"(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

- "(A) poor nutrition;
- "(B) physical inactivity;
- "(C) being overweight or obese;
- "(D) tobacco use;
- "(E) alcohol and substance use;
- "(F) injury and violence;
- "(G) risky sexual behavior; and
- "(H) mental health problems;

"(3) to educate and guide regarding effective strategies to promote positive health behaviors within the family;

"(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, Medicare under title XVIII of such Act and Medicaid under title XIX of such Act;

"(5) to promote community wellness and awareness; and

"(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities for which assistance under this section is sought;

"(B) contain an assurance that with respect to each community health worker program receiving funds under the grant award-

ed, such program provides training and supervision to community health workers to enable such workers to provide authorized program services;

"(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

"(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

"(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

"(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

"(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

"(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

"(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

"(1) who propose to target geographic areas—

"(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

"(B) with a high percentage of families for whom English is not their primary language; and

"(C) that encompass the United States-Mexico border region;

"(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

"(3) with documented community activity and experience with community health workers.

"(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions. Nothing in this section shall be construed to require such collaboration.

"(f) QUALITY ASSURANCE AND COST-EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

"(g) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications and shall determine whether such programs are in compliance with the guidelines established under subsection (f).

"(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications with respect to planning, developing, and operating programs under the grant.

"(i) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant program.

"(2) CONTENTS.—The report required under paragraph (1) shall include the following:

"(A) A description of the programs for which grant funds were used.

“(B) The number of individuals served.
 “(C) An evaluation of—
 “(i) the effectiveness of these programs;
 “(ii) the cost of these programs; and
 “(iii) the impact of the project on the health outcomes of the community residents.

“(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

“(E) Recommendations regarding training to enhance career opportunities for community health workers.

“(J) DEFINITIONS.—In this section:

“(1) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(2) COMMUNITY SETTING.—The term ‘community setting’ means a home or a community organization located in the neighborhood in which a participant resides.

“(3) MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community’ means a community identified by a State—

“(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

“(B) a significant portion of which is a health professional shortage area as designated under section 332.

“(4) SUPPORT.—The term ‘support’ means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

“(5) TARGET POPULATION.—The term ‘target population’ means women of reproductive age, regardless of their current childbearing status and children under 21 years of age.

“(K) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2010, 2011, and 2012.”.

By Mr. VOINOVICH (for himself and Mr. TESTER, and Ms. KLOBUCHAR):

S. 321. A bill to require the Secretary of Homeland Security and the Secretary of State to accept passport cards at air ports of entry and for other purposes; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, I rise today with Senators TESTER and KLOBUCHAR to introduce the Passport Card Travel Enhancement Act of 2009 in order to allow United States citizens to use passport cards for air travel between the United States and Canada, Mexico, Bermuda and the Caribbean.

Over the past several years, the Departments of State, State, and Homeland Security, DHS, have worked hard

to implement the Western Hemisphere Travel Initiative, WHTI, as recommended by the National Commission on Terrorist Attacks Upon the United States. As part of those efforts, State has developed the United States passport card as a cheaper, more portable alternative to a United States passport book. The passport card is adjudicated to the exact same standards as the passport book and allows United States citizens to enter United States land and sea ports-of-entry from Canada, Mexico, the Caribbean and Bermuda, but the card does not allow for any air travel. In my mind, this discrepancy makes no sense, and the passport card should allow for air travel between the United States and Canada, Mexico, Bermuda and the Caribbean for several reasons.

First, prior to 2007, United States citizens rarely needed a passport to enter the United States by air from Canada, Mexico, Bermuda or the Caribbean. Rather, United States citizens were only required to satisfy inspecting officers of their identities and citizenship. This practice changed in 2007, when WHTI went into effect for air travel. I think we all recall the events that occurred following WHTI air implementation, when State was deluged with passport applications, the time necessary to get a passport expanded from the typical four to six weeks to several months, and some Americans were forced to cancel trips. We need to avoid problems like that in the future by providing United States citizens with more documents that comply with WHTI.

Further, State’s “Card Format Passport; Changes to Passport Fee Schedule” final rule states that the passport card “is not intended to be a globally interoperable travel document,” and “will not be designed to meet the International Civil Aviation Organization, ICAO, standards and recommendations for globally interoperable passports,” but I do not believe that these facts mean that the passport card cannot be used for limited, western hemisphere air travel. In fact, I question whether globally interoperable passport standards and recommendations need be met in order to use passport cards for the limited flights allowed by the Passport Card Travel Enhancement Act of 2009 because DHS’s NEXUS card, which does not meet ICAO standards, is currently accepted as an alternative to a passport for some air travel between the United States and Canada.

Lastly, in today’s current economic climate, I believe we must foster secure, legitimate trade and tourism between the United States and our allies. Providing additional, less expensive ways for our constituents to comply with WHTI is good government and makes sense for our Nation’s security and economic prosperity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Passport Card Travel Enhancement Act of 2009”.

SEC. 2. PASSPORT CARD DEFINED.

In this Act, the term “passport card” means the document—

(1) known as a passport card that is issued to a national of the United States on the same basis as a regular passport; and

(2) that the Secretary of State began issuing during 2008.

SEC. 3. PASSPORT CARDS FOR AIR TRAVEL.

(a) REQUIREMENT TO ACCEPT PASSPORT CARDS FOR AIR TRAVEL.—Notwithstanding any regulation issued by the Secretary of Homeland Security or the Secretary of State, the Secretary of Homeland Security and the Secretary of State shall permit a passport card issued to a citizen of the United States to serve as proof of identity and citizenship of such citizen if such citizen is departing from or entering the United States through an air port of entry for travel that terminates or originates in—

(1) Bermuda;
 (2) Canada;
 (3) a foreign country located in the Caribbean; or
 (4) Mexico.

(b) FEES FOR PASSPORT CARDS.—Neither the Secretary of State or the Secretary of Homeland Security may increase, or propose an increase to, the fee for issuance of a passport card as a result of the requirements of subsection (a).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland shall issue final regulations to implement this Act.

By Mr. MCCONNELL (for himself, Mr. KYL, Mr. VITTER, Mr. CHAMBLISS, Mr. BUNNING, Mr. GREGG, Mr. COBURN, Mr. BURR, Mr. ISAKSON, Mr. GRAHAM, Mr. INHOFE, Mr. CORNYN, Mr. BROWNBACK, Mr. COCHRAN, Mr. ENSIGN, Mr. THUNE, Mr. DEMINT, Mr. BENNETT, and Mr. BARRASSO):

S. 326. A bill to amend title XXI of the Social Security Act to reauthorize the State Children’s Health Insurance Program through fiscal year 2013, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Kids First Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reauthorization through fiscal year 2013.
- Sec. 3. Allotments for the 50 States and the District of Columbia based on expenditures and numbers of low-income children.
- Sec. 4. Limitations on matching rates for populations other than low-income children or pregnant women covered through a section 1115 waiver.
- Sec. 5. Prohibition on new section 1115 waivers for coverage of adults other than pregnant women.
- Sec. 6. Standardization of determination of family income for targeted low-income children under title XXI and optional targeted low-income children under title XIX.
- Sec. 7. Grants for outreach and enrollment.
- Sec. 8. Improved State option for offering premium assistance for coverage of children through private plans under SCHIP and Medicaid.
- Sec. 9. Treatment of unborn children.
- Sec. 10. 50 percent matching rate for all Medicaid administrative costs.
- Sec. 11. Reduction in payments for Medicaid administrative costs to prevent duplication of such payments under TANF.
- Sec. 12. Elimination of waiver of certain Medicaid provider tax provisions.
- Sec. 13. Elimination of special payments for certain public hospitals.
- Sec. 14. Effective date; coordination of funding for fiscal year 2009.

SEC. 2. REAUTHORIZATION THROUGH FISCAL YEAR 2013.

(a) INCREASE IN NATIONAL ALLOTMENT.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

- (1) in subsection (a)—
 - (A) by striking “and” at the end of paragraph (10);
 - (B) in paragraph (11)—
 - (i) by striking “each of fiscal years 2008 and 2009” and inserting “fiscal year 2008”; and
 - (ii) by striking the period at the end and inserting a semicolon; and
 - (C) by adding at the end the following new paragraphs:

“(12) for fiscal year 2009, \$7,780,000,000;”
 “(13) for fiscal year 2010, \$8,044,000,000;”
 “(14) for fiscal year 2011, \$8,568,000,000;”
 “(15) for fiscal year 2012, \$9,032,000,000; and”
 “(16) for fiscal year 2013, \$9,505,000,000.”;
 and
 (2) in subsection (c)(4)(B), by striking “2009” and inserting “2008, \$62,000,000 for fiscal year 2009, \$64,000,000 for fiscal year 2010, \$68,000,000 for fiscal year 2011, \$72,000,000 for fiscal year 2012, and \$75,000,000 for fiscal year 2013”.

(b) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDING FOR FISCAL YEARS 2008 AND 2009.—Section 201 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended—

- (1) in subsection (a), by striking paragraph (2) and redesignating paragraphs (3) and (4), as paragraphs (2) and (3) respectively; and
- (2) in subsection (b), by striking paragraph (2).

SEC. 3. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA BASED ON EXPENDITURES AND NUMBERS OF LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by

adding at the end the following new subsection:

“(m) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2009 THROUGH 2013.—

“(1) IN GENERAL.—Notwithstanding the preceding provisions of this subsection and subject to paragraph (3), the Secretary shall allot to each subsection (b) State for each of fiscal years 2009 through 2013, the amount determined for the fiscal year that is equal to the product of—

“(A) the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year; and

“(B) the sum of the State allotment factors determined under paragraph (2) with respect to the State and weighted in accordance with subparagraph (B) of that paragraph for the fiscal year.

“(2) STATE ALLOTMENT FACTORS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(B), the State allotment factors are the following:

“(i) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the fiscal year to the sum of such projected expenditures for all States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(ii) The ratio of the number of low-income children who have not attained age 19 with no health insurance coverage in the State, as determined by the Secretary on the basis of the arithmetic average of the number of such children for the 3 most recent Annual Social and Economic Supplements to the Current Population Survey of the Bureau of the Census available before the beginning of the calendar year before such fiscal year begins, to the sum of the number of such children determined for all States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(iii) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the preceding fiscal year to the sum of such projected expenditures for all States for such preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(iv) The ratio of the actual expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the second preceding fiscal year to the sum of such actual expenditures for all States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2009 through 2013, the following percentage weights shall be applied to the ratios determined under subparagraph (A) for each such fiscal year:

“(i) 40 percent for the ratio determined under subparagraph (A)(i).

“(ii) 5 percent for the ratio determined under subparagraph (A)(ii).

“(iii) 50 percent for the ratio determined under subparagraph (A)(iii).

“(iv) 5 percent for the ratio determined under subparagraph (A)(iv).

“(C) DETERMINATION OF PROJECTED AND ACTUAL EXPENDITURES.—For purposes of subparagraph (A):

“(i) PROJECTED EXPENDITURES.—The projected expenditures described in clauses (i)

and (iii) of such subparagraph with respect to a fiscal year shall be determined on the basis of amounts reported by States to the Secretary on the May 15th submission of Form CMS-37 and Form CMS-21B submitted not later than June 30th of the fiscal year preceding such year.

“(ii) ACTUAL EXPENDITURES.—The actual expenditures described in clause (iv) of such subparagraph with respect to a second preceding fiscal year shall be determined on the basis of amounts reported by States to the Secretary on Form CMS-64 and Form CMS-21 submitted not later than November 30 of the preceding fiscal year.”.

(b) 2-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.—Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

“(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

“(1) IN GENERAL.—Except as provided in the succeeding paragraphs of this subsection, amounts allotted to a State pursuant to this section—

“(A) for each of fiscal years 1998 through 2008, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

“(B) for each of fiscal years 2009 through 2013, shall remain available for expenditure by the State only through the end of the fiscal year succeeding the fiscal year for which such amounts are allotted.

“(2) ELIMINATION OF REDISTRIBUTION OF ALLOTMENTS NOT EXPENDED WITHIN 3 YEARS.—Notwithstanding subsection (f), amounts allotted to a State under this section for fiscal years beginning with fiscal year 2009 that remain unexpended as of the end of the fiscal year succeeding the fiscal year for which the amounts are allotted shall not be redistributed to other States and shall revert to the Treasury on October 1 of the third succeeding fiscal year.

“(3) RULE FOR COUNTING EXPENDITURES AGAINST FISCAL YEAR ALLOTMENTS.—Expenditures under the State child health plan made on or after April 1, 2009, shall be counted against allotments for the earliest fiscal year for which funds are available for expenditure under this subsection.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 2104(b)(1) of the Social Security Act (42 U.S.C. 1397dd(b)(1)) is amended by striking “subsection (d)” and inserting “the succeeding subsections of this section”.

(2) Section 2104(f) of such Act (42 U.S.C. 1397dd(f)) is amended by striking “The” and inserting “Subject to subsection (e)(2), the”.

SEC. 4. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.

(a) LIMITATION ON PAYMENTS.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(8) LIMITATIONS ON MATCHING RATE FOR POPULATIONS OTHER THAN TARGETED LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2010:

“(A) FMAP APPLIED TO PAYMENTS FOR COVERAGE OF CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER ENROLLED IN THE STATE CHILD HEALTH PLAN ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT AND WHOSE GROSS FAMILY INCOME IS DETERMINED TO EXCEED THE INCOME ELIGIBILITY LEVEL SPECIFIED FOR A TARGETED LOW-INCOME

CHILD.—Notwithstanding subsections (b)(1)(B) and (d) of section 2110, in the case of any individual described in subsection (c) of section 105 of the Kids First Act who the State elects to continue to provide child health assistance for under the State child health plan in accordance with the requirements of such subsection, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to such assistance.

“(B) FMAP APPLIED TO PAYMENTS ONLY FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS AND CARETAKER RELATIVES ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

“(i) PARENTS OR CARETAKER RELATIVES ENROLLED UNDER A WAIVER ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

“(ii) NONPREGNANT CHILDLESS ADULTS ENROLLED UNDER A WAIVER ON SUCH DATE.—A nonpregnant childless adult enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

“(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Kids First Act.

“(C) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

“(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE KIDS FIRST ACT.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Kids First Act.

“(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE KIDS FIRST ACT.—Any nonpregnant parent or a nonpregnant care-

taker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

“(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(i) on the date of enactment of the Kids First Act, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

“(D) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term ‘caretaker relative’ has the meaning given that term for purposes of carrying out section 1931.

“(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.”

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting “or subsection (c)(8)” after “subparagraph (B)”.

SEC. 5. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.

(a) IN GENERAL.—Section 2107(f) of the Social Security Act (42 U.S.C. 1397gg(f)) is amended—

(1) by striking “, the Secretary” and inserting “;

“(1) The Secretary”; and

(2) by adding at the end the following new paragraphs:

“(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

“(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2105(c)(8).”

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 of the Social Security Act (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

“(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

“(1) by virtue of a waiver under section 1115; or

“(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Kids First Act).”

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

SEC. 6. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME FOR TARGETED LOW-INCOME CHILDREN UNDER TITLE XXI AND OPTIONAL TARGETED LOW-INCOME CHILDREN UNDER TITLE XIX.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 of the Social Security Act (42 U.S.C. 1397jj) is amended—

(A) in subsection (b)(1)(A), by inserting “in accordance with subsection (d)” after “State plan”; and

(B) by adding at the end the following new subsection:

“(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.”

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 5(a), is amended by adding at the end the following new paragraph:

“(4) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.”

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP

under section 2105(c)(8)(A) of the Social Security Act (as added by section 4(a)), to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2008, would not exceed the income eligibility level applicable to the individual under the State child health plan.

SEC. 7. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

“SEC. 2111. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

“(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

“(1) IN GENERAL.—From the amounts appropriated for a fiscal year under subsection (f), subject to paragraph (2), the Secretary shall award grants to eligible entities to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

“(2) 10 PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts for the fiscal year shall be used by the Secretary for expenditures during the fiscal year to carry out a national enrollment campaign in accordance with subsection (g).

“(b) AWARD OF GRANTS.—

“(1) PRIORITY FOR AWARDED.—

“(A) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

“(i) propose to target geographic areas with high rates of—

“(I) eligible but unenrolled children, including such children who reside in rural areas; or

“(II) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

“(ii) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

“(B) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (f) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

“(2) 2-YEAR AVAILABILITY.—A grant awarded under this section for a fiscal year shall remain available for expenditure through the end of the succeeding fiscal year.

“(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

“(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

“(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other

cultural barriers to applying for and receiving child health assistance or medical assistance;

“(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

“(4) an assurance that the eligible entity shall—

“(A) conduct an assessment of the effectiveness of such activities against the performance measures;

“(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments;

“(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

“(d) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) A State with an approved child health plan under this title.

“(B) A local government.

“(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

“(D) A Federal health safety net organization.

“(E) A State, national, local, or community-based public or nonprofit private organization.

“(F) A faith-based organization or consortium, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to non-governmental entities.

“(G) An elementary or secondary school.

“(H) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

“(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term ‘Federal health safety net organization’ means—

“(A) a federally-qualified health center (as defined in section 1905(1)(2)(B));

“(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

“(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

“(D) any other entity or consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

“(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, ‘tribal organization’, and ‘urban Indian organization’ have the meanings given such terms in section 4

of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(4) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(f) APPROPRIATION.—

“(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of awarding grants under this section—

“(A) \$100,000,000 for each of fiscal years 2009 and 2010;

“(B) \$75,000,000 for each of fiscal years 2011 and 2012; and

“(C) \$50,000,000 for fiscal year 2013.

“(2) GRANTS IN ADDITION TO OTHER AMOUNTS PAID.—Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

“(g) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2) for a fiscal year, the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

“(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

“(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

“(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

“(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

“(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

“(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.”.

(b) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

“(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH AND ENROLLMENT.—The limitation under subparagraph (A) shall not apply with

respect to expenditures for outreach activities under section 2102(c)(1), or for enrollment activities, for children eligible for child health assistance under the State child health plan or medical assistance under the State plan under title XIX.”

SEC. 8. IMPROVED STATE OPTION FOR OFFERING PREMIUM ASSISTANCE FOR COVERAGE OF CHILDREN THROUGH PRIVATE PLANS UNDER SCHIP AND MEDICAID.

(a) IN GENERAL.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)), as amended by section 4(a) is amended by adding at the end the following:

“(9) ADDITIONAL STATE OPTION FOR OFFERING PREMIUM ASSISTANCE.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

“(B) QUALIFIED COVERAGE.—In this paragraph, the term ‘qualified coverage’ means the following:

“(i) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

“(I) IN GENERAL.—A group health plan or health insurance coverage offered through an employer that is—

“(aa) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

“(bb) made similarly available to all of the employer’s employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

“(cc) cost-effective, as determined under subclause (II).

“(II) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

“(aa) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

“(bb) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

“(ii) QUALIFIED NON-GROUP COVERAGE.—Health insurance coverage offered to individuals in the non-group health insurance market that is substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2).

“(iii) HIGH DEDUCTIBLE HEALTH PLAN.—A high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

“(C) PREMIUM ASSISTANCE SUBSIDY.—

“(i) IN GENERAL.—In this paragraph, the term ‘premium assistance subsidy’ means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

“(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

“(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

“(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

“(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

“(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

“(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

“(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

“(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

“(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures

imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

“(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

“(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

“(F) NON-APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

“(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee’s child becomes eligible for a premium assistance subsidy under this paragraph.

“(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on February 1, 2009.

“(I) NOTICE OF AVAILABILITY.—A State shall—

“(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

“(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

“(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.”

(b) APPLICATION TO MEDICAID.—Section 1906 of the Social Security Act (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

“(d) The provisions of section 2105(c)(9) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State

child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.”.

SEC. 9. TREATMENT OF UNBORN CHILDREN.

(a) **CODIFICATION OF CURRENT REGULATIONS.**—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397j(c)(1)) is amended by striking the period at the end and inserting the following: “, and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term ‘unborn child’ means a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.”.

(b) **CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.**—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

“(g) **CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.**—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

“(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

“(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.”.

SEC. 10. 50 PERCENT MATCHING RATE FOR ALL MEDICAID ADMINISTRATIVE COSTS.

Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3)(E) as paragraph (2) and re-locating and indenting it appropriately;

(3) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and indenting them appropriately;

(4) by striking paragraphs (3) and (4);

(5) in paragraph (5), by striking “which are attributable to the offering, arranging, and furnishing” and inserting “which are for the medical assistance costs of furnishing”;

(6) by striking paragraph (6);

(7) in paragraph (7), by striking “subject to section 1919(g)(3)(B).”; and

(8) by redesignating paragraphs (5) and (7) as paragraphs (3) and (4), respectively.

SEC. 11. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking “section 1919(g)(3)(B).” and inserting “subsection (h).”;.

(2) in subsection (a)(2)(D) by inserting “, subject to subsection (g)(3)(C) of such section” after “as are attributable to State activities under section 1919(g).”; and

(3) by adding after subsection (g) the following new subsection:

“(h) **REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.**—Beginning with the calendar quarter commencing April 1, 2009, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to ¼ of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).”.

SEC. 12. ELIMINATION OF WAIVER OF CERTAIN MEDICAID PROVIDER TAX PROVISIONS.

Effective October 1, 2009, subsection (c) of section 4722 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 515) is repealed.

SEC. 13. ELIMINATION OF SPECIAL PAYMENTS FOR CERTAIN PUBLIC HOSPITALS.

Effective October 1, 2009, subsection (d) of section 701 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554 (42 U.S.C. 1396r–4 note), is repealed.

SEC. 14. EFFECTIVE DATE; COORDINATION OF FUNDING FOR FISCAL YEAR 2009.

(a) **IN GENERAL.**—Unless otherwise specified, subject to subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) **DELAY IF STATE LEGISLATION REQUIRED.**—In the case of a State child health plan under title XXI of the Social Security Act or a waiver of such plan under section 1115 of such Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan or waiver to meet the additional requirements imposed by the amendments made by this Act, the State child health plan or waiver shall not be regarded as failing to comply with the requirements of such title XXI solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) **COORDINATION OF FUNDING FOR FISCAL YEAR 2009.**—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11) of the Social Security Act, as amended by section 201(a) of Public Law 110–173 and in effect on January 1, 2009, to provide allotments to States under title XXI of the Social Security Act for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for allotments under title XXI of such Act to a State under the amendments made by this Act for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

By Mr. LEAHY:

S. 327. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the Improving Assistance to Domestic and Sexual Violence Victims Act of 2009 to make urgently needed improvements to the Violence Against Women Act, VAWA. The bill makes corrections and improvements so that this law, a law that

has helped so many, can continue to serve as a powerful tool to combat domestic violence and other crimes perpetrated against women and families.

In introducing this measure, I recognize the leadership shown on these issues by Senator JOE BIDEN who now serves as our Vice President. Since 1994, the Violence Against Women Act has been the centerpiece of the Federal government's commitment to combating domestic violence and other violent crimes against women. Its passage and reauthorization made a strong statement in support of the rights of women in America. This landmark law filled a void in Federal law that had left too many victims of domestic violence and sexual assault without the help they needed.

Since the bill's passage, there has been a 27 to 51 percent increase in domestic violence reporting rates by women and a 37 percent increase in reporting rates by men. The number of individuals killed by an intimate partner has decreased by 24 percent for women and 48 percent for men. I have been proud to work with then-Senator BIDEN on these matters for the more than 15 years. I look forward to working with the Obama-Biden administration to ensure that this law remains a vital resource for prosecutors, social workers, and all of those committed to ending crimes against women and alleviating the terrible harms that result from these crimes.

I crafted the legislation I introduce today with the assistance of advocates and those in the field who work with the Violence Against Women Act every day. It contains changes to VAWA that will improve the law's operation and implementation. I want to thank the National Network to End Domestic Violence, Legal Momentum, and the National Center for Victims of Crime for their assistance with and support for this legislation, and for their tireless work on behalf of women and families in the United States. These groups and others across the country play a crucial role in fulfilling the promise that Congress made with the enactment of the Violence Against Women Act.

Among several other fixes, the bill strengthens privacy protections for victims of domestic violence. It contains provisions to ease the burden on victims of domestic violence to obtain public housing benefits. It eliminates an existing loophole that often results in the inappropriate administration of polygraph examinations to victims of terrible crimes. The legislation also contains provisions to strengthen protections in existing law for battered immigrant women. With these important changes to the Violence Against Women Act, Congress will ensure that the law is as effective and strong as it was intended to be and that it can meet the needs of those it seeks to protect as we move forward. I hope all

Senators will join in support of this effort.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Assistance to Domestic and Sexual Violence Victims Act of 2009”.

SEC. 2. DEFINITIONS AND UNIVERSAL GRANT CONDITIONS UNDER VAWA.

(a) **YOUTH DEFINITION.**—Section 40002(a)(37) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(37)) is amended to read as follows:

“(37) **YOUTH.**—The term ‘youth’ means individuals who are between the ages of 12 and 24.”.

(b) **EXPERTISE REQUIREMENT.**—Section 40002(b)(11) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(11)) is amended by adding at the end the following: “The Director of the Office on Violence Against Women shall ensure that training or technical assistance will be developed and provided by entities having demonstrated expertise in the purposes, uses of funds, and other aspects of the grant program for which such training or technical assistance is provided.”.

(c) **MATCHING REQUIREMENT.**—Section 40002(b)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)) is amended to read as follows:

“(1) **MATCH.**—No matching funds shall be required for a grant or subgrant made under this title for—

“(A) any tribe, territory, or victim service provider; or

“(B) any other entity, including a State, that the Attorney General determines has adequately demonstrated financial need.”.

(d) **TREATMENT OF CONFIDENTIAL INFORMATION.**—Section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2)) is amended—

(1) in subparagraph (A), by inserting “privacy and” before “safety”;

(2) in subparagraph (B)—

(A) by striking “and (D)” and inserting “, (D), (E), (F), (G), and (H)”;

(B) in clause (i)—

(i) by inserting “, reveal, or release” after “disclose”; and

(ii) by inserting “, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected,” after “individual information”; and

(C) in clause (ii)—

(i) by striking “reveal” and inserting “disclose, reveal, or release”;

(ii) by striking each place it appears “consent” and inserting “consent or authorization”;

(iii) by striking “persons with disabilities” and inserting “a person with a court-appointed guardian”; and

(iv) by striking “person with disabilities” and inserting “person with a court-appointed guardian”;

(3) in subparagraph (C)—

(A) by inserting “disclosure, revelation, or” after “If”;

(B) in clause (i), by inserting “, revelation, or release” after “disclosure”; and

(C) in clause (ii), by inserting “disclosure, revelation, or” after “affected by the”; and

(4) by designating subparagraph (E) as subparagraph (H) and inserting after subparagraph (D) the following:

“(E) **STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.**—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, and where mandated or expressly permitted by the State, tribe, or territory involved.

“(F) **PREEMPTION.**—The provisions of this paragraph shall not supersede any other provision of Federal, State, tribal, territorial, or local law relating to the privacy or confidentiality of information to the extent to which such other provision provides greater privacy or confidentiality protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

“(G) **CERTAIN MINORS AND PERSONS WITH GUARDIANS.**—If a minor or a person with a court-appointed guardian is permitted by law to receive services without the parent’s or guardian’s consent or authorization, the minor or person with a court-appointed guardian may consent to a disclosure, revelation, or release of information. In no case may consent or authorization for release of information be given by the abuser of the minor, or person with a court-appointed guardian, or the abuser of the other parent of the minor.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to grants awarded for periods beginning on or after October 1, 2009.

SEC. 3. CRIMINAL JUSTICE.

(a) **APPLICATION REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(d)) is amended—

(A) in paragraph (3) by striking “and” after the semicolon;

(B) in paragraph (4), by striking the period and inserting “and”; and

(C) by inserting at the end the following:

“(5) proof of compliance with the requirements prohibiting the publication of protection order information on the Internet provided in section 2013A.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to grants awarded for periods beginning on or after October 1, 2009.

(b) **STATE AND FEDERAL OBLIGATIONS.**—Section 2007(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(f)) is amended to read as follows:

“(f) **FEDERAL SHARE.**—

“(1) **IN GENERAL.**—Except as provided under paragraph (2), the Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

“(2) **EXEMPTION FROM MATCHING FUNDS.**—No matching funds shall be required for that portion of a grant that is subgranted to any tribe or for victims services.”.

(c) **LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.**—Section 2265(d) of title 18, United States Code, is amended by striking paragraph (3).

(d) **STATE CERTIFICATION.**—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2013 the following:

“**SEC. 2013A. LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.**

“(a) **IN GENERAL.**—A State, Indian tribal government, or unit of local government shall not be eligible to receive funds under this part unless the State, Indian tribal gov-

ernment, or unit of local government certifies that it does not make available publicly on the Internet any information regarding the filing for or issuance, modification, registration, extension, or enforcement of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal, or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order.

“(b) **EXCEPTION.**—A State, Indian tribe, or territory may share court-generated and law enforcement-generated information about an order or injunction described in subsection (a) if such information is contained in secure, governmental registries for purposes of enforcing orders and injunctions described in subsection (a).

“(c) **EFFECTIVE DATE.**—A State, Indian tribal government, or unit of local government must meet the requirements of subsection (a) and (b) by the later of—

“(1) 2 years from the date of enactment of the Improving Assistance to Domestic and Sexual Violence Victims Act of 2009; or

“(2) the period ending on the date on which the next session of the State legislature ends.”.

(e) **HEALTH CARE PROFESSIONALS.**—Section 2010(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by striking “trained examiners for” and inserting “health care professionals for adult and youth”.

(f) **RURAL STATE.**—Section 40002 (a)(22) of the Violence Against Women Act of 1994 (42 U.S.C. 13925 (a)(22)) is amended by striking “150,000 people, based on the most recent decennial census” and inserting “200,000 people, based on the decennial census of 2000”.

(g) **COSTS FOR CRIMINAL CHARGES AND PROTECTION ORDERS.**—Section 2011(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5 (a)(1)) is amended by inserting “dating violence,” before “stalking”.

(h) **GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.**—Section 2101(c)(4) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(c)(4)) is amended by inserting “dating violence,” before “stalking”.

SEC. 4. FAMILIES.

(a) **IN GENERAL.**—Section 41304 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services” and inserting “Secretary of Health and Human Services (in this section referred to as the ‘Secretary’), through the Administration for Children, Youth and Families”;

(B) in paragraph (2), by striking “Director” and inserting “Secretary”; and

(C) in paragraph (3), by striking “Director” and inserting “Secretary”; and

(2) in subsection (d)(1), by striking both places it appears “Director” and inserting “Secretary”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 2009.

SEC. 5. HOUSING.

(a) **SECTION 6.**—Section 6(u)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by inserting “, as described in subparagraph (C),” after “HUD approved certification form”.

(b) **SECTION 8.**—Section 8(ee)(1)(A) of the United States Housing Act of 1937 (42 U.S.C.

1437f) is amended by inserting “, as described in subparagraph (C),” after “HUD approved certification form”.

SEC. 6. ECONOMIC SECURITY.

(a) **AUTHORITY.**—Section 41501(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(a)) is amended—

(1) by striking “The Attorney General” and inserting the following:

“(1) **IN GENERAL.**—The Attorney General”;

and

(2) by striking the last sentence and inserting the following:

“(2) **INFORMATION AND ASSISTANCE.**—The resource center shall provide information and assistance to—

“(A) employers and labor organizations to aid in their efforts to develop and implement responses to such violence; and

“(B) victim service providers, including community-based organizations, State domestic violence coalitions, State sexual assault coalitions, and tribal coalitions, to enable to them to provide resource materials or other assistance to employers, labor organizations, or employees.”.

(b) **ENTITIES PROVIDING ASSISTANCE.**—Section 41501 (c)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(c)(1)) is amended by striking “and labor organizations” and inserting “, labor organizations, victim service providers, community-based organizations, State domestic violence coalitions, State sexual assault coalitions, and tribal coalitions”.

SEC. 7. TRIBAL ISSUES.

(a) **CONSULTATION.**—Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting at the end the following:

“(c) **REPORTS TO CONGRESS.**—Not later than 3 months after the date of each of the annual consultations, beginning with the first consultation following the date of the enactment of this subsection, the Attorney General shall submit to the Committee on Indian Affairs and the Committee on the Judiciary of the Senate and the Committee on the Judiciary and the Committee on Natural Resources of the House of Representatives a report summarizing the annual consultations involved, any request of Indian tribes made pursuant to such consultations for enhancing the safety of Indian women, and the investigative efforts of the Federal Bureau of Investigation and prosecutorial efforts of the United States Attorneys on cases of domestic violence, sexual assault, dating violence, and stalking, involving adult Indian women. The first of such reports shall include the total number of investigations, indictments, declinations, and convictions of cases described in the previous sentence for the 3 years preceding the annual consultation involved and each subsequent report shall include the total number of investigations, indictments, declination, and convictions of such cases for the year preceding the annual consultation involved.”.

(b) **GRANTS TO INDIAN TRIBAL GOVERNMENTS.**—

(1) **IN GENERAL.**—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10) is amended by adding at the end the following:

“(c) **AVAILABILITY.**—Funds appropriated under this section shall remain available until expended and may only be used for the activities described in this section.

“(d) **DURATION.**—Grants made under this section shall be for a period of 24 months. Upon request of a grantee, the tribal deputy director may extend the grant period in-

volved for purposes of enabling the grantee to complete the activities agreed to under the terms of the grant provided that no additional funds may be provided under this section pursuant to such extension.

“(e) **TECHNICAL ASSISTANCE.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of receipt of funding for this program, the Director of the Office on Violence Against Women shall set aside and disperse not less than 6 percent of the total amount of the funds made available under this section for the purpose of entering into cooperative agreements with qualified tribal organizations to provide technical assistance and training to Indian tribes to address violence against Indian women. Such training and technical experience shall be specifically designed to address the unique legal status and geographic circumstances of the Indian tribes receiving funds under this section.

“(2) **QUALIFIED TRIBAL ORGANIZATION.**—For purposes of paragraph (1), a qualified tribal organization is a tribal organization with demonstrated experience in providing training and technical experience to Indian tribes in addressing violence against Indian women.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to grants made on or after October 1, 2009.

SEC. 8. POLYGRAPH PROCEDURES.

(a) **STOP GRANTS.**—Section 2013(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-8(a)) is amended by striking “as a condition for proceeding with the investigation of such an offense”.

(b) **GRANTS TO ENCOURAGE ARREST.**—Section 2101(c)(5)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(c)(5)(A)) is amended by striking “as a condition for proceeding with the investigation of such an offense”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to grants made on or after the latter of the following dates:

(1) The date that is 2 years after the date of the enactment of this Act.

(2) The date on which the next session of the State legislature of the State involved ends.

SEC. 9. SEXUAL ASSAULT NURSE EXAMINERS.

Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended by adding at the end the following new paragraph:

“(14) To provide for sexual assault forensic medical personnel examiners in the collection and preservation of evidence, expert testimony, and treatment of trauma related to sexual assault.”.

SEC. 10. SEXUALLY TRANSMITTED INFECTION TESTING AND TREATMENT.

Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (b), as amended by section 9, by adding at the end the following new paragraph:

“(15) To develop human immunodeficiency virus (HIV), Hepatitis B, Hepatitis C, and sexually transmitted infection testing and treatment programs for sexual assault victims that include notification, treatment, counseling, and confidentiality protocols.”;

and

(2) in subsection (d)—

(A) by inserting “OR TREATMENT” after “NOTICE”; and

(B) by striking paragraph (2) and inserting the following:

“(2) certifies it has a law that requires the State or unit of local government, respec-

tively, to provide at the request of a victim or the parent or guardian of a victim—

“(A) anonymous and confidential free testing for the victim for the human immunodeficiency virus (HIV), Hepatitis B, Hepatitis C, and other sexually transmitted infections as medically appropriate;

“(B) as soon as practicable, notification to the victim, or parent or guardian of a victim, of the testing results;

“(C) anonymous and confidential free follow-up testing for the victim as medically appropriate;

“(D) free prophylaxis and treatment as necessary for the victim;

“(E) free counseling and support to the victim regarding any health care concerns of the victim with respect to the human immunodeficiency virus (HIV), Hepatitis B, Hepatitis C, and other sexually transmitted infections; and

“(F) assurances that the test results of the victim shall remain confidential unless otherwise provided by law; and

“(3) provides assurances to the satisfaction of the Attorney General that its laws will be in compliance with the requirements of paragraph (1) or (2) by a date that is not later than the latter of the following dates:

“(A) The date that is 2 years after the date of the enactment of the Improving Assistance to Domestic and Sexual Violence Victims Act of 2009.

“(B) The date on which the next session of the State legislature ends.”.

SEC. 11. CLARIFICATION OF THE TERM CULTURALLY AND LINGUISTICALLY SPECIFIC.

(a) **DEFINITIONS.**—Section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by striking paragraph (17) and redesignating the subsequent paragraphs accordingly; and

(2) by inserting after paragraph (5) the following new paragraphs and redesignating the subsequent paragraphs (as redesignated by paragraph (1)) accordingly:

“(6) **CULTURALLY SPECIFIC.**—The terms ‘culturally specific’ and ‘culturally and linguistically specific’ mean specific to racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u-6(g))).

“(7) **CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES.**—The terms ‘culturally and linguistically specific services’ and ‘culturally specific services’ mean community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward culturally specific communities.”.

(b) **COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.**—Section 41404 of the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended in subsection (f)(1) by striking “linguistically and culturally” and inserting “culturally and linguistically”.

(c) **GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.**—Section 41405 of the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended in subsection (c)(2)(D) by striking “linguistically and culturally” and inserting “culturally and linguistically”.

(d) **STATE GRANTS.**—Section 2007(e)(2)(D) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(e)(2)(D)) is amended by striking “linguistically and culturally” and inserting “culturally and linguistically”.

(e) **SEXUAL ASSAULT SERVICES.**—Section 2014 of the Omnibus Crime Control and Safe

Streets Act of 1968 (42 U.S.C. 14043g) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and other programs and projects”;

(B) in paragraph (2)(B)—

(i) by striking “and other nonprofit, non-governmental organizations for programs and activities”; and

(ii) by inserting “to sexual assault victims” after “that provide direct intervention and related assistance”; and

(C) in paragraph (2)(C)(v), by striking “linguistically and culturally” and inserting “culturally and linguistically”;

(2) in subsection (c)(2)(A) by striking “that focuses primarily on” and inserting “whose primary mission is to address one or more”;

(3) in subsection (c)(2)(C) by striking “linguistically and culturally” and inserting “culturally and linguistically”; and

(4) in subsection (c)(4)(B) by deleting “undeserved”.

(f) **ENHANCING CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.**—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045a) is amended—

(1) in subsection (b)(1)(A) by inserting “for culturally and linguistically specific populations” after “resources”;

(2) in subsection (b)(1)(B) by inserting “culturally and linguistically specific” before “resources for”; and

(3) in subsection (g) by striking “linguistic and culturally” and inserting “culturally and linguistically”.

SEC. 12. NATIONAL RESOURCE CENTER GRANTS TECHNICAL AMENDMENT.

Section 41501(b)(3) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(b)(3)) is amended by striking “for materials”.

SEC. 13. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

Section 904(a)(1) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10(a)(1) note) is amended by striking “in Indian country” and inserting “on land owned or held in trust for the benefit of an Indian tribe included on the list published under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1)”.

SEC. 14. MOTIONS TO REOPEN.

(a) **IN GENERAL.**—Section 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)(C)(iv)(I)) is amended to read as follows:

“(I) if the basis for the motion is to apply for relief under subparagraph (T) or (U) of section 101(a)(15), clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), section 240A(b)(2), section 244(a)(3) (as in effect on March 31, 1997), or subsection (l) or (m) of section 245.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 15. EXTENSION OF T NONIMMIGRANT STATUS.

(a) **IN GENERAL.**—Section 214(o)(7) of the Immigration and Nationality Act (8 U.S.C. 1184(o)(7)) is amended by adding at the end the following:

“(D) An alien may apply for extension of status under subparagraph (B) retroactively after the expiration of nonimmigrant status under subparagraph 101(a)(15)(T).”.

(b) **EFFECTIVE DATE.**—The amendments made by under subsection (a) shall take ef-

fect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 16. T AND U NONIMMIGRANT PROTECTIONS.

(a) **IN GENERAL.**—Section 107(b)(1)(E)(i)(II)(aa) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)(i)(II)(aa)) is amended by striking “bona fide” and inserting “prima facie”.

(b) **CONFORMING AMENDMENT.**—Section 214(p)(6) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(6)) is amended by striking “bona fide” and inserting “prima facie”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 17. U NONIMMIGRANT ADJUSTMENT OF STATUS.

(a) **IN GENERAL.**—Section 245(m)(3) of the Immigration and Nationality Act (8 U.S.C. 1255(m)(3)) is amended by inserting “or an unmarried sibling under 18 years of age on the date of such application for adjustment of status under paragraph (1),” after “a parent”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 18. CONFORMING AMENDMENT CONFIRMING HOUSING ASSISTANCE FOR QUALIFIED ALIENS.

(a) **IN GENERAL.**—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “or” at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

“(7) a qualified alien described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641); or”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “(6)” and inserting “(7)”; and

(B) in paragraph (2)(A), in the matter preceding clause (i), by inserting “(other than a qualified alien described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) after “any alien”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act without regard to whether regulations to carry out such amendments have been implemented.

SEC. 19. PROCESSING OF CERTAIN VISAS.

(a) **IN GENERAL.**—Section 238(b)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat 5085) is amended to read as follows:

“(5) Measures taken to ensure that—

“(A) the Office of Policy and Strategy at United States Citizenship and Immigration Services leads policy and program development with regard to Violence Against Women Act confidentiality-protected victims and their derivative family members; and

“(B) there is routine consultation with the Office on Policy and Strategy during the development of any other Department of Homeland Security regulation or operational policy that impacts Violence Against Women

Act confidentiality-protected victims and their derivative family members.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

By Mr. LEAHY.

S. 329. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit for property placed in service during 2008; to the Committee on Finance.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT FOR PROPERTY PLACED IN SERVICE DURING 2008.

(a) **IN GENERAL.**—Subsection (g) of section 25C of the Internal Revenue Code of 1986 is amended to read as follows:

“(g) **TERMINATION.**—This section shall not apply with respect to any property placed in service after December 31, 2009.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 20—CELEBRATING THE 60TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. VOINOVICH (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 20

Whereas the North Atlantic Treaty Organization (NATO) will celebrate its 60th anniversary at a summit to be held on April 4, 2009, in Kehl, Germany, and Strasbourg, France;

Whereas this summit will be held along the border of France and Germany to commemorate the historic post-war reconciliation in Europe that NATO has done so much to facilitate;

Whereas for 60 years, NATO has served as the preeminent organization to defend the territory of its member states against all external security threats;

Whereas the security of the United States is inseparably linked to the peace and stability of the European continent by the participation of the United States in NATO;

Whereas the security of the United States has been significantly enhanced by the integration of security and military structures in the United States and Europe achieved by NATO;

Whereas NATO continues to promote a Europe that is whole, undivided, free, and at peace;

Whereas NATO continues to support an open-door policy of admitting states that can contribute to the promotion and protection of freedom, democracy, stability, and peace throughout Europe;

Whereas, since the end of the Cold War, NATO has continued to redefine and transform itself and to take on new missions, in order to ensure that each NATO member state can defend itself against emerging threats such as terrorism, the spread of weapons of mass destruction, instability caused by failed states, cyber attacks, piracy, and threats to global energy security;

Whereas NATO continues to help stabilize the Balkans through the deployment of troops to Kosovo;

Whereas NATO has deployed naval assets to the Gulf of Aden to address the growing threat of piracy in the region and to help protect the delivery of United Nations food assistance to Somalia;

Whereas after the 2001 terrorist attacks on the United States, Article 5 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964), was invoked for the first time in the history of the organization, and NATO deployed 50,000 troops from all 26 NATO member states to Afghanistan to respond to a dangerous insurgency and terrorist threat and to help re-build a shattered country;

Whereas the challenges that continue to be posed by the resurgence of the Taliban and the illicit drug trade in Afghanistan highlight the need for a sustained and strengthened NATO presence in Afghanistan;

Whereas NATO continues to enhance the security of Europe and the world by strengthening partnerships with countries around the world; and

Whereas Congress continues to support NATO, the leadership role of the United States Government in European security affairs, and the continued enlargement of NATO; Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th anniversary of the North Atlantic Treaty Organization;

(2) reaffirms that the North Atlantic Treaty Organization is strong, enduring, and oriented for the challenges of the future; and

(3) expresses appreciation for—

(A) the steadfast partnership between the North Atlantic Treaty Organization and the United States Government; and

(B) the work of the North Atlantic Treaty Organization to ensure peace, security, and stability in Europe and throughout the world.

SENATE RESOLUTION 21—TO AUTHORIZE TESTIMONY IN UNITED STATES OF AMERICA v. VINCENT J. FUMO, ET AL.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 21

Whereas, in the case of United States of America v. Vincent J. Fumo, et al, Cr. No. 06-319, pending in the United States District Court for the Eastern District of Pennsylvania, testimony has been subpoenaed from David Urban, a former employee of the office of Senator Arlen Specter;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it *Resolved* that David Urban is authorized to testify in United States of America v. Vincent J. Fumo, et al., except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 38. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Ms. KLOBUCHAR, Mr. PRYOR, Mr. SCHUMER, Mr. HARKIN, Mr. KOHL, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 328, to postpone the DTV transition date.

TEXT OF AMENDMENTS

SA 38. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Ms. KLOBUCHAR, Mr. PRYOR, Mr. SCHUMER, Mr. HARKIN, Mr. KOHL, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 328, to postpone the DTV transition date; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “DTV Delay Act”.

SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

(a) IN GENERAL.—Section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended—

(1) by striking “February 18, 2009;” in paragraph (1) and inserting “June 13, 2009;”; and

(2) by striking “February 18, 2009,” in paragraph (2) and inserting “that date”.

(b) EXTENSION OF COUPON PROGRAM.—Section 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amended by striking “March 31, 2009,” and inserting “July 31, 2009.”

(c) CONFORMING AMENDMENTS.—

(1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking “February 17, 2009,” and inserting “June 12, 2009.”

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking “February 17, 2009,” and inserting “June 12, 2009.”

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking “February 17, 2009,” and inserting “June 12, 2009.”

(d) LICENSE TERMS.—

(1) EXTENSION.—The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) DEFINITION.—In this subsection, the term “recovered spectrum” means—

(A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) TREATMENT OF EXPIRED COUPONS.—Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47

U.S.C. 309 note) is amended by adding at the end the following:

“(D) EXPIRED COUPONS.—The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed.”.

(b) CONFORMING AMENDMENT.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking “receives, via the United States Postal Service,” and inserting “redeems”.

SEC. 4. IMPLEMENTATION.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station’s analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission’s requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) PUBLIC SAFETY RADIO SERVICES.—

(1) USE ON CLEARED SPECTRUM.—Notwithstanding the amendments made by section 2, if—

(A) a television broadcast station ceases the broadcasting of such station’s analog television service under subsection (a) of this section prior to June 12, 2009, and

(B) as a consequence of such cessation, spectrum between frequencies 768 and 776 megahertz, inclusive, and 798 and 806 megahertz, inclusive, becomes available for non-television broadcast use prior to June 12, 2009,

the Federal Communications Commission shall permit the use of such spectrum for authorized public safety radio services if the Commission determines that such use is in the public interest and does not cause harmful interference to full-power television stations in the analog or digital television service.

(2) EXPEDITED PROCEDURES.—The Federal Communications Commission may use expedited procedures, and may waive such rules as may be necessary, to make a determination on an application made under paragraph (1) to begin such use of such spectrum by a public safety agency (as such term is defined in section 3006(d)(1) of the Digital Television Transition and Public Safety Act of 2005) in not less than 2 weeks after the date of submission of such application.

(c) EXPEDITED RULEMAKING.—Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "2011." and inserting "2012."

SEC. 6. EMERGENCY DESIGNATION.

Each amount made available under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) as a result of the amendments made by this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee detailees, fellows, and interns be allowed floor privileges during the consideration of H.R. 2: Mary Baker, Lauren Bishop, Pete Harvey, Laura Hoffmeister, Matt Kazan, Bridget Mallon, Toni Miles, Kelcy Poulson, Aris Prasetyo, Daniel Stein, and Kelley Whitener.

The PRESIDING OFFICER. Without objection, it is so ordered.

DTV DELAY ACT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 328, introduced earlier today by Senator ROCKEFELLER.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 328) to postpone the DTV transition date.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, on February 17, 2009—less than 1 month from today—our Nation is scheduled to make the transition to digital television, or DTV. On this day, full-power television stations across the country will stop broadcasting in analog and switch to digital signals.

The way I see it, right now we have a choice. We can do the DTV transition right or we can do it wrong. Doing it right would mean that as many as 21 million households across this country do not lose access to news, information and emergency alerts. Doing it right would mean that every consumer who relies on over-the-air television is aware of the steps they need to take to ensure continued reception and receive the assistance they need to prepare for the transition in their home. And doing it right means that no one across this land wakes up on February 18 to find that their television set has gone dark.

But the shameful truth is that we are not poised to do this transition right. We are only weeks away from doing it

dreadfully wrong—and leaving consumers with the consequences. It is no secret that the outgoing administration grossly mismanaged the digital television transition. The coupon program that was designed to help consumers defray the cost of converter boxes to ensure the continued functioning of their analog television sets has a waiting list of over 2 million. This number will multiply to millions more in the weeks ahead. Making a difficult situation even worse, we also face the frightful specter of converter box shortages.

On top of this, consumers are aware of the transition, but confused about its consequences. One study suggests that while recognition of the transition is widespread, an alarming 63 percent have major misconceptions about just what steps they need to take to prepare. Calling centers at the Department of Commerce and Federal Communications Commission are ill-equipped to deal with the avalanche of calls that are expected on February 17 and in the days and weeks after. Consumers will be on their own, forced to navigate through the messy rubble of a botched transition.

I believe we can and should do better. Doing better means more than cobbling together the failed efforts of the last administration. Doing better requires more attention and more resources. But above all, it will require more time—to get the DTV transition right.

This is why last week I introduced the DTV Delay Act. I asked the Senate to delay the date of the transition from February 17 to June 12, 2009. This will give us the time we need to develop an approach that puts consumers first and provides them with the assistance they need.

In the interim, I have been working with the distinguished ranking member of the Senate Commerce, Science and Transportation Committee, Senator HUTCHISON, to modify and improve the language of my earlier bill in an effort to broaden support and speed its passage.

I rise again today to introduce, now with my good friend Senator HUTCHISON, an amended version of the DTV Delay Act. This version incorporates adjustments to help manage the transition in affected communities, including a provision that makes clear that despite this date change the transition needs of broadcasters and public safety officials will be respected.

Let me be clear. This legislation is not perfect. But it represents a turning point—a start. The record will reflect that I have spent years advocating a different course. I voted against the Deficit Reduction Act of 2005, which set this hard date for the transition deep in the winter. I voted against this bill in both the Commerce Committee and during its consideration by the full Senate because it fell short of a real

plan for minimizing consumer disruption. I voted against this bill because it failed to spend any resources building a national interoperable public safety communications network in the spectrum vacated by analog broadcasting. Voting no was by no means a popular thing to do. In fact, I was one of only three "no" votes in the Commerce Committee.

Last year, I introduced and the Congress passed the SAFER Act. This legislation provided the Federal Communications Commission with authority to extend analog television broadcasting so that essential public safety announcements and DTV transition could be viewed in the days following the February 17 transition. I now believe that this is not enough. It is a meaningful bandage, but the situation we face requires more intensive care.

The DTV Delay Act will not fix all of the problems associated with the transition. More work needs to be done to ensure that consumers are aware of the transition and get the help they need. But it gives us all the time to do the transition right. Time to develop a new plan, time to implement a new set of ideas to manage the transition, and time to make sure that in the switch to digital signals no American is left behind. Senator HUTCHISON and I are committed to making sure every American is able to manage the DTV transition without undue hardship. We are working on initiatives to be included in the economic recovery package. If we are able to make substantial progress on the administration of the transition this should be the last delay we have to seek. Barring unforeseen emergencies, we should not have another delay. I know the Obama administration shares our commitment to getting this right so that we can avoid any further delays.

So we have a choice, we can proceed with the DTV Delay Act or weeks from today we can survey the wreckage of a failed effort to transition to digital broadcasting, complete with angry consumers, converter box troubles, and calling centers overwhelmed with consumer complaints. Worse, should a tragedy strike, we face the prospect of millions of consumers without access to television, without a lifeline for news and information that may be necessary to protect them from harm.

Again, we have a choice. And I know what I choose. I choose that we delay this transition because I believe we owe the American people a successful migration to digital television. Today will be the second time that the majority leader has sought consent on the DTV Delay Act. We simply can't keep coming back again and again to delay as time is running out. We must act now because we will not have the ability to address consumer needs if we wait much longer.

I ask my colleagues to do the same. I warn those who would stand in the

way, who dismiss my sense of urgency, that should they force us to keep to our current course, it is the American public who will bear the brunt of their opposition. We owe our citizens so much more than this. So I ask my colleagues to join me and support the DTV Delay Act.

Mr. KERRY. Mr. President, I support the incoming chairman of the Commerce Committee as well as the President in the effort to delay the digital television transition date because I believe that the Federal Government's first responsibility in administering this transition is to the consumers who stand to lose television reception in just 22 days. On January 4, the National Telecommunications and Information Administration, NTIA, announced that the program designated to distribute coupons to consumers in need of digital converter boxes did not have sufficient resources to meet program demand. Just over 2 weeks later, more than 2.6 million requests for coupons, representing nearly 1.5 million American households, have been placed on a waiting list. Without an infusion of additional funds for this program, these coupons will not be delivered.

Senator ROCKEFELLER is advocating legislation to postpone the upcoming DTV transition date from February 17, 2009, until June 12, 2009. I am a cosponsor of the Rockefeller bill. The legislation is a response to a January 8 letter sent by President Obama's transition team co-chairman, John Podesta, which clearly stated the President's belief that the DTV transition should be delayed.

A high percentage of Americans who rely on over the air broadcast television are low-income or elderly and do not have the financial means to purchase a converter box without a coupon. If these households do not have a converter box when the statutorily mandated switch to digital television takes place, they will be left without access to critical news, information and emergency broadcasts.

To ensure that every request for a coupon is met, Congress will need to appropriate additional funds for the coupon program. I support efforts to provide additional funding necessary to cover each and every coupon request. I also support making additional funds available for the outreach and education efforts that will be necessary to ensure as smooth a transition as possible. In the coming weeks, the Senate will consider economic stimulus legislation, and I hope this additional funding will be included in this bill. Before we reach that point however, it is imperative that Congress delays the transition date so consumers currently on the waiting list have sufficient time to receive and redeem their coupons.

There is no question that delaying the date will come with considerable cost to some parties. The Nation's

broadcasters and cable operators have made considerable efforts to educate the public as to the current date, and these efforts should be commended. A delayed transition date will undoubtedly result in some increased cost to those responsible for facilitating the transition. I am also aware that licenses have been granted to operate in this spectrum after the transition date. These licenses were issued to the winning bidders in last year's 700 MHz spectrum auction, which resulted in nearly \$20 billion in Federal revenues. Additionally, public safety organizations across the country have been issued licenses to operate in portions of the spectrum following the February 17 statutory transition date. Congress, NTIA, and the Federal Communications Commission, FCC, should work to mitigate economic injury wherever possible for all parties involved in the ongoing effort to execute a smooth transition.

I also agree with Ranking Member HUTCHISON's proposed changes to the chairman's legislation, which would permit the NTIA to reissue expired coupons that go unused, extend the term of auctioned licenses by 116 days, and clarify broadcasters' ability to transition to digital-only transmission early, as well as the ability for public safety entities to have access to narrowband channels prior to the new deadline. These are important changes that will help to make the transition go smoothly.

I urge all of my colleagues to support the DTV Delay Act.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that a Rockefeller-Hutchison substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 38) was agreed to, as follows:

(Purpose: To postpone the DTV transition date)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Delay Act".

SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

(a) IN GENERAL.—Section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended—

(1) by striking "February 18, 2009;" in paragraph (1) and inserting "June 13, 2009;"; and

(2) by striking "February 18, 2009," in paragraph (2) and inserting "that date".

(b) EXTENSION OF COUPON PROGRAM.—Section 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amended by striking "March 31, 2009," and inserting "July 31, 2009,".

(c) CONFORMING AMENDMENTS.—

(1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking "February 17, 2009," and inserting "June 12, 2009,".

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking "February 17, 2009," and inserting "June 12, 2009,".

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking "February 17, 2009," and inserting "June 12, 2009,".

(d) LICENSE TERMS.—

(1) EXTENSION.—The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) DEFINITION.—In this subsection, the term "recovered spectrum" means—

(A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) TREATMENT OF EXPIRED COUPONS.—Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

"(D) EXPIRED COUPONS.—The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed."

(b) CONFORMING AMENDMENT.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking "receives, via the United States Postal Service," and inserting "redeems".

SEC. 4. IMPLEMENTATION.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) PUBLIC SAFETY RADIO SERVICES.—

(1) USE ON CLEARED SPECTRUM.—Notwithstanding the amendments made by section 2, if—

(A) a television broadcast station ceases the broadcasting of such station's analog television service under subsection (a) of this section prior to June 12, 2009, and

(B) as a consequence of such cessation, spectrum between frequencies 768 and 776 megahertz, inclusive, and 798 and 806 megahertz, inclusive, becomes available for non-television broadcast use prior to June 12, 2009, the Federal Communications Commission shall permit the use of such spectrum for authorized public safety radio services if the Commission determines that such use is in the public interest and does not cause

harmful interference to full-power television stations in the analog or digital television service.

(2) **EXPEDITED PROCEDURES.**—The Federal Communications Commission may use expedited procedures, and may waive such rules as may be necessary, to make a determination on an application made under paragraph (1) to begin such use of such spectrum by a public safety agency (as such term is defined in section 3006(d)(1) of the Digital Television Transition and Public Safety Act of 2005) in not less than 2 weeks after the date of submission of such application.

(c) **EXPEDITED RULEMAKING.**—Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “2011.” and inserting “2012.”.

SEC. 6. EMERGENCY DESIGNATION.

Each amount made available under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) as a result of the amendments made by this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

The bill (S. 328), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARY L. SCHAPIRO

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Mary L. Schapiro to fill an unexpired term, received today; that the Senate then proceed to the consideration of the nomination; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD; that no further motions be in order; that the President be immediately notified of the Senate's action;

and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

SECURITIES AND EXCHANGE COMMISSION

Mary L. Schapiro, of the District of Columbia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZATION OF TESTIMONY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 21 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 21) to authorize testimony in United States of America v. Vincent J. Fumo, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a subpoena for testimony in a criminal case against former Pennsylvania State Senator Vincent J. Fumo in the United States District Court for the Eastern District of Pennsylvania. In this case, Mr. Fumo and two others are charged with multiple counts of conspiracy, fraud, obstruction of justice, and filing false tax returns. Among the charges is that Mr. Fumo, as chairman of the Senate Democratic Appropriations Committee, arranged for a friend, referred to as “Senate Contractor No. 5” in the indictment, to obtain a contract under which he was paid \$150,000 over 5 years, but performed little or no work. To rebut the allegation that no work was performed under the contract, the defense has subpoenaed Senator SPECTER's former chief of staff, David Urban, to testify as a fact witness at trial as to contracts about and a meeting he had with Senate Contractor No. 5 during that 5-year contract. During that meeting, which was a typical meeting for a United States Senate office, Senate Contractor No. 5 explored possible federal funding for a low-income housing project in South Philadelphia. Neither the meeting nor the project itself are the subject of the criminal complaint. Senator SPECTER has no objection to allowing the testimony.

The enclosed resolution would authorize Mr. Urban to testify in this matter.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the reso-

lution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 21

Whereas, in the case of United States of America v. Vincent J. Fumo, et al, Cr. No. 06-319, pending in the United States District Court for the Eastern District of Pennsylvania, testimony has been subpoenaed from David Urban, a former employee of the office of Senator Arlen Specter;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it *Resolved* that David Urban is authorized to testify in United States of America v. Vincent J. Fumo, et al., except concerning matters for which a privilege should be asserted.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 96-114, as amended, appoints the following individual to the Congressional Award Board: Rodney Slater of the District of Columbia.

ORDERS FOR TUESDAY, JANUARY 27, 2009

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Tuesday, January 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2, the Children's Health Insurance Program Reauthorization; further, that the Senate recess following the swearing in of Senate appointee GILLIBRAND until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROCKEFELLER. Mr. President, if there is no further business to come

before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, January 27, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE

COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2009, VICE CHRISTOPHER COX, RESIGNED.

DEPARTMENT OF JUSTICE

ELENA KAGAN, OF MASSACHUSETTS, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE GREGORY G. GARRE, RESIGNED.

DAVID W. OGDEN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE MARK R. FILIP.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, January 26, 2009:

DEPARTMENT OF THE TREASURY

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2009.

HOUSE OF REPRESENTATIVES—Monday, January 26, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 26, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

THE STIMULUS PROPOSAL AND LONG-TERM BUDGET CONTROLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Madam Speaker, I know that each Member of this body, Democrat and Republican, understands that our country is in trouble. The CBO recently projected that the Federal budget deficit for the fiscal year, which started last October, will balloon to \$1.2 trillion. This number, which Senate Budget Chairman KENT CONRAD called "jaw-dropping," does not include the \$825 billion stimulus plan we are scheduled to consider in the House this week.

David Walker, former U.S. Comptroller General, has said, "We should not just engage in timely and targeted stimulus. We need to put a process in place that will enable elected officials to make a range of tough decisions," and this institution does not make tough decision, "that have been delayed for too long."

Richard Fisher, president of the Federal Reserve Bank of Dallas, has called our situation "catastrophic," noting that "doing deficit math is always a sobering exercise. It becomes an out-

right painful one when you apply your calculator to the long-term fiscal challenge posed by entitlement programs."

Federal Reserve Chairman Bernanke has said, "The quality of the future we will endow to our children and our grandchildren will depend in important measure on how well we rise to that occasion."

I could stand here all day quoting different experts about our Nation's grave long-term outlook. I believe that most Americans know that our country is facing dire economic conditions that will continue to deteriorate unless we change our current course. The fact is the American people are ahead of the Congress.

As elected officials and Members of the 111th Congress, we have an obligation, a moral obligation, to find solutions to the long-term nightmare that our children and grandchildren will wake up to should we choose to do nothing. We are talking about over \$56 trillion in unfunded obligations through Social Security, Medicare and Medicaid, the national debt nearing \$12 trillion, and China now holding the paper on 1 out of every 10 American dollars. America is now being sold to China. Does that make this Congress feel very good?

By letting the stimulus legislation pass the House without addressing the underlying problem of out-of-control spending, we are evading our responsibility as Members of Congress. David Brooks said this package has no "strategic vision." He said it has a relatively modest short-term impact, and then he said "there is no sunset."

Is it right for us to ignore the fact that we are mortgaging our children's and grandchildren's future? We must set up a difficult bipartisan mechanism to deal with the underlying problem of autopilot spending and show the American people that we can make the difficult choices.

There is a bipartisan plan already on the table to review Federal spending in every area, entitlements and tax policies. It garnered the support of 110 Members in the last Congress, Republican and Democrat. You have heard me talk about it many times. It is the Cooper-Wolf SAFE Commission plan, similar to a Senate effort led by Budget Chairman KENT CONRAD and Ranking Member JUDD GREGG.

We offered the bipartisan SAFE Commission as an amendment when the Appropriations Committee marked up the stimulus last week. It failed on a mostly partisan vote. I will go to the Rules

Committee on Tuesday to ask that the amendment be made in order so that it can be voted on by the full House during the stimulus debate.

If we look the other way now, Congress will have fundamentally failed the American people. Congress will have to explain to the American people that when it had the chance to act in the best interests of future generations, meaning children and grandchildren and existing generations, it chose to do nothing.

Make no mistake. This could well be the toughest economic issue our Nation will be faced with, but we can't afford to wait. The future of the children and grandchildren hang in the balance.

I will end with President Obama's words from his inaugural address. He said that the current state of affairs is the result of "our collective failure to make hard choices and prepare the Nation for a new age." He went on to say that "our time of standing pat, of protecting narrow interests and putting off unpleasant decisions, that time has surely passed." I could not agree more. For years I encouraged the Bush administration to adopt this process. They did not. We have also reached out to the new administration and his economic team.

This is an economic, moral, and generational issue, and I am astounded as we prepare to debate the stimulus on the floor that we are doing so without having bipartisan entitlement reform as part of the underlying package.

PRESIDENT NOT WELL-SERVED BY SOME ECONOMIC ADVISERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Madam Speaker, today's headlines are pretty grim about job losses across America. The Bush legacy lives on.

George Bush has made a horrible hash out of this economy with his trickle-down economics favoring those at the top, with his deregulatory policies, dismantling those things which protect consumers, people's 401(k)s and their investments from fraud and abuse, and with his unnecessary war.

President Obama sees and realizes the pain across America and wants to take positive steps to put people back to work and get this economy back on course. That is the good news.

The bad news is that I don't believe the President is well-served by a number of his economic advisers. Some of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

them do not now, nor have they ever believed, that rebuilding the foundations of our economy with investment in infrastructure, putting millions to work, increasing the wealth of the country, making us more efficient and competitive in the international economy, delivering our goods more fuel effectively, getting people out of congestion in their cars and getting them to work more efficiently, they don't think those are good investments. They say that is not what we want. They want tax cuts. They want other spending that is more immediate. We do not need another consumer-driven, borrowed-money—because all this money is borrowed—bubble for this economy. We need to get back to basics. We need to rebuild our foundations.

Unfortunately, this bill dedicates about 6 percent, 6 percent of \$825 billion, to our transportation infrastructure. In contrast, the Chinese are spending, over the next 2 years, \$600 billion on their transportation infrastructure to make their country more fuel efficient, to make their country more competitive. And we in the United States can only come up with \$40 billion for transportation infrastructure?

They say that it can't be spent quickly enough. That is not true. The list of deferred maintenance in projects is long. The known need far exceeds that short-term outlook, just for this year's deficiency in investment. We could spend much more, we could spend it more productively, and we could put millions of Americans back to work.

For every \$1 billion we spend on transportation infrastructure, by the most conservative of estimates, you get a six times multiplier effect in the economy and you put 28,000 to 30,000 people to work. For a dollar in tax cuts, you get back, depending on whether or not people spend them or use it to replenish their depleted savings, very, very little stimulative effect.

The Bush tax cuts, \$160 billion borrowed last spring, gave us a whole one-quarter of one percent bounce in one quarter for the economy. \$160 billion borrowed, an obligation for the next 30 years for our kids and grandkids, and that is what we got? No, we need more substantial investment.

There a lot of talk about "shovel-ready." There is a lot of talk about infrastructure. We need to deliver on those promises, and thus far this legislation that is being proposed falls short.

I don't fault my colleagues here. It is coming from the Senate. It is coming from downtown. But we can do better. We are the people's House, the House of Representatives. We don't need to have \$275 billion in tax cuts and we don't need to take those dictates from somewhere else, and particularly the President's advisers when they are wrong.

I know the President's heart is in the right place. I am hoping we can do a better bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DEFAZIO) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, our God, Source of life and love, hear the prayer of Congress, both for the good of this Nation and the good of humanity around the world. Help this Congress and the President to discern Your will in our day. By drawing upon the truth taken from a diversity of opinions, may a solid foundation be formed upon which a stable future may be built.

May short-term gains or self-interest never prove to be an obstacle to true vision. Rather, Lord, grant depth perception, clear analysis, and creative response to the needs of our time for solidifying the common good. For we freely choose to be Your people, and act accordingly, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Mexico (Mr. LUJÁN) come forward and lead the House in the Pledge of Allegiance.

Mr. LUJÁN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TIME TO BUILD UP AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. At a time when millions of Americans are losing jobs, homes, pensions, our government is prepared to give another trillion dollars to the banks, ready to compound the moral hazard by nationalizing banks, which are allegedly profit-making entities. This is anti-democratic.

Instead of nationalizing banks, we should nationalize the money system by placing the Federal Reserve under the U.S. Treasury, end the fractional reserve and stop banks from lending credit into circulation. Then, instead of borrowing money from the banks and creating debt, government can spend the money into circulation to rebuild and restore America with money for jobs, housing, health care, and education. I will soon be introducing legislation to accomplish this.

Banking is not a proper function of the government, but oversight is. The Treasury Department should not be outsourcing to the Fed its oversight responsibilities. The Fed, which failed miserably to oversee banks, should be put under Treasury instead.

It's time for our government to operate in the public interest, not in the interest of private banks. It's time for us to stop bailing out banks and begin building up America.

THIS IS NOT A STIMULUS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I have significant concerns about the spending bill before us this week. How will billions spent on school snack programs and repairs to the Smithsonian Institution stimulate the economy? How will \$3 billion being spent for a prevention and wellness fund stimulate the economy?

It is clear that this spending package has become a one-stop shop for every item on a spending agenda—a massive, unprecedented spending bill aimed to bypass the normal appropriations process and subsidize a broad range of existing and new government programs. We must do better, and together we can do better to create jobs.

A targeted stimulus package of tax relief and assistance for small businesses would fuel this Nation's entrepreneurial spirit and help private industry and individuals create jobs. Our focus should be on growing the American economy and not on growing an already massive government.

In conclusion, God bless our troops, and we will never forget September the 11th.

LAND OF ENCHANTMENT

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, New Mexico is known as the Land of Enchantment because of our people, beautiful landscapes, clear skies, and fresh air. My district is home to millions of acres of Federal lands and countless natural resources—resources that create opportunities and challenges.

One challenge my district faces is water availability and allocation. Water projects on either side of the State have been long planned, and now may come to fruition. As someone who tends to the acequia, the ditch on our small family farm, I know the importance of water to rural economies across America.

Land, water, and sustainability are not only fundamental to life in my State, they are fundamental to rich cultures and traditions that make New Mexico great, like acequias and land grants, which are an essential part of the rural economies of my district.

Let us work together in protecting New Mexico's rich culture and traditions.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
CANNON HOUSE OFFICE BUILDING,
Washington, DC, January 26, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER, I am writing to resign my position as the United States Representative for the 20th District of New York effective Monday, January 26, 2009. Governor David Paterson of New York has selected me to fill the vacancy left in the U.S. Senate by Hillary Rodham Clinton's resignation to become our Secretary of State. My letter of resignation addressed to the New York Secretary of State is attached.

It has been a great privilege for me to serve the constituents of New York's 20th District in the House of Representatives for the past two years. I hope to build on the work I began in this district, to help all of the people of New York.

I also want to thank you, Madam Speaker, my colleagues in the House, and in particular the New York Congressional delegation. I am so grateful for my time in the House, for and the honor working with so many outstanding Members. I look forward to continuing our work and collaboration to build a better New York and a better America.

Thank you and God bless,

KIRSTEN E. GILLIBRAND.

Attachment:

HOUSE OF REPRESENTATIVES,
CANNON HOUSE OFFICE BUILDING,
Washington, DC, January 23, 2009.

Hon. LORRAINE CORTES-VASQUEZ,
Secretary of State, Department of State, Washington Avenue, Albany, NY.

DEAR SECRETARY CORTES-VASQUEZ: This letter is to inform you that effective immediately, I resign my seat in the United

States Congress in order to assume my duties as United States Senator.

Very truly yours,

KIRSTEN GILLIBRAND.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentlewoman from New York (Mrs. GILLIBRAND), the whole number of the House is 433.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LORETTA SANCHEZ of California) at 5 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL DATA PRIVACY DAY

Mr. WELCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 31) expressing support for designation of January 28, 2009, as "National Data Privacy Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 31

Whereas the Internet and the capabilities of modern technology cause data privacy issues to figure prominently in the lives of many people in the United States at work, in their interaction with government and public authorities, in the health field, in e-commerce transactions, and online generally;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that can be taken to help protect the privacy of personal information online;

Whereas "National Data Privacy Day" constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the

protection of personal information on the Internet;

Whereas government officials from the United States and Europe, privacy professionals, academics, legal scholars, representatives of international businesses, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens in high schools across the country;

Whereas the recognition of "National Data Privacy Day" will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information online; and

Whereas January 28, 2009, would be an appropriate day to designate as "National Data Privacy Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of a "National Data Privacy Day";

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages privacy professionals and educators to discuss data privacy and protection issues with teens in high schools across the United States; and

(4) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information online.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Vermont (Mr. WELCH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Vermont.

GENERAL LEAVE

Mr. WELCH. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH. Madam Speaker, I rise in strong support today of House Resolution 31, introduced by Representative PRICE of North Carolina. This resolution correctly identifies the importance of data security in all of our lives. Particularly, as we continue to incorporate Internet use into our daily lives and routines, it's vital that we focus on the need to protect the sensitive information that is transmitted over the Internet.

Over the past few years, as we all know, we have seen numerous and troubling incidences involving data breach that compromise private information. That includes credit card numbers, bank statements, Social Security numbers, and health records. According to the Privacy Rights Clearinghouse, over 250 million records containing sensitive personal information has been subject to security breaches since 2005. We know we have got to protect security if we are going to have

the advantages of electronic transmission of records.

Just last week, it was reported that another data breach involving credit and debit card information potentially exposed tens of millions of consumers to the risk of fraud. These incidents underscore the need for vigilance in protecting the privacy of sensitive information.

At this time, Madam Speaker, I yield such time as he may consume to the author of the resolution, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I want to thank the gentleman from Vermont for yielding, and for his good work in bringing this resolution to the floor.

I am here as the lead sponsor, among many sponsors, of House Resolution 31, supporting the designation of January 28 as National Data Privacy Day. In the last 10 years, the Internet has become the preferred carrier of communication in our society. Electronic communications dominate workplaces, and are increasingly prevalent in commerce, in interactions between the public and government at every level, and through social networking sites on the Internet.

While we have realized incredible efficiencies and other benefits from new electronic technologies, those technologies have also raised challenges for protecting the privacy of personal and proprietary information. If we are going to fully realize the potential of electronic communications, we must address these challenges, and that is what H. Res. 31 is all about.

Fortunately, we are off to a good start. On Wednesday, privacy professionals, corporations, government agencies, nonprofit organizations, academic institutions, and students across the Nation are already planning to come together to raise awareness and underscore the importance of data privacy protection as part of National Data Privacy Day.

Academic institutions such as the Wharton Business School, Arizona State University, Santa Clara Law School, and Ohio State University, have planned events and panel discussions on a broad range of data privacy issues ranging from information security best practices to data privacy issues at public and private institutions of higher education.

One of the major focuses of Data Privacy Day will be to educate teenagers about the importance of online privacy. An estimated 55 percent of American teenagers with access to the Internet use social networking Web sites, and an even greater engage in real-time information sharing through instant messaging, cell phone text messaging, and chat rooms.

While pre-teens, teenagers, and young adults are often the most sophisticated and skilled Internet users—we

all know that—many are too often neglectful of their personal safety online. Young people who are participating in online social networking should be made aware of the dangers of failing to protect their personal data. They need to know that not everyone on Facebook or MySpace is a friend.

On Wednesday, educators and privacy professionals across the country will lead discussions with young people to raise awareness about online privacy to promote safe use of the Internet and to help them learn about how to protect the privacy of their personal data.

I am especially proud of events in North Carolina surrounding Data Privacy Day. This week, the Carolina Privacy Officials Network will host panels on consent policy options in health care, information security breaches, and off-shoring of data. At the Sanford Institute of Public Policy at Duke University, representatives from Intel, the Institute for Homeland Security Solutions, the Triangle Center on Terrorism and Homeland Security, the Provost's Office at Duke University, the Duke Center for European Studies, the Center for International Studies, and the Triangle Institute for Security Studies, will gather with officials from the United States Departments of State, Justice and Homeland Security, as well as the European Commission, to discuss issues surrounding the protection of national security and privacy.

Madam Speaker, H. Res. 31 underscores the importance of data privacy protection and expresses support for the designation of January 28, 2009, as National Data Privacy Day. I want to thank the Members who cosponsored this important resolution, and members of the Energy and Commerce Committee, Chairman WAXMAN, for moving H. Res. 31 to the floor today. It's a resolution that has good bipartisan support. I appreciate that support, and I urge my colleagues to support the measure.

Mr. WELCH. I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am also pleased that our data privacy resolution could be considered on the floor today, and I would like to thank, obviously, Mr. PRICE of North Carolina, for introducing this important resolution, as the lead cosponsor on the Republican side. I am glad to be able to support it. As well as Chairman BARTON from the Energy and Commerce Committee; Mr. MARKEY, the former chairman of the Telecommunications Committee; and, Mr. RADANOVICH, who will speak later, for their support as well.

My colleagues, this resolution supports the designation of January 28 as National Data Privacy Day. As ranking member of the Communications, Tech-

nology, and Internet Subcommittee, I am especially concerned about the challenges that all of us face today protecting the privacy of personal sensitive information.

Most of our work product and personal records are now, obviously, digitally stored, as well as transferred. The timesaving convenience of instantaneous communications means we all rely heavily on the Internet and the latest state-of-the-art technology in our simple daily interactions. And, more often than not, all of our electronic communications leave behind a digital fingerprint that opens the potential for abuse if the information is in the wrong hands.

That is why it is pertinent that we, as representatives of the American people here in Congress, take the simple initiative to draw awareness to the importance to protecting sensitive personal information, including financial and health records, from misuse and theft.

Consumers must be vigilant in protecting their data. They have a personal responsibility, and they must be cautious with whom they do business with. Likewise, we must continue to ensure that legitimate businesses which collect and store U.S. consumer personal data will respect the privacy of those consumers at all times and employ the necessary protections to safeguard that data.

Data security is not a new issue. We examined this problem related to data breaches in the Energy and Commerce Committee as far back as the 109th Congress that were spurred by breaches at data brokers affecting millions of our citizens. We learned that State laws created numerous notice requirements that were to inform the customer of these breaches, but it is unclear, Madam Speaker, how many data breaches occurred before those laws took place.

The problem continues to affect countless Americans every year. In fact, there are estimates of data breaches since 2005 that indicate that as many as 251 million records have been exposed or compromised. That is due to these breaches.

The result is often credit card fraud or, worse, identity theft, which can require time, money, and energy from consumers to repair their good name and, obviously, restore their credit history.

Furthermore, universities all across this Nation have had names, photos, phone numbers, and addresses of their students and staff compromised or stolen. Sensitive technology companies such as Science Applications International Corporation and Boeing have also had data security breaches. Breaches have also occurred in large financial institutions such as Bank of America and Wachovia Bank.

Also, in the private sector a single stolen computer at Ford Motor Company exposed the names and Social Security numbers of 70,000 current and former employees, and hundreds of hospitals have had the personal information of their patients compromised.

Breaches are pervasive in government agencies such as the IRS, the Federal Trade Commission, the FDIC, the State Department, the Department of Veterans' Affairs, the Department of Justice and Energy, and the U.S. Navy. Of course, the list goes on.

Clearly, the resolution we are considering tonight is timely. Just last week we were reminded again of how pervasive this problem is with the announcement of Heartland Payment Systems, a credit card processor, that over 100 million personal records were compromised. This could be, to date, one of the largest known security breaches in our Nation.

Thus, Madam Speaker, highlighting problems such as this to Americans will increase their awareness and encourage them to exercise more diligence and care in protecting their personal information today. So I thank my colleagues for their support and recognition of the importance of data privacy and the benefits of designating January 28, 2009, as National Data Privacy Day, and I look forward to generating support in my home State of Florida for this important initiative.

I reserve the balance of my time.

Mr. WELCH. I am the last speaker on my side, and I will continue to reserve.

Mr. STEARNS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. The capabilities and, in some cases, the failures of modern technology, have brought the issues of data privacy and data security into the lives of all Americans. Whether it be at work, in health, in finance, or online generally, we all must be concerned about the unauthorized access to personal information, access which could put our livelihoods and, in extreme cases, our lives even at stake.

The Subcommittee on Commerce, Trade, and Consumer Protection has received testimony over the years about corporate data breaches that have damaged people financially as well as heard heartbreaking stories of stalkers stealing or buying personal information. As the new ranking member of the subcommittee, I am particularly concerned about these issues.

Just last week, we got reports about the hacking of the New Jersey-based credit card processor, Heartland Payment Systems. This company processes more than 5 billion transactions a year, involving tens of millions of credit card numbers, and someone was able to break into their system and monitor these transactions.

This is just another example of how all of us must be aware of the security

of sensitive information. Furthermore, not only must individuals be careful with their information, but the businesses which we entrust with that data must guard it as if it were their very own.

I want to commend Mr. PRICE and Mr. STEARNS for bringing this resolution before us today, and I want to thank Mr. BARTON, Mr. WAXMAN, and Mr. DINGELL for their continued efforts to address this issue. I want to lend my support to their efforts to educate the American public about ways to protect their personal information.

I look forward to continuing to work in this Congress to ensure the proper security of data and appropriate notice to consumers when their information is lost or revealed and there is significant risk of damage, financial or otherwise.

I fully support the goals and ideals of the National Data Privacy Day on January 28, and I urge all my colleagues to join in this effort.

□ 1745

Mr. STEARNS. I yield back the balance of my time.

Mr. WELCH. Madam Speaker, I want to thank Chairman PRICE and Ranking Member STEARNS for this excellent resolution. It draws attention to the importance of privacy protections by supporting the designation of January 28, 2009 as the National Data Privacy Day. It seeks to inform the public of data privacy concerns and urge them to take steps to ensure that their own private data is secure and accounted for. In that vein, State and local governments, as well as schools, are encouraged to educate citizens about data privacy. I thank the Representative from North Carolina for authoring this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, H. Res. 31 seeks to protect the personal interests and information of men and women across the country who exchange personally identifiable information across the Internet. I salute my colleague, Representative PRICE from North Carolina, in his efforts to designate January 28, 2009, as "National Data Privacy Day."

It is our duty and obligation to protect those victims of the exploitation of their personally identifiable information who often face a difficult and arduous process of cleaning up their credit records. These innocent victims, who may be an aging grandmother attempting to retire from over 30 years of labor as a housekeeper, or a young man who balances three jobs and is seeking a college loan, will be left to face lengthy investigations by credit card companies, financial institutions, and law enforcement agencies, while these cyber-criminals take minutes or less to destroy a name-sake that has taken years to build.

TEXAS PRIVACY EFFORTS

Texas seeks to perform its part through the Texas Business and Commerce Code, which bolsters the security of personally identifiable information, with respect to an individual who is the owner or operator of a computer, includ-

ing first name or first initial in combination with last name; a home or other physical address, including street name; electronic mail address; a credit or debit card number; a bank account number; a password or access code associated with a credit or debit card or bank account; a Social Security number, tax identification number, driver's license number, passport number, or other government-issued identification number; or any information if the information alone or in combination with other information personally identifies the individual.

DATA PRIVACY

According to the Privacy Rights Clearing House, since February 2005, more than 100 million records containing personal information have been subject to some sort of security breach.

Data privacy concerns exist wherever personally identifiable information is collected and stored—in digital form or otherwise. Improper or non-existent disclosure control can be the root cause for privacy issues. Data privacy issues can arise in response to information from a wide range of sources, such as: healthcare records, criminal justice investigations and proceedings, financial institutions and transactions, biological traits, such as genetic material, residence and geographic records.

The greatest challenge that we face in data privacy is to share data while maintaining a high level of protection amongst personally identifiable information. The ability to control what information one reveals about oneself over the Internet, and who can access that information, has become a growing concern over the ability for emails to be stored or read by third parties without consent, as well as the possibility of web sites which are visited collecting, storing, and possibly sharing personally identifiable information about users. For many reasons, individuals may not wish for the revelation of personal information such as their religion, sexual orientation, political affiliations, or private activities.

The economic crisis that our country is faced with today calls for an elevated guard of our financial information, as identity theft and a multitude of cyber-crimes are on the rise. Information about a person's financial transactions, including the amount of assets, positions held in stocks or funds, outstanding debts, and purchases can be sensitive. If criminals gain access to information such as a person's accounts or credit card numbers, that person could become the victim of fraud or identity theft. Information about a person's purchases can reveal a great deal about that person's history, such as places visited, persons contacted, products used, as well as activities and habits.

National Data Privacy Day provides for an international collaboration, and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information on the Internet and will call for government officials from the United States and Europe, privacy professionals, academics, legal scholars, representatives of international businesses, and others with an interest in data privacy issues to work together on this date to further the discussion about data privacy and protection.

CONCLUSION

Madam Speaker, I urge my colleagues to join me in supporting the promotion of the protection of personal information and data by designating January 28, 2009, as "National Data Privacy Day," which will endorse the safeguard of personal information online and affects all of us.

Ms. KILROY. Madam Speaker, I rise in strong support of H. Res. 31. In this digital age, people from all walks of life are affected by data privacy issues, from teenagers who maintain profiles on social networking websites to business professionals who schedule meetings and place orders online. Instant electronic communications have brought us closer together and made us prosperous in many ways, but they have also created threats to the privacy of our personal information.

As personal information becomes readily accessible online, those who endeavor to use our personal data to their own advantage are becoming increasingly sophisticated in their attempts to obtain it: the harvesting of personal information from public profiles of social networking websites, phishing and scamming e-mails, and passive monitoring of unsecured wireless networks all provide very real dangers to our personal information. The threat of identity theft, which can have devastating consequences that can take years to undo, remains very real to many people across the country as they use the Internet and go about their everyday lives.

These threats can be mitigated if individuals are vigilant in protecting their privacy, but few people are fully aware of all of the sources of potential danger to their personal information. Online security and computer security are broad subjects that encompass simple security measures such as using strong passwords as well as more complicated subjects such as the dangers of unsecured wireless networks. Increasing the awareness of these threats would greatly benefit individuals whose personal information is at risk online.

H. Res. 31 marks January 28, 2009, as "National Data Privacy Day". Our effort to establish this date as National Data Privacy Day would be in conjunction with numerous other organizations and institutions that are acting to encourage awareness of data privacy issues on this day. The Ohio State University in my district, for example, is strongly concerned with data privacy and will be printing articles, offering daily tips, distributing posters, and actively working with students, faculty and staff to raise awareness of personal information privacy issues.

Commendable efforts such as these encourage the discussion of data privacy in classrooms and living rooms across our country and will help individuals better protect themselves against the misuse of their personal information online and help them develop good security habits overall. I'm proud to be a cosponsor of this resolution and will work with my colleagues to continue to raise awareness of digital privacy, and safeguard ourselves in the digital age.

Mr. WELCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Vermont (Mr. WELCH) that the House suspend the rules and agree to the resolution, H. Res. 31.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WELCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE HEROIC ACTIONS OF THE PILOT, CREW, AND RESCUERS OF US AIRWAYS FLIGHT 1549

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 84) honoring the heroic actions of the pilot, crew, and rescuers of US Airways Flight 1549.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 84

Whereas US Airways Flight 1549 took off from LaGuardia Airport in Queens, New York, on January 15, 2009, bound for Charlotte, North Carolina, and lost engine power shortly after takeoff;

Whereas Captain Chesley B. Sullenberger III and First Officer Jeffrey B. Skiles recognized the need to land the plane quickly and sought out the Hudson River as the best option to avoid populated areas;

Whereas Sullenberger and Skiles displayed quick thinking and skillful control of the aircraft, setting the plane down in a controlled landing in the water;

Whereas flight attendants Sheila Dail, Doreen Welsh, and Donna Dent of Flight 1549 reacted swiftly to prepare passengers for impact in a minimal amount of time;

Whereas local ferry boats, official police boats, and U.S. Coast Guard crafts were able to reach the airliner quickly and rescue the passengers and crew from the near-freezing water;

Whereas Dail, Welsh, and Dent evacuated all 150 passengers onto the awaiting U.S. Coast Guard, ferry boats, and official police boats within minutes;

Whereas even as the plane began sinking in the Hudson River, Sullenberger remained in the plane surveying the aisle twice to make sure all passengers had gotten out safely before he exited the aircraft; and

Whereas due to the heroic efforts of the flight crew of Flight 1549, and the rescue boats, all 155 passengers and crew survived, without serious injury: Now, therefore, be it

Resolved, That the House of Representatives—

(1) applauds the skill, quick thinking, and bravery of Captain Chesley B. Sullenberger III and First Officer Jeffrey B. Skiles;

(2) commends the quick response by the flight attendants Doreen Welsh, Donna Dent, and Sheila Dail of Flight 1549 to prepare passengers for impact and rapid evacuation; and

(3) praises the quick response from the boats, first responders, and private citizens that arrived at the scene to aid and rescue passengers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 84.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H. Res. 84, a resolution honoring the heroic actions of the pilot, crew, and rescuers of US Airways Flight 1549.

I want to thank my colleague, Mr. CROWLEY, for introducing this resolution. LaGuardia Airport is in the congressional district represented by Congressman CROWLEY, and he has represented that district for some time. I know that he is very proud of all of the men and women whose actions resulted in a safe outcome for everyone. It is truly remarkable and a testament to all involved in the emergency landing and rescue that all passengers and crew got out safely, without serious injuries or death.

On January 15, 2009, US Airways Flight 1549 was departing LaGuardia Airport for Charlotte, North Carolina and, within minutes, lost engine power. Captain Chesley Sullenberger III and First Officer Jeffrey Skiles realized the seriousness of the situation, and immediately sought a safe place to land.

The Hudson River was their only option, and these two pilots, as well as flight attendants Sheila Dail, Doreen Welsh, and Donna Dent, worked together to prepare the 150 passengers for the emergency landing. The crew did an excellent job on the controlled landing in the Hudson River. The flight crew and flight attendants did exactly what they were trained to do, and they did it superbly.

This incident demonstrates the importance of training and preparation, showcases the skill of our aviation and first responder workforce, and reinforces the importance of consistent vigilance and oversight of our aviation safety.

I also want to commend the emergency crews in New York City who reached the crew and passengers in record time and immediately began rescue operations.

Again, we honor the crew, passengers, and emergency responders involved in US Airways Flight 1549, and I urge my colleagues to strongly support H. Res. 84.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I might consume.

I would like to just begin by commending and thanking the chairman of our Aviation Subcommittee for giving all of the members of the subcommittee an opportunity to meet some of the people who were involved in this, what could have been tragic, and turned out to be a heroic day, on February 24 when we have tentatively scheduled a subcommittee hearing to meet and find out what worked, what didn't work, and what could be done even better in the future.

But I certainly on this day rise in support of the resolution before us, House Resolution 84, honoring the heroic actions of the pilot, crew, and the rescuers of US Airways Flight 1549.

Like so many flights leaving New York's LaGuardia Airport on January 15, 2009, US Airways Flight 1549 pushed back late from the terminal with passengers ready to get to their destination in Charlotte, North Carolina. What happened next was anything but normal.

Shortly after takeoff, the airplane, carrying some 155 passengers and crew, unexpectedly struck a flock of large birds, causing both engines to fail.

Captain Chesley B. Sullenberger III, a veteran pilot with decades of experience in both the commercial airline industry and the United States Air Force, was forced to ditch his aircraft in the icy cold waters of the Hudson River.

That every person onboard the flight survived the dual engine failure and the aircraft's controlled ditch into the frigid waters of the Hudson River is an extraordinary testimony to the hard work of all aviation safety personnel. I applaud the quick actions of pilot and crew alike, and commend their actions as critical to the survival of all 150 passengers.

Also to be commended are those who so quickly responded to rescue those precariously balanced on the wings of the sinking plane. Indeed, even after surviving impact of a skillfully executed ditch effort, survivors of this accident still face the perils of hypothermia in the cold waters of the Hudson River. The quick action of police, Coast Guard, ferry operators, and other first responders ensured the survival of all involved in the accident, and their efforts are to be commended.

The robust training programs within the airline industry, Federal Aviation Administration safety oversight efforts, as well as the equipment improvements by aircraft manufacturers, all contributed to the survival of those aboard Flight 1549.

January 15 could have been a day stained by tragedy, but thanks to individual actions of Captain Sullenberger, the crew onboard, and the ongoing

safety efforts of so many within the industry, we will remember that day differently. The outcome of Flight 1549 affirms the value of the hard work of the aviation safety professionals, but also renews the call for continual improvements in aviation safety.

I salute those safety professionals and crew who played a role in that day's events, support House Resolution 84, and look forward to the opportunity on February 24 for us to meet some of the heroes of that day and to learn from their testimony.

I reserve the balance of my time.

Mr. COSTELLO. Madam Speaker, I yield 4 minutes to the gentleman from New York, the sponsor of the resolution, Congressman CROWLEY.

Mr. CROWLEY. I thank my friend from Illinois for yielding me this time.

Madam Speaker, the successful landing of US Airways Flight 1549 on Thursday, January 15, 2009, was nothing short of a miracle, and I rise to honor and thank all those who were involved in this rescue and recovery effort.

Shortly after takeoff on Thursday, January 15, US Airways Flight 1549 departed LaGuardia Airport in my district in Queens, was struck by a flock of birds, and lost power in both engines. After the collision, the pilot and copilot literally had seconds to determine how to get that plane back to the ground. Captain Chesley B. "Sully" Sullenberger III and First Officer Jeffrey B. Skiles thought about trying to land back at LaGuardia or even getting over to Teterboro Airport, New Jersey, but realized that there was not enough power to get that far. Instead, they decided to attempt an emergency landing in the least populated area of New York City, the Hudson River.

Water landings, also referred to as ditching, are incredibly difficult, and any minor error could cause the landing to end in tragedy. But the tremendous skills of the captain and the first officer were on display that day, and they successfully glided the plane down and safely landed it on the river. In the meantime, the flight attendants, Donna Dent, Doreen Welsh, and Sheila Dail, prepared passengers for impact.

When the plane came to a complete stop, Ms. Dent, Ms. Walsh, and Ms. Dail quickly opened the doors of the plane and started to evacuate passengers safely and efficiently. Within minutes, all the passengers were evacuated onto the wings of the plane, where boats, ferries, and others on the scene approached the sinking jet and began helping the passengers and crew off the wings and safely away from the near freezing Hudson River waters. They were not just New Yorkers; there were folks from New Jersey as well helping in this rescue effort.

Still, as the plane continued to sink into the freezing waters, Captain Sullenberger walked the cabin not

once, but twice, to make sure everyone was safely off the plane before deplaning himself.

Due to the skill and coordinated efforts by the pilots, crew, and first responders on the scene, everyone on the plane is alive and well today.

Madam Speaker, we owe a debt of gratitude to the crew of Flight 1549 and all the first responders who helped evacuate passengers.

Madam Speaker, some people call this event "the miracle on the Hudson." I say this was no miracle. This was the skillful flying of two veteran pilots, the quick reaction of highly trained flight attendants, and the responsiveness of Coast Guard ships, ferries, and private citizens. These people showed to the world the best of our aviation and first responder system. I am proud of the heroic actions of everyone involved.

I hope you will join me in honoring Captain Sullenberger, First Officer Skiles, Flight Attendants Dail, Welsh, and Dent, and all the men and women who came to the aid of the passengers, and the passengers themselves, the cooperation they demonstrated that day, those passengers stuck on the wing of a sinking plane in the middle of a freezing Hudson River. I urge my colleagues to vote "yes" on this resolution.

Madam Speaker, I would just add, as the congressional representative of LaGuardia Airport where Flight 1549 took off, I often have to answer complaints, particularly from my constituents, about the airport and those who fly through or live by the airport. It is not often we get to say good things about LaGuardia Airport.

Like any airport, LaGuardia produces noise, but on January 15, the crew of Flight 1549 made all of us and LaGuardia Airport proud.

□ 1800

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. I yield the gentleman 1 additional minute.

Mr. CROWLEY. Congressmen NADLER, MCMAHON, and MCNERNEY and I introduced this legislation because we wanted to pause and recognize the heroic efforts of the first officer, the captain, the flight attendants, as well as all the first responders. They deserve our thanks and applause. We have heard it said in the past, boy, that was a close call. I think in the future you're going to hear it said, boy, that was a 1549. At least I like to think that that will be catchy.

I urge all of my colleagues to please support this resolution.

Mr. PETRI. Madam Speaker, I have no further requests for time and yield back the balance of my time.

Mr. COSTELLO. Madam Speaker, I yield 2 minutes to the gentleman from New York, Congressman HALL.

Mr. HALL of New York. Thank you, Mr. Chairman.

Madam Speaker, I rise today also to pay tribute to a heroic achievement. It's nearly unimaginable that a commercial airliner would be forced to land in a busy river. And as a sailor who has sailed through New York Harbor on the Hudson River on all different sizes and shapes of power and sailboats, I can only imagine what it's like to try to land a 55-ton glider, which is in effect what Captain Sullenberger had. And fortunately he was not only trained in flying gliders, but he was an instructor in flying gliders and had that experience to call on and was able to land softly without catching a wing tip. We've all seen those terrible water landings, which of course George Carlin used to call "a crash," but the water landings where one wing tip catches and the plane winds up somersaulting and coming apart, it really is miraculous, but it's also the most amazing demonstration of aviation skill, one of them, that I have ever seen.

And because of the actions of Captain Sullenberger, First Officer Skiles and their uncommon bravery, despite the loss of both engines, they were able to land where they would not cause casualties on the ground in the Hudson River. And the fact that he checked the plane twice behind every seat, looking up and down the aisles twice to make sure that no one was left before he left his aircraft is another sign of his professionalism and bravery, as was the demonstration of coolness and professionalism by Sheila Dail, Doreen Welsh and Donna Dent, the flight attendants and the 150 passengers who remained on board and held hands and bonded with each other, including my constituent, Diane Higgins of Goshen, New York, and her 85-year old mother who were led to safety. They were all heroes on that plane, but there were also the first responders, the ferry boat captains, the police and Coast Guard who brought the passengers and crew safely to land from that near freezing water. This is what our first responders are trained to do. And like the crew on board Flight 1549, they did so perfectly and without incident.

Madam Speaker, the quick thinking and the heroic actions of the flight crew and first responders are something we are all proud of. I urge support of this resolution.

Mr. COSTELLO. Madam Speaker, at this time I yield 2 minutes to my friend from New Jersey, Congressman ALBIO SIRES.

Mr. SIRES. Madam Speaker, I rise today to recognize the outstanding work by rescue and nonrescue workers in the New York and New Jersey region in responding to January 15's emergency water landing of US Airways Flight 1549. I commend them for their amazing efforts to safely rescue the flight's 155 passengers.

I would like to publicly thank Captain Chesley Sullenberger and the

flight crew whose heroism and guidance helped everyone survive the water landing. Secondly, the quick reactions from New York Waterways ferry operators and the area's first responders should be recognized and commended. Their quick response allowed all passengers to exit the plane before it was fully submerged and to be quickly retrieved from the frigid waters. New York Waterways, a ferry company based in Weehawken, New Jersey, that usually shuttles commuters back and forth across the Hudson River, played a critical role in the rescue efforts. Boats were able to reach the crash site within minutes of impact and deliver passengers safely to the shores of New York and New Jersey where they could receive medical attention if necessary. Fortunately, major injuries were few. And I am extremely thankful for the response of New Jersey hospitals, including Christ Hospital, Palisades Medical Center, Hoboken Medical Center and Jersey City Medical Center, that treated the injured and those suffering from exposure to extremely cold temperatures.

I am inspired by the heroic efforts of all involved that led to the rescue of all 155 passengers. And I am impressed by the teamwork that contributed to this successful rescue mission.

I would also like to recognize the following New Jersey-based organizations that came to the aid of Flight 1549: Weehawken and all Regional Emergency Management Services, Office of Emergency Management and Hudson County, North Hudson Regional Fire and Rescue, Police Departments of Weehawken, Union City, Guttenberg, West New York, Port Authority of New York New Jersey, and New Jersey Transit, Hudson County Sheriff's Department.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. I yield the gentleman 1 additional minute.

Mr. SIRES. Hudson County Sheriff's Department, Weehawken Parks and Recreation and Senior Center Staff, Arthur's Landing Restaurant of Weehawken, Sheraton Hotels of Weehawken, Modell's Sporting Goods Store of West New York, and the Office of Mayor Richard Turner of Weehawken and Mayor Brian Stack of Union City.

Mr. COSTELLO. Madam Speaker, at this time, I yield 2 minutes to the gentleman from California and a member of the Aviation Subcommittee, Mr. McNERNEY.

Mr. McNERNEY. I thank the gentleman from Illinois.

And I rise this evening to add my voice to the chorus of praise for Captain Sullenberger, who on January 15 safely set down a US Airways Flight 1549 on the icy waters of the Hudson River. Captain Sullenberger is a graduate of the United States Air Force

Academy and spent years as an Air Force pilot before going to US Airways. He was always a proponent of safety and training. Captain Sullenberger wasn't one who looked for trouble, but he was one who was ready when trouble came. And on January 15, trouble found Captain Sullenberger and Flight 1549.

Captain Sullenberger and the crew of Flight 1549 were ready with less than 2 minutes, the time that I'm speaking here right now, made critical decisions and safely set down the plane on the Hudson River. Because of the heroic action of Captain Sullenberger and the crew of Flight 1549, 155 American citizens are home safe with their families tonight. There wasn't one fatality and not one critical injury.

This Saturday, in Captain Sullenberger's hometown of Danville, California, in my congressional district, more than 5,000 people came out on a dark, windy, cool day, a damp day to give praise and to give honor to Captain Sullenberger. And Captain Sullenberger is a true American hero. He is not an action figure from a movie. He is a true American hero.

I commend Captain Sullenberger and the crew of 1549 and urge my colleagues to join me by passing House Resolution 84.

Mr. COSTELLO. Madam Speaker, at this time, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the resolution honoring the heroic actions of the pilot, crew and rescue teams with respect to US Airways Flight 1549. When that flight suffered catastrophic engine damage shortly after takeoff, Captain Chesley B. "Sully" Sullenberger, III, took prompt action. Faced with the very real prospect of losing the lives of all the passengers and crew, he maintained his calm and executed a textbook water landing. His flawless technique and quick judgment allowed him to bring the plane down in one piece and to avoid collisions with any of the countless vessels sailing the river. There is no doubt that his years of service as a decorated pilot in the U.S. Air Force helped prepare him for the difficult task that he confronted that day.

His efforts were aided by the heroic actions of his crew, who quickly completed an orderly evacuation of the frightened passengers, and of the very many people from the local organizations, such as New York Waterways, the fire department, the police department, the Coast Guard and others who all rallied to the rescue.

The bravery and the selflessness on the part of Captain Sullenberger and his crew were matched by the swift response from local police and fire departments. The first responders were able to reach the plane within 2 minutes and begin to rescue the stranded

passengers. This rapid response was crucial to the survival of the passengers and the crew as the plane had landed in the middle of a busy waterway with air temperatures well below freezing.

I would point out that since World War II, there are a number of cases of aircraft that had to land in the water, commercial aircraft, major commercial airlines that had landed in the water, and in every case except this one, at least half the passengers died. In this case, not one single passenger, not one single crew member died. There was not even a really serious injury because of the flawless performance of the pilot in bringing the plane down in one piece, even so it didn't tip over, making sure it missed the George Washington Bridge and still landed right next to the ferry terminals where there were ferry boats waiting.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. I yield the gentleman 30 additional seconds.

Mr. NADLER of New York. There could have been no better expertise and display of heroism and skill than that shown by the pilot and his crew and by passengers, too.

And finally the staff of the many hospitals that cared for the injured passengers deserve our praise as well. We thank the staff at St. Vincent's Hospital, New York Downtown Hospital, St. Luke's Hospital, Jersey City Medical Center and Meadowlands Hospital.

So, Madam Speaker, I'm proud that we have convened here today to honor all those involved in the safe return of 155 people. Acting with no small measure of heroism, these ordinary citizens lived up to the highest ideals of their professions and deserve the most sincere admiration and respect of this Congress.

Mr. COSTELLO. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. To the chairman and to my colleagues from New York led by JOE CROWLEY, Congressman NADLER, Congresswoman MALONEY and Congressman HALL and our colleague across the water, Congressman SIRES, as well as Congressman MCNERNEY, who hosts this great pilot in his district, I'm honored to cosponsor House Resolution 84 honoring the heroic actions of the pilot, crew and rescuers of US Airways Flight 1549.

When Flight 1549 landed in the cold, icy waters of the Hudson River on the afternoon of Thursday, January 15, 2009, many of us in New York feared the worst. What started out as a routine flight from LaGuardia to Charlotte, North Carolina, quickly turned into a nightmare. Passengers heard a loud bang just after takeoff and were told to brace for impact as the plane ditched into the Hudson.

What forced the plane to make an emergency water landing remains

under investigation. But what is clear is that the 155 people aboard Flight 1549 owe their lives to the quick maneuvering and skill of the pilot, Chesley B. Sullenberger, III, commonly known as "Sully," and the flight crew that allowed every person on board to survive the impact.

When both engines failed, Mr. Sullenberger's critical decision to land in the river and avoid densely populated areas on land not only allowed the people on board the plane to survive, but also saved countless lives of people on the ground. In addition, the crew of Flight 1549 showed the utmost professionalism and training by quickly getting the passengers off the plane and into waiting rescue watercraft.

In addition to the heroes on the plane, the passengers and crew owe their lives to the quick actions of ferry boat operators and the first responders in New York and New Jersey who evacuated everyone from the downed plane and rescued those people who had fallen into the frigid water. Today we honor and commend the crews of the New York Waterways ferry boats, other commuter lines and the numerous boats from the New York City Fire Department, the New York City Police Department, the Coast Guard, practically every city, State and Federal agency that patrols the waters around New York for springing into action so fast, and of course all the heroic men and women who work so hard every day in our hospitals.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. I would ask how much time we have left on our side.

The SPEAKER pro tempore. The gentleman from Illinois has 2½ minutes remaining.

Mr. COSTELLO. I yield 30 seconds to my friend.

Mr. MCMAHON. It is nothing short of a miracle that everyone on US Airways Flight 1549 survived. The families of the passengers and crew and all of us owe an enormous debt of gratitude to the extraordinary work and heroism of people that helped save lives, from the skill of the flight crew and air traffic controllers who performed a near perfect landing, to the crew, who evacuated the cabin and cared for the passengers, even giving their own clothes off their own backs to keep passengers from developing hypothermia, to the first responders and good Samaritans on the commuter ferries who helped bring people to safety, and to the pilot who did not even leave the plane until he walked the aisles of the cabin twice to be sure everyone had been evacuated. The rescue demonstrated to the world once again the bravery and goodness of our people, the best of New York and the best of America.

I urge my colleagues to enthusiastically support this resolution and offer my personal thanks for the hard work,

courage and kindness that saved so many lives and brought a happy ending to a story that could have turned out so much differently.

Mr. COSTELLO. Madam Speaker, I yield the remaining 2 minutes on our side to the Congresswoman from New York (Mrs. MALONEY).

□ 1815

Mrs. MALONEY. Madam Speaker, I rise in strong and enthusiastic support for this resolution which was led by my Queens colleague, Congressman CROWLEY.

On January 15, we all stood in awe as we watched as events transpired on the Hudson River. Today, we honor the crew of US Air Flight 1549. Their presence of mind and the extraordinary circumstances on that day led to a miraculous outcome. The more we learn about the details of the flight, the more we can admire what New Yorkers are now calling the miracle on the Hudson River.

We must praise the captains and crew of each of the New York Waterway ferryboats which were on the scene next to the plane within minutes of it hitting the water. It reminded us of the rapid response of 9/11, selflessly giving of your time, your effort, and your possessions to help those in need.

Captain Sullenberger, First Officer Skiles, and flight attendants Dail, Dent, and Welsh all reacted with their brains and heart, using their training and vast experience. They average over 54 years of flight experience, and they swiftly and safely prepared the passengers for impact and evacuated them safely into waiting vessels, saving 150 lives.

The outcome here could not be better, and that is a testimony to the crew and the rescuers. We learned again this month, as we learned on 9/11, that ordinary people doing their jobs are the true American heroes and heroines.

Mr. OBERSTAR. Madam Speaker, I strongly support H. Res. 84, which praises the pilots and flight crew of US Airways Flight 1549, and the first responders who assisted on the scene. Captain Chesley B. Sullenberger III and First Officer Jeffrey B. Skiles reacted quickly to engine failure following takeoff, and masterfully glided the plane to an emergency water landing. Flight attendants Sheila Dail, Doreen Welsh, and Donna Dent quickly prepared passengers for landing and assisted in a speedy evacuation.

Captain Sullenberger expertly utilized his training and experience to land the plane in the Hudson River, so as to avoid an emergency landing in a densely populated area. This resolution commends the bravery of Captain Sullenberger, who walked up and down the aisles of the aircraft twice to ensure that all passengers left the aircraft safely. He was the last to exit the plane.

After landing on water, the flight attendants and passengers removed the emergency doors, and exited onto the wings of the plane. Minutes after, ferry boats, the U.S. Coast

Guard, and police boats rushed to rescue everyone.

All 155 people on Flight 1549 survived unharmed due to the swift action of the pilots, flight attendants, and rescuers. The passengers, families of those onboard, and all Americans—and those around the world who witnessed this remarkable event unfold, are extremely grateful.

This event underscores the importance of vigilance in aviation safety, including flight crew training. In this case, the pilots and flight crew did what they were trained to do to keep everyone safe.

I thank the gentleman from New York, Mr. CROWLEY, for bringing H. Res. 84 to the floor, and I urge my colleagues to support it.

Mr. ACKERMAN. Madam Speaker, I rise today in strong support of H. Res. 84, honoring the heroic actions of the pilot, crew, and rescuers of US Airways Flight 1549.

Madam Speaker, a jetliner, floating in the Hudson River in New York City, on a cold, January afternoon, was an incredible image. More incredible was that no lives were lost when Flight 1549 was forced to land on the river after running into a flock of birds. Through the steady skill and quick thinking of Captain Chesley B. Sullenberger III, First Officer Jeffrey B. Skiles, and the entire flight crew of Flight 1549, serious injuries and fatalities were averted. Their professionalism and unflappability enabled them to overcome the direst of circumstances on January 15, 2009. Pilots Sullenberger and Skiles adeptly landed their crippled aircraft on a busy and churning river. Flight crew members Sheila Dail, Doreen Welsh, and Donna Dent calmly and efficiently made it possible for all of the 150 passengers to exit the plane without major incident.

Unfortunately, Madam Speaker, New Yorkers are no strangers to tragedy. I commend the flotilla of commercial and civil watercraft that so swiftly reacted to assist the passengers and crew. Once again, New Yorkers went, without hesitation, to the scene of an emergency without thought for their own safety. In addition, the first responders of the New York Police Department, Fire Department of New York, and of course, the U.S. Coast Guard, skillfully and quickly were able to come to the aid of Flight 1549. Their actions made it possible for the crew and passengers to escape any harm after leaving the plane.

Madam Speaker, I ask that we all extend our deepest gratitude to the crew of Flight 1549, the first responders and those individuals who rushed to the scene. I strongly support H. Res. 84 and I urge all of my colleagues to also support this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, today I speak in strong support of H. Res. 84, and thank my colleague Congressman JOSEPH CROWLEY, for authoring this important resolution.

Madam Speaker, the first week of January Americans witnessed no shortage in heroic activity, from the dramatic rescue of an elderly woman by Houston Metro officer Eliot Swainson, to what we recognize here today. The heroic efforts by everyone involved in the emergency landing of flight 1549. This was one of many events this year alone where the world once again recognized the U.S. as a country of doers.

Flight 1549 is now known as the Miracle on the Hudson. A miracle it may be, but what are not surprising or any less miraculous are the coordinated efforts by the pilot, crew and rescuers, who under immense pressure proved that even a battered and bruised American spirit has the strength to overcome indescribable odds.

Captain Chesley Sullenberger “Sully” pilot of the U.S. Airways flight, is no stranger to heroism. A former Air Force officer, he has served the United States proudly for many years. Through his calm and confident ways he successfully maneuvered an enormous aircraft onto the still and icy Hudson River, saving the lives of over 155 passengers.

Just like every hero there is a team of people working with them ensure that no task is left undone and that all measures are taken, even in the most terrible situations. His honorable crew, First Officer Jeffrey B. Skiles, Flight Attendant Sheila Dail, Flight Attendant Doreen Welsh and Flight Attendant Donna Dent, along with Captain Sullenberger worked tirelessly upon the aircraft's landing to insure that all 155 passengers aboard the aircraft were evacuated and ready to be boarded onto one of the various boats sent to the landing site to assist in the rescue. The strength and sheer will of the entire crew aboard Flight 1549 is what caused this miraculous landing to occur.

As subcommittee chair of Transportation Security and Infrastructure Protection I have been an advocate for both the TSA and the FAA for many years. I am particularly proud of the ability of these organizations to prepare those affiliated with them in the best way possible. Crew members are highly trained.

Once the passengers exited the cabin of the plane they were met instantly by the Coast Guard, Harbor Patrol, water taxis, and other various watercrafts. Passengers were transported to a fleet of ambulances and emergency personnel waiting by the shores of the river to assist in anyway possible. Once again New Yorkers demonstrate in the face of devastating circumstances they will respond in ways that almost seem impossible to the average human being. New Yorkers, just as people of my district have done in the wake of Hurricanes Katrina and Ike, with that helpful nature and American courage to take on any task all things are doable.

Most importantly the common variable in this impressive act of heroism is the strength of a united American spirit. This spirit, that when directed toward a problem no matter how immediate or great in scale, can be handled through a combined effort by a unified American people behind one common goal. This spirit is exactly what the United States needs right now.

Madam Speaker, I urge my colleagues to join me in recognizing the heroic actions of pilot Chesley Sullenberger, crew members Donna Dent, Doreen Welsh, Sheila Dail, Jeffrey B. Skiles, as well as all of the rescuers standing by for U.S. Airways Flight 1549 on the shores of the Hudson. These heroes on the Hudson are examples of the common humanity that flows through the veins of this Nation.

Mr. BISHOP of New York. Madam Speaker, I rise in strong support of the resolution honoring the heroic actions of the pilot, crew, and rescuers of U.S. Airways Flight 1549.

What will be remembered in New York as the “Miracle on the Hudson” owes less to divine intervention than it does to the training, experience and quick thinking of Captain Sullenberger, his crew, and the first responders who bravely rescued every passenger aboard Flight 1549.

All too often we hear about delays, breakdowns, and disappointment in air travel. We frequently overlook how hours upon hours of flight training and simulation keep air crews sharp and prepared. And rarely do we stop and praise them for making the kind of good decisions every day that are surely responsible for saving lives and keeping us feeling confident when we fly, but that otherwise go unnoticed.

On behalf of the pilots, flight attendants and first responders I represent, I thank the gentleman from New York, Mr. CROWLEY, for offering this resolution to make sure we recognize those heroic acts on and above the Hudson. This measure, Madam Speaker, like the crew of Flight 1549 and the first responders who answered the call that day, goes a long way to preserve our faith and confidence in air travel.

Mr. ROTHMAN. Madam Speaker, I rise today in support of House Resolution 84, legislation to honor the heroic efforts of Flight 1549's Captain Chesley B. Sullenberger III, his flight crew, the First Responders and private citizens that prevented a catastrophic engine failure on a commercial aircraft from resulting in a single loss of life.

Just five minutes after lifting off on January 15, 2009, Captain Sullenberger's aircraft was struck by a flock of birds, resulting in the loss of two of his engines. The instant those engines failed, Captain Sullenberger, his crew, the passengers entrusted to his care, and residents of the 9th Congressional District of New Jersey who were in the plane's potential flight path were at grave risk. And yet, rather than give in to panic, Captain Sullenberger wrestled his damaged aircraft into a controlled water landing—an act described in the Wall Street Journal as “one of the rarest and most technically challenging feats in commercial aviation.”

When his plane hit the water Captain Sullenberger and his flight crew—including First Officer Jeffrey Sikes and Flight Attendants Doreen Welsh, Donna Dent, and Sheila Dail—worked quickly and calmly to evacuate their passengers, not stopping until every man, woman and child was out of harm's way. Outside, they were aided by a growing flotilla not just of Coast Guard and police boats, but civilian ferries as well.

Once Flight 1549 was emptied of passengers, Captain Sullenberger walked up and down the aisles of the sinking aircraft twice, only exiting when he was absolutely certain that he had discharged his duty to completely evacuate the plane. His grace under pressure, as well as that of the rescue workers and flight crew, ensured that an emergency in the air did not become a disaster on the ground.

Madam Speaker, I urge my colleagues to join me in supporting House Resolution 84. The courage, level-headed professionalism and sheer heroism of the Captain and crew of Flight 1549 are an inspiration to all Americans.

Mr. COSTELLO. Madam Speaker, I urge my colleagues to support H. Res.

84, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 84.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COSTELLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 17 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ADLER of New Jersey) at 6 o'clock and 32 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 31, by the yeas and nays;

H. Res. 84, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

NATIONAL DATA PRIVACY DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 31, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Vermont (Mr. WELCH) that the House suspend the rules and agree to the resolution, H. Res. 31.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 30]

YEAS—402

Abercrombie	Davis (KY)	Kanjorski
Ackerman	Davis (TN)	Kaptur
Aderholt	Deal (GA)	Kennedy
Adler (NJ)	DeFazio	Kildee
Akin	DeGette	Kilpatrick (MI)
Alexander	Delahunt	Killroy
Altmire	DeLauro	Kind
Andrews	Dent	King (IA)
Arcuri	Diaz-Balart, L.	King (NY)
Austria	Diaz-Balart, M.	Kingston
Baca	Dicks	Kirk
Bachmann	Dingell	Kirkpatrick (AZ)
Bachus	Doggett	Kissell
Baird	Donnelly (IN)	Klein (FL)
Baldwin	Dreier	Kline (MN)
Barrett (SC)	Driehaus	Kosmas
Barrow	Duncan	Kratovil
Bartlett	Edwards (MD)	Kucinich
Barton (TX)	Ehlers	Lamborn
Bean	Ellison	Lance
Becerra	Ellsworth	Langevin
Berkley	Engel	Larsen (WA)
Berman	Eshoo	Larson (CT)
Berry	Etheridge	Latham
Biggert	Fallin	LaTourette
Bilbray	Farr	Latta
Bilirakis	Fattah	Lee (CA)
Bishop (GA)	Filner	Lee (NY)
Bishop (NY)	Flake	Levin
Blackburn	Fleming	Lewis (CA)
Blunt	Forbes	Lewis (GA)
Boccheri	Fortenberry	Linder
Boehner	Foster	Lipinski
Bonner	Fox	LoBiondo
Bono Mack	Frank (MA)	Loeb
Boozman	Frank (AZ)	Loftis
Boren	Frelinghuysen	Lowey
Boswell	Fudge	Lucas
Boucher	Gallagher	Lujan
Boustany	Garrett (NJ)	Lummis
Boyd	Gerlach	Lungren, Daniel E.
Brady (PA)	Giffords	Lynch
Brady (TX)	Gingrey (GA)	Mack
Braley (IA)	Gohmert	Maffei
Bright	Gonzalez	Maloney
Brown (GA)	Goodlatte	Manzullo
Brown (SC)	Gordon (TN)	Markey (CO)
Brown, Corrine	Granger	Markey (MA)
Brown-Waite,	Grayson	Marshall
Ginny	Green, Al	Massa
Buchanan	Griffith	Matheson
Burgess	Guthrie	Matsui
Burton (IN)	Hall (NY)	McCarthy (CA)
Butterfield	Hall (TX)	McCarthy (NY)
Buyer	Halvorson	McCaul
Calvert	Hare	McClintock
Camp	Harman	McCollum
Campbell	Harper	McCotter
Capito	Hastings (FL)	McDermott
Capps	Hastings (WA)	McGovern
Capuano	Heinrich	McHenry
Carney	Heller	McHugh
Carson (IN)	Hensarling	McIntyre
Carter	Herger	McKeon
Cassidy	Herseth Sandlin	McMahon
Castle	Higgins	McMorris
Castor (FL)	Hill	Rodgers
Chaffetz	Himes	McNerney
Chandler	Hinchey	Meek (FL)
Childers	Hinojosa	Meeks (NY)
Clarke	Hirono	Melancon
Cleaver	Hodes	Mica
Clyburn	Hoekstra	Michaud
Coble	Holden	Miller (MI)
Coffman (CO)	Holt	Miller (NC)
Cohen	Honda	Miller, Gary
Cole	Hoyer	Miller, George
Conaway	Hunter	Minnick
Connolly (VA)	Inglis	Mitchell
Conyers	Inslee	Mollohan
Cooper	Israel	Moore (KS)
Costa	Issa	Moore (WI)
Costello	Jackson (IL)	Moran (KS)
Courtney	Jackson-Lee	Moran (VA)
Crenshaw	(TX)	Murphy, Patrick
Crowley	Jenkins	Murphy, Tim
Cuellar	Johnson (GA)	Murtha
Culberson	Johnson (IL)	Myrick
Cummings	Johnson, E. B.	Nadler (NY)
Dahlkemper	Johnson, Sam	Napolitano
Davis (AL)	Jones	Neugebauer
Davis (CA)	Jordan (OH)	Nunes
Davis (IL)	Kagen	

Nye	Roybal-Allard	Sullivan
Oberstar	Royce	Sutton
Obeys	Rush	Tanner
Olson	Ryan (OH)	Tauscher
Olver	Ryan (WI)	Taylor
Ortiz	Salazar	Teague
Pallone	Sanchez, Linda T.	Terry
Pascarella	Sanchez, Loretta	Thompson (CA)
Pastor (AZ)	Sarbanes	Thompson (MS)
Paul	Scalise	Thornberry
Paulsen	Schakowsky	Tiahrt
Pence	Schauer	Tierney
Perlmutter	Schiff	Titus
Perriello	Schmidt	Tonko
Peters	Schock	Towns
Peterson	Schuler	Tsongas
Petri	Schrader	Turner
Pingree (ME)	Schwartz	Upton
Pitts	Scott (GA)	Van Hollen
Platts	Scott (VA)	Velázquez
Poe (TX)	Sensenbrenner	Visclosky
Polis (CO)	Serrano	Walden
Pomeroy	Sessions	Walz
Posey	Sestak	Wamp
Price (GA)	Shadegg	Wasserman
Price (NC)	Shea-Porter	Schultz
Putnam	Sherman	Waters
Radanovich	Shimkus	Watson
Rahall	Shuler	Watt
Rangel	Shuster	Waxman
Rehberg	Sires	Weiner
Reichert	Skelton	Welch
Reyes	Slaughter	Westmoreland
Richardson	Smith (NE)	Wexler
Roe (TN)	Smith (NJ)	Whitfield
Rogers (AL)	Smith (TX)	Wilson (OH)
Rogers (KY)	Smith (WA)	Wilson (SC)
Rogers (MI)	Snyder	Wittman
Rooney	Space	Wolf
Ros-Lehtinen	Speier	Woolsey
Roskam	Spratt	Wu
Ross	Stearns	Yarmuth
Rothman (NJ)	Stupak	

NOT VOTING—30

Bishop (UT)	Graves	Rodriguez
Blumenauer	Green, Gene	Rohrabacher
Cantor	Grijalva	Ruppersberger
Cao	Gutierrez	Simpson
Cardoza	Luetkemeyer	Solis (CA)
Carnahan	Marchant	Souder
Clay	Miller (FL)	Stark
Doyle	Murphy (CT)	Tiberi
Edwards (TX)	Neal (MA)	Young (AK)
Emerson	Payne	Young (FL)

□ 1858

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE HEROIC ACTIONS OF THE PILOT, CREW, AND RESCUERS OF US AIRWAYS FLIGHT 1549

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 84, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 84.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 31]

YEAS—402

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)

Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Ingalls
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes

Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)

Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradner
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak

Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—30

Bishop (UT)
Blumenauer
Cantor
Cao
Cardoza
Carnahan
Clay
Doyle
Edwards (TX)
Emerson
Graves
Green, Gene
Grijalva
Gutierrez
Luetkemeyer
Marchant
Miller (FL)
Murphy (CT)
Neal (MA)
Payne
Rodriguez
Rohrabacher
Ruppersberger
Simpson
Solis (CA)
Souder
Stark
Tiberi
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 30 and 31.

REPORT ON H.R. 679, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-4) on the bill (H.R. 679) making supplemental appropriations for job preservation and creation, infrastructure investment, en-

ergy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

HONORING TARAVELLA HIGH SCHOOL

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to congratulate the members of the J.P. Taravella High School Marching Band and their director, Neil Jenkins.

Taravella was selected by the Presidential Inaugural Committee as the only high school marching band from the State of Florida to participate in the 2009 Inaugural Parade, and these students from Coral Springs made us all proud. Their journey was possible because business owners and citizens from across our community came together and they raised \$150,000 to make the trip.

I hope that being in Washington, DC for this historic inauguration was as meaningful to these young musicians as it was for me. I know they will carry memories of this extraordinary event with them for the rest of their lives.

Mr. Speaker, I would like to offer my congratulations to these fine students, their parents, teachers and chaperones for being part of the 2009 Presidential Inaugural Parade.

MOUNT AIRY GRANITE BEARS FOOTBALL TAKE STATEWIDE TITLE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, last month the Granite Bears of Mount Airy, North Carolina, notched one final win in their perfect 2008 season. The Bears won a decisive victory over Williamston in a North Carolina 1-A State high school football championship game on December 13.

The Bears 37-14 championship victory was reminiscent of their triumphant 2008 season, in which they allowed only 80 points in their first 15 games. In the playoffs Mount Airy dominated every opponent they faced, scoring 261 points to their opponents' meager 26 points.

Coach Kelly Holder and the whole Mount Airy team, led by quarterback Aaron Wheeler, made the Mount Airy community glow with pride when they capped their perfect season with the State title. And with 16 seniors filling the team's roster, the State championship is a crowning achievement for a

team of young men who have played together for so many years.

I congratulate the players, coaches, parents, teachers and fans for a perfect season and State championship. The Mount Airy Bears deserve to be celebrated for making this community proud in their 2008 season.

KNOXVILLE UTILITIES BOARD, BRIGHT LIGHT OF CORPORATE RESPONSIBILITY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, with news reports that 68,000 jobs were shed just today, a bright light of corporate responsibility is emerging from my district in Tennessee, which should be applauded and hopefully be an example that is followed around the Nation.

The Knoxville Utilities Board announced that it will not follow through with previously planned electric and water rate increases due to the current economic situation. Oftentimes, the national news reports only stories about businesses behaving badly. But business is not the enemy. KUB employs many people in my district and supplies vital public services. KUB announced that it will hold off on all utility rate increases as long as possible, and they will instead follow through with new cost management measures in order to help out its customers during this hard time. True success in the business world comes when you not just not watch out for your bottom line, but for your employees and customers.

Mr. Speaker, in closing I want to commend the staff at KUB and its board of commissioners for acting in the best interests of the people they serve and the Nation. I encourage other businesses to follow their lead as we navigate through this economic downturn.

□ 1915

SPEECH IN OPPOSITION TO FEDERAL WAIVER ON EMISSIONS

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, I rise to urge the President not to waive the Federal law on emission standards that is currently protecting Californians from Governor Schwarzenegger's crusade to save our planet by destroying our economy. Putting aside the highly questionable junk science behind the Governor's proposal, the net effect would add up to \$5,000 to the price of a new car.

Automobile sales normally account for one-fifth of California's sales taxes, which have already fallen by \$1½ bil-

lion over the past 12 months. Ironically, the Governor's also asking the President to bail out California's growing budget deficit at the same time.

So I would respectfully suggest to the President that California's economic folly is not something that he should be copying.

BURGESS QUESTIONS SENATE CONFIRMATION OF GEITHNER

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we heard this evening the unwelcome news that the Senate, the other body, had confirmed the nominee for Secretary of the Treasury. I cannot tell you how disappointed I am that the Senate saw fit to do that. This is going to be a distraction at a time when our Nation's financial state deserves close attention. How can we ask our citizens to pay their taxes if we appoint tax evaders to head the Department of Treasury?

I think it would have been appropriate to resist the temptation to be impulsive and instead take the time to make sure that the candidate we put to this high office is someone with more than just a solid resume. Make sure it is someone who will make a personal commitment to upholding the law.

Tax evasion, be it by design or inattention, trivializes other citizens' duty to pay their taxes, and it makes the tax burden of proof even that much greater for those who do bother to follow the law.

We have called this a time of change in our Nation, but this decision is another illustration of the perception that Washington is a place where the well-connected are given special privileges. At a time where Americans are losing faith in Congress, it is imperative that we convey it's not okay to appoint leaders who break the law. It's time to bring credibility and integrity back to this government.

AIR FORCE ONE—MADE IN FRANCE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the name Air Force One really says it all, doesn't it? It's the number one plane—the most sophisticated and advanced piece of aviation technology, designed specifically for our Commander in Chief, the President of the United States. It's a national symbol.

Since the inception of Air Force One, it has been made in, of all places, America. Now it seems that the Pentagon thinks it would be better for a foreign company to build the next flying White House—a French company at that. Well, excusez moi, but that just ought not to be.

Mr. Speaker, if anything should be made in America, it ought to be the most important military aircraft we have. The Pentagon wants to let the French, the French-based Airbus, to have a crack at it. But, au contraire, mon frère.

I have filed the Air Force One Built in America Act to ensure that Air Force One is made in America by Americans. Outsourcing Air Force One is not an option. It's un-American. If the Pentagon has their way, au revoir, American jobs and national security. What's next? Are we going to replace the American apple pie with crepes?

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NEW STIMULUS MATH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, they say we have to spend more money that we don't have to stimulate more spending by the American people. This is supposed to save us all from economic chaos. I think I'm missing something here. How does borrowing money just to spend it help out the citizens who not only have to come up with the money in the first place but also have to pay the interest on the government's shopping spree?

This stimulus package, which filters money to special interest groups, will cost \$825 billion. But if we add up last year's so-called stimulus package that didn't work, and all the bailouts to the special interest groups, like the big bank robber barons, the Congressional Budget Office says we will have to borrow all the money to pay for it. That means a total of an additional \$2 trillion in deficit.

So, Mr. Speaker, how does borrowing money just to spend \$825 billion make sense? Why don't we just not spend the money in the first place. Let all Americans have an across-the-board tax cut, those Americans that do pay taxes, and let them decide how to spend their money. Cut the corporate income tax, then businesses can stimulate the economy by hiring more workers.

But, Mr. Speaker, that is not going to happen because the mindset in the United States now is that the government is smarter than the people. So government saves us all from ourselves.

Thomas Jefferson knew better. He said a long time ago, "I predict future happiness for Americans if they can prevent the government from wasting

the money and labors of the people under the pretense of taking care of them." Oh, I wish we'd have listened to Thomas Jefferson. If this prediction is true, then there are going to be a lot more unhappy Americans because wise ole Uncle Sam is planning to spend our money in the name of stimulating the economy.

Here are a few examples in the \$825 billion stimulus package. I like this one. The National Mall is going to get some new grass that will cost \$200 million. That is about \$1.5 million per acre. Mr. Speaker, what kind of grass is that? Gold-plated AstroTurf? I'm sure that spending this money will help the economy way down there in Dime Box, Texas.

Here's another one: \$726 million for after-school snack programs for school children. I'm sure our school kids need more snacks at taxpayer expense, but does anyone really think that will help the economy? Probably not.

What is \$825 billion anyway? Well, since Uncle Sam doesn't have the money left in his bank, that means every man, woman, child, and illegal in the United States will have to eventually come up with \$2,700 apiece to pay for Uncle Sam's spending appetite.

All this stimulus package does is put us more in debt to China, which weakens our dollar and our national security. The government needs to put the money back where it belongs, in the hands of the people who earned it. Let Americans decide how to spend their money. After all, it doesn't belong to Uncle Sam.

And that's just the way it is.

FOCUS ON EDUCATION SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 5 minutes.

Mr. COURTNEY. Mr. Speaker, tonight, as we sit here in this Chamber, all across America there are school superintendents, there are boards of education, there are boards of finance that are grappling with the greatest economic downturn since the Great Depression. And as we know from press reports all over the country, hundreds of thousands of school teachers have been given layoff notices. Forty-four States are now in deficit; \$95 billion for 2009 fiscal year, \$145 billion for the 2010 fiscal year, as all these local officials, who have the responsibility of making sure that we have school programs that our children can have an opportunity to thrive and grow, are bracing themselves for Governors who inevitably are going to be reducing State support for education.

It is in that context, Mr. Speaker, that as we proceed as a Congress to take up the American Recovery and Reinvestment Act on this Wednesday, that I think it's important to focus for

a minute on the education spending which is included in this legislation.

Under this measure, under this recovery act that President Obama and the congressional leadership have voted on last week, over \$145 billion will flow out directly to school districts across this country. For example, there will be \$13 billion to pay for Title I, a Federally-mandated program which has been underfunded as part of the disgraceful unwillingness of the Federal Government to pay for the No Child Left Behind Act over the last 6 years. And \$13 billion of additional funds will go out to pay for special education. Again, a disgraceful nonfunding by the Federal Government since 1975 when Gerald Ford signed the Special Education Act into law, mandating that all these local officials, again, who are trapped tonight, have to come up with the resources to pay for the special education needs of children all across the country.

And \$14 billion to pay for school construction. Again, directly to local communities so that they will have the funds to modernize and retrofit schools all across the country and immediately putting to work the construction trades, which is the hardest hit sector in the American economy.

A \$79 billion economic stabilization fund, which will flow directly into States through your education cost sharing formulas all across America to make up for the inevitable shortfall which Governors and State legislators are going to be forced to cut back on as they deal with, again, this historic economic downturn.

President Obama understands that we must act with this American Recovery and Reinvestment Act with funding for education; number one, to make sure that hundreds of thousands of teachers are not going to be laid off, along with staff, who, again, we entrust with making sure are children are going to be educated every single day across this country.

He also understands long term that the failure to step in and avoid larger class sizes, which will result in teacher layoffs, is going to ensure that our economy will grow not just in the short term, not just as we get through this economic crisis, but also to make sure that long term that America's competitiveness will be maintained.

We know what is happening across the world today. That there are countries which are beating us in science, in engineering, in math. And if we allow as a Congress to step back and leave local communities on their own, with declining property tax revenues and declining State support for public education across this country, we will damage not only this country in the short term, but we will damage it in terms of our long-term ability to compete and thrive and grow as a Nation.

This past Saturday, I sat down with school superintendents all across the

Second Congressional District of eastern Connecticut to talk about the dilemma with which these school superintendents and boards of education find themselves in. Again, all of them are in the process of coming up with contingency plans to lay off staff and teachers across their district.

When I walked through with them the provisions of President Obama's recovery act in terms of the funds that they will get this year if we get this to the President's desk by President's Day, signed into law, the funds will flow by July 1 for this fiscal year, there was skepticism, and I don't blame them. The Federal Government has not funded Special Ed, has not funded No Child Left Behind.

But when I explain to them that this measure has passed the Appropriations Committee, the Ways and Means Committee, the Energy and Commerce Committee as of last week, and we are voting on it this coming Wednesday, after the stunned silence, the room burst into applause because these folks are feeling the pressure of this economic downturn just like people in the private sector are.

□ 1930

But what we need to do as a Nation is, again, to make sure that in terms of trying to deal with this short-term crisis that we are in, that we are not going to do long-term damage to the young people of this country who had no responsibility for the fiscal and economic idiocy of the last 8 years. And that is why it is so important, as a Congress, we must step forward and support the American Recovery and Reinvestment Act and make sure that America's public education will endure.

OBAMA ADMINISTRATION STATEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to ask my colleagues a question: Who said this: "The problem with socialism is you eventually run out of someone else's money" that is the problem with big spending in government when you don't have it?

My good friend, Mr. POE, just talked about a lot of the waste that is in the so-called stimulus package. But you know, in addition to that there are a lot of other things that worry me, like the things that the President just said and some of his cabinet members just said, and what the vice president just said.

Let me just read to you a quote from President Obama which was on Friday, January 16. He said, talking about the \$835 billion stimulus package, "This plan is a significant down payment on

our most urgent challenges." Down payment? That is almost \$1 trillion, plus the \$700 billion that we put in the bailout bill for the banks and Wall Street. So that is \$1.5 trillion, and he says this is a down payment on our most urgent challenges.

We are spending so much money that we are going to have hyperinflation down the road. And it won't be just us that will be paying for it; it will be our kids and our grandkids, and the quality of life for everyone is going to suffer.

And then, of course this Sunday, appearing on CBS face the Nation, Vice President BIDEN said that, "Obama's choice for Treasury Secretary, Timothy Geithner, will soon recommend to President Obama whether more money is needed beyond the \$700 billion already allocated to American banks."

So the \$700 billion, \$350 billion of which we don't know anything about, it may have been wasted, at least a large part, and there is another \$350 billion in the tank that President Obama is going to use; and now Vice President BIDEN is saying that they may need more than the \$700 billion.

So here, we hear the President talking about a down payment on the money that is going to be spent, \$835 billion, and Lord only knows how much is going to be added to that. And then, Vice President BIDEN says that Mr. Geithner might want more than the \$700 billion that has been used for bailing out the banks and Wall Street. And then of course, on Meet the Press Sunday, Lawrence Summers, a top economic adviser to President Obama, said, "The government can't afford to spend more than \$1 trillion to boost the economy and save financial institutions."

I would just like to say to my friends who might be paying attention, it is not the government that is spending that money; it is the taxpayers that are spending that money. And we are spending this country right down into a dark black hole from which we may never get out. I mean, it is tragic that we are just throwing money at this, when we should be cutting taxes across the board to give Americans and business more disposable income so they can get this economy moving again in the right direction through the free enterprise system.

President Barack Obama signed his first two Presidential memoranda aimed at getting us on the path to energy independence; and what he said when he signed those just today or yesterday, he said, "That is a down payment on a broader and sustained effort to reduce our dependence on foreign oil."

Everything is a down payment, which means they are going to spend trillions more, billions and trillions more of money that they don't have that is going to have to be printed or we are going to have to borrow from someplace like China.

We are putting this country into an economic black hole that we shouldn't be doing right now. What we should be doing is stimulating the economy the right way, by giving the American people part of their hard-earned money back and creating an incentive for business to invest in this country, like cutting the capital gains tax at least for 1 or 2 years. If we did that, we would have true economic recovery that will last, and not something that is just going to last until we print more money.

OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, our economy is far from healing. Economists believe that the proximate cause of our economic crisis is the housing foreclosure crisis. I agree. Thus, I want to help explain how the very banks the Executive Branch is bailing out have and continue to make money off our constituents through deceptive practices in the housing industry, specifically through the sale of those mortgages.

I have a constituent in Sandusky, Ohio, who refinanced his home due to a divorce to an adjustable rate mortgage through an Ohio bank. But then, J.P. Morgan Chase Bank in New York bought the bank and closed the deal on the refinancing of the mortgage. Chase did not properly disclose to this gentleman that the rates were higher than what was in the original loan documents, which violates the Real Estate Settlement Procedures Act and the Truth in Lending Act.

My constituent has paid and, to the best of my knowledge, is making regular payments on his mortgage to an escrow account; however, around last October, with the help of a lawyer, he served J.P. Morgan Chase a notice of rescission on his loan due to the aforementioned violations. His lawyer requested that Chase inform him of any interested parties and holders of his mortgage to properly notify them of his rescission. Chase has not properly answered his query, so the case is going to court.

It is the belief of my constituent's lawyer that Chase cannot name the holder of the mortgage. His loan was sold to a bank which placed his mortgage in a loan serving pool. Then his loan was chopped up into parts, bundled, and sold as mortgage-backed securities to hundreds of large institutional investors. Involved are trust oversight managers, depositors, underwriters, trust administrators, investors, trust fund issuing entities, trustees. But who really knows who all are involved? But we know this: They all got a piece of the pie on the transaction.

This loan pooling process, some would say a Ponzi scheme, for securitization of loans make one's head spin. But at its core is one thing: Lots of profit on the upside, and now lots of loss on the downside.

I do not know if my constituent can rescind his loan, avoid foreclosure, save his credit rating and, therefore, his financial future, because he cannot properly notify the holder of the mortgage. No one knows who it is.

My constituent's situation is not unique, and in fact the story reverberates from sea to shining sea. We bailed out the banks because of these very practices which created certain toxic assets; yet, the practices continue: People lose their homes, the economy is tanking, and the bailed out banks are filling their coffers, paying dividends, making acquisitions, giving bonuses, holding auctions of these properties.

Furthermore, I would like to call your attention and include in the RECORD today's Wall Street Journal article titled, "Lending Drops At Big U.S. Banks." According to the article, 10 of the 13 biggest beneficiaries of bailout monies who received \$148 billion of our taxpayer money saw their outstanding loan balances decline by a total of \$46 billion between the third and fourth quarters of 2008. That means they weren't making loans with the money they got. The intent of bailing out Wall Street by those who voted for it was to free up credit. They didn't do it. And, Federal regulators are aiding and abetting them.

Rather than using the Federal Deposit Insurance Corporation and the Securities and Exchange Commission as the proper agency for mortgage resolution, what we continue to see is Treasury in charge, which is a revolving door between Wall Street and the highest levels of our government.

Paul Volcker put out a report last week on behalf of the Group of 13, calling for nations to reform their pro-cyclical regulatory and accounting rules. Unless this is done, why would our government allocate one more penny of taxpayer funds to cleaning up the mess that Wall Street and Washington leaders have gotten us into?

[From the Wall Street Journal, Jan. 26, 2009]

LENDING DROPS AT BIG U.S. BANKS—TOP BENEFICIARIES OF FEDERAL CASH SAW OUTSTANDING LOANS DECLINE 1.4% LAST QUARTER

(By David Enrich)

Lending at many of the nation's largest banks fell in recent months, even after they received \$148 billion in taxpayer capital that was intended to help the economy by making loans more readily available.

Ten of the 13 big beneficiaries of the Treasury Department's Troubled Asset Relief Program, or TARP, saw their outstanding loan balances decline by a total of about \$46 billion, or 1.4%, between the third and fourth quarters of 2008, according to a Wall Street Journal analysis of banks that recently announced their quarterly results.

Those 13 banks have collected the lion's share of the roughly \$200 billion the government has doled out since TARP was launched last October to stabilize financial institutions. Banks reporting declines in outstanding loans range from giants Bank of America Corp. and Citigroup Inc., each of which got \$45 billion from the government; to smaller, regional institutions. Just three of the banks reported growth in their loan portfolios: U.S. Bancorp, SunTrust Banks Inc. and BB&T Corp.

The loan figures analyzed by the Journal exclude some big TARP recipients that haven't reported fourth-quarter results yet, such as Wells Fargo & Co.

The overall decline in loans on the 13 banks' books—from about \$3.36 trillion as of Sept. 30 to \$3.31 trillion at year's end—raises fresh questions about TARP's effectiveness at coaxing banks to reopen their lending spigots.

"It has failed," said Campbell Harvey, a finance professor at Duke University's business school. "Basically we have dropped a huge amount of money . . . and we have nothing to show for what we actually wanted to happen."

CREDIT CONSTRAINTS

In a survey last month of 569 U.S. companies, Mr. Harvey and researchers at Duke and the University of Illinois found that 59% felt constrained by a lack of credit. Many of those firms are shelving expansion plans and cutting jobs as a result of funding shortages, according to the survey, which is expected to be released this week.

Bankers say it is unfair to expect them to funnel a large portion of their government capital into loans so soon after receiving it. They say it takes time to make prudent loans and to attract new deposits that will allow them to lend out their new capital efficiently.

Demand for low-risk loans is also ebbing as consumers and businesses rein in their spending and try to conserve cash, according to bank executives. Even though mortgage rates are down, for example, applications in the week ended Jan. 16 declined about 10% from the previous week, according to the latest data from the Mortgage Bankers Association.

Meanwhile, federal regulators have been pushing many banks to set aside extra capital to cushion against losses. Bankers say that is at odds with the government's encouragement to make more loans.

The fact that loan portfolios are shrinking at many of the largest TARP recipients underscores how few strings Treasury Department officials attached to the infusions. That has made it hard to prevent banks from using the money to pay dividends, make acquisitions and fund bonuses for top executives.

Federal officials argue that the downturn in lending would have been much more acute without the TARP funding, and that attaching additional strings to the money could have led banks to make risky loans or to refuse to accept the government capital.

Obama administration officials acknowledge that TARP hasn't managed to jump start lending as intended, and say they plan to overhaul the program to address the shortcomings. TARP recipients must submit lending data to the Treasury Department by the end of January, though industry officials don't expect the disclosures to divulge much more than what banks already include in routine regulatory filings.

Around the world, bankers are under pressure from regulators and lawmakers strug-

gling to prop up the financial system. Politicians in the U.S. and overseas are ratcheting up their rhetoric about banks needing to do their part. On Sunday, Franz Müntefering, chairman of Germany's Social Democrats, said in an interview with a German newspaper that "most of the bankers are competent and responsible, but there are also some beatniks, pyromaniacs and gangsters."

NEW STUDENT LOANS

In a sign that banks are feeling political heat, Citigroup is expected to announce Tuesday a plan to use some of its TARP money to finance tens of billions of dollars in new loans this year, according to people familiar with the situation. The push will include credit cards, student loans and mortgages aimed at specific segments of the population, one person said.

Of the \$45 billion it got from the government, Citigroup last fall invested \$10 billion in Fannie Mae's short-term commercial paper, which the company views as relatively low risk, according to the person familiar with the matter. The remaining \$35 billion hasn't been put to use yet.

Even critics of TARP's capital injections say that they steadied financial institutions and soothed investors, averting possible catastrophe. The first capital infusions were announced about a month after Lehman Brothers Holdings Inc. filed for bankruptcy protection, igniting fears that other shaky financial companies could collapse.

The fourth-quarter decline in overall loan volume at the 13 banks coincides with an industry-wide retreat from broad swaths of consumer lending. Banks have scaled back on mortgage lending, canceled or substantially reduced many home-equity and credit-card lines and, in some cases, simply stopped making certain types of loans unless they're guaranteed by the U.S. government.

RECESSION WOES

Despite dismal economic conditions, many bankers insist they are making every good loan that they can. Bank of America and J.P. Morgan Chase & Co., which got a combined \$70 billion in government capital, said they originated a total of \$215 billion in loans in the fourth quarter. Their combined loan portfolios shrank by about \$28 billion in the same period.

Scott Silvestri, a Bank of America spokesman, said the Charlotte, N.C., bank's loan balances declined in part because more borrowers have been paying off their debts. In addition, "there were fewer opportunities to make high-quality loans because of the recession," he said. A spokesman for J.P. Morgan declined to comment.

The loan volumes that banks disclose publicly only reflect outstanding loans on their books, many originated years ago, not the actual amount of new loans made in a given quarter. While several banks reported the amount of new loans they made in the fourth quarter, they didn't disclose comparable figures from prior periods.

"What you can't tell is how low they would have sunk in the recession we're in were it not for the TARP money," said Walter Moeling, a partner in the banking practice at law firm Bryan Cave LLP.

The overall decline in loan balances during the fourth quarter reflects the huge hurdles and conflicting agendas that need to be overcome before credit can start flowing smoothly again.

For instance, many banks have said they are using TARP funds to cover current or anticipated defaults on a wide variety of loans.

At the same time, shareholders at many institutions have demanded that they slim

down their balance sheets to reflect the new risk-averse environment.

At BB&T, a Winston-Salem, N.C., bank that got \$3.13 billion from TARP, fourth-quarter lending volume rose about 2%, or \$2 billion. While BB&T is making new loans, Chief Executive Kelly King said the bank invested much of its taxpayer capital as a way to earn a decent return while shunning risk.

"We parked it there, and will redeploy it as quickly as we can, not in a panic," Mr. King said last week on a conference call with analysts. "We're not going to make a bunch of bad loans."

The overall loan decline likely understates the magnitude of the industry's retrenchment.

In normal times, banks would make loans and then sell many off to investors or financial institutions. But that practice has ground to a halt, so more loans today are staying on banks' books. As a result, some banks' loan portfolios could appear larger than they would have in the past, even though they aren't actually making more loans.

Bank balance sheets also have been inflated as more companies draw on credit lines that banks committed to before the financial crisis erupted. Last fall, an increasing number of borrowers started tapping those lines, banks say, either because other types of credit were evaporating or out of an abundance of caution.

For example, KeyCorp, where total loan balances declined by about \$200 million in the fourth quarter, saw a \$1.3 billion leap in its commercial, financial and agricultural loans. Chief Financial Officer Jeffrey Weeden said that was primarily the result of clients dipping into their revolving lines.

KeyCorp, which is based in Cleveland and received \$2.5 billion in federal capital, made or renewed \$5.7 billion of loans in the fourth quarter. But KeyCorp has stopped making student loans unless they're backed by the U.S. government.

ECONOMIC STIMULUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the current economic crisis requires bold solutions that address the magnitude of our economic woes, and the American Recovery and Reinvestment Plan will do just that. The \$825 billion recovery package that we will vote on this week will create or save an estimated 4 million jobs and will make key investments in our future.

First and foremost, the economic recovery package focuses on blunting the effects of the recession and helping families in need by increasing food stamps for some 30 million Americans, expanding unemployment benefits, and preserving health care benefits.

Our plan protects health care coverage for nearly 20 million Americans during this recession by increasing the Federal Medicaid Assistance Percentage, FMAP, so that no State has to cut eligibility for Medicaid and SCHIP, the Children's Health Insurance Program, because of budget shortfalls.

I am encouraged that in my home State of New York, where we have an

unemployment rate of 7 percent, the State would qualify for an additional 6 percent FMAP on top of the 4.9 percent base FMAP increase, for a total of 10.9 percent, resulting in roughly \$10.4 billion over nine quarters. This is critical funding for our State which is seeing an increase in caseloads as a result of the recession.

We will also provide health care coverage for nearly 8.5 million Americans through a tax credit that would allow newly uninsured and unemployed Americans to keep their health insurance through COBRA, as well as a new option in Medicaid for low income people who lack access to COBRA.

The recovery plan also invests in important needs that have been neglected over the past 8 years. America's schools, roads, bridges, and water systems are in disrepair, and this is creating a drag on economic growth. We will embark on the most ambitious public investment agenda since the 1950s, when we created the Interstate Highway System, which provided an important engine of economic growth.

We have an historic opportunity to make the investments necessary to modernize our public infrastructure, transition to a clean energy economy, and make us more competitive in the future.

Our plan will modernize our transportation infrastructure, and repair thousands of miles of roadways; enhance security at 90 major ports; renovate 10,000 public schools, and improve the learning environment for about 5 million children; launch thousands of clean drinking water and wastewater initiatives; computerize every American's health record in 5 years, reducing medical errors and saving billions of dollars in health care costs; undertake the largest weatherization program in history, modernizing 75 percent of Federal buildings and 2 million homes; and, double our renewable energy generating capacity over the next 3 years, creating enough energy to power 6 million American homes.

Our plan also supports working families by providing a \$1,000 Making Work Pay tax cut for 95 percent of workers and their families. In addition, we will expand the child care tax credit, providing a new tax cut for parents of more than 6 million children, and increasing the benefit of the existing credit for more than 10 million young people.

By including major fast-spending provisions like tax cuts for middle-class families, measures to avoid State health care cuts, and temporary expansions of unemployment insurance, food stamps, and health care for unemployed Americans, the package will spend out at least 75 percent of its total commitment within the first 18 months after passage. The plan will spread job creation out over the next

couple of years, which will soften the downturn and foster a solid economic recovery. This is a balanced stimulus plan that benefits all Americans by creating jobs across a variety of sectors.

As President Obama recently said, "This is not just a short-term program to boost employment. It's one that will invest in our most important priorities, like energy and education, health care, and a new infrastructure, that are necessary to keep us strong and competitive in the 21st century."

Federal Reserve Chairman Ben Bernanke voiced optimism for the recovery plan, stating that, if enacted, it would "provide a significant boost to economic activity." It is time to get our economy back on track. I urge my colleagues to support this important measure.

□ 1945

THE BANK BAILOUT DEBACLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. KUCINICH. Mr. Speaker, this evening I would like to have a discussion about what is going on in the American economy, how it is affecting the American people, the decisions that Congress made to make it possible for financial instruments to become so complicated that it furthered speculation in the marketplace, the decision that Congress made to bail out the banks and the impact on our economy, some solutions that may help us dig our way out of this financial mess, and some suggestions for restructuring some of the institutions of our government that would enable it to more effectively serve the public interest.

Mr. Speaker, I would like to begin with a discussion of a news item which was published today in the New York Times with the headline "Pfizer to buy Wyeth in \$68 billion deal." This deal, according to the Times, would create a pharmaceutical behemoth, the \$68 billion deal. One of the most noteworthy parts of the report indicated that Pfizer's bid is being financed by four banks that received Federal bailout money, Goldman Sachs, JPMorgan Chase, Citigroup, and the Bank of America.

It goes to say that such banks have been criticized for not doing more lending since they received government aid. Needless to say, most consumers will understand that if you see a conglomeration in the pharmaceutical industry, it can only mean higher costs for pharmaceuticals for the American people. But what is interesting is this is being facilitated with money from the American people, money that went

to banks that claimed that they needed the money to survive, but now they are using the money instead to help finance acquisitions.

And they are using the money instead to enable banks to be in a position of making direct investments in individual banks if they want to, but more specifically, banks have taken a no-strings-attached approach to the bailout which has enabled them to possibly pay down their debt, acquire other businesses, or make investments for their future.

So the taxpayers of the United States, when we look around this country, they are suffering in so many ways, their jobs are at risk, their homes are at risk, their pensions are at risk, are financing a windfall for bankers. The Treasury Secretary said some time ago that the banks should use the money to help struggling homeowners stay in their homes and avoid foreclosure.

But that isn't what has happened. Because whenever the banks went to Treasury, they were essentially told, look there are no strings attached and no conditions attached. We know that in the Cleveland area, one bank took \$7.7 billion from the Treasury and used it to acquire National City Bank which will cost our Cleveland area thousands of jobs. National City was sold at fire sale prices. Their stock was driven down. The kind of financial double dealing and misconduct that went on that made it possible for one corporation to take over another corporation's asset, effectively reducing the value of the stock and the holdings of stockholders and driving a bank out of business that had been in business 162 years and should still be in business today, underscores what has been wrong from the beginning with this approach of the so-called Troubled Asset Relief Program.

At the beginning, it was supposed to be about, and it should have been about, helping people avoid bankruptcy. That is what Congress had anticipated. But instead, what has happened is the banks have seen it as a windfall. The government should have looked at the mortgage-backed securities, taken a controlling interest and helped millions of people stay in their home by loan modification and by writing down the principal, perhaps lowering the interest and extending the terms of payment, the time of payment because after all, it was the meltdown in the subprime mortgage industry that resulted in banks being in so much trouble. So wouldn't it make sense that if you enabled people to pay their mortgages and stay in their homes that it would have a beneficial effect on the banks? But no. What has happened is that homeowners are still struggling to survive all around this country from east coast to west coast and looking at mortgage resets that

are coming up in 2009 with Alt-A and jumbo mortgages. People are in over their head on their mortgages because of misconduct in the industry and because of changes in the economy. And instead of getting help from their government, the government is helping the banks with a \$700 billion bailout.

Now it would be nice if this would be the end of it. In an article in the Times called "The End of Banking As We Know It," we have this, "it's too soon to say how much taxpayers' money will be spent trying to rebuild banks hollowed by out by bank's lending practices." Paul Miller, an analyst at Friedman Billings Ramsey thinks that the Nation's financial system needs an additional \$1 trillion in common equity to restore confidence and to get lending. It goes on to say that trillion dollars could come on top of the funds disbursed already through the Troubled Asset Relief Program, which has tapped \$700 billion and on top of President Obama's stimulus plan clocking in at \$825 billion. So, hold on to your hat, Mr. and Mrs. America, because the banks are not done with this Congress yet. They are going to be looking for even more money. And they are not talking about saving homes. They are not talking about saving jobs. They are using this opportunity to game the system.

Tom Friedman, in another article in the Times headlined, "Time for Shock Therapy," it's all about the banks, folks, quotes David Smick, author of "The World is Curved," who says that the bankers are sitting on mountains of cash, including our bailout money, because they know their true balance sheets are a disaster, far worse than publicly stated. No one trusts the banks. And even the bankers don't trust each other. Smick goes on to say that bringing clarity to bank balance sheets is the first step to fixing America's bank lending problem. Friedman writes that only after we bring full transparency to bank balance sheets will we see private capital buying into banks again at scale.

He quotes Stephen Eisman, a portfolio manager and banking manager at FrontPoint Partners "the loss of confidence is just a symptom of bad credit and overleverage. The banks are not lending because they know their balance sheets are loaded with future losses and they don't have enough capital." Friedman concludes by saying that a stimulus package that does not also unclog the arteries of our banking system will never stimulate sufficiently.

So there is a synergistic relationship between the way we are handling this situation on Wall Street and the way that we hope to get the American economy moving again with a fiscal stimulus. But we cannot keep giving away money to the banks and ignore the underlying crisis of failure to help Ameri-

cans save their homes. There could be 10 million homes in jeopardy, and people will say, well, look, if somebody didn't do the right job in financing their homes and didn't pay enough attention to what they needed to do to protect themselves financially, they're on their own. Well, wait a minute. This is affecting all Americans. There are neighborhoods in Cleveland where the values of property have dropped 25, 30 percent because of foreclosures in the neighborhood. Don't think for a moment that just because you haven't been foreclosed that you aren't paying a price with this foreclosure crisis because the value of your property is going down. All over America this is happening. And what does this mean? It means that there is a massive shift of wealth in this country going on. It's going on for the American taxpayers. It's going on for the American homeowners. And it's going right to the top, right to the top. The banks are cashing in. Forget moral hazard. It doesn't matter any more if someone doesn't do business in the right way. We're bailing them out. Today we see stories about nationalizing banks. That is not a proper function of the government, to run banks. And yet, we've already moved down that path. It's anti-democratic. It could lead to fascism. We have to think about the implications of what is happening in our economy.

We've seen the speculation driving this economy. An economy built on gambling and not real production is not sustainable. That, of course, means that moving to the financial sector as a source of profits is an unsustainable Ponzi scheme. It is based on the arrogant belief of those who know the math of the so-called Black-Scholes model, which is a mathematical model for pricing options and now nearly every income stream can never be wrong. But they were. And the result is not nice to see: Massive gambling debts that their formula said were nearly impossible and are truly impossible to pay without taking from those at the bottom of the economic pyramid. Remember, this time in our national experience is all about taking wealth from the great mass of the American people, from your paychecks, your wallets, your purses and pocketbooks and just moving it right to the top.

The reason for the breakdown in the financial system is not complex. Because we no longer make stuff for a profit, we have to leverage up financial instruments, sometimes 30 to 40 times to one to get good returns. It is a game for the truly arrogant. It is another example of the "smartest guys in the room" like Enron. No one, unfortunately, is that smart or that perfect. And the bite of leverage, when the investment, homes, in this case, goes south, is terrible to behold. When all sectors are included, the total debt as a percentage of gross domestic product

grew 151 percent in 1959 to an astronomical 373 percent in 2007.

This is a discussion that comes from an article written by John Bellamy Foster and Fred Magdoff in the December "Monthly Review" called the "Financial Implosion and Stagnation: Back to the Real Economy."

So we are in a debt-based economy. We are creating more and more debt. The world of financial socialism, in which corporations join with the government to strip the remaining assets of the middle class, is upon us. Stark economic and political decisions offer a truly explosive political scenario over the next several years. The redistribution of wealth upwards has surged over the last 28 years and will not be readily accepted by those at the bottom forced to accept structural adjustments to their lives while the plutocrats luxuriate.

In the United States, the top 1 percent of wealth holders in 2001 together own more than twice as much as the bottom 80 percent of the population. I want to repeat that. The top 1 percent of wealth holders in 2001 together own more than twice as much as the bottom 80 percent of the population. What does that say about a democracy? If this were measured simply in terms of financial wealth, that is, excluding equity and owner occupied housing, the top 1 percent own more than four times the bottom 80 percent. And this, again, is in the Foster and Magdoff article.

From my own research based on the Congressional Research Service, the following exponential growth of wealth at the top is illustrative of the problem of our faltering consumer economy. The income from wealth, and that is interest, dividends, rent and capital gains, between 1979 and 2003 for the top 1 percent of the population grew from 37.8 percent of the total pie to 57.5 percent in that 24-year time period. The wealth of America is accelerating to the top. We are in a cycle of debt deflation in which financial institutions and individuals see they must unwind, deleverage, their 20 to 41 bets, the bailout money was doomed to fail, because as Keynes said, it would be hoarded. The vicious cycle is that as banks and others sell their assets to reduce their exposure to the bursting asset bubble, the value of those assets drop. The result is the falling price of a deflationary cycle.

Now, the pros who put us in this situation don't have any idea, or they refuse to examine the evidence, that massive debt imposed on families and society is the problem. Debt is the problem here. As wages were stagnant, the Fed intentionally created the housing bubble to lure people on to debt treadmills to keep the economy afloat. Americans own less and less of their homes. And the belief that asset inflation separate from wages is real wealth is ludicrous.

Our economy has hit a massive debt iceberg. And what is the solution of the navigators who took us there? Steer north into greater ice floes. Using capital for casino games and not to increase production is a totally misguided policy. I'm calling for a manufacturing and industrial policy, an American manufacturing policy, which says that the maintenance of steel, automotive, aerospace and shipping is vital to our national economic security and it is vital to our ability to defend our Nation.

If you look at Iceland, whose government is falling right now, and you look at Russia and the Baltic States, you get some idea of what these neo liberal economic policies would do to this country. The total asset of Iceland's banks grew from 96 percent of its gross domestic product at the end of 2000 to nine times its gross domestic product in 2006. And as Magdoff, et al., states, now Icelandic taxpayers, who are not responsible for these actions, are being asked to carry the burden of overseas speculative debts of their banks resulting in a drastic decline in a standard of living. And it's exactly what we're looking at in this country, unless we change directions, unless we stop bailing out the banks, and unless we take a new direction in how we manage our economy.

We know that the private sector is in a downward spiral that feeds on itself. Consumers and businesses are spending a lot less on goods and services. As a result, workers at businesses are producing fewer goods and services. That means that fewer workers are actually working and fewer businesses are working at their potential. Consumers are spending less because they have lower incomes. Businesses are not spending money on investments and expansion because no short-term profits can be seen.

There is one unique feature of this recession that we need to keep in mind. Consumers are not just out of work and with a lower income but they are also highly indebted thanks to the subprime mortgage lending, the proliferation of credit cards, and payday lending. That is important to keep in mind because it will affect consumers' behavior when they receive money, either from the government as a rebate or at work. They use a lot of whatever they get to pay down the debt.

I would like to ask the Speaker how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 40 minutes remaining.

Mr. KUCINICH. Let's look at the current unemployment situation because we should not have any discussions in this Congress without talking about what is essential to the American people, and that is jobs. Unemployment in December rose to 7.2 percent. 524,000 full-time jobs were lost. December was the 12th straight month of job losses.

Approximately 2.6 million jobs were lost in 2008.

Let's get beneath the statistics here. Think of what happens when a mother or father comes home and says, I'm out of work. Think of the impact that has on a family, especially, as most Americans, they are living paycheck to paycheck. What does it mean? It means a whole way of life changes. Suddenly the home is in jeopardy because the mortgage can't be paid. Suddenly a child's college education is in jeopardy. Health care benefits suddenly become threatened. Pensions end up in trouble. Credit card debt cannot be paid. Tensions begin to build inside homes. We have to remember how this is affecting American families, the instability that comes about as a result of unemployment. We have to be in touch with the American family and how it is suffering right now, not only from the real loss of jobs, but from the instability of the potential of losing a job from cuts in wages and cuts in benefits. And of course there are 8 million people who are working part-time when they want to be working full-time. This is about 13.5 percent of the American workforce. More than one in eight workers in the United States, over 21 million people, now are either unemployed or underemployed. In December, over 40 percent of unemployed workers had been out of a job for at least 3 months. And 23 percent had been out of a job for at least 6 months.

□ 2000

This job situation cuts across all sectors. Manufacturing lost 791,000 jobs. Construction job losses reached 899,000. Job losses in professional and business services totaled 490,000. And there were 522,000 job losses in retail trade.

You only need to think about the past holiday season. There weren't as many employees in those retail establishments, and people weren't buying as much. They were just looking.

We need a comprehensive and an ambitious response that addresses every sector of the economy and cuts to the epicenter of the financial crisis that brought us to this point.

In my own State of Ohio, the unemployment rate hit a 22-year high last month, 7.8 percent. And 2 weeks ago, so many Ohioans attempted to file unemployment claims that the Website crashed. The phone lines were also down because they couldn't handle the call volume, over 10 times the normal call volume.

Later this week we are going to consider the American Recovery and Reinvestment Act. And that, of course, is only a beginning.

I want to applaud President Obama, Speaker PELOSI, Chairman OBEY, and everyone who has worked to craft a package that essentially is going to be a downpayment on economic recovery. But we have to remember it is only that.

The Federal Government must spend. The government cannot, as in recessions past, rely on the American consumer to spend the money out of a downturn. Americans have no cash to spend and no credit to access. The government must be the employer of last resort and the spender of last resort, and the government must spend enough to create demand for the goods and services of a full employment economy.

America has come a distance since the era of Ronald Reagan who saw government as the problem. Today in 2009, government is not part of the problem, government is the only solution. And if you don't believe me, ask those banks who are getting \$700 billion and want another trillion; from whom, the government.

Businesses will respond by spending on investments to meet the demand, and consumers will be earning money as workers, making the goods and services the government is paying for.

Now we need a broad-based response to the unemployment situation. Former Secretary of Labor Robert Rice advocates at least temporarily lifting the 60-month limit on welfare benefits. As the nature of work changes, we must modernize the safety nets that assist individuals and families in time of distress.

This should include expanding funding and access to Food Stamps, women, infants and children's benefits, as well as food banks and emergency food providers. There is no reason for us to go back to those images of the Depression where people were waiting in bread and food lines trying to survive.

The stimulus bill increases social safety net spending, \$43 billion for increased unemployment benefits and job training. But you can't train people for jobs that don't exist. There is \$20 billion to increase Food Stamp benefits, \$200 million for senior nutrition services, \$726 million for after-school meals, \$150 million for food bank assistance, and \$1 billion for community services block grants, but it is just the beginning.

We must also modernize the way we provide unemployment benefits and measure the ranks of the unemployment because, as we know, many people are not even measured in the unemployment statistics. Most States have requirements that preclude many people who are losing their jobs from receiving benefits. For example, a person working two part time jobs who loses both those jobs would be ineligible for benefits in a State that requires dislocation from full-time work.

All levels of government should temporarily relax the rules for providing unemployment benefits. We must make sure that all dislocated workers, full time, part-time, contract workers, Congress needs to make sure that such workers are not falling through the cracks.

Let's speak about housing. An \$8 billion housing bubble has burst. That is home equity. That will never return in the lifetimes of American homeowners.

In some areas in Cleveland, my community, housing prices have deflated by as much as 75 percent. Some neighborhoods in my community in Cleveland still average two foreclosures a day. Foreclosure filings increased 303,000 in December, a 17 percent increase from November. Foreclosures have increased a staggering 41 percent in the last year. Almost every economist and policymaker acknowledges that subprime mortgages initiated a foreclosure epidemic that is the epicenter of our current financial crisis. The American economy will not begin to recover unless we address this core problem of foreclosure. We must begin with a massive campaign of mortgage principal modifications to make loans available to homeowners. This would solve the problem of the borrower as well as the investor. The homeowner can afford to stay in his or her home, and the investment stabilizes and regains its potential to return a profit, albeit at a smaller margin.

Mr. Speaker, when I grew up in Cleveland, my parents didn't own a home. We were renters. And as our family grew from one to seven children, we kept moving. Some people will remember that in the 1950s, there were ads in newspapers that said one child only, two children, and if you had more, you were out of luck if you were a renter.

□ 2015

By the time I was 17, we lived in 21 different places, including a couple cars. I can understand what it's like for Americans who are worried about where they're going to live, about parents who are worried about having a shelter over their children's head. I can understand that. I can tell you that when I bought my first home, a home that I still live in, I bought it in 1971, it was one of the proudest days of my life. Think of how many Americans had that same feeling, and now we see that there's no hope for them. We have to change that.

It's said that the stimulus package could include anywhere from \$50 to \$100 billion. But unless we direct loan modification in the language of the legislation, there's no guarantee that when Treasury hands that money over to the banks there's going to be any relief at all for the American people.

Now, in the last 30 minutes I've talked about the banks and the bailout, I've talked about the plight of the American people, unemployment, housing foreclosures. I want to speak about health care as a stimulus.

Today, this day, H.R. 676, the Expanded and Improved Medicare for All Act was reintroduced. Medicare for All, H.R. 676, a bill that is the Conyers bill,

a bill that I helped to write with John Conyers, is one of the best ways we can help boost our economy. It eliminates billions of dollars in bureaucratic waste that are being funded by everyone who receives health care and allows money to be channeled into the economy. In fact, it saves so much money that it will be able to cover everyone in the U.S. for all medically necessary services.

We pay almost twice as much for health per person than the average of other industrialized nations, yet the World Health Organization ranks our health care system 37 in the world. The situation is worsening as costs continue to increase, employers continue to scale back coverage, and the number of uninsured—now 46 million—continues to rise.

Four out of five, 82 percent, of the uninsured are in working families. Think about it. You are working and you still can't afford health insurance. What's happened in America? How many people are not getting the care they need because they can't afford to pay their hospital bills, in this, a country where by the end of this year I predict we will have given \$1.7 trillion to the banks.

The inefficiency of privately administered health care is especially stark. Between 1970 and 1998, total health care employment in the United States grew 149 percent while the number of managers in health care grew 2,348 percent. Managed care has failed to control costs and reduce the number of uninsured and underinsured. Employer-based insurance is failing and dragging down American businesses. Insurance companies make record profits. How? They make money by not providing health care. What a business.

We need to control costs by addressing the real inefficiencies, not by continuing to subsidize the financially unsustainable insurance industry. And we know exactly how to do it. Traditional Medicare enjoys consistently higher satisfaction ratings than private insurance. Its overhead costs are about 3 percent compared to overhead costs of private health plans, which average about 31 percent. Medicare's rates of cost increase have been significantly lower than private insurance plans. We need such a time-tested, rock-solid model like Medicare to address our health care crisis. In fact, by addressing the inefficiencies, we would bring everyone in the U.S. under Medicare and they would pay no premium, no deductible and no copayments.

So, how would H.R. 676 boost our economy, since that is the question of the moment? First, it would lower out-of-pocket costs for a vast majority of Americans by well over \$1,000, enabling them to spend that money. And of course it would provide insurance for the 47 million Americans who currently are completely without insur-

ance. But it would also eliminate about half of all bankruptcies in the United States by addressing the enormous problem of the underinsured. Let me explain.

About half of all bankruptcies, Mr. Speaker, in the United States are related to medical bills. Of those who are bankrupted by medical bills, three-quarters had some kind of insurance before they got sick. I cannot stress enough the importance of this statistic; half of all bankruptcies in the U.S. related to medical bills. Of those who were bankrupted, three-quarters had some kind of insurance before they got sick. Three-quarters of all medical bankruptcies happened to people who already had insurance. It tells us in very stark terms that too many Americans think they're getting full health insurance when in reality they're getting only partial health insurance.

Health insurance is full of holes. Insurance companies make money by denying care. In this case, that means selling plans that have limited coverage, and you don't find that out until you actually need it. In other words, you have great health care unless you get sick. But under H.R. 676, there are no more out-of-pocket costs and everyone is covered for all medically necessary services. That means that at least half of all bankruptcies are history. Imagine what families could do with the money when they don't have to worry about climbing out of bankruptcy.

Families would save money in a host of other ways as well; for example, car insurance rates would go down because there are no more disputes over who pays for health care. Everyone would already have health care. The same goes for medical malpractice. Under H.R. 676, not only will doctors drastically reduce the amount of defensive medicine they practice in order to avoid lawsuit exposure, but they will also pay so much less for medical malpractice insurance. Why? Because everyone's covered and there is no need to go to court over who will pay doctor bills.

H.R. 676 would provide immediate and substantial relief for American businesses large and small. American businesses currently bear the burden of the vast inefficiencies in our health care system because they provide health care to most Americans lucky enough to have it. But all other industrialized countries have universal health care that costs less. The result is that our businesses are losing competitive advantage. Ontario now makes more cars than Detroit. Canadian GM, Ford and Daimler Chrysler signed a letter in support of their single-payer health care system specifically because of the competitive advantage it gives them.

These are only some of the reasons that H.R. 676 now has a national movement behind it. It's been endorsed by

479 union organizations in 49 States, including 118 Central Labor Councils and Area Labor Federations, 39 State AFL-CIOs, 14,000 physicians and thousands of nurses. The deans of Harvard and Stanford medical schools, the former editor of the *New England Journal of Medicine*, two former Surgeons General now support national health insurance. Nobel Prize winning economist supports a single-payer system like H.R. 676. Public surveys consistently place support for Medicare for All approach to health care at about 50 percent.

The legislature in the State of California has twice passed a single-payer health care plan. States, counties and municipalities all over the country have endorsed the bill. In the last Congress, the bill had 93 cosponsors.

We have to regard health care as an opportunity for creating not just a stimulus, but part of a long-term restructuring of the American economy since about 16 percent of our gross domestic product deals with health care. It's a great opportunity for us.

It's a great opportunity to look at a universal prekindergarten program, which would, in the long term, pay for itself because it would be an investment in our youngest citizens—children ages three, four and five—that would enable them to be able to have access to full-time day care, would enable their parents, who are now paying a premium if they're able to afford childcare, would enable them to be able to have solid childcare for their child and not have to pay the premium that in many cases is choking family budgets.

Last week, I introduced legislation to accomplish that. It has broad-based support among children's advocates. The number of the bill is easy to remember, it's H.R. 555—picture three children's hands with their stamp on the legislation. This is a bill which also can contribute to changing the pyramid which is causing wealth to accelerate to the top and enabling more middle class taxpayers to have some benefits in this economy, and enabling stabilization of family income.

The Congress is going to have to take quick action to protect the savings and pensions of Americans from the cascading failure of the entire financial system. It's good that we increase the kind of protection that people needed in their deposits, that's a good step in the right direction. But even with the action that we've taken, there is no guarantee that our country is not headed into the worst economic slowdown since 1933. The bailout is having little or no impact on the looming municipal bond meltdown and a host of other financial crises coming from the slowdown in tax receipts and consumer spending.

The hemorrhaging brought about by our addiction to debt is far too great for simple solutions. The growth of our

private and public debt from \$10.5 to \$43 trillion during Alan Greenspan's tenure from 1987 to 2006 gives us some sense of the real magnitude of the problem. But there is a danger in acting rationally with recognizing what we're doing. And I will say that I think that Congress acted rationally in helping to facilitate a \$700 billion bailout without putting any restraint on the banks, enabling banks to have, as the *New York Times* reported a Sunday ago, "a blank check," use the money any way they want. Taxpayer money should not be expended to line the pockets of those who drove the economy into a ditch nor provide them with new wheels to drive off the road in another month or two. Money must not be frittered away to guarantee the shareholders of financial institutions when the American family and pensions may well need direct hope in the immediate future.

I believe in capitalism and market discipline. And I think that we need to look at the direction that we take in this country. We have to have regulatory and supervisory reform. If you look at the Fed, the Fed knew what was happening with these banks and the subprime meltdown that was coming, but yet we saw Alan Greenspan pretend that he didn't have a clue. What's happened is that the Fed didn't do its job. Now, under those circumstances, would you want the Fed to have greater power? Remember, the Fed is not run by the Federal Government; it's no more Federal than Federal Express. It is a collection of private bankers that was established in 1913 by the Federal Reserve Act.

We have to get control of this Federal Reserve. And we have to make sure that the government and the Treasury Department and the Securities Exchange Commission, with the Treasury Department, develops the regulatory and supervisory reform that will match the changes that were created in the Financial Modernization Act of 1999 that took down the Glass-Steagall protections of 1933.

□ 2030

Under Franklin Roosevelt we know that Glass-Steagall prohibited intermingling of commercial banks with investment banks, but those protections were eroded. Some at the time, and I was one of those, who argued against the Financial Services Modernization Act by saying we'd end up with lack of transparency, conflicts of interest, mega-banks, every one of us who voted against it, we know we were right, but it's little comfort to the American taxpayers who are being stuck with this \$700 billion and maybe another trillion dollar debt as a result of the Ponzi scheme that was enabled by the Financial Services Modernization Act. The same people that took us into that situation may be in a position to do it to

us again, but someone has to stand up for the American taxpayers and say stop it. Stop these bailouts.

Federal regulation was lax, and the Federal Government has to stand up for the American people as regulators. Taxpayer money must end up helping to facilitate credit flowing, but that's going to be up to the Treasury to take that responsibility. American pensions must be saved. The best way to do that is to buy the companies at a deep discount and then prop up the Pension Benefit Guaranty Corporation. Wasting hundreds of billions by propping up financial assets of well-to-do Americans might be acceptable in less troublesome times; however, at the present time, precious money can't be frittered away bailing out those with plenty of discretionary income. As David Cay Johnston points out in "Perfectly Legal," the top 13,400 families in our country have more yearly income than the bottom 96 million Americans.

The financial sector has built an economic system that rewards gamblers with lower tax rates and insurance while subjecting the American family to growing job insecurity, deteriorating wages, evaporating savings, vanishing pensions, disappearing health care.

This isn't a matter of blaming another political party, by the way. This has been a bipartisan debacle. The obscenity of hedge fund managers paying a tax rate of about 15 percent for most of a billion plus in income while some who clean our bedpans pay a higher tax rate must be recognized for what it is: greed and a repudiation of the merit of hard work.

But the middle class has one thing that is growing, and that's debt. More and more Americans have been maneuvered onto debt treadmills by the "banksters," as President Franklin Roosevelt called them. Greed evolved into a civic virtue and not a cardinal sin until the market collapsed.

But we could take a new direction, and that direction, Mr. Speaker, must include monetary reform. As Stephen Zarlenga writes, the bulk of our money supply is not created by our government but by private banks when they make loans. Through the Fed's fractional reserve process, the system creates purchasing media when banks make loans into checking accounts. So most of our money is issued as interest-bearing debt.

Under the Constitution, Article 1, Section 8, our government has the sovereign power to issue money and spend it into circulation to promote the general welfare through the creation and repair of infrastructure, including human infrastructure: health and education.

It's no secret that our Nation's infrastructure is an unprecedented need of upkeep, repair, and replacement. It would take more than \$1.6 trillion to

bring our country's roadways up to speed. The Department of Education found that we need \$127 billion to bring schools nationwide into adequate conditions. A study by the Water Infrastructure Network found that it would take \$1.3 trillion over 20 years to build, operate, and maintain needed drinking water and wastewater facilities.

It's rapidly becoming cliché that crisis and opportunity are synonymous. We can turn these difficult times into an opportunity by creating millions of new jobs in infrastructure projects. The U.S. Conference of Mayors released a report last month that found a \$73 billion investment in infrastructure would yield about 850,000 jobs in the next 2 years, would go a long way to meeting our infrastructure needs.

A good start would be to invest in the maintenance and repair of roads, bridges, tunnels that are in greatest need. In particular, we should invest in a section in the TEA-LU called MEGA Projects. It was designed to fund projects that cost \$500 million or more and have some national significance. These projects are not necessarily ready to go today. States could compete to build special projects. States could even team up together on high-speed rail or build new bridges. A perfect example is the need for a new inner belt bridge in Cleveland.

Now, infrastructure has to be part of and it is part of our stimulus package, but we have to go far beyond what we have in this first stimulus package. We have short-term fixes, which a stimulus is, but we have to look at long-term restructuring in order to get to where we want to go, which is financial stability for all Americans. And so long term, we're looking at monetary reform. Monetary reform is achieved in three parts which must be enacted together for it to work.

We are at a time in our country's history where the immediate response has been to pour money into the banks who are hoarding it, who are not lending it, who are using it for other acquisitions or helping to fuel other purchases, and we have an economy that is stagnating. But it's time that we asked about some deeper structural questions, about the nature of our monetary system, and now is the perfect time to begin that discussion.

So once again I want to bring this before the Congress because if we're looking at economic stimulus alone, down the road we may ask why that didn't work because if we have a monetary system that still exists to accelerate the wealth to the top, God forbid under the nationalization of banks, we are all going to wonder what happened to the money. You achieve monetary reform in three parts. Any one of them or two alone won't do it and could actually harm the monetary system. Because of this monetary crisis, we have an opportunity here, and I want to make these suggestions:

First, instead of giving the Federal Reserve even greater power, private bankers, giving them greater power, we should incorporate the Federal Reserve into the U.S. Treasury where all new money could be created by government as money, not interest-bearing debt, and spent into circulation to promote the general welfare. The monetary system would be monitored to be neither inflationary nor deflationary.

Second, halt the banks' privilege to create money by ending the fractional reserve system. I mean banks essentially create money out of nothing. We take out a loan, they take that money, and then they leverage it perhaps nine times or more through a system of fractional reserve. Past monetized private credit would be converted into U.S. Government money. Banks act as intermediaries accepting savings deposits and lending them out to borrowers. They would continue to do what people think they do now under this new approach. And what would the government do? Well, we wouldn't have to borrow money from the banks and then own the banks money to continue to finance the needs of this country. We could instead spend money into circulation on infrastructure, including the crucial human infrastructure of education and health care needed for a growing society.

Now, as Zarlenga points out, the false specter of inflation is usually raised against suggestions that our government fulfill its responsibility to furnish the money supply for the Nation. He says that's a knee-jerk reaction, the result of decades, even centuries, of propaganda against government because when one actually examines the monetary record, it becomes clear that government has a better record of issuing and controlling money than the private issuers have.

We are at a moment of change in this country. It's a change that millions of Americans celebrated last week. I had the opportunity to join Members of Congress and watch that incredible moment of the inauguration. We saw millions of people coming together in celebration of this great Nation. And whether we are Democrats, Republicans, or independents, we could not help but be moved by that moment, not just the transfer of power but a reaffirmation of who we are as a Nation. A government of the people, by the people, and for the people, as Lincoln stated at Gettysburg. A government which has the dream to keep unfolding to adapt to an undreamed of future. We are at a moment of crisis, but that crisis has created new opportunities. It's an opportunity for us to reset the pointer of where we go as a Nation and try to get control of our Nation again.

We have lost a lot of control with the \$700 billion bailout to the banks. We will lose even more control if we give the banks another trillion dollars. We

will lose even more control if we permit the Fed to have total control over supervising corporate conduct in the United States.

But if we take a new direction, if we see government having the capability to prime the pump of the economy; if we see government having the capability to create jobs where the private sector isn't creating jobs; if we see government having the capability of creating health care, which will be a tremendous help to the private sector, which is laboring right now under tremendous costs for health care; if we see government creating possibilities to invest in technology at NASA and in other areas of our Nation where we can help to serve as the incubators for investment in the private sector, we don't even know the kind of growth that we are capable of, by moving towards a works green administration, towards wind and solar and micro technologies that would enable us to move in a new era of energy and a new era of cleaning up our environment. There is a role to work together with the private sector, but we're at a moment where the government has to take the initiative.

And it's very clear. I don't want the government running the banks. I would like to see the government take control of the monetary supply and system. I don't want the government bailing out the banks. I want capitalism to have a fair chance to succeed or not. We have a moment where we could come together, Democrats and Republicans alike. So as we get ready to address, as we will, this American Recovery Act, we need to look at how we cannot just recover as a Nation but how we can begin anew to restore our country to fiscal integrity, restore the American family to health, restore the American family to prosperity, and once again restore people's faith in their government.

Mr. Speaker, I thank all those who have listened for this past hour.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 181, LILLY LEDBETTER FAIR PAY ACT OF 2009

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-5) on the resolution (H. Res. 87) providing for consideration of the Senate bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other

purposes, which was referred to the House Calendar and ordered to be printed.

□ 2045

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-6) on the resolution (H. Res. 88) providing for consideration of the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, I thought I would come to the House floor and talk a little bit about health care, because for better or for worse, this Congress is likely to be remembered for some time as the Congress that did tackle health care. And the question that's on everyone's mind is will we help or will we make things worse?

Now, 2 weeks ago Congress was sworn in for the 111th Congress, we took to the floor of the House and we passed, under what is called suspension of the rules, we passed an expansion of the State Children's Health Insurance Program. Now, passing under a suspension of the rules is a special case—usually that's reserved for noncontroversial items—but anyone who followed the activities of the 110th Congress knows that this bill was far from noncontroversial. In fact, it had several provisions that created a good deal of controversy in the fall of 2007 and on into the spring of 2008.

But we passed the bill under suspension of the rules because the Democratic leadership told us we didn't need to debate the bill any more because we had worked on it in the Congress before. But a lot of things were different in this bill, things we hadn't talked about in previous Congresses.

And, in fact, there are 54 new Members of Congress, that means that greater than 12 percent of the Congress is new this year. That means that between 30 and 40 million Americans did not have representation in Congress when that bill was discussed in the

110th Congress, and their representatives were effectively cut out of the process.

But when it comes to constructing a health care plan for America's children, I think it's important for us to do it right. Remember that the State Children's Health Insurance Program was started in 1997 by a then Republican Congress, it was authorized for 10 years. Everyone who was sworn in the last Congress knew that prior to September 30 of 2007 we would have to reauthorize the bill.

What did we do? We waited till the last minute, had a big fight, had to extend it. The President vetoed it, it came back, the veto was sustained, fought some more. Sent it back down to the President, he vetoed it, sent it back, the veto was again sustained. And then we reauthorized the continuation of the State Children's Health Insurance Program for 18 months, bringing us to the end of March of this year.

So, to their credit, the majority leadership, the Democratic leadership of the House did not wait till the last minute as they did 2 years ago, but they tackled it the first week of the session but, again, tackled it in an odd way. We didn't have a single hearing.

We didn't have what's called a markup in either subcommittee or full committee on the Committee of Energy and Commerce or the Committee on Ways and Means. A markup is where you go through a draft of the bill and see if there are any improvements that either side can make. We went through a 12½ hour markup last Thursday night on this so-called stimulus bill.

I am not sure we got a great amount of work done in that 12½ hours but, nevertheless, the minority and the majority, members on the committee who sit way down on the front who lack seniority were able to have their voices heard as this legislation worked its way through the committee, but not so with the State Children's Health Insurance Program. So I guess the question I would have, and this is my fourth term, perhaps I should be getting used to such things at this point, but I still find them odd.

If the Members on the Democratic side are so confident in their ability to legislate and so confident on the merits of their legislation, why seek to stifle the opposition? What are you afraid of? Bring the bill to committee. Let's have a hearing or two, let's have a markup. Let's bring it to the Rules Committee, let's bring it to the floor like we do with bills all the time.

What is the reason to hide behind a suspension of the rules of this very, very important legislation. And, again, I would stress, 54 Members of Congress here in the 111th Congress were not present in the last Congress. So it's all well and good to say, oh, it's old stuff, we have debated it before, we have worked it out before, it's just a rehash

of something that has gone on previously. Even if that were true, and it's not, but even if it were true, Mr. Speaker, those 54 new Members didn't have an opportunity to weigh in one way or the other, and they may have had some good ideas.

That's why we have elections every 2 years. That's why there is turnover in this Congress, because new Americans sign up to offer themselves in service of their country. They go through the rigors of an election, they are elected. They come to this Congress, they are full of good ideas, why turn them out?

Why say "no," what you are bringing to this Congress is unimportant because we talked about it last year. We talked about it the year before. You couldn't possibly have anything to add to this near-perfect bill that was vetoed twice by the previous President.

Well, lack of input into the bill has led to a number of problems in the current bill. The bill was passed by the House. It has gone over to the Senate. The Senate is taking it under consideration at some point. We will likely get it back, whether it's an identical bill to what we sent over there, or whether it will have to come back to a conference committee remains to be seen. But, nevertheless, the bill has gone from the House over to the Senate and awaits its fate over in the Senate.

One of the things that was most disappointing about this legislation, remember that this is the State Children's Health Insurance Program to enroll children of families who earn at or below 200 percent of the Federal poverty level. In round numbers, that's about families of four who earn around \$41,000 to \$42,000 a year. So those are the families, the children of those families are the ones that would be eligible for coverage.

But there are a number of children in those families that are eligible for coverage that are not covered, about 800,000. And wouldn't it be reasonable to take the steps to cover those children first before we expand coverage to children in higher income brackets. Many of us thought so 2 years ago, a year ago. Many of us still feel that way today, but this was a concept that was not allowed to be debated on the floor of the House.

Oddly, and I don't know that I have ever seen legislation quite crafted in this way, we picked the ending numbers, and then we weren't going to build the legislation around it. This bill had to cover 10 million children, we heard it several times from the Speaker of the House on the various Sunday shows, she wanted 10 million children covered under this bill, and she wanted to spend \$35 billion.

Regardless, instead of the policy informing the numbers, the numbers dictated the policy in this case. The problem is, under their own Congressional Budget Office estimate, the only way

to get to 10 million children to be covered under the State Children's Health Insurance Program was to displace 2 million children off of private coverage and put them on to State programs. You might wonder, well, what's the problem with that, one insurance is just as good as the next.

But talk to your pediatrician in practice in your town. I don't mean your academic pediatrician at the medical center, at the big medical school in the big metropolitan area, I mean your pediatrician on the street corner, your pediatrician who works in your community. Find out if the State Children's Health Insurance Program reimburses at the same rate as, oh, I don't know, Mr. Speaker, Cigna, Aetna, United, regardless of the private insurance company, may differ some from community to community.

But I know in my home State of Texas numbers are vastly different. The State Children's Health Insurance Program reimburses at about a 50 cents on the dollar rate compared to private health insurance.

That's a significant change for the practicing pediatrician, because pediatricians, after all, function very close to the margin every month. They don't have a lot of excess in their cash flow every month.

So the effect of displacing 2 million children and essentially cutting the reimbursement rates for 2 million children is, in fact, one big significance, to say nothing of the fact that now the child is on a different insurance than the parent, and that creates some difficulties with just getting care when the time comes to get care.

Now, the other thing this bill did, which I am really questioning whether it was a good idea, it weakened the requirements to verify citizenship. There is a concept known as "at a station," that is simply a test for citizenship rather than having to show proof of citizenship, like some type of identification card. So if someone comes into the office where you would enroll in this program and simply say, "I am a U.S. citizen," that is going to be, under the new Democratic bill, that is going to be proof positive that that person is, indeed, eligible to sign up for the insurance.

Now, many Americans, tax-paying Americans—and I know the Secretary of the Treasury doesn't pay taxes—but many Americans do pay taxes, and it's of concern to them. The tax-paying Americans are now going to be paying the freight for people where we are not even sure if they are in this country legally. If that's what we want to do, we at least need to be honest with the American people and tell them that, say we are not really even going to check as to whether or not these individuals are citizens as they sign up.

And it may be for the best of intentions, we want to be kind to their chil-

dren, we want to provide them with health insurance. After all, it's cheaper to provide health insurance at the front end than high-dollar care at the far end, but we need at least to be honest with the American people and tell them that's what we have done. But I don't know that that information has actually made it out into middle America. I rather suspect that some people will be upset with that information when they find that out. But the bottom line is, as the bill stands, as it left the House of Representatives, the government will end up covering children that may or may not be United States citizens.

Another problem with the bill, as written, is the funding is not provided by any sort of stable funding source. Regardless of how you feel about taxes on cigarettes, or so-called sin taxes, excise taxes, regardless of how you feel about that, what happens as a practical matter when you fund a bill like this with a sin tax, with a tax on tobacco.

If you are successful, you drive down smoking rates, which arguably is a good thing, but if you are successful, you reduce the funding available to fund the program, and that would be a bad thing. And this discrepancy is not reconciled within the bill that we passed in the House and sent to the Senate. You have a real problem with the stable funding source, because this funding source, in this bill that we passed out of the floor of the House, funds the bill for 4½ years on a 5-year authorization.

So that means after 4½ years everybody falls off a cliff because there is no more money. What happens then is anyone's guess. I suspect, as Congress always does, it will find someplace else to gather the money, but that means we do take it from some other source.

A twist that actually borders on the bizarre, you wonder what it was even doing in the bill. The State Children's Health Insurance Program bill, as passed the House of Representatives 2 weeks ago, prohibits building physician-owned hospitals or expanding existing physician-owned facilities. Let me just say that again, because it is so incredibly, incredibly bizarre, the bill prohibits building physician-owned hospitals or expanding existing physician-owned facilities.

Now, where else, where else, what other government in the world would prohibit someone from a lawful business practice simply because of the type of professional degree that they have? You go to medical school, you can't build a hospital. What an odd bizarre twist, and what an odd thing to put this in a bill for funding State children's health insurance.

So, State children's health insurance, a good cause. I supported the original concept of SCHIP, I supported the original reauthorization, the 18-month extension we did in December of 2007. I

would have supported a reasonable reauthorization in this Congress, but this was anything but reasonable. It was a badly written bill. It badly needed to be improved, and, again, it just begs the question, are we going to be helpful or are we going to foul things up in this Congress, particularly when it comes to health care.

Now, I already alluded to the so-called stimulus bill that came through the House Energy and Commerce Committee last Thursday. We debated the bill. We marked up the bill for a 12½ hour session. It wasn't just health care. We had a lot of stuff thrown in that day. We had energy, we had all kinds of things that were heaped into that bill, but we did debate health care.

Oddly enough, the health care part of that debate, you heard Mr. KUCINICH talk for an hour earlier, he thought that was a pretty important part of the stimulus bill. So, oddly a very important part of the stimulus bill was left right until the very end, and then our time was severely curtailed. We were allowed to talk for 2 minutes instead of the normal 5 on any amendment that we had to this bill.

One of the amendments was proposed by Mr. WHITFIELD of Kentucky. You know, we have a problem in Medicare. Every year we come in and we say, well, you haven't got quite enough money, so we are going to cut doctor reimbursement rates just a little bit this year and a little bit next year, and over time you begin to talk about real money.

□ 2100

So we are facing a reduction in physician reimbursement rates in December of 2009, 11 months from now, and that reduction of reimbursement is going to be 20 percent. Well, what is the practical effect of that? It makes it harder for people to find a doctor who takes Medicare. Mr. WHITFIELD's district is in Kentucky. This has been a particular problem for him. And he had an insightful amendment to try to correct this problem.

Now, you look at the stimulus bill as drawn. We don't have to justify paying for anything in the stimulus bill. It's all money that just comes from somewhere. One of the headlines in one of the magazines up here a few weeks ago was, "It's raining money." Well, if it's raining money and we perennially have a hard time finding the funds to do away with this physician reimbursement nick that we put in every year, why not just repeal that part of the Medicare law? Why not repeal the so-called sustainable growth rate formula just outright. Since cost is no object, it doesn't matter how much money we spend, there is no upper limit. Truth be told, this isn't really money anyway. It's already been reimbursed to the doctors.

But, because of a funny budget gimmick in the Medicare law, we have got

to go back for well over a decade, well back to the early nineties, every year, and capture all the savings we should have gotten had we enforced this every year, and tack that on to the end.

So they are not real dollars. They have already been dispensed. In fact, if we were a private company and did this, we'd look just like—well, I won't go into it. But we'd probably have an ankle bracelet if we did this in the real world.

But, nevertheless, we had an opportunity in amending this bill to repeal the sustainable growth rate formula outright, since money is no object, we've got all kinds of money to spend, and the amendment was defeated. Every Democrat in committee that evening voted against repealing the sustainable growth rate formula. No hesitation; no, Can I ask you one more question about that? It was simply a straight "no" to the amendment.

Well, suffice it to say, I was pretty disappointed by that, but undaunted. I thought, Well, maybe, maybe we could offer an amendment—and, in fact, this was an amendment offered by Mr. DINGELL during the Deficit Reduction Act a few years ago. This would have stopped the cuts in the sustainable growth rate formula for 2 years. Not a great heavy lift. Again, we've got plenty of money in this bill. It seems like money is no object because we can buy grass for the Mall. All kinds of things are in this bill. Why not pay for a 2-year moratorium and at least give our physician community a little bit of stability in planning their businesses?

Again, turned down. Every Democrat in committee voted against that amendment. Oddly enough, every Democrat had voted for that amendment when their ranking member, Mr. DINGELL—when they were in the minority when that amendment was proposed by Mr. DINGELL.

Well, we also had some information technology contained within that stimulus bill. Again, you heard Mr. KUCINICH talk about it. Information technology is going to deliver untold promise to the practice of medicine. There will be no problem with money in future because of the benefit brought by information technology. In fact, we are going to give our doctors a bonus for implementing information technology. It's not a big bonus, but it's a bonus nevertheless. This bonus is going to go into effect in 2011.

Wait a minute. It's a stimulus bill. It's 2009. So I offered an amendment to accelerate those bonus payments. Let's start paying them in June of this year, rather than waiting until 2011. Almost everyone in this body hopes that the recession will be done by 2011. So that bonus will have no positive effect on the recession. Let's go ahead and provide that money to the physicians now. Again, that amendment was defeated. Every Democrat in the committee room voted "no."

Mr. BARTON, the ranking member of the committee, also offered one more chance to allow doctors to own hospitals and surgery centers. Again, that amendment was turned down. Every, every Democrat voted "no" on that bill.

Now there are a lot of things we can talk about in health care, and I see I have been joined by some of my friends. Just three quick things I want to mention when we talk about going forward and what perhaps we'd like to see in any sort of health care legislation that is crafted.

There's no question that the way the current tax code is drawn, it does discriminate against individuals who want to own their own insurance. It does load the system to those who earn at the upper end of the income scale. So at some point someone is going to have to look at that inequity and see if there's not a better way to approach it.

But, in the meantime, just keeping it very, very simple, why not allow someone who purchases their own health insurance, why not allow that to be deductible from their income tax? If they are working and they want to purchase their own insurance policy but they don't really make enough money to pay much income tax, provide them a tax credit. Give them a little help.

That is the people that Mr. KUCINICH was talking about. The working poor. Sure enough, let's give them a little bit of help. If we wanted to go one step further and help those who were without health insurance, why not provide—call it a voucher, call it a tax credit, a refundable credit, advanceable tax credit, call it what you will—but why not perhaps incorporate that into the tax code.

These are three relatively simple things we could do tomorrow and vastly have a significant effect on the ability of individuals to have health insurance in this country.

We are going to hear a lot of discussion over, I suspect, over the next months and even years on the whole issue of are we going to have to mandate coverage or do we have some other way to get people the coverage they need without requiring a mandate?

Now some people may recall we faced that same dilemma in the Medicare Part D. In Medicare Part D, many people wanted a mandate you're going to have to buy this prescription drug coverage on Medicare. Dr. Mark McClellan, who was the head of CMS at the time, and Secretary Mike Levitt over at Health and Human Services decided they were going to take a different track, and I am so grateful that they did. They said, We are going to create programs that people actually want rather than forcing them into a program that may be of limited utility for them. So they did.

They spent a great deal of time crafting programs that would actually

help people. They had six protected classes of drugs. There had to be at least two options in each protected class of drugs. Now I have been so far removed, I don't remember them off the top of my head. But it was a brilliant strategy.

As a consequence, as a consequence, the sign-up for Medicare Part D, the percentage of seniors who now have some type of credible coverage for prescription drugs is in excess of 90 percent and, more importantly, the satisfaction rate is in excess of 90 percent, and perhaps most importantly is it didn't cost nearly what the projections said it would cost initially.

The initial premiums for part D were set by the Center for Medicare and Medicaid Services at nearly \$39 per member per month. The actual cost has come in somewhere between \$22 and \$24. It's gone down a little bit in subsequent years, but a significant decrease over what was projected by both the Congressional Budget Office, CMS, and even the Office of Management and the Budget down at the White House.

So a much more reasonable way to approach things rather than telling people what they must do, and that is always hard in a free society. Always hard. My home State of Texas has an individual mandate for automobile insurance. But not everybody signs up for it. In fact, the city of Dallas just started a program where if you're stopped for whatever, taillight busted or ran a red light, and you don't have car insurance, your car is towed. See you later. You're on the street. Find another way to get home.

Well, we really can't do that in health insurance, but that just underscores the difficulty that you have with enforcing a mandate. But, creating programs that people want—remember, over 90 percent of seniors now have credible prescription drug coverage because someone took the pains to find out what people wanted. Find a way to make it cost effective and find a way to make it available to them.

I would stress for both sides of the aisle, when we talk about health care in this Congress, do remember, it's more about cost than coverage. This is about caring for people. Medicine, and I can say this because I spent a lifetime practicing medicine, it is both an art and a science. It's constantly evolving and transforming. We are on the cusp of one of the most transformational times that has been seen in medicine, ever. The human genome has been sequenced. We can know more about people before it happens to them than at any time for any group of healers that never had that kind of power in their hand in the past.

Dr. Elias Zerhouni recently left as the Director of the National Institute Of Health. And he used to talk about medicine. Because of the discoveries of the human genome, medicine is going

to become a great deal more personalized. Well, that's a good thing, personalized medicine. We'd all like to see that.

Medicine more personalized, it's going to become more predictive. Because it's more predictive, that leads to more prediction. But part of the key is going to have to be a lot more participatory. You cannot be a passive actor in tomorrow's health care environment and expect to get the rewards that it is capable of delivering.

But how ironic. As we stand upon in this transformational time in medicine, what is the one thing, what is the one thing that could divert from this path? It's the United States House of Representatives.

We are inherently transactional, not transformational. We take from one group and we give to the next. And we have the power within our hands to derail the transformation that is, even today, taking place in medicine.

For all of the faults of American medicine, for all of the faults of private insurers—and Mr. KUCINICH detailed them in laborious detail—for all of those faults, things are beginning to move in a positive direction.

Information technology, health insurance technology. Do we really need the government to write the code for medical information technology? Wouldn't we be better to just simply set some parameters and get out of the way and let the people who know what they are doing actually do that?

No. We are going to try to write every jot and piddle of the code so that we control it from start to finish. But the reality is across the country, and I know this because I have spent the last 6 months going across the country, people are incorporating electronic medical records into their individual physician practices, into their larger hospitals, into their health maintenance organizations, into their insurance regimes. It's happening already.

Part of the challenge for us is to make sure that all those part interconnect properly and there is proper communication, proper transparency, so the patient who goes to one large multispecialty clinic in the Midwest and transfers to another large multispecialty clinic in the gentleman from Ohio's hometown, that those two clinics, the record from those two clinics can talk to each other.

But that is just a technical problem. That can be solved. And it doesn't require the United States Congress writing the computer code in order to make that happen. In fact, if we'd relax a little bit on our regulatory laws, the so-called Stark laws that were written back in 1981. It's the 21st century, for crying out loud. That's nearly 30 years ago. And we are still putting the same constraints on medical practices today that they were back in 1981.

If we define privacy once and for all, tell people what we mean by privacy,

and then not change our minds every 3 months, maybe they could get this done. But there is a transformational change taking place. And you can see it in the insurance companies, the physician practices, hospitals and clinics, Federally-qualified health centers across the land. And the only thing that can stop this evolution in health care is the United States Congress. So that is kind of a daunting possibility.

When we hear people talk from the floor of this body about all the wonderful and great things that they want to do with health care, we do always need to remember that we have it within our power to allow that transformation to blossom or stop it dead in its tracks.

Now I have been joined by some of my colleagues, and I think we still have about half the time left, so I will yield as much time as he may consume to the gentleman from Georgia, Dr. GINGREY, the other Dr. PHIL.

Mr. GINGREY of Georgia. I might say the real Dr. PHIL, as a matter of fact. I am certainly pleased tonight to join my colleague, my colleague that I have just joined on the Energy and Commerce Committee in this 111th Congress, and I am proud to have the opportunity to do that, to really have a seat at the table of one of the two main committees of the House that deal with health care, deal with all of Medicare and Medicaid and SCHIP, many of the things that the gentleman from Texas, Dr. BURGESS, Mr. Speaker, had been speaking about during the initial part of this hour.

These are very important things, as he talked about the recent passage of the expanded reauthorization of the SCHIP program, the State Children's Health Insurance Program, what I am referencing, and brought out the fact that there were so many things in that reauthorization and expansion over the next 4½ years that caused Dr. BURGESS and myself and many of my colleagues on this side of the aisle to vote "no" on something that, quite honestly, we really had hoped to be able to vote "yes" because this idea that was originated back in 1997 for this legislation to help families who are not poor enough to be eligible for Medicaid.

□ 2115

And that is at 100 percent of the Federal poverty level, about \$22,000, \$23,000 a year for a family of four. They are not below that level of income, but yet not making enough money to really be able to afford to provide health insurance for their children.

So that is what the original SCHIP bill was all about it. It was authorized for 10 years; it was a \$40 billion bill, as I recall, and it would cover those children whose family income was above 100,000 but under 200,000. So you are talking about \$44,000, \$45,000 a year for a family of four. And, clearly, providing health insurance on that kind of

income is a strain, is a struggle, and of course many of those youngsters were not insured.

So the program was good; and of course it expired. It was time for reauthorization. Former President Bush realized that more money needed to be appropriated for this program. There were a significant number of children, maybe as many as 2 million or 3 million, that were not being covered who were in that income category, their family income, between 100 and 200 percent of the Federal poverty level. And I certainly was in favor of a 25 percent, 30 percent, maybe even a 40 percent expansion of the program to make sure that we reached as close as possible to a 100 percent saturation level, Mr. Speaker, and my colleagues, for those children. I think everyone on both sides of the aisle would agree that that clearly needs to be done. But, unfortunately, for some reason the Democratic majority wanted to expand this program. When you extrapolate from the 4½ year amount of expenditure to a 10-year program, it would be a 100 percent increase in the amount of funding.

The thing about it is that there are things in the bill that allowed the abuses that existed to continue and even worsening that situation. And I want, Mr. Speaker, to mention a couple of those, because I think it is very important for people to understand why a physician member of this body, indeed two right here on the floor this evening, who delivered babies as a profession, brought little children into the world, would vote against this program. And here are some of the reasons:

One of the changes in the reauthorization said that no longer would an immigrant have to have a 5-year waiting period before they would become eligible. Well, indeed, our immigration laws have been on the books for a long time. They get changed periodically. But in the last significant change of immigration law, it basically said: We don't want to have a magnet here in this country and to say to everybody across the world, come one, come all, to come to this country and get on the government dole, the freebies. No, that is not the reason we want immigrants to come to the country. We want them to come, to assimilate into our society, to contribute to our society, to, yes, enjoy the American dream. But that provision says that as a legal person comes into this country, they have to have a sponsor. They have to have someone who is willing to say that that won't happen, that they will not become a ward of the state, certainly not within 5 years. So this reauthorization says: Oh, no, we are going to do away with that. States don't have to abide by that anymore. They can spend SCHIP money on someone that has been here 6 months.

Even worse than that, Mr. Speaker, is the provision in regard to illegals. It

says specifically in the language of the bill that no illegal immigrant is eligible; but yet, then it goes on to say that the verification system for an immigrant, whether or not they are here legally, is so watered down that it is almost like a wink and a nod to say, "Come on, it is okay. All you have to do is give a nine-digit number for your Social Security number. You don't have to show a Social Security card, but you have to give a number. Yeah, that is nine digits; you are eligible."

These kind of things were bad enough, but I want to point out something else, Mr. Speaker, and that is a little game that some States I think 13 or 14, and my colleagues are aware of this, a little game that some States have been using to disregard, to actually disregard blocks of income, to say, "Oh, you are making 350 percent of the Federal poverty level. So you wouldn't normally be eligible, but we are just going to simply not count that money that your parents have earned above 200 percent. We are not going to count that. We are just going to simply disregard it." And they are getting away with that. And so in some States there are indeed, and it will continue, that children of families making up to 350 percent of the Federal poverty level, I think we are talking now about \$80,000 a year for a family of four, where they can indeed afford to pay for private health insurance for their children, and they are insured in many instances. So naturally, if they get an opportunity like this, a once-in-a-lifetime opportunity to drop that private coverage and get on the freebie government trough, who wouldn't? Well, I wouldn't. But a lot of people would and a lot of people did and do.

So I had an amendment, a very straightforward amendment that said we are going to end the shenanigans of income disregard both for the Medicaid program and for the SCHIP program.

Why would I want to do that, Mr. Speaker? I would want to do it so that those children who truly have the need, for whom the program was designed, for who we are willing to spend taxpayer money, that they get coverage, and it doesn't go to the upper middle income who clearly don't need it.

So there are a lot of little things that I could go on, on that, but I know that we have got others who want to speak tonight on health care and I want to make sure there is plenty of time for others. And hopefully during the hour, time permitting, I would like to come back to some of the other issues that Dr. BURGESS was talking about, Mr. Speaker, in regard to this economic stimulus package that we are about to vote on tomorrow and why I think that it is not going to work. I wish it would work. I hope and pray that it does work. But I have grave misgivings about it, and I would like to have an opportunity later on in the hour to dis-

cuss that further, as I know that my colleagues will, also.

Mr. BURGESS. I thank the gentleman. We will probably go for about another 7 or 8 minutes on health care, and then I am going to yield the balance of the time to Judge LOUIE GOHMERT from Texas, who wants to talk about some other things related to the economy and perhaps some issues related to the confirmation of the Secretary of the Treasury today.

One of the things that when we talk about health care in the broad perspective, and it comes up periodically, is some of the difficulties encountered in our system because of the onerous burden placed by our medical justice system, cost of medical liability insurance. I just bring that up to point out how, in my home State of Texas recently was passed a bill that placed limits on noneconomic damages, and we have seen a dramatic reduction in premiums for liability insurance. Last Congress, I offered a bill that would incorporate the Texas plan countrywide, to coin a phrase. That bill did attract significant cosponsors, and I will be introducing that bill again.

We hear other proposals for lightening the load of medical liability. Certainly some people like medical courts. Certainly that should be worth some scrutiny and study by our committee. I hear other people talk about early offer, and in fact several years ago we heard testimony in our committee how a concept like early offer and arbitration might work and might lighten the load.

But here is a different concept that I would like my colleagues to consider that maybe is a little bit of out-of-the-box thinking; and let me give credit to the ranking member on our health subcommittee, NATHAN DEAL, because this idea largely originated with him. But we have a very large Medicare system in this country paying \$300 million, \$400 million a year in health care for the Nation's seniors. Now, this is not a State program, it is a Federal program, so it is administered equally across the land.

Since it is a broad Federal program, what if we had some requirements to be met, to be sure. But if a physician fulfilled those requirements as set out, that we would allow that individual to have their liability coverage under the Federal Tort Claims Act as we would in a federally qualified health center.

Now, some of the parameters that we might ask for in return would be certainly full deployment of health information technology, electronic medical records in that physician's or hospital's practice record. That seems pretty straightforward. There was a demonstration project done at the Center for Medicare and Medicaid Services that is now 2 years into the study looking at some of the things that is called the Physician Group Practice Dem-

onstration Project. It is looking at some things like medical homes care coordination, and they have come up with some interesting data.

For example, a patient who is admitted into the hospital with congestive heart failure, if that patient is given a slip with an appointment within 5 days back to their primary care doctor, their risk of readmission is very low. If they do not have such an arrangement made, their risk of readmission goes up significantly. What do you think the cost of that readmission looks like? It is pretty steep, much more than the original admission. So a very simple, simple task to undertake to ensure that everyone who leaves the hospital after this diagnosis for uncompensated congestive heart failure has a 5-day follow-up in their family physician or primary internal medicine doctor's office to ensure that they are complying with their medications, that they are indeed on the path to recovery that everyone thought they were on when they left the hospital.

Other things, like during that "welcome to Medicare" physical, even just a brief episode of patient education about things like advanced directives, not to require the patient to sign up for an advanced directive, but just to make them available so that when heart decisions come up later on in life, that they have at least already been approached; because, as we all know, some of the most expensive care is that care that we pay for in the last 2 weeks of life, and oftentimes that is care that really has no hope of delivering a good result and may in fact even be deleterious. So worthwhile to have these discussions at the front end. And, they might save some money, but more importantly, it might be a better way of taking care of people. Remember, I alluded to it is not all about cost and coverage, it is about taking care of people in the right way.

If we set out these parameters, and if a physician group or an individual physician or individual practice agreed to abide by these restrictions, then cover them under the Federal Tort Claims Act. Can you imagine the relief from having to carry that on the individual physician's balance sheets. That is like \$100,000 a year in real money in that physician's office. I suspect, rather than having doctors leave the Medicare system, we would have doctors who would say, "You know what? I'll just take care of Medicare patients if we are going to be under those kinds of rules, because it is a lot easier than having to put up with that grief in the other parts of my practice." Something we should think about, some out-of-the-box thinking to provide a little bit of relief, a modicum of relief in the arena of liability reform.

Medicaid, we haven't really talked about that much. There is going to be a push for a vast expansion of Medicaid

in this Congress; indeed, it is already upon us in the stimulus bill, because we don't have to worry about how we are going to pay for it, we don't have to worry about what tomorrow looks like. But shouldn't we at least ask that there be a little bit of transparency in the system so that someone can look and see how many MRIs are done on a particular diagnostic group of patients, to have some idea as to whether or not these services are being utilized in a wise fashion?

Similarly, should we not have someone who is responsible for coordination of benefits? Medicaid, if it exists in conjunction with a private insurance, always is supposed to be secondary; that is, the private insurance should be the insurer of first resort, Medicare should be the insurer of last resort. But in about 13 to 15 percent of Medicaid cases across the country, there is in fact a primary insurer who just has not paid. Medicaid then goes from secondary to primary, and that bill is put on to the American citizens when in fact that bill actually was the responsibility of a private insurance company.

□ 2130

And why does that happen? It is because of the lack of reciprocity. And we get into this in a lot of different areas. But it is that inability of insurance companies to function across State lines. Some of that State reciprocity could actually go a long way. Again, when you are talking about a program that spends upwards of almost \$600 billion a year, a 15 percent savings starts to look like real money. So I just offer those as a couple of things that we might consider as we go through this process, Mr. Speaker.

I do know that Judge GOHMERT from Texas, LOUIE GOHMERT from Texas, did want to talk to us a little bit about the financial bailout package and the rescue package. Let me see if the gentleman from Georgia, Dr. GINGREY, had some final thoughts on the health care aspect before we leave that and go to the economy.

Mr. GINGREY of Georgia. Dr. BURGESS, thank you. And I also want to hear, Mr. Speaker, from Judge GOHMERT on this very important subject. I just want to mention one other thing, Mr. Speaker, in regard to this so-called rescue, or economic stimulus package, that we marked up in the Energy and Commerce Committee last Thursday in a 12-hour markup. Dr. BURGESS initially was talking about a couple of amendments that he and Mr. WHITFIELD from Kentucky had in regard to a sustainable growth rate. And this was a golden opportunity to fix that. Unfortunately, along party lines, Mr. Speaker, both of those very good amendments were voted down. And then finally, yours truly, Dr. GINGREY, had an amendment that said, okay, if you won't do that, how about just sim-

ply freezing the reimbursement rate for physicians at 2009 levels for 2010? No update, no upgrade whatsoever, just simply freeze it. And Mr. Speaker, unfortunately, the chairman's response was, we want to do that, but not in this bill. It's not time. And I think I said, well, if not us, who? And if not now, when? And so we went back and forth. And unfortunately, along party lines, my simple amendment failed as well. And I was very, very disappointed.

But I want to thank the gentleman, again, from Texas, Dr. BURGESS, for giving me an opportunity to join with him tonight and give me some time. And I yield back to him so that we can hear from LOUIE GOHMERT, Judge GOHMERT, from Texas.

Mr. BURGESS. I thank the gentleman for yielding.

May I ask the Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman has 14 minutes remaining.

Mr. BURGESS. I yield to the gentleman from Texas.

Mr. GOHMERT. I thank my friend from Texas, as well, Dr. BURGESS and Dr. GINGREY. And I thank you, Mr. Speaker.

But this all ties in together, when we're talking about health care, I had my staff pull the last numbers they could get. And for the year 2006, if you add together all of the Federal tax dollars that are spent on health care, and you add that to the State tax dollars that are spent on health care in the year 2006 per household, it was right around \$8,400.

Well, \$8,400 per household in America? You know, we have talked about health savings accounts and how that could restore power into the hands of the American public. That could restore the good old doctor-patient relationship. Because what we have right now is not a doctor-patient relationship. What we have is a doctor either insurance company or government patient relationship, because either the insurance companies or governments are between the doctor and the patient.

Well, man, some people, I have had retired folks say, well, I can't ever have a health savings account. I can never accumulate that money because I'm too old and I'm too sick to ever accumulate that money. But if you look at it, and you go, wow, \$8,400, that was in 2006. Now it is even more than that. But you could give every household in America a \$3,000 health savings account. And if you establish this relationship with you and your doctor, and then here is another \$2,000 or \$3,000 on top of that to buy your catastrophic care insurance, then you get back to a doctor-patient relationship.

But why would we not want to do that? Well, I would submit to you it's because there is a culture of arrogance in Washington, D.C., and it has been here for a while. It's not a new thing. It

has been building. And I think it is one of the things that actually turned voters off about the Republican administration. I think the world of George W. Bush. I like that man. He is a good man. But he got some bad advice from some arrogant people. And look at what was done and the advice that was given. Heck, back in September, the advice was, well, we may have a depression, but if you will give me starting off \$350 billion but maybe get to \$700 billion, start with \$350 billion, I can fix it. That is arrogance. The people in America are not smart enough to fix this. Give me the money, and I will fix it.

It permeates this town. It permeates this capital. It's an arrogance that says, "the American people are just not smart enough. They wouldn't be able to go back to the doctor-patient relationship the way it used to be. They wouldn't be able to help the economy by spending their own money properly. Let's make them give it to us through taxes. And then we will spend it. Because they're just not smart enough to know how to spend it in a way that is best for them."

And that is what we've got. So you have the Bush administration that took \$350 billion, and Secretary Paulson, King Henry, was going to spend that in such a way that it would encourage lending and get the credit flowing and so people who had fallen behind on their mortgage could come forward and refinance and borrow more money to catch up. This was going to help fix that. Well, they gave all that money to the banks. And now it's even harder to get a loan than it was before they squandered all that \$350 billion. So what have we gotten? Well, now, frankly I have had, and I'm still holding out, hope for the Obama administration. They come right in. They say, Bush, before you leave, why don't you go ahead and request that other \$350 billion? Because we are going to want to spend that. And then on top of that, we're going to ask for another \$800 billion or so. And you know what? We may need \$1.2 trillion before it's all over.

Now that is interesting. Of course, as my friends here from Georgia and Texas know, I filed a 2-month tax holiday bill that just says, we don't need the arrogant bureaucrats in Washington to spend our money because we are too stupid to spend it ourselves. What we need is to give the American people the strength of this country, the American people, let them have their own tax dollars for 2 months. If you let them keep every dime of withholding for Federal income tax and every dime for FICA withholding, if you let the American people keep their own money for 2 months, then it comes up to around \$334 billion. That would jumpstart this economy.

Now, we've been saying that for a couple of months. And here, lo and behold, within the last 10 days, Moody's Economy came out with a study that showed of all the tax proposals—and that included tax proposals that I know my friends here agree with, like cutting capital gains and cutting corporate taxes. I get sick and tired of hearing people say that we will never get manufacturing jobs back in America. Because some of us went and talked to CEOs in China and asked, why did you move over here? I figured they would say because labor is cheap. They said, you know, we had a lot better quality control in the United States with our products. But the corporate tax is less than half here, and they cut us deals on corporate tax.

So we agree. We need to drop the corporate tax and drop capital gains. That will get jobs flooding back in here. But when it comes down to the American money, the thing that will get the economy going the quickest and that will increase the gross domestic product faster in 1 year than any of these tax proposals, it is the tax holiday proposal giving the American people their own money.

Now, it's interesting to me that President Obama is now saying, do you know what? We may need \$1.2 trillion to really get the American economy going. Do you know why that triggered something special in me? It is because, I know, I asked for the numbers, the amount of money that the American individual taxpayers paid per year this last year is right at \$1.2 trillion in individual income tax. Wow. Can you imagine? Can you get your mind, Mr. Speaker, around the thought of not paying income tax for a whole year? Can you imagine if the American public were told, do you know what? We had wanted a \$1.2 trillion stimulus package to try the best we can to get the economy going. But then it hit us. Do you know the American people are not as stupid as we have characterized them as being? So let's let the American public have that \$1.2 trillion for this year. They won't pay any income tax for the whole year. It would be the same thing. No individual income tax or giving Washington \$1.2 trillion and let them try to spend their way into helping the American public. Well, the American public is not as stupid as this town has cast them as being. They can figure out good ways to spend the money that they earned and getting this economy going.

Because what are they trying to do? Well, we want to help Detroit. We want to help with jobs. Can you imagine if everybody in America had their own withholding and FICA withholding for a year, the cars that would be bought, the stock that would be bought, the homes that would be bought, the homes that would be built and the businesses that would be built with

their own money? They don't need some arrogant bureaucrat in Washington saying, give me \$1.2 trillion, and I will try to spend it the right way to get the economy going.

If you let the American people have \$1.2 trillion with no individual income tax for a year, this economy would explode. It would be going so good, people would want to rush back into America with these jobs, because this is where it's all happening.

So, I'm still holding out great hope, because one of the things, and Mr. Speaker, I know, I feel sure that President Obama inspires you as he does me, I sat there listening to that inaugural address. And I was inspired. And I know there are critics out there who say, well, I was expecting a better speech from him. I really was. That was a great speech.

□ 2145

The problem that President Obama has is he is so good at speech making, people have come to set the bar so high that he can give a great speech and people are not impressed. Well, I was impressed. Of course he talked about Washington, and that struck a chord with me. When he said: "With hope and virtue, let us brave the icy currents," well, I agree with him. With hope, we have got that. Virtue, well, we just approved a new Treasury Secretary that wasn't virtuous enough to pay his income tax, but apparently we are going to overlook that kind of virtue requirement. Yes, we have some conflict of interest problems with some other appointments. Maybe we will just go forward with hope because we are losing the virtue issue here with some of the recent appointments.

But I am hopeful that this President will understand some of the things that some of the people around President Bush did not, and that is the American people are not as stupid as this town has cast them. They are smart enough to know how to spend their own money, smart enough to get the economy going if we let them have their own money to do it. I am still holding out hope. As the poet says, there is the hope that springs eternal in the human breast. I have got it and I know you guys have it too, Mr. Speaker. We have that hope that springs eternal, but we need to recognize that the arrogance in this town, the arrogance of this capital is much too pervasive and that the hope for this country does not arrive on Air Force One, but we need to take responsibility. We need to let the American public get the economy going with their own money, cut the arrogance and recognize the American people for the backbones of this country that they are. I appreciate the opportunity to vent a little bit from my friend, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman. This proposal that you've put

forth is terribly intriguing, and I suspect we will get a lot of interest. I know we have to direct our comments to the Chair and not to the cameras, but I would be curious if the gentleman has a bill to that effect.

Mr. GOHMERT. The bill is H.R. 143. It is a two-month tax holiday that lets people keep all of their own withholding and all of their FICA for two months. And all it takes is passage and the next paycheck, it is not six months down the road, it is all of their withholding in the check as soon as we pass the bill. That is what H.R. 143 is about. I hope people call the White House and say President Obama, you have inspired me so please, let us have our own money. H.R. 143 is the way to do it and the way that the President can keep his promise.

Mr. BURGESS. I thank the gentleman for that insight. Am I recorded as a cosponsor on H.R. 143?

Mr. GOHMERT. The gentleman is. The gentleman has been a confidante and adviser and has been here longer than I have. I have greatly appreciated the advice and wisdom of Dr. BURGESS.

Mr. GINGREY of Georgia. I also would like to inquire if I too am a cosponsor of that excellent piece of legislation.

Mr. GOHMERT. Dr. GINGREY is a cosponsor and trusted confidante and adviser.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COURTNEY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. COURTNEY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. CALVERT, for 5 minutes, January 27 and 28.

Mr. BURTON of Indiana, for 5 minutes, today, January 27 and 28.

Mr. OLSON, for 5 minutes, January 28.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes,
today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move
that the House do now adjourn.
The motion was agreed to; accord-
ingly (at 9 o'clock and 45 minutes

p.m.), under its previous order, the
House adjourned until tomorrow, Tues-
day, January 27, 2009, at 10:30 a.m., for
morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2008 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MARIAH SIXKILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 17 AND DEC. 19, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Mariah Sixkiller	12/17	12/19	Pakistan		75.00		13,900.00				13,975.00
Committee total											13,975.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARIAH SIXKILLER, Jan. 14, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND, GEORGIA, AND ICELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 15 AND DEC. 20, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Allyson Schwartz	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Hon. David Dreier	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Hon. Donald Payne	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Hon. Adam Schiff	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Hon. Bill Shuster	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
John Lis	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Kay King	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Brad Smith	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Margarita Seminario	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Rachael Leman	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Tommy Ross	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
John Sherry	12/16	12/20	Poland, Georgia, Iceland		1,495.00						1,495.00
Committee total					17,490.00						17,490.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALLYSON Y. SCHWARTZ, Chairman, Jan. 12, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Grace Napolitano	11/9	11/11	Spain		713.00		(³)				713.00
Hon. Henry Brown	11/9	11/11	Spain		734.40		(³)				734.40
Hon. Grace Napolitano	11/11	11/12	United Arab Emirates		517.00		(³)				517.00
Hon. Henry Brown	11/11	11/12	United Arab Emirates		517.00		(³)				517.00
Hon. Grace Napolitano	11/12	11/14	Qatar		731.00		(³)				731.00
Hon. Henry Brown	11/12	11/14	Qatar		772.71		(³)				772.71
Hon. Grace Napolitano	11/14	11/16	Italy		995.00		(³)				995.00
Hon. Henry Brown	11/14	11/16	Italy		995.00		(³)				995.00
Julia Hathaway	11/17	11/25	Morocco		2,307.00		3,137.00				5,444.00
Committee total					8,282.11		3,137.00				11,419.11

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. NICK RAHALL, Chairman, Jan. 8, 2009.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Muftiah McCartin	10/26	10/31	China	14,746.67	2,155.00		11,880.48				14,035.48
Hon. James P. McGovern	11/8	11/13	Ecuador		1,223.00		2,333.23				3,556.23
Cindy M. Buhl	11/8	11/13	Ecuador		1,223.00		2,333.23				3,556.23
Committee total				14,746.67	4,601.00		16,546.94				21,147.94

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE M. SLAUGHTER, Chairman, Jan. 9, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. AND DEC. 31, 2008.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, Jan. 12, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

239. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Direct and Counter-Cyclical Program and Average Crop Revenue Election Program (RIN: 0560-AH84) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

240. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Etmectin; Pesticide Tolerances [EPA-HQ-OPP-2008-0261; FRL-8397-9] received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extract of Chenopodium ambrosioides near ambrosioides; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0528; FRL-8396-2] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

242. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — ENHANCED DISCLOSURE AND NEW PROSPECTUS DELIVERY OPTION FOR REGISTERED OPEN-END MANAGEMENT INVESTMENT COMPANIES [Release Nos. 33-8998; IC-28584; File No. S7-28-07] (RIN: 3235-AJ44) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

243. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report for fiscal years 2005 to 2006 on the Family Violence Prevention and Services Program, pursuant to 42 U.S.C. 10405, section 306; to the Committee on Education and Labor.

244. A letter from the Assistant Secretary Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Investment Advice — Participants and Beneficiaries (RIN: 1210-AB13) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

245. A letter from the Acting Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, "Concentrating Solar Power Commercial Application Study: Reducing Water Consumption of Concentrating Solar Power Electricity Generation," pursuant to Public Law 110-140, section 603(b); to the Committee on Energy and Commerce.

246. A letter from the Acting Assistant Secretary Energy Efficiency and Renewable

Energy, Department of Energy, transmitting the Department's report outlining the status of the Exxon and Stripper Well oil overcharge funds as of September 30, 2007, pursuant to Senate Report 108-341 and the Department of the Interior and Related Agencies Appropriations Act of 2005; to the Committee on Energy and Commerce.

247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit a Required State Implementation Plan Revision for 1-Hour Ozone Standard, California—San Joaquin Valley—Reasonably Available Control Technology [EPA-R09-OAR-2008-0862; FRL-8763-5] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Nevada; Vehicle Inspection and Maintenance Program [EPA-R09-OAR-2008-0705; FRL-8748-7] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

249. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality: Revision to Definition of Volatile Organic Compounds — Exclusion of Propylene Carbonate and Dimethyl Carbonate [EPA-HQ-OAR-2006-0948; FRL-8763-7] (RIN: 2060-AN75) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

250. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard; North Carolina and South Carolina [EPA-R04-OAR-2009-0043; FRL-8764-8] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

251. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore Facilities [EPA-HQ-OPA-2008-0546; FRL-8764-9] (RIN: 2050-AG49) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

252. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0262; FRL-8398-8] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

253. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's

final rule — Operating Permit Programs; Flexible Air Permitting Rule [EPA-HQ-OAR-2004-0087; FRL-8764-1] (RIN: 2060-AM45) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

254. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference [WV102-6039; FRL-8750-1] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

255. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required by the 1999 Regional Haze Rule [FRL-8762-7] received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

256. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah's Emission Inventory Reporting Requirements [EPA-R08-OAR-2007-1031; FRL-8754-7] received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

257. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Emissions Inventory for the Crittenden County Non-attainment Area; Emissions Statements [EPA-R06-OAR-2007-1153 FRL-8762-4] received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

258. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Approval of the Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for El Paso County [EPA-R06-OAR-2006-0357; FRL-8761-4] received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Washington; Interstate Transport of Pollution [EPA-R10-OAR-2007-0110; FRL-8760-7] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

260. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New

Source Review (NSR): Aggregation and Project Netting [EPA-HQ-OAR-2003-0064, FRL-8762-8] (RIN: 2060-AL75) received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

261. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

262. A letter from the Secretary, Department of Agriculture, transmitting the Department's Performance and Accountability report for fiscal year 2008; to the Committee on Oversight and Government Reform.

263. A letter from the Acting Director, Department of Defense, transmitting the Department's "Major" final rule — National Security Personnel System (RIN: 3206-AL75) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

264. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's "Major" final rule — Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification [FAC 2005-29, Amendment-1; FAR Case 2007-013; Docket 2008-0001; Sequence 2] (RIN: 9000-AK91) received January 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

265. A letter from the Deputy Assistant Secretary — Human Capital, Performance, and Partnerships, Department of the Interior, transmitting the Department's report on their competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b); to the Committee on Oversight and Government Reform.

266. A letter from the General Counsel, Federal Mediation and Conciliation Service, transmitting notification that the Service intends to follow the advisory guidelines set forth in the No Fear Act; to the Committee on Oversight and Government Reform.

267. A letter from the Deputy Director, National Science Foundation, transmitting notification that the Foundation intends to follow the guidelines set forth by the No Fear Act; to the Committee on Oversight and Government Reform.

268. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual report on the Refugee Resettlement Program, pursuant to Section 413(a) of the Immigration and Nationality Act; to the Committee on the Judiciary.

269. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Civil Monetary Penalty Inflation Adjustment Rule [FRL-8760-4] (RIN: 2020-AA46) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee on Appropriations. H.R. 679. A bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for

the fiscal year ending September 30, 2009, and for other purposes (Rept. 111-4). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 87. Resolution providing for consideration of the bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes (Rept. 111-5). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 88. Resolution providing for consideration of the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes (Rept. 111-6). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 629. A bill to provide energy and commerce provisions of the American Recovery and Reinvestment Act of 2009; with an amendment (Rept. 111-7, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBEY (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. GORDON of Tennessee, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. SPRATT, and Mr. TOWNS):

H.R. 1. A bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. KIND, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. KLEIN of Florida, and Mr. KILDEE):

H.R. 669. A bill to prevent the introduction and establishment of nonnative wildlife species that negatively impact the economy, environment, or other animal species' or human health, and for other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 670. A bill to authorize Federal payment to first responders for costs associated with providing emergency services at the international borders of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 671. A bill to direct the Secretary of Defense to issue a medal to certain veterans

who died after their service in the Vietnam War as a direct result of that service; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 672. A bill to amend title 10, United States Code, to require the Department of Defense and all other defense-related agencies of the United States to fully comply with Federal and State environmental laws, including certain laws relating to public health and worker safety, that are designed to protect the environment and the health and safety of the public, particularly those persons most vulnerable to the hazards incident to military operations and installations, such as children, members of the Armed Forces, civilian employees, and persons living in the vicinity of military operations and installations; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself and Mr.

McHUGH):

H.R. 673. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H.R. 674. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 675. A bill to amend title 10, United States Code, to provide police officers, criminal investigators, and game law enforcement officers of the Department of Defense with authority to execute warrants, make arrests, and carry firearms; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr.

KUCINICH, Ms. WATSON, Mr. ELLISON, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. BALDWIN, Ms. LEE of California, Mr. MASSA, Mr. NADLER of New York, Mr. McDERMOTT, Mr. DOYLE, Mr. GUTIERREZ, Mr. OLVER, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. MEEKS of New York, Ms. CLARKE, Mr. FARR, Mrs. NAPOLITANO, Ms. PINGREE of Maine, Mr. TONKO, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Mr. BERMAN, Mr. DELAHUNT, Mr. CLAY, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, and Mr. COHEN):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, improved health care delivery, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 677. A bill to amend the Clean Air Act to delay the effect of reclassifying certain

nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 678. A bill to require the Commissioner of Social Security to revise the medical criteria for evaluating disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 680. A bill to require that the aircraft used as Air Force One by the President be an aircraft that is made in America by an American-owned company; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Ms. BALDWIN, Mr. BUTTERFIELD, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. DOYLE, Ms. ESHOO, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Mr. HILL, Mr. MARKEY of Massachusetts, Mr. RUSH, Ms. SCHAKOWSKY, Mr. MCNERNEY, Ms. CASTOR of Florida, Mr. PALLONE, Mr. SARBANES, Mr. MATHESON, Mr. GRAYSON, Mr. RANGEL, and Mr. PIERLUISI):

H.R. 681. A bill to amend the Digital Television Transition and Public Safety Act of 2005 and the Communications Act of 1934 to establish a new digital television transition date, to improve the digital-to-analog converter box program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Ms. SLAUGHTER, and Mr. WALZ):

H.R. 682. A bill to prohibit securities and commodities trading based on nonpublic information relating to Congress, and to require additional reporting by Members and employees of Congress of securities transaction, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on House Administration, the Judiciary, Agriculture, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 683. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. BERRY (for himself, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Ms. LEE of California, Mr. KENNEDY, Mr. TIERNEY, Mr. HINCHEY, Ms. McCOLLUM, Mr. VAN HOLLEN, Mr. FILNER, Mr. BISHOP of New York, Mrs. MALONEY, and Ms. PINGREE of Maine):

H.R. 684. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself and Mr. WAMP):

H.R. 685. A bill to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes; to the Committee on Natural Resources.

By Mrs. DAVIS of California (for herself, Mr. BILBRAY, Mr. FILNER, and Mr. ISSA):

H.R. 686. A bill to amend title XIX of the Social Security Act to permit local public agencies to act as Medicaid enrollment brokers; to the Committee on Energy and Commerce.

By Ms. FOXX (for herself, Mr. SESSIONS, Mr. MCHENRY, Mr. PITTS, and Mr. HENSARLING):

H.R. 687. A bill to amend titles 23 and 49, United States Code, to repeal wage requirements applicable to laborers and mechanics employed on Federal-aid highway and public transportation construction projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 688. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2013, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HERGER:

H.R. 689. A bill to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes; to the Committee on Natural Resources.

By Mr. SAM JOHNSON of Texas (for himself, Mr. POMEROY, Mr. HERGER, Mr. CANTOR, Ms. SCHWARTZ, Mrs. BONO MACK, and Ms. ZOE LOFGREN of California):

H.R. 690. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 691. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for businesses furnishing broadband services to underserved and rural areas; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. JONES, and Mr. PAUL):

H.R. 692. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. ROSKAM (for himself, Mr. MANZULLO, Mrs. BIGGERT, Mr. FOSTER, Mrs. HALVORSON, and Ms. BEAN):

H.R. 693. A bill to designate a rail right-of-way as a corridor for inter-suburban commuter rail, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK:

H.R. 694. A bill to extend temporarily the 18-month period of continuation coverage under group health plans required under COBRA continuation coverage provisions so as to provide for a total period of continuation coverage of up to 24 months; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 695. A bill to provide for a green building certification program as part of the Energy Star program; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 696. A bill to prohibit United States military assistance for Egypt and to express

the sense of Congress that the amount of military assistance that would have been provided for Egypt for a fiscal year should be provided in the form of economic support fund assistance; to the Committee on Foreign Affairs.

By Mr. WEINER (for himself, Ms. WASSERMAN SCHULTZ, Mrs. LOWEY, Mr. NADLER of New York, Mr. GRIJALVA, Ms. SCHWARTZ, Ms. LEE of California, and Mr. COHEN):

H.R. 697. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and chapter 89 of title 5, United States Code, to require coverage for the treatment of infertility; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. NADLER of New York, Mr. McMAHON, Mr. MCNERNEY, Mr. ACKERMAN, Mr. HIGGINS, Mr. McHUGH, Mr. HINCHEY, Mr. HALL of New York, Mr. ISRAEL, Mr. TONKO, Mr. ARCURI, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. LEE of New York, Mr. WEINER, Mrs. MALONEY, Mr. BISHOP of New York, Ms. CLARKE, Mr. TOWNS, Mr. SERRANO, Mr. KING of New York, Mr. ROTHMAN of New Jersey, Mr. SIRE, Ms. BORDALLO, Mr. PETRI, Mr. BRADY of Pennsylvania, and Mr. COSTELLO):

H. Res. 84. A resolution honoring the heroic actions of the pilot, crew, and rescuers of US Airways Flight 1549; to the Committee on Transportation and Infrastructure; considered and agreed to.

By Mr. FLAKE:

H. Res. 85. A resolution amending the Code of Official Conduct in the Rules of the House of Representatives to strengthen the reporting requirements for Members who request earmarks; to the Committee on Standards of Official Conduct.

By Mr. FILNER:

H. Res. 86. A resolution expressing support for the designation of Four Immortal Chaplains Day in remembrance of the 4 men who paid the ultimate sacrifice in the name of compassion for those of different races and faiths; to the Committee on Armed Services.

By Mr. BACA (for himself, Mr. FILNER, Mr. ADLER of New Jersey, Mr. CHILDERS, Mr. DELAHUNT, Mr. MARKEY of Massachusetts, Mr. WALZ, Ms. BORDALLO, Ms. BERKLEY, Mr. MEEKS of New York, Mr. HINOJOSA, Mr. BOSWELL, Mr. WEXLER, Mr. HALL of New York, Mr. ROSS, and Mr. KAGEN):

H. Res. 89. A resolution supporting and encouraging greater support for Veterans Day each year; to the Committee on Veterans' Affairs.

By Mr. SESTAK (for himself, Mr. CHANDLER, Mr. DUNCAN, Mr. FOSTER, Mr. HINCHEY, Mr. HOLT, Mr. KIRK, Mrs. MALONEY, Mrs. MCCARTHY of New York, and Mr. POE of Texas):

H. Res. 90. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 698) for the relief of Shigeru Yamada; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. SCHAKOWSKY.
H.R. 16: Mr. BARTON of Texas.
H.R. 23: Mr. ACKERMAN and Ms. KOSMAS.
H.R. 25: Mr. OLSON.
H.R. 31: Mr. REYES and Mr. RANGEL.
H.R. 74: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, and Mrs. BACHMANN.
H.R. 81: Ms. WOOLSEY.
H.R. 111: Mr. HODES and Mr. ORTIZ.
H.R. 137: Mr. GARY G. MILLER of California and Mr. MCCOTTER.
H.R. 155: Mr. SOUDER, Mrs. BLACKBURN, and Mr. MICHAUD.
H.R. 156: Mr. Heinrich, Mr. PETRI, Mr. ARCURI, Ms. TITUS, Ms. BERKLEY, Ms. MARKEY of Colorado, and Mr. PETERS.
H.R. 200: Mr. WATT, Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. WU, and Mr. BERMAN.
H.R. 205: Mr. OLSON, Mr. SOUDER, Mr. PITTS, Mr. GOODLATTE, and Mr. COBLE.
H.R. 226: Mr. WHITFIELD.
H.R. 227: Mr. OLSON.
H.R. 272: Mr. WESTMORELAND and Mr. BRADY of Texas.
H.R. 275: Mr. MCHUGH.
H.R. 294: Mr. BROWN of South Carolina.
H.R. 305: Mr. GONZALEZ and Mr. REICHERT.
H.R. 336: Mr. PETRI, Mr. RUSH, Mr. MORAN of Virginia, Mr. FILNER, and Mr. HOLT.
H.R. 345: Mr. PETRI.
H.R. 361: Mr. MINNICK.
H.R. 365: Ms. PINGREE of Maine.
H.R. 367: Ms. PINGREE of Maine.
H.R. 368: Ms. PINGREE of Maine.
H.R. 374: Mr. THOMPSON of California.
H.R. 385: Mr. LATOURETTE, Mr. BARTLETT, and Mrs. MYRICK.
H.R. 398: Mr. KLEIN of Florida, Mr. FATTAH, Ms. SCHWARTZ, Mr. ARCURI, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. WALZ, Ms. NORTON, Ms. MOORE of Wisconsin, Ms. GIFFORDS, Mr. GRIJALVA, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. OLVER, Mr. MOORE of Kansas, Ms. LEE of California, Mrs. DAVIS of California, Mr. SIRES, Mr. SARBANES, Mr. MITCHELL, Ms. MCCOLLUM, Mr. BERMAN, Ms. SUTTON, Ms. HARMAN, Ms. BALDWIN, Mr. THOMPSON of California, and Mr. FILNER.
H.R. 417: Ms. KILPATRICK of Michigan.
H.R. 422: Mr. BRADY of Texas.
H.R. 430: Mr. OLSON.
H.R. 433: Mr. OLSON and Mr. SOUDER.
H.R. 445: Mr. PETERS.
H.R. 450: Mr. LAMBORN.
H.R. 460: Mr. MCINTYRE, Ms. MCCOLLUM, Ms. NORTON, Mr. WEXLER, Mr. TIERNEY, Mr. BURTON of Indiana, Mr. BISHOP of Georgia, Ms. SCHWARTZ, Mr. GUTIERREZ, Mr. CUMMINGS, Mr. FILNER, Ms. KILPATRICK of Michigan, and Mr. ELLISON.
H.R. 470: Mr. MILLER of Florida, Mr. LINDER, Mr. CULBERSON, Mr. SMITH of Texas, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. GALLEGLY, and Mr. BILBRAY.
H.R. 483: Mr. SPACE, Mr. ALTMIRE, and Mr. SMITH of New Jersey.
H.R. 489: Mrs. MYRICK.
H.R. 502: Ms. FOX.
H.R. 503: Mr. COURTNEY, Mr. LEVIN, Mr. LIPINSKI, Mr. ISRAEL, Mr. MURTHA, Mr. WEINER, Mr. BISHOP of New York, Mrs. MYRICK, Mr. BARTLETT, and Mr. LANCE.

H.R. 510: Mr. SPACE, Mr. HERGER, and Mr. SMITH of Nebraska.
H.R. 521: Mr. COHEN.
H.R. 527: Mr. CARDOZA, Mr. RYAN of Ohio, and Mr. SIRES.
H.R. 548: Mr. MARKEY of Massachusetts, Mr. CULBERSON, Mr. RUPPERSBERGER, Mr. KIND, Mr. DOYLE, and Mr. CAMPBELL.
H.R. 578: Mr. LEWIS of Georgia and Mr. BISHOP of New York.
H.R. 579: Ms. SCHAKOWSKY.
H.R. 590: Mr. PLATTS and Mr. CAMPBELL.
H.R. 591: Mr. FILNER, Mr. PASTOR of Arizona, and Mr. FARR.
H.R. 605: Mr. LAMBORN, Mr. MURTHA, Mr. KING of New York, and Mr. OBERSTAR.
H.R. 607: Mr. BURTON of Indiana and Mrs. BLACKBURN.
H.R. 615: Ms. WOOLSEY, Mr. WOLF, and Mr. WEXLER.
H.R. 618: Mr. SERRANO, Mr. ELLISON, and Ms. SCHAKOWSKY.
H.R. 622: Mr. SHULER and Mr. SIMPSON.
H.R. 624: Ms. LEE of California, Mr. CHANDLER, Mr. SHULER, and Mr. DINGELL.
H.R. 625: Mr. TERRY and Mrs. MYRICK.
H.R. 640: Mr. WU and Mr. MACK.
H.R. 655: Mr. HOLT.
H.R. 661: Mr. SCALISE and Mr. LEE of New York.
H.J. Res. 11: Mrs. MYRICK.
H. Con. Res. 14: Ms. NORTON, Mr. COHEN, and Mr. KENNEDY.
H. Res. 19: Mrs. BACHMANN and Mr. WOLF.
H. Res. 22: Mr. DOGGETT, Mr. PALLONE, Ms. KAPTUR, Mr. OLVER, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. RANGEL.
H. Res. 31: Mr. DOGGETT, Ms. FOX, Ms. MATSUI, Mr. WATT, Mr. RADANOVICH, Mrs. BONO MACK, Mr. BLUMENAUER, Mr. WU, and Mr. CLAY.
H. Res. 36: Mrs. LOWEY, Mr. HINOJOSA, Mr. CUMMINGS, Ms. KOSMAS, Mr. BLUMENAUER, Ms. FUDGE, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PASCRELL, and Mr. SCHIFF.
H. Res. 45: Mr. CHANDLER.
H. Res. 47: Mrs. MYRICK.
H. Res. 49: Mr. THOMPSON of California, Mr. MCNERNEY, Ms. HARMAN, Mr. ROHRBACHER, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, and Mr. JOHNSON of Georgia.
H. Res. 54: Mr. DENT, Mr. HERGER, Mr. THOMPSON of Pennsylvania, Mr. JORDAN of Ohio, Mr. SHIMKUS, Mr. FLEMING, Mr. SCALISE, Mr. COFFMAN of Colorado, Mrs. LUMMIS, Mr. OLSON, Mr. RYAN of Wisconsin, Mr. INGLIS, Mrs. MCMORRIS RODGERS, Mr. BACHUS, Mr. BONNER, Mr. CULBERSON, Mr. LUCAS, Ms. FALLIN, Mr. LUETKEMEYER, Mr. HARPER, Mr. PENCE, Mrs. SCHMIDT, Mr. PITTS, Mr. MARCHANT, Mr. BARTLETT, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. GINGREY of Georgia, Mr. COLE, Mr. NEUGEBAUER, Mr. HOEKSTRA, Mr. PRICE of Georgia, Mr. GARRETT of New Jersey, Mrs. BACHMANN, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. BROUN of Georgia, and Mr. WESTMORELAND.
H. Res. 70: Mrs. LUMMIS, Mr. VISCLOSKEY, and Mr. SHULER.
H. Res. 76: Mr. HONDA, Mr. MCGOVERN, Mr. FILNER, Mr. FARR, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SCHAKOWSKY, and Mr. MCCOTTER.
H. Res. 77: Mr. SCOTT of Georgia.
H. Res. 81: Mr. MICHAUD, Mr. GUTHRIE, and Mr. JONES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

The provisions that warranted a referral to the Committee on Appropriations, in H.R. 1, the American Recovery and Reinvestment Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 1, the American Recovery and Reinvestment Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: In part 1 of subtitle G of title I, add the following new section:

SEC. 1605. TEMPORARY CREDIT FOR PURCHASE OF PASSENGER VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by inserting after section 30D the following new section:

"SEC. 30E. TEMPORARY CREDIT FOR PURCHASE OF PASSENGER VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the purchase price of any qualified passenger vehicle placed in service by the taxpayer during the taxable year.

"(b) MAXIMUM CREDIT.—

"(1) NEW VEHICLES.—In the case of each qualified passenger vehicle the original use of which begins with the taxpayer, the credit allowed by subsection (a) shall not exceed—
"(A) \$5,000 in the case of a vehicle placed in service before January 1, 2010, and
"(B) \$2,500 in the case of a vehicle placed in service during 2010.

"(2) USED VEHICLES.—In the case of each qualified passenger vehicle the original use of which does not begin with the taxpayer, the credit allowed by subsection (a) shall not exceed—

"(A) \$2,000 in the case of a vehicle placed in service before January 1, 2010, and
"(B) \$1,000 in the case of a vehicle placed in service during 2010.

"(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(1) IN GENERAL.—In the case of a natural person, the amount allowable as credit under this section (without regard to this subsection) for any taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount so allowable as—

"(A) the excess (if any) of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) \$125,000 (\$250,000 in the case of a joint return), bears to

"(B) \$10,000.

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of paragraph (1), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

“(d) QUALIFIED PASSENGER VEHICLE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified passenger vehicle’ means any motor vehicle (as defined by section 30(c)(2)) if—

“(A) the model year of such vehicle is (at the time such vehicle is placed in service by the taxpayer) not more than 3 years earlier than the most recent model year of such vehicle which is available for purchase,

“(B) such vehicle is acquired for use by the taxpayer and not for resale,

“(C) the amount paid by the taxpayer for such vehicle does not exceed \$50,000, and

“(D) such vehicle has a gross vehicle weight rating of not more than 8,500 pounds.

“(2) DETERMINATION OF PRICE.—Rules similar to the rules of sections 4002(d) and 4003(c) shall apply.

“(e) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(2) PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

“(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

“(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.

“(f) SPECIAL RULES.—For purposes of this section—

“(1) BASIS REDUCTION.—The basis of any property for which is credit is allowed under this section shall be reduced by the amount of such credit.

“(2) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or

with respect to the portion of the cost of any property taken into account under section 179.

“(g) APPLICATION OF SECTION.—This section shall apply to vehicles placed in service after the date of the enactment of this section and before January 1, 2011.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 26(a) is amended by striking “and 30D” and inserting “30D, and 30E”.

(2) Subsection (a) of section 1016 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided by section 30E(f)(1).”.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30D the following new item:

“Sec. 30E. Temporary credit for purchase of passenger vehicles.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

RECOGNIZING PATRICIA GARCIA DUARTE ON HER APPOINTMENT TO THE FEDERAL RESERVE BOARD'S CONSUMER ADVISORY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Patricia Garcia Duarte, who was recently appointed to serve on the Federal Reserve Board's Consumer Advocacy Council. Patricia was one of only 10 new members selected to the board out of 167 nominees. This select group of advisors directs the Board on the implementation of its responsibilities under the consumer credit protection laws, as well as on many other consumer-related issues.

Ms. Garcia Duarte is currently the President and CEO of Neighborhood Housing Services, one of the leading nonprofit affordable housing organizations in Arizona. As President, she oversees her company's programs in financial literacy education, individual credit counseling, mortgage lending, affordable housing finance, and real estate developments. In addition, Patricia is the Chair of the Arizona Foreclosure Prevention Task Force, which organizes outreach and educational efforts to reduce the negative impact of foreclosures. In this position, she has promoted these initiatives, and has played an instrumental role in bringing stakeholder groups together, during these difficult economic times.

I commend the Federal Reserve Board for selecting such a deserving candidate for their Consumer Advisory Council. I am sure that Patricia will provide valuable service and leadership during her time there.

Madam Speaker, please join me in recognizing Patricia Garcia Duarte's contributions to our country and community.

IN HONOR OF THE GABILAN CHAPTER OF KINSHIP CENTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. FARR. Madam Speaker, I rise today to honor the Gabilan Chapter of Kinship Center for their fifty-three years of service dedicated to children in need of foster and adoptive families. On behalf of the whole House, I am honored to extend to the Gabilan Chapter of Kinship Center the gratitude of the Congress and the American people for their past and future service.

San Benito County, in Central California, is a region of rich farm and ranch land that has

generously served the families of the area for generations. But perhaps the most valuable resource of that community is the people themselves, as represented by the women of the Gabilan Chapter of Kinship Center. For fifty-three years, this group of philanthropically-minded women has raised critically needed funds to help the most needy and at-risk children in the county—the neglected, abused and abandoned children who need a safe, permanent home through foster care and adoption.

In 1989, the Gabilan Chapter partnered with the Monterey County based Kinship Center which shared their mission to create permanent homes for the area's most vulnerable children. Through this twenty-year partnership, the Gabilan Chapter women have continued to dedicate themselves to their mission as the Gabilan Chapter of Kinship Center. Each year, funds raised by the Gabilan Chapter support vital services to children in transition and new families struggling to meet the needs of children in their care. Kinship Center celebrates its twenty-fifth anniversary this year—success due in no small way to the steadfast support of the Gabilan Chapter.

Each year the dedicated Gabilan Chapter volunteers organize one of the oldest wine tasting festivals in California, as well as a historic home tour. They sell cookbooks, aprons and hand crocheted quilts. They award an annual post-secondary scholarship to a local student from a foster, adoptive or group home. Their efforts are a year-round operation run with professional effectiveness by women who also have full-time careers managing businesses, ranches, farms, vineyards and households.

The women of Gabilan are more than a group of hardworking volunteers. They represent the best of our Nation. They are an icon of the American spirit of caring and hard work forged by the pioneers who settled this land. After three generations, they have created a tradition of active philanthropy that is an institution in their community.

Madam Speaker, in closing, I want to hold up the Gabilan Chapter of Kinship Center as a model of public service, an expression of what makes our Nation a worldwide leader in strong and compassionate philanthropy. May their continued success inspire many more generations to become involved in their communities here at home and throughout the world.

RECOGNIZING SMITHA RAMAKRISHNA FOR HER ACHIEVEMENTS IN THE 2009 INTEL SCIENCE TALENT SEARCH

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Ms. Smitha Ramakrishna, who has been selected as a Semifinalist in the Intel Science Talent Search 2009 competition. The Intel STS is one of the Nation's most prestigious science competitions for high school seniors, and has been held annually for the past 68 years. Smitha is one of 300 Semifinalists selected out of 1,600 students who entered the competition.

All of the Semifinalists for this competition are now eligible to become one of the 40 Finalists who then move on to compete in Washington, DC, for top awards, including a grand prize of \$100,000. As you can see from Smitha's project title "Analysis of the Chemical and Biological Degradation of Sucralose in Synthetic Wastewater", she is a serious student with a bright future in the sciences.

As a former high school teacher, I am always especially glad to know when students are awarded for their academic successes. Smitha should be very proud of this achievement.

Madam Speaker, please join me in recognizing Smitha Ramakrishna for her fine academic accomplishments.

TRIBUTE TO CHARLOTTE PREECE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. BERMAN. Madam Speaker, I want to take this opportunity today to salute a distinguished servant of the U.S. Congress in the field of foreign affairs. At the beginning of February 2009, Charlotte Preece will retire from the Congressional Research Service after 32 productive years of service to the legislative branch. Ms. Preece has spent her entire professional career at CRS serving the U.S. Congress in multiple capacities. She joined CRS in July 1976 as an analyst in European Affairs. In that capacity, she authored dozens of reports for the Congress on issues in U.S. European relations. She was promoted to specialist in European Affairs in 1982, and later headed the Defense Manpower, Budget, and Policy Analysis section for 3 years before becoming assistant chief of the Foreign Affairs and National Defense Division.

She served the last 17 years of her CRS career as the Chief of the Foreign Affairs Division, a position to which she was named in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1991. After a reorganization of CRS in 2000, the Foreign Affairs Division was expanded to incorporate international trade and finance specialists and was renamed the Foreign Affairs, Defense, and Trade Division. Ms. Preece became the Congressional Research Service's assistant director for Foreign Affairs, Defense, and Trade. In that capacity, she has supervised a staff that has grown to about 90 policy analysts and is responsible for directing the research agenda to support the work of the U.S. Congress in foreign affairs, defense, and trade.

In honoring Charlotte Preece for her service at this time of great challenge for our country, both economically and in foreign affairs, it is worth pausing for a moment to consider the strengths and contributions consistently made to the U.S. Congress by the Congressional Research Service, where Ms. Preece has spent her professional career. We are so well served by this institution, and Ms. Preece epitomizes one of the greatest strengths that CRS offers to the congressional clients it serves: its long-serving analysts are a reservoir of "institutional memory" that continually builds on past knowledge and informs future decisions.

The importance of CRS' "institutional memory" is evident when considering even a brief list of the critical issues that have come before Congress during Ms. Preece's tenure at CRS: the signing of the Camp David Accord by Anwar Sadat and Menachem Begin in 1978; the Iran Hostage Crisis in 1979; the normalization of relations with the People's Republic of China in 1979; the fall of the Berlin Wall and the Tiananmen Square Crackdown in China in 1989; the end of the Cold War and demise of the Soviet Union beginning in 1989; the Gulf War in 1991; the end of South African apartheid by 1993; the devastating terrorist attacks against the United States on September 11, 2001; the invasion of Afghanistan in 2001; and the toppling of Saddam Hussein at the beginning of the Iraq War in 2003. All of these critical events and more unfolded on Ms. Preece's watch at CRS, giving her unique insight and invaluable expertise to a Congress that saw much turnover during the same period. Of the 535 Members who served in the 94th Congress in 1976, when Ms. Preece began her CRS service, only 21 are still serving in 2008: 14 in the House, and 7 in the Senate. Newly elected Members are well served by having access to CRS experts that have not just read about but have worked closely on the policy issues of recent decades.

I also want to reflect for a few minutes on the attributes and talents of Ms. Preece herself. Before coming to CRS in 1976, she earned her bachelor's of arts degree in international relations and Soviet area studies at the Pennsylvania State University, where she graduated summa cum laude. She went on to earn a master's degree in international security studies at the Fletcher School of Law and Diplomacy. At CRS, she had the distinction of being the youngest person the Service has ever named to attend the U.S. National War College, graduating with the class of 1983. As head of the CRS Terrorism Task Force, Charlotte Preece personally directed the massive and extraordinarily helpful CRS effort to provide Congress with timely and crucial policy analysis and information in the tragic days and weeks after 9/11.

In her distinguished career with CRS, Charlotte Preece has always understood and respected the power and special needs of Congress, including its legislative and oversight responsibilities as well as its obligation to represent the interests of constituents. She has always found time to serve as a mentor, counselor, and friend to others, whether it be to those she supervised, new congressional staff, or newly elected Members of Congress. Her exceptional skills at framing policy issues, her abilities in research management, and her instinctive grasp of the needs and aspirations of those she has supervised have earned her the respect and loyalty of her team. Charlotte Preece will be greatly missed, as will the loss of her exceptional leadership of the Foreign Affairs, Defense, and Trade Division of CRS. We offer her our deepest gratitude for her many years of contributions to the work of the Congress, and we wish her well.

TRIBUTE TO REVEREND DAVID CHARLES CHEEK

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize Reverend David Charles Cheek, an outstanding community leader in Kentucky's Fourth District. On January 8, 2009, the May's Lick Baptist Church held a celebration in honor of Reverend Cheek's 20 years of service to the Baptist Conference.

In 1989, Reverend Cheek was called to serve as pastor of May's Lick Baptist Church. He is the church's forty-third pastor.

Reverend Cheek has helped May's Lick Baptist Church expand its services to the community. Not only has the Church built a modern nursery and a Family Life Center during Reverend Cheek's tenure, they have also expanded the Sanctuary, purchased additional property and a new bus, developed an Educational Facility and settled all the Church debts.

Over the last 20 years, Reverend Cheek has ordained seven Deacons and has worked with four youth ministers. He has also mentored four individuals who eventually became ministers, three of whom were ordained at May's Lick Baptist Church. Reverend Cheek has served as Vacation Bible School Director for Bracken Association of Baptists for 20 years. He has also served on the Executive Board of the Bracken Association of Baptists and is a member of the Bracken Association Council.

Madam Speaker, please join me in commending Reverend Cheek for 20 years of extraordinary work. We are all blessed to have such a dedicated servant in May's Lick, Kentucky.

RECOGNIZING THE FOUNTAIN HILLS CHAPTER OF FCCLA FOR THEIR GENEROUS EFFORTS TO AID THE CHILDREN OF UGANDA

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize the Fountain Hills chapter of Family Career and Community Leaders of America (FCCLA) for its service project "To Uganda, Love Fountain Hills." This town-wide drive to collect backpack and school supplies will culminate with members of the FCCLA traveling to Uganda to distribute the donations to local school children.

The fundraiser began in December of 2008 and is expected to last until the group travels to Uganda in the summer. So far, it has collected more than \$11,000 from friends, parents, teachers, and generous community members. In addition to delivering the school supplies while in Uganda, the FCCLA plans to serve in construction and well digging crews, schools, food banks, and health clinics.

I am particularly proud, Madam Speaker, to recognize Claire McWilliams, a Fountain Hills High School teacher and FCCLA sponsor. Claire coordinated the entire project and continues to serve as an inspiration to her community.

Madam Speaker, I urge my colleagues to join me in recognizing the Fountain Hills chapter of FCCLA and its sponsor, Claire McWilliams, for their selfless work to raise money and collect supplies for the children of Uganda.

IN REMEMBRANCE OF TRAMMELL CROW, SR.

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. SESSIONS. Madam Speaker, I rise today in memory of my dear friend, Trammell Crow, Sr. He was a legendary real estate developer, a lover of the arts, and a generous philanthropist.

Born in East Dallas, Mr. Crow came from humble beginnings working various odd jobs in high school from cleaning bricks to delivering new cars. After graduating from Woodrow Wilson High School, Mr. Crow took a job with Mercantile National Bank while taking night classes. At age of 24, he became the youngest certified public accountant in Texas and joined Ernst & Ernst as an entry-level auditor. Wanting to serve his country, he enlisted in the U.S. Navy and reached the rank of Commander before returning to Dallas in 1942.

Upon his return, Mr. Crow partnered with John Stemmons and assisted with the development of the Trinity Industrial District. His work ethic and dedication propelled him to great success and led to the establishment of an internationally recognized company. Mr. Crow's mark on Dallas can be easily seen in

the Dallas skyline. The Dallas Design District, the Hartford Insurance Company Building, Dallas Market Hall, Stemmons Towers, Bryan Tower, San Jacinto Tower, and the Dallas Infomart are only a few examples of his many development projects. In addition to his successful career, Mr. Crow deeply believed in giving back to his community. His generosity extended to numerous nonprofits and causes including Southern Methodist University, where the Crow building in the Cox School of Business educates the next generation of leaders and entrepreneurs.

Mr. Crow was one of America's greatest developers. His life story is one that demonstrates the American Dream is achievable with hard work and dedication. Throughout his professional career, he overcame the odds, conquered obstacles and achieved tremendous success. He cared deeply for his family, friends, and community and it is evident to all who knew him. I am honored to have known him and called him my friend. He will be greatly missed. May the peace of God be with those he loved and sustain them through this hour of sorrow.

LEGISLATION TO INTERCHANGE
THE ADMINISTRATIVE JURISDIC-
TION OF CERTAIN FEDERAL
LANDS BETWEEN THE FOREST
SERVICE AND BUREAU OF LAND
MANAGEMENT, AND FOR OTHER
PURPOSES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. HERGER. Madam Speaker, today I introduce a bill to facilitate a land exchange between the Bureau of Land Management and the Forest Service to allow for consolidation and more streamlined administration of the Chappie-Shasta Off-Highway Vehicle Area in the northern California district I represent. The Chappie-Shasta Off-Highway Vehicle Area is managed by the Bureau of Land Management but also encompasses a parcel of land under the jurisdiction of the Forest Service.

This legislation is a simple and straightforward land exchange that would allow the Bureau of Land Management to consolidate the management of the OHV area to achieve more efficient management and a better experience for the area's users. In addition to consolidating the OHV area this bill will also place an equal amount of scattered wilderness parcels and other Bureau of Land Management lands under the jurisdiction of the Forest Service, allowing for improved management of those lands as well. Passage of this non-controversial legislation will result in a win-win for the taxpayers and the Federal Government.

I look forward to working with my colleagues in order to move this legislation through Congress.

IN HONOR OF MARY GREEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. FARR. Madam Speaker, I rise today to honor the memory of a great woman and model citizen. Mary Reese Green, of Monterey, California, lived her life to make the world a better place. She was many things: civil rights activist, mother, wife, political campaigner, and friend. On January 9, 2009, Mary passed away at the age of 81. Mary was a fearless fighter during the civil rights movement and an active advocate for art throughout her life. She held a passion for politics and played instrumental roles in numerous political campaigns over the years. She was a real spark plug whose personal motto was "Yes, we can!"

Mary was born and raised in Trenton, New Jersey, where she developed a lifelong love of art. She went on to study at the Pennsylvania Academy of Fine Arts in Philadelphia and to teach art at George School in Bucks County, Pennsylvania. There she met her husband, Ross Green, a fellow teacher. Her first brush with politics came when she and Ross moved to Berkeley. Mary campaigned for the right of students to post political flyers on university bulletin boards. When she and her husband moved to Atlanta, she fought for civil rights alongside her friends, Dr. Martin Luther King, Jr., Coretta Scott King, and Vernon Jordan. A notable story from Mary's life centers on a public meeting held in Atlanta to discuss voters' rights after the enactment of the 1964 Civil Rights Act. Despite death threats and the hostile presence of the Ku Klux Klan at the meeting, Mary bravely spoke as scheduled, while many others backed out and retreated.

Mary continued to play an active role in politics throughout her life. She served as the central California chair for Robert Kennedy's presidential campaign, the northern California co-chair for George McGovern in 1972, and worked on the presidential campaigns of Gary Hart in 1984 and 1988. Back in Monterey County, she promoted the arts. She helped raise funds to revitalize the Monterey Peninsula Museum of Art's La Mirada wing and took the lead in founding the Pacific Street branch's sculpture garden. Mary also helped produce two award-winning documentary films: *Time Captured in Paintings: The Monterey Legacy* and *The Roots of California Photography: The Monterey Legacy*.

Madam Speaker, I know that I speak for the whole House in extending our deepest sympathies and condolences to Mary Green's daughter, Alice Green, son Mitchell Green, her three grandchildren, and many friends.

IN REMEMBRANCE OF SENIOR
CORPORAL NORMAN SMITH, DAL-
LAS POLICE DEPARTMENT,
GANG UNIT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. SESSIONS. Madam Speaker, I rise today in memory of Senior Corporal Norman Smith of the Dallas Police Department. He was shot and killed on January 6, 2009 while trying to serve a felony warrant in South Dallas.

Senior Corporal Smith had over seventeen years of service with the Dallas Police Department; fourteen of those years with the elite Gang Unit, facing some of the toughest criminals in Dallas. Although he had many years of service, Norm approached the job with the fire and drive of a rookie, never giving less than one hundred and ten percent. He was deeply committed to fighting crime and his passion and dedication were evident to all who knew him. His fair treatment made him one of the most respected officers in the City of Dallas as well as among former gang members. Underneath his tough demeanor, he also offered hope to those seeking a new life outside of gangs. Different parts of the city affectionately referred to him as the General, Soprano, Big Swede, Normando, and the White Russian. Norm is considered irreplaceable by his fellow officers in the Gang Unit. He was by definition a true warrior.

Prior to his tenure with the Dallas Police Department, Norm proudly served his country as a U.S. Marine and worked with Kaufman and Dallas Counties Sheriffs Departments. He is survived by his wife of eighteen and a half years, Lieutenant Regina Smith; a daughter, Clenique L. Williams; and a son, Karlis Smith. Norm loved Regina deeply and treated her like a queen. He was her best friend and did everything with her. It was evident to all that the love they shared was special.

The Dallas Police Department and the Dallas community have suffered the loss of a remarkable officer, dedicated crime fighter, and an outstanding American that committed his life to public service. May the peace of God be with those he loved and sustain them through this hour of sorrow.

TWO ST. PETERSBURG, FLORIDA
GEOLOGISTS HONORED WITH
PRESTIGIOUS NATIONAL
AWARDS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. YOUNG of Florida. Madam Speaker, it is with great pride that in St. Petersburg, Florida, I represent one of the world's foremost centers of marine and geological research. We have created a thriving hub of academic, government and private sector facilities whose professional staffs work together on a daily basis to study and help to solve some of our

State's, our Nation's and our world's most challenging environmental, marine and geological problems.

The University of South Florida College of Marine Science on the University's St. Petersburg campus has been the linchpin of our efforts to bring together the best and brightest scientific minds. With the addition of the U.S. Geological Survey 10 years ago and the National Marine Fisheries Service, the Florida Fish and Wildlife Research Institute and the Florida Institute of Oceanography, and in the private sector SRI International, we have at Bayboro Harbor a thriving research community.

Recently two of those researchers have been honored for their work in the field of geology. The first is Dr. Albert C. Hine, the Associate Dean of the USF College of Marine Science, who received the Francis P. Shepard Medal for Sedimentary Geology at the annual Society for Sedimentary Geology meeting in Denver, Colorado. The award is given to those who have a sustained record of outstanding research contributions in marine geology.

In addition to being recognized for his prolific research and his 140 peer-reviewed publications in the field of coastline studies, carbonate platforms and coral reefs using an array of geophysical tools, Dr. Hine was also recognized for his commitment to teaching. He is a major advisor to 11 Ph.D. and 22 M.S. candidates.

He is a perfect example of the type of collaborative research that goes on every day at USF's Bayboro campus, where he has worked and taught since 1979. That includes his work with the U.S. Geological Survey where the second award recipient Dr. Eugene A. Shinn worked for more than 31 years. Dr. Shinn was recently awarded the Society for Sedimentary Geology's William H. Twenhofel Medal for his outstanding contributions in the areas of paleontology, sedimentology and stratigraphy.

Now retired from USGS, Dr. Hine is a Courtesy Professor at the USF College of Marine Science where he continues his research and teaching.

Madam Speaker, following my remarks, I will include from the USGS publication Sound Waves two articles about both of these eminent researchers, which includes much more detail about their lifetimes of work in the field and about the special collaborative relationships among these outstanding St. Petersburg organizations.

Dr. Al Hine and Dr. Gene Shinn are two shining examples of the energy and enthusiasm we have captured in St. Petersburg that makes our city the center of international work in marine science and geology. Please join me in congratulating them on these great honors and in thanking them for their continuing efforts to impart their knowledge and enthusiasm to future generations of their students and colleagues.

USGS COLLABORATOR WINS PRESTIGIOUS SEPM SHEPARD MEDAL, SOUND WAVES, DECEMBER 2008

Barbara Lidz

Albert C. Hine, a close collaborator with scientists at the U.S. Geological Survey (USGS) office in St. Petersburg, Florida, from its inception in 1988, will receive the Francis P. Shepard Medal for Marine Geol-

ogy at the 2009 Society for Sedimentary Geology (SEPM) annual meeting in Denver. Hine is currently Associate Dean in the College of Marine Science at the University of South Florida (USF) in St. Petersburg, where he began his career in 1979. He has worked extensively with USGS personnel for many years, including Gene Shinn (who will receive SEPM's Twenhofel Medal at the 2009 meeting; see article, this issue), Bob Halley, Barbara Lidz, David Twichell, Kevin Cunningham, Jack Kindinger, Lisa Robbins, Terry Edgar, and Kim Yates.

Hine received his B.S. degree from Dartmouth, his M.S. from the University of Massachusetts, Amherst, and his Ph.D. from the University of South Carolina. For his dissertation he investigated modern carbonate-bank-margin sediment on the Bahama Banks with high-resolution seismic profiling. He studies coastlines, continental shelves, carbonate platforms, and coral reefs, using an array of geophysical tools. Hine has been heavily involved in the Ocean Drilling Program (ODP) and served on the program's Ocean History Panel, Site Survey Panel, and U.S. Science Advisory Committee; he was also selected to be a Joint Oceanographic Institutions/U.S. Science Advisory Committee Distinguished Lecturer for 2005-2006 (URL <http://www.oceanleadership.org/usssp/dls/hine>). Hine has had extensive seagoing experience on many research vessels, including as co-Chief Scientist on ODP Leg 182 to the Great Australian Bight and as a member of the scientific crew on Leg 194 to the Marion Plateau of northeastern Australia. He currently serves on the University-National Oceanographic Laboratory System (UNOLS) Fleet Improvement Committee.

Hine has written approximately 140 peer-reviewed journal articles and book chapters. He is major advisor to 11 Ph.D. and 22 M.S. candidates, including 2 from the USGS. His former graduate students are spread far, wide, and deep. In recent years, he has focused on deep-water coral reefs and drowned barrier islands; with Bob Halley and others, he mapped the deepest coral reef in the United States, off the southwest coast of Florida (see related Sound Waves articles, "USGS Scientists Use the SeaBOSS to Explore What Could Be the Deepest Coral Reef in the Continental United States" and "Coral Reef Off Florida Determined to be Deepest Known on U.S. Continental Shelf").

The Shepard Medal is given to persons who have a sustained record of outstanding research contributions in marine geology. Francis Parker Shepard (1897-1985), known as "The Father of Marine Geology," is one of the field's true heroes. Shepard began his career studying structural geology but is best known for his work on, and understanding of, submarine canyons. A short story of his life is available as a PDF file (76.4 KB) at URL http://gsahist.org/gsat/gt01dec20_21.pdf.

GENE SHINN WINS PREEMINENT SEPM TWENHOFEL MEDAL, SOUND WAVES, DECEMBER 2008

Barbara Lidz

Eugene A. Shinn, carbonate geologist with Shell Oil in the 1960s and then with the U.S. Geological Survey (USGS) for 31 years, will receive the 2009 William H. Twenhofel Medal from the Society for Sedimentary Geology (SEPM). The highest recognition given by the SEPM, the Twenhofel Medal is awarded annually to a person for his or her outstanding contributions in sedimentary geology. Albert C. Hine, Associate Dean of Research at the University of South Florida (USF) College of Marine Science in St. Pe-

tersburg, made the announcement in August. Shinn received an honorary Ph.D. from USF in 1998 and was a commencement speaker. Since retiring in 2006 from the USGS Florida Integrated Science Center office in St. Petersburg, Shinn has been seated as a Courtesy Professor at the USF College of Marine Science next door.

Nominees for the Twenhofel Medal are chosen for their outstanding contributions in paleontology, sedimentology, stratigraphy, and (or) allied scientific disciplines. The contributions normally entail extensive personal research but may involve some combination of research, teaching, administration, or other activities that have notably advanced scientific knowledge in the field of sedimentary geology. Shinn has devoted his career to each of these areas and more, and has excelled in all. As a researcher dedicated to working in the field, he is recognized as a pioneer in studies of carbonate sediment, tidal flats, diagenesis, coral-reef ecosystems, and, in recent years, the effects of transatlantic African dust on corals and human health. Shinn has an innate ability often to perceive truths before others do, and he encourages discussion and innovative thinking. He is not afraid to speak his mind or to get on the hot seat amidst controversy; he also knows when to avoid controversy. Shinn has led numerous modern-carbonate field trips to the Florida Keys and the Bahamas for SEPM, the American Association of Petroleum Geologists (AAPG), the Geological Society of America (GSA), and many universities and local societies. He has published more than 150 scientific papers, produced training films, won several "best paper" awards, and received the USGS Meritorious Service Award, as well as the USGS Gene Shoemaker Award for Excellence in Communications. Shinn joins the ranks of other very distinguished geologists who have shaped major concepts in understanding Earth processes and history in the realm of carbonate geology. The honor is long overdue. Shinn will receive the award at the Society's annual meeting in Denver in June 2009. Congratulations, Gene, for a meritorious job well done!

William H. Twenhofel (1875-1957), Ph.D. Yale (1912), is regarded as the patriarch of sedimentary geology. Twenhofel, who was a member of the National Research Council, retired in 1945 from an illustrious academic career at the University of Wisconsin, Madison, where the Department of Geology and Geophysics has offered one of the top Earth-science programs in the United States for decades. Twenhofel cofounded the Journal of Sedimentary Petrology, now the Journal of Sedimentary Research, one of the premier journals in the field of sedimentary geology.

HONORING BARBARA E. HERRING

HON. MARCY KAPTUR

OF OHIO—

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Ms. KAPTUR. Madam Speaker, I rise today to recognize the passing from this life of Barbara E. Herring, who served as the first female law director for the city of Toledo. Mayor Carleton Finkbeiner appointed Mrs. Herring law director in August 1999, after 4 months as acting law director. She retired as law director in December 2005, as the administration of Mayor Jack Ford was drawing to a close. As

Mayor Finkbeiner said to the Blade, "If you're going to be a first-rate city in this country, you have to have leaders that come from every sector of the community." Mr. Finkbeiner said at her appointment, "Barb is going to be a very strong law director and a strong component to the leadership of the city."

Most of her tenure was in the succeeding administration, and "I was honored to serve with her," Mayor Ford said to the Blade. "She was the best director I had. [She] helped draft the ethics statement we all lived under during the 4 years I was mayor. She helped set the tone."

One issue in which she played a big part was the city's smoking ban, which preceded the statewide ban by several years. On other issues as well, "in those days, Toledo was setting the tone for the State as far as home-rule rights," Mayor Ford said. "She wrestled through a big case in the [Ohio] Court of Appeals with respect to [off-campus] student housing. I had full confidence in her. She was ethically driven. Early on, we had an understanding that we would do things by the book and do it right and not try to be politically cute."

While she was honored to be chosen as the first woman to serve as law director, her husband, David, said, "she was more concerned about being considered the best law director. She built that department up and was so aggressively fighting for them and trying to do things to get new talent in there," he said to the Blade. She had a calming effect, even in demanding circumstances, said Kelly Bejaige, who was her secretary. "She was very dignified and caring, and that carried her through," Ms. Bejaige said. "She had great respect from many people. She saw the best in everybody, and she tried to bring that out in people. She was no nonsense. She expected a lot, but nothing less than she was willing to give herself."

Mrs. Herring was a partner in the law firm of Cooper, Straub, Walinski & Cramer in 1991 when then-law director for the city of Toledo Keith Wilkowski hired her as a staff attorney. She later became the city's general counsel. She joined the law firm after graduating cum laude in 1984 from the University of Toledo law school.

Mrs. Herring taught English and psychology about 8 years at Springfield High School near Toledo, Ohio. Before that, she taught about 6 years at Springfield Junior High. "She was really the consummate teacher, and education lost what a real teacher should do," her husband said. "She cared not just for the mental and scholastic side of the students, but she cared about their personal welfare."

Born in Denver, Colorado, Mrs. Herring was a teenager when she moved with her family to Sylvania Township, near Toledo, Ohio. She was a 1963 graduate of Sylvania High School and received a bachelor's degree from Ohio State University. She was a trustee of the Toledo Legal Aid Society and was a former president of Ohio Municipal Attorneys. In retirement, she was on the board of St. Paul's Community Center. She took part in the Lucas County Juvenile Court's Court Appointed Special Advocate program. She was a lector at Blessed Sacrament Church. Surviving are her husband, David, whom she married May 21,

1966; sons, David and Nathan; brother, John White; sister, Carole Gildemeister, and five grandchildren.

It is with the deepest admiration that I pay tribute to the exemplary life of a pioneering woman. She dedicated her life in service to her family, friends, her students and the city of Toledo. May her family be comforted by the memories they hold and may Barbara Herring be blessed with a loving peace.

IN HONOR OF THE ALBANY CHAMBER OF COMMERCE AND ITS COMMUNITY SERVICE AWARDEES

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor 34 men and women and one whole family from Albany, MN who have put their heart and soul into making that community such a wonderful place to live, work, and raise a family.

This weekend, the Albany Chamber of Commerce honored these people for putting their "hand and heart into everything they do" to serve their colleagues and their fellow citizens. From keeping us safe to teaching our children to caring for our elderly, these men and women are the rock on which we stand. The chamber, which itself is such an integral part of this community, has taken this opportunity to draw attention to the selfless and kind acts of these individuals and their nominating organizations:

Richard "Hunk" Wolf, Albany Fire Department; Richard Schiller, Albany Senior Dining; Bertha Schiller, Albany Senior Dining; Rosie Finken, Albany Senior Dining; Bob Pauly, Albany Senior Dining; Bob Thielman, Albany Senior Dining; Ralph Vos, Albany Senior Dining; Norbert Vos, Albany Senior Dining; Rosie Krebs, Albany Senior Dining; Howard Krebs, Albany Senior Dining; Robert St. Marie, Albany Senior Dining; Richard Carlson, Albany Senior Dining; Grace Carlson, Albany Senior Dining; LuAnn Jopp, Albany Home Bakery; Pam Kraker, Albany Lions; Sarah Kittelson, Albany Police Department; Tammy Jurek, Albany Police Department; Darren Trousil, Albany Police Department.

Paul Nelson, Wells Concrete Products; Steve Stromme, Albany Area Schools; Ron Paulsen, Albany Area Schools; Herb Binsfeld, Albany Food Shelf; Mary Binsfeld, Albany Food Shelf; Kathy Pung, AAH & Medical Center; Judy Zenzen, AAH & Medical Center; Janet Christen, Holy Family School; Ryan Scherping, Holy Family School; Patty Leyk, Our Savior's Lutheran Church; Val Oehrlin, Mother of Mercy Auxiliary; The Sand Family, Albany Chamber; Al Amdahl, Albany Jaycees; Brennan Shay, Albany Pioneer Club; Bev Lieser, Albany Women of Today; Nathan Meer, Albany Boy Scouts; Justin Overman, Albany Boy Scouts.

I share in the chamber's recognition of their great public service.

HONORING THE NATIONAL ASSOCIATION MANAGEMENT GROUP

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. GINGREY of Georgia. Madam Speaker, in this troubled economy with fluctuating markets and fiscal uncertainty, it is the small business owner that keeps our economy functioning and keeps the American dream alive.

I am honored to represent thousands of small business owners whose associations, the National Franchise Association (NFA) and the National Association Management Group (NAMG), are headquartered in my district in Kennesaw, Georgia.

These associations would like to recognize three distinct leaders; NFA Chairman Joseph Anghelone, NAMG Chairman William Patterson and NFA Government Relations Committee Chairman Benjamin Jarratt.

Mr. Joseph Anghelone began his tenure as the NFA Chairman in February of 2006, and since then he has established a record of dedication to the National Franchise Association and its membership. During his years of selfless service, Mr. Anghelone has been committed to advancing the Burger King Brand through vigorous advocacy on all levels.

In addition to his role as NFA Chairman, Mr. Anghelone has served as the Franchise Relations Committee Chairman and Diversity Affairs Committee Chairman during his term. While his duties have been heavy, Mr. Anghelone has put the association and its membership ahead of himself, to the betterment of the franchisee community.

Mr. William Patterson has served as the Chairman of the National Association Management Group since April of 2006. Previously Mr. Patterson held the post of NAMG Board Director, a position he began in February of 2005.

Mr. Patterson has displayed diligent service to NAMG and its Board of Directors. This service has been marked by a dedication to the growth and continued development of the organization while providing steadfast leadership and direction.

Mr. Benjamin Jarratt was selected to serve as the NFA Secretary in February 2006, and since then he has assumed the role of NFA Government Relations Committee Chairman. In that position, Mr. Jarratt has played a significant role in the development of the NFA's Government Relations advocacy efforts.

In addition, Mr. Jarratt served as the Chairman of the NFA's Government Relations Summit in 2007 and again in 2008. Mr. Jarratt has developed a reputation as a staunch advocate for the interests of franchisees and their businesses.

The National Franchise Association and National Association Management Group continue to grow and prosper in the face of numerous challenges, which is a testament to the efforts of these three outstanding individuals. The NFA and NAMG will be eternally grateful for the leadership they have provided.

HONORING WILLIAM J. SYRING

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Ms. KAPTUR. Madam Speaker, I rise today to pay tribute to William J. Syring of Toledo, Ohio who practiced law in Toledo for a half century, eventually running for City Council and the Ohio Court of Appeals. Mr. Syring had a general law practice, handling small business, probate, real estate, and personal injury cases. His son, Paul, first practiced law with his father, and state it left "an indelible mark on my career. It was a wonderful experience. He was calm, a constant student of the law", as he reported to the Toledo Blade. William retired about 10 years ago from his practice, which he began in 1948 after serving two years as counsel for the Federal Power Commission in Washington. "He was always a great one for wanting to help others, especially those who couldn't afford it or didn't know the right channels to go through," his wife Pat observed.

Mr. Syring believed that to build a case, a lawyer must get out and talk to people and investigate, much as a detective would do. "He taught me you don't practice law sitting behind your desk and answering the phone," said his son, a senior attorney with the City of Toledo Law Department, where he has been since 1999. "I learned more from him probably than I did in law school. "He was a representative of the golden age of the practice of law in Toledo. He showed me it's priceless to prepare, and he was always prepared."

Mr. Syring ran in 1982 for the Ohio Sixth District Court of Appeals, and he campaigned at diners and fairs through the eight counties of the district. "He was a great communicator, a great trial lawyer, [and] thrived in the courtroom," his son said. Mr. Syring was defeated by Judge Peter Handwork, who remains on the bench.

Early in his career, he ran unsuccessfully for City Council twice, in 1953 and 1956. He was long active in civic causes. Mr. Syring was a member of the Board of Community Relations in the 1950s and he was a trustee of the Model Cities Agency in the 1960s. He was a member of the Interfaith Conference on Religion and Race and of the NAACP.

He was a past president of the Toledo Trial Lawyers Association and was a member of the Toledo Legal Aid Society. He formerly was on the executive committee of the Lucas County Democratic Party. Mr. Syring was on the Ohio Board of Bar Examiners for two terms. He was also a member of Gesu Church.

Mr. Syring was a graduate of St. John's High School when it was in North Toledo. He received bachelor's and law degrees from the University of Notre Dame. He later received a master of laws degree from Catholic University of America in Washington and attended University of Toledo and Ohio State University law schools. An Army veteran of World War II, he was an agent in the Counter Intelligence Corps in Europe.

Surviving are his wife, Patricia Syring, whom he married Oct. 6, 1956; daughters, Julia

Syring and Mary Drumm; sons, Patrick, Joseph, John, and Paul Syring, and seven grandchildren.

It is with the deepest appreciation that I pay tribute, on behalf of our entire community, to the long life of a good, patient, kind and dedicated barrister, William J. Syring who passed from this life on July 4, 2008. He lived his years in service to his family, friends, Toledo community and the cause of justice. I valued him for decades as a friend and advisor. May God welcome William home and bring peace to his dear wife and family.

HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE-AMERICANS**HON. JASON ALTMIRE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. ALTMIRE. Madam Speaker, I would like to wish the Pittsburgh Chapter of the Organization of Chinese-Americans a happy and healthy New Year for the year 4707, the year of the ox.

I hope this New Year brings the Chinese-American community of Pittsburgh much joy and thanksgiving. I am thankful for the positive impact this organization has had on the lives of Chinese-Americans and Pittsburgh as a whole. Chinese-Americans have greatly contributed to the progress of Pittsburgh as well as the entire nation. I am very honored for this opportunity to wish them a very happy 4707.

I ask my colleagues in the United States House of Representatives to join me in wishing the members of the Organization of Chinese-Americans a very happy and prosperous New Year.

IN HONOR OF APOSTLE JOYCE COFIELD**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Apostle Joyce Cofield. On January 31, 2009, Apostle Cofield will be honored at a banquet celebrating her 14th pastoral anniversary at Anointed Word Evangelistic Fellowship.

Apostle Cofield is the founder of Anointed Word Evangelistic Fellowship in Wilmington, Delaware. Apostle Cofield entered full-time ministry in 2000 and has over 30 years of experience in ministerial leadership. During her time as senior pastor of Anointed Word, Apostle Cofield has emerged as an accomplished leader: in 2008 she was profiled in the National Registry of Who's Who, and she recently published a prophetic book of poetry entitled, *From the Father's Heart to My Heart to Your Heart*.

Apostle Cofield is a graduate of a local bible college and has continued her education at various secular institutions in the Wilmington area. As part of her vision to bring restoration

to families and individuals, she regularly reaches out to the homeless in Delaware—not only to meet practical needs for food, clothing and shelter, but by motivating, instructing and enriching their lives. Apostle Cofield lives by several creeds including, "the most important thing is to know God and for God to know you", as well as "attitudes are contagious, is yours worth catching?" The members of Anointed Word admire and respect Apostle Cofield for her selfless acts, strong leadership and passion for community outreach.

I thank Apostle Joyce Cofield for her many years of service to the members of her congregation at Anointed Word Evangelistic Fellowship, the greater community, and the State of Delaware. I am confident that as she celebrates this significant milestone in her ministry, she will remain committed to many more years of demonstrating her faith in both word and deed.

RECOGNIZING THE HERKIMER COUNTY COMMUNITY COLLEGE (HCCC) WOMEN'S TRACK AND FIELD TEAM**HON. MICHAEL A. ARCURI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. ARCURI. Madam Speaker, I rise today in recognition of the Herkimer County Community College (HCCC) Women's Track and Field Team in my congressional district in Upstate New York. In 2008, the team won its fourth regional championship and its first ever national championship. Altogether, HCCC's athletic programs have won 72 regional championships and 31 national championships.

The National Junior College Athletic Association (NJCAA) Division III Region III Women's Track and Field Championships were held at the State University of New York (SUNY) College of Technology at Alfred from May 2-3. The Lady Generals came in first with an impressive 163.5 points. Chantal Salamone, from Little Falls, placed first in the triple jump and 100 meter hurdles, and was named the Women's Field Athlete of the Meet. Amanda Davey, of Amsterdam, won in the 400 meter hurdles. Betheny Jennings, of Sylvan Beach, was first in the shot put, while Sarah Lazarus of South New Berlin was first in the 3000 meter steeplechase.

The NJCAA Division III National Women's Track and Field Championships were hosted by SUNY Delhi from May 8-10. HCCC won the meet with 135 points. Chantal and Amanda again won the 100 and 400 meter hurdles, respectively. As a result of their wins, Chantal and Amanda were named First Team All-Americans. They were also named Second Team All-Americans for their second place finishes in the triple jump (Chantal), heptathlon (Amanda), and 3200 meter relay (both).

Joining Chantal and Amanda as Second Team All-Americans were Sarah and Theresa Lazarus from South New Berlin and Krysta Estey from Little Falls. Sarah was second in the high jump and was also a part of the 3200 meter relay team, while Theresa was second in the 400 meter hurdles. Krysta was a member of the relay team.

Amanda Link from North Patchogue, and Grace Hall from Herkimer also helped HCCC to achieve victory in the regional and national championships.

The Lady Generals were led by Head Coach Sharon Howell and Assistant Coach Julie DelMedico. Howell was named Coach of the Meet for both the regional and national championships.

Madam Speaker, please join me in congratulating the Herkimer County Community College Women's Track and Field Team on their victories. I am proud to represent such talented athletes, and I wish them the best of luck with their future athletic and scholarly pursuits.

INTRODUCTION OF THE NON-NATIVE WILDLIFE INVASION PREVENTION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Ms. BORDALLO. Madam Speaker, today I have reintroduced a bill to protect the United States from harm caused by invasive species. In the 110th Congress, I introduced H.R. 6311, the Nonnative Wildlife Invasion Prevention Act, in response to the increasing economic, environmental, and human health threats posed by invasive wildlife species. I am reintroducing this legislation as a proactive approach to combating invasive wildlife species by prohibiting their importation.

Nonnative plants and animals are known by scientists to have been introduced into ecosystems in all 50 States, the District of Columbia, and the territories. Invasive, nonnative species can harm the economy, environment, other animal species' health and human health. Such harm ranges, for example, from depreciating farmland property values and loss of irrigation water to increasing spread of disease. Additionally, collapse of buildings, competition with native animals, sport, game, and endangered species losses, habitat alteration, and other ecosystem disturbances, have all resulted from the introduction of certain invasive species.

Scientists and economists generally estimate the cost of damages caused by invasive species in the United States to amount to over \$123 billion annually. The risks associated with the introduction and establishment of invasive species, and the costs of mitigation, will continue to rise concomitantly with the expansion of trade and increased speed and frequency of travel around the world and within the United States. The volume of cargo shipped and exchanged worldwide continues to increase and many communities across the United States are experiencing growth in tourism. These factors are reason alone to develop protocols and a system for assessing the risk of all nonnative wildlife species that could be imported or introduced into the United States.

Preventing the introduction of invasive species is a significant challenge and priority for many communities across the country, including my district, Guam. Invasive species, for

example, threaten the biodiversity and the ecology of the Florida Everglades, the Chesapeake Bay Watershed, and the Great Lakes, among other national environmental treasures. On Guam, the brown tree snake has caused the extirpation of many endemic forest birds and lizards. The coqui tree frog and the coconut rhinoceros beetle are the latest species to have entered Guam. Although these species were 1 accidentally introduced, intentional introduction of invasive species is something that can and should be controlled. The bill reintroduced today would protect citizens, the economy, and the environment from imported wildlife species that have the known potential to and that would likely harm our interests in the United States.

Absent a comprehensive federal law addressing the importation of nonnative species, the only protection is provided by the Lacey Act Amendments of 1981. This law authorizes the Secretary of the Interior to designate wildlife species considered "injurious" to humans and prohibits importation of such species into the country. The process, however, to designate a species as injurious can take up to four years, at which point harm has already been done.

The Nonnative Wildlife Invasion Prevention Act authorizes the establishment by regulation of a risk assessment process to control the importation of wildlife species. The bill adopts a preventative approach by requiring the Secretary of the Interior to develop with public notice and public input a "green list" of species allowed to be imported and a "black list" preventing invasive species from entering the country. Prior to approving a species to be imported, the Secretary must evaluate its potential risk to human, other animal species, and environmental health. Any imports of species, which are not on the "green list," will be subject to penalties under the Lacey Act Amendments of 1981. The Secretary, however, may permit importation of an animal of such other prohibited species for educational, scientific research, or accredited zoological or aquarium display purposes. Finally, import fees will be collected to cover the costs of the risk assessment process.

I look forward to working with my colleagues on both sides of the aisle to advance this legislation and to strengthen the abilities of the federal government to more effectively manage and prevent the introduction and establishment of nonnative wildlife species.

THE AMERICAN FARM BUREAU
AND THE U.S. CHAMBER OF COM-
MERCE AGREE: REPEAL THE \$175
COW TAX: COSPONSOR H.R. 391

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mrs. BLACKBURN. Madam Speaker, last year, the EPA published an Advance Notice of Proposed Rulemaking for a rule to give EPA's bureaucracy regulatory oversight of greenhouse gas, GHG, emissions under the Clean Air Act. This rule would affect both mobile and stationary sources.

If EPA is allowed to implement this rule, almost every small agricultural operation, including family farms, will meet the 100-tons-per year threshold. The cost of this rule will be a "tax" of \$175 per cow, \$88 per head of beef cattle, and \$20 per hog. In addition, any new farms or existing farm expansion will be burdened with the "New Source Review" permitting requirements. These permits, which are extremely costly and time intensive, must be acquired before any new changes take place.

While members of Congress may disagree on regulation of GHG emissions, the final decision should be made by Congress and not mandated by the EPA. H.R. 391 asserts Congress' authority over this issue by pre-empting EPA from regulating GHGs under the Clean Air Act.

Please join me and support our farmers by cosponsoring H.R. 391. Congress must not allow EPA to establish regulations that place new costs on farmers and consumers.

Please contact me directly or have your staff contact Rodney Bacigalupo at 5-2811, rodney.bacigalupo@mail.house.gov, to add your name as a cosponsor of H.R. 391 or to request further information on this issue.

TRIBUTE TO MARGARET BUSH WILSON

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. CLAY. Madam Speaker, I rise today to pay tribute to a great American—a feminist, social activist, and accomplished attorney, Margaret Bush Wilson was born before women had the right to vote. A pioneer and champion of woman's rights, she was the first woman to be president of both the St. Louis chapter and Missouri chapter of the NAACP and the second woman admitted to practice law in the state of Missouri. I am privileged to recognize this outstanding member of the St. Louis community as her friends and family honor her on the occasion of her 90th birthday.

Margaret Bush was born on January 30, 1919 in St. Louis, Missouri. Her father James Thomas Bush was a railway postal clerk and her mother Margaret Bernice Casey Bush was an outstanding educator. Both of her parents were very active in the local NAACP. As a young woman, she attended Talladega College where she was awarded a Julia Prescott Fellowship to study at Visva Bharati College in India.

After graduating from college with a B.S. degree in Economics, Mrs. Wilson benefitted from the Supreme Court ruling in the case of *Gains v. Canada*. That decision required the state of Missouri to admit African Americans to the University of Missouri School of Law, or to establish separate but equal law school facilities. Missouri chose to create Lincoln University law school, rather than to integrate. Margaret Bush Wilson graduated from that law school and passed the Missouri bar in 1943.

A dedicated public servant, Margaret Bush Wilson served as U.S. Attorney for the Department of Agriculture's Rural Electrification Administration and as the Assistant Attorney

General for the state of Missouri. After her marriage to Robert Wilson in 1944, the couple established the St. Louis real estate law firm known as Wilson and Wilson.

Her expertise in real estate law proved instrumental when she served as counsel for the black Real Estate Brokers Association, an organization initiated by her father. The organization was active in *Shelley vs. Kramer*, a 1948 Supreme Court ruling in which racially based restrictive covenants were ruled unconstitutional and unenforceable. Mrs. Wilson also served as the head of Lawyers for Housing where she championed one thousand new housing units.

In her capacity as president of the St. Louis chapter of the NAACP, Mrs. Wilson was involved in landmark civil rights cases, including the Jefferson Bank and Trust demonstrations and case. In 1975, she became the first chairwoman of the national NAACP board and served nine terms. During President Lyndon B. Johnson's administration, Wilson served as deputy director of the Model Cities Program.

During the 1980's, she served as chairman of the board of the Mutual Insurance Company of New York, Real Estate Investment Trust. She continues to be a beacon in the African American community. She served as board chair of two Historically Black Colleges: St. Augustine's College and Talladega. She is also a member of numerous nonprofit organizations and trustee-emerita of both Washington University and Webster University.

Madam Speaker, this Ms. Wilson is the epitome of a great American. She is an inspiration to all who cherish justice and equality. I am honored to salute her for her countless contributions to the state of Missouri and to this Nation. I urge my colleagues to join me in paying tribute to the works of Margaret Bush Wilson; with tenacity, grace and courage she has blazed a trail for generations to come.

TRIBUTE TO MARTHA POLLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the work of Martha Pollard of Lafayette County, Missouri. Martha served as Lafayette County Public Administrator for 16 years. She is married to Ian Pollard and has two sons Jeff and Mark. She also has two granddaughters, Julie and Emily.

Martha grew up on a farm in Pettis County and attended K-12 school in Green Ridge, MO. She graduated as Salutatorian. After graduating high school, Pollard went to the University of Central Missouri and received her Bachelor of Science in Education and Master's of Education.

Her service as a teacher has spanned the nation, from the Knob Noster elementary school in Missouri to the Los Angeles City Schools and finally the Concordia School District for the past 30 years. She taught music, chemistry and science.

Additionally, she has held many positions in the Missouri Association of Public Administrators, ending with President from 2006-2008.

Martha is concluding her service as Public Administrator in Lafayette County. I am certain that the Members of the House will join me in thanking her for her leadership and hard work in the Lafayette County community.

TRIBUTE TO SUNY COLLEGE AT CORTLAND MEN'S CROSS COUNTRY TEAM

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. ARCURI. Madam Speaker, I rise today to acknowledge and congratulate the State University of New York, SUNY, College at Cortland Men's Cross Country Team on its 2008 NCAA Division III championship win.

I am proud to share with my colleagues that on November 22, 2008, the SUNY Cortland Men's Cross Country Team achieved its first-ever national title at the NCAA Division III finals against Hanover College. I am pleased to count SUNY Cortland amongst the many distinguished institutions of higher learning in my district, and this title win is yet another shining example of the high intellectual and physical caliber of the students attending this fine college.

The SUNY Cortland Men's Red Dragons had an outstanding season in 2008, winning the 32-team cross country championship with a final score of 80 points. This final tally pushed the Red Dragons a total of 25 impressive points beyond their nearest competitors and contributed to a top-four national ranking for the third straight year.

Four Red Dragons earned All-American honors by finishing in the top 35 of the 278-runner pool. Junior Seth DuBois of Altamont, NY, finished in 7th place; senior Shamus Nally of Burnt Hills, NY, finished 11th; senior Josh Henry of Truxton, NY, placed 15th; and junior Justin Wager of Guilderland, NY, finished 28th. Additionally, the remaining three runners on SUNY Cortland's Men's Cross Country Team all finished in the top 75. Junior Kyle O'Brien of Monroe, NY, placed 61st; sophomore Stephen Scrafford of Cooperstown, NY, placed 65th; and junior Jerry Greenlaw of Warwick, NY, finished 73rd.

Madam Speaker, I also wish to recognize first-year head coach Steve Patrick for his guidance, leadership, and commitment to the Red Dragons. Mr. Patrick was deservingly named the NCAA Division III Men's Cross Country National Coach of the Year by the United States Track & Field and Cross Country Coaches Association for his contributions to SUNY Cortland's sports program. I also wish to praise his assistant coaches, Kathryn Wagner and Jacob Smith, and thank them for their dedication.

Madam Speaker, I congratulate the SUNY Cortland Red Dragons on their impressive achievements in 2008 and I wish them much luck and success in their future endeavors.

IN HONOR OF COLM F. CONNOLLY, UNITED STATES ATTORNEY FOR THE STATE OF DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. CASTLE. Madam Speaker, it is my honor to rise today and pay tribute to Colm F. Connolly, the United States Attorney for the State of Delaware. On September 4, 2001, after receiving a Presidential nomination and confirmation from the United States Senate, Colm assumed his position as the chief federal law enforcement officer in our state. It is not possible to quantify the many ways our communities have benefited from the work he did while in office, but I can say without doubt that Delaware is now a better, safer place because of his hard work and ceaseless dedication.

Though Colm is now departing the U.S. Attorney's office to join the law firm of Morgan, Lewis & Bockius, he leaves behind an extraordinary legacy to which others can aspire. During his seven year tenure, Colm put systems in place to integrate federal and local law enforcement. Through fines and forfeitures, his office collected nearly \$600 million for the government. Furthermore, Colm successfully prosecuted numerous cases, including the trial and conviction of both Bruce Stewart and Thomas Capano. Remarkably enough, Colm was able to obtain a drug conviction of Stewart without police recovering drugs, and a murder conviction of Capano without police recovering a body.

Once again, I thank Colm F. Connolly for his selfless service to our community—his work has and will continue to touch the lives of many. Colm served the office to which he was appointed seven years ago with great distinction and honor, and the State of Delaware is greatly indebted to him. Due to his selfless efforts, Delawareans can rest assured that justice prevails and we are safer. Colm has set the bar high, and he will be missed by many. I wish him nothing but the best as he moves forward to pursue new opportunities and help others in need.

SPECIAL ORDER

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 2009

Mr. SCHOCK. Madam Speaker, I rise today to mourn the anniversary of the Supreme Court's decision in the case of *Roe v. Wade*. My colleagues have provided a litany of great arguments against this decision, ranging from the legal (the court overstepped its bounds), to the scientific (fetal awareness and pain) to even their personal beliefs as guided by their religion. As such, let me bring a new perspective to this debate.

I have the unique distinction as being the only member on the Floor today to have lived their entire life within the dark shadow cast by the Court's decision on January 22, 1973. As

such, I do not remember the fiery debates the demonstrations or the heartache which followed a day which saw a nine-person judicial body devoid of medical knowledge singularly arbitrate a question that has plagued men for ages, "when does life begin?"

What I do know is that this decision has artificially divided the country for far too long, creating a single issues litmus test for every politician, judge and doctor. And while it seems this country will remain divided on this issue, it is my sincere hope that we all agree that human life is a precious gift that cannot and should not be wasted.

Throughout my life, women have been able to obtain abortions only to realize after the fact the sadness that comes with any death.

I am left to wonder about potential achievements that America could have accomplished had so many of its precious and innocent of citizens been given a chance to reach their potential. The future doctors, scientists, actors, teachers, policemen, coaches and, yes, even politicians that America has missed because nine people decided the definition of human vitality. Creating an almost arbitrarily line—above which exists human life, below which equals a mass of tissue.

But perhaps more troubling than these lost opportunities is the thought process that abortion on demand has created. A 2004 study found that women have cited "social reasons," such as feeling unprepared for a child or considering themselves too immature to have a child, as the reason for an abortion in 93% of the cases. While I do not have personal experience, I know from talking to my sisters that they both felt woefully unprepared when they were pregnant. They both felt too young, worried if they would be a good parent and fretted about their children's future. But they had a support structure provided by family, friends and their church standing beside them.

Now I certainly understand that unfortunately not everyone has access to the amazing support network that my sisters had, but that is not reason to allow abortion, that is reason to provide more services to these women, services which can help provide these women the tools to make strong decisions, to see the light at the end of the tunnel and see that a child is a gift, not a burden.

I am reminded of this fact when I look into the face of my nieces and nephews, I cannot imagine thinking what my life would be like without my young nieces and nephews in it. The holidays we've experienced and the memories we shared are times I will forever cherish. I am indebted to the wisdom these children have shown me though their looks of happiness on their faces during birthday cele-

brations, Christmas mornings and family vacations. In fact, just recently, they have given me another memory that I will always cherish. I was touched by their kindness and support when on the opening day of this Congress, they left me letters of congratulations and support on my desk.

It's the little things they have done and the joys they have brought to my life have been unimaginable. I cannot imagine my life without the happiness they have brought. I shudder to think how different my life would be had my family chosen a natural feeling of worry and self-doubt over the gift of life.

I hope that my fellow Americans will choose life and remember the potential for every American. I yield back the balance of my time.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 27, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 28

9:30 a.m.

Foreign Relations

Organizational business meeting to consider committee's funding resolution, subcommittee membership and jurisdiction, and rules of procedure for the 111th Congress, and the nominations of James Braidy Steinberg, of Texas, to be Deputy Secretary, and Jacob J. Lew, of New York, to be Deputy Secretary for Management and Resources, both of the Department of State.

SD-419

Veterans' Affairs

To hold hearings to examine veterans organizations' priorities for the 111th Congress.

SR-418

10 a.m.

Budget

To hold hearings to examine federal response to the housing and financial crisis.

SD-608

Foreign Relations

To hold hearings to examine global climate change.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine lessons from the Mumbai, India terrorist attacks.

SD-342

Judiciary

Business meeting to consider the nomination of Eric H. Holder, Jr., to be Attorney General.

SH-216

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine impact of the economic crisis on the U.S. Postal Service.

SD-342

Intelligence

Closed business meeting to consider pending calendar business.

SH-219

JANUARY 29

9:30 a.m.

Homeland Security and Governmental Affairs

Organizational business meeting to consider committee's funding resolution, rules of procedure, and subcommittees for the 111th Congress.

SD-342

Veterans' Affairs

Business meeting to consider.

SR-418

10 a.m.

Budget

To hold hearings to examine the global economy, focusing on outlook, risks, and implications for policy.

SD-608

Health, Education, Labor, and Pensions

To hold hearings to examine quality in health reform.

SD-430

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219